

**BRENNAN
CENTER
FOR JUSTICE**

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June 23, 2015

Via Certified Mail and E-Mail

Susan B. Gerson, Assistant Director
Executive Office for United States Attorneys
Department of Justice
Attention: FOIA/Privacy Staff
600 E Street, NW, Room 7300
Washington, DC 20530

Re: Freedom of Information Act Request

Dear Ms. Gerson:

This is a Freedom of Information Act (FOIA) request on behalf of the Brennan Center for Justice at NYU School of Law.

The Brennan Center seeks records pertaining to programs aimed at “countering violent extremism” (CVE). On September 15, 2014, Attorney General Eric Holder announced the creation of a CVE “pilot” program to begin in three cities¹ – Boston, Los Angeles, and Minneapolis-St. Paul.² As part of these programs, United States Attorneys have engaged in extensive community outreach “to foster trust, improve awareness, and educate communities about violence risk factors in order to stop radicalization to violence before it starts.”³ The Brennan Center is requesting information relating to the implementation of these pilot programs and the empirical bases for their effectiveness.

¹ See Press Release, Department of Justice, Attorney General Holder Announces Pilot Program to Counter Violent Extremists, Sept. 15, 2014, available at <http://www.justice.gov/opa/pr/attorney-general-holderannounces-pilot-program-counter-violent-extremists>.

² See Department of Justice, Pilot Programs are Key to Our Countering Violent Extremism Efforts, Feb. 18, 2015, available at <http://www.justice.gov/opa/blog/pilot-programs-are-key-our-countering-violent-extremism-efforts>.

³ *Id.*

Specifically, the Brennan Center hereby requests the following records:

1. The minutes of all meetings conducted by the United States Attorney's Office in the Districts of Minnesota, Massachusetts, and the Central District of California in which (CVE) pilot programs have been discussed, including those detailing the "risk factors" referenced above.

Fees

The Brennan Center is exempt from search and review fees as a noncommercial scientific institution, an educational institution, and a representative of the news media. 28 C.F.R. § 16.11(c)-(d). The Brennan Center is a non-profit, non-partisan public policy and law institute at the NYU School of Law that conducts research and disseminates to the public information about issues affecting justice and democracy. It is engaged in social science research and therefore meets the definition of a noncommercial scientific institution entitled to a waiver of search and review fees. In addition, the Brennan Center's affiliation with NYU Law School (which is plainly an educational institution) means that the Center is exempt from review or search charges. Finally, the Brennan Center qualifies for a waiver as a representative of the news media under 5 U.S.C. § 552(a)(4)(A)(ii)(II) based on its track record of publishing reports and papers.

In addition, as a noncommercial requester acting in the public interest, the Brennan Center is eligible for a waiver of duplication fees, or at the very least, a reduction of these fees under § 552(a)(4)(A)(ii)(II). For the same reason, we are entitled to the first 100 duplicated pages free of charge, 28 C.F.R. § 16.11(d)(3)(i), and to a waiver or reduction of any remaining duplication costs under 28 C.F.R. § 16.11(k).

Expedited Processing

Please provide expedited processing pursuant to 28 C.F.R. § 16.5(d)(1). The criteria for expedited processing are satisfied because there is an "urgency to inform the public about an actual or alleged federal government activity," *id.* § 16.5(d)(1)(ii), and the Brennan Center is primarily involved in disseminating information to the public. In this case, the grant program identified above provides funding for research targeted toward preventing acts of domestic terrorism by using a "countering violent extremism" approach, which continues to be a subject of national importance and debate.⁴

⁴ See, e.g., *Id.*; The Associated Press, *Boston Shooting Raises Questions About Anti-Extremism Plans*, N.Y. TIMES (June 12, 2015, 3:11 PM), <http://www.nytimes.com/aponline/2015/06/12/us/ap-us-fighting-extremism-boston.html>; Juliet Eilperin, *Trying to Counter Extremism at Home, U.S. Faces a Risk: Sowing Mistrust*, WASHINGTON POST (Feb. 16, 2015) http://www.washingtonpost.com/politics/trying-to-counter-extremism-at-home-us-faces-a-risk-sowing-more-mistrust/2015/02/16/43f742d8-b58b-11e4-aa05-1ce812b3fdd2_story.html (last visited Jun. 12, 2015).

Response Requested in 10 days

Your attention to this request is appreciated, and I will anticipate your determination of our request within ten (10) calendar days pursuant to 28 C.F.R. 16.5(d)(4). Should you have any questions regarding this request, please contact me at your earliest convenience via e-mail at michael.price@nyu.edu or by telephone at (646) 292-8335.

Sincerely,



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