

Bad Press & Keeping Resources: Analyzing the NYPD's Relationship with the New York Muslim Community

by Jacob Derr - 29 January 2012

Introduction

New York's Muslim community came out in a show of force Thursday to protest the latest rumbling to emanate from the New York Police Department and its Commissioner, Ray Kelly. Accusing Kelly and his chief spokesman, Paul Browne, of lying to the media and the community over the use of an allegedly racist anti-terror film shown to police in training, the crowd stood on the steps of City Hall to call for Kelly's resignation.

Mayor Michael Bloomberg took to the press as well and admitted that this wasn't ideal for the police department, as reported by the *Guardian's* Ryan Devereaux: "I think it's fair to say there is a little bit of embarrassment that this film was made...I think anything like this doesn't help credibility. Ray's gotta work at re-establishing the credibility that he has."ⁱ

This all comes at the tail end of a months-long investigation by the Associated Press into the largest police department in the world, which revealed the department had been trying to infiltrate Muslim student organizations and had been following partners in anti-terrorism. The public debate resulting from all of this has been virulent. One side says the charges are airtight, the other doubts their veracity. One side says Muslims should have expected this, since that's where terror "tends to organize," while others say this community is being profiled unfairly.

All of this debate misses the point. Ultimately, the court of public opinion is what matters, particularly with regard to police departments—if people trust them, they run down leads with help

from the community; if people have a reason to mistrust them, their investigations might get significantly harder. Through that lens, then, this is all really about whether Commissioner Kelly and his department, who had (and continue to, among many New Yorkers) been seen as eminently successful in protecting the most popular terrorist target in the United States, need to adjust their tactics to ensure that some of their most valuable sources of information—and the people they are set up to protect—don't shy away.

This paper begins by looking at the police department built by Commissioner Kelly, which is in many ways a modern marvel of technological fortitude and intelligence analysis. It then moves on to frame the current debate in necessarily broad terms, before moving on to an analysis of the importance of Muslim-American citizens in helping to thwart terror attacks in the past. Finally, there is an analysis of this current situation, which has the potential of going from “bad press” to a fundamentally different relationship between the NYPD and some of the citizens of New York.

A 21st Century Force

To say that Commissioner Kelly has a tough job is an understatement. He is defending what might be the most targeted city in the nation. “That’s the consensus of the intelligence community,” he said in an interview with Scott Pelley for CBS’ *60 Minutes* last year for the 10th anniversary of September 11. “We’re the communications capital. We’re the financial capital. We’re a city that’s been attacked twice successfully. We’ve had 13 terrorist plots against the city since September 11th. No other city has had that.”ⁱⁱ

And that number jumped to 14 after the arrest of Jose Pimentel on November 20. The terrorist was described as a “lone wolf” by the NYPD, meaning he was acting alone without the aid

of a terror cell, though he was said by the NYPD to have been close spiritually with cleric Anwar al-Awlaki, whose death accelerated Pimentel's plans.ⁱⁱⁱ The NYPD reportedly arrested him after he was only an hour away from completing his first bomb, after which he was said to be planning larger scale attacks against New York. The questions started quickly after Pimentel's arrest, particularly given the timing and nature of the threat. Did his background, which included drinking and using drugs, indicate that he was not really as committed to Islam as the department claimed he was? Was his public, high-profile online presence meant to inspire others even if he was arrested, or was it the work of someone who did not believe his rhetoric was against the law? Did the timing, just hours after the arrest of Occupy Wall Street protesters and their removal from Zuccotti Park, divert the attention of the press away from the negativity against Mayor Bloomberg? And an important question came from the other side: Since when is the apprehension of a terrorist within hours of him being prepared to detonate a pipe bomb a cause for such questions?

These questions have plagued the New York Police Department as of late. The speculation about motives and timing, about whether they are acting on behalf of or against the Muslim community of New York, about whether a metropolitan police department needs the ability to shoot down a plane—all have fallen on the shoulders of Kelly and his department. Even the title of a *Business Insider* piece, "There's Something Fishy About Bloomberg's Latest Big Terror Arrest," betrays a reaction to an alleged terrorist far removed from the September 11 attacks. It should be noted that most of the press at this time was not writing in a vacuum; the Mayor and the NYPD had effectively ended the Occupy Wall Street protests just hours before. But the questions about appropriateness that come about *at the same time* as the arrest itself show a jadedness and suspicion in marked contrast to the immediate post-9/11 situation into which Ray Kelly stepped in as Commissioner of the NYPD.

