

June 1, 2020

The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue, SE
Washington, DC 20528

The Honorable Meghann Peterlin
Acting Assistant Secretary for Threat Prevention and Security Policy
U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue, SE
Washington, DC 20528

Pete. T. Gaynor
Administrator
Federal Emergency Management Agency
500 C Street, SW
Washington, DC 20472

Via Email

Re: 2020 Targeted Violence and Terrorism Prevention Grant Program

Dear Acting Secretary Wolf, Assistant Secretary Newmann, and Administrator Gaynor,

We the undersigned human rights, civil liberties and community organizations write to express our opposition to the U.S. Department of Homeland Security (“DHS”) 2020 “Targeted Violence and Terrorism Prevention” (“TVTP”) grant program. The new TVTP grant program replicates the Department of Homeland Security’s previous 2016 Countering Violent Extremism (“CVE”) grant program.¹ We remain opposed to the CVE framework that TVTP grants operate within, and have new concerns regarding the administration of the 2020 TVTP grant program.²

¹ Office for Targeted Violence and Terrorism Prevention, *Fiscal Year 2016 Countering Violent Extremism Grant Program: Preliminary Report on Programmatic Performance*, U.S. Department of Homeland Security (Mar. 26, 2020), https://www.dhs.gov/sites/default/files/publications/20_0326_tvtp_preliminary-report-programmatic-performance-fy16-cve-grants_1.pdf.

² Letter to Lisa Monaco Re: Federal Support for Countering Violent Extremism Programs ([Dec. 18, 2014](#)); Joint Statement Regarding Upcoming Summit on Countering Violent Extremism ([Feb. 17, 2015](#)); Letter to Jennifer Easterly Re: Federal Support for Countering Violent Extremism Programs ([Apr. 22, 2016](#)).

For the past six years, our organizations have written to the Department, members of Congress, and the general public about the harms of CVE programs. In addition to being ineffective and fundamentally flawed, CVE programs discriminatorily target Muslim communities and fail to safeguard the constitutional rights and the privacy of participants. In renewing these programs for an additional \$10 million, the DHS replicates and continues these harms.

I. CVE Remains an Ineffective Intervention

As we have continuously noted, there is no documented evidence that CVE programs prevent terrorism or violence.³ CVE programs are a solution in search of a problem. Despite \$10 million of funding provided, the 2016 CVE grant program failed to produce evidence they thwarted future violence. A study by Duke University's Triangle Center on Terrorism and Homeland Security found that the 2016 CVE initiative was a failure for its top-down approach and vague goals.⁴ The report also found that like its British corollary, the United Kingdom's Prevent program, CVE programs alienate the Muslim communities that it seeks to engage. Neither the 2016 CVE grants nor the 2020 TVTP grants provide meaningful metrics for measuring "success" in achieving its primary goal--preventing violence.

II. CVE Programs Target Muslims and Communities of Color

CVE programs are built on the false premise that Muslims are predisposed towards violence and require government interventions to prevent them from committing violence and terrorism. These baseless assumptions stigmatize and harm already-vulnerable minority racial, ethnic, and faith communities, and legitimize federal law enforcement intrusion into community spaces. Unsurprisingly, despite using facially neutral language in its call for proposals, nearly all recipients of the 2016 CVE grants focused its programming on Muslim communities.

The CVE and TVTP grant programs expose overpoliced communities to additional law enforcement contact. In interviews about CVE programs, Muslim participants felt that "counterextremism efforts made them and many others like them feel as though they were suspicious until proven innocent."⁵ CVE and TVTP grant programs operate alongside coercive

³ Faiza Patel and Meghan Koushik, *Countering Violent Extremism*, Brennan Center for Justice, note 61, (2016) <https://www.brennancenter.org/publication/countering-violent-extremism>.

⁴ David Schanzer and Joe Eyeran, *Engaging with Communities to Prevent Violent Terrorism*, Triangle Center on Terrorism and Homeland Security (Aug. 2019), https://drive.google.com/file/d/1JSzVa3owPUEXXbGYmaBfTAKkr6yJ_WTr/view.

⁵ Julia Harte, *Inside Trump's Divisive Mission to Identify and Deter Potential Extremists*, The Nation (Mar. 2, 2020), <https://www.thenation.com/article/society/trump-extremism-muslim-wellness/>.

law enforcement techniques that are being challenged, such as the FBI's attempts to coerce individual Muslims to become informants.⁶ The 2020 TVTP grant program has failed to address or ameliorate any of our concerns about the targeting of Muslim communities.

