

# The New “Terrorism”

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## **Introduction**

### *Premise*

In the wake of the horrific events that took place on the morning of September 11, 2001, and continually for the past five years, Americans have been searched more carefully, monitored more closely, and accused more quickly. Such events continue to occur daily, as an increased sense of national security has taken precedence over personal privacy. In response to the perpetration of terrorist acts against the United States, the current Administration has taken a variety of incremental steps and passed numerous laws and regulations in hopes of counteracting terrorism and preempting potential attacks in the future. While it can be assumed that new policies have been implemented with the sole intention of increasing national security, such measures have been received by the public with differing opinions and emotions.

Though new security efforts may seem to have made the country safer from terrorism, the flip side of the issue is that it has also become easier for authorities to place activities, organizations, and individuals under the widening terrorism “umbrella.” Much of this has been the result of the current Administration’s intentional use of negative labeling to create new categories of terrorists to include even American citizens who would have previously been classified simply as criminals or delinquents (Toppo, 2006; Bohn, et al, 2006). Increasing amounts of innocent civilians have been detained for allegedly being connected with terrorist organizations (Cole, 2003). Others are being racially profiled at a growing rate (Hagopian, 2004). Still others are being arrested and detained for their involvement with organizations or individuals that have been linked to terrorist activity (“Justice”, 2006). In the most extreme cases, citizens have even been killed (Han, 2006).

Furthermore, the Administration has used this War on Terror to create a fearful public in order to promote a political agenda. In August of 2006, Vice President Cheney commented publicly that voting for a political party other than that of the current

administration in the coming U.S. Midterm Elections “would only encourage ‘Al Qaeda types’” (“Five”, 2006). This abusive categorization has created a new America that has witnessed its citizens being unnecessarily harassed, arrested, and even killed. It is logical to presume that retaliatory actions against “Arab Americans” and the adverse affects to innocent civilians were unintentional effects, but some of the events currently taking place are frighteningly similar to those witnessed in the 1940’s and 50’s during the period of Communist suspicion spearheaded by Senator Joseph McCarthy.

The period of time often referred to as the “Red Scare,” or “McCarthyism,” exhibited many of the social and cultural issues that America is experiencing today. When Americans are presented with a threat that changes the normally accepted way of life as a U.S. citizen, the government responds with policy changes, labeling and categorizing of specific groups of people, and the installation and proliferation of fear to ensure widespread acceptance and support of a political agenda; they often do this with limited regard for legal and ethical restrictions.

#### *Issue*

The current War on Terror has grown into a governmental obsession that, at best, has had mixed effects on the country and its citizens. Is a government justified in behaving in such a way that allows otherwise innocent people to be harmed, detained, and imprisoned? There is surely a case to be made that certain tactics being used with increased frequency are in fact ethically unjust, despite the perceived benefits they may provide.

With much contemporary focus on the legality and ethics of current information issues such as wire-tapping, data collection, and surveillance with the intent of locating and neutralizing terrorist activity, it is a fundamental necessity to examine and contrast current definitions of terrorists and terrorism and how such definitions are being used by the government to continually develop a framework for new national security policy. This chapter will draw on historical precedents as well as recent events to support an argument that these broadened definitions of terrorists and terrorism, particularly as they are applied by the Federal Administration in information based policy making, are in fact ethically unjust.

## **Communism in America**

Similar to the fear of terrorism today, the U.S. experienced widespread fear of a Communist takeover during the mid-20<sup>th</sup> century. This period of time came to be known as the “McCarthyist Period,” or “The Red Scare.” This chapter will refer to “McCarthyism” as the government practice of making weakly substantiated or, in some cases, false accusations of disloyalty to the United States Government through engagement in pro-Communist activities or affiliations.

