

August 24, 2017

Perry A. Lange

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Mr. Sam Kaplan
Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, DC 20528-0655

Dear Mr. Kaplan:

I write pursuant to the Freedom of Information Act (FOIA) on behalf of the Muslim Public Affairs Council (MPAC) and MPAC Foundation to request certain records related to the Department of Homeland Security Countering Violent Extremism (CVE) Grant program.¹

MPAC and MPAC Foundation are national nonprofit organizations dedicated to promoting and strengthening American pluralism through improving public understanding and policies that impact American Muslims. One of MPAC Foundation's projects is the Safe Spaces Initiative, a community-based alternative to government CVE programs, which empowers communities to themselves promote civic engagement, public safety, healthy identity formulation, and to prevent violent extremism. In January of this year, the DHS awarded MPAC Foundation a CVE grant to expand its Safe Spaces Initiative into more communities.

In June, following a review undertaken by the new Administration, a revised list of grantees was announced that omitted MPAC Foundation, as well as a number of other community groups listed as grantees in January. Based on MPAC Foundation's communications with DHS, press reports about the review, and a comparison of the June grantees to the January grantees, MPAC Foundation is concerned that the review undertaken by DHS shifted the CVE Grant program to an ideologically-driven program targeting Muslims, and away from its original focus on supporting a broad array of community-based programs addressing violent extremism in many different groups. For example, the June list of grantees now excludes organizations awarded funds in January that applied for CVE grant funds specifically to address violent extremism by white supremacists.

¹ <https://www.dhs.gov/cvegrants>.

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Requested Records

1. All records regarding the CVE program and the following organizations, including but not limited to all communications with the organizations, and any records relating to any application for CVE grant funding by the organization:
 - a. Nashville International Center for Empowerment
 - b. Seattle Police Department
 - c. Hennepin County Sheriff's Office (Minneapolis)
 - d. National Governors Association
 - e. Alameda County Sheriff's Office
 - f. Massachusetts Executive Office of Public Safety and Security
 - g. University of San Diego
 - h. Ka Joog Nonprofit Organization
 - i. Leaders Advancing and Helping Communities
 - j. Tuesday's Children
 - k. Music in Common
 - l. Coptic Orthodox Charities
 - m. Life After Hate Inc.
 - n. Muslim Public Affairs Council Foundation
 - o. Project Help Nevada, Inc.
 - p. Unity Productions Foundation
 - q. University of North Carolina, Chapel Hill
 - r. Muslim American Leadership Alliance

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- s. Claremont School of Theology
2. All records regarding the decision to conduct a review of the CVE program and of the CVE grantees announced on January 13, 2017, including but not limited to:
 - a. All records discussing the basis for the review;
 - b. All records indicating the personnel tasked with conducting the review and the reason for their inclusion in the review; and
 - c. All records concerning the criteria applied during the review and the basis for the criteria.
 3. All records regarding the decision not to award on June 23, 2017 a CVE grant to organizations previously listed on the January 13, 2017 press release naming CVE grantees, including but not limited to:
 - a. Ka Joog Nonprofit Organization
 - b. Leaders Advancing and Helping Communities
 - c. Tuesday's Children
 - d. Music in Common
 - e. Coptic Orthodox Charities
 - f. Life After Hate Inc.
 - g. Muslim Public Affairs Council Foundation
 - h. Project Help Nevada, Inc.
 - i. Unity Productions Foundation
 - j. University of North Carolina, Chapel Hill
 - k. Muslim American Leadership Alliance
 - l. Claremont School of Theology

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4. All records regarding any decision to focus the CVE program on radical Islam or Islamic extremism and not violent extremism by other groups, such as white supremacists or Christians.²
5. All records regarding consideration of changing the name of the CVE program to include a reference to “Islamic extremism” or “radical Islam,” including all records regarding any decision not to change the name of the program.³
6. All records regarding any meeting occurring on or around January 2017 in which “government employees were asked to defend why they chose certain community organizations as recipients of CVE program grants.”⁴
7. All records that are communications between any individual acting on behalf of the Department of Homeland Security and any individual acting on behalf of any other office or agency of the federal government that relate to the above subjects, to the extent not otherwise provided.

Application for Expedited Treatment

MPAC Foundation requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and 5 C.F.R. § 5.5(e). Expedited processing is warranted for two reasons.

