



American-Arab Anti-Discrimination Committee

February 17, 2016

Re: CVE Social Media Act and Community Partnership Act

The American-Arab Anti-Discrimination Committee (ADC) opposes the Countering Online Recruitment of Violent Extremists Act (S.2418) and Community Partnership Act (S.2369).

ADC opposes S.2418 and S.2369 for the following reasons:

1. No Scientific Basis.

There is no scientific basis to determine at what point a person is radicalized. Nor sound science to prove that the speech of a particular individual on social media indicates that the individual is susceptible or prone to engaging in violent extremism. What occurs in practice is that people that have a particular identity that are readily exhibited and/or engage in particular political activity will be identified and targeted. Speech and information on social media cannot certify the particular behavior and/or action someone may take. Social media is at its core a platform where individuals wish to create a public persona. As such, social media cannot always provide a clear accurate depiction of reality nor provide full context of speech, and the particular thoughts of persons.

2. Problematic definition of CVE and violent extremism.

These bills link the definition of CVE and violent extremism to the terms radicalization and ideological motivated acts. Terms which are also ill-defined, as the time and manner of what constitutes radicalization and when it has actually occurred cannot be specifically determined. The focus should be on curbing all violence. Acts to commit terrorism are violent acts like any other violent crime, and should be pursued where there is probable cause. CVE and these bills do not satisfy the probable cause standard and actually criminalize individuals when they have not committed a crime.

3. Racial and religious profiling.

The background of the CVE program is based upon false and inherently flawed premise that there are identifiable factors that can be linked to the presence of extremism in communities based on national origin, ethnicity and religion. CVE is disproportionately focusing resources targeting Arabs and Muslims as suspect and at risk communities. These bills fail to include measures to completely address and combat discriminatory targeting. Namely, S.2418 provides supervision and training for deployment of applications and safety briefings, but these same proactive measures are not put in place to require anti-profiling and anti-discriminatory trainings, briefings and supervision. Namely, S.2369 fails to provide and tie resource allocation to empirical evidence based assessments of actual national security threats.



American-Arab Anti-Discrimination Committee

4. Criminalization of unfavored and controversial speech.

There are serious concerns that these bills will silence and chill First Amendment Protected Speech. Individuals may be subject to identification as susceptible to radicalization merely because a word used in a legally permissible context is part of the indicators developed by a particular application. Persons will refrain from speech on particular ideas and speech that may reveal identifying immutable characteristics (national origin, religion) out of fear of being identified. We also must be aware of the larger impact of these bills, where private and government entities may use an individual's speech as a coercion tactic.

5. Ineffective and Prone to Misuse and Abuse as surveillance of communities.

S.2418 provides that technology applications developed should have capacity to be scaled up for use by federal, state and local agencies. Intelligence and law enforcement agencies already have programs and departments in place that purpose and mandate is to address criminal behavior that occurs on the Internet.

Arabs, Muslims, and communities of color have been subjected to mass mapping and surveillance of their activities without probable cause of criminal activity. In many instances tracking of social media accounts was employed, and now this bill seeks to support the creation of platforms that could potentially track communities based on algorithm inputs.

There is an undue influence by allocation of grant money to these university-based centers and CVE labs to reach particular solutions and/or employ particular approaches. Additionally, there is no set mechanism to evaluate the methodology used in development and how determinations made on identifying "individuals susceptible to violent extremism".

6. Infeasible Sunset Clause.

The bill provides for reporting but on impact of a CVE no later than 1 year after enforcement of bill. The bill also provides for an assessment conducted by DHS on the report submitted by the CVE lab. However, this provision is effectively useless if Congress can only respond to any evaluation of the actual performance or issues that may arise with a CVE lab until 7 years. What is the purpose of reporting, if you do not have a feasible mechanism in place to actually address in a readily manner.

7. Inappropriate use of resources.

Need to devote these resources and grant funding to actual criminal law enforcement actions. As well, as investment in our communities to help with access to education, health care, and social services.

Please see ADC's recommendations attached to this letter on how the bill can be amended to help address discrimination and profiling, while still upholding national security.