This fear of Communism began soon after the end of WWII and was largely rooted in the U.S. perspective of the global power struggle between the Soviet Union and the U.S. that the proliferation of Communism in America would translate into Soviet victory in what was known as the Cold War. The Truman Administration was able to benefit from such fear knowing that people would believe much of what was said about Communism, and perhaps more importantly, what was required to be classified as a Communist supporter. The Soviet Union was viewed as a powerful threat that only the U.S. could stop, and one fundamental way to do this was to eliminate Communism within American borders in order to limit domestic political disruption.

This government sponsored effort created a sense of urgency to locate all Communists and ensure they were punished (Schrecker, 1994). By taking advantage of the national fear of Communism, the Truman Administration was able to broaden the category of a “Communist” to include a greater range of people, many of whom were innocent and had no connection with the threat of Communism.

### *Broadened Categorization*

Most people did not know much about Communism and had no direct contact with any Communist party members, making it relatively simple for the public to be swayed by misinformation about Communism plausible enough for citizens to accept. The term “Communist,” as it was used, helped to dehumanize American Communists and made them appear to justifiably deserve whatever punishment was issued to them. They were believed to be a part of a secret conspiracy charged to do Stalin’s bidding. However, it has been shown that most members of the Communist party in the U.S. had

little or no contact with the Soviet Union, were not secret spies as the U.S. government portrayed them to be, and were not locked into the party against their will. In fact, by 1950, most of the people who had been previously affiliated with the Communist party had changed their political views, never having been punished by the Soviet Union (Schrecker, 1994). The only actual threat Communism posed within the U.S. was that of Communist spies, of which there were few to be found who were known to be dangerous (Schrecker, 1994).

The definition of a Communist who was considered a threat at the time was expanded to include Fifth Amendment Communists, ex-Communists, and anybody associated with Communists (Schrecker, 1994). These people were being unfairly targeted and were often assumed to be guilty until proven innocent (highly unethical in a country whose judicial system is based upon the opposite). With all of these emerging accusations, new laws were easily passed to prevent Communists from doing harm while serving them their due punishment.

#### *Government Political Agenda*

FBI Director J. Edgar Hoover and Senator Joseph McCarthy used this scare to pursue a political agenda, passing several laws to discourage the proliferation of Communist thought. The Alien Registration Act was passed by Congress on June 26, 1940, making it illegal for anyone in the US to aid, abet, teach, or advocate the desirability of overthrowing the government. The law also required that all alien residents in the U.S. over 14 years of age file a comprehensive statement of their personal and occupational status as well as a record of their political beliefs (McCarthyism, 2006).

The ulterior objective of the Alien Registration Act was to undermine the American Communist Party and other left-wing political groups in the country (McCarthyism, 2006). What initially started as a law making it legal to ferret out Communist spies, eventually came to harm the lives of innocent people with differing political views to those in power.

By enacting these laws, the government made it seem as if they were helping to protect Americans by alluding falsely to the notion that there were many Communist revolutionaries who were currently being found and punished. While some people were

indeed found to be Communists, they were not threats to national security. This violation of basic constitutional rights leads to the conclusion that these new laws were put in place as devices to manufacture a fearful public in order to achieve political stability.

### *Consequences of “McCarthyism”*

Many penalties existed for someone categorized as a Communist. People in this category had a high likelihood of losing their jobs, as Communists were seen as being unfit for any job. This was most prevalent in the entertainment industry, where blacklists were common. A book called *Red Channels* was published that listed 151 alleged Communist affiliates in the entertainment industry. Certain professors who lectured about aspects of Communism were sometimes viewed as having surrendered their intellectual independence by associating with Communism, thus qualifying them as unfit to teach. As it was illegal to fire employees for being indirectly or directly affiliated with Communism, employers were able to creatively disguise the release of employees in relation to Communist affiliation allegations by citing other reasons, however substantiated or unsubstantiated (Schrecker, 1994).

Although employment effects caused the largest impact, even worse consequences were imposed upon people who were publicly labeled a Communist or a Communist sympathizer. Two women were put to death and 150 people went to prison because of the effects of McCarthyism (Schrecker, 1994).

