

Bringing the War on Terrorism Home: Congress Considers How to ‘Disrupt’ Radical Movements in the United States

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Under the guise of a bill that calls for the study of “homegrown terrorism,” Congress is apparently trying to broaden the definition of terrorism to encompass both First Amendment political activity and traditional forms of protest such as nonviolent civil disobedience, according to civil liberties advocates, scholars and historians.

The proposed law, **The Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 (H.R. 1955)**, was passed by the House of Representative in a 404-6 vote Oct. 23. (The Senate is currently considering a companion bill, S. 1959.) The act would establish a “National Commission on the prevention of violent radicalization and ideologically based violence” and a university-based “Center for Excellence” to “examine and report upon the facts and causes of violent radicalization, homegrown terrorism and ideologically based violence in the United States” in order to develop policy for “prevention, disruption and mitigation.”

Many observers fear that the proposed law will be used against U.S.-based groups engaged in legal but unpopular political activism, ranging from political Islamists to animal-rights and environmental campaigners to radical right-wing organizations. There is concern, too, that the bill will undermine academic integrity and is the latest salvo in a decade-long government grab for power at the expense of civil liberties.

David Price, a professor of anthropology at St. Martin’s University who studies government surveillance and harassment of dissident scholars, says the bill “is a shot over the bow of environmental activists, animal-rights activists, anti-globalization activists and scholars who are working in the Middle East who have views that go against the administration.” Price says some right-wing outfits such as gun clubs are also threatened because “[they] would be looked at with suspicion under the bill.”

The Bill of Rights Defense Committee (BORDC), which has been organizing against post-Sept. 11 legislative attacks on First Amendment rights, is critical of the bill. “When you first look at this bill, it might seem harmless because it is about the development of a commission to do a study,” explained Hope Marston, a regional organizer with BORDC.

“However, when you realize the focus of the study is ‘homegrown terrorism,’ it raises red flags,” Marston said. “When you consider that the government has wiretapped our phone calls and emails, spied on religious and political groups and has done extensive data mining of our daily records, it is worrisome of what might be done with the study. I am concerned that there appears to be an inclination to study religious and political groups to ultimately

try to find subversion. This would violate our First Amendment rights to free speech and freedoms of religion and association.”

One pressing concern is definitions contained in the bill. For example, “violent radicalization” is defined as “the process of adopting or promoting an extremist belief system for the purpose of facilitating ideologically based violence to advance political, religious, or social change.”

Alejandro Queral, executive director of the Northwest Constitutional Rights Center, asks, “What is an extremist belief system? Who defines this? These are broad definitions that encompass so much. ... It is criminalizing thought and ideology.”

For her part, Marston takes issue with the definition of homegrown terrorism. “It is about the ‘use, planned use, or threatened use, of force or violence to intimidate or coerce the government.’ This is often the language that refers to political activity.”

Congressional sponsors of the bill claim it is limited in scope.

“Though not a silver bullet, the legislation will help the nation develop a better understanding of the forces that lead to homegrown terrorism, and the steps we can take to stop it,” said Rep. Jane Harman (D-Calif.) Oct. 23, who co-authored the bill. “Free speech, espousing even very radical beliefs, is protected by our Constitution — but violent behavior is not.”

The bill’s purpose goes beyond academic inquiry, however. In a press release dated Nov. 6, Harman stated: “the National Commission [will] propose to both Congress and [Department of Homeland Security Secretary Michael] Chertoff initiatives to intercede before radicalized individuals turn violent.” (Harman’s office refused three separate requests by The Independent for comment.)

Some assert this would allow law enforcement agencies to target radicals in general. Price says, “This bill is trying to bridge the gap between those with radical dissenting views and those who engage in violent acts. It’s a form of prior restraint.”

Price explains how this may work, citing an example in his home town of Olympia, Wash., where a peaceful blockade took place in early November at the Port of Olympia to prevent the shipment of war materials between the United States and Iraq. He says, “It will be these types of things that will start getting defined as terrorism, including Quakers and indigenous rights’ campaigns.”

Kamau Franklin, an attorney with the Center for Constitutional Rights (CCR), is also concerned at the targeting of peaceful protests. He says the “Commission’s broad mandate can lead to the ability to turn civil disobedience, a form of protest that is centuries old, into a terrorist act.” It’s possible, he says, “that someone who would have been charged with disorderly conduct or obstruction of governmental administration may soon be charged with a federal terrorist statute.”

