## Plan

#### The United States federal government should exempt Cuba from section 6(j) of the Export Administration Act, section 40 of the Arms Export Control Act, and section 620A of the Foreign Assistance Act by removing Cuba from the United States State Department’s list of state sponsors of terrorism.

## 1AC

#### Our argument is that the designation “state sponsor of terrorism” is heavily politicized and selectively biased- it serves to ideologically distract from direct state terrorism perpetrated by the United States and its allies. We have several internal links:

#### 1st, the United States labels Cuba as a state sponsor while ignoring its own culpability in numerous attacks against Cuba. Unrelated matters are used to refuse engagement and justify Cuba’s continued inclusion on the list.

Bolender, Scholar at Council on Hemispheric Affairs, 13

[Keith, 4-22-13, Council on Hemispheric Affairs, “The Terrorist List, and Terrorism as Practiced Against Cuba,” http://www.coha.org/22355/, accessed 6-25-13, YGS]

On an emotional level, Havana has long drawn attention to the double standard that permits Washington to label others as a terrorist state, all the while ignoring its own culpability in the multiple acts of terror that have been responsible for the deaths of thousands of innocent Cuban civilians. This relatively unreported history stretches back to the early months following Castro’s victory over the Batista regime, when the United States was determined to eliminate the Cuban revolution not only through economic and political means, but with violence. Operation Mongoose, a program developed by the State Department under the overarching Cuba Project, coordinated terrorist operations from the period following the failed Bay of Pigs invasion in April 1961 to the October missile crisis 18 months later. During this time State Department officials provided logistical and material support to violent anti-revolutionary groups carrying out terrorist activities on the island. The terrors included torturing and murdering students who were teaching farmers to read and write, blowing up shoppers at Havana’s busiest department stores, bombing sugar cane plantations and tobacco fields, killing Cuban fishermen and the innumerable attempts to assassinate Fidel Castro and other top government officials. [3] Historian Arthur Schlesinger reported in his biography of Robert Kennedy that Operation Mongoose was formulated under the Kennedy administration to bring “the terrors of the earth” to the Cuban people. [4] It has been called one of the worst cases of state sponsored terrorism of the 20th century. [5] When Operation Mongoose ended, violent anti-Castro groups based in South Florida, such as Alpha 66 and Omega 7, took over operations, often with the tacit approval and knowledge of local and federal authorities. In 1971, the village of Boca De Samá on the northeast coast of Cuba was attacked, leaving two civilians dead and a dozen more injured. Alpha 66 continues to claim credit for this act of terrorism on their website. [6] A series of biological agents were purportedly introduced into Cuba in the 1970s, harming a number of plants and animals. These biological attacks included an outbreak of swine fever that killed a half-million pigs. Perhaps the worst case was the1981 epidemic of Dengue 2, totally unheard of in Cuba prior to this period. More than 300,000 people were affected within a six-month period. An estimated 102 children died as a result of the disease. Cuban-American Eduardo Arocena, former member of Omega 7, testified in 1984 that he travelled to Cuba in 1980 to “introduce some germs” into the country to “start the chemical war,” —as reported by The New York Times. [7] One of them was Dengue 2.¶ Havana and Varadero tourist facilities were targeted during a 1997 bombing campaign, resulting in the death of Italian-Canadian businessman Fabio di Celmo when a bomb exploded in the lobby of the Hotel Copacabana. Dozens were injured before the explosions ended with the arrests of a group of Salvadorians who later testified they were being paid to plant the bombs. Claiming responsibility for the campaign was Luis Posada Carriles, a Cuban-American long known for his violent actions against the Castro regime. He bragged to a The New York Times reporter that the intent of the bombings was to discourage tourists from visiting the island just as Cuba was opening up the industry following the collapse of the Soviet Union. [8]¶ In addition to the tourist attacks, former CIA agent, Posada Carriles, is infamously known for his alleged masterminding of the bombing of Cubana Airlines flight 455 in October 1976, killing all 73 on board. The incident remains the second worst act of air terrorism in the Americas, exceeded only by the attacks on 9/11. Evidence points to the involvement of Posada Carriles and fellow Cuban Orlando Bosch with organizing the crime, based on extensive U.S. documentation. [9] Bosch passed away in his Florida residence a few years ago, while Posada Carriles continues to live unfettered in Miami, despite requests for his extradition from the Cuban and Venezuelan governments. Cuba’s demands for Posada Carriles to be brought to justice in part rest on former President George Bush Jr.’s own statement in 2003, “Any person, organization, or government that supports, protects, or harbors terrorists is complicit in the murder of the innocent, and equally guilty of terrorist crimes.” [10] The Cuban government was motivated by such acts of terrorism to send intelligence officers to Florida to infiltrate violent anti-revolutionary organizations. The effort led to the arrest and conviction of five Cuban nationals in 1998 on charges of conspiracy to commit espionage. Known as the Cuban Five, the release of these agents, who were attempting to prevent further terrorist attacks on their country, continues to be a high priority with Havana and adds another layer of complexity to rapprochement between the two countries. Those close to the Cuban Five episode have always been troubled by the probity of the whole affair and whether the entire trial was fixed by U.S. legal authorities as well as intelligence officials.