



46-01 20<sup>th</sup> Avenue  
Astoria, New York 11105

Council on American-Islamic Relations

[www.cair-ny.org](http://www.cair-ny.org) | (646) 665-7599

---

**STATEMENT OF  
ALBERT FOX CAHN, ESQ.  
LEGAL DIRECTOR  
COUNCIL ON AMERICAN-ISLAMIC RELATIONS, NEW YORK, INC.**

**BEFORE THE  
COMMITTEE ON CONSUMER  
AFFAIRS AND BUSINESS LICENSING**

**FOR A HEARING CONCERNING,  
INITIATIVE 0959-2018, EXPANDING THE PROHIBITED STREET-VENDING  
ZONE AROUND THE WORLD TRADE CENTER.**

**PRESENTED  
June 14, 2018**

Good morning. My name is Albert Fox Cahn, and I serve as the Legal Director for the New York Chapter of the Council on American-Islamic Relations (“CAIR-NY”). CAIR-NY is a leading civil rights and advocacy organization for the Muslim community here in New York City and across New York State.

I speak today against initiative 959, which seeks to block street vendors from numerous sites throughout lower Manhattan.<sup>1</sup> It pains me to be on opposing sides from so many long-time friends, council members who have stood with Muslim New Yorkers to oppose President Trump’s Muslim Bans and anti-Muslim agenda. But we simply can’t be silent in the face of legislation that could so adversely impact Muslim New Yorkers.

If passed, the Initiative will evict 22 food vendors, 18 of whom are Muslim. The Initiative; however, does not refer to the nearby farmers market, whose vendors are predominantly non-Muslim. This double standard raises the specter of anti-Muslim discrimination at a moment when our nation is witnessing the normalization of Islamophobia at the highest levels of government, a moment when perceived anti-Muslim bias has never been more dangerous.

This episode is particularly powerful because of the ways it resonates with history. In 2010, CAIR-NY looked-on in horror as so many of New York’s leaders turned on Park51,<sup>2</sup> the downtown Islamic cultural, educational, and recreational center that became a lightning-rod for anti-Muslim sentiment.<sup>3</sup> Sadly, the hate-filled pushback transformed a space designed to promote cultural understanding and inclusivity into a shorthand for anti-Muslim fear and bias.<sup>4</sup> Even national and international political

---

<sup>1</sup> Current Introduction Number: Int. No. 959

<sup>2</sup> *Most New Yorkers are still saying no to proposed downtown mosque in poll*, Sep. 25 2010, <http://www.nydailynews.com/new-york/new-yorkers-no-proposed-downtown-mosque-poll-article-1.439805>

<sup>3</sup> *SIOA CAMPAIGN OFFENSIVE: STOP THE 911 MOSQUE PROTEST*, May 8, 2010, [https://web.archive.org/web/20100610032236/http://atlasshrugs2000.typepad.com/atlas\\_shrugs/2010/05/stop-the-911-mosque-protest-may-29th-the-last-day-of-the-world.html](https://web.archive.org/web/20100610032236/http://atlasshrugs2000.typepad.com/atlas_shrugs/2010/05/stop-the-911-mosque-protest-may-29th-the-last-day-of-the-world.html)

<sup>4</sup> *Building damaged in 9/11 to be mosque for NYC Muslims*, May 7, 2010, [https://web.archive.org/web/20100902235859/http://www.usatoday.com/news/religion/2010-05-07-mosque-ground-zero\\_N.htm](https://web.archive.org/web/20100902235859/http://www.usatoday.com/news/religion/2010-05-07-mosque-ground-zero_N.htm) (Quoting Daisy Khan as saying, we “feel it’s an obligation as Muslims and Americans to be part of the rebuilding of downtown Manhattan.”)

(Cont'd on following page)

figures turned against the project, repeating the talking points of leading anti-Muslim extremists.<sup>5</sup> The broader impact of this rhetoric was stark as anti-Muslim hate crimes soared by 50%.<sup>6</sup>

Sadly, as currently structured, this Initiative is viewed by many as imposing the same double standard seen at Park51. Here, it is a farmer's market that's allowed to remain, in the case of Park51, it was the reconstruction of St. Nicholas Greek Orthodox Church, which was approved without any objections.<sup>7</sup> While there was a church at the original site of the World Trade Center, there was also a Muslim prayer room on the 17<sup>th</sup> floor of the south tower, a fact that largely went unnoticed in the media frenzy condemning the plans for Park51.<sup>8</sup>

Many anti-Muslim activists will view the Initiative as a victory, even if it's not your intent to provide them one. They will see it as a legitimization of Islamophobic discrimination...an endorsement from this Council that double standards are permissible. It would amplify and reinforce the hateful narrative that portrays our Muslim neighbours as a threat, rather than indispensable component of our diverse city. Our fear is that such a perception would compound the recent surge in anti-Muslim harassment, discrimination, and hate crimes, which have increased nearly 10-fold in the past 2 years.<sup>9</sup>

While the NYPD has put forward justifications for these changes, it's difficult to trust the judgement of a police department that has consistently and unconstitutionally targeted Muslim New Yorkers with discriminatory surveillance and other harassment.<sup>10</sup> For example, in recent years, a time when the

