

New York's de Blasio administration defends spying on Muslims

Isaac Finn
13 October 2014

New York City Mayor Bill de Blasio's administration has moved to block an appeal of a court decision to dismiss a 2012 lawsuit filed against the New York Police Department (NYPD) for surveillance on Muslims in New Jersey.

Six Muslim men and women, along with religious organizations and two Muslim-owned businesses, filed the initial lawsuit charging that the NYPD had violated the Constitution by spying on New Jersey's Muslim community because of their religion. The lawsuit cited the actions of the NYPD's Demographics Unit, which collected information on Muslims in New York City, New Jersey, and Long Island by sending plainclothes policemen to record conversations and habits of Muslims at mosques, cultural centers, and Muslim-frequented businesses.

Last April, de Blasio disbanded the Demographics Unit—sometimes called the Zone Assessment Unit—in an attempt to distance himself from the unpopular actions of his predecessor, billionaire Republican Michael Bloomberg.

Officers previously in the Demographics Unit were reassigned to the Intelligence Bureau. The city also released a statement, saying “much of the same information previously gathered by the Zone Assessment Unit may be obtained through direct outreach by the NYPD to the communities concerned.”

In May, *The New York Times* revealed that a group of NYPD detectives, known as the Citywide Debriefing Team, combed through arrest records to find Muslims jailed on accusations of minor criminal offenses, ranging from traffic violations to petty theft, in order to coerce them into working as informants at mosques and Muslim businesses. The de Blasio administration has made no indication that this policy has stopped.

New Jersey plaintiffs from the lawsuit are requesting

an injunction prohibiting the NYPD from targeting them for unconstitutional spying, and that all information gathered on them from past unlawful surveillance be erased. They have also requested compensation for damages resulting from the spying.

City lawyers have responded to the appeal, filed by Muslim Advocates group and the Center for Constitutional Rights, by asking the United States Court of Appeals for the Third Circuit to uphold the Federal District Court's decision to dismiss the case.

City lawyers, in a brief filed last Monday, claimed that the plaintiffs had not proven that “they suffered any concrete and particularized injury,” and that, “Their alleged injuries, even if they were sufficiently concrete and particularized, are not fairly traceable to any act of surveillance by the N.Y.P.D.”

The lawyers continued by stating that any harm suffered by the plaintiffs could be attributed to reports by the *The Associated Press*, because they revealed the existence of the spying program and published secret documents about its operations. In other words, there is no harm in spying, so long as the victims don't know about it.

A spokesman for the city Law Department later made the remarkable claim that the administration's attempt to block the appeal “does not address broader policy issues concerning surveillance of Muslim communities, but rather technical legal issues.”

Glenn M. Katon, the legal director of Muslim Advocates—which along with the Center for Constitutional Rights helped file the appeal—stated to the *Times*, “There is definitely an inconsistency between what the administration wants to convey to the public” and its legal actions. “They are recycling the same legal position as Bloomberg,” he said of the self-styled “progressive” de Blasio and his administration.

Two similar cases have also been filed in the Federal District Court in New York. One case, filed by the New York Civil Liberties Union, claims that police violated the First and 14th Amendment rights of individuals being monitored. The other case claims police spying violated the Handschu consent decree, a legal ruling restricting police investigation of political activity that stemmed from the wholesale NYPD spying, infiltration and provocations carried out against left-wing, antiwar and civil rights groups in the 1960s and 1970s. Both cases are pending settlement discussions.



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