

# MACLC

## Muslim American Civil Liberties Coalition

July 22, 2011

VIA COURIER

Honorable Raymond Kelly  
New York City Police Department  
One Police Plaza  
New York, NY 10038

### **NYPD Pre-Ramadan Breakfast & Open Concerns of Muslim New Yorkers**

Dear Commissioner:

As we approach the NYPD's annual Pre-Ramadan Breakfast, we would like to bring to your attention our concerns about the Police Department's failure to respond to Muslim New Yorkers' questions about the NYPD's policies and activities.

As concerned members of the New York community and local advocacy organizations, we have been disappointed in the NYPD's stonewalling and lack of response when Muslim New Yorkers have brought important issues to your notice.

For example, in early 2011, the Muslim American Civil Liberties Coalition (MACLC) wrote to your offices on several occasions regarding the reported screening of the Islamophobic film *The Third Jihad* at an NYPD training event. MACLC joined with various members of the City Council to hold a press conference at which they requested that the NYPD promptly investigate the matter, release information about how Islam and Muslims are described in training materials, and create a formal procedure by which NYPD materials regarding Islam and Muslims are vetted by a Muslim advisory council. The NYPD's response was dismissive and failed to address MACLC's fundamental grievances about how the film came to be shown in the first place. Media reports also quoted an NYPD representative as characterizing MACLC's concerns a mutated lie.

The showing of *The Third Jihad* is among many issues which the NYPD has failed to address. Muslim New Yorkers have repeatedly expressed dismay at the ways in which the NYPD collects intelligence. While the NYPD is responsible for keeping New York safe, its strategies must uphold, rather than violate, our constitutional rights. The NYPD's use of certain intelligence tactics in houses of worship – such as paid informants, agent provocateurs, and mosque surveillance – are not only misleading as security measures but compromise the duty of the law enforcement acting under the color of state law. Moreover, such tactics severely undermine the community's trust in law enforcement's role to serve and protect. As documented by recent research, such a breakdown in trust could have deleterious effects on the security of our city. Yet the NYPD has done little to productively address such concerns.

To be clear, we recognize the important services that the NYPD provides. We also appreciate the efforts of the NYPD to meet with Muslim groups at the precinct and community-wide level. Such dialogues are necessary to discuss important quality-of-life issues (such as holiday parking) and to build local relationships. However, they cannot be a substitute for substantive dialogue with the community on major civil rights matters.

The issues raised by MACLC deserve a response. In recent weeks, we have seen a continued pattern of hate crimes against Muslims and political rhetoric calling for suspicion of Muslims. As we approach the 10th anniversary of the 9/11 attacks, we should expect such scrutiny to continue. In such times, Muslim New Yorkers need a police department that is responsive to its concerns.

Accordingly, we respectfully request the following:

1. An explanation at the Pre-Ramadan Breakfast about the types of investigative tactics that the NYPD may be using in mosques and Muslim community centers. The NYPD's use of informants in mosques is well documented. Since the NYPD claims that such tactics are necessary, it should clearly explain these strategies to community leaders so they are aware of what is taking place in their communities.
2. The NYPD provide a full response to the three requests outlined in MACLC's January 28, 2011 letter regarding the NYPD's screening of *The Third Jihad* (attached hereto).
3. That the NYPD adopt and implement the Recommendations outlined in *COUNTERTERRORISM POLICY - MACLC's Critique of the NYPD's Report on Homegrown Radicalism* (attached hereto).

On the occasion of this Pre-Ramadan gathering, we call for meaningful and sustained dialogue to pave the way for a more accountable relationship between the NYPD and the Muslim community.

We trust that you will share this communication with the appropriate departments. While this is in part a community affairs issue, it is also a training issue and an operational and intelligence issue.

Sincerely,



Aisha Al-Adawiya  
Women In Islam, Inc.

Cc: Deputy Commissioner Wilbur L. Chapman, Training  
Chief Philip Banks, III, Community Affairs  
Deputy Inspector Amin Kosseim  
Detective Ahmed Nasser

*Submitted on behalf of Muslim American Civil Liberties Coalition members:*

Abdelhafid Djemil  
Muslim American Society of New York

Aisha Al-Adawiya  
Women In Islam, Inc.

