



Written Testimony of

DAVID D. GERSTEN  
DIRECTOR OF CIVIL RIGHTS AND CIVIL LIBERTIES PROGRAMS  
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES  
UNITED STATES DEPARTMENT OF HOMELAND SECURITY

“Radicalization, Information Sharing and Community Outreach: Protecting the  
Homeland from Homegrown Terror”

United States House of Representatives

Committee on Homeland Security  
Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment

April 5, 2007

Torrance, California

## **Introduction**

Chairwoman Harman, Ranking Member Reichert, and distinguished Members of the Subcommittee: Thank you for providing me the opportunity to testify today. It is a privilege to testify alongside other dedicated public servants and community leaders. I hope that our testimonies today will demonstrate how closely our offices are working together to tackle the issues you are considering.

In seeking to counter the phenomenon of radicalization, it is critical that our country better understand and engage Muslim communities, both in America and around the world. Though there is no magic formula, we believe that engaging key communities and promoting civic participation can help prevent the isolation and alienation that many believe are necessary precursors for radicalization. I look forward to working with this Committee to tackle this complex issue.

## **Mission of the Office for Civil Rights and Civil Liberties**

In accordance with 6 U.S.C. § 345, the mission of the Office for Civil Rights and Civil Liberties is to assist the dedicated men and women of the Department of Homeland Security to enhance the security of our country while also preserving our freedoms and our way of life. In essence, we provide advice to our colleagues on issues at the intersection of homeland security and civil rights and civil liberties. We work on issues as wide ranging as: developing redress mechanisms related to watch lists; integrating people with disabilities into the emergency management system; ensuring appropriate conditions of detention for immigrant detainees; reviewing how the Department's use of technology and its approach to information sharing impacts civil liberties; adopting equal employment opportunities policies to create a model federal agency; and, ensuring that

information technology is accessible to people with disabilities.

Since its inception, the Office for Civil Rights and Civil Liberties has worked to help the Department establish and cement positive relationships with a variety of ethnic and religious communities, and the organizations that represent them. We have worked with Catholic and Protestant organizations concerned with immigration law and policy, with Sikh Americans concerned about various screening policies, with the leaders of the Amish community regarding identification issues, and with Jewish community groups on a wide variety of issues.

Today, I want to specifically address the Department's work with American Arab and Muslim communities, but it is important to remember that the work I describe is part of a broader effort to ensure that all communities in this country are active participants in the homeland security effort.

### **Engagement with American Arab and Muslim Communities**

When the Department of Homeland Security's Officer for Civil Rights and Civil Liberties, Daniel Sutherland, launched the work of our Office in April 2003, he quickly realized that many of the issues facing us would be those affecting Americans of Arab descent and those of the Muslim faith. There was an opportunity to do much more than solve specific isolated problems. These communities want to have two-way communication with the government – certainly they want to be able to raise complaints about various situations or policies, but they also want to be invited to roll up their sleeves and help find solutions.

Therefore, the Department has embarked on a project to develop, cultivate, and maintain partnerships with key leaders of the American Arab, Muslim, Sikh, and South

Asian communities. We believe that a critical element of our strategy for securing this country is to build a level of communication, trust, and confidence that is unprecedented in our nation's history. We believe that we will be a much safer country if we better connect the government to these strong communities; if we learn to improve our work through listening to their concerns and ideas; if we convince more young people from these communities to join public service; if we receive their help in educating us about the challenges we face; and, if we receive help from key leaders in explaining our security mission to their constituents.

We will have a greater impact in all of these efforts if our State and local authorities create similar models of engagement on their own accord. Just as the Federal government shares information and intelligence needed to save lives and protect our communities, we must also share best practices and experiences in community engagement and invite our non-federal government partners to participate in our dialogue with these communities. When appropriate, we should offer materials and facilitate training for our local partners to empower and advise them. Likewise, we should always be open to learning from them.

