

RELIGIOUS FREEDOM UNDER ATTACK

The Rise of Anti-Mosque Activities in New York State

A Briefing Paper of the
New York Civil Liberties Union

AUGUST 2011



NEW YORK CIVIL LIBERTIES UNION

125 Broad Street, 19th Floor

New York, NY 10004

www.nyclu.org

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This paper was written by Michael Cummings, Udi Ofer and Naomi Shatz.
It was edited by Jennifer Carnig, Helen Zelon and Donna Lieberman.

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ABOUT THE NEW YORK CIVIL LIBERTIES UNION

The New York Civil Liberties Union (NYCLU) is one of the nation's foremost defenders of civil liberties and civil rights. Founded in 1951 as the New York affiliate of the American Civil Liberties Union, we are a not-for-profit, nonpartisan organization with eight chapters and regional offices and nearly 50,000 members across the state.

Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law for all New Yorkers.

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Sidney, NY:
Town officials attempted to stop a local Sufi community center from using a private cemetery on its property even though the cemetery meets state and local zoning laws.

Carlton, NY:
A group of teenagers targeted a local mosque, driving past it on two occasions honking and yelling anti-Muslim epithets. During the first incident, one of the teenagers fired a shotgun into the ground. A worshipper suffered cuts and bruises after being sideswiped during the second incident.

Hudson, NY:
A local mosque and Muslim center is vandalized—racial and ethnic epithets are painted on its exterior walls.

Westbury, Long Island:
Residents strongly oppose a proposed expansion of a mosque that has served the community for 28 years.

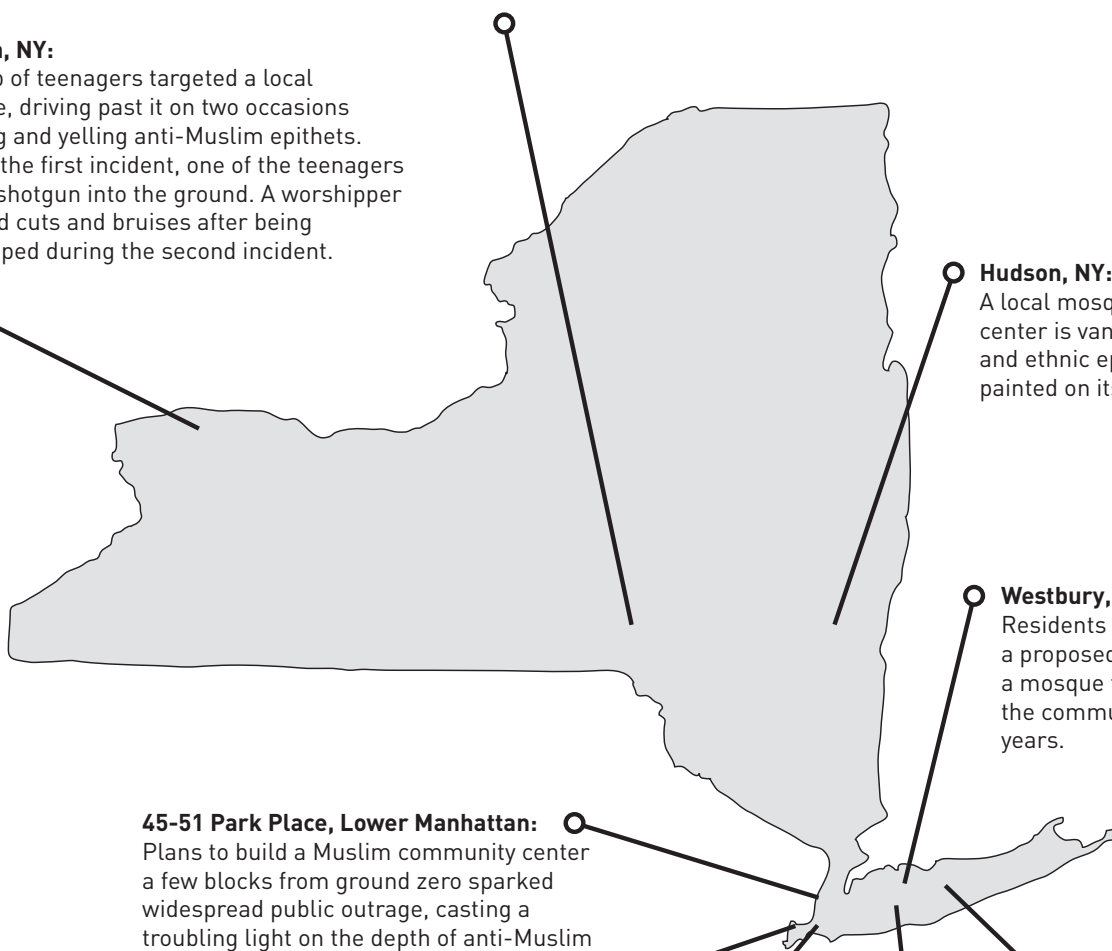
45-51 Park Place, Lower Manhattan:
Plans to build a Muslim community center a few blocks from ground zero sparked widespread public outrage, casting a troubling light on the depth of anti-Muslim sentiment in the United States.

Selden, Long Island:
A proposed expansion of Long Island's oldest mosque provokes "not in my backyard" anger among residents.

Staten Island, NY:
Residents fiercely oppose a local Catholic church's plan to sell a vacant convent to a Muslim group for the purpose of converting it into a mosque. Under public pressure, the church cancels the sale.

Bethpage, Long Island:
Town officials shut down the area's only mosque on the eve of Ramadan, citing unspecified building violations. The move occurred after the town supervisor received more than 100 emails from residents upset by the mosque's presence in their community.

Sheepshead Bay, Brooklyn:
Members of the local community have organized against a proposed Muslim community center because of "safety concerns" and that they don't want their children to have to walk past it.



Introduction

In the summer of 2010, national media attention turned to a plan to build a Muslim community center, to be called “Park51,” a few blocks away from ground zero. Although the plan was first reported in late 2009,¹ with a quote from the project’s religious leader at the time stating that its goal was to “push back against the extremists,” the proposal did not receive much media attention until May 2010. Following a New York Community Board 1 resolution supporting the project, blogger Pamela Geller wrote a post suggesting that building a mosque near ground zero (the site of an “Islamic attack”) was “insulting and humiliating.”² The *New York Post* picked up the story the same day, christening the project the “WTC Mosque.”³ A week later, the *Post* ran a column calling the community center plans “a swift kick in the teeth” to neighbors and those who lost loved ones in the 9/11 attacks.⁴ According to one journalist, “starting that very day, the mosque story spread through the conservative—and then mainstream—media like fire through dry grass.”⁵

Despite the intense national media attention focused on Park51 in the past year, the anti-mosque and anti-Muslim sentiment being expressed in opposition to the project is not an isolated event.⁶ And unlike in New York City, where the government was outspoken in support of religious liberty, Muslim congregations around New York State are being targeted by their local governments in numerous jurisdictions as well as their communities for their religious beliefs and practices. This report discusses the legal and cultural background against which these controversies are playing out, and details some of the recent attacks on Muslim communities in New York. It also offers recommendations for how our government and our communities can work to increase intercultural understanding of Muslim New Yorkers and reduce anti-Muslim sentiment in New York State.

