Author

Amy Barlow

Kirsten Andersen

A Comparative Analysis of Canadian and American Counterterrorism Policies, Laws, and Media Representation: Islamist and White Nationalist Inspired Terrorism

Defence & Security Foresight Group

WIIS·CANADA
Women In International Security Canada

About the Authors

Amy Barlow is a Ph.D. Candidate in the Department of Politics at York University specializing in International Relations and Comparative Politics. She has an M.A. in Political Science and a H.B.A. in Political Science and History from the University of Toronto. Amy's research seeks to broaden and deepen the traditional state centric focus of International Relations scholarship to include the salient features of human security. To this end, Amy's doctoral research examines the racialization of counterterrorism in the settler-colonial countries of Canada and the United States. Her work seeks to expose the underlying reasons for the continued overemphasis on Islamic fundamentalist terrorism as the primary threat to national security. This threat perception is contrasted to that of white nationalist terrorism which receives considerably less attention. Through discourse analysis and critical race theory Amy examines governmental, mainstream media, and social media discourses. These discourses provide a highly flawed but seemingly commonsensical understanding of who is a threat and who is not thus producing and reproducing a highly racialized narrative. Amy argues that this narrative is a result of widespread racial bias that stems from what she refers to as settler nationalism, this belief system has fostered and enabled a far more dangerous threat to emerge - white nationalist inspired terrorism.

About the Authors

Kirsten Andersen is a Ph.D. candidate at York University, Toronto, in the Department of Politics, where she is specializing in International Relations and Canadian Politics. She received her B.A. in Political Science from the University of Calgary, and an M.A. in Political Science from the University of Toronto. As a 2018/2019 graduate fellow with York University's Jack and Mae Nathanson Centre on Transnational Human Rights, Crime and Security, Kirsten's doctoral dissertation analyzes the interaction between unmanned aerial vehicles, emerging weapons technologies, and international humanitarian and human rights laws, norms and regimes. Specifically, her research considers what the relationship between armed drone use and the laws of armed conflict reveals about the ways in which weapons technology has shaped how wars are fought and its legal violations redressed. She is particularly interested in the theoretical origins of international humanitarian law and its development within historical political projects to better understand the situation of armed drones under the legal regime currently regulating armed conflict.

Kirsten and Amy are the co-chairs and founding members of Women in Political Science at York University.

ABSTRACT

This paper is a comparative case study that examines how and why the so-called "Islamic fundamentalist terrorist" is considered to be the preeminent national security threat in both Canada and America since September 11th, 2001. We contrast this particular threat-perception with that posed by white-nationalist terrorism, which receives considerably less attention despite being identified over ten years ago by various intelligence agencies as the most significant terrorist threat in North America. Using most similar systems design, discourse analysis, and critical race theory we examine the relevant features of legislation, governmental rhetoric, and media frames that generate a highly racialized terrorist threat perception thereby producing a positive feedback loop. Such an approach enables us to expose the underlying assumptions that inform a seemingly commonsensical understanding of who is considered a terrorist threat and why. This comparison highlights the differential treatment of these terrorist threats in both countries. Ultimately, we argue that in both Canada and the United States racial bias acts as primary mechanism in determining who is considered to be a terrorist threat and who is not.

INTRODUCTION

The terrorist attacks of September 11th, 2001 (or '9/11') caused an unprecedented level of destruction on American soil. In response, American and Canadian governments unleashed a series of highly reactionary policies and laws that were instituted in an effort to mitigate the possibility of future attacks. In order to determine the framework of these policies and laws governmental officials required a set of parameters that would enable them to determine who was a terrorist threat and who was not. In other words, in the absence of a country as the aggressor officials needed an identifiable enemy. More often than not the policies and laws that were created stemmed from the belief that the so-called Islamic fundamentalist terrorist threat was a clear and present danger. However, such a conceptualization conflates terrorism, race, and religion into a false equivalency whereby all Muslims and Arabs are considered a potential threat. From this convergence the most recent manifestation of the Islamic fundamentalist terrorist emerged. While we acknowledge that this conflation is not new, it has nonetheless been reaffirmed in a series of policies and laws that are underpinned by a widespread Islamophobic sentiment.

The belief in this particular threat continues irrespective of the precipitous decline over the past two decades of Islamic fundamentalist inspired terrorism in North America. Despite this reality political officials' myopia continues even when faced with the dire warning, over ten years ago, from FBI officials who identified white nationalist individuals and groups as the most significant and growing domestic terrorist threat in North America (ADL Report, 2017; DHS Report, 2017). To be clear, there has been little, if any, governmental and policy emphasis placed on white nationalist terrorism. The reality of the situation brings many questions to the fore, chief among them is why is this the case? In an effort to answer this question we examine the reasons underlying the durable misperception of Islamic fundamentalist terrorism. Our central hypothesis is that the myopia of governmental officials is a result of widespread racial bias. Stemming from this contention our research puzzle consists of two interconnected research questions. The first is does systemic and institutionalised racism in these settler colonial countries play a central role in the ways in which terrorist threats are understood? And second do racialized understandings of who a terrorist threat is depend on the existence of systemic and institutionalized racism and systems of white supremacy? In order to answer these questions, methodologically, our paper is a comparative case study based on Mill's Method of most similar systems design (Lijphart 1971; George and Bennett 2005; Geddes 2009). In keeping with Mill's Method, Canada and the United States were chosen as sites of inquiry due to five overarching similarities and three differences that exist between the two countries. The similarities that we have identified include the following: both countries are advanced democracies geographically located in North America, both are settler colonial countries, both are post genocidal countries, both have a history of slavery, and both bear the scars of imperial and colonial understandings of white supremacy that continue to exist in the structural and institutional arrangements that comprise society. In addition, we have determined three main differences between both countries that include their overarching societal understandings of race as a determining factor of discrimination and marginalization, their respective constitutional rights regimes, and their legal instruments. The laws and cases that we examine were chosen for two reasons, the first is their relevance to the subject matter and the second is that each case exemplifies the ways in which race is understood within the context of terrorist threat perception.

The literature on post 9/11 counterterrorism policies and laws is well established and largely focuses on the surveillance and disciplining of American and Canadian Muslims and Arabs (Bhattacharyaa, 2008; Bonnilla-Silva, 2003; Halliday 1999; Jackson 2009). Despite the existence of this voluminous body of literature, there is an extensive gap in the mainstream and critical terrorism International Relations (IR) literature in relation to race as an explanatory factor and the existence of white nationalist inspired terrorism as a national security threat (Schuurman 2019; Groothuis, 2020). As a result, our work acts as an entry point into both the mainstream and critical IR literature by using race as the primary factor in determining the ways in which terrorist threat perception is developed and maintained in North America. Through the theoretical lens of critical race theory (CRT) and the method of discourse analysis we put forth a causal theory whose principal aim is to expose the mechanisms that enable and foster the durability of the concept of the Islamic fundamentalist terrorist.

Discourse analysis enables us to make the invisible visible through an examination of language and its meaning. Language is of central importance as it provides us with a way to understand the world in which we live and provides us with necessary contextual information that enables us to make sense of the world. A highly effective way to do this is through the analysis of identities, their socially constructed nature, and the discursive frames of meaning that are articulated to the public by way of trusted governmental figures, official policies and laws, and mainstream media frames. We argue that the way that the Islamic fundamentalist terrorist threat perception is linguistically framed provides a generalized commonsensical understanding of who is a threat that is largely based on race and religion. We contrast this particular threat-perception with that posed by white nationalist terrorism which has received considerably less attention. This comparison highlights the differential treatment and understanding of these terrorist threats. For example, Islamic fundamentalist inspired terrorism is considered a clear and present danger and that all Muslims and Arabs are collectively thought to be vulnerable to radicalization, whereas white nationalist inspired terrorists are considered anomalous individuals whose violent actions are often viewed as a result of mental illness. We contend that this conceptualization produces a positive feedback loop whereby the first factor (governmental rhetoric) increases the impact of the second factor (policies and laws), which increases the impact of the third factor (media coverage), which increases the intensity of the first factor by reaffirming its strength and position.

