

The cases of Aaron Gach, Mem Fox, United Vibrations, Soviet Soviet and others

## Artists, writers, musicians detained and bullied by US customs and border officers

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The Trump administration, standing on the shoulders of its predecessor, has launched a systematic attack on immigrants and their elementary democratic rights. Alongside that, immigrants or visitors whose activities suggest any form of protest or criticism of US policy are subject to being refused entry and deportation.

In addition to its reactionary plans to build a wall between the US and Mexico, the Trump government, as the WSWs reported in April, has plans afoot to create a national force of paramilitary guards and officials to organize and carry out the deportation of millions of undocumented men, women and children.

The various agencies responsible for immigration issues and border control have clearly been given the green light by the Trump administration to bully, intimidate and generally terrorize anyone they can get their hands on.

PEN America, the literary society dedicated to protecting free expression, noted in March that in addition to the attacks on Muslims and workers from Mexico and Central America, “more and more reports are emerging of travelers—including U.S. citizens returning home—being subjected to aggressive interrogations at the border that leave them humiliated, angry, and bewildered.”

These travelers include numerous artists, writers and musicians.

On May 4, the American Civil Liberties Union (ACLU) protested to the Department of Homeland Security on behalf of Aaron Gach, an American citizen and an artist, about his treatment at San Francisco International Airport on February 23. Gach, an artist and a professor at California College of the Arts, was returning from Leuven, Belgium after attending the opening of “Artefact: The Act of Magic.”

The artist was detained at the airport by Customs and Border Protection (CBP) agents and told to step aside for additional screening. He was eventually taken to an interrogation room and asked questions regarding his personal information and his reasons for traveling. During the questioning process, Gach was told he had to hand over his smartphone for investigative purposes, supposedly to confirm his verbal answers, and that if he did not, officials would seize his device and any personal items he had on his person, including his laptop.

“Ultimately,” writes the ACLU, “Mr. Gach was forced to choose between unlocking his phone and handing it over for a search out

of his line of sight or relinquishing his phone for an ‘indeterminate’ amount of time. Mr. Gach did not consent to the search, but feeling as though he had no meaningful choice, Mr. Gach entered his passcode and handed his unlocked smartphone to the officers. Mr. Gach did not provide the officers with his passcode. The CBP officers removed his phone to an area in the room behind a dividing wall and outside of Mr. Gach’s view for a period of approximately 5 to 10 minutes. After completing their examination of Mr. Gach’s smartphone, officers released him with the phone, his passport, and other belongings.”

Gach was not singled out at random. He had attended an art exhibition at which, according to the ACLU, “he presented three different interactive art pieces designed to evoke themes including incarceration, government control, and political dissent.” CBP officials obviously wanted to know the names of those with whom Gach was in contact and any other information they could glean. This is an action worthy of a police state, terrified of criticism or opposition and determined to suppress it.

The ACLU points out that the “suspicionless” search of Gach’s cellphone was unconstitutional under the Fourth Amendment. Moreover, “the focus of the CBP officers’ questions raises concerns about whether CBP targeted Mr. Gach for further questioning and search because of his First Amendment-protected activist art and advocacy, which would be a violation of his First Amendment rights. ... In other words, the mere prospect that CBP officers may read information available on digital devices exerts a significant chilling effect on the expression of First Amendment rights.”

The Gach case is only one of many.

PEN America reports that Mem Fox, a well-known Australian writer of children’s books, was detained at the Los Angeles International Airport in late February while en route to a conference in Milwaukee. She was held for two hours by CBP officials who supposedly believed she was traveling on the wrong visa, although Fox has traveled to the US more than 100 times without incident.

PEN explains that Fox’s interrogation “was so aggressive that she said she ‘felt like I had been physically assaulted.’ Fox ... eventually received an apology from the U.S. embassy in

Australia. But in reflecting on her ordeal, she emphasized its broader ramifications, noting, “They made me feel like such a crushed, mashed, hopeless old lady and I am a feisty, strong, articulate English speaker. I kept thinking that if this were happening to me, a person who is white, articulate, educated, and fluent in English, what on earth is happening to people who don’t have my power?”

