

August 13, 2010

U.S. Customs & Border Protection
Detroit Field Operations Office
211 W. Fort Street, Suite 1200
Detroit, Michigan 48226

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

**Re: Incident of Harassment and Intimidation at the Detroit Border Crossing
Based on First Amendment-Protected Association and Activity during the
U.S. Social Forum**

Dear Sir/Madam:

We write to formally complain to your agencies about the harassment and intimidation of three students at the Detroit-Windsor border crossing based on their participation in the U.S. Social Forum in Detroit last month. The students came to Detroit and Windsor to further their education. However, they were singled out for special treatment and extensive questioning based on the unfair perception that their political views and associations may have been outside the mainstream. The First Amendment was intended to prevent the government from engaging in this type of scrutiny of the perceived political beliefs and associations of citizens.

Christina Santiago, Alicia Teran and Danielle Demorin are students at St. John's University in New York, who travelled to Detroit last month with a professor to attend the U.S. Social Forum, a conference of over 15,000 progressive people from across the country dedicated to improving society. On June 24, 2010, they took a bus to briefly visit Windsor, Ontario and were returning to the U.S. through the Detroit-Windsor tunnel. The three students were all U.S. citizens bearing valid passports, with no criminal history. Nonetheless, they each report that U.S. border officials subjected them to aggressive, repetitive, hostile and unnecessary interrogation and delay because of their attendance at the Social Forum.

According to the three women, the Customs officials' improprieties began when a female officer observed that they were wearing their orange bracelets identifying them as registered participants at the U.S. Social Forum. The officer stated, "Oh, you're wearing *those* bracelets. Are you here to protest?" After learning the women were attending the U.S. Social Forum, other officials immediately joined the first officer in interrogating them in a hostile manner.

The women were separated and questioned individually. Their shoulder bags (labeled "U.S. Social Forum") were searched. An officer announced to colleagues that "they all have bags," as if this were some kind of offense. The officers removed journals and flyers from the bags and read them. They also examined a camera and searched the pockets of Ms. Santiago's jacket. They stated that the young women might be there to "start trouble," and asked the following additional questions:

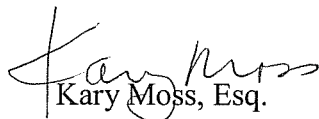
- "Did you do any protesting while you were in Canada?"
- "Why are you in Detroit?"
- "What is the U.S. Social Forum?"
- "What kind of lectures? What kind of topics?"
- "How did you get here? Who paid for that?"
- "Where are you staying? Who paid for that?"
- "How many people are in your group?"
- "Have you ever been fingerprinted?"
- "Where is your professor now?"
- "What does he teach?"
- "What do you plan to do when you return to New York?"
- "What are they doing there (referring to Cobo Hall)?"
- "Are you here to learn or to protest?"

This excessive and accusatory interrogation focused on constitutionally protected activities, rather than on any legitimate government interest or concern about border security. The interrogation unreasonably delayed the bus transporting these U.S. citizens and their fellow passengers across the border. Ironically, another young woman on the bus of about the same age, carrying a very large suitcase, but not wearing an orange bracelet from the U.S. Social Forum, was not subjected to any questions beyond identifying her nationality and the purpose of her trip, and the contents of her suitcase were not examined.

Ms. Santiago, Ms. Teran and Ms. Demorin relate that they felt extremely distressed at having been singled out for such treatment simply because of their perceived political views and their participation in a perfectly legal gathering. The potential chilling effect on the exercise of constitutionally protected rights is clear. Such government misconduct is not excused by any legitimate border security or other administrative interests. Rather, the harassment faced by these women was an abuse of government authority.

On behalf of the victims of this improper treatment, we strongly urge you to investigate this incident and provide assurance that corrective action will be taken to prevent similar misconduct in the future. We look forward to your response.

Sincerely,



Kary Moss, Esq.
 Executive Director
 American Civil Liberties Union
 of Michigan
 2966 Woodward Avenue
 Detroit, MI 48201



John Royal, Esq.
 Michigan/Detroit Chapter President
 National Lawyers Guild
 615 Griswold St., Ste. 1724
 Detroit, MI 48226