Asim Rehman  
Muslim Bar Association of New York

Cyrus McGoldrick  
Council on American Islamic Relations – New York

Dalia Toor  
Muslim Public Affairs Council – New York

Linda Sarsour  
Arab American Association of New York

Megan Putney  
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Monami Maulik  
DRUM - Desis Rising Up and Moving

Omar Mohammedi  
Association of Muslim American Lawyers

P. Adem Carroll  
Muslim Progressive Traditionalist Alliance

Professor Ramzi Kassem  
CLEAR - Creating Law Enforcement Accountability & Responsibility  
City University of New York School of Law

*Submitted on behalf of Muslim American Civil Liberties Coalition allies:*

Center for Constitutional Rights  
CHRGJ - Center for Human Rights and Global Justice at NYU Law School  
DAMAYAN Migrant Workers Association  
Defending Dissent Foundation (Washington DC)  
Families United For Justice in America (Washington DC)  
Interfaith Center of New York  
NYCLU - New York Civil Liberties Union  
New York City Coalition to Stop Islamophobia  
Pakistan-USA Freedom Forum  
Rights Working Group

Muslim American Civil Liberties Coalition  
c/o Women in Islam, Inc., P.O. Box 814, Lincolnton Station, New York, NY 10037-0814

The Peace Thru Justice Foundation (Washington DC)  
Turning Point for Women and Families  
Ugnayan ng mga Anak ng Bayan / Linking the Children of the Motherland

# MACLC

## Muslim American Civil Liberties Coalition

January 28, 2011

VIA COURIER

Honorable Raymond Kelly  
New York City Police Department  
One Police Plaza  
New York, NY 10038

### **MACLC Concern Over NYPD Use of “The Third Jihad” Film**

Dear Commissioner Kelly:

We, the members of the Muslim American Civil Liberties Coalition (MACLC), were shocked and saddened to learn that the NYPD has been using a disturbingly offensive and inaccurate film as part of its cadet training program.

As the Village Voice reported recently, the NYPD has been using *The Third Jihad*, “a spectacularly offensive smear of American Muslims,” produced by the Clarion Fund, as counter-terrorism training material as recently as this month. We are certain that you will agree that this film is inappropriate for officers who are responsible for maintaining the public order and protecting all New Yorkers.

The film is not simply critical of Muslims, but is an outright and irresponsible distortion of our faith. By creating unwarranted suspicion of our community, *The Third Jihad* promotes the profiling of our community, not the protection of it. In addition, it risks demoralizing the many Muslim officers and department employees who dedicate themselves to public service. Finally, it undercuts the efficacy of your own efforts to build strong relations between the NYPD and Muslim communities in New York, ultimately undermining the security of our city and nation.

As community leaders, we are deeply concerned about the increasing levels of anti-Islam and anti-Muslim sentiments that have been documented in national polls. We are also concerned about the self-appointed, well-funded experts and bloggers who have been deliberately working to instigate fear and hatred of Muslims. The Clarion Fund is part of this troubling anti-Muslim movement, having distributed its film *Obsession* to millions of swing state voters in 2008. Films like *The Third Jihad* only work to further advance such anti-Islam and anti-Muslim sentiments.

Unfortunately, this does not appear to be an isolated incident. Public Eye will soon be releasing a report on the use of biased trainers by law enforcement around the country. It offers alarming news. Excerpts already posted indicate that one association made up of former NYPD officers is promoting an extreme and negative view of our religion and our community. We are sure that you

will agree that the last thing we all need is to have the NYPD associated with a film designed to instigate fear and hatred of Muslims or to be accused of such biases.

We hereby request you to take the following steps to remedy the current situation.

*First*, we call for a prompt investigation and public disclosure about how this biased and incendiary film came to be used in counterterrorism training classes for NYPD personnel.

