

5-2020

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WHY THERE SHOULD BE A LAW AGAINST U.S DOMESTIC TERRORISM

A Global Studies Capstone Project Report

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May 8, 2020

Literature Review

Terrorism is a broad term considering how it is used and to whom it is used to describe. It is used to describe mostly people not from the country that they commit acts of violence against, whether the attacks are political or not. This topic of domestic terrorism has a lot of significance because it is happening currently and only increasing the amount of violent attacks towards the civilian population. Is the US government combating it or trying to combat as much as it does with international terrorism? In the 2001 USA patriot act, terrorism is defined as “intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping.” (Levin, 2015). It describes both domestic and international terrorism, but it is mostly used in terms against people not from this country. There is no law specifically against domestic terrorism in the USA. That is why no one is ever charged with domestic terrorism even though, there have been acts of violence that qualify as acts of domestic terrorism by not only the USA patriot act but the FBI definition as well.

The FBI definition of domestic terrorism is “Violent, criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature.” Remarkably like that of the USA patriot act, but it describes a bit more on the domestic side as well. There is a lot of interest in it because domestic terrorism is not seen on the same level as international terrorism. Another aspect that I will be evaluating is if race has to do with why international and domestic terrorism are combated differently. Those of other countries do not get the same treatment as

someone from the United States like right-wing extremist and those that are thought to be radicalized by foreign terrorist organizations.

International terrorism isn't on the top priority list today for the United States government since Isis has been largely defeated in Syria and Iraq and both AL-Qaeda and Isis, the two main international terrorist groups have been defeated by the USA and its allies. "In the United States, statistics show that attacks by Islamist extremists are dubbed terrorism more often and receive more media coverage than attacks perpetrated by far-right extremists. In fact, experts say, Americans face a greater threat from white supremacists and other right-wing radicals than from Muslim terrorists." (Foerstel, 2018). The way terrorist are presented by the media, is how people perceive them. When someone of Muslim descent or a person from another country commits some type of attack on Americans a lot of the times it is perceived as some type of terrorist attack or related to a terrorist organization. When a domestic white supremacist or other right-wing extremist commits an act of violence like, El Paso shooter, Patrick Crusius, who wrote a creed about an "Hispanic invasion of Texas" or Stephen Paddock who killed 58 people and injured over 850 people at a Las Vegas music festival in 2017. They are not mention in the same context as someone of foreign Muslim origins, like Omar Mateen the 2016 mass shooter at the Pulse nightclub in Orlando, Florida where he killed 49 people. Several media outlets were calling it the worst terrorist attack on U.S soil since September 11, 2001. Even though Omar Mateen had pledged allegiance to terrorist organizations such as Isis and Al- Qaeda, which have very different ideologies. The FBI found no direct connection between Mateen and any terrorist organizations and his ex-wife stated that he was mentally ill. The way the media portrays the shooter influences how the public see the incident and whether it is considered as a terrorist act.

In fact, all of them should be considered acts of domestic terrorism, but in most cases only persons of Muslim descent are considered as the terrorists.

When it comes to international and domestic terrorism, they are the same but unequal, in terms of how they are dealt very differently from each other, from a legal standpoint and federal prosecution. The investigative mechanisms that are used by different government agencies like the FBI are also different when dealing with one of the two. The FBI claims it needs more power to investigate domestic terrorist groups or right-wing extremist. The tactics they currently use to investigate foreign and domestic terrorist organizations are different. While for domestic organizations they still use the typical warrants and surveillance, but for international organization and those of Muslim descent they are more prone to intensify on surveillance. Sometimes using secret foreign surveillance or other national security tools that they have available to investigate every terrorist organization foreign or domestic.” Through a vast network of confidential informants, the FBI identifies individuals deemed prone to "radicalization" and offers them ostensible opportunities to engage in violence.” (Shirin, 2019) The FBI would sometimes almost try and bait someone that may or may not be radicalized and then charge them with a crime of helping a foreign terrorist organization. When it comes to non-Muslim terrorist, they take a different approach to the situation, when dealing with white supremacists or anti-government militia, they use tactics such as arrest warrants and everything that is constituted in the constitution. There are types of laws that are required against a domestic organization that would not be considered illegal surveillance.