“My biggest fear is that they [the commission] will call for some new criminal penalties and federal crimes,” says Franklin. “Activists are nervous about how the broad definitions could be used for criminalizing civil disobedience and squashing the momentum of the left.”

The bill provides a list of Congressional findings, including a failure to understand the

development and promotion of “violent radicalization, homegrown terrorism and ideologically based violence,” which is argued to pose a threat to domestic security. The Internet was highlighted as a tool in “providing access to broad and constant streams of terrorist-related propaganda to United States citizens.”

The Congressional Budget Office estimates that the bill would cost \$22 million over four years.

THE THREAT (OR LACK THEREOF)

Although the legislation is vague, a chief target appears to be Islamic militants living in the United States. Harman, in her Nov. 6 press release, says the bill is needed to combat violent radicalization and cites four cases as examples of such — all of them involving Muslim Americans allegedly engaged in terrorist activity. The bill’s language also states that proposed appointees to the National Commission should have “expertise and experience” in a long list of disciplines such as “world religions.” But the only religion named is Islam.

The bill appears to be influenced by the government-affiliated RAND Corporation, whose website includes a letter from Harman noting, “RAND ... and I have worked closely for many years.” Harman, who chairs the House Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, introduced H.R. 1955 on April 19, 2007.

Two weeks prior to this, Brian Michael Jenkins of RAND delivered testimony on “Jihadist Radicalization and Recruitment” to Harman’s subcommittee. Jenkins claimed “radicalization and recruiting are taking place in the United States,” and listed a number of high-profile cases in which Muslim Americans have been arrested on terrorism-related charges.

In his testimony, Jenkins admitted convictions in these cases — in Lackawanna, N.Y., Northern Virginia, New York City, Portland, Ore., and elsewhere — relied on charges being “interpreted broadly” by the courts.

There has been significant criticism of how government officials have hyped many of these cases as mass terror attacks thwarted in the nick of time despite a lack of any actual plans or means to commit a violent act on the part of the defendants. It’s also been noted that in numerous instances the government employed informants who goaded the suspects into committing the illegal acts for which they were arrested.

In June, Jenkins was back before Harman’s subcommittee discussing the role of the National Commission. According to the Congressional Quarterly website, Jenkins said, “[Homegrown terrorism] is the principal threat that we face as a country and it will likely be the principal threat that we face for decades.” The website stated, “Unless a way of intervening in the radicalization process can be found, ‘we are condemned to stepping on cockroaches one at a time,’ he added.”

At the end of his second round of testimony, Jenkins undercut the claims that there is any real danger requiring the creation of the National Commission and Center for Excellence. He said, “Judging by the terrorist conspiracies uncovered since 9/11, violent radicalization has yielded very few recruits. Indeed, the level of terrorist activities in the United States was much higher in the 1970s than it is today.” (Repeated inquiries by The Independent to the RAND Corporation to interview Jenkins or other staff analysts were turned down by the media relations department, which claimed they were all unavailable for the rest of the

year.)

This has the Arab-American community worried. “When you look at the creation of the Commission, it is scary, especially when people [on the national commission] will be appointed by the White House,” said Kareem Shora, executive director of the American-Arab Anti-Discrimination Committee (ADC). He pointed to the recess appointment, despite widespread criticism, of Daniel Pipes to the U.S. Institute of Peace in 2003, who, Shora said, “propagated hate against Arabs.”

Shora is worried H.R. 1955 will unfairly target Muslims, even though he says they have been largely helpful in terrorist investigations since Sept. 11. Despite the assistance, he says civil rights abuses continue to occur, including “voluntary interviews,” the Absconder Apprehension Initiative and the Special Registration Program.

MAPPING MUSLIMS

The passage of the H.R. 1955 coincided with a furor over the Los Angeles Police Department’s plan to “map” Muslim communities in the city. Appearing before the U.S. Senate Committee on Homeland Security on Oct. 30, Michael Downing, the assistant commanding officer of LAPD’s Counter-terrorism/Criminal Intelligence Bureau, said the project “will lay out the geographic locations of the many different Muslim population groups around Los Angeles [and] take a deeper look at their history, demographics, language, culture, ethnic breakdown, socio-economic status and social interactions.”

Shora says, “Looking at a community based on religious affiliation alone ... is unconstitutional.” The ADC added in a press release that singling “out individuals for investigation, surveillance, and data collection based solely on religion ... would violate equal protection and burden the free exercise of religion.”

