

BRENNAN  
CENTER  
FOR JUSTICE

December 23, 2014

**Via Certified Mail**

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Brennan Center for Justice  
*at New York University School of Law*

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**Re: Massachusetts Public Records Law Request**

Dear Sir or Madam:

This is a request under the Massachusetts Public Records Law, M. G. L. Chapter 66, Section 10, on behalf of the Brennan Center for Justice at NYU School of Law.

**Background**

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 to begin in three cities,<sup>2</sup> one of which is Boston.<sup>3</sup>

The Brennan Center is requesting information on the rules governing the involvement of the Boston Police Department in these CVE programs.

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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-program-prevent-residents-from-joining-extremist-groups/YpEpg2cYvITZ6u8AFkbarL/story.html>.

## **Request**

The Brennan Center specifically requests the following records under the Massachusetts Public Records Law:

1. All policies, procedures, and directives referencing the Boston Police Department's 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 Boston.
  
2. All Memorandums of Understanding with outside agencies applicable to the Boston Police Department's 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. Documents referring to CVE programs in:
    - i. Minneapolis
    - ii. Saint Paul
    - iii. Los Angeles
    - iv. Boston

## **Fees**

The Brennan Center is seeking a fee waiver under 950 C.M.R. 32.06(5) as an organization primarily committed to disseminating information to meet public interest. 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 published nine reports this year alone.

Moreover, the information requested concerns details of new programs and initiatives in conjunction with several 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

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<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.

<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

“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 Within Ten Business Days**

Consistent with the Massachusetts Public Records Law, we ask that you respond within 10 days of receiving this request<sup>11</sup> of the records in your possession that are responsive to the request or a written explanation of the specific basis for any denials.<sup>12</sup> We also request that you provide us with the documents in electronic format where possible.

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

Sincerely,



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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.

<sup>11</sup> G. L. c. 66, § 10(a-b); 950 CMR 32.05(2).

<sup>12</sup> 950 CMR 32.08(1).