

Unreasonable Intrusions:

Investigating the Politics, Faith & Finances of Americans Returning Home





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Muslim Advocates is a national legal advocacy and educational organization dedicated to promoting freedom, justice and equality for all, regardless of faith, by providing leadership through legal advocacy, policy engagement, and civic education, and by serving as a legal resource to promote the full and meaningful participation of Muslims in American public life.

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Foreword

The election of a new president and his promise to restore the rule of law in America is an opportunity to take a fresh look at policies crafted in the name of national security. Critical to this process is Congressional oversight and an investigative analysis about whether these policies are keeping us safe. Similarly, Congress should examine the erosion of the civil liberties and privacy protections guaranteed by the Constitution to all Americans.

One policy requiring review is the treatment of travelers, mostly U.S. citizens and other lawful residents, returning to the U.S. after overseas travel. In the last year, Muslim Advocates has received dozens of reports from individuals across the country. From New York to San Francisco, Miami to Seattle, these stories illustrate the widespread and disturbing practice of Customs & Border Protection agents harassing, intimidating, and seizing data from innocent travelers.

These stories share a too common experience: unwarranted interrogation and intimidation of innocent travelers because of the perception that they are Muslims based on their name, travel pattern and/or ethnic origin. For Muslim Americans, questions about political beliefs, religious practices, and charitable causes they support, as well as surrendering business cards, credit card numbers and laptop and cell phone data, have become the price of admission to return home to the U.S. This reality is pervasive, misguided and fundamentally a violation of our nation's core beliefs and values.

These constitutional violations harm not only those targeted but should concern us all. If it can happen to Muslim Americans, it can happen to all Americans. Like our fellow citizens, Muslims work hard, obey the law, serve our communities, and share the vision of a free, democratic and safe America.

There are important unanswered questions. What is the U.S. government doing with the information being seized and amassed? Is it being shared with other intelligence and law enforcement agencies? Where is the oversight and accountability to protect innocent Americans?

Effective checks must begin with an understanding of the practices. This report captures the actual experiences of travelers returning home, discusses current national security policies, and sets forth reasonable reform proposals. We hope you will find this report illuminating and encourage you to share it with your friends and colleagues.

Our belief is that change will only come if we take action and call upon federal officials to do better and adopt reforms that keep us safe without violating the rights of all people of faith and goodwill.

Farhana Y. Khera

President & Executive Director

Muslim Advocates



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Executive Summary

Law-abiding Muslim, Arab and South Asian Americans returning home after overseas travel have experienced widespread, systematic and profound privacy intrusions by federal agents at the nation's borders and airports. U.S. Department of Homeland Security ("DHS") Customs & Border Protection ("CBP") agents have questioned individuals about their political beliefs, religious practices, and charities they support. Agents have also sought to review and copy business cards, credit cards, and data on laptops, digital cameras and cell phones. These interrogations and searches are taking place without evidence or even suspicion that the travelers have engaged in wrongdoing.

These experiences and others chronicled in this report suggest that law-abiding Americans are being systematically selected by CBP agents for searches and interrogations on the basis of race, religion, and national origin. Far from serving legitimate aims, such profiling undermines security, wasting scarce government resources and generating mountains of false leads, as well as eroding trust between law enforcement authorities and the public.

These abuses also betray the founding values of our country and its promise of equal treatment under the law and freedom of expression and association, as well as protection against unreasonable searches and seizures by the federal government. Current border security policies thus denigrate the rights of law-abiding Americans without actually enhancing our nation's security.

Muslim Advocates proposes a series of discrete policy revisions that would restore constitutional protections eroded by the

status quo border security apparatus and allow ample authority for the government to conduct legitimate activities to protect our nation's security. They include steps that both the executive branch and Congress can take to better protect our nation's border and our rights.

CASE STUDIES

A Firefighter & Military Veteran Repeatedly Harassed & Interrogated Upon Returning Home



After risking his life to protect his country, Zakariya Reed, a firefighter, Gulf War veteran and 20-year veteran of the National Guard has endured

extensive interrogations on over 10 occasions since 2006 after visiting family members in Ontario, Canada. CBP agents at the Detroit Ambassador Bridge have searched him both physically and electronically; asked questions about his political views, his financial transactions, and his personal associations; and even challenged the basis for his religious beliefs. He has sought redress from DHS, his congressional representative, and the FBI but to no avail.

His experience, unfortunately, is far from unique.

A Lawyer and Civic Leader Wrongly Forced into Immigration Processing and then Denied Access to Counsel



In June 2007, Fairuz Abdullah, a lawyer and civic leader, was interrogated by CBP agents upon arriving at Miami International

Airport after returning from vacation travel in Peru. Agents questioned Ms. Abdullah about her prior travels, the identities and locations of her family members around the world, her marriage, her profession and educational history. Agents at times challenged her responses and initially prevented her from re-entering the country. Despite her U.S. citizenship, CBP detained and moved Ms. Abdullah to immigration processing, where she was approached aggressively by federal agents – who not only addressed her in Spanish, but continued to do so even after she repeatedly identified herself as a native English speaker. Federal agents also denied her access to counsel, threatening to confiscate her cell phone when she sought the advice of a lawyer, whose phone call to the airport ultimately inspired stumbling apologies from the agents.

A U.S. Government Consultant Interrogated About His Faith



On several occasions since 2005, Yasir Qadhi, a graduate student at Yale University who has been consulted by federal counterterrorism and State Department officials for his expertise on extremist religious movements and ideology, has faced aggressive and intrusive border scrutiny at Newark International Airport, Houston Intercontinental Airport and the Niagara Falls border crossing. He faces recurring questions from armed federal

agents about his religious beliefs. Agents have also copied data from his cell phone, and interrogated him about his associates and acquaintances, the contents of his lectures, and even the mosques in which he has prayed.

These interrogations and searches are taking place without evidence or even suspicion that the travelers have engaged in wrongdoing.

Part I of this report reviews existing laws governing border searches, interrogations, and racial, ethnic and religious profiling by federal authorities.

Part II presents the experiences of dozens of individuals subjected to discriminatory and invasive treatment by CBP agents when returning home from international travel.

Part III examines the national security basis for existing border policies, explaining why profiling ultimately fails to enhance – and may actually undermine – security.

Part IV sets forth recommendations for how the U.S. Department of Homeland Security can better protect the rights of law-abiding Americans while still pursuing its border security mission. It also proposes steps Congress should take to protect our nation's founding values and security.

All Americans want a safe and secure border to protect our country. It is also vitally important that the federal government respects our nation's founding values as it undertakes the critical work of keeping Americans safe. A rational, fair and effective border security policy, however, has not developed and is urgently needed.

Part I Existing Border Law & Policy



DHS has disclosed only limited information about its border search and interrogation policies and practices. Based on this publicly available information, it appears that no DHS policy currently limits the scope of interrogations, even those that intrude on the religious and political freedom of law-abiding Americans. The full scope of DHS policies remains unknown in the wake of the agency’s ongoing secrecy and limited disclosures to Congress and the public.

CBP Border Search Policy

In April 2008, then-Secretary Chertoff testified to the U.S. Senate Judiciary Committee that “as a matter of practice,” DHS searches the contents of laptops or cell phones “only . . . where there’s a reasonable suspicion,” and that he believed DHS uses a “probable cause” standard before seizing a searched device or retaining copies of its contents.ⁱ Secretary Chertoff again suggested in August 2008 that CBP agents do, in practice, limit searches and seizures to travelers giving rise to reasonable suspicion.ⁱⁱ

While we welcome then-Secretary Chertoff’s recognition of the need for

suspicion limits to constrain otherwise arbitrary conduct by CBP agents and to protect individual rights, his statements appear to be contradicted by CBP’s ongoing practice, as confirmed both by its July 2008 border search policy, as well as the anecdotes in this report.

On July 16, 2008, CBP released its “Policy Regarding Border Search of Information,” which “provides guidance to [CBP] officers” and others “regarding the border search of information contained in documents and electronic devices.” It claims, without any legal basis, that “[i]n the course of a border search, and *absent individualized suspicion*, officers can review and analyze the

information transported by any individual attempting to enter, re-enter, depart, pass through, or reside in the United States....”ⁱⁱⁱ

This policy appears to be based on one federal appellate court’s vindication of the agency’s extreme legal theory. In *U.S. v. Arnold*, the U.S. Court of Appeals for the Ninth Circuit concluded that border agents have the legal authority to arbitrarily search any (indeed, every) electronic device entering the country without any basis at all for individual suspicion.^{iv} This decision offends individual privacy rights and essentially suspends the Fourth Amendment’s protections against unreasonable searches and seizures at the border.

No DHS policy currently limits the scope of interrogations, even those that intrude on the religious and political freedom of law-abiding Americans.

In February 2009, however, the DHS Data Privacy and Integrity Advisory Committee announced that it “is pushing for changes to the department’s authority in scrutinizing travelers’ notebook PCs and digital media when entering the country. . . . [T]he committee, whose members include academics and private sector representatives, called on [Homeland Security Secretary] Napolitano to give the department’s Privacy Office a role in reviewing its policies. The Privacy Office should also help develop guidelines to integrate privacy protections”^v

Even these welcome recommendations, however, address only the limited context of electronic searches, ignoring the broader range of abuses experienced by law-abiding citizens and travelers. As Homeland Security Secretary Janet Napolitano has

testified before Congress, there are “a number of issues [that DHS] handle[s] that have really key privacy concerns inherent in them.”^{vi} DHS should amend its border search policy to hold CBP to then-Secretary Chertoff’s commitments and to include the full set of impermissible and invasive interrogations of innocent Americans. Congress should also enact laws to codify these protections.

The Attorney General’s Guidance Banning Racial Profiling

Guidance issued by the U.S. Department of Justice in 2003 for all federal law enforcement agencies holds that “federal law enforcement agent[s] may use race or ethnicity only in extremely narrow circum-

stances – when there is trustworthy information, relevant to the locality or time frame at issue, that links persons of a particular race or ethnicity to an identified criminal incident, scheme or organization.”^{vii}

This very same guidance, however, explicitly exempts two categories – national security and border integrity – from its restrictions on arbitrary profiling. Moreover, it fails to include religion among the bases upon which profiling is prohibited. It thus fails to recognize the realities of profiling in the contemporary context.^{viii}

The Citizen’s Right to Re-Entry

The U.S. Supreme Court has long held that citizens enjoy a constitutional right to re-enter the country.^{ix} The interference of CBP agents in the re-entry of law-abiding

citizens thus violates their constitutional rights and represents a dangerous breach of longstanding limits on executive power.