Further, the undersigned oppose the expansion of CVE and TVTP grant programs to include other groups, such as white nationalists. CVE frameworks, like those deployed in the TVTP grant program, remain ineffective, waste resources, and disproportionately focus on Muslim communities, regardless of who else is incorporated by name.

III. CVE Programs are Fundamentally Flawed

“Radicalization,” the theoretical basis for CVE programs, remains an unproven and harmful theory. After years of federally funded research, there is no credible criteria for what behavioral “indicators” identify individuals at risk of committing future violence.⁷ Ignoring these flaws, CVE programs provide funding to law enforcement agencies to pursue engagement with communities to disrupt a non-existent “radicalization” process. As a result, CVE programs encourage law enforcement to monitor people with mental health issues, lower socio-economic status, and people who have had previous interactions with law enforcement and the legal system--individuals already vulnerable to systemic abuse. The TVTP grants do not address these issues by providing mental health or financial support; instead, it imposes law enforcement interventions as a catch-all solution.

Training law enforcement and community groups to follow this broken and disproven theory criminalizes Muslim communities and subjects vulnerable individuals to ongoing, unnecessary and potentially harmful law enforcement contact.

IV. CVE Programs Threaten First Amendment Activities

The “risk factors” and “indicators” identified by CVE programs coincide with activities that are protected under the First Amendment. According to the radicalization theories implemented by CVE programs, signs of “radicalism” encompass common, lawful behaviors taken by Muslims, such as attending a mosque, or expressing political dissent; and these behaviors require law enforcement scrutiny. By categorizing First Amendment rights of religious exercise, expression and beliefs as precursors to criminal acts, CVE programs have a chilling effect on the speech and religious practice in communities where they are

⁶ See e.g., *Fazaga v. FBI*, 916 F.3d 1202 (9th Cir. 2019); *FNU Tanzin v. Tanvir*, 140 S. Ct. 550, 205 L. Ed. 2d 353 (2019).

⁷ Faiza Patel, *Rethinking Radicalization*, Brennan Center for Justice (Mar. 8, 2011), <https://www.brennancenter.org/our-work/research-reports/rethinking-radicalization>.

operationalized. For instance, the 2016 CVE frameworks in Boston, Massachusetts, Los Angeles, California, and Montgomery County, Maryland all asserted that frustration with U.S. foreign policy is an indicator for violent extremism, and Black activists have been classified as “Black Identity Extremists” by the FBI.⁸

We object to CVE programs classified as community interventions, when, in reality, they are opportunities for law enforcement to gather intelligence on constitutionally-protected activities. Despite multiple requests, the new TVTP grant program does not provide guidance on how to protect First Amendment expression from additional investigation and monitoring.⁹ Rather, these programs encourage building community “relationships” to expand the ability for law enforcement to surveil individual actions and expression under the guise of violence prevention.

V. The TVTP Grant Application Process Violates Individual Privacy

The 2016 CVE and 2020 TVTP grant programs are non-transparent, and pose significant privacy risks to individuals when organizations apply for grants. The 2016 CVE grantees were not required to identify the DHS funding source for the programming individuals participated in, obfuscating the relationship between the grantee and the Department of Homeland Security.¹⁰

The 2020 TVTP grants pose new and alarming privacy risks due to the DHS security review requirement. The security review the DHS conducts on applicants is not limited to the organization; the investigation can include the organization's board, its staff, officers, and “associates.” The investigation can subject anyone connected to an organization to an assessment of their public and private information, including social media profiles and financial assets.¹¹ The DHS justifies its investigation into any person who has publicly represented the organization because “individuals who have otherwise published or permitted the publication of their personal information publicly have tacitly accepted the possibility that their publicly

⁸ *A Framework for Prevention and Intervention Strategies: Incorporating Violent Extremism into Violence Prevention Efforts*, U.S. Attorney’s Office, District of Massachusetts at 3 (2015), <https://www.justice.gov/sites/default/files/usao-ma/pages/attachments/2015/02/18/framework.pdf>; Alice Speri, *Fear of a Black Homeland*, *The Intercept* (Mar. 23, 2019), <https://theintercept.com/2019/03/23/black-identity-extremist-fbi-domestic-terrorism>.

⁹ Letter to Lisa Monaco *supra* n.2 (“The White House should immediately issue guidance to address impacts on religious exercise, freedom of expression and the First Amendment’s Establishment Clause” and “Direct each agency to establish meaningful safeguards against using information gathered through CVE and community outreach as intelligence”).

¹⁰ Harte, *supra*. n.5.

¹¹ Dena Kozanas, *Privacy Impact Assessment for the Targeted Violence and Terrorism Prevention Grant Program*, U.S. Department of Homeland Security at 3,4 (Apr. 8, 2020), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-dhs083-tvtp-april2020.pdf>.

available information may be used for a variety of purposes on behalf of the organization.”¹²
This egregious and overbroad reading of organizational affiliation as a basis for investigation is a violation of the First Amendment right to freely affiliate.

