Lecture Notes

# Chapter 15: Hate Crimes, Mass Murder, Terrorism, and Homeland Security

**Learning Objectives**

* Explain some of the bias motivations associated with hate crimes
* Summarize some key anti-hate-crime legislation
* Discuss theoretical explanations of hate crimes
* Describe the various forms and rates of multicide in the United States
* Distinguish terrorist activities from more conventional forms of criminal activities
* Explain some of the factors that have contributed to the historical and current context of terrorism
* Discuss theoretical explanations of terrorism
* Describe homeland security
* List some of the agencies that make up the Department of Homeland Security
* Explain some of the controversial issues related to civil liberties and the efforts to counter terrorism

**Summary**

In recent years, increased attention has been given to certain types of criminal activities that were not often discussed in the newspaper, on television, or, for that matter, in criminology textbooks. Specifically, these activities include hate crimes and terrorism. These types of offenses illustrate the multicultural and multinational aspects of crime. It is essential for students to appreciate how crime, and the concept of crime, expands beyond national boundaries. There has been some debate, however, as to whether hate crime offending and terrorism should be considered as similar behavior. While scholars have recognized that there are legal distinctions, some have maintained that there are also similarities, such as motivations, objectives, and perpetrator characteristics. These types of offenses focus on terrorizing a larger social group. Others argue that hate crimes and terrorism are distinct types of behavior, conceptually and empirically. For instance, terrorism is often considered an upward crime; these offenses are committed by individuals from a lower social standing. Hate crimes are often deemed downward crimes; these offenses are often perpetrated by individuals from a majority or powerful group in society against minority-group victims.

In this chapter, we present a discussion of both hate crimes and terrorism but do so in separate sections. The chapter begins with a discussion on hate crimes; this section presents issues pertaining to hate crimes, such as the definition and legislative responses to these offenses. The next section focuses on terrorism, including the definition and the types and extent of terrorism. The chapter concludes with a section on homeland security that covers such issues as agencies involved in homeland security and potential conflicts regarding civil liberties.

**Chapter Outline**

* **Hate Crimes**
  + **What is a Hate Crime?**
    - A traditional offense such as murder or vandalism, but there is an additional factor of bias.
    - Congress defined a hate crime as follows:
      * A criminal offense against person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, ethnic origin, or sexual orientation.
    - The FBI provides various factors that should be considered when determining if such an offense was a crime motivated by bias.
      * The offender and the victim were of a different race, religion, disability, sexual orientation, ethnicity, gender, and/or gender identity. For example, the victim was African American and the offender was White.
      * Bias-related oral comments, written statements, or gestures were made by the offender indicating his or her bias. For example, the offender shouted a racial epithet at the victim.
      * Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue, mosque, or LGBT center.
      * Certain objects, items, or things which indicate bias were used. For example, the offenders wore white sheets with hoods covering their faces or a burning cross was left in front of the victim’s residence.
      * The victim is a member of a specific group that is overwhelmingly outnumbered by other residents in the neighborhood where the victim lives and the incident took place.
      * The victim was visiting a neighborhood where previous hate crimes had been committed because of race, religion, disability, sexual orientation, ethnicity, gender, or gender identity and where tensions remained high against the victim’s group.
      * Several incidents occurred in the same locality, at or about the same time, and the victims were all of the same race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.
      * A substantial portion of the community where the crime occurred perceived that the incident was motivated by bias.
      * The victim was engaged in activities related to his or her race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. For example, the victim was a member of the National Association for the Advancement of Colored People (NAACP) or participated in an LGBT pride celebration.
      * The incident coincided with a holiday or a date of significance relating to a particular race, religion, disability, sexual orientation, ethnicity, gender, or gender identity, e.g., Martin Luther King Day, Rosh Hashanah, or the Transgender Day of Remembrance.
      * The offender was previously involved in a similar hate crime or is a hate group member.
      * There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.
      * A historically established animosity existed between the victim’s and the offender’s groups.
      * The victim, although not a member of the targeted racial, religious, disability, sexual orientation, ethnicity, gender, or gender identity group, was a member of an advocacy group supporting the victim group.
    - Hate crimes are not exclusively a federal offense; however, the federal government can and does investigate and prosecute hate crimes as civil rights violations.
  + **Types of Hate Crimes**
    - The biases reported to the FBI’s Uniform Crime Report Program are restricted to those mandated by the sanctioning act and subsequent amendments.
    - The bias motivations relevant to hate crimes are as follows:
      * Race/Ethnicity/National Origin (e.g., Anti-Black, Anti-American Indian/Alaskan Native)
      * Religious (e.g., Anti-Jewish, Anti-Islamic)
      * Disability (e.g., Anti-Physical Disability, Anti-Mental Disability)
      * Gender
      * Gender Identity
      * Sexual Orientation
  + **Hate Groups**
    - According to the Southern Poverty Law Center, Klan chapters grew from 72 in 2014 to 190 in 2015.
    - However, this 2015 number of hate groups most likely underestimates the extent of the American radical right.
    - One study revealed that an increase in access to the internet leads to an increase in racial hate crimes.
      * Interestingly, there was no relation to an increase in internet access to an increase in local hate group formation.
      * Rather, there is a link with internet access in terms of racial hate crimes committed by “lone-wolf” perpetrators
  + **Anti-Hate Crime Legislation**
    - **Hate Crime Statistics Act of 1990**
      * Signed into law on April 23, 1990.
      * As part of the Uniform Crime Report (UCR) Program, the Attorney General was required to develop guidelines and collect data about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, nonnegligent manslaughter; forcible rape; aggravated assault; simple assault; intimidation; arson; and destruction, damage, or vandalism of property.
      * In an effort to avoid any new data reporting responsibilities for law enforcement agencies participating in the UCR program, the collection of hate crime data was incorporated into the UCR collection procedure.
        + If a traditional offense is motivated by the offender’s bias, the reporting agency is to complete the Hate Crime Incident Report.

