



Figure 1. Ansar Mahmood.
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I first met Ansar in January 2003 at the Buffalo Detention Center in Batavia, New York. I had read about him in the Human Rights Watch Report and had called his attorney to inquire further about the case. After the attorney noticed that I spoke Punjabi, Ansar's native language, he encouraged me to see him. I drove up during a snow blizzard, stayed in a local motel in Batavia, and went to the detention center around 10:00 in the morning to visit him. We talked for the next two hours.

Ansar was arrested in October 2001 when someone witnessed him photographing a scenic view next to a water treatment plant in Hudson, New York and became suspicious of his Pakistani and Muslim looks. The observer reported him to the FBI, but the agents could not find anything related to terrorism in his records and cleared him within hours. A thorough search of his house and belongings, however, showed that he had helped his friends get an apartment and a job. Ansar had a green card, but his friends had expired visas. An immigration officer coerced him into signing a document that stated that he knew about his friends' expired visas. By signing that statement, Ansar was transformed into a "criminal" for "harboring illegal aliens" and became subject to deportation. In January 2003, when I met him, he was in the midst of fighting his deportation on legal grounds.

After listening to his story through a glass window and a telephone headset, I was moved by his dedication to his family and friends. In March 2003, I visited his home in Gujarat, Pakistan and witnessed the importance of his remittance in improving the financial status of his family. In May 2003, he lost his legal battle, and the judge ordered his deportation. Frustrated with the legal system which couldn't distinguish between an honest resident and a criminal, I began closely working with Susan Davies, a community organizer in Hudson, New York. Susan, in collaboration with a few other individuals, had formed the Free Ansar Mahmood Committee to stop his deportation. Unfortunately, despite our efforts, Ansar was deported for life back to Pakistan in April 2005.

After his deportation, Susan and I traveled to Pakistan to meet him. During this visit, both of us decided to write a book about Ansar using the methodology of oral history.

Susan worked with Ansar in the morning, asking him questions and typing up his detailed responses. I worked with him in the evening and recorded over twenty hours of interviews in Punjabi. We continued with this process for about two weeks. After a week and half, Ansar was exhausted and protested, "You guys get to take a break, but I am working non-stop. I need a vacation." We took a day off and went back to the routine afterwards. Speaking about his prison

experience for over eight hours a day was emotionally exhausting for Ansar, and he confessed that it was hard and draining. His lips would dry out, and his body seemed to be overtaken by heaviness. One day, he went back to his village to see his family, but came back the next day. Even though the interview process was painful, he wanted to go through with it. It was therapeutic at a certain level.

The following narrative depicts the essence of those recorded interviews, Susan's detailed notes, and some of the archival documents that we found during our research. I also interviewed Aisha, Touseef, and Shahid (the other individuals arrested with him) and Ansar's family members. I incorporate those interviews also in the following narrative.

I am telling Ansar's story as a participant observer and an oral historian. This combination of methodology allows me to capture his story along with his thought processes, feelings, and emotions. My visit to his house gave me insights into his deep relationships with his family and community. His two-week stay in my house in Islamabad, Pakistan allowed me to capture his spirit.

More specifically, this methodology has allowed me to use my independent thinking to judge Ansar's character. The court transcript, hearings, and other written archival materials are sketchy and only depict the partial truth—they don't reveal the coercion of the immigration officer, the unfamiliarity of the public defender with immigration laws, the anxiety that Ansar felt in not being able to work and send money to his family, the pressure he felt to be out, and his desire to save money. If he had hired an experienced, knowledgeable, and expensive lawyer in the very beginning, Ansar might still be living in the US.

Through his oral history I learned what Ansar was thinking when he answered legal questions based on the suggestions provided by his legal counsel. Ansar explained to me not only what he told the court but also the reasoning behind his answers. Factors such as being a new immigrant, his unfamiliarity with the complicated immigration laws and his trust in the American legal system influenced his responses. The government's archival records called him a "criminal, liar, and perjurer." I found him to be an honest and committed friend, son, and brother.

The American legal system forces people to fight a legal battle based on the articulation of certain information. The lawyers and judges know this reality; however, they continue to pretend as if the information presented in the courtroom is nothing but the truth. Both of the lawyers—the public defender and the prosecutor—met in the beginning to negotiate a plea bargain. Ansar answered based on his lawyer's suggestion that it was the easiest way to get out of the jail. Lawyers win cases based on their familiarity with the legal system, which they gain by twisting laws. A legal victory is a testimony to a lawyer's skill in articulating his/her argument in the court. It does not necessarily reflect the reality on the ground. I witnessed Ansar's character not only through what he told me but also through his interactions with his family, community,

acquaintances, and strangers. The following narrative is not only his story; it is a testimony to his character.

On a broader level, Ansar's narrative attests to the government's abuse of powers and its inability to be accountable for its actions. First he was accused of being a terrorist. When the enforcement officials could not connect him to any terrorist activity, they criminalized him so that he could be deported easily under the current immigration laws. At the end, Ansar was barred for life from entering the United States.