The Right to Legal Counsel

The status quo border security apparatus also violates the right to legal counsel. On the one hand, the right does not apply at the point of routine questioning about travelers' citizenship status, potential possession of contraband, or the purposes of their travel. However, Americans have a

right to legal counsel guaranteed by the Constitution when they face questions about their potential involvement in illegal activities. Since CBP has claimed that its border searches, interrogations and other intelligence-collecting activities are driven by national security concerns and could implicate potential criminal liability, individuals subjected to such scrutiny should enjoy a constitutional right to counsel – which CBP continues to violate systematically and en masse.



“What is your religion?”

“What mosque do you attend?”

“How often do you pray?”

“What charities do you contribute to?”

“What do you think of the war in Iraq?”

Over the past two years, Muslim Advocates has received numerous disturbing complaints from Muslim, Arab, and South Asian Americans across the country about border scrutiny they have endured when returning home after business trips, visits to family overseas and other personal travel. These U.S. citizens and lawful residents report that CBP agents have investigated various First Amendment-protected activities, including religious beliefs and political speech, as a pre-condition for allowing them to re-enter their own country and return home.

The appendix to this report contains summaries of dozens of complaints from travelers willing to share their stories with Muslim Advocates. Their experiences have taken place at land crossings and international airports – from New York to San Francisco, Detroit to Houston. They are young, old, male, female, a firefighter, military veterans, students, lawyers, doctors, senior executives with major high tech companies, and academic researchers at Ivy League institutions. But they share a troubling, common theme: deeply intrusive, personal questions and searches by CBP agents without any suspicion or evidence of wrongdoing.

Examples of some questions asked by agents about travelers' faith and religious practices during interrogations include:

- *“What is your religion?”*
- *“What mosque do you attend?”*
- *“How often do you pray?”*
- *“Why did you convert to Islam?”*
- *“Do you recruit people for Islam?”*
- *“Do you think [American Muslim religious scholar] is moderate, or an extremist?”*
- *“What charities do you contribute to?”*
- *“What are your activities on behalf of [lawful, U.S.] charitable organization?”*
- *“Where does your [lawful, U.S.] charitable organization get its funding?”*



Similarly, CBP agents have scrutinized travelers' First Amendment-protected political views:

- *"What do you think of the War in Iraq?"*
- *"What do you think about the conflict in Kashmir?"*
- *"What do you think of the U.S. President?"*
- *"How do you and your family feel about U.S. bombings in northwest Pakistan?"*

These are just some of the kinds of questions asked by CBP agents of innocent Americans returning home from overseas travel and lawful entrants. After establishing their legal status to enter and that they are not carrying contraband, travelers who present no basis for suspicion are not appropriate targets for any interrogations, let alone interrogations that so deeply burden individual rights.

Some travelers have been forced to answer questions about their financial transactions and charitable contributions. Other travelers have even endured direct challenges by government agents contesting the basis for their religious beliefs. No violation of the Constitution could be more evident.

In addition to intrusive and invasive interrogations, many (sometimes the very same) innocent Americans are also subjected to searches. In addition to searches of physical possessions and luggage, a number of victims complained about the deep threat to privacy inflicted by searches – or even outright seizures – of electronic data contained in laptops, digital cameras, or cell phones.

Border searches and interrogations take place in a coercive setting, with travelers often returning home after long overseas flights. CBP agents sometimes actively aim to intimidate innocent Americans by readying weapons or physically preventing them from leaving. In at least one instance, CBP agents threatened a U.S. citizen with denying him entry if he did not comply with the interrogation.

Adding to the fear, harassment and intimidation, some travelers have also incurred significant personal expenses due to CBP investigations forcing them to re-book flights or arrange hotel accommodations for overnight stays.

Finally, some reports from community members underscore the need for better training of CBP agents. For instance, citizens should never have to face immigration officers who insist on addressing them in Spanish even after identifying themselves as native English speakers. Similarly, some CBP agents – such as one who approached a married and pregnant woman to ask about the potential availability of her unmarried sisters – have engaged in conduct that is simply inappropriate and offensive.

Part III Current Border Policy Undermines National Security



Existing border security policies and practices not only infringe civil liberties and constitutional rights, but also fail to ensure security. Policymakers should consider whether it is effective and wise to utilize precious law enforcement resources on scrutinizing innocent Americans, or whether these resources should be focused on those engaged in criminal acts.

First, valuable federal law enforcement resources are being used systematically and exhaustively to focus on innocent travelers. These encounters are more than mere minutes of an agent's time. In many cases, travelers suffer hours of additional scrutiny. Yet, every minute and every hour spent harassing a law-abiding traveler is time distracted from CBP's critical mission of detecting criminals and illegal entrants.

Second, the scope of questioning not only violates First Amendment and privacy guarantees, but has no relevance to criminal activity nor purported security aims. An American's views of the president, how

often they pray, and their charitable contributions to lawful organizations are not indications of criminal activity.

Rather, this invasive scrutiny and data-gathering appears eerily similar to the controversial intelligence philosophy known as the "mosaic theory," which has been used by the military and FBI and has been increasingly debunked by intelligence specialists. As recently noted by Lawrence B. Wilkerson, retired Colonel and former Chief of Staff to Secretary of State Colin Powell, this philosophy led the U.S. government to detain innocent individuals at Guantanamo Bay and other overseas

facilities because they were Muslim and were found on the battlefield. The government tried to extract as much information as possible from them to feed into databases and connect dots to identify threats to national security. Their “innocence was inconsequential” because “they were ignorant peasants for the most part and mostly Muslim to boot.”^x

In the domestic arena, one former senior FBI official voiced similar skepticism about unbounded information gathering activities. Michael Rolince, retired FBI Special Agent in Charge of Counterterrorism, Washington DC Field Office, said: “We conducted about a half a million interviews post-9/11... and I know 9/11 about as well as anybody in the FBI knows 9/11.... I'm not aware of any single person in [the Muslim, Arab or South Asian] communit[ies] who, had they stepped forward, could have provided a clue to help us get out in front of this.”^{xi}

Third, policing experts agree that racial, ethnic and religious profiling is wrong and ineffective.

Professor David Harris of the University of Pittsburgh School of Law, a national expert on police practices, believes:

Jamiel Altaheri, a detective with the New York Police Department, has had first-hand experience with CBP and concludes:

“My family and I have been stopped and questioned at the border. As a police officer, I was shocked to see the federal government searching and questioning innocent travelers simply trying to return home. Targeting travelers based on their religion is not an effective way to protect our country – it is a costly distraction from those who mean us harm.”

“Effective policing requires law enforcement to follow legitimate leads and evidence of wrongdoing. Racial, ethnic and religious profiling fails to ensure security, and may well ultimately undermine it by diverting precious law enforcement resources – at a time when those resources are especially scarce – to pointless scrutiny of innocent individuals. It's like federal agents investigating fraudulent activities at major banks

by interrogating every person who enters a bank about why they do business there, how much money they have in their account, and what they think of the Treasury Department.”

Finally, harassing law-abiding Muslim, Arab and South Asian Americans is particularly counter-productive to national efforts to

rebuild relations between the U.S. and the Muslim world because these communities include our nation's most effective goodwill ambassadors. Americans such as Dr. Abdul Piracha and Yasir Qadhi – and others included in this report's appendix – have been actively sought out by U.S. officials as experts and deployed to Muslim countries as representatives of the U.S. Yet, their rights have been violated upon returning home. This disconnect does not inspire the confidence of communities whose assistance the U.S. government has sought.^{xiii}

Part IV Recommendations to Enhance Border Security and Restore Constitutional Rights

All Americans should be able to travel freely, visit friends and relatives abroad, express their political views, practice their faith and engage in the American tradition of charitable giving, without fear that federal law enforcement will use the inherently coercive context of a border crossing to violate their privacy and First Amendment protected beliefs and activities. To restore the rights of travelers and to ensure security, Muslim Advocates sets forth the following policy recommendations for the executive branch and Congress.

Recommendations for the President of the United States

The President should:

- 1) Direct the Secretary of Homeland Security to review and reform (a) CBP policies and practices that target Muslim, Arab and South Asian Americans for their First Amendment protected activities, beliefs and associations; and (b) law enforcement and intelligence activities that impose disparate impacts on Muslim, Arab and South Asian American communities. This agency review and related policies and data should be reported to relevant congressional committees and analyzed by the Inspector General of the U.S. Department of Homeland Security in reports made publicly available to the extent feasible.
- 2) Support the creation of a new position of Assistant Secretary for Civil Liberties & Civil Rights at DHS. The DHS's Officer for Civil Rights & Civil Liberties is currently a presidentially appointed position without Senate confirmation. Muslim Advocates recommends creation of a new Assistant Secretary position requiring Senate confirmation. This would ensure involvement of the chief civil rights officer at DHS in policy formulation, enabling the preemption of civil rights and civil liberties problems, and promoting a culture of active concern about constitutional values within the Department.

Recommendations for the U.S. Department of Homeland Security

The Secretary of Homeland Security should:

- 1) Require CBP to collect, track and publicly report data on the race, ethnicity, religion (as perceived by the CBP agent) and national origin of individuals selected for questioning, as well as a random sample to enable statistical comparison. CBP should also record and track the specific facts in each instance giving rise to individualized suspicion and the basis for the extensive questioning.
- 2) Prohibit the use of race, ethnicity, national origin or religion in deciding upon the scope and substance of investigatory or other law enforcement activity, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme, and where reasonable suspicion, based on factors unrelated to race, ethnicity, national origin, or religion, is present.
- 3) Prohibit CBP from using travel patterns as a pretext for profiling according to race, religion, national origin or ethnicity.
- 4) Prohibit CBP agents from probing First Amendment-protected activity (e.g., political beliefs, religious practices, associations with and contributions to lawful charitable organizations) in interrogations.
- 5) Revise the CBP border search policy issued in July 2008 to require reasonable suspicion to search an electronic device and probable cause to seize or copy data from it.
- 6) Expand CBP's border search policy to require individualized suspicion to justify physical searches or interrogations beyond those establishing a traveler's legal status to enter the country and potential possession of contraband.
- 7) Require CBP to develop a training module for all agents and supervising field officers on these new policies, ensuring that they understand the limits of their authority and permissible bases for extensive interrogations and searches.
- 8) Require CBP to publicly disclose any further border security policies in order to enable meaningful review and debate by Congress and the public.
- 9) Require CBP to afford all individuals selected for secondary questioning humane treatment, including access to food, water, and restroom facilities.
- 10) Adopt revisions to the TRIP system such that individuals seeking explanations for the basis of their scrutiny, or removal from illegitimate inclusion on government watch lists, receive due process, including an opportunity to be heard and a transparent decision upon the completion of review. Relevant agencies should also remedy overbroad and opaque watch lists by improving redress processes to allow effective assessments of individual designations, strengthening internal oversight to prevent initially overbroad designations, and purging designations lacking a defensible basis.