This form collects information on the location, victim type (e.g., individual, business), number of offenders, race of offender(s), and bias motivation.

* + - **The Violent Crime Control and Law Enforcement Act of 1994**
      * Amended the Hate Crime Statistics Act to enhance penalties for offenses that involved a motivation bias.
      * To complement the state hate crime penalty enhancement statutes in the 1994 Crime Bill, Congress passed the Hate Crime Sentencing Enhancement Act.
        + This Act directed the United States Sentencing Commission to enhance hate crime sentences to no less than three offense levels.
    - **Church Arson Prevention Act of 1996**
      * This Act prohibits
        + The intentional defacement, damage, or destruction of any religious real property, because of the religious, racial, or ethnic characteristics of that property, or
        + The intentional obstruction by force of threat of force, or attempts to obstruct any person in the enjoyment of that person’s free exercise of religious beliefs.
      * The punishment varies from one-year imprisonment and a fine to death.
        + The punishment depends on such factors as whether any individuals are injured or killed due to the conduct prohibited by this Act.
    - **Campus Hate Crimes Right to Know Act of 1997**
      * Amends a section of the Higher Education Act of 1965 and provides “for the disclosure of all criminal incidents that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability.”
    - **Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009**
      * The Act states that it is unlawful to willfully cause bodily injury, or attempt to do so, with a dangerous weapon when the offense was committed because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person.
      * This Act gives the FBI authority to investigate violent hate crimes, including those aimed at the gay, lesbian, bisexual, and transgender community.
    - **Model State Legislation—Hate Crimes/Violence Against Homeless People**
      * The National Law Center on Homelessness & Poverty (NLCHP) and the National Coalition for the Homeless (NCH) advocated for state legislation that includes homelessness to its hate crimes statute.
      * The Model State Legislation designates the following acts as a hate crime motivated by a person’s status as a homeless person:
        + Assault, aggravated assault, battery, or aggravated battery upon the person; or
        + Acts that deface, damage, or destroy or attempt to deface, damage, or destroy the personal property of the person; or
        + Acts that result in the death of the person; or
        + Any other crime against the person.
  + **Theoretical Explanations of Hate Crimes**
    - Byers and Crider
      * Examined hate crimes against the Amish using routine activities theory.
      * Studied offenders who engaged in “Claping.”
        + “Claping” are acts of persecution committed against the Amish.
        + Examples include: verbal harassment, blowing up mailboxes, forcing Amish buggies off the road with motorized vehicles, killing Amish owned animals, and spraying the Amish with fire extinguishers.
      * The qualitative data supported routine activities theory in that the participants (i.e., offenders) were motivated, the Amish were considered suitable targets, and there was a perception that the guardians were absent to discourage these types of crimes.
    - Waldner and Berg
      * Applied a revision of routine activities theory to understanding antigay violence.
      * They employed Finkelhor and Asdigian’s revised routine activities theory which includes the concept of target congruence.
        + Target congruence is when various personal characteristics of individuals could possibly enhance their vulnerability to victimization since these characteristics have some congruence with the needs and motives of the offenders.
        + Thus, certain offenders are attracted, or respond, to particular types of victims or particular characteristics in victims, making these victims more vulnerable.
    - Plumm and colleagues
      * Implemented a jury simulation model to explore different forms of victim blame involving an assault motivated by a bias against sexual orientation.
      * They concluded that various factors may be taken into consideration by jurors in these types of cases.
* **Mulicide**
  + Individuals who kill multiple victims, which involves several categories
  + Categories of multicide
    - Serial killers
    - Mass murderers
    - Spree Killers
  + Categories of mass murders
    - Disciple Mass Killer—the desire to kill is related to the relationship between the killer and leader of a group/cult, such as in the Charles Manson case.
    - Family Annihilator Killer—intends to kill victims they know well, especially family members
    - Disgruntled Employee Killer—as the label says, it is when angry (ex-)employees kill those who they blame for either losing their job or having problems at work
    - Ideological Mass Killer—wants to kill people who are against the person’s values, morals, or religious persuasion
    - Disgruntled Citizen Killer—angry will certain aspects of society (e.g., financial issues) and wants to take it out on people they deem are responsible
    - Psychotic Mass Killer—they are psychotic (often with schizophrenia) and perceive others as being out to get them
    - School Killers—this category will be explored in depth below
  + School Attacks
    - The report from the Secret Service and Department of Education revealed that the Columbine attack did not fit the typical profile of most school attacks.
