



Mr. Robert S. Mueller, III
Director, Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

October 4, 2011

Dear Director Mueller:

AMERICAN CIVIL
LIBERTIES UNION
WASHINGTON
LEGISLATIVE OFFICE
915 15th STREET, NW, 6TH FL
WASHINGTON, DC 20005
T/202.544.1681
F/202.546.0738
WWW.ACLU.ORG

LAURA W. MURPHY
DIRECTOR

NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

ROBERT REMAR
TREASURER

The undersigned civil and human rights groups write to express our deep concern regarding recently-publicized FBI training materials that manifest anti-Muslim bias and factual inaccuracies.¹ We appreciate that the FBI now recognizes the need for a comprehensive review of its counterterrorism training materials referencing religion and culture.² We especially applaud the FBI's unequivocal statement that, "Strong religious beliefs should never be confused with violent extremism."³ This statement, however, conflicts with assertions contained in previously published FBI intelligence products. We urge you to expand your comprehensive review of training materials to include intelligence products that contain similarly erroneous and biased information, to withdraw them where necessary, and to issue new guidance clearly stating that religious practices and political advocacy are protected activities under the First Amendment, and are not indicators of future violence.

For instance, a 2006 FBI Intelligence Assessment "The Radicalization Process: From Conversion to Jihad," which was published in May 2006 but restricted from public distribution until it was leaked on the internet sometime later, identifies a four-step "radicalization cycle" in which

¹ Spencer Ackerman, *FBI 'Islam 101' Guide Depicted Muslims as 7th Century Simpletons*, WIRED, July 27, 2011, <http://www.wired.com/dangerroom/2011/07/fbi-islam-101-guide/>; Spencer Ackerman, *FBI Teaches Agents: 'Mainstream' Muslims are 'Violent, Radical'*, WIRED, Sept. 14, 2011, <http://www.wired.com/dangerroom/2011/09/fbi-muslims-radical/>; Spencer Ackerman, *New Evidence of Anti-Islam Bias Underscores Deep Challenges for FBI Reform Pledge*, WIRED, Sept. 23, 2011, <http://www.wired.com/dangerroom/2011/09/fbi-islam-domination/>.

² Press Release, Fed. Bureau of Investigation, *FBI Launches Comprehensive Review of Training Program* (Sept. 20, 2011) (on file with author).

³ Press Release, Fed. Bureau of Investigation, *Response to Media Reporting Regarding Counterterrorism Training* (Sept. 15, 2011) (on file with author).

religious converts purportedly become “Homegrown Islamic extremists.”⁴ According to this analysis, “indicators” of a convert’s extremism include:

- Increased isolation from former life
- Wearing traditional Muslim attire
- Growing facial hair
- Frequent attendance at a mosque or a prayer group
- Travel to a Muslim country
- Increased activity in a pro-Muslim social group or political cause
- Proselytizing.⁵

Such innocuous behaviors may indicate strong religious beliefs, and each is entirely protected by the First Amendment to the Constitution. Millions of Muslim-Americans may engage in some or all of them on a routine basis. Claiming these behaviors are indicative of a progression toward extremist violence is therefore both factually unsupportable and improper under the law.

Contrary to your statement that strong religious beliefs should not be confused with violent extremism, the 2006 FBI report states that these religious practices indicate a person is on a path to becoming a violent extremist. The report encourages law enforcement officials unfairly and inappropriately to view Muslim converts as potential threats. Though the report notes that, “Not all Muslim converts are extremists,” it suggests all should be treated as suspect because “they can be targeted for radicalization.”⁶ Rather than acknowledging the contrast between the 2006 FBI report and the FBI’s current position when pointed out by the reporter, FBI spokesman Christopher Allen defended the intelligence assessment, saying, “These indicators do not conflict with our statement that strong religious beliefs should never be confused with violent extremism.”⁷ We believe this defense is misplaced, and that factually-inaccurate and biased intelligence products are just as damaging as biased training materials.