Ansar's stay in the US was a huge liability for the US government and the enforcement officials used the deportation to protect themselves. Ansar could sue the American government for abusing his legal and human rights like the Japanese-Americans did forty years after their internment during World War II. Their legal actions won them a formal apology and reparations for the violation of their constitutional rights. Staying inside the country allowed Japanese-Americans to fight for their rights even though in 1944 the Supreme Court ruled, "detention orders are a valid use of war powers." Immediately after September 11, the courts and the administration in the US did not want to admit that Ansar's legal and human rights had been violated. By barring him entry for life, the immigration officials wanted to ensure that Ansar could not return to the US and assert his rights. The government does not want to admit that enforcement officers used racial profiling to arrest a legal resident or that enforcement officers forced him to lie. This abuse of power and lack of accountability is permissible for a Muslim man after 9/11 since he has been racialized and made into a terrorist or at the minimum a criminal. Ansar's narrative shows that our current immigration laws can transform an honest young man with aspirations into a terrorist or a criminal.

Growing Up in Pakistan

Ansar grew up in Lahore, Pakistan in the late 1970s. His father was a suborder (non-commissioned officer) in the Pakistani military. Each month when he got his paycheck, he gave Ansar a rupee for pocket money. Ansar would buy samosas and then go over to a small ditch close to his house.

There he would eat and talk with his friends. Some school



Figure 2. Ansar Mahmood and his mother in Pakistan.
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entire village gossiped and said, “Look, the tailor’s son passed.” Ansar and his family took immense pride in his results.

The *Syeds* in the village treated the *kamis* very disrespectfully. If the *kamis* had an occasion to celebrate or grieve in the family, the *Syeds* made sure that the *kamis* had to work that day. They didn’t get paid much either; the *Syeds* made sure they stayed dependant and occupied. Ansar’s family never worked for the *Syeds* because they were able to be self-sufficient. His grandfather and uncles owned a tailor shop. Ansar’s father had a job in the city and he leased land to harvest rather than working on someone else’s land. The *Syeds* did not like the family’s independence and were always looking for opportunities to undermine them. Ansar could not forget the day when the *Syeds* burned his father’s harvest.

It was the summer of 1992. The wheat fields, tall and golden, waved in the wind. Ansar’s father was proud of the agricultural knowledge that he had picked up from his father and perfected with his education and hard work. He got a tube well to irrigate the land, sowed high-quality seeds, and spread fertilizers at the right time. In the heat of summer, the leaves of the golden wheat were large and full. One late evening, Ansar was at home working out the details of hiring a tractor to cut and collect the wheat when someone came and yelled, “There is a fire in the field!” Ansar and his father dropped what they were doing and ran to the field. The middle of the field was blazing with large flames. The dryness of the wheat combined with the dry heat allowed the fire to spread quickly, swallowing the entire field in a matter of minutes. There was nothing that could be done now. Ansar just watched the gigantic flames consume the golden wheat. He fell on his knees, crying and screaming, and then ran towards the fire. Local villagers grabbed him and held him back from trying to stop the uncontrollable fire.

That day he cried and cried and then complained to God. Although he knew who had ignited the fire, there was no one who could bring the perpetrators to justice. He promised himself that he would take his family away from this place as soon as possible—a place where he could not reap the fruits of his own labor.

The Pull Towards America

Ansar wanted to become a military officer from an early age. A job in the military was the only way for lower- to middle-class families to climb out of poverty without resorting to bribery and family connections. Of course, a military officer’s job did not lead to a place in the echelon of upper class families, but it promised some dignity and security. For Ansar, who experienced harassment from the *Syed* families on a daily basis, the military job was a beam of hope.

After completing two years in college, Ansar took an examination for an officer’s position in the military. It was around 5:00 p.m. in Rawalpindi when

military officials told him that he had passed both the written and medical examinations. He was so excited to hear the news that he could not wait to share it with his family. Taking the next available bus, he arrived in Gujarat four hours later, at midnight. He did not have any money for local transportation, so he walked for about an hour before he finally reached his home around 1:00 a.m. Everyone got up and talked excitedly all night long. It was a memorable night.

A month later, he was sitting at home when the postmaster came and gave him a rejection letter from the military. All of Ansar's dreams of moving out of Gujarat to Islamabad with his family died with that rejection. There was no hope left and he cried for days. Within the same week, the postmaster returned with another letter. This time, the postmaster wanted some money before handing him the letter from the US consulate.

During his early college years, Ansar had looked into an advertisement for the diversity lottery that allotted a certain number of US visas each year to Pakistanis on a random basis. Every year, he would just look at the advertisement and turn away. But the previous year, he and a friend had decided to apply for the lottery together. The procedure was simple and required filling out a form and mailing the application with 100 rupees. After he had filled it out, he had put it out of his mind, until now. That week nothing could have lifted his spirits other than a note from the American consulate saying that he had won the lottery. It was like a dream come true. He could not believe that destiny could be so merciful to him. That night, he could not sleep. Winning a lottery in Pakistan for a US visa was like winning a million dollars. He was afraid to share this information with the village because he feared that someone might steal the winning letter from him.

Then the day came when Ansar finally held the US visa in his hands. His heart was pounding. Would he really make it? What would happen after his arrival in the United States? So far, he had only seen the beauty and glamour of the US on television. Now he would actually witness it in person. Images of driving a car, having opportunities to make money, and watching young girls rushed through his head. The anxiety was more than he could handle, and for many days he had a hard time sleeping. A local friend helped him buy an airplane ticket.

