

LIKE NYPD, FBI ALSO INVESTIGATING HOW MANY TIMES A DAY MUSLIMS PRAY

Yesterday, the AP won a well-deserved Pulitzer for, among other things, revealing that the NYPD had sent an officer on a junket whitewater trip so he could count how many times a day the Muslim students on the trip prayed.

But the NYPD is not the only authority investigating Muslims based on whether they pray five times a day. A group of Muslims are suing FBI and CBP because they keep getting searched and asked how often they pray.

The four plaintiffs describe how, since 2008, all of them have been subjected to invasive searches and grilling about their religious practices during border crossings (most are talking about Canadian crossings, but this includes airports). All of the plaintiffs have had this occur on at least four different occasions.

Upon information and belief, Defendants began implementing a policy or a course of conduct under which Defendants ask Muslim American travelers attempting to re-enter the United States through the United States-Canada border at multiple international ports of entry a detailed list of questions about their religious beliefs and religious practices.

Upon information and belief, citizens of other faiths are not questioned about their religious beliefs and religious practices.

Defendants' course of conduct or policy includes asking Muslim American travelers, at minimum, a fixed set of questions about their Islamic religious

practices, which include, but are not limited to the following:

- a. Which mosque do you go to?
- b. How many times a day do you pray?
- c. Who is your religious leader?
- d. Do you perform your morning prayer at the mosque?

When CAIR submitted a complaint to DHS, they said their “complaint process does not provide individuals with legal or procedural rights or remedies.”

This will be an interesting counterpart to David House’s suit, which recently was permitted to go forward; House argues the search was intended, in part, to access information on Bradley Manning’s supporters and therefore was an illegal abridgment of his First Amendment.

Treatment of Americans at the border has long been excepted from all First and Fourth Amendment protections. It will be interesting if, in light of clear targeting on First Amendment grounds, civil liberties supporters can start to chip away at the egregious exception.