Recommendations for Congress

Congress should also take steps to protect rights and our border. Congress should enact legislation and conduct oversight that includes:

- 1) Suspicion standards to limit arbitrary scrutiny by CBP (e.g., requiring reasonable suspicion before allowing a search or intelligence-gathering interrogation; probable cause before seizing an electronic device or copying data from it).
- 2) Subject matter limits on interrogations, making clear that questions about religious beliefs, political views and associations with lawful persons and organizations are neither legitimate subjects for scrutiny, nor related to security concerns.
- 3) A ban on the use of race, ethnicity, national origin or religion in deciding upon the scope and substance of investigatory or other law enforcement activity, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme, and where reasonable suspicion, based on factors unrelated to race, ethnicity, national origin, or religion, is present.
- 4) Measures to stop, monitor and prevent potential future profiling according to race, religion, ethnicity or national origin, such as demographic data, reporting requirements, a mandated audit and public report, and a private right of action based on a disparate impact standard.^{xiv}
In further detail:
 - Requirements for federal agencies, including CBP, to collect demographic data about individuals selected for scrutiny – including the religion that an agent perceives the traveler to be. Agencies should also collect data about a randomly selected control group to enable robust statistical comparisons. Rigorous data collection and reporting will help both the agency and Congress monitor the activities of CBP at the border and ensure that discriminatory targeting of travelers based on their faith, ethnic or racial background is not taking place.
 - The Inspector General of the Department of Homeland Security should be required to produce a public annual report presenting the aggregate data collected by agents and examining the extent of any potential disparate impacts according to race, ethnicity, religion or national origin.
 - Individuals affected by profiling should have a private right of action against the federal government, without having to establish a discriminatory intent on the part of agents or policymakers.
- 5) A robust training program to ensure CBP agents are receiving accurate guidance about the permissible scope of questioning, searches and seizures.
- 6) A series of mandated reports from DHS concerning (a) the ultimate uses and utility of intelligence data gained from border searches & interrogations; (b) a privacy impact assessment; and (c) a civil liberties impact assessment.
- 7) A receipt for interrogated and/or searched travelers, documenting any seized items, as well as notice of how to file a complaint and seek resolution.

Recommendations for the U.S. Department of Justice

The Attorney General should issue the following revisions to the 2003 Guidance Banning Racial Profiling^{xiii} in order to make it effective in protecting law-abiding Americans from discriminatory scrutiny:

- 1) Remove the national security exemption.
- 2) Remove the border integrity exemption.
- 3) Include religion among the bases upon which profiling is prohibited.
- 4) Clarify that race, ethnicity, national origin or religion should not be considered in deciding upon the scope and substance of investigatory or other law enforcement activity, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme.

Conclusion

With the administration's commitment to restoring the rule of law, a critical area ripe for review is the treatment of travelers returning home after overseas travel. The pervasive, invasive and discriminatory interrogations and searches experienced by Muslim, Arab and South Asian Americans should be examined, and border policy and practices reformed. It is time for a rational, fair and effective border security policy that reflects our nation's constitutional values.



Appendix: Witness Profiles

The following is a compilation of experiences at our nation's borders and international airports reported to Muslim Advocates by individuals willing to make their stories public. These stories involve primarily U.S. citizens and lawful residents but other lawful entrants, such as Canadian citizens, have also been subjected to similar treatment. Setting aside the varying citizenship of these individuals, they all share valid entry credentials. Across the country, a common pattern emerges: Customs & Border Protection agents searching and seizing electronic data, and interrogating individuals about their political beliefs, religious activities, lawful associations, and private business or financial information — all without any evidence, or even suspicion, of wrongdoing.

Many individuals who have experienced this treatment understandably feel a high degree of humiliation and intimidation. Those cited in this report have overcome these hurdles and agreed to share their experiences publicly. Due to fear of retaliation or public stigma, some chose to remain anonymous. All of these brave individuals have stepped forward to help achieve a more fair, just, and effective border security policy.

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Key to Interrogations & Searches



Political views & activities



Religious beliefs & activities



Friends, family, business & other associations



Charitable donations & affiliations

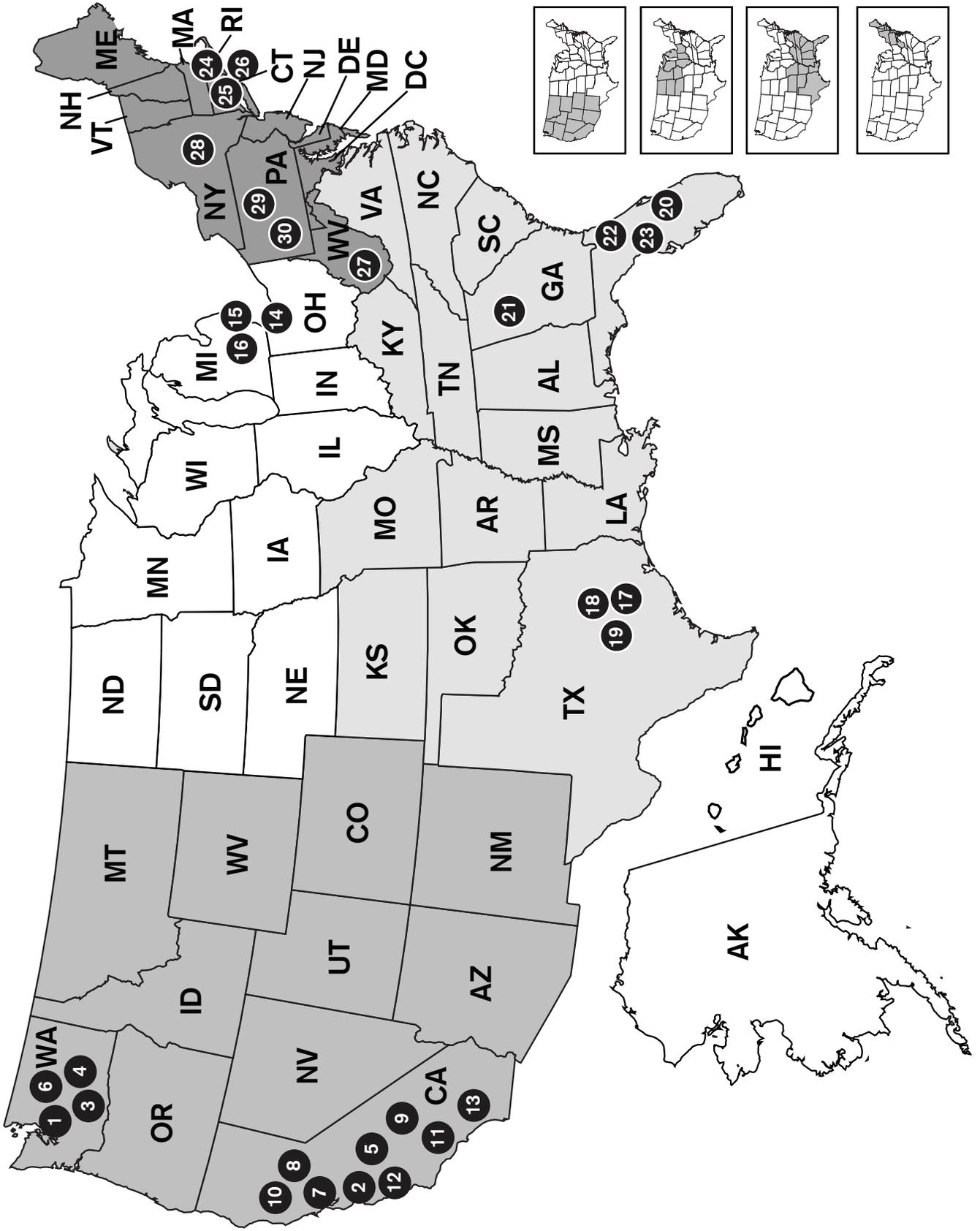


Financial information



Electronic search (laptop, cell phone, digital camera)

Regional Directory of Interrogations





West

- 1 **“AHMED”**
Imam – *Seattle, WA*
- 2 **“BILAL”**
Software engineer
– *Santa Clara, CA*
- 3 **JAWAD KHAKI**
Executive vice president
of major technology company
– *Seattle, WA*
- 4 **JAMEEL HYDER**
Employee major
technology company
– *Seattle, WA*
- 5 **“DAWUD”**
Ph.D. student
– *Santa Barbara, CA*
- 6 **SAULEH EETEMADI**
Employee of major
technology company
– *Redmond, WA*
- 7 **NEDAL SALEH**
Engineer – *San Francisco, CA*

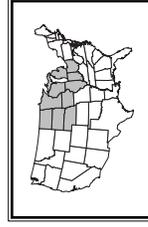
- 8 **FAIRUZ ABDULLAH**
Lawyer & civic leader
– *San Francisco, CA*

- 9 **KAMAL ABU-SHAMSIEH**
Community leader – *Fresno, CA*
- 10 **“REEMA”**
Lawyer – *San Francisco Bay Area, CA*

- 11 **AMR SHABAIK**
Law student – *Los Angeles, CA*

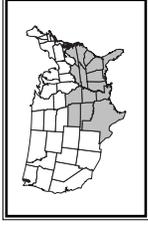
- 12 **TAHIR ANWAR**
Imam – *San Jose, CA*

- 13 **“NOAH”**
Physician – *Southern CA*



Midwest

- 14 **ZAKARIYA REED**
Firefighter, military veteran
– *Toledo, OH*
- 15 **“MUNIR”**
Community leader – *Detroit, MI*
- 16 **ALI AYOUB**
Researcher – *Ithaca, NY*



South

- 17 **RODWAN SALEH**
Community leader – *Houston, TX*
(*now Indianapolis, IN*)

