

September 5, 2024

The Honorable Alejandro Mayorkas
Secretary, Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas,

I write about troubling reports that the Department of Homeland Security is refusing to disclose the nationalities of FBI terror watchlist suspects who illegally crossed the southern border.

In October 2023, Fox News filed a Freedom of Information Act request seeking disclosure of the nationalities of FBI terror watchlist suspects who unlawfully crossed the southern border. A letter denying Fox News' request stated that your agency is "committed to protecting the identity of individuals" on the terror watchlist, and that the request was an "invasion of personal privacy." Your agency asserted that the "privacy interests" of illegal-alien terrorists "far outweigh whatever public interest, if any, exists in having their information released."

Your letter also dubiously claimed that terrorist organizations could exploit nationality information by "infer[ring] a large percentage of its operatives from a particular nationality" raise fewer terrorism red flags. Of course, if the Biden-Harris administration impartially enforced our laws and deported illegal aliens regardless of their origin, terrorists wouldn't be able to game the system in the manner you describe.

I suspect that the real reason you're unlawfully withholding this information about terror suspects' nationalities isn't due to privacy or security concerns, but rather partisan concerns that it would alarm the American people. Once again, you're attempting to hide evidence of the Biden-Harris administration's border crisis.

But the American people have a right to know who is crossing our border, especially when those illegal aliens have ties to terrorism. And that right, contrary to your bizarre assertion, "far outweighs" the privacy rights of illegal aliens suspected of terrorism. Honestly, I can't believe I even have to write that sentence.

Congress has an oversight interest in this information as well. Therefore, please provide my office with the information sought in the Freedom of Information Act request made by Fox News no later than September 13.

Sincerely,



Tom Cotton
United States Senator