Kelly took office on January 1, 2002, with a mandate from the Mayor and the people of New York to ensure that what had happened four months earlier never happened again. He created a counter-terrorism force that even the federal government did not have in place, especially in a single city: Language specialists speaking all the major languages of the Middle East; surveillance technology that covers most of Lower Manhattan; Special Forces-esque teams who, sometimes with air and sea support, show up with sub-machine guns as a pure show of force. Why did he do all of this? Because no one else was able.

“I knew we couldn’t rely on the federal government,” says Kelly in *New York* magazine about a year after taking office—his second stint. “I know it from my own experience. We’re doing all the things we’re doing because the federal government isn’t doing them. It’s not enough to say that it’s their job if the job isn’t being done. Since 9/11, the federal government hasn’t taken any additional resources and put them here.”^{vi}

For all intents and purposes, Kelly’s police force *is* one of the most advanced forces anywhere in the world. By the time Scott Pelley and CBS’ *60 Minutes* visited him around the tenth anniversary of the September 11th attacks, he was protecting the U.N. secretariat building during the annual meeting of the General Assembly. One exchange between Kelly and Pelley is particularly illuminating as to the extent of the modernization of the department:

Pelley: are you satisfied that you’ve dealt with threats from aircraft, even light planes, model planes, that kind of thing?

Kelly: Well, it’s something that’s on our radar screen. I mean in an extreme situation, you would have some means to take down a plane.

Pelley: Do you mean to say that the NYPD has the means to take down an aircraft?

Kelly: Yes, I prefer not to get into the details but obviously this would be in a very extreme situation.

Pelley: You have the equipment and the training.

Kelly: Yes.^{vi}

Moreover, the police department had learned not only through its own foiled terrorist plots but from what went wrong in other countries. They started searching subway cars and luggage racks after the Madrid bombings and began to start a video layout system for over 700 buildings in Lower Manhattan after discovering police in Mumbai lacked these resources during their own terror attacks.

And, Pelley reports, the department started an NYPD cricket league to appeal to Pakistani kids in New York. In all the marveling at the technological advancements and intensive intelligence program being carried on in a city police department, there isn't nearly as much writing about traditional police tactics—developing sources, following up leads, placing beat cops in neighborhoods—and how they might affect the battle against terrorism in New York. Kelly says this is exactly how some of the attacks have been foiled, so it is possible that this just doesn't make as good of a story for the media. These tactics, if they are to play a significant role in the future of the department, will have to stay strong, have to stay viable. Unfortunately, recent events have cast doubts on whether Kelly's department, for all of their technological and intelligence might, could perhaps hurt their relationship with their own people—some of whom might be their greatest assets.

“The Third Jihad”

The most recent flare-up between citizens of New York and Kelly's police department has been over the alleged use of a film, “The Third Jihad,” in training for police officers. The film is alleged to contain images of “Muslim terrorists [shooting] Christians in the head, car bombs

[exploding], executed children [lying] covered by sheets and a doctor's photograph [showing] an Islamic flag flying over the White House.”^{viii}

This story came about because the New York Times had reported in January of 2011 on the film itself, and was told at the time the clip was reviewed in the presence of officers doing paperwork, but that it was not ultimately used. The Brennan Center for Justice at New York University Law School then filed a Freedom of Information Act request for further information, where it was revealed that almost 1,500 police officers had viewed the film, according to reporting by the *Times*.

This is merely the most recent allegation against the NYPD, which over the past year has weathered a number of slights against its credibility and protection of civil rights. The Associated Press investigation found that the NYPD had placed under surveillance some of its public “partners” in the War on Terror. Commissioner Kelly visited the mosque of the Pakistani-American man who alerted police to the Times Square bombing, even though they had been suspicious of that mosque in the past. Reda Shada, a sheik who had met with members at the highest levels of government and considered himself a partner, found that they had been closely watching his interactions and daily life. Muslim student organizations at universities in New York were being infiltrated by NYPD agents, who were often watching the personal lives of the students and were wary of the guest speakers for those organizations.^{ix}

To simplify, it has been revealed over the past year that the NYPD was watching entire Muslim neighborhoods for both general behavior and specific individuals who were said to be persons of interest. Some of these individuals were later praised publicly for their efforts against terrorism or have taken part in public rallies to denounce terrorists.

