September 02, 2011

Chief Jonathan M. Smith
U.S. Department of Justice
Special Litigation Section - Civil Rights Division
950 Pennsylvania Ave, NW
Washington, DC 20530

VIA FACSIMILE: 202-514-0212

RE: CIA and NYPD Blur Lines between Police Work and Domestic Spying in New York Muslim Areas

Dear Chief Smith:

We, the undersigned organizations, would like to bring to your attention *The Associated Press* (AP) investigative report, "With CIA help, NYPD moves covertly in Muslim areas," by Adam Goldman.

Following a months-long investigation, AP revealed that the New York City Police Department (NYPD) is using covert surveillance techniques of dubious legality that appear to impede core First Amendment freedoms, which include the right to practice one's faith, the right to freely associate with others, and the right to live without official suspicion directed at one's religious affiliation.

For reasons that will be outlined in this letter, we respectfully request that the U.S. Department of Justice, Civil Rights Division - Special Litigation Section launch an immediate investigation into this apparent pattern of profiling by the New York City Police Department.

In January 2002, David Cohen, former CIA Deputy Director for Operations, was appointed as New York City's first civilian Deputy Commissioner of Intelligence. Shortly thereafter, Mr. Cohen requested assistance from CIA Director George Tenet, who approved the temporary assignment of Larry Sanchez, a respected CIA veteran, to oversee the establishment of the NYPD's intelligence programs while still on CIA payroll.

Since then, AP reported that, "The [NYPD] has dispatched teams of undercover officers, known as 'rakers,' into minority neighborhoods as part of a human mapping program, according to officials directly involved in the program. They've monitored daily life in bookstores, bars, cafes and nightclubs. Police have also used informants, known as 'mosque crawlers,' to monitor sermons, even when there's no evidence of wrongdoing. NYPD officials have scrutinized imams and gathered intelligence on cab drivers and food cart vendors, jobs often done by Muslims. Many of these operations were built with help from the CIA, which is prohibited from spying on Americans but was instrumental in transforming the NYPD's intelligence unit."

While the, “CIA is prohibited from collecting intelligence domestically, the wall between domestic and foreign operations became more porous. Intelligence gathered by the NYPD, with CIA officer Sanchez overseeing collection, was often passed to the CIA in informal conversations and through unofficial channels.”

We are also concerned that this federal-state sponsored domestic spying program does not have any formal review or public transparency as, “neither the city council, which finances the department, nor the federal government, which contributes hundreds of millions of dollars each year, is told exactly what's going on.”

We believe that these tactics are counter to the Obama administration's new strategy in countering violent extremism (CVE) which explicitly states the focus of surveillance and investigations should be on identified individuals and not entire communities.

We respectfully request that the U.S. Department of Justice provide the legal oversight needed to enforce federal civil rights statutes in the conduct of the NYPD and other law enforcement agencies and ensure free and unhindered access to places of religious worship.

These revelations send the message to American Muslims that they are being viewed as a suspect community and that their constitutional rights may be violated with impunity. Once again, we respectfully request that the U.S. Department of Justice launch an immediate investigation into this apparent pattern of profiling by the NYPD.

We hope to distribute your response to our constituencies.

Sincerely,

Afghans for Peace
Asian American Legal Defense and Education Fund
Asian Law Caucus
Bill of Rights Defense Committee
Council on American-Islamic Relations (CAIR)
Creating Law Enforcement Accountability & Responsibility (CLEAR)
Demand Progress
Defending Dissent Foundation
DownsizeDC.org
DRUM- Desis Rising Up and Moving
Jews Against Islamophobia
South Asian Americans Leading Together (SAALT)