---

<sup>5</sup> *Muslims, Keep Out: The Republican campaign against a Ground Zero mosque*, Aug 2, 2010, [http://www.slate.com/articles/news\\_and\\_politics/frame\\_game/2010/08/muslims\\_keep\\_out.html](http://www.slate.com/articles/news_and_politics/frame_game/2010/08/muslims_keep_out.html), Sarah Palin 'Refudiates' Ground Zero Mosque, July 19, 2010, <https://abcnews.go.com/US/sarah-palin-takes-twitter-oppose-ground-mosque/story?id=11194148>

<sup>6</sup> *FBI: DRAMATIC SPIKE IN HATE CRIMES TARGETING MUSLIMS*, March 1, 2012, <https://www.splcenter.org/fighting-hate/intelligence-report/2012/fbi-dramatic-spike-hate-crimes-targeting-muslims>

<sup>7</sup> *Inside the World Trade Center's St. Nicholas Greek Orthodox Church*, Sep. 11, 2017, <https://ny.curbed.com/2017/9/11/16285628/world-trade-center-st-nicholas-greek-orthodox-church-tour>

<sup>8</sup> *Muslims and Islam Were Part of Twin Towers' Life*, Sep. 10, 2010, <https://www.nytimes.com/2010/09/11/nyregion/11religion.html>

<sup>9</sup> As of March 5, 2018, CAIR-NY had seen the number of hate crimes reported against Muslim Americans in the New York state increase by 74% since Donald Trump was elected: *CAIR-NY Reports 74% Increase in Anti-Muslim Hate Crimes Since Trump's Election*, March 5, 2018, <http://www.cair-ny.org/news/2018/3/5/cair-ny-reports-74-increase-in-anti-muslim-hate-crimes-since-trumps-election>

<sup>10</sup> *The Horrifying Effects of NYPD Ethnic Profiling on Innocent Muslim Americans*, Mar. 28, 2013, <https://www.theatlantic.com/politics/archive/2013/03/the-horrifying-effects-of-nypd-ethnic-profiling-on->

(Cont'd on following page)

overwhelming majority of U.S. terrorist attacks were committed by right-wing extremists and white supremacists, more than 95% of NYPD political and religious investigations targeted Muslim individuals and organizations.<sup>11</sup> That is not CAIR-NY's data, it is data from the NYPD's own Office of the Inspector General and the Anti-Defamation League.<sup>12</sup> And what do we have to show for this betrayal of our values and constitution? Nothing. Many of the most invasive NYPD programs have never produced a single lead.<sup>13</sup>

Given this history, we can't simply defer to the NYPD on questions of equity and discrimination. For example, the NYPD omits that food vendors frequently protect the public in times of danger, most famously in 2010 when vendors reported a Times Square car bomb.<sup>14</sup> But many examples never make the news. Only a few weeks ago, a Muslim food vendor at Liberty Street and Trinity Place reported a suspicious bag, a report that would never have been made if the Initiative were in effect. Vendors should not be presumed to be a threat. Instead, they should be treated like other small business owners...as men and women who only want the best for our city

We thus urge you to reject the Initiative as written, to not take away the livelihoods these New Yorkers need to feed their families simply for the crime of trying to feed our city. If the Council does move forward with the initiative, we ask, at a bare minimum, that you postpone passage until suitable alternative sites are found for all impacted vendors. Without such remediation, we remain gravely

---

innocent-muslim-americans/274434/, *New York's Muslim community fights back against NYPD Islamophobia*, Feb. 6, 2012, <http://mondoweiss.net/2012/02/new-yorks-muslim-community-fights-back-against-nypd-islamophobia/>

<sup>11</sup> OFFICE OF THE INSPECTOR GEN. FOR THE N.Y. POLICE DEP'T, N.Y. CITY DEP'T OF INVESTIGATION, AN INVESTIGATION OF NYPD'S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY 1 n.1 (2016), [https://www1.nyc.gov/assets/oignypd/downloads/pdf/oig\\_intel\\_report\\_823\\_final\\_for\\_release.pdf](https://www1.nyc.gov/assets/oignypd/downloads/pdf/oig_intel_report_823_final_for_release.pdf). In its investigation, the OIG reviewed a random selection of 20% of cases closed or discontinued between 2010 and 2015 of each case type. *Id.* at 14.

<sup>12</sup> U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-17-300, COUNTERING VIOLENT EXTREMISM: ACTIONS NEEDED TO DEFINE STRATEGY AND ASSESS PROGRESS OF FEDERAL EFFORTS 4 (2017), <https://www.gao.gov/assets/690/683984.pdf>; David Neiwert, *Trump's Second Travel Ban Once Again Misidentifies Source of Domestic Terrorist Threat*, SOUTHERN POVERTY LAW CENTER (Mar. 13, 2017), <https://www.splcenter.org/hatewatch/2017/03/13/trumps-second-travel-ban-once-again-misidentifies-source-domestic-terrorist-threat>; *Murder and Extremism in the United States in 2016*, ANTI-DEFAMATION LEAGUE, <https://www.adl.org/education/resources/reports/murder-and-extremism-in-the-united-states-in-2016> (last visited June 13, 2017).

<sup>13</sup> Goldman & Apuzzo, *supra* note 9.

<sup>14</sup> *Vendors Who Alerted Police Called Heroes*, May 2, 2010, <https://www.nytimes.com/2010/05/03/nyregion/03vendor.html>

(Cont'd on following page)

Statement of Albert Fox Cahn, Esq.

6/14/2017

Page 5 of 5

concerned about the message the initiative would send to these vendors, to our City, and to all the anti-Muslim extremists who might gain heart.