

Working With Communities to Disrupt Terror Plots

Testimony of Mohamed Elibiary, President & CEO of the Freedom and Justice Foundation, to the U.S. House Homeland Security Committee's Subcommittee on Intelligence, Information sharing, and Terrorism Risk Assessment (Chairwoman – Jane Harman).

Hearing: ***“Working with Communities to disrupt Terror Plots”***

Wednesday March 17, 2010

Honorable Chairwoman Harman, Ranking Member McCaul, and other honorable representatives, it is truly an honor to testify before your committee today at the invitation of Chairman Thompson. In my testimony before you, I will attempt to share a mainstream community assessment, as well as an assessment of the current “systems engineering” challenges subverting more effective cooperation across the various agencies. In closing, I hope to offer some practical suggestions as next steps for this committee and Congress to examine. In summary, we feel this hearing’s topic is important, very timely and part of safeguarding our communities. We feel the issue of homegrown terrorism plots is a serious one, but would caution that it is not a pandemic and we should advance reforms cautiously.

Introduction:

First let me start out by outlining that our group feels strongly that “securitizing” the relationship between law enforcement and the American Muslim community would be counter-productive and could actually replay the most troublesome aspects of the 1960s and 1970s with more devastating global consequences. I have advocated for years that our homeland security policies in the countering violent extremism (CVE) sphere are often counter-productive and feed into the very alienation they try to alleviate.

For example, while the government has publicly claimed a desire for a “partnership” with the mainstream American Muslim community, law enforcement has only offered the community a conduit to “inform” on community members of concern. Another example is that while not every radicalization problem is a nail, our use of the FBI hammer certainly frames all problems as nails. The FBI has been doing a tremendous job, and, as Vice President of a non-profit associated with the Bureau, I can attest to the hard work of those thousands of men and women keeping us safe. There is however structural problems worth resolving if we truly wish to see a higher level of cooperation between the government and communities in disrupting terror plots. Two examples are:

1. Low hanging potential recruits for violent extremist/terrorism movements are a security risk and therefore cannot be left unmonitored by law enforcement, especially the FBI. When one explores the seemingly shrinking “radicalization process” over the previous few years, ending with Umar Farouq Abdulmuttalib less than 6 months ago, one can appreciate the pressures the under which the Bureau must conduct its work. There is a good deal of anecdotal evidence that some Bureau field offices, in response to such pressures, elected to increase their surveillance of

religious institutions and expand their use of more coercive techniques such as Agent Provocateur Informants. More subtle techniques to identify and neutralize such unacceptable security vulnerabilities as low hanging potential violent extremism recruits are available, but not within the FBI. While these subtle techniques are not being utilized, the mainstream community is left bewildered, confused and distrustful of enhanced community collaboration on CVE.

2. Either through a civil liberties office at DHS or a community relations office at the FBI, grievance redress is a major hurdle to community relationship building on advanced CVE efforts. During the recent January 20th meeting with the DHS Secretary, mainstream community leadership clearly relayed the grassroots sentiment that not a single category of community grievances with DHS has ever been fully “resolved.” Unlike in other Western nations such as the United Kingdom (UK), in the United States, there are clear operational policy firewalls at major law enforcement agencies and the community relations conduits engaging with communities across the country. This divide is not lost upon the communities whose assistance is most needed to disrupt terror plots and simply feeds the perception that these communities are to be “managed” as a “suspect pool” and not “trusted” as true “partners.”

At the request of our government I spent the past week in London, at a conference and at U.S. Embassy meetings, analyzing the issue of online youth radicalization and CVE. It would be a shame for us to not heed the hard lessons learned by the UK Home Office, and others, in terms of their outreach methods in their PREVENT Strategy, which is the CVE portion of the UK’s Counter-Terrorism (CT) CONTEST Strategy.

In spending time with some UK Muslim leaders, visiting the London Central Mosque and meeting with UK Think Tank Radicalization Researchers, the message was clear across the board that government must first strive to “do no harm” and tread very softly. That is the attitude we have consistently shared with various Intelligence and Law Enforcement agency officials, including a couple of years ago at the National Counter Terrorism Center (NCTC)-sponsored working conference with UK Intelligence officials, subject matter experts and select community leaders on what Counter-Radicalization lessons the US can draw from the UK Prevent model. We reiterate this cautious tone here today, but would like to remind the Subcommittee that Congress should not legislate a comprehensive US CVE Strategy, because that will surely “securitize the relationship.” However, by doing so, we can improve many other issues by promoting the establishment of “coordinated micro-strategies.”

