



ACLU Briefing Paper:
What Is Wrong With the Government's
“Countering Violent Extremism” Programs

According to the federal government, “Countering Violent Extremism” (“CVE”) is a top national security priority. The White House has tasked numerous federal agencies with executing CVE initiatives, the aim of which is to prevent “ideologically motivated violence” by strengthening communities.¹ While preventing violence and strengthening communities are worthwhile goals, the scant public information about CVE programs suggests that they are based on discredited and unscientific theories positing a progression from religious or political beliefs to violence. The little public information about CVE programs that have been implemented in the United States indicates that they threaten fundamental rights, divide communities, and cast suspicion on law-abiding Americans. The government has failed repeatedly to respond to concerns about the effectiveness of the programs and the threats they pose to Americans’ privacy and civil rights, and instead kept all but the broadest outlines of CVE programs secret.

Background

In 2011, the White House released its “Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States.”² The plan’s goal is “preventing violent extremists and their supporters from inspiring, radicalizing, financing or recruiting individuals or groups in the United States to commit acts of violence,” and it includes a general outline of federal support for “preventative programming” and “community-led efforts to build resilience to violent extremism.”³ Since the release of the plan, the government has implemented CVE pilot initiatives led by U.S. Attorneys in Boston, Los Angeles, and Minneapolis, and helped launch the Strong Cities Network, an international CVE information-sharing platform for city governments around the world.⁴ In January 2016, the Department of Homeland Security (“DHS”) announced that it would host an interagency CVE Task Force, which will “coordinate government efforts and partnerships to prevent violent extremism in the United States.”⁵

¹ See generally Office of the President, *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States*, The White House (Dec. 2011), <http://goo.gl/3A6tC>.

² *Id.*

³ *Id.* at 1-2.

⁴ Office of Public Affairs, *Pilot Programs Are Key to Our Countering Violent Extremism Efforts*, Dep’t of Justice (Feb. 18, 2015), <http://goo.gl/QKMFYf>; Press Release, *Launch of Strong Cities Network to Strengthen Community Resilience Against Violence Extremism*, Dep’t of Justice (Sept. 28, 2015), <http://goo.gl/m8knaE>.

⁵ Press Release, *Countering Violent Extremism Task Force*, Dep’t of Homeland Security (Jan. 8, 2016), <http://goo.gl/RBwYnj>.

Internationally, the government says it is “building a global movement to address violent extremism.”⁶

Despite the proliferation of CVE initiatives across the federal government, all but the most general information about them remains a mystery. Based on what we do know, however, many aspects of CVE initiatives risk violating core constitutional freedoms.

What is Wrong with CVE

CVE programs aim to prevent violence by policing ideas and beliefs, including by charging teachers and social workers with monitoring and reporting to law enforcement on the ideas and beliefs of schoolchildren. According to the government, “violent extremists” are “individuals who support or commit ideologically motivated violence to further political goals.”⁷ CVE programs aim to prevent people from committing violence, which is an understandable goal. Where CVE efforts go wrong, though, is in targeting people for monitoring based on their beliefs or ideologies.⁸

For example, a core component of CVE initiatives involves requiring or asking teachers and social and mental health workers to monitor and report to law enforcement on children in their care. In Minneapolis, for example, school staff will monitor children in the lunchroom and after school to identify signs of extreme beliefs.⁹ Boston’s pilot program framework describes “establishing and enhancing communication” among law enforcement and mental health and social service agencies.¹⁰ National Counterterrorism Center (“NCTC”) guidelines that were leaked to the public would instruct teachers and social workers to monitor and evaluate students on a five-point rating scale according to factors like “perceived sense of being treated unjustly,” “expressions of hopelessness, futility,” and “connection to group identity (race, nationality, religion, ethnicity).”¹¹ A new FBI website purporting to raise awareness among parents, teachers, and teenagers about violent extremism instructs its users to report people who exhibit “warning signs” that they may commit violence, such as by taking pictures of buildings or talking about traveling to places that “sound suspicious.”¹²

⁶ Office of the Spokesperson, *Fact Sheet: Building a Global Movement to Address Violent Extremism*, Dep’t of State (Sept. 29, 2015), <http://goo.gl/ArrJ3a>.

⁷ Strategic Implementation Plan, *supra* note 1 at 1 n.1.

⁸ See, e.g., Gabe Rottman, *Radically Wrong: The Right to Think Dangerous Thoughts*, ACLU (March 1, 2013), <https://goo.gl/WeYz5V>.

