

“The chilling effect of it is that you begin to think of any and every possibility...”

Artists who were harassed at the US border speak out

David Walsh
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As we explained previously, the Trump administration has clearly given the green light to the various agencies responsible for immigration issues and border control to bully and harass individuals at will. This is part of the general assault on democratic rights and the specific effort to whip up hostility toward immigrants.

On January 27, less than a week after Donald Trump’s inauguration, his administration issued an executive order banning entry for 90 days by citizens from Iraq, Syria, Iran, Libya, Somalia, Sudan and Yemen. The order (eventually struck down by the courts) also indefinitely halted refugees from Syria. Almost immediately in the US protests erupted nationwide.

On February 23, Aaron Gach, an American citizen and an artist, was harassed at San Francisco International Airport, on return from Leuven, Belgium after attending the opening of “Artefact: The Act of Magic.” Gach is an artist and a professor at California College of the Arts. The ACLU has filed a complaint on his behalf.

According to the University of California, Davis, where he was artist-in-residence in 2015, Gach “has taught courses in Public Art, Street Media, Art & Magic, and 4D Art at UC Santa Cruz, Stanford University, the San Francisco Art Institute, and currently at California College of the Arts.”

Gach has an interest, among other things, in the connections between art, magic and politics. When we spoke, I asked him about that and his particular concern with issues of “economic manipulation” and “political deception.”

“For me, I look at the whole spectrum. ... The quote about ‘economic manipulation’ and ‘political deception’ is pulled from a description of a particular project, something called ‘The Light & Dark Arts: A Radical Magic Show.’

“It was a full-stage magic show, which examined different ways in which politics and economic issues get played out. Much of it was devoted to looking at the intelligence releases from [NSA whistleblower] Edward Snowden. I was trying to translate for an audience some of the technical aspects of government spying on the citizenry through magic tricks, through deception.

“Within the classified information that Snowden released was a specific document that was actually a presentation from the British security organization, GCHQ. It dealt with the relationship between magic tricks, deception and intelligence gathering. In that document not only is there an assortment of clip art and imagery, and quotations, but there is a direct reference to how to use sleights and manipulations to cast illusions that would potentially help them better spy on people.

“Part of what ‘Light and Dark Arts’ did was to flip the script on that, to begin to use magical effects to demonstrate the technical aspects of

government deception. For example, there is a document released by Snowden on ‘spoofing.’ In spoofing, what the government or a hacker does is to create a false website that looks like an authentic one. So someone would go to this site thinking they’re going to the website it is meant to ‘spooof.’ Hypothetically, it might look like Facebook and it would appear to you as though you were entering information into Facebook, but it would be going to the government servers or servers that the government could access.

“In one sense, the question of government deception is very old. It goes back to [Chinese military strategist] Sun Tzu and *The Art of War*, to Machiavelli, some would locate it in any government claims about mystic or divine authority.

“The NSA and CIA have certainly taken things to a new stage technologically. There is a historical precedent involving a famous magician named John Mulholland, who actively worked with the CIA on its Project MKUltra in the 1950s. It’s not a conspiracy theory, it’s fact. Magicians working with the government involves thinking about how deception can be used to provide some sort of advantage over what are perceived to be threats or enemies.”

What was the nature of your project in Belgium?

“In Belgium I was presenting three projects, all of them I would say were critical of government overreach in various aspects. Two of them specifically dealt with knowing one’s rights and with contact with police, and illegal or overly brusque searches. There was a video piece that had been originally created as a video billboard for lower Manhattan in 2012 in response to the stop-and-frisk tactics of the New York City police.

“A second piece was a large wall installation with 5,000 universal handcuff keys that created an optical illusion of two interlocking links that would be broken when a museum visitor came and took a handcuff key as a souvenir. The third project was part of a body of work called ‘Witches’ Cradle,’ which tracks a sort of history of torture and self-liberation. It’s also audience interactive.”

“Last year they had 14,000 people come through the event in Belgium. It’s announced all over Leuven, in Brussels nearby, and the national news covered the expo and specifically some of my work.”

What happened at the San Francisco airport when you returned home?

“When I came off the plane there were two CBP [Customs and Border Protection] officers checking passports right in the jetway, which is unusual. I made it through that section and got my ticket from the electronic kiosk and proceeded to one of the border official stations.

“At that point there was very little questioning—he basically asked me how my trip was and so forth. But then he got a furrowed brow, told me I

wasn't allowed to access my cell phone and instructed me to go to a secondary area. "I went to that area, which was a kind of waiting room, where about two dozen other people were already present. I went up to one of the CBP officials. I thought there was going to be some kind of a conversation, or interaction, but he just asked for my passport, filed it with a stack of other passports and told me to have a seat. Again, he told me I could not access my cellphone.

