

STATEMENT OF
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BEFORE THE
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U.S. HOUSE OF REPRESENTATIVES

Hearing: Working with Communities to Disrupt Terror Plots

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Introduction

Chairwoman Harman, Ranking Member McCaul, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today as the Officer for Civil Rights and Civil Liberties (CRCL) for the United States Department of Homeland Security (DHS). At your request, my testimony will be about DHS's engagement with diverse ethnic and religious communities, focusing on my office's activities and giving particular attention to our outreach and communication with American Arab, Muslim, Sikh, Somali, and South Asian communities. Other offices within DHS—the Office of Intergovernmental Affairs, the Transportation Security Administration, the Office of Policy, and others—have not only participated in CRCL's engagement activities but also run their own events with these communities. But CRCL's program in this area is the most extensive, and my testimony will emphasize CRCL's activities.

Congress established my position, reporting directly to the Secretary, to, among other things, “assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities,” and to “review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department.” 6 U.S.C. § 345(a). Both of these functions are improved by—even depend upon—our engagement with diverse communities.

Our engagement efforts involve encouraging all Americans to take an active role in their government, and ensuring that the government is responsive to and protects the rights of all Americans. I want to be clear that engaging communities – soliciting their views, explaining our policies, and seeking to address any complaints or grievances they may have – is a basic part of good and responsible government. Although our activities do contribute to the Department's mission of countering violent extremism; the linkage is indirect. Although we can and should collaborate with community leaders to address this shared problem, “countering violent extremism” is neither the principal reason we engage these communities nor the lens through which we view this engagement. The Department continues to evaluate what other activities it can engage in to counter violent extremism, and my office plays a key role in that ongoing policy discussion. I would also like to note that my office has no operational role in disrupting terror plots, and our engagement activities do not involve source development or intelligence collection.

Since starting in my position at DHS on Jan, 25, 2010, I have led a roundtable bringing together American Muslim, Arab, Sikh, Somali, and South Asian leaders from around the country with officials from DHS and the National Counter Terrorism Center (NCTC), for a very enlightening discussion about the threat posed to those communities by terrorist attempts to recruit their members. The next day the Secretary's Homeland Security Advisory Council (HSAC) hosted a session, in which I participated, with the same leaders about building a rapid response information network to communicate with the community partners in the event of an attack.

Secretary Napolitano joined us for an hour-long question-and-answer session and lent her public support to ongoing dialogue involving the Department’s senior leadership. I also led the DHS delegation to a bi-monthly national roundtable involving American Arab, Muslim, Sikh and South Asian leaders sponsored by the Department of Justice (DOJ) and chaired local roundtables in Chicago and Detroit involving community leaders and numerous federal agencies. In addition, I put together a session for Transportation Security Administration officials and Jewish, Christian, and Muslim religious leaders to discuss Advanced Imaging Technology (AIT) scanning machines and religious physical modesty prescriptions. I will also participate in what is known as the Transatlantic Initiative, a bi-national exchange involving British and American Pakistani and Muslim communities and their governments; my office is the U.S. interagency lead on this initiative.

Gatherings like these provide an excellent opportunity for government officials and their agencies to learn about the concerns of diverse communities. The community leaders we engage with likewise learn useful information—for example, our Chicago meeting included presentations on the privacy protections included as part of TSA’s use of AIT scanners and on CBP’s “Trusted Traveler” program, which facilitates expedited international travel for pre-approved, low risk travelers through dedicated lanes and kiosks.

This kind of work is strongly supported by the Administration, including DHS leadership. Secretary Napolitano has established open and responsive government as a top priority for DHS, and these efforts align closely with that priority. As she explained in 2009, in written testimony before the Senate Committee on Homeland Security and Governmental Affairs, “It is important to note that such engagement with the many key groups with which CRCL holds dialogues—such as Arab and Somali American communities, as well as Muslim and Sikh leaders—is important in and of itself as a matter of civil rights protection and smart, effective law enforcement. But by helping communities more fully engage with their government, DHS is also preempting alienation and creating buy-in to the broader shared responsibility of homeland security.”