The NYCLU presents this analysis and recommendations with the recognition that all New Yorkers have First Amendment rights to exercise their religion and to express their opinions regarding the building of mosques. Intercultural understanding will not be achieved by suppressing the First Amendment rights of those who practice Islam or those who criticize the building of mosques. Rather, our recommendations focus on responding to the rise of anti-Muslim sentiment by educating our fellow New Yorkers about the importance of religious diversity and by calling on elected officials to ensure that New York State remains a welcoming place for all people who want to live, and worship, here.

The Rise of Anti-Muslim Sentiment in the United States

Long before 9/11 or the controversy over the Park51 project, Lower Manhattan was home to “Little Syria,” a bustling neighborhood of Arab immigrants that was located to the south of what would become the World Trade Center site. The neighborhood was home to immigrants from Syria, Lebanon and Palestine. Most residents were Christian, though Muslims lived there as well. Little Syria thrived for decades until it was largely displaced in the late 1940s by the construction of the Brooklyn-Battery Tunnel.⁷

The first Muslim immigrants came to the United States as slaves as far back as 500 years ago. Modern Muslim immigration dates to the 1870s. There were between 100,000 and 150,000 Muslims living in the United States in 1965 when Congress abolished immigration quotas based on country of origin.⁸ The relaxed restrictions triggered a new wave of Muslim immigration, but the religious group remains a relatively small minority of the American population. Fewer than half of all Americans say they personally know someone who is Muslim.⁹ The census does not keep information on religion, making it difficult to know the exact size of the country’s Muslim population, but the Pew Research Center estimates that there are 2.35 million Muslims, both native and foreign-born, living in the United States.¹⁰ It is an extremely diverse population with South Asians, Arabs and black Americans representing the largest segments.¹¹

Recent polling indicates that the Muslim population in the United States is generally content, but that since 9/11 it has faced significant difficulties. Nearly 8-in-10 U.S. Muslims said they are either “very happy” (24 percent) or “pretty happy” (54 percent) with their lives.¹² Still, a majority of U.S. Muslims said that living in the United States has become more difficult since 9/11 and that the government targets them for heightened surveillance and monitoring.¹³ Indeed, security measures have targeted Muslims and invited racial profiling against people of Arab or South Asian descent.¹⁴ Polling indicates that a large percentage of Americans now possess a negative view of Islam.¹⁵

Muslims are not the first religious or ethnic group to encounter discrimination following an attack on the United States. After the Japanese attacked Pearl Harbor and Congress declared war against Japan, President Franklin Roosevelt signed Executive Order 9066, which in conjunction with congressional statutes, cleared the way for the forced relocation and internment of more than 120,000 people of Japanese descent living on the West Coast. Those interned included approximately 80,000 American citizens. Fred Korematsu, a resident of San Leandro, Calif. and a loyal U.S. citizen, refused to report to a military camp and was convicted of violating the policy. His appeal reached the U.S. Supreme Court, which declared the internment policy constitutional in an infamous 1944 decision. In a dissenting opinion, Justice Frank Murphy called the ruling a “legalization of racism.”

Justice Murphy's dissent included a review of the racial prejudice that drove the decision to intern Japanese-Americans. His explanation serves as a helpful guide to understanding the accusations made today against Muslim-Americans:

Individuals of Japanese ancestry are condemned because they are said to be "a large, unassimilated, tightly knit racial group, bound to an enemy nation by strong ties of race, culture, custom and religion."¹⁶

Japanese language schools and allegedly pro-Japanese organizations are cited as evidence of possible group disloyalty, together with facts as to certain persons being educated and residing at length in Japan. It is intimated that many of these individuals deliberately resided "adjacent to strategic points," thus enabling them "to carry into execution a tremendous program of sabotage on a mass scale should any considerable number of them have been inclined to do so."¹⁷

I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. ... All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States.¹⁸

Similarly, today many critics of the building of mosques accuse Muslim-Americans of failing to assimilate, having ties to foreign nations, and building Muslim community centers at strategic locations for purposes of sabotage.

The Bush administration, through its rhetoric, sought to prevent a backlash against Muslims and Islam following 9/11. In his address to Congress nine days after the attacks, President Bush made a forceful distinction between Muslims and the terrorists who perpetrated the attacks:

I also want to speak tonight directly to Muslims throughout the world. We respect your faith. It's practiced freely by many millions of Americans and by millions more in countries that America counts as friends. Its teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah. The terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself.¹⁹

However, while President Bush's statements attempted to prevent a backlash against Muslims, his administration's policies too often perpetuated anti-Muslim sentiment. For example:

- In the immediate hours following the 9/11 attacks, the Bush administration began to engage in the arbitrary detention and interrogation of hundreds, and possibly thousands, of immigrant men from Arab, Muslim and South Asian countries. Despite the lack of any credible evidence against them, they were investigated for possible involvement in terrorist activity. The men were detained often for months, many in 23-hour lockdown. In the words of the U.S. Justice Department's inspector general, many were subjected to "a pattern of physical and verbal abuse."²⁰ After being found innocent of terrorism, many were deported.
- In June 2002, Attorney General John Ashcroft announced the National Security Entry-Exit Registration System, also known as the Special Registration Program, which required selected visitors to the United States to be fingerprinted, photographed and questioned. The domestic component of the program applied exclusively to men and boys older than the age of 16 and nationals of 25 countries, all but one predominantly Muslim. Failure to register with the government was made a deportable offense. Tens of thousands of Muslim, Arab and South Asian immigrant men registered with the government. None were charged with terrorism. Yet many were detained and deported, sparking fears in Muslim communities that they were being targeted by the government.²¹
- The federal government detained without charges Muslim-American citizens such as Yaser Hamdi and Jose Padilla, holding them for years under military custody.²²

The Muslim-American community faced the brunt of the Bush administration's post-9/11 antiterrorism policies, which relied heavily on ethnic and religious profiling.

There is also mounting evidence of widespread suspicion and intolerance of Muslims within the American public itself. A 2010 *Time* magazine/Abt SRBI poll, for example, found that 46 percent of Americans believe that Islam is more likely than other faiths to encourage violence against nonbelievers.²³

There have been numerous incidents in recent years that demonstrate a public distrust of Muslims and their religion. President Obama, for instance, continues to be subjected to rumors that he is secretly a Muslim—the implication being that a Muslim person is unworthy of being president.