It is not the aim of this paper to examine whether these actions produced results, which the AP calls into question. Nor is it the aim to discuss whether making someone a “person of interest” is mistrustful, a violation of their civil rights, or merely attempting to fight the War on Terror in a meaningful way without choosing to investigate every citizen in New York. These questions are being hotly debated in the public spectrum, and it is likely that there will be a good deal of scholarship from terrorism experts discussing whether this paradigm is really a violation or a new way of policing. All this paper will concern itself with is what the Muslim community, for all of the suspicion heaped on it, might be able to do for the NYPD.

Our Silent Partners

In late 2009, Umaru Abdul Mutallab contacted the U.S. Embassy in Nigeria with information that his son, Umar Farouk Abdulmutallab, had “become radicalized,” and warned officials that his son could be a danger to others around him. This information was passed on to the National Counter-Terrorism Center who said, according to reporting by CNN, that “the info on him was not deemed specific enough to pull his visa or put him on the no-fly list.”^{vi} Umar Farouk Abdulmuttallab then attempted to detonate a bomb he had placed in his underwear on a flight over the United States. If the bomb had not malfunctioned at the time of his detonation, he would likely have destroyed the plane and killed all on board. Instead, he merely started a fire and was tackled by passengers on the plane.

In May 2010, police found a crudely made weapon involving fireworks and gunpowder in a parked car in Times Square. They evacuated people from the area, and the bomb had not been detonated. Among the street vendors in Times Square who initially saw smoke rising from the car and alerted police were Mohamate and Ali Niase, two Pakistani-American men. Hamid Dabashi,

writing for CNN, called for the President to call these men as well, as they had been overlooked by the media in discussing the Times Square bombing.^{xii}

Mohamed Mohamud, a 19-year-old teen in Portland who had attempted to blow up a tree lighting ceremony around Christmas, was taken into custody after being infiltrated by the FBI. He got as far as detonating what he thought was a bomb at the ceremony. It didn't work, and the FBI revealed an elaborate sting operation. There has not been a public confirmation by his family, but he was prevented from flying in the United States earlier that year because someone close to him had contacted the FBI. He later accused his parents of this, saying that "Allah's power will ask you about that on the day of judgment."^{xiii} Other members of the Portland Muslim community confirmed that someone close to him *in the community* first alerted the FBI to his actions and thoughts.

We have here only three cases among many of Muslims turning in other Muslims who they believe to be involved in terrorist activities. A leisurely search of internet archives reveals many more.

Here's a fourth story: Muslim community leaders in New York are now teaching people about how to spot informants, and telling them not to go to the NYPD with information.^{xiv} They are telling them that if anyone who talks to them repeatedly brings up problems with America or Americans, speaks about taking action against them, or other radical talk, not to speak to the police about them. They suspect that person may be an informant.^{xv} This approach, based on lack of trust, has been criticized by many members of the intelligence community, and was called by Representative Peter King to be evidence that Muslims aren't interested in helping to stop terrorism. But to say so misses the real point: people who should be fully supportive of the

NYPD's efforts to keep them safe and stop terrorism are now being given reasons to mistrust those same forces, and they are doing so.

This looks like a spiral, and it probably is. The allegations that the police have spied on Muslims makes them reticent to help in investigations, which increases police suspicions about their unwillingness to help or that they have something to hide. There's another thing this looks like: The department is losing some of its vital resources. No investigation should proceed without using the silent partnership of the Muslim community.

