

Political Crime and Terrorism

Chapter Outline

Political Crime

The Nature of Political Crimes
The Goals of Political Crime
Becoming a Political Criminal

Types of Political Crimes

Election Fraud
Treason
Espionage

PROFILES IN CRIME: Azzam the American

PROFILES IN CRIME: Aldrich Hazen Ames

State Political Crime
Using Torture

THE CRIMINOLOGICAL ENTERPRISE: Want to Torture?

Get a Warrant

THINKING LIKE A CRIMINOLOGIST | AN ETHICAL DILEMMA: Torture or Not?

Terrorism

Terrorist and Guerilla
Terrorist and Insurgent
Terrorist and Revolutionary

A Brief History of Terrorism

Religious Roots
Political Roots

Contemporary Forms of Terrorism

Revolutionary Terrorists
Political Terrorists
Nationalist Terrorism

PROFILES IN CRIME: Osama bin Laden

Retributive Terrorism
State-Sponsored Terrorism
Cult Terrorism
Criminal Terrorism

How Are Terror Groups Organized?

What Motivates the Terrorist?

Psychological View

Alienation View
Socialization/Friendship View
Religious/Ideological View
Explaining State Terrorism

Response to Terrorism

Confronting Terrorism with Law Enforcement
Combating Terrorism with the Courts
Confronting Terrorism with the Law
Combating Terrorism with Politics

Learning Objectives

1. Know what is meant by the term *political crime*
2. Identify the cause of political crime
3. Distinguish between espionage and treason
4. Know the components of state political crime
5. Be able to debate the use and misuse of torture
6. Distinguish among terrorists, insurgents, guerillas, and revolutionaries
7. Understand the various forms of terrorism
8. Know what motivates the terrorist
9. Be familiar with the efforts being made to centralize intelligence gathering
10. Describe the efforts by the FBI and DHS to fight terrorism

Terror attacks have become so routine that nothing seems to surprise us anymore. How many of you remember that on December 27, 2007, Pakistani political leader Benazir Bhutto was assassinated while leaving an election rally in Rawalpindi? Or that her death was linked to Baitullah Mehsud, a militant leader connected to al-Qaeda and other terror groups? Or that after her death her husband, Asif Ali Zardari, became president of Pakistan?

The attacks in Somalia and the death of Benazir Bhutto are just two in a continuing string of terrorist acts that have rocked the world since 9/11. As a result, political crime and terrorism have become important areas of criminological inquiry, and many criminologists who previously paid scant attention to the interaction between political motivation and crime have now made it the focus of intense study. This chapter reviews both violent and nonviolent political crime. We will briefly discuss the concept of political crime and some of its various forms, and then turn to its most extreme variety, terrorism. Because terrorism now occupies the center stage of both world opinion and government policy, it is important for students of criminology to develop a basic understanding of its definition, history, and structure, and review the steps being taken to limit or eliminate its occurrence.



To learn more about the life of **Benazir Bhutto**, visit the Criminal Justice CourseMate at cengagebrain.com, then access the “Web Links” for this chapter.

POLITICAL CRIME

While terrorism now occupies the focal point of public concern, it is merely one of many different types of politically motivated crimes. The term **political crime** is used to signify illegal acts that are designed to undermine an existing government and threaten its survival.² Political crimes can include both violent and nonviolent acts and range in seriousness from dissent, treason, and espionage to terrorism and assassination.³

When an act becomes a political crime and when an actor is considered a political criminal are often extremely subjective. In highly repressive nations, any form of non-sanctioned political activity, including writing a newspaper article critical of the regime, may be considered a political crime, punishable by a prison term or even death. Take for instance the current situation in the central Asian nation of

Azerbaijan. According to watchdog group Amnesty International, harassment and ill treatment of opposition journalists by police and other government officials have become routine. The government is bent on silencing these journalists through arrest and imprisonment on dubious charges or by levying heavy fines following trials for criminal defamation. In contrast, there have been no instances of attacks on progovernment journalists in Azerbaijan.⁴ Similarly, people whom some label as terrorists and insurrectionists are viewed by others as freedom fighters and revolutionaries. What would have happened to George Washington and Benjamin Franklin had the British won the Revolutionary War? Would they have been hanged for their political crimes or considered heroes and freedom fighters?

The Nature of Political Crimes

The political criminal and political crimes may stem from religious or ideological sources. Because their motivations shift between selfish personal needs and selfless, noble, or altruistic desires, political crimes often occupy a gray area between conventional and outlawed behavior. It is easy to condemn interpersonal violent crimes such as rape or murder because their goals are typically selfish and self-centered. (e.g., revenge or profit). In contrast, political criminals may be motivated by conviction rather than greed or anger. While it is true that some political crime involves profit (such as selling state secrets for money), most political criminals do not consider themselves antisocial but instead patriotic and altruistic. They are willing to sacrifice themselves for what they consider to be the greater good. While some concoct elaborate schemes to hide or mask their actions, others are quite brazen, hoping to provoke the government to overreact in their zeal to crack down on dissent. Because state authorities may engage in a range of retaliatory actions that result in human rights violations, even those who support the government may begin to question its activities: maybe the government is corrupt and authoritarian? On the other hand, if the government does nothing, it appears weak and corrupt and unable to protect citizens.

Even those political criminals who profit personally from their misdeeds, such as someone who spies for an enemy

nation for financial payoffs, may believe that their acts are motivated by a higher calling than common theft. “My ultimate goal is to weaken or overthrow a corrupt government,” they reason, “so selling secrets to the enemy is justified.” Political criminals may believe that their acts are criminalized only because the group holding power fears them and wants to curtail their behavior. And while the general public has little objection to laws that control extreme behaviors such as plotting a bloody revolution, they may have questions when a law criminalizes ordinary political dissent or bans political meetings in order to control suspected political criminals.

The Goals of Political Crime

On August 24, 2010, another in a very long series of bombings took place in Iraq. While the population has gotten used to these attacks, this one was clearly designed to undermine public confidence in the nation’s security forces. The bombers wanted to exploit political uncertainty and undermine the public’s trust in Iraq’s political parties to form a government. One survivor told reporters, “There may be a state, there may be a government. But what can that state do? What can they do with all the terrorists? Are they supposed to set up a checkpoint in every house?” The bombers may have succeeded in their efforts to create an atmosphere of intimidation and fear designed to oust the government.⁵

While common criminals may be motivated by greed, vengeance, or jealousy, political criminals have a somewhat different agenda. Rather than personal profit, their acts are aimed at achieving a different set of goals:

- **Intimidation.** Some political criminals want to intimidate or threaten an opponent who does not share their political orientation or views.
- **Revolution.** Some political criminals plot to overthrow the existing government and replace it with one that holds views they find more acceptable.
- **Profit.** Another goal of political crime is profit: selling state secrets for personal enrichment or trafficking in stolen arms and munitions.
- **Conviction.** Some political criminals are motivated by altruism; they truly believe their crimes will benefit society and are willing to violate the law and risk punishment in order to achieve what they see as social improvement.
- **Pseudo-conviction.** These political criminals conceal conventional criminal motivations behind a mask of conviction and altruism. They may form a revolutionary movement out of a hidden desire to engage in violence rather than their stated goal of reforming society. The pseudo-convictional criminal is particularly dangerous because they convince followers to join them in their crimes without fully revealing their true motivations.⁶

Becoming a Political Criminal

Why does someone become a political criminal? There is no set pattern or reason; motivations vary widely. Some use political crime as a stepping stone to public office while others use it as a method to focus their frustrations. Others hope they can gain respect from their friends and family. Although the motivations for political crime are complex and varied, there does appear to be some regularity in the way ideas are formed. Political crime expert Randy Borum finds that this pattern takes the form of a series of cognitive stages:

- **Stage 1: “It’s not right.”** An unhappy, dissatisfied individual identifies some type of undesirable event or condition. It could be economic (e.g., poverty, unemployment, poor living conditions), social (e.g., government-imposed restrictions on individual freedoms, lack of order, or morality), or personal (“I am being cheated of what is due me”). While the conditions may vary, those involved perceive the experience as “things are not as they should be.”
- **Stage 2: “It’s not fair.”** The prospective criminal concludes that the undesirable condition is a product of “injustice”—that is, it does not apply to everyone. A government worker may feel his or her low pay scale is “not right” and that corporate workers with less skill are making more money and getting more benefits. At the same time, government workers are portrayed as lazy and corrupt. For those who are deprived, this facilitates feelings of resentment and injustice.
- **Stage 3: “It’s your fault.”** Someone or some group must be held accountable for the extremist’s displeasure. It always helps to identify a potential target. For example, the underpaid worker may become convinced that minorities get all the good jobs while the worker is suffering financially. Extremist groups spread this propaganda to attract recruits. Americans may be portrayed as rich and undeserving by overseas enemies looking to recruit disenfranchised young men and women to become terrorists.
- **Stage 4: “You’re evil.”** Because good people would not intentionally hurt others, targeted groups are appropriate choices for revenge and/or violence. The disaffected government worker concludes that since his country has let him down it is only fair to sell state secrets to foreign nations for profit or to join a terrorist group or both. Aggression becomes justifiable when aimed against bad people, particularly those who intentionally cause harm to others. Second, by casting the target as evil, it dehumanizes them and makes justifying aggression even easier. So it’s not so bad to rig an election, because the opposing candidates are evil and do not deserve to hold office.⁷

CONNECTIONS

Borum's typology seems similar to the techniques of neutralization discussed in Chapter 7. Is it possible that terrorists must neutralize feelings of guilt and shame before planting their bombs? Or do their religious and political beliefs negate any need for psychological process to reduce personal responsibility for violence?

TYPES OF POLITICAL CRIMES

Considering this cognitive thought that produces political crime and terrorism, what are the specific crimes and what form do they take?

Election Fraud

On October 31, 2007, the Federal Election Commission (FEC) announced that it had levied a \$1 million fine on Mitchell Wade and his company, MZM, Inc., a high-tech national security firm based in Washington, D.C. It was the second-largest penalty ever paid in the 32-year history of the FEC. According to the FEC, Wade funneled \$78,000 in corporate contributions to two political candidates, representatives Virgil Goode and Katherine Harris, by giving cash to employees of MZM, and in some cases their spouses, and then instructing them to make contributions.⁸ Why were Wade's activities a crime? Because federal law limits an individual's political contributions to \$2,300 per candidate, and Wade clearly intended to circumvent the law by using proxies for his contributions.⁹

Some political criminals want to shape elections to meet their personal needs. In some instances their goal is altruistic: the election of candidates who reflect their personal political views. In others, their actions are motivated by profit: they are paid by a candidate to rig the election.

Whatever the motive, **election fraud** is illegal interference with the process of an election. Acts of fraud tend to involve affecting vote counts to bring about a desired election outcome, whether by increasing the vote share of the favored candidate, depressing the vote share of the rival candidates, or both.

In some third-world dictatorships, election fraud is the norm, and it is common for the ruling party to announce, after party members counted the votes, that they were returned to office with an overwhelming majority. Sometimes allegations of voter fraud by ruling juntas can have disastrous consequences. Take for instance the parliamentary elections that took place in Kenya on December 27, 2007. When it was announced that President Mwai Kibaki had

won the presidential election over opposition candidate Raila Odinga, fighting broke out that tore this African nation apart. More than 1,200 Kenyans were reported killed, thousands more injured, hundreds of thousands made homeless; more than 40,000 houses, farms, and businesses were looted or destroyed.¹⁰ Despite the post-election chaos, Kibaki retained his victory and his power.

Election fraud, a feature of political life since Roman times, includes a variety of behaviors designed to give a candidate or his/her party an unfair advantage:

- **Intimidation.** Voters can be scared away from the polls through threats or intimidation. Having armed guards posted at polling places may convince people it is dangerous to vote. Lists of registered voters can be obtained and people subjected to threatening calls before the election.
- **Disruption.** Bomb threats can be called into voting places in areas that are known to heavily favor the opposing party, with the goal of suppressing the vote. There can be outright sabotage of polling places, ballots, ballot boxes, and voting machines (see Exhibit 11.1).

EXHIBIT 11.1

Political Violence in Nepal

In the mountainous Asian nation of Nepal, a 10-year conflict between Maoist insurgents, the police, and the army claimed more than 13,000 lives. In November 2006, Nepal's coalition government and the Communist Party of Nepal (Maoist) signed a comprehensive peace agreement to end the fighting. The Nepali Army and Maoists agreed to participate in elections to create a constituent assembly that would rewrite the country's constitution, including whether it would remain a monarchy. During the election campaign, supporters of all major parties clashed almost daily. On April 6, 2008, the United Nations Mission in Nepal (UNMIN) reported that "election-related violence and intimidation by party workers continues, with frequent and sometimes severe clashes between political parties in many districts." UNMIN said that the Youth Communist League and other Maoist cadres were involved in the largest proportion of incidents. On April 7, 2008, even as campaigning drew to a close, 12 people were injured in bomb attacks. On April 8, unknown assailants shot dead Rishi Prasad Sharma, a candidate for the Communist Party of Nepal (United Marxist-Leninist). But in spite of clashes and bombings in the weeks leading up the polls, the Nepalese Election Commission said that only 33 of the 21,000 polling booths had to be shut as a result of the violence, an outcome that was actually better than expected.

SOURCES: Human Rights Watch, "Nepal: Violence Threatens Elections: Government and Party Leaders Should Ensure Peaceful Vote," April 9, 2008, www.hrw.org/english/docs/2008/04/08/nepal18476.htm (accessed November 1, 2010); BBC News, "Q&A: Nepal's Future," April 11, 2008, http://news.bbc.co.uk/2/hi/south_asia/2707107.stm (accessed November 1, 2010).

- **Misinformation.** Flyers are sent out to voters registered with the opposition party containing misleading information such as the wrong election date or saying that rules have been changed about who is eligible to vote.
- **Registration fraud.** Political operatives may try to shape the outcome of an election by busing in ineligible voters from other districts. Because many jurisdictions require minimal identification and proof of citizenship, political criminals find it easy to get around residency requirements. They may provide conspirators with “change of address” forms to allow them to vote in a particular election, when in fact no actual change of address has occurred.
- **Vote buying.** Securing votes by payment or other rewards or the selling of one’s vote is an age-old problem that still exists. One popular method is to buy absentee ballots from people who are in need of cash. The fraudulent voter can then ensure that the vote goes their way, an outcome that cannot be guaranteed if the conspirator casts a secret ballot at a polling place.

Most states have created laws to control and punish vote fraud. The federal government has a number of statutes designed to control and/or restrict fraud, including 18 U.S.C. § 594, which provides:

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined under this title or imprisoned not more than one year, or both.

Another provision that applies to voting is 18 U.S.C. § 245(b)(1)(A):

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with (1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from (A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office,

or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election. . . .

This provision is in the Civil Rights section of Title 18, the federal criminal code, and it protects the right of all citizens to vote and campaign for office.

Treason

Few people can forget the image of John Walker Lindh, the so-called *American Taliban*, when he was captured during the American invasion of Afghanistan. Lindh, who had spent his early years in an affluent northern California community, converted to Islam and through a convoluted path wound up first in an al-Qaeda training camp and then fighting with the Taliban on the front lines in Afghanistan. He was captured on November 25, 2001, by Afghan Northern Alliance forces, and questioned by CIA agents. Later that day, there was a violent uprising in the prison in which he was being held and during the attack a CIA agent was killed. Walker escaped only to be recaptured seven days later. At his trial, he apologized for fighting alongside the Taliban, saying, “Had I realized then what I know now . . . I never would have joined them.” The 21-year-old said Osama bin Laden is against Islam and that he “never understood jihad to mean anti-American or terrorism.” (See Exhibit 11.2.) “I understand why so many Americans were angry when I was first



AP Images/APTN

Treason involves acts of disloyalty to one’s nation. A person who willfully cooperates with an enemy is considered to be a traitor. John Walker Lindh, the so-called “American Taliban,” is shown being taken into custody at Mazar-i-Sharif, Afghanistan. Calling himself Abdul Hamid, Lindh volunteered to help the enemy. Though some people considered his actions treasonous, in a plea bargain Lindh admitted only to serving in the Taliban army and carrying weapons and received a 20-year sentence for his crimes.

EXHIBIT 11.2

What Is Jihad?

When John Walker Lindh used the word *jihad*, he made reference to a term that has become all too familiar in contemporary society. Often assumed to mean “holy war,” the term is more complex than that simple meaning. According to terror expert Andrew Silke, the term derives from the Arabic for “struggle,” and within Islam there are two forms of jihad: the Greater Jihad and the Lesser Jihad. The Greater Jihad refers to a Muslim’s personal struggle to live a good and charitable life and adhere to God’s commands. In this sense, jihad is a strictly personal and nonviolent phenomenon. The Lesser Jihad refers to violent struggle on behalf of Islam. Jihadists are “those who struggle” and refers to individuals who have volunteered to fight in the Lesser Jihad. The term is used by members of groups such as al-Qaeda to describe themselves and their goals. Jihadists sometimes call themselves *mujahideen*, meaning “holy warriors,” and the term is commonly used to refer to Muslims engaged in the Lesser Jihad.