Finally, the day of departure came. His family and everyone else came to wish him goodbye. The hardest thing was saying goodbye to his mother. This was the first time that he was going to be away from his family. He promised all of them that he would pray five times a day and lead a pious life in the US.

Arriving in the US

Ansar's plane landed at the JFK airport in April 2000. Going through the immigration line was simple and within days he was working. Quickly, he moved

to a pizza store in Salisbury, Maryland where he swept floors, washed dishes, and prepared and baked pizza. After working over twelve hours everyday, he returned home exhausted. Now more than ever, he missed his mother's cooking and love. The life back home in Muhammadi Pura seemed more attractive. He remembered his mother's attentions, chatting with his sisters for hours, and hanging out with friends. The work-sleep-work cycle was making him feel lonely.

A few months later, Shahid, a neighbor from Gujarat who owned a Domino's Pizza in Hudson, New York, called and offered him a higher-paying job. One day, he took a quick drive up to Hudson. The deer sprinting in the tall, serene Catskill Mountains, meandering Hudson River, the miles of trees, and the fresh air quickly convinced him to relocate. Tips from delivering pizza were attractive and some days he made over \$100 per day. Life started to become a bit more relaxed. He rented an apartment close to his work and bought a car. Looking good was important, and he spent money on new clothes. It seemed that he was becoming a real American.

Shahid, the pizza owner, liked cooking Pakistani food and cooked well. He often left early to cook at home and Ansar would close the store and come home to an excellent Pakistani meal. After dinner, they hung out, played cards, listened, to music and talked.

Ansar called home once or twice a week and everyone was eager to talk to him. He would be chatting with his sister Marium, when Sarah, another sister would grab the phone, and run away. In the background, his mother would scold the girls for not giving her the opportunity to talk to her son. After a long day of work, talking with his sister would take away the tiredness of the day, leaving him relaxed and comfortable. He would make them jealous by telling them that he owned a cell phone and a car and lived in a nicely furnished apartment in a



Figure 4. Ansar Mahmood and his three sisters.
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beautiful place with trees, a river, and snow. He noticed that a few hundred dollars that he had been sending back home on a monthly basis were helping them to fulfill their small wishes, like going to school or buying clothes and jewelry. His sisters' education was very important to him since he knew that they were intelligent and driven. Many times, he hung up the phone but continued to talk to them in his sleep. Their happiness encouraged him to work on his goal—to take them away from Muhammadi Pura—to a place where the *Syeds* did not dominate.

One day, Touseef, an acquaintance, called him from New York. Ansar knew Touseef from Gujarat, where they had grown up together. Touseef's wife, Aisha, was the sister of Ansar's best friend. Aisha and Touseef had gotten

married recently and were in the US for a visit. Currently, they were sharing a one-bedroom apartment in New York with another married couple and lacked privacy. During the call, Touseef asked Ansar about work and housing opportunities in Hudson. Ansar told him about the possibility of getting a job with Domino's Pizza and told him that rent was cheap in Hudson.

A week later, Touseef and Aisha arrived in Hudson. Ansar knew the apartment manager of his building and inquired about vacancies. The apartment manager asked Ansar if he could co-sign the rental application for Touseef. There was no reason to hesitate. Touseef belonged to an upper-middle-class family in Gujarat and Ansar knew his father and brothers. Both of them signed the lease, and Touseef and Aisha moved in next door.

Ansar felt elated to have both Aisha and Touseef in Hudson. It was like building a community. While Shahid was a good friend, he was also his boss and sometimes he acted like one. Now he had a friend from childhood and a family that he cared about. Life suddenly became more interesting, and filled with fun and laughter. One day, Touseef told Ansar that he was paying high insurance for the car he had bought in New York, and that it would be much cheaper if Ansar registered it under his name instead. The next day, both of them went to the local DMV office and transferred the registration from Touseef's name to Ansar's. Ansar insured Touseef's car under his name. He paid \$120.00 for his own car and \$50 for the second car. He was happy that he could help his childhood friends.

It had been over a year since he had arrived in the US. As soon as he got his green card and travel documents, he called home. His mother and sisters were excited. But then suddenly Marium got quiet.

"Is everything ok?" Ansar asked. "Yes, everything is ok," she replied. Ansar had grown up with Marium and so could decipher the subtle nuances in her tone. He probed deeper. Marium confessed that last month their father had had a stroke and that he was taken to the hospital where he was recovering.

"Why didn't you call me?" Ansar yelled, unable to stay calm.

Marium was quiet for a few seconds before she responded. "We did not want to make you upset."

After he hung up the phone, his head was spinning. The image of his strong father flashed in front of his eyes. The thought of him lying in a hospital was painfully disturbing. While he had been contemplating a trip to see his mother before the news, now he knew he had to visit—it was his responsibility as a son. He went straight to a travel agent and booked a ticket for Pakistan. Later, he showed his airline ticket to his boss Shahid and packed his luggage. Shahid had to accept Ansar's request for a vacation.

