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## THE FOURTH AMENDMENT

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

May 1, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

CC:

The Hon. James R. Clapper Director, Office of the Director of National Intelligence, Washington, DC 20511.  
The Hon. Loretta E. Lynch, Attorney-General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.  
The Hon. Denis McDonough, Assistant to the President and Chief of Staff, The White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500.  
The Hon. James B. Comey, Jr., Director, Federal Bureau of Investigation, 935 Pennsylvania Avenue, NW, Washington, D.C. 20535-0001.  
Jennifer Easterly, Special Assistant to the President and Senior Director for Counterterrorism Policy, National Security Council Staff, Executive Office of the President.

Dear President Obama:

We, the 14 undersigned organizations, write to express our deep concern regarding attempts to provide "counter-messaging" against violent extremism via the flawed and discriminatory "Countering Violent Extremism" (CVE) program.

There is a long-standing convention that the U.S. government should not engage in producing propaganda for domestic consumption. In 1985, for example, Nebraska Sen. Edward Zorinsky argued that propaganda should be kept out of America so as to distinguish the U.S. "from the Soviet Union where domestic propaganda is a principal government activity." Our best-known foreign messaging effort, Voice of America, produces material for foreign consumption that aims to present the perspective of the U.S. government on foreign affairs; but it was presumed, up till changes introduced in the National Defense Authorization Act of 2013, to be improper for the US government to try to shape the views of its own people. CVE changes that long-standing practice. It targets "communities of concern" — i.e., American Muslims and Arab Americans — because federal law enforcement considers views of some in those communities to be "violent extremism." The U.S. government has no business trying to "counter-message", surveil or intervene with U.S. citizens or residents on the basis of peacefully held views about U.S. foreign policy.

Your administration recently announced a "shake-up" of counter-messaging efforts against ISIL, that rehouses those efforts out of the State Department and into the Department of Homeland Security. In February 2016, DHS announced funding of nearly \$1 billion for state and local efforts through the Homeland Security Grant Program, with CVE designated as a program priority. Part of that effort has involved outreach to Silicon Valley, to prevent social media "platforms" from being "co-opted by terrorists." We are increasingly concerned that technology companies which participate in government-commissioned counter-messaging and content monitoring initiatives might be unaware of the significant opposition to such initiatives from broad coalitions of local community groups and national civil rights organizations. While tech companies may in fact participate if they choose, with appropriate disclosure, in US governmental "counter-

messaging” efforts abroad, acceding to U.S. governmental requests of this kind inevitably means that tech companies may be similarly required by, say, the Chinese government to participate in “counter-messaging” in the interests of Chinese foreign policy goals relating to those companies’ users in the United States. While U.S. governmental counter-messaging *abroad* is constitutional, we believe it to be ineffective in the light of ongoing and widely known U.S. counter-terrorism policies that cause needless civilian deaths.

We oppose the Department of Homeland Security's and other federal agencies' CVE programs. They create an environment where Arab Americans and American Muslims are subjected to intrusive surveillance, monitoring, and potential prosecution, not based on particularized probable cause of involvement in actual crimes, but based solely on their First Amendment-protected speech. The infrastructure set in place by CVE, especially its “Shared Responsibility Committees” (“SRCs”), sets up enhanced surveillance on specific communities based on ethnicity and religion. It aims to recruit professionals from the Muslim community, have them interview people suspected of being at risk of “radicalization,” and refer those they interview to the FBI or other federal law enforcement agencies if they believe they are “radicals.” This would damage law enforcement-community relations in several ways. First, the professionals are envisioned as not having to tell their clients that they are also working with federal law enforcement, which compromises the confidentiality of the relationship between psychiatrists, teachers, mentors and their clients. Similar teams in the U.K., where CVE originated under the name “Prevent,” have been used to subject Muslims, including young children, to ideological interventions and surveillance. As even most law enforcement agencies driving CVE programs admit publicly, there are no reliable signs that someone is on a pathway of “mobilizing toward violence” other than an actual leaked plan to commit violence. SRCs are likely to target youth who express dissenting viewpoints or awareness of the fact that Muslims experience discrimination, or who simply engage in age-appropriate behavior while being Muslim, to humiliating and frightening interventions that violate their expectations of privacy and confidentiality in health settings and their expectations of being permitted to speak and learn safely in educational settings. Last, if implemented via public health agencies as appears to have been proposed in Boston, SRCs open the public health agency to charges of having subordinated their own public health mission to a law enforcement agenda.

The FBI's CVE website, titled “Don't Be A Puppet,” encourages members of the public and particularly teenagers to identify and report language they regard as being “extreme” or “radical.” Their examples of language that is a precursor to violent extremism are all First Amendment-protected, and the government has no business disrupting them. “Mistrusting the government and law enforcement” is too common to serve as a useful indicator of radicalization; and the very idea that “taking pictures of government buildings” is a terrorist/radicalization indicator would be news to the hundreds of thousands of tourists who visit Washington, D.C. every year. This website goes too far, in treating as suspicious and attempting to suppress legitimate political expression and activities that are sometimes laudable. Last, the focus of CVE lays fault improperly on personal and psychological flaws on the part of people ‘susceptible to radicalization.’ If someone is angry at U.S. foreign policy in the Middle East, that may not be a psychological problem of “alienation” on their part; it may be a psychologically healthy reaction to actual U.S. foreign policy, even if most people in the U.S. happen to disagree with that reaction. People can validly hold views that, say, the U.S. should get out of the Middle East, without this being a sign of “radicalization” deserving of governmental intervention.

The administration would be best served by rerouting the funds for CVE to programs with better evidentiary basis for their positive effect on levels of violence, and by sending a message to American Muslims and critics of the U.S. government's foreign and domestic policies that you can indeed hold *any* belief that the First Amendment protects, without fear of U.S. government harassment.

Sincerely

Bill of Rights Defense Committee / Defending Dissent Foundation

Campaign for Liberty

Center for Media Justice

Demand Progress

Fight for the Future

Free Speech Coalition

Massachusetts Pirate Party

Muslim Justice League

Niskanen Center

Oakland Privacy Working Group

Restore The Fourth

RootsAction.org

Stop LAPD Spying Coalition

X-Lab