SOURCE: Andrew Silke, “Holy Warriors: Exploring the Psychological Processes of Jihadist Radicalization,” *European Journal of Criminology* 5 (2008) 99–123.

discovered in Afghanistan. I realize many still are, but I hope in time that feeling will change.” After a plea agreement, John Walker Lindh was sentenced to 20 years in prison.¹¹

Lindh’s behavior amounts to what is commonly called **treason**, an act of disloyalty to one’s nation or state. While the crime of treason is well known and the word “traitor” is a generic term, there have actually been fewer than 40 prosecutions for treason in the entire history of the United States and most have resulted in acquittal. In fact, though his behavior might be considered *treasonous*, Lindh was not actually charged or convicted of treason but was charged with serving in the Taliban army and carrying weapons.

While the Lindh case grabbed headlines, the most famous treason case in U.S. history is still the 1807 trial of former Vice President Aaron Burr, a man best known for killing Secretary of the Treasury Alexander Hamilton in 1804 in a duel over a matter of honor. Burr was accused of hatching a plot to separate the western states from the union. When that plot went awry, he conspired to seize Mexico and set up a puppet government with himself as king! Arrested on charges of treason, he was acquitted when the Federal Court, headed by John Marshall, ruled that to be guilty of treason an overt act must be committed; planning is not enough.¹²

Because treason is considered such a heinous crime, and to deter would-be traitors, many nations apply or have applied the death penalty to those convicted of attempting to overthrow the existing government. Treason was considered

particularly loathsome under English common law, and until the nineteenth century it was punishable by being “drawn and quartered,” a method of execution that involved hanging the offender, removing their intestines while still living, and finally cutting the offender into four pieces for public display. William Wallace, the Scottish patriot made famous in the film *Braveheart*, was so displayed after his execution.

Acts can be considered treasonous in order to stifle political dissent. In eighteenth century England, it was considered treasonous to merely criticize the king or his behavior, and not surprisingly, the American colonists feared giving their own central government that much power. Therefore treason is the only crime mentioned in the United States Constitution, which defines treason as levying war against the United States or “in adhering to their Enemies, giving them Aid and Comfort,” and requires the testimony of two witnesses or a confession in open court for conviction. The purpose of this was to limit the government’s ability to bring charges of treason against opponents and to make it more difficult to prosecute those who are so charged.¹³

Today, the United States Criminal Code codifies treason as “whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.”¹⁴ Helping or cooperating with the enemy in a time of war (as Lindh did) would be considered treason; so too would be creating or recruiting a military force to help a foreign nation overthrow the government. After World War II, two women, Iva Ikuko Toguri D’Aquino, a Japanese American born in Los Angeles and known as Tokyo Rose, and Mildred Elizabeth Gillars, born in Portland, Maine, and known as Axis Sally, served prison terms for broadcasting for the Axis powers in an effort to demoralize American troops. The first treason charge in the past 50 years was actually levied against a California man, Adam Gadahn, whose case is summarized in the Profiles in Crime feature.

Espionage

Robert Hanssen was a counterintelligence agent for the FBI assigned to detect and identify Russian spies. A former Chicago police officer, Hanssen’s assignment required him to have access to sensitive top-secret information. In one of the most shocking cases in U.S. history, Hanssen volunteered to become a paid spy for the KGB during the Cold War and over a period of 15 years received at least \$1.4 million in cash and diamonds. He was arrested on February 18, 2001, after leaving a package of classified documents for his Russian handlers under a footbridge in a park outside Washington. During his years as a double agent, Hanssen not only provided more than 6,000 pages of documents to the Soviet Union but also caused the death of two U.S. double agents whose identities

Profiles in Crime

Azzam the American



The most recent case in which actual treason has been charged involves a 28-year-old California man, Adam Gadahn, also known as Azzam the American, who was indicted in 2006 for making a series of propaganda videotapes for al-Qaeda, including one in which he praised the 9/11 hijackers and referred to the United States as “enemy soil.”

Gadahn was raised in a counterculture atmosphere on a rural farm with his father, Philip Pearlstein, the son of a well-known Jewish doctor, and his mother, Jennifer, a computer whiz from Pennsylvania. His parents were self-sufficient and raised their son in a cabin with no running water; they produced their own electricity from solar panels. They hoped that by living in isolation and austerity they could avoid the chaotic and destructive elements of contemporary society. Adam Gadahn became heavily involved in the death metal culture, but, still feeling empty and alienated, began studying Islam at age 17 at the Islamic Society of Orange County. He later moved to Pakistan and married an Afghan woman.

Gadahn appeared in a series of videotaped segments that were broadcast between October 2004 and September 11, 2006. In the first tape, Gadahn is shown wearing black sunglasses and a headdress wrapped around his face. He identified

himself as Azzam the American and announced his relationship with al-Qaeda. “The streets of America shall run red with blood,” he claimed. In a broadcast in 2005, around the fourth anniversary of the 9/11 attacks, Gadahn called the attacks “blessed raids” and discussed the “jihad against America.” In 2006, Gadahn appeared in a videotape that also contained statements from Osama bin Laden and Ayman al-Zawahiri and then made another propaganda broadcast aired on the fifth anniversary of 9/11. On May 29, 2007, Gadahn again made headlines when he issued another video that listed six actions that America must take in order to prevent future terrorist attacks:

- “Pull every last one of your soldiers, spies, security advisors, trainers, attachés . . . out of every Muslim land from Afghanistan to Zanzibar. . . .”
- End “all support and aid, military, political, economic, or otherwise, to the 56-plus apostate regimes of the Muslim world, and abandon them to their well-deserved fate.”
- “End all support, moral, military, economic, political, or otherwise, to the bastard state of Israel, and ban your citizens, Zionist Jews, Zionist Christians, and the rest from traveling to occupied Palestine or settling there. Even one penny of aid will be considered sufficient justification to continue the fight.”
- “Leave all Muslims alone.”
- “Impose a blanket ban on all broadcasts to our region.”
- “Free all Muslim captives from your prisons, detention facilities, and concentration camps, regardless of whether they have been recipients of what you call a fair trial or not.”

Gadahn warned:

Your failure to meet our demands . . . means that you and your people will, Allah willing, experience things which will make you forget about the horrors of September 11. . . . This is not a call for negotiations. We do not negotiate with baby killers and war criminals like you.

Gadahn also warned President George W. Bush:

You will go down in history not only as the president who embroiled his nation in a series of unwinnable and bloody conflicts in the Islamic world, but as the president who set the United States up on its death march.

Gadahn is the first person to be charged with treason against the United States in almost 50 years, and while there have been numerous reports of his death and capture, none have so far proven valid. On March 7, 2010, the Pakistani government announced that Gadahn had been captured in Karachi, Pakistan, in late February 2010. However, this report has since been disputed and Gadahn’s whereabouts remain a mystery.

SOURCES: Craig Whitlock, “Converts to Islam Move Up in Cells, Arrests in Europe Illuminate Shift,” *Washington Post Foreign Service*, September 15, 2007, Page A10, www.washingtonpost.com/wp-dyn/content/article/2007/09/14/AR2007091402265.html (accessed November 2, 2010); Federal Bureau of Investigation, “Most Wanted Terrorist: American Charged with Treason,” October 11, 2006, www.fbi.gov/page2/oct2006/gadahn101106.htm (accessed November 2, 2010); Video on Myzine.com, www.myzine.com/play.php?pid=10094; Raffi Khatchadourian, “Azzam the American: The Making of an Al Qaeda Homegrown,” *New Yorker*, January 22, 2007, www.newyorker.com/reporting/2007/01/22/070122fa_fact_khatchadourian (accessed November 2, 2010).

were uncovered with the aid of his secret documents. The Hanssen case was the subject of the 2007 film *Breach*, which starred Chris Cooper as the corrupt agent.¹⁵

Espionage (more commonly called “spying”) is the practice of obtaining information about a government, organization, or society that is considered secret or confidential

without the permission of the holder of the information. Espionage involves obtaining the information illegally by covertly entering the area where the information is stored, secretly photographing forbidden areas, or subverting through threat or payoff people who know the information and will divulge it through subterfuge.¹⁶

Profiles in Crime

Aldrich Hazen Ames



AP Images/Mark Wilson

Aldrich Hazen Ames was arrested by the FBI in Arlington, Virginia, on espionage charges on February 24, 1994. At the time of his arrest, Ames was a 31-year veteran of the Central Intelligence Agency (CIA) who had been spying for the Russians since 1985. Arrested with him was his wife, Rosario Ames, who had aided and abetted his espionage activities.

Ames was a CIA case officer, who spoke Russian and specialized in the Russian intelligence services, including the KGB, the USSR's foreign intelligence service. His initial overseas assignment was in Ankara, Turkey, where he targeted Russian intelligence officers for recruitment. Later, he worked in New York City and Mexico City. On April 16, 1985, while assigned to the

CIA's Soviet/East European Division at CIA Headquarters in Langley, Virginia, he secretly volunteered to KGB officers at the USSR Embassy in Washington, D.C. Shortly thereafter, the KGB paid him \$50,000. During the summer of 1985, Ames met several times with a Russian diplomat to whom he passed classified information about CIA and FBI human sources, as well as technical operations targeting the Soviet Union. In December 1985, Ames met with a Moscow-based KGB officer in Bogota, Colombia. In July 1986, Ames was transferred to Rome.

In Rome, Ames continued his meetings with the KGB, including a Russian diplomat assigned to Rome and a Moscow-based KGB officer. At the conclusion of his assignment in Rome, Ames received instructions from the KGB regarding clandestine contacts in the Washington, D.C., area, where he would next be assigned. In the four years after he volunteered, the KGB paid Ames \$1.88 million.

Upon his return to Washington, D.C., in 1989, Ames continued to pass classified documents to the KGB, using "dead drops" or prearranged hiding places where he would leave the documents to be picked up later by KGB officers from the USSR Embassy in Washington. In return, the KGB left money and instructions for Ames, usually in other "dead drops."

In the meantime, the CIA and FBI learned that Russian officials who had been recruited by them were being arrested and executed. These human sources had provided critical intelligence information about the USSR, which was used by U.S. policy

makers in determining U.S. foreign policy. Following analytical reviews and receipt of information about Ames's unexplained wealth, the FBI opened an investigation in May 1993.

FBI special agents and investigative specialists conducted intensive physical and electronic surveillance of Ames during a 10-month investigation. Searches of Ames's residence revealed documents and other information linking Ames to the Russian foreign intelligence service. On October 13, 1993, investigative specialists observed a chalk mark Ames made on a mailbox confirming to the Russians his intention to meet them in Bogota, Colombia. On November 1, special agents observed him and, separately, his Russian handler in Bogota. When Ames planned foreign travel, including a trip to Moscow, as part of his official duties, a plan to arrest him was approved.

Following guilty pleas by both Ames and his wife on April 28, 1994, Ames was sentenced to incarceration for life without the possibility of parole. Rosario Ames was sentenced on October 20, 1994, to 63 months in prison. Ames also forfeited his assets to the United States, and \$547,000 was turned over to the Justice Department's Victims Assistance Fund. Ames is serving his sentence in the federal prison system. Rosario Ames completed her sentence and was released.

SOURCE: FBI, "Famous Cases and Criminals: Aldrich Hazen Ames," www.fbi.gov/about-us/history/famous-cases/aldrich-hazen-ames/aldrich-hazen-ames/ (accessed November 2, 2010).

Espionage is typically associated with spying on potential or actual enemies, by a foreign agent who is working for his or her nation's intelligence service. With the end of the Cold War, the threat of espionage seemed reduced until 2010, when a major Russian spy group was unraveled and 10 people arrested. These were sleeper agents who had spent decades fitting seamlessly in their new environment. Neighbors were shocked to find out that "Richard Murphy" and "Cynthia Murphy" were actually spies named Vladimir Guryev and Lydia Guryev, while "Michael Zottoli" and "Patricia Mills" were in reality Mikhail Kutsik and Natalia

Pereverzeva, agents of the Russian Federation. The case was settled when the Russians were exchanged for four American spies being held in Russian prisons.

Not all spies are foreign nationals. There are numerous cases of homegrown spies who are motivated by misguided altruism or belief. Perhaps the most famous international case involved a group of five upper-crust students recruited during the Cold War at prestigious Cambridge University in England by Russia's foreign intelligence service, the KGB. The five were motivated by the belief that capitalism was corrupt and that the Soviet Union offered a better model

for society. After graduation, they secured sensitive government posts that gave them access to valuable intelligence they then passed on to the Soviet Union. Two of the conspirators, Guy Burgess and Donald Maclean, were exposed in 1951 and defected to the Soviet Union before they could be captured; Kim Philby, who had worked as a high-level intelligence agent, defected to Russia in 1963 but not before passing on information that cost hundreds of lives. The last two members of the ring, Anthony Blunt and John Cairncross, went undetected for many years.¹⁷

While some spies, like the Cambridge Five, are motivated by ideology, others, like FBI agent Robert Hanssen and CIA operative Harold Nicholson, were looking for profit. In 1997, Nicholson was convicted of selling U.S. intelligence to Russia for \$180,000 and was sentenced to 23.5 years imprisonment; Nicholson was the highest ranking CIA official ever convicted for spying for a foreign country. Hanssen sold American secrets to Russia for more than \$1.4 million in cash and diamonds over a 22-year period; he is currently serving a life sentence.¹⁸

Government employees in a position of trust may offer to misappropriate state secrets for a payoff from a foreign government. One of the most infamous of these cases, that of CIA double agent Aldrich Ames, is set out in the Profiles in Crime feature.

Industrial Espionage The concept of espionage has been extended to spying involving corporations, referred to as industrial espionage. This involves such unethical or illegal activities as bribing employees to reveal trade secrets such as computer codes or product formulas. The traditional methods of industrial espionage include recruiting agents and inserting them into the target company or breaking into an office to take equipment and information. It can also involve surveillance and spying on commercial organizations in order to determine the direction of their new product line or even what bid they intend to make on a government contract. Such knowledge can provide vast profits when it allows a competitor to save large sums on product development or to win an undeserved contract by underbidding.¹⁹

Foreign Industrial Espionage Not all corporate espionage is home grown, and some attacks have been carried out by foreign agents. A report of the National Counterintelligence Center lists biotechnology, aerospace, telecommunications, computer software, transportation, advanced materials, energy research, defense, and semiconductor companies as the top targets for foreign economic espionage.²⁰

Industrial espionage by foreign agents' efforts have hurt the United States by eroding the U.S. military advantage by enabling foreign militaries to acquire sophisticated capabilities that might otherwise have taken years to develop. Such efforts also undercut the U.S. economy by making it possible for foreign firms to gain a competitive economic edge over U.S. companies.

Many foreign agents did not come to the United States specifically to engage in espionage, but when an opportunity

arose they jumped on the chance in order to satisfy their desire for profits, for academic or scientific acclaim, or out of a sense of patriotism to their home countries.

A number of factors have combined to facilitate private-sector technology theft. Globalization, while generating major gains for the U.S. economy, has given foreigners unprecedented access to U.S. firms and to sensitive technologies. There has also been a proliferation of devices that have made it easy for private-sector experts to illegally retrieve, store, and transfer massive amounts of information, including trade secrets and proprietary data; such devices are increasingly common in the workplace.

In addition to private citizens conducting espionage, foreign government organizations also mount their own operations, including:

- Targeting U.S. firms for technology that would strengthen their foreign defense capabilities
- Posting personnel at U.S. military bases to collect classified information to bolster military modernization efforts
- Employing commercial firms in the United States in a covert effort to target and acquire U.S. technology
- Recruiting students, professors, scientists, and researchers to engage in technology collection
- Making direct requests for classified, sensitive, or export-controlled information
- Forming ventures with U.S. firms in the hope of placing collectors in proximity to sensitive technologies or else establishing foreign research²¹

Legal Controls Until 1996, there was no federal statute that explicitly penalized industrial espionage. Recognizing the increasingly important role that intellectual property plays in the well-being of the American economy, Congress enacted the Economic Espionage Act (EEA) of 1996, which criminalizes the theft of trade secrets. The EEA actually contains two separate provisions, one that penalizes foreign agents from stealing American trade secrets and one directed at domestic spying. Some of the key provisions of the EEA are set out in Exhibit 11.3.

