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Americans Returning Home Searched & Interrogated About Politics, Faith & Finances, New Report Says

National Civil Rights Group Calls on President Obama to Restore Rule of Law at the Border & International Airports

(WASHINGTON, DC) – A report released today documents the systematic and widespread practice of federal agents interrogating Americans returning home after overseas travel at our nation’s borders and international airports. These Americans are asked about their political views, religious practices, family members and charities they support – all without any suspicion of wrongdoing. Given President Obama’s pledge to restore the rule of law, the treatment of Americans returning home is ripe for review and reform.

The report, *Unreasonable Intrusions: Investigating the Politics, Faith & Finances of Americans Returning Home*, reveals that U.S. Department of Homeland Security (“DHS”) Customs & Border Protection (“CBP”) agents have systematically questioned individuals about their political beliefs, religious practices, and charities they support. Questions include “What is your religion?,” “What mosque do you attend?,” “What do you think of the war in Iraq?,” and “What charities do you contribute to?” 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 – which appear to be targeting Muslims or those perceived to be Muslim -- are taking place without evidence that the travelers have engaged in wrongdoing.

Dozens of Americans are profiled in the report (available online, at www.muslimadvocates.org), including:

Zakariya Reed, a Toledo, OH 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.

Fairuz Abdullah, a San Francisco Bay Area lawyer and civic leader was interrogated by CBP agents upon arriving at Miami International Airport in June 2007 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. Federal agents denied her legal counsel, detained and moved her to immigration processing where she was aggressively approached repeatedly by federal agents, who not only addressed her in Spanish but continued to do so even after she had repeatedly identified herself as a native English speaker.

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 on several occasions since 2005 at Newark International Airport, Houston Intercontinental Airport and the Niagara Falls (NY) 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.

The stories of these Americans—as well as those of many, silent citizens who have been unduly detained, searched and/or interrogated at the U.S. border but fear coming forward publicly—prompted Muslim Advocates to call upon the President and Congress to make immediate changes to CBP policies, practices, and training for the screening and questioning of travelers.

Currently, no DHS policy limits the scope of interrogations, even those that probe the religious beliefs, political views and other First Amendment-protected activities of law-abiding Americans. With respect to searches of laptops, cell phones and other electronic devices, DHS has issued a policy asserting that it can search any such device without suspicion that the person has engaged in wrongdoing.

“For many hard-working, law-abiding Muslim Americans, questions about their political beliefs, religious practices, and charitable causes they support, as well as surrendering their business cards, credit card numbers and laptop and cell phone data, have become the price of admission to return home to the U.S.,” said Farhana Khera, Executive Director of Muslim Advocates. “This reality is pervasive, misguided and fundamentally a violation of our nation’s core beliefs and values. We need better Congressional oversight and an investigative analysis about whether policies carried out by Customs and Border Protection agents are eroding civil liberties and privacy protections guaranteed by the Constitution to all Americans.”

The report also underscores that harassing law-abiding Muslim, Arab and South Asian Americans is ineffective and actually undermines security. For every hour spent by a CBP agent interrogating an innocent American, that is less time and fewer resources going to detecting criminals and illegal entrants.

Policing experts agree that the strategies used by DHS and its border agents are ineffective. Detective Jamiel Altaheri, with the New York City Police Department is one expert who should know. Ironically, he is among the many Muslim Americans highlighted in Muslim Advocates’ report.

Detective Altaheri states, “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.”

Furthermore, the report's many personal stories show that harassing law-abiding Muslim, Arab, and South Asian American travelers at border checkpoints is particularly counterproductive to U.S. foreign policy and national efforts to combat terrorism. Several victims of border profiling in this report have been actively sought out by U.S. officials as experts and deployed to Muslim countries as representatives of the U.S. Such practices erode the trust that is required between the federal government and Americans whose assistance is sought as our nation seeks to rebuild relations between the U.S. and Muslim world.

A rational, fair and effective border policy is urgently needed. Muslim Advocates recommends the following reforms to CBP policies and practices be implemented by the President, Secretary of Homeland Security and Congress:

1. **CBP agents should be barred from inquiring about Americans' First Amendment-protected beliefs and activities.** This includes questions about political candidates, religious practices, and lawful, U.S. charitable entities they support or with whom they associate.
2. **CBP agents should be required to have reasonable suspicion before searching laptops, cell phones and other electronic devices and probable cause before seizing data contained on such devices.**
3. **U.S. citizens must be allowed re-entry to the country, not detained and interrogated, or threatened with detention for failure to answer questions that go beyond establishing their legal status to enter the U.S. or whether they are carrying contraband.**
4. **DHS should begin compiling and sharing data about travelers they are stopping, searching and questioning to demonstrate to the public that they are not engaging in discriminatory profiling of travelers.** Federal authorities cite “travel patterns” of those detained at U.S. borders as grounds for terrorist suspicion; however, “travel patterns” appears to be a proxy for targeting travelers who are Muslim or appear to be Muslim.

Muslim Advocates (www.muslimadvocates.org) 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.