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CIVIL LIBERTIES

Unnecessary humiliation is not "normal"

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 Maha Eugenaide, the executive director of a nonprofit community organization in Santa Clara, California, outlines her experience being detained and interrogated at US customs after a trip to Malaysia, an experience all too common for American Muslims

BY MAHA EUGENAIDE, JULY 24, 2009

Upon my return to the United States from an overseas trip, I was singled out by US Customs and Border Protection (CBP) for special screening, and then subjected to personal questioning and a humiliating, invasive search of my belongings. The experience left me traumatized and sobbing for hours. Undoubtedly my 18 hour journey from Malaysia to San Francisco helped contribute to my anxiety and sense of violation.

Nevertheless, this experience has left me deeply injured, insecure about my status as an American, and wondering how this could happen to an ordinary person like me and others like me. I am also puzzled how the US government believes that these policies and procedures contribute to America's security? At a time of recession and cost cuts, I would hope that President Obama and Secretary Napolitano are seriously reconsidering the efficacy of certain security measures that make absolutely no sense.

I am an American citizen of Muslim and Arab background, who has been very fortunate to never have been subjected to special screening despite the fact that I have traveled overseas nearly a dozen times since 9/11. I have also been directly serving my community and thereby my country for the last 17 years by operating a nonprofit organization, for most of those years as a volunteer; so I have responded to the calls of our President to service even before he made them.

My organization and its affiliates in ten states are focused on involving American Muslims in civic engagement. We reach out to public institutions and community organizations to teach about Islam and the Muslim world, help increase religious literacy about the five major world religions, and build mutual respect through dialogue and other interfaith engagement. Part of our message is the unconditional condemnation of terrorism; by defining what it means to be a Muslim we are challenging extremist voices that seek to define Islam according to their skewed interpretations.

I am also a former two term Human Relations Commissioner in Santa Clara County and currently serve as an advisor to several state law enforcement commissions and other agencies that work on hate crimes and cultural diversity education. Besides receiving a few speeding tickets, I have never committed a crime, nor have ever been convicted of one. I feel grateful to God that because of my outreach work, I can probably produce dozens of witnesses to my good character and contributions both locally and nationally.

Given my profile, why then was I subjected to the humiliating treatment of one who is suspected of a crime? According to US Customs and Border Protection (CBP) policies, "[When you're stopped for closer inspection], we do not assume that you have done anything wrong because very few travelers actually violate the law." Furthermore, my merely questioning the reason for my detention and search was used as a pretext to inflict more humiliation on me. One is led to wonder, what are the limits of the authority of the agents carrying out these policies, particularly since they expressed more than once that they possessed the power to detain me for as long as they felt it necessary and threatened to do so repeatedly?

The events I experienced are as follows: After proceeding through Immigration, I was sent to a special inspection area, I patiently waited for 5 to 10 minutes to be informed as to why I was being detained and prevented from going home after a long and tiring flight. I finally asked the agent, "Why am I being held here?" He half jokingly said, "Because I wouldn't have a job to do otherwise." I asked again, "What I am doing here?" Looking at a screen, he said, "I am honestly trying to figure this out myself."

He sought the help of another agent who couldn't help him. He then proceeded to ask me the same questions I was asked by the Immigration agent regarding the purpose of my overseas trip. When I asked him, "Does my being detained have to do with being in Malaysia?" He responded defensively by explaining how my detention had nothing to do with racial profiling. Again looking at his screen, he enlisted the help of another agent who appeared to be senior to him. This person asked me to come over to her desk. I complied, lugging my luggage behind me.

Again, she spent about 5 to 10 minutes fiddling with her computer screen. So I asked her, "Why am I here?" She said because "we have the authority to check anyone randomly." This agent's tone was louder and more intimidating. She then proceeded to ask me the same questions which were on the form that every American citizen has to fill out upon reentering the US. I told her that I had previously answered the questions on the form regarding whether I was carrying money in excess of \$10,000 and whether I had brought food with me. Her reply was, "well this is your opportunity to change your answers in case you got them wrong the first time because if I find them on you, that would not be good for you." She appeared to be basically questioning my integrity.

She then began to ask me questions about my trip, as follows: "What were you doing in Malaysia?" I said I was attending a conference. She asked, "What was the conference about?" I said that it was about women's rights in Islam. She asked, "So what did you all talk about?" I said that we discussed women's rights. She asked, "Who spoke at the conference?" I paused at the question because I was concerned that I might put someone in harm's way if I answered it, or I might be viewed as hiding something if I didn't disclose the information. I concluded that since the speakers were leaders of NGOs which are funded by USAID, it didn't matter. Besides, the information was also readily available online.

So I handed her the conference program, which she never actually looked at and returned to me later. She asked, "Is anyone picking you up?" I said, "No." She then asked, "How are you getting home?" which I thought was a ridiculous question, and so I responded by stating firmly, "That is none of your business." I then asked, "How does this information aid Homeland Security?" She then threatened me, saying that if I did not cooperate she would take me to the "backroom" and hold me there until I was ready to cooperate. At that point I asked to see her supervisor. She called one over to us.