Convictions of foreign agents under the Economic Espionage Act have been relatively rare. On December 14, 2006, Fei Ye and Ming Zhong pleaded guilty to two counts each of economic espionage. Ye and Zhong were arrested at the San Francisco International Airport on November 23, 2001, with stolen trade secret information from Sun Microsystems and Transmeta Corporation. At their hearing, Ye and Zhong admitted that they intended to utilize the trade secrets in designing a computer microprocessor that was to be manufactured and marketed by a company they had established, known as Supervision, Inc., and would have profited from sales of chips to the city of Hangzhou and the province of Zhejiang in China; their company had applied for funding from the National High Technology Research and Development Program of China. The plea resulted in the first conviction of foreign agents under the Economic Espionage Act more than 10 years after it was enacted into law.²²

EXHIBIT 11.3

The Economic Espionage Act of 1996

Provision I

- (a) In general. Whoever, intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent, knowingly
- (1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains a trade secret;
 - (2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys a trade secret;
 - (3) receives, buys, or possesses a trade secret, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;
 - (4) attempts to commit any offense described in any of paragraphs (1) through (3); or
 - (5) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (3), and one or more of such person do any act to effect the object of the conspiracy, shall, except as provided in subsection (b), be fined not more than \$500,000 or imprisoned not more than 15 years, or both.

Provision II

- (a) Whoever, with intent to convert a trade secret, that is related to or included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will injure any owner of that trade secret, knowingly
- (1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information;
 - (2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;
 - (3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;
 - (4) attempts to commit any offense described in paragraphs (1) through (3); or
 - (5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy, shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.

SOURCE: The Economic Espionage Act of 1996, 18 U.S.C. §§ 1831–1839.

State Political Crime

While some political crimes are committed by people who oppose the state, others are perpetrated by state authorities against the people they are supposed to serve; this is referred to as **state political crime**. Critical criminologists argue that rather than being committed by disaffected people, a great deal of political crime arises from the efforts of the state to either maintain governmental power or to uphold the race, class, and gender advantages of those who support the government. In industrial society, the state will do everything to protect the property rights of the wealthy while opposing the real interests of the poor. They might even go to war to support the capitalist classes who need the wealth and resources of other nations. The desire for natural resources such as rubber, oil, and metals was one of the primary reasons for Japan's invasion of China and other Eastern nations that sparked their entry into World War II.

Using Torture

On February 23, 2007, Osama Hassan Mustafa Nasr, an Egyptian cleric, made worldwide headlines when he claimed that he had been kidnapped in Italy by American CIA agents and sent to Egypt for interrogation as part of the CIA's "extraordinary rendition." Nasr claimed, "I was subjected to the worst kind of torture in Egyptian prisons. I have scars of torture all over my body." Italy indicted 26 Americans and five Italian agents accused of seizing him and sending him to Egypt without trial or due process.²³

Of all state political crimes, the use of **torture** to gain information from suspected political criminals is perhaps the most notorious. Can the torture of a suspected terrorist determined to destroy the government and harm innocent civilians ever be permissible or is it always an example of state-sponsored political crime? While most people loathe the thought of torturing anyone, some experts argue that torture can sometimes be justified in what they call the **ticking bomb scenario**: suppose the government found out that a captured terrorist knew the whereabouts of a dangerous explosive device that was set to go off and kill thousands of innocent people. Would it be permissible to engage in the use of torture on this single suspect if it would save the population of a city? While the ticking bomb scenario has appeal (see The Criminological Enterprise feature "Want to Torture? Get a Warrant"), opponents of torture believe that even imminent danger does not justify state violence. There is a danger that such state-sponsored violence would become calculated and premeditated; torturers would have to be trained, ready, and in place for the ticking bomb argument to work. We couldn't be running around looking for torturers with a bomb set to go off, could we? Because torturers would be part of the government bureaucracy, there is no way to ensure that they would only use their skills in certain morally justifiable cases.²⁴ What happens if a superior

The Criminological Enterprise

Want to Torture? Get a Warrant

According to the *ticking bomb scenario*, torture can be justified in order to force a political criminal to reveal the location of an explosive device before it can go off and kill many people. While a number of legal and social scholars have debated whether torture can ever be justified in a moral society no matter what the intent, famed social commentator and legal scholar Alan Dershowitz disagrees. He argues that torture can be justified under some circumstances, especially to prevent damaging terror attacks. Moreover, he believes that the “vast majority” of Americans would expect law enforcement agents to engage in time-honored methods of “loosening tongues” if the circumstances demanded it, even though international bodies such as the United Nations forbid its use no matter how exigent the circumstances. To ensure that torture is not used capriciously, Dershowitz proposes the creation of a “torture warrant” that can only be issued by a judge in cases where (a) there is an absolute need to obtain immediate information in order to save lives and (b) there is probable cause that the suspect has such information and is unwilling to reveal it to law enforcement agents. The suspect would be given immunity from prosecution based on information elicited by the torture; it would only be to save lives. The warrant would limit the torture to non-lethal means, such as sterile needles being inserted beneath the nails to cause excruciating pain without endangering life.

While Dershowitz recognizes that it may sound both awful and absurd for a judge to be issuing a warrant to torture a suspect, in truth every democracy, including our own,

has employed torture outside of the law. It is routine for police officers to put tremendous pressure on suspects in order to get them to talk. The “third degree” is all too common, not only on TV shows, but in the back rooms of real police station houses. If it is already used, would it not be better to have it regulated and controlled by the rule of law? If it isn’t, law enforcement agents would continue to use torture anyway, only it would fall “below the radar screen of accountability.” Which would be more consistent with democratic values?

Dershowitz recognizes that those opposed to the idea of a torture warrant argue that establishing such a precedent would legitimize torture and make it easier to use under any circumstances. But he believes that the opposite would be true: by expressly limiting the use of torture only to the ticking bomb case and by requiring an objective and reasoned judge to approve, limit, and monitor the torture, it will be far more difficult to justify its extension to other institutions. The goal of the warrant would be to reduce and limit the amount of torture that would, in fact, be used in an emergency.

Not everyone agrees that in some extreme cases the “ends justify the means.” Human Rights Watch, an international group dedicated to protecting the human rights of people around the world, counters Dershowitz by pointing out that while the ticking bomb scenario makes for great philosophical discussion, it rarely arises in real life. Except in movies and TV, interrogators rarely learn that a suspect in custody knows of a particular, imminent terrorist bombing and that they have the knowledge

to prevent a catastrophe. Intelligence is rarely, if ever, good enough to provide such specific advance warning. If terrorists knew their plan could be foiled by information provided by a prisoner, why would they not change the plan? While not practical, the ticking bomb scenario can be dangerous because it expands the use of torture to anyone who might have knowledge of unspecified future terrorist attacks: Why are only the victims of an imminent terrorist attack deserving of protection by torture? Why not also use torture to prevent a terrorist attack tomorrow or next week or next year? And why stop with the alleged terrorists themselves? Why not also torture their families or associates—anyone who might provide life-saving information? The slope is very slippery, Human Rights Watch claims.

CRITICAL THINKING

You are a government agent holding a prisoner who has been arrested on suspicion of being a terrorist. You get a call stating that there is a credible threat that a bomb will go off in two hours unless it can be found and defused. The prisoner has knowledge of the bomb’s location. How would you get him to reveal the location? Would you consider using torture? Is there a better method?

SOURCES: Alan M. Dershowitz, *Shouting Fire: Civil Liberties in a Turbulent Age* (New York: Little, Brown, 2002); Dershowitz, “Want to Torture? Get a Warrant,” *San Francisco Chronicle*, January 22, 2002; Human Rights Watch, “The Twisted Logic of Torture,” January 2005, <http://hrw.org/wr2k5/darfurandabughraib/6.htm> (accessed November 2, 2010).

officer tells them to torture someone, but they believe the order is unjustified? Should they follow orders or risk a court-martial for being disobedient? Furthermore, there is very little empirical evidence suggesting that torture provides any real benefits and much more that suggests it can create serious problems. It can damage civil rights and democratic institutions and cause the general public to have sympathy for the victims of torture no matter their evil intent.²⁵

Critics have complained that government agencies such as the Central Intelligence Agency (CIA) have used torture without legal authority. Despite its illegality, enemy agents have been detained and physically abused in secret prisons around the world without the benefit of due process. In some cases, suspects have been held in foreign countries simply because their governments are not squeamish about using torture during interrogations. Shocking photo evidence of

Torture or Not?

As a criminologist, your specialty is terrorism, so it comes as no surprise that the director of the CIA asks you to draw up a protocol setting out the rules for the use of torture with suspected terrorists. The reason for his request is that a series of new articles has exposed the agency's practice of sending suspected terrorists to friendly nations that are less squeamish about using torture. He understands that the American public has mixed feelings about torture. A 2009 *Washington Post*/ABC News poll found that 49 percent of respondents agreed that the United States should not torture, while 48 percent believed torture is sometimes acceptable. A recent Gallup



Konstantin Vistevskiy/Stockphoto

poll found that 55 percent of Americans believe that the use of harsh interrogation techniques is justified, while only 36 percent say they are not.

» Write a memo to the CIA director outlining the protocol you recommend for the use of torture with suspected terrorists. In your document, address when torture should be used, who it should be used on, and what tortures you recommend using. Of course, if you believe the use of torture is always unethical, you could let the director know why you have reached this conclusion.

torture from detention facilities at the Guantanamo base in Cuba support these charges. Legal scholars have argued that these tactics violate both international treaties and domestic statutes prohibiting torture. Some maintain that the U.S. Constitution limits the authority of an executive agency like the CIA to act against foreigners abroad and also limits physical coercion by the government under the Fifth Amendment due process and self-incrimination clauses and the Eighth Amendment prohibition against cruel and unusual punishments. Legally, it is impermissible for United States authorities to engage in indefinite detention or torture regardless of the end, the place, or the victim.²⁶

The Waterboarding Controversy Can a bright line be drawn between what is considered torture and what constitutes firm but legal interrogation methods? This issue made headlines when it was revealed in 2007 that the CIA made routine use of the waterboarding technique while interrogating suspected terrorists.²⁷ Waterboarding involves immobilizing a person on his or her back, with the head inclined downward, and pouring water over the face and into the breathing passages. It produces an immediate gag reflex and an experience akin to drowning; the subject believes his or her death is imminent.

The use of waterboarding is controversial because there seems to be no agreement on whether it is torture or a relatively harmless instrument of interrogation. While official U.S. government policy and government doctrine is vehemently opposed to torture, it has condoned harsh interrogation techniques that combine physical and psychological tactics, including head slapping, waterboarding, and exposure to extreme cold. Waterboarding even became an issue during the 2008 presidential campaign when Senator John McCain, a former prisoner of war who had experienced

torture firsthand in a North Vietnamese prison camp, told the press, "All I can say is that it was used in the Spanish Inquisition, it was used in Pol Pot's genocide in Cambodia, and there are reports that it is being used against Buddhist monks today. They should know what it is. It is not a complicated procedure. It is torture."²⁸

TERRORISM

The political crime that many people are most concerned with is terrorism, and the remainder of this chapter focuses on the history, nature, and extent of terrorism and the methods being employed for its control. Despite its long history, it is often difficult to precisely define terrorism (from the Latin *terrere*, which means to frighten) and to separate terrorist acts from interpersonal crimes of violence. For example, if a group robs a bank to obtain funds for its revolutionary struggles, should the act be treated as terrorism or as a common bank robbery? In this instance, defining a crime as terrorism depends on the kind of legal response the act evokes from those in power. To be considered **terrorism**, which is a political crime, an act must carry with it the intent to disrupt and change the government and must not be merely a common-law crime committed for greed or egotism.

Because of its complexity, an all-encompassing definition of terrorism is difficult to formulate, although most experts agree that it generally involves the illegal use of force against innocent people to achieve a political objective. According to the U.S. State Department, the term *terrorism* means premeditated, politically motivated violence perpetrated against

noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience. The term *international terrorism* means terrorism involving citizens or the territory of more than one country. A terrorist group is any group practicing, or that has significant subgroups that practice, international terrorism.²⁹ Exhibit 11.4 sets out a number of definitions of terrorism drafted or used by prominent governmental agencies or organizations.

Terrorism usually involves a type of political crime that emphasizes violence as a mechanism to promote change. Whereas some political criminals sell secrets, spy, and the like, terrorists systematically murder and destroy or threaten such violence to terrorize individuals, groups, communities, or governments into conceding to the terrorists' political demands.³⁰ Because terrorists lack large armies and formidable weapons, their use of subterfuge, secrecy, and hit-and-run tactics is designed to give them a psychological advantage and the power to neutralize the physical superiority of their opponents.

However, it may be erroneous to assume that terrorists have political goals. Some may try to bring about what they consider to be social reform—for example, by attacking women wearing fur coats or sabotaging property during a labor dispute. Terrorism must also be distinguished from conventional warfare, because it requires secrecy and clandestine operations to exert social control over large populations.³¹ So terrorist activities may be aimed at promoting an ideology other than political change.

Terror Cells Regardless of what organizational structure is used, most groups subdivide their affiliates into **terror cells** for both organizational and security purposes. To enhance security, each cell may be functionally independent so that each member has little knowledge of other cells, their members, locations, and so on. However, individual cell members provide emotional support to one another and maintain loyalty and dedication. Because only the cell leader knows how to communicate with other cells and/or a central command, capture of one cell does not then compromise other group members.

Terror cell formations may be based on location, employment, or family membership. Some are formed on the basis of function: some are fighters, others political organizers. The number of cells and their composition depend on the size of the terrorist group: local or national groups will have fewer cells than international terrorist groups that may operate in several countries, such as the al-Qaeda group.

Terrorist and Guerilla

The word *terrorist* is often used interchangeably with the word *guerilla*, but the terms are quite different. **Guerilla** comes from the Spanish term meaning “little war,” which developed out of the Spanish rebellion against French

EXHIBIT 11.4

Definitions of Terrorism

League of Nations Convention (1937)

All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public.

United Nations Resolution Language (1999)

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;
2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them. (GA Res. 51/210, “Measures to Eliminate International Terrorism.”)

Short Legal Definition Proposed by A. P. Schmid to United Nations Crime Branch (1992)

Act of Terrorism = Peacetime Equivalent of War Crime

Academic Consensus Definition Used by the United Nations

Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby—in contrast to assassination—the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience[s]), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.

United States Department of State

The term “terrorism” means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.

The term “international terrorism” means terrorism involving citizens or the territory of more than one country.

The term “terrorist group” means any group practicing, or that has significant subgroups that practice, international terrorism.

SOURCES: *Patterns of Global Terrorism* (Washington: Department of State, 2001): vi; United Nations Office on Drugs and Crime, www.state.gov/s/ct/rls/crt/2000/2419.htm (accessed November 2, 2010).

troops after Napoleon's 1808 invasion of the Iberian Peninsula.³² Terrorists have an urban focus. Operating in small bands, or cadres, of three to five members, they target the property or persons of their enemy, such as members of the ruling class.³³ However, terrorists may not have political ambitions, and their actions may be aimed at stifling or intimidating other groups who oppose their political, social, or economic views. For example, terrorists who kill abortion providers in order to promote their "pro-life" agenda are not aiming for regime change. Guerillas, on the other hand, are armed military bands, typically located in rural areas, that attack military, police, and government officials in an effort to destabilize the existing government. Their organizations can grow quite large and eventually take the form of a conventional military force. Some guerilla bands infiltrate urban areas (urban guerillas). For the most part, guerillas are a type of insurgent band.

Terrorist and Insurgent

As commonly used, an insurgency is somewhat different from both guerilla warfare and terrorism. The typical goal of an insurgency is to confront the existing government for control of all or a portion of its territory, or force political concessions in sharing political power by competing with the opposition government for popular support.³⁴ **Insurgents** are organized into covert groups who engage in an organized campaign of extreme violence, which may falsely appear to be random and indiscriminate, such as causing the death of innocent civilians, but has a distinct political agenda. Insurgents tend to live isolated and stressful lives and enjoy varying levels of public support.³⁵

While insurgents may engage in violence, they can also use nonviolent methods or political tactics. For example, they may set up food distribution centers and schools in areas in which they gain control in order to provide the population with needed services while contrasting their benevolent rule with the government's incompetence and corruption.

When insurgents use violence, it is designed to inspire support and gain converts while at the same time destroying the government's ability to resist. It is easy to recruit supporters once the population believes that the government is incapable of fighting back. On the other hand, some members of the insurgency might shun violence and eventually create nonviolent splinter groups. They can then operate openly, claiming to sympathize with the violent wing of their organization but just not being part of its structure. They may seek external support from other nations to bring pressure on the government. A terror group, in contrast, neither requires nor has active support or sympathy from a large percentage of the population.

Terrorist and Revolutionary

A revolution (from the Latin *revolutio*, "a revolving," and *revolvere*, "turn, roll back") is generally seen as a civil war fought between nationalists and a sovereign power that holds control of the land, or between the existing government and local groups over issues of ideology and power. Historically, the American Revolution may be considered an example of a struggle between nationalistic groups and an imperialistic overseas government. Classic examples of ideological rebellions are the French Revolution, which pitted the middle class and urban poor against the aristocracy, and the Russian Revolution of 1917, during which the Czarist government was toppled by the Bolsheviks. More recent ideological revolutions have occurred in China, Cuba, Nicaragua, and Chile, to name but a few.