- 18 **SAIRA SIDDIQUI**
Ph.D. candidate – *Houston, TX*

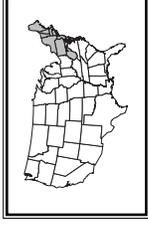
- 19 **“MALIK”**
Engineer with major oil & gas
company – *Houston, TX*

- 20 **“YUNUS”**
Imam – *Sanford, FL* (*now residing in*
Toronto, Canada)

- 21 **MUHAMMAD SHAD**
Business owner – *Atlanta, GA*

- 22 **MEHRAJUDEEN KHAN**
Engineer & consultant
– *Jacksonville, FL*

- 23 **DR. SALEH MUBARAK**
Consultant & engineer
– *Tampa, FL*



Northeast

- 24 **YASIR QADHI**
Yale University graduate student
– *New Haven, CT*

- 25 **“IMRAN”**
Yale University undergraduate
– *New Haven, CT*

- 26 **“ADEM”**
Graduate student, Ivy League
university – *New England region*

- 27 **DR. ABDUL PIRACHA**
Physician & civic leader
– *Princeton, WY*

- 28 **DR. CHRISTA SALAMANDRA**
College Professor – *New York, NY*

- 29 **“OMAR”**
Computer scientist – *Pennsylvania*

- 30 **NOOR IBRAHIM**
Pennsylvania State University,
College Station – PA

- 31 **“RAJIV”**
Artist – *Washington, DC*



“AHMED”

Imam

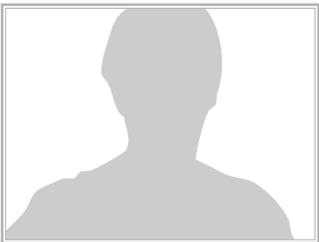
Seattle, WA



“Ahmed” is a U.S. citizen and imam in the Seattle area. He has been interrogated on numerous occasions at airports and land ports of entry. For the past five years, he has been stopped every time he returns home, most recently during the summer 2008 when driving from Canada. CBP officials have interrogated him on numerous personal issues, including his finances. They have gone so far as to inquire how he could afford to buy the home in which he lives.

CBP agents have stopped Ahmed at John F. Kennedy International Airport in New York (“JFK”), Los Angeles International Airport (“LAX”), and Seattle-Tacoma International Airport (“SEA-TAC”), where he now routinely finds CBP agents waiting for him as he exits the plane. On two occasions, most recently at LAX upon returning from Indonesia, CBP agents searched his laptop. Agents have also copied contact information of Ahmed’s family and friends from his cell phone, while asking him about his religious beliefs, organizations he is associated with, and his feelings towards America.

Agents have often been apologetic and questioned him for only minutes, but still require him to wait for hours before receiving security clearance. Ahmed has missed several flights due to delays imposed by CBP.



“BILAL”

Software engineer

Santa Clara, CA



“Bilal” is a software engineer in Santa Clara, CA. He is a U.S. citizen but was a lawful permanent resident at the time of his encounter with CBP. In late 2008, as he returned from a business trip to India during which he briefly stopped in Pakistan to visit his ailing mother, he was detained for three hours at San Francisco International Airport (“SFO”).

A CBP agent stopped him and searched his wallet and checkbook. After noticing that Bilal’s checkbook included donations to his place of worship, the agent asked Bilal why he had written the checks and said it was bad for him to have done so. The official also asked



him why he had written other various checks, including payments to his colleagues and others.

The CBP agent also seized Bilal's cell phone and said CBP would ship it back to him. After a month (during which time Bilal had to buy a new phone), his original cell phone finally arrived in a broken and unusable condition. The CBP agent also asked Bilal to login to his laptop computer and seized it, taking it out of his sight for half an hour during which it was presumably searched and/or copied. Finally, CBP asked why Bilal enrolls his children in a local Islamic day school, and about the identities of certain people who appeared in pictures in his wallet. During the interrogation, Bilal felt threatened and was denied water for an hour.



JAWAD KHAKI

Executive vice president of a major technology company

Seattle, WA



Jawad Khaki, a U.S. citizen and a corporate vice president of a major technology company based in the Seattle, WA area, has been subjected to interrogations on at least nine separate occasions since spring 2007. A business and community leader, he testified in 2005 before the U.S. House of Representatives on measures to strengthen the American information technology industry and received the Walter Cronkite Faith and Freedom Award from the Interfaith Alliance Foundation in 2003. He also founded the Ithna-Asheri Muslim Association of the Northwest (IMAN), a lawful charitable organization.

Since early 2007, he has traveled for business and personal reasons to a number of different countries, including Canada, China, Japan, Turkey, the United Kingdom, other parts of Europe, and Africa. An incident on January 28, 2008, at the Peace Arch border crossing in Washington State was the first time in 19 years of routinely crossing this land border that he was subjected to an extensive search and delay.

Upon his return through SEA-TAC and JFK, CBP agents have interrogated him about the names, birth dates and addresses of family members living abroad and in the U.S., the identities and addresses of business contacts and family members with whom he met during his travels, his religious practices, which mosque he attends, and his activities on behalf of his charitable organization, as well as the organization's activities. CBP officials have searched task and calendar information on his cell phone, made copies of various documents on several occasions, and extensively searched his belongings, as well as those of family members who traveled with him. Throughout his detentions, searches and interrogations, agents have claimed that they were awaiting clearance from a central office.



Mr. Khaki has filed complaints with DHS and his congressional representatives, but he has yet to receive a meaningful explanation about the basis for the scrutiny he continues to endure. One CBP agent told him that to avoid such interrogations he would have to cease international travel altogether.



JAMEEL HYDER

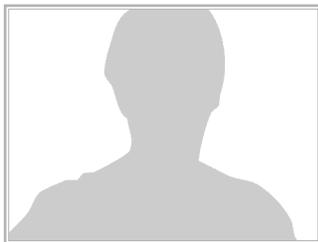
Employee of major technology company

Seattle, WA



Jameel Hyder is a U.S. citizen and employee of a major technology company based near Seattle, WA. He has been stopped and interrogated at SEA-TAC five times when recently returning to the U.S. from abroad.

CBP agents have photocopied documents related to his charitable work with an orphanage and a non-profit organization in India, as well his travel plans, including receipts from taxi cabs he hired in India. Officers have questioned him about the names of the taxi cab drivers and whether Jameel knew them personally. CBP agents have also asked him about the mosques where he prays, his associations with lawful religious organizations, and the charities to which he contributes. Agents have asked Mr. Hyder to identify persons appearing in digital pictures on his laptop and family members he visits while in India. He has complained to the DHS via the TRIP system on four occasions, but has yet to receive any response beyond a notice merely acknowledging his submission.



“DAWUD”

Ph.D. student

Santa Barbara, CA



“Dawud” is a U.S. citizen and Ph.D. student in religious studies at the University of California, Santa Barbara. He was stopped for over three hours at JFK after returning from a U.S. government-sponsored trip to Yemen. Dawud asked why he was being selected for interrogation, to which CBP agents responded that it was standard protocol when someone returns to the United States “from that part of the world.” He, however, later reached out to the other 27 people on his trip and confirmed that none of them were subjected to similar scrutiny.



CBP agents searched Dawud’s bags and examined all the files on his laptop. Agents also asked about the mosques in his locality, whether he attended them, for how long he had been a Muslim, and with which Islamic organizations he was affiliated. When Dawud questioned the relevance of the questions pertaining to his religious beliefs, he was advised that the search would end sooner if he simply answered the questions. Throughout the three-hour interrogation, he was engaged in constant conversation about Islam with the agents.



SAULEH EETEMADI

Employee of major software technology company

Redmond, WA



Sauleh Eetemadi has been repeatedly interrogated about his religious affiliations and ethnic background, treated roughly and denied access to counsel. Born in Los Angeles, he currently resides in Redmond, Washington, where he works for a major software technology company.

An American of Iranian background, Mr. Eetemadi visits Iran once a year and has experienced intense scrutiny at both the land border of the U.S. and Canada, as well as at SEA-TAC. The airport incidents occurred in December 2006, 2007, and 2008, when returning from Iran, as well as September 2007 when he traveled to Denmark. Each time, after arriving in the United States, Mr. Eetemadi is met by two CBP officers who escort him past the passport line and towards baggage claim. The officers take him with his luggage to a separate room, where they search his bags. They also take his laptop to a separate room.

While searching his luggage, CBP agents question Mr. Eetemadi about subjects including whether he still works for his employer; his travel destinations; the particular cities he visited in Iran; with whom he stayed in those cities; whether those individuals were relatives; their names and professions; the names and professions of his parents, uncles, and grandparents; and whether he was a member of any religious organizations. After each interrogation and search, which are usually 90-120 minutes in duration, Mr. Eetemadi is released. He no longer travels with his cell phone or a wallet due to repeated searches of these items.

In one incident in April 2007, Mr. Eetemadi was detained and handcuffed at the Canadian border at Niagara Falls. When he presented the CBP officer with his U.S. passport, he was asked to step out of the car. At that point, three armed officers pushed him against the wall and handcuffed him. Two officers held Mr. Eetamadi’s arms and, along with the third officer, escorted him to a cell with no windows, where Mr. Eetemadi was forced to remove



his shoes and empty his pockets. After inquiring as to why he was being incarcerated, the officer replied, “You’ll be here until we find out.” After about 15-30 minutes, Mr. Eetemadi was taken out of the cell and questioned by an officer about his ethnic origin; the identities of his family members, their professions and educational backgrounds; and nearly every aspect of Mr. Eetemadi’s life. Two hours later, Mr. Eetamadi requested a phone call, which was denied. After another half hour, he was notified that a special agent from the Department of Homeland Security would need to interview him, but the agent never arrived. Mr. Eetemadi was finally released after being held for approximately four hours.

He asked if he would be subject to the search and questioning every time he crossed the border, to which an officer replied in the affirmative.



NEDAL SALEH

Engineer

San Francisco, CA



On December 3, 2008, Nedal Saleh, an engineer and U.S. citizen, was returning to the San Francisco Bay Area from a trip to visit his parents in Jordan. After arriving at SFO, CBP reviewed Mr. Saleh’s entry card and directed him to a separate inspection area, where a CBP agent patted him down and went through his pockets.

