



---

## CFC Must Change Its Misguided Policy on Terrorism

**OMB Watch calls on CFC to alter its new policy interpretation, which requires nonprofits to screen employees according to government blacklists and erodes basic democratic principles**

*Washington, D.C., August 6, 2004* - As a participant in the Combined Federal Campaign annual fundraising drive conducted by federal employees in their workplace, OMB Watch (#1308) is deeply concerned about a recent change in the program. Starting last October, the Office of Personnel Management, which oversees the CFC, began requiring nonprofit applicants to certify that they do not "knowingly employ individuals or contribute funds to organizations" which the U.S. government suspects or believes to be terrorists. OMB Watch understood this to mean charities would be barred from hiring persons they knew to be on a government terrorist watch list.

On July 31, a *New York Times* article quoted the head of the CFC, Mara Patemaster, saying that each of the thousands of nonprofits participating in the CFC has an affirmative obligation to check such government lists. "To just sign a certification without corroboration would be false certification," she said. This affirmative obligation to check every current and prospective employee, and every organization we contribute to, against a variety of blacklists is not what we understood we had agreed to. Early reactions to CFC's new interpretation indicates most other participants probably share our understanding.

This active obligation is misguided, unduly burdensome, and vulnerable to abuse for political purposes. The lists are notoriously fraught with inaccuracies and ambiguities, so there is no way to verify whether a name on the list is actually the individual encountered (they may coincidentally have the same name or may be using a different name but still be the person listed). Government watch lists change continually, so charities would have to check them continually, which they don't have time and resources to do. Compliance is simply impossible.

Regardless, appearance of an employee's name on such a list does not mean the employer's resources are used to support terrorism any more than they support a particular church because an employee happens to belong to it. Such "guilt by association" violates logic, fundamental fairness, and the First Amendment.

Moreover, it is deplorable that the CFC would attempt to force America's charities to act as police investigators and enforcers, by regularly checking the various government blacklists and reporting anyone appearing to be on the list. The nonprofit would presumably be required to fire the person in order to remain eligible. Nonprofits may become reluctant -- even if unconsciously -- to hire minorities, especially those who appear to be Islamic or of middle-eastern descent, or whose names sound like people who might be on a blacklist.

Given there is no formal accountability or oversight regarding who is put on the blacklists, the door is wide open for politicians and bureaucrats to misuse them to retaliate against political opponents. Since there is no process for individuals whose names appear on such lists to appeal or challenge their accuracy, they are effectively treated as "guilty until proven innocent," contrary to U.S. law.

This new interpretation of the CFC certification does nothing demonstrable to prevent terrorism and must be nipped in the bud. It is nothing more than a 21<sup>st</sup> century form of McCarthyism, substituting the label "terrorist" for "communist." It reverts back to that nightmarish climate of intimidation and divisiveness, and again inappropriately forces the nonprofit sector into the role of undermining our nation's principles and well-being. We thus call upon the nonprofit community to join us in urging the CFC to revoke this requirement immediately.

###

---

*Celebrating 20 years: Promoting Government Accountability and Citizen Participation - 1983 - 2003.*

1742 Connecticut Ave NW  
Washington, DC 20009



tel: 202.234.8494  
fax: 202.234.8584



email: [ombwatch@ombwatch.org](mailto:ombwatch@ombwatch.org)  
web: <http://www.ombwatch.org>