TERRORIST THREAT PERCEPTION:

How terrorist threats are understood and identified is of significant importance to national security since these conceptualizations directly influence how, why, and what policies and laws are made while simultaneously framing our understanding of who is a threat and who is not. After 9/11 the Islamic fundamentalist terrorist was determined to be the most significant national security threat. This threat is considered to be especially dangerous because would-be terrorists can easily blend into communities at large, moving throughout society without notice and attack at random. As a result, the ways in which this threat was defined and understood relied (and continues to rely) on a very specific set of assumptions premised on a national security narrative that is largely based on the essentialization of race and religion. By drawing attention to the ways in which race is socially and linguistically constructed we demonstrate how the representation of a desired ideal type of whiteness actively fosters the production and reproduction of race based discrimination in general and specifically in relation to American and Canadian Muslims and Arabs. We argue that this discrimination acted as the impetus for Islamophobic governmental counterterrorism policies and laws that informed media representations and a generalized understanding in the public of who is a threat and who is not. These depictions are viewed as commonsensical while simultaneously fostering the silent emergence of the most significant domestic terrorist threat to North America–white nationalist inspired terrorism. In this section we lay the groundwork for our analysis by examining the social construction of race. More specifically, we outline the contours of the social construction of whiteness in contrast to the Muslim/Arab terrorist 'Other'.

For centuries, the states constituting the 'West' (or 'Occident') constructed their 'Self' identity in opposition to the 'Other' in the 'East', using cultural difference as indicators of civilizational advancement and moral standing. The 'West' was imagined to be a 'rational', 'just', and Christian in contrast to the 'barbaric', 'backward', non-Christian 'East' populated by Muslims (Patel, 2017: 2). These distinctions were seen as necessitating differential treatment that expressed itself through violent imperial conquest, colonial administration, and various international governance institutions (Anghie, 2004: 9). The 'West's encounters with the 'Other' also contributed to constructing the notion of race, and thus racial superiority and inferiority, which continue to be culturally and institutionally reproduced even long after official religious and racial discrimination concluded. This image of the 'East' as chaotically violent and religiously deviant remains present in 'Western' societies' cultural media and government policies (Sharma and Nijjar, 2018: 73).

Race, racism, and their attendant stereotypes became further cemented in Western thought through philosophy and later through 'scientific' inquiry. The Enlightenment period and its thinkers are the arbiters of race as a classification of difference based on the binary of superiority and inferiority (Sussman 2019; Parasram 2019; Delgado and Stefencic 2000, Williams Crenshaw 2011). This is an important genealogy as it greatly differs from those in many orthodox curricula extolling the virtues of Enlightenment thinkers such as Hume, Kant, and Locke who they hold as the creators of rational thought and egalitarian belief. In addition, the Enlightenment thinkers brought us Western science and with this science came the formal classification of 'race', with whiteness, especially Western European whiteness, considered superior to all other races. By the 19th century the pseudoscience of eugenics created a racial taxonomical classification system that emphasized intelligence, attributes,

and sexuality as critical to understanding racial differences. This taxonomy placed wealthy white men of Western European descent at the top of the hierarchy, working class and poor people of Western European descent as deficient and defective but still white, people of Eastern European descent and the Irish as barely registering as white, and all other groups classified as barely human (Sussman, 2014). This 'science' of eugenics lasted a very long time – at least until after the horrors of the Holocaust became apparent. Despite the departure of eugenics as a mainstream science the effects of the racial categories and the attendant ideas of racial superiority and inferiority continue to exist (Sussman 2019). Consequently, one can trace a direct lineage whereby the Western creation of the philosophical and scientific category of race as a means to subjugate peoples deemed to be inferior or 'subhuman' has maintained a degree of durability that is felt to this very day (Sussman, 2019). While the social construction of race has taken on social and political meaning it continues to retain vestiges of its early biological and physiological orientation.

A very specific type of whiteness was and continues to be upheld as the norm and ideal type from which whiteness in and of itself and all other races are compared. It is noteworthy to mention that this conceptualization of an ideal type is not extended to all white people simply by virtue of the color of their skin. Rather, it is one that based on a heteronormative Judeo-Christian middle to upper middle class ideal type that continues to be exemplified by the nuclear family. This ideal type of whiteness is envisioned as the pinnacle of advanced, civilized, rational, and peaceful humanity. The seemingly self evident virtues of whiteness become more apparent when this view is juxtaposed to the racialized category of the dangerous Muslim/Arab male terrorist Other who is deemed to be backward, barbaric, and violent. This binary further entrenches the concept of white privilege, which is the material benefits afforded to some white people simply by virtue of being white. White privilege is a form of racial oppression whereby some white people are provided with an increased number of opportunities that in turn enhance their quality of life (McIntosh, 1997; Hayden, 2015). Such a system of oppression is normalized in society as natural and in doing so it simultaneously reinforces the subordinate status of people of color and further entrenches negative stereotypes (McIntosh, 1997). The ideal type of whiteness is fostered by the concept of white supremacy, which is ultimately a racist agenda that is ingrained in the very fabric of the structural arrangements and cultural practices that may not always be apparent but are nonetheless an invisible norm that measures all other races against it (Byng 2013).

Assumptions about race, religion, and culture retain a great deal of analytical purchase that are articulated in counterterrorism discourses and domestic counterterrorism policies (Sian, 2017: 1-3). In contemporary counterterrorism discourse, an Arab or Muslim subject is imagined as embodying danger, threat, and violence in the same way a white or Christian subject is imagined to be benevolent, reasonable, and altogether incapable of committing wanton acts of terrorism (Sentas, 2014: 13). The threat of 'Islamic terrorism' is therefore an expression of the Islamophobic and racist assumptions underlying counterterror policies in the 'West', such that "being Muslim becomes evidence of planning to do "*something violent*" (Sentas, 2014: 8). These Islamophobic assumptions depict Islam as a "monolithic, violent and aggressive religion" that presents a threat to the most basic values of a white Christian society (Antúnez and Tellidis, 2013: 119-20). Canada and the U.S. are settler-colonial states with majority European-background and majority Christian populations that are considered part of the 'West' (Pew Research Center, 2014; Statistics Canada, 2016; Statistics Canada, 2017; United

States Census Bureau, 2019). Both countries' broad socio-legal landscapes are informed by these colonial histories and contemporary demographics as a consequence. It is with an awareness of these features that this paper proposes that counterterrorism laws and policing in both Canada and the U.S. reflect the ways in which each state advocates a social order imbued with particular notions of race and power (Sentas, 2014: 6).

Our contention is that the government's myopic preoccupation with Islamic fundamentalist terrorist threat is a result of two related factors. The first is two decades of entrenched Islamophobia since 9/11 whereby the only terrorist that exists is the Islamic fundamentalist terrorist, who may or may not have brown skin, and may or may not be Muslim, but a terrorist is most certainly not white. The second is that the underlying social construction of the Islamic fundamentalist terrorist is based on the premise and institutionalization of racial bias. Racial bias is the highly racialized assumptions based on stereotypes that are made on a day to day basis about people based on little to no information other than the color of one's skin and/or their religion. Racial bias maintains asymmetric systems of oppression that actively foster institutionalized and systemic inequity through the social structures that comprise society.

In the sections that follow we examine how these racial classifications are linguistically articulated and therefore exposed. These classifications continue to influence counterterror policies and laws, governmental discourses, and media representations which is demonstrated in our policies, laws, and the cases we analyse.