¶ Since 1982, an assortment of rationales has been posited to retain the island’s designation as a state sponsor of terrorism, mostly based on expedient political considerations. Initially, it was the country’s support for revolutionary communist organizations in the third world. When Castro himself renounced backing for insurgents after the collapse of the Soviet Union in the early 1990s, nothing changed. Two long-standing justifications rest on Cuba’s permission to allow alleged Basque ETA terrorists to take up residence on the island in the 1980s, and the harbouring of fugitives from American justice. What remains unsaid is the agreement between the then-Spanish government of Felipe Gonzalez and Cuba to accept members of the separatist ETA Homeland and Freedom organization. [11] Of the fugitives facing charges in the United States, some have lived in Cuba since the 1970s. While an extradition treaty between Cuba and the United States that was signed in 1904 has never been abrogated, the treaty is considered non-operative and requests are handled on a case by case basis. Despite this informal status, the Cuban side declared in 2005 that safe haven would no longer be provided to American fugitives. Cuba continues to be interested in re-establishing the formal status of the extradition agreement as a means to secure the return of Posada Carriles and others it considers terrorists residing in the United States.¶ Another pretext for maintaining Cuba on the list is that some members of the Revolutionary Armed Forces of Colombia (FARC) rebel group have been living in Cuba. This argument was considerably weakened last year when peace talks began in Havana between the Colombian government and the FARC. Undoubtedly, the most tenuous rationalization followed the terrorist attacks on 9/11 when the United States claimed Cuba was not sufficiently supportive of its war on terror, declaring the Castro government had undertaken little effort to track or seize terrorist assets. A 2004 State Department report asserted that “Cuba continued to actively oppose the U.S.-led coalition prosecuting the global war on terrorism.” [12] This reasoning has long been undermined by Fidel Castro’s condemnation of the 2001 attack, pointing to his own country’s experiences in his call to bolster efforts to eradicate all forms of terrorism.¶ Currently, an unrelated matter has been used to justify non-engagement and for Cuba’s retention on the U.S. list of terrorist nations. American citizen Alan Gross was jailed three years ago in Cuba for bringing in illegal telecommunication equipment under a program financed by the United States Agency for International Development (USAID)–a government organization supportive of regime change on the island. Obama officials have repeatedly stated no improvement in relations can be achieved with Gross in jail. Conversely, the Cuban side indicated there might be an opening in the case if Havana were taken off the list. Chris Van Hollen, Democrat from Maryland, traveled to Havana recently, returning with expressions of hope for an improved relationship with Cuba under the condition that, “the first step needs to be resolving Alan Gross’s situation.” [13]¶ There is no sound argument for Cuba’s continued description as a state sponsor of terrorism. Secretary of State Kerry has in his hands a method to end the moral duplicity and possibly help kick start engagement. Kerry, an outspoken critic of what he has called “the failed Cuban policy,” publicly stated his support for the end of travel restrictions and the elimination of the funding for the type of programs in which Gross was involved. [14] He now has the opportunity to put rhetoric into reality, to demonstrate to Cuba and the rest of Latin America that United States policy regarding their contentious neighbor to the south is moving into a new, more mature and constructive period.¶ More importantly, Kerry should recommend removal from the list, because it is the morally right thing to do. Terrorism is a serious, dangerous blight on modern society—it should not be used for purely political motivations. Both countries have suffered from the scourge, but only one continues to be punished unjustly by an arbitrary and mendacious designation, which is custom-tailored to serve the political requirements of the hard-right Cuban-American community in Miami. Cuba’s inclusion on the list of terrorist states is an outdated rhetorical invention sustained by a decades long antagonism between two opposing ideologies, which all along has impeded efforts to move towards an improvement in relations. It is time for Cuba to be taken off the list.

