



**The American-Arab Anti-Discrimination Committee**

**Comments & Recommendations to the**

**Privacy and Civil Liberties Oversight Board's**

**Review of Executive Order 12333**

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American-Arab Anti-Discrimination Committee

**To:** Privacy and Civil Liberties Oversight Board

I am writing to you on behalf of the American-Arab Anti-Discrimination Committee (ADC), the country's largest Arab-American organization. ADC has protected the Arab-American community for over thirty years against defamation, discrimination, racism, and stereotyping.

The privacy and civil liberties rights of Americans are more than ever at stake in the Arab and Muslim communities. ADC respectfully takes this opportunity to address the Privacy and Civil Liberties Oversight Board (PCLOB) with recommendations relating to examination of Executive Order ("EO") 12333.

ADC is strongly concerned of the lack of oversight under EO 12333. Oversight of the implementation of EO 12333 is necessary, with reports that EO 12333 may have been improperly used: 1) to target Arabs and Arab Americans; 2) for non-EO 12333 related matters including but not limited to obtaining incidental data for use in criminal and/or immigration proceedings; and 3) to disseminate to local law enforcement to conduct surveillance on individuals and Arab communities. There is also a clear need for a legitimate justified legal basis before persons are subject to data collection and/or monitoring under EO 12333, which should be quickly implemented and fairly enforced.

ADC strongly encourages the PCLOB take an active role in scrutinizing and analyzing the implementation of Executive Order 12333, and respectfully requests the following:

- 1) Examine and release the number of Arabs subjected to data collection and/or monitoring under EO 12333;
- 2) Examine and release the number of Arab-Americans subjected to date collection and/or monitoring under EO 12333;



American-Arab Anti-Discrimination Committee

- 3) Examine and release the number of Arabs and Arab Americans subject to EO 12333 who are currently or in the past also placed on the Watch-lists including but not limited to the no-fly lists, Terrorist Identities Datamart Environment (TIDE), Terrorist Screening Database (TSDB), Selectee lists, Customs and Border Patrol lists, and the list for secondary security screening selection (SSS);
- 4) Examine whether a person subject to EO 12333 collection and/or monitoring automatically triggers or subjects person to placement on the Watch-lists;
- 5) Examine the scope of Section 2.4 *Collection Techniques* and its disparate impact on minority communities, namely Arabs and Arab-Americans;
- 6) Recommend the implementation of a human rights assessment before sharing of data with foreign government, namely by conducting a risk-based analysis/auditing of how data used in past or likelihood to be used for improper reasons, the foreign government's own compliance and collection techniques, and the foreign government's data retention policies;
- 7) Recommend the implementation of probable cause standard before person subject to data collection and/or monitoring under EO 12333;
- 8) Recommend the implementation of a judiciary oversight for EO 12333;
- 9) Examine the use of EO 12333 collected data as secret evidence in FISA in consideration of due process among other Constitutional rights;
- 10) Examine the implementation of minimization practices under EO 12333; and
- 11) Examine how data under EO 12333 is transferred and disposed of in consideration of privacy rights among other Constitutional rights.