The US Government deserves some credit for recognizing and moving to address several CVE blind spots in the United States’ current CT strategy and the overarching National Security (NS) strategy. Congressional authorization designated the Department of Homeland Security (DHS) to be the lead department to counter ideologically driven violence and stems from the *9/11 Recommendations Reform Act of 2007 (HB1)* and subsequent Presidential Executive Orders. While we strongly advise against a government-wide CVE Strategy, we feel that DHS should establish its own CVE Strategy for a number of reasons.

1. Legally, DHS is currently mandated to, and has previously attempted to, craft such a strategy unilaterally without public disclosure and community input.

2. To align the various entities both within and outside DHS, such as fusion centers, so they are on an effective, constitutionally compliant course in this growing area of law enforcement concern.
3. To develop the subject matter expertise on CVE sorely needed by the government on what works and what does not in the United States.
4. Without an “official” CVE Strategy within DHS, the Department is effectively executing a strategy that is unfocused and counter-productive at times.

Our foundation, as outlined in the November 2009 Congressional Research Service (CRS) Report on Terrorism Information Sharing via the Nationwide Suspicious Activities Reporting (SAR) Initiative (NSI), has been a leading proponent of adopting proven community oriented policing in the domestic CT sphere. We worked with the Office of the Director of National Intelligence’s (ODNI) Program Manager for the Information Sharing Environment (PM-ISE) on multiple initiatives improving information sharing, analytical capacity and community relations. Two upcoming developments along these lines will be a definition of “radicalization” for the State and local law enforcement community as well as the “Building Communities of Trust Initiative” best-practices recommendations report, both expected to be released by April 2010.

Highlights of Radicalization definition:

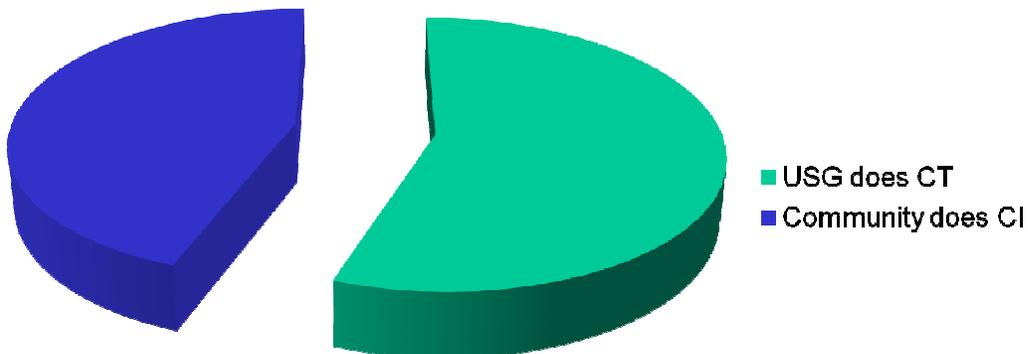
Defining “radicalization” for the law enforcement (LE) community – ODNI’s PM-ISE release at National Fusion Center Policy Conference (February 2010) with full public release expected by April 2010.

- William H. Webster, Chairman, Homeland Security Advisory Council: “tending or disposed to make extreme changes in existing views, habits, institutions or conditions.”
- Non-conformity to mainstream perspectives is protected by the First Amendment and according to ISE SAR Functional Standard Version 1.5, First Amendment-protected activities should not be considered “suspicious” “absent articulable facts and circumstances that support the ... suspicion that the behavior observed is not innocent, but rather reasonably indicative of criminal activity...”
- Government communicating an assumption that violent extremism views are supported by the minority community creates a public perception that the minority community supports violent extremism and undermines the relationship between the community and law enforcement.
- When First Amendment freedoms (speech and assembly) are unconstitutionally used as grounds for launching investigative actions, then effective “counter-radicalization” efforts are undermined and the ability of violent extremists to target society is actually made easier.

