

AAUP

American Association of University Professors

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Academic Freedom for a Free Society

Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

March 20, 2009

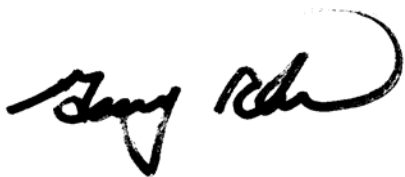
Dear Secretary Napolitano:

Last summer, the *Washington Post* and other media outlets revealed that Customs and Border Protection (CBP) agents were no longer required to have reasonable suspicion of illegal activity in order to seize, search and hold travelers' laptop computers and other electronic materials. The American Association of University Professors (AAUP) registered its concerns about this suspension of this portion of internal DHS regulations. The Senate Judiciary Committee held a hearing in June 2008, and in August 2008, the *Post's* editorial page called for the "reasonable suspicion" standard to be codified in the law. AAUP members conduct innumerable types of research, collaborate with counterparts abroad, and privately practice medicine, law and psychiatry. Adequate protections for privacy and confidentiality are therefore matters of serious professional concern for our members. A reasonable suspicion standard will protect citizens' civil liberties and maximize the efficiency and resources of law enforcement.

It is also imperative that the Department develop clear procedural guidelines to ensure that copies of hard drives are safeguarded during inspection and destroyed after examination, even in the case of travelers who register no objections to the searches. It is unclear if any such standard operating procedures exist; under the previous Administration, the Department refused to respond to FOIA requests and would not send a representative to testify before the Senate Judiciary Committee. Without such safeguards, even reasonable searches can pose a serious and permanent threat to U.S. citizens' rights to privacy.

We are heartened to see President Obama's recent executive order regarding FOIA compliance and hope this will shed light on the DHS procedures that keep our country safe while still protecting the liberties we cherish most. We congratulate you on your recent appointment to your new post and hope you will call upon us if we can be of assistance.

Sincerely,



Gary Rhoades
General Secretary
American Association of University Professors

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