



## Statewatch analysis

### On the targeting of activists in the “war on terror”

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***“There is a clear tendency among states, almost without exception, to criminalise established form of dissent and protest and to re-categorise forms of civil disobedience and direct action as “terrorism””***

Six and a half years into the US-led “war on terror,” its most disastrous effects, above all on the people of the Middle East, are well known. This “war” has led to death, destruction and misery inflicted on the peoples of Iraq, Afghanistan, Lebanon, Palestine and elsewhere. Less obvious and visible, however, is the attack simultaneously being waged against progressive social movements and struggles under this planetary state of emergency. In the context of the general militarization of everyday life, an unprecedented expansion and perhaps qualitative intensification of official surveillance, and an erosion of basic civil and democratic rights, there is a clear tendency among states, almost without exception, to criminalize established forms of dissent and protest and to re-categorize forms of civil disobedience and direct action as “terrorism.”

The “war on terror” has to be grasped as an innovation in the global use of repressive state power. In effect, it normalizes, as well as globalizes, aspects of the state of emergency or exception - that power of the state to declare the existence of an absolute and intolerable enemy. Following the atrocities of 11 September 2001, the US president did not suspend the US Constitution or declare a curfew. But he did provide in a speech on emergency and exception, including a classic activation of the friend-enemy distinction:

*Whoever is not with us is with the terrorists.*

The proof of the state of emergency can be found in the arsenal of expanded powers asserted in legislation from the USA Patriot Act of 2001 to the Military Commissions Act of 2006, and in similar laws adopted by states across the world. But these markers of exception were combined, in a very schizophrenic way, with an insistence that the normality of everyday life will not be disrupted. “Go shopping,” the US president famously told Americans. In other words, good citizens are expected to accept and embrace the new state powers not as a temporary break with normality, but as the arrival of a new normality.

The new powers were swiftly put to use. In a kind of globalized, post-Fordist refinement of the old dirty war tactic of “disappearing” those deemed enemies, state security agencies

and private contractors collaborated in building a planetary network of off-record snatch teams and “rendition” flights, bases and transit camps, and secret prisons for interrogation and torture. Stretching from Guantánamo, Abu Ghraib and Bagram, to Morocco, Syria and Egypt, to Poland, Romania and points still unknown, this network entails the active cooperation of numerous states and their corporate and paramilitary proxies, as well as the complicity of many more. Among its hundreds of victims, as is now well known, are not a few who are innocent.

### **A dangerous precedent**

The actions of the global hegemon have set the precedent for other states to follow. And in general, states have done so, though not to the same degree or with uniform enthusiasm. However, because the pressures to follow the US lead are real and constant, it is urgent to follow and understand how the emergency powers are being interpreted - and *are continuing to expand* - in the US.

As is well understood, by activating a state of emergency, a state invokes the rule of law to exempt itself from the rule of law. Of all the emergency laws asserted *de jure* and *de facto* by the Bush government, the most damaging to the rule of law itself is the restriction of habeas corpus, the right of those detained to be formally charged with a crime or else to be speedily set free. With the new category of “unlawful enemy combatant,” allegedly beyond the protection of the Geneva Conventions, there is a lapse back to arbitrary power, open-ended preventative detentions, secret evidence and legal limbo. The reprehensible return of torture, then, is accompanied by measures that strip victims of any possibility of legal remedy. Those who are not allowed to face their accusers or challenge their detention and treatment before an impartial judge are simply denied the conditions of liberal justice.

These moves directed at the external enemy have been accompanied by real shows of force in the US “homeland” itself. And it is the domestic uses to which the new emergency powers have been put that have raised suspicions that the “war on terror” has from the beginning had the “movement of movements” in its sights, in addition to al-Qaeda and other networks that could more justifiably be called “terrorist.” The changed environment after September 2001 is reflected in ways that immediately impact activists in the streets.

First, there has been a clear escalation of repressive measures deployed against demonstrators opposed to the occupation of Iraq; pepper spray, tasers and rubber bullets have all been deployed against protesters, most brutally in Oakland, in April 2003, and Miami, in November of the same year. Second, there has been a reactivation, in new forms, of domestic surveillance programmes that were made illegal in the wake of Watergate and other abuses in the early 1970s. For example, in 2005, news leaked of a database on “possible threats” being maintained by the Pentagon’s secretive Counterintelligence Field Activity Agency (CIFA). The program, called TALON (Threat and Local Observation Notice) monitored anti-war demos in the US and generated files on peace groups, including the Quakers.

