



HOME | BLOGS | CONGRESS BLOG | CIVIL RIGHTS



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A civil rights vision for countering violent extremism

By Margo Schlanger



Over the past several years, a tiny handful of Americans have found hateful terrorist ideology sufficiently attractive that they have been convinced to commit violent crimes at home, or to travel abroad to join terrorist efforts there. This is a real problem. Most of the solution is the criminal justice system — detection and prosecution, and the deterrence that results. But the federal government has also begun to develop a non-criminal-justice response, which it labels “countering violent extremism” — CVE, for short. The “violent extremism” in question is, primarily, the terrorist ideology of groups like Al Qaeda and ISIS, communicated with Americans via the internet. And the central idea of CVE is to undermine the ideological appeal, to persuade Americans not to become terrorists.

Much governmental energy has gone into developing a counter-messaging CVE strategy: communicating an anti-terrorism message to these would-be recruits. While well-intentioned, this is the wrong tactic. We would be much better off taking a civil rights approach. Instead of talking, we should be doing: the government should demonstrate through its actions our core constitutional commitments to liberty and equality.

The misguided counter-messaging vision is reflected in the Countering Violent Extremism Act, a bill introduced last month by Rep. Michael McCaul (R-Texas), chairman of the House Homeland Security Committee, being marked up this week. The bill would create a small but high status CVE Office at the Department of Homeland Security. It would be headed by an assistant secretary and a career deputy assistant secretary. The central substantive provisions of McCaul’s CVE bill deal with undermining terrorist messages: the bill requires the new office to “[e]stablish a counter-messaging program to craft strategic counter-messages to [terrorist] propaganda.” Indeed, the bill directs the Secretary to include in the office’s staff “an individual who has a demonstrated background in technical matters, on and offline media, or marketing.” The Department of Justice and DHS have already started to deliver this kind of counter-messaging in government-sponsored roundtables

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bringing together government officials with Muslim and Arab leaders across the country.

But slick marketing can never get to the heart of the matter. Instead, the best way to reduce the bad guys' appeal is to demonstrate the falseness of their core anti-American message, which is that the United States is at war with Islam. The best anti-terrorism persuasion program is to remember and act on our constitutional commitments of freedom of religion and equality of all.

Chairman McCaul's bill detaches CVE efforts from this civil rights foundation. The message it sends is therefore the opposite of what we need. The bill, and the activities it would promote, communicate the idea that the government is interested in speaking to Muslims primarily to explain to them why their communities should resist terrorist recruiting. Agency engagement with communities is a great idea — but the point of it should be to solicit views, explain policies, and seek to address complaints or grievances, as a basic part of good and responsible government.

When serving as the Civil Rights and Civil Liberties officer at DHS, I saw first-hand that these types of agency engagement efforts can build trust by facilitating resolution of legitimate grievances; reinforce a sense of shared American identity and community; and demonstrate the collective ownership of the homeland security project. The point is, community engagement should focus on substance. In addition, given that violent crimes motivated by ideology are committed by American extremists of all stripes — right and left wing, religious and secular -- community engagement efforts related to violent extremism should not focus disproportionately on Muslims. If it does, the resulting message of inequality can resonate with terrorists' own recruitment messages.

McCaul's bill makes a serious mistake: to be most effective, CVE doesn't need more prominence but less. This means that organizationally, CVE efforts at DHS should be housed within the agency's civil rights office, and thought of as a side benefit to a robust civil rights program. Substance is far more important than marketing.

The church shootings last month in Charleston, S.C. demonstrate that the problem of ideologically motivated violence in the U.S. is real. But it's a limited problem, with a 15-year death toll in the hundreds. While every death is a tragedy, that's a fraction of 1 percent of the number of U.S. murders overall. It is not chance that this number is so tiny, but a reflection of our strong shared commitment to liberty, mutual tolerance, and equality. Doubling down on that commitment is the best CVE policy we could have.

Schlanger is the Henry M. Butzel Professor of Law at the University of Michigan. She served as the presidentially appointed officer for Civil Rights and Civil Liberties for the Department of Homeland Security in 2010 and 2011.



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