While some revolutions (such as the American, French, and Russian) rely on armed force, terror activities, and violence, others can be nonviolent, depending on large urban protests and threats. Such was the case when the Shah Mohammad Reza Pahlavi was toppled in Iran in the 1979 revolution that transformed Iran into an Islamic republic under the rule of Ayatollah Ruhollah Khomeini. Similar events unfolded in Egypt in early 2011 in the effort to topple the government of Hosni Mubarak that had been in power for 30 years.

Concept Summary 11.1 describes the components of the various types of political groups.

A BRIEF HISTORY OF TERRORISM

Acts of terrorism have been known throughout history. The assassination of Julius Caesar on March 15, 44 BCE is considered an act of terrorism. Terrorism became widespread at the end of the Middle Ages, when political leaders were frequently subject to assassination by their enemies.

Religious Roots

The first terrorist activities were committed by members of minority religious groups who engaged in violence to (a) gain the right to practice their own form of religion, (b) establish the supremacy of their own religion over others, or (c) meet the requirements of the blood-thirsty gods they worshipped.³⁶

In some instances, a conquered people used force and violence to maintain their right to worship in their own faith. **Zealots**, Hebrew warrior groups, were active during the Roman occupation of Palestine during the first century CE. A subgroup of the Zealots, the Sciari (literally translated as "daggermen"), were so named after the long curved knives

CONCEPT SUMMARY 11.1

The Various Forms of Radical Political Groups

| | Terrorist | Guerilla | Insurgent | Revolutionary |
|--------------------|---|---|---|--|
| Description | Groups who engage in premeditated, politically motivated violence perpetrated against noncombatant targets. | Armed groups operating in rural areas who attack the military, the police, and other government officials. | Groups who engage in armed uprising, or revolt against an established civil or political authority | Engages in civil war against sovereign power that holds control of the land. |
| Example | Al-Qaeda, Hamas | Mao's People's Liberation Army; Ho Chi Minh's Viet Cong | Iraqi insurgent groups | American Revolution, French Revolution, Russian Revolution |
| Goals | Personal, criminal or political gain or change. | Replace or overthrow existing government. | Win over population by showing government's incompetence. Force government into political concessions and/or power sharing. | Gain independence or oust existing government or monarchy |
| Methods | Small, clandestine cells who use systematic violence for purpose of intimidation. | Use unconventional warfare and mobile tactics. May grow large and use tactics similar to conventional military force. | May use violent (bombings and kidnappings) or nonviolent means (food distribution centers and creating schools). | Can use violent armed conflict or nonviolent methods such as Gandhi used in India. |

they favored as a weapon to assassinate Romans or their sympathizers. The Zealots carried out their attacks in broad daylight, typically with witnesses around, in order to send a message that the Roman authorities and those Jews who collaborated with them would not be safe. Ironically, this tactic is still being used by contemporary terrorists. The Zealots and Sciri led the revolt in 66 CE against Roman occupation of the Holy Land, during which they occupied the fortress of Masada. Here they held out for more than seven months before engaging in mass suicide rather than surrender to the Roman legions. The revolt ended badly and the Romans destroyed the Jewish temple and sent the population into exile.

Some religious terrorists want to promote the supremacy of their own sect over a rival group. The (Shi'ite) Muslim Order of the Assassins (assassin literally means “hashish-eater,” a reference to the commonly held belief that gang members engaged in acts of ritual intoxication and smoked hashish just prior to undertaking their missions) was active in Persia, Syria, and Palestine from 1090 to 1272, killing a great number of their enemies, mainly Sunnis whom they considered apostates, but also Christians who were then the rulers of the kingdom of Jerusalem.³⁷ The Assassins also were prone to stabbing their victims in an effort to spread their vision of Islam, and carried out missions in public places on holy days in order to publicize their cause. Successful assassinations guaranteed them a place in heaven.

Another form of religious terror is inspired by the requirements of belief. Some religious beliefs have focused on violence, the gods demanding the death of nonbelievers. In

India, members of the Thugee cult (from which the modern term “thug” was derived) were devoted to Kali, the goddess of death and destruction. The thugs believed each murder prevented Kali's arrival for 1,000 years, thus sparing the nation from her death and destruction. The thugs traveled in gangs of up to 100 with each member having a defined role—some lured unwary travelers, while others strangled the chosen victim. The gang used secret argot and jargon, which only they could understand, and signs so that members could recognize each other even in the most remote parts of India. Cult members may have killed hundreds of thousands of victims over a 300-year span. They would attach themselves to travelers and when the opportunity arose, strangle them with a noose around their necks, steal their money, and bury their bodies. The killings were highly ritualistic and involved religious rites and prayers. By the mid-nineteenth century the British made it a policy to end Thugee activities, hanged nearly 4,000, and all but eradicated the cult. Thugees represented the last serious religion-inspired terrorist threat until the emergence of Islamic terrorism in the 1980s.

Political Roots

When rulers had absolute power, terrorist acts were viewed as one of the only means of gaining political rights. At times European states encouraged terrorist acts against their enemies. In the sixteenth century, Queen Elizabeth I empowered her naval leaders, including famed captains John

Hawkins and Francis Drake, to attack the Spanish fleet and take prizes. These privateers would have been considered pirates had they not operated with government approval. American privateers attacked the British during the Revolutionary War and the War of 1812 and were considered heroes for their actions against the English navy.

The term *terrorist* first became popular during the French Revolution. Use of the word *terrorism* began in 1795 in reference to the **Reign of Terror** initiated by the revolutionary government during which agents of the Committee of Public Safety and the National Convention were referred to as terrorists. In response, royalists and opponents of the Revolution employed terrorist tactics in resistance to the Revolutionists. The widespread use of the guillotine is an infamous reminder of the revolutionary violence; urban mobs demanded blood, and many government officials and aristocrats were beheaded in gruesome public spectacles. From the fall of the Bastille on July 14, 1789, until July 1794, thousands suspected of counterrevolutionary activity were killed on the guillotine. Here again, the relative nature of political crime is documented: most victims of the French Reign of Terror were revolutionaries who had been denounced by rival factions, whereas thousands of the hated nobility lived in relative tranquility. The end of the terror was signaled by the death of its prime mover, Maximilien Robespierre, on July 28, 1794, as the result of a successful plot to end his rule. He was executed on the same guillotine to which he had sent almost 20,000 people.

In the hundred years following the French Revolution, terrorism continued to be a political tool around the world. Terrorist acts became the preferred method of political action for national groups in the early years of the twentieth century. In Eastern Europe, the Internal Macedonian Revolutionary Organization campaigned against the Turkish government, which controlled its homeland (Macedonia became part of the former Yugoslavia). Similarly, the protest of the Union of Death Society, or Black Hand, against the Austro-Hungarian Empire's control of Serbia led to the group's assassination of Archduke Franz Ferdinand, which started World War I. Russia was the scene of left-wing revolutionary activity, which killed the czar in 1917 and gave birth to the Marxist state.

After the war ended, the Treaty of Versailles restructured Europe and broke up the Austro-Hungarian Empire. The result was a hodgepodge of new nations controlled by majority ethnic groups. Self-determination was limited to European nations and ethnic groups and denied to others, especially the colonial possessions of the major European powers, creating bitterness and setting the stage for the long conflicts of the anticolonial period. The Irish Republican Army, established around 1916, steadily battled British forces from 1919 to 1923, culminating in the Republic of Ireland gaining independence.

Between the World Wars, right-wing terrorism existed in Germany, Spain, and Italy. One source of tension, according to author Michael Kellogg, was the virulently anti-Communist exiles who fled Russia after the 1917 Revolution (called White Russians) and took up residence in Germany and

other Western nations. According to Kellogg, between 1920 and 1923, Adolf Hitler was deeply influenced by the Aufbau (Reconstruction), the émigrés' organization. Members of the Aufbau allied with the Nazis to overthrow the legitimate German government and thwart German communists from seizing power. The White Russians deep-seated anti-Semitism may have inspired Hitler to go public with his campaign to kill the European Jews, prompting both the Holocaust and the invasion of Russia, which spelled the eventual doom of Hitler and National Socialism.³⁸

During World War II, resistance to the occupying German troops was common throughout Europe. The Germans considered the resisters to be terrorists, but the rest of the world considers them heroes. Meanwhile, in Palestine, Jewish terrorist groups—the Haganah, Irgun, and Stern Gang, whose leaders included Menachem Begin, who later became Israel's prime minister—waged war against the British to force them to allow Jewish survivors of the Holocaust to settle in their traditional homeland. Today, of course, many of these alleged terrorists are considered freedom fighters who laid down their lives for a just cause.

After the war, Arab nationalists felt that they had been betrayed. Believing they were promised postwar independence, they were doubly disappointed—first when the French and British were given authority over their lands, and then especially when the British allowed Zionist immigration into Palestine in keeping with a promise contained in the Balfour Declaration.

Since the end of World War II, terrorism has accelerated its development into a major component of contemporary conflict. Primarily in use immediately after the war as a subordinate element of anticolonial insurgencies, it expanded beyond that role. In the service of various ideologies and aspirations, terrorism sometimes supplanted other forms of conflict completely. It became a far-reaching weapon capable of effects no less global than the intercontinental bomber or missile. It has also proven to be a significant tool of diplomacy and international power for states inclined to use it.

CONTEMPORARY FORMS OF TERRORISM

Today the term *terrorism* encompasses many different behaviors and goals. Some of the more common forms are briefly described here.

Revolutionary Terrorists

Revolutionary terrorists use violence to frighten those in power and their supporters in order to replace the existing government with a regime that holds acceptable political or religious

views. Terrorist actions such as kidnapping, assassination, and bombing are designed to draw repressive responses from governments trying to defend themselves. These responses help revolutionaries to expose, through the skilled use of media coverage, the government's inhumane nature. The original reason for the government's harsh response may be lost as the effect of counterterrorist activities is felt by uninvolved people.

Jemaah Islamiyah, an Indonesian terrorist organization aligned with al-Qaeda, is believed to be intent on driving away foreign tourists and ruining the nation's economy so they can usurp the government and set up a pan-Islamic nation in Indonesia and neighboring Malaysia (see Exhibit 11.5).³⁹

Political Terrorists

Political terrorism is directed at people or groups who oppose the terrorists' political ideology or whom the terrorists define as "outsiders" who must be destroyed. Political terrorists may not want to replace the existing government but to shape it so that it accepts the terrorists' views.

Right-Wing Political Groups Domestic terrorists in the United States can be found across the political spectrum.

On the right, they tend to be heavily armed groups organized around such themes as white supremacy, anti-abortion, militant tax resistance, and religious revisionism. Identified groups have included, at one time or another, the Aryan Republican Army, the Aryan Nation, the Posse Comitatus, and the Ku Klux Klan. These groups want to shape U.S. government policy over a range of matters, including ending abortion rights, extending the right to bear arms, and eliminating federal taxation. Anti-abortion groups have demonstrated at abortion clinics, attacked clients, bombed offices, and killed doctors who perform abortions. On October 23, 1998, Dr. Barnett Slepian was shot by a sniper and killed in his Buffalo, New York, home; he was one of a growing number of abortion providers believed to be the victims of terrorists who ironically claim to be "pro-life." Although unlikely to topple the government, these individualistic acts of terror are difficult to predict or control. On April 19, 1995, 168 people were killed during the Oklahoma City bombing, the most severe example of political terrorism in the United States so far.

Left-Wing Political Groups During the turmoil of the 1960s, a number of left-wing political groups emerged to challenge the existing power structure. Some, such as the

EXHIBIT 11.5

Jemaah Islamiyah

Jemaah Islamiyah is a militant Islamic organization located in Southeast Asia devoted to the establishment of fundamentalist Islamic states in countries such as Indonesia, Singapore, Brunei, Malaysia, Thailand, and the Philippines. The name derives from an Arabic phrase meaning "Islamic group" or "Islamic community." The group has its roots in the Darul Islam organization, a violent radical group that advocated the establishment of Islamic law in Indonesia in the 1940s and 1950s as a reaction to Dutch colonial rule and what it perceived as the secular orientation of postcolonial Indonesia.

Jemaah Islamiyah sponsors recruiting, training, indoctrination, and financial support for terror groups in the region and helps link them to kindred organizations such as al-Qaeda, the Abu Sayyaf Group, the Moro Islamic Liberation Front, the Misuari Renegade/Breakaway Group, and the Philippine Raja Solaiman Movement. Jemaah Islamiyah members have been sent to Afghanistan and southern Philippines for military training where they learned bomb-making and other terror skills.

Jemaah Islamiyah operates through cells with a rather loosely organized structure. The top strategists appear to be mostly Indonesian nationals living in Malaysia, many of whom had gone to Afghanistan to fight the Russians during the Soviet occupation in the 1980s. The second level is made up of field coordinators, responsible for delivering money and explosives and for choosing a local subordinate who can effectively act as team leader of

the foot soldiers. At the bottom of the organization are the soldiers who drive the cars, survey targets, and deliver the bombs. They are mostly young men from *pesantrens* (religious boarding schools) or Islamic high schools run by teachers who were involved in the Darul Islam rebellions of the 1950s.

Jemaah Islamiyah has been responsible for numerous attacks that have killed hundreds of civilians in the region. The Bali car bombing on October 12, 2002, in which 202 people died, was a coordinated attack designed to destroy the tourist industry, a significant source of income for the government. A suicide bomber using a backpack bomb killed several people in a nightclub frequented by foreign tourists. The survivors ran into the street and were killed by a fertilizer/fuel oil bomb concealed in a parked van. Other attacks linked to Jemaah Islamiyah are the 2003 JW Marriott hotel bombing in Kuningan, Jakarta, the 2004 Australian embassy bombing in Jakarta, and the 2005 Bali terrorist bombing.

Authorities in the region attempted to crack down on the group after the 2002 bombing, arresting more than 200 members. Three of the four main suspects behind the attack were sentenced to death in Indonesia.

SOURCES: Council on Foreign Relations, "Jemaah Islamiyah," www.cfr.org/publication/8948/ (accessed November 2, 2010); Globalsecurity.org, www.globalsecurity.org/military/world/para/ (accessed November 2, 2010).

Black Panther Party—founded in 1966 in Oakland, California, by Bobby Seale and Huey Newton—demanded the right to control community schools, police, and public assistance programs. While many of their activities were productive, such as sponsoring breakfast programs and medical clinics in poor neighborhoods, they also began to openly carry rifles and shotguns while patrolling areas where the Oakland police were rumored to be harassing the community's black citizens. The Panthers' confrontational style led to clashes with police, shootings, and arrests. Because its leaders were faced with criminal charges of varying degrees, the Black Panthers steadily eroded.

Another influential 1960s group, the Students for a Democratic Society (SDS) was founded in Chicago in 1962 and was active on college campuses throughout the sixties protesting the United States' involvement in Vietnam. Though the SDS was nonviolent, a splinter group known as the Weathermen utilized terror tactics to achieve their goals. They were involved in a number of bombings at corporation headquarters and federal institutions, though they typically sent out warnings to evacuate the buildings. The group lost influence when on March 6, 1970, a bomb accidentally exploded in one of their safe houses in New York City. The detonations were so powerful that they collapsed the three-story house, killing three members. The Weathermen disbanded in 1977.

Eco-Terrorism The most active left-leaning domestic political terror groups today are involved in violent actions to protect the environment. Of these groups, the Earth Liberation Front (ELF) is perhaps the best known. Founded in 1994 in Brighton, England, by members of the Earth First! environmental movement, ELF has been active for several years in the United States and abroad. Operating in secret, ELF cells have conducted a series of actions intent on damaging individuals or corporations that they consider a threat to the environment. On October 19, 1998, ELF members claimed responsibility for fires that were set atop Vail Mountain, a luxurious ski resort in Colorado, claiming that the action was designed to stop the resort from expanding into animal habitats (especially that of the mountain lynx); the fires caused an estimated \$12 million in damages. On August 22, 2003, members of ELF claimed responsibility for fires that destroyed about a dozen sport utility vehicles at a Chevrolet dealership in West Covina, California.⁴⁰ Fires have also been set in government labs where animal research is conducted. Spikes have been driven into trees to prevent logging in fragile areas. Members have conducted arson attacks on property ranging from a Nike shop in a mall north of Minneapolis to new homes on Long Island, New York. On February 7, 2004, ELF group members targeted construction equipment at a 30-acre development site in Charlottesville, Virginia.⁴¹ On March 2, 2008, ELF is believed to have burnt a row of luxury homes in Seattle, causing \$7 million in damage. While the multimillion dollar homes used green technology such as formaldehyde-free materials, energy-efficient appliances, and landscaping that

included native plants in their construction, the development had drawn opposition because of fear that septic systems could damage critical wetlands needed to protect an aquifer used by about 20,000 people in the area and could harm streams used by Chinook salmon.⁴²



To read more about the **Earth Liberation Front**, visit the Criminal Justice CourseMate at cengagebrain.com, then access the “Web Links” for this chapter.

