

BRENNAN  
CENTER  
FOR JUSTICE

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December 23, 2014

**Via Certified Mail and E-Mail**

Federal Bureau of Investigation  
Attn: FOI/PA Request  
Record/Information Dissemination Section  
170 Marcel Drive  
Winchester, VA 22602-4843  
foiparequest@ic.fbi.gov

**Re: Freedom of Information Act Request**

To Whom It May Concern:

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 a new program aimed at “countering violent extremism” (CVE). On April 15, 2014, a senior White House official announced a CVE envoy program designed to “coordinat[e] government engagement on the threat of homegrown violent extremism.”<sup>1</sup> And on September 15, 2014, Attorney General Eric Holder announced the creation of a CVE “pilot” program<sup>2</sup> to begin in three cities.<sup>3</sup>

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<sup>1</sup> Remarks by Assistant to the President for Homeland Security and Counterterrorism Lisa O. Monaco, Countering Violent Extremism and the Power of Community, Apr. 15, 2014 [hereinafter Monaco Speech], available at <http://www.whitehouse.gov/the-press-office/2014/04/16/remarks-assistant-president-homeland-security-and-counterterrorism-lisa->.

<sup>2</sup> 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-holder-announces-pilot-program-counter-violent-extremists> [Holder Press Release];

<sup>3</sup> Amy Forliti, *Minneapolis-St. Paul 1 site of anti-terror program*, ASSOCIATED PRESS (Sept. 17, 2014, 12:41 AM), <http://bigstory.ap.org/article/doj-extremism-fight-could-take-cue-minnesota>; Brian Bennett, Joel Rubin & Victoria Kim, *L.A. chosen for pilot program on dissuading militant recruits*, L.A. TIMES (Sept. 22, 2014, 7:28 PM), <http://www.latimes.com/local/la-me-terror-jihad-program-20140923-story.html>; Shelley Murphy, *Boston to host anti-extremist pilot program*, BOSTON GLOBE (Sept. 24, 2014), <http://www.bostonglobe.com/metro/2014/09/23/boston-site->

The Brennan Center is requesting information on the rules governing the involvement the FBI in these CVE programs.

### **Request**

The Brennan Center specifically requests the following records:

1. All policies, procedures, and directives referencing FBI participation in CVE programs, including:
  - a. Documents referring to the envoy program.<sup>4</sup>
  - b. Documents referring to the pilot programs announced by Attorney General Eric Holder in his September 2014 press release.<sup>5</sup>
  - c. Any other documents referring to CVE programs in:
    - i. Minneapolis
    - ii. Saint Paul
    - iii. Los Angeles
    - iv. Boston
  
2. All Memorandums of Understanding with outside agencies applicable to FBI participation in CVE programs, including:
  - a. Documents referring to the envoy program.<sup>6</sup>
  - b. Documents referring to the pilot programs announced by Attorney General Eric Holder in his September 2014 press release.<sup>7</sup>
  - c. Any other documents referring to CVE programs in:
    - i. Minneapolis
    - ii. Saint Paul
    - iii. Los Angeles
    - iv. Boston

### **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

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<http://www.brennancenter.org/program-prevent-residents-from-joining-extremist-groups/YpEpq2cYvITZ6u8AFkbarL/story.html>

<sup>4</sup> Monaco Speech, *supra* note 1.

<sup>5</sup> Holder Press Release, *supra* note 2.

<sup>6</sup> Monaco Speech, *supra* note 1.

<sup>7</sup> Holder Press Release, *supra* note 2.

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, including nine this year alone.

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)(ii). 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 information requested concerns details of new programs and initiatives that the Department of Justice is implementing in conjunction with other federal and local agencies as part of a revitalized effort to “disrupt homegrown terrorists” and “apprehend would-be violent extremists.”<sup>8</sup> Such programs have been the subject of national importance and debate,<sup>9</sup> especially in the wake of reports concerning the “homegrown” threat posed by groups like the Islamic State of Iraq and the Levant (ISIL).<sup>10</sup> The public has a significant and urgent interest in knowing how the new programs will affect their communities and their lives. Knowledge of the rules governing CVE programs is critical to meet this interest.

### **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

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<sup>8</sup> Holder Press Release, *supra* note 2.

<sup>9</sup> See e.g. Naureen Shah, *Terrorist or ... Teenager*, SLATE (Nov. 12, 2014), [http://www.slate.com/articles/news\\_and\\_politics/politics/2014/11/justice\\_department\\_s\\_countering\\_violent\\_extremism\\_program\\_ripe\\_for\\_abuse.html](http://www.slate.com/articles/news_and_politics/politics/2014/11/justice_department_s_countering_violent_extremism_program_ripe_for_abuse.html); *Is This a New War on Terror?*, POLITICO (Sept. 16, 2014), [http://www.politico.com/magazine/story/2014/09/is-this-a-new-war-on-terror-111022\\_Page2.html](http://www.politico.com/magazine/story/2014/09/is-this-a-new-war-on-terror-111022_Page2.html); Letter from ACLU et. al to Lisa O. Monaco, Ass't to the President for Homeland Sec. and Deputy Nat'l Sec. Adviser, Dec. 18, 2014, *available at* [https://www.aclu.org/sites/default/files/assets/141218\\_cve\\_coalition\\_letter\\_2.pdf](https://www.aclu.org/sites/default/files/assets/141218_cve_coalition_letter_2.pdf) (a letter signed by 27 advocacy organizations detailing the concerns of their communities about the impact and implementation of CVE programs).

<sup>10</sup> Transcript, Council on Foreign Relations, Homeland Security Secretary Johnson on ISIS, Ebola, and Preventing Homegrown Terrorism: A Conversation with Jeh Charles Johnson (Sept. 10, 2014), *available at* <http://www.cfr.org/homeland-security/homeland-security-secretary-johnson-isis-ebola-preventing-homegrown-terrorism/p33424>; Holder Press Release, *supra* note 2.

have any questions regarding this request, please contact Shannon Parker via e-mail at [shannon.parker@nyu.edu](mailto:shannon.parker@nyu.edu) or by telephone at (646) 292-8363.

Sincerely,



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