POLICIES AND LAWS IN QUESTION:

Defining Terrorism and Terrorists:
Few national security issues have received greater attention in the past two decades than terrorism. Despite the term's introduction into both elite and popular discourse, the concept remains contested and there are no universally accepted definitions of 'terrorism' or 'terrorist' (Erlenbusch-Anderson, 2018: 1-6). The crime of terrorism eludes being fully captured by either international or domestic legal systems. Internationally, some states that militarily engage alleged terrorists have made efforts to create a new legal category according to which they are neither regular enemy combatants nor civilians. This results in the accused terrorists' exclusion from both international human rights and humanitarian legal regimes. The United States in particular locates terrorists in a legal 'black hole' that allows them to be subject to a variety of extralegal treatment, including the extrajudicial use of lethal force (i.e., assassination) (Davis, McNerney and Greenberg, 2015). Terrorists and terrorist acts also challenge regular legal categories in countries' domestic criminal justice systems. After the events of 9/11, states around the world scrambled to create terrorism-related criminal offenses and new means by which terrorism could be prevented and responded to. The widespread phenomenon of states moving to create an entirely new criminal offence and category of person is a uniquely strong example of how terrorists are socially constructed and defined by the values of the society in which they exist (Human Rights Watch, 2012).

The common thread that runs through almost all understandings of the concept of terrorism in the West is its connection to 'Islamic terrorism'. This association reveals the degree to which terrorisms

unacknowledged accompanying assumptions and political-cultural narratives are intrinsically bound up in deeply rooted ideas about race, religion, and violence (Jackson, 2007: 394–395).

PATRIOT ACT (USA)

Just forty-five days after 9/11 U.S. President George W. Bush by-passed usual legislative procedure to pass the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act ('USAPA') (Wong, 2007: 16). The USAPA's most notable features affect surveillance laws by way of expanding the authority to monitor, collect, and track Americans' various communications and activities, electronic or otherwise.

The USAPA was one facet of the Bush administration's multi-pronged strategy to fight terrorism at home and abroad in response to 9/11. This strategy attempted to neutralize "fanatic Islamic fundamentalism" using civil society and the newly established Homeland Security Department. Law enforcement and national security officials were provided with broad powers and resources that were (and remain) subject to minimal Congressional and court oversight to maximize efficiency and effectiveness. According to author Kam Wong (2007), the bill was "rushed" without any serious contest or effective challenge. Wong suggests the absence of legislative resistance is the result of several interacting aspects of American society in the immediate aftermath of 9/11. These aspects are a traumatized public that began to see the government as trustworthy; a compliant congress eager to act, an opportunistic president; and a patriotic media sphere (Wong, 2007: 2–4).

There is little scholarship on the USAPA's implementation and impact despite the great deal of discussion it has generated. Wong attempts to fill this gap in the literature and explains that the USAPA shifts the criminal justice paradigm and legal process from crime suppression to war fighting within which terrorists are no longer considered criminals but an enemy combatant without human rights. A similar shift has occurred in citizen rights that are represented as contingent and subordinate to state security and survival. The legislation's civil liberty implications have prompted the greatest amount of controversy, with some considering it a "direct attack on democratic freedoms" and a move towards a being a police state (Wong, 200 vii). This perspective is supported by a series of cases in which individuals and organizations were harmed by government agents empowered by the USAPA, as well as hundreds of resolutions upholding civil liberties and rights against the bill (Wong, 2007: 5, 17).

American Muslim communities were and remain disproportionately and negatively impacted by the USAPA in a variety of ways (Musabji and Abraham, 2007: 98). The bill empowers the U.S. government to "monitor, investigate, detain, and deport Muslims legally in the name of security, without rudimentary due process of the law and in gross violation of their rights" (Wong, 2007: 190). The expanded information sharing permitted by the USAPA directly expanded the investigatory reach and authority of the FBI and Department of Homeland Security ('DHS'), the latter of which would be created the following year as a part of the USAPA's implementation (U.S. Congress, 2005). Muslims were inordinately delayed or denied U.S. citizenship as a consequence of enhanced background checks, subject to racial profiling while traveling, subject to more restrictive policies in American prisons, and denied basic human rights under the original Military Commissions system (Musabji and

Abraham, 2007: 83-5).

Less than two months after 9/11, the FBI sought over 5000 interviews with male visitors and non-residents who entered the United States after January as part of the official 9/11 investigation initiated under the USAPA. Interviews were requested with those who entered from countries "where there have been strong al Qaeda presences" (General, 2003, n. 8) whose populations are generally majority Muslim Arab or West Asian background. Interviewees were often not told their participation was voluntary, nor their right to have an attorney present (Musabji and Abraham, 2007: 99-100). Similar criticism of USAPA enabled discriminatory practices is made of the DHS and its Countering Violent Extremism (CVE) program established under President Obama's administration. Although CVE documents contained neutral language, the programs it initiated focussed almost entirely on American Muslim communities. This reality was emphasized by President Trump's administration, which considered renaming the program: "Countering Radical Islam or Countering Violent Jihad". CVE programs deployed flawed methods for identifying potential terrorists that ultimately damaged its relationship with these communities to the degree that it undermines security by discouraging their members to provide law enforcement information to foil terrorism plots (Patel and Koushik, 2017: 1-2, 18-9).

A U.S. Justice Department Inspector General report on the treatment of persons held in connected with the 9/11 investigation similarly found that most allegations of violations made under provisions of the USAPA were from Muslim complainants, including claims of being verbally and physically abused (Senzai, 2004: 4, 11). The investigative methodology involved arresting, detaining, and labelling individuals as connected to the investigation on the basis of their Middle Eastern or Arab backgrounds. For example, the investigation followed leads based on anonymous calls from "members of the public suspicious of Arab and Muslim neighbors who kept odd schedules", landlords reporting tenants' "suspicious activity", "two Arabs" renting a vehicle for a one-way trip, or for working at a grocery store "operated by numerous Middle Eastern men". In one instance, several Middle Eastern men were arrested and treated as connected to the 9/11 investigation during a traffic stop for being in possession of pictures of famous buildings, including the World Trade Centre (General, 2003: 16–17). Lastly, between September 2001 and June 2005, the USAPA was also used to arrest and detain at least 70 men as part of unrelated terrorist criminal investigations, in which all but one of these men were Muslim (Wispinski, 2006). The sum total of such obviously discriminatory actions have led some to characterize the USAPA's impact on policy implementation as one of "arbitrary detention [of Muslim and Arab Americans] based on racial profiling" (Senzai, 2004: 8).

COUNTERTERRORISM ACT (CANADA)

The 2001 Anti-terrorism Act (ATA) was Canada's legislative response to the events of 9/11 . Like the USAPA, the ATA was legislatively fast-tracked and intended to address what was perceived as a looming terrorist threat following 9/11, as well as provide government agencies the enhanced "tools and powers" to meet this threat (BCCLA, 2015). Prior to the ATA, cases that today might be thought of as terrorism were prosecuted using common *Criminal Code* provisions, e.g. murder charges (Nesbitt and Haag, 2020, n. 3). The ATA amended both *Criminal Code* and the *National Defence Act*. The *Criminal Code* amendments created new offences, provided police and intelligence

agencies new powers by which they could obtain electronic search warrants, hold investigative hearings, and impose recognizance with conditions. The *National Defence Act* amendments allowed Canadian intelligence agencies to intercept the communications of Canadians within Canada, as well as the ability to prevent disclosure of certain information on national security grounds (BCCLA, 2015). The following section illustrates key features of the ATA by way of contrast with the USAPA.

The Canadian *Criminal Code* did not contain a definition of "terrorist activity" or "terrorist group" prior to the ATA, at which point it was amended to define and introduce several new terrorism-related offenses. The definitions were broad in scope and included acts taken for "political, religious or ideological purposes, causes or objectives," which according to Canadian counterterrorism scholar Kent Roach may make convictions under the ATA more difficult (Gabor, 2005, 8). By contrast, the USAPA does not contain any similar motive-based requirements, instead limiting terrorism-related offences to acts "calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct." These two drastically different definitions point to their different approaches to capturing terrorist-related activities under their respective criminal legislation. Whereas the new offences in the Canadian *Criminal Code* were defined to clearly distinguish terrorist and non-terrorist actions, the USAPA's new offenses do not appear designed to exclusively capture such activities. The USAPA instead includes actions that both terrorists and non-terrorists could commit but are more likely to be committed by the former (Wispinski, 2006).