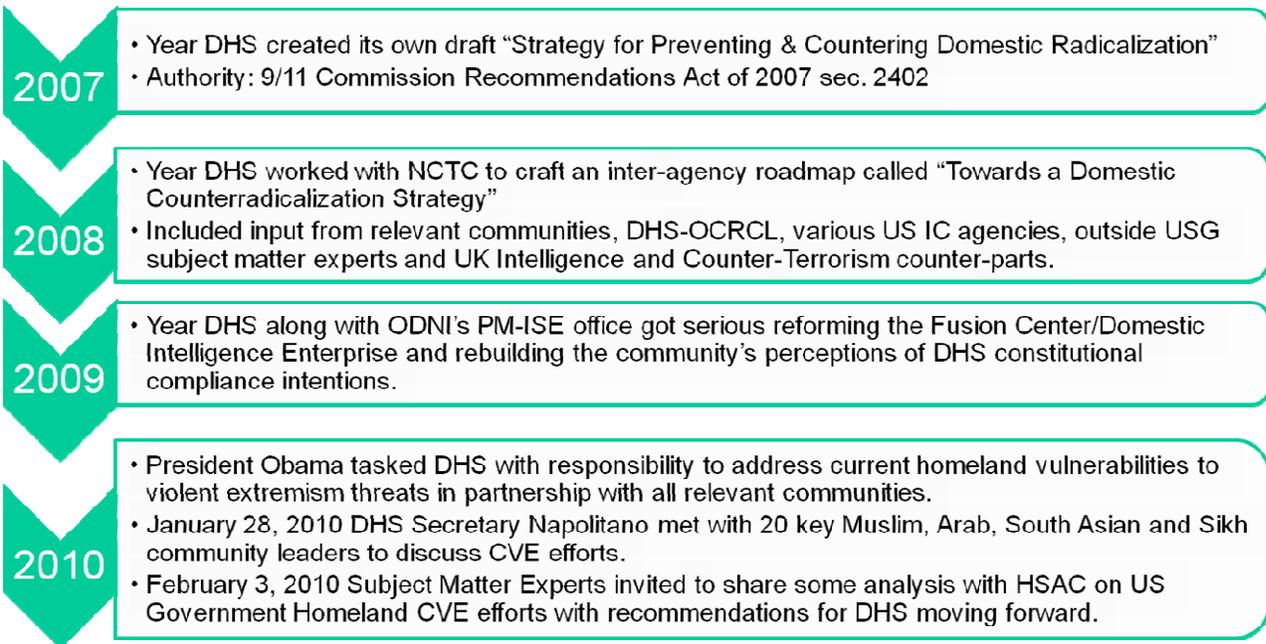
Effective and constitutionally compliant CVE policy recognizes that there is a division of labor between the United States’ Government (USG) and the community. This healthy division of labor is explained by the pie chart below where the government acts when the ISE functional standard metric is met and the community challenges the ideological struggles associated with violent extremism

independently.

CVE = Counter Terrorism (CT) + Counter Ideological (CI)



DHS's CVE policy formulation evolution:



Roadmap for moving forward:



We believe that eight (8) different micro-strategies are needed by the United States to effectively address the vulnerabilities recently highlighted by homegrown violent extremism cases.

1. U.S. Violent Radicalization Interdiction Framework:

Currently, there is a non-standardized ad-hoc protocol covering the point at which the community’s efforts end and the government, primarily through law enforcement, begins. For most communities the only option before them is to call the FBI, which is often not the most effective method. In researching this issue, including discussions with community leaders and the FBI, CT investigators, as well as our foundation’s experience working on successful and unsuccessful violent radicalization interdiction cases, we believe that such an effort will involve multiple agencies and the coordination of multiple Congressional committees.

In short, we lack in the United States, a program like the UK’s CHANNEL Project. This is an effort that needs to be an “iron fist inside a velvet glove,” and as we previously shared with folks at the NCTC, it requires a degree of interagency “operational coordination” that no entity within the government is currently capable of performing. So we are recommending that both DHS and the various Muslim mainstream groups around the country continue their engagement efforts, but recognize that this issue will need to be addressed sooner or later within DHS.

2. Law Enforcement Information Sharing:

As we shared in the CRS Report referenced above and the three primary offices on this issue (DHS, FBI and PM-ISE), we feel that there are some clearly identifiable schisms in the system needing to be addressed. Since this issue is not the focus of this hearing, we won't elaborate more here.