It was late evening when he arrived in Lahore on August 18. Despite being exhausted from his flight from New York, he continued his trip and arrived late at night in Muhammadi Pura. His mother opened the door, gave him a tight hug, and kissed his face. His father had moved back from the hospital and was

recovering. A sense of relief came over Ansar. They all got together and stayed up late into the night talking.

His sisters were curious about his life in the United States. What did he do there? How was it to work there? How did he deal with his customers? What did he mean by delivering pizza in the snow? Who cooked? What did he eat? How was the weather? What were the people like? There were so many questions. Ansar spent the entire night satisfying their curiosities, distributing gifts, and catching up on the town gossip. He heard the sound of the clock and realized that it was dawn. Smiling at his sisters' curious faces, he promised them more stories for tomorrow night. Ansar slept through the entire day.

August is a summer month in Gujarat so he tried to spend most of his time inside the house. The people in the village complained, "Look at this *gora* [white man] who can't get out of the house." Ansar just wanted to be with his family. This trip convinced him more than ever that he wanted his family to move out of the village to Islamabad away from the *Syeds* of the Muhammadi Pura who still dominated the local economy and politics.

Ansar was supposed to return on September 22 but Shahid called and asked him to come back sooner. Labor was short at Domino's pizza. Ansar spent the next week and a half that he had left in Pakistan buying a water heater for his father's frail body and a washer and a refrigerator to reduce the housework for his mother. His sisters were still in college. Marium was going to be the first girl in his family to receive her B.A., and he was proud. He told his mother that the sisters had to finish their education regardless of what happened. Those 10 to 12 days passed in a flash and Ansar was back delivering pizza again in Hudson.

When the September 11 attacks happened, Ansar was sleeping. Later, horrified, he watched the towers fall on television. No religion could allow such merciless killing of innocent people. There were many Muslims working in those buildings also. What were those hijackers thinking? Some people in Hudson gave strange looks to Ansar and Touseef, but besides that there was little that changed after the attacks. Orders continued to come in from customers for Domino's pizza.

Becoming a Terrorist by Taking a Photograph

It was a beautiful evening by the time he got to Roseman Avenue to take a photograph of the scenic view. Last week, he had delivered a pizza at Peter Jung's house. Standing in his living room, Ansar saw the most amazing sunset. Peter told him, "You should go a bit farther up the road and then you will experience the most marvelous view. Go there close to sunset time."

Ansar's excitement increased as he drove uphill on Roseman Avenue. In his mind, he talked to his sisters. He wanted to show them the beauty of the area, the Catskill Mountains and the Hudson River. Last month, while in Pakistan, he had promised them that he would send photos. Shahid was leaving for Pakistan to get married and could take the photos with him. Ansar borrowed a camera from a friend, took a half-day off and started to shoot.

At the end of Roseman Avenue, there was an empty area where he stopped his car. The blue and green water of the Hudson River to the east of the Catskill Mountains reminded him of the Safal Moluk Mountains in northern Pakistan and a smile spread over his face. He knew that these pictures would impress his sisters. He took out his camera and started to shoot the water, the mountains, the road, and everything. Next to the empty area there was a building and two guys were working outside. He approached them and asked one of them if they would take a photo of him. Ansar was still wearing his Domino's uniform. There were a few other shirts in the car so he decided to change. Within minutes, he was wearing a dark t-shirt. The guy who was taking the photographs asked Ansar to move a bit to the right and then to the left to get a better shot. Ansar was happy. He thanked him and left to pick up more pizzas to deliver.

At around 8:00 p.m. Touseef called from the pizza store, sounding concerned. "Ansar, there are police asking about you and waiting at the store. What have you done?" Ansar had never had any trouble with the police so he did not think much of the call.

"Alright, I'll just make my delivery and will come straight there," Ansar replied.

It was dark when he arrived in the parking lot. Two Hudson police cars were parked outside. One local officer came up and asked, "Your name is Ansar Mahmood?"

"Yes."

"Did you take the photograph of the water treatment plant?"

"No, I did not." Ansar was surprised by the question. The officer repeated the same question several times and Ansar kept saying no.

Eventually the officer pointed to the police car and said, "Why don't you come to the station with us and if everything is OK, you can go home." Ansar went in the car and saw Touseef who was already sitting in the back of the car. He looked stern. "Don't talk with each other," the officer said.

After arriving at the Hudson police station, officers put Touseef and Ansar in separate rooms. They handcuffed him and tied him up to the bench in the room. Ansar was still in shock. Up until then, he had heard that the immigration authorities were arresting individuals of Muslim origin with minor immigration violations. However, Ansar had a green card. After the officer locked him up, he lost his patience. "Why are you locking me up in the jail? Why are you doing this to me? What have I done?" he asked them repeatedly.

One of them finally answered, “Just sit down and wait. The FBI is coming to ask you a few questions.”

“What have I done? What have I got to do with the FBI?” He felt helpless and wanted to cry. No one had told him that he had the right to remain silent or ask for a lawyer.

It was late in the night when Ansar met 10 to 12 officers at the Hudson police station. One introduced himself as a special agent, another as an immigration officer, and yet another one as an FBI agent. It was difficult to understand who was who. A few sat on the right side, a few on the left, while the rest stood in front of him. The wall was behind his back. It was a confusing and threatening scene. They were all asking questions: “What were you going to do with the photographs? Did anyone give you any money to take the photos? Why did you take pictures?”