Third, the US state is more determined than ever to treat property damage as terrorism. In the US, direct action protests that involve the destruction of property are most associated with ecological and animal rights groups, such as the Earth Liberation Front (ELF), and with anarchist and autonomist groups. While the latter’s attacks on corporate property in urban centres have been largely symbolic and superficial, ecological direct actions have been more strategic and systematic in taking aim at corporate profitability. The FBI claims that the ELF, together with the associated Animal Liberation Front (ALF), has carried out more than \$43 million in property damage since 1996. [1] For this reason, the ELF/ALF has been

at the top of the FBI's list of domestic terrorist threats, even though no one has been killed or injured by these actions and, indeed, the ELF has clearly repudiated violence against people.

Comparatively, violence by right-wing and xenophobic militias in the US is drastically different in kind, motivation and magnitude. The 1995 bombing of the Murrah federal building in Oklahoma City, for example, killed 169 people, many of them children, and injured some 500 more. Yet in the US, these crucial distinctions are suppressed by the "war on terror." In the tendency of the US state to treat all forms of politically motivated property damage as "terrorism," deliberate murder and forms of sabotage that do not kill or injure are simply rolled into the same pariah category.

This can be seen in the tendency to apply "enhanced sentencing" guidelines, authorising vastly increased prison sentences for crimes associated with "terrorism." In 2005, the FBI launched a crackdown on the ELF - the so-called Green Scare. Arrested activists were threatened with draconian enhanced sentences for arson actions that, added up, would have effectively meant spending the rest of their lives in prison. A simple arson resulting in no injuries usually carries a sentence of less than four years in federal cases; with enhanced sentencing, this can be increased to more than 20 years. [2] According to Laren Regen of the Civil Liberties Defense Center, one activist involved in two arsons was threatened with a possible life term plus 1,150 years. [3] Facing such prospects, many activists became informers, and the ELF cells were largely broken in this way. In the case of three activists who pleaded guilty, but refused to inform on their comrades, state prosecutors made a point of demanding the terrorism "enhancements."

### **Expansion of powers continues**

Although these measures are being contested by the Center for Constitutional Rights, the National Lawyers Guild, the American Civil Liberties Union and other NGOs, and although the Bush government is now unpopular and largely discredited, the trend toward expanded emergency powers continues unchecked in the US. An indication that this trend is a durable policy tendency can be found in the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 (HR 1955). This bill, which passed the House of Representatives without debate by an overwhelming vote of 400 to 6 in October 2007, is now working its way through the Senate. If it becomes law, it would create a National Commission to make recommendations to lawmakers and a new permanent think-tank - a university-based "Centre of Excellence" to gather and fund scholars and support the Department of Homeland Security in its responses to domestic threats.

The definitions advanced in this bill are wide open. "Homegrown terrorism" is:

*"the use, planned use, or threatened use, of force or violence by a group or individual born, raised, or based and operating primarily within the United States or any possession of the United States to intimidate or coerce the United States government, the civilian population of the United States, or any segment thereof, in furtherance of political or social objectives."*[4]

"Violent radicalization" means:

*"the process of adopting or promoting an extremist belief system for the purpose of facilitating ideologically based violence to advance political, religious, or social change."*

In other words, any protest, direct action or act of civil disobedience that can be construed as coercive or intimidating can be classified as terrorism. The loud disruptions of Congressional hearings and sit-ins in Congressional offices conducted by Code Pink activists protesting the occupation of Iraq, for example, could easily be construed in this direction. In fact any disruptive protest tactic - and what good protest is not disruptive? - could be represented as coercive and intimidating, and this indicates that the definition of terrorism is recklessly broad. If this definition is applied to the ELF's attempts to coerce certain industries, it is no less appropriate to apply the same definition to, say, the Los Angeles Police Department's far more violent and effective actions aimed at coercing and intimidating ethnic minorities living in the inner city.

More clues to what is going on can be gleaned from the report on which this bill is based. In 2005, the RAND Corporation's Center for Terrorism Risk Management Policy issued a report called *Trends in Terrorism*. The RAND Corporation was founded in 1946, as a joint project of the US Army Air Force and the Douglas Aircraft Company. In 1948, it became an "independent" policy think-tank specializing in systems analysis research. RAND has influenced US state policy in various security-related areas, most notoriously that of counter-insurgency during the Vietnam era. As a respected think-tank and adviser to the US government, the RAND Corporation is far more credible and mainstream than, say, The Project for the New American Century, the militarist Cheney-Rumsfeld-Wolfowitz nexus that came to power with the Bush government. For this reason, it is a more reliable indicator of long-term, non-partisan policy tendencies. It is therefore significant that Brian Michael Jenkins, a RAND counter-terrorism specialist, testified twice in the House of Representatives in support of the Homegrown Terrorism Prevention Act. [5]