*Second*, to prevent the use of such material in the future, we request you to provide us with detailed information on how the NYPD decides on the content of counter-terrorism training courses and we request copies of any and all material used that relates to Islam and Muslims. We understand that we can request such information under the New York Freedom of Information Law, but would rather work with your office to understand the problem and provide input into its solution rather than engage in litigation.

*Third*, we request that you institute a formal procedure by which films or other information about Islam and the Muslim community are vetted by an advisory council of New York Muslim leaders appointed by you. We do not ask you to give us veto power over the NYPD's training program, but we request a mechanism to present our reviews for your consideration.

We recognize that during your years as Commissioner, the NYPD has shown an admirable willingness to reach out to the diverse communities of New York City, including the Muslim community. This includes a willingness to listen to the constructive criticism from community members, such as the NYPD's openness to meeting with MACLC regarding the NYPD's 2007 Report *Radicalization in the West: The Homegrown Threat*. While we received only limited feedback on our recommendations following the report, we were still pleased to see that some of our points were recognized in the revised version of the report, which was issued in 2009. We trust that you will treat today's request with even greater seriousness.

We are available to meet with you and those charged with investigating this matter, and we look forward to an early response from you.

Please direct all correspondence to Asim Rehman, Vice President, Muslim Bar Association of New York, via email to [asim@muslimbarny.org](mailto:asim@muslimbarny.org) or mail to MuBANY, P.O. Box 1171, New York, NY, 10013.

Sincerely



Asim Rehman  
Vice President  
Muslim Bar Association of New York

*Submitted on behalf of Muslim American Civil Liberties Coalition members:*

Abdelhafid Djemil  
Muslim American Society of New York

Aisha Al-Adawiya  
Women In Islam, Inc.

Asim Rehman  
Muslim Bar Association of New York

Cyrus McCormick  
Council on American Islamic Relations – New York

Dalia Toor  
Muslim Public Affairs Council – New York

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Monami Maulik  
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P.A. Carroll  
Table 32

Professor Ramzi Kassem  
CLEAR - Creating Law Enforcement Accountability & Responsibility  
City University of New York School of Law

# **COUNTERT**ERROR**ISM POLICY**

**MACLC's Critique of the NYPD's Report on Homegrown Radicalism**



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## **ABOUT MACLC**

The Muslim American Civil Liberties Coalition (MACLC), a New York-based coalition of Muslim advocates, attorneys and community leaders, was created in 2007 following the release of the New York City Police Department report, “Radicalization in the West: The Homegrown Threat.” MACLC was created for the purpose of articulating a New York-specific Muslim perspective on homeland security, civil liberties, counterterrorism, and law enforcement decision-making.

Members of MACLC hold firmly that engagement and consultation with the Muslim community and community-based organizations are necessary precursors to effective domestic security discourse, and that the protection of civil liberties—especially protections against racial, religious, and ethnic profiling/bias—is an essential component of an effective security policy.

MACLC’s vision is to promote a partnership with law enforcement and the American Muslim community that upholds local and national security interests without infringing on civil liberties.

MACLC hopes to serve as a working model for law enforcement and minority groups across the nation.

## **MACLC MEMBERS**

Association of Muslim American Lawyers (AMAL)  
 Arab Muslim American Federation (AMAF)  
 Council on American Islamic Relations, New York Chapter (CAIR-NY)  
 Council of Peoples Organization (COPO)  
 Islamic Circle of North America (ICNA)  
 Jamaica Muslim Center, Inc. (JMC, Inc.)  
 Muslim American Society New York (MAS-NY)  
 Muslim Bar Association of New York (MuBANY)  
 Muslim Consultative Network (MCN)  
 Muslim Public Affairs Council-New York City Office (MPAC-NY)  
 Women in Islam, Inc. (WII, Inc.)

