

MACLC

Muslim American Civil Liberties Coalition

September 8, 2009

The Honorable Raymond Kelly
New York City Police Department
One Police Plaza
New York, NY 10038

Radicalization in the West: The Homegrown Threat Statement of Clarification

Dear Commissioner Kelly,

We the undersigned, members of the Muslim American Civil Liberties Coalition (“MACLC”), write with respect to the “Statement of Clarification” that was recently added to the New York City Police Department’s (“NYPD”) 2007 report, *Radicalization in the West: The Homegrown Threat* (“Report”).¹ We view the Statement of Clarification, as well as your October 6, 2008 letter, as positive examples of the NYPD’s willingness to consider the Coalition’s views regarding the Report. That said, we feel that more action is necessary to address the concerns previously raised with your office. In order to facilitate frank and open communication, we set out our reactions to the Statement of Clarification below, and we respectfully request a meeting to discuss the issues raised in this letter.

Release of Statement of Clarification

It is our understanding that the undated Statement of Clarification was added to the Report within the last few months without any public announcement. MACLC was not informed of the decision to include the Statement of Clarification. We became aware of the statement only through informal conversations, months after the release. Moreover, it is our understanding that while the NYPD will use the current version of the Report going forward, it does not plan to inform prior recipients about the Statement of Clarification.

MACLC believes that if the purpose of the Statement of Clarification is to clarify the text of the Report so that the general Muslim community does not suffer harm and discrimination, then the Statement of Clarification must be released with the same level of public attention as the 2007 release of the Report. To this end, the NYPD should proactively inform federal, state and local legislators and law enforcement agencies of the Statement of Clarification so that those entities do not, as some have seemingly done, use the Report as an enforcement guide. A more public release of a Statement of Clarification can be an effective tool against crime and extremism as it

¹ Available at http://www.nyc.gov/html/nypd/downloads/pdf/public_information/NYPD_Report-Radicalization_in_the_West.pdf.

will show the Muslim community and the general public that the NYPD is willing to listen to local communities of faith, and would demonstrate that the NYPD does not intend to target Muslim Americans as a matter of course.

Content of the Statement of Clarification

General

Notwithstanding the text of the Statement of Clarification and the good intentions behind its inclusion, the substantive text of the Report remains unchanged. As a result, the Report continues to suffer from the deficiencies identified in our October 2008 report, “Counterterrorism Policy: MACLC’s Critique of the NYPD’s Report on Homegrown Radicalism.”² We regret that the Statement of Clarification was relegated to an insert within the report, rather than being implemented throughout the text itself.

New York City Muslim Community as NYPD Ally

- MACLC applauds the NYPD for stating that “the NYPD report should not be read to characterize Muslims as intrinsically dangerous or intrinsically linked to terrorism, and that it cannot be a license for racial, religious, or ethnic profiling.” Rather than being stated in a quietly released clarification in the middle of the Report, we believe that this type of language is most effective when it is stated at the front of the Report, throughout the Report, and in each public statement about the Report.

Permeating the Community

- Despite the linguistic clarification of the word “permeated” and the statement that the report was not intended “to suggest that the NYC Muslim community has been saturated by extremism,” the unchanged language of the Report remains exceptionally troubling. Beyond the sentence at issue (“Unfortunately, the City’s Muslim communities have been permeated by extremists who have and continue to sow the seeds of radicalization”), the continued use of quantitative terms such as “logarithmic” and “exponential” create a tone of alarm. Moreover, the Report still plainly states that terrorists have infiltrated every aspect of the City’s Muslim community, including mosques, bookstores, student organizations and community institutions. Such statements alienate the Muslim community and encourage prejudice against innocent citizens. The Muslim community appreciates that the NYPD has tried to retract some of the implications of this statement and others like it, but the core language of the Report remains offensive and counter-productive. When dealing with topics of great volatility and tremendous sensitivity, language like this can lead to grievances and unintended consequences.

² Available at <http://maclcnypdcritique.files.wordpress.com/2008/11/counterterrorism-policy-final-paper3.pdf>

- Focusing on the internet as an example of permeation, the clarification notes that “anyone in the community can access [terrorist websites].” This is not the same as showing that many or even some New Yorkers have actually accessed such websites, or that the individuals accessing them are doing so with the purpose or intention to engage in violent acts.

Coupling Religion and Terror

- Beyond clarifying that the focus of the report is on al Qaeda, the Statement of Clarification and body of the Report should more clearly state that there is no *per se* link between Islam and terrorism and that the Report’s focus on al Qaeda should not be read to suggest such a link.

False Positives and Behaviors

- While the clarification notes the potential waste of law enforcement resources on tracking individuals who exhibit common religious behaviors at the early stages of radicalization – behaviors that are shared by many law abiding Muslims – the clarification seems to suggest that certain religious behaviors are appropriate to track at later stages. Moreover, the remainder of the report continues to cite religious behaviors such as prayer, wearing a beard or mode of dress as potential indicia of incipient terrorist affiliation. Signs of religiosity should be completely decoupled from violent behavior and must be treated as independent of radicalization. Violent acts or violent threats in the name of religion need to be monitored, but individual religious ritual practices do not.

Not Policy Prescriptive

- In our meetings and correspondence, the NYPD has repeatedly insisted that the Report “was never intended to be policy prescriptive for law enforcement actions” and that this point “should have been emphasized.” The Muslim community appreciates this assurance and your restatement of the point in the Clarification. However, the Report’s preface on page 2 still states that the “aim of this report is to assist policymakers and law enforcement officials.” Because the Report claims to be authoritative and “provide[s] a thorough understanding of the threat,” the text of the Clarification alone will not prevent policymakers from using the Report for their own ends, regardless of the NYPD’s stated intentions. The NYPD Report has been cited by other law enforcement agencies and is clearly an influential document. Moreover, we would like to know what specific efforts the NYPD has taken to “continue[] to underscore” that the Report is not policy prescriptive.

MACLC'S October 2008 Recommendations to the NYPD

In our October 2008 "CountertERRORism Policy" critique of the Report, we included four categories of recommendations: (1) Develop and make transparent the NYPD's standards on civil liberties restrictions; (2) Develop structured approaches for partnering with the community; (3) Educate the NYPD about the Muslim Community; and (4) Educate leaders and community members about the NYPD Community Affairs Program. We hope that through the implementation of these recommendations, we can make our ties stronger and our communities safer. We would be interested in hearing your views on the critique and the recommendations therein.

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We respectfully request a meeting with your team to discuss the issues raised in this letter and in our October 2008 critique. We, as residents of this great city, continue to support the NYPD's interest in studying the ideological roots of terrorism, particularly in light of the tragedies of 1993 and 2001. In that spirit, we seek to assist the NYPD and writers of the Report by correcting misperceptions and flawed conclusions. We offer our comments with a desire to both improve public safety and safeguard our cherished liberties.

Thank you for your consideration. Please direct any correspondence to Faiza N. Ali, Community Affairs Director, Council on American Islamic Relations-NY, 475 Riverside Drive, Room 246, New York, NY 10115.

Sincerely,

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