Both Acts make it easier to arrest and detain suspected terrorists. The ATA offered law enforcement officials two new means by which they could investigate suspected terrorists: investigative hearings and preventive arrests. Investigative hearings require judicial consent and can compel individuals to attend a hearing before a judge. These individuals are entitled to retain counsel, although they are required to answer questions or produce things that may be incriminating. Preventive arrests require prior consent of the Attorney General and may only be undertaken to prevent the carrying out of a suspected terrorist activity. The detained person must be brought before a provincial judge within twenty-four hours to determine if their continued detention is warranted for up to twelve months (Wispinski, 2006).

Criticisms of the ATA generally highlighted the ways in which it made electronic surveillance warrants more attainable and with weaker judicial oversight, broadened the ability to spy on Canadians, and created greater secrecy surrounding legal proceedings for both the individuals implicated and the public (BCCLA, 2015). Roach also expressed concerns about the ATA's definition of terrorism being overly broad and how it could be used to avoid due process protections. Roach also noted that the criminalization of the wide-ranging activities that precede a terrorist act and as well as terrorism threats should be reconsidered in light of protections under the *Charter of Rights and Freedoms* ('Charter') (Gabor, 2004, 8-9). The ATA was used to undertake four prosecutions until it was replaced by Bill C-51 (Justice Department, 2017)—a bill that sparked a substantially greater amount of controversy than its predecessor.

Bill C-51 was national security legislation introduced under the government of Prime Minister Stephen Harper and received royal assent in 2015. Bill C-51 effectively replaced the ATA, and although both statutes share the shortened title 'Anti-terrorism Act', they are referred to here as the ATA and Bill C-51 for clarity. While both bills amended the *Criminal Code*, C-51 went further by also amending the *Canadian Security Intelligence Service Act*, the *Secure Air Travel Act*, and the *Security of Canada Information Sharing Act*. When Bill C-51 was first introduced it was widely criticized by politicians, lawyers, academics, and non-governmental organizations for expanding police powers to arrest and detain individuals suspected of terrorist activity without a warrant, as well as increased intergovernmental department personal information sharing (Mahrouse, 2018, 476). Features of Bill C-51 were subsequently amended in 2019 by Bill C-59. This section proceeds with a comparison of the ATA and Bill C-51 and concludes with a brief discussion of the C-59 amendments.

Bill C-51 should be understood as a direct response to terrorism incidents in the same way that the ATA was a response to 9/11. In October 2014, Martin Couture-Rouleau drove a vehicle into two uniformed Canadian Armed Forces members, killing one. Two days later, Michael Zehaf-Bibeau shot and killed a soldier standing guard at the National War Memorial in Ottawa and went on to enter the Centre Block of the Parliament building where he was killed in a shoot-out with RCMP officers. Both men had converted to Islam shortly before they carried out their attacks, and government and media quickly dubbed them terrorist attacks (CTVNews.ca Staff, 2014, October 22). The societal shock of these events produced a political opportunity—or "security bump" as it is sometimes known (Forcese and Roach, 2015: 3)—for the federal government to follow up the four new provisions it introduced in 2013 pertaining to terrorism-related activities with an additional three provisions pertaining to counter-terrorism investigation introduced in Bill C-51 (Nesbitt and Hagg, 2020, n. 4). In total, Bill C-51 made six broad changes to national security, anti-terrorism, and privacy law. These changes criminalized promoting terrorism offenses while aware of the potential that someone else "may" commit such an offense; allows the preventive arrest and detention of a person if its "likely" to prevent an act of terrorism; allows judges to order "terrorist propaganda" deleted from the internet; empowers the Canadian Security Intelligence Service ('CSIS') to take measures to reduce "threats to the security of Canada" even if such measures contravene the *Charter*; allows government agencies to share information that may undermine national security; and codifies the ability to place Canadians on a "no-fly list" (Gill, CCLA, 2015). The new offences were criticized for being vague in scope and overbroad in the conduct it potentially captured (Carvin and Tishler, 2020; Gabor, 2004). There was additional concern about a possible chilling effect on free speech, and the low standard for preventively detaining an individual and extending their detention period (Forcese and Roach, 2015). The lower standard required to use preventive powers in particular raised concerns that it may lead to religious and ethnic profiling against Muslims (Gill, CCLA, 2015). For this reason, many features of Bill C-51 were considered not only "unwise" and "unconstitutional", but also a counterproductive effort to "instituionaliz[e] illegality in the name of security" (Forcese and Roach, 2015:8).

According to Canadian legal scholars Craig Forcese and Kent Roach, Bill C-51 achieved the "dubious accomplishment" of simultaneously raising possible *Charter* rights violations while rejecting the security recommendations proposed in the Air India Commission investigating the 1985 plane

bombing (Roach and Forcese, 2015:viii). In their book, *False Security: The Radicalization of Canadian Anti-Terrorism* (2015), Forcese and Roach detail the series of post-9/11 illegalities and *Charter* violations and the determination that CSIS should be authorized to violate *Charter* rights, "even if this required a radical inversion of the judicial role in protecting such rights" (15).

It is apparent in Canada as in the United States that anti-terror legislation has been used disproportionately against Muslim and Arab communities. A series of white supremacist inspired terrorism incidents in which the accused were neither charged nor convicted with terrorist-related offences attest to the legislations uneven application and indicated to some "a double standard for Islamic-related terrorism" (Forcese and Roach, 2015:2). There is very little information available concerning who has been investigated authorized under Canadian counterterrorism legislation. However, the legislations use in criminal prosecutions indicates its overwhelming use against only Islamic-inspired actions, rather than white supremacist inspired actions. As of 2018, fifteen terrorism trials had been completed, resulting in twelve convictions (Nesbitt and Hagg, 2020:597). Every single person convicted was either Muslim and/or of Western Asia or North African heritage and was affiliated with Islamic organizations or ideologies. For instance, Misbahuddin Ahmed was described by the Crown prosecuting him as a "committed jihadist" (CBC, 2014), while Momin Khawaja was described during a Canadian Senate Special Committee on Anti-terrorism meeting as an example of "al Qaeda-inspired extremism in Canada" (4 Oct. 2004 Proceedings).

The various criticisms of Bill C-51 prompted the successive Liberal government of Prime Minister Justin Trudeau to introduce Bill C-59, An Act Respecting National Security Matters. While Bill C-59 ostensibly redresses concerns raised by aspects of Bill C-51, it has been criticized for "resolv[ing] some problems, ignor[ing] others, and creat[ing] entirely new ones" (Gill, CCLA, 2017).

THE CASES:

The cases that we have chosen to examine include 9/11, Omar Khadar, the Quebec Mosque Shooting, and Charlottesville. The purpose for choosing these cases is threefold, first they are representative of incidences of both Islamic fundamentalist terrorism and white nationalist terrorism, second, they span both countries, and third they cover a period of approximately sixteen years. As a result, we are able to assess how the highly racialized national security narrative of the Islamic fundamentalist terrorist threat emerged and has been sustained and entrenched via counterterrorism governmental discourse, laws and policies, and media coverage. Ultimately, we argue that this highly racialized national security narrative has both acted as the impetus of the latest manifestation of white nationalist inspired terrorism and governmental officials' inability to see and understand the severity of this particular terrorist threat.

SEPTEMBER 11, 2001:

The terrorist attacks of September 11, 2001 caused a devastating level of destruction and death on American soil. In an atmosphere of fear and uncertainty, the Bush Administration unleashed a series of hard line reactionary national and international policies and laws. The vast majority of which were fueled by the necessity for immediate action, rather than thoroughly examined and executed;

the reverberations of which continue to be felt to this very day. The responses were expansive and dramatically altered America's national and international security parameters; they included: laws and a series of policies that directly and severely infringed on people's civil and human rights, the declaration of a global War on Terror, and the invasion of Afghanistan and Iraq. In short, all were directly aimed at Muslims and Arabs worldwide. As Patel (2017) points out "[c]ounter-terror measures have been criticized for their overfocus on all Muslims, and for their simplistic, generic and one-dimensional notions of Islam" (3).

