

Wednesday, July 21st, 2004

To: Congressman Jim McDermott  
1035 Longworth Building  
Washington, DC 20515

From: Ian Spiers  
XXXXXXXXXX  
Seattle, WA 98107  
(206) XXX-XXXX

Dear Congressman McDermott,

My name is Ian Spiers, and I am a brown-skinned citizen of the United States of America. I am writing to you now to ask for your assistance in addressing a wrong that has been done, not only to me, but to the American people as a whole.

On April 26th of this year, two Seattle police officers came to my home and detained and interviewed me in response to a call. The police report that was later filed states the justification for this investigation was that my taking photographs at a public park (the Ballard Locks) made me look "suspicious."

On May 26th of this year, while visiting this same local public landmark and working on a photography assignment for an introductory class at a community college, I was confronted by three Homeland Security agents, two Immigration and Customs Enforcement officers, three Seattle Policemen, and one German Shepherd. Without just cause, they demanded to see my ID. Although I had previously provided more than enough information to one of the ICE officers to authenticate my student status, I was interrogated and detained, lectured to and made to fear for my personal safety.

Please allow me to state this another way: I was singled out and harassed by eight men with badges and guns, and told that their behavior was justifiable, simply because I was taking photographs of a local landmark while visiting public property-- for photographing the same train bridge, waterway and park grounds that so many others were photographing at that very same moment.

During this second confrontation, in response to my direct inquiry, one of the Seattle Policemen informed me that they wouldn't have to write a report if they didn't want to. (Indeed, no report was filed.) Also, Special Agent Daniel McNamara of the U.S. Department of Homeland Security accused me of breaking the law by taking photographs of federal property, even though others were in plain view at that very moment, taking pictures of those very same public landmarks.

Again, I was told that I had broken the law by refusing to provide my ID upon request, even though my original confronter had previously informed me that I was not legally obligated to produce my ID. (Note: The Supreme Court would rule on the *Hiibel v. Sixth Judicial District Court of Nevada* 26 days later.) After being detained for approximately a half an hour—in front of my neighbors and without cause—I was lectured on the Patriot Act and the horrifying events of September 11th, 2001. I was forced to present myself for photographing by Special Agent McNamara, again, entirely against my will. Finally, Special Agent McNamara instructed me to call him before returning to the Ballard Locks (a popular tourist attraction) with my camera.

I have not been back on the public property of the Hiram M. Chittenden Locks in Ballard since this incident occurred.

Congressman McDermott, while I hold little question about being a victim of racial profiling, I have absolutely no doubt that this encounter represents a gross violation of my civil liberties, and signifies an even more alarming trend in our government. I am grateful to my family, friends, neighbors, the “blogging” community, and the American Civil Liberties Union of Washington for all of their generous support, but one question remains: What will be done about this? This single question is central to my present concerns.

From the very day this egregious incident occurred, I have continued to state that I am not angry with the men that were involved in this confrontation. These men are my neighbors. Their wives and mothers shop in the same stores, their children attend the same schools, and I’m sure that they complain about the same traffic as the rest of my community. I’m certain that they believe themselves to be good men, and that they believe that they were just trying to do their jobs. To exact vengeance on any one individual would be to entirely miss the true nature of this problem. The truth of the matter is that it is the system that these individuals are working in that needs to be questioned, addressed and changed.

In order for my government to appropriately address this problem for the betterment of all of the citizens of the United States, there must first be some kind of official admission that a mistake has been made. That a mistake has been made is plain. Unfortunately, no one is accepting responsibility for this outrageous situation, and, to date, absolutely no apology has been offered. The Army Corps of Engineers maintains that it welcomes and encourages the public to take photographs at the Ballard Locks, and that it had absolutely nothing to do with the aforementioned confrontation. The Seattle Police Department and the U.S. Department of Homeland Security have dismissed this incident as a necessary and acceptable part of routine investigational procedure. Even more disconcerting, no official statement has been issued by anyone to address the actions, language and instruction given to me by Special Agent McNamara.

This kind of behavior in no way serves to promote a sense of “security” in the community. It only instills fear and resentment. It promotes humiliation, anger and shame. It erodes the very foundation of American civil liberties. This kind of behavior is dangerous, inexcusable, and entirely unacceptable.