"At a certain point, I decided to take out my sketchbook and try and sketch the scene. Probably less than a minute after that, they called me to be questioned. They took me down a dark narrow hallway to a seat in front of a desk in this grungy corridor. The initial questions seemed banal, and suggested that it was really going to be over quickly, and they kept making assurances that it'd be over soon. Then the questions began ramping up and becoming increasingly personal. There were several requests for me to provide information from my phone. That ultimately led up to the request for me to unlock the phone, turn it over to them and provide my password.

"I was not comfortable with that idea and I expressed that to them. I asked a lot of questions about what my rights were in that situation. I asked if I was allowed to leave and I asked to see the written authorization allowing them to detain my belongings. They were insistent that I wasn't being detained, but my belongings were. They proceeded to get my luggage, search my luggage in front of me. Again, they were very persistent about asking me to turn over my phone. They implied that if I didn't willingly turn over my phone, they could detain—their term, I would say 'take'—my phone and my personal belongings for what they said was an indeterminate amount of time.

"I asked if I could be present during the search of my phone, they said no. I asked if there was a certain area of the phone that they were particularly interested in and that I could assist by showing them that particular area, they said no. It was really only under the threat of potentially giving up all of my belongings, particularly my computer, which I use for work, for teaching and for art, that I relented and unlocked my phone. I turned it over, but I refused to provide my password.

"They took the phone out of sight, I don't know what they did with it that point, they continued to ask questions while that was happening. They eventually returned, handed me back my phone, brought me back to the waiting area. I waited there for a while and then they escorted me through the rest of the airport to the exit."

Did they ever indicate why they were doing this?

"They gave me absolutely zero indication. I asked repeatedly why I was being stopped, if there were something particular that I could provide them. They told me they couldn't comment on an investigation. I asked if I was under investigation, they told me they couldn't comment on that. I asked if I had, as a US citizen, Fourth Amendment rights in that situation, and they said no. They said there was a border exception."

Did they ask you any questions about the event in Belgium itself?

"They asked me about the event, they asked if I had any proof that I was at an art exhibition and that I was invited to be at the art exhibition. They asked for all the names of the curators and anyone I contacted while I was in Belgium. They didn't ask specific questions, aesthetic or qualitative questions, philosophical questions about my art [laughter]."

Did you feel they were going out of their way to be intimidating? Or was it all very straightforward?

"I think they have a really good understanding of what the psychology of a traveler is, especially someone traveling a long distance. Every CBP official I talked to at every stage repeated this key phrase, 'We hope to have you out of here just as soon as possible.' Only that phrase always came with another question.

"They understand that most people in the situation are already nervous, already intimidated. People are told that they cannot access their phones, which means they can't let anyone know, including fellow travelers,

where they are or what's happening to them. They can't let family know, who are waiting for them in the waiting room. They don't have to be especially intimidating, physically aggressive, because the situation itself is already sufficiently intimidating.

"The whole process lasted about an hour and a half. The interrogation itself was about 45 minutes to an hour. You could say that the duration of it was *only* an hour on top of 18 hours of traveling, but the issue for me was not the amount of time."

Did you assume at the time or afterward that you were being questioned because of the political, radical nature of your art?

"To be honest, I didn't know exactly what to make of it. In the best case situation, you hope that it is something completely mundane and unrelated to you. Somehow you had some incidental contact with someone who was under investigation.

"But the chilling effect of it is that you begin to think of any and every possibility as to why you might have been stopped. The people around you also begin to feel that way. Friends of yours begin to wonder if it's because of something you did that you might be keeping a secret from them. Or, depending on their involvement, if they're part of a community that's targeted or vulnerable, they may wonder if it's because of your association with *them*. Other people around you begin to wonder if it's something related to your work and therefore they should be careful about *their* work. So it has this kind of ripple effect, both for you personally and friends, family and colleagues.

"People are constantly in this situation of trying to ascertain why anyone was pulled into such an interrogation at the border."

I would hazard a guess that this is precisely the intention, to intimidate .

"Right. I think that's a reasonable assumption."

What kind of general conclusions would you draw from all of this?

"There are a few. I think when you talk about something like your rights, that's not a gray area. As a US citizen, not to be nationalistic about things, either you have rights under the Constitution or you don't. Any immigrant entering this country and attempting to become a US citizen, who has to take his or her citizenship test, is asked that question: What is the highest law of the land? And the answer is the Constitution, which means that no other laws shall supersede it.

"In other words, there should not be an 'exception' to the Fourth Amendment. The Fourth Amendment is only a sentence long, but it's very clear in what it says. It says you should be protected against 'unreasonable searches and seizures,' and that no warrants should be issued except 'upon probable cause,' and that the warrant should describe the place and the 'persons or things to be seized.'

"The CBP violated every aspect of that. They had no warrant, they had no reasonable suspicion, or reasonable cause, they didn't specify what they were searching for, or where they were searching.

"CBP and other uniformed service employees take an oath to uphold and defend the US Constitution against all enemies foreign and domestic. When you hear a phrase like that, most of the time it just blows right by you. Now I have to ask: What is a domestic enemy of the US Constitution?