The subsequent media coverage was directly connected by an underlying sentiment that was and continues to be built on a generalized belief that Islam in an inherently dangerous religion and that its adherents are a clear and present danger to national security. Due to the invisibility of terrorists, the perspective came to include all Muslim and Arab Americans and Canadians. The simplistic notions of Islam present the religion and culture as inherently dangerous with the potential of radicalizing any of its adherents. Such a perspective and ill informed logic normalizes this misperception but has provided and continues to provide a commonsensical view of who is a terrorist threat. These conceptualizations spread quickly throughout society at large and remain intact to this day (Beydoun, 2018).

The term 'Islamic fundamentalism' emerged following the 1979 Iranian Islamic Revolution and hostage crisis, at which point it was popularized by U.S. media (Antúnez and Tellidis, 2013:124). This generalized conceptualization of the dangerous Muslim fundamentalist *terrorist* was resuscitated by President Bush directly in the aftermath of 9/11 as the enemy within and the enemy without. This perception became further entrenched in various policies and laws that singled out Muslim Americans as extremist's writ large. President Bush set the tone for the highly racialized response to the attacks. On the evening of 9/11 President Bush made his first official address to the nation and the world stating that:

> Today, our fellow citizens, our way of life, our very freedom came under attack in a series of deliberate and deadly terrorist acts. Thousands of lives were suddenly ended by evil, despicable acts of terror. The pictures of airplanes flying into buildings, fires burning, huge structures collapsing, have filled us with disbelief, terrible sadness and a quiet, unyielding anger. America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world. And no one will keep that light from shining. Today, our nation saw evil, the very worst of human nature and we responded with the best of America. (CNN, 2001).

On the surface, President Bush's words seem appropriate in light of the catastrophic events of the day. However, if we pay closer attention to the language used that includes words such as 'evil', 'terror', 'sadness', 'disbelief', 'unyielding anger', and that we were targeted because we are 'good', such language acts as a funnel that channeled the anger and grief that was felt by all Americans on that fateful day to one identifiable enemy – Muslim and Arab Americans and ultimately any Muslim or Arab person in the entire world (Merskin, 2005; Oddo, 2011).

The discursive framing of who is a danger and who is not is situated in the framing of "9/11 as

a moment of temporal rupture within the United States" (Holland and Jarvis, 2014:187) that was unexpected, unwarranted, thus becoming a revered moment in time (Smith et al., 2019). It is from this perspective that fear of the other is presented as a way to make sense of what has happened and indeed what could happen in the future if we are not vigilant. The potential for analyses that centred on terrorism being a political, social, or an economic act was swiftly silenced as an alternative explanation for the events of 9/11. The persistence and continual reinforcement of who is a threat and how to identify that threat resonates with the public and is fostered by a "sustained sense of fear" of the other who is the Islamic fundamentalist terrorist (Smith et al, 2019:63).

There is little doubt that the media coverage of 9/11 contributed to widespread Islamophobia. Similar to the official governmental discourse, mainstream media coverage of terrorist acts provides further and more immediate daily context for its viewers and readers on a 24 hour news cycle. The media provides an overarching narrative that enables us to understand the events that have transpired, why they have occurred, who the perpetrators might be, and why we should be afraid.

The media coverage of 9/11 was nothing short of massive. As Kellner (2004) points out this coverage can be best described as media spectacle that was broadcast to the world. The planes hitting the World Trade Center towers and their subsequent collapse were shown again and again and again in a continual loop. The images of the burning towers, people jumping from the buildings, the rubble, dust, and pieces of floating paper were surreal and became images that were burned into Americans minds. From this coverage "[t]he spectacle conveyed the message that the U.S. was vulnerable to a terror attack, that terrorists could create great harm, and that anyone at any time could be subject to a deadly terror attack, even in Fortress America" (Kellner, 2004:44). The coverage continued throughout the remainder of the day and for many days after the event occurred. As many scholars have pointed out, no other narrative was provided, no explanations were even considered for the reasons behind the attacks, and what the mainstream media co-opted was a clash of civilizations (Huntington, 1997) narrative that dominated their coverage (Kellner 2004; Collet 2009; Patel 2017; Jackson 2009). This conceptualization of the catastrophic events of the day provided a narrative based on the binaries of 'us' and 'them' of 'good' and 'evil' was pervasive, highly racialized, and brought to the fore the "anxieties that Muslims are uncivil, inferior and inhuman" (Patel, 2017:4). As "Muslims are not just ... deviant or even criminal – the fundamentalist terrorist, different to the comparatively humanistic terrorist of yester-year. The "Islamic terrorist" indiscriminately targets all Western-civilians, including its most vulnerable and precious: women and children" (4).

Within a very short time period of time after 9/11 in January of 2002, we witnessed televised media coverage of Arab and Muslim men who had been rounded up, some of whom were suspected terrorists, many of whom were not but were nonetheless taken to the detention center that had been hastily constructed at Guantanamo Bay, Cuba (Razack, 2008). Absent of the legal obligations afforded by the Geneva Conventions, these men and boys were considered enemy combatants – who had no legal rights (Olshansky, 2007). Caged in makeshift chain link open air cells, clothed in orange jumpers with blackout googles over their eyes, hands cuffed behind their backs, kneeling in the gravel these men, their families, and every Muslim and Arab in the entire world became the focal point for the fury of a nation. These are dehumanizing acts and images, the inference being that these people, these terrorists are in point of fact not human at all, they are not like us, they are animalistic, the

untameable savage other, who are certainly not worthy of having their human rights protected or the legal assumption of innocent until proven guilty. Rather, they were assumed guilty simply by virtue of the fact that they were Muslim and/or Arab. Their guilt was collective and decided by the color of their skin and their religious beliefs.

OMAR KHADR:

Omar Khadr was born in Toronto, Ontario in 1985, and spent much of his childhood moving between Canada and Pakistan. Khadr's father was active in Pakistani civil society, where he was arrested, detained, and eventually freed for alleged complicity in a terrorist bombing in Pakistan. Khadr's father ultimately took him to Afghanistan where, at the age of fifteen, Omar is severely injured—shot twice eventually losing an eye—and arrested following a firefight with U.S. occupying troops in an Afghanistan compound. He is charged with throwing a grenade that fatally wounded a U.S. strategic forces soldier and medic—although the supporting evidence is imprecise and weak. After spending some four months in captivity at the U.S. Bagram Air Base in Afghanistan, Khadr is transferred in 2002 to the American military complex in Guantanamo Bay, Cuba. There he is accused of being an "Al Qaeda fighter" and is alleged to have undertaken activities on behalf of the group (Williamson, 2012:194). Several months later, Khadr is visited and interrogated by CSIS and Canadian Foreign Affairs agents where they illegally share information about Khadr with the US.

Khadr is eventually charged with a number of offenses, including murder, at which point he is tried as an "unprivileged belligerent" under the Military Commissions system ultimately found to not conform to acts of Congress and illegal under the Geneva Conventions. Khadr remains incarcerated in Guantanamo Bay as the only child prisoner housed with adults, where he is again put on trial under a new Military Commissions system. Khadr's charges are dismissed on the grounds that he is found to be a (lawful) enemy combatant, and then reinstated, eventually resulting in a plea bargain in 2010. Khadr is sentenced to serve eight years of his sentence imprisoned in Guantanamo, with the understanding that the remainder will be served in Canada. The following year, U.S. President Barack Obama signs an act accelerating Khadr's repatriation, and he is eventually released into Canadian custody in 2012 where he begins serving the remainder of his sentence. After spending three years incarcerated in an Alberta prison, Khadr is released on bail in 2015 (Williamson, 2012:xv-xxiv).

