

March 19, 2012

The Honorable Eric Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder:

The undersigned civil rights, faith, community, and advocacy groups write to express our deep concern regarding the New York Police Department's ("NYPD") well-documented and blanket surveillance of Muslim communities in America without any suspicion of wrongdoing. The NYPD appears to have targeted individuals and communities for surveillance based upon nothing more than their faith. Such measures are just the latest manifestation of the NYPD's discriminatory practices against racial, religious, and ethnic minorities. In light of the breadth of information now available, we strongly urge the Department of Justice to commence a prompt investigation into NYPD surveillance of Muslims in New York, New Jersey, Pennsylvania, and Connecticut, including determining whether potentially unlawful surveillance continues.

Since August 2011, the Associated Press has released a series of reports, based on the NYPD's own documents, about one or more NYPD intelligence gathering programs that specifically targeted Muslims.¹ Based on information released to date, the department has surveilled and collected intelligence about approximately 350 mosques, schools, businesses, and individuals, without any apparent evidence of criminal activity, between at least 2005 to 2008.² As part of mapping programs that targeted Muslims' ethnic and national origin throughout New York City, the NYPD maintained a list of "ancestries of interest," targeted neighborhoods with large Muslim populations, and created maps identifying the religious sect and "ethnic compositions" of Muslim religious organizations, and the ethnicity and national origin of the owners and employees of business frequented by Muslims.³ The NYPD also sent officers or informants to compile daily reports about Muslim patrons who visited specific cafes and clubs.⁴ The range of the NYPD's surveillance also extended to mosques, community centers, and organizations in New Jersey, Connecticut, and Philadelphia.⁵ In October 2011, it was revealed that undercover NYPD officers infiltrated Muslim student associations at eight college campuses in New York.⁶ The NYPD has visited the websites, blogs, and forums

¹ Associated Press' Reporting on NYPD Intelligence Operations, available at: <http://ap.org/nypd/>

² *Id.*

³ "Inside the Spy Unit That Doesn't Exist," Apuzzo & Goldman, Associated Press, Aug 31, 2011, available at: <http://news.yahoo.com/inside-spy-unit-nypd-says-doesnt-exist-090802750.html>

⁴ *Id.*

⁵ "NYPD Monitored Muslim Students All Over Northeast," Chris Hawley, Associated Press, Feb 18, 2012, available at: <http://news.yahoo.com/nypd-monitored-muslim-students-over-northeast-201653480.html>.

⁶ *Id.*; Chris Hawley and Matt Apuzzo, "NYPD Infiltration of Colleges Raises Privacy Fears," Associated Press, Oct. 11, 2011, available at <http://news.yahoo.com/nypd-infiltration-colleges-raises-privacy-fears-063403626.html>.

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of Muslim student associations on twelve campuses “as a daily routine” and informants or undercover agents have recorded students’ personal information and taken notes on how frequently students prayed.⁷ Most recently, documents show that the NYPD monitored businesses owned by second and third generation Americans because the owners were Muslim.⁸

The NYPD’s improper targeting of innocent Muslims is compounded by its use of a film entitled *The Third Jihad*. This offensive film falsely depicts Muslims as violent people seeking world domination⁹ and was shown continuously at police headquarters, and viewed by an estimated 1,500 officers. Moreover, the producers of the bigoted film conducted a ninety-minute interview with Commissioner Raymond Kelly.¹⁰

The enormity of the NYPD’s baseless and blanket surveillance operations, which cast suspicion on an entire faith community, and Commissioner Kelly’s own participation in an interview for an offensive and hateful film about Muslims, paint a disturbing picture of NYPD attitudes regarding Muslims. Furthermore, the use of widespread ethnic, racial, and religious profiling to subject religious institutions, schools, businesses and individuals to intelligence gathering is a threat to the rights of everyone. It creates distrust and suspicion among vulnerable communities and sends the chilling message that the NYPD will not act in accordance with the right to be free from unwarranted police scrutiny—a message the NYPD has also been sending by disproportionately subjecting people of color to its aggressive stop-and-frisk practices.

