

Fear-mongering legislation: The Violent Radicalization and Homegrown Terrorism Prevention Act

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There has been a long tradition of fear-mongering legislation in the United States directed against groups and individuals believed to threaten the established order. The first such measures were the Alien and Sedition Acts passed by Congress in 1798 during the administration of the second president of the United States John Adams. The Acts, consisting of four separate laws, made it more difficult to become a citizen, sought to control real or imagined foreign agents operating in the United States, and also gave the government broad powers to control "sedition." Sedition was defined as "resisting any law of the United States or any act of the President" punishable by a prison sentence of up to two years. It also made illegal "false, scandalous or malicious writing" directed against either the government or government officials. The next President, Thomas Jefferson declared that three out of the four laws were unconstitutional and pardoned everyone who had been convicted under them.

Early in the last century, hysterical fear of anarchists resulted in the conviction and execution of Sacco and Vanzetti 1927 despite clear evidence that the two men were innocent. A few years later, in 1934, a Special Committee on Un-American Activities was set up by Congress to monitor the activities of fascists in the United States. Ironically, the two congressmen who were most instrumental in the establishment of the committee, Samuel Dickstein of New York and Martin Dies of Texas, both Democrats, were themselves tainted by activities that might reasonably be described as Un-American. Dickstein was himself a paid agent of the Soviet NKVD intelligence agency and Dies regularly spoke at Ku Klux Klan rallies. After the Second World War, the committee was renamed the House Un-American Activities Committee (HUAC) and focused almost exclusively on communists, continuing to do so until it was incorporated into the House Judiciary Committee in 1974. Concurrent with HUAC on the Senate side, Joseph McCarthy of Wisconsin, a Republican, became the public face of anti-communism in the early 1950s, with his frequent claims that communists had infiltrated the US government at various levels. Few of the claims could be substantiated, however, and McCarthy eventually fell out of favor and was censured by the Senate.

More recently, there has been the post 9/11 creation of a virtual avalanche of legislation and commissions designed to protect the country at the expense of the Bill of Rights. The two Patriot Acts of 2001 and 2006 and the Military Commission Act of 2006 have collectively limited constitutional rights to free speech, freedom of association, freedom from illegal search, the right to habeas corpus, prohibition of cruel and unusual punishment, and freedom from the illegal seizure of private property. The First, Fourth, Fifth, Sixth, and Eighth Amendments in the Bill of Rights have all been disregarded in the rush to make it

easier to investigate people, put them in jail, and torture them if necessary. A recent executive order of July 17th, 2007 goes even farther, authorizing the President to seize the property of anyone who "Threatens Stabilization Efforts in Iraq." The government's own Justice Department decides what constitutes "threatening stabilization efforts" and the order does not permit a challenge to the information that the seizure is based on.

One would have thought that the systematic dismantling of the Constitution of the United States would have been enough to satisfy even the most Jacobin neoconservative, but there is more on the horizon, and it is coming from people who call themselves Democrats. The mainstream media has made no effort to inform the public of the impending Violent Radicalization and Homegrown Terrorism Prevention Act. The Act, which was sponsored by Congresswoman Jane Harman of California, was passed in the House by an overwhelming 405 to 6 vote on October 24th and is now awaiting approval by the Senate Homeland Security Committee, which is headed by Senator Joseph Lieberman of Connecticut. It is believed that approval by the committee will take place shortly, to be followed by passage by the entire Senate.

Harman's bill contends that the United States will soon have to deal with home grown terrorists and that something must be done to anticipate and neutralize the problem. The act deals with the issue through the creation of a congressional commission that will be empowered to hold hearings, conduct investigations, and designate various groups as "homegrown terrorists." The commission will be tasked to propose new legislation that will enable the government to take punitive action against both the groups and the individuals who are affiliated with them. Like Joe McCarthy and HUAC in the past, the commission will travel around the United States and hold hearings to find the terrorists and root them out. Unlike inquiries in the past where the activity was carried out collectively, the act establishing the Violent Radicalization and Homegrown Terrorism Prevention Commission will empower all the members on the commission to arrange hearings, obtain testimony, and even to administer oaths to witnesses, meaning that multiple hearings could be running simultaneously in various parts of the country. The ten commission members will be selected for their "expertise," though most will be appointed by Congress itself and will reflect the usual political interests. They will be paid for their duties at the senior executive pay scale level and will have staffs and consultants to assist them. Harman's bill does not spell out terrorist behavior and leaves it up to the Commission itself to identify what is terrorism and what isn't. Language inserted in the act does partially define "homegrown terrorism" as "planning" or "threatening" to use force to promote a political objective, meaning that just thinking about doing something could be enough to merit the terrorist label. The act also describes "violent radicalization" as the promotion of an "extremist belief system" without attempting to define "extremist."

As currently envisioned, the Commission will not operate in perpetuity. After the group has done its work, in eighteen months' time, a Center of Excellence for the Prevention of Violent Radicalization and Homegrown Terrorism will be established to study the lessons learned. The center will operate either out of the Department of Homeland Security or out of an appropriate academic institution and will be tasked with continuing to monitor the homegrown terrorism problem and proposing legislation and other measures to counter it.

As should be clear from the vagueness of the definitions, the Violent Radicalization and Homegrown Terrorism Prevention Act could easily be abused to define any group that is pressuring the political system as "terrorist," ranging from polygamists, to second

amendment rights supporters, anti-abortion protesters, anti-tax agitators, immigration activists, and peace demonstrators. In reality, of course, it will be primarily directed against Muslims and Muslim organizations. Given that, there is the question of who will select which groups will be investigated by the roving commissions. There is no evidence to suggest that there will be any transparent or objective screening process. Through their proven access both to the media and to Congress, the agenda will undoubtedly be shaped by the usual players including David Horowitz, Daniel Pipes, Steve Emerson, and Frank Gaffney who see a terrorist hiding under every rock, particularly if the rock is concealing a Muslim. They and their associates will undoubtedly find plenty of terrorists and radical groups to investigate. Many of the suspects will inevitably be “anti-American” professors at various universities and also groups of Palestinians organized against the Israeli occupation, but it will be easily to use the commission formula to sweep them all in for examination.

The view that 9/11 has “changed everything” is unfortunately all too true. It has unleashed American paranoia, institutionalized mistrust of foreigners, and created a fantasy universe in which a US beset by enemies must do anything and everything to counter the alien threat. If it were a sane world, it would be difficult to imagine why anyone would believe that a Violent Radicalization and Homegrown Terrorism Prevention Act is even necessary. The United States has spent hundreds of billions of dollars in strengthening law enforcement and intelligence capabilities against terrorists and has every tool imaginable to investigate and make arrests. It has created a whole new bloated and dysfunctional branch of government in the Department of Homeland Security. What is not needed is groups of congressionally empowered vigilantes roaming the country at will looking for “homegrown terrorism”

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