Mr. Saleh had a carry-on bag containing reading material and his work computer, as well as a suitcase that he had checked containing clothes and mementos. CBP searched both bags. While searching his suitcase, CBP agents asked him about any item that had Arabic writing. He was asked about what the item was, what it was for, and why he was carrying the item. Mr. Saleh also had two digital cameras, both of which were searched. The CBP agent asked Mr. Saleh if he was carrying any media or CDs. He showed the CBP agent the CDs he was carrying and was asked what was on them.

While searching his carry-on bag, CBP asked Mr. Saleh about his work-related scientific papers and technical books. Agents removed his work computer from his carry-on bag and asked for the computer’s password. Mr. Saleh declined, stating he had signed an agreement with his employer to maintain complete confidentiality with regard to the information on his computer concerning third parties. Mr. Saleh suggested he enter the password for CBP and that the agents search the computer in his presence. CBP refused, stating the computer constituted luggage and that they had the authority to search it however they deemed necessary. They took the computer out of Mr. Saleh’s sight and said they would conduct a media scan on it.



After 25 minutes, the agent returned with the computer. The CBP agent then began to question Mr. Saleh, asking him where he went to school, what he studied, where his previous employer was located, what kind of work he does, where he travelled when overseas, whom he met while overseas, whether he crossed the Jordanian border into any other countries, whether he had any other passports from any other countries and whether he was engaged in any political events or activities while he was in Jordan. Mr. Saleh cooperated throughout the interrogation, which took about an hour.

Mr. Saleh sought redress but was told this was standard procedure before receiving a self-addressed feedback card to CBP. He has yet to receive any explanation for his treatment.



FAIRUZ ABDULLAH

Lawyer & civic leader

San Francisco, CA



Fairuz Abdullah is a U.S. citizen, lawyer and active leader in civic affairs in San Francisco, California. She was thoroughly interrogated by CBP agents at Miami International Airport (“MIA”) when returning in June 2007 from two weeks of vacation travel in Peru. Agents questioned her about her prior travels, the identities and locations of her family members around the world, her marriage, her profession and educational history. Agents at times challenged her responses, and initially prevented her from re-entering the country.

CBP detained and mistakenly subjected Fairuz to immigration processing, where despite presenting a valid U.S. passport, she was held in a room with people in handcuffs and approached aggressively by federal agents — who not only addressed her in Spanish, but continued to do so even after she repeatedly identified herself as a native English speaker. Federal agents also denied her access to counsel, threatening to confiscate her cell phone when she sought the advice of a lawyer — whose phone call to the airport ultimately inspired stumbling apologies from the agents involved in her illegitimate and unauthorized detention.



KAMAL ABU-SHAMSIEH

Community leader

Fresno, CA



Kamal Abu-Shamsieh is a U.S. citizen who directs a California-based Islamic community center. At SFO in July 2007, CBP agents directed him to a small room for secondary questioning, where they told Kamal that his name was not on the list of passengers boarding the flight on which he arrived.

Despite presenting a valid boarding pass, Kamal was escorted into a room in isolation from his family, where he was allowed to use the restroom only with an escort. During this time in isolation, he was asked a broad range of questions, including whether he has ever flown a private jet and if he has ever fished in international waters off the Pacific coast of the U.S. During the questioning, his wife witnessed another CBP agent entering Mr. Abu-Shamsieh's name into a Google search.

Previously, when flying into SFO in July 2007, Kamal faced questions about his work as executive director of an Islamic organization. The CBP agent asked questions regarding the source of the organization's funds, including whether any of its funds come from Muslim countries. After roughly 90 minutes of questioning, Mr. Abu-Shamsieh was allowed to leave. As he departed, the CBP agent who questioned him overheard Kamal's exchange with another nearby agent and said, "you should be thankful you were cleared to leave."



"REEMA"

Lawyer

San Francisco Bay Area, CA



"Reema," a U.S. citizen who has received her J.D. from Georgetown University Law Center, was working at a prominent west coast law firm in Spring 2008, when she was interrogated and searched by CBP agents at SFO upon returning home from a trip to visit her extended family in Pakistan.

After confirming her citizenship status, a CBP agent searched her luggage, seized her digital camera and reviewed the images — reflecting pictures from her travel with her family, as well as various photos taken in the U.S. prior to her travel. The CBP agent interrogated



Reema about the identities of the people in her travel photos, their location, and her relationships to them, and asked her to explain why she used multiple cell phones. The CBP agent also asked Reema about her opinions concerning then-presidential candidate Barack Obama.



AMR SHABAIK

Law student

Los Angeles, CA



Amr Shabaik is a U.S. citizen attending law school at the University of Southern California. He has lived in Southern California since 1992, and graduated from the University of California, San Diego in 2007 with a degree in Ethnic Studies.

Upon returning home from a college graduation trip to Peru in mid-summer 2007, Mr. Shabaik and two Muslim friends were led off the plane by CBP agents at LAX. After retrieving their luggage from baggage claim, two CBP agents led them to a seating area near the baggage claim, where the agents searched their luggage. CBP agents asked the three travelers where they stayed while in Peru, why they stayed there, and how long they stayed. The agents also demanded the phone number and address of Mr. Shabaik’s friend’s uncle, with whom the three students stayed for the majority of their visit to Peru.

The graduates refused to give this information and demanded to be told why they were being detained. The agents responded that they were being searched and asked questions because of the “War on Terror,” and also related the search to drug trafficking across Latin American borders. The three students demanded to speak to a supervisor, who upon arriving rudely demanded that the three students sit down and reprimanded them for not following directions. After further discussions about the propriety of the questions and threatening to make the three students’ lives miserable when traveling in the future, CBP finally released the three students to return home.



TAHIR ANWAR

Imam

San Jose, CA



Imam Tahir Anwar is a U.S. citizen and director of religious services at an Islamic organization in San Jose, California. From spring 2006 to summer 2008, he has been stopped, inter-



rogated and searched on 12 different occasions, usually at SFO, when returning home from international travel for personal, professional, and spiritual reasons. Imam Anwar has been stopped five times when returning from visiting his parents in England, twice returning from visiting family in India, twice returning from Toronto, twice returning from Saudi Arabia for Hajj (religious pilgrimage), and once from Germany — where he had been invited and sent by the U.S. State Department.

On each occasion, Imam Anwar was detained by CBP after retrieving his luggage. Agents searched his belongings, including a laptop computer in April 2007, and seized Mr. Anwar’s cell phone twice. Agents consistently question him about his birth date, the nature of his employment, the purpose of his travel, his activities and travel destinations while overseas, the location of his parents’ residence, and the amount of money he carries.

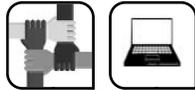
After being stopped four times, Imam Anwar wrote to his member of Congress, DHS and CBP. CBP responded in a letter and provided his record, most of which was redacted.



“NOAH”

Physician

Southern CA



“Noah” is a U.S. citizen and oral surgeon who currently resides in Southern California. He has been stopped on approximately 10 occasions for 30-40 minutes, at airports in California, Minnesota and Michigan, as well as land border crossings between Canada and Michigan.

CBP agents have searched his luggage and his cell phone and interrogated him at length. Officers typically pose 20-30 questions exploring a variety of topics, including where Noah was born, where he has lived, where he went to school, and where he works. They have also asked many times, including at the Minneapolis airport, what ties he has to terrorism. Agents have also asked him how much cash he carried while traveling and if he made any transactions while in the Middle East.

When returning from Dubai in 2007, his wife was subjected to similar questioning. Noah noted that his interrogations are usually lengthier and more detailed when he travels alone.



ZAKARIYA REED

Firefighter, military veteran

Toledo, OH



Zakariya Reed is a firefighter, Gulf War veteran, former 20-year member of the Air National Guard, and current member of the local Homeland Security Emergency Response Team in Toledo, OH, where he was born. Mr. Reed's experiences at the border vary widely. Sometimes, agents ask standard questions about the purposes of his travel and allow him to enter the country without further scrutiny.

Other times, however, he and his family have been detained, searched and interrogated — over 15 times since 2006 at the Detroit Ambassador Bridge, as well as the Windsor Tunnel in Detroit when returning home from visiting family members in Ontario, Canada. Their detentions, during which he is separated from his wife and children, have sometimes lasted for up to four hours. CBP agents have searched his car, laptop and his cell phone. Agents have also interrogated him about his political views, his religious beliefs, and his charitable contributions.

Mr. Reed has been asked about his faith on at least three separate instances, and twice asked questions challenging the basis for his religious beliefs (e.g., "Why did you convert to Islam?" "Why do you wear a lapel pin with 'Allahu Akbar' written on it?"), most recently in February 2009. CBP officials have also scrutinized his political views, confronting him in March 2007 with a letter-to-the-editor that he wrote criticizing U.S. foreign policy. CBP agents asked what inspired him to write it, and whether he personally knew anyone of Lebanese descent detained by Israeli authorities. On at least 10 occasions, he has also been asked about any foreign associates he or his wife may have. In addition, CBP agents have interrogated him about his charitable contributions on at least five separate occasions.

Mr. Reed has been dragged from his car, thrown on its hood and handcuffed. On one occasion, a CBP agent attempted to intimidate him by emptying and reloading a gun while interrogating him. On another occasion, while handcuffed, Mr. Reed heard a CBP official say, referring to detainees, "We should treat them like we do them in the desert and put a bag over their heads and tie their hands together." Another time, after Reed was handcuffed in front of his children, one child asked how long they would be detained, to which a CBP official answered, "Maybe you should ask your parents." CBP agents have even destroyed his belongings (including electronic equipment, such as a portable DVD player that Mr. Reed had purchased for his children, as well as lights and windows in his car) during their searches. Finally, Mr. Reed has been affirmatively denied access to counsel, as well as the citizen's right to re-entry. CBP agents have claimed that they lack facilities for detainees to



contact lawyers, and when agents denied that his scrutiny constituted detention, he reasoned that he must therefore be free to leave and stood up to go — at which point multiple agents also stood up and readied their weapons.

A CBP official once suggested that Mr. Reed try calling ahead, which proved futile. He called, arrived at the border, and was subjected to one of the instances of religious interrogation. Agents asked, “Have you ever received ‘religious’ training outside of the US?” Finally, on the same occasion that he was confronted about his political views, Mr. Reed observed an admission of racial profiling. After having been detained first in solitary confinement and then in an interview room, a plain clothes official entered the room, briefly consulted a file he carried, examined Mr. Reed's passport, and then exclaimed, “This is the guy? But he's white!” before leaving the room within a minute of having entered. Mr. Reed was cleared to enter the country shortly afterwards

This military veteran has sought redress for his scrutiny through the DHS TRIP system, a FOIA request, and his congressional representative, but has received no resolution. Even after being notified by DHS that his “records have been modified where appropriate,” he has been detained at the border at least five additional times, during the most recent of which he was handcuffed in front of his children as a CBP agent said, “look at what you have got yourself into.”



