

BRENNAN
CENTER
FOR JUSTICE

June 6, 2014

Alejandro Mayorkas
Deputy Secretary
Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528-0075

Brennan Center for Justice
at New York University School of Law

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Dear Deputy Secretary Mayorkas,

We write to express our concerns about the Department of Homeland Security's plan to install a locally-based envoy to coordinate government community engagement programs regarding "homegrown violent extremism" in Boston, Massachusetts. As you know, the plan was announced during an address by National Security Advisor Lisa Monaco at the Harvard Kennedy School on April 15, 2012, reportedly based on a pilot project in Los Angeles, California.ⁱ

Countering violent extremism (CVE) programs are controversial because several government and non-government entities have promoted unfounded and discredited theories of terrorist radicalization that improperly identify First Amendment-protected religious and political activities as precursors to, or predictive of terrorist attacks. The most prominent of these reports available in the public realm are the FBI's 2006 intelligence report, "Radicalization: From Conversion to Jihad,"ⁱⁱ and the New York Police Department's 2007, "Radicalization in the West."ⁱⁱⁱ

These reports posit virtually identical four-step processes to becoming a terrorist, and both identify First Amendment-protected activities, such as mosque attendance and activism within Muslim political or social groups, as "steps" or "indicators" of increasing radicalization toward violence. Many of the so-called "indicators" are common activities for large numbers of American Muslims, such as wearing religious attire or growing a beard, which increases the likelihood that all Muslims will be unfairly targeted for investigation and surveillance based on these reports. Indeed these reports appear to provide the policy justification for overbroad surveillance of Muslim communities conducted by the FBI and NYPD that have chilled the free exercise of American Muslims' religious and political rights.^{iv}

These theories have been discredited through numerous empirical and academic studies of terrorists, yet they continue to influence policy.^v

If the envoy program perpetuates these flawed radicalization theories, rather than empower communities as intended, it will only further victimize them. Unfortunately, our concern isn't hypothetical. During her Kennedy School address, National Security Advisor Monaco suggested community members should look for “subtle” signs of radicalization to violence:

For instance, parents might see sudden personality changes in their children at home—becoming confrontational. Religious leaders might notice unexpected clashes over ideological differences. Teachers might hear a student expressing an interest in traveling to a conflict zone overseas. Or friends might notice a new interest in watching or sharing violent material.^{vi}

Any parent of a teenager would recognize these behaviors as common and entirely normal characteristics of adolescence. Teaching community members that such behavior is predictive of future dangerousness will only lead to increased fear and mistrust, the reporting of innocent persons to police, and a subsequent waste of security resources.

We request that you review the materials supporting the envoy program to ensure they are based on sound academic and empirical research methods. Opening these materials to public scrutiny would be the only way to establish community confidence that the advice they receive from the envoy is accurate and respectful of their religious and political rights. We request an opportunity for interested organizations to meet with the Boston envoy to discuss our concerns regarding CVE programs before he or she meets with community groups, to ensure DHS provides only accurate information that does not create false suspicion or inappropriately stigmatize individuals for expressing their religious or political beliefs. Please contact Mike German, Fellow, Brennan Center for Justice, at (646) 292 – 8310 or michael.german@nyu.edu to schedule this meeting.

Sincerely,

American Civil Liberties Union

American Civil Liberties Union of Massachusetts

Arab American Institute

Black and Pink

Brennan Center for Justice at New York University School of Law

Massachusetts Immigrant and Refugee Advocacy Coalition

Muslim Advocates

Political Research Associates

The Real Cost of Prisons Project

CC:

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ⁱ Lisa Monaco, Assistant to the President for Homeland Security and Counterterrorism, Remarks at Harvard Kennedy School Forum: Countering Violent Extremism and the Power of Community (Apr. 15, 2014) [hereinafter Monaco Remarks], available at <http://www.whitehouse.gov/the-press-office/2014/04/16/remarks-assistant-president-homeland-security-and-counterterrorism-lisa->

ⁱⁱ COUNTERTERRORISM DIVISION, FED. BUREAU OF INVESTIGATION, THE RADICALIZATION PROCESS: FROM CONVERSION TO JIHAD (2006), available at <http://cryptome.org/fbi-jihad.pdf>.

ⁱⁱⁱ MITCHELL SILBER & ARVIN BHATT, N.Y. POLICE DEP'T, RADICALIZATION IN THE WEST: THE HOMETOWN THREAT (2007) [hereinafter NYPD RADICALIZATION REPORT], available at http://www.nyc.gov/html/nypd/downloads/pdf/public_information/NYPD_Report-Radicalization_in_the_West.pdf.

The NYPD added a "Statement of Clarification" to the report in 2009 in response to criticism, which stated the report was "not intended to be policy prescriptive for law enforcement." NYPD RADICALIZATION REPORT at 11; Omar Sacirbey, *NYPD 'clarifies' report on radical Islam*, USA TODAY (Sept. 14, 2009, 6:27 PM), http://usatoday30.usatoday.com/news/religion/2009-09-14-nypd-muslim_N.htm.

^{iv} MUSLIM AMERICAN CIVIL LIBERTIES COALITION ET AL., MAPPING MUSLIMS: NYPD SPYING AND ITS IMPACT ON AMERICAN MUSLIMS (2013), available at <http://www.law.cuny.edu/academics/clinics/immigration/clear/Mapping-Muslims.pdf>.

^v See, e.g., FAIZA PATEL, BRENNAN CTR. FOR JUSTICE, RETHINKING RADICALIZATION (2011), available at <http://www.brennancenter.org/sites/default/files/legacy/RethinkingRadicalization.pdf>; JAMIE BARTLETT ET AL., DEMOS, THE EDGE OF VIOLENCE: A RADICAL APPROACH TO EXTREMISM (2010), available at http://www.demos.co.uk/files/Edge_of_Violence_-_web.pdf?1271346195; John Horgan, *Discussion Point: The End of Radicalization?*, Nat'l Consortium for the Study of Terrorism and Responses to Terrorism (Sept. 28, 2012), <http://www.start.umd.edu/news/discussion-point-end-radicalization>; Randy Borum, *Radicalization into Violent Extremism II: A Review of Conceptual Models and Empirical Research*, 4 J. STRATEGIC SEC. 37 (2011), available at <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1140&context=jss>; Violent Islamist Extremism: The European Experience: Hearing Before the S. Comm. on Homeland Sec. and Gov't Affairs, 110th Cong. 1 (2007) (testimony of Marc Sageman, M.D., Ph.D.).

^{vi} Monaco Remarks, *supra* note i.