



here come the thought police

about the violent radicalization & homegrown terrorism prevention act

what is the violent radicalization and homegrown terrorism prevention act of 2007 (S.1959)?

The Violent Radicalization and Homegrown Terrorism Act of 2007 (S.1959 / H.R.1955), with an estimated budget of \$22 million over 4 years, would establish a national bipartisan commission to “[e]xamine and report upon the facts and causes of violent radicalization, homegrown terrorism, and ideologically based violence in the United States” by convening hearings, issuing reports, and establishing a university-based “center of excellence” of academics to recommend laws to combat homegrown terrorism. S.1959 also broadly defines “violent radicalization,” “homegrown terrorism,” & “ideologically-based violence.”

how does S.1959 threaten our constitutional rights?

1. S.1959’s focus on ideology rather than criminal behavior threatens First Amendment protected activity.

Rep. Jane Harman (D-CA), the author of the bill, said, “Our plan must be to intervene before a person crosses that line separating radical views from violent behavior.” It is precisely that line and that activity that the First Amendment protects, as the Supreme Court made clear in *Brandenburg v. Ohio*.

2. S. 1959 jeopardizes the Internet as a critical free speech zone.

in *Reno v. ACLU*, the Supreme Court unanimously decided that the Internet should be afforded no less First Amendment protection than books, newspapers, and magazines. This bill targets the Internet for investigative scrutiny and, in doing so, will undermine its existing protections.

3. S.1959 erodes them by misstating existing protections.

The bill excludes undocumented resident aliens from protection and, thus, denies them entitlements to equal protection and due process that they are afforded under the Constitution. It also weakens protections for people discriminated against because of race, religion and national origin, by stating that “rational basis” will be the standard of protection, which is weaker than the current standard.

4. The overly broad definitions included in S.1959 open the door for surveillance of political activity.

The definitions provided in S.1959

are so broad that they could be used by the commission to investigate activists in violation of their rights. This concern is augmented by how “domestic terrorism,” defined in the USA PATRIOT Act, has been misread & abused by government agencies thus far.

5. The commission’s membership qualifications suggest that Muslims and Arabs will be unfairly targeted.

The bill states that members of the proposed commission have security clearance and expertise in, among other areas, Islam. This indicates that Muslims and Arabs are likely to be targeted, yet the security clearance provision will exclude most potential allies from the groups being studied.

6. S.1959 opens the door to preventive detention.

In the months after 9/11, law enforcement agencies called in 93,000 foreign nationals who came from predominantly Arab or Muslim countries for fingerprinting, photographing, and special registration, with some being interviewed by the FBI and others placed under preventive detention. The few, mostly minor criminal convictions that have resulted from these broad sweeps do not justify the cost to civil liberties.

7. The bill’s \$22 million estimated budget creates unnecessary bureaucracy and wastes public funds.

The Department of Homeland Security already has 8 centers at academic institutions across the country. Is another center really necessary?

8. Previous commissions, legislation, and surveillance have been grossly abused throughout American history.

The Alien and Sedition Acts in the early 1900s, the HUAC investigations in the 1950s, and the illegal FBI counter-intelligence program (COINTELPRO) in the 1960s and 1970s ruined the lives of countless politically-engaged Americans, as the government abused the powers established through these commissions and laws. Fomenting fear, scapegoating, or recreating McCarthyism is not going to make America safer.

9. Policies recommended by the commission are likely to be enacted.

Other similar commissions, such as the Gilmore Commission, have had the overwhelming majority of their policy suggestions implemented as law. Considering the overwhelming threat to civil liberties that exists in this bill’s definitions and research methods, the policy suggestions will most likely undermine the rights of the American people.

"it is essential that we understand why individuals become radicalized & what we can do to prevent radical ideologies from taking hold and spreading here in the United States."

—Rep. Dave Reichert (R-WA), co-sponsor of the Violent Radicalization & Homegrown Terrorism Prevention Act

where did this bill come from?

In the House, the bill was sponsored by Rep. Jane Harman (D-CA), Chair of the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment. The bill, which had broad bipartisan support, was co-sponsored by Rep. David G. Reichert (R-WA). It was introduced on April 19, 2007. According to Harman's office, terrorist acts such as the Oklahoma City bombing, 9/11, a reported 2005 plot to bomb synagogues in Los Angeles, and the foiled car bomb plot at Los Angeles International airport inspired the legislation.

Harman has worked closely with the Rand Corporation, a government-affiliated think tank based near Harman's district in Southern California, and Rand appears to have influenced the drafting of the bill. Two weeks prior to the bill's introduction, Brian Michael Jenkins, a senior advisor at Rand, delivered testimony on "Jihadist Radicalization and Recruitment" to Harman's subcommittee. In 2005, Rand published a book by Jenkins that posits that "[i]n their international campaign, the jihadists will seek common grounds with leftist, anti-American, and anti-globalization forces, who will in turn see, in radical Islam, comrades against a mutual foe." He also mentions that the government should pay special attention to environmentalists, anti-globalization activists, and anarchists.

what is the bill's current status?

The bill passed in the House on October 23, 2007 with only six dissenting votes and with virtually no discussion. Although the subcommittee did hear ample testimony on the issues, there was virtually no debate on the bill itself within the House, and it was rushed through under "Suspension of the Rules." Suspension of the Rules is generally applied for bills deemed uncontroversial and not needing extra debate.

The bill is currently in the Senate Homeland Security and Governmental Affairs Committee. The Senate version is under construction by Senator Susan Collins (R-ME), ranking Republican on the Committee.

what should congress do instead?

S.1959 should not be passed in any form. It will not effectively combat terrorism; instead, it will continue the trend of post-9/11 government action that encourage surveillance of protected political activity and create a chilling effect on free speech. CCR recommends:

1. Congress should narrow the definition of terrorism to protect the American public from law enforcement abuse and unlawful targeting. Congress must prioritize legislation where political expression and activity can in no way be mislabeled "terrorism."
2. Congress must aggressively promote constitutional rights and international standards in counter-terrorism policy. We do not need Congress to acquiesce to the Executive's misuse of its authority and damaging, ineffective counter-terrorism policies. Rather, we need Congress to restore habeas corpus, prohibit torture and abuse of detainees, close legally suspect detention centers, and create mechanisms for accountability when laws are violated.

help ccr stop the thought police

Help CCR make sure this bill dies in the Senate Committee and doesn't become law. If you or someone you know live in one of the following Senators' states, please call their offices and let them know how S.1959 could hurt you and our constitutional freedoms. Try and set up a meeting with your Senator to discuss your concerns at length.

Get more information about the Violent Radicalization and Homegrown Terrorism Prevention Act and a list of talking points to use in your discussion with your Senator at www.ccrjustice.org

DEMOCRATS:

Joe Lieberman, Chair (CT)
Daniel Akaka (HI)
Thomas R. Carper (DE)
Mary Landrieu (LA)
Carl Levin (MI)
Claire McCaskill (MO)
Barack Obama (IL)
Mark Pryor (AR)
Jon Tester (MT)

REPUBLICANS:

Susan Collins, Ranking Member (ME)
Tom Coburn (OK)
Norm Coleman (MN)
Pete Domenici (NM)
Ted Stevens (AK)
George Voinovich (OH)
John Warner (VA)

Take this leaflet, make copies, and share it with others at your workplace, school and community.

Join CCR's online action list to get up-to-date information about the strategic actions you can take to stop the thought police.