    - Specifically, the study of school attacks over 25 years (1975–2000) revealed that
      * the vast majority were committed by only one student (not two or more),
      * the most common weapon was a handgun (not an assault weapon).
      * Perhaps even more surprising is that the study found that most attackers were socially “mainstream” (not social outcasts of peer culture or “grunge” as many media reports claimed).
      * Additionally, most student attackers were receiving As and Bs in school, unlike the mistaken profile in the media of the attackers being poor students.
      * Furthermore, the Secret Service study showed that the vast majority of student attackers were from two-headed households, and not from split or single-headed households.
      * It is also notable the 25-year examination found that most of the incidents did not target any of their peers, but rather targeted a teacher or administrator.
      * Finally, almost none of the attacks were stopped by law enforcement, but rather by intervention by other teachers or staff at the school, likely due to the fact that most of the incidents only took a few minutes or less to complete.
      * Most of these conclusions were the opposite of those provided by many experts in the media in the late 1990s and early 2000 years.
  + Disparity in Rates of Committing Multicide Across Race and Religious Ideology
    - Recent studies have noted that it is a common myth that African Americans are underrepresented as multicide offenders, especially for serial killers
      * Approximately 20% of all serial killers are Black
    - A recent review of the data on mass murders in the United States through most of 2015 showed that only 1 out of 207 incidents were committed by known Muslim offenders.
      * According to FBI data, 94% of terrorist attacks carried out in the United States from 1980 to 2005 were committed by non-Muslims.
      * Thus, an American terrorist suspect is over nine times more likely to be a non-Muslim than a Muslim.
* **Terrorism**
  + **What is Terrorism?**
    - **Definition**
      * There is no clear and concise definition of the word “terrorism.”
      * In one respect, terrorism is a social construct, meaning that it is a term that is defined through social and cultural practice.
      * People have varying definitions of the term:
        + It is a pejorative term in that it has extremely negative associations and always connotes death and destruction. Society is constantly exposed to the term by the news media, politicians, and popular entertainment venues, and it is applied to a variety of actors, conditions, activities, and situations. As a social construct, the term is used to demonize people, societies, and actions.
      * Bruce Hoffman identified terrorism as follows:
        + Inevitably political in aims and motives;
        + Violent or threatens violence;
        + Designed to have far-reaching psychological consequences beyond the immediate victim or target;
        + Conducted either by an organization with an identifiable chain of command or conspiratorial cell structure or by individuals or a small collection of individuals directly influenced, motivated, or inspired by the ideological aims or example of some existent terrorist movement and/or its leaders; and
        + Perpetrated by a subnational group or nonstate entity.
      * Definitions of Terrorism by Four United States Government Agencies
        + United States House of Representatives Permanent Select Committee on Intelligence (2002): “Terrorism is the illegitimate, premeditated violence, or threat of violence by subnational groups against persons of property with the intent to coerce a government by installing fear amongst the populace.”
        + State Department (1984): “Terrorism means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.”
        + FBI (1999): “Terrorism is defined as the unlawful use, or threatened use, of force or violence by a group or individual … committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”
        + DOD (2000): “Terrorism is the calculated use of violence or threat of violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.”
    - **Typologies**
      * In 2008, the Secretary of State identified 44 Foreign Terrorist Organizations (FTOs) such as al Qaeda, the National Liberation Army, the Continuity Irish Republican Army, and the Communist Party of the Philippines/New People’s Army.
      * Gus Martin developed a typology of terrorism founded on motivation:
        + **State-sponsored Terrorism**

Includes terrorist acts that transpire due to the guidance of the state or government against perceived enemies.

Targets of this type of terrorism may include politicians and political parties or groups within the host country or those in other countries.

The U.S. Department of State has identified four countries that are state sponsors of terrorism: Iran, Syria, Sudan, and Cuba.

* + - * + **Dissident Terrorism**

Involves terrorist activities against the government that are committed by rebellious groups.

In some instances, these terrorist acts are brought about for power, wealth, and control; some terrorist acts are to obtain independence.

* + - * + **Religious Terrorism**

Motivated by engaging in terrorist acts that are legitimized by religious dogma.

Terrorism motivated by religious philosophy has been the predominate form of terrorism for the past several decades.

It is essential to stress that religious terrorism should not be associated with just the Muslin religion.