“It was a beautiful scene,” Ansar responded.

“Did you have any intention of throwing anthrax in the water?”

“What is anthrax?” The officers’ tones were getting scarier and so were their questions.

“Have you traveled to Afghanistan? Did you travel to the northern part of Pakistan? How many times do you pray? Where do you go to pray? Do you know Osama bin Ladin? Do you belong to Al-Qaeda?” Why were they asking all these questions? He kept repeating no, insisting that he had nothing to do with what they were talking about and asking them to stop asking him questions. Ansar got the uneasy feeling that he was getting into trouble.

After the questions they wanted to search his house and car. “If you don’t give us the permission, we will still search,” an officer said. Ansar did not have anything to hide. He signed the search form. He just wanted it to be over.

Shahid, the Domino’s pizza owner came to the police station to inquire about his employees. He was sitting on a chair when the officers put cuffs on his leg and detained him. Shahid had a green card and had been living in the US for a long time. He took note of the mood in the room and prepared a defense plan in his head. Initially, they asked him about Osama bin Ladin, Al-Qaeda, and anthrax. Then they also went to search his store and apartment. At the end, they asked him about Touseef’s immigration status. Shahid told them Touseef had a social security number that he had used to get a job at Domino’s pizza. He did not have any other information about Touseef’s immigration status. The immigration officer tried to sway him, but Shahid stuck to his statement.

A few hours later, officers returned after searching Ansar’s apartment. Now their questioning shifted in a different direction. They asked Ansar about his friend Touseef and his wife Aisha. “What do you know about them? Why was Touseef driving a car registered under your name and why did you co-sign the apartment lease? Did you know about their immigration status?” Ansar told them about his long-term friendship with Touseef and Aisha and explained that he had signed the lease and the registration to help them. He clearly stated that he

did not have any information about their immigration status. However, one of the immigration officers insisted that Ansar knew that Touseef and Aisha had expired visas. Ansar did not accept this.

In the other room, immigration officers were talking to Touseef and Aisha, who had already admitted that they had come to the United States on a visiting visa. After the visa expired, Touseef had bought a fake ID from someone in Coney Island to find a job. However, he never told Ansar or anyone else about their immigration status. The immigration officer told Touseef that he had found some of his immigration documents in Ansar's briefcase. Touseef clarified that he kept personal papers in Ansar's briefcase for protection. Ansar never read them.

In the other room, an immigration officer was insisting that Ansar admit that he knew about Touseef and Aisha's expired visas. The night was getting long. Close to dawn, the immigration officer came to Ansar with a piece of paper and said that he was writing a statement. He wrote down Ansar's name, date of birth, and green card number. At the end, he wrote that Ansar knew that Touseef and Aisha were undocumented. Ansar's eyes filled with tears. He screamed, "I didn't know about their status."

"Touseef told me that you knew about his immigration status." The officer pushed the paper towards Ansar and said, "It doesn't matter whether you knew or not. Touseef has signed the papers saying that you knew. Aisha and Touseef are illegal and they will be deported. You have a green card. Nothing is going to happen to you. Sign the statement and we will release you in the morning."

Ansar looked at him. After over ten hours of intense investigation, Ansar was mentally and physically exhausted. He just wanted to get out and go back to work so that he could send money back to his family. The officer was promising him freedom. "You will release me in the morning?" Ansar asked. The officer replied affirmatively. Ansar signed the statement and started sobbing.

In the morning, when the officers released Shahid, he inquired about Ansar and they told him that he would be released soon. However, instead of releasing Ansar, the officer drove him to the Albany federal court. They put chains around his waist and leg irons on his ankles. On the drive to Albany, Ansar overheard the conversation between the two immigration officers in the front.

"He has a green card. Let him go," one officer said.

"No, this guy bothered us all night. We have to do something about it."

At the Albany court, Ansar saw Touseef and Aisha shackled in front of the judge with the sworn statements and charges—statements that they were forced to sign the previous night in return for freedom. Ansar was charged with an aggravated felony of harboring illegal aliens and helping them obtain a vehicle and housing. Touseef and Aisha were charged for having expired visas and fake IDs. The judge gave Ansar a court hearing for October 16, and Aisha and Touseef got one for October 25. Afterwards, the marshals took him back to the

Albany jail. On the way, Ansar saw his immigration officer and confronted him, “You promised that I would be released first in Hudson. Then you said Albany. After that you said the court and now nothing is happening.” The officer smiled and walked away.

On October 16, Ansar met the public defender, a criminal attorney, assigned to his case. He was not an immigration attorney but he had been working in the court for over a decade. Ansar explained his case and conveyed his desire to get out of jail as soon as possible. The public defender was sympathetic and suggested a plea-bargain to quickly end the case and secure a release. Ansar trusted his lawyer’s judgment.

On October 17, Ansar appeared in front of the judge. Right before his appearance, Ansar’s lawyer advised him to say that he had helped Touseef and Aisha find an apartment, a car, and a job. “Just say that in front of the judge and he will release you on a bond under \$10,000 or less.” Ansar shook his head.