## **ENDORSERS**

Arab American Family Support Center  
 Center for Constitutional Rights  
 Desis Rising Up and Moving  
 Islamic Center of Long Island  
 Malcolm X & Dr. Betty Shabazz Memorial and Educational Center  
 National Lawyers Guild  
 South Asian Americans Leading Together  
 South Asian Bar Association of New York  
 Sikh Coalition  
 The Unitarian Universalist Service Committee

## ACKNOWLEDGEMENTS

This paper was drafted and researched by CAIR-NY's Community Affairs Director, Faiza N. Ali, and Board Member of MCN and WII, Inc., Sarah Sayeed. CAIR-NY's Civil Rights Director, Aliya Latif, and CAIR-NY's Law Clerk, James Schmitz, provided primary edits.

MACLC would like to thank Aziz Huq from the Brennan Center of Justice at New York University School of Law and Omar Mohammedi from AMAL and CAIR-NY for their advisory role to the paper. This paper also benefited from constructive feedback by MACLC members Adem Carroll of MCN, Ally Hack of AMAL and Naoma Nagahawatte of MPAC-NY.

MACLC would also like to give a special thanks to the following community leaders, activists and MACLC members for their consistent support: Aisha Al-Adawiya; Imam Shamsi Ali; Debbie Almontaser; Abdelhafid Djemil; Azeem Khan; Mohammed Razvi; Meesam Razvi; Asim Rehman; and Imam Syed Z. Sayeed.

For questions or to obtain copies, please email: [maclc.ny@gmail.com](mailto:maclc.ny@gmail.com)

## **CONCLUSION: MACLC's Recommendations to the NYPD**

The NYPD Report continues to be promoted and used by government agencies around the nation.<sup>72</sup> If history is any guide, prevention efforts stemming from the NYPD Report will unnecessarily result in the erosion of civil liberties. Indeed, focusing on race, religion, and national origin predicts profiling, not commission of terrorist acts. The NYPD Report has already alienated mainstream Muslims, and if translated into policy, it will only deepen mistrust between law enforcement and community members. At the same time, it will fail to provide practical counterterrorism solutions that target actual offenders and will require an increase in taxpayer funded monitoring of a largely law abiding religious group.

Therefore, MACLC proposes the following next steps to restore community trust in the NYPD and to avoid harmful and counter-productive profiling. The NYPD should:

### **1) Develop and make transparent its standards on civil liberties restrictions.**

- Organize discussions and regular task force groups including Muslim community experts, religious and community leaders and leading analysts of NYPD's intelligence and counterterrorism divisions to help ensure the protection of civil liberties and develop a more careful analysis of security issues as they impact the community.
- Redefine "radicalization" in a way that avoids criminalizing political thought, opinion and religious views; avoids profiling, stereotyping or other distortions; and specifies how its policing strategies will be defined and implemented to address "radicalization" without violating constitutional rights.
- Define and publicize threshold standards for NYPD investigations of religious, political, and community spaces, and the electronic monitoring of such spaces, and provide assurance that safeguards are in place to ensure that First Amendment liberties are not violated. This is necessary at a time when there have been unprecedented rollbacks of civil liberties such as the right of habeas corpus and other protections, with still other changes proposed as part of the War on Terror.<sup>73</sup> Such efforts may also help demystify professional police work and reduce the level of fear in the community.
- Clarify NYPD standards for the use of informants, particularly in religious, political, and community associations.
- Develop a plan to mitigate backlash, both real and feared, and to protect Muslim, South Asian and Arab communities from hate crimes by working with local and national media to avoid publicity and hype around terrorism cases. Ultimately, this approach will also improve community relations.

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<sup>72</sup> On May 8, 2008, the U.S. Senate Committee on Homeland Security and Government Affairs issued a report titled, "Violent Islamist Extremism, The Internet, and the Homegrown Terrorist Threat" that endorses the NYPD Report view of radicalization, *available at* [http://hsgac.senate.gov/public/\\_files/IslamistReport.pdf](http://hsgac.senate.gov/public/_files/IslamistReport.pdf) (last visited Sept. 3, 2008).

<sup>73</sup> DAVID COLE, *TERRORISM AND THE CONSTITUTION: SACRIFICING CIVIL LIBERTIES IN THE NAME OF NATIONAL SECURITY* (New Press 2002).