* + - * + **Criminal Terrorism**

Motivated by engaging in criminal activity for profits such as the drug cartels in Mexico.

* + - **Extent**
      * A major resource to understanding the extent of terrorism is the Global Terrorism Index (GTI).
        + This is a wide-ranging study which collects information on terrorism from 162 countries.
        + From their 2015 report, GTI reported that terrorist activity increased by 80% in 2014.
        + The number of deaths from terrorism in 2013 was 18,111; in 2014 this number increased to 32,681.
        + Currently, the deadliest terrorist group in the world is Boko Haram. While deaths attributed to ISIL were 6,073, there were 6,644 deaths attributed to Boko Haram.
        + Terrorist activity is highly concentrated; five countries accounted for 78% of deaths: Iraq, Nigeria, Afghanistan, Pakistan, and Syria.
      * The number of private citizens being killed due to terrorist attacks has increased by 172% from 2013 to 2014.
      * Terrorist attacks on religious targets declined by 11% in 2014.
      * Two groups are responsible for half the deaths from terrorism: Boko Haram and ISIL. Fifty-one percent of terrorist deaths that are attributed to a terrorist group were by Boko Haram and ISIL.
      * Nigeria has experienced the largest increase in deaths from terrorism in 2014. Two of the five most deadly terrorist groups in 2014 are from Nigeria: Boko Haram and the Fulani militants.
      * ISIL inflicts more deaths on the battlefield than through terrorism.
      * The movement of foreign fighters into Iraq and Syria continued in 2014 and 2015.
      * Excluding Turkey, Europe accounted for 21% of all foreign fighters in 2014.
  + **Historical Context of Modern Terrorism**
    - Terrorism is a type of political warfare; thus, like war, while it retains its consistent nature, the causes, objectives, and motivations of terrorism evolve.
    - The first known terrorist group was the Sicarii, an extremist group of the religious sect of Zealots, who tried to banish the Romans and their Jewish collaborators from the Judean region from AD 66 to 73.
    - During the 11th century, the Shiite Muslim sect killed politicians and clerics who did not adhere to their form of Islam.
    - **The French Revolution**
      * The term terrorism originated from the *regime de la terreur* (reign of terror) that prevailed during the French Revolution.
      * The regime was intended to merge the power of the new Revolutionary government as well as protect it from what was considered “subversive” factors.
      * Terrorism was initially considered a positive action.
      * The term terrorism became a negative connotation after individuals began turning on each other during the Revolution.
    - **Late 19th and Early 20th Century Terrorism**
      * From the 1800s into the early 1900s, anarchists and socialists were responsible for a great amount of terrorism.
        + Anarchism and radical socialism were leftist ideologies that advocated for the rights of the working class and abhorred central government control as well as private property.
        + Most of the acts involving the anarchists and socialists were directed toward those who were perceived as supporters of the oppressive government.

For example, many officials in the Serbian government and military were engaged in supporting, training, and arming Balkan terrorist groups of which one was responsible for the assassination of Archduke Franz Ferdinand on June 28, 1914.

This act has been attributed to initiating World War I.

* + - * + Terrorist acts during this time period have been termed state-sponsored terrorism.
      * After World War II, there was a shift in terrorist activity; this focus moved from Europe itself to its various colonies.
        + There was an increase in national movements as well as resistant to European attempts to continue colonization across the Middle East, Asia, and Africa.
        + These nationalist and anticolonial groups were often involved in activity involving guerilla warfare.
        + Conflicts occurring in Kenya, Malaysia, Cyprus, and Palestine involved groups who learned how to exploit the increasing globalization of the international media.
        + These groups realized that terrorism, and the fear of terrorism, could be used to serve their needs.
      * During the 1960s and 1970s, groups engaging in terrorist activities increased; these groups expanded to not only nationalists, but those who were motivated by ethnic as well as ideological issues.
        + Nationalist groups include the Palestinian Liberation Organization and the Provisional Irish Republican Army; groups motivated by ethnic and ideological issues include the Red Army Faction and the Italian Red Brigades.
    - **Contemporary Terrorism**
      * Since the September 11th attacks, terrorism has had a tremendous influence not only in the United States, but on the international stage as well.
      * A great deal of emphasis has focused on the threat posed by Al Qaeda.
      * Gus Martin contends that the modern world is challenged by the *New Terrorism*, which is characterized by the following:
        + Loose, cell-based networks with minimal lines of command and control;
        + Desired acquisition of high-intensity weapons and weapons of mass destruction; and
        + Politically vague, religious, or mystical motivations.
      * He then compared *New Terrorism* with traditional terrorism, characterized by the following:
        + Clearly identifiable organizations or movements;
        + Use of conventional weapons, usually small arms and explosives;
        + Explicit grievances championing specific classes or ethno-national groups; and
        + Relatively surgical selection of targets.
  + **Current Context of Terrorism**
    - **Organizational Networks**
      * Jonathan White provided an overview of how terrorist organizational structures have changed over time.
      * The traditional terrorist organization comprised of cells; groups of cells formed columns.
        + Members in the cells rarely knew each other.
      * Soon the organization structure was modified to a pyramid, either large or small.
        + The pyramids represent a hierarchical nature of the groups with the passive and active supporters at the base and the active cadre and command at the top.
      * During the early 1980s, a new organization structure developed from the pyramid.
        + The first structural change was the umbrella organization.