⁹ See, e.g., C-Span, Minneapolis Public Schools CVE Program (Mar. 9, 2015), <http://goo.gl/UDbZMY>.

¹⁰ United States Attorney’s Office, A Framework for Prevention and Intervention Strategies: Incorporating Violent Extremism into Violence Prevention Efforts (Feb. 2015) at 8, available at <http://goo.gl/HfP8mf>.

¹¹ See Murtaza Hussain, Cora Currier, & Jana Winter, *Is Your Child a Terrorist? U.S. Government Questionnaire Rates Families At Risk for Extremism*, The Intercept (Feb. 9, 2015), <https://goo.gl/jHUF63>.

¹² See Federal Bureau of Investigation, When to Report Violent Extremism, <https://cve.fbi.gov/where/?state=report>.

Schools should be environments in which curiosity, inquiry, and expression thrive. Placing education professionals in partnership with law enforcement agencies to spy on students and report on their ideas and beliefs corrupts relationships of trust between teachers and children. Targeting children for suspicion without any reliable, factual basis risks transforming schools from places of learning to environments in which children are viewed as potential threats, jeopardizing their education and their right to free expression.

Unfortunately, our history shows that efforts like this are not new. In the name of national security, the government has repeatedly monitored and surveilled communities whose beliefs it disfavored or found offensive.¹³ To take just one example, the FBI spied on Dr. Martin Luther King, Jr. and other leaders and activists in the civil rights movement based on suspicions that they held radical beliefs and were national security threats.¹⁴ The First Amendment protects all viewpoints, no matter how extreme, and radical ideas are just that — ideas. Moreover, research has revealed no correlation between beliefs — including radical or extreme beliefs — and a propensity to commit violence.¹⁵ Law enforcement resources are better spent addressing actual criminal conduct and violent behavior.

CVE programs overwhelmingly and unfairly target American Muslims. Federal officials claim CVE efforts are aimed at all types of violent extremism, without regard to particular beliefs or ideology. In reality, CVE programs planned and implemented to date in three U.S. target cities — Boston, Los Angeles, and Minneapolis — focus overwhelmingly on American Muslims.¹⁶ Minneapolis police, for example, received a grant from the Department of Justice (“DOJ”) to hold outreach meetings with Somali-Muslim community groups to direct youth into after-school programs, but also to identify those who did not participate as “radicalized.”¹⁷ The FBI has told American Muslim community groups of its plan for “committees” in which Muslim community leaders would be expected to discuss “cases of specific youths” with law enforcement officers.¹⁸

¹³ See, e.g., Michael German, *Radically Wrong: A Counterproductive Approach to Counterterrorism* (Feb. 14, 2013), <https://goo.gl/Lc9675>.

¹⁴ See, e.g., David J. Garrow, *The FBI and Martin Luther King*, *The Atlantic* (July/Aug. 2002), available at <http://goo.gl/SHauyA>.

¹⁵ See, e.g., Jamie Bartlett, Jonathan Birdwell, & Michael King, *The Edge of Violence: A Radical Approach to Extremism*, Demos (2010), available at <http://goo.gl/Wx557I>.

¹⁶ See, e.g., Amanda Sperber, *Somalis in Minnesota question counter-extremism program targeted at Muslims*, *The Guardian* (Sept. 15, 2015), <http://goo.gl/93yJQM>; Tami Abdollah & Philip Marcelo, “*It Sets People Off*”: *Some Muslims See Profiling in U.S. Anti-Terror Program*, *NBC L.A.* (April 20, 2015), <http://goo.gl/bKfZCC>; Audie Cornish, *Critic: Extremism Summit Focused Too Narrowly on Muslims*, *NPR.com* (Feb. 19, 2015), <http://goo.gl/Kn4wZi>; Bryan Bender, *Islamic leader says US officials unfairly target Muslims*, *Boston Globe* (Feb. 18, 2015), <https://goo.gl/OwPw4z>.

¹⁷ See, e.g., Cora Currier, *Spies Among Us: How Community Outreach Programs to Muslims Blur Lines between Outreach and Intelligence*, *The Intercept* (Jan. 21, 2015), <https://goo.gl/EoSA8H>.

¹⁸ See Michelle Boorstein, *Muslim activists alarmed by the FBI’s new game-life counterterrorism program for kids*, *Wash. Post* (Nov. 2, 2015), <https://goo.gl/J7eAPB>.