Another group, the Animal Liberation Front (ALF) focuses their efforts on protecting animals from being used as food, in clothing, or as experimental subjects. Their philosophy is that animals are entitled to the moral right to possess their own lives and control their own bodies, while rejecting the view that animals are merely capital goods or property intended for the benefit of humans and can be bought, sold, or killed by humans. ALF members conduct actions against scientists who conduct animal research, vandalizing their homes and cars, attacking labs, and setting animals free. They also conduct actions against animal breeding farms and food processing plants. ALF members have raided turkey farms before Thanksgiving and rabbit farms before Easter. Their activities have had significant impact on the commercial aspects of scientific testing, driving up the price of products, such as drugs, which rely on animal experimentation.⁴³ The ALF position on raising animals in breeding ranches is set out in Exhibit 11.6.

Not surprisingly, the FBI and other law enforcement agencies have targeted eco-terror groups such as ELF and ALF. On January 20, 2006, the FBI announced that its Operation Backfire had led to the arrest of 11 people who were accused of 17 attacks, including the \$12 million arson of the Vail Ski Resort in 1998 and the sabotage of a high-tension power line near Bend, Oregon, in 1999.⁴⁴

Nationalist Terrorism

Nationalist terrorism promotes the interests of a minority ethnic or religious group that believes it has been persecuted under majority rule and wishes to carve out its own independent homeland.

In Spain, the Basque Fatherland and Liberty (Euzkadi Ta Askatasuna, or ETA) is devoted to establishing a Basque homeland based on Marxist principles in the ethnically Basque areas in northern Spain and southwestern France. ETA was founded in 1959 by Basque Marxist rebels incensed by the efforts of Spanish dictator Francisco Franco to suppress the Basque language and culture. Since then the group has carried out numerous attacks in Spain and some in France. More than 800 people have been killed in ETA attacks since its founding. The group is best known for assassinating high-level Spanish officials. In 1973, the group assassinated Admiral Luis Carrero Blanco, the heir-apparent to Franco. Spanish King Juan Carlos was also the target of

EXHIBIT 11.6

Breeding Ranches and Animal Liberation

A common misconception about fur “ranches” is that the animals do not suffer. This is entirely untrue. These animals suffer a life of misery and frustration, deprived of their most basic needs. They are kept in wire-mesh cages that are tiny, overcrowded, and filthy. Here they are malnourished, suffer contagious diseases, and endure severe stress.

On these farms, the animals are forced to forfeit their natural instincts. Beavers, who live in water in the wild, must exist on cement floors. Minks in the wild, too, spend much of their time in water, which keeps their salivation, respiration, and body temperature stable. They are also, by nature, solitary animals. However, on these farms, they are forced to live in close contact with other animals. This often leads to self-destructive behavior, such as pelt and tail biting. They often resort to cannibalism.

The methods used on these farms reflect not the interests and welfare of the animals but the furriers’ primary interest—profit. The end of the suffering of these animals comes only with death, which, in order to preserve the quality of the fur, is inflicted with extreme cruelty and brutality. Engine exhaust is often pumped into a box of animals. This exhaust is not always lethal, and the animals sometimes writhe in pain as they are skinned alive. Another common execution practice, often used on larger animals, is anal electrocution. The farmers attach clamps to an animal’s lips and insert metal rods into its anus. The animal is then electrocuted. Decompression chambers, neck snapping, and poison are also used.

SOURCE: Animal Liberation Front, www.animalliberationfront.com/ (accessed November 2, 2010).

an unsuccessful plot. In addition, the group has targeted lower-level officials, journalists, and businessmen.

In the Middle East, terrorist activities have been linked to the Palestinians’ desire to wrest their former homeland from Israel. At first, the Palestinian Liberation Organization (PLO), led by Yassir Arafat, directed terrorist activities against Israel. Now the group Hamas is perpetuating the conflict with Israel and is behind a spate of suicide bombings and terrorist attacks designed to elicit a sharp response from Israel and set back any chance for peace in the region. Hundreds on both sides of the conflict have been killed during terrorist attacks and reprisals. In Lebanon, Hezbollah, an Iranian-supported group, is dedicated to fighting Israel and seizing control of the government. Their activities are described in Exhibit 11.7.

The Middle East is not the only source of nationalistic terrorism. The Chinese government has been trying to suppress separatist groups fighting for an independent state in the northwestern province of Xinjiang. The rebels are drawn from the region’s Uyghur people, most of whom practice Sufi Islam, speak a Turkic language, and wish to

EXHIBIT 11.7

Hezbollah

Hezbollah (from the Arabic, meaning “party of God”) is a Lebanese Shi’ite Islamist organization founded in 1982 in response to the presence of Israeli forces in southern Lebanon. At inception, its goals were to both drive Israeli troops out of Lebanon and to form a Shi’ite Islamic republic in Lebanon. Taking its inspiration from Iran, Hezbollah members follow a distinct version of Shia ideology developed by Ayatollah Ruhollah Khomeini, leader of the Islamic Revolution in Iran. Hezbollah has received arms and financial support from Iran, and some observers believe that it is actually a proxy Iranian paramilitary force. Hezbollah is anti-West and anti-Israel and has engaged in a series of terrorist actions including kidnappings, car bombings, and airline hijackings. Some of its most notable attacks directed at U.S. citizens and others include:

- The suicide truck bombings that killed more than 200 U.S. Marines at their barracks in Beirut, Lebanon, in 1983
- The 1985 hijacking of TWA flight 847
- Two major 1990s attacks in Argentina—the 1992 bombing of the Israeli Embassy (killing 29) and the 1994 bombing of a Jewish community center (killing 95)
- A July 2006 raid on a border post in northern Israel in which two Israeli soldiers were taken captive, an action that sparked an Israeli military incursion into Lebanon and the firing of rockets by Hezbollah across the Lebanese border into Israel

In addition to its military/terror campaigns, Hezbollah has attempted to win the hearts and minds of the Lebanese Shi’ite community by providing social services and food to the population. It has also entered the political world, and its candidates have won seats in Lebanon’s parliament.

The public face of Hezbollah is Hassan Nasrallah, the group’s senior political leader. Originally a military commander, Nasrallah’s military and religious training makes him a unique leader. His leadership of Hezbollah’s resistance to the Israeli army in the summer of 2006 made him one of the most popular leaders in the Middle East. For over 20 years, Imad Fayeز Mugniyah was considered the key planner of Hezbollah’s worldwide terrorist operations. On February 13, 2008, Mugniyah was killed in a car bombing in Damascus. Hezbollah officials accused Israel of launching the attacks that killed him, but the Israeli government denied involvement.

SOURCE: Council on Foreign Relations, Hezbollah, www.cfr.org/publication/9155/ (accessed March 13, 2010).

set up a Muslim state called Eastern Turkistan. During the past decade, the Uyghur separatists have organized demonstrations, bombings, and political assassinations.⁴⁵ In Russia, Chechen terrorists have been intent on creating a free Chechen homeland and have been battling the Russian government to achieve their goal.

Profiles in Crime

Osama bin Laden



AFP/Getty Images/Newscom

In the aftermath of the September 11, 2001, destruction of the World Trade Center in New York City, many Americans asked themselves the same simple question: Why? What could motivate someone like Osama bin Laden to order the deaths of thousands of innocent people? How could someone who had never been to the United States or suffered personally at its hands develop such lethal hatred?

Some experts believed the attacks had a political basis, claiming that Osama's anger was an outgrowth of America's Middle East policies. Others saw a religious motivation

and claimed that the terrorists were radical Muslims at war with the liberal religions of the West. Another view was that Osama's rage was fueled by deep-rooted psychological problems.

Usamah bin Muhammad bin Awad bin Ladin was born in 1957 or 1958 in Riyadh, Saudi Arabia. He was the seventh son in a family of 52 children. His father, Sheik Mohammed Awad bin Laden, was a poor, uneducated laborer from Hadramout in South Yemen who worked as a lowly porter in Jeddah. In 1930, the elder bin Laden started his own construction business, which became so successful that his family grew to be known as "the wealthiest non-royal family in the kingdom." Despite his royal associations and great wealth, Mohammed bin Laden remained a humble and devoted Muslim who insisted that his children observe a strict religious and moral code. He went to great pains to teach his children to take charge of their own lives and maintain their independence. In 1968, this training came into play in a brutal way when Mohammed was killed in a plane crash near San Antonio, Texas, leaving his sons in charge, not only of the family business, but of their own destinies. Following his death, Mohammed bin Laden's eldest sons continued to expand their late father's company until it employed more than 40,000 people. The bin Laden group also expanded into

Egypt, where it is now that country's largest foreign private group.

Osama went on to complete his primary and secondary schooling and joined the Muslim Brotherhood. During this period he expanded his compulsory Islamic studies through a series of meetings that were conducted at the family home by his elder brothers. Among the contacts he made at these meetings were notable Islamic scholars and the leaders of various Muslim movements. Later, he attended King Abdul-Aziz University in Jeddah and completed degrees in public administration and economics. When he wasn't studying, the affluence of his family allowed him to broaden his knowledge through travel to other countries, including Syria, Pakistan, Afghanistan, and Sudan.

In a 1995 interview with a French journalist, bin Laden explained why he chose to join the *mujahideen* fight against the Russians at that time:

To counter these atheist Russians, the Saudis chose me as their representative in Afghanistan. . . . I did not fight against the communist threat while forgetting the peril from the West. For us, the idea was not to get involved more than necessary in the fight against the Russians, which was the business of the Americans, but rather

Retributive Terrorism

Some terrorist groups are not nationalist, political, or revolutionary organizations. They do not wish to set up their own homeland or topple a government but rather want to impose their social and religious code on others.⁴⁶ **Retributive terrorists** have a number of characteristics that are unique and separate them from guerrillas, revolutionaries, and other terrorists:⁴⁷

- Violence is used as a method of influence, persuasion, or intimidation. The true target of the terrorist act extends far beyond those directly affected by the attack and is designed to lead to some desired behavior on the part of the larger target population or government.
- Victims are usually selected for their maximum propaganda value, usually ensuring a high degree of media coverage. The message is that the target population had better comply with their demands because the terrorists are desperate enough to "do anything." Sometimes this may backfire if the attack results in the death of innocents, especially children, along with the symbolic targets.
- Unconventional military tactics are used, especially secrecy and surprise, as well as targeting civilians, including women and children. Because the goal is to inflict maximum horror, it makes sense to choose targets that contain the largest number of victims from all walks of life. The message: everyone is a target; no one is safe.

to show our solidarity with our Islamist brothers. I discovered that it was not enough to fight in Afghanistan, but that we had to fight on all fronts against communist or Western oppression. The urgent thing was communism, but the next target was America. . . . This is an open war up to the end, until victory.⁵⁰

The fortune he used to finance his terrorist activities was derived from an inheritance of more than \$300 million from his family. Some analysts note that bin Laden was the only son of his late father's least favorite wife, who was a Syrian and not a Saudi. Bin Laden may have been close to his mother, but he may have felt driven to achieve stature in the eyes of his father and the rest of the family. Bin Laden may have been willing to do anything to gain power and eclipse his father, who died when bin Laden was 10 years old.

The impulse for his murderous actions may have stemmed from bin Laden's efforts to gain his father's approval. He modeled his behavior after his father in many ways, including working with the Saudi royal family on construction deals. Bin Laden once told an interviewer of his desire to please his father: "My father was very keen that one of his sons should fight against the

enemies of Islam. So I am the one son who is acting according to the wishes of his father." Perhaps this need for acceptance explains bin Laden's religious zeal, which was in excess of anyone else's in his large extended family.

After his father's death, bin Laden was mentored by a Jordanian named Abdullah Azzam, whose motto was "Jihad and the rifle alone: no negotiations, no conferences, and no dialogues." When Azzam was killed in 1989 by a car bomb in Pakistan, bin Laden vowed to carry on Azzam's "holy war" against the West. He threw himself into the Afghan conflict against the Soviet Union, and when the Russians withdrew, he was convinced that the West was vulnerable. "The myth of the superpower was destroyed not only in my mind, but also in the minds of all Muslims," bin Laden has told interviewers. His masterminding of the 9/11 bombing was not designed to restore his homeland or bring about a new political state, but to have his personal value structure adopted by Muslim nations. His attack may have also been designed to create a military invasion of Afghanistan, which he hoped to exploit for his particular brand of revolution, a plan that has succeeded. According to Michael Scott Doran, bin Laden believed his acts would reach the audience that concerned him the most: the *umma*, or universal Islamic community. The media

would show Americans killing innocent civilians in Afghanistan, and the *umma* would find it shocking how Americans nonchalantly caused Muslims to suffer and die. The ensuing outrage would open a chasm between the Muslim population of the Middle East and the ruling governments in states such as Saudi Arabia, which were allied with the West. On October 7, 2001, bin Laden made a broadcast in which he said that the Americans and the British "have divided the entire world into two regions—one of faith, where there is no hypocrisy, and another of infidelity, from which we hope God will protect us."

Whether his motivations were psychological, political, or religious—or a combination of all three—is still uncertain. It is likely that we will never truly understand Osama's motivations to attack the West.

SOURCES: Michael Scott Doran, "Somebody Else's Civil War," *Foreign Affairs* 81 (2002): 22–25; Peter L. Bergen, *Holy War, Inc.: Inside The Secret World of Osama bin Laden* (New York: Free Press, 2001), pp. 41–50; Yonah Alexander and Michael S. Swetnam, *Usama bin Laden's al-Qaida: Profile of a Terrorist Network* (New York: Transnational Publishers, 2001); Michael Kranish and Anthony Shadid, "Bin Laden Zeal for Stature Used Psychology, Religion," *Boston Globe*, November 19, 2001, p. 3; *Frontline*, "Osama bin Laden v. the U.S.: Edicts and Statements," www.pbs.org/wgbh/pages/frontline/shows/binladen/who/edicts.html (accessed November 2, 2010).

How do retributive terror groups use violence to achieve their goals? According to researchers at the Rand Corporation, there are actually four independent views on the topic:

- **Coercion hypothesis.** Terrorists use violence to cause pain, notably casualties, to frighten the United States and get it to bend to their will (e.g., withdrawing from the Middle East).
- **Damage hypothesis.** Terrorists want to damage the U.S. economy to weaken its ability to intervene in international affairs.
- **Rally hypothesis.** Violence is used to attract the attention of potential recruits and supporters.
- **Franchise hypothesis.** Jihadists use violence to pursue their own, often local, goals and only receive some

support and encouragement from international organizations such as al-Qaeda.⁴⁸

RAND researchers have found that the coercion and damage hypotheses are most consistent with prior attack patterns.

Today the retributive terrorist can be categorized into four main groups:

- Al-Qaeda, including the group's strategy, ideology, operations, tactics, finances, changing character, and possible future.
- Terrorist groups that have adopted al-Qaeda's world-view and concept of mass-casualty terrorist attacks, even if the groups are not formally part of al-Qaeda.

- Violent Islamist and non-Islamist terrorist and insurgent groups without known links to al-Qaeda that threaten United States interests, friends, and allies. These include Hezbollah and Hamas, along with insurgencies in Iraq, the Philippines, and other countries.
- The nexus between terrorism and organized crime, including the terrorists and insurgents that use criminal organizations and connections to finance their activities. Such actions also tend to weaken and corrupt political and social institutions.⁴⁹

Osama bin Laden and al-Qaeda are the paradigm of the new retributive terrorist organization. Rather than fighting for a homeland, its message is a call to take up a cause: there is a war of civilizations in which “Jews and Crusaders” want to destroy Islam and must therefore be defeated. Armed jihad is the individual obligation of every Muslim; terrorism and violence are appropriate methods for defeating even the strongest powers. The end product would be a unified Muslim world, the Caliphate, ruled under Muslim law free of Western influence. Osama bin Laden’s story is told in the accompanying Profiles in Crime feature.

These themes are preached in schools, on the Internet, and disseminated in books, cassette tapes, and pamphlets. Videotapes are distributed in which al-Qaeda’s leaders expound on political topics, going as far as calling Western leaders liars and drunkards. As a result of this media strategy, al-Qaeda’s messages have penetrated deeply into Muslim communities around the world, finding a sympathetic response among many Muslims who have a sense of helplessness both in the Arab world and in the Western Muslim diaspora. Al-Qaeda appears to have had an impact by offering a sense of empowerment to young men who feel lost in their adopted cultures.⁵¹

State-Sponsored Terrorism

State-sponsored terrorism occurs when a repressive government regime forces its citizens into obedience, oppresses minorities, and stifles political dissent. Death squads and the use of government troops to destroy political opposition parties are often associated with political terrorism. Much of what we know about state-sponsored terrorism comes from the efforts of human rights groups such as London-based Amnesty International, whose research shows that tens of thousands of people continue to become victims of security operations that result in disappearances and executions. Political prisoners are now being tortured in about 100 countries, people have disappeared or are being held in secret detention in about 20 countries, and government-sponsored death squads have been operating in more than 35 countries. Countries known for encouraging violent control of dissidents include Brazil, Colombia, Guatemala, Honduras, Peru, Iraq, and Sudan.

