

July 26, 2017

Muslim Justice League
51 Melcher Street
Boston MA 02210

National Security Subcommittee Chair Ron DeSantis
House Committee on Oversight and Government Reform
1524 Longworth House Office Building
Washington, DC 20515

Representative Steve Russell
128 Cannon House Office Building
Washington, DC 20515

Representative John Duncan
2207 Rayburn House Office Building
Washington, DC 20515

Representative Justin Amash
114 Cannon House Office Building
Washington, DC 20515

Representative Paul Gosar
2057 Rayburn House Office Building
Washington, DC 20515

Representative Virginia Foxx
2262 Rayburn House Office Building
Washington, DC 20515

Representative Jody Hice
324 Cannon House Office Building
Washington, DC 20515

Representative James Comer
1513 Longworth House Office Building
Washington, DC 20515

Representative Stephen Lynch
2268 Rayburn House Office Building
Washington, DC 20515

Representative Peter Welch
2303 Rayburn House Office Building
Washington, DC 20515

Representative Val Butler Demings
238 Cannon House Office Building
Washington, DC 20515

Representative Mark DeSaulnier
115 Cannon House Office Building
Washington, DC 20515

Representative John Sarbanes
2444 Rayburn House Office Building
Washington, DC 20515

Representative Jimmy Gomez
1226 Longworth House Office Building
Washington, DC 20515

Re: National Security Subcommittee Hearing on Combatting Homegrown Terrorism

Honorable Chair DeSantis and Members of the National Security Subcommittee:

Thank you for the opportunity to share input ahead of the National Security Subcommittee Hearing on Combatting Homegrown Terrorism. My name is Shannon Al-Wakeel. I am Executive Director of the Muslim Justice League (MJL), a non-profit organization in Boston, Massachusetts, advocating for protection of human and civil rights that are at risk of erosion by certain national security-themed initiatives.

MJL's has serious concerns about "countering violent extremism" ("CVE") campaigns due to (1) the highly subjective nature of the problems CVE ostensibly seeks to combat — specifically "radicalization" or "extremism," as opposed to violent actions¹ — giving rise to the danger that CVE could criminalize or chill disfavored political or religious expression, (2) the absence of sound research to support theories that there are identifiable signs of "radicalization" or "extremism" (exacerbated, again, by the highly subjective nature of these concepts)² and (3) CVE's track record of violating human rights — including rights to

¹ We additionally note that, in the U.S., political violence represents a relatively very small proportion of total violence. While preventing all types of violence to the degree possible is an important objective, an outsized focus on political violence may have the counterproductive effect of falsely glamorizing it.

² See, e.g., Faiza Patel (Brennan Center for Justice) *Rethinking Radicalization*, March 8, 2011. Accessed July 25, 2017. Available at: <https://www.brennancenter.org/publication/rethinking-radicalization>; Arun Kundnani (Claystone), *A Decade Lost: Rethinking Radicalisation and Extremism*, January 2015. Accessed July 25, 2017. Available at: <http://www.claystone.org.uk/wp-content/uploads/2015/01/Claystone-rethinking-radicalisation.pdf>; Arun Kundnani, *Radicalisation: The Journey of a Concept*, *Race & Class* Vol. 54, issue 2, 3-25, September 18, 2012. Accessed July 25, 2017. Available at: <http://journals.sagepub.com/doi/abs/10.1177/0306396812454984>; Asim Qureshi (CAGE), *The 'Science' of Pre-Crime: The Secret 'Radicalisation' Study Underpinning Prevent*, 2016. Accessed July 25, 2017. Available at: <https://cage.ngo/wp-content/uploads/2016/09/CAGE-Science-Pre-Crime-Report.pdf>

education and health, and freedoms of speech, worship, and association — without advancing public safety.³

Since MJL's founding in 2014, many individuals in the Massachusetts communities MJL serves have experienced early impacts of CVE deployment. Below I describe some of these impacts, including chilled access to mental health services and increased polarization and fear within Muslim communities.