This singular focus on American Muslim communities reinforces the false and corrosive notion that Muslims are inherently suspicious and prone to political violence.¹⁹ Actual data, however, shows that right-wing extremists engage in acts of political violence far more often than so-called radical Muslims.²⁰ Just as it would be wrong for law enforcement to focus on people who share the beliefs of right wing extremists — for example, white supremacist, anti-government, or sovereign-citizen ideologies — without suspicion of wrongdoing, it is wrong to focus on American Muslims or any other belief communities.

American Muslim leaders and community members in the three CVE target cities have stated that the undue government scrutiny sets them apart from their neighbors and stigmatizes them as suspect based on their faith, race, and ethnicity, which runs counter to fundamental American values.²¹ Rather than empowering communities — the professed intent of CVE programs — unwarranted monitoring divides and harms them. Simply put, targeting whole communities based on their beliefs or ideology, whatever they may be, rather than investigating individuals based on reasonable suspicion of wrongful conduct, is un-American.

CVE programs risk becoming another means for the government to spy on people, and for the government to task people to spy on each other. The government asserts that CVE programs are community-focused and community-driven.²² However, law enforcement and intelligence agencies, including DHS, DOJ, and NCTC, lead CVE efforts.²³ This prominent law enforcement role in CVE programs raises the troubling prospect that the programs will serve as a conduit for law enforcement surveillance, much as other “community outreach” programs have been used as a means to gather intelligence on the very groups and organizations that participate in them.²⁴ For instance, documents obtained through Freedom of Information Act requests show

¹⁹ 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), <http://goo.gl/171eOb>.

²⁰ See, e.g., Kurt Eichenwald, *Right-Wing Extremists Are a Bigger Threat to American Than ISIS*, Newsweek (Feb. 4, 2016), <http://goo.gl/bbr9Uo>; Scott Shane, *Homegrown Extremists Tied to Deadlier Toll Than Jihadists in U.S. Since 9/11*, N.Y. Times (Jun 24, 2015), <http://goo.gl/lcj7bH>.

²¹ See, e.g., 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), <http://goo.gl/hBzIIu>; Tamara Audi, *US Muslim Community Divided Over White House Outreach Plan*, Wall. St. J. (Apr. 20, 2015), <http://goo.gl/eKM50M>; Press Release, Muslim Students Association West, *Muslim Students Associations Across CA Against Federal Government’s Countering Violent Extremism Programs* (Feb. 21, 2015), <http://goo.gl/o4B7qV>; Letter from Muslim Justice League et al. to Lisa O. Monaco, Assistant to the President for Homeland Security and Counterterrorism (Feb. 13, 2015), <http://goo.gl/sWVjz1>; 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), <http://goo.gl/c98Uwc>; Audie Cornish, *Critic: Extremism Summit Focused Too Narrowly on Muslims*, NPR.com (Feb. 19, 2015), <http://goo.gl/Kn4wZi>; Juliet Eilperin, *Trying to Counter Extremism at Home, US Faces a Risk: Sowing More Mistrust*, Wash. Post (Feb. 16, 2015), <http://goo.gl/ZB4zx2>.

²² See, e.g., Strategic Implementation Plan, *supra* note 1 at 10, 11.

²³ See, e.g., *id.* at 3-4.

²⁴ See, e.g., ACLU, Factsheet: The NYPD Muslim Surveillance Program, <https://goo.gl/2nyDMV>; Maria L. La Ganga, *FBI Documents reveal profiling of N. California Muslims*, L.A. Times (March 28, 2012), <http://goo.gl/HDBvey>.

that even mundane and routine observations of FBI outreach officers on members of American Muslim communities ended up in intelligence files.²⁵ Similarly, a Minneapolis outreach program sought to build relationships among municipal police officers and Somali-Muslim teenagers. Unknown to the participants, however, the officers shared intelligence they gathered on the youth with the FBI.²⁶ Recently, a Montgomery County, Maryland CVE program that the White House touted as a model was described by local police officers as an intelligence tool.²⁷ The assistant chief of the police department in charge of the program stated that people who the police met through these programs serve as a “conduit of information,” which is passed on to federal authorities.²⁸

Ultimately, the result of the generalized monitoring on which CVE is built, whether by the government or community “partners,” can be a climate of fear, distrust, and self-censorship.²⁹ When individuals forsake religious exercise, political discussions, and intellectual debate to avoid being tracked into CVE programs that brand them as potential terrorists or violent extremists, they are not able to exercise their full rights in our democracy. These programs do not make us safer, but instead risk creating a category of second-class citizens.

