

## Surveillance

Since September 11, 2001, South Asian community members have been treated with suspicion for perceived connections to terrorism. This has resulted in law enforcement targeting surveillance activities and undercover operations involving South Asian community members and places of worship. Various policies and practices are employed by government agencies, including the infiltration of ethnic and religious communities through the use of informants and agents provocateurs, as well as laws expanding the ability to commence national security investigations with virtually no preliminary evidence required. Such policies affect individuals' travel, charitable giving, and daily interactions within their communities.

### Examples of Current Policies

**Use of Informants and Agents Provocateurs** In the name of national security, law enforcement agencies have employed tactics that turn community members into the “eyes and ears” of the government to ascertain suspicious activity. While it is vital for all community members to remain vigilant to order to prevent threats, policies and practices implemented by the government have had the effect of turning community members against one another. For example, the Federal Bureau of Investigation (FBI) often infiltrates mosques through informants who track the activities of those who attend and even help to promote terror plots that entrap unsuspecting Muslim youth. In some instances, community members are pressured to become informants through monetary incentives, revocation of immigration status, and the threat of arrest.

**Domestic Investigations and Operations Guide** In 2008, the U.S. Department of Justice issued revised FBI guidelines that relaxed restrictions on federal law enforcement to conduct threat assessments using factors based on religion and ethnicity. The guidelines allow the government to collect data and monitor activities in areas where particular racial and ethnic communities are concentrated. It also lowers the threshold to commence threat assessments without requiring an adequate factual basis or supervisory approval for national security cases. Initially unavailable to the public, advocacy by privacy rights and civil rights organizations, including Muslim Advocates, led to the release of a redacted version; yet provisions related to mosque infiltration and mapping of religious and ethnic communities still remains undisclosed.

### What is the community impact?

**Use of Informants and Agents Provocateurs** In a 2002 case in Lodi, California, federal agents from the FBI, Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP) paid a Pakistani immigrant nearly \$230,000 to infiltrate a predominantly Pakistani mosque. The informant aggressively pushed for a community member, Hamid Hayat, to attend a terrorist training camp in Pakistan. A clear case of entrapment, Hayat was cleared of any charges in his prosecution case. As a result of increased monitoring of the community, raids of South Asian neighborhoods have been conducted leading to the interrogation, arrest, and detention of innocent individuals. This occurred in Queens, New York, an area with a significant South Asian population, following the arrest of terrorism suspect Najibullah Zazi. The use of informants has promoted fear and mistrust within the South Asian community, particularly those who attend mosques. In addition, it simultaneously undermines law enforcement efforts to forge stronger ties with the community.

### Voices Against Profiling

*“There are those who will continue to want to divide by fear – to pit our national security against our civil liberties – but that is a false choice. We have a solemn responsibility to protect our people while we also protect our principles.”*

President Barack  
Obama

June 2009

South Asian Americans Leading Together (SAALT) is a national non-partisan organization that elevates the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. For more information about SAALT, visit [www.saalt.org](http://www.saalt.org).



Strengthening South Asian  
Communities in America

**Domestic Investigations and Operations Guide** Allowing law enforcement to collect and analyze information on certain populations and their activities based on racial and ethnic demographics opens the door to profiling of Muslim, South Asian and Arab communities. The government's ability to undertake such intrusive surveillance techniques without any factual basis fosters a chilling effect on how South Asian community members conduct their daily lives, including business transactions made, interactions with community members, and charitable donations to places of worship.

### Solutions

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- Congress must pass the *End Racial Profiling Act* with provisions that prohibit racial and religious profiling in the context of surveillance.
- The U.S. Department of Justice must amend the *2003 Guidance Regarding the Use of Race by Federal Law Enforcement* banning profiling to include national origin and religion as bases for prohibiting profiling. The FBI must report on its compliance with the guidance.
- The U.S. Department of Justice should release an unredacted version of the Domestic Investigations and Operations Guide, particularly the chapters relating to data collection of ethnic and religious communities and infiltration of places of worship.
- The FBI should restrict its use of informants in a manner that does not violate the civil and constitutional rights of individuals in affected communities.

### Resources

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- America Civil Liberties Union and Asian Law Caucus, Freedom of Information Act Request Related to FBI Surveillance of Mosques and Use of Informants in Northern California, March 2010;  
[http://www.aclunc.org/docs/government\\_surveillance/aclu\\_foia\\_request\\_2010-03-09.pdf](http://www.aclunc.org/docs/government_surveillance/aclu_foia_request_2010-03-09.pdf)
- Bill of Rights Defense Committee, *Privacy and Civil Liberties Report Card*, September 2009;  
<http://www.bordc.org/resources/obamaprivacy.pdf>
- Muslim Advocates, Freedom of Information Act Request Related to Domestic Investigations and Operations Guide, January 2010;  
[http://www.muslimadvocates.org/latest/profiling\\_update/muslim\\_advocates\\_issues\\_adviso.html](http://www.muslimadvocates.org/latest/profiling_update/muslim_advocates_issues_adviso.html)