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Mosque subpoenas stir anger in Bernards Township

Documents sought from residents

By W. JACOB PERRY Staff Writer May 16, 2016

BERNARDS TWP. – A group that has filed a lawsuit seeking to build a mosque in Liberty Corner has gained support from advocacy groups, but its issuance of subpoenas to about 40 local residents has stirred anger among the recipients.

The residents, most of whom addressed the Planning Board last year with concerns about traffic, noise, lighting or other impacts from the proposed mosque, have been served with legal papers ordering them to turn over any written or recorded material they may have that comments on Islam or Muslims.

The Islamic Society of Basking Ridge (ISBR), which sought to build the mosque, filed a federal lawsuit in March claiming the board's denial of the project reflected community "religious and cultural animus against Muslims."

The issuance of the subpoenas indicates that attorneys for the ISBR are seeking supporting evidence of bigotry.

A copy of a subpoena, which was obtained by this newspaper, said it seeks all documents, including social media posts, about anything concerning the ISBR, ISBR President Ali Chaudry, Muslims, Islam, mosques, the Koran, mosque prayer services, wudu, imams, burkas, Sharia "or anything else associated with or related to Muslims or Islam."

Also sought are documents concerning the "Preserve Liberty Corner" movement, any object inscribed with or containing the words "Preserve Liberty Corner," or anti-mosque signs, fliers, banners, email messages, or pamphlets, and all communications between the resident and any Township Committee or Planning Board member.

It also seeks "documents sufficient to show all your email addresses and social media accounts."

If a document was, but is not longer in the recipient's possession, the recipient must indicate who created and sent it and when, what it said, how it was disposed of, who else might have it and the

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identity of such a person.

If the recipient believes a document “is privileged and or otherwise excluded from discovery,” he or she must state the reasons.

The subpoenas must be returned to the ISBR’s attorneys by June 1, said one recipient, who asked not to be identified by name.

“If I don’t answer, I’m in contempt of court,” the resident said. “Who’s going to argue it without hiring an attorney?”

The recipient said she has looked into hiring a lawyer and was told that the cost of filing an appeal to quash the subpoena could run as high as \$1,500.

“Look at what they’re trying to do to people who exercised their civil right to attend a public hearing,” she added, referring to the ISBR. “It’s pure harassment.”

Another woman who was subpoenaed said in an earlier interview that she couldn’t afford a lawyer and was hoping for guidance from the township.

Howard B. Mankox, a Roseland attorney who is handling the case for the township, said on Friday, May 13, that all those who were served received “the same subpoenas.”

The ISBR issued 47 subpoenas to former Township Committee and Planning Board members and resident objectors, with the former officials comprising only three or so, and the rest going to the objectors, he said.

Noting that he represents only current and former officials, Mankox said he has received calls from three attorneys seeking to discuss subpoenas issued to residents.

The law firm representing the ISBR, Patterson Belknap Webb & Tyler, LLC, of New York, N.Y., has declined to comment on the subpoenas.

The Planning Board’s three-year review of the mosque featured comments by 57 individuals.

The project drew opposition from 45 people, including 43 township residents. Meanwhile, the project was backed in the hearings by 12 individuals, including eight who live in town.

The Planning Board advised audiences early in the process to limit questions and comments to land use issues. The residents generally complied, and several made a point of saying the site’s Church Street location in a residential zone would have been a concern regardless of the religious denomination. The ISBR’s lawsuit acknowledged that religion rarely surfaced in public comments

during the hearings, but still claimed ulterior motives.

“This community opposition evolved into a well-funded machine that recruited objectors and coached them to channel their opposition through the permissible language of land use: parking, buser and screening requirements, storm water management, and so on,” the suit alleges.

It added that “participants were coached not to reveal their true intentions.”

The suit offered several examples of local anti-Muslim animus, including vandalism of the ISBR’s Church Street mailbox, critical Óiers, and comments posted on social media.

It said an opposition group, Bernards Township Citizens for Responsible Development (BTCRD), held a community meeting on Sept. 7, 2014, in which the group “appears to have coached members of the Hills Fun Group on how to make complaints at board hearings that were facially non-discriminatory ...

“Community members were cautioned to limit their public statements to land use issues because it would damage the opposition effort if alternative methods were revealed,” the suit said.

It added, “Minutes from that Sept. 7 meeting state, ‘Please Remember Do Not Make Any Comments on the Religion or Islamic Mosque Itself. If we do so, we will lose the battle.’ “

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