Various Canadian government agents visited Khadr during the ten years he spent incarcerated as the only Canadian in Guantanamo Bay. Throughout this time, the federal government led by Conservative Prime Minister Stephen Harper repeatedly took steps to prevent Khadr's repatriation. Canada is seen as unusual amongst other 'Western' countries for not taking steps to repatriate its citizen detained in Guantanamo (Williamson, 2012:212-3). This tendency was true of successive Liberal and Conservative federal governments in the 2000s, however, the actions of Prime Minister Harper's government stand out as uniquely punitive in the face of a growing amount of intra-government dissent. For instance, the Parliamentary Subcommittee on International Human Rights recommended in 2008 that the Canadian government demand the Military Commission proceedings against Khadr be terminated and he be immediately released from Guantanamo Bay into Canadian custody, reject his classification as an "enemy combatant", investigate the possible prosecution of Khadr under Canadian law, and ensure the application of the international humanitarian law with regards to children in armed

conflict (Sorenson, 2008). In 2009, a Federal Court found the government's failure to seek Khadr's release to have violated his Charter rights and ordered his repatriation. The federal government appealed the order and it was eventually heard by the Supreme Court of Canada. The Supreme Court unanimously refused to uphold the order but declared the federal government's actions to violate Khadr's constitutional rights. The subsequent Liberal government dropped the previous appeal by the federal government to revoke Khadr's bail in 2016, and the following year the government apologized to Kadhr and offered him a $10.5 million settlement (Williamson, 2012).

Omar Khadr's trajectory from the age of fifteen onwards is a uniquely vivid study in how Islamophobia interacts with Canadian foreign and domestic policy as well as American anti-terrorism legislation. This section takes up these two features for discussion in this order. It is clear that the Canadian federal government was uninterested in repatriating Khadr because of the highly politicized nature of his charges and the context in which they were undertaken, namely, the War of Terror (Williamson, 2012). The federal government's repeated failure to advocate for Khadr's rights and active measures taken against securing his release from Guantanamo are indicative of several interrelated phenomena. Specifically, an extension of the federal government's domestic 'tough on crime' policy-making approach into its role in fighting the War on Terror; the inadequacy of different governmental organizations and officials to effectively pursue Khadr's release in the absence of a cooperative federal government; and a Canadian media environment that fomented existing racial and religious tensions in Canadian society.

Khadr's case was a post-9/11 litmus test to determine if the Canadian government was more committed to its citizens' civil liberties and international human rights obligations or its ideas of national security and how to best ensure it. The resulting Islamic-related terrorism prosecutions disproportionately affected Canadians and foreign nationals from West Asia and North Africa. Whereas the federal government had intervened on behalf of Khadr's father Ahmed in the mid-1990s, once it was alleged that Ahmed had ties to Osama Bin Laden the sins of the father were visited upon the son as if they were inherited (Razack, 2014:82). However, it was not only Ahmed Khadr's identity that was mobilized and projected onto his son for the purposes of supporting the ongoing detention and prosecution of Omar. As Sherene Razack has put it, "[t]he case against him required a conceptual arsenal of white supremacist ideas about Muslims", none more so than the idea that Muslims are innately prone to sudden violence (Daulatzai & Rana, 2019:185). Khadr was denied the assumption of innocence in the court of public opinion despite his captors describing him as "salvageable" and a "good kid" (Williamson, 2012:xviii). No amount of evidence to the contrary could shake the deeply held views about Muslims in the West.

Writing in 2012, one of Khadr's American lawyers who represented him for three years during his military commission observed that over the course of media reporting on Khadr, the Canadian press published dozens of versions of the account of Khadr's capture with the exception of Khadr's own (Williamson 2012:194). Khadr's identity was constructed through descriptions and images in the media that chose to define Khadr by his faith, father, and what possible relation they bore to the Taliban. The Khadr's were dubbed in the media as Canada's "first family of terror" (Williamson 2012:222) and became a lightning rod of fear and distrust. This particular type of distrust was accurately described as an "epidemic" wherein 97% of the population of Canada was beginning to see its Muslim population

as "the other" (Senate Subcommittee 4 Oct. 2004 Proceedings). Indeed, according to a 2012 poll, 80% of Canadians did not want to see Khadr repatriated to Canada (Daulatzai & Rana, 2018). This point is further punctuated by an observation from a Canadian legal scholar and advisor to Khadr's American counsel in Guantanamo, Audrey Macklin, who said the case forced her "to confront the fact that large swaths of the public seem to regard the most basic human rights […] as privileges reserved for the popular" (Williamson 2012: 224). While Macklin does not expand upon who exactly 'the popular' are, it is certain that Muslims and Arabs living in post-9/11 North America are not among them.

There are a number of definite and probable Geneva Conventions violations resulting from the treatment and trial of Omar Khadr. Like many of those detained in Bagram and Guantanamo, Khadr alleges to have been tortured during his initial interrogations in the Bagram prison—a claim supported by guard testimony (Razack, 2014:63). The initial military commission trying him as an "unlawful enemy combatant" had no basis in international law and denied him rights under international human rights law, international humanitarian law, and U.S. domestic law. Further, he was a child when he is alleged to have undertaken the actions in question and he should have been afforded the special protections for children in armed conflict provided for by international law. Instead, Khadr became the first child charged with war crimes since World War II.

The American government issued a number of presidential orders and memorandums that explicitly indicated their intention to (attempt to) circumvent U.S. constitutional law and deny detainees at Guantanamo protection under the Geneva Conventions (Williamson, 2012:196). Such blatantly discriminatory and illegal official acts are not socially acceptable unless the society in which they take root shares basic assumptions about the affected communities. The anti-Muslim prejudice permeating Western societies was significantly exacerbated by 9/11 (Kanji, 2018; Patel, 2017; Sian, 2017), nowhere more so than in the U.S. In America. as elsewhere in the West, Muslims and those from predominately Muslim countries must necessarily be considered as subhuman in order to be treated thusly by political and legal institutions. As Razack explains, Western political thought has long seen Islamic *culture* as the source of the "fatal attraction between Muslims and terrorism" (Daulatzai & Rana, 2018:186). The cultural variations between the East and the West were ascribed significant normative value in which culture became intrinsic to character. This dynamic of difference is ascribed certain psychological predispositions that are considered *inheritable*, and therefore an issue of *race* (Park, 2014:44; Anghie, 2004:189). This formulation is inverted in the imagined attributes of the white citizen of European origin who is innately rational and only ever capable of violence the most exceptional circumstances. This mode of thought was repeatedly put on display by the testimony of Michael Welner, a psychiatrist and expert witness in Omar Khadr's sentencing. Speaking on the question of Khadr's religious devotion and its potential connection to radicalism, Welner claimed that, "Poor prognosis is associated with being religiously devout. In other words, the more religious the person, the more poor the prognosis" (Daulatzai & Rana, 2018; 183). The Islamophobic tendencies and prejudice of post-9/11 litigation of Islam-inspired terrorism-related offences continued to play out in Canadian court cases after Khadr (SSRN, 2020, Emon and Mahmood).

QUEBEC MOSQUE ATTACK:

Nine days after the inauguration of U.S. President Donald Trump, twenty-seven year old Alexandre Bissonnette entered the Centre Culturel Islamique de Québec in Ste. Foy, Québec where he murdered six worshipers and injured nineteen others. Bissonnette acted alone while armed with a long gun and pistol. He called police to turn himself in approximately twenty minutes after he fled the scene. Police charged Bissonnette with six counts of murder and attempted murder, to which he pled guilty in March 2018. Bissonnette was convicted and received two consecutive life-sentences without parole eligibility for forty years. This sentence was appealed and having been found as violating Bissonnette's *Charter* right against "cruel and unusual punishment" was reduced to twenty-five years (CBC News, 26 Nov. 2020).

Bissonnette's treatment by the media and criminal justice system demonstrate the ways in which a double standard is applied to white supremacist-inspired terrorism as compared Islamic-inspired terrorism. This section illustrates this with reference to media reporting, public discourse, and anti-terrorist legislation application. It puts forward the argument that the Québec City mosque attack and its attendant reactions are an expression of the broader anti-Muslim and Islamophobic socio-legal environment in Canada.