### Infrastructure

We have invested a great deal of time in developing an infrastructure for success. For example, we now know many key leaders of the American Arab and Muslim communities. We have solid lines of communication with community activists, renowned scholars, and business leaders; we have established good links with professional and social organizations; and we have constructive and frank interactions with many of the leading civil rights organizations. In short, we have cemented positive

relationships with key figures and civil society institutions in these communities.

We now know many of the concerns of these communities. We know that these include: aviation watch lists; immigration processing; encounters at the border; investigative methods; detention and removal; and, of course, foreign policy. We know that government works best when it is not intrusive and it is encouraging to note that socio-economic indicators point to widespread achievement and assimilation among American Arab and Muslim communities. While most of their concerns are recent and related to post-9-11 security efforts, we in government are now better able to appreciate and welcome faith-based viewpoints as a result of our investment of time engaging on immediate concerns.

We also have some understanding of the level of trust and cooperation between representatives of these communities and State and local authorities.

Finally, we now have a better understanding of what the government wants and needs from American Arab and Muslim communities, and what these communities want from the government.

### Engagement

Based on this infrastructure, we have been very active in trying to engage with these communities. This applies, as well, to our colleagues at the Department of Justice, FBI, Treasury, and others, who have all made concerted efforts in this regard. Of course, as with all outreach efforts, the government must be careful to choose constructive people to partner with, and, by the same token, community members are careful to meet with government officials who they believe will be reliable partners.

Much of our Office's work has involved bringing leadership to the interagency engagement effort. Together with our partners in other agencies, we have worked hard to ensure that national organizations have access to leaders here in Washington. Within the past several months, national community leaders have had substantive meetings with the Secretary of Homeland Security, the Attorney General, the Director of the FBI, the Secretary of Treasury and others. Our Office has arranged for local officials to participate with us in engaging these communities, most recently hosting Los Angeles Deputy Mayor for Homeland Security & Public Safety Arif Alikhan at our regular L.A. roundtable which I will describe further in a moment. These are not simply occasional meetings, but are becoming part of the structure of our work. For example, several senior leaders of our Department have met with community leaders in both formal and informal settings over the past several months. Moreover, the Assistant Attorney General for Civil Rights at the Justice Department hosts regular meetings between government agencies, including the Departments of Homeland Security, State, Treasury, Education and Transportation, and national civil rights organizations.

This engagement takes place across the country. The Office for Civil Rights and Civil Liberties now actively leads or participates in regularly scheduled meetings with leaders from these communities in cities such as Houston, Chicago, and Buffalo. Since October, I have led the meeting here in Los Angeles. In Detroit, the U.S. Attorney has asked Daniel Sutherland to chair the regular meeting there, referred to as "BRIDGES." In all of these venues, the local leaders of the DHS component agencies participate, usually along with the U.S. Attorneys' offices and the FBI. These meetings typically include two to three dozen people around a table in a conference room, at either a

government agency or a community center. The meetings typically begin with a substantive presentation by the government on an issue of concern, such as redress for watch list misidentifications. Then, old business is discussed – government agencies are asked to provide updated information on issues that have been raised in previous meetings. Finally, the communities present new issues to discuss with the agencies. As you can see, the meetings provide an opportunity for the communities to learn information about significant new government projects, as well as to raise specific issues of concern in a format that emphasizes accountability for answers.

### *Building capacity*

Our Office is also working hard to build the capacity of our workforce to address the new challenges that face us. Through a project we call “Civil Liberties University,” we have developed training that provides new skills and competencies for our front-line officers and their State and local partners.

For example, we have just released an intensive training DVD for Department personnel who interact with Arab Americans, Muslim Americans, and people from the broader Arab and Muslim world. The training includes insights from four national and international experts – an Assistant U.S. 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. As with many of the materials we produce, our Federal and non-Federal partners have also found this training module on Arab and Muslim cultures useful. Last month our Office made available this DVD to nearly 600 fusion center directors and local, State, tribal, and Federal law enforcement officers

within intelligence units attending the National Fusion Center Conference in Florida.

This training program has been applauded by the communities who believe that they will be treated with more dignity and professionalism if front-line officers understand their cultures, traditions, and values; and, by our colleagues in the Department who believe that such training will help them do their jobs more efficiently and effectively.