### The domestic "terrorist" threat

The RAND report identifies three domestic terrorism threats in the US: anarchists, right-wing extremists and ecological activists on the ELF model (presented in this order in the report). This list of three "threats" of course follows the well-established strategy of representing radicals from the right and left as equivalent forms of "extremism." And in a revealing conflation, all three are associated with the "anti-globalization" movement. "[D]eveloping imperatives stemming from anti-globalization (AG) do appear to be providing a radical domestic context for galvanizing the militancy of both the far right as well as those driven by more specific extremist environmental agendas." [6] The real objection and threat of "AG" is made perfectly clear:

*"At [AG's] core is opposition to corporate power and the assumed socioeconomic and political dislocations that are perceived to follow in its wake. In addition, anti-globalists directly challenge the intrinsic qualities of capitalism, charging that in the insatiable quest for growth and profit, the philosophy is serving to destroy the world's ecology, indigenous cultures, and individual welfare." [7]*

To be sure, the RAND report avoids any crude or sweeping identification of "anti-globalism" and "terrorism." It satisfies itself with claiming the existence of affinities from which real threats can develop: "Although anti-globalists have been associated with marches, demonstrations, and other acts of civil disobedience in the United States, rank and file activists, for the most part, have eschewed engaging in concerted violent actions, let alone full-blown terrorism. The real threat of the movement lies more in the effects that it appears to be having on anarchist, and, especially, far-right, and radical environmental imperatives." [8]

In other words, activists probably will not be considered terrorists until they cross the line into property damage or forms of direct action that can convincingly be characterized as

“coercive” or “intimidating.” (Think twice before raising your fist or shouting a slogan at a demo in the US.) But the fact that the movement of movements is identified as “the context” from which terrorist threats are expected to come suffices to confirm fears and suspicions about the additional agendas of the “war on terror.” The US state clearly is watching and is prepared to target any attempt to re-compose class or anti-capitalist social struggles. No great surprise, perhaps, but chilling and intimidating in its effects on social movements in the US. European states have not followed the US in this direction uniformly. Some, like Great Britain, have done so enthusiastically; others are showing signs of reservations in the face of determined civil society campaigns protesting this trend. One can even point to recent small victories in Germany, as the Federal High Court has rejected attempts by prosecutors to classify as a terrorist organization the “*militante-gruppe (mg)*” suspected of setting fire to a number of *Bundeswehr* trucks and vehicles.

Even so, activists outside the US should be aware that this, still, is the direction in which the global hegemon is moving. The overwhelming vote in the House affirming the Homegrown Terrorism Prevention Act demonstrates the depth of bipartisan support it enjoys. There has been no significant corporate media coverage or public debate over this resolution, which will certainly become law in some form in the coming months. Meanwhile, no leading presidential candidate has bothered to address the repressive impacts of the “war on terror” on activists and progressive social movements. Together, these facts confirm that both dominant parties and the political class as a whole accept the assumptions outlined above and that no differences of position exist in this regard that are considered worthy of public notice and debate. The conclusion to be drawn is clear: the US state will continue to exploit the politics of fear and the exceptional and emergency powers asserted in the “war on terror” in order to represent activists as “terrorists” and to intimidate and repress the movement of movements.

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[1] *Testimony of James F. Jarboe, Domestic Terrorism Section Chief, FBI, before the House Resources Committee, February 12, 2002; online at: <http://www.fbi.gov/congress/congress02/jarboe021202.htm>*

[2] *Michael Donnelly, “Green Sabotage as ‘Terrorism,’” *Counterpunch*, May 26/27, 2007, online at: <http://www.counterpunch.org/donnelly05262007.html>*

[3] *“Facing Seven Years in Jail, Environmental Activist Daniel McGowan Speaks Out About the Earth Liberation Front, the Green Scare and the Government’s Treatment of Activists as ‘Terrorists,’” *Democracy Now!*, June 11, 2007, online at [http://www.democracynow.org/2007/6/11/exclusive\\_facing\\_seven\\_years\\_in\\_jail](http://www.democracynow.org/2007/6/11/exclusive_facing_seven_years_in_jail)*

[4] *The full text is online with the US Library of Congress at: <http://thomas.loc.gov/>*

[5] Center for Constitutional Rights, “Factsheet: Violent Radicalization and Homegrown Terrorism Prevention Act of 2007,” online at:

<http://ccrjustice.org/learn-more/faqs/factsheet%3A-violent-radicalization-and-homegrown-terrorism-prevention-act-2007>

[6] Peter Chalk, Bruce Hoffman, Robert Reville and Anna-Britt Kasupski, *Trends in Terrorism: Threats to the United States and the Future of the Terrorism Risk Insurance Act* (Santa Monica, CA: RAND Corporation 2005), p. 39.

[7] *Ibid.*, pp. 39-40

[8] *Ibid.*, p. 41

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