

**PRESS RELEASE
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**LOS ANGELES BASED GROUPS SERVING AMERICAN MUSLIM COMMUNITIES QUESTION
FEDERAL GOVERNMENT’S “COUNTERING VIOLENT EXTREMISM” PROGRAMS AS
ILL-CONCEIVED, INEFFECTIVE, AND STIGMATIZING**

Groups Call on Secretary of Homeland Security Jeh Johnson to Heed Failure of Prior Programs That Indiscriminately Targeted American Muslim Communities, to Re-build Community Trust by Ensuring Existing Counter-Terrorism Programs Protect Civil Liberties, and to Refrain from Religious Targeting

LOS ANGELES – We the undersigned community-based and advocacy organizations that serve American Muslim and other impacted communities in Southern California urge Secretary Jeh Johnson and the Department of Homeland Security (DHS) to address our grave concerns regarding the government’s proposed Countering Violent Extremism (CVE) programs. Several months ago, Attorney General Holder announced that the government would establish pilot CVE programs in three cities across the country, including Los Angeles. DHS has already spent an unknown amount of federal resources to lay the groundwork for this program in advance of today’s meeting with Secretary Johnson.

While we appreciate the invitation to meet with DHS in the last several weeks, and with Secretary Johnson today, we have serious reservations regarding the program while the government has failed to provide us or the communities we serve with any meaningful details about the CVE programs they intend to implement.

What little we know about the program – that it seeks to encourage individuals in American Muslim communities to intervene with and report to law enforcement “suspect” expressions and behavior of others in their communities – leaves us very disturbed about the obvious civil liberties implications on members of our communities. As described here, Southern California’s past experience with similar misguided post 9/11 anti-terrorisms programs that indiscriminately targeted large swaths of our communities as suspect leaves us highly skeptical about their effectiveness. While we, like the vast majority of Americans, strive to live in communities free of violence and extremism, we cannot in good conscience sanction programs that are discriminatory and appear so rife with the possibility of subjecting members of our communities to unwarranted scrutiny and abuse.

As a result, we have serious unanswered questions about the nature of the CVE program, including the following: (1) Why did the government target Los Angeles, Boston, and Minneapolis as the target cities for the CVE initiative? (2) What steps will be taken to ensure that the CVE program does not target protected religious and political expression within our communities? (3) What analysis has the government done to assess the effectiveness of any CVE programs, including in other countries like the U.K.? (4) How much money has been allocated for the CVE initiative and into what programs is that money being directed? (5) Has the government contracted with local municipalities to implement CVE programs and if so, what role will municipalities play?

The government's lack of transparency on these basic questions despite its many convenings with groups like ours makes it particularly difficult to trust the program. We further cannot support the introduction of the CVE program into our communities for the following reasons.

The Context of the CVE Program

We understand this program against the backdrop of the over decade-long history of the federal government's intrusive surveillance on mosque communities and American Muslims more generally, absent evidence of their engaging in any criminal activity. The FBI has targeted mosques and community organizations in Southern California for intelligence gathering, it has used informants to infiltrate community spaces, and it has pressured law-abiding community members to become informants. When our communities have learned and inquired about these activities, FBI officials have lied to us – specifically in response to questions about these surveillance tactics against sacred Muslim institutions. When these programs have nevertheless been revealed and challenged in court, the government has invoked its need for secrecy to prevent transparency. Even to this day, the federal government remains unwilling to ban religious profiling in national security investigations, continuing to treat an individual's religion as a suspect characteristic.

DHS may argue that CVE programs are an alternative to the FBI's discredited historic approach. However, the fact that DHS was often working hand in hand with the FBI on its over-reaching investigations through fusion centers, joint terrorism task forces, and terrorism watch lists, renders its attempt to distance itself from FBI surveillance tactics not credible. In light of the failure of the federal government at any level to ensure safeguards against religious profiling, we cannot help but believe that CVE programs will open the doors to further profiling of American Muslims and other impacted communities.

The Selective Nature of CVE and its Impact

Many community members we have spoken with are deeply concerned about the past actions of law enforcement in Southern California as described above, which leads them to believe that any CVE program will specifically target, stigmatize, and infringe upon the protected rights of Muslim community members in Southern California.

These misgivings are reinforced by the absence of CVE-type programs to combat other forms of extremism in other communities, e.g. white supremacists and anarchists in white communities. Despite the government's acknowledgement that violent extremism is a phenomenon that is not unique to American Muslim communities, the government's CVE program remains focused solely on American Muslim communities.¹ This is so despite evidence that since the 9/11 attacks, "extremists affiliated with a variety of far-right wing ideologies...have killed more people in the United States than have extremists motivated by al-Qaeda's ideology."²

As former FBI Special Agent Michael German observed on October 9, 2014, "There were no DHS or [DOJ] CVE programs, for example, directed to white, Christian communities after former Ku Klux Klansman Frazier Glenn Miller murdered people at a Jewish community center last April, even though West Point's Combatting Terrorism Center reported that far right extremists attack and kill more Americans than any other terror groups."³ Similarly, no equivalent program was announced after "sovereign citizens" gunned down two Louisiana Sheriff's deputies in 2012. By focusing CVE programs on American Muslim communities, the government makes the baseless

¹ "Although the [Strategic Implementation Plan] will be applied to prevent all forms of violent extremism, we will prioritize preventing violent extremism and terrorism that is inspired by al-Qa'ida and its affiliates and adherents..." <http://www.whitehouse.gov/sites/default/files/sip-final.pdf> "Communities – especially Muslim American communities whose children, families and neighbors are being targeted for recruitment by al-Qa'ida – are often best positioned to take the lead because they know their communities best."

http://www.whitehouse.gov/sites/default/files/empowering_local_partners.pdf

² <http://edition.cnn.com/2014/04/14/opinion/bergen-sterman-kansas-shooting/>

³ <http://www.brennancenter.org/analysis/stigmatizing-boston-muslim-community-no-way-build-trust>

insinuation that American Muslims are responsible for more violence than others, and the faulty conclusion that members of their communities have a greater responsibility for countering such violence.