Following the outcry, the LAPD announced Nov. 15 that it was dropping the mapping plan. Opposition came from many quarters, including scholars, because the LAPD envisioned using academics in the mapping program. It reportedly intended “to have the data assembled by the University of Southern California’s Center for Risk and Economic Analysis.” Recruiting academics for counterterrorism efforts is also at the heart of H.R. 1955, which proposes a university-based Center of Excellence.

Roberto Gonzalez, an anthropologist who co-authored a recent article with David Price criticizing the Pentagon’s use of scholars in the Iraq and Afghanistan wars, says the prospect of creating a Center “is a bad idea because it is likely to compromise the intellectual integrity of the academy.” H.R. 1955 advocates for the use of “cultural anthropologists,” which concerns Price that they would “be doing secretive work for the state.”

Chip Berlet, senior analyst at the Boston-based Political Research Associates, argues the government is trying to establish a Center to get around legal prohibitions on gathering data specifically based on race and religion. He explains that there is already extensive research being done on the roots of political violence by scores of academics around the country but many of their findings do not fit into the government’s agenda. To Berlet, the proposed Center is nothing more than “a slush fund for politically connected hacks.”

TARGET ‘ANTI-GLOBALISTS’

Islamic militants are not the only threat on the government's radar.

"A chief problem is radical forms of Islam, but we're not only studying radical Islam," Harman told *In These Times*, a Chicago-based newsmagazine. "We're studying the phenomenon of people with radical beliefs who turn into people who would use violence."

In 2004, the FBI named "eco-terrorism," a broad term that includes property destruction, the top domestic threat. The July 2007 National Intelligence Estimate found that "special interest groups" were also likely to cause small-scale violent attacks.

These "special interest groups" were outlined in a 2005 RAND report, "Trends in Terrorism." One chapter was devoted to a non-Muslim "homegrown terrorist" threat — anti-globalists. "Anti-globalists directly challenge the intrinsic qualities of capitalism, charging that in the insatiable quest for growth and profit, the philosophy is serving to destroy the world's ecology, indigenous cultures and individual welfare," stated the report. The report identifies rightwing movements such as neo-Nazis as threats and states there should be a focus on anarchist and radical environmental groups, citing anarchists involved in civil disobedience during the 2004 National Republican Contention in New York City and millions of dollars in property damage by the Earth Liberation Front in the last decade.

A WAR OF WORDS — A LOOK AT VIOLENCE

Observers say using vaguely defined terms is part of a historical pattern of sweeping government repression that includes the post- World War II "Red Scare" and the FBI's counter-intelligence program, nicknamed Cointelpro. They are also concerned that H.R. 1955 will foster a legislative momentum on criminalizing a broad range of dissident voices.

Jules Boykoff, an assistant professor of politics and government at Pacific University and author of *Beyond Bullets: The Suppression of Dissent in the United States*, said he was alarmed that "violence" was not defined. He noted the definition of "ideologically based violence" is the "means to use, planned use, or threatened use of force or violence by a group or individual to promote the group or individual's political, religious, or social beliefs."

"It is a circular definition, what does that mean?" asked Boykoff, while reading the bill aloud. "What does violence mean? We do not need laws like this because we already have plenty of laws on the books that make it a crime to blow up or set fire to buildings. It is called arson."

Boykoff commented that the bill used the terms "extremism" and "radicalism" interchangeably. "The word 'radical' shares the etymological root to the word 'radish,' which means to get to the root of the problem. So, if the government wants to get at the actual root of terrorism, then let's really talk about it. We need to talk about the economic roots, the vast inequalities in wealth between the rich and poor." Boykoff says historically the government has used "radical" as a way of dismissing groups as "extremists," however, and uses the two words as synonyms.

Hope Marston of the BORDC is nervous about the definition of homegrown terrorism, which is "about the 'use, planned use, or threatened use, of force or violence' to intimidate or coerce the government." She says, "The definition does not make clear what force is."

Bron Taylor, a professor at University of Florida who studies radical religion and

environmental movements, questioned the government's interpretation of violence. He spent years as an ethnographic researcher exploring the propensity of individuals within the radical environmental movement to turn to violence, a word he says defines as harm to sentient beings, not property destruction.