The legal aspects to it would be that if the FBI would conduct surveillance on a group in the United States that were deemed illegal then whatever evidence they present might not be accepted in a court. One could make that case that since when they conduct foreign surveillance

on a foreign terrorist organization in another country then they do not have to follow the laws that are required here in the United States. For example, an arrest warrant or some type of warrant from a judge to conduct such surveillance. ”For instance, the FBI characterizes U.S. citizens inspired by ISIS or al Qaeda propaganda as international terrorists even if they have no actual international ties, while it often views white supremacists and neo-Nazis as domestic terrorists despite the movements' global dimensions.” (Shirin, 2019.) Race factor also plays a big role in not only how surveillance is done but what are the punishments when they do find them guilty of committing a crime. Guantanamo Bay is used to incarcerate terrorist mostly of Muslim descent or not from America, while regular prisons in America are made to house those that many consider domestic terrorist. Muslim communities are monitored more to see if any people are radicalized and have any connection with a terrorist organization.

The comparison between domestic and international terrorism has a lot to do with who commits them. The definition of terrorism that is used by the US Department of State is terrorism must have a social or political act, anything other than that as to extort money would just consider criminal acts. This would be more of a definition for international terrorism, where the violence is perpetuated for political or social objectives. “Domestic terrorism is homegrown in which the venue, target, and perpetrators are all from the same country.” (Enders 2011, 319-325). Domestic terrorism is directed to only the country it is being committed in, the civilian people, property, and laws or policies. The two types of terrorism both bring people towards civilian people but one is committed by those that are from that country and don't believe in the policies that are being implemented, the other is transnational when the perpetrator is from a foreign country and when at least one or more victims are from a different venue country.

When the perpetrator is from a different country from where he committed terrorist attacks, it would be international terrorism. There is “a common method to distinguish domestic from international terrorism relies on three variables, the nationality of the perpetrator, nationality of the victim; and the location of the attack.” (Miller 2019, 63-67). The reason for these methods are to try and distinguish the two but it is not always as easy as putting a definition and to see if they fit under the ones they listed. For example, Dylann Roof a 21-year-old who killed nine people at the Emanuel African Methodist church he carried out the attacks for racist reasons. Then there is Dzhokhar Tsarnaev, the younger brother in the Boston marathon bombings who was a U.S citizen but of Muslim descent and later arrested, led several senators to try and imprison Tsarnaev as an enemy of the state even though he was a U.S citizen, Roof was not met with the same attitude. While they try and distinguish both, they both are committing similar crimes and that is terrorize civilians because of what they look like or believe in and domestic or international that is terrorism. Just because they are born in a different country or the location of the attack should not determine what type of punishment, they receive domestic or international they should receive the same type of prevention and punishment because they are both bringing terrorist crimes.

While the definition for both domestic and international terrorism are different, they both are similar in their end goal and that is to bring harm to civilian people, whether because of their beliefs or what they look like, that is why they should both receive the same attention and be combated at the same level, with same amount of importance. The person’s that commit these terrorist attacks should not be judged on what type of punishment they will receive because of what they look like or what their nationality is. There should be a law against domestic terrorism just like there is against international terrorism! There have been too many cases where it could

be labeled or charged with a terrorist attack but just because of where that person was born and what they look like it wasn't. One reason is because there isn't a law against domestic terrorism yet, so no one can be charged with it but there should be since domestic terrorism has been on the rise over the last few years and is in the same category as international terrorism.

Theoretical Framework

As for the theoretical framework that I have used is based on concepts from a combination of theories of structural racism, police tactics, and media appropriation. These theories will explain why there is such a disparity in how right-wing paramilitary groups and international terrorist groups get treated. The ideas that are brought forward from these theories are very much coherent that one would be able to agree with. The theoretical framework will have 3 different set of theories that are used to analyze the practices and issues associated with domestic terrorism in the USA. The structural racism theory and the concept I have used from it is that the reason that domestic and international terrorist are treated different is because of the race of the perpetrator and that determines what type of sentencing they will receive, how they will be treated by the media. The police tactics theory has to do with how law enforcement goes and combats foreign terrorist against homegrown extremist. The main concept in the media appropriation theory is that the media also uses structural racism in a way to portray the terrorist. If they are homegrown terrorist race does not come into play but if they are international or of middle eastern descent, then the media will use that when they are talking about the perpetrator and use it against them.

