

BRENNAN  
CENTER  
FOR JUSTICE

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

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December 23, 2014

Via Certified Mail and E-Mail

Acting FOIA Officer/Public Liaison Aeron Pineiro  
Office of Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
245 Murray Lane SW  
STOP-0655  
Washington, D.C. 20528

Attn: FOI/PA Request

**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 past practices, initiatives and programs that may have shaped the design and implementation of a new series of pilot programs aimed at “countering violent extremism.” Attorney-General Eric Holder officially announced these pilot programs on September 15, 2014, and identified the Department of Homeland Security (DHS) as a key partner in these programs.<sup>1</sup> In 2011, the White House also assigned DHS a wide range of duties and responsibilities pursuant to its Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States.<sup>2</sup>

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<sup>1</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>2</sup> See THE WHITE HOUSE, STRATEGIC IMPLEMENTATION PLAN FOR EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES (2011), <http://www.whitehouse.gov/sites/default/files/sip-final.pdf>.

The outcomes of past practices and programs and the lessons learnt shed crucial light on how the new pilot programs will work and what they seek to achieve. The Brennan Center therefore seeks records citing, discussing or otherwise referring to the United Kingdom's Prevent Program,<sup>3</sup> the Montgomery County (Maryland) Intervention and Prevention Subcommittee,<sup>4</sup> Montgomery's Faith Community Working Group,<sup>5</sup> the Los Angeles Countering Violent Extremism/Interagency Coordination Group,<sup>6</sup> the FBI's Countering Violent Extremism Model and the FBI's relevant community action plans. The Brennan Center also seeks records pertaining to the research and analysis underlying Lisa Monaco's speech on countering violent extremism in April 2014.<sup>7</sup>

The Brennan Center specifically requests the following records:

1. Memoranda, powerpoint slides, policies and guidelines created by the Civil Rights and Civil Liberties (CRCL) including those created by the DHS Countering Violent Extremism Working Group, referencing any of the following:
  - a. The United Kingdom's Prevent Program;
  - b. The Montgomery County (Maryland) Intervention and Prevention of Violence Subcommittee;
  - c. The Montgomery County's Faith Community Working Group;
  - d. The Los Angeles Countering Violent Extremism/Interagency Coordination Group;
  - e. The FBI CVE Model referred to in the October 2014 FBI Law Enforcement Bulletin article entitled *A New Approach to Countering Violent Extremism: Sharing Expertise and Empowering Local Communities* ("the FBI CVE article");<sup>8</sup> and/or
  - f. FBI community action plans produced in the course of Community Resilience Exercises (CREX) referred to in the FBI CVE article.<sup>9</sup>
  
2. Written correspondences (including e-mails, regular mail and faxes) between CRCL and Assistant to the President for Homeland Security and Counterterrorism

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<sup>3</sup> See *Policy: Protecting the UK against terrorism*, <https://www.gov.uk/government/policies/protecting-the-uk-against-terrorism/supporting-pages/prevent> (last visited Dec. 23, 2014).

<sup>4</sup> George Selim, Dir. For Community Partnerships, White House Nat. Sec. Staff, Remarks prepared for a Policy Forum at The Washington Institute for Near East Policy (Nov. 13, 2013), <https://www.washingtoninstitute.org/uploads/Documents/other/selim-prepared-remarks-20131113.pdf>.

<sup>5</sup> Matthew Levitt, *New Strategies for Countering Homegrown Violent Extremism*, POLICYWATCH 2172 (Nov. 21, 2013), <http://www.washingtoninstitute.org/policy-analysis/view/new-strategies-for-countering-homegrown-violent-extremism>.

<sup>6</sup> *A New Approach to Countering Violent Extremism: Sharing Expertise and Empowering Local Communities*, FBI LAW ENFORCEMENT BULLETIN (Oct. 7, 2014), <http://leb.fbi.gov/2014/october/a-new-approach-to-countering-violent-extremism-sharing-expertise-and-empowering-local-communities> [FBI CVE article].

<sup>7</sup> Lisa O. Monaco, Asst. to the President for Homeland Security and Counterterrorism, Remarks prepared for a Harvard Kennedy School Forum on "Countering Violent Extremism and the Power of Community" (Apr. 15, 2014), <http://www.whitehouse.gov/the-press-office/2014/04/16/remarks-assistant-president-homeland-security-and-counterterrorism-lisa>.

<sup>8</sup> FBI CVE Article, *supra* note 6.

<sup>9</sup> *Id.*

Lisa Monaco relating to the research, analysis, preparation and delivery of her April 15, 2014 speech on “Countering Violent Extremism and the Power of Community” at the Harvard Kennedy School Forum.<sup>10</sup>

## 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. 6 C.F.R. §5.11 (d)(1). 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, 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, 6 C.F.R. §5.11 (d)(3)(i), and to a waiver or reduction of any remaining duplication costs under 6 C.F.R. §5.11 (c)(2).

## Expedited Processing

Please provide expedited processing pursuant to 6 C.F.R. § 5.5(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.* § 5.5(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 DHS 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>11</sup> Such programs have been the subject of national importance and debate,<sup>12</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>13</sup> The public has a significant and urgent interest in knowing how the new programs will affect their communities and their lives. Information

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<sup>10</sup> Monaco, *supra* note 7.

<sup>11</sup> Holder press release, *supra* note 1.

<sup>12</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).

<sup>13</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 1.

about the impact of past practices on the development of the new programs is critical to this understanding.

**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 6 C.F.R. § 5.5(d)(4). Should you have any questions regarding this request, please contact me at your earliest convenience via e-mail at [amos.toh@nyu.edu](mailto:amos.toh@nyu.edu) or by telephone at (646) 292-8380.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amos Toh', with a stylized flourish at the end.

Amos Toh  
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