

Congress of the United States
Washington, DC 20515

February 3, 2017

Mr. Dana Boente
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Acting Attorney General Boente:

We are writing to express concern over reports that President Trump intends to overhaul the government program designed to counter violent ideologies in a manner that appears to target one religion--Islam.

It has been reported that the Countering Violent Extremism program would be changed to the "Countering Islamic Extremism" or the "Countering Radical Islamic Extremism" program.¹ Such a move is wrongheaded insofar as persons who commit acts of violent extremism are inspired by diverse political, religious, and philosophical beliefs, and are not limited to any single population or region. This government-wide program is currently implemented by the Department of State, Department of Justice, and the Department of Homeland Security. Changing the name to "Countering Islamic Extremism" or "Countering Radical Islamic Extremism" would have damaging effects to our national security by feeding into the propaganda created by terrorist groups and chill domestic and international diplomatic relations. Additionally, it could further alienate and create distrust in the Muslim-American communities when the program depends on close cooperation with law enforcement. Finally, such a move is also certain to have civil rights implications since the targeting of any American on the basis of religion—as opposed to unlawful action—violates the U.S. Constitution.

National Security Adviser Michael Flynn has publicly and repeatedly maligned Muslims. He has called Islam a "vicious cancer inside the body of 1.7 billion people" and in a now-deleted tweet wrote: "Fear of Muslims is RATIONAL."² We strongly disagree. There are over three million Americans who practice Islam peacefully. The specter that there would be a Federal program that - in name and action-- singles out people of a particular faith warrants immediate consideration by the Department of Justice.

¹ Julia Edwards Ainsley, "Trump to focus counter-extremism program solely on Islam- sources," *Reuters* (Feb. 2, 2017) <http://www.reuters.com/article/us-usa-trump-extremists-program-exclusiv-idUSKBN15G5VO>.

² Andrew Kacynski, "Michael Flynn in August: Islamism a 'vicious cancer' in body of all Muslims that 'has to be excised'," *CNN* (Nov. 22, 2016) <http://www.cnn.com/2016/11/22/politics/kfile-michael-flynn-august-speech/>; Thomas Gibbons-Neff "'Fear of Muslims is rational': What Trump's new national security adviser has said online," *Washington Post* (Nov. 18, 2016) https://www.washingtonpost.com/news/checkpoint/wp/2016/11/18/trumps-new-national-security-adviser-has-said-some-incendiary-things-on-the-internet/?utm_term=.d008564c6c85.

Accordingly, we respectfully request you answer the following questions:

- (1) Was there consultation with the Department of Justice (DOJ), including the Federal Bureau of Investigation (FBI) and the Civil Rights Division, regarding such changes to the Countering Violent Extremism programs?
- (2) If so, please elaborate on the nature and timing of such consultation and whether DOJ has provided a legal opinion, formally or informally, about the constitutional implications of changes to the Countering Violent Extremism programs at the Department of State, Department of Justice, and Department of Homeland Security?
- (3) Absent the particulars of this matter, would you say that as a prima facie matter the establishment of a Federal program or office with the explicit purpose of targeting one religion raises constitutional questions?

Thank you in advance for your timely response to our letter. Should you have questions regarding this matter, please do not hesitate to contact Hope Goins on the Committee on Homeland Security staff at 226-2616, Aaron Hiller on the Committee on the Judiciary staff at 225-6906, and Mark Iozzi on the Committee on Foreign Affairs staff at 226-8467.

Sincerely,



BENNIE G. THOMPSON
Ranking Member
House Committee on Homeland Security



JOHN J. CONYERS
Ranking Member
House Committee on the Judiciary



ELIOT L. ENGEL
Ranking Member
House Foreign Affairs Committee

cc: The Honorable John Kelly, Secretary, Department of Homeland Security
The Honorable Rex Tillerson, Secretary, Department of State