“MUNIR”

Community leader

Detroit, MI



“Munir” is a well-respected Arab-American community leader from the Detroit area who has endured horrific treatment at the border despite seeking redress. On December 31, 2005, Munir drove from Connecticut to Detroit with his wife and two young daughters, who were one and three years old at the time. They passed through Canada, and re-entered the U.S. at the Port Huron land crossing 40 miles north of Detroit.

He and his wife were forcefully dragged from and thrown against their car, handcuffed, separated from each other and their young children, detained for over four hours, and aggressively interrogated. Munir asked to call his lawyer, but CBP agents denied him access to counsel. His wife was ultimately allowed to return to their daughters after they had been isolated for 40 minutes. To this day, four years later, his eldest daughter recoils in fear upon seeing any law enforcement officer.

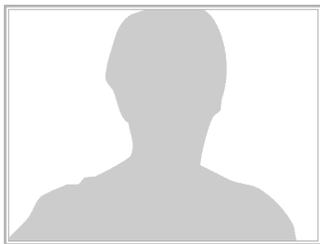
Agents confiscated his cell phone and thoroughly searched his person, repeatedly declaring



“A&D,” which Munir later discovered meant, “armed and dangerous,” even though he carried no weapons of any kind. CBP agents interrogated Munir about his family members and their locations, as well as his work and political activities. They asked about lawful organizations he supports, U.S. government officials with whom he meets from time to time related to his professional work, and events in his local community that he planned to attend. CBP agents disassembled his car over the course of several hours, during which his laptop was out of his possession, moved and presumably searched.

After pursuing redress through the DHS TRIP system, Munir was advised by senior government officials that the only way to ascertain whether his situation had been resolved would be to cross the border again. He did so in September 2008 and, after crossing into Canada to have lunch, was subjected to similar treatment when returning home. A CBP agent recognized his business card and intervened, removing his handcuffs and moving him from a holding cell to wait for a supervisor, who interrogated him at length.

As in 2005, Munir faced questions about his work, his political activities, his country of origin and ethnicity. CBP agents repeated many of the same questions from 2005, reflecting no awareness of his prior responses. A CBP supervisor also challenged his possession of a paycheck (for consulting services to a U.S. Government-funded media outlet), mistakenly presuming that it represented charitable contributions to the Middle East. As in 2005, agents confiscated his cell phone and denied his requests for access to counsel.



ALI AYOUB

Researcher

Ithaca, NY



Ali Ayoub is a Lebanese citizen who, from 2005 to 2008, was a visiting researcher at Cornell University. In May 2006 and February 2007, Mr. Ayoub was subjected to a border search and interrogation lasting approximately two hours at Detroit Metropolitan Wayne County Airport (“DTW”). After scanning his visa, CBP agents escorted him to a separate office, where he waited for approximately one hour on each occasion. One CBP agent began questioning him, while another searched through his luggage. The questions they posed were non-controversial: they asked about Mr. Ayoub's travel plans, his anticipated activities, and the purpose and duration of his visit to the United States. On one occasion, however, a CBP official took all of Mr. Ayoub's credit cards and copied their numbers, expiration dates, and security codes.

In October 2007, Mr. Ayoub again encountered an interrogation and search at JFK lasting approximately four hours. CBP agents were hostile and generally followed the same



procedure as did agents in Detroit, except they told Mr. Ayoub that his name matched the name of an individual the FBI had been seeking since 1995.

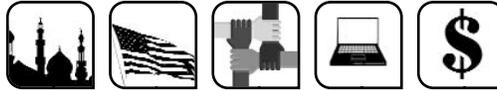
Finally, as Mr. Ayoub was leaving the country from Philadelphia International Airport (“PHL”) on August 30, 2008, he was again questioned and searched for roughly forty minutes. CBP agents took his iPod, laptop, and cell phone and returned them after half an hour, explaining only that they had been “scanned.”



RODWAN SALEH

Community leader

Houston, TX (now Indianapolis, IN)



Rodwan Saleh is a U.S. citizen and information technology consultant who lives in Indianapolis, IN. At the time of his first encounter with CBP, Mr. Saleh lived in Houston, TX, where he served as president of the Islamic Society of Greater Houston.

In March 2005, Mr. Saleh traveled outside the U.S. for the first time in 15 years. Returning from Toronto, Canada, two CBP agents searched his luggage despite his objections, copied various papers he had with him, and interrogated him about his financial transactions. Agents asked him about the purpose of his travel, and in particular, if he was in Canada to collect money for his organization, a mosque in Houston. They searched his wallet, where they found a check to Mr. Saleh for speaking at an event in Toronto. Agents further questioned him about the event, to which Mr. Saleh replied that the former Prime Minister of Canada had also spoken at the event. In June 2005, after touring Turkey with a priest and members of the Jewish community on an interfaith delegation, Mr. Saleh was separated at Houston Intercontinental Airport (“IAH”) from his fellow travelers and detained with another imam from the Houston area.

After returning from the Hajj pilgrimage in January 2007, Mr. Saleh was again confronted by CBP at IAH. Two agents met him as he disembarked his plane, asked for him by name, and immediately asked for his passport. They then escorted him to identify his luggage. At the luggage area, one of the officers searching his luggage asked several questions about Mr. Saleh’s religious beliefs and practices. For instance, a CBP agent asked whether zamzam water brought back by Mr. Saleh from his religious pilgrimage was “really holy,” with a smirk and gesture that he found condescending and unprofessional. This process took approximately 90 minutes.

In May 2007, Mr. Saleh traveled to the Virgin Islands. While returning to the U.S. on a flight bound for Miami, he was pulled aside as he presented his passport. CBP agents searched his bags; after finding honey, they questioned him about why he had not disclosed that he was carrying it. He asked to use his cell phone, but was not allowed to make calls. Agents then told him that he would not be allowed to leave the Virgin Islands that day. The next day, Mr. Saleh was detained at the airport, where his luggage was searched. Upon finally reaching MIA, Mr. Saleh was immediately confronted by four people (two in uniforms and two in suits) as he left the plane. The agents took Mr. Saleh to the international area, where they detained and interrogated him. Agents seized his laptop and his camera, and a plainclothes agent solicited his political views – going so far as to suggest



favorable feelings towards Osama bin Laden, presumably in order to entice anti-American views. Agents asked Mr. Saleh whether he belonged to the Shi'a or Sunni sect of Islam, and observed him as he cleaned up for his evening prayers.



SAIRA SIDDIQUI

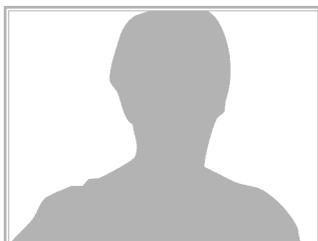
Ph.D. candidate

Houston, TX



Saira Siddiqui, a U.S. citizen and graduate student pursuing a Ph.D. in Social Education from the University of Houston, was pregnant when she was stopped at IAH in fall 2007 after returning home to the U.S. from a trip to visit family in Pakistan. Before her plane was allowed to park at the entry gate, an official called her name over the intercom and asked her to report to the front of the plane, where she was met and escorted by two CBP agents to an interrogation area.

As they walked with her, one of the officers discussed Pakistani politics with her. Another CBP agent shared with her a recent news article that classified Pakistan as “the most dangerous country in the world.” The agents posed questions about her views of Pakistani political figures, including then-President Musharraf and the former Prime Minister Benazir Bhutto. Agents also asked for the full names and backgrounds of her husband, her friend with whom she was traveling, and all of her family members. The interrogators also asked questions at length about her brother who lives in Saudi Arabia. Other questions, presented as “off the record,” concerned Saira’s single sisters and potential suitors among the CBP agent’s personal network. He later asked Saira if she feared her husband and offered protection were that the case.



“MALIK”

Engineer with major oil & gas company

Houston, TX



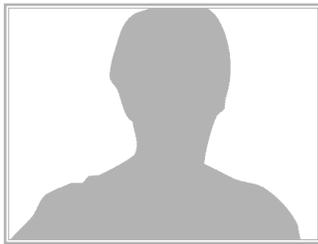
“Malik” is a 61 year-old U.S. citizen who lives in Houston, TX, where he works as a petroleum engineer for a major oil & gas company. He is also politically active as a grassroots organizer with a major political party, has participated in roundtable discussions



with senior U.S. government officials to facilitate their outreach to the local Muslim community, and serves on the board of a local Muslim mosque organization.

On February 27, 2009, as Malik flew from Calgary to IAH, he was detained for 90 minutes, searched and interrogated by CBP agents in Calgary. Two agents greeted him at the passport control station and moved him to a separate area, where they searched his luggage and pockets. Over the course of the search, they separated any papers or business cards bearing Muslim names and left for 10 minutes, presumably to make copies. Agents also seized three flash drives and presumably copied them. One included Malik’s personal tax information and correspondence, including correspondence relating to his political and religious activities; the others contained business information. An agent also searched his laptop.

In addition, Malik was interrogated about issues including his contacts in Calgary, the membership of his religious mosque organization, and an individual referenced in paperwork in Malik’s briefcase. Agents also interrogated Malik about his faith, asking questions such as, “What’s your religion?” and “How often do you pray?”



“YUNUS”

Imam

Sanford, FL (now residing in Toronto, Canada)



“Yunus”, a Canadian citizen who now resides in Toronto, works as an imam, which requires him to travel frequently in order to lecture and provide religious services. From 2006 to 2008, he lived in Sanford, Florida with his wife and children on a religious worker visa. He has been subjected to searches and intrusive interrogations on several occasions.

In May 2007, Yunus took his family to visit Tanzania and Kenya. When they returned to the U.S. at Orlando International Airport (“MCO”), he was detained for four hours and interrogated at length. CBP agents asked whom he met while in Africa and where he stayed, and searched his laptop, cell phone, wallet, carry-on luggage, and checked luggage. He flew to Hartsfield-Jackson Atlanta International Airport (“ATL”) in September 2007 from Paris, and again in December 2007 from Saudi Arabia after performing the Hajj pilgrimage. On both occasions, the same agent detained and questioned him. He was also detained and interrogated in January 2008 when returning to Philadelphia from Paris, and again in April 2008 when flying into Orlando from Toronto. He often missed his connecting flights. He sought guidance from CBP agents about how to smooth his re-entry in future instances but never received a substantial answer.