An example case is that of Owen Lattimore. Born in America but raised in Shanghai, Lattimore became the U.S. Government Liaison to Chiang Kai-Shek before the Nationalist's 1949 defeat in the Chinese civil war. Lattimore's outspokenness, liberal views, and acquaintance with Chiang Kai-Shek made him an easy target for Senator McCarthy's anti-Communist campaigns. In 1950, McCarthy accused Lattimore of being a top Soviet spy. After twelve days of intense questioning by McCarthy and his committee, Lattimore was charged with seven counts of perjury. Despite the charges being dropped three years later due to lack of evidence, Lattimore's reputation and credibility among his peers was effectively destroyed ([Victims](#), 2006).

### **Déjà Vu?**

Even after the communist scare and the recognition that the corresponding events were unethical, policy makers do not seem to have learned the lesson. Slowly and effectively, the same mistakes made in the 1940's and 50's are being repeated in the current War on Terror. As it was during the "Red Scare," freedom of speech, a fundamental right of American citizenship, is being challenged. With people today being monitored, accused, and profiled as being "terrorists" for saying certain things or attending certain events that contradict the government, this shows a direct parallel to the Communist scare of the 1940's and '50s. In a country that places such high importance on individual freedom, the fact that these freedoms are being infringed upon in an impartial manner is an ethical dilemma that demands attention.

### *Changing Definitions*

The term "terrorist" has branched significantly from its initial meaning of a person or group with political affiliations that invokes fear/terror in others: "There are four individually necessary and jointly sufficient conditions for an act to be appropriately called 'terrorist': (1) it is committed by an individual or a group of individuals privately, i.e. without legitimate political authority of a recognized state; (2) it is directed indiscriminately against non-combatants; (3) the goal is to achieve something politically relevant; (4) this goal is pursued by means of fear-provoking violence" (Novytny, 2006).

Although there are certain criteria that must be met to be considered a terrorist, this label is steadily being imposed onto other groups that may not meet the criteria or do so only loosely. Take, for example, the fact that some schools are cracking down on students who plot violent attacks against classmates and educators and are increasingly turning to a new form of prosecution: charging them as terrorists (Toppo, 2006). It is unlikely that the would-be shooters have a political agenda behind their plot; so why are they being classified as "terrorists?" Similarly, the Earth Liberation Front (ELF) has come under fire lately for various actions such as burning SUV's in Southern California car dealership lots, or setting fire to buildings in posh mountain areas (Bohn, et al., 2006). Though no one has been injured in any of these events, the perpetrators are being labeled as "eco-terrorists." This represents a bold departure from the "original" concept of terrorism which has historically been associated with mass destruction and killing of

innocent people. While these high school students and organizations such as ELF are certainly committing terrible acts, labeling them as “terrorists” is an unjust classification, as it allows them to be legally punished much more severely and with fewer rights than other criminals.

### *Getting Tough with Terrorist Supporters*

Following September 11, 2001, the Bush administration took many steps in an effort to prevent terrorist attacks from recurring on U.S. soil. They have ordered the reclassification of “sensitive” documents to help strengthen the infrastructure of the nation, redefined who are considered to be terrorists and how to deal with them, and enacted the U.S.A. Patriot Act to expand the means to fight terrorism. While these measures may seem progressive, it is the way in which they are used that is troubling.

Before September 11, a terrorist was a person or group, independent from their government, using violence or threat of force to achieve a change in a political system. Falling under this definition are such well known terrorists as Osama Bin Laden and Al-Nasser, who have undeniably murdered innocent people as a means to their end. With the War on Terror in full force, the definition of a terrorist has been expanded to include anyone who provides *material support* to any person or organization that engages in terrorist activities. Material support not only includes tangibles like money, gifts, and goods, but also includes intangibles like professional advice, training, and assistance. The material support provision of the law aims to prevent people from providing terrorist organizations with money, weapons, or training.