CVE's Impacts on Massachusetts Communities

Chilled Use of Mental Health Services

In 2015, the U.S. Attorneys Office for the District of Massachusetts ("USAO-MA") produced a *Framework for Prevention and Intervention Strategies Incorporating Violent Extremism Into Violence Prevention Efforts* which cites "Enhanced Communication among Law Enforcement/Mental Health/Social Services Agencies" as one planned focus of the USAO-MA's Massachusetts CVE Collaborative.⁴ Based on MJL's observations and information shared by members of the community, this objective has in fact been prioritized by law enforcement agencies deploying CVE in Massachusetts and elsewhere in the U.S.

Examples of law enforcement efforts to recruit mental health providers to assist in deployment of CVE have included, for example, the Recognizing Extremist Network Early Warning Signs ("RENEW") program in Los Angeles involving the Los Angeles Police Department, Federal Bureau of Investigations ("FBI"), Los Angeles Department of Mental Health and Los Angeles County Sheriff;⁵ as well as outreach by the FBI and U.S. Attorneys Offices, respectively, to mental health providers attending an American

³ Information about impacts of the U.K.'s PREVENT program (on which the U.S. CVE campaign is in many respects modeled — for example, both focus on the ill-defined concepts of "extremism" or "radicalization," both recruit social services providers to identify and refer individuals deemed "at-risk" of "radicalization" or "extremism," both have relied on funding incentives to secure community participation, and both incorporate "interventions" as a means of changing political or religious views of those labeled potential extremists) is highly relevant to understanding CVE's likely impacts in the U.S. Because CVE, through PREVENT, has been operational in the U.K. for many years longer than in the US, more information about its impacts is available. See, e.g., RightsWatch UK; *Preventing Education? Human Rights and UK Counter-terrorism Policy in Schools*, July, 2016. Accessed July 25, 2017. Available at: <http://rwuk.org/wp-content/uploads/2016/07/preventing-education-final-to-print-3.compressed-1.pdf>; Dr. Derek Summerfield, *Mandating Doctors to Attend Counterterrorism Workshops is Medically Unethical*, *BJPsych Bulletin* (2016), 40, 87-88, February 11, 2016. Accessed July 25, 2017. Available at: <http://pb.rpsych.org/content/40/2/87.full-text.pdf+html>; Arun Kundnani, *Spooked! How Not to Prevent Violent Extremism*, 2009. Accessed July 25, 2017. Available at: <http://www.kundnani.org/wp-content/uploads/spooked.pdf>; Arun Kundnani (Claystone), *A Decade Lost: Rethinking Radicalisation and Extremism*, January 2015. Accessed July 25, 2017. Available at: <http://www.claystone.org.uk/wp-content/uploads/2015/01/Claystone-rethinking-radicalisation.pdf>. See also Jane Kinninmont (The Guardian) *Britain's Loose Definition of Extremism is Stoking a Global Crackdown on Dissent*, September 23, 2016. Accessed July 25, 2017. Available at: <https://www.theguardian.com/commentisfree/2016/sep/23/britain-extremism-global-effects>.

⁴ U.S. Attorneys Office for the District of Massachusetts (USAO-MA), *A Framework for Prevention and Intervention Strategies Incorporating Violent Extremism Into Violence Prevention Efforts*, February 2015, at 15. Accessed July 25, 2017. Available at: <https://www.justice.gov/sites/default/files/usao-ma/pages/attachments/2015/02/18/framework.pdf>

⁵ See *The RENEW Program: A New Approach to Identifying Early Warnings of Potential Violent Behavior* (slide presentation). Accessed July 25, 2017. Available at: <https://www.brennancenter.org/sites/default/files/Intervention%20model%20%282%29.pdf>

Psychological Association 2016 Annual Conference⁶ and the 2016 Annual Muslim Mental Health Conference.⁷

Additionally, in Massachusetts, the USAO-MA tapped the Massachusetts Executive Office of Health and Human Services (“EOHHS”) as a conduit for Department of Justice CVE grant monies,⁸ and hosted a session at Suffolk Law School promoting CVE interventions (citing British and German models) for mental health and other social services providers and law enforcement,⁹ among other outreach activities. The routing of Department of Justice CVE monies through EOHHS appears to have been intended to rebrand CVE as a public health — as opposed to law enforcement or surveillance — campaign.¹⁰