State-sponsored terrorism became a world issue when South and Central American dictatorships in the 1970s and 1980s unleashed state violence against political dissidents through forced disappearance, political imprisonment, torture, blacklisting, and massive exile. The region-wide state repression in this period emerged in response to the rise of the 1960s radical movements, which demanded public reforms and programs to help the lower classes in urban areas and agricultural workers in the countryside. Local authoritarian governments, which used repression to take control of radical political groups, were given financial support by the economic elites who dominated Latin American politics and were fearful of a socialist revolution.⁵²

As might be expected, governments claim that repressive measures are needed to control terror and revolutionary groups that routinely use violence. Thus the use of terror is sometimes a way of defending the nation against violence, a conundrum that supports the idea that a state is both protective and destructive.⁵³

It is sometimes difficult to assess blame for state terror—is it a few rogue government agents who act on their own authority or the government itself? The issue of responsibility for improper acts hit home during the Abu Ghraib scandal in Iraq. Photos beamed around the world embarrassed the United States when they showed military personnel victimizing suspected insurgents. The government’s response was to prosecute and imprison the perpetrators. However, some critics, such as criminologist Mark Hamm, suggest that these images constitute the photographic record of a state-sponsored crime.⁵⁴ He argues that rather than being the work of a few rogue officers, the sophisticated interrogation practices at Abu Ghraib were designed and executed by the U.S. Central Intelligence Agency and that the torturing of detainees at Abu Ghraib followed directly from decisions made by top government officials to get tough with prisoner interrogations. So while we condemn state-sponsored violence, it is not easy to identify who is truly responsible.

Cult Terrorism

In 1995, members of Aum Shinrikyo, a radical religious cult, set off poison gas in a Tokyo subway, killing 12 and injuring more than 3,000. The cult members found modern society too complex to understand, with few clear-cut goals and values.⁵⁵

Some cults, like Aum Shinrikyo, may be classified as **cult terror** groups because their leaders demand that followers prove their loyalty through violence or intimidation.⁵⁶ These destructive cults are willing to have members commit violence, including murder. Members typically follow a charismatic leader who may be viewed as having god-like powers or even being the reincarnation of an important religious figure. The leader and his or her lieutenants commonly enforce loyalty by severe discipline and by physically

preventing members from leaving the group. They may go through doomsday drills and maintain a siege mentality, fearing attacks from the government. It is not uncommon for cult terror groups to begin stockpiling weapons and building defensive barricades. The cult may openly or tacitly endorse individual killings or mass murder, which may be accompanied by mass suicide, either as a further symbolic instrument of their cause or, more commonly, as what they perceive to be justified self-defense, a last resort when the hostile world starts closing in and the leader's authority is threatened.⁵⁷

Criminal Terrorism

Sometimes terrorist groups become involved in common-law crimes such as drug dealing and kidnapping, even selling nuclear materials. According to terrorism expert Chris Dishman, these illegal activities may on occasion become so profitable that they replace the group's original focus. Burmese insurgents continue to actively cultivate, refine, and traffic opium and heroin out of the Golden Triangle (the border between Myanmar [Burma], Thailand, and Laos), and some have even moved into the methamphetamine market.

In December 2001, six men were arrested by Russian security forces as they were making a deal for weapons-grade uranium. Some of the men were members of the Balashikha criminal gang, and they were in possession of two pounds of top-grade radioactive material, which can be used to build weapons. They were asking \$30,000 for the deadly merchandise.⁵⁸ How common is the theft and sale of nuclear material? According to the International Atomic Energy Agency, from January 1993 to December 2009, a total of 1,773 incidents were reported. Of these, 351 involved unauthorized possession and related criminal activities. Incidents included in this category involved illegal possession, movement, or attempts to illegally trade in or use nuclear material or radioactive sources. Fifteen incidents in this category involved high enriched uranium (HEU) or plutonium. There were 500 incidents reported that involved the theft or loss of nuclear or other radioactive material and a total of 870 cases involving other unauthorized activities, including the unauthorized disposal of radioactive materials or discovery of uncontrolled sources. For the period July 2009 to June 2010, 222 incidents were confirmed. Of these, 21 involved possession and related criminal activities, 61 involved theft or loss, and 140 involved other unauthorized activities. During this period, five incidents involved high enriched uranium or plutonium, one of which was related to illegal possession and four were related to other unauthorized activities.⁵⁹ And these are the known cases; it is impossible to know if client states have already purchased enriched uranium or plutonium. Clearly this is a very serious problem.

In some cases, there has been close cooperation between organized criminal groups and guerillas. In other instances, the relationship is more superficial. For example, the Revolutionary Armed Forces of Colombia imposes a tax on Colombian drug producers, but evidence indicates that the group cooperates with Colombia's top drug barons in running the trade. In some instances, the line between being a terrorist organization with political support and vast resources and being an organized criminal group engaging in illicit activities for profit becomes blurred. What appears to be a politically motivated action, such as the kidnapping of a government official for ransom, may turn out to be merely a crime for profit.⁶⁰

HOW ARE TERROR GROUPS ORGANIZED?

Terror groups tend to be networked or hierarchical. Newer terrorist organizations tend to be formed as **networks**, loosely organized groups located in different parts of a city, state, or country (or worldwide) that share a common theme or purpose, but have a diverse leadership and command structure and are only in intermittent communication with one another. While there may be a variety of antigovernment groups operating in the United States, there is little evidence that they share a single command structure or organizational fabric. These groups have few resources and little experience, so it is critical that they operate under cover and with as little public exposure as possible.

When needed, networked groups can pull factions together for larger scale operations, such as an attack on a military headquarters, or conversely, they can readily splinter off into smaller groups to avoid detection when a counterterrorism operation is under way. The advent of the Internet has significantly improved communications among networked terror groups.

As terror organizations evolve and expand, they may eventually develop a hierarchical organization with a commander at the top, captains, local area leaders, and so on. Ideological and religious groups tend to gravitate toward this model since a common creed/dogma controls their operations and a singular leader may be needed to define and disseminate group principles and maintain discipline. In a hierarchical model, the leader has the power to increase or decrease levels of violence for political purposes (i.e., they may order their followers to initiate a bombing campaign to influence an election). Schools may be off limits so that the population is not antagonized, or schools may become a target to show that the government cannot protect their children.

The various forms that terror groups take are summarized in Concept Summary 11.2

CONCEPT SUMMARY 11.2

The Variety of Terror Groups

| | |
|----------------------------------|--|
| Revolutionary terrorists | Use violence to frighten those in power and their supporters in order to replace the existing government with a regime that holds acceptable political or religious views. |
| Political terrorists | Political terrorism is directed at people or groups who oppose the terrorists' political ideology or whom the terrorists define as "outsiders" who must be destroyed. |
| Eco-terrorism | Political terror groups involved in violent actions to protect the environment. |
| Nationalist terrorism | Groups whose actions promote the interests of a minority ethnic or religious group that has been persecuted under majority rule and/or wishes to carve out its own independent homeland. |
| Retributive terrorism | Groups that use violence as a method of influence, persuasion, or intimidation in order to achieve a particular aim or objective. |
| State-sponsored terrorism | Carried out by a repressive government regime in order to force its citizens into obedience, oppress minorities, and stifle political dissent. |
| Cult terrorism | Cults whose leaders demand that followers prove their loyalty through violence or intimidation. |
| Criminal terrorism | Terrorist groups that become involved in common-law crimes such as drug dealing and kidnapping, even selling nuclear materials. |

WHAT MOTIVATES THE TERRORIST?

Faisal Shahzad, a naturalized U.S. citizen, was born in Pakistan in June 1979. The youngest of four children, he lived a life of privilege by Pakistani standards, attending private secular schools not known for extremist teachings. After moving to the United States, he earned an M.B.A. at the University of Bridgeport in 2005, taking a job as a financial analyst with a cosmetics company. Shortly after his marriage in 2009, Shahzad quit his job, stopped making payments on his house, and then moved to Pakistan with his wife and two children. Before returning to the United States in 2010, he attended a Pakistani training camp where he learned terrorist skills. On May 1, 2010, upon his return to the United States, Shahzad bought a Nissan Pathfinder and tried to blow it up with a makeshift bomb in the Times Square section of New York City. The SUV failed to explode, and Shahzad was promptly captured as he was trying to leave the United States on a Dubai-bound flight. After his apprehension, Shahzad cooperated with authorities and was charged with multiple terrorism-related offenses.⁶¹

Shahzad, like terror suspect Najibullah Zazi, the admitted leader of a New York City subway bomb plot, seems to be part of a growing group of U.S. citizens to develop extremist religious views and anti-Western values through travels to terrorist hotbeds and visits to websites and chat rooms with connections to terrorist groups. Indeed, of the nearly 1,000 individuals prosecuted for terrorism-related offenses since 9/11, the largest group is American.⁶² The government has reacted by passing legislation such as the

Prevention of Violent Radicalization and Homegrown Terrorism Act of 2007, but the homegrown threat remains—and continues to grow.⁶³

Why would someone like Shahzad attempt to bomb one of the most crowded sections of the city, potentially killing scores of innocent people? He was affluent and successful, not someone bitter because he had been exploited and abused. If he did not like the United States, he could have chosen to return home to Pakistan, a nation whose culture he may have preferred. What made him choose terrorism?

Before terrorism can be effectively fought, controlled, and eradicated, it is important to understand something about the kind of people who become terrorists, what motivates their behavior, and how their ideas are formed. Unfortunately, this is not an easy task. Terrorism researchers have generally concluded that there is no single personality trait or behavior pattern that distinguishes the majority of terrorists or sets them apart so they can be easily identified and apprehended. Some seem truly disturbed, whereas many others have not suffered long-term mental illness or displayed sociopathic traits and/or tendencies; if that were so, bizarre or violent behavior in their early childhood would be a giveaway.⁶⁴ As such, there have been a number of competing visions of why terrorists engage in criminal activities such as bombings, shootings, and kidnappings to achieve a political end. Four views stand out.

Psychological View

While not all terrorists suffer from psychological deficits, enough do so that the typical terrorist can be described as an emotionally disturbed individual who acts out his or

her psychoses within the confines of violent groups. According to this view, terrorist violence is not so much a political instrument as an end in itself; it is the result of compulsion or psychopathology. Terrorists do what they do because of garden variety emotional problems, including but not limited to self-destructive urges and disturbed emotions combined with problems with authority.⁶⁵ As terrorism expert Jerrold M. Post puts it, “Political terrorists are driven to commit acts of violence as a consequence of psychological forces, and . . . their special psychology is constructed to rationalize acts they are psychologically compelled to commit.”⁶⁶

The view that terrorists suffer psychological abnormality is quite controversial and some critics suggest that it is spurious; the majority of research on terrorists indicates that most are not psychologically abnormal. Even suicide bombers, a group that should show signs of psychological abnormality, exhibit few signs of the mental problems such as depression that are typically found in people who choose to take their own life. After carefully reviewing existing evidence on the psychological state of terrorists, mental health expert Randy Borum concludes:

- Mental illness is not a critical factor in explaining terrorist behavior. Also, most terrorists are not psychopaths.
- There is no “terrorist personality,” nor is there any accurate profile—psychological or otherwise—of the terrorist.
- Histories of childhood abuse and trauma and themes of perceived injustice and humiliation often are prominent in terrorist biographies, but do not really help to explain terrorism.⁶⁷

It is also possible that engaging in stressful terrorist activity results in the development of mental disorders and not vice versa.⁶⁸ Charles Ruby reviewed the literature on the psychology of terrorists and found little evidence that terrorists are psychologically dysfunctional or pathological. Ruby claims that terrorism is a form of politically motivated violence that is carried out by rational, lucid people who have valid motives; if they had more resources, terrorists would be military officers.⁶⁹

Alienation View

Some experts believe that a lack of economic opportunity and recessionary economies are positively correlated with terrorism.⁷⁰ Because they are out of the political and social mainstream, young men and women are motivated to join terror groups. Suffering alienation, they lack the tools to compete in a post-technological society. Many are relatively “ordinary” people who, alienated from modern society, believe that a suicide mission will cleanse them from the corruption of the modern world.⁷¹

According to this view, if terrorists suffer psychological deficiencies it is because they suffer alienation from friends,

family, and society.⁷² Many have been raised to hate their opponents and learn at an early age that they have been victimized by some oppressor. Terrorists report that they were estranged from their fathers, whom they viewed as economically, socially, or politically weak and ineffective. They are products of dysfunctional families in which the father was absent or, even if present, was a distant and cold figure.⁷³ Because of this family estrangement, the budding terrorist may have been swayed to join a group or cult by a charismatic leader who serves as an alternative father figure. Some find it in religious schools run by strong leaders who demand strict loyalty from their followers while indoctrinating them in political causes. This pattern is common among terror groups in Southeast Asia where teachers command strong personal loyalty from their students. This loyalty may be lifelong, as illustrated by the three Jemaah Islamiyah members (see Exhibit 11.5) who testified against their former teacher Abu Bakar Baasyir during his terror trial. Despite their willingness to testify for the government, two spontaneously started to cry at the sight of their teacher. They repeated that they loved him, but urged him to tell the truth about his activities.⁷⁴

In this sense, terror groups, similar to what happens in urban street gangs, provide a substitute family-like environment, which can nurture a heretofore emotionally underprivileged youth.

Socialization/Friendship View

While alienation and estrangement seem plausible, research shows that terrorist operatives are not poor or lacking in education. Ironically, many terrorists appear to be educated members of the upper class. Osama bin Laden is a multimillionaire and at least some of his followers are highly educated and trained. The acts of the modern terrorist—using the Internet; organizing logistically complex and expensive assaults; writing and disseminating formal critiques, manifestos, and theories—require the training and education of the social elite, not the poor and oppressed.

Marc Sageman studied members of extremist Islamist groups and found that most tend to be well educated; about 60 percent had some form of higher education. More than 75 percent came from upper- or middle-class backgrounds. When they joined a terror organization, the majority had professional occupations such as doctor or engineer, or semiskilled employment, such as a civil servant; fewer than 25 percent were unemployed or working in unskilled jobs. Surprisingly, Sageman found that almost three-quarters were married and that most had children.⁷⁵ These findings suggest that terrorists are not suffering from the social problems usually associated with alienation: poverty, lack of education, and ignorance. Sageman found that the vast majority of Islamic terrorists have close social bonds and social networks that supported them when they embraced jihad. While they may have felt isolated from the rest of society, their tight

bonds of family and friendship encouraged them to join terror groups.

Many jihadist recruits were living in foreign countries when they got involved with terrorist organizations. Feeling homesick, they sought out people with similar backgrounds, whom they would often find at mosques.⁷⁶ If they appeared to be motivated by religious fervor, it was because they were seeking friends in a foreign land. They moved in together in order to share the rent and also to eat together under strict Muslim dietary laws. As a result, they formed groups that solidified their beliefs and created a sense of group solidarity. If one became committed to terror, others would follow rather than let him down.

Religious/Ideological View

Another view is that terrorists hold extreme religious and/or ideological beliefs that prompt their behavior. At first they have heightened perceptions of oppressive conditions, believing they are being victimized by some group or government. Once these potential terrorists recognize that these conditions can be changed by an active governmental reform effort that has not happened, they conclude that they must resort to violence to encourage change. The violence need not be aimed at a specific goal. Rather, terror tactics must help set in motion a series of events that enlists others in the cause and leads to long-term change. “Successful” terrorists believe that their “self-sacrifice” outweighs the guilt created by harming innocent people. Terrorism, therefore, requires violence without guilt; the cause justifies the violence.