## 2) **Develop structured approaches for partnering with community.**

- Educate Muslim, South Asian and Arab communities about past or potential collaborations with other local and federal law enforcement agencies (e.g., the “Bridges program” in Detroit; the Muslim Safety Forum in London).<sup>74</sup>
- Explore and commit to incorporate lessons from other states’ and nations’ experiences with community-based policing efforts<sup>75</sup> related to terrorism in New York strategies.
- Develop real partnerships with community organizations and groups to work more extensively on specific shared neighborhood concerns outside of national security issues in order to improve relations with police and youth.<sup>76</sup>
- Establish regular public dialogue about policing strategies and their impact on communities.

## 3) **Educate the NYPD about the Muslim community.**

- Consult with Muslim scholars and diverse, but well-grounded, academics about improving existing curriculum on Islam and Muslims for NYPD cadets, officers and high ranking officials.
- Develop programs for NYPD cadets, officers, and high ranking officials on Islam and the Muslim American community in consultation with Muslim scholars and experts who are respected by the community. Involve Muslim community spokespersons in such trainings. Avoid relying on analysis or resources that are biased or have a political agenda.
- Incorporate religiously and culturally sensitive policing trainings at the precinct level for all religious traditions, as well as focusing specifically on Muslims and Islam in America and Islamophobia.

## 4) **Educate leaders and community members about the NYPD Community Affairs Program.**

- Continue to hold interactive community forums and leadership roundtables to educate community leaders and community members about its community affairs and participation programs, and the various opportunities there are to partner with the NYPD. These meetings would help alleviate the discontent with the NYPD and the perception

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<sup>74</sup> “BRIDGES is a forum of constructive dialogue between federal and local government representatives and leaders of the Arab American community, which enhances understanding and the concept of trust. BRIDGES is currently co-chaired by Imad Hamad, ADC Sr. National Advisor and Regional Director, and Daniel Sutherland, Officer for Civil Rights and Civil Liberties, Department of Homeland Security.” *Building Respect in Diverse Groups to Enhance Sensitivity Meeting Addresses Key Issues*, available at, [http://www.us4arabs.com/index2.php?option=com\\_content&do\\_pdf=1&id=823](http://www.us4arabs.com/index2.php?option=com_content&do_pdf=1&id=823) (last visited Oct. 3, 2008).

<sup>75</sup> Jack R. Greene, *Community Policing in America: Changing the Nature, Structure, and Function of the Police. Criminal Justice 2000*. Vol. 3, (2003), available at [http://www.ncjrs.gov/criminal\\_justice2000/vol\\_3/03g.pdf](http://www.ncjrs.gov/criminal_justice2000/vol_3/03g.pdf) (last visited Sept. 3, 2008).

<sup>76</sup> Community organizations can work together with the NYPD Community Affairs Department to ensure participation from Muslim youth in programs such as the Law Enforcement Explorers and Police Athletic League. NYPD Community Affairs, Youth Programs available at [http://www.nyc.gov/html/nypd/html/community\\_affairs/youth\\_programs.shtml](http://www.nyc.gov/html/nypd/html/community_affairs/youth_programs.shtml) (last visited Sept. 3, 2008).

that the community has been excluded from discussions that have a direct bearing on our community.

- Continue to hold community forums to provide information about NYPD's efforts related to terrorism, gang-related crime, racial/religious hate crimes and backlash, with specific outreach to youth through college campuses and high schools; each community session should include an evaluation form.

In closing, MACLC requests that the NYPD take seriously our input as it fulfills its mission to safeguard New York's communities. More specifically, we urge the NYPD to incorporate our recommendations into an official addendum or an updated and revised version of the 2007 NYPD Report. Finally, we request the NYPD's official and public endorsement of MACLC's proposed measures aimed to secure civil liberties and better partnerships between the police and our community. If implemented, the recommendations to the NYPD Report will be a monumental first step in facilitating a more open relationship between the NYPD and the Muslim community, as well as with minority communities around the country. Through a more cooperative strategy, we can be safe while free.