Methodology

I chose the case study method for my research design and for examining my research thesis, which is why there should be a law against domestic terrorism in the USA. It is an illustrative case study and is primarily descriptive. It seeks to familiarize the reader with what is unfamiliar about how domestic terrorism is treated and combated.

I have used bibliographic research to find and synthesize the relevant information on this subject, which is reported in my literature review section, and to develop my research thesis and discover the information upon which I have based my findings and conclusions. My bibliographic research has included books, journals, newspapers, and various specialized documents such as government documents and reports; as well as additional online sources of online newsletters/magazines, informative websites of relevant non-governmental and research organizations, blogs and data bases.

Discussion of Findings

Dylann Roof a 21-year-old, killed nine people at the Emanuel African Methodist church on June 17, 2015 carried out the attacks for racist reasons. Dzhokhar Tsarnaev, the younger brother in the Boston marathon bombings in 2013, was a Muslim U.S citizen. He was later arrested, it led several senators to try and tried Tsarnaev as an enemy of the state even though he was a U.S citizen, Roof was not met with the same attitude.

After the attack on the World Trade Center in 2001, the USA Patriot Act was passed by the US Congress, in which terrorism was defined as any act designated to “intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to

affect the conduct of a government by mass destruction, assassination, or kidnapping.” (Levin, 2015). While this describes both domestic and international terrorism, it is mostly used against foreign terrorist primarily those of Muslim descent. This is a very interesting topic because it is something that happens everywhere in the world and affects a lot of people. It has been going on for decades and has affected millions of people globally.

My research thesis is that there should be a law against domestic terrorism s equivalent to the existing laws against international terrorism There have been many cases of domestic terrorism in the USA and elsewhere, but they are not labeled or charged as terrorist attacks – mainly because where the persons involved were born and the way they look. In other words, because of racial, ethnic and/or religious biases they are viewed and treated differently. Because there isn’t a law against domestic terrorism, no one can be charged with it but there should be since domestic terrorism has been on the rise over the last few years and is in the same category as international terrorism. Not only a U.S law against domestic terrorism, but that there is a racist and xenophobic inclination to highlight international over domestic terrorism. Most of the acts of domestic terror are conducted by white men. (Figure 1. Data on right-wing can be found at the end of the report.)

In the United States white right-wing extremists who commit terrorist acts are treated more favorably than foreign terrorist even when they have been radicalized by foreign terrorist organizations. Foreign terrorist organizations like Isis and Al-Qaeda are monitored very closely and combated at a high level even though they are not seen as the threat they were years ago. The way that foreign terrorist are punished in Guantanamo Bay, where it has been proven that the inmates are tortured in different ways, is different than those that would be considered domestic terrorist, white supremacists and other right-wing radicals than from Muslim terrorists. (Foerstel,

2018) That is why there should be a law for domestic terrorism because they are both very similar and have a very negative effect on the civilian population.

As mentioned, while there is a US law against international terrorism, there is no law against domestic terrorism (McCord, 2018). That is why no one is ever charged with domestic terrorism even though there have been many acts of violence that are acts of terrorism, not only as defined in the U.S Patriot Act but also by the FBI definition. There have been too many cases where it could be charged with a terrorist attack but just because of the perpetrator nationality and race it wasn't, it was looked as an isolated incident or a lone wolf attack. One reason is because there isn't a law against domestic terrorism yet, so no one can be charged with it but there should be since domestic terrorism has been on the rise over the last few years and is in the same category as international terrorism under the U.S patriot act. Not only should there be a U.S law against domestic terrorism, this form of terrorism should be combated at a higher priority level and more resources committed to stopping it. (Figure 2. Graph on race can be found at the end of the report.)