⁶ See conference agenda listing *Symposium: Countering Violent Extremism—Psychologists Partnering With Law Enforcement* with representatives of the Chicago School of Professional Psychology and the FBI. Accessed July 25, 2017. Available at: <https://biblio.ugent.be/publication/8511353/file/8511360.pdf>

⁷ See conference agenda listing March 18, 2016 presentation titled *Resilience to Violent Extremism: Engaging Behavioral Health Experts in the Discussion*, with representatives of the U.S. Attorneys Offices of Michigan and Massachusetts. Accessed July 25, 2017. Available at: http://www.psychiatry.msu.edu/_files/docs/MMH-Conference-Agenda-2016.pdf

⁸ See *Cooperative Agreement Between United States Attorney’s Office for the District of Massachusetts and Massachusetts Executive Office of Health and Human Services for Implementation of Strategies to Enhance Resilience to Violent Extremism*, September 30, 2015. Accessed July 25, 2017. Available at: <https://www.scribd.com/document/321906162/CVE-Cooperative-Agreement-of-USAO-for-Massachusetts-with-Massachusetts-EOHHS>

⁹ See USAO-MA invitation to *Resilience to Violent Extremism: Effective Intervention Approaches*, November 10, 2015 (“Who Should Attend: Public health and mental health service providers, non-profit organizations engaged in intervention, school administrators and counselors, faith-based organizations, mental health clinicians, law enforcement and crisis support and crisis intervention team members ... The goal of the presentation is to increase knowledge about effective ways to provide support and services to those who have demonstrated concerning behavior that is inspired by violent extremist ideology. Participants will increase knowledge of specific methods of intervention and better understand the role that they can play. Presentation provided courtesy of Program on Extremism, George Washington University and the United States Attorney's Office for the District of Massachusetts”). Email invitation (forwarded by a third party) on file with Muslim Justice League.

¹⁰ See, e.g., email of Brandy Donini-Melanson (Strategic Engagement and Law Enforcement Coordinator for USAO-MA) of April 5, 2016, asking EOHHS staff to speak with press in order to counter a petition of 1000 Massachusetts residents requesting EOHHS disengage from CVE, and explaining, “EOHHS’s engagement [in CVE] is key *so that this can be framed as a public health issue*.” (Emphasis added.) Obtained via Freedom of Information Act request by Waqas Mirza (MuckRock). Accessed July 26, 2017. Available at: https://cdn.muckrock.com/foia_files/2016/09/27/Public_Record_Request_CVE_-PEACE.pdf#page=63.

MJL and many other human and civil rights organizations, as well as mental health clinicians,¹¹ have expressed alarm at CVE's potential to encourage use of implicit bias in ways that harm patients and to erode confidentiality norms; both such outcomes are likely to chill recourse to mental health services.

Mental health and other health and social services providers are legally permitted, and in some cases mandated, to breach confidentiality where there is imminent risk of harm to a patient/client or another individual. CVE does not propose improvements to existing confidentiality standards; instead CVE recruitment efforts have promoted the idea, without sound empirical support, that vague "concerning behaviors" may predict violence. Explicit guidance about such warning signs is rarely shared publicly, but available guidance cites factors that are extremely broad and common, often particularly common among Muslims (such as "increased activity in a pro-Muslim social group or cause").¹² Encouraging the mental health sector to be alert to vague and discredited¹³ signs of "vulnerability" to "extremism" — in contrast to clear indications of plans for imminent violence — invites use of implicit bias and may also spur invasive or patronizing questioning about clients' and patients' religious or political views.

Many Muslims, like members of all communities, must overcome shame and misunderstanding surrounding mental illness in order to access mental health services. Unfortunately, some CVE proponents have suggested that investments in mental health and other social services can prevent or counter "extremism" — at least among Muslims, who are the focus of most CVE-related conversations about "extremism." This unfounded assertion serves to further stigmatize, degrade and discourage would-be consumers of mental health and other social services.