"For me, I think it's reasonable to assume that a domestic enemy of the US Constitution is someone who would not only willfully flout the US constitution, but would also actively seek to deprive others of their constitutional rights. I leave it to you and everybody else to take the next step on that and determine where the CBP falls in that regard, but at the very least it seems like they're not upholding their oath.

"It was a disturbing incident, but I see it as an opportunity to expose what it is they're doing. I hope that in doing so, I can be of some help to other people."

Massive Scar Era from Egypt

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.

One of the bands denied entry was the post-hardcore band Massive Scar Era, based in Vancouver and Cairo, Egypt. 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.

I spoke to the group's guitarist and vocalist, Cherine Amr, in Vancouver, where she now lives. I first asked about her background and her music.

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"I formed the band in Egypt in 2005. We were all girls, because I and the other original member, Nancy Mounir, had problems with our families regarding male members in the band. So from 2005 to 2009 we were basically playing with women only. That was in Alexandria. We didn't really tell our parents that we were performing, we said we were only rehearsing in the studio.

"In 2009, we decided that we had to do something about it and we finally managed to convince our parents. Anyway, we were growing up, and we wanted to do this. To make a long story short, we had many issues until 2011, when we started performing live with our parents' knowing that we played music and had male band members.

"That kept going until I moved to Canada in 2014, because we started having issues with the band performing in Egypt. We had a couple of problems with the government, especially with the Muslim Brotherhood when they were in charge. We were accused of being Satanists. We had to go to court and basically tell them that I was not a satanic person, that I worshipped God and stuff like that. Because in Egypt if you don't have a religion, that's a crime.

"When I moved here, Nancy and I started playing as a duo. We released an EP and we toured here in Canada. We submitted an application to SXSW and we got accepted. We were heading to the States just to promote our album."

What sort of music do you play? What sort of musical influences do you have?

"So we play a mix really, you'd find a lot of hard core in our sound and heavy metal. And also you'd find some Egyptian folk music. On our latest EP, Nancy, who's the violinist, introduces some traditional Egyptian folk scales that haven't been used since the 1930s. We mix that with Western music."

How did you get invited by SXSW?

"We just submitted an application and we got accepted in December. We've played SXSW before, twice. So it was the same visa as before. We've been to the States before as tourists and also to play at the festival."

Could you describe what happened at the border?

"Now that I can see it clearly, with all that's going on, it seems like the border has new rules. So they seem determined not to let anyone in that easily. They will double check and triple check. And that's fine, because we had done everything correctly. But the officer in front of me was confused and I could tell that he wanted the band to get into the US. But he just couldn't do it.

"He said, 'OK, can you just go in to your files or your mobile, and get me something that will let you in?' I pulled out everything I could, but he said, 'People are using the festival to protest.' I'm not sure what he meant by that. He saw my passport, it's an Egyptian passport, obviously,

I'm not a white person.

"Before the festival, some of the bands were on the banned list, and people were complaining about it. There was an Iraqi band that couldn't get in, there was an Iranian band as well. So there was this happening and he didn't want to talk to the festival on the phone. Then when his supervisor jumped into it, he started saying nonsense. And I knew there was no way we were going to get in.

"The original officer didn't cancel my visa and he said, 'I know you're not doing anything illegal, and I know you were not making an attempt to sneak into the States, that is why I am keeping your visa.' They had orders or something. It's not clear to me exactly what the issue was. I know for a fact that the festival is under a B visa. I crossed the border two times before, and it's not that it was exactly easy. They took us aside and did background checks, so they've done the same thing before and we were let in.

"We had gone to the US consulate in Vancouver and showed them a letter from the festival, and they gave us the visa. I paid more because I thought it was a work visa and they gave me money back. If they had initially asked for something else, I would've gotten it.

"If you go to the US immigration website, it's clearly stated that if you're not getting paid, if you're going to a conference or something like that, a seminar, or a sports event, it's a B visa, not a P.

"However, the officer suspected that we were playing other shows where we would get paid. I showed them everything indicating that we were not going to get paid. Everybody knows that SXSW doesn't pay the bands. I wish they did!"

Let's be honest, it was a political decision. This is in the context of the travel ban ...

"It was six days or something after Donald Trump released the travel ban."

They got the message at the border, one way or another, and you were the victims of it.

"I think so. My bassist is First Nations [Aboriginal peoples of Canada], and according to the law, there are no restrictions on their crossing the border. The officer looked at him, and said, I need a DNA test, or something like that. It was so humiliating, that he would have to prove his ethnicity with a blood test. It was worse for him than for me, to be honest. This is his continent, this is his original homeland. He's not an immigrant.

"They are trained in racial profiling. It was pretty intense, a solid hour and a half. I was crying..."

It's an attempt to terrorize, intimidate.

"They want to protect the borders, but not to that extent. Are we a threat to the United States, if we just wanted to cross the border and play music?"

"Thank you for giving a voice to our experience. It's important that people understand what's going on."



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