"There are all sorts of things that activists do that involve little or no risk of hurting people, but their actions get labeled as violent, or even worse, as acts of terrorism," Taylor said. "For example, if 10 activists push themselves into a congressperson's regional office, make noise, pull out files and make a scene, is that an act of terrorism? It is quite possible that the act could scare the hell out of the secretary and office workers because they don't know these people or what they intend to do? But is that terrorism? Some people would like to frame it that way."

"In any political dispute, whoever succeeds in defining the terms is likely to prevail in the debate," Taylor said. "That is why scholars and the media need to be scrupulous in the ways they use and define terms deployed by the partisans in these disputes. They should strive to come up with terms that are as descriptive, accurate and as neutral as possible."

THE ROLE OF THE COMMISSION

The legislation authorizes a 10-member National Commission (the Senate bill calls for 12 members) appointed by the President, the secretary of homeland security, congressional leaders and the chairpersons of both the Senate and House committees on Homeland Security and Governmental Affairs.

After convening, the Commission is to submit reports at six-month intervals for 18 months to the President and Congress, stating its findings, conclusions, and legislative recommendations "for immediate and long-term countermeasures ... to prevent violent radicalization, homegrown terrorism and ideologically based violence."

Kamau Franklin of CCR says he finds the timing of the legislation disturbing coming a year before the presidential elections and about eight months prior to the Democratic and Republican National Conventions — both which of have increasingly been the site of large-scale protests and civil disobedience.

More disturbing are the similarities to Cointelpro, which was investigated by a U.S. Senate select committee on intelligence activities (commonly known as the Church Committee), which convened in 1975. The Church Committee found that from 1956 to 1971, "the Bureau conducted a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the growth of dangerous groups and the propagation of dangerous ideas would protect the national security and deter violence."

Hope Marston says, "In the 1970s when we learned of the violation in rights that the government had been doing for 40 years, there was public outrage. Because these erosions of the Bill of Rights have happened during 'the war on terror,' we aren't supposed to protest anything the government does because they are 'protecting us.' That feeling has made the government's actions more dangerous."

MONEY FOR COPS, REPRESSION FOR FREE

The Senate version of the bill finds that the domestic threats "cannot be easily prevented

through traditional Federal intelligence or law enforcement efforts, and requires the incorporation of State and local solutions.”

“That’s about joint terrorism task force making,” Franklin said. “It’s a way to create a federal slush fund so local police departments can get their hands on it. This happened in the 1960s.”

Marston agreed. “This sounds like part of the same continuum we’ve experienced in the last seven years, which is the effort to deputize local law enforcement to work with the FBI and national agencies without local accountability, as we have seen with the establishment of joint-terrorism task forces across the country,” Marston said. “On 9/11, there were only a few joint-terrorism task forces, now there are more than 100 in existence. ... When you talk about working with local law enforcement to possibly spy on groups and individuals to try to find the so-called ‘needle in the haystack,’ this definitely poses a threat to local autonomy.”

Although Cointelpro was partially dismantled in the 1970s and the FBI’s power to conduct domestic intelligence curbed, many safeguards have been overturned in the last 30 years, according to David Cole and Jim Dempsey, authors of *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security*. Legislation such as the Antiterrorism and Effective Death Penalty Act of 1996 and the 2001 USA Patriot Act “radically transformed the landscape of government power, and did so in ways that virtually guarantee repetition of some of law enforcement’s worst abuses of the past,” the authors wrote.

In the last few years, many states have passed versions of the Patriot Act, while Congress has placed further checks on civil liberties with the Patriot Improvement and Reauthorization Act (2006), the Animal Enterprise Terrorism Act (2006) and the Protect America Now Act (2007), which amended the Foreign Intelligence Surveillance Act of 1978 and legalized the Bush administration’s warrantless wiretapping program.

THE BOGUS CENTER OF EXCELLENCE

H.R. 1955 gives Department of Homeland Security Secretary Michael Chertoff the power to establish a “Center of Excellence,” a university-based research program to “bring together leading experts and researchers to conduct multidisciplinary research and education for homeland security solutions.” The Department currently has eight Centers at academic institutions across the country, strengthening what many see as a growing military-security-academic complex.

Rep. Harman, in an Oct. 23 press release, stated that, the Center would “examine the social, criminal, political, psychological and economic roots of domestic terrorism.”

