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Surveillance of American Muslims: A tale of three cities

The NYPD's decision to monitor Muslims solely on the basis of their religion is not conducive to building trust.

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New York, NY - The flood of reports about the New York City Police Department's surveillance of American Muslims - in mosques, restaurants, bookstores and even elementary schools in New York, New Jersey, New Orleans and beyond - has triggered a range of responses around the country. Mayor Michael Bloomberg and Police Commissioner Ray Kelly have defended the programme, suggesting that such wholesale surveillance of Muslims is necessary to keep the City safe.

The NYPD certainly has a formidable task and has protected New Yorkers through times of high alert. But the reactions of public officials in cities such as Los Angeles and Chicago, which have also faced serious terrorist threats, suggest that effective counterterrorism does not require such a stark choice between our liberty and our safety.

Honest efforts to build partnerships with American Muslim communities present an alternative approach to terrorism that has proven to be both successful and respectful of our Constitutional values.

New York City is understandably sensitive to terrorism concerns. As both Mayor Bloomberg and Commissioner Kelly have repeatedly acknowledged, keeping New York safe requires the police to build trust with American Muslim communities who may be best positioned to provide information necessary to avert a terrorist plot.

Indeed, studies show that up to 40 per cent of the tips that have been used to stop terrorists have come from American Muslims. But the NYPD's decision to monitor Muslim communities solely on the basis of their religion is not conducive to building relationships of trust.

The fraying of the fragile relationship between the police and Muslim New Yorkers has been vividly on display since reports of these programmes first emerged, with several Muslim leaders boycotting the Mayor's annual interfaith breakfast, declining meetings with the Police Commissioner and staging repeated protests outside City Hall.

These connections are vital not only to counterterrorism efforts, but also to ensure that Muslim communities feel comfortable enough communicating with local police to help solve everyday crimes.

Decades of research show that perceptions of police legitimacy influence the willingness of communities to co-operate with officers. The FBI, which has faced its own challenges with respect to its treatment of Muslim communities, has publicly criticised the NYPD's approach because it has strained relations with American Muslims who have generally "embraced" law enforcement's counterterrorism mission.

NYPD's approach

Public officials in other cities have rushed to distance themselves from the NYPD's approach. In Chicago, Mayor Rahm Emanuel said the city would never permit its officers to spy on Muslim communities as the NYPD has done, promising: "We don't do that in Chicago and we're not going to do that".

As reports emerged that the NYPD had spied on Muslim neighbourhoods in Newark, New Jersey, the Chicago Police Department, now run by the former head of the Newark Police Department, quickly issued an order prohibiting "bias based policing".

In Los Angeles, the Deputy Chief of the Police Department, Michael Downing, stressed that his department considered the Muslim community a key partner in fighting terrorism. In his view: "There is no reason for us to survey Muslim students or where people buy their meat; that is not suspicious to us. That is how someone lives their life."

Indeed, in 2007, the LAPD considered and rejected a New York-style plan to "map" Muslim communities because of concerted opposition from both Muslim and civil rights groups.

But the difference between these police departments is not just one of attitude towards American Muslim communities. Los Angeles and Chicago conduct their counterterrorism work primarily in partnership with the FBI. The NYPD, however, houses a stand-alone counterterrorism and intelligence operation that costs taxpayers more than \$100 million a year and employs 1,000 officers.

But unlike the FBI, which is overseen by an Inspector General reporting to Congress, the NYPD's intelligence operation is conducted without any meaningful oversight. If the NYPD insists on modelling itself as a mini-FBI, then it should be subject to the same level of oversight - an independent Inspector General.

New Yorkers are grateful to the NYPD for its work in protecting the city. However, our nation's historical commitment to civil liberties and religious tolerance must not be brushed aside by talismanic claims of national security. An Inspector General could bring greater transparency to the murky world of intelligence gathering, serving as an honest broker to determine whether NYPD programmes comply with the law.

By developing and sharing credible information that would allow both our elected leaders and New Yorkers to better evaluate police programmes, the Inspector General could help break the current cycle of accusations and denials. And such transparency would help restore the badly

battered trust between the NYPD and minority communities and lead to a stronger, more effective police force.

Let us not forget that all Americans - Muslims, Jews, Christians, Buddhists, Hindus and atheists alike - are committed to the security of our country and our country will be safest when we all work together towards this goal.