Topics about which Yunus is routinely interrogated include the sponsorship and source of funds for his travel, the identities and locations of his family members, and the content of his religious beliefs. He has endured numerous questions about his religious activities, including “Are you a Sunni or Shia’a Muslim?,” “Who do you follow in terms of religious ideology?,” and “What do you preach about?”

In August 2008, after performing a marriage ceremony in Canada, Yunus was held by CBP agents in Edmonton for three hours. They summarily cancelled his visa, which had been scheduled to expire in April 2009, without process. He attempted to return to the U.S. after a few days at the Detroit border crossing in order to visit his wife, daughter and grandchildren. He was detained there for four hours, and threatened with arrest and imprisonment upon explaining his aim to enter not on his R1 visa, but as a visitor. Agents confiscated his cell phone for the four hours he was detained and searched his bags before denying him entry and returning him to Canada in handcuffs.



MUHAMMAD SHAD

Business owner

Atlanta, GA



Muhammad Shad is a U.S. citizen who lives in Atlanta, GA. Since December 2007, he has begun experiencing extensive searches and interrogations upon his return from travel to Pakistan. He has encountered three searches & interrogations at ATL, as well as another at JFK.

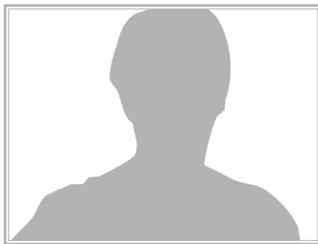
When returning from Pakistan after visiting family and evaluating property damage from an earthquake, Mr. Shad encountered a CBP agent at the airport gate who asked him to follow him to a small room in the airport where three other agents joined them. Agents searched Mr. Shad, his carry-on bag, and his wallet before interrogating him for nearly two hours.

The interrogation included questions about his relationships with various people identified through business cards in the wallet. When he claimed to be unsure about the identities of certain people or how he obtained their business cards, citing his sleep deprivation, the four CBP agents interrogating him sarcastically asked why Mr. Shad carried business cards of people he did not know. They further threatened him, noting that lying (or making inadvertent misstatements) could constitute a federal crime. Agents also posed questions about people whom Mr. Shad met when traveling, asking for their names, addresses, and his purpose for meeting them, as well as why he chose to stay at the particular hotel where he stayed. Agents also seized and copied receipts of his stay, along with other documents.



CBP agents also posed questions related to Mr. Shad's personal life. Agents asked about his wife and their marriage, his children, his brother, and parents, before inquiring into his salary and business activities. CBP agents copied documents relating to his car dealership, asked whether he had rolled back miles on any cars, and challenged the legitimacy of his business. Officials also asked Mr. Shad about the mosque where he prays. When he replied that he does not attend one specific mosque, they challenged his truthfulness, citing that they themselves "go to one church."

Agents at JFK have subsequently detained and interrogated Mr. Shad's brother, as well as his 10 year-old son, during their respective travels. During their interrogations, agents have cited information gleaned from interrogating Mr. Shad and aggressively sought to confirm discrepancies about, for instance, the precise disease from which his father-in-law died. Mr. Shad has nightmares about his interrogations to this day, and has ceased international travel (including to the funeral of his father-in-law) to the detriment of his business.



MEHRAJUDEEN KHAN

Engineer & consultant

Jacksonville, FL



Mehrajudeen Khan, a U.S. citizen and resident of Jacksonville, FL, is a customer service engineer for a major U.S. printing company. He has worked as a consultant on numerous military bases, as well as the U.S.S. Kennedy aircraft carrier. In 2005, he was detained and isolated in a room at Toronto Pearson International Airport ("YYZ") while returning home from his aunt's funeral.

After waiting in a room with other passengers, Mr. Khan was called and asked to follow a CBP agent into another room, where he was told to empty his pockets and his wallet. He asked the agent what would happen if he chose not to surrender his wallet, and was told, "you won't be allowed to enter the U.S."

After an initial review of the business cards and personal notes Mr. Khan had in his wallet, the CBP agent interrogated him about its contents. The agent examined a tax-exempt card for an Islamic school in Mr. Khan's home state of Florida, where he works, and asked about what Mr. Khan teaches there. The CBP agent also examined Mr. Khan's firearms license and asked him, "Why do you feel you need to carry a gun?"

After the questioning, the CBP agent returned to Mr. Khan his money and family pictures, and then took everything else found in his wallet and left the room for roughly 45 minutes. During this time, the flight that Mr. Khan was scheduled to board departed, forcing Mr. Khan to purchase a second ticket for the following day at his own expense.



DR. SALEH MUBARAK

Consultant & engineer

Tampa, FL



Saleh Mubarak, Ph.D., is a U.S. citizen who resides near Tampa, FL. He works as a construction management consultant and often lectures in his field, which requires him to travel extensively. Dr. Mubarak has also written several op-eds for *The Tampa Tribune*.

In May 2005, while flying to Washington, DC from a conference in Edmonton, Canada, at which he had lectured, Dr. Mubarak was detained by CBP agents in Edmonton. He was eventually allowed to travel to the U.S., but only after missing his flight and being forced to purchase hotel accommodations for an evening. Dr. Mubarak was again searched, and his papers were copied, by CBP agents at Tampa International Airport (“TPA”) in 2005 when returning from a trip to Jordan, where he taught a project management seminar to Iraqi engineers working with American companies in Iraq. CBP agents met him as he was exiting the plane and escorted him to the luggage area, where they searched his luggage. This happened again later that year when returning from the U.K. after teaching a seminar there.

Dr. Mubarak was also searched in Edmonton in February 2006 by a private security contractor whose behavior (e.g., holding every piece of currency carried by Dr. Mubarak up to the light) was so insulting that an airline manager later apologized on his behalf. In summer 2006, Dr. Mubarak was detained at a land border crossing near Spokane, WA, where CBP agents searched his car, denied him access to counsel or use of his cell phone, and collected various materials, including a copy of the Qur’an.

He sought redress through the DHS TRIP system in late 2005, and after contacting his congressional representative to complain about his repeated and baseless scrutiny, received a clearance letter. In October and December 2008, he was informed at London’s Heathrow Airport that the U.S. government’s “watch list” and “no-fly” list each included his name, and that he should carry his DHS clearance letter with him at all times when traveling. Dr. Mubarak feels that his inclusion on the watch list may have been in retaliation for articles and letters-to-the-editor critical of President Bush and U.S. foreign policy that he wrote in several publications, such as *The Tampa Tribune* and *The St. Petersburg Times*.



YASIR QADHI

Yale University graduate student

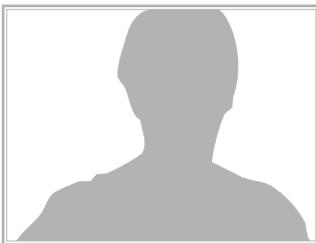
New Haven, CT



Yasir Qadhi is a U.S. citizen and graduate student at Yale University, where he is currently pursuing a doctoral degree in Islamic studies. He has been cited by press outlets including *The Houston Chronicle* and *The Washington Post* as an expert on mainstream Islam and the integration of Muslims in the U.S., and has been consulted as an expert by several federal government agencies, including the National Counterterrorism Center and the Department of State. His scrutiny began in 2005 and continues to the present.

CBP agents at Newark International Airport (“EWR”) have interrogated him several times about the contents of his lectures, the places where he has lectured, and even the mosques in which he has prayed. In addition, CBP agents at IAH interrogated him in spring 2005 about his views of particular religious doctrines. CBP agents at various locations have photocopied his lecture notes on several occasions, and agents at the Niagara Falls border crossing in late 2005 seized and recorded data from his cell phone before interrogating him about his relationships with individuals who appeared in it. Agents have also searched files on his laptop on at least two occasions. His detentions have lasted as long as five hours and have also involved his wife and three children.

Yasir has asked authorities, both informally and through formal processes including FOIA and TRIP, about why he has been forced to endure repeated searches and questioning. He, however, has received no explanation, nor any indication of how he can satisfy potential concerns and relieve the suspicion and scrutiny with which he is greeted at his own country.



“IMRAN”

Yale University undergraduate

New Haven, CT



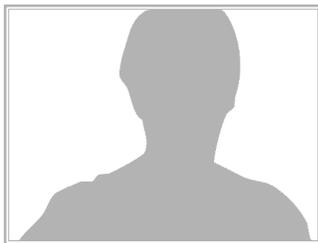
“Imran” is a U.S. citizen and undergraduate student at Yale University, where he anticipates receiving a degree in political science in 2011. He traveled to Egypt over the Christmas holiday in 2007 for a reunion among extended family and stayed at a beach resort.

Upon his return to BOS in January 2008, Imran declared to Customs agents some gifts that



he bought while traveling. After clearing the routine customs inspection, he was selected for secondary screening. Two CBP agents approached him and thoroughly searched his backpack, two suitcases, and guitar case. Agents also seized his cell phone, iPod, laptop, and external hard drive, removing them to a separate location before returning 10 minutes later.

While one agent conducted the electronic search, the other interrogated Imran about a range of issues. Questions included, “Do you have any hashish in your guitar case?” and “Did you use any hashish while in Egypt?,” in addition to questions about Imran’s religious practices and political activities. Specifically, agents asked whether Imran had attended any religious institutions, political rallies or demonstrations, during his travels. As he was cleared to leave, agents also noted that Imran’s electronic data included a great amount of music, and asked whether he had downloaded it illegally.



“ADEM”

Graduate student, Ivy League university

New England region



“Adem” is a U.S. citizen and graduate student at an Ivy League university in New England who has been detained, questioned and searched at Logan International Airport (“BOS”) on two occasions since fall 2002 upon returning home from pursuing graduate studies abroad. CBP agents searched his laptop computer on two occasions and have also seized flash drives and CDs. After confirming his citizenship, he has been asked about his religious practices, beliefs, and even directly challenged about why he is a Muslim. Once, after answering that he had converted to Islam, a CBP agent remarked, “Why did you do a thing like that?”

In late summer 2004, FBI agents visited Adem’s home to question him about his travels abroad and the names of people who pray at the mosques he attends.

