



STATEMENT OF

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**BEFORE THE
SUBCOMMITTEE ON OVERSIGHT AND MANAGEMENT EFFICIENCY,
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U.S. HOUSE OF REPRESENTATIVES**

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Introduction

Chairman Duncan, Ranking Member Barber, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today as the Acting Officer for Civil Rights and Civil Liberties (CRCL) for the United States Department of Homeland Security (DHS). At your request, my testimony will be about DHS's engagement with diverse ethnic and religious communities.

Congress established the Office for Civil Rights and Civil Liberties, to, among other things, "assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities," and to "review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department." 6 U.S.C. § 345(a). Both of these functions are improved by—even depend upon—our engagement with diverse communities.

Engaging communities – soliciting their views, explaining our policies, and seeking to address any complaints or grievances they may have – is a basic part of good and responsible government and is vital to the Department's mission.

Our community engagement efforts build crucial channels of communication, educating us about the concerns of communities affected by DHS activities and giving those communities reliable information about policies and procedures. The Department builds trust by facilitating resolution of legitimate grievances, while reinforcing a sense of shared American identity and community, and demonstrating the collective ownership of the homeland security project. I thank you for the opportunity to share with you our work in this area.

The DHS Office for Civil Rights and Civil Liberties

The DHS Office for Civil Rights and Civil Liberties (CRCL) carries out four key functions to integrate civil rights and civil liberties into Department activities:

- Advising Department leadership, personnel, and partners about civil rights and civil liberties issues, ensuring respect for civil rights and civil liberties in policy decisions and implementation of those decisions.
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns.
- Investigating and resolving civil rights and civil liberties complaints filed by the public.
- Leading the Department's equal employment opportunity programs and promoting personnel diversity and merit system principles.

Community Engagement

CRCL devotes substantial effort to engage with diverse ethnic and religious communities including American Arab, Muslim, Sikh, Southeast Asian, Latino, Jewish, South Asian and other including interfaith communities helping to ensure that all communities in this country are active participants in the homeland security effort. Many other DHS offices also conduct outreach to these communities. For example, U.S. Citizenship and Immigration Services (USCIS), has held Naturalization Information Sessions in these communities, and has published its guide “Welcome to the United States” in fourteen languages, officials from the Office of Policy and the Office of Intergovernmental Affairs have met repeatedly with members of these communities as well. However, CRCL is the Office within DHS that conducts the most extensive regular community engagement effort involving the many diverse communities across the nation through several types of regular events or programs: community leader roundtables; youth roundtables; subject-specific community town halls; and a rapid response communication network. CRCL has developed sophisticated mechanisms for engagement including many best practices to ensure productive communication and dialogue both with the community and within the federal government.

Roundtables: Over the past eight years, CRCL has established or managed regular community engagement roundtable meetings for community and government leaders in thirteen metropolitan areas across the country: Houston, Chicago, Boston, Los Angeles, Minneapolis, Columbus (Ohio), Seattle, Atlanta, Central Florida (Tampa), Denver, New York City, and Washington, D.C. In addition, CRCL has developed relationships with Somali American leaders in San Diego, and Lewiston (Maine), and includes them in the regular roundtables where possible and in bi-monthly community conference calls. .

These roundtable events include DHS components relevant to the issues placed on the agenda by our community partners, most often U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and the Transportation Security Administration (TSA). Government participation also includes U.S. Attorneys’ Offices, the Federal Bureau of Investigation (FBI), state and local law enforcement, and other federal and local officials.

The roundtables cover a range of homeland security, civil rights, and other areas including rules governing remittances to foreign relatives; immigration and naturalization policies; access to information about basic government services in different languages; roles and responsibilities of law enforcement; detention of national security suspects; how government can work with communities to promote civic engagement; services for newly-arrived refugees; crime prevention; how communities can work with government to counter violent extremism; protection of civil rights in employment, voting, housing, and other areas; prosecution of hate crimes; and border searches among others.