Both the Prime Minister and Québec Premier described the act as a "terrorist attack" the day it occurred (Mahrouse, 2018). By contrast, a prominent television news anchor referred to Bissonnette's actions as "reverse terrorism" because it was carried out against and not by Muslims (Mahrouse, 2018). Despite the self-evidently ideological motivation of attacking a mosque, Bissonnette was not charged with terrorism related offenses in the *Criminal Code*. This prosecutorial decision did not go unnoticed, and various criminal law experts offered possible explanations as to why Bissonnette did not face terrorism-related charges. The three most persuasive of which are also the most revelatory in terms of the types of terrorists and actions likely imagined by the legislation's drafters.

The first is offered by Canadian criminal law expert Alana Klein, who explained that terrorism-related offences place an additional burden on prosecutors to prove the motivation of an accused actions, rather than a basic intent to kill (National Post, 1 Feb. 2017). This is a potential indicator that the assemblage of anti-terrorist legislation was envisioned to function in cooperation with one-another. By this it is meant that intelligence agencies conducting surveillance would prompt police investigations that would lead to subsequent preventive arrests, detention, and charges—all of which would take place ex ante the terrorism event. If one or more of these steps is skipped, as in the case of a genuinely spontaneous terrorist act, the probable conviction of terrorism related offenses becomes significantly more challenging. It is difficult to produce evidence of motives in the absence of an existing, sustained investigation into a suspected terrorist. Thus, *who* and *where* police and intelligence officials look for signs of potential terrorist activity has a great impact upon whether terrorism-related charges are ever laid. Given what is known about the general disproportionate surveiling of Muslim communities and the fact that all terrorism convictions in Canada were men of either Muslim faith or West Asian and North African background, it *appears* that white supremacist inspired terrorist acts could easily go undetected, and consequently, unprosecuted.

The second related explanation as to why Bissonnette did not face terrorism charges is offered by forensic psychologist, criminology expert, and Université de Montréal professor Louis Morisset, who suggested that the initial lack of terrorism charges was due to a similar lack of supportive evidence. He added that "[i]nvestigators will look into his computer or documents at home. They'll look at his social media accounts or any notes he's written. Even the books he had in his room" (National Post, 1 Feb. 2017). This explanation was ultimately proven to be, in part, inapplicable to Bissonnette, since the trial judge's sentencing remarks indicate that the prosecution had submitted evidence of Bissonnette's online expressions of intolerance towards Muslims and support of far-right, Islamophobic politicians. The judge presiding over Bissonnette's trial even stated, "[Bissonnette's] crimes were truly motivated by race, and a visceral hatred toward Muslim immigrants" (National Post, 1 Feb. 2017 & BBC, 31 Jan. 2017).

The final explanation comes from the aforementioned scholar Kent Roach, who explained that it was almost impossible to charge Bissonnette with terrorism-related offenses because he acted alone. Most of the relevant *Criminal Code* provisions require "participation or support of a group or commission of an offence for a group" (National Post, 1 Feb. 2017). However, Roach also noted that a provision added by the ATA provides that a murder charge can be first-degree if the crime "also constitutes a terrorist activity", which the prosecution could have theoretically proceeded with against Bissonnette. Two important conclusions follow from Roach's comments. First, Muslims are more likely to be assumed to associate with a 'group' by virtue of being a minority, in contrast to the white, male 'lone actor' attackers who are seen to be operating independently. This 'group' requirement is amplified by the fact that it was not until mid-2019 that the Canadian government placed far-right groups on its list of illegal terrorist organizations. The specific organizations in question are the international network Blood & Honour and Combat 18 (Bell, 2019). Prior to 2019, it would be extremely difficult to charge someone affiliated with these or similar groups with terrorism-related offense due to them not being regarded as terrorist groups. Second, as Roach suggests, Bissonnette's actions clearly satisfy aspects of the *Criminal Code*'s terrorist activity definition, and that he should have been charged under the relevant provision in order affirm that Canada's terrorism laws apply to everyone and that there is no double-standard in place for far-right and racially-motivated terrorism versus Islamic-inspired terrorism (Mahrouse, 2019).

Khadr and Bissonnettes' radically different experiences with counterterrorism policies in Canada point to the existence of the kind of systemic racism that characterizes Western societies founded on ideas of white supremacy. More recent examples highlight how this differential treatment continues to operate today, especially when it comes to those holding white supremacist views *within* government institutions. The most prominent examples are from the Canadian Armed Forces (CAF), where multiple revelations have emerged in the past couple years. There are numerous instances of CAF members with ties to far right and/or white supremacist organizations, including the Proud Boys, the global neo-Nazi groups The Base, Three Percenters, Soldiers of Odin, Attomwaffen Division, as well as a sailor who was relieved, readmitted, and then ultimately discharged from the Navy despite being involved with neo-Nazi organizations, some of which he attempted to sell military-grade weapons (Leichnitz, 2020; CBC News, 4 September 2020; CBC News, 21 August 2019; Global News, 2 February 2018; Lamourexu and Makuch, 8 February 2018). This stands in stark contrast to the legal approach taken with Toronto resident and murder suspect Saad Akhtar. Akhtar allegedly bludgeoned

a randomly selected passerby on the street and after turning himself in shortly after was given first-degree murder charges. These charges were later updated to include 'terrorist activity, homicide' after it was reported (without police confirmation) that Akthtar made comments to police about the group ISIS (Global News, 16 March 2020). This update made use of the very *Criminal Code* provision Roach suggested be used to charge Bissonnette. The change in Akhtar's charges indicate a clear willingness to identify as terrorism a violent action to which *any* connection to Islamic fundamentalist ideology may be attributed; and in doing so, reinforcing Forcee and Roach's aforementioned concern for an Islamic-related terrorism double standard. This remains the case in Canadian media as well.

In his regular contributions to The Hill Times, retired CSIS analyst, threat and risk consulting firm president and CEO, and program director with University of Ottawa's Professional Development Institute Phil Gurski has repeatedly defended the Canadian government's preoccupation with "Islamic extremism" as both sensible and warranted due to it "far outweigh[ing] the threat of right-wing extremism (The Hill Times, 15 Oct. 2018). In response to the Quebec mosque attack, Gurski asserted that right-wing terrorism should not be a priority for CSIS and the RCMP, and that Bissonnette's single act does not indicate a "coming wave" of right-wing terrorism. He goes on to suggest that the distinction between terrorism, mass-murder, and hate-crime is not meaningful when it comes to Bissonnette's actions (The Hill Times, 7 Feb. 2017). Gurski's apparent irritation with those drawing attention to the threat of right-wing terrorism and his dismissal of the significance of Bissonette's Islamophobic motivations points to the bias present in both (former) intelligence agents and the media writ large.

CHARLOTTESVILLE AND THE UNITE THE RIGHT RALLY:

On June 17, 2015, Dylann Roof a 21 year old self professed white supremacist shot and killed nine Black people who were attending a bible study at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina. Known as the Charleston Church Shooting, the extreme level of violence of this incident led to widespread calls to remove all symbols of the Confederacy in the United States. There was significant civil and political support for this endeavor all over the South. As a result, a statue of General Robert E. Lee was set to be removed from a park in Charlottesville, Virginia. However, not everyone agreed with this proposal and in response on May 13, 2017 self proclaimed white nationalist Richard Spencer led a nighttime rally in Charlottesville protesting the removal of the statue. Approximately 100 protesters from various white supremacist groups around the country converged on Charlottesville, holding lit torches chanting "the Jews will not replace us" and "Russia is our friend" (Gabriel, 2017). The spectacle was ominous, and the Mayor of Charlottesville denounced the event stating that it "harkened back to the days of the KKK" (Gabriel, 2017). The following evening hundreds of anti-racist residents of Charlottesville held a candlelight counter-protest. Throughout the duration of the summer tensions mounted between white supremacists and anti-racist activists (Hayden and Nestel, 2017). On July 8, 2017, the Loyal White Knights of the Ku Klux Klan from Pelham, North Carolina held a rally in Charlottesville at the statue of Stonewall Jackson. In opposition, the Charlottesville Clergy Collective used the First United Methodist Church as a safe place for counter-protesters. After the Klan left, the counter-protesters were deemed to be engaging in an unlawful assembly and were ordered to disperse, tear gas was fired into the group and there were accusations of police brutality which resulted in mistrust of law enforcement authorities for the remainder of the

summer (Gabriel, 2017).

