

October 26, 2011

The Honorable Patrick J. Leahy  
Chairman of the U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

**RE: Shocking Reports that NYPD Targets Law Abiding Muslims in Several States**

Dear Chairman Leahy:

The Council on American-Islamic Relations (CAIR) would like to bring to your attention *The Associated Press* (AP) series of ongoing investigative reports by Adam Goldman and Matt Apuzzo on the New York City Police Department's (NYPD) apparently unrestrained and unconstitutional multi-state monitoring and surveillance of law-abiding American Muslims engaged in almost every activity of normal daily life.

Following a months-long investigation, AP revealed that the NYPD, with assistance from the Central Intelligence Agency (CIA), is using covert surveillance techniques of dubious legality that appear to impede core First Amendment freedoms, which include the right to practice one's faith, the right to freely associate with others, and the right to live without official suspicion directed at one's religious affiliation.

For reasons that will be outlined in this letter, we respectfully request that the U.S. Senate Judiciary Committee launch an immediate investigation into this shocking affair and hold formal hearings on the civil rights implications of the NYPD sponsoring domestic spying activities of American Muslims across state lines and the legal questions raised by such activities.

In January 2002, David Cohen, former CIA Deputy Director for Operations, was appointed as New York City's first civilian Deputy Commissioner of Intelligence. Shortly thereafter, Mr. Cohen requested assistance from CIA Director George Tenet, who approved the temporary assignment of Larry Sanchez, a respected CIA veteran, to oversee the establishment of the NYPD's intelligence programs while still on CIA payroll.

Since then, the AP reported that undercover NYPD officers in a so-called "Demographics Unit" targeted American Muslim communities in New York, New Jersey and Connecticut for surveillance and infiltration. With assistance from the U.S. Marshals Service, the NYPD had, "gotten some of its officers deputized as federal marshals, allowing them to work out of state," and that the undercover squad would, "operate in places such as New Jersey, Pennsylvania and Massachusetts," without the ability to make arrests.

The AP also reported that after collecting data on local Muslims, the NYPD would, "deploy officers in civilian clothes throughout the ethnic communities." Specifically, the NYPD, "dispatched teams of undercover officers, known as 'rakers,' into minority neighborhoods as part of a human mapping program, according to officials directly involved in the program. They've monitored daily life in bookstores, bars, cafes and nightclubs. Police have also used informants, known as 'mosque crawlers,' to monitor sermons, even when there's no evidence of wrongdoing. NYPD officials have scrutinized

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imams and gathered intelligence on cab drivers and food cart vendors, jobs often done by Muslims. Many of these operations were built with help from the CIA, which is prohibited from spying on Americans but was instrumental in transforming the NYPD's intelligence unit."

AP also reported that, "Muslims who change their names to sound more traditionally American, as immigrants have done for generations, or who adopt Arabic names as a sign of their faith are often investigated and catalogued in secret New York Police Department intelligence files."

According to the AP, NYPD investigators, "have been infiltrating Muslim student groups at Brooklyn College and other schools in the city, monitoring their Internet activity and placing undercover agents in their ranks," and that, "legal experts say the operation may have broken a 19-year-old pact with the colleges and violated U.S. privacy laws, jeopardizing millions of dollars in federal research money and student aid."

We are concerned that while the, "CIA is prohibited from collecting intelligence domestically, the wall between domestic and foreign operations became more porous. Intelligence gathered by the NYPD, with CIA officer Sanchez overseeing collection, was often passed to the CIA in informal conversations and through unofficial channels."

We are also concerned that this federal-state sponsored domestic spying program does not have any formal review or public transparency as, "neither the city council, which finances the department, nor the federal government, which contributes hundreds of millions of dollars each year, is told exactly what's going on."

We believe that these tactics are counter to the Obama administration's new strategy in countering violent extremism which explicitly states the focus of surveillance and investigations should be on identified individuals and not entire communities.

We respectfully request that the Senate Judiciary Committee provide the legislative oversight needed to shed light on legally questionable intelligence gathering activities across the United States by the NYPD to assure that such activities are in conformity with the U.S. Constitution and laws of the United States.

CAIR is America's largest Muslim civil liberties and advocacy organization. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

These revelations send the message to American Muslims that they are a suspect community and that their constitutional rights may be violated with impunity. We hope to distribute your response to our constituency in order to alleviate concerns regarding this multi-state effort to surveil American Muslims.

Sincerely,

Nihad Awad  
CAIR Executive Director

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cc: President Barack Obama  
Eric Holder, Jr., Attorney General of the United States  
Senator Chuck Grassley, Ranking Member of the Senate Committee on the Judiciary  
Senator Dianne Feinstein, Senate Committee on the Judiciary  
Senator Orrin G. Hatch, Senate Committee on the Judiciary  
Senator Chuck Schumer, Senate Committee on the Judiciary  
Senator Jon Kyl, Senate Committee on the Judiciary  
Senator Dick Durbin, Senate Committee on the Judiciary  
Senator Jeff Sessions, Senate Committee on the Judiciary  
Senator Sheldon Whitehouse, Senate Committee on the Judiciary  
Senator Lindsey Graham, Senate Committee on the Judiciary  
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Senator Michael S. Lee, Senate Committee on the Judiciary  
Senator Christopher A. Coons, Senate Committee on the Judiciary  
Senator Tom Coburn, Senate Committee on the Judiciary  
Senator Richard Blumenthal, Senate Committee on the Judiciary  
Honorable Michael Bloomberg, Mayor of the City of New York  
Islamic Shura Council of New York