We have also produced educational materials with guidance to Department personnel on how to screen and, if necessary, search individuals who wear common Muslim and Sikh head coverings; training on how to screen those of the Sikh faith who carry a *kirpan*, or ceremonial religious dagger; and a tutorial on the Department's policy prohibiting racial profiling.

This type of training is truly a win-win situation: our workforce and state and local partners win by acquiring new skills that they need to better carry out their jobs; and, we all win because American Arab and Muslim communities gain confidence that their insights and contributions are welcomed in the homeland security effort.

#### *Incident Management Team*

If there is another terrorist attack on the United States, American Arab, Muslim, and South Asian communities would likely be at center stage. These communities may be a focus of investigative activity, rightly or wrongly, and quite possibly could be victims of racist retaliation. These communities could also be important keys to calming tensions throughout the Nation, assisting law enforcement in locating the perpetrators and serving as public spokespersons in the media. Therefore, it is critical that the U.S. Government be in contact with leaders from these communities in the hours and days after an incident.



As a result, we have established an “Incident Management Team” that will connect government officials with key leaders of these communities in the event of another attack on our country.

This Incident Management Team is made up of key government agencies, as well as approximately two dozen community leaders that we have come to know well.

Government participants include several components within the Department, including the Office of Public Affairs, Office of Strategic Planning, and the Office of Intelligence & Analysis (I&A). We are joined by the Justice Department’s Civil Rights Division, the FBI, the State Department, and the Department of the Treasury. Daniel Sutherland serves as the chair and activates the team and reaches out to incident specific participants.

Community participants include scholars, community activists from several cities, and representatives of national organizations. Depending on the incident, State and local authorities responsible for community outreach may also be contacted and asked to participate. These meetings are meant to afford both Federal and non-Federal participants with real-time sharing of information and common messages needed in the aftermath of an attack.

On the morning of the announcement of the London arrests this past August, our office convened this Incident Management Team. Representatives from Transportation Security Administration, I&A, and the British embassy all provided briefings to the community leaders on the events from the last several hours. While no classified or sensitive material was provided, the briefings were very substantive and gave these leaders concrete information they could share with their communities. There was a question and answer session for the briefers, and then the community leaders shared

reactions to the events. The call was valuable for the community leaders, because they received key and timely information, and it led to tangible results. Several organizations issued press releases, which assured their communities that the government was engaging actively with them, again illustrating that there is no need to feel isolated from the homeland security effort.

In addition to building bridges with community leaders, we have also developed strong relationships across the government. The working relationships among Federal agencies on these issues are extremely strong. We work on a daily basis with colleagues from State, Justice, FBI, Treasury, the National Counterterrorism Center (NCTC), and the National Security Council.

We have also developed strong relationships with allied governments. We work particularly closely with our colleagues in the United Kingdom, but also regularly meet with representatives of the Canadian and Australian governments, and others as well – such as colleagues from Denmark and the Netherlands.

### **Next Steps**

Again, our goal is to develop, cultivate and maintain partnerships with key leaders of the American Arab, Muslim, Sikh, and South Asian communities. We have laid a strong infrastructure, and we have taken a number of important steps in the early phases of this project. We have seen enough progress to know that we can reach this goal, in the relatively near future, if there is a continuing strong and sustained commitment from all.

Let me highlight four steps that we believe need to be taken at this time:

First, we must deepen the engagement; we must take all of this activity to the next level. Leaders from all branches of government need to take steps to engage with these

communities; meet them, learn about them, and open lines of communication.

Government leaders also need to make public statements that impact opinion and drive current debates in ways that increase our citizens' desire to get involved in public life and public policy, and that decrease the natural tendency toward isolation from government. For example, in the days after the August 2006 arrests of the bomb plotters in London, Secretary Chertoff made the following remarks to an audience here in Los Angeles:

“Given recent events, I think it’s good to reinforce the message that America values its rich diversity. Muslims in America have long been part of the fabric of our nation. The actions of a few extremists cannot serve as a reflection on the many people who have made valuable contributions to our society. Right here in Los Angeles we work with several Muslim American leaders who are helping us to better secure our country. Muslim Americans, like all Americans are united in our resolve to live in safety and security.”