Making intelligence decisions based on religious and political beliefs also results in a misuse of public resources. The CVE program is not the first time we have seen this. The DHS's partnership with local law enforcement to gather information on "suspicious activity" was harshly criticized as a massive waste of resources by the bipartisan Senate Permanent Subcommittee on Investigations in 2012. As Senator Tom Coburn stated, "fusion centers that were designed to share information in a post-9/11 world have become part of the problem. Instead of strengthening our counterterrorism efforts, they have too often wasted money and stepped on Americans' civil liberties."⁴

The selective targeting and gross generalizations of Muslims and those perceived as Muslims reinforces the likelihood that they will be the subject of discrimination in the employment, public sector, and education arenas. We are particularly concerned about the impact of these programs on our youth—their growth and development as citizens and their ability to be civically engaged in important political and ideological discussions. The infringement of free speech rights on campuses, and the bullying and harassment of Muslims and those perceived as Muslim, which have been well-documented with the Department of Education in recent years, is a consequence of the continued criminalization of Muslims and other people of color through programs such as this.

Policing Ideology and Constitutionality

Our concerns regarding the selective targeting of Muslims for the CVE program should not be construed as a call for more CVE programs in other communities; in fact, one of our primary concerns about CVE is that it is not the place of government to determine what ideologies or religious opinions are problematic, and it involves tactics not grounded in targeting criminal activities that are problematic as applied to any group. Police and the intelligence community should follow proven criminal law enforcement standards and involve themselves only where there is actual evidence of criminal activity, and not on the faulty premise that an entire community is suspect by association.

The information presented by the government to date on possible CVE interventions suggests that constitutionally-protected activities may make a person the subject of law enforcement scrutiny. For example, Lisa Monaco, the Assistant to the President for Homeland Security and Counterterrorism, suggested that the CVE program could lead to law enforcement scrutiny if religious leaders report "unexpected clashes over ideological differences" at mosques or teachers report "a student expressing an interest in traveling to a conflict zone overseas." These examples suggest that the government seeks to use the CVE program to not only determine which ideological leanings are "good" or "bad", but turn religious leaders, teachers, and other community members into monitors of their fellow members' protected religious and speech activities.⁵

Because the government has failed to establish clear rules protecting First Amendment activity and privacy interests in the CVE context, individuals eager to intervene or assist law enforcement are likely to over-report on the political opinions and religious beliefs of others—information that the federal government has used in the past to surveil and prosecute members of our community, even though they were not involved in any violent activity.

Recommendations

⁴ The committee's report found that "DHS's involvement with fusion centers appeared not to have yielded timely, useful, terrorism-related intelligence for the federal intelligence community," and, remarkably, that "[d]espite reviewing 13 months' worth of reporting originating from fusion centers from April 1, 2009 to April 30, 2010, the Subcommittee investigation could identify no reporting which uncovered a terrorist threat, nor could it identify a contribution such fusion center reporting made to disrupt an active terrorist plot." Information on the report is available at <http://www.hsgac.senate.gov/subcommittees/investigations/media/investigative-report-criticizes-counterterrorism-reporting-waste-at-state-and-local-intelligence-fusion-centers>.

⁵ Ms. Monaco's comments are available at <http://www.whitehouse.gov/the-press-office/2014/04/16/remarks-assistant-president-homeland-security-and-counterterrorism-lisa->.

It is our recommendation that the government stop investing in CVE programs that will only stigmatize and marginalize our communities further, and instead assist our communities to become more fully engaged participants in our democratic system, including by doing the following:

- The government should stop focusing its efforts to counter violence on Muslim communities, but simply target violent activity generally, regardless of its ideological origins;
- The government should stop undermining our leadership development, civic engagement, and youth empowerment work through its continued use of informants, surveillance, profiling, travel scrutiny, immigration delays, and criminalization of our communities;
- The government should declare that it no longer considers religion a valid basis to consider an individual as a target for law enforcement suspicion in national security investigations.

We urge the government to heed the lessons of our history. Targeting communities based on their faith or national origin raises serious moral and constitutional concerns. As a country we have learned from the unjust and traumatic internment of Japanese Americans and the targeting of civil rights leaders through COINTELPro that we are at our weakest as a nation when we violate our own moral and legal authority in response to overbroad national security concerns. Like all other communities, we cannot guarantee that no person or organization will usurp our faith and ethnic identities, or manipulate legitimate foreign policy grievances, to justify horrendous acts of violence. We fully recognize that we live in times rife with conflict and grotesque acts of cruelty. In such times it is even more important that our government not descend into marginalizing and stigmatizing communities, whose active participation in our democratic landscape we should be prepared to value and defend.

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Asian Americans Advancing Justice - Los Angeles is the nation's largest Asian American, Native Hawaiian and Pacific Islander (AANHPI) legal and civil rights organization and serves more than 15,000 individuals and organizations every year. Founded in 1983 as the Asian Pacific American Legal Center, Advancing Justice - LA's mission is to advocate for civil rights, provide legal services and education, and build coalitions to positively influence and impact Asian Americans and Pacific Islanders and to create a more equitable and harmonious society. Through direct legal services, impact litigation, policy analysis and advocacy, leadership development and capacity building, Advancing Justice - LA seeks to serve the most vulnerable members of the AANHPI community while also building a strong AANHPI voice for civil rights and social justice.