

September 7, 2017

Hon. Kevin McCarthy, Majority Leader
United States House of Representatives
2421 Rayburn House Office Building
Washington D.C. 20515

Hon. Mitch McConnell, Majority Leader
United States Senate
Russell Senate Office Building
Washington, D.C. 20510

Hon. Nancy Pelosi, Minority Leader
United States House of Representatives
233 Cannon House Office Building
Washington, D.C. 20515

Hon. Chuck Schumer, Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Re: Expansion of Countering Violent Extremism Programs

Dear Members of Congress,

Rightfully outraged by the violence and intimidation carried out by white supremacists in Charlottesville, many well-meaning Americans are demanding that Congress ask the Department of Homeland Security (DHS) to include organizations dedicated to combatting white supremacist violence in its Countering Violent Extremism (CVE) programs. As civil rights and community groups that have documented the ineffectiveness, discriminatory impact, and constitutional infirmities of CVE programs since they began, we know that expanding these programs will not be effective or make our country safer, but will undermine fundamental rights. We urge you to reject proposals to entrench the CVE framework and fund CVE initiatives.

Under the Obama administration, CVE programs unjustly targeted Muslim communities while demonstrating no benefit to national security. As many of the undersigned wrote in a letter to the leadership of the U.S. House Committee on the Judiciary in July of 2015, “despite years of experience with CVE programming in the U.S. and abroad, there is no evidentiary basis for concluding that these programs contribute to reducing terrorism, which is their stated goal.”¹ Instead, they have stigmatized religious and political beliefs as suspect, amplified unreasonable fear, and increased divisiveness.

The CVE framework incorrectly assumes that “radical” or extreme ideas lead to violence, and that there are observable indicators to identify those characterized as vulnerable to radicalization, or at risk of being recruited by terrorist groups. This notion of terrorist radicalization is directly contradicted by a consensus among researchers that there are no reliable indicators that can be used to predict future acts of political violence, a reality that U.S. government agencies’ own analyses recognize.² The FBI itself acknowledges that:

There is neither one path or personality type, which is prone to adopting extremist views of

¹ “Citing Civil Liberties Concerns, 48 Groups Oppose Countering Violent Extremism Act,” *Brennan Center for Justice*, July 14, 2015, <https://www.brennancenter.org/analysis/groups-oppose-passage-countering-violent-extremism-act-2015-citing-civil-liberties-concerns>; For more details see Faiza Patel and Meghan Koushik, *Countering Violent Extremism*, Brennan Center for Justice, 2016, note 61, <https://www.brennancenter.org/publication/countering-violent-extremism>.

² Patel and Koushik, *Countering Violent Extremism*, 9-11.

exhibiting violent tendencies, nor is there a singular path or personality that leaves an individual vulnerable to others who may seek to impress these views or tendencies upon them. *There are no individually unique behavioral changes for those who mobilize to violent extremism.*³

Nonetheless, programs under the CVE umbrella try to identify individuals susceptible to terrorism in communities based on these unproven criteria. Using this methodology, which lacks an empirical foundation, only results in unreliable reporting to law enforcement, a waste of investigative resources, and violations of fundamental civil rights. These mistakes and violations should be ended not expanded.

Experience with CVE programs in the U.S. shows that they almost uniformly identify protected political and religious views as a basis for identifying people who might be terrorists, baselessly flagging innocuous activity as identifying individuals with a propensity for terrorism and suppressing religious observance and religious and political speech. The examples listed below demonstrate this point:

Source	Purported “indicators” of propensity to terrorism
FBI ⁴	<ul style="list-style-type: none"> • Wearing traditional Muslim attire, growing facial hair; • Frequent attendance at mosque or prayer group; • Travel to a Muslim country; • Increased activity in a pro-Muslim social group or political cause.
LAPD ⁵	<ul style="list-style-type: none"> • Outrage over U.S. or western foreign policy
National Counterterrorism Center ⁶	<ul style="list-style-type: none"> • Concerns about anti-Muslim discrimination; • Foreign policy concerns relating to U.S. operations in Iraq and Afghanistan, Israel’s treatment of Palestinians and others.
Montgomery County ⁷	<ul style="list-style-type: none"> • Political grievances: human rights abuses, lack of political rights and civil liberties, corruption, conflict and foreign occupation.
Boston CVE Framework ⁸	<ul style="list-style-type: none"> • Frustration at U.S. policy and events around the globe

³ *FBI Strategic Plan to Curb Violent Extremism*, Countering Violent Extremism Office, Federal Bureau of Investigation, 2015, 2 (emphasis added), https://www.brennancenter.org/sites/default/files/1318911-0_FBI_Strategic_Plan_to_Curb_Violent_Extremism-Section_1-Imported_Media.PDF.

⁴ (U//FOUO) *The Radicalization Process: From Conversion to Jihad*, Federal Bureau of Investigation, Counterterrorism Division, 2006, 10, <http://cryptome.org/fbi-jihad.pdf>.

⁵ Los Angeles Police Department, *Countering Violent Extremism: Potential Curriculum Components (Working Document)*, 2010, 12-16, https://www.brennancenter.org/sites/default/files/CVE_initiative_to_develop_training_0.pdf.