#### 2nd, One of the official justifications used for keeping Cuba on the list is a small number of fugitives from the US living on the island: the classification of individuals like Assata Shakur as “terrorists” demonstrates that the label isn’t about describing a particular strategy- it can be attached to anyone who dissents against the status quo.

Pangburn, Editor of Death and Taxes, 2013

[DJ Pangburn, Editor, Death and Taxes Mag, and contributor at VICE, May 2013, VICE, “After Assata Shakur, We Don't Know What a Terrorist Is Anymore” , <http://motherboard.vice.com/blog/calling-assata-shakur-a-terrorist-is-a-terrible-idea>, accessed 6-25-13, Fontana]

And so we turn again to Assata Shakur.¶ As a former Black Panther, no doubt Shakur was (and still is) politically dissident. She was also a member of the Black Liberation Army (BLA) and Republic of New Africa, an independent black nation mapped out in 1969, with citizens in Georgia, South Carolina, Louisiana, Alabama, Mississippi, and other southern states home to significant African-American populations. Her activities in the black power movement pushed her into various forms of activism.¶ Shakur was suspected and tried for a number of crimes, many of which ended in acquittal or dismissal. The one that stuck, however, was the murder conviction in the New Jersey Turnpike Shootout in 1973, in which Shakur was present at the roadside murder of State Trooper Werner Foerster. Shakur didn't fire a weapon at Foerster, and is said to have had her hands up when the shooting occurred. Nonetheless, she was convicted as an accomplice to murder.¶ In 1979, Shakur escaped from prison, went underground for a few years, resurfacing in Cuba in 1984, where she was granted political asylum. She believes, and perhaps quite rightly, that because of politically-motivated government surveillance of her activities in the BLA, she didn't receive a fair trial.¶ Do the regrettably violent actions of her fellow BLA member, Sundiata Acoli, render Shakur a terrorist, simply because the BLA used violence in their open hostility to American government? They called what they did “revolution,” and the federal government itself seems to have drawn a distinction between that goal and domestic terrorism.¶ It's important to emphasize that the Black Panthers and the off-shoot BLA were anti-capitalist, anti-imperialist, anti-sexist, and generally socialist in approach, but they were never labeled a terrorist group. The Black Panthers were diverse. Many branches around the country were into community building like Free Breakfast for Children and anti-poverty programs.¶ There is plenty of literature available on the Black Panthers and its various leaders and members, so there's really no need here to disprove the idea that they were a terrorist group. Some members, including those who later formed BLA, may have adopted violent methods over the years, blurring the lines between activism/dissidence and terrorism. But, on the whole, the Black Panthers were fighting the socio-political and cultural forces that they believed were stifling African-Americans.¶ “I have advocated and I still advocate revolutionary changes in the structure and in the principles that govern the United States,” wrote Shakur in a 1998 letter to the Pope. “I advocate self-determination for my people and for all oppressed inside the United States. I advocate an end to capitalist exploitation, the abolition of racist policies, the eradication of sexism, and the elimination of political repression. If that is a crime, then I am totally guilty.”¶ According to FBI Special Agent Barbara Woodruff, speaking to the Washington Post, from 1970 to 1984, the BLA pulled off 32 violent armed confrontations, four bombings, and four hijackings in the US. Again, during that time, BLA was never labeled a domestic terrorist group, nor was Shakur. Was Shakur at the scene of the murder? Yes, but she didn't fire a weapon–that distinction goes to Acoli. Does Shakur's conviction make her a terrorist? You decide.¶ Or rather, the FBI does. Keep in mind that during the '70s Shakur and the BLA, as well as many other political activist groups, were surveilled and hounded by COINTELPRO, an FBI program that utilized illegal means and infiltration to disrupt and subvert political organizations. COINTELPRO was known to have used such tactics as false evidence and media reports, unwarranted search and seizure operations, and illegal surveillance, amongst others. ¶ Take the case of Black Panther Elmer “Geronimo” Pratt. In 1972, Pratt was tried and convicted for the kidnap and murder of Caroline Olsen. He spent 27 years in jail, but had his conviction vacated by the California Superior Court. Why? Prosecutors kept evidence from the jury that would have led to Pratt's acquittal.¶ Shakur's addition to the FBI's Most Wanted Terrorists list seems like retroactive terrorist labeling, carried out by officials still smarting from Shakur's escape from prison and justice. Understandable though it is, it comes off as scenery when one considers its implications for political dissidence. It's a bit like Fox News' attempt to label Bill Ayers, a former leader of the Weather Underground, a terrorist organization and, by extension, Barack Obama a terrorist sympathizer for working with him in Chicago.¶ Americans, living in a country founded on a movement against tyranny, should turn a more critical eye toward Assata Shakur's placement on the FBI's Most Wanted Terrorist list. They should think hard about the ever-expanding definitions of “terrorist” and “terrorism,” and what that means for dissent against the status quo.¶ The halcyon days of easily identifiable Islamic terrorism are over. Welcome to the new machine: In post-9/11 America, all dissidents are potential terrorists. And if one happens to be an activist or political dissident in the United States, one should be prepared for the creative ways in which the government will find a way to label such individuals and groups terrorists.¶ Would King George, were he alive today, have called the American Revolutionaries–everyone from Thomas Paine to George Washington and Thomas Jefferson–“terrorists”? Absolutely.

#### 3rd, The designation of Cuba as a state sponsor of terrorism reveals the list to be both over and under inclusive- South African support for terrorism was never condemned, but ideological enemies of the US are labeled “terrorist sanctuaries”. This obscures and distracts from direct state terrorism perpetrated or sponsored by the US.

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[Richard, December 18-20, in Michael Innes, (ed) Denial of Sanctuary: Understanding Terrorist Safe Havens (Praeger Security International), “The State and Terrorist Sanctuaries: A Critical Analysis”, <http://cadair.aber.ac.uk/dspace/bitstream/handle/2160/1948/BISA-Paper-2006-Jackson-Final.pdf?sequence=1>, accessed 6/25/13, VJ]