We need to ensure that a wide range of senior government leaders make statements such as these.

We also need to connect with young people from these communities. We need to find innovative new strategies to improve communication with young people from these ethnic and religious communities.

Second, we must institutionalize the engagement effort for success over the long term. At the Department of Homeland Security, we have established the Department’s Radicalization and Engagement Working Group. We have also established the Incident Management Team and our colleagues at I&A have established a unit focused on radicalization issues. But we need to redouble our efforts to ensure that all of the

component agencies are equipped to play a significant role in reducing isolation and therefore radicalization.

The work that we are trying to do is also taking place at our sister agencies – Justice, State, Treasury, NCTC, and others – and, at a vital level, by the State and local authorities who interact where members of these communities live. We need to ensure that State and local governments are equipped with resources to reach out and connect with these communities, all the while, helping them comply with civil rights and civil liberties protections.

Third, we must continue to address policy issues of concern. In preparing for our community meetings, we remind ourselves that the meetings will be seen as useless if concrete results are not visible. We have found that these communities have provided a great deal of constructive criticism – that is, they have identified problems we need to address and, in some cases, made excellent recommendations for solutions as well. To be credible, the government must continue to address issues of concern and report back to the communities when progress is made.

Finally, we must challenge the communities to get involved. To achieve our mission, we need help from every part of America. We know that these communities are anxious to roll up their sleeves and get involved. It is important at this time that we say loudly and clearly: “We need your help and we welcome you to the table.”

Specifically, we need community leaders to convince more of their young people to consider public service as a career. One of our priorities as a government has to be to get young people from American Arab and Muslim families to join government service. We desperately need their language skills, but we also need their cultural insights. We

need to challenge community leaders to extol the virtues of public service, whether it is as a candidate for political office, as an FBI agent, a soldier, an accountant, a lawyer, or an IT specialist – we need more people from this community to see government service as a place they can build a successful career.

We also need to challenge these communities to help us increase the integration and assimilation of new immigrants, particularly those from the Arab and Muslim worlds. We need to ensure that these new immigrants become comfortable with their children's schools, get plugged into places of worship where they can build friendships, learn to speak English, and become familiar with their local government. This is a job that local communities are best poised to accomplish.

We need to challenge community leaders to spread understanding of our security mission. There are times when we must deport someone who has come to our country illegally; we need community leaders to calm community tensions and explain the role that Homeland Security officers must play. There are times when someone is questioned at an airport or border port of entry; we need community leaders to explain that in many cases, these are important features of the landscape we have post 9/11. We do not need community leaders to become our spokespeople; but we do need them to help build a level of understanding regarding these issues, which will help people respond to the latest headlines most successfully.

We also need to challenge community leaders to influence Muslim perspectives in other parts of the world. For example, Muslim communities in Europe are much less integrated, successful, and prosperous than American Arab and Muslim communities. We need to challenge community leaders here to communicate with communities in

Europe, to convince them Muslims can successfully integrate into secular democracies while maintaining their religion, and fully participate in those countries. From decades of experience, Muslims in America know that the environments created by democracies such as ours give them freedom to choose the way they want to worship, raise their families, get an education, relate to their government, start a business, and become prosperous in their professions. Muslims in Europe need to be convinced of these principles, and American Arab and Muslim leaders can play a significant role.

In all of these areas, community leaders are already stepping up to the plate. For example, many Arab and Muslim community leaders have traveled internationally and talked about the issues of the day. As a government, we simply need to recognize the efforts that have already been made, and then step up our support and encouragement for even more significant efforts in all of these areas.

### **Conclusion**

In conclusion, we recognize that this will not be an easy task. This will be a path with many peaks and valleys. There are constant pressures that seek to pull us apart; we must resist those. We have to make sure that those who believe in cementing positive relationships are the voices that shape opinions, and that these are the people who are influencing the debate. Thank you for the opportunity to testify today, and I welcome your questions.