



One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

April 14, 2009

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

I am writing regarding an April 2009 report generated by the Department's Office of Intelligence and Analysis (I&A) entitled, "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment". This report appears to raise significant issues involving the privacy and civil liberties of many Americans – including war veterans.

As I am certain you agree, freedom of association and freedom of speech are guaranteed to all Americans – whether a person's beliefs, whatever their political orientation, are "extremist" or not. What the U.S. Constitution does not protect is violent action based on those beliefs. I&A's intelligence mission, therefore, is properly directed to helping State, local and tribal law enforcement prevent terrorism and other violent crimes. Unfortunately, this report appears to have blurred the line between violent belief, which is Constitutionally protected, and violent action, which is not. I am disappointed and surprised that the Department would allow this report to be disseminated to its State, local and tribal partners in its present form.

As you know, the Committee's Subcommittee on Intelligence, Information Sharing & Terrorism Risk Assessment recently held a hearing on fusion centers and associated privacy and civil liberties issues. Participants engaged in a rigorous discussion of the facts and myths about how those centers conduct themselves, how they share information about terrorism and other crimes, and the extent to which Constitutional safeguards are built into their daily work. Our Members came away from the hearing confident that the Department's Office of Civil Rights and Civil Liberties has successfully partnered with I&A to develop and deploy an increasingly effective privacy and civil liberties training program at fusion centers. Given this positive collaboration, I am dumbfounded that I&A released this report.

I am particularly struck by the report's conclusion which states that I&A "will be working with its state and local partners over the next several months to ascertain with greater regional specificity the rise in rightwing extremist activity in the United States, with a particular emphasis on the political, economic, and social factors that drive rightwing extremist radicalization." [emphasis added]. I would like more information about what types of activities I&A intends to undertake in the next few months in this regard.

Additionally, please provide a written description of your clearance process for I&A-generated intelligence products that are to be disseminated to State, local, and tribal law enforcement. In general terms, I would like information on what role, if any, the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties play in the preparation and clearance process for such products. I also would like information on what role, if any, they played with respect to this specific report.

If you have any questions or concerns, please contact my Chief Counsel, Rosaline Cohen, at 202-226-2616.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson". The signature is written in a cursive, flowing style.

Bennie G. Thompson
Chairman
Committee on Homeland Security

Cc: Peter King
Ranking Member
Committee on Homeland Security