In this organization structure, numerous small pyramids are assembled under a sheltering group.

This sheltering group manages supplies, acquires resources, develops support structures, and obtains intelligence.

The umbrella organization is disconnected with the terrorist activities.

* + - * In the 1990s, the RAND Corporation identified other types of new organizational structures.
        + One is virtual organizations.

This organization structure evolves through communication, financial, and ideological links.

A virtual organization has no central leadership.

* + - * + Another structure is chain organizations.

Chain organizations are temporary associations with various groups.

These groups gather for a specific operation, upon completion of that operation, they disperse.

* + - * + Hub organizations are established to manage or support cells; they function similar to umbrella groups.
    - **Financial Support**
      * An essential tool to combat terrorism is to restrict the financing of such organizations.
      * Limiting the financial resources can result in the following:
        + It can directly or indirectly influence an organization’s leadership, morale, and legitimacy (e.g., diminish support for members and other terrorist organizations).
        + It can have strategic implications (e.g., a group may not have the necessary resources to accomplish a planned attack).
      * Authorities have focused on two general activities to limit terrorist financing:
        + **Money laundering**

A process whereby funds, obtained through illegal activities, are “cleansed.”

Three-step process:

The illegally obtained monies are placed into the financial system;

These monies are layered, or processed, through the system, usually internationally and subsequently intermingled with legal monies; and

The monies are turned and reintegrated into the legitimate economy.

* + - * + **Fundraising**

One such method has been using charities.

The Irish Republic Army has used this method for decades to fund it attacks in Northern Ireland and England.

Charity fund-raising has been used by Osama bin Laden to finance Al Qaeda.

In November 2008, five former leaders of a United States based Muslim charity, Holy Land Foundation, were convicted of channeling over $12 million to the Palestinian terrorist group Hamas.

* + - **Influence of the Media**
      * Much of what the general public knows about terrorism is through the media.
      * Simon Cottle identified the various communication frames that are used to report on terrorism.
        + Reporting frames are short and blended with facts.
        + Dominant frames are from one authority’s viewpoint.
        + Conflict frames consist of two perspectives.
        + Contention frames are comprised of various positions.
        + Investigative frames expose corrupt of illegal behavior.
        + Campaigning frames are the broadcaster’s opinion.
        + Reportage frames are comprised of comprehensive coverage.
        + Community service frames provide information to the public.
        + Collective interest frames reinforce common values and viewpoints.
        + Cultural recognition frames reflect a group’s values and norms.
        + Mythic tales frames consist of hero stories.
      * Jonathan White outlined some of the issues associated with the media and reporting terrorism.
        + One of these issues centers on whether the media presents information on terrorism in an unbiased and objective manner.
        + Another issue is the contention effect.

This refers to whether media coverage of a terrorist incident inspires more terrorism.

* + - * + The issue of censorship is also raised when individuals assume that terrorist acts are influenced by irresponsible media coverage and this coverage can provide terrorists with information.
    - **Domestic Terrorism**
      * The Federal Bureau of Investigation has defined domestic terrorism as having these characteristics:
        + Involve acts dangerous to human life that violate federal or state law;
        + Appear intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
        + Occur primarily within the territorial jurisdiction of the United States
      * The FBI contends that domestic terror threats range from white supremacists to destructive eco-terrorists to violence-prone antigovernment extremists to radical separatist groups.
      * Gus Martin maintained that most of the political violence in the United States can be categorized as *left* and *right.*
        + The *left* can be characterized as those political trends and movements that stress group rights.

Examples include labor activism, people’s rights, single issue (e.g., environmentalists and peace movements), and questioning traditions.

Examples of single-issue violence from the left include the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF).

* + - * + The right consists of political trends and movements that stress conventional and traditional principles such as family values, educational content, and social order politics.

Right-wing terrorism is often motivated by racial supremacies and antigovernment viewpoints.

Right-wing terrorist activities are rare.

Moralist terrorism is one example of right-wing political violence.

These terrorist activities are motivated by a religious doctrine that is considered a “fringe interpretation” of Christianity.

One such group is the Army of God.