In 2006, U.S. Rep. Keith Ellison, D-Minn., the first Muslim elected to Congress, announced he planned to carry a Koran during his swearing-in ceremony, stirring anti-Muslim sentiment in the blogosphere and on talk radio. Then-U.S. Rep. Virgil Goode, R-Va., addressed the matter in a let-

ter to hundreds of his constituents in which he urged Americans to “wake up” or else there would “likely be many more Muslims elected to office and demanding the use of the Koran.”²⁴

In New York City, the opening of a public school in Brooklyn focused on teaching the Arabic language and Arab culture caused a heated controversy. Opponents speculated that the school, named after Lebanese Christian poet Khalil Gibran, would proselytize Islam and promote fundamentalist Islamic sympathies.²⁵ They successfully campaigned to have the school’s original principal fired after she gave a nuanced definition of the word *intifada* that was misrepresented in a *New York Post* article.²⁶ During a protest on the first day of school, a group called “Stop the Madrassa” stood outside the school and demanded it be shut down.

The NYPD has also fanned the flames of suspicion against Muslims in the United States. In 2007, the NYPD released a report, *Radicalization in the West: The Homegrown Threat*, which purported to chart a linear, four-step “radicalization process” by which people who adopt extreme religious beliefs progress to become terrorists.²⁷ The report identified supposed markers within each stage of the process that would allow law enforcement officials to surveil, detect and prevent terrorism.

The NYPD report has been roundly debunked.²⁸ It falsely conflated religious beliefs and practices with preparations for terrorism, and focused exclusively on people who practice Islam in the United States. The NYPD report claimed that radicalization markers include practices such as growing a beard,²⁹ becoming involved in social activism and community issues,³⁰ trying to find the “meaning of life,”³¹ giving up cigarettes, drinking, gambling and “urban hip-hop gangster clothes,”³² and thinking about “the greater good.”³³ It also purported that “[r]adicalization incubators,” which according to the NYPD serve as “radicalizing” agents, include mosques, cafes, cab driver hangouts, student associations, non-governmental organizations, hookah bars, butcher shops, gyms and bookstores.³⁴ In fact, each step of the NYPD’s radicalization process incorrectly equates constitutionally-protected religious and associational conduct with indicators of future criminal activity. Hundreds of thousands of New Yorkers may progress through one, several, or all of these stages and never commit an act of violence. Under the rationale of the NYPD’s report, it would be hard to be a Muslim man living in the United States and between the ages of 15-35 and not be a terrorism suspect.³⁵

Moreover, in 2011, news accounts revealed that the NYPD had been screening a film, *The Third Jihad: Radical Islam’s Vision for America*, to train NYPD officers.³⁶ The film, which depicts Muslims as an enemy community living in the United States, appears to have been screened as part of a mandatory counterterrorism program.³⁷ Upon public revelation, NYPD Commissioner Raymond Kelly repudiated the film and said that it will no longer be shown to police officers and had been mistakenly used in the first place.³⁸ Yet the NYPD continues to refuse to provide details to the public about how it describes New York’s Muslim communities in its training programs, despite repeated requests for such information.

In a move that has further inflamed anti-Muslim sentiment, U.S. Rep. Peter T. King, R-N.Y., chairman of the House Homeland Security Committee, has been holding congressional hearings on what he terms “the radicalization of the American Muslim community and homegrown terrorism.”³⁹ On March 10, 2011, Rep. King held his first hearing on whether the Muslim community is doing enough to stop the growth of so-called homegrown terrorists in the United States. The hearing featured mostly critics of the Muslim community in the United States, including Dr. M. Zuhdi Jasser, president of the American Islamic Forum for Democracy and the creator of the film, *The Third Jihad*. On June 15, Rep. King held a second hearing on the radicalization of Muslims in U.S. prisons, and on July 27 he held a third hearing on radicalization in the Somali-American community. The NYPD appears to be playing a key role in assisting, and even guiding, Rep. King’s hearings. NYPD Inspector Joseph Herbert has been assigned to serve as a full-time staff person responsible for assisting Rep. King in preparing for the radicalization hearings.⁴⁰

Rep. King, whose district includes Long Island communities where anti-mosque activity has occurred, claims that law enforcement officials nationwide have told him that they receive little cooperation from Muslim leaders or imams.⁴¹ In a Jan. 6 radio interview with conservative host Frank Gaffney, Rep. King questioned Muslims’ patriotism:

When a war begins, we’re all Americans. But in this case, that is not the situation. And whether it is pressure, whether it’s cultural tradition or whatever, the fact is, the Muslim community does not cooperate anywhere near to the extent that it should.⁴²

Rep. King has also stated that more than 80 percent of mosques in the United States are controlled by radical imams.⁴³

Muslim and civil rights advocates strongly oppose Rep. King’s inquiry as an attempt to demonize Muslims that is entirely inconsistent with core American principles of fairness and justice. Advocates argue that the hearings will cast suspicion on an entire religious group while inviting racial profiling against Arabs and South Asians.⁴⁴ In a letter to House Speaker John Boehner, 51 Muslim, civil rights and interfaith organizations described their objections.

Singling out a group of Americans for government scrutiny based on their faith is divisive and wrong. ... It harkens back to hearings held in the 1950s by then-U.S. Senator Joe McCarthy. That dark chapter in our history taught us that Congress has a solemn duty to wield its investigatory power responsibly.⁴⁵

Los Angeles County Sheriff Lee Baca has disputed Rep. King's assertion that Muslims are uncooperative with law enforcement, saying that his department has developed productive relationships with Muslims built on trust.⁴⁶ He also said that as a member of the Major County Sheriffs Association, the Major City Chiefs Association and the National Sheriffs Association he has not heard any complaints from law enforcement colleagues about Muslims being uncooperative.⁴⁷ National security experts have stated that law enforcement officers often rely on tips from the Muslim community to apprehend terrorism suspects.⁴⁸ A report released in February 2011 by the Triangle Center on Terrorism and Homeland Security, an independent group that studies national security issues, found that the Muslim community is the U.S. government's largest single source of initial information about terrorist plots.⁴⁹

Not to be outdone by his congressional counterpart, New York State Senator Gregory R. Ball, R-40th District, who chairs the Committee on Veterans, Homeland Security and Military Affairs, held a hearing on April 8 purportedly to focus on New York's preparedness for another terrorist attack.⁵⁰ While hearing topics included important subjects such as radio interoperability and threats posed by the Indian Point nuclear power plant, other testimonies wrongfully conflated religious beliefs with terrorism. Nonie Darwish, president of Former Muslims United, testified that Muslim education encourages young people to engage in terrorism. Frank Gaffney, a frequent critic of Islam, testified about the threat of Sharia law to the United States, and against the Park51 Muslim community center, saying that it "fits the profile of triumphalist mosques built on sacred ground of defeated people elsewhere around the world."⁵¹ Rep. King also testified to criticize the leadership of the Muslim community for not speaking out against and for even supporting terrorism.

A second State Senate hearing has been scheduled to take place three days before the 10-year anniversary of the 9/11 attacks and a few blocks from the former site of the World Trade Center. Senator Ball has stated that this hearing will focus on military installations in New York State.