In September 2011, U.S. Representative Rush Holt (D-NJ) brought these issues to your attention by requesting an investigation into the NYPD’s blanket surveillance of the Muslim community.¹¹ Then, in December 2011, thirty-four Members of Congress expressed similar concerns and requested an inquiry into the matter.¹² Most recently, in February 2012, Senator Robert Menendez also reiterated the dire need for a Department of Justice investigation of the NYPD.¹³ To date, the Civil Rights Division has neither scheduled nor announced an imminent investigation.

⁷ Hawley and Apuzzo, “NYPD Monitored Muslim Students All Over Northeast,” *supra*.

⁸ “NYPD Kept Secret Files on Muslim American Businesses, Documents Show,” Associated Press, Mar 9, 2012, available at: <http://www.nydailynews.com/new-york/nypd-secret-files-muslim-american-businesses-documents-show-article-1.1036030>

⁹ “New York NYPD Cops’ Training Included an Anti-Muslim Horror Flick,” Tom Robbins, Village Voice, Jan 19, 2011, available at: <http://www.villagevoice.com/content/printVersion/2337684/>

¹⁰ *Id.*

¹¹ Representative Rush Holt’s Letter to Attorney General Eric holder, Sep 13, 2011, available on request.

¹² Letter to Attorney General Eric Holder, Dec 20, 2011, available at: <http://capac.chu.house.gov/media/Letter%20to%20DOJ%20on%20NYPD.pdf>

¹³ “Mendez Calls on Holder, Petraeus To Investigate Reports of NYPD Monitoring Muslim Communities, Students,” Feb 23, 2012, available at: <http://menendez.senate.gov/newsroom/press/release/?id=51c09404-5242-492f-a403-1c01ec03b537>

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Attempts at seeking accountability for the NYPD at the state level have been unsuccessful. With Governor Cuomo's support,¹⁴ New York State Attorney General Schneiderman recently declined to pursue an investigation,¹⁵ and Mayor Bloomberg has repeatedly defended the NYPD's monitoring of Muslims as legal and constitutional.¹⁶ It is deeply disturbing that these officials, who are charged with protecting our civil rights and liberties, appear unwilling to hold the NYPD accountable for its abusive policing practices. As a result, Muslims are being sent the message that the government officials entrusted with protecting their rights will not do so, and furthermore, these officials will not investigate allegations of police misconduct.

In light of the failure of state and local officials to act in response to the NYPD's abusive conduct, it is critically important that the federal government vindicate our society's commitment to equal justice under the law and the prohibitions against targeting communities and individuals based solely on their religion, ethnicity, or national origin. We strongly urge the Civil Rights Division to commence an immediate investigation of the NYPD's past and current practices to identify whether it has violated, or continues to violate, the Constitutional, federal or state law rights of Muslims, including their rights to equal protection of the law, free exercise, and association.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,

Advocacy for Principled Action in Government
Alliance for Justice
Amal Law Group, LLC
American Arab Forum
American Muslim Voice
American-Arab Anti-Discrimination Committee (ADC) - Michigan
American-Arab Anti-Discrimination Committee (ADC) - National
Anjuman-e-Asghari
Arab American Association of New York
Arab Community Center for Economic and Social Services (ACCESS)
Arab Muslim American Federation
Asian American Legal Defense and Education Fund (AALDEF)
Asian Law Caucus
Association of Muslim American Lawyers (AMAL)
Bill of Rights Defense Committee (BORDC)
Black Unity

¹⁴ "Governor Cuomo Refuses to 'Second Guess' NYPD or Schneiderman," Glenn Blain, New York Daily News, Feb 27, 2012, available at: <http://www.nydailynews.com/blogs/dailypolitics/2012/02/cuomo-refuses-to-second-guess-nypd-or-schneiderman>

¹⁵ "Bloomberg: NYPD Muslim Monitoring Was Legal," NBC New York, Feb 24, 2012, available at: <http://www.nbcnewyork.com/news/local/Mayor-Bloomberg-NYPD-Muslim-Spy-Surveillance-140293933.html>