* + **Theoretical Explanations of Terrorism**
    - Brian Forst
      * Identified three general barriers to understanding terrorism.
        + While terrorism cases are similar with respect to having a political motive, there are numerous differences as well.
        + In most instances, terrorists, unlike other criminals, tend to engaged in unpredictable activities.
        + Compared to other types of crimes, terrorism is difficult to analyze because there is a relatively small amount of reliable data on cases of each major form of terrorism to provide a foundation for statistical inference.
    - Another theoretical model that could enhance our understanding of terrorism is **game theory.**
      * This analytic approach assesses various scenarios by applying simulation gaming models.
      * Generally, the analysis of games has two goals.
        + The first goal is to understand why the parties (i.e., players) in competitive situations behave as they do.
        + The second goal is to advise the players of the game the best way to play.
* **Homeland Security**
  + **What is Homeland Security?**
    - **Origins**
      * When 9/11 occurred, it was painfully clear that the United States was not only vulnerable to such attacks, but the country was ill-equipped to prevent these attacks.
      * On October 8, 2001, President George W. Bush issued Executive Order 13228, establishing the Office of Homeland Security and the Homeland Security Council.
      * The initial responsibility of the Office of Homeland Security was to produce the first National Strategy for Homeland Security in 2002.
        + This strategy was to address four questions:

What is homeland security and what missions does it entail?

What do we seek to accomplish, and what are the most important goals of homeland security?

What is the federal executive branch doing now to accomplish these goals and what should it do in the future?

What should nonfederal governments, the private sector, and citizens do to help secure the homeland?

* + - * In 2003, the Department of Homeland Security was created from the Office of Homeland Security.
    - **Definition**
      * In the 2002 National Strategy for Homeland Security, defined homeland security as follows:
        + Homeland security is a concerted national effort to prevent terrorist attacks within the United States, reduce American’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.
      * This strategy outlined a framework for achieving homeland security comprised of four general goals:
        + Prevent and disrupt terrorist attacks;
        + Protect the American people, critical infrastructure, and key resources;
        + Respond to and recover from incidents that do occur; and
        + Continue to strengthen the foundation to ensure long-term success.
      * Definitions of Homeland Security
        + Terrorism: Homeland security is a concerted national effort by federal, state, and local governments, by the private sector, and by individuals to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.
        + All Hazards: Homeland security is a concerted national effort to prevent and disrupt terrorist attacks, protect against man-made and natural hazards, and respond to and recover from incidents that do occur.
        + Terrorism and Catastrophes: Homeland security is what the Department of Homeland Security—supported by other federal agencies—does to prevent, respond to, and recover from terrorist and catastrophic events that affect the security of the United States.
        + Jurisdictional Hazards: Homeland security means something different in each jurisdiction. It is a locally directed effort to prevent and prepare for incidents most likely to threaten the safety and security of its citizens.
        + Meta Hazards: Homeland security is a national effort to prevent or mitigate any social trend or threat that can disrupt the long-term stability of the American way of life.
        + National Security: Homeland security is an element of national security that works with the other instruments of national power to protect the sovereignty, territory, domestic population, and critical infrastructure of the United States against threats and aggression.
        + Security Uber Alles: Homeland security is a symbol used to justify government efforts to curtail civil liberties.
  + **Organizational Network**
    - Eleven days after the September 11th attacks, Pennsylvania Governor Tom Ridge was appointed the first Director of the Office of Homeland Security.
    - In November 2002, Congress passed the Homeland Security Act resulting in the DHA being a stand-alone, Cabinet-level department.
    - **Agencies Responsible for Homeland Security**
      * **Transportation Security Administration (TSA)**
        + Established after the September 11th attacks to strengthen the security of the country’s transportation system with the passage of the Aviation and Transportation Security Act.
        + The TSA issued three mandates:

Responsibility for security for all types of transportation;

Recruit, assess, hire, train, and deploy security officers for 450 commercial airports; and

Provide screening of all checked luggage for explosives.

* + - * + In March 2003, TSA was moved from the Department of Transportation to the Department of Homeland Security.
      * **U.S. Custom and Border Protection**
        + Congress created the U.S. Customs Service in 1789 to collect tariffs on goods imported into the United States.
        + In March 2003, the U.S. Custom and Border Protection (CBP) was established as part of the DHS.
        + The CBP is responsible for securing the borders of the United States while simultaneously facilitating the flow of legitimate trade and travel.
        + The primary law enforcement responsibilities of CBP include apprehending criminals and other individuals who attempt to illegally enter the United States, seize illegal drugs and contraband, and protect agriculture from harmful pests and diseases.
      * **U.S. Citizenship and Immigration Services**
        + In 2003, the services and functions of the U.S. Immigration and Naturalization Service (INS) were moved to the DHS, and subsequently named the U.S. Citizenship and Immigration Services (USCIS).
        + USCIS is responsible for the administration of immigration and naturalization adjudication functions.

Some of these functions including granting U.S. citizenship, processing immigrant visa and naturalization petitions, adjudicating asylum and refugee applications, and issuing documents for employment authorization.