Some terrorists are motivated by extreme religious beliefs, which often coincide with their ideological views. But how can they justify using violence if they are truly religious, since most of the world’s religions eschew violence? Islamic terrorists believe that their commitment to God justifies their extreme actions. They regard the actions of people they trust as a testimony to the righteousness of their acts. They trust significant others, and rely on their wisdom, experience, and testimony and accept their expressions of faith. To the terrorist, someone like Osama bin Laden has demonstrated the strength of his faith by living in poverty and giving up a more luxurious and leisurely life in the name of God. When he calls them to jihad, they are likely to follow, even if it means killing those who deny their faith or beliefs. Perceived miracles, such as the defeat of a superpower through faith alone (e.g., the Soviet/Afghan war or the fight against the United States in Iraq), also increase confidence in the righteousness of the cause. Some have mystical experiences during prayers or dreams that demonstrate the existence of God and reinforce faith. In a videotape in the fall of 2001, Osama bin Laden said that he had banned the reporting of dreams of airplanes flying into buildings prior to September 11 for fear of revealing the plot.⁷⁷

Explaining State Terrorism

How can state-sponsored terrorism be explained? After all, these violent acts are not directed at a foreign government or overseas adversaries but against natives of one’s own country. In her book *Reigns of Terror*, Patricia Marchak finds that people willing to kill or maim their fellow countrymen are likely to be highly susceptible to unquestioning submission to authority. They are conformists who want to be part of the central group and who are quite willing to be part of a state regime. They are vulnerable to ideology that dehumanizes their targets and can utilize propaganda to distance themselves psychologically from those they are terrorizing.⁷⁸ So the Nazis had little trouble recruiting people to carry out horrific acts during the Holocaust because many Germans wanted to be part of the popular social/political movement and were easily indoctrinated by the Nazi propaganda that branded Jews as subhuman. Stalin was able to carry out his reign of terror in Russia because his victims were viewed as state enemies who were trying to undermine the Communist regime. How can these tendencies be neutralized? Marchak sees little benefit to international intervention that results in after-the-fact punishment of the perpetrators, a course of action that was attempted in the former Yugoslavia after death squads had performed “ethnic cleansing” of undesirables. Instead she argues for a prevention strategy that involves international aid and economic development by industrialized nations to those in the Third World that are on the verge of becoming collapsed states, the construction of social welfare systems, and the acceptance of international legal norms and standards of human rights.⁷⁹

RESPONSE TO TERRORISM

After the 9/11 attacks, agencies of the criminal justice system began to focus their attention on combating the threat of terror. Even local police agencies created anti-terror programs designed to protect their communities from the threat of attack. How should the nation best prepare itself to thwart potential attacks? The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission), an independent, bipartisan commission, was created in late 2002 and given the mission of preparing an in-depth report of the events leading up to the 9/11 attacks. Part of their goal was to create a comprehensive plan to ensure that no further attacks of that magnitude take place.

To monitor the more than 500 million people who cross into America, the commission recommended that a single agency should be created to screen border crossings. They also recommended creation of an investigative agency to monitor all aliens in the United States and to gather intelligence on the way terrorists travel across borders. The commission

suggested that people who wanted passports be tagged with biometric measures to make them easily identifiable.

In response to the commission report, a **Director of National Intelligence (DNI)** was created and charged with coordinating data from the nation's primary intelligence-gathering agencies. The DNI serves as the principal intelligence adviser to the president and the statutory intelligence advisor to the National Security Council. On February 17, 2005, President George W. Bush named U.S. Ambassador to Iraq John Negroponte to be the first person to hold the post; he was confirmed on April 21, 2005; the current director is James R. Clapper, a former Air Force general and director of the Defense Intelligence Agency.

Among the agencies reporting to the DNI is the staff of the National Counterterrorism Center (NCTC), which is staffed by terrorism experts from the CIA, FBI, and the Pentagon; the Privacy and Civil Liberties Board; and the National Counterproliferation Center. The NCTC serves as the primary organization in the United States government for analyzing and integrating all intelligence possessed or acquired by the government pertaining to terrorism and counterterrorism, excepting purely domestic counterterrorism information.

While the 9/11 Commission report outlines what has already been done, what has not been done, and what needs to be done, agencies of the justice system have begun to respond to the challenge.

Confronting Terrorism with Law Enforcement

In the aftermath of the September 11, 2001, attacks, even before the 9/11 Commission made its report, it became obvious that the nation was not prepared to deal adequately with the threat of terrorism. One reason is the very nature of American society. Because we live in a free and open nation, it is extremely difficult to seal the borders and prevent the entry of terrorist groups. In his book *Nuclear Terrorism*, Graham Allison, an expert on nuclear weapons and national security, describes the almost superhuman effort it would take to seal the nation's borders from nuclear attack. Every day, 30,000 trucks, 6,500 rail cars, and 140 ships deliver more than 50,000 cargo containers into the United States. And while fewer than 5 percent ever get screened, those that do are given inspections using external detectors, which may not detect nuclear weapons or fissile material. The potential for terrorists to obtain bombs is significant: there are approximately 130 nuclear research reactors in 40 countries. Two dozen of these have enough highly enriched uranium for one or more nuclear bombs. If terrorists can get their hands on fissile material from these reactors, they could build a crude but working nuclear bomb within a year. But they may not have to build their own bomb. They may be able to purchase an intact device on the black market. Russia alone has thousands of nuclear warheads and material

for many thousands of additional weapons; all of these remain vulnerable to theft. Terrorists may also be able to buy the knowledge to construct bombs. In one well-known incident, Pakistan's leading nuclear scientist, A. Q. Khan, sold comprehensive "nuclear starter kits" that included advanced centrifuge components, blueprints for nuclear warheads, and uranium samples in quantities sufficient to make a small bomb, and even provided personal consulting services to assist in nuclear development.⁸⁰

Recognizing this problem, law enforcement agencies around the country began to realign their resources to combat future terrorist attacks. In response to 9/11, law enforcement agencies undertook a number of steps: increasing the number of personnel engaged in emergency response planning; updating response plans for chemical, biological, or radiological attacks; and reallocating internal resources or increasing departmental spending to focus on terrorism preparedness.⁸¹ Actions continue to be taken on the federal, state, and local levels.

Federal Law Enforcement One of the most significant changes has been a realignment of the Federal Bureau of Investigation (FBI), the federal government's main law enforcement agency. The FBI has announced a reformulation of its priorities, making protecting the United States from terrorist attack its number one commitment. It is now charged with coordinating intelligence collection with the Border Patrol, Secret Service, and the CIA. The FBI must also work with and share intelligence with the National Counterterrorism Center (NCTC)

To carry out its mission, the FBI has expanded its force of agents. In addition to recruiting candidates with the traditional background in law enforcement, law, and accounting, the bureau is concentrating on hiring agents with scientific and technological skills as well as foreign-language proficiency in priority areas such as Arabic, Farsi, Pashtun, Urdu, all dialects of Chinese, Japanese, Korean, Russian, Spanish, and Vietnamese, and with other priority backgrounds such as foreign counterintelligence, counterterrorism, and military intelligence. Besides helping in counterterrorism activities, these agents staff the Cyber Division, which was created in 2001 to coordinate, oversee, and facilitate FBI investigations in which the Internet, online services, and computer systems and networks are the principal instruments or targets of terrorists.

CONNECTIONS

The FBI and its duties will be discussed more fully in Chapter 17 along with other federal law enforcement agencies.

Department of Homeland Security (DHS) Soon after the 2001 attack, President George W. Bush proposed the creation of a new cabinet-level agency called the **Department of Homeland Security (DHS)**, which is engaged in:

- Preventing terrorist attacks within the United States
- Reducing America's vulnerability to terrorism
- Minimizing the damage and recovering from attacks that do occur

On November 19, 2002, Congress passed legislation authorizing the creation of the DHS and assigned it the mission of providing intelligence analysis and infrastructure protection, strengthening the borders, improving the use of science and technology to counter weapons of mass destruction, and creating a comprehensive response and recovery division.

Rather than work from the ground up, the DHS combined a number of existing agencies into a superagency. Among its components are:

- *Border and transportation security.* The Department of Homeland Security is responsible for securing our nation's borders and transportation systems, which include 350 ports of entry. The department manages who and what enters the country, and works to prevent the entry of terrorists and the instruments of terrorism while simultaneously ensuring the speedy flow of legitimate traffic. The DHS also is in charge of securing territorial waters, including ports and waterways.
- *Emergency preparedness and response.* The department ensures the preparedness of emergency response professionals, provides the federal government's response, and aids America's recovery from terrorist attacks and natural disasters. The department is responsible for reducing the loss of life and property and protecting institutions from all types of hazards through an emergency management program of preparedness, mitigation, response, and recovery.
- *Chemical, biological, radiological, and nuclear countermeasures.* The department leads the federal government's efforts in preparing for and responding to the full range of terrorist threats involving weapons of mass destruction. To do this, the department sets national policy and establishes guidelines for state and local governments. It directs exercises and drills for federal, state, and local chemical, biological, radiological, and nuclear (CBRN) response teams and plans. The department is assigned to prevent the importation of nuclear weapons and material.
- *Information analysis and infrastructure protection.* The department analyzes information from multiple available sources, including the CIA and FBI, in order to assess the dangers facing the nation. It also analyzes law enforcement and intelligence information.⁸²

The DHS has numerous and varied duties. It is responsible for port security and transportation systems and manages airport security with its Transportation Security Administration (TSA). It has its own intelligence section, and it covers every special event in the United States, including political conventions.

State Law Enforcement Efforts to Combat Terrorism In the wake of the 9/11 attacks, a number of states have beefed up their intelligence-gathering capabilities and aimed them directly at homeland security. California has introduced the California Anti-Terrorism Information Center (CATIC), a statewide intelligence system designed to combat terrorism. It divides the state into operational zones, and links federal, state, and local information services in one system. Trained intelligence analysts operate within civil rights guidelines and utilize information in a secure communications system; information is analyzed daily.⁸³ CATIC combines machine-intelligence with information coming from a variety of police agencies. The information is correlated and organized by analysts looking for trends. Rather than simply operating as an information-gathering unit, CATIC is a synthesizing process. It combines open-source public information with data on criminal trends and possible terrorist activities. Processed intelligence is designed to produce threat assessments for each area and to project trends outside the jurisdiction. The CATIC system attempts to process multiple sources of information to predict threats. By centralizing the collection and analytical sections of a statewide system, California's Department of Justice may have developed a method for moving offensively against terrorism.

Local Law Enforcement Federal law enforcement agencies are not alone in responding to the threat of terrorism. And, of course, nowhere is the threat of terrorism being taken more seriously than in New York City, one of the main targets of the 9/11 attacks, which has established a Counterterrorism Bureau.⁸⁴ After the 9/11 attacks, the NYPD augmented its anti-terrorism forces from 17 to 125 and assigned them to the operational control of the Counterterrorism Bureau. Teams within the bureau have been trained to examine potential targets in the city and attempt to insulate them from possible attack. Viewed as prime targets are the city's bridges, the Empire State Building, Rockefeller Center, and the United Nations. Bureau detectives are assigned overseas to work with the police in several foreign cities, including cities in Canada and Israel. Detectives have been assigned as liaisons with the FBI and with Interpol, in Lyon, France. The city recruits detectives with language skills from Pashtun and Urdu to Arabic, Fujianese, and other dialects. The New York City Police Intelligence Division has been revamped, and agents are examining foreign newspapers and monitoring Internet sites. The department has set up several backup command centers in different parts of the city in case a terror attack puts headquarters out of operation. Backup senior command teams have been created so that if people at the highest levels of the department are killed, individuals will already have been tapped to step into their jobs. For example, the Lower Manhattan Security Initiative (LMSI) is a networked surveillance project designed to detect threats and perform preoperational terrorist surveillance south of Canal Street in lower Manhattan.

The department is also drawing on the expertise of other institutions around the city. For example, medical specialists have been enlisted to monitor daily developments in the city's hospitals to detect any suspicious outbreaks of illness that might reflect a biological attack. And the police are conducting joint drills with the New York Fire Department to avoid the problems in communication and coordination that marked the emergency response on September 11.

Combating Terrorism with the Courts

In April 2009, the U.S. attorney for the Southern District of New York brought federal charges against Haji Juma Khan, an Afghan who allegedly provided the Taliban with funding through his lucrative (and illegal) opium, morphine, and heroin trafficking organization, dubbed the "Khan Organization."⁸⁵ In the same month, Wesam al-Delaema pleaded guilty to conspiring to kill U.S. personnel in Iraq. He is currently serving his sentence in the Netherlands.⁸⁶

These are but two of the many terrorism-related cases that have been tried in the nation's court system. Prosecutions began to spike right after 9/11 and continue to grow today; there have been more than 820 prosecutions of suspected terrorists in the United States in the last decade.⁸⁷ Some notable terrorism prosecutions in recent years are set out in Exhibit 11.8.

In addition to the trial courts, the Supreme Court has been involved in terror issues ever since Congress authorized President Bush to use "all necessary and appropriate force" against those responsible for the attacks in New York and Washington, D.C. Yaser Hamdi, an American citizen who had left the United States in his youth, was captured in Afghanistan and detained by military forces at Guantanamo Bay, Cuba, for supposedly aiding the Taliban. He was later moved to a military prison in Norfolk, Virginia, where he filed a writ of *habeas corpus*, arguing that, as a U.S. citizen, he was entitled to challenge the constitutionality of his confinement in federal court. In *Hamdi v. Rumsfeld* (2004), the Supreme Court agreed with his argument, holding in a 6–3 decision that the due process

EXHIBIT 11.8

Notable Terror Prosecutions

- **Toledo terror cell (Northern District of Ohio).** In June 2008, Mohammad Amawi, Marwan El-Hindi, and Wassim Mazloun were convicted of conspiracy to commit terrorist acts against Americans overseas, including U.S. armed forces in Iraq, and conspiracy to provide material support to terrorists. Amawi and El-Hindi were also convicted of distributing information regarding suicide bomb vests and improvised explosive devices.
- **Christopher Paul (Southern District of Ohio).** In June 2008, Paul pleaded guilty to conspiring with members of a German terrorist cell to use a weapon of mass destruction (explosive devices) against Americans vacationing at foreign tourist resorts and against Americans in the United States, as well against U.S. embassies, diplomatic premises, and military bases in Europe.
- **Hassan Abujihad (District of Connecticut).** In March 2008, Abujihad, a former member of the U.S. Navy, was convicted of providing material support to terrorists and delivering classified information on the movements of a U.S. Navy battle group to Azzam Publications, a London-based organization alleged to have provided material support to persons engaged in terrorism.
- **Mohammed Jabarah (Southern District of New York).** In January 2008, Jabarah was sentenced to life in prison after pleading guilty to terrorism charges stemming from his participation in a plot to bomb U.S. embassies in Singapore and the Philippines. Jabarah trained in al-Qaeda camps in Afghanistan and spent time with Osama bin Laden, to whom he swore an oath of allegiance.
- **California prison plot (Central District of California).** In December 2007, Kevin James, who formed a radical Islamic organization while in California state prison, and two of his recruits, Levar Washington and Gregory Patterson, pleaded guilty to terrorism conspiracy charges, admitting they conspired to attack U.S. military facilities and Jewish facilities in Los Angeles.
- **Jose Padilla and co-defendants (Southern District of Florida).** In August 2007, a federal jury convicted Padilla, Adham Hassoun, and Kifah Jayyousi of conspiracy to murder, kidnap, and maim individuals in a foreign country, conspiracy to provide material support, and providing material support to terrorists. Padilla was sentenced to more than 17 years in prison.
- **Zacarias Moussaoui (Eastern District of Virginia).** In May 2006, Moussaoui was sentenced to six consecutive life terms after pleading guilty in April 2005 to various terrorism violations, admitting that he conspired with al-Qaeda to hijack and crash planes into prominent U.S. buildings as part of the 9/11 attacks.
- **Ahmed Omar Abu Ali (Eastern District of Virginia).** In November 2005, Ali was convicted on all counts of an indictment charging him with, among other violations, providing material support to al-Qaeda, conspiracy to assassinate the U.S. president, conspiracy to commit air piracy, and conspiracy to destroy aircraft. Ali was sentenced to 30 years in prison.⁸⁸

SOURCE: U.S. Justice Department, "Fact Sheet: Justice Department Counter-Terrorism Efforts Since 9/11," www.justice.gov/opa/pr/2008/September/08-nsd-807.html (accessed November 2, 2010).

clause of the Fifth Amendment requires that U.S. citizens be given the opportunity to challenge their confinement in this way.⁸⁹ The Court also decided in *Rasul v. Bush* (2004) that the federal courts have jurisdiction to hear *habeas corpus* petitions from foreign nationals captured outside the United States.⁹⁰

One year later, the Supreme Court heard a case involving Salim Hamdan, a Yemeni and former driver for Osama bin Laden. He was captured by Afghan warlords and turned over to U.S. forces in 2001. He was then transferred in 2002 to Guantanamo Bay and, in 2003, was slated to be tried for various conspiracy offenses before a military tribunal. He filed a *habeas corpus* petition in the U.S. District Court for the Western District of Washington, claiming that he could not legally be tried by a military tribunal. In a 5–3 decision, the Supreme Court agreed.⁹¹ It held that the military commission at issue violated the Uniform Code of Military Justice and the four Geneva Conventions signed in 1949. Charges against him were subsequently dropped, but Hamdan was later deemed an “unlawful enemy combatant,” tried once again before a military tribunal, and convicted. He was sentenced to five-and-a-half years in prison, given credit for time served, and sent back to Yemen. He was not named a combatant before going into his first trial, which is partly why the first military tribunal was illegal.