The 2006 FBI report has had a significant and negative influence on counterterrorism policy. In 2007, the New York City Police Department (NYPD) published a controversial report entitled “Radicalization in the West,” which mimicked the FBI Intelligence Assessment’s four-step radicalization process (without attribution) and included a list of typical “signatures” of progression toward violent extremism, which were almost identical to those identified by the FBI:

- Becoming alienated from one’s former life; affiliating with like-minded individuals
- Joining or forming a group of like-minded individuals in a quest to strengthen one’s dedication to Salafi Islam

⁴ FED. BUREAU OF INVESTIGATION, INTELLIGENCE ASSESSMENT, *THE RADICALIZATION PROCESS: FROM CONVERSION TO JIHAD* (May 2006).

⁵ *Id.* at 10.

⁶ *Id.* at 6.

⁷ Spencer Ackerman, *New Evidence of Anti-Islam Bias Underscores Deep Challenges for FBI Reform Pledge*, *supra* note 1.

- Giving up cigarettes, drinking, gambling and urban hip-hop gangster clothes
- Wearing traditional Islamic clothing, growing a beard
- Becoming involved in social activism and community issues.⁸

The NYPD report has been referenced in testimony and reports by Members of Congress and policy think-tanks arguing for increased scrutiny of Muslim-Americans and the Muslim community.⁹ Indeed, the fundamentally flawed FBI and NYPD reports drive much of law enforcement's inappropriate focus on innocent Muslims today, from the FBI's surveillance of mosques and racial and ethnic mapping programs, to similar programs initiated by the Los Angeles Police Department and the NYPD, and anti-Muslim training programs offered to law enforcement around the country by private contractors.

The FBI report is wholly inconsistent with the 2011 White House strategy to prevent extremist violence, which states, "Government officials and the American public should not stigmatize or blame communities because of the actions of a handful of individuals."¹⁰ Identifying common religious practices as evidence of dangerousness only drives a wedge between the government and religious communities, and undermines effective law enforcement.

We greatly appreciate the FBI's recognition that training materials that mischaracterize Muslims and Islam as a threat to security are inappropriate. But FBI intelligence products that make the same erroneous claims must also be identified and withdrawn. We urge you to publicly withdraw the 2006 FBI Intelligence Assessment, "The Radicalization Process: From Conversion to Jihad," and issue revised guidance clearly stating that religious practices and political advocacy are protected activities under the First Amendment, and are not indicators of future violence.

Thank you,

American Civil Liberties Union
 Muslim Public Affairs Council
 Muslim Advocates
 Brennan Center
 Rights Working Group
 Arab-American Anti-Discrimination Committee (ADC)
 Center for Constitutional Rights
 Bill of Rights Defense Committee
 DownSizeDC.org, Inc.
 Government Accountability Project

⁸ MITCHELL D. SILBER AND ARVIN BHATT, NEW YORK CITY POLICE DEP'T, RADICALIZATION IN THE WEST: THE HOMEGROWN THREAT 31 (2007), http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf.

⁹ See, e.g., STAFF OF S. COMM. ON HOMELAND SEC. AND GOVERNMENTAL AFFAIRS, REPORT ON "VIOLENT ISLAMIST EXTREMISM, THE INTERNET AND THE HOMEGROWN THREAT" (May 8, 2008).

¹⁰ EXECUTIVE OFFICE OF THE PRESIDENT, EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES (Aug. 2011).

Defending Dissent Foundation
Rutherford Institute
Asian Law Caucus
Muslim Consultative Network
Human Rights First
South Asian Americans Leading Together (SAALT)
Islamic Society of North America
Muslim American Society
Muslim Progressive Traditionalist Alliance
Women in Islam, Inc.
Jews Against Islamophobia
Women Against Islamophobia and Racism (WAIR)
Association of Muslim American Lawyers (AMAL)
Arab American Institute
Creating Law Enforcement Accountability and Responsibility Program (C.L.E.A.R.) at CUNY
School of Law
Council on American-Islamic Relations (CAIR)
Council on American-Islamic Relations – New York Chapter