3. Interagency Strategic Communications Working Group:

The United Kingdom's Home Office has a department specifically tasked with coordinating the messaging between the various key agencies with a direct impact on CVE work. In the United States, we need an inter-agency coordinating entity that would put DOJ-FBI, DHS, the Department of State, and other agencies' public affairs offices on a similar wave length.

4. State-Level Law Enforcement Engagement Strategies:

Across the country, the federal government has thus far failed State, local and tribal law enforcement agencies in providing clear guidance on their role in CVE and how best to execute that role using community oriented policing principles. Thankfully, in the near future, the ODNI's PM-ISE office will be releasing such guidance to State and local law enforcement and fusion centers in a report compiling the lessons learned from the multi-city "Building Communities of Trust Initiative."

5. Effective DHS & DOJ Redress Processes:

As mentioned earlier, the lack of an effective redress process leaves a minority community with one of three conclusions to draw: that the authorities don't care, are incompetent or intentionally wish to humiliate the community. Any of these conclusions are severely detrimental to building up the trust needed to deepen community-law enforcement collaboration on advanced CT efforts such as terror plot disruption.

6. Social Delinquency/ Prevention/ Integration Programs:

While these programs do not directly impact the hard-core radicalized individuals pursuing a terror plot, they are essential in creating a healthy eco-system within communities and restraining the growth of violent extremism movements. The United States has a long tradition of immigrant integration through a multi-generational identity formulation process. It is clear that today at least two factors are slowing down this natural process. The first is that with the communications revolution, old world connections and politics resonate within the immigrant psyche longer. The second is that our country is currently engaged militarily in multiple conflicts overseas with a direct threat to the homeland consistently highlighted in the public discourse.

Both of these challenges will drive the multi-decade developed American Muslim identity to expand its narrative within American Muslim communities to include addressing geo-political conflicts across the majority-Muslim regions globally. To achieve this, non-Muslim communities and policy makers must support the expansion of the geo-political public discourse space, especially within locations where the Muslim identity group might congregate (ex. Mosques).

We should remember the resilient strength of our democracy and not fear any public ideological discussion, because it is when such discussions are shut down within brick and mortar locations that they go underground on the internet. Organized communities cannot be reasonably expected to disrupt the counter-ideological messaging of violent extremism networks when these communities' patriotism will be called into question. We have a long history in this country of mitigating radical ideologies with various youth and immigrant integration programs (ex. Boys Scouts/Girl Scouts, Big Brother/Big Sister, etc.), and we can simply expand such programs to include the current generational and cultural breakdown occurring within many Muslim families.

7. U.S. Congress Engagement & Information Sharing:

The Executive Branch's law enforcement agencies driving CVE policy should become more engaged with the Legislative Branch and share an annual report not highlighting its successes but the self-identified short comings in working with communities to counter violent extremism. Such an assessment, while politically sensitive, would aid Congress to focus on the hurdles primarily hampering closer community collaboration to disrupt terror plots.

8. U.S. Public's (Media, Academia, etc.) Engagement:

Congress should work with DHS to fund competitive grant programs for Academic institutions to conduct fact-finding missions at the grassroots level on improving community-law enforcement cooperation. Similarly, as with the engagement of Congress (in #7), the Executive Branch's inter-agency strategic communications coordination office (in # 3) should share their research with mass media trade associations and journalism schools to create a ripple effects beyond the government's reach. This would not be "guidance" from the government to the media, but simply a window for the media, and by extension the public, into how our violent extremism enemies capitalize on our messaging.

Conclusion:

I'd like to thank the Subcommittee once more for inviting me to share our experiences in struggling to find the right formula to advance community – law enforcement cooperation in the mutual goal of disrupting terror plots. When we started years ago, we were quietly advised that we were attempting to address an issue, homegrown violent extremism, that doesn't really exist, or worse yet, was part of President Bush's War on Islam. Though it was a slow slog in the beginning, I feel fairly confident that the

mainstream American Muslim community assets are slowly shaking off deep seated fears, stemming from some post 9/11 law enforcement efforts, to mobilize with confidence and address the challenges, and improving our country's counter-terrorism architecture in the process. On a daily basis, I see a network- and resource-rich community wanting to help make our law enforcement agencies become more effective, but sadly, it is not so easy to connect sometimes with the management of these agencies. Disrupting terror plots is something both law enforcement and the community have proven multiple times is achievable.