Then there is a racist and xenophobic inclination to highlight international over domestic terrorism. Most of the acts of what would be domestic terror are conducted by white men. Those of other countries do not get the same treatment as someone from the United States like right-wing extremists and those radicalized by foreign terrorist organizations. Foreign terrorist organizations like Isis and Al-Qaeda are monitored very closely and combated at a high level even though they are not seen as a high threat like they were years ago. The way that foreign terrorist are punished in Guantanamo Bay, where it has been proven that the inmates are tortured in different ways, is different than those that would be considered domestic terrorist, white

supremacists and other right-wing radicals than from Muslim terrorists. (Foerstel, 2018) That is why there should be a law for domestic terrorism because they are both remarkably similar in the intent and have a negative effect on the civilian population.

Domestic terrorist is a major threat in this country and should receive more attention not only from law enforcement but the media. The media influences the public in what a terrorist looks like because the way they perceive them on news network, when there is some type of terrorist attack. The way terrorist are looked at in the media, is how people perceive them whether they are Muslim or white supremacists. When a white supremacist or a right-wing extremist commits an act of violence like El Paso shooter, Patrick Crusius, who wrote a creed about an “Hispanic invasion of Texas” or Stephen Paddock who killed 58 people and injured over 850 in a Las Vegas music festival in 2017, they are not mentioned in the same context as someone of Muslim origins, like Omar Mateen the 2016 mass shooter in Pulse nightclub in Orlando, Florida that killed 49 people. Several media outlets were calling it the worst terrorist attack on U.S soil since September 11, 2001 (Foerstel, 2018). Omar Mateen had pledged allegiance to terrorist organizations such as Isis and Al Qaeda, who both have very different ideologies. (Clemmitt, 2015) The FBI found no connection between Mateen and any of the terrorist organizations and his ex-wife also stated that he was mentally ill (Mantel, 2015). The media decided to turn into some type of foreign terrorist attack because of the perpetrator ethnicity and not an isolated incident or lone wolf attack like other publicized shootings.

The US Department of State defines terrorism as a social or political act, anything other than that as to extort money would just consider criminal acts (Enders, 2011). This would be more of a definition for international terrorism, where the violence is perpetuated for political or social objectives. (Enders 2011, 319-325) When someone of Muslim descent or a person from

another country commits some type of attack on American soil a lot of the times it is some type of terrorist attack or even related to a terrorist organization. The definition for international terrorism makes it so mostly people of other countries are prosecuted for it and never someone who is homegrown in the U.S. The prosecution for those who are tried for terrorism are always met with the harshest punishments especially those that are international terrorist including life in prison and the death penalty.

The definition of domestic terrorism according to the FBI is violent, criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature. (Foerstel, 2018) While both the US Department of justice and FBI have similar definitions of terrorism, they both have yet to try and make a law to make Domestic terrorism an actual crime under U.S law even though it has the same negative effects as International terrorism. It is also driven by hate and political ideologies a lot of the times. (Figure 3. Political cartoon can be found at the end of the report.)

Since there is no law against domestic terrorism then the prosecution is different for those that would be considered domestic terrorist. For example, Stephen Paddock the 2017 Las Vegas shooter and Omar Mateen the 2016 Florida night club shooter. (Foerstel, 2018) I believe that the prosecution should be the same since they are both committing very similar and heinous acts. There should be law for domestic terrorism because of the amount of incident's that have been happening that would be considered domestic terrorism. Including the 2015 African Methodist church and 2019 El Paso shooting were the perpetrators targeted their victims for racist reasons. The definition of domestic and international terrorism is similar, but the prosecution is completely different since for one there is a law and the other there isn't.

In the United States, statistics show that attacks by Islamist extremists are dubbed terrorism more often and receive more media coverage than attacks perpetrated by far-right extremists, this has a ripple effect in not only how people see terrorist but what they think a terrorist looks like. International terrorism isn't on the top priority list for the United States since ISIS has been largely defeated in Syria and Iraq. In fact, experts say, Americans face a greater threat from white homegrown terrorist or right-wing extremist than from jihadist extremist. (Mantel, 2015) This only shows that even though foreign terrorist are still a threat to the United States, they do not have the same threat as homegrown right-wing extremist.