CVE programs in the United States are inspired by problematic and ineffective programs implemented abroad.³⁰ CVE initiatives in the United Kingdom have been a model for U.S. CVE efforts, even though those programs have proven even more stigmatizing and rights-threatening than U.S. CVE initiatives.³¹ The U.K.’s program, Prevent, has fostered a climate of fear among many U.K. Muslims, and it has been roundly rejected by large segments of targeted U.K. communities.³² Under the Prevent program, elementary school-age children are being

²⁵ ACLU, Eye on the FBI: Exposing Misconduct and Abuse of Authority, <https://goo.gl/Rx0pm7>;

²⁶ Laura Yuen, *Muslims fear anti-terror program could spy on their communities*, MPR News (Jan. 30, 2015), <http://goo.gl/6VYKWN>.

²⁷ Aaron Miguel Cantú, *In Maryland, faith leaders and law enforcement fight radicalization*, Al Jazeera America (Sept. 12, 2015), <http://goo.gl/SgrQFh>.

²⁸ *Id.*

²⁹ See, e.g., Faiza Patel, *Muslims and American fear*, N.Y. Daily News (Oct. 25, 2015); <http://goo.gl/ckki11>; Conor Friedersdorf, *The Horrifying Effects of NYPD Ethnic Profiling on Innocent Muslim Americans*, The Atlantic (March 28, 2013), <http://goo.gl/9J83PI>; Omar Sacirbey, *Muslims detail fear from NYPD spy probe*, Wash. Post (March 11, 2013), <https://goo.gl/17oGWV>; CLEAR Project, AALDEF, and MACLC, *Mapping Muslims: NYPD Spying and its Impact on American Muslims* (2013), available at <http://goo.gl/M4kQU2>.

³⁰ See Strategic Implementation Plan, *supra* note 1, at 13.

³¹ See, e.g., Daniel Hurst, *Refugees May Face Monitoring and Further Restrictions, Leaked Document Suggests*, The Guardian (Feb. 4, 2016), <http://goo.gl/J6odFH>; David Batty, *Prevent Strategy “Sowing Mistrust and Fear in Muslim Communities,”* The Guardian (Feb. 3, 2016), <http://goo.gl/IIIw7B>; Christopher Werth, *British Efforts to Curb Islamic Radicalization Seen as Ineffective*, L.A. Times (Dec. 4, 2014), <http://goo.gl/MeVaEH>; Shalailah Medhora, *Turnbull Defends Anti-Extremism Programs Despite No Proof They Work*, The Guardian (Nov. 24, 2015), <http://goo.gl/D8MG2W>.

³² See Strategic Implementation Plan, *supra* note 1 at 13; Press Release, Joint Statement by Academics and Public Figures on the Government’s Implementation of PREVENT (Aug. 4, 2015), <http://goo.gl/ialfem>; Josh Halliday & Vikram Dodd, *UK Anti-Radicalisation Prevent Strategy a ‘Toxic Brand’*, The Guardian (Mar. 9, 2015), <http://goo.gl/3SxmBo>.

surveyed to determine whether they are vulnerable to radicalization.³³ One survey asked children in a school with a significant population — 22 percent — of Muslims whether they agree with statements such as, “It is my duty to defend my community from others that threaten it,” and “Religious books are to be understood word for word.”³⁴ Expressing ideas that conflict with “British values” could draw further scrutiny.³⁵ U.K. law now *obliges* teachers and social workers to report to authorities what they perceive to be potential signs of extremism and radicalization in the young people with whom they work.³⁶ Other elements of Prevent have led to outright profiling and censorship, such as a policy requiring all Muslim women to learn English — on the flawed premise that women who do not learn English are prone to radicalization — and the targeting of a Muslim university student studying counterterrorism for simply reading a book on terrorism.³⁷ Importing these CVE models and practices to the United States increases the significant risk that Americans’ right to equality and the freedoms of speech, religion, and association will be violated.

CVE initiatives include dangerous and misguided efforts to restrict online speech. The federal government has made clear that a significant component of its CVE initiatives involves pressuring social media companies to monitor and take down online content that is potentially related to terrorist recruitment or “radicalization.”³⁸ These kinds of content restrictions are a bad idea. While it is clear that terrorists have used social media for publicity and recruitment, social media platforms already have systems in place for identifying and reporting real threats, incitement to violence, or actual terrorism. Further restricting content that is potentially terrorism-related would not only lead to arbitrary, haphazard enforcement, but also would inevitably sweep in speech that reflects beliefs, expressive activity, and innocent associations with others that are protected by the First Amendment. In effect, the government is pushing private companies, which are not bound by the First Amendment, to censor speech that the government could not censor itself.

