

May 14, 2008

The Honorable Joseph I. Lieberman
The Honorable Susan M. Collins
United States Senate
Committee on Homeland Security and Governmental Affairs
Washington, DC 20510

Dear Senator Lieberman and Senator Collins:

We the undersigned representatives of the American Muslim and Arab communities write to express our deep concerns with the report entitled *Violent Islamist Extremism, the Internet, and the Homegrown Terrorist Threat* issued by the Committee on Homeland Security and Governmental Affairs on May 8, 2008. In the interests of dialogue, we request: (1) a meeting to discuss the report; and (2) that you include this letter as part of the record of the Committee's hearings on this subject. Given that only one of nineteen witnesses before the Committee represented the American Muslim community, we also urge you to include representative American Muslims at future hearings on Islam or the American Muslim community.

The Committee's report purports to address potential security threats to our country, but fails noticeably to acknowledge several crucial issues. First and foremost, the report undermines its own recommendations. It appropriately observes the value of outreach and engagement with American Muslims as vital to securing the freedom and safety of our nation.¹ Yet, by failing to invite substantial input by American Muslims at Committee hearings and by falsely characterizing Muslims in America as susceptible to "radicalization," the report undermines this very aim.

The report correctly acknowledges that the American Muslim community is markedly different than Muslim communities in Europe and in other parts of the world, concluding that "[h]omegrown terrorism in the United States has been hindered . . . by certain cultural and community characteristics that have acted to discourage violent radicalization."² For instance, American Muslims are deeply integrated into the nation's social fabric and economic success.³

It is America's respect for equality and the civil rights of all persons regardless of race or religion, embodied in our Constitution, that is the most effective antidote to radicalization. As Homeland Security Secretary Michael Chertoff testified to the

¹ See *Violent Islamist Extremism, the Internet, and the Homegrown Terrorist Threat*, U.S. Senate Committee on Homeland Security and Governmental Affairs, 15 (May 8, 2008) (praising efforts by "the Office of Civil Rights and Civil Liberties (CRCL) at DHS [which] meets regularly with religious and ethnic community leaders," while recommending that they be expanded on a larger scale).

² *Id.* at 14.

³ See *Muslim Americans: Middle Class and Mostly Mainstream*, Pew Research Center, 1 (May 22, 2007) ("A nationwide survey of Muslim Americans finds them to be largely assimilated, happy with their lives, and moderate with respect to many of the issues that have divided Muslims and Westerners around the world. Muslim Americans are . . . decidedly American in their outlook, values, and attitudes.")

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Committee, in response to a question from Senator Tester, “It is very important that . . . we make clear that we are not racially profiling people. We are not imputing to people that they are dangerous or threatening because they are Muslim. . . . We have to continually treat every American with the same respect that our Constitution requires, regardless of their heritage, regardless of what their religion is, and when that is not honored, that actually has a counterproductive effect.”⁴

Unfortunately, the Committee’s report undermines fundamental American values (as well as its own stated recommendations) by encouraging alienating suspicion of several million Americans on the basis of their faith. Contrary to Secretary Chertoff’s recommendations, it thus exacerbates the current climate of fear, suspicion and hate-mongering of Islam and American Muslims.

Specifically, the report places unwarranted emphasis – and indeed relies upon – a discredited 2007 report by the New York Police Department (“NYPD”) that recommends particular scrutiny of American Muslims.⁵ The NYPD report proposes a four-step “radicalization process” recited in the Committee’s report.⁶ However, the NYPD analysis prompted criticism for examining a statistically insignificant, unrepresentative sample set, as well as for drawing conclusions based on logical fallacies. In fact, federal counterterrorism officials have privately repudiated the NYPD report.

First, the NYPD report “draws conclusions about the meaning of religious conduct . . . from a sample set of five cases linked to terrorism without considering the millions of other cases in which the same conduct has no connection to terrorism.”⁷ Similarly, it depicts radicalization as a “funnel,”⁸ yet “did not even claim to study the consequences of ‘entering the funnel’: It cherry-picked one set of cases leaving the ‘funnel.’ It is logically impossible to draw any [predictive] inference” from so bare and unrigorous an analysis.⁹ Reliance on a few unrelated incidents of criminal activity is insufficient to conclude that homegrown terrorism involving Muslims is on the rise in America.