* + - * **U.S. Immigration and Customs Enforcement**
        + The U.S. Immigration and Customs Enforcement (ICE) was created as the primary investigative arm of the DHS.
        + ICE was created by merging the law enforcement branch of the Naturalization Service, the intelligence and investigative sections of the former Customs Services, as well as the U.S. Federal Protective Services.
        + ICE’s responsibilities go beyond the borders.
        + ICE attempts to identify criminal activities and vulnerabilities that pose a threat to the nation, as well as enforcing economic, transportation, and infrastructure security.
        + The ICE Strategic Plan includes preventing terrorism and improving security; protect the boarders against illicit trade, travel, and finance; and protect the borders through enhanced interior immigration enforcement.
      * **U.S. Secret Service**
        + The U.S. Secret Service was created in 1865 to suppress counterfeit currency.
        + After the assassination of President William McKinley in 1901, the Secret Service was responsible for the protection of the president.
        + In 1984, Congress passed legislation making the fraudulent use of credit and debit cards a federal violation; the Secret Service was authorized to investigate these violations.
        + Under the Patriot Act of 2001, the Secret Service was authorized to investigate fraud and similar activities related to computers.
        + The U.S. Secret Service was transferred from the Department of the Treasury to the DHS in 2003.
        + The mission of the United States Secret Service is to safeguard the nation’s financial infrastructure and payment systems to preserve the integrity of the economy, and to protect national leaders, visiting heads of state and government, designated sites, and National Special Security Events.
      * **Federal Emergency Management Agency**
        + The Federal Emergency Management Agency (FEMA) was created under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.
        + This Act established the statutory authority for most federal response activities to prepare for, protect against, respond to, recover from, and alleviate all types of hazards.
        + In 2003, FEMA became part of the DHS.
        + FEMA focuses on four initiatives:

Foster a whole community approach to emergency management nationwide;

Build the country’s ability to stabilize and recover from a catastrophic event;

Build unity of effort and common strategic understanding among the emergency management team; and

Enhance FEMA’s ability to learn and innovate as an organization.

* + - * **U.S. Coast Guard**
        + Established in 1790, the U.S. Coast Guard’s primary responsibility was to enforce the country’s maritime laws, interests, and environment.
        + The U.S. Coast Guard is the only military organization within the DHS.
        + The Coast Guard’s homeland security role includes the following:

Protecting ports, the flow of commerce, and the marine transportation system from terrorism;

Maintaining maritime border security against illegal drugs, illegal aliens, firearms, and weapons of mass destruction;

Ensuring that the U.S. can rapidly deploy and resupply military assets by maintaining the Coast Guard at a high state of readiness as well as by keeping marine transportation open for other military services;

Protecting against illegal fishing and indiscriminate destruction of living marine resources;

Preventing and responding to oil and hazardous material spills; and

Coordinating efforts and intelligence with federal, state, and local agencies.

* + - **Bureaucratic Problems and Solutions**
      * Since its establishment, there have been problems with the DHS.
        + Larry Gaines and Victor Kappeler noted one such problem is when the conflicting political interests predominates organization imperative.
      * The White House and Congress have significant oversight responsibilities as well as authority over the DHS.
        + There are approximately 80 committees and subcommittees in the House and Senate that have some form of oversight responsibilities regarding homeland security.
        + Many have realized that this is a problem and have suggested that the secretary of the DHS have more autonomy to manage the department.
      * Another problem with the DHS is agency confusion and mission distortion.
        + Many would assume that the DHS would have exclusive responsibility for homeland security.
        + However, there are other agencies that also have major interests in security such as the Department of Defense, the Federal Bureau of Investigation, and the Treasury Department.
        + A related problem with this rapid organization was mission distortion.

Those agencies involved in this reorganization not only acquired new responsibilities but also were to continue with their agency’s missions prior to the merge.