Conclusion

The findings of my study support my research thesis that the crimes domestic terrorists commit are indeed terrorist attacks and should be prosecuted as acts of terrorism. Dylann Roof, Stephen Padlock, and Patrick Crusius all committed acts of terror and should have been prosecuted and punished as terrorists just as would someone of middle eastern descent. It is time to end the double standard in which Islamists who commit acts of extreme violence are labeled terrorists, while domestic right-wing extremists who commit the same acts are labeled as hate crimes or regular criminal acts such as murder, etc. There always seems to arise the question of the perpetrators mental state like that of Dylan Roof, who even himself said was mentally capable and knew exactly what he was doing. The law should be equal against everyone that commit terrorist attacks and they should be treated in the same manner with the same type of prosecution and punishments. It should not matter where they are or what they look like, their religion, etc. They all need to be prosecuted and put in prison for the heinous crimes they commit whether it is political or for various other reasons. If there is a law against domestic terrorism it

will hopefully deter domestic right-wing extremists in the USA from committing these types of crimes and bring justice to the victims and their families.

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Terrorism has been rising in the US, driven by a [surge of attacks motivated by right-wing ideologies](#). However, authorities have yet to identify who's behind the suspicious devices found this week.

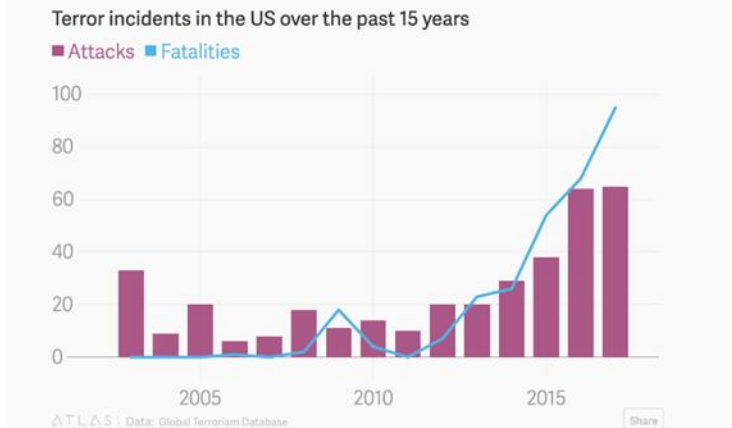


Figure 1. Data on attacks by right-wing ideologies since 9/11. (Pg. 9)

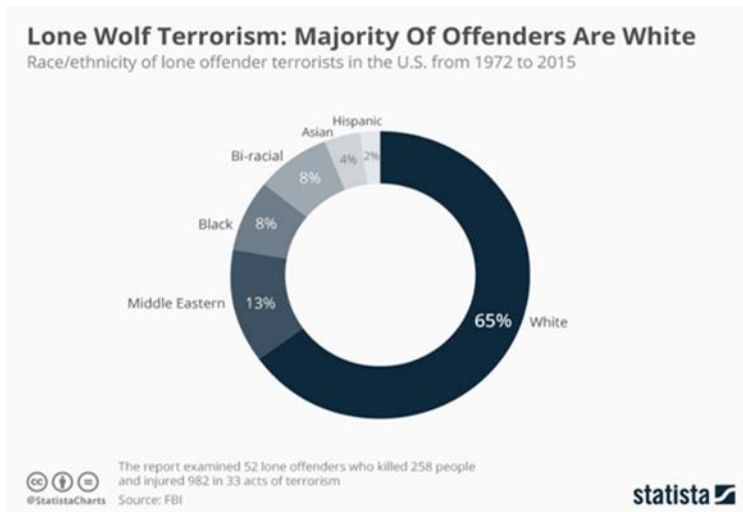


Figure 2. Graph on race of offenders considered terrorist in the USA. (Pg. 10)



12) Figure 3. Political cartoon on the difference between domestic and foreign terrorist. (Pg.