Finally, the NYPD report also identifies “details as salient indicators of law enforcement concern that are common to many people (and not just Muslims).”¹⁰ Its

⁴ Testimony of Michael Chertoff, Secretary of the Department of Homeland Security, before the Senate Committee on Homeland Security and Governmental Affairs, *Hearing on The Threat of Islamic Radicalism to the Homeland* (March 14, 2007) available at http://hsgac.senate.gov/public/_files/031407Chertoff.pdf.

⁵ *Radicalization in the West: The Homegrown Threat*, City of New York Police Dep’t (Aug. 2007).

⁶ See, e.g., *Violent Islamist Extremism* at 4.

⁷ *Concerns With Mitchell D. Silber & Arvin Bhatt, N.Y. Police Dep’t, Radicalization In The West: The Homegrown Threat (August 2007)*, Brennan Center for Justice at New York University School of Law, 2.

⁸ *Radicalization in the West* at 10.

⁹ *Concerns With Mitchell D. Silber & Arvin Bhatt* at 4.

¹⁰ *Id.* at 2.

recommendations thus fail to address even its own misguided concerns. More importantly, it suggests scrutiny of activities as innocuous as group participation in outdoor activities and maintaining “wilted plants.”¹¹ Guidance of such little utility should not become the centerpiece of federal policy, especially for an issue as serious as national security.

Numerous terrorism experts, including Dr. Marc Sageman and Peter Bergen, have observed that the United States simply does not share the problem of “domestic radicalization” seen in the United Kingdom and other parts of Europe. Measures that unfairly and inaccurately label American Muslims as a suspect class thus fail to aid our security. In fact, such policies can actively *undermine* security by perpetuating the myth of opposition between “the West” and “the Muslim World” that this nation’s enemies seek to propagate. Indeed, in his testimony before the Committee, Secretary Chertoff explained that an erroneous and singular focus on American Muslims is inappropriate because it is “a small number of people of a variety of faiths and backgrounds who support terrorist violence.”¹²

Moreover, the concerns raised in this letter were available to the Committee during the compilation of its report. Nearly twenty organizations from across the ideological and partisan spectrum contacted the Committee prior to the report’s release to express substantive reservations with its many flaws, particularly the impact on First Amendment protected views and activities.¹³ We share the numerous concerns expressed by that coalition.

We are confident that, had the Committee substantially heard from — rather than about — Muslims, it would have developed a more credible report with useful recommendations. Notably, only one of nineteen witnesses before the Committee represented the American Muslim community. In contrast, after a sustained effort to engage community leaders (which the Committee’s report praised), the National Counterterrorism Center and DHS’s Office of Civil Rights and Civil Liberties recently issued analyses providing tangible recommendations to improve our national security.¹⁴

As community based groups that work extensively with American Muslim and Arab communities across the nation, we are uniquely positioned to address and represent American Muslims who are a focal point of the Committee’s attention. Accordingly, we

¹¹ *Id.* (citing *Radicalization in the West* at 44, 49).

¹² Testimony of Michael Chertoff, *supra* note 4.

¹³ See *Coalition Memo to the Senate Committee on Homeland Security and Governmental Affairs Regarding “Homegrown Terrorism,”* American Civil Liberties Union et al. (May 7, 2008) available at <http://www.aclu.org/safefree/general/35209leg20080507.html>.

¹⁴ See *Words that Work and Words that Don’t: A Guide for Counterterrorism Communication*, Counterterrorism Communications Center (March 14, 2008); *Terminology to Define the Terrorists: Recommendations from American Muslims*, U.S. Dep’t of Homeland Security, Office for Civil Rights and Civil Liberties (Jan. 2008).

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request that the Committee examine a more representative range of experiences and recommendations in order to craft a more credible and less discriminatory analysis of how to secure the safety, while preserving the freedoms, of all Americans.

Respectfully submitted,

American Arab Anti-Discrimination Committee
Council on American Islamic Relations
Muslim Advocates
Muslim Public Affairs Council