Our engagement efforts build crucial channels of communication, both educating us about the concerns of communities affected by DHS activities and giving those communities reliable information about policies and procedures. They build trust by facilitating resolution of legitimate grievances; they reinforce a sense of shared American identity and community; and they demonstrate the collective ownership of the homeland security project. I thank you for the opportunity to share with you our extensive work in this area.

The DHS Office for Civil Rights and Civil Liberties

The DHS Office for Civil Rights and Civil Liberties (CRCL) carries out four key functions to integrate civil rights and civil liberties into Department activities:

- Advising Department leadership, personnel, and partners about civil rights and civil liberties issues, ensuring respect for civil rights and civil liberties in policy decisions and implementation of those decisions.

- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns.
- Investigating and resolving civil rights and civil liberties complaints filed by the public.
- Leading the Department's equal employment opportunity programs and promoting personnel diversity and merit system principles.

Engagement and Outreach

CRCL devotes substantial effort to engage a variety of diverse ethnic and religious communities. The work we do with American Arab, Muslim, Sikh, and South Asian communities is part and parcel of a much broader effort to ensure that all communities in this country are, and feel, active participants in the homeland security effort. An example is our engagement efforts related to DHS immigration and border security policies. We hold quarterly meetings with a broad-based non-governmental organization (NGO) coalition of national civil rights and immigrant-rights organizations; have established an inter-agency Immigrant Worker Roundtable to bring together DHS components, other federal agencies, and NGOs; and facilitate an immigration Incident Coordination Call, which provides immigrant community leaders with vital information about CBP and ICE enforcement posture during emergencies. In the past it has been used only to prevent loss of life by encouraging immigrant communities to evacuate dangerous areas during hurricanes by alleviating undue fear of enforcement. We also participate in engagement activities of other DHS components; over the past several months, for example, my staff served as the designated facilitators for extended stakeholder meetings about CBP's Southwest Border activities. We carry out the same types of efforts in non-immigration areas as well; for example participated in a workshop last week for faith-based and community groups involved in disaster response and recovery.

Engagement Activities with American Arab, Muslim, Sikh, and South Asian Communities.

CRCL is far from the only DHS office that conducts outreach efforts involving Arab, Muslim, Sikh, and South Asian communities. To provide just a few examples, U.S. Citizenship and Immigration Services (USCIS), has held Naturalization Information Sessions in these communities, and has published its guide "Welcome to the United States" in fourteen languages, including Arabic, Urdu, and Somali; officials from the Office of Policy and the Office of Intergovernmental Affairs have met repeatedly with members of these communities as well.

But CRCL is the Office within DHS that conducts the most extensive outreach efforts involving the many Arab, Muslim, Sikh, and South Asian communities across the nation. We structure these engagement efforts with several types of regular events or programs: community leader roundtables; youth roundtables; a rapid response communication network; and promotion of a prestigious law enforcement internship for Arabic-speaking college students and graduates.

CRCL's activities serve as a model for constructive engagement between these communities and government, and we strive to facilitate and build capacity for further local engagement. Several

other DHS components, as well as states, regional fusion centers, and local governments already also conduct outreach and engagement with these communities—we have learned from each other’s experiences and want to encourage these efforts where they are not already occurring.

Of course, as with all outreach efforts, the government must be careful to choose constructive leaders to partner with, and, by the same token, community members are careful to meet with government officials who they believe will be reliable partners responsive to legitimate concerns.

Roundtables: First, over the past four years, CRCL has established regular roundtable meetings for community and government leaders in eight regions across the country: Detroit, Houston, Chicago, Boston, Los Angeles, Minneapolis, Columbus (Ohio), and Washington, D.C. In addition, CRCL has developed relationships with Somali American leaders in San Diego, Seattle, and Lewiston (Maine), and includes them in the regular roundtables where possible and in bi-monthly community conference calls. These locations have diverse Muslim, Arab, Sikh, and Somali communities, and we have nurtured broad community participation.