Finally, there have been numerous cases in New York City and throughout the nation of Muslim children, or children of Arab or South Asian descent, being bullied in public schools. Often, the victims of this bullying are called terrorists by their tormentors.⁵²

The Constitutional Right to Practice Religion

The first Europeans to settle in the United States left their home countries seeking an opportunity to practice their religions free from government interference. When it came time for the United States to create its own government, freedom of religious exercise was enshrined in the Bill of Rights as the First Amendment, which reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”⁵³

Legal interpretations of the free exercise clause have undergone a dramatic transformation in the past 50 years. In the 1960s and 1970s, the Supreme Court required the government to accommodate religious conduct unless the state had a “compelling interest” that made it necessary to burden a religious practice. Even if a state was found to have a compelling interest for a law, it had to achieve that interest in a way that imposed the least restrictions possible on a religious practice.⁵⁴ However, in 1990 the Supreme Court sharply departed from its previous accommodation of religious practices, when it held that generally applicable laws, even if they had a negative impact on an individual’s exercise of religion, were constitutional.⁵⁵ From that point on, the court held that a state would only have to demonstrate a compelling government interest if a law directly targeted religious practices.⁵⁶

In 1993, Congress responded to this change in constitutional interpretation by passing the Religious Freedom Restoration Act, which reinstated the free exercise standards that existed pre-1990.⁵⁷ In 1997, the Supreme Court struck down the law as unconstitutional as it applied to the states.⁵⁸ In the late 1990s, Congress began to work on a federal bill to restore some protections for religious exercise within the constitutional boundaries enunciated by the Supreme Court.⁵⁹ These efforts were supported by a wide array of religious and non-religious organizations, including the Family Research Council, People for the American Way and the American Civil Liberties Union.⁶⁰ In 2000, Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA), which prohibits government entities from using zoning or land-use restrictions to substantially burden religious institutions unless the government has a compelling state interest for doing so.⁶¹ Congress found these land-use provisions justified because, “Statistical and anecdotal evidence strongly indicates a pattern of abusive and discriminatory actions by land use authorities who have imposed substantial burdens on religious exercise.”⁶²

Despite the widespread support for this law, both at the time of its passage and in the decade since, many avid supporters of RLUIPA—such as the Anti-Defamation League (ADL),⁶³ an organization committed to confronting bigotry, and the American Center for Law and Justice (ACLJ), a Washington, D.C.-based legal organization founded by the Rev. Pat Robertson⁶⁴—have vigorously opposed allowing construction of the Park51 Muslim cultural center. Abraham Foxman, the ADL’s

national director, has stated, “ADL supports the building of mosques, like churches and synagogues, just about anywhere in the country,” but has argued that building a Muslim community center near ground zero would be insensitive to the victims of 9/11.⁶⁵ The ACLJ has been less subtle in its message, filing a lawsuit seeking to nullify the New York City Landmark Preservation Committee’s vote denying landmark status to the old Burlington Coat Factory store, which paved the way for the Park51 center to be built.⁶⁶ Despite advocating that New York City use a zoning law to prevent the construction of the Park51 center, ACLJ maintains on its website that, “The ACLJ remains committed to the principle that the use of zoning laws to curtail the religious freedoms of churches is unconstitutional.”⁶⁷ The ACLJ lawsuit has been dismissed.⁶⁸

Incidents of Anti-Mosque Activities in New York State

Despite the clear federal protections for religious institutions, mosques and Muslim centers in New York have faced difficulty in getting approval to purchase space, and have been targeted by local governments for alleged zoning violations. In addition, some Muslim congregations have been the targets of anti-Muslim harassment and attacks.

In all of these attacks on Muslims and Muslim organizations, opponents have used nativistic rhetoric to disparage Muslim Americans, casting them as “foreigners” who pose a threat to the “American” way of life. At a Sept. 19, 2010 rally in New York that focused on the Park51 and Sheepshead Bay sites, Brooklyn Tea Party leader John Press stated:

This has nothing to do with race. It has to do with culture. We fully acknowledge some cultures are different and cultural diversity is real. This is not an Islamic country. We have the majority culture based on democracy and the separation of church and state. We have our own holidays, history and heroes—and we must define and protect it.⁶⁹

The following week at a rally at the Sheepshead Bay site, a neighborhood resident explained his opposition to the mosque: “We don’t need to watch Sheepshead Bay get raped by people using the Constitution who are not even from this country.”⁷⁰

Similarly, in Oyster Bay the email that prompted a mosque’s building inspection quite literally relied on a “not in my backyard” sentiment towards Muslims, stating:

This is not a Muslim neighborhood; we have no Muslim congregation in Bethpage . . . many of these organizations are on the FBI watch lists. I DO NOT WANT THIS IN MY NEIGHBORHOOD. THEY NEED TO GO ELSE WHERE [sic].⁷¹

Park51 Muslim Community Center

In July 2009, developer Sharif El-Gamal purchased the five-story building at 45-51 Park Place, a former Burlington Coat Factory store that had been vacant since 9/11.⁷² El-Gamal, a Brooklyn native, partnered with Imam Feisal Abdul Rauf, a prominent local Muslim cleric with a reputation for reaching out to non-Muslims, to transform the downtown eyesore, located two blocks north of the former site of the World Trade Center, into an interfaith community center and mosque. Modeled on the 92nd Street Y on Manhattan’s Upper East Side and the Jewish Community Center

on the Upper West Side, the \$100 million project would rise as high as 15 stories and include a performing arts center, a swimming pool, basketball court, a restaurant and other amenities.⁷³ The developers intended the project to be a bridge between Muslim and non-Muslim residents of Lower Manhattan.

The project, at the time called Cordoba House, was the subject of a *New York Times* article on Dec. 8, 2009. “We want to push back against the extremists,” said Imam Rauf in the article.⁷⁴

The *Times* article, the media’s first mention of the project, drew little attention. Anti-Muslim blogger Pamela Geller wrote about the article on her website *Atlas Shrugs*, “I don’t know what is more grotesque... jihad or the NY Times preening of it. The New York Times yet again misrepresents, obfuscates, and confuses infidels and kaffirs about Islam.”⁷⁵ Geller followed this up with a blog post on Dec. 21, 2009 calling the community center project an example of “Islamic domination and expansionism.”⁷⁶ Meanwhile, conservative pundit Laura Ingraham embraced the project while interviewing Imam Rauf’s wife, Daisy Kahn, on *The O’Reilly Factor* on the Fox News Channel on Dec. 21, 2009. “I like what you’re trying to do,” Ingraham said.⁷⁷

The project fell out of the media spotlight until May 5, 2010, when the Financial District Committee of Community Board 1 in Lower Manhattan unanimously passed a resolution endorsing it. The vote was merely advisory and had no bearing on whether the project moved forward or not. The developers sought the board’s approval to gain favor with the community. The move backfired.