The DHS conducted a Privacy Impact Assessment of the TVTP grant program and found that an entire investigation may take place without an individual’s explicit consent. According to the DHS, the grant program’s Notice of Funding Opportunity acts as sufficient notice to applicants that any individuals associated with the applicant’s organization, including board members and supporters may be subjected to a security investigation. By contrast, in the 2016 CVE grant application process, the DHS provided prior written notice that a security review would be conducted on an applicant, and allowed for an applicant to withdraw their submission before such an investigation took place.¹³ For the 2020 TVTP grant program, there is no such individualized notice or opportunity to withdraw provided to applicants in advance of a security review. The security investigation would be conducted by DHS Intelligence and Analysis and the results can then be shared with other offices within the Department of Homeland Security. Though DHS claims that the TVTP grant program provides adequate notice from which it can infer consent to conduct a security review, the investigation of a broad number of private individuals who may not even be aware of the grant application is an alarming privacy violation, further undermining any semblance of a fair, transparent TVTP grant application process.

In allocating \$10 million in funding for the 2020 TVTP grant programs, the federal government dangerously perpetuates the lasting harms of CVE programs. These harms we have listed have gone unaddressed and are exacerbated by the 2020 TVTP grant program. Today, at a time of severe economic crisis, when community organizations are struggling for financial survival, it is especially disturbing to learn that the federal government is moving forward with government funds conditioned on Muslim communities collaborating with law enforcement and national security entities, not for the health, social service and educational services direly needed.

¹² *Id.* at 7.

¹³ Johnathan R. Cantor, *Privacy Impact Assessment for the Countering Violent Extremism Grant Program*, U.S. Department of Homeland Security at 3 (Dec. 7, 2016), <https://www.dhs.gov/publication/dhsallpia-057-countering-violent-extremism-grant-program>.

We urge you to discontinue the operation and funding of the 2020 TVTP grant program and all CVE efforts. Questions should be directed to Nabihah Maqbool, Muslim Advocates at nabihah@muslimadvocates.org, or Fatema Ahmad, Muslim Justice League at fahmad@muslimjusticeleague.org.

Sincerely,

Muslim Advocates

Muslim Justice League

ACCESS

Action Center on Race and the Economy

American Arab Anti Discrimination Committee

American Civil Liberties Union

American Friends Service Committee

American Muslim Empowerment Network (AMEN)

American-Arab Anti-Discrimination Committee (ADC)

Arab American Civic Council

Arab American Institute

Asian American Advocacy Fund

Asian Americans Advancing Justice

Believers Bail Out

Bend the Arc: Jewish Action

Brennan Center for Justice at NYU School of Law

California Immigrant Policy Center

Carceral Tech Resistance Network

Center for Disability Rights

Center for Security, Race and Rights

CLEAR project

Coalition for Civil Freedoms

Color Of Change

Council on American-Islamic Relations (CAIR)

Council on American-Islamic Relations (CAIR)-California

Council on American-Islamic Relations (CAIR)-Los Angeles

Council on American-Islamic Relations (CAIR)-Chicago

Council on American-Islamic Relations, New York (CAIR-NY)

Defending Rights & Dissent

Equality Labs

Fight for the Future

Friends of Human Rights

ICNA Council for Social Justice
Interfaith Alliance
Japanese American Citizens League Pacific Southwest District
Jetpac
Jewish Voice for Peace - NC Triangle Chapter
Justice For Muslims Collective
MLK Coalition of Greater Los Angeles
Montgomery County Civil Rights Coalition
Motivation Motivates
Movement to End Racism and Islamophobia
MPower Change
MSA West
Muslim American Society-Public Affairs and Civic Engagement
National Council of Jewish Women
National Immigration Law Center
Nikkei Resisters
Oakland Privacy
OneAmerica
Palestinian Youth Movement
Partnership for the Advancement of New Americans (PANA)
Pillars of the Community
Project South
Restore The Fourth
Revolutionary Love Project
RootsAction.org
San Fernando Valley JACL
Secure Justice
South Asian Americans Leading Together (SAALT)
Stand With Kashmir
Stop CVE Chicago
Stop LAPD Spying Coalition
The Black Alliance for Just Immigration (BAJI)
The Leadership Conference on Civil and Human Rights
Unitarian Universalist Service Committee
United We Dream
United Women of East Africa
Veterans For Peace
Vigilant Love
Washington State Religious Campaign Against Torture

Yemeni Alliance Committee