The supervisor introduced himself as the most senior person on the floor. He was visibly angry, with his lips quivering as he was talking; he was obviously holding himself back from what I can only imagine was a heated rage at my daring to even ask questions about my detention. At that point I felt truly threatened and believed that he would have inflicted harm upon me had we not been operating in public view. In my 15 years working with law enforcement personnel in different capacities, I have never witnessed an agent demonstrate this level of anger.

He told me that he had been watching me act "belligerently" and threatened me that I had better cooperate with them. I told him that I didn't realize that asking questions about the reasons for my detention would be considered belligerence. Like the agent who was handling me before him, he too raised his voice. And the more questions I asked, the more threatening he became in exercising his authority to hold me longer.

I was told to take my bags and put them on the table. They then began to search all of my belongings, taking out and looking through each and every item including my laundry, private articles, books, and folders. When they were done with each item, they literally tossed it aside, without any care or respect; all of this was occurring in public view of people just arriving into the US.

At one point a few of my books and folders fell to the floor. When I asked them if I could pick them up they responded with a no. When I asked why, one agent said, "because you may use these items as a weapon against us." At that point, I broke down crying, in shock. There were five agents surrounding me at that point, three watching me, and two going through my belongings. They even went through my wallet, taking out business cards I had received, receipts, car registration, driver's



...if you're lucky

license, everything it contained.

One of the agents tried to comfort me by telling me that she goes through a similar inspection when she travels. This was difficult for me to believe, but even taking her for her word, I imagine it's a much different experience to suffer humiliation at the hands of authority as a person of color, belonging to a minority religion who also wears the hijab as I do, than for a White American who's an officer of law enforcement.

During all of this back and forth, I was asked to step away from the people searching my bag. I asked, "Why can't I collect my things that have been searched?" They responded, "Because we don't know who you are and what you might do." This was a refrain they repeated frequently, as if to add insult to injury.

This statement goes to the core of my complaint. If you don't know who I am or anything about me, then why I was being detained and treated as if I was guilty of some crime? Why the humiliating treatment of having my personal belongings searched with such suspicion as if I had done something wrong? Why the constant insinuations that I might harm someone or pose a threat? What was it about me that singled me out for suspicion and this invasive search?

After an hour of this, I was simply allowed to leave, without any apology, just the excuse that the agents were "doing their job." And I believe them, although two of the seven agents who happened to be the most senior of them were intimidating and exploited their authority during this incident. I believe that if I hadn't been assertive in asking the questions I did, speaking American English without an accent, they would have probably been more invasive in their treatment. Or maybe not, had I behaved as the "model" acquiescent person who is being detained.

I had heard about similar experiences from other ordinary American Muslims at conferences and events. Since 9/11, Muslims have come to view these experiences as "normal," suggesting that we should just live with them. After having gone through such an experience myself, I now know more than ever that this humiliating experience should not be considered "normal," nor should we accept these procedures as the norm. Left unchallenged they will escalate. It is similar to the abused wife who considers her husband's beating as normal as long as he doesn't hit her too hard. If left unchallenged, the abuser always escalates his abuse.

In the meantime, travelers should know their rights and what to expect. Title 19, Section 1582 of the US Code authorizes US Customs and Border Protection (CBP) officers to search, inspect and/or examine all persons, luggage and merchandise coming from a carrier arriving in the US from a foreign destination. They have the right to inspect everyone and everything entering or leaving the US. Sometimes they use random inspections to carry out this regulation. However, in carrying out their job, they must abide by certain policies per the CBP Pledge to Travelers, which reads as follows:

- We pledge to cordially greet and welcome you to the US.
- We pledge to treat you with courtesy, dignity and respect.
- We pledge to explain the CBP process to you.
- We pledge to have a supervisor listen to your comments.
- We pledge to accept and respond to your comments in written, verbal or electronic form.
- We pledge to provide reasonable assistance due to delay or disability.

If the agent(s) handling you are not treating you based on these policies, then you have a few remedies. You can immediately ask to speak with the supervisor or Passenger Service Representative on duty. Supervisors are responsible for ensuring that CBP officers treat all persons with dignity and they that they behave in a professional manner. The Passenger Service Representative's major purpose is to help travelers deal with CBP.

If you have any questions about CBP procedures or complaints about treatment you received from CBP officers or about CBP processing, you can write to the following address:

Customer Service Center
Office of Public Affairs
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20220
Telephone (877) 227-5511

Serious misconduct can be reported to the Joint Intake Center by telephone at (877) 246-8253 or email to Joint.Intake@dhs.gov.

To learn more about the experiences of Muslims returning home to the U.S., I recommend the following two reports: *Returning Home, How U.S. Government Practices Undermine Civil Rights at Our Nation's Doorstep*, by the Asian Law Caucus, and *Unreasonable Intrusions: Investigating the Politics, Faith & Finances of Americans Returning Home* (PDF), by Muslim Advocates. To learn about your rights, watch this video by Muslim Advocates. It will give you crucial information about how to protect yourself and your family when approached by law enforcement at home or at the airport.

I believe the most insidious threat to American security is our silence in the face of policies and procedures that divert law enforcement's time and attention away from people who actually present a threat to US security, thereby needlessly inflicting indignity and humiliation on its law abiding citizens. I hope that our law enforcement officials and politicians can find a better way to spend our tax dollars in a recession than on the misplaced harassment of innocent travelers.

(Photo: *Colm MacCárthaigh*)

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