

September 21, 2015

The Honorable Bill DeBlasio
Mayor, City Hall
New York, NY 10007

Dear Mayor De Blasio,

The undersigned human rights, civil liberties, and community-based organizations write to express our grave concerns about attempts to institute programs under the banner of “Countering Violent Extremism” (CVE) in New York City. The Department of Justice has established CVE programs in the pilot cities of Boston, Minneapolis and Los Angeles, where they have proven to be divisive and counterproductive.¹ We understand that other cities are being considered for similar initiatives and that New York has been invited to join the nascent Strong Cities network. We proactively write to engage your Administration on the issue of whether New York City should participate in CVE initiatives.

The federal initiative² has been given the seemingly positive name of Countering Violent Extremism (CVE). But, based on publicly available information, CVE programs impose serious adverse consequences, including stigmatizing Muslim communities as suspicious and in need of special monitoring, transforming the relationship between Muslims and schools and social service providers into security-based engagements, and bringing law enforcement scrutiny to bear on First Amendment-protected speech and religious

¹ See, e.g., Press Release, [Muslim Students Association West, Muslim Students Associations Across CA Against Federal Government’s Countering Violent Extremism Programs](#) (Feb. 21, 2015); Press Release, Asian Americans Advancing Justice—Los Angeles et al, [Los Angeles Based Groups Serving American Muslim Communities Question Federal Government’s “Countering Violent Extremism” Programs As Ill-Conceived, Ineffective, And Stigmatizing](#) (Nov. 13, 2014); Letter from [Muslim Justice League et al to Lisa O. Monaco](#), Assistant to the President for Homeland Security and Counterterrorism (Feb. 13, 2015); Press Release, Council on American-Islamic Relations- Minnesota et al, [Minnesota Muslims Concerned About New ‘Stigmatizing, Divisive and Ineffective’ CVE Pilot Program](#) (May 1, 2015).

² We do not, of course, press objections about efforts of New Yorkers, including Muslims, to express their views about ideologies such as those that are the target of CVE programs. Such discourse is normal and healthy and part of the value that our nation places on freedom of expression and faith.

observance. Moreover, such programs have not been demonstrated to advance their goal of reducing risks.

No Evidence that CVE Programming is Effective

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. The premise of CVE programming is that the adoption or expression of extreme or “radical” ideas place individuals on the path toward violence, and that there are observable “indicators” to identify those “vulnerable” to radicalization, or “at risk” of being recruited by terrorist groups. This is simply not true. Despite years of federally-funded efforts, researchers have not developed reliable criteria that can be used to predict who will commit a terrorist act.³ Providing government funding to CVE efforts that are based on vague and unsupportable “indicators” of violent extremism will only result in civil rights and privacy violations and unreliable reporting to law enforcement, which will waste investigative resources.

Stigmatizing Communities

Those advocating for CVE programs point out that they are not aimed at American Muslims, but rather at extremists of all stripes. This may provide useful political cover, but the reality is that CVE is targeted overwhelmingly at Muslims. The three pilot programs that the DOJ has launched, for example, are aimed at Muslim communities. Indeed, we are not aware of a *single* CVE outreach program in the U.S. that is aimed at any other community. This is so despite the numerous empirical studies demonstrating that violence inspired by right-wing beliefs poses a more significant domestic threat than attacks carried out in the name of Islam.⁴

The impact of targeting Muslim communities for special CVE measures is to brand them as inherently suspicious and somehow less American than others. As your Administration has recognized, including by adding Muslim holidays to the public school calendar,

³ See, e.g., JAMIE BARTLETT, JONATHAN BIRDWELL & MICHAEL KING, [DEMOS, THE EDGE OF VIOLENCE: A RADICAL APPROACH TO EXTREMISM](#) (2010); Alan Travis, [M15 Report Challenges Views on Terrorism in Britain](#), GUARDIAN (Aug. 20, 2008); FAIZA PATEL, [RETHINKING RADICALIZATION](#) (2011). [Declaration of Marc Sageman in Opposition to Defendants’ Cross-Motion for Summary Judgment](#), Latif v. United States Department of Justice et al, 2015 WL 1883890 (2015) (No. 3:10-cv-00750).

⁴ See, e.g., Scott Shane, [Homegrown Extremists Tied to Deadlier Toll Than Jihadists in U.S. Since 9/11](#), N. Y. TIMES (June 24, 2015).

Muslims are part of New York's diverse fabric. They should be treated as full partners, not as problems.

Securitizing Relationships with Schools and Social Service Providers

The most recent round of CVE programs include a pernicious new element: asking teachers and social workers to identify students who they believe are at risk of violent extremism.⁵ As explained above, there is simply no scientific basis to make these kinds of judgments. Bringing untrained (or badly trained) school officials into the mix will not only result in the targeting of children for suspicion without any basis, but will make our schools into environments where children are viewed as potential threats rather than as potential productive members of society. The recent arrest of a Texas high school student for bringing a clock to school illustrates how high levels of suspicion about Muslims can lead to shocking outcomes.

Threat to Freedom of Speech, Association, and Religion

CVE efforts threaten freedoms of speech, association, and religion. As noted above, CVE proceeds from the false premise that there are identifiable risk factors for violent extremism. The risk factors that government agencies, including the New York City Police Department,⁶ have put forward often include common behaviors associated with religious practice and political activism. Targeting individuals for increased scrutiny or other intervention based on anything other than fact-based suspicion of wrongdoing is impermissible under the U.S. Constitution, and antithetical to American values.