These roundtable events include not just our office, but also DHS components relevant to the issues placed on the agenda by our community partners, most often U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and the Transportation Security Administration (TSA). Government participation also includes U.S. Attorneys’ Offices, the Federal Bureau of Investigation (FBI), state and local law enforcement, and other federal and local officials.

The roundtables cover a range of homeland security, civil rights, and other areas. With the assistance of our federal and local government partners, sessions have canvassed (in no particular order): rules governing remittances to foreign relatives; immigration and naturalization policies; access to information about basic government services in different languages; roles and responsibilities of law enforcement; detention of national security suspects; how government can work with communities to promote civic engagement; services for newly-arrived refugees; crime prevention; how communities can work with government to counter violent extremism; protection of civil rights in employment, voting, housing, and other areas; prosecution of hate crimes; and border searches.

The meetings provide opportunities for community leaders to learn about significant government policies, as well as to raise specific issues of concern in a format that emphasizes accountability for answers—the government participants will be back again the following quarter. For our engagement efforts to be sustainable, it is important that the grievances of these communities be heard by policy decision makers, so we collect inquiries and issues from the communities and keep senior leadership apprised of the impact of DHS policy and operations. In addition, at the Secretary’s request, two DHS Assistant Secretaries have personally attended a number of recent roundtables, and they will attend others in the future.

Youth roundtables: Young leaders and youth organizations offer different perspectives than older community leaders. For this reason, CRCL has hosted four “Roundtables on Security and Liberty” in Washington, D.C.; Houston; and Los Angeles to connect with 150 young leaders ages 18-25 from American Arab, Muslim, Sikh, and South Asian communities. These events

offer opportunities for youth to share their thoughts with senior DHS leadership and for government officials to learn from a population whose perspectives are invaluable to homeland security efforts.

Incident Community Coordination Team: Government contact with Muslim, Arab, Sikh, Somali and South Asian community leaders in the hours and days after an incident can be extraordinarily helpful, because community leaders can calm tensions, share information with their communities, and perhaps assist law enforcement. Accordingly, my office has established the Incident Community Coordination Team (ICCT). This conference call mechanism connects federal officials with key leaders in the event of a situation in which contact would be productive. DHS participant components and offices include TSA, ICE, CBP, USCIS, the Office of Public Affairs, and the Office of Intelligence & Analysis. We are joined by the White House Office of Public Engagement, the DOJ Civil Rights Division, the FBI, the National Counterterrorism Center (NCTC), and the Department of State, among others. Community participants include representatives of national organizations, community leaders from key cities, and religious and cultural scholars.

Our ICCT has been used seven times since we established it in 2006, and has been an effective device in several ways:

- It allows participating agencies to get community leaders the information they need in the aftermath of an incident. The information shared—which is not classified or restricted—is valuable because of its reliability and timeliness.
- It gives community leaders a channel to speak to federal officials in a timely and effective way. They can share reactions to governmental policies or enforcement actions, and provide information about hate crimes that should be investigated, about the mood of communities in the aftermath of a homeland security incident and, possibly, about how the government might improve its effectiveness in investigating the incident.
- It facilitates development of a common understanding about the messages that government and community leaders will send to these communities, the country, and the world.

Most recently, the ICCT was convened after the Fort Hood incident in November 2009, and after the attempted bombing of Northwest Airlines flight #253 in December 2009. Representatives from DHS, the White House, DOJ's Civil Rights Division, NCTC, Department of Defense, Department of State, and the FBI provided briefings to community leaders, giving them information they could share with their communities. Community leaders had an opportunity to ask questions and share reactions to the events.

