Judge dismisses suit against New York police spying on Muslims

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In a further move to legally sanction the mass state surveillance of the American population, US District Judge William Martini in Newark, New Jersey, struck down a suit against the New York Police Department (NYPD) for the broad monitoring of mosques, Muslim student groups, Muslim-owned restaurants and social organizations after the terrorist attacks of September 11, 2001.

The eight Muslims who brought the suit in 2012 alleged that a formerly secret NYPD surveillance program violated their constitutional rights by targeting them based only on their religion. The program was exposed in 2011 by a Pulitzer Prize-winning report from the Associated Press (AP).

Judge Martini clamed in his decision that the plaintiffs were not harmed by surveillance conducted by the NYPD's "Demographic Unit" and that their constitutional rights were not violated. "The police could not have monitored New Jersey for Muslim terrorist activities without monitoring the Muslim community itself," the judge wrote.

Martini went on to blame the AP for causing harm by uncovering and releasing the documents. "The Associated Press," he wrote, "covertly obtained the materials and published them without authorization. Thus the injury, if any existed, is not fairly traceable to the city."

Baher Azmy, the legal director of the Center for Constitutional Rights, which represents the plaintiffs, told the media: "In addition to willfully ignoring the harm that our innocent clients suffered from the NYPD's illegal spying program, by upholding the NYPD's blunderbuss Muslim surveillance practices, the court's decision gives legal sanction to the targeted discrimination of Muslims anywhere and everywhere in this country, without limitation, for no other reason than their religion."

The NYPD Demographics Unit used a wide variety of techniques to spy on Muslims in New York and New Jersey.

The original AP report, written by Matt Apuzzo and Adam Goldman, detailed many of the techniques that the NYPD used to spy on Muslims. Informants, known as "rakers," would "hang out in hookah bars and cafes, quietly observing the community around them. If a raker noticed a customer looking at radical literature, he might chat up the store owner and see what he could learn. The bookstore, or even the customer, might get further scrutiny. If a restaurant patron applauds a news report about the death of US troops, the patron or the restaurant could be labeled a hot spot."

In another article by Apuzzo and Goodman, they noted how documents from the rakers in the Demographics Unit spied on the normal shopping and social activities of people simply because of their ethnicity or religion. About Astoria Park in Queens, rakers wrote in one report, "Arabs in this area frequent this park, especially on Sundays, to play pickup soccer games."

In another instance, according to the AP writers, "The Nile Valley Grocery in Brooklyn was noted simply as a 'medium-size grocery owned by a person of Syrian descent.' Milestone Park, in Brooklyn's Bensonhurst neighborhood, was labeled a 'location of concern' because it attracted middle-age Albanian men from the neighborhood: 'This location is mostly frequented during the early afternoon hours when Albanians get together for a game of chess, backgammon, or just to have a conversation,' the rakers noted."

Judge Martini's ruling that none of this sort of behavior by the authorities harmed anyone is ludicrous and should be seen in the context of the massive

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collection of metadata by the National Security Agency revealed by Edward Snowden, in which the private cellphone and Internet records of millions of ordinary American citizens were swept up by the agency's data collection apparatus.

The NYPD was not acting as a rogue organization based on the alleged excesses of police commissioner Raymond Kelly or Mayors Giuliani or Bloomberg. On the contrary, the revelations of Snowden reveal that the NYPD was pursuing the normal anti-democratic policy of the American political establishment at all levels of government, in which the real target is not terrorism, but working people going about their daily lives.

Judge Martini's ruling is a part of the "push-back" by elements of the state that are seeking to publicly legitimize mass surveillance and accustom millions of people to round-the-clock domestic spying by the military-intelligence apparatus.

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