Political Bias A related problem for the “terrorist sanctuaries‟ discourse is that it has always been plagued by a certain political bias and selectivity. For example, an analysis of the mainstream terrorism literature during the cold war demonstrates that terrorism experts regularly identified Iran, Libya, Cuba, the Soviet Union and many other mainly communist countries as “state sponsors‟ of “international terrorism‟, but failed to include countries like Israel or South Africa – despite the fact that South Africa, for example, not only engaged in numerous acts of terrorism against dissidents in neighbouring states but also sponsored movements like Unita and Renamo who engaged in extensive terrorism. Similarly, Israeli support for various Christian militants in Lebanon is rarely discussed as state sponsorship of terrorism, despite the widely accepted evidence of Israeli involvement in the Sabra and Shatilla massacres, for example. The “terrorist sanctuaries‟ literature from this period also focused heavily on the assistance provided by states like Libya and Syria to groups like the PLO, but failed to discuss U.S. support for groups like Unita, the Afghan mujahaddin, anti-Castro groups and the Contras, despite the fact these groups engaged in numerous acts of terrorism, including planting car-bombs in markets, kidnappings, civilian massacres and blowing up civilian airliners.66 Many would argue that from this perspective, the “terrorist sanctuaries‟ discourse has functioned ideologically to distract from and deny the long history of the West’s direct involvement in state terrorism and its support and sanctuary for a number of mainly anti-communist terrorist groups. Western involvement in terrorism has a long but generally ignored history, which includes: the extensive use of official terror by Britain, France, Germany, Portugal, the U.S. and other colonial powers in numerous countries throughout the colonial period;67 U.S. support and sanctuary for a range of right-wing insurgent groups like the Contras and the Mujahideen during the cold war, many of whom regularly committed terrorist acts;68 U.S. tolerance of Irish Republican terrorist activity in the U.S.;69 U.S. support for systematic state terror by numerous right-wing regimes across the world, perhaps most notoriously El Salvador, Chile, Guatemala, Indonesia and Iran;70 British support for Loyalist terrorism in Northern Ireland71 and various other „Islamist‟ groups in Libya and Bosnia, among others;72 Spanish state terror during the „dirty war‟ against ETA;73 French support for terror in Algeria and against Greenpeace in the Rainbow Warrior bombing; Italian sponsorship of right-wing terrorists; and Western support for accommodation with terrorists following the end of several high profile wars74 – among many other examples. In short, there is no denying that the discourse has often been used in a highly selective and hypocritical manner to highlight some acts of terror whilst selectively ignoring others. Arguably, this political bias continues today: the Taliban forces in Afghanistan are more often described as terrorists than insurgents, while various warlords, including General Rashid Dostum, are rarely called terrorists, despite overwhelming evidence of the use of terror and intimidation against civilians by many Afghan warlords.75 This situation is mirrored in Somalia, where the Islamist Al Itihad Al Islamiya group is typically described as a terrorist organisation with links to al Qaeda, while U.S.-supported Somali warlords who also use violence against civilians are exempted from the terrorist label.76 Similarly, Cuba remains on the State Department‟s list of “state sponsors of terrorism‟ largely because it hosts a few former ETA members, but continued U.S. sanctuary and support of anti-Castro terrorists,77 former Latin American state terrorists78 and other assorted Asian anticommunist groups79 is completely ignored. And Iran and Syria‟s sponsorship of Palestinian terrorist groups is the subject of substantial academic analysis, while Pakistan‟s support for Kashmiri militants rarely featured in the first few years of the „war on terror‟ – although it is now an increasingly prominent point of contention.80 Most glaringly, and as already mentioned, the state terror of countries like Uzbekistan, Colombia and Indonesia – and continued tolerance and support for it from the U.S.81 – is simply never discussed in the mainstream “terrorist sanctuaries‟ literature. The result of these omissions is a discourse that for whatever reasons appears to many outside observers as biased towards official U.S. views. From a discourse analytic perspective, it can be argued that the “terrorist sanctuaries‟ discourse is always in danger of promoting a narrow set of partisan interests and discrete political projects. For example, the discourse describes an almost infinite number of potential “terrorist sanctuaries‟ or “havens‟, each of which then logically becomes a legitimate target for various kinds of counter-terrorism measures. As noted above, the literature identifies a large list of potential „terrorist havens‟, including: all failed, weak or poor states; the widely accepted list of state sponsors of terrorism; a much longer list of passive state sponsors of terrorism; states with significant Muslim populations; Islamic charities and NGOs; informal, unregulated banking and economic systems; the media; the internet; diasporas in western countries; groups and regions characterised by poverty and unemployment; the criminal world; radical Islamist organisations; mosques and Islamic schools; insurgent and revolutionary movements; and „extremist‟ ideologies – among others. The identification of these groups and domains as “terrorist sanctuaries‟ or “havens‟ consequently functions to permit a range of restrictive and coercive actions against them – all in the name of counter-terrorism. That is, the discourse can be deployed politically in a variety of ways: domestically for example, it can be used to discipline society, demonise dissent, control the media, enhance the powers of the security services, centralise executive power, create a surveillance society and expand state regulation of social life. In addition to this broad legitimating function, the “terrorist sanctuaries‟ discourse can also support a range of discrete political projects and partisan interests, including: re-targeting the focus of military force from dissident groups and individuals (which privileges law enforcement) to states (which privileges the powerful military-industrial complex); legitimating broader counter-insurgency programmes where the real aims lie in the maintenance of a particular political-economic order;82 de-legitimising all forms of counter-hegemonic or revolutionary struggle, thereby functioning as a means of maintaining the liberal international order; and selectively justifying projects of regime change,83 economic sanctions, military base expansion, military occupation, military assistance for strategic partners, and the isolation of disapproved political movements. In the end, the discourse functions – in its present form – to permit the extension of state hegemony both internationally and domestically. Far from being an objective academic analysis therefore, it may serve a number of distinctly ideological purposes.

#### 4th, being listed as a state sponsor of terrorism triggers a number of automatic sanctions with devastating economic consequences- it requires the US to oppose any loans to Cuba, financial restrictions prevent normal banking transactions, and dual-use restrictions prevent importation of critical medical supplies.

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[Keith, 4-22-13, Council on Hemispheric Affairs, “The Terrorist List, and Terrorism as Practiced Against Cuba,” http://www.coha.org/22355/, accessed 6-25-13, YGS]

Of all the components to the United States hostile strategy against Cuba, nothing raises the ire of the Castro government more than its inclusion on the State Department’s list of states that sponsor terrorism. The designation is seen by Havana as an impediment towards improving relations and as a cruel hypocrisy that provides political cover for Washington to justify the imposition of economic penalties along with the perpetuation of anti-revolutionary propaganda.¶ There is an opportunity to eliminate that stumbling block in the next few weeks, if newly appointed Secretary of State John Kerry decides to recommend Cuba’s deletion from the list to President Obama. Kerry has until the release of the State Department’s annual terror report on April 30 to make the determination of whether Cuba will remain on the terrorist list. High ranking Cuban officials are closely watching this development, indicating the removal could offer an opportunity to re-engage with the United States. [1]¶ The history of Cuba’s controversial inclusion goes back to 1982, the same year Iraq was taken off the list by the Reagan administration. Besides Cuba, only Sudan, Iran, and Syria continue to be labeled as state sponsors of terrorism. North Korea was dropped in 2008, while Pakistan, long the home of Osama Bin Laden and recognized as a haven for Islamic terrorists, has never been considered. Saudi Arabia, where the majority of the 9/11 terrorists came from, is looked upon as a staunch ally of the United States.¶ There are numerous reasons why the Castro government finds its insertion on the list so galling. First are the real economic consequences to the designation. By law the United States must oppose any loans to Cuba by the World Bank or other international lending institutions. Obama administration officials have been using Cuba’s inclusion to make it increasingly difficult for Havana to conduct normal banking transactions that involve U.S. financial establishments, regardless of which currency is being used. Furthermore, the United States has imposed an arms embargo against all parties placed on the list (which the Castro government has experienced since the triumph of the Revolution) as well as prohibiting sales of items that could be considered to have both military and non-military dual use, including hospital equipment. For example, the William Soler children’s hospital in Havana was labeled a ‘denied hospital’ in 2007 by the State Department, bringing with it serious ramifications. Various medicines and technology have become impossible to obtain, resulting in the deaths of children and the inability of staff to properly deal with a variety of treatable conditions. [2] For Cuba, these restrictions are additionally damaging as the island continues to suffer from the comprehensive embargo the United States has imposed since the early 1960s.