The meetings provide opportunities for community leaders to set the agenda, learn about significant government policies, as well as to raise specific issues of concern in a format that emphasizes accountability for answers—the government participants will be back again the following quarter or communicate in the interim. For our engagement efforts to be sustainable, it

is important that the grievances of these communities be heard by policy decision makers, so we collect inquiries and issues from the communities and encourage participation of senior Department leadership, and CRCL keeps them apprised of the impact of DHS policy and operations.

An example is our engagement efforts related to DHS immigration and border security policies. We hold quarterly meetings with a broad-based non-governmental organization (NGO) coalition of national civil rights and immigrant-rights organizations; have established an inter-agency Immigrant Worker Roundtable to bring together DHS components, other federal agencies, and NGOs; and facilitate an immigration Incident Coordination Call, which provides immigrant community leaders with vital information about CBP and ICE enforcement posture during emergencies. In the past it has been used only to prevent loss of life by encouraging immigrant communities to evacuate dangerous areas during hurricanes by alleviating undue fear of enforcement.

We also participate in engagement activities of other DHS components; over the past several months, for example, my staff served as the designated facilitators for subject-specific stakeholder meetings about CBP's Language Assistance Policies with local law enforcement agencies in the Pacific Northwest and spearheaded Limited English Proficiency (LEP) and Community Engagement training for local law enforcement and diverse communities.

Youth roundtables: CRCL has hosted four "Roundtables on Security and Liberty" in Washington, D.C.; Houston; and Los Angeles to connect with 150 young leaders ages 18-25 from American Arab, Muslim, Sikh, and South Asian communities. These events offer opportunities for youth to share their thoughts with senior DHS leadership and for government officials to learn from a population whose perspectives are invaluable to homeland security efforts. Additionally, CRCL has hosted three similar youth town halls with Somali youth groups in Minneapolis and Columbus; events attended by the US Attorneys and coordinated with other federal, state, and local law enforcement and other officials.

Incident Community Coordination Team: Government contact with diverse community leaders in the hours and days after an incident can be extraordinarily helpful, because community leaders can calm tensions, share information with their communities, and perhaps assist law enforcement. Accordingly, my office has established the Incident Community Coordination Team (ICCT). This conference call mechanism connects federal officials with key leaders in the event of a situation in which contact would be productive. DHS participant components and offices include TSA, ICE, CBP, USCIS, the Office of Public Affairs, and the Office of Intelligence & Analysis. We are also joined when relevant by the White House Office of Public Engagement, the DOJ Civil Rights Division, the FBI, the National Counterterrorism Center (NCTC), and the Department of State, among others. Community participants include representatives of national organizations, community leaders from key cities, and religious and cultural scholars.

Our ICCT has been used eleven times since we established it in 2006, and has been an effective device in several ways:

- It allows participating agencies to get community leaders the information they need in the aftermath of an incident. The information shared—which is not classified or restricted—is valuable because of its reliability and timeliness.
- It gives community leaders a channel to speak to federal officials in a timely and effective way. They can share reactions to governmental policies or enforcement actions, and provide information about hate crimes that should be investigated, about the mood of communities in the aftermath of a homeland security incident and, possibly, about how the government might improve its effectiveness in investigating the incident.
- It facilitates development of a common understanding about the messages that government and community leaders will send to these communities, the country, and the world.

The ICCT has convened following: the London arrests in August 2006, the Ft. Dix and JFK arrests in June 2007, the London and Glasgow terror attacks in late June 2007, the release of the National Intelligence Estimate in July of 2007, the Fort Hood shootings in November of 2009, and the December 25, 2009 Northwest Airlines bombing attempt. In 2011, the ICCT was activated to address the death of Osama Bin Laden and the tenth anniversary of the September 11th attacks. In 2012, it was activated in the aftermath of the attack on the Sikh Gurdwara (Temple) in Oak Creek, Wisconsin. In 2013, it was activated twice in one week following the Boston Marathon terrorist attacks.

