

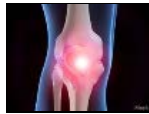
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Muslims sue NYPD over monitoring of mosques, congregants

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An NYPD officer and a man look on as civil rights and legal advocates and residents hold a news conference in New York outside One Police Plaza to discuss planned legal action challenging the department's surveillance of businesses frequented by Muslim residents and area mosques. (Timothy Clary / AFP/Getty Images / June 18, 2013)



By Matt Pearce
June 19, 2013 | 6:00 a.m.

New York Muslims have filed a federal lawsuit against the New York Police Department over the department's

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Your Hosts



As an editor and reporter, Michael Muskal has covered local, national, economic and foreign issues at three newspapers, including the Los Angeles Times. @latimesmuskal



Matt Pearce, a University of Missouri graduate, has previously written for the Kansas City Star, the Los Angeles Review of Books, The New Inquiry and The Pitch. @matt Pearce

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surveillance of Muslims, which they called invasive and unconstitutional.

The public debate over government surveillance has crescendoed over the last two weeks after a leaker revealed that the federal government had secretly collected detailed phone records, on a massive scale, for years.

The lawsuit filed Tuesday emerged from a narrower but similar channel of criticism over the growth of surveillance on citizens since the Sept. 11 terrorist attacks. The suit also illustrated the power of the press to bring secret programs not just to light, but also to court.

Over a series of stories in 2011 and 2012, Associated Press reporters exposed a secret, long-running NYPD program to monitor Muslims across the Northeast using informants and databases in the hopes of spotting radicals.

Once made aware of the program, Muslim groups and civil liberties advocates were outraged, though a Pulitzer for the AP's stories notwithstanding, city and police officials persisted in defending the spying as necessary to combat terrorism.

As recently as Monday, NYPD Commissioner Raymond Kelly went so far as to criticize the National Security Agency for not owning up to its monitoring programs, telling reporters, "I think the American public can accept the fact if you tell them that every time you pick up the phone, it's going to be recorded and it goes to the government."

The claims in the new lawsuit allege that New York Muslims have instead experienced an observer effect: Muslim leaders and community members said that they were afraid to discuss certain issues and listen to certain sermons for fear

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that their comments would be taken out of context by informants.

One Brooklyn imam, Hamid Hassan Raza, said in the lawsuit that he spent more than \$2,000 upgrading video equipment and records every sermon to use as insurance against any investigation into his comments.

Asad Dandia, leader of an Islamic charitable group, said that rumors of an informant in the group ravaged his fundraising efforts; he also accused the suspected informant of trying to make trouble in the group by talking about controversial or sensitive subjects, such as the war in Syria.

A Brooklyn mosque alleged that the NYPD set up a surveillance camera pointed at the front door of the building, which worried some congregants and caused others to stay away.

"The NYPD has also instructed and trained informants to bait Muslim New Yorkers into making inflammatory remarks, which are then reported to the police," the lawsuit claims. "One such technique is known as 'create and capture,' by which an informant 'creates' a conversation with a Muslim New Yorker about jihad or terrorism and then 'captures' and reports that individual's response to the NYPD."

In a statement to the Los Angeles Times, a lawyer for the city's Department of Public Safety defended the NYPD's work.

"The NYPD's strategic approach to combating terrorism is legal, appropriate and designed to keep our City safe," said the statement by Celeste Koeleveld, a city attorney. "The NYPD recognizes the critical importance of 'on-the-ground' research, as police need to be informed about where a terrorist may go while planning or what they may do after an attack, as the Boston Marathon bombings proved.

"Cities cannot play catch-up in gathering intelligence about a terrorist threat," Koeleveld continued. "Our results speak for themselves, with New York being the safest big city in America and the police

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having helped thwart several terrorist plots in recent years."

(The AP reported that during a 2012 [deposition](#) for a civil rights case, [NYPD Assistant Chief Thomas Galati said](#) six years of monitoring by the department's secret "Demographics Unit" had not resulted in any terrorism leads or investigations.)

The suit -- which is backed by the American and New York Civil Liberties Unions -- says that Muslims became more anxious about police surveillance after the AP exposed the length of the NYPD's efforts, and attorneys argue that the spying discriminated against Muslims and also violated the 1st Amendment freedom to worship.

The filing mimics the path of other actions recently filed against the federal government, in which news reports -- and ensuing official disclosures -- gave greater legal traction for attorneys to sue government programs that had operated in secrecy.

[The ACLU filed a lawsuit last week](#) alleging that the NSA's blanket phone surveillance on Americans was unconstitutional.

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Moe Kurly at 8:09 AM June 20, 2013

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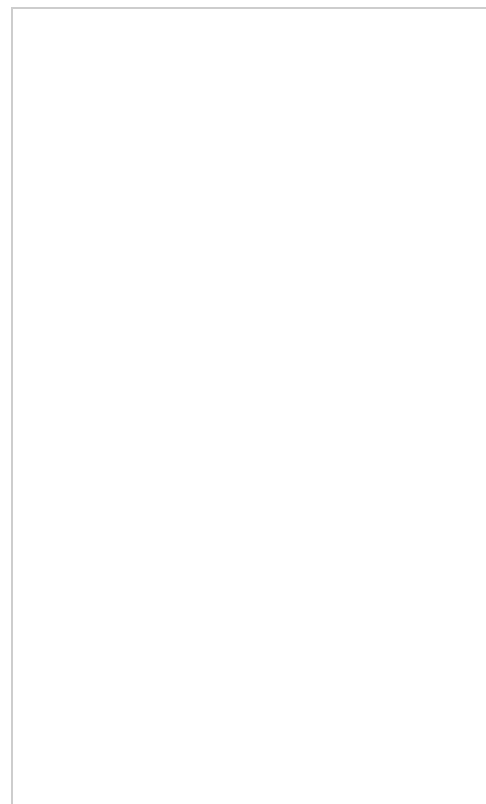
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