#### This direct violence against the Cuban people is a form of economic terrorism, but is concealed by both the status quo definitions of terrorism and an ethically bankrupt form of consequentialism that excuses this violence in the name of national security.

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[David, Rick A. Matthews, Ohio University, William J. Miller, professor @ Carthage College, 2001, Critical Criminology, “Toward A Victimology of State Crime”, <http://jthomasniu.org/class/781/Assigs/kauzvictimology.pdf>, accessed 7-1-13, GSK]

Propositions about the victimology of state crime can be developed from this review to help shed light on the larger phenomenon of state crime victimization, although a caveat is in order because state crime takes a variety of forms. For instance, it is difﬁcult to compare the victimology of international economic terrorism against the people of Cuba and Iraq to institutionalized racism, sexism, and classism, or the suffering of human radiation subjects to unjust criminal justice system practices. Nevertheless, several general propositions about the victims of state crime may be formulated based on current and prior research in the area.¶ (1) Victims of State Crime Tend to be among the Least Socially Powerful Actors¶ Even a cursory examination of state crime reveals large power differences between the victim and victimizer. The authority of the state extends well beyond crude asymmetries in the ability to control others, and constitutional and due process protections also vary relative to the power of subjects.¶ State ofﬁcers, agencies, and organizations often exploit scarce resources to advance larger agendas through the use of specialized terminology, scientiﬁc knowledge, and information technology. Clearly the victims of the human radiation experiments, those harmed by environmental degradation, atomic and nuclear weapons tests, and the COINTELPRO, did not have the resources to marshal commensurate levels of technological, terminological, or scientiﬁc expertise. The state also has the ability to conceal illegalities and immoralities by privileging concerns about “national security” over humane, fair, and due processes. In the case of those victimized by criminal justice and the prison experiments, one senses a great deal of dehumanization and ideology, which allows unjust practices and policies to ﬂourish.¶ Victims of other state crimes – such as civilians in war, people targeted for genocide, workers, and the homeless – also have less social power than state agencies and ofﬁcials. Scapegoating, stereotyping, proﬁling, and typifying people belonging to these groups is far easier for the state because of broad asymmetries in power. It is therefore not surprising that galvanizing support for unethical and illegal practices and policies against these groups is not difﬁcult for the state. As a result, the likelihood of the legitimation of a crisis or substantial social protest movements is diminished. It also militates against conceptualizing unjust state actions as crime. One can see evidence of this process at work in the cases of economic and domestic terrorism and the support of terrorism abroad.¶ More broadly, there seems to be a positive relationship between the unequal distribution of power and the level and frequency of state crime, both domestically and internationally. Clearly, social power is unevenly distributed among states as well, providing further opportunities for state crime.¶ The United States has more control over the deﬁnition, enforcement, and prosecution of state crime than most countries. The World Court, the United Nations’ Security Council, the World Bank, and the International Monetary Fund are likely to support U.S. interests. With few exceptions, peripheral and semi-peripheral states are less likely to have any victimization by the U.S. acknowledged and redressed. There is a direct link between U.S. supported and enforced sanctions against Iraq and the death of innocent Iraqi children because of starvation. Sanctions against the Cuban people have also resulted in social and physical harms.¶ Authority-subject relationships (Turk 1969) in an international context help explain how these harms are marginalized in popular U.S. discourses:¶ The claims-making and legitimation exercises of the authority (the U.S. state) are seldom met with organized opposition by subjects. If there is a sizeable movement against U.S. policy and practice, citizens might either be unaware of its existence or may perceive opposition as the work of radicals disconnected with reality (Iraqi politicians, Castro, prisoners’ rights, welfare rights, and anti-nuclear weapons groups). Social harms and higher immoralities might therefore be overlooked, or even worse, supported because of the apparent lack of overt conﬂict over the policy or practice. This makes it appear as though the harms are actually necessary, fair, and consensus-based.¶ U.S. public support of the Gulf War is most illustrative of this point.¶ (2) Victimizers Generally Fail to Recognize and Understand the Nature, Extent, and Harmfulness of Institutional Policies. If Suffering and Harm are Acknowledged, It Is often Neutralized within the Context of a Sense of “Entitlement”¶ The most important difference between victimizers and their victims is the power to exert their will. Victimizers often do not acknowledge the degree to which their policies have caused harm while assessing the effectiveness of their policies to bring about desired change, maintain hegemony, or promote other forms of dominance. Unjust and deleterious domestic and international policies can also be downplayed by neutralizing reasonable categorical imperatives (e.g. do no harm) by employing bankrupt consequentialism, perhaps guided by ethnocentric paternalism. Following Sykes and Matza¶ (1957), others have found evidence of this at work in the wider problem of elite deviance. Denying responsibility, dehumanizing the powerless for purposes of exploitation, and appealing to higher loyalties (i.e. the capitalist political economy and national security) are often employed in the victimology of state crime. Specialized vocabularies may also be used to aide in the dehumanization.¶ Tifft and Markham (1991) have noted that the way policy makers neutralize the destructive and harmful effects of their policies is similar to the manner batterers view their victims. Noting the long history of U.S. abuses in¶ Latin and Central America, they argue that:¶ U.S. policy makers have consciously decided (1) that the U.S. is entitled to control Central America and that the peoples of Central America are obligated to acquiesce in this power exercise; (2) that violence is permissible, and policy makers can live with themselves and conclude that they are ethical/moral persons and that these policies are ethical/moral even if they involve violence; (3) that the use of violence, intimidation, and threat of violence will produce the desired effect or minimize a more negative one; and (4) that the policy of violence and control will not unduly endanger the United States, and the country will neither sustain physical harm nor suffer legal, economic, or political consequences that will outweigh the beneﬁts achieved through this violence (Tifft and Markham¶ 1991: 125–126).¶ Similarly, Cohen (1996) has documented how governments construct ofﬁ-cial responses to allegations of human rights violations. Cohen (1996: 522) contends that the forms of denial on the part of governmental ofﬁcials to such allegations typically include one of the following: “a literal denial (nothing happened); interpretive denial (what happened is really something else); and implicatory denial (what happened is justiﬁed).” ¶ At the domestic level, few policy makers have recognized that the cumulative effects of the policies supportive of institutionalized racism and structural inequality have caused considerable harm to various minority groups and women. Often times, the victims are viewed as undeserving or unworthy of the social, political, or economic rights bestowed to others.¶ (3) Victims of State Crime are often Blamed for Their Suffering¶ Victim blaming is unfortunately a common reaction to those most wounded by state crime. The poor, minorities, the homeless, and women become targets of criticism because of the false belief in the ease of achieving vertical intergenerational mobility in the U.S., even in the face of overwhelming structural odds. Prisoners and those accused of crimes are less likely to be treated sympathetically because their assigned master status solipsistically leads to a marginalization of their human worth, morality, and potential. Subjects in the prisoner experiments were viewed as less deserving of informed consent at best and expendable at worst.