Conclusion

These events have sparked a wave of debate over the actions of the NYPD. The City Council called for an accounting of the NYPD's programs and "raised concerns that the NYPD was illegally profiling Muslim neighborhoods through covert surveillance."^{vi} A group of state senators called on the state Attorney General to investigate the claims.^{vii} Civil rights activists from across the nation have said the NYPD has been systematically abusing the rights of the people it was designed to protect. On the other side, the department has denied that it has done anything wrong. The *New York Post* wrote on December 25 that the reason the NYPD, in working to protect the city, finds itself in Muslim communities is because that is where the threat often resides—not because the NYPD believes all Muslims to be terrorists. They also call into doubt the claims made by the Associated Press. The *New York Daily News* calls into question the way the conflict has been framed:

“quite properly and effectively, the Intelligence Division set about mapping areas in the city to which Islamist radicals might be drawn. That these happen to be Muslim neighborhoods is now decried absurdly as ethnic or religious profiling. The division also began identifying community hubs such as restaurants and, yes, mosques, to get a sense of

where a potential terrorist from abroad might gravitate – not to suggest that anything illicit was taking place in any particular location.”

This debate isn't nearly done, and it's hard to imagine that either side will acquiesce. Some could say that, even if the department's scouring of Muslim areas wasn't improper, certainly their surveillance tactics were. The issue of whether this is a violation of anyone's civil rights will play out in the courts for years to come.

But really, what's the point? This is not about the courts of the state of New York. In its deepest form, this is not even really about whether the police have *done* what the Associated Press and other sources have alleged. This is about the court of public opinion. It has been laid out above by details relating to several high-profile terror cases, including one of the 14 instances in New York, that direct action *by a Muslim* was what helped to make a decisive difference in the case. Furthermore, Kelly himself is aware of the way the police run down leads and look for informants; he said so himself:

“Let's face it: a lot of this isn't rocket science. It's cultivating sources, talking to informants, running down leads, getting search warrants, and following up on every piece of information you get. In other words, it's good, solid investigative police work. The king of thing New York cops do every day.”^{xiii}

It's really impossible to know the internal calculus in Commissioner Kelly's head.

Through his efforts and those of his department, he has saved New York City from over two dozen attempted terrorist attacks in the past 10 years. The question of “what if?” is very concrete in this case: *what if they had failed? What if they had failed just once?* Mayor Bloomberg has said that this is a “war we may never win, but we can't afford to lose.”^{xiv} No one can predict the way the public discourse would be altered if they had failed in the past decade. But here's the thing: they have not failed. They have not failed by any standard Commissioner Kelly, Mayor Bloomberg, and the people of New York have placed on them.

In saying this, I am not saying that there is no valid complaint about anything the department did—but merely that Kelly’s efforts are not those of a person who isn’t calculating. He and his department know exactly what the stakes are, and his development of the department has been to *ensure*, in as close a capacity as one can get to that word, that New York is *never* a victim again.

But in doing this, he must never forget the people he relies on: the citizens of New York, including the Muslim citizens of New York.

Kelly has staked himself on the success of the department—a success that, if complete, will mean no one ever knows how close they’ve come to the edge. First Deputy Commissioner John Timoney said in 2003, “He’s leaving himself open to be second-guessed and criticized if things don’t go well. So he’s making decisions that may benefit the city but be detrimental to him personally.”^{xx} So far, things have gone well. But if he risks losing the cooperation of the people in the neighborhoods where these terrorists operate—the same people David Petraeus relied upon to turn the tide in Iraq, the same people the Obama Administration and Attorney General Eric Holder have held up as instrumental in fighting this war, the same people Kelly himself has said help them to run investigations—then he might have the biggest intelligence apparatus of any city in the country; he might have the capacity to watch every public space in Manhattan and log the data; he may have people stationed overseas to see what they can learn from foreign attacks; but he will have placed his own city in a compromised position. If they should ever fail, people are going to ask why. If the tech is the answer, so be it. But if it is because their resources turned on them, all the years of digital archive, the decade of safety, and the prior successes might not matter as much.

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ⁱⁱ Pelley, S., Anderson, R., Milton, P., & Young, N.. "The counter-terrorism bureau." *CBS 60 Minutes*. Performed September 25, 2011. CBS News. 2011. Web, <http://www.cbsnews.com/stories/2011/09/25/60minutes/main20111059.shtml>.

ⁱⁱⁱ Herrera, T. "NYPD busts lone-wolf terror suspect on verge of finishing bomb." *AM New York*, November 20, 2011. <http://www.amny.com/urbanite-1.812039/nypd-busts-lone-wolf-terror-suspect-on-verge-of-finishing-bomb-1.3336025> (accessed January 27, 2012).

