



July 26, 2022

Jake Sullivan
National Security Advisor
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear Mr. Sullivan:

The deadly shooting in Buffalo, New York, on May 14 was a tragic reminder of the history and continued impact of white supremacist violence on communities of color. The undersigned organizations thank the administration for naming the poison of white supremacy and welcome your commitment to addressing deadly white supremacist violence, which is often aimed at racial, religious, ethnic, immigrant, and LGBTQ communities. We request a meeting with you to discuss the contents of this letter and look forward to working with you to ensure all communities are safe from violence.

The White House's first-ever National Strategy for Countering Domestic Terrorism (DT Strategy) issued last year is a sign of the administration's commitment to this goal. It includes welcome elements, such as elevating the importance of collecting data about the threat of domestic terrorism and the need to protect civil rights and civil liberties in combating this threat.

But the DT Strategy also relies on failed approaches to counterterrorism. Solutions to address violent white supremacy must not rely on broken models that have, over the years, done harm to the very communities that are often the target of white supremacist violence. These include:

- continuing the use of surveillance and information sharing programs, such as fusion centers, despite numerous documented abuses and a lack of evidence that they yield meaningful benefits;
- repackaging the core Countering Violent Extremism prevention model under the label of the Center for Prevention Programs and Partnerships;
- utilizing a watchlisting system that has ballooned to more than 1 million names, operating in secrecy without even basic due process protections, while overwhelmingly targeting Muslims and Arabs, immigrants, and communities of color; and
- expanding dragnet social media surveillance, which threatens free expression and has not been shown effective.

Moreover, we are concerned that rather than focus on enforcing hate crimes laws — which were enacted starting in the 1870s to respond to anti-Black white supremacist violence that was terrorizing communities across the South — the administration is doubling down on a

Officers

Chair

Judith L. Lichtman
National Partnership for
Women and Families

Vice Chairs

Derrick Johnson
NAACP
Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund

Secretary

Fatima Goss Graves
National Women's Law Center

Treasurer

Lee A. Saunders
American Federation of State,
County and Municipal Employees

Board of Directors

Gloria L. Blackwell
AAUW
Ray Curry
International Union, UAW
Jocelyn Frye
National Partnership for
Women and Families
Jonathan Greenblatt
Anti-Defamation League
Mary Kay Henry
Service Employees International Union
Damon Hewitt
Lawyers' Committee for
Civil Rights Under Law
Sherrilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
David H. Inoue
Japanese American Citizens League
Benjamin Jealous
People for the American Way
Virginia Kase Solomon
League of Women Voters of the
United States
Samer E. Khalaf
American-Arab
Anti-Discrimination Committee
Joni Madison
Human Rights Campaign
Marc Morial
National Urban League
Janet Murguía
UnidosUS
Christian F. Nunes
National Organization for Women
Rabbi Jonah Pesner
Religious Action Center
of Reform Judaism
Rebecca Pringle
National Education Association
Lisa Rice
National Fair Housing Alliance
Anthony Romero
American Civil Liberties Union
Liz Shuler
AFL-CIO
Fawn Sharp
National Congress of American Indians
Maria Town
American Association of
People with Disabilities
Randi Weingarten
American Federation of Teachers
John C. Yang
Asian Americans Advancing Justice |
AAJC

President and CEO

Maya Wiley



counterterrorism model by taking steps such as creating a “Domestic Terrorism Unit” within the National Security Division of the Department of Justice and using Department of Homeland Security grants to develop threat assessments. These efforts to respond to hate violence (incidents that may meet the statutory definitions of both federal hate crimes and domestic terrorism) have the potential to harm the very communities most vulnerable to it. Historically, law enforcement agencies have used overbroad counterterrorism authorities to target racial and religious minorities as well as protestors.

At the same time, the DT Strategy fails to address the overbroad authorities and policies of the post-9/11 period. The 2008 *Attorney General’s Guidelines for Domestic FBI Operations* still permit the FBI to use highly intrusive investigative techniques without suspicion of wrongdoing, and the 2014 *Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity* still includes significant rights-violating loopholes (in national security and border settings, for instance) and lacks an enforcement mechanism, offering little protection against the abuses that suspicionless scrutiny invites. These fundamental shortcomings have long enabled law enforcement agencies to view communities of color through a “security threat” lens and wrongly target Black, Brown, Muslim, Arab, and — increasingly — Asian communities for suspicion, surveillance, and harassment. Any effort by the administration to address domestic terrorism must also reform the rules that allow law enforcement agencies to target these communities, especially given the well-documented problem of explicit racism within law enforcement itself.

We cannot promote fairness, accountability, and transparency in government programs and policies while continuing to rely on the systems that have long eroded those values. We believe it is possible to confront the reality of white supremacist violence while also protecting the civil rights and civil liberties of all.

We acknowledge that the administration has taken some steps to recognize our concerns, such as the recent Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, which calls for an assessment of the implementation and effects of the Justice Department’s 2014 profiling guidance and requires best practices for ensuring violent white supremacists are not hired by law enforcement agencies.

But more needs to be done — and urgently. We request a meeting with you to discuss the concerns outlined above and look forward to working with you to ensure all communities are safe from violence.

You may contact Faiza Patel with the Brennan Center for Justice at patelf@brennan.law.nyu.edu or Nadia Aziz with The Leadership Conference on Civil and Human Rights at aziz@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Civil Liberties Union
Arab American Institute
Bend the Arc: Jewish Action
Brennan Center for Justice



Muslim Advocates
NAACP Legal Defense and Education Fund, Inc. (LDF)
The Sikh Coalition

CC: Elizabeth Sherwood-Randall, Homeland Security Advisor
Joshua Geltzer, Deputy Homeland Security Advisor
Susan Rice, Domestic Policy Counsel Director
Merrick Garland, Attorney General, U.S. Department of Justice
Lisa Monaco, Deputy Attorney General, U.S. Department of Justice
Vanita Gupta, Associate Attorney General, U.S. Department of Justice
Kristen Clarke, Assistant Attorney General, U.S. Department of Justice
Matthew Olsen, Assistant Attorney General, U.S. Department of Justice
Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security
Avril Haines, Director of National Intelligence
Members of the Senate and House Judiciary Committees
Members of the Senate and House Homeland Security Committees
Members of the Senate and House Intelligence Committees