Ansar’s lawyer suggested a video hearing, which would allow for faster processing of the case. Ansar agreed. In the courtroom, the judge appeared on the television. At one point, the judge asked Ansar, “Has your lawyer or any one else made any other promises outside of the plea agreement that you would be treated leniently in order to induce you to plead guilty? Do you understand the question?”

Ansar replied, “Yes.” At that moment, his lawyer intervened.

“Just a moment your Honor.” He took Ansar aside and said, “Just say that nobody promised you anything.”

Even though the lawyer had talked to the prosecutor and promised that after the guilty plea Ansar would be released on a \$10,000 bond, Ansar said, “No.”

At the end of the court hearing Ansar was released on a bond with a five-year probation and the judge set the next court date for January 25 to announce the final sentence. Shahid paid for the bond and came to pick Ansar up. He came home, prayed, and thanked God for this freedom. Next day, he was back to work.

The work at Domino’s Pizza was really slow. The local people in the area had heard about the arrests at Domino from the local newspapers and television station and had started to boycott it. Children would shout and yell at some of the drivers. One late night after closing the store, Shahid went to the local grocery store to buy some soda. He was still in his Domino’s uniform. Only a store clerk and the night manager were on duty. Suddenly, he heard on the mic, “There is a Pakistani terrorist in the store...A Pakistani terrorist...” and then laughter. Shahid’s blood was boiling but he tried to control himself. The store clerk was embarrassed and told Shahid that he could file a complaint and that she would give witness. Shahid did not want to make a big deal so he stepped out. The business continued to suffer setbacks for a long time and took years to recover.

Occasionally Touseef called Ansar from the jail. He was worried about Aisha who was kept in a different prison. They couldn't talk to each other so they wrote letters instead. Many times, Ansar wished that he could take Aisha's place in the jail. Aisha got her deportation orders for January 2002 and was deported shortly after that. A few months later, Touseef was also deported to Pakistan. Both of them were barred from returning to the US for ten years.

Ansar was eager for his January 25th hearing in the court. Between October 17 and January 25, he talked with several lawyers including an immigration lawyer. They all assured him that he would stay out on probation, which was not a big deal for him. Ansar did not have any criminal history and had a valid green card. Everyone could give him a character witness. Ansar was optimistic.

On January 25, 2002, Ansar appeared before the judge through a video conference. As the public defender had explained, the judge gave the final sentence of time to be served and five years on probation. However, there was some discussion occurring in the court about immigration laws that Ansar could not understand. The judge asked Ansar to wait for the immigration authorities.

Ansar walked out of the court and went to the public defender's officer. A few hours later, two immigration officers appeared and took him aside. One said, "Work with us and tell us who are the terrorists? Who are the people talking against the US? Work with us, otherwise, you will be deported and you will regret it for the rest of your life. This is your last chance."

"I don't know any of these people," Ansar replied truthfully. The immigration officers arrested him.

In 1996, Congress had passed a law under which legal residents convicted of an aggravated felony could become subject to deportation. Harboring illegal aliens is one of the identified felonies among many others like shoplifting. At the time of pleading guilty, Ansar did not know about these clauses. Immigration officers arrested Ansar for harboring illegal immigrants and later moved him to the Buffalo Detention Center in Batavia, New York.

Ansar was in shock. Could the justice system be so cruel? The immigration officer knew that Ansar did not know the status of Touseef and Aisha and had coerced him into signing the statement in return for his freedom. Didn't the immigration officers owe him an apology for the wrong done to his name and character? Ansar felt like a little bird in the hands of a butcher intent on killing him. What about his rights as a resident in the United States? After September 11, his crime was that he was a Muslim man from Pakistan. Enforcement officers needed a certain number of Muslim-looking bodies behind bars and he helped fill that quota.

Would this happen to a young, White American man initially caught under suspicion of terrorism? It wouldn't, because one of the white officers in the enforcement world would see his/her own son and brother in that man, empathize with him, and find a way to get him out. Ansar did not have anyone in the justice

system who would do that. That is one of the reasons that there are so many people of color stuck in prisons—no one empathizes with them.

Ansar thought about the 1996 immigration laws under which he had become subject to deportation. “Harboring illegal aliens” is a complicated phrase. He was just helping his childhood friend and his wife. When Ansar came to the US, people had helped him too. They had provided him with a place to stay, connections, networks and jobs. They did not ask him about his immigration status. When he was helping friends in similar situations and building his community, he did not ask Aisha and Touseef about their immigration status. How awkward was it to ask someone about their immigration status? Many people told him stories of politicians who hire undocumented nannies, caretakers, and day laborers. Since they are citizens, rich and influential, nothing happens to them. They can get away with it. Why are only immigrants subject to deportations? A new immigrant like Ansar can get crushed like a wheat kernels under the milling stone. Ansar dwelled on the injustice of the American justice system and tears continued to trickle from his eyes.

It was late evening when Ansar arrived at the Buffalo Detention Center. Touseef was still in jail waiting for his deportation. Finding him there gave him a sense of solace. Touseef prepared hot oatmeal for him. Compared to Albany, Batavia was like a five star hotel. It was clean and had a television and a recreation area. After Ansar settled in, Touseef suggested, “You have a valid green card. Hire a good attorney and fight for your rights.” Ansar found a reputable immigration attorney and filed an appeal at the end of 2002. He was optimistic that he would be able to stop his deportation.