¶ Harms caused by economic terrorism and the support of anti-democratic governments can be neutralized by popular audiences (and victimizers) as a part of the United States’ interests in national security or the previously mentioned technique of neutralization, “appealing to higher loyalties.” The harms caused by sanctions in Cuba and Iraq are good examples because, while they are easy to see, there is a tendency to assume victim responsibility on the part of citizens because they have not waged successful civil insurrections against their oppressors.¶ (4) Victims of State Crime Must Generally Rely on the Victimizer, an Associated Institution, or Civil Social Movements for Redress¶ Theoretically, the U.S. criminal justice system carries out the criminalization process in the name of the state, not the particular victim. The “people” are identiﬁed as the abstracted victim. What happens, however, when “the people” or a group of peoples are victimized by the body who holds dominion over them and the law? What institutionalized justice process is available to the victim?¶ Often times, as in the case of the prisoner and plutonium experiments, and some instances of racial and gender discrimination, reparations may come about in civil court, and often involve the efforts of special interest groups, people in social movements, and of course private attorneys. In other cases, appeal may be made to the United Nations Human Rights Committee, through the United Nations General Assembly, or the International Court of Justice. The opportunities for international redress of domestic victimi-zation, to some extent, depend on the primary state’s membership status.¶ For example, the United States did not ratify the Genocide Convention for decades because it sought to limit “foreign intrusion” into what were deﬁned as domestic affairs. Citizens victimized in countries with tenuous or marginal standing in the international community as it pertains to human rights may therefore ﬁnd little in the way of assistance.¶ The most potentially dangerous act that could ever by undertaken by a state, the use of nuclear weapons, has recently been criminalized through this latter avenue. Six billion people still live under the nuclear threat, but at least one organization of legitimate authority, the World Court, has conceptualized the entire world population as potential victims of state crime by declaring the use and threat to use nuclear weapons illegal under international law (see Kramer and Kauzlarich 1999). More often than not, however, international organizations like the U.N. have been slow to enforce existing laws or to punish nation-states that are powerful. For example, each year, the U.N. General Assembly has voted to condemn the U.S. embargo on Cuba, but no ofﬁcial action has been taken by the U.N. to end it. In short, there is little hope of formal intervention on the part of the international community when the offending state is powerful like the U.S. On another level, U.S. opposition to international agreements because of the state’s fear of the loss of sovereignty (no matter how slight) also thwart the materializing of democratic and restorative justice.¶ In any case, the process of helping victims or even ending the victimization of state crime is very different than in cases of traditional or white-collar crime. This stems from problems related to the identiﬁcation of the actors, organizations, and institutional forces responsible for state crime, if the policy, actions, or omissions are even recognized as unethical, harmful, criminal, or worthy of resistance.¶ (5) Victims of State Crime Are Easy Targets for Repeated Victimization¶ The manner in which victims of state crime are harmed may change over time; however, the harm incurred by most victims of state crime does not decrease – rather it merely takes another form. Additionally, some victims are continually victimized by the same organization. Examples include women, minorities, the poor, workers, and those living in less developed countries, in much the same manner as some victims of traditional street crime (e.g., domestic violence and child abuse) who are targeted for repeat victimization.¶ In the cases of the poor, there have been few genuine attempts to alleviate the structural conditions that create abject poverty (Bohm 1993). Women have faced institutional sexism and the “glass ceiling” in spite of superﬁcial efforts designed to give them equal status in society. Minorities have long been the targets of overt and institutionalized racism. While some have argued that afﬁrmative action policies have eliminated the effects of racism, institutionalized racism persists in spite of the progress which has been made. Native Americans have been repeatedly victimized throughout U.S. history, and remain one of the most repressed minority groups in our society (Churchill¶ 1995).¶ Another example is the repeated victimization of the plutonium subjects and their families, who continued to be treated unethically by state agencies for decades. Several years after the deaths of many of the plutonium subjects, the families were sent a letter from the Atomic Energy Commission, which exhumed the bodies for additional research:¶ The purpose of the exhumation was to examine the remains in order to determine ...residual radioactivity from past medical treatment, and that the subjects had an unknown mixture of radioactive isotopes (Advisory Committee on Human. Radiation Experiments 1995: 260).¶ Two willful lies are told in this memo: (1) that the subjects were treated, and (2) that they had received an unknown quantity of radiation. The truth is this: (a) the subjects were guinea pigs not expected to react favorably to the injections, and (b) internal records clearly showed how much plutonium had been injected into their veins (Kauzlarich and Kramer 1998). Rowland provides further evidence of higher immorality when he wrote to his colleagues about the exhumation project:¶ Please note that outside the Center ... we will never use the word plutonium in regard to these cases. “These individuals are of interest to us because they may have received a radioactive material at some time is the kind of statement to be made, if we need to say anything at all” (Markey¶ Report 1986: 27).¶ (6) Illegal State Policies and Practices, while Committed by Individuals and Groups of Individuals, Are Manifestations of the Attempt to Achieve Organizational, Bureaucratic, or Institutional Goals¶ A recurrent theme has been that the harms caused by the state are due to the actions of individuals or groups of individuals who are pursuing the larger goals of their respective organizations. These larger institutional goals may or may not be consistent with the goals of particular individuals. Rather than viewing the harm to the victims of state crime as the result of a few people engaging in immoral, unethical, and/or illegal behavior, it is more instructive to conceptualize state crime as the product of organizational pressures to achieve organizational goals. Many forms of state crime persist for long periods of time (e.g., Iran-Contra, the economic embargo against Cuba, institutionalized discrimination in the criminal justice system), and are carried out by many different actors. If the unethical, immoral, and/or illegal behavior in question were the result of a handful of people, then one would presume that either the activities would desist once those people left the organization or that there would be other people waiting to ﬁll those roles.¶ Since many state crimes persist over time with different people ﬁlling various roles, one can only presume that either there are a lot of immoral people who come into positions of power to carry out the immoral or unethical behavior, or that there is something about the organizational culture itself which fosters such immorality. In the best case, the organization itself has a problem screening out immoral/unethical decision-makers. In the worst case, the organizational climate itself fosters, facilitates, or encourages such behavior (e.g., see Braithwaite 1989: Ermann and Lundman 1996).¶ Also, to reduce state crimes to the individual level is to ignore the social, political, and historical contexts which shape the nature, form, and goals of state agencies. Even a cursory examination of the various forms of state crime reveals that these larger contexts are macrologically linked to state crime victimization and offending. Sometimes these contexts are exigent, such as when cold war hysteria provided motivation for illegal and unethical human radiation experiments, weapons testing, and environmental degradation. Other times, the crimes may be politically and geographically contextualized (i.e., Cuba’s proximity to the U.S.). The state, therefore, may be instrumental in creating and sustaining the conditions that account for the persistence of institutional harms caused by its agencies.