After enduring invasive interrogations at BOS airport twice, Adem began flying into JFK to avoid such treatment. However, as recently as July 2008, he was subjected to similar questioning at JFK when returning home from Jordan. A CBP agent asked him about his background, educational history, previous travels, and then asked if he was Muslim. When Adem challenged the line of questioning and documented the name of the CBP agent, the agent apologized for causing offense but did not retract her question.



DR. ABDUL PIRACHA

Physician & civic leader

Princeton, WV



Dr. Abdul Piracha is a U.S. citizen, cardiologist, and Chairman of the Princeton Community Hospital Board of Trustees, through which he coordinates various charity projects serving West Virginians of all faiths. He has also participated in Citizen Dialogue Group, a U.S. Department of State program through which naturalized citizens address student groups in their native countries to promote favorable views of the U.S.

In August 2008, he returned to the U.S. from a visit to Pakistan, where he went to monitor the progress of an earthquake relief project and a rehabilitation hospital that he helped organize, and was detained at Dulles International Airport (“IAD”) outside Washington, DC.

CBP agents searched his cell phone and digital camera, and interrogated him about a range of subjects. CBP agents asked about his travel plans, whom he visited, where he lives in the U.S., his professional activities, and his activities on behalf of a professional physicians’ association in which he held a leadership position at the time. Agents also asked about his views of then-General Pervez Musharraf of Pakistan.

Dr. Piracha has sought redress from his congressional representatives and is concerned about facing similar scrutiny during future international travel.



DR. CHRISTA SALAMANDRA

Assistant Professor, City University of New York

New York, NY

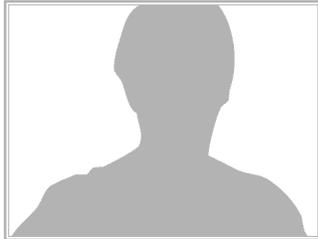


Christa Salamandra holds a Ph.D. from the University of Oxford and currently serves as an Assistant Professor of Anthropology at Lehman College, City University of New York. A Fulbright Scholar, she conducts frequent fieldwork in Syria on account of a project examining trends in Syrian television drama.

When returning from Dubai in August 2008, she was selected for secondary screening at ATL. CBP agents searched her checked bags, and asked her questions about the purposes of her travel, items she purchased during her trip, where she stays while doing fieldwork, the



identities of her contacts, and the sources of funding for her academic work. Agents also reviewed Dr. Salamandra’s business card and asked whether she contacted any “madrasas,” construing the term to specifically refer to religious schools, despite its use throughout the Arabic-speaking world to also refer to secular schools.



“OMAR”

Computer scientist

Pennsylvania



“Omar” is a visa holder from India who currently resides in Pennsylvania. He holds a Ph.D. in computer science and is employed as a scientist with a major healthcare company.

Omar has encountered three specific incidents at the border. The first two occurred on separate occasions in August 2007, and the third occurred in March 2008, when he was returning from his wedding in India. Omar visited India in March 2008 and August 2007; he visited the Niagara Falls in Canada in the other August 2007 incident.

When returning from India at JFK airport, CBP agents fingerprinted and patted down Omar, searched his luggage, and seized his laptop. CBP agents also interrogated him regarding both his religion and political affiliations. Questions asked of him included: “What is your religion?,” “What mosque do you visit?,” “Is the mosque imam moderate or extremist?,” “Why are you in America?,” “Do you plan to kill any Americans?,” “What do you think about the war in Iraq?,” “What do you think about the conflict in Kashmir?,” and “How do you feel about India and Pakistan’s conflict?”



NOOR IBRAHIM

Pennsylvania State University

College Station, PA



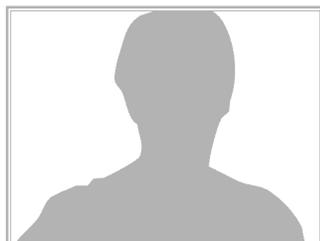
Noor Ibrahim and her sisters, Arwa and Sumia – all U.S. citizens – were each in college when flying into JFK from Amman, Jordan via Dubai on August 15, 2006. Noor now works as a residence life coordinator at Pennsylvania State University, while Sumia works at a public policy research organization.



After showing their passports, their family (including their mother and younger brother) were detained by CBP agents, who moved them to an area with nearly 200 other people who appeared to be Middle Eastern, South Asian or Muslim. After five hours in this roped off area waiting for permission to retrieve their luggage, Arwa and Sumia were separated from Noor, their mother and brother.

CBP agents asked Arwa and Sumia about their education, as well as their hosts in Jordan, and their activities while visiting them. Separately, agents asked Noor about her views on the Iraq War — in particular, her thoughts of Iraq during the pre-Saddam and post-Saddam era. Along with this line of questioning, she and the others were asked if they have any weapons training, and agents reminded them that fencing or hunting is considered weapons training. CBP agents constantly monitored them while they waited in the roped off area, which had insufficient seating, no food and no water. After their questioning, the family’s luggage was hand searched.

Agents threatened to arrest her mother after she complained about the agents’ tone of voice when giving orders. While detained, Arwa asked to speak to a supervisor several times, as did others. Agents laughed in response, ignored her, or claimed that “the supervisor is busy.”



“RAJIV”

Artist

Washington, DC



“Rajiv,” a U.S. citizen and resident of the District of Columbia, is an artist of Indian descent and, despite his Hindu heritage, is often mistaken for being Muslim on account of his prominent beard. In September 2008, he returned to the U.S. from visiting family in India, and was detained for 30 minutes at JFK.

CBP agents searched his luggage, where they found his laptop and a 500GB external hard drive. They took both sets of equipment to another location and returned half an hour later. They also asked questions about his travel companions, whom he visited, how often he travels overseas, and where his family lives. Agents took a particular interest in his visa to visit Pakistan, asking multiple times about the nature of his interest in traveling there.

ⁱHearing on *Oversight of the Department of Homeland Security*, U.S. Senate Committee on the Judiciary (April 2, 2008) (testimony of Homeland Security Secretary Michael Chertoff, in response to a question from Senator Feingold), *available at* <http://judiciary.senate.gov/resources/110transcripts.cfm>.

ⁱⁱ See *Chertoff Misleads on Laptop Searches, Feingold Charges*, Wired.com (Aug. 7, 2008), *available at* <http://blog.wired.com/27bstroke6/2008/08/chertoff-mislea.html>.

ⁱⁱⁱ Dep't of Homeland Security, U.S. Customs and Border Protection, *Policy Regarding Border Search of Information* (July 16, 2008), *available at* http://www.customs.gov/linkhandler/cgov/travel/admissibility/search_authority.ctt/search_authority.pdf (emphasis added).

^{iv} In *U.S. v. Arnold*, 2008 U.S. App. LEXIS 8590, the U.S. Court of Appeals for the Ninth Circuit held that searches of laptops are *per se* routine for Fourth Amendment purposes, rendering them presumptively permissible under the border search exception to the Fourth Amendment. The Court did not consider whether the Fourth Amendment protections apply at the border to medical, financial, personal and proprietary business information of law-abiding Americans.

^v See Letter from J. Howard Beales, Chair, DHS Data Privacy and Integrity Advisory Committee to Janet Napolitano & John Kropf (Feb. 3, 2009), *available at* http://www.dhs.gov/xlibrary/assets/privacy/privacy_dpiac_letter_sec_and_acpokropf_2009-02-05.pdf.

^{vi} Testimony of Secretary Janet Napolitano before the House Committee on Homeland Security on *DHS, The Path Forward* (Feb. 25, 2009), reported by National Journal, *Napolitano Grilled On Laptop Searches* (Feb. 25, 2009), *available at* <http://techdailydose.nationaljournal.com/2009/02/napolitano-grilled-on-laptop-s.php>.

^{vii} Dep't of Justice, *Justice Department Issues Policy Guidance To Ban Racial Profiling* (June 17, 2003), *available at* http://www.usdoj.gov/opa/pr/2003/June/03_crt_355.htm.

^{viii} See *Tabbaa v. Chertoff*, 06-0119-cv (2d Cir. 2007) (upholding judicial review of detentions of Muslims and religious interrogations, and allowing such

detention & interrogation where specific intelligence indicated the possibility of violent extremists making contact with attendees of a particular religious conference).

^{ix} See *Nguyen v. INS*, 533 U.S. 53, 67 (2001) (recognizing a citizen's "absolute right to enter [the country's] borders . . ." in a case upholding distinctions between requirements for granting citizenship to the child of a U.S. citizen mother versus those applicable to children of U.S. citizen fathers).

^x See Lawrence B. Wilkerson, *Some Truths About Guantanamo Bay*, March 17, 2009, at http://www.thewashingtonnote.com/archives/2009/03/some_truths_abo/.

^{xi} Comments of Michael Rolince, Muslim Public Affairs Council Annual Convention, December 2005.

^{xii} See FBI Director Robert S. Mueller, III, *Speech at Council on Foreign Relations*, (Feb. 23, 2009), *available at* <http://www.fbi.gov/pressrel/speeches/mueller022309.htm>. ("Oftentimes, the communities from which we need the most help are those who trust us the least. But it is in these communities that we must re-double our efforts."); see also Edward Alden, *THE CLOSING OF THE AMERICAN BORDER* (2008).

^{xiii} Dep't of Justice, *Justice Department Issues Policy Guidance To Ban Racial Profiling* (June 17, 2003), *available at* http://www.usdoj.gov/opa/pr/2003/June/03_crt_355.htm.

^{xiv} Since *Washington v. Davis*, 426 U.S. 229 (1976), plaintiffs have been unable to obtain relief for discrimination on constitutional Equal Protection grounds without proving discriminatory intent on the part of state actors, which is essentially impossible. See also Equal Justice Society, *Intent Doctrine: Its Relationship to Seattle and Louisville School Cases and the Need to Preserve Brown's Legacy* (June 25, 2007), *available at* <http://www.equaljustice-society.org/2007/06/intent-doctrine-its-relationships-to-seattle-and-louisville-school-cases-and-the-need-to-preserve-brown%E2%80%99s-legacy/>.



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Muslim Advocates is a national legal advocacy and educational organization dedicated to promoting freedom, justice and equality for all, regardless of faith, by providing leadership through legal advocacy, policy engagement, and civic education, and by serving as a legal resource to promote the full and meaningful participation of Muslims in American public life.

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