Hanna Rosin from the *Washington Post* had attended his court hearings in Albany. She continued to write articles challenging the technicality of the immigration violation and asking for a sympathetic review of his case. The *Hudson Register-Star*, a local Hudson newspaper, published over eight editorials in support of Ansar’s case. The Muslim League, a local Muslim organization, hired a criminal attorney to fight for Ansar’s case. Ansar was optimistic.

However, the legal battle was not going anywhere. On January 27, 2003, the Board of Immigration Appeals denied his appeal based on the records of the Albany jail. On May 21, 2003, the US District court upheld the decision of the immigration court and confirmed Ansar’s deportation. In the middle of 2003, Ansar was among a few of the remaining detainees arrested in the aftermath of 9/11. He had not lost hope and he wanted to fight. He was hoping that someone within the justice system would recognize that he was a hardworking immigrant who did everything he could to help others. Ansar was hoping that immigration judges would recognize that as a new immigrant he could not keep up with the ever-changing maze of immigration regulations and that he was coerced.

His long-term detention and story inspired many media outlets and activists. Everyone who heard about the details of the case felt that he had been

caught in an unfortunate situation. Whoever met him felt a deep connection with Ansar. Susan Davies was among the many from Columbia County who had been following Ansar's case through the local newspapers. Initially, she trusted the court system and hoped that Ansar would be released. However, when she noticed that the legal battle was not going anywhere, she brought the case to a Chatham Peace Initiative meeting. All the members, especially Bob Elmendorf and Nancy Rothman, saw the alarming similarities between the failings of the justice system in Nazi Germany and the US in the aftermath of 9/11. Susan, Nancy, and Azim (a local community organizer) went to visit Ansar in jail in August 2003. That meeting was a bonding moment and gave them the energy and passion to fight for Ansar. They established a Free Ansar Mahmood Committee which included local citizens and community members, and they started collecting signatures to stop Ansar's deportation.

In Batavia Ansar was waiting to claim his rights as a legal resident of the United States. He waited and waited for his freedom—freedom to get up, to sleep, to have privacy, and to be able to go and meet with his friends and family. Waiting had generated anxiety and he was hospitalized briefly. The doctors told him that there was nothing wrong with him except that he suffered from anxiety of the unknown. He stayed on medication for a long time.

Occasionally he called home. On the phone, he told his sisters fake stories about getting excellent food and people taking care of him. He tried to paint a bright picture by telling them that there was a recreation room, and that he could still work and make a dollar a day. He did not want to talk to his mother. Whenever he talked to her on the phone, both of them ended up crying. He did not want his mother to cry.

It was difficult to pass time in the jail. The stories of fellow prisoners kept him alive. He remembered the story of a young Mexican man who was arrested for illegal entry. A few weeks later, the judge found out that he was a US citizen, so he released him quickly. He also heard a lot of horror stories of immigration lawyers who gave wrong consultations, did not file papers on time, or were just lazy. Every year the immigration laws were becoming more stringent, and keeping up with them required diligence. Ansar remembered one immigration attorney who came to see his client, and the jail authorities arrested him for some technical glitch with his own visa. The immigration attorney spent a night in jail. He spent the entire night talking to detainees and giving them free consultations.

After losing his legal battle, Ansar's attorney suggested that he accept deportation. However, members of the Free Ansar Mahmood committee told him about the Administrative Discretionary process that allows the immigration administration to consider unusual circumstances and hardships on an individual basis to stop deportation. Ansar had been sitting in jail for over two years and it was difficult to wait longer. However, Ansar wanted to test the American justice system one last time. Most of the people in his organizing committee were

Americans, who didn't know him before this incident. If his case could inspire someone from the community, it could also inspire someone within the immigration administration. After all, they were also human beings. He filed the application for Administrative Discretionary Review on January 6, 2004.

The Free Ansar Mahmood Committee worked together for a petition drive, held community meetings, talked to politicians and the media, and networked with other organizations and individuals across the country. Within months, the committee obtained 16 signatures of from senators, congress people, and local politicians. Ansar was continuously interviewed on international and national television, radio, and print. The jail administration did not like this media publicity and tried different measures to stop it. They subjected Ansar to cavity searches before and after each interview. Interviewers had to follow specific guidelines to conduct interviews with him.

Ansar noticed these new tactics and knew that the enforcement officials wanted to discourage him from speaking. However, he knew that his support base stayed active because of his interaction with the media. Sometimes, he received letters from the general public who were moved by hearing his voice on the radio or television, or by reading about his case in the newspaper. Ansar knew that without this publicity, he would be forgotten. One day he got a message that Amy Goodman, of the radio show, "Democracy Now," was interested in doing a live interview with him. Ansar called one of the Committee members and within minutes he was talking live on "Democracy Now" via a three-way call. Some members of his committee went up to meet personally with Bill Cleary, the head of US Customs and Immigration Enforcement in Buffalo and requested a sympathetic review of his application. Inside the jail, Ansar waited. He was optimistic.