National Security Internship Program: In 2007, in partnership with the FBI, my office established the National Security Internship Program to bring Arabic-speaking college students to Washington D.C. to intern for a summer at DHS or the FBI, and concurrently improve their Arabic language skills at the George Washington University. Successful interns are encouraged to apply for permanent jobs at DHS or the FBI. This program brings people with both language

and cultural skills to government's policy, law enforcement, and intelligence offices. This internship program is an important part of the partnership between government and the Arab American and Muslim American communities.

Facilitating Local Engagement

There are millions of American Arabs, Muslims, Sikhs, and South Asians, living in thousands of towns and cities across the nation. By necessity, governmental engagement with these communities will have to be local.

CRCL conducts training for law enforcement personnel on cultural competency relating to American Arab, Muslim, Sikh, and South Asian communities, Islam, and some Sikh religious practices. This kind of training is a precondition for honest communication and trust between officers and the communities they serve and protect. Topics include: misconceptions and stereotypes of Arab and Muslim cultures; diversity within Arab and Muslim communities; effective policing without the use of ethnic or racial profiling; and a best practices approach to community interaction and outreach. Much of this training is provided live, usually on-site, to federal, state, and local law enforcement officials around the country. But we have also produced a training DVD that includes insights from four national and international experts—an Assistant United States Attorney who is Muslim; a member of the National Security Council who is Muslim; an internationally renowned scholar of Islamic studies; and a civil rights attorney who advocates on issues of concern to Arab-American and Muslim-American communities.

It is worth noting, in addition, that it is our community partners—reliably informed by engagement activities about government policy and practices, and consistently empowered by those same engagement activities to highlight for policymakers their experiences, concerns, and grievances and to obtain reasonable responses—who bear the responsibility to counter radical ideologies that subvert their values and may pave a path for their young people towards violence. Radical beliefs, after all, are protected by the Constitution. Our proper sphere of concern and intervention is violence, not radicalism.

Next Steps

I have a number of plans to augment my office's existing engagement efforts in American Muslim, Arab, Sikh, and South Asian communities. Over the next year, we plan to add cities for our regularly scheduled roundtables. Conceptually, I have three strategic initiatives:

- 1) Frequent issue-specific engagement efforts. Issue-specific engagement brings community leaders to the table who have particular contributions to make on specific topics. Our first issue-specific event is focused on AIT scanning technology and religious modesty prescriptions.
- 2) Promoting local engagement efforts. As discussed in the Quadrennial Homeland Security Review released last month, the DHS vision for homeland security is a homeland that is safe, secure and resilient against terrorism and other hazards, and where American interests, aspirations, and way of life can thrive. The American way of life prominently includes our cherished civil rights and civil liberties. Even so, our Department—and the federal government as a whole—cannot possibly do all that needs to be done in this area

- 3) Youth engagement efforts. Regardless of faith, race, ethnicity, national origin, or gender, young people communicate differently than older generations; they have vastly more exposure to social media tools and real-time online information and communication. And because it is youth who are at the frontlines when it comes to terrorist recruitment, they are perhaps the most vital audience for a message of inclusion, esteem, and fair treatment. It is our job as a Department to welcome young people in American Arab, Muslim, Sikh, and South Asian communities to join our nation's collective security efforts; we must empower them to be connected rather than alienated. We need to demonstrate to our youth that we value their opinions and welcome their ideas, and we need to use a variety of communications techniques to convey that message.

Conclusion

Frequent, responsive, and thoughtful engagement with diverse communities is an imperative of effective government. Such engagement gathers and shares information, builds trust, informs policy, and enables prompt response to legitimate grievances and needs; it is the right of Americans as the sovereign source of governmental authority. Engagement with American Muslim, Arab, Sikh, and South Asian communities is one instantiation of that imperative, and a crucial method of reinforcing the fundamental tenet that we are fellow citizens facing a common threat.

Thank you, again, for the opportunity to testify today. I welcome your questions.