During the most recent ICCT calls for the Boston bombings, approximately 180 community stakeholders representing various organizations, faith-based groups and community affinities participated. Most community participants were from the Boston area, but many joined the call from elsewhere in the country to hear timely information from the U.S. Government and to provide information back from their communities.

The US Attorney from Boston, Carmen Ortiz, and officials from DHS, including from CBP, TSA, ICE HSI, ICE ERO, joined the call. Other officials from the FBI, the National Counterterrorism Center, and elsewhere in the Administration also joined the call.

All government partners updated community participants on the nature of the ongoing investigation and also provided resources such as community hotline information and points of contact in case community members wished to report instances of retaliation or backlash violence in the wake of the Boston attack.

Community stakeholders engaged in a robust Q&A session asking questions about DHS' various alert mechanisms and offered feedback on how government and law enforcement agencies could better manage public messaging as events continue to unfold. Terminology and messaging was also a focus of the discussion.

CRCL has since received specific follow ups on this issue from community stakeholders in a number of cities nationwide and will have this topic on the agenda at all upcoming community engagement roundtables and other follow up meetings.

Facilitating Local Engagement

There are millions of American Arab, Muslim, Sikh, Southeast Asian, Latino, Jewish, South Asian and other including interfaith communities, living in thousands of towns and cities across the nation. By necessity, governmental engagement with these and other diverse communities has to be local.

CRCL conducts training for law enforcement personnel on cultural competency relating to diverse ethnicities, cultures, and religious practices. This kind of training is a precondition for honest communication and trust between officers and the communities they serve and protect. Topics include: misconceptions and stereotypes of Arab and Muslim cultures; diversity within Arab and Muslim communities; effective policing without the use of ethnic or racial profiling; and a best practices approach to community interaction and outreach. Much of this training is provided live, usually on-site, to federal, state, and local law enforcement officials around the country.

It is worth noting, in addition, that it is our community partners—reliably informed by engagement activities about government policy and practices, and consistently empowered by those same engagement activities to highlight for policymakers their experiences, concerns, and grievances and to obtain reasonable responses—who bear the responsibility to counter violent extremist ideologies that subvert their values and may pave a path for young people towards violence. Extremist beliefs, after all, are protected by the Constitution. Our proper sphere of concern and intervention is violence, not extremism.

Civil Liberties Engagement

As particular topics warrant civil liberties considerations, CRCL reaches out to obtain the views of leading civil liberties advocates. In particular, when a new DHS program, activity or policy change leads to concerns from the public on civil liberties, CRCL makes an effort to engage with its civil liberties partners for feedback. For example, CRCL has discussed its training for fusion center personnel and its recently published civil liberties impact assessment on the DHS support to fusion centers with civil liberties organizations. We participated in a forum on fusion centers hosted by the Constitution Project and invited the ACLU and the Constitution Project to address all fusion center privacy officers at a DHS led conference. CRCL and the DHS Privacy Office have recently begun bi-weekly Cybersecurity Engagement Meetings to discuss the new Cybersecurity Executive Order. On other topics, ranging from Unmanned Aerial Systems to border searches of electronic devices, CRCL has maintained an open door policy for discussing the concerns of civil liberties specialists.

Conclusion

DHS envisions a homeland that is safe, secure and resilient against terrorism and other hazards, and where American interests, aspirations, and way of life can thrive. The American way of life prominently includes our cherished civil rights and civil liberties. Even so, our Department—and the federal government as a whole—cannot possibly do all that needs to be done in this area of endeavor. States and local governments are beginning to become active in this area, and some are doing terrific work. We must promote more local efforts, by modeling constructive engagement; providing in-person and scalable training and training materials; coordinating community-oriented activities; and promulgating community engagement best practices. We need to ensure that our state, local, and tribal partners have the knowledge, methods, skills, and resources to productively engage their communities.

Frequent, responsive, and thoughtful engagement with diverse communities is an imperative of effective government. Such engagement gathers and shares information, builds trust, informs policy, and enables prompt response to legitimate grievances and needs.

Thank you, again, for the opportunity to testify today. I welcome your questions.