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May 3, 2011

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

Laura Murphy
Director, Washington Legislative Office American Civil Liberties Union
915 15th Street, 6th Floor
Washington, D.C. 20005

Farhana Khera
President & Executive Director
Muslim Advocates
315 Montgomery Street, 8th Floor
San Francisco, California 94115

Hina Shamsi
Director, National Security Project American Civil Liberties Union Foundation 125 Broad Street, 18th Floor
New York, New York 10004

Re: Complaint No. 11-05-CBP-0162 Complaint No. 11-03-CBP-0163
Complaint No. 11-03-CBP-0164
Complaint No. 11-03-CBP-0165
Complaint No. 11-03-CBP-0166

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Dear Mses. Murphy, Khera and Shamsi:

The Office for Civil Rights and Civil Liberties received information you submitted to the DHS Office of the Inspector General (DHS OIG) on December 16, 2010, concerning the questioning by U.S. Customs and Border Protection (CBP) of U.S. citizens and legal residents who are Muslim, or appear to be Muslim, about their religious and political beliefs, associations, and religious practices and charitable activities protected by the First Amendment and Federal law.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties has the responsibility to review and assess complaints against Department of Homeland Security employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. CRCL has received a number of complaints like yours, alleging that U.S. Customs and Border Protection (CBP) officers have engaged in inappropriate questioning about religious affiliation and practices during border screening. We will add your complaints to the investigation we are opening on this subject. We are unable to discuss the specifics of this investigation without the express written consent of these complainants;

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however, once we have their consent, we will provide you with more specific details concerning this investigation.

This Office takes allegations of violations of civil rights and civil liberties very seriously. The purpose of our review is to assess if your complaint implicates issues that should be addressed by Department of Homeland Security management. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, this Office is not able to obtain any legal remedies or damages on your behalf or that of the above complainants. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to this Office. 42 U.S.C. § 2000ee-1(e). If you believe that the above complainants or someone else is a victim of such a reprisal, please contact us immediately.

As we begin our review of this complaint, a representative from this Office may contact you for additional information. If you have any questions concerning this complaint, you may contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

The Department of Homeland Security's Traveler Redress Inquiry Program (DHS TRIP) is a program offering a single point of contact for individuals who have inquires or seek resolution regarding difficulties they experienced during their travel screenings at airports, train stations or border crossings. You may wish to encourage the complainants, if they have not already done so, to file a redress request with DHS TRIP online at www.dhs.gov/trip or to complete the enclosed Travel Inquiry Form and send to the following address:

DHS Traveler Redress Inquiry Program (TRIP)
601 South 12thStreet, TSA-901
Arlington, Virginia 22202-4220

We thank you for your complaint; inquiries like yours help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how we have concluded this matter.

Sincerely,

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Margo chlanger
Officer for Civil Rights and Civil Liberties U.S. Department of Homeland Security

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Encl.

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