First, MPAC is an organization “primarily engaged in disseminating information” within the meaning of the statute and DHS implementing regulations, and its request seeks records in order urgently to inform the public about actual or alleged government activity. 5 U.S.C. § 522(a)(6)(E)(v); *see also* 5 C.F.R. § 5.5(e)(i) and (iv). MPAC disseminates information to the press and to the public through its website and publications, among other means.⁵ The information requested concerns funding for community programs targeting violent extremism. In particular, MPAC’s request focuses on whether DHS is fulfilling Congress’s intent to broadly target violent extremism, or is focused solely on violent extremism in Muslim communities while denying funding to community groups targeting violent extremism among other groups, such as white supremacists. In light of recent acts of violence perpetrated by neo-nazi and white supremacist groups, there is a timely and urgent need to provide the requested information to the public, which may affect public confidence in the government’s counterterrorism efforts.

² “Exclusive: Trump to Focus Counter-Extremism Program Solely on Islam – Sources,” Reuters, Feb. 1, 2017.

³ *Id.*

⁴ *Id.*

⁵ *See, e.g.*, <https://www.mpac.org/media.php>; <https://www.mpac.org/publications/policy-papers.php>.

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Moreover, there is widespread and ongoing media interest on acts of violent extremism in the United States, especially among white supremacist groups.⁶ 5 C.F.R. § 5.5(e)(iv).

Second, expedited processing is merited because of the potential for the loss of substantial due process rights. 5 U.S.C. § 5.5(e)(iii). As discussed above, press reports and other information suggest that the CVE Grant Program may have been refocused to single out a specific religious group, contrary to U.S. law. Expedited processing is required timely to assess whether this, or other changes to the program, violated U.S. statutory and constitutional protections or other legal rights.

Application for Waiver or Limitation of Fees

MPAC Foundation requests a waiver of document search, review, and duplication fees on the grounds that the disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 5 C.F.R. § 5.11.

As discussed above, the requested records concern a timely issue of significant public interest – whether public funds earmarked by Congress to address violent extremism have been appropriately allocated. Further, MPAC and MPAC Foundation are nonprofit entities engaged in dissemination of information, advocacy, and education that do not have commercial operations. MPAC and MPAC Foundation will provide the requested records to the public, the media, and interested public officials through its website and other means free of charge.

Scope of Search

This request applies to all applicable records within offices or agencies of the Department of Homeland Security involved in the Countering Violent Extremism grant program, including but not limited to the Office of the Secretary for Homeland Security, the Office of Community Partnerships, the Federal Emergency Management Agency, or any other office or agency whether the involvement was official or unofficial.

⁶ *See, e.g.*, <https://www.nytimes.com/2017/08/18/us/demonstration-race-free-speech-boston-charlottesville.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region®ion=top-news&WT.nav=top-news>; <https://www.nytimes.com/2017/08/13/us/far-right-groups-blaze-into-national-view-in-charlottesville.html?action=click&contentCollection=U.S.&module=RelatedCoverage®ion=EndOfArticle&pgtype=article>; <https://www.nytimes.com/2017/08/13/us/charlottesville-protests-unite-the-right.html?action=click&contentCollection=U.S.&module=RelatedCoverage®ion=EndOfArticle&pgtype=article>; https://www.washingtonpost.com/graphics/2017/local/charlottesville-timeline/?tid=graphics-story&utm_term=.cb237838b012; <https://www.wsj.com/articles/trump-defends-confederate-statues-in-wake-of-charlottesville-violence-1502980934>.

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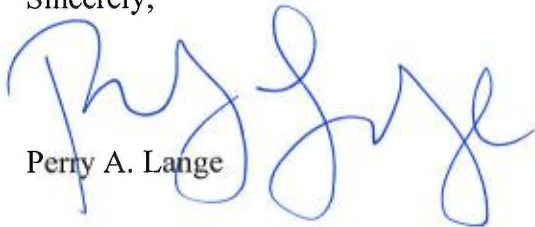
If the request is denied in whole or in part, I ask that you justify all withholdings by reference to specific exemptions to the FOIA. Please release all segregable portions of materials you believe are otherwise exempt. I reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

Please send all applicable records to:

Perry Lange
WilmerHale
1875 Pennsylvania Avenue, NW
Washington, DC 20006
perry.lange@wilmerhale.com

Thank you for the prompt attention to the matter. I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief.

Sincerely,



Perry A. Lange