⁶ U//FOUO: (U) *Radicalization Dynamics: A Primer*, National Counterterrorism Center, 2010, 10-16, https://www.brennancenter.org/sites/default/files/Radicalization%20Dynamics%20Primer%20Sept.%202010_0.pdf (obtained via California Public Records Act request); (U//FOUO) *Countering Violent Extremism: A Guide for Practitioners and Analysts*, National Counterterrorism Center, 2014, 3, 20-21, <https://www.documentcloud.org/-documents/1657824-cve-guide.html>.

⁷ World Organization for Resilient Development and Education, *Developing a Community-Led Approach to Countering Violent Extremism: An Instructor’s Manual*, 2016, 43, <http://www.worde.org/wp-content/uploads/2016/08/WORDE-Developing-a-Community-Led-Approach-to-CVE.pdf>.

⁸ *A Framework for Prevention and Intervention Strategies: Incorporating Violent Extremism into Violence Prevention Efforts*, U.S. Attorney’s Office, District of Massachusetts, 2015, 3 <https://www.justice.gov/sites/default/files/usao-ma/pages/attachments/2015/02/18/framework.pdf>.

Millions of Americans express one or more of these views on a regular basis, and many of the undersigned groups have concerns and frustrations with U.S. policies, vividly illustrating the invalidity of using these criteria to identify potential terrorists and the harm to First Amendment freedoms if they were considered an appropriate trigger for law enforcement scrutiny.

Each of the undersigned groups vigorously opposes the hatred, bigotry, and xenophobia expressed by white supremacists, but extending CVE to target these groups risks diverting security resources to policing political viewpoints, instead of focusing on lawless conduct.⁹

Moreover, our outrage about the resurgence of white supremacy and commitment to ending it should not blind us to the fact that the burden of CVE – as well as other counterterrorism policies and measures designed to restrict speech – tends to fall most heavily on minority communities. Indeed, CVE programs initiated under the Obama administration, while couched in neutral terms, have, in practice, focused almost exclusively on American Muslim communities. That is why many Muslim civil society groups, a number of which are listed below, have opposed them. Tellingly, even the single Department of Homeland Security CVE grant initially awarded to a group known for its work with non-Muslims (Life After Hate) was to expand its programs to cover Muslims.¹⁰ Recent reports indicate that the Trump administration has been focusing CVE exclusively on Muslim communities and that it is considering renaming the program “Countering Radical Islam or Countering Violent Jihad.” Such an explicit focus on American Muslim communities would undoubtedly further stigmatize and damage these communities. In short, since their inception, CVE programs have relied on stereotypes of American Muslims and violated their rights while doing nothing to protect communities from violence. Expanding these programs does not change the fact that they are ineffective and a waste of resources and will continue to be used to stigmatize Muslim or other vulnerable minority communities.

Our response to terrorism should be founded on sound empirical evidence of effectiveness rather than on assumptions and stereotypes, which inevitably lead to curtailing fundamental liberties. CVE programs are deeply flawed and counterproductive, and extending them to more groups is harmful, not helpful.

Sincerely,

Advocates for Youth
American-Arab Anti-Discrimination Committee (ADC)
American Civil Liberties Union (ACLU)
American Friends Service Committee
Arab American Institute
ARTICLE 19
Asian Americans Advancing Justice- Asian Law Caucus
Asian Americans Advancing Justice – Atlanta
Asian Americans Advancing Justice – Los Angeles
Bend the Arc Jewish Action
Brennan Center for Justice at NYU School of Law

⁹ American Civil Liberties Union to Lisa Monaco, “Federal Support for Countering Violent Extremism Programs,” December 18, 2014, https://www.aclu.org/sites/default/files/assets/141218_cve-coalition_letter_2.pdf.

¹⁰ Alex Ruppenthal, “Chicago Group Opposing Neo-Nazis Planned to Target Jihadists, Too,” *Chicago Tonight*, August 23, 2017, <http://chicagotonight.wttw.com/2017/08/23/chicago-group-opposing-neo-nazis-planned-target-jihadists-too>.

Campaign for Liberty
Center for Constitutional Rights (CCR)
Center for Media Justice
Center for New Community
Charity & Security Network
Church World Service
CLEAR (Creating Law Enforcement Accountability & Responsibility) Project at CUNY Law
Council on American-Islamic Relations (CAIR)
Defending Rights & Dissent
Fight for the Future
Franciscan Action Network
Free Press Action Fund
Friends Committee on National Legislation
Government Accountability Project
Hip Hop Caucus
Islamic Society of Boston Cultural Center
Just Foreign Policy
Justice, Peace and Integrity of Creation Committee -Sisters of St. Francis
The Leadership Conference on Civil and Human Rights
Liberty Coalition
MPower Change
Muslim Advocates
Muslim Anti-Racism Collaborative
Muslim Justice League
Muslim Legal Fund of America (MLFA)
NAACP
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Asian Pacific Americans (NCAPA)
National Network for Arab American Communities
National Religious Campaign Against Torture
NIAC (National Iranian American Council) Action
Pesticide Action Network
PolicyLink
Project South
Restore the Fourth
RootsAction.org
The Rutherford Institute
South Asian Americans Leading Together (SAALT)
STAND: The Student-Led Movement to End Mass Atrocities
Unitarian Universalist Service Committee
X-Lab

cc: All Other Members of the 115th Congress