With this broadened definition comes a broadened spectrum of people who now fall under this definition. 68 year-old Lynne Stewart, an American civil rights and criminal defense lawyer, faces up to thirty years in jail for providing material support to her client, Sheik Omar Abdel Rahman, a man convicted of conspiracy to commit terrorist acts. Her material support to her client includes “releasing a [press] statement by the Sheik withdrawing his support for the Islamic Group's self-proclaimed cease-fire on attacks against, and criticism of, the government of Egypt” (“Justice,” 2006). For this

reason Lynne is being tried as a terrorist and could potentially spend the rest of her life in jail, though she is neither a terrorist nor does she affiliate herself with or support terrorist organizations.

The material support provision is so broad that it also encompasses denying asylum for refugees from authoritarian and oppressive states. “In individual asylum cases, the Department of Homeland Security and the Department of Justice have taken the position that refugees are barred from asylum even if they were forced to provide the “material support” under duress” (Acer, 2006). For this reason, a nurse in Columbia who was kidnapped and forced to provide medical treatment to terrorists has been denied asylum in the U.S. Similarly, “an elementary school teacher from Burma who helped feed and house pro-democracy speakers affiliated with an armed group that opposes the Burmese military regime” was also denied asylum in the U.S. (Acer, 2006). Whether individuals are working for political change within an oppressive nation or they are forced to provide material support to a terrorist organization, no sympathy is being shown for their situation and only their actions are being held accountable.

Within seven weeks after the September 11 attacks, 1,182 foreign nationals were detained at Guantanamo Bay under the suspicion of terrorist activity. To date, these individuals have not been told what they have been detained for, if they are being charged with anything, or when they might be released. These people are being held against their will and forced to suffer living in poor conditions (rumors of torture, sexual assaults, and other degrading treatments). By the beginning of 2003, of the estimated 2000 individuals being detained at Guantanamo, only four were charged with any crime related to terrorism (Cole, 2003).

Khaled al-Masri, a German citizen, was mistakenly identified as an associate of a terrorist involved in September 11 and was held at a secret CIA prison nicknamed “the salt pit” for over five months. Al-Masri states “he was shackled, beaten and injected with drugs” (Lewis, 2006). These examples illustrate that many innocent people are being stripped of their rights and detained without evidence of criminal or terrorist activity.

*Innocent Victims of a War on Terror*



The United States was founded on the ideals of freedom, liberty, and the pursuit of justice. While the country has certainly changed, many Americans still hold freedom most sacred. The attacks of September 11 mark the starting point for the War on Terror, and President Bush has proclaimed that America's freedom is at stake in this war. But if this is true, through what means and to what lengths are the country as a whole prepared to go to in order to preserve freedom? Are Americans willing to let people be murdered unjustly in the name of personal freedom? If so, will winning the War on Terror actually even preserve personal freedom? Is the government's reaction to and bias towards terrorism triggering public reaction and bias as well?

On October 4, 2001, Patel, a 49 year-old Indian American man, was killed while working at his gas station convenience store in Mesquite, Texas. Mark Stroman, who was tried and convicted for Patel's murder, said in an interview that he wanted "to retaliate on local Arab Americans, or whatever you want to call them. (Han, 2006). Patel was not even from Afghanistan, where the September 11 terrorists were allegedly from, but because of his darker complexion he was profiled as a terrorist.

Portions of the American public are not always aware of the wide variety of different cultures and nationalities that exist in the Middle East, and as a result, some Americans falsely associate them all with terrorism. The South Asian American Leaders for Tomorrow (SAALT) documented 81 bias-motivated incidents against South Asians during the first week after September 11. "The National Asian Pacific American Legal Consortium (NAPALC) documented nearly 250 bias-motivated incidents against Asian Americans in the three-month period following September 11, 96 percent of which involved victims of South Asian decent" (Han, 2006).

