



www.stopnypdspying.org

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Dear Friends,

We need your help to protect our civil liberties from the NYPD. In particular, activists and advocacy organizations would remain at risk under a proposed settlement with the NYPD that we can and must challenge. The recently proposed settlement would modify the Handschu Guidelines. Those guidelines govern whether and to what extent the NYPD may engage in surveillance and related operations against persons and organizations engaging in lawful political, religious, educational, or social activities. The Handschu Guidelines already grant the NYPD exceptionally broad powers and the proposed settlement would further erode federal protection of our Constitutional rights to free speech, free assembly and a free press. The terms are so vague that even organizations based outside of New York City may be vulnerable to an 18-month investigation by the NYPD complete with undercovers, merely because it has some operations in New York City. For instance, we don't know whether, under the proposed settlement, NYPD are forbidden from using undercovers against an organization or its members outside of New York City where members are planning a civil disobedience action on social media and thereby attracting supporters who reside in New York City? Or whether, under the proposed settlement, the NYPD may launch investigations against an organization or its members with such plans merely because it raises money in New York City? But we do know that the NYPD has ever-expanding operations, with recent expeditions to Spain, and undercovers deployed to Ferguson, and likely wherever its bloated intel budget will send them. The vague and porous thresholds the NYPD must meet before using intrusive and destructive methods provide inadequate protection to political activists *across the country and worldwide*.

The court is poised to approve the proposed modifications unless sufficient opposition is filed with the court by April 5, 2016. **We need your help.** We are preparing a memo of law to demand more time for affected parties to prepare and submit comments. Please send us your declaration in support of extending the time period for public comment promptly. An easy to fill out declaration template, which can be downloaded from our homepage, will make this easy for you.

BACKGROUND AND HISTORY (if you know all this, go to 'WHAT YOU CAN DO' section)

In 1971, a group of activists brought a class action lawsuit against the NYPD seeking to stop the NYPD's surveillance and related operations against persons engaged in lawful free expression. The named plaintiff in the lawsuit was Barbara Handschu. The plaintiff class is described in the original Handschu settlement and subsequent modifications of it as

“(a)ll individuals resident in the City of New York, and all other persons who are physically present in the City of New York, and all organizations located or operating in the City of New York, who engage in or have engaged in lawful political, religious, educational, or social activities and who, as a result of these activities have, been, are now or hereafter may be subjected to or threatened by infiltration, physical and verbal coercion, photographic, electronic and physical surveillance, provocation of violence, recruitment to act as police informers and dossier collection and dissemination by defendants and their agents.”

The original settlement agreement in 1985 established guidelines governing the NYPD’s power to launch operations against persons and organizations engaged in lawful free expression. These guidelines are called the Handschu Guidelines. A class member who is the victim of the NYPD’s violation of the Handschu Guidelines may apply to the court for an injunction to stop the objectionable conduct. In the wake of 9/11, the court granted the NYPD’s applications to weaken the protections of the Handschu Guidelines, resulting in the so-called Modified Handschu Guidelines.

In 2013, it came to light that the NYPD had been engaged in widespread spying on Muslims as well as human rights and environmental organizations and had engaged in mapping those communities they had been spying on. A group of persons associated with the Muslim faith brought their own class-action lawsuit -- Raza, et al. v. City of NY, et al., SDNY Case No. 13 CV 3448 (PKC). Thereafter, the NYPD and class counsel entered into secret negotiations resulting in a proposed settlement that will further modify the Handschu Guidelines. The proposed settlement would end the litigation but would not protect the civil liberties of Muslims, students, or political activists or organizations which practice civil disobedience.

WHAT YOU CAN DO

Demand more time for organizations and Individuals to comment and be heard!

First, fill out the declaration explaining that the time frame will not allow you or your organization to research, review, discuss, and prepare comments for submission. We are preparing an application to modify the terms of the Notice of Hearing to enlarge the comment period. Civic organizations’ declarations will increase our chances of extending the comment period so more affected individuals and organizations can be heard. The notice employed is inadequate in several ways including: first, assuming activists or their organizations heard about the proposed settlement at the moment it was proposed, they had only eight weeks to solicit comments from their constituents, consider and approve an objection, and have that objection reviewed by outside counsel or advisors; second, the actual notice is inadequate; and third, class counsel has repeatedly made statements implying that comments and objections are moot because the matter is already settled. But, to the contrary, the settlement must be approved by the court, considering plaintiff class members’ concerns.

Please complete the easy-to-fill-out declaration and send it to us. *We have retained counsel who will work with you to prepare these if necessary.*

Tell the Court that the Proposed Settlement is riddled with loopholes guaranteeing future abuse!

Second, we are preparing a detailed list of objections to the proposed modifications to the Handschu Guidelines. We are preparing a complete list of objections and will share these with you. People should disseminate the objections to their colleagues and constituents and ask them to sign their name and submit them to the court by April 5, 2016. That submission can be sent by email to handschusettlement@gmail.com.

To obtain the Declaration template, a copy of the Notice of Hearing, the modifications under the proposed settlement, and a flier to print and distribute, please go to our homepage and download these documents from the right-hand column.

Best,

Robert Jereski
www.stopNYPDspying.org