



**Council on American-Islamic Relations**

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November 30, 2011

[REDACTED]

Department of Defense  
Washington Headquarters Services  
1155 Defense Pentagon  
Washington, DC 20301-1155

**RE: DoD Personnel Security Program,** [REDACTED]  
[REDACTED]

Dear [REDACTED]:

I am submitting this demand letter on behalf of my client, [REDACTED] in response to your agency's tentative denial of his eligibility for access to classified information based upon your concerns regarding his susceptibility to "foreign influence." [REDACTED]  
[REDACTED]

On behalf of [REDACTED], the Council on American-Islamic Relations Philadelphia Office (hereinafter, CAIR-Philadelphia) asserts that your decision is in contradiction of the Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, Guideline B: Foreign Influence (hereinafter, "Guideline B"). CAIR-Philadelphia further asserts that your determination violates [REDACTED] rights under federal statutory law and the Constitution of the United States. For these reasons, we demand that you reverse your decision and grant [REDACTED] the "access to classified information" necessary to assume the duties, and full employment benefits associated with the position [REDACTED]. If our demands are not met, we reserve the right to pursue other avenues of redress, including litigation in federal court. As you are aware, a case involving similar facts is currently being litigated in federal court in the Eastern District of Virginia.

You have previously told [REDACTED], "Your foreign influence is a security concern" and cited Guideline B as the reason why he was denied "eligibility for access to classified information and/or occupancy of a sensitive position." [REDACTED]  
[REDACTED]

We further assert that your decision violates federal statutory law and the Constitution of the United States. This decision discriminates against [REDACTED] on the basis of his religion, and other protected bases, under the Civil Rights Act of 1964 and infringes upon his religious freedom as protected by the

Religious Freedom Restoration Act. Furthermore, we assert that this decision violates [REDACTED] constitutional rights of free exercise of religion and freedom of expressive association pursuant to the First Amendment, his Fifth Amendment equal protection rights, and his right to travel pursuant to *United States v. Guest* and its progeny.

As previously indicated, we hope to resolve this issue amicably. However, should litigation become necessary, we believe that these issues can be litigated pursuant to 42 U.S.C. 1983, and other related statutory provisions, and that the Administrative Procedures Act precludes governmental immunity from litigation of this matter.

For the reasons stated above, CAIR-Philadelphia demands the following on behalf of [REDACTED]:

1. [REDACTED] be made immediately eligible “eligibility for access to classified information and/or occupancy of a sensitive position,”
2. [REDACTED] be granted his promotion [REDACTED],
3. [REDACTED] be compensated at a rate appropriate for an individual employed as [REDACTED],
4. [REDACTED] be eligible for further professional advancement within the Department of Defense,
5. [REDACTED] be compensated for any lost wages resulting from the fact that he was denied “eligibility for access to classified information and/or occupancy of a sensitive position” beginning on [REDACTED], and continuing to the date in which he assumes his new [REDACTED] position,
6. The United States Government modify its “Adjudicative Guidelines for Determining Eligibility for Access to Classified Information” to comply with the aforementioned federal statutes and federal constitutional provisions, and
7. For such further relief deemed appropriate by CAIR-Philadelphia and [REDACTED].

We believe that these demands are reasonable [REDACTED]

I will look forward to your prompt response.

Sincerely,



Amara S. Chaudhry, Esquire  
Civil Rights Director