The *New York Post* reported the board’s vote in an article with the inaccurate headline “Panel approves ‘WTC’ mosque.”⁷⁸ Geller responded to the vote with a blog post titled “Monster Mosque Pushes Ahead in Shadow of World Trade Center Islamic Death and Destruction.”⁷⁹ This headline captures the bigoted and over-the-top rhetoric frequently used by opponents of the project. For example, in a blog post on May 19, 2010, Mark Williams, a prominent figure in the Tea Party movement, wrote that the community center would “consist of a mosque for the worship of the terrorists’ monkey god.”⁸⁰

Following public outcry against the project, the community board held a second vote on May 25, 2010. After four hours of raucous debate, the board backed the project with a 29-1 vote with 10 abstentions.⁸¹ Stop Islamization of America, an organization headed by Geller, staged a protest at the project’s site on June 6, 2010. Anywhere from 350 to 1,000 people attended, according to press reports.⁸²

In late May 2010, the Republican New York gubernatorial candidates sought political advantage by attacking the project. Candidate Rick Lazio denounced the project in campaign ads and called on then-New York Attorney General Andrew Cuomo, the Democratic gubernatorial candidate, to

investigate the developers. Candidate Carl Paladino also denounced Park51 in campaign ads and vowed to use his authority as governor to stop the project.

By July 2010, the project had become the subject of fierce national debate. Several prominent figures in conservative politics railed against the project. On July 18, 2010, Sarah Palin, the former Alaska governor and current Fox News Channel personality, tweeted: “Ground Zero Mosque supporters: doesn’t it stab you in the heart, as it does ours throughout the heartland? Peaceful Muslims, pls refudiate [sic].” That same day, she issued a second tweet: “Peaceful New Yorkers, pls refute the Ground Zero mosque plan if you believe catastrophic pain caused @ Twin Towers site is too raw, too real.”⁸³ Former House Speaker Newt Gingrich chimed in on July 22, 2010, posting a statement on his website that called the project’s developers “dishonest” and set forth this ultimatum: “There should be no mosque near Ground Zero in New York so long as there are no churches or synagogues in Saudi Arabia.”⁸⁴

The ADL declared its opposition to the community center on July 30, 2010. Foxman said building the community center at its present location would be insensitive to the families of individuals who perished at ground zero. “Their anguish entitles them to positions that others would categorize as irrational or bigoted,” Foxman said, referring to the pain of those who lost loved ones on 9/11.⁸⁵

The developers received their final city approval on Aug. 3, 2010, when the New York City Landmarks Preservation Commission voted unanimously to deny protected status to the building that the community center would replace. Audience members shouted “Disgrace!” and “Shame on you!” after the commission’s vote.⁸⁶ That same day, New York City Mayor Michael Bloomberg forcefully defended the project. “We would betray our values—and play into our enemies’ hands—if we were to treat Muslims differently than anyone else,” Bloomberg said.⁸⁷ Bloomberg’s unwavering support of Park51 in the face of widespread public opposition stands in sharp contrast to the behavior of many other politicians, who eagerly seized on the controversy for political gain.

On Aug. 4, 2010, the ACLJ filed a lawsuit on behalf of Timothy Brown, a New York City firefighter and 9/11 responder, charging that the Landmarks Preservation Commission had “allowed the intended use of the building and political considerations to taint the deliberative process.”⁸⁸ A judge dismissed the lawsuit, ruling that Brown lacked standing to challenge the commission’s decision.⁸⁹

On Aug. 22, 2010, about 500 people gathered outside 45-51 Park Place to protest the project, which the developers had renamed Park51.⁹⁰ (About 200 supporters of the project held a counter protest at the site.) Protestors waved signs bearing slogans such as “No clubhouse for terrorists!” and “SHARIA” depicted as though it were written in blood.⁹¹ At one point, anti-Park51 protestors confronted and surrounded a dark-skinned man wearing a white skullcap who happened to be walking past the protest. “No Mosque here,” they chanted at the man, who was a carpenter working at ground zero, and not Muslim.⁹²

Opponents of Park51, led by Geller, marked the nine-year anniversary of 9/11 with a large protest rally in Lower Manhattan. Like the Aug. 22, 2010 rally, the protest had an emphatically anti-Muslim tone. Protestors carried signs with messages like “No Muslim Integration,” “No to the Victory Mosque,” and “Muhammad was the first radical Muslim. Osama bin Laden is following directions.”⁹³ The crowd chanted “No mosque.” When one of the speakers mentioned Muslims, some crowd members shouted, “Kill them all!”⁹⁴ The rally’s keynote speaker was Geert Wilders, a Dutch politician who advocates banning the Koran and imposing a tax on headscarves worn by Muslim women.⁹⁵ In his speech, Wilders attacked Imam Rauf and called the proposed community center a “provocation and a humiliation.”⁹⁶

The previous evening, a newly-formed coalition, New York Neighbors for American Values, as well as other supporters of the project held a candlelight vigil in Lower Manhattan to commemorate 9/11 and celebrate religious freedom and diversity. The vigil was attended by more than 2,000 people.

In October 2010, Vincent Forras, a former 9/11 responder and Republican candidate for a U.S. Senate seat in Connecticut, sued Park51 and Imam Rauf for \$350 million for the “‘psychological terrorism’ and emotional distress he suffered when he learned of the mosque plans.”⁹⁷ The lawsuit is pending in New York State Supreme Court.

While the hysteria over the project dissipated considerably over the fall of 2010, a group of anti-Muslim advocates, primarily led by Geller and her associate Robert Spencer, continue to attack Park51 and demonize the project’s developers. In February 2011, Geller and Spencer premiered a documentary film, *The Ground Zero Mosque: The Second Wave of the 9/11 Attacks*, to audiences in New York City and Washington, D.C. The pair is organizing a rally near ground zero on Sept. 11, 2001—the 10th anniversary of the attacks—to denounce Park51. On her blog, Geller invites readers to join her at the event “to oppose this 15-story middle finger to America.”⁹⁸ The more than 1,000-word blog post makes no mention of using the anniversary to memorialize those who died in the attacks.

Geller came under scrutiny in July 2011 when her anti-Muslim writings were cited in the manifesto of Anders Behring Breivik, an anti-Muslim extremist who murdered at least 77 people, including dozens of children, during a bombing and shooting rampage in Norway.