#### The impact is state terrorism, one of the greatest sources of human suffering in history. Empirically, this has vastly outweighed the violence done by non-state actors.

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By all accounts, state terrorism has been one of the greatest sources of human suffering and destruction of the past five centuries. Employing extreme forms of exemplary violence against ordinary people and specific groups in order to engender political submission to newly formed nation states, transfer populations, and generate labour in conquered colonial territories, imperial powers and early modem states killed literally tens of millions of people and destroyed entire civilizations and peoples across the Americas, the Asia-Pacific, the subcontinent, the Middle East, and Africa. Later, during the twentieth century, modem states were responsible for the deaths of 170 million to 200 million people outside of war (Rummel 1994), a great many of them murdered during notorious campaigns of state terrorism such as Stalin's great terror, Mao's Great Leap Forward, and Kampuchea's return to Year Zero, and the rule of various dictatorial regimes in Chile, Argentina, South Africa, Uganda, Somalia, Indonesia, Iran, Iraq and dozens of other countries. During the great wars of the twentieth century, millions of civilians were killed in atomic attacks and 'terror bombing' campaigns designed specifically to undermine morale and intimidate into submission — a case of randomly killing some people in order to influence others, which is the essence of the terrorist strategy (Grosscup 2006). Disturbingly, state terrorism remains as one of the single greatest threats to human and societal security and well- being today. Certainly, in comparison to the terrorism perpetrated by non-state insurgent groups, the few thousand deaths and injuries caused by 'terrorism from below' every year pales into relative insignificance besides the hundreds of thousands of people killed, kidnapped, 'disappeared', injured, tortured, raped, abused, intimidated, and threatened by state agents and their proxies in dozens of countries across the globe in places like Chechnya, Kashmir, Palestine, Iraq, Colombia, Zimbabwe, Darfur, Congo, Somalia, Uzbekistan, China and elsewhere. Even more disturbingly, government-directed campaigns of counter-terrorism in the past few decades have frequently descended into state terrorism by failing to distinguish between the innocent and the guilty, responding highly disproportionately to acts of insurgent violence, and aiming to terrify or intimidate the wider population or particular communities into submission (Goodin 2006: 69—73). Consequently, the victims of state counter-terrorism have always vastly outnumbered the deaths caused by non-state or insurgent terrorism, including in the ongoing global war on terrorism.

#### Silence on state terror reifies these state-centric perspectives and diverts attention from direct state violence. This definitional control over legitimate forms of violence is the condition of possibility for state terrorism to occur.

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[Richard, March 18th, Critical Studies on Terrorism, Volume 1 Issue 3, “The ghosts of state terror: knowledge, politics and terrorism studies”, p 385-356, accessed 6/27/13, VJ]

