

Appeals Court allows lawsuit against NYPD's spying on Muslims to proceed

Isaac Finn
27 October 2015

A civil rights lawsuit accusing the New York Police Department (NYPD) of spying on Muslims in New York and New Jersey based on their religion in the aftermath of the terrorist attacks of 9/11 will go forward based on a decision last week by the United States Court of Appeals for the Third Circuit in Philadelphia. Overturning an earlier decision by the Federal District Court of New Jersey, the appeals court allowed the plaintiffs, six Muslim men and women, along with religious organizations and two Muslim-owned businesses, to pursue their case.

Muslim Advocates, a national legal advocacy group for defending civil rights, initially filed the lawsuit, *Hassan v. City of New York*, after the Associated Press published a Pulitzer-prize winning series that exposed the NYPD's extensive surveillance of Muslim communities in New York, New Jersey, Pennsylvania, and Massachusetts. The American Civil Liberties Union of New Jersey and Center for Constitutional Rights later joined the suit.

The lawsuit was filed in response to the extensive spying carried out by the NYPD's now-disbanded Demographics Unit, which sent plainclothes police officers to record conversations and habits of Muslims at mosques, cultural centers, and Muslim-frequented businesses.

The plaintiffs requested an injunction prohibiting the NYPD from targeting them for unconstitutional spying, and mandating that all information gathered on them be destroyed. They also sought compensation for damages caused by the NYPD's spying.

In 2012, a federal district court dismissed the lawsuit at the request of New York City. The plaintiffs responded by appealing the decision.

The New York City mayoral administration of Bill de Blasio—during this process—defended the NYPD's

actions, and requested that the Court of Appeals dismiss the case. In a legal brief filed last year, city lawyers claimed that the plaintiffs had not “suffered any concrete and particularized injury.” The lawyers also claimed that any harm suffered by the plaintiffs was the result of the Associated Press revealing the existence of the spying program, instead of the acts carried out by the program.

The Court of Appeals rejected the argument by the de Blasio administration, and agreed that the plaintiffs should be able proceed with their case.

Judge Thomas L. Ambro, writing the opinion for the three-judge appeals panel, compared the case to various acts of discrimination by law enforcement throughout US history. Ambro stated: “What occurs here in one guise is not new. We have been down similar roads before. Jewish-Americans during the Red Scare, African-Americans during the Civil Rights Movement, and Japanese-Americans during World War II are examples that readily spring to mind.”

Farhaj Hassan, the lead plaintiff in the case, told the media that he was grateful for the court's decision. He said, “The court recognized our claim that the NYPD is violating our basic rights as Americans and were wrong to do so,” he said. “No one should ever be spied on and treated like a suspect simply because of his or her faith.”

The Court of Appeals decision, however, only allows the case to be sent back to the district court for further proceedings. While it is unclear how the court will rule on this case, the past three years—since the case was initially filed—have seen a continued attack on democratic rights by the NYPD.

The de Blasio administration's decision to disband the NYPD's Demographics Unit—also known as the Zone Assessment Unit—last year, was followed by the

city releasing a statement that admitted, “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.”

The NYPD under de Blasio-appointed Police Commissioner William Bratton has only changed tactics. The “community policing” program, now being implemented in New York City, relies on cultivating informants in order to collect intelligence. This strategy has been encouraged by the Obama administration nationally.

In addition, a variety of Muslim community groups and civil liberties organizations, such as the New York Civil Liberties Union, the Center for Constitutional Rights, and the Arab-American Association of New York, have raised concerns over the mayor’s recent decision to join the newly formed Strong Cities Network (SCN), an international coalition of municipalities dedicated to “countering extremism.” The SCN is sponsored in the US by the Department of Homeland Security.

Prior to de Blasio’s announcement to join the SCN, these organizations sent a letter comparing the SCN with other programs developed by the Department of Homeland Security under the name of “Countering Violent Extremism” (CVE). The letter noted that CVE programs implemented in other cities have targeted Muslim communities and stigmatized Muslims by encouraging teachers and civil servants to report on “suspicious activity” of Muslims they work with.

De Blasio has also defended the NYPD excessive use of force, while claiming to respect civil liberties. After Staten Island resident Eric Garner died on July 17, 2014, as a result of being placed in a chokehold by police, de Blasio vowed that he would veto any law that would prosecute officers for using chokeholds.

Despite this, the mayor frequently cites his decision to reduce stop-and-frisk, a policy in which police regularly search working class youth without cause, often in predominantly black and Hispanic communities, as an example of reforming the NYPD.

His administration announced earlier this year that the city would hire 1,300 new officers, 300 of whom would be part of a special, heavily armed counterterrorism team. In a press conference, Commissioner Bratton let slip that the special unit would be used to deal with situations such as the

protests against police brutality that swept the city last December after a grand jury refused to indict the cop that killed Garner.

Regardless of the decision on the latest case filed against the city, it is clear that de Blasio and the NYPD will continue to use and expand police-state methods in order to defend the city’s wealthy elite from the working population, which is growing increasingly infuriated by massive inequality and unending war.



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