Lastly, I'd like to publicly commend the Council on American Islamic Relations (CAIR) for being brave enough to step forward and allow us to facilitate the cooperation with the FBI concerning the recent disappearance case of 5 young men to Pakistan from Alexandria, Virginia. CAIR, like numerous other community groups who've requested us as a liaison between them and law enforcement on sensitive cases, knew of our previous interdiction efforts with American Muslim youth. To their credit, despite the overwhelming political assault they've weathered since 9/11, they recognized that the community's interests are safeguarded when community leaders act with an objective and nuanced understanding of the law enforcement community. The same needs to be achieved from within the law enforcement community if we are to truly advance from our current ad-hoc state to one of "operational coordination" between the two communities in disrupting terror plots.

About the author:

Mohamed Elibiary is a Texas Muslim community leader, advisor to several American Muslim community groups and a National Security Policy Analyst advising several Federal Intelligence and Law Enforcement entities on various Counter-Terrorism (CT) issues including Countering Violent Extremism (CVE), Radicalization and Homegrown Extremism. Currently Mohamed also serves as one of three appointed civilians on the *Texas Department of Public Safety (DPS) Advisory Board* in addition to his efforts aiding the establishment of the *Texas Fusion Center Policy Council (TFPCPC)* to enhance information sharing, analytical capabilities and community relations at the state and local levels.

Mohamed was a 2008-2009 Fellow at the *University of Southern California (USC) - based American Muslim Civic Leadership Institute (AMCLI)* studying religion and civic engagement, is currently a member of the *Intelligence and National Security Alliance (INSA)*, a Lifetime Member of the *International Association of Business Communicators (IABC)* and the Vice-President of the *FBI-Dallas Citizens' Academy Alumni Association*. Mohamed is a contributing expert to FoxNews.com, the Dallas Morning News and other media outlets. To reach: melibiary@texasintel.org.

About the National and Homeland Security Policy work of the Freedom and Justice Foundation (F&J):

The Freedom and Justice Foundation (F&J) was incorporated in November 2002 as the Texas Muslim community's first state-level organization to elevate the community's **government relations efforts** and build new **interfaith community relationships**. F&J is an independent 501c3 tax exempt Texas nonprofit funded entirely by local Mosque organizations and individual Muslim community donors. As an educational non-profit, F&J works to enhance **Centrist** public policy development and implementation through the civic and interfaith engagement of Texas Muslims.

F&J has voluntarily [*Note: To maintain 100% independence, F&J personnel and organization have never filled out a government travel reimbursement form or received any compensation for services rendered.*] performed numerous Homeland Security and Public Diplomacy initiatives serving needs at home and abroad. Some public examples are:

1. Invited as a subject matter expert by U.S. Government agencies to advice on **Countering Violent Extremism (CVE) / Radicalization** due to our experience with successful and unsuccessful interdiction case studies and other efforts.
2. Participating in a **National Counter Terrorism Center (NCTC)** and **Department of Homeland Security (DHS)** sponsored working conference with the major US and UK Intelligence Agencies, various subject matter experts and some American Muslim leaders to draft a **US Counter-Radicalization Strategy** framework addressing the threat of **Homegrown Extremism**.
3. Advising the **Office of the Director of National Intelligence (ODNI)** on several intelligence information sharing challenges including the recently released (May '09) **Functional Standards ver. 1.5** for the **Information Sharing Environment Suspicious Activity Reporting (ISE-SAR) Nationwide SAR Initiative (NSI)** covering Federal-State-Local Law Enforcement and **Fusion Centers** sharing of Terrorism related data.
4. Since 2006 F&J has voluntarily spearheaded several community relationship building efforts between **Muslim community leadership and the FBI**. In this capacity we have often quietly **liaisoned between community groups and law enforcement** as was done in the high profile **Virginia 5 teenagers' disappearance to Pakistan** and **Detroit Christmas airline bomber** cases (Dec. 2009).
5. Organizing several workshops including a statewide 400+ participant **Texas Muslims Legislative Day** event inside the **State Capitol in 2004 on Homeland Security & the Citizens' role**.