MJL does not provide mental health counseling or social services of any kind. Yet individuals with whom we work — including those experiencing distress as a result of discrimination — occasionally share with us that they are suffering from a mental health problem and would like to seek counseling or treatment but feel unsafe doing so given an inability to know which providers may now or in future be collaborating in CVE. MJL believes mental health services benefit many individuals invaluablely, and we would like to offer unqualified assurances that seeking help is safe. However, given known instances of CVE recruitment of mental health providers, and the reality that CVE is being deployed in a non-transparent manner, we cannot ethically, and do not, give such assurances.

In contrast to political dissent or religious conservatism (which are not public health issues), many genuine public health challenges — from addiction to violence-induced trauma to suicide — can be ameliorated through access to confidential and dignified mental health services. In MJL's experience, Massachusetts residents generally view public health issues (such as addiction and violence) as far more harmful and relevant to their lives than the ostensible threats of a neighbor's foreign policy views or choice to worship in ways that seem more rigid than one's own practices. This reality may of course explain why some CVE proponents have sought to rebrand CVE a public health campaign. However, attempts to reduce CVE's stigma through such a rebrand unfairly transfers the justified mistrust of a surveillance campaign to the public health sector. Recruitment of mental health and other social services providers for

¹¹ See, e.g., Dr. Wesley Boyd M.D., Ph.D. and Dr. Alice LoCierco Ph.D., *The Dangers of Countering Violent Extremism (CVE) Programs*, July 19, 2016 ("As mental health professionals, we are obligated to take action if we know that someone is imminently at risk of harming him/herself or others... But taking action along these lines is very different from what is being advocated by CVE programs."). Accessed July 25, 2017. Available at: <https://www.psychologytoday.com/blog/almost-addicted/201607/the-dangers-countering-violent-extremism-cve-programs>

¹² See, e.g., "Table I. Terrorism Indicators Identified by Government Agencies and Programs" in Faiza Patel and Meghan Koussik (Brennan Center for Justice) *Countering Violent Extremism*, 2017, at 15. Accessed July 25, 2017. Available at: <https://www.brennancenter.org/publication/countering-violent-extremism>

¹³ See note 2.

CVE implementation threatens public confidence in these sectors broadly, and can discourage recourse even to programs which are uninvolved in CVE.

Any campaign that chills use of mental health services interferes with residents' rights to health and inflicts real damage to individuals and communities. Because CVE entangles social services provision with bias-based profiling and intelligence gathering, it has precisely this chilling effect.

MJL believes it is dangerous to tie investments in mental health other social services to national security-related campaigns, even if funding for those initiatives were directed solely through health and human services agencies. Investments in health and human services should be made equitably for all communities, with the goal of promoting health, and completely divorced from any explicit or implicit objectives related to national security, intelligence gathering or discouraging certain political or religious views.

Community Polarization

Nearly immediately upon federal announcements of CVE pilot programs in Boston, Minneapolis and Los Angeles, the CVE campaign increased fear and mistrust within Muslim communities and undermined collaboration among organizations that took different positions regarding CVE. While Muslim communities, like all communities, have always been heterogeneous politically, religiously and across multiple other dimensions, differences need not generally lead to mistrust. However, when individuals and entities are incentivized to propose and/or watch for pseudoscientific “concerning behaviors” of fellow community members, mistrust and fear are virtually guaranteed. Non-profit organizations face constant funding pressures to sustain important pre-existing services, and CVE grants encourage organizations to fit such services within a counterterrorism agenda. Given that CVE operates by offering funding and other opportunities to collaborating entities, and yet has threatened the rights and well-being of marginalized communities, its polarization of those who collaborate and those who do not was entirely foreseeable.

We are aware that if a population is viewed as a potential fifth column by some law enforcement entities, divisions within that population — such as divisions along lines of support for or opposition to CVE¹⁴ — may be perceived by those entities not as a harm but as an aid to intelligence gathering and management of dissent. We hope and believe this Subcommittee, however, would agree that such mistrust and fear is at odds with important public policy objectives, such as that individuals feel safe to practice their religion in community, debate controversial views in public as opposed to underground, participate in organizations that advocate to solve societal problems, and partake in services offered by community-based programs, without fearing such actions could cause them to be falsely labeled a threat.

