

112TH CONGRESS
2D SESSION

H. RES. 651

Expressing the sense of the House of Representatives regarding the illicit ethnic and religious profiling and surveillance of Muslim American communities by the New York Police Department.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mr. HOLT (for himself, Ms. CHU, Mr. ELLISON, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. McDERMOTT, Mr. HONDA, and Mr. MORAN) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Expressing the sense of the House of Representatives regarding the illicit ethnic and religious profiling and surveillance of Muslim American communities by the New York Police Department.

Whereas the First Amendment of the Constitution ensures freedom of speech, religion, and assembly;

Whereas the Fourth Amendment of the Constitution protects from unreasonable searches and seizures;

Whereas the Fourteenth Amendment of the Constitution guarantees the equal protection of the laws to all people regardless of their religion, race, ethnicity, or national origin;

Whereas, in August 2011, press reports revealed the New York City Police Department engaged in extensive surveillance and investigation of individuals and groups in the Muslim community based upon their religion, race, ethnicity, and national origin, and without a reasonable, articulable basis to suspect that the individual or group has engaged in or is about to engage in unlawful conduct;

Whereas the New York City Police Department engaged in unreasonable, suspicion-less surveillance and investigations of mosques, college campuses, restaurants, businesses, and individuals without evidence of wrongdoing or criminality;

Whereas the New York City Police Department documented and retained information about the First Amendment-protected activities of individuals and groups surveyed or investigated in these intelligence operations;

Whereas according to these reports and information now made available to the public, the New York City Police Department conducted operations well beyond its jurisdiction in other municipalities in New York and other States, including Connecticut, New Jersey, and Pennsylvania, and which may be ongoing;

Whereas the unreasonable suspicion-less surveillance and investigation of Muslim American communities undermines the Nation's commitment to religious liberty and equal protection of the law;

Whereas these unreasonable suspicion-less surveillance practices stigmatize innocent members of the Muslim community merely because of their religion;

Whereas the Central Intelligence Agency has publicly acknowledged that it had personnel assisting and training

New York City Police Department officers who subsequently engaged in surveillance and investigation of Muslim Americans in the absence of suspicion of illegal activity;

Whereas this episode recalls other dark chapters in the Nation's history, including the internment of Japanese Americans during World War II, and the illegal surveillance of civil rights and anti-war activists by intelligence and law enforcement agencies during the 1960s and 1970s;

Whereas Congress has allocated millions of dollars to the New York City Police Department;

Whereas, in December 2011, 34 Members of Congress wrote the Attorney General requesting an investigation of potential violations of the law by the New York City Police Department and Central Intelligence Agency, and also requested a hearing by the House Committee on the Judiciary into this issue; and

Whereas, on March 19, 2012, 117 groups representing a range of concerned citizens likewise called upon the Department of Justice to launch an investigation into the New York City Police Department's illicit ethnic and religious profiling and surveillance of Muslim American communities: Now, therefore, be it

- 1 *Resolved*, That the House of Representatives—
- 2 (1) condemns the unjustified surveillance and
- 3 unlawful profiling of Muslim American communities
- 4 by the New York Police Department;
- 5 (2) demands that the New York Police Depart-
- 6 ment cease and desist with any such warrantless

1 surveillance activities within the United States and
2 purge its intelligence databases; and

3 (3) urges the Department of Justice to imme-
4 diately investigate whether the New York Police De-
5 partment's action violated the Constitution or any
6 Federal law, and whether any agency of the Federal
7 Government facilitated any profiling or surveillance
8 conducted by the New York Police Department
9 against members of the Muslim American commu-
10 nity in violation of the Constitution or any Federal
11 law.

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