* + **Issues Related to Civil Liberties**
    - **The Torture Debate**
      * Gus Martin highlighted the issues concerning whether counterterrorist methods of torture should be used on terrorist suspects.
        + On one side is the issue that the practice of torture has historically been disdained by the United States, both morally as well as being a questionable interrogation technique.
        + On the other side, however, is that during a war on terrorism, one needs to consider the definition of torture.
        + Further, one needs to determine whether certain forms of coercion, whether physical or psychological, are justifiable in this context.
      * Martin then asks whether the following techniques should be considered torture:
        + Water boarding, in which prisoners believe that they will be drown.
        + Sexual degradation, whereby prisoners are forced to perform sex acts.
        + Stress positions, whereby prisoners are forced to pose in painful positions for extended periods.
        + Creating a chronic state of fear.
        + Environmental stress, accomplished by adjusting a detention cell’s temperature.
        + Sleep deprivation.
        + Disorientation about one’s whereabouts or the time of day.
        + Sensory deprivation, such as depriving suspects of sound or light.
      * He concludes this discussion by noting that policy makers are still involved in this debate and disagree as to whether there are certain situations which necessitate the use of such techniques on terrorist suspects.
      * This issue came to the forefront when reports of abuse at the United States controlled Abu Ghraib prison surfaced.
        + There were several thousand prisoners, including women and teenagers, who were civilians.
        + They were picked up during random military sweeps and at highway checkpoints.
        + These prisoners fell into three broadly designated categories: common criminals; security detainees suspected of “crimes against the coalition”; and a few suspected of “high-value” leaders of the insurgency against the coalition forces.
    - **Human Rights**
      * The United Nations has defined the nature of human rights as universal values and legal guarantees that protect individuals against actions or omissions, primarily by government agents, that infringe on their fundamental freedoms, entitlements, as well as human dignity.
      * These human rights include “respect for, and protection and fulfillment of, civil, cultural, economic, political and social rights as well as the right to development.
      * There are two controversial areas involving the intersection of human rights with terrorism and homeland security.
        + The first is that terrorist attacks on innocent people violate the human rights of people to exist apart from such violence.
        + The second is that governments must recognize the human rights of their adversaries.
    - **The Constitution**
      * Cole and Dempsey argue that some of the United States’ fundamental rights are being challenged by new government policies focused on addressing terrorism.
        + These fundamental rights include the presumption of innocence, the right to counsel, the right to confront witnesses, the right of access to the courts, and privacy rights.
      * One of the most controversial of these government policies is the USA Patriot Act.
      * Cohen concluded that the compromise to the Equal Protection Law after the September 11th attacks is not only problematic from a practical perspective when combating terrorism.
        + It also undermines the most basic foundational principle of American government.
    - **The USA Patriot Act of 2001**
      * The USA Patriot Act consisted of ten sections, or titles, that provide new powers for government operations.
      * The Act focuses on four significant areas of concern for homeland security:
        + The collection of communications information and data;
        + Conducting foreign intelligence investigations;
        + Controlling money laundering; and
        + Funding and enhancing national border security.
      * This Act has sparked a great deal of controversy, especially those provisions that allow for intelligence gathering and sharing.
        + Various groups, from constitutional conservatives to civil libertarian activists, were concerned that the law would encroach on civil freedoms, particularly those that protect citizens from government infringement on those freedoms guaranteed in the Constitution and the Bill of Rights.
      * In May 2011, President Obama approved a four-year extension of expiring provisions of the Patriot Act.
        + These three provisions included extending the government’s authority to conduct “roving wiretaps”;
        + Allowing the government to access personal records of terrorism suspects (i.e., the library provision); and
        + Providing the government power to investigate foreigners who have no known affiliation with terrorist groups (i.e., the “lone wolf” provision).
* **Policy Implications**
  + Gun control Debate
    - Table 15.6 The Pro and Con Arguments on Gun Control

|  |  |
| --- | --- |
| PRO | CON |
| The Second Amendment is not an unlimited right to own guns | The Second Amendment of the U.S. Constitution protects individual gun ownership. |
| More gun control laws would reduce gun deaths. | Gun control laws do not deter crime; gun ownership deters crime. |
| High-capacity magazines should be banned because they too often turn murder into mass murder. | Gun control laws infringe upon the right to self-defense and deny people a sense of safety. |
| More gun control laws are needed to protect women from domestic abusers and stalkers. | Gun control laws, especially those that try to ban “assault weapons,” infringe upon the right to own guns for hunting and sport. |
| Guns are rarely used in self-defense. | Gun control laws will not prevent criminals from obtaining guns or breaking laws. |
| Legally owned guns are frequently stolen and used by criminals. | Gun control laws give too much power to the government and may result in government tyranny and the government taking away all guns from citizens. |
| Gun control laws would reduce the societal costs associated with gun violence. | Gun control laws such as background checks and micro-stamping are an invasion of privacy. |
| A majority of adults, including gun owners, support common sense gun control such as background checks, bans on assault weapons, and bans on high-capacity magazines. | More gun control is unnecessary because relatively few people are killed by guns. |
| More gun control leads to fewer suicides. | Gun control laws and lower gun ownership rates to not prevent suicides. |
| Enacting gun control laws such as mandatory safety features would reduce the number of accidental gun deaths. | More gun control is not needed; education about guns and gun safety is needed to prevent accidental gun deaths. |
| The presence of a gun makes a conflict more likely to become violent. | Gun control laws would prevent citizens from protecting themselves from foreign invaders. |
| Armed civilians are unlikely to stop crimes and are more likely to make dangerous situations, including mass shootings, more deadly. | Strict gun control laws do not work in Mexico, and will not work in the United States. |
| Countries with restrictive gun control laws have lower gun homicide and suicide rates than the United States. | Gun control laws are racist. |
| The Second Amendment was intended to protect the right of militias to own guns, not the right of individuals. | The Second Amendment was intended to protect gun ownership of all able-bodied men so that they could participate in the militia to keep the peace and defend the country if needed. |
| Civilians, including hunters, should not own military-grade firearms or firearm accessories. | Gun control efforts have proved ineffective. |