Anticipated Additional Harms if CVE Deployment Persists

While Boston was named a pilot city for the CVE campaign by federal officials in 2014, funded deployment of CVE in Massachusetts has been relatively recent. Federal Department of Justice grants, routed through Massachusetts's Executive Office of Health and Human Services (EOHHS), were not awarded in

¹⁴ It is highly troubling that some law enforcement materials have deemed a choice not to engage in a law enforcement “community outreach” program a sign of being “radicalized.” See Michael Price (Brennan Center for Justice), *Community Outreach or Intelligence Gathering? A Closer Look at “Countering Violent Extremism” Programs*, January 29, 2015, at 5 (excerpting a grant proposal for the “African Immigrant Muslim Coordinated Outreach Program” (AIMCOP) which explains, “The [St. Paul Police Department] ... in partnership with the FBI and US Attorney’s Office, ... will first seek to gain the trust of the Somali immigrants ... [by] attend[ing] community meetings in the targeted areas and refer[ing] you to the [Police Athletic League] and YWCA programs. ... During this period, *the team will also identify radicalized individuals ... who refuse to cooperate with our efforts.* ...” Emphasis added.) Accessed July 25, 2017. Available at: https://www.brennancenter.org/sites/default/files/analysis/Community_Outreach_or_Intelligence_Gathering.pdf

Boston until December, 2016.¹⁵ Department of Homeland Security CVE grants to the Massachusetts Executive Office of Public Safety and Security and, via the Police Foundation, to a project involving the Boston Police Department and two Massachusetts-based nonprofit organizations,¹⁶ were awarded only this summer.¹⁷ Prior to any known operation of a CVE program in Massachusetts, however, the community impacts described above became apparent following promotion of CVE by law enforcement entities and recognition within local communities that CVE treats Muslim populations as a problem to be monitored and reformed.

It is highly likely that additional harms similar to those experienced in the U.K. under PREVENT will become evident in the U.S. if CVE deployment persists. In the U.K., for example, Muslim students have been subjected to referrals or threatened referrals for de-radicalizing “interventions” following completely innocuous behavior, ranging from participating in a middle school French class discussion about eco-activism¹⁸ to — in the case of a four-year-old — mispronouncing the word “cucumber.”¹⁹

The treatment of Ahmed Mohamed — subjected to police interrogation, arrest and school suspension after bringing a clock to school in Irving, Texas; and the prosecution of Mahin Khan — an autistic and developmentally delayed youth the FBI monitored for years after coordinating his mental health treatment,²⁰ are emblematic of the types of criminalization which may become more frequent if U.S. agencies continue pursuing CVE. Far from promoting “off-ramps” from prosecution for misguided youth who once contemplated violence, we believe CVE is well-designed to “on-ramp” youth who — for reasons of mental health, intellectual disabilities, or outspoken political views — provide low-hanging fruit for inchoate prosecutions in spite of posing no real threat of committing or facilitating violence.

CVE Programs Would Be Troubling Regardless of which Communities or Viewpoints were Targeted.

Finally, we wish to be clear that, in MJL’s view, CVE programs would be deeply troubling *regardless of which communities or viewpoints they were to target*. MJL believes expanding CVE’s targets would ex-

¹⁵ See Massachusetts Executive Office of Health and Human Services, *Three Boston-based Organizations Chosen for 210K in PEACE Project Grants*, December 1, 2016. Accessed July 25, 2017. Available at: <http://www.mass.gov/eohhs/gov/newsroom/press-releases/eohhs/three-boston-based-orgs-chosen-for-210k-in-peace-grants.html>

¹⁶ See Boston Police Department response to MJL public records request, *Re Public Record Request DHS “Countering Violent Extremism” Grant*, Accessed July 25, 2017. Available at: <https://www.muslimjusticeleague.org/wp-content/uploads/2017/04/BPD-CVE-grant-public-records-response.pdf>

