

FBI'S PREVENTATIVE ROLE: HYGIENE FOR CORPORATIONS, SPIES FOR MUSLIMS

I'm still deep in this 9/11 Follow-up Report FBI, which Jim Comey and now-retired Congressman Frank Wolf had done last year and which released the unsurprising topline conclusion that Jim Comey needs to have more power, released earlier this week.

About the only conclusion in the report that Comey disagreed with – per this Josh Gerstein report – is that it should get out of the business of Countering Violent Extremism.

Comedy said he agreed with many of the report's recommendations, but he challenged the proposal that the FBI leave counter-extremism work to other agencies.

"I respectfully disagree with the review commission," the director said. "It should not be focused on messages about faith it should not be socially focused, but we have an expertise ... I have these people who spend all day long thinking dark thoughts and doing research at Quantico, my Behavioral Analysis Unit. They have an incredibly important role to play in countering violent extremism."

Here's what the report had to say about FBI and CVE (note, this is a profoundly ahistorical take on the serial efforts to CVE, but that's just one of many analytical problems with this report).

The FBI, like DHS, NCTC, and other agencies, has made an admirable effort to counter violent extremism (CVE) as

mandated in the White House's December 2011 strategy, Empowering Local Partners to Prevent Violent Extremism in the United States. In January 2012, the FBI established the Countering Violent Extremism Office (CVEO) under the National Security Branch.³²² The CVEO was re-aligned in January 2013 to CTD's Domestic Terrorism Operations Section, under the National JTTF, to better leverage the collaborative participation of the dozens of participating agencies in FBI's CVE efforts.³²³ Yet, even within FBI, there is a misperception by some that CVE efforts are the same as FBI's community outreach efforts. Many field offices remain unaware of the CVE resources available through the CVEO.³²⁴ Because the field offices have to own and integrate the CVE portfolio without the benefit of additional resources from FBI Headquarters, there is understandably inconsistent implementation. The Review Commission, through interviews and meetings, heard doubts expressed by FBI personnel and its partners regarding the FBI's central role in the CVE program. The implementation had been inconsistent and confusing within the FBI, to outside partners, and to local communities.³²⁵ The CVEO's current limited budget and fundamental law enforcement and intelligence responsibilities do not make it an appropriate vehicle for the social and prevention role in the CVE mission. Such initiatives are best undertaken by other government agencies. The Review Commission recommends that the primary social and prevention responsibilities for the CVE mission should be transferred from the FBI to DHS or distributed among other agencies more directly involved with community interaction.

[snip]

(U) Recommendation 6: The Review Commission recommends that the primary social and prevention responsibilities for the CVE mission should be transferred from the FBI to DHS or distributed among other agencies more directly involved with community interaction.

For what it's worth, Muslim communities increasingly agree that the FBI – and the federal government generally – should not be in the business of CVE. But that's largely because the government approaches it with the same view Comey does: by thinking immediately of his analysts thinking dark thoughts at Quantico. So if some agency that had credibility – if some agency had credibility – at diverting youth (of all faiths) who might otherwise get caught in an FBI sting, I could support it moving someplace else, but I'm skeptical DHS or any other existing federal agency is that agency right now.

While the Review doesn't say explicitly in this section what it wants the FBI to be doing instead of CVE, elsewhere it emphasizes that it wants the FBI to do more racial profiling (AKA "domain awareness") and run more informants. Thus, I think it fair to argue that the Ed Meese-led panel thinks the FBI should spy on Muslims, not reach out to them. Occupation-style federal intelligence gathering, not community based.

Which is why I think this approach to Muslim communities should be compared directly with the Review's approach with corporations. The same report that says FBI should not be in the business of CVE – which done properly is outreach to at-risk communities – says that it should accelerate and increase its funding for its outreach to the private sector.

(U) Recommendation 5: The Review Commission recommends that the FBI enhance and accelerate its outreach to

the private sector.

- *(U) The FBI should work with Congress to develop legislation that facilitates private companies' communication and collaboration and work with the US Government in countering cyber threats.*
- *(U) The FBI should play a prominent role in coordinating with the private sector, which the Review Commission believes will require a full-time position for a qualified special agent in the relevant field offices, as well as existing oversight at Headquarters.*

Indeed, in a paragraph explaining why the FBI should add more private sector liaisons (and give them the same credit they'd get if they recruited corporations as narcs, only corporations shouldn't be called "sources" because it would carry the stigma of being a narc), the Review approvingly describes the FBI liaison officers working with corporations to promote better Internet hygiene.

The Review Commission learned that the FBI liaison positions have traditionally been undervalued but that has begun to change as more experienced special agents take on the role, although this has not yet resulted in adequate numbers

of assigned special agents or adequate training for those in the position. One field office noted that it had 400 cleared defense contractors (CDCs) in its AOR—ranging from large well known names to far smaller enterprises—with only one liaison officer handling hundreds of CDCs. *This field office emphasized the critical need for more liaison officers to conduct outreach to these companies to promote better internet hygiene, reduce the number of breaches, and promote long-term cooperation with the FBI.*³¹⁹ Another field office noted, however, some sensitivity in these liaison relationships because labeling private sector contacts as sources could create a stigma. The field office argued that liaison contacts should be considered valuable and special agents should receive credit for the quality of liaison relationships the same way they do for CHSs.³²⁰

Ed Meese's panel wants the FBI to do the digital equivalent of teaching corporations to blow their nose and wash their hands after peeing, but it doesn't think the FBI should spend time reaching out to Muslim communities but should instead spy on them via paid informants.

Maybe there are good reasons for the panel's disparate recommended treatment of corporations and Muslim communities. If so, the Review doesn't explain it anywhere (though the approach is solidly in line with the Intelligence Committees' rush to give corporations immunity to cyber share information with the federal government).

But it does seem worth noting that this panel has advocated the nanny state for one stakeholder and STASI state for another.