¹⁶ *Id.*

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Campaign for Peace and Democracy
Capitol Area Muslim Bar Association
Center for Constitutional Rights
Center for Media and Democracy
Center for National Security Studies
CLEAR - Creating Law Enforcement Accountability & Responsibility, City University
of New York School of Law
Council of Islamic Organizations of Greater Chicago (CIOGC)
Council of Islamic Organizations of Michigan (CIOM)
Council of Shia Professionals
Council on American Islamic Relations
Council on American Islamic Relations - New Jersey
Council on American Islamic Relations - New York
Counselors Helping (South) Asians/Indians, Inc. (CHAI)
Daya Inc.
Defending Dissent Foundation
DRUM - Desis Rising Up & Moving
EMERGE
Fellowship of Reconciliation
Florida Muslim Bar Association
George Crawford Black Bar Association
Georgia Association of Muslim Lawyers (GAML)
Greater New York Labor-Religion Coalition
Hindu American Seva Charities
Houston Shifa Services Foundation, Inc.
Imam Hussain Islamic Center
Imam-A-Zamana Foundation of North America
Imamia Medics International
Independent Viewpoints
Indian Muslim Relief & Charities (IMRC)
Interfaith Alliance
Interfaith Center of New York
Iranian American Bar Association
Islamic Ahlul Bayt Association (IABA)
Islamic Association of The Finger Lakes
Islamic Center of Greater Cincinnati
Islamic Center of Long Island
Islamic Center of Zahra-SA
Islamic Circle of North America (ICNA)
Islamic Information Center (IIC)
Islamic Society of Corona-Norco
Islamic Society of Greater Houston (ISGH)
Jews Against Islamophobia
Jews for Racial and Economic Justice
Judson Memorial Church, NYC
Majlis Ash-Shura (New York)

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Masjid Darul Qur'an
Muslim Advocates
Muslim Alliance in North America (MANA)
Muslim American Civil Liberties Coalition
Muslim American Community Association
Muslim American Society of New York (MAS-NY)
Muslim Bar Association of Chicago
Muslim Bar Association of New York
Muslim Bar Association of Southern California
Muslim Center of Middlesex County, Piscataway, NJ
Muslim Civil Liberties Union (MCLU)
Muslim Consultative Network (MCN)
Muslim Law Students Association - New York University School of Law
Muslim Legal Fund of America (MLFA)
Muslim Peace Coalition USA
Muslim Progressive Traditionalist Alliance
Muslim Public Affairs Council (MPAC)
Muslim Students Association National
Muslims for Peace, Inc.
NAACP New York State Conference
National Bar Association, Region II
National Muslim Law Students Association
National Network for Arab American Communities (NNAAC)
New England Muslim Bar Association
New Jersey Muslim Lawyers Association
New Jersey Peace Action
New York State Association of Criminal Defense Lawyers
Noor Kids Children's Islamic Books
Northern California Islamic Council
Occupy Wall Street, by consensus of the General Assembly in Liberty Plaza, New York City, March 17, 2012
Orange County Islamic Foundation (OCIF)
Organization of North American Shia Ithnasheri Muslim Communities
Pakistani American Bar Association
PAKPAC
Rights Working Group
Rochester Black Bar Association
SABA Islamic Center
Sakhi for South Asian Women
September 11th Families for Peaceful Tomorrows
Sikh American Legal Defense and Education Fund
Somali Action Alliance
South Asian Americans Leading Together (SAALT)
South Asian Bar Association of New York
St. Mary's Episcopal Church - West Harlem
Tennessee Immigrant & Refugee Rights Coalition

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The Arab American Family Support Center
The Military Religious Freedom Foundation
The Muslim Political Prisoner Defense Committee Inc.
The Rt Rev. John Bryson Chane, 8th Bishop of the Episcopal Diocese of Washington DC
The Shalom Center
The Sikh Coalition
Universal Muslim Association of America (UMAA)
University of Pennsylvania Muslim Students Association
USPAK Foundation
Women Against Islamophobia and Racism
Women In Islam Inc.