¹⁷ See Department of Homeland Security, *DHS Countering Violent Extremism Grants*, June 23, 2017. Accessed July 25, 2017. Available at: <https://www.dhs.gov/cvegrants>

¹⁸ See Vikram Dodd (The Guardian), *School Questioned Muslim Pupil about Isis after Discussion on Eco-activism*, December 22, 2015. Accessed July 25, 2016. Available at: <https://www.theguardian.com/education/2015/sep/22/school-questioned-muslim-pupil-about-isis-after-discussion-on-eco-activism>

¹⁹ See Ben Quinn (The Guardian), *Nursery Raised Fears Of Radicalization Over Boy’s Cucumber Drawing*, March 11, 2016. Accessed July 25, 2016. Available at: <https://www.theguardian.com/uk-news/2016/mar/11/nursery-radicalisation-fears-boys-cucumber-drawing-cooker-bomb>

²⁰ See, e.g., Beau Hodai (The Progressive), *Arizona’s Manufactured Terrorism Threat*, May 23, 2017. Accessed July 25, 2017. Available at: <http://progressive.org/magazine/arizona%E2%80%99s-manufactured-terrorism-threat/>; Mike Truelson (KVOA.com), *Parents of Tucson Terrorism Suspect Mahin Khan Release Statement; Ask for ‘Understanding,’* July 21, 2016. Accessed July 25, 2017. Available at: <http://www.kvoa.com/story/32501286/parents-of-tucson-terrorism-suspect-mahin-khan-release-statement-ask-for-understanding>

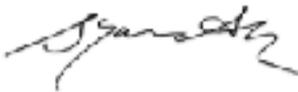
pand, not reduce, its harms to communities and societal freedoms. Therefore, we would continue to harbor strong concerns if CVE were to expand its focus beyond the communities currently targeted (i.e. Muslims, especially Somali Americans; Black Lives Matter organizers, refugees and LGBTQ communities²¹) to also target white supremacists, white Christians, or even all U.S. civilians. MJL does not advocate for, nor could we support, “ecumenical” or “equal opportunity” CVE.

Alternatives to CVE

We believe the solution to CVE’s extensive problems is to end the campaign before it can further damage intracommunity and community-law enforcement relations or further chill use of needed social services and First Amendment freedoms. We do not believe CVE can be resuscitated in a way that avoids the consequences of its central problems: namely, that it is founded on unsound theories about “radicalization” and that it frames disfavored political or religious views, as opposed to planned or actual violence, as appropriate problems to be countered. Moreover, these central obstacles, combined with years of demonstrated harms in the U.K. and more recently the U.S., make it unlikely CVE could be sufficiently reformed even to be benign. Instead of CVE — or *any* rebranded campaign that incorporates the false premise that certain viewpoints can predict violence — we believe evidence-based law enforcement methods²² that (1) uphold the clear distinction between viewpoints and actions and avoid criminalizing viewpoint expression, (2) refrain from surveilling civilians based on viewpoints or immutable characteristics, and (3) fully respect the ethical obligations of social services providers, would best promote the inter-related objectives of protecting human rights and promoting safety and security of all communities.

Thank you once again for the opportunity to share MJL’s observations regarding CVE’s impacts on Massachusetts communities. For questions or further information, please contact me at swakeel@muslimjusticeleague.org.

Respectfully Submitted,



Shannon Al-Wakeel
Executive Director, Muslim Justice League

cc:

Ranking Member Elijah Cummings
House Committee on Oversight and Government Reform
2163 Rayburn House Office Building
Washington, DC 20515

²¹ See, e.g., Waqas Mirza (MuckRock), *Denver’s Counterterrorism Program Sets Sights on Black Lives Matter, LGBTQ Groups, and Refugees*, March 9, 2017. Accessed July 25, 2017. Available at: <https://www.muckrock.com/news/archives/2017/mar/09/denvers-counterterrorism-BLM/>

²² We encourage reference to resources published by the *Rethinking Intelligence* project of the Brennan Center for Justice for expert analysis of law enforcement, intelligence and national security tactics and recommendations about reforms to increase effectiveness. Available at: <https://www.brennancenter.org/rethinking-intelligence-enterprise>