“I do not have a lot of concerns with this legislation,” said Jim Dempsey, policy director at the Center for Democracy and Technology. “Violent radicalization is an issue that deserves to be studied and understood. I am more comfortable with this bill’s approach, which is to treat the issue as a matter for broad study using largely open sources, than I would be with an approach that directed the FBI, DHS or the CIA to examine the issue,” Dempsey said. Dempsey was the assistant counsel to the House Judiciary Subcommittee on Civil and Constitutional Rights from 1985-1994, the former Deputy Director for the Center for National Security Studies and co-authored with David Cole, *Terrorism and the Constitution*.

“I do have some concern that the Commission and the Center will focus on Muslims and will contribute to a climate of apprehension,” Dempsey continued. “But I still think the bill is probably a good idea, if its concepts are in a true spirit of inquiry.”

Taylor agrees, but is leery that Washington politicians will hold power over commission and Center. “As an academic, I like the idea of creating Centers of Excellence in general because they bring together excellent scholars,” Taylor said. “But this is not something that the government should have a great deal of control over, because it is so ideologically charged. We’ve had plenty of examples of administrations, this one in particular, that likes to manipulate and downplay scientific findings that run at variance with their ideological and political objectives.”

“The bill itself, no matter how well drafted, does not guarantee a balanced outcome,” noted Dempsey. “To ensure balance, human rights activists will have to get involved in the work of the Commission and the Center.”

“If they really want to know why we have terrorism, they are going to need to explore counter-narratives,” explained Boykoff. “When the Sept. 11 attacks occurred, one narrative to explain the situation was that there is ‘an external enemy out there who hates America.’ Other narratives, such as that perhaps U.S. foreign policy might be fueling acrimonious feelings towards the U.S., were not considered. I am skeptical that the Center for Excellence would be open to these other narratives, but rather would be regurgitating the standard narrative.”

It is unclear how researchers would gather the information.

“If you are trying to understand in the broadest sense what turns people to violence in a variety of political causes, it is not something you can do easily, and it must be studied in a serious way,” said Taylor, who has begun studying the radical environmental movement since 1989. “It is exceptionally hard to study these groups. They tend to be suspicious of new comers and outsiders, rightfully so. They aren’t fond of academic institutions or academics because they tend to view most of what goes on at institutions of higher education as being subservient to interests of global capital,” he said.

With his research experience, Taylor believes that it is absurd to think the Commission could produce a significant report in 18 months.

“To find out what makes people tick, you actually have to engage with them as a human being, and that is a long process that takes patience and trust building.”

Anthropologist Price is also worried. “My concern is that anthropologists would again be doing secretive work for the state. This bill is going to be interpreted so narrowly. It is calling for an ideological litmus test,” Price said. “The military believes there are ways to get around this questions legally, but ethically, it is a big deal. There are ethical codes of conduct in anthropology, sociology, psychology, in the social sciences in general, that they very basic precautions are taken.”

A LONG HISTORY OF DISSENT

For U.S. historian Howard Zinn, author of *A People’s History of the United States*, H.R. 1955 can be added to a long list of government policies that have been passed to target dissent in the United States.

“This is the most recent of a long series of laws passed in times of foreign policy tensions, starting with the Alien and Sedition Acts of 1798, which sent people to jail for criticizing the Adams administration,” Zinn said in an email to The Independent. “During World War I, the Espionage Act and Sedition Act sent close to a thousand people to jail for speaking out against the war. On the eve of World War II, the Smith Act was passed, harmless enough title, but it enabled the jailing of radicals — first Trotskyists during the war and Communist party leaders after the war, for organizing literature, etc., interpreted as “conspiring to overthrow the government by force and violence.”

“In all cases, the environment was one in which the government was involved in a war or Cold War or near-war situation and wanted to suppress criticism of its policies,” Zinn said.

Regardless, Zinn remains optimistic. “We should keep in mind that an act of repression by the state is a recognition of the potential of social movements and therefore we need to persist, through the repression, in order to bring about social change,” Zinn said. “We can learn to expect the repression, and not to be intimidated.”

Hope Marston remains hopeful. “The work we have been doing at BORDC is mobilizing people in the grassroots across the political spectrum,” she said. “It is not just a Leftist effort to protect the Bill of Rights. We have worked with libertarians and republicans. We have helped get 412 resolution passed on the state and local level against the erosion of the Bill of rights.”

Independent Editors Note

Shortly after this article went to press, the Los Angeles Police Department announced they scrapped their plan to “map the muslim community” after meeting behind closed doors with leaders in the Arab-American communities.

A.K. Gupta contributed research and interviews.

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