

**BRENNAN
CENTER
FOR JUSTICE**

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September 11, 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 the NYU School of Law.

The Brennan Center seeks the Memorandum of Understanding between the United States' Attorney's Office for Minnesota ("USAO-MN") and the Somali-American Task Force in Minnesota, pertaining to the USAO-led "Building Community Resilience" (BCR) efforts in Minnesota. On August 22, 2015, an article in *Politico* by Ibrahim Hirsi entitled "Fighting ISIL From City Hall" described the local Muslim community's response to the USAO-MN's Countering Violent Extremism ("CVE") efforts in Minnesota, "known locally as efforts at 'Building Community Resilience.'"¹ The article referenced a "memorandum of understanding" ("MOU") signed between the USAO-MN and "local community leaders" which "promis[ed]" "BCR will NOT be used as a tool to conduct surveillance on the Somali Minnesotan community or to build intelligence databases about participants of the various programs under the BCR

¹ Ibrahim Hirsi, *Fighting ISIL From City Hall*, POLITICO (Aug. 22, 2015) <http://www.politico.eu/article/fighting-isil-from-city-hall/>.

umbrella.”² A recent MPR News piece subsequently referenced the same MOU between the USAO-MN and the Somali-American Task Force.³ The Brennan Center hereby requests the MOU identified in these sources as well as any correspondence or supporting documentation related to the same.

Specifically, the Brennan Center requests the following records:

1. The Memorandum of Understanding between the USAO-MN and the Somali American Task Force regarding the USAO-MN’s BCR or CVE efforts referenced in the above-mentioned articles.
2. All correspondence between the USAO-MN and the Somali American Task Force, as well as between the USAO-MN and other stakeholders, as relevant; and supporting documentation related to the Memorandum of Understanding identified 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, 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

² *Id.*

³ Mukhtar Ibrahim, *New Somali Youth Program Launched Amid Terror Recruitment Concerns*, MPR News (Sept. 9, 2015) <http://www.mprnews.org/story/2015/09/09/new-programs-announced-luger>.

primarily involved in disseminating information to the public. In this case, the memorandum of understanding identified above provides information about “countering violent extremism” programs which continue to be a subject of national importance and debate, particularly as it relates to questions of government-led surveillance through similar “community outreach” programs in the past.⁴

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 meghan.koushik@nyu.edu or by phone at (646) 292-8382.

Sincerely,

A handwritten signature in black ink that reads "Meghan Koushik". The signature is written in a cursive style and is underlined with a single horizontal line.

Meghan Koushik
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⁴ See, e.g., MICHAEL PRICE, COMMUNITY OUTREACH OR INTELLIGENCE GATHERING? (2015) available at <https://www.brennancenter.org/analysis/community-outreach-or-intelligence-gathering>; *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.