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5 on 45: When to label violent acts as “terrorism”

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CONTRIBUTORS:

ADRIANNA PITA

DANIEL L. BYMAN

Senior Fellow, Foreign Policy, Center for Middle East Policy

(MUSIC)

PITA: You're listening to 5 on 45 from the Brookings Podcast Network, analysis and commentary from Brookings experts on today's news regarding the Trump administration.

BYMAN: My name is Daniel Byman, I'm a senior fellow at the Center for Middle East policy and I'm also professor at Georgetown University.

I'm talking on the question of how we think about terrorism in the context of recent attacks in Las Vegas and also Charlottesville, Virginia. These bloody events in Las Vegas, and the less bloody but also terrible killing and Charlottesville, raised the question of whether we should use the terrorism label. And I've written on this for Foreign Affairs where I've looked at the question of *what if we treated domestic terrorists the way we do Americans who are associated with ISIS?*

And the obvious point to begin with is of course that terrorism is much more than ISIS. That this is a group that's been exceptionally bloody around the world, but in the United States it's done several attacks but so have a range of other groups including, especially, right wing groups. And even if we go beyond killings a lot of low-level violence against Muslims and against other groups is done in the name of different right-wing causes.

So the first thing we want to ask is whether we should think about these groups as terrorist groups, or these acts as terrorist acts. And if you look at something like Las Vegas, in general it doesn't fit in that category. It is clearly terrorizing. I at least would find it exceptionally scary and I think many Americans were scared. In addition the violence is exceptional. But at least as far as we know the accused killer did not have a political agenda. And one of the defining characteristics of terrorism is that there's some sort of political agenda behind it. And so far at least we haven't seen that.

But the Charlottesville killing where a right-winger drove into a crowd of counter-demonstrators does fit the terrorism label. Here we have a man who has a political agenda, was using violence, was trying to create a broader psychological effect, and

was tied at least indirectly to neo-Nazi groups. And this does fit the agenda but when you think about it we treat this quite differently.

So part of it is rhetoric. Although Attorney General Sessions did look at Charlottesville and call it terrorism, the president has avoided that word and he seems really only to use it when we're talking about jihadists or Muslims rather than right-wingers. And this is a clear double standard because in addition to a body count that's quite considerable on the right wing, the political impact is also quite strong. That this is an agenda that has, I'll say, really split many Americans. That there are parts of it whether it's white supremacy, gun rights, and so on that are shared by different components of Americans, often quite legitimately in the case of gun rights for example there are strong foundations in the Second Amendment. And there is not on the other hand a strong American constituency in favor of establishing Sharia law. So the right-winger or cause if you will touches is much more emotionally and much more politically on quite real social cleavages.

If we were to treat this differently we'd see I'll say fairly dramatic changes. The biggest one to me, at least the most immediate, is resources. There are far more resources dedicated to jihadist linked terrorism and part of this is because a lot of it involves events overseas. So there's the military and spy agencies there are focused overseas, but there's also tremendous resources dedicated to these groups domestically. While right-wing groups of course do get some attention, they get far less. And if we treated these groups as we did ISIS then we'd see a lot more resources.

In addition with these resources we'd see much more aggressive uses of the law. So there's a statute, material support for terrorism, that's used very aggressively against Americans who are believed to be linked to the Islamic State. We don't see that statute used against right-wing groups and it's an extremely powerful statute that gives prosecutors tremendous leverage.

And more broadly, there would be an aggressive use of law just to go after these groups in lots of small ways. The great investor Warren Buffett once said that if a policeman follows you for 500 miles you're going to get a ticket. And that's true of all these groups where if the police and FBI are scrutinizing them we're going to see them

doing financial mistakes, doing other illegal things that can be used as a way of disrupting their activities.

And the last thing I'll say is that we'd see lots of legitimate organizations such as financial organizations, internet companies, really trying to avoid any group with the terrorism label. This stigma would make them much more likely to be shunned and as a result they would be nervous about putting their content on their platforms, they would be nervous about any financial activities that might touch them.

So the treatment would be profoundly different, the political implications will be profoundly different, and the resources would be profoundly different. And although I don't think it's right to use all this power I think a bit of equalization is the way to go.

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