Politicians continue to use Park51 as a wedge issue. Bob Turner, a Republican candidate in the special congressional election for the open 9th District seat in Brooklyn and Queens, has criticized his Democratic opponent David Weprin for not condemning the project.⁹⁹

For their part, Park51's developers are focused on fundraising and building public support for the project.¹⁰⁰ Developer El-Gamal cut ties with Abdul Rauf and Khan in early 2011 following disagreements over the project.¹⁰¹

While no construction has occurred, El-Gamal still envisions the project as a Muslim-led community center with a pool, theater, cultural and religious programming and a mosque.¹⁰² (The building has housed a Muslim prayer space since 2009.¹⁰³) He says he will work with residents of Lower Manhattan and the Muslim community to determine the project's size and range of facilities, and he concedes that the project will take years to complete and may never become the 15-story, \$100 million community center once envisioned.¹⁰⁴

Sheepshead Bay Community Center

Some residents of Sheepshead Bay, Brooklyn have tried to block a mosque and community center planned for that neighborhood,¹⁰⁵ for which construction was set to begin in late October 2010.¹⁰⁶ Since January 2010, residents of the neighborhood have protested the proposed center—which would contain a prayer hall and a community center offering youth programs—arguing that “mosques and Muslim schools preach hatred.”¹⁰⁷ Parents in the community have argued that the community center is a “safety issue” and that they don't want their children to have to walk past it.¹⁰⁸ Opponents of the center have formed a group, the “Bay People,” whose website lists numerous reasons why they do not want the center, ranging from concerns about increased traffic and difficulty finding parking to noise concerns. The website also notes that the neighborhood is “mostly of Italian/Russian/Jewish/Irish decent [sic] and will not benefit from having a mosque and a Muslim community center,” and states that neighbors have raised “safety concerns.”¹⁰⁹

The anti-Muslim nature of the neighbors' reasons for opposing the mosque become clearer as one reads further down the list of anticipated problems with the mosque, which include that the call to prayer could be heard in the blocks surrounding the mosque that include a public school. The Bay People ask, “Do we want these calls [to prayer] to be heard inside Public School [sic]? Isn't it a violation of our Constitution?”¹¹⁰ The center's leader, Allowey Ahmed, noted as early as January 2010 that the mosque would not broadcast calls to prayer to ensure that they did not disturb neighbors.¹¹¹ The Bay People also try to link the Muslim American Society, the group that wants to build the mosque, with the Muslim Brotherhood, an Egyptian Islamic group.¹¹² At a meeting of the Sheepshead Bay/Plumb Beach Civic Association, opponents of the mosque argued that “the people who will be drawn to this location will not be acceptable,” and stated they were afraid of people who wore veils.¹¹³ In contrast to how the Bay People paint the Muslim American Society, a recent Congressional Research Service report heralded the organization for taking initiative to combat violent extremism by “engag[ing] with the Muslim American community in monitoring and detecting extremist trends and their impact on vulnerable members of the community.”¹¹⁴

Opponents, as well as some supporters, have held numerous demonstrations and rallies at the site of the proposed mosque. On Sept. 26, 2010, roughly 300 people descended on the site to stage protests for and against its construction.¹¹⁵ At the rally, Brooklyn Tea Party founder John Press argued, “The mosque is founded by a very scary organization and the Constitution does not guarantee the right of a foreign nation to build a mosque in our country.”¹¹⁶

Two days after finally approving the project, the New York City Department of Buildings (DOB) revoked its decision.¹¹⁷ A week later, the department re-approved the construction, saying that such delays are common in construction approvals, and that the mosque’s builders had addressed the questions that had triggered the revocation of approval the week before.¹¹⁸

Once construction began, members of the Bay People organized daily protests at the site for several weeks and have closely monitored work performed there.¹¹⁹ From January through May 2011, the DOB received 21 complaints from the public regarding work being performed at the site, according to the agency’s website.¹²⁰ Though the DOB determined that 11 of the complaints either had no merit or could not be substantiated,¹²¹ several were deemed legitimate. In January, the DOB issued a stop work order after city inspectors determined builders had performed excavation work on an elevator pit that was not included in the approved building plan. The issue was resolved in March and the order was rescinded.¹²²

The Bay People filed a lawsuit in State Supreme Court seeking to halt construction of the mosque. A judge dismissed the lawsuit on May 10, 2011, ruling that the the mosque would not harm the neighborhood.¹²³ After the ruling, the Bay People vowed to continue opposing the mosque.¹²⁴ On May 5, 2011, days after Osama bin Laden was killed, the words “He is Dead” were spray painted along with a smiley face on the wood fencing surrounding the construction site.¹²⁵

Proposed Staten Island Mosque

In May 2010, the Muslim American Society entered into an agreement with the Rev. Keith Fennesy, pastor of St. Margaret Mary Church in the Midland Beach neighborhood of Staten Island, to buy a vacant convent, which the group planned to convert into a mosque.¹²⁶ The sale was nearly finalized when news of it became public. Neighbors of the convent rallied against the sale, calling the Muslim American Society “terrorist sympathizers.”¹²⁷ Representatives of the Muslim American Society were loudly jeered at a tense meeting of the Midland Beach Civic Association in June 2010.¹²⁸ During the meeting, opponents of the proposal expressed distrust of Muslims and falsely accused the society of being on an FBI terrorist watch list.¹²⁹

“Wouldn’t you agree that every terrorist, past and present, has come out of a mosque?” asked a woman who spoke at the meeting, which more than 400 people attended.¹³⁰

Responding to the public outcry, Fennessy withdrew his support for the proposed sale a week after the meeting, explaining that “the contemplated sale would not serve the needs of the parish.”¹³¹

In response, the Muslim American Society issued a statement:

We are American citizens and we love our country. We do not operate as an extension of any non-American religious or political organization. What have we done wrong to cause anyone to deny us the right to build a house of worship?¹³²

The church’s board of trustees, whose members include Archbishop Timothy Dolan, voted to approve the reverend’s decision to cancel the sale.¹³³ Opponents of the plan were thrilled; said one, “We won. Next is ground zero. We’re still not giving up.”¹³⁴

The Muslim American Society said it would seek another location on Staten Island. In June 2011, the group purchased a former Hindu temple in the Dongan Hills section of Staten Island, which it converted into a mosque and community center.¹³⁵ In July 2011, the Muslim American Society held an open house at the mosque for neighbors, clergy and elected officials. The evening’s friendly atmosphere was a marked contrast to the outrage and vitriol that met the Midland Beach proposal.¹³⁶

Sidney Sufi Community Center

In August 2010, the Town Board of Sidney, N.Y. passed a resolution to begin legal proceedings against the Muslim Osmanli Naksibendi Hakkani Sufi Order because of a cemetery it had on its property.¹³⁷ The Sufi Center has been in Sidney since 2002, and received permission from the town to build the cemetery five years earlier.¹³⁸ Town Supervisor Bob McCarthy claimed that the Sufi Center buried two bodies without obtaining permits.¹³⁹ “You can’t just bury Grandma in the backyard under the picnic table,” he said.¹⁴⁰

The town planned to have the bodies disinterred and obtain an injunction prohibiting future burials at the site.¹⁴¹ McCarthy argued that unauthorized cemeteries placed a financial burden on the town.¹⁴²

The director of the Sufi Center, Hans Haas, says the center researched local law and consulted the town before burying any community members on the property.¹⁴³ According to the Sidney zoning codes, cemeteries are permitted in residential and agricultural districts, so long as the parcel of land they are on is at least 15 acres. The Sufi cemetery meets that requirement, having more

than 50 acres.¹⁴⁴ Haas had obtained burial permits from the town for each of the two burials that have occurred.¹⁴⁵