^{iv} Martin, A. "The Problematic Details of the Latest NYPD Terrorism Arrest." *The Atlantic Wire*, November 21, 2011. <http://www.theatlanticwire.com/national/2011/11/problematic-details-latest-nypd-terrorism-arrest/45257/> (accessed January 27, 2012).

^v Miller, Z. "There's Something Fishy About Bloomberg's Latest Big Terror Arrest." *Business Insider*, November 21, 2011. http://articles.businessinsider.com/2011-11-21/politics/30424463_1_pimentel-jose-pimentel-pimentel-was (accessed January 27, 2012).

^{vi} Horowitz, C. "The NYPD's War On Terror." *New York Magazine*, February 3, 2003. http://nymag.com/nymetro/news/features/n_8286/ (accessed January 27, 2012).

^{vii} Pelley, S., Anderson, R., Milton, P., & Young, N.. "The counter-terrorism bureau." *CBS 60 Minutes*. Performed September 25, 2011. CBS News. 2011. Web, <http://www.cbsnews.com/stories/2011/09/25/60minutes/main20111059.shtml>.

^{viii} Powell, M. "In Police Training, a Dark Film on U.S. Muslims." *The New York Times*, January 23, 2012. <http://www.nytimes.com/2012/01/24/nyregion/in-police-training-a-dark-film-on-us-muslims.html?pagewanted=all> (accessed January 27, 2012).

^{ix} Sullivan, E. "NYPD spied on city's Muslim anti-terror partners." *Associated Press Wire*, October 6, 2011. <http://online.wsj.com/article/APeae6c489a6d742f18329653e87bb084a.html> (accessed January 27, 2012).

^x Associated Press, . "NYPD Infiltrated Muslim student groups for intel." *CBS News*, October 11, 2011. <http://www.cbsnews.com/stories/2011/10/11/national/main20118485.shtml> (accessed January 27, 2012).

^{xi} CNN Nigeria, . "Source: Terror suspect's father tried to warn authorities." *CNN.com Justice*, December 26, 2009. http://articles.cnn.com/2009-12-26/justice/airline.attack_1_umar-farouk-abdulmutallab-no-fly-list-nigeria?_s=PM:CRIME (accessed January 27, 2012).

^{xii} Dabashi, H. "Obama, please phone the Muslim "street vendor hero" too." *CNN.com Opinion*, May 11, 2010. http://articles.cnn.com/2010-05-11/opinion/dabashi.muslim.vendor.hero_1_muslim-times-square-vendor?_s=PM:OPINION (accessed January 27, 2012).

^{xiii} Brooks, C. "Portland's Bomb Plot: Who Is Mohamed Mohamud?." *Time Magazine*, November 28, 2010. <http://www.time.com/time/nation/article/0,8599,2033372,00.html> (accessed January 27, 2012).

^{xiv} Associated Press, . "Angry Muslims declare: 'Don't call NYPD'." *New York Daily News*, . http://articles.nydailynews.com/2011-11-14/news/30399180_1_muslim-community-muslim-groups-angry-muslims (accessed January 27, 2012).

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^{xvi} Hennelly, B. "City Council Pushes Back on NYPD Intelligence Programs." *WNYC 93.9 FM*, October 7, 2011. <http://www.wnyc.org/blogs/wnyc-news-blog/2011/oct/07/city-council-pushes-back-nypd-intelligence-programs/> (accessed January 27, 2012).

^{xvii} Associated Press, . "Angry Muslims declare: 'Don't call NYPD'." *New York Daily News*, . http://articles.nydailynews.com/2011-11-14/news/30399180_1_muslim-community-muslim-groups-angry-muslims (accessed January 27, 2012).

^{xviii} Horowitz, C. "The NYPD's War On Terror." *New York Magazine*, February 3, 2003. http://nymag.com/nymetro/news/features/n_8286/ (accessed January 27, 2012).

^{xix} Bloomberg quote somewhere

^{xx} Horowitz, C. "The NYPD's War On Terror." *New York Magazine*, February 3, 2003.
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