On March 2005, Bill Cleary used the buzzwords of national security and denied his application on the grounds that Ansar was a "convicted criminal" with an "aggravated felony." In his decision, Mr. Cleary wrote,

It is without dispute that you were convicted of an aggravated felony having pled guilty to have knowingly concealed, harbored and shielded from detection two illegal aliens. This is an egregious factor that I find disappointing for a new immigrant to this country to have been arrested and convicted for harboring illegal aliens. Further, it is noted in your testimony before the immigration judge that you lied to the federal court, under oath, during your plea hearing when you admitted your guilt... After reviewing all pertinent correspondence, it has been determined that the safety and security of the United States far outweighs the amount of publicity that has been generated in this case. The harboring and smuggling of illegal aliens continues to pose a serious threat to national security. Congress has mandated that the Department of Homeland Security enforce the Immigration and Nationality Act. The removal of criminal aliens has become a

priority. By law, your conviction has defined you as an “aggravated felon” and your removal is in the best interests of national security.¹

Susan, Rajesh, local activists, and Arathi and Subash from Freedom for Families set up a camp outside the Buffalo Detention Center and held a vigil for two nights to challenge the decision. However, after reading Mr. Cleary’s decision, Ansar lost the last bit of faith and trust he had in the American system. He signed his deportation papers and went to sleep.

In April 2005, he arrived back in Pakistan where his family greeted him with open arms. His immediate family knew about his arrest and deportation, but he did not want to tell the entire community. It would be difficult for them to know the intricacies and subtleties of the case.

Ansar is happy to be back with his family and loved ones. He still misses his freedom in the US, the people that he worked with and the community members who organized for him. Opportunities are not as great in Pakistan as they were in the US. There is a lot of corruption, and the rich people with power like to maintain the status quo. However, Pakistan is his country, a place he believes that he won’t be kicked out of for helping a close friend. Maybe this is the difference between the US and Pakistan. The United States is a nation of immigrants. However, discriminatory laws force immigrants to constantly walk on a long path filled with thorns.

Today, Ansar drives a van to transport school children from their homes to schools. Looking back, Ansar wonders why was he targeted? He does not know anyone else who has been barred from entering the US for life. Why him? Maybe the immigration officials were afraid that if he had stayed, he would have sued the American government. The US government was protecting itself by trying to get rid of him.

Sometimes, he thinks about that immigration officer on the night of October 9, who insisted on his arrest. Was he thinking that by arresting Ansar, he would get a big promotion? Was he trying to be patriotic? Was he taking revenge on Ansar for the tragic deaths of approximately 3,000 Americans in the World Trade Center? Ansar does not know. He may not know for a while. However, he is optimistic that with a change in the political climate, after the global war on terror is over, people will start to see each other as individuals again and not necessarily as terrorists; maybe something will change then. Documents will be declassified and he will get to see what was happening. Until then, he has to wait. He is optimistic and he is going to wait...

Recently, Susan and I tried to contact the immigration officers to discuss the case. They refused to talk and were rude on the phone. The local Hudson police chief would not talk to us either. The FBI records are classified, and we are not sure when we will have access to them even though we have filed the Freedom of Information Act request.

There is a manufactured silence around Ansar's case. Enforcement officials are unwilling to talk. Even when they talk, the veneer of enforcing the laws is so severe that I can see that they are just repeating what had been told to them. There is no independent thinking. They did not "want to make a mistake and release a wrong person." What about making a mistake of arresting a wrong person? The fear of terror has not allowed them to think about the issues of civil liberties—primarily because the arresting of a wrong person is not impacting the majority of enforcement officials, politicians, and decision-makers. There is a lack of accountability and an undercurrent of racism. These elements, combined with the inhumanity of the justice system, have destroyed Ansar's dream of moving his family away from Muhammadi Pura. His sisters are unsure about their future. Everyone is baffled at the American justice system. Ansar is the only individual that I know who is barred from ever re-entering the US. It tells me a lot about the state of justice in America. The US government has to protect itself from Ansar. I am hoping that some lawyer will pick up Ansar's criminal case and ask for a retrial.

Like Ansar, there are thousands of other hardworking immigrants stuck in the labyrinth of ever-shifting immigration laws—laws, which are man-made, discriminatory, enacted for political gain, and based on buzzwords like border protection, jobs, drugs, crime, and national security. In the fields, individual officers without knowledge of immigrant cultures further abuse these laws and justify it by claiming that they were "just doing their jobs." The concept of "just doing my job" is resulting in the destruction of thousands of lives; therefore these are discriminatory jobs. We need to work together to change these laws and the system.



Figure 5. Ansar Mahmood.
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Notes

¹Bill Cleary, Letter to Mr. Ansar Mahmood, Reference A47 265 599, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Buffalo, New York, March 2005.

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Author

Irum Shiekh is a post-doctoral fellow for the Asian American Studies Center and Oral History Center for the University of California at Los Angeles. She is interested in bringing about a change in the world through her writings and films.

Currently, she is completing her book that provides oral histories of seven individuals arrested and deported in connection with the September 11 attacks. Ansar Mahmood's narrative is one of those oral histories.



Figure 6. Susan Davies, Irum Shiekh, and Ansar Mahmood.
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