The Sidney town clerk raised another potential problem with the cemetery—a state law prohibits using mortgaged land for cemeteries.¹⁴⁶ The center’s lawyers are researching whether this provision applies to their property, which had a mortgage and then had a cemetery built on it.¹⁴⁷ The center plans to resolve the matter either by dividing the property or paying off the mortgage.¹⁴⁸

While members of the Sufi community report that most of their interactions with neighbors have been friendly, Hass states that various police departments and the FBI have made dozens of official and unofficial visits to their center since it was established in Sidney in 2002.¹⁴⁹ Emails from some community members, including McCarthy, indicate animosity towards the center, which people characterized as a “for-profit” rather than a religious group.¹⁵⁰

On Oct. 13, 2010, the lawyer for the Town of Sidney sent a letter to the lawyer for the Sufi Center stating that no action would be taken on the cemetery.¹⁵¹ Many residents rallied in support of the center and its members.¹⁵² On Oct. 14, 2010, a town meeting was packed with roughly 150 people, many of whom went to protest the town’s treatment of the center.¹⁵³ At the meeting, McCarthy refused to apologize to the community for the controversy surrounding the center, leading the crowd to start chanting for his impeachment.¹⁵⁴ To date, Sidney officials have not sought to prevent activities or burials at the Sufi Center, which continues to enjoy good relations with most local residents.

Bethpage Mosque

The Town of Oyster Bay on Long Island shut down the area’s only mosque—Masjid al-Baqi—on Aug. 10, 2010, the eve of Ramadan, citing building code violations.¹⁵⁵ The town did not cite any specific building code violation that prompted the mosque’s closure,¹⁵⁶ and despite repeated efforts by the mosque’s officials to ascertain the nature of the violations and repair the mosque, the town refused to allow the mosque to reopen.¹⁵⁷ Town Supervisor John Venditto said a building inspector was sent to the mosque after community residents called to complain about a proposal to build another mosque in the area.¹⁵⁸

The incident began in July 2010, when the town’s commissioner of the building department posted a condemnation notice on Masjid al-Baqi, which is located in the Village of Bethpage, directing that it be closed pursuant to the Town Code of Oyster Bay and Section 115 of the New York State Building Code.¹⁵⁹ The provision of the town code cited allows the town to shut down a building if there is “imminent danger to the life, health, safety and/or welfare of any person.”¹⁶⁰ Section 115 of the New York State Building Code does not exist.¹⁶¹ Nowhere on the notice did the town identify the alleged building code violation.¹⁶²

The day before the town placed the condemnation notice on the mosque, an email circulated to Bethpage residents objecting to the planned opening of another mosque in the village.¹⁶³ The email stated that residents should tell the town government that they do not want Muslim congregations in their neighborhood, and stated that the Muslim organizations in question might be on FBI terrorist watch lists.¹⁶⁴ Venditto admitted that he had received more than 100 emails and calls complaining about the proposed mosque, and that these complaints motivated him to send a building inspector to Masjid al-Baqi.¹⁶⁵ The town's commissioner for planning and development, however, admitted that none of the emails raised concerns about building code violations at Masjid al-Baqi.¹⁶⁶ Venditto acknowledged in an interview that Masjid al-Baqi got "caught in the crossfire" of the fury regarding the newly proposed mosque in Bethpage and Park51.¹⁶⁷

Although the officers of Masjid al-Baqi obtained a certificate showing that their electrical system was in compliance with national standards, had a plumber draw up a plan to remediate any plumbing issues, and had their gas shut off to ensure that there could be no gas leaks, the town refused to allow the mosque to reopen for Ramadan.¹⁶⁸ After the mosque filed a lawsuit contesting the closure, the town agreed to work with the mosque to resolve any building code issues.¹⁶⁹ Despite this agreement, the town refused to tell Masjid al-Baqi's plumber what it wanted remediated, and refused to let the mosque's expeditor review the building's file.¹⁷⁰ Masjid al-Baqi was not allowed to reopen, leaving the congregation with nowhere to worship during Ramadan.¹⁷¹ Months after the mosque's closure, the town withdrew the condemnation notice and allowed Masjid al-Baqi to reopen. The mosque's lawsuit was subsequently withdrawn.

Though Masjid al-Baqi has reopened, the town has stated that the building was in violation of a local ordinance that requires religious buildings to sit on at least one acre of land.¹⁷² In response, Masjid al-Baqi purchased adjacent property and now sits on 1.5 acres of land. There have been no further issues with the town.

Carlton Mosque

In late August 2010, a group of teenagers targeted the World Sufi Foundation in Carlton, N.Y., just north of Buffalo, yelling obscenities and threatening congregation members.¹⁷³ On a Monday night during Ramadan, a group of teenagers drove in front of the mosque honking their car's horn, and according to the mosque's imam, yelling anti-Muslim statements.¹⁷⁴ A worshipper went outside to see what was happening, and the teenagers sideswiped him. The worshipper had to be treated at a hospital for cuts and bruises.¹⁷⁵ Members of the mosque found the teens in a nearby parking lot and held them there until police arrived and arrested the teens.¹⁷⁶ Three days earlier, the same group of teens allegedly drove past yelling epithets and honking, and one of the teens fired a shotgun into the ground twice.¹⁷⁷

The teens were initially charged with disrupting a religious service, a misdemeanor, and the individual who fired the shotgun was charged with criminal possession of a weapon.¹⁷⁸ A few weeks later, they were also charged with first-degree harassment and the teen who drove his car into the worshipper was charged with third-degree assault.¹⁷⁹ Although members of the mosque initially said they hoped the district attorney would charge the teens with committing a hate crime,¹⁸⁰ they later stated that they did not believe the crimes to be hate crimes.¹⁸¹ In early October 2010, the assistant district attorney indicated that all five teens were contemplating taking plea deals in the case.¹⁸²

Hudson Mosque

On Sept. 8, 2010, members of a Muslim community center and mosque in Hudson, N.Y., 30 miles south of Albany, found a racial and ethnic epithet painted onto the wall of their building.¹⁸³ The center, located in an ethnically-diverse neighborhood, has been in operation since 1997, and both members and neighbors expressed surprise that such an act of bigotry would occur in their diverse town.¹⁸⁴ A day after the vandalism was discovered, three young men were arrested and charged with committing a hate crime, as well as making graffiti and harassment.¹⁸⁵

Westbury Islamic Center

In the fall of 2009, the 28-year-old Islamic Center of Long Island in Westbury, N.Y. sought a parking variance to allow it to expand its building while not offering the number of parking spaces required by a local village code.¹⁸⁶ The expansion was aimed to serve the center's existing membership, not to increase membership, and would have more than doubled the amount of parking.¹⁸⁷ While some community members supported the mosque's application, others argued that the center's members were "rude and noisy" and that the mosque had negatively impacted the neighborhood by creating parking problems and decreasing property values.¹⁸⁸ Opponents of the center's expansion stated that their opposition had nothing to do with ethnic or religious issues, but made comments such as, "I am not against the expansion, just don't do it here. Do it somewhere else. Don't build it in our neighborhood."¹⁸⁹