Also in late February, Henry Rousso, a French historian of the Holocaust, born and raised in Egypt, was detained for 10 hours at the George Bush Intercontinental Airport in Houston. Rousso, the author of *The Vichy Syndrome*, wrote about his ordeal and ordeals worse than his that he witnessed at Houston’s airport in the *Huffington Post*.

The historian, scheduled to attend a symposium at Texas A&M University, was also accused by a CBP officer of traveling on the wrong (tourist) visa and, moreover, of trying to sneak back into the US to work “illegally” (Rousso taught at Columbia University for one year). The officer told Rousso he would be immediately deported to France and “never be able to enter the country again without a specific visa.”

Rousso writes, “By 9:00 p.m., there were only half a dozen people left. I was the only European, the only ‘Caucasian.’ Two police officers arrived and headed for the gentleman seated in front of me, maybe a Mexican. They were coming to take him to the boarding gate. Then they handcuffed him, chained him at the waist, and shackled him. I couldn’t believe it and I wondered if I would have to endure the same fate. As far as I have understood from what an officer told me later, this was indeed the procedure for all the people to be deported, a shameful practice apparently required by the airline companies.” The historian was eventually rescued from his situation by the intervention of Texas A&M officials. “Without them, I would have probably been handcuffed, chained, and shackled back to Paris.”

Numerous musicians have been denied entry into the US since the beginning of the year, a number of them slated to perform at this year’s South by Southwest (SXSW) festival in Austin, Texas in mid-March. Yussef Kamaal, a London-based jazz-funk duo consisting of Yussef Dayes and Kamaal Williams (Henry Wu), was prevented from playing at SXSW because Dayes’ visa was revoked at the last moment. He is also the drummer for United Vibrations, alongside his two brothers, who were also denied entry.

Brownwood Recordings described the situation as “infuriating and desperately unfair. ... The fact that the visa was issued and then revoked has left no time to appeal the decision as the band was due to travel tomorrow.” Brownwood noted that the band believes “this to be discrimination based on religion & race.”

United Vibrations’ statement noted that “We were looking forward to connecting with our brothers and sisters stateside to share our music. Why weren’t we let in? Our Names? The music? The color of our skin?”

The members of post-hardcore band Massive Scar era, based in Vancouver and Cairo, Egypt, were also denied entry at the US border while on their way to SXSW. The group was told that it needed a P-2 [artist or entertainer] visa instead of a tourist visa, although the musicians were carrying a letter from SXSW

asserting they could travel to the US under the so-called “showcase exception” with their tourist visas.

The group’s guitarist and vocalist, Cherine Amr, according to NPR, wondered “whether or not the denial is due to the fact that both she and singer/violinist Nancy Mounir are Egyptian. She also claims ... that the immigration officer posited that they could be coming into the U.S. as some sort of ‘protest.’”

The Italian band Soviet Soviet had a worse experience, at the Seattle airport in March. The group had a letter from their American label explaining they would be performing for promotional purposes only and would not be receiving any payment. After four hours of questioning by US officials, the three band members, who all had passports and other necessary documents, were told they were being deported back to Italy.

In a statement on Facebook, the Italian musicians explain what happened next: “They took our digital fingerprints and took mugshots of us for their file. They confiscated our cell phones and we were denied the possibility of contacting our families and loved ones. Around 10:30 pm, two prison officers frisked us, handcuffed us and brought us to jail in a police car. We spent the night in jail and had been escorted there as though we were three criminals.”

The following day, they were searched, handcuffed and again escorted in a police car to the airport. “Only a short while prior to taking off were we able to get back our cell phones and bags and we were escorted right up to the airplane. We were relieved to fly back home and distance ourselves from that violent, stressful and humiliating situation.”

According to the *Guardian*, Iranian-born, London-based electronica producer Ash Koosha, was also due to play at SXSW “but had visa issues that prevented him from traveling.”

The *Dallas News* reported that Elog, a Danish electronic dance music artist, also scheduled to play at SXSW, “said in a [March 13] tweet that he was denied entry to the U.S. ... and detained in a small, bright room and a ‘very unpleasant jail cell’ for 23 hours.”

This is only a small taste of what’s to come.



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