The experience of the British CVE program, Prevent, is instructive in this regard. In addition to alienating the very communities it was seeking to influence and lacking any

⁵ See, e.g., C-Span, Minneapolis Public Schools CVE Program (Mar. 9, 2015), <http://www.c-span.org/video/?c4530677/minneapolis-public-school-cve-program> (MPS administrator Kourtney Kiernat discussing plans to have youth intervention workers to monitor children in lunchrooms and after school to spot “identity issues and disaffection at school, root causes of radicalization”); UNITED STATES ATTORNEY’S OFFICE FOR THE DISTRICT OF MASSACHUSETTS ET AL, [A FRAMEWORK FOR PREVENTION AND INTERVENTION STRATEGIES: INCORPORATING VIOLENT EXTREMISM INTO VIOLENCE PREVENTION EFFORTS](#) (2015).

⁶ See generally MITCHELL D. SILBER & ARVIN BHATT, N.Y.P.D INTELLIGENCE DIVISION, [RADICALIZATION IN THE WEST: THE HOMEGROWN THREAT](#) (2007). The premise and conclusions of the NYPD’s report have been vigorously challenged. See, e.g., MUSLIM-AMERICAN CIVIL LIBERTIES COALITION, [COUNTERTERRORISM POLICY: MACLC’S CRITIQUE OF THE NYPD’S REPORT ON HOMEGROWN RADICALISM](#) (2008); AZIZ HUQ, [CONCERNS WITH MITCHELL D. SILBER & ARVIN BHATT, N.Y. POLICE DEP’T, RADICALIZATION IN THE WEST: THE HOMEGROWN THREAT](#) (2007).

means of measuring effectiveness,⁷ the U.K. effort has morphed into outright censorship⁸ and seriously threatens both religious and academic freedom.⁹

Furthermore, outreach programs that form the core of many CVE efforts have frequently been used as a means to gather intelligence on the very groups and organizations that participate in them.¹⁰ Documents obtained through Freedom of Information Act requests show that even mundane and routine observations of Federal Bureau of Investigation community outreach officers on members of Muslim communities ended up in intelligence files.¹¹ Minneapolis police received a DOJ grant to hold outreach meetings with community groups to direct youth into after-school programs, but also to identify those who didn't participate as "radicalized."¹² Most recently, a Montgomery County, Maryland CVE program that has been touted by the White House as a model, was described by local police officers as an intelligence tool. The Assistant Chief of the Department stated that people who the police met through these programs serve as a "conduit of information," which is passed on to federal authorities.¹³

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Muslim New Yorkers are still wrestling with the overbroad surveillance programs instituted under Police Commissioner Ray Kelly. Representatives of these communities, as well as the undersigned civil and human rights organizations, have been working towards meaningful engagement with your administration on issues of discriminatory policing.

⁷ See COMMUNITIES AND LOCAL GOV'T COMM., HOUSE OF COMMONS, [PREVENTING VIOLENT EXTREMISM](#) (2010).

⁸ See John Bingham, [Sharia Law or Gay Marriage Critics Would Be Branded 'Extremists' Under Tory Plans, Atheists and Christians Warn](#), GUARDIAN (Oct. 31, 2014).

⁹ See *id.*; Shaheed Fatima, [Self-Censorship in Action: The British Library Rejects Taliban Archive](#), JUST SECURITY (Sept. 14, 2015); Hannah Richardson, [Terror Plans 'Threaten Academic Freedom'](#) B.B.C NEWS (Jan. 12, 2015); Alan Travis, [Anti-Terror Bill A Threat to Academic Freedom, MPs Tell Theresa May](#), GUARDIAN (Jan. 11, 2015).

¹⁰ See, e.g., Michael Price, [Community Outreach or Intelligence Gathering? A Closer Look at 'Countering Violent Extremism' Programs](#) (2014).

¹¹ A.C.L.U., [Eye on the FBI: San Francisco](#) (2012).

¹² Murtaza Hussein, [Spies Among Us: How Community Outreach Programs to Muslims Blur Lines Between Outreach and Intelligence](#), INTERCEPT (Jan. 21, 2015).

¹³ Aaron Miguel Cantu, [In Maryland, Faith Leaders and Law Enforcement Fight Radicalization](#), AL-JAZEERA AMERICA (Sept. 12, 2015).

Adding the current crop of CVE programs to the mix without consulting with affected communities and civil society runs the risk of undermining these ongoing efforts. We request a meeting with you in the very near term in order to discuss the concerns set forth in this letter.

Signed,

American Civil Liberties Union
Arab-American Association of
New York
Association of Muslim American Lawyers
Brennan Center for Justice at
NYU School of Law
Center on Constitutional Rights
CLEAR Project at CUNY Law School
Council on American-Islamic Relations
Council on American-Islamic Relations-
New York
DRUM- South Asian Organizing Center
Jewish Voice for Peace
Justice League NYC

Million Hoodies Movement for Justice
Muslim Advocates
Muslim American Civil Liberties Coalition
Muslim American Society - New York
Muslim Community Network
New York Civil Liberties Union
National Lawyers' Guild- New York
City Chapter
The Interfaith Center of New York
The Leadership Conference on Civil and
Human Rights
Women in Islam, Inc.

cc: Nisha Agarwal, Commissioner, Mayor's Office for Immigrant Affairs
Penny Abeywardena, Commissioner, Mayor's Office for International Affairs
Maya Wiley, Counsel to the Mayor
Marco A. Carrion, Commissioner, NYC Community Affairs Unit