The far right organized another rally in Charlottesville from August 11th to the 12th of 2017. Referred to as the 'Unite the Right Rally' it was organized in response to the proposed removal of a statue of General Robert E. Lee from a park (Hayden and Nestle, 2017). The rally meant to bring together and unify individuals and groups who subscribe to white nationalist racist views. Counter-protesters, both individuals and organized groups convened as well. The security recommendations provided by the Virginia Secretary of Public Safety and Homeland Security Brian Moran were ignored, chief among them included a ban on weapons. Virginia has a law that allows for the open carrying of firearms, people were armed, and many white supremacists were armed with semi-automatic guns (Gabriel, 2017).

On the evening of August 11th approximately 250 white supremacists gathered with lit torches and marched through the University of Virginia's campus chanting "white lives matter" and "you will not replace us" (Helm, 2017). This group was met by a small group of counter-protesters who had locked arms, circling a statute of Thomas Jefferson. Violence ensued and minor injuries were inflicted. On August 12th Terry McAuliffe, Governor of Virginia declared a state of emergency stating that public safety could not be maintained without additional powers and at 11:22 a.m. the Virginia State Police declared the rally an unlawful assembly. Clashes between protesters and counter-protesters continued in the midst of attempts to disperse the crowds. At approximately 1:45 p.m. 20 year old James Alex Fields Jr., a self professed white supremacist deliberately drove his car into a group of counter-protesters killing Heather Heyer a 32 year old woman of Charlottesville and injuring 19 other people (Gabriel, 2017). Fields was charged at the state level with second degree murder, he was also charged with multiple federal hate crimes, that included the death of Heather Heyer and a further twenty eight related hate crimes, Fields received a life sentence plus 419 years (Gabriel, 2017).

The events that occurred at Charlottesville are of significant interest, as they are, in our opinion, acts of domestic terrorism perpetrated by white nationalist terrorists. Even though National Security Adviser H.R. McMaster and U.S. Attorney General Jeff Sessions, among others, described the car ramming that killed Heather Heyer and injured eighteen other people as an act of domestic terrorism, there was and continues to be a generalized reluctance to accept the premise that white nationalist acts of violence are actually acts of terrorism. This reluctance or outright disavowal of white nationalist inspired terrorism becomes apparent in the response of the events by President Trump and the media coverage of the events. This case in particular underscores the differential treatment of terrorist acts based on the factor of race.

Donald Trump's racist views were clear prior to his presidency. [1] President Trump came to power on a racialized platform that continued without abatement throughout the entire duration of his administration. For example, President Trump stated that Mexican's were murderers and rapists; he vowed to build a wall between Mexico and the United States and that Mexico would pay for its construction; he instituted a Muslim ban based on the assumption that all Muslims

---

[1] In 1989 after the Central Park Five had been arrested for the rape and attempted murder of a white woman Donald Trump took out full page adds in several newspapers urging officials to reinstate the death penalty for the accused teenagers. All five of the accused have since been exonerated for any involvement in the crime.

were terrorists; he held numerous rallies encouraging outright violence against people of color and protesters at his rallies; he has publicly encouraged the police to be more violent; he has a zero tolerance immigration policy; allowed for and enabled the separation and incarceration of children from their migrant parents; called migrants invaders; he has publicly stated that he wants immigration from prominently white countries not "shithole" countries in Africa; has called Black Lives Matter activists criminals and thugs; he disparaged the Gold Star Khan family when they spoke out against his racism – stating that Mrs. Khan was not allowed to speak because she is Muslim, when in fact she was overwhelmed by grief; Trump has publicly stated his support for the practice waterboarding on suspected terrorists more than once; and has stated that enhanced interrogation does not go far enough (Cineas, 2020).

Under President Trump, the far right has become increasingly emboldened by his words and actions. His refusal to denounce the white supremacist 'Unite the Right Rally' in Charlottesville and the murder of Heather Heyer is apparent in his statements regarding the events of Charlottesville. For example, President Trump stated to the media only two hours after the vehicular ramming attack that "we condemn in the strongest possible terms this egregious display of hatred, bigotry and violence on many sides, on many sides … what is vital now is a swift restoration of law and order" (Politico, 2017). In a second statement to the press, he said that "To anyone who acted criminally in this weekend's racist violence, you will be held fully accountable. Justice will be delivered … Racism is evil. And those who cause violence in its name are criminals and thugs, including the K.K.K., neo-Nazis, white supremacists and other hate groups that are repugnant to everything we hold dear as Americans" (Politico, 2017). Dialing this sentiment back in a third statement Trump said that "Not all of those people were neo-Nazis, believe me. Not all of those people were white supremacists by any stretch" that there were "very fine people on both sides" and that the removal of Confederate statues was "changing history" and "changing culture" and that there was a "very, very violent alt-left" (Politico, 2017). In these statements President Trump's position on the events is patently clear, he does not disapprove of the racist sentiments expressed by those who attended the Unite the Right Rally or the violence that ensued. The polarization of the media into liberal and conservative camps coupled with a 24 hour news cycle exacerbated the situation. Right wing news sources such as FOX, Breitbart, Newsmax, and others have provided an additional bully pulpit for President Trump's racialized rhetoric and vilification of the left and left to centre mainstream news sources. The right wing media outlets often reinforce and legitimize President Trump's racist rhetoric in the hearts and minds of his followers.

Media coverage of the events at Charlottesville was substantial but divided by the ideological split of mainstream media and right wing media outlets. The mainstream media outlets of CNN, The New York Times, The Washington Post, and others decried the events as repugnant and not demonstrative of American values whereas right wing media outlets such as Fox news blamed the mainstream media and supported President Trump. Rather than engaging in the actual events and President Trump's response, Fox news centered their commentary on how the 'left wing' media took President Trump to task for his comments on the events. More specifically, the television program Fox and Friends were highly critical of the mainstream media's coverage of the events and President Trump's comments, Abby Huntsman of Fox and Friends stated that "[i]t seems like an open door now for them (mainstream media) to run with their narrative" noting further that "[i]n their minds …

they say this can, we can associate the president with these groups, and that fits a lot of the narrative on the left, a lot of the media, and that is very problematic for, for, society." (Fox and Friends, 2017). Rather than engage with the events, they used this opportunity to pander to President Trump and his followers.

The mainstream media's focus on the event is reminiscent of their coverage of 9/11 - as it primarily focused on spectacle and exception (Stevens, 2017). The spectacle of the events is one that capitalizes on the sinister presentation of torch lit marches, the violent clashes of protesters and counter protesters, and the horror of the car ramming that killed Heather Heyer and injured 19 people. The accompanying narrative deems the events as anomalous - the perpetrators are the exception - they are not representative of America - they are instead deviant versions of Americans and through this lens America is innocent once again. From the perspective of exception, the events of Charlottesville are not and cannot be viewed as an extension of American society, economics, or politics, but rather they harken back to an ugly period in America's history that is over, it is gone, and the only people who subscribe to the notions of white supremacy are uncivilized. The disavowal of the Unite the Right Rally and the violence that ensued as symptomatic of race relations and the social, economic, and political fissures that exist in the United States prevents, much like 9/11, a discussion of the underlying issues that persist in the country writ large. As critical race scholars so aptly point out, the overt racist need not exist for the structures of white supremacy to continue (Williams-Crenshaw 2011; Stefancic and Delgado 2000; Razack 2008). Rather, the blatant racist