## **Discussion**

What happened on September 11<sup>th</sup> was a vulgar and disturbing display of what terrorists are willing to do and what they are capable of. America cannot stand idle and wait for another attack to occur, and thus some level of security measures must be

implemented to protect the nation from another attack. For this very reason President Bush initiated the War on Terror. While this endeavor has largely been well intended, it is the utilitarian manner in which it is being carried out that is of concern.

A utilitarian approach suggests doing the greatest good for the greatest number of people and stresses the promotion of happiness and utility for the majority. The main disadvantage to this approach is that it ignores the concerns of justice for the minority population. Most people today would agree that slavery is both immoral and unethical, though it is justified by utilitarian thought as it benefits the majority population. This chapter has paralleled the many similarities of the “McCarthy Era” and the War on Terror to illustrate how many innocent people can be hurt when a government uses utilitarian methods for identifying potential enemies of the state.

Many political speeches addressing the War on Terror depict terrorists as inhuman, vile, and evil creatures which must be stopped at all costs. While this portrait of a terrorist is certainly arguable, it does not justify the practice of treating suspects as terrorists and depriving them of due process. The U.S. judicial system is based on the concept of innocent until proven guilty, but recent legislation has allowed the Bush administration to reverse that model, permitting them to treat anyone they suspect of terrorist acts as guilty until proven innocent. A government simply cannot use subjective labeling to bypass its own system of justice.

The government should be proactive in their search for terrorists, but they must do so from a deontological perspective. This means that they have a duty to treat all people with respect and humility, which are foundations for morality. This approach would help foster an impartial and more justly-balanced system, reducing the number of innocent victims hurt in the search for terrorists. A deontological approach would be more impartial as it would require the government to treat all people equally with the same dignity and respect. The system would be implicitly more just because terrorist suspects would be treated as people, rather than as terrorists. If this approach had been taken at the beginning of the War on Terror, Khaled al-Masri, Lynne Stewart, and many of the thousands of foreign nationals detained at Guantanamo Bay would not have had their

lives forever changed by being unjustly imprisoned due to loosely substantiated or false government suspicions.

## **Conclusion**

With so much attention and emphasis on the War on Terror, it's easy to get caught up in the media coverage and bipartisan banter that comes along with nearly every new federal law or policy. Of particular importance is the manner in which the justifications for new security measures are delivered. All too often the only aspect of the law that receives any attention is how it will be instrumental in improving the government's ability to combat terrorism. Rarely does Congress present new legislation along with the relative pros *and* cons. For example, this would have meant passing the U.S.A. Patriot Act and wording it to the public in a way that outlined the fact that it gives the Federal Government unrestricted access to any and all private records so long as the stated purpose is to locate potential terrorist activity. If the U.S.A. Patriot Act had been more aptly named and clearly mentioned the fact that it infringes upon a fundamental and Constitutional right (Fifth Amendment), it may not have passed as quickly as it did, if at all.

Though some citizens will say that America is a much safer place than it was before September 11, 2001, there is no reliable proof of the validity of such a statement. But one thing can be certain – U.S. citizens are slowly losing privacy, freedom, and certain basic rights that have come to define American identity. Citizens need to recognize and embrace their responsibility to look beyond the surface level justifications and supporting arguments from proponents of new legislation and anticipate potential threats to the public. It is too easy to say, "I'm not a terrorist, so I won't be affected." The problem exists in the gray area between the black and white lines that discern the common citizen from a terrorist.

If the government is charged with the duty to protect its citizens and uphold the basic rights outlined in the Constitution, it should at the very least recognize the adverse effects certain security measures have on the small portion of the public that is impacted the most by new legislation and public opinion about who the "enemy" really is. The approach that the government should take is not necessarily to stop using these terms and

definitions relating to terrorism, but rather to critically examine how these words have changed, whether or not they are being applied equally and impartially, and the subsequent effects of failing to do so. The U.S. Government must learn from its past mistakes and reflect such an evolved attitude in the creation of new public and foreign policy that respects the Constitution and American Civil liberties.

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