In contrast to first-order critique, second-order critique involves the adoption of a critical standpoint

outside of the discourse. In this case, based on an understanding of discourse as socially productive or constitutive, and fully cognisant of the knowledge–power nexus, a second-order critique attempts to expose the political functions and ideological consequences of the particular forms of representation enunciated by the discourse. In this case, we want to try and understand what some of the political effects and consequences of the silences of state terrorism are. A number of such effects can be identified. First, the discourse naturalises a particular understanding of what terrorism is, namely, a form of illegitimate non-state violence. Such an understanding of terrorism functions to restrict the scholarly viewpoint to one set of actors and to particular kinds of actions, and functions to distract and obscure other actors and actions which should be named and studied as ‘terrorism’. It also narrows the possibilities for understanding terrorism within alternative paradigms, such as from the perspective of gender terrorism (Sharlach 2008). In other words, it has a restrictive and distorting effect within the field of knowledge which gives the impression that terrorism studies is more of a narrow extension of counter-insurgency or national security studies than an open and inclusive domain of research into all forms and aspects of terrorism. Consequently, Silke (2001) concludes that terrorism studies ‘is largely driven by policy concerns’ and ‘largely limited to government agendas’ (p. 2). In addition, the broader academic, social, and cultural influence of terrorism studies (through the authority and legitimacy provided by ‘terrorism experts’ to the media and as policy advisers, for example), means that this restrictive viewpoint is diffused to the broader society, which in turn generates its own ideological effects. Specifically, the distorted focus on non-state terrorism functions to reify state perspectives and priorities, and reinforce a state-centric, problem-solving paradigm of politics in which ‘terrorism’ is viewed as an identifiable social or individual problem in need of solving by the state, and not as a practice of state power, for example. From this perspective, it functions to maintain the legitimacy of state uses of violence and delegitimise all forms of non-state violence (which has its own ideological effects and is problematic in a number of obvious ways). This fundamental belief in the instrumental rationality of political violence as an effective and legitimate tool of the state is open to a great many criticisms, not least that it provides the normative basis from which non-state terrorist groups frequently justify their own (often well-intentioned) violence (Oliverio and Lauderdale 2005, Burke 2008). There is from this viewpoint an ethical imperative to try and undermine the widespread acceptance that political violence is a mostly legitimate and effective option in resolving conflict – for either state or non-state actors. Political violence is in fact, a moral and physical disaster in the vast majority of cases. From an ethical-normative perspective, such a restricted understanding of terrorism also functions to obscure and silence the voices and perspectives of those who live in conditions of daily terror from the random and arbitrary violence of their own governments, some of whom are supported by Western states. At the present juncture, it also functions to silence the voices of those who experience Western policies – directly, as in those tortured in the war on terror, and indirectly, as in those suffering under Western-supported regimes – as a form of terrorism. That is, it deflects and diverts attention from the much greater state terrorism which blights the lives of tens of millions of people around the world today. Related to these broader normative and ideological effects, the treatment of state terrorism within the discourse – the silences on it and the narrow construction of ‘state-sponsored terrorism’ – also functions to position state terrorism (should it even exist within the dominant framework) as seemingly less important than non-state terrorism, and as confined to the actions that states take in support of non-state terrorism. This also distorts the field of knowledge and political practice by suggesting that the sponsorship of Palestinian groups by Iran for example, is an infinitely more serious and dangerous problem than the fact that millions of Colombians, Uzbeks, Zimbabweans, and so on, are daily terrorised by death squads, state torture, and serious human rights abuses. Within this discursive terrain, it can also function to provide legitimacy to Western policies such as sanctions, coercive diplomacy, and pre-emptive war against politically determined ‘state-sponsors of terrorism’ which may be terroristic themselves, and which ignore the involvement in state-sponsorship by Western states. From a political-normative viewpoint, the silence on state terrorism, and in particular the argument of many terrorism scholars that state actions can never be defined as ‘terrorism’, actually functions to furnish states with a rhetorical justification for using what may actually be terroristic forms of violence against their opponents and citizens without fear of condemnation. In effect, it provides them with greater leeway for applying terror-based forms of violence against civilians, a leeway exploited by many states such as Israel, Russia, China, Uzbekistan, Zimbabwe, and others who try to intimidate groups with the application of massive and disproportionate state violence. From this perspective, a discourse which occludes and obscures the very possibility of state terrorism can be considered part of the conditions that actually makes state terrorism possible. In addition, the silence on state terrorism within the field also functions to undermine the political struggle of human rights activists against the use of terror by states by disallowing the delegitimising power and resources that come from describing state actions as ‘terrorism’. It is pertinent to note in this context that the world’s leading states have continually rejected any and all attempts to legally define and proscribe a category of actions which would be called ‘state terrorism’, arguing instead that such actions are already covered by other laws such as the laws of war (Becker 2006). The silence on state terrorism has another political effect, namely, the way in which it has functioned, and continues to function, to distract from and deny the long history of Western involvement in terrorism, thereby constructing Western foreign policy as essentially benign – rather than aimed at reifying existing structures of power and domination in the international system, for example. That is, by preventing the effective criticism of particular Western policies it works to maintain the dangerous myth of Western exceptionalism. This sense of exceptionalism and the supportive discourse of terrorism studies permits Western states and their allies to pursue a range of discrete political projects and partisan interests aimed at maintaining international dominance. For example, by reinforcing the notion that non-state terrorism is a much greater threat and problem than state terrorism and by obscuring the ways in which counterterrorism can morph into state terrorism, the discourse functions to legitimise the current war on terror and its associated policies of military intervention, extraordinary rendition, reinforcement of the national security state, and the like. More specifically, the discourse can provide legitimacy to broader counter-insurgency or counterterrorism programmes where the actual aims lie in the maintenance of a particular political–economic order such as is occurring in Colombia at present (Stokes 2006). Importantly, the silence on state terrorism also functions to de-legitimise all forms of violent counter-hegemonic or revolutionary struggle (by maintaining the notion that state violence is automatically legitimate and all non-state violence is inherently illegitimate), thereby maintaining the liberal international order and many oppressive international power structures (also Duffield 2001). Lastly, the discourse can be used to selectively justify particular projects of regime change,13 economic sanctions, military base expansion, military occupation, military assistance for strategic partners, and the isolation of disapproved political movements such as Hamas or Hezbollah. In the end, the discourse functions to permit the reification and extension of state hegemony both internationally and domestically, and perhaps more importantly, the belief in the instrumental rationality of violence as an effective tool of politics. Despite the intentions of terrorism scholars therefore, who may feel that they engage in objective academic analysis of a clearly defined phenomenon, the discourse actually serves a number of distinctly political purposes and has several important ideological consequences for society.