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Terrorism Is a Crime **by Sheldon Richman**

Contrary to the U.S. government's position, acts of terrorism are crimes that have little in common with acts of war. The terrorists whom Americans worry about are not trying to overthrow the U.S. government or conquer and occupy the United States. Instead, they are trying to obtain vengeance for U.S. government intervention in the Middle East. Historically, terrorism has been the tactic of the weak against the strong.

A military response is both disproportionate and unnecessary — and it inflicts suffering on innocents. Occupying and bombing a country because a group of terrorists might have plotted there is itself terrorism. Moreover, when the government assumes a war footing, it flings the doors open to violations of domestic liberty. “No nation can preserve its freedom in the midst of continual warfare,” James Madison said.

The Obama administration's early signals on these matters have not been encouraging. The president is escalating in Afghanistan and Pakistan, and his intention to close Guantanamo is undercut by his plans to continue military commissions for terrorist suspects in lieu of real criminal trials and to seek authority for indefinite preventive detention of suspects whom the government fears could not be convicted.

However, the administration has now indicated that the normal criminal justice system may play more of a role in investigations of terrorism. [A report in the *Los Angeles Times*](#) states, “The FBI and Justice Department plan to significantly expand their role in global counter-terrorism operations, part of a U.S. policy shift that will replace a CIA-dominated system of clandestine detentions and interrogations with one built around transparent investigations and prosecutions.

“Under the ‘global justice’ initiative, ... FBI agents will ... expand their questioning of suspects and evidence-gathering to try to ensure that criminal prosecutions are an option, officials familiar with the effort said.”

It's too soon to know how much of an improvement this policy will be over the Bush administration's war policy, but if the government is thinking more in terms of traditional

criminal trials, with the presumption of innocence and the burden of proving guilt beyond a reasonable doubt, that is indeed an improvement.

Of course former Vice President Dick Cheney wouldn't approve. He recently said the Clinton administration wrongly treated the 1993 World Trade Center bombing as a crime. The government tried some of the suspected bombers, won convictions, and imprisoned the offenders for life. Cheney pointed out, however, that since the Twin Towers were brought down some eight years later, the criminal-justice approach to terrorism was an obvious failure. As he put it in a recent speech,

“The first attack on the World Trade Center was treated as a law enforcement problem, with everything handled after the fact — crime scene, arrests, indictments, convictions, prison sentences, case closed.

“That's how it seemed from a law enforcement perspective, at least — but for the terrorists the case was not closed. For them, it was another offensive strike in their ongoing war against the United States.”

But Cheney left out an important part of the story. One of the planners of the 1993 bombing, Ramzi Yousef, explained that the 1993 bombing was a response to the decades-long U.S. interventionist foreign policy in the Middle East. While that policy cannot justify attacks on innocents, Yousef was right to object to the intervention. For decades the U.S. government has supported Middle East despotisms (sometimes instigating coups) and unconditionally supported Israel against legitimate Palestinian grievances. In the 1990s the U.S. embargo on Iraq took the lives of hundreds of thousands of children, while American bombings terrorized the Iraqis. And the U.S. military kept troops near holy Islamic sites in Saudi Arabia.

The U.S. government acknowledges that such conduct created Muslim resentment. Yet that aggressive policy did not change after the 1993 bombing — quite the contrary. So Cheney cannot reasonably conclude that it was the criminal-justice approach to terrorism that failed. Rather, continued intervention produced “blowback” on 9/11.

Sooner or later, all empires are targets of terrorism. If Americans are really serious about keeping safe, the first step must be to renounce interventionism and adopt a foreign policy of peace and free trade. Treating terrorism as a crime is consistent with that policy.

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