As with community surveillance, restricting online speech will discourage the exercise of protected rights without making us safer. Indeed, censoring speech that the government finds

³³ See, e.g., Diane Taylor, *Fury After Primary Pupils are Asked to Complete Radicalisation-Seeking Surveys*, Guardian (May 28, 2015), <http://goo.gl/wBc5QH>.

³⁴ Ben Ferguson, *Is Your Child a Terrorist? UK Primary School Children Asked to Complete Radicalization Survey*, Vice News (May 29, 2015), <https://goo.gl/mRGa3p>.

³⁵ See, e.g., Homa Khaleeli, *‘You Worry They Could Take Your Kids’: Is the Prevent Strategy Demonising Muslim Schoolchildren?*, Guardian (Sept. 23, 2015), <http://goo.gl/LEC46D>.

³⁶ See, e.g., *id.*

³⁷ See, e.g., Rowena Mason & Harriet Sherwood, *Cameron “Stigmatising Muslim women” with English language policy*, The Guardian (Jan. 18, 2016), <http://goo.gl/yGpl3A>; Randeep Ramesh & Josh Halliday, *Student Accused of Being a Terrorist for Reading a Book on Terrorism*, Guardian (Sept. 24, 2015), <http://goo.gl/a8AkV8>; Simon Hooper, *Stifling Freedom of Expression in UK Schools*, Al Jazeera (July 23, 2015), <http://goo.gl/3wLIqS>; Alexandra Topping, Nishaat Ismail, & Shiv Malik, *British Muslims Condemn Terror Laws for Creating ‘Witch-Hunt’ Against Islam*, Guardian (March 11, 2015), <http://goo.gl/CXVVF9>.

³⁸ See Ellen Nakashima, *Obama’s Top National Security Officials to Meet With Silicon Valley CEOs*, Wash. Post (Jan. 7, 2016), <https://goo.gl/p14z4b>.

offensive or threatening only makes it harder to identify and respond to that speech, making censored speech all the more dangerous. Open, vigorous speech is both a value and a constitutional right, and CVE-related efforts to censor speech are both ill-advised and ineffective.

CVE programs are based on flawed theories and junk science. The premise of CVE initiatives is that the adoption or expression of extreme or radical ideas places individuals on a path toward violence, and that there are observable “indicators” to identify people who might engage in terrorist or other violence.³⁹ This premise is false. Despite years of study and experience in the United States and elsewhere, researchers have not developed reliable criteria that can be used to predict who will commit a terrorist act.⁴⁰ Numerous empirical studies have concluded that a person’s decision to engage in political violence is a complex one, involving myriad environmental and individual factors, none of which is necessary or sufficient in every case, and none of which fall into a linear path or process resulting in violence.⁴¹ Social science research shows that many people who hold views that might be called “radical” or “extreme” — or even abhorrent — do not support or engage in violence. As researchers have shown, “[c]ertain ideas which are sometimes associated with terrorism were, in fact, held by large numbers of people who renounced terrorism.”⁴² Rather than targeting Americans for their beliefs and ideas, law enforcement agencies should focus on violent behavior and criminal conduct.

Conclusion

Despite investing major resources into its CVE efforts, the government has kept all but the most general outlines of its CVE programs secret. The ACLU and our allies have asked for information about these programs on numerous occasions, including under the Freedom of Information Act, and received virtually no responses. Given what we do know about CVE initiatives and what is wrong with them — including stigmatizing effects on targeted communities and the serious risks they pose to Americans’ constitutional rights — the government must disclose far more information about its CVE programs to the public. We are taking the government to court to get that information.

³⁹ See, e.g., Strategic Implementation Plan, *supra* note 1 at 13.

⁴⁰ See, e.g., Decl. of Marc Sageman, *Latif v. Holder*, No. 3:10-cv-00750, 2015 WL 1883890 (D. Or. Aug. 7, 2015), available at <https://goo.gl/USdp5E>; *The Edge of Violence: A Radical Approach to Extremism*, *supra* note 15, at 11.

⁴¹ Nat’l Defense Research Institute, *Social Science for Counterterrorism* (2009), available at <http://goo.gl/dGRqBE>.

⁴² *The Edge of Violence*, *supra* note 40 at 11.