Shortly after Hamdan’s case was decided, Congress passed the Military Commissions Act of 2006, which stripped the federal courts of jurisdiction to hear *habeas corpus* petitions from detainees who have been designated as “enemy combatants.” In a 5–4 decision, the Supreme Court held that prisoners (even foreign nationals held at Guantanamo Bay) had the right to *habeas corpus* under the U.S. Constitution and that their arguments could be heard in the federal courts.⁹² In effect, the Court held that the Military Commissions Act of 2006 was an unconstitutional suspension of the right to *habeas corpus*. In October 2009, President Obama signed into law the Military Commissions Act of 2009, which attempted to improve on—and address some of the deficiencies of—the earlier legislation. For example, the new law does not permit a U.S. citizen to be tried by a military commission.⁹³

As a result of these cases, detainees, enemy combatants, terror suspects, and the like enjoy greater protection now than they did in the past. Indeed, all but a few of them enjoy the same rights as anyone else, whether or not they are U.S. citizens.

Confronting Terrorism with the Law

Soon after the September 11 terrorist attacks, the U.S. government enacted several laws focused on preventing further acts of violence against the United States and creating greater flexibility in the fight to control terror activity. Most importantly, Congress passed the **USA Patriot Act (USAPA)** on October 26, 2001. The bill is over 342 pages long, creates

new laws, and makes changes to more than 15 existing statutes. Its aim is to give sweeping new powers to domestic law enforcement and international intelligence agencies in an effort to fight terrorism, to expand the definition of terrorist activities, and to alter sanctions for violent terrorism. While it is impossible to discuss every provision of this sweeping legislation here, a few of its more important elements will be examined.

The USA Patriot Act USAPA expands all four traditional tools of surveillance—wiretaps, search warrants, pen/trap orders (installing devices that record phone calls), and subpoenas. The Foreign Intelligence Surveillance Act (FISA), which allows domestic operations by intelligence agencies, is also expanded. USAPA gives greater power to the FBI to check and monitor phone, Internet, and computer records without first needing to demonstrate that they were being used by a suspect or target of a court order.

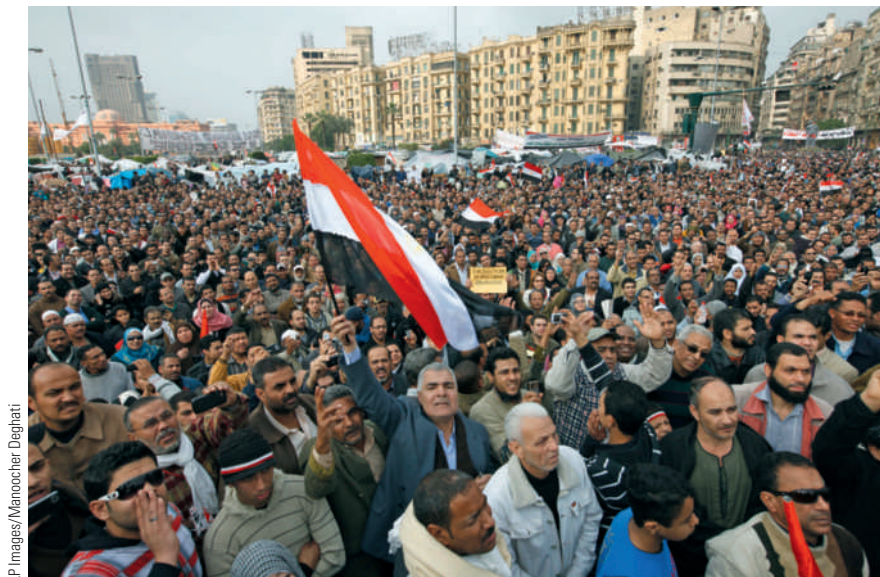
The government may now serve a single wiretap, or pen/trap order, on any person regardless of whether that person or entity is named in a court order. Prior to this act, telephone companies could be ordered to install pen/trap devices on their networks that would monitor calls coming to a surveillance target and to whom the surveillance target made calls; the USAPA extends this monitoring to the Internet. Law enforcement agencies may now also obtain the e-mail addresses and websites visited by a target, and e-mails of the people with whom they communicate. It is possible to require that an Internet service provider install a device that records e-mail and other electronic communications on its servers, looking for communications initiated or received by the target of an investigation. Under USAPA, the government does not need to show a court that the information or communication is relevant to a criminal investigation, nor does it have to report where it served the order or what information it received.

The act also allows enforcement agencies to monitor cable operators and obtain access to their records and systems. Before the act, a cable company had to give prior notice to the customer, even if that person was a target of an investigation. Information can now be obtained on people with whom the cable subscriber communicates, the content of the person’s communications, and the person’s subscription records; prior notice is still required if law enforcement agencies want to learn what television programming a subscriber purchases.

The act also expands the definition of “terrorism” and enables the government to monitor more closely those people suspected of “harboring” and giving “material support” to terrorists (Sections 803, 805). It increases the authority of the U.S. attorney general to detain and deport noncitizens with little or no judicial review. The attorney general may certify that he has “reasonable grounds to believe” that a non-citizen endangers national security and is therefore eligible for deportation. The attorney general and secretary of state are also given the authority to designate domestic groups as

terrorist organizations and deport any noncitizen who is a member.

Civil Rights and the USA Patriot Act Although law enforcement agencies may applaud these new laws, civil libertarians are troubled because they view the act as eroding civil rights. Some complain that there are provisions that permit the government to share information from grand jury proceedings and from criminal wiretaps with intelligence agencies. First Amendment protections may be violated because the Patriot Act authority is not limited to true terrorism investigations but covers a much broader range of activity involving reasonable political dissent. Though many critics have called for its repeal, it was reauthorized in 2006 with a slew of provisions ensuring that the act did not violate civil rights by limiting its surveillance and wiretap authorizations.⁹⁴



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Securing a nonviolent political solution can be tricky. All too often, those aiming to overthrow the government resort to violence and terrorism to achieve their objectives. Even peaceful revolutions present political problems. In February 2011, hundreds of thousands of antigovernment protesters gathered in Tahrir Square, Cairo, Egypt, in an effort to topple the Mubarak government that had been in power for more than thirty years. This nonviolent revolution presented a political dilemma for the United States: prop up a long-time ally who had lost popular support or join with a revolutionary movement whose aim is to topple a friendly government. The United States government decided to walk a fine line between the two sides, endorsing the democratic aspirations of the protesters but also trying not to abandon a long-time ally. On February 11, 2011, Mubarak announced he was stepping down and turning over the reins of government to the military, proving that not all revolutions need to become violent in order to get results.

Combating Terrorism with Politics

In the long run, it may simply be impossible to defeat terror groups and end terrorism using military, law enforcement, or legal solutions. Using force may play into terrorists' hands and convince them that they are freedom fighters valiantly struggling against a better armed and more ruthless foe. No matter how many terrorists are killed and/or captured, military/deterrence-based solutions may be doomed. Aggressive reprisals will cause terrorist ideology to spread and gain greater acceptance in the underdeveloped world. The resulting anger and alienation will produce more terrorists than can be killed off through violent responses. In contrast, if the terrorist ideology is countered and discredited, the appeal of terror groups such as al-Qaeda will wither and die.

One approach suggested by policy experts is to undermine support for terrorist groups by being benevolent nation-builders giving aid to the nations that house terror groups.⁹⁵ This is the approach the United States took after World War II to rebuild Germany and Japan (the Marshall Plan) all the while gaining support for its Cold War struggle against the Soviet Union. According to the Rand Corporation, a nonprofit research group, the following steps are required to defeat jihadist groups such as al-Qaeda:

- Attack the ideological underpinnings of global jihadism
- Sever ideological and other links between terrorist groups

- Strengthen the capabilities of front-line states to counter local jihadist threats

This approach may work because al-Qaeda's goal of toppling "apostate" regimes in Saudi Arabia, Egypt, and Pakistan and creating an ultraorthodox pan-Islamic government spanning the world does not sit well with large groups of Muslims; their monolithic vision has no room for other Muslim sects such as Shi'ites and Sunni moderates. Therefore, political and social appeals may help fracture local support for al-Qaeda. In addition, the United States should seek to deny sanctuaries to terrorist groups and strengthen the capabilities of foreign governments to deal with terrorist threats, but in an advisory capacity by providing intelligence. In his recent book *Unconquerable Nation*, Brian Michael Jenkins, a noted expert on the topic, identifies the strategic principles he believes are the key to combating terror in contemporary society. These beliefs are summarized in Exhibit 11.9.



To access the following websites, visit the Criminal Justice CourseMate at cengagebrain.com, then access the "Web Links" for this chapter.

- The Office of the **Director of National Intelligence**
- The **National Counterterrorism Center (NCTC)**

Countering Terror

- *Destroy the jihadist enterprise.* Jihadists have proven to be flexible and resistant and capable of continued action despite sustained military actions. They remain the primary threat to U.S. national security and will continue to be so for the foreseeable future. Therefore, they must be destroyed and their ability to operate damaged.
 - *Conserve resources for a long war.* These include blood, treasure, the will of the American people, and the support of needed allies. This means picking future fights carefully, making security measures both effective *and* efficient, maintaining domestic support, avoiding extreme measures that alienate the people, and cultivating rather than bullying other countries.
 - *Wage more-effective political warfare.* Political solutions must be pragmatic. We must be ready to compromise. Amnesty should be offered to terrorists who have become disillusioned. Local leaders should be accommodated and deals cut to co-opt enemies.
 - *Break the cycle of jihadism.* Jihadism is a cycle beginning with recruitment and ending with death, arrest, or detention. Combating terror must involve neutralizing terror groups' ability to radicalize and indoctrinate potential recruits before the cycle begins and then, at the end of the cycle, deal effectively with terror suspects once they have been captured and detained.
 - *Impede recruitment.* Recruitment sites must be identified and made dangerous and therefore unusable. Alternatives to terror must be offered. Former, now disillusioned terrorists can be used to denounce terror and counteract its appeal with potential recruits.
 - *Encourage defections and facilitate exits.* Potential defectors must be identified and encouraged to quit through the promise of amnesty, cash, job training, and homes.
 - *Persuade detainees to renounce terrorism.* Rehabilitation of known terror suspects may be more important than prosecution and imprisonment.
 - *Maintain international cooperation.* International cooperation is a prerequisite to success, a precious commodity not to be squandered by bullying, unreciprocated demands, indifference to local realities, or actions that repel even America's closest friends.
 - *Reserve the right to retaliate—a muscular deterrent.* Terror groups and their sponsors should know that any attack using weapons of mass destruction will be met with all-out warfare against any group or government known to be or even suspected of being responsible.
- SOURCE:** Brian Michael Jenkins, *Unconquerable Nation: Knowing Our Enemy, Strengthening Ourselves* (Santa Monica, CA: Rand Corporation, 2006), www.rand.org/pubs/monographs/2006/RAND_MG454.pdf (accessed November 2, 2010).

SUMMARY

1. Know what is meant by the term *political crime*

- Political crime is used to signify illegal acts that are designed to undermine an existing government and threaten its survival. Political crimes can include both violent and nonviolent acts and range in seriousness from dissent, treason, and espionage to violent acts such as terrorism or assassination.

2. Identify the cause of political crime

- The political criminal and political crimes may stem from religious or ideological sources. They often occupy a gray area between conventional and outlawed behavior. While common

criminals may be motivated by greed, vengeance, or jealousy, political criminals have a somewhat different agenda from common criminals. There is no set pattern or reason why someone becomes a political criminal. Some use political crime as a stepping stone to public office while others use it as a method to focus their frustrations.

3. Distinguish between espionage and treason

- Helping or cooperating with the enemy in a time of war would be considered treason. Espionage is the practice of obtaining information about a government, organization, or a society that is considered secret or confidential

without the permission of the holder of the information. Industrial espionage involves unethical or illegal activities such as bribing employees to reveal trade secrets such as computer codes or product formulas.

4. Know the components of state political crime

- While some political crimes are committed by people who oppose the state, others are perpetrated by state authorities against the people they are supposed to serve. State political crime has five components: political corruption; illegal domestic surveillance; human rights violations; state violence; and state-corporate crime.

5. Be able to debate the use and misuse of torture

- The use of torture to gain information from suspected political criminals is highly controversial. The use of waterboarding has become a national issue because there seems to be no agreement on whether it is torture or a relatively harmless instrument of interrogation.

6. Distinguish among terrorists, insurgents, guerrillas, and revolutionaries

- Terrorism is generally defined as the illegal use of force against innocent people to achieve a political objective. The term *guerilla* refers to antigovernment forces located in rural areas that attack the military, the police, and government officials. The typical goal of an insurgency is to confront the existing government for control of all or a portion of its territory, or force political concessions in sharing political power. A revolution is generally seen as a civil war fought between nationalists and a sovereign power that holds control of the land, or between the existing government and local groups over issues of ideology and power.

7. Understand the various forms of terrorism

- Revolutionary terrorists use violence to frighten those in power and their supporters in order to replace the existing government with a regime that holds

acceptable political or religious views. Political terrorism is directed at people or groups who oppose the terrorists' political ideology or whom the terrorists define as "outsiders" who must be destroyed. Nationalist terrorism promotes the interests of a minority ethnic or religious group that believes it has been persecuted under majority rule and wishes to carve out its own independent homeland. Retributive terrorists want to impose their social and religious code on others. State-sponsored terrorism occurs when a repressive government regime forces its citizens into obedience, oppresses minorities, and stifles political dissent. Destructive cults are willing to have members commit violence, including murder. Sometimes terrorist groups become involved in common-law crimes such as drug dealing and kidnapping, even selling nuclear materials.

8. Know what motivates the terrorist

- While not all terrorists suffer from psychological deficits, enough do so that the typical terrorist can be described as an emotionally disturbed individual who acts out his or her psychoses within the confines of violent groups. Another view is that because they are out of the political and social mainstream, young men and women are motivated to join terror groups

because they suffer alienation and lack the tools to compete in a post-technological society. Yet another view is that terrorists hold extreme religious and/or ideological beliefs that prompt their behavior.

9. Be familiar with the efforts being made to centralize intelligence gathering

- The Director of National Intelligence (DNI) is charged with coordinating data from the nation's primary intelligence-gathering agencies. The National Counterterrorism Center (NCTC) serves as the primary organization in the U.S. government for analyzing and integrating all intelligence possessed or acquired by the government pertaining to terrorism and counterterrorism, excepting purely domestic counterterrorism information.

10. Describe the efforts by the FBI and DHS to fight terrorism

- The FBI announced a reformulation of its priorities, making protecting the United States from terrorist attack its number one commitment. It is now charged with coordinating intelligence collection with the Border Patrol, Secret Service, and the CIA. The Department of Homeland Security (DHS) is the federal agency responsible for preventing terrorist attacks within the United States, reducing America's vulnerability to terrorism, and minimizing the damage and recovering from attacks that do occur.

KEY TERMS

al-Qaeda (372)
political crime (374)
election fraud (376)
treason (378)
espionage (379)
state political crime (382)
torture (382)
ticking bomb scenario (382)

terrorism (384)
terror cells (385)
guerilla (385)
insurgent (386)
zealot (386)
Reign of Terror (388)
retributive terrorists (392)
state-sponsored terrorism (394)

cult terror (394)
networks (395)
Director of National Intelligence (DNI) (399)
Department of Homeland Security (DHS) (399)
USA Patriot Act (USAPA) (402)

CRITICAL THINKING QUESTIONS

1. Would you be willing to give up some of your civil rights in order to aid the war on terror?
2. Should terror suspects arrested in a foreign land be given the same rights and privileges as an American citizen accused of crime?
3. What groups in America might be the breeding ground for terrorist activity in the United States?
4. In light of the 9/11 attack, should acts of terrorism be treated differently from other common-law violent crimes? Should terrorists be executed for their acts even if no one is killed during their attack?
5. Can the use of torture ever be justified? Is the “ticking bomb” scenario valid?
6. A spy gives plans for a new weapon to the enemy. They build the weapon and use it to kill American soldiers. Is the spy guilty of murder?

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WHEN

When William M. V. Kingsland died in 2006, New York City newspapers printed glowing obituaries describing him as an urbane upper-class gentleman, an intellectual, and an art expert.¹ His apartment was found to contain a vast and impressive collection of more than 300 works of art—paintings, sketches, sculptures, and other pieces by such artists as Pablo Picasso, John Singleton Copley, Alberto Giacometti, Giorgio Morandi, and Eugene Boudin. Because he left no heirs, New York's Public Administrator office hired two auction houses—Christie's and Stair Galleries—to sell the art. One of his works, a Giacometti, was valued at \$900,000 to \$1.2 million and a small painting by Morandi would sell for about \$600,000. There was a hitch, though. As Christie's researched the art to determine its provenance (history of ownership), the famed auction house discovered that many of the works had been reported stolen in the 1960s and 1970s.

(continued on page 412)