The center's initial application was denied. In response, it reduced the proposed expansion from three stories to two.¹⁹⁰ Despite this change, in June 2010 the board tabled the issue on the grounds that the center had not yet paid a parking variance fee it owed to the town.¹⁹¹ More recently, a group of young people vandalized cars parked in the center's lot, throwing stones that shattered the windows.¹⁹²

The town and the mosque worked together to resolve the conflict over the proposed expansion. In March 2011, Westbury's zoning board and board of trustees approved a modified version of the project that will add 19,000 square feet to the existing structure and expand parking.¹⁹³

On July 23, 2011, about 150 people, including local elected officials, attended a groundbreaking ceremony for the expansion.¹⁹⁴ The \$4 million project will include a conference center, gym, classrooms and a library.¹⁹⁵ Addressing community concerns about traffic, Dr. Farouque Khan, the center's director, said Friday prayers would be held in two sessions instead of one.¹⁹⁶ He also announced that the center would house an interfaith institute.¹⁹⁷

Selden Mosque

A proposed expansion of the Islamic Association of Long Island, a mosque located in Selden, triggered staunch opposition from neighboring residents. The mosque, founded in 1974, is the oldest chartered mosque on Long Island.¹⁹⁸ The proposed expansion would involve demolishing the existing 5,600-square-foot mosque and replacing it with an 8,000-square-foot building with a smaller footprint.¹⁹⁹

Opponents circulated fliers criticizing the project. They listed several complaints, including traffic concerns and objections to prayers being broadcast over loudspeakers.²⁰⁰ The fliers warn that the expansion would force residents to face "rude, aggressive people when you confront them to move their cars away from our drivers."²⁰¹ In November 2010, the town planning board unanimously approved the expansion.²⁰²

Recommendations

The above incidents indicate a recent surge of anti-Muslim activity in communities throughout New York. The state's elected officials and policymakers must consider how they can respond to this situation to ensure that New York residents treat each other with respect and understanding, regardless of whether they come from different ethnic or religious backgrounds. Building this type of cultural understanding, of course, should be an ongoing process, and not one that is limited to periods when intercultural tensions run high.

Therefore, the NYCLU makes the following recommendations:

- 1) Elected officials should play an active role in protecting the rights of Muslim New Yorkers and fostering cross-cultural understandings.** Critics of planned mosques have every right to make their voices heard. At the same time, supporters of the right of Muslim New Yorkers to worship freely must also be heard. Some of New York's elected officials have been outspoken in their support for the rights of Muslim New Yorkers, most notably Mayor Michael Bloomberg, U.S. Rep. Jerrold Nadler, Manhattan Borough President Scott Stringer and New York City Council Member Robert Jackson. But more elected officials need to speak out in support of Muslim New Yorkers, particularly given the high profile of New York's own U.S. Rep. Peter King in raising suspicions about Muslims in the United States. Very often elected officials drive the public discourse and set the tone for the public's perception of a particular matter. New York's elected officials, such as Governor Andrew Cuomo and Attorney General Eric Schneiderman, should use their bully pulpits to defend the rights of Muslim New Yorkers.
- 2) New York should prepare for another backlash against Muslims leading up to the 10th anniversary of 9/11, and during next year's presidential and congressional elections.** Next month will mark the 10-year anniversary of the tragic attacks of 9/11. The nation's attention is once again on New York, and once again the debate over the Park51 project, and related issues, is taking place. During next year's elections attention will be even more focused on Muslims in the United States, and the building of Park51 and other mosques. New York State should be prepared for the inevitable backlash against the rights of Muslim New Yorkers that will arise during these moments of heightened scrutiny.
- 3) The NYPD should reject trainings based on the flawed radicalization theory and include education about New York's diverse cultures and religious communities in its training materials.** NYPD training regarding the Muslim religion and culture should be based on factual information, not the flawed "radicalization theory." Police trainings should rein-

force the principles of individualized suspicion and should avoid reliance on ineffective stereotypes—including the radicalization theory—that demonize all Muslims and encourage law enforcement officers to shift their focus away from people engaged in criminal activity to innocent people because of their religion or ethnicity, a waste of precious police resources. The NYPD should also be transparent about how it trains its cadets and officers on Islam, and its investigative and intelligence-gathering tactics that impact the civil rights and liberties of Muslim New Yorkers.

- 4) New York’s schools must take the lead in creating cultural understanding and combating bigotry.** Schools have an important role to play in fostering communities that respect religious and ethnic diversity, and that treat all of their members with dignity. The recently-passed Dignity for All Students Act takes an important first step towards accomplishing that goal. While it does not take effect until the summer of 2012, the Dignity Act will require that all schools incorporate curricula on diversity and cultural sensitivity into their classes, and implement initiatives to combat bias-based bullying in the schools.

The New York State Education Department has been working with educators, administrators, school boards and advocates (including the NYCLU) to lay the foundation for Dignity Act implementation by creating resources and guidelines for school districts. We look forward to continuing this collaboration and to utilize the resources and opportunities created by the Dignity Act to foster a greater understanding of Muslim New Yorkers.

- 5) Government officials must vigorously enforce laws that defend religious worship.** The Religious Land Use and Institutionalized Persons Act (RLUIPA) authorizes the U.S. attorney general to bring lawsuits to enforce its protections. The U.S. attorney general’s offices in New York should monitor violations of RLUIPA in New York and intervene when appropriate. In vigorously enforcing these laws, both federal and state officials must ensure that they also uphold New Yorkers’ First Amendment right to free speech, which includes the right to criticize and oppose the building of mosques.

Endnotes

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- 35 Regarding New York City's Muslim community, the NYPD report stated:

"Unfortunately, the City's Muslim communities have been permeated by extremists who have and continue to sow the seeds of radicalization. Muslim communities are often more vulnerable to the radicals' agenda—an agenda that uses Islam as the center stage for spreading and justifying extremist views. Radicalization is indiscriminate and those attracted to it include New York City citizens from all walks of life, ranging from university students, engineers, business owners, teachers, lawyers, cab drivers to construction workers." NYPD Radicalization Report at 67,

Two years later, the NYPD clarified that it is a "tiny minority of Muslims who subscribe to al Qaeda's ideology" and that the Muslim community in New York City is an ally of the NYPD. See pages 11-12 of the following version of the report: http://www.nyc.gov/html/nypd/downloads/pdf/public_information/NYPD_Report-Radicalization_in_the_West.pdf. However, by that point the NYPD's radicalization theory had already spread. See Faiza Patel, *Rethinking Radicalization* 14, 16-18, Brennan Center for Justice at New York University School of Law, 2011, available at http://www.brennancenter.org/content/resource/rethinking_radicalization/
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