Since no office of the U.S. government has, as of yet, sought to correct this matter, to present any solutions that will reasonably address this issue, or to assure me that that this kind of inappropriate conduct will not be allowed to continue, I will now submit a list of requests that will adequately address my concerns:

### Requests

- 1) I ask for an official apology from both the U.S. Department of Homeland Security and the Seattle Police Department regarding this incident. It is not difficult to see that their handling of this issue was entirely inappropriate.
- 2) I request assurance that my photo is not on file with U.S. Department of Homeland Security, and, if it is, that it be removed immediately and destroyed. I have done absolutely nothing wrong, and I should not be left to fear my government, or to suffer unjustified reprisal by its hand.
- 3) I request assurance that I am not part of some blacklist, no-fly list, or singled out in any other way that might infringe on my right to work, travel, or otherwise live a normal life. Again, I have done absolutely nothing wrong, and I deserve an assurance that I will not be treated like a terrorist suspect or a criminal simply for taking some pictures for my college photography class.
- 4) I ask that the “End Racial Profiling Act of 2004” (S.2132/H.R.3847) be supported and passed. According to the ACLU, “The bill clearly defines racial profiling, makes it illegal and requires data collection on all law enforcement encounters. It also provides individuals harmed by racial profiling with the power to stop law enforcement agencies from continuing to profile based on race, religion or national origin.”
- 5) I request that all Homeland Security agents and Seattle police officers receive thorough and ongoing diversity training. These community role models have some of the most dangerous and difficult jobs in the United States, and the citizens under their protection need to support them in their ongoing efforts. These agents have accepted a tremendous responsibility. The trust they require must be deserved, and their authority must be exercised reasonably. Therefore, I ask that all of these agents be educated on the history of the Brownshirts in Germany, the lasting affects of Japanese-American internment camps, and the lasting social affects of police forces on the citizens of China and recent Iraq.
- 6) I request that all Homeland Security agents and Seattle police officers receive additional training regarding what is currently considered illegal behavior and what rights are protected by the US Constitution, including when and where it is legal to take photographs and to ask for identification. As far as I know, taking photographs of federal structures and buildings while on public property is still not considered an illegal activity.
- 7) I ask for assurance from the U.S. government that steps will be taken to insure that the agents of the U.S. Department of Homeland Security are held accountable for their actions, and that these agents will not be allowed to misrepresent the law to the public, nor allowed to act with impunity.
- 8) Finally, I ask for increased public education from the government to the public regarding terrorism. Since first making my experience known to the public, concerned citizens have routinely reminded me that we are living in a new “terrorist-aware” America, and that we

(I) should be willing to sacrifice some of our (my) freedoms in order to preserve those freedoms. I wholeheartedly agree that American citizens need to be “terrorist-aware.” Accordingly, I ask the government of the United States to take up the responsibility of educating the American people on these various new threats. Timothy McVeigh, Ted Kaczynski, William Krar, innumerable abortion clinic bombers, and ecological and animal rights extremists, just to name a few, do not fit the terrorist profile that is currently being popularized in the media by the United States government. Americans need to better understand that terrorism is in no way limited to a single ideology, nationality or color of skin.

I do not believe that what I ask for is unreasonable. We are all too familiar with images and reports that incite fear in our homes and neighborhoods. We need our government to take action. We need consistent, calm and conscientious assurances from all branches of our government—expressed in action—that it is preserving the freedoms of its citizenry, and that it is doing everything in its power to protect and champion the civil rights of all Americans. Now more than ever, we need our government to take an antagonistic stand against fear and ignorance, and to take every action to repair and defend the very spirit of freedom that has made this country great.

I am just one American citizen. My story is just one story of countless Americans that are growing more fearful of their government, and more concerned about this undeniable threat to American civil liberties. In the ongoing war on terrorism, with so many important world issues to address, it is truly unimaginable that there is such an unmitigated waste of government resources as to make a lone college student and his 35mm camera the center of a national debate regarding terrorism.

Congressman McDermott, it is presently clear to me that the ultimate goal of terrorism is to instill fear, and to undermine and divide this great nation. I feel that we have suffered enough, and that we simply do not need more division in this country. If the good and free citizens of the United States of America must learn to fear their government, must live in fear of the very officials that serve to protect them, and are encouraged to live in fear of each other, then the terrorists that hate the freedoms our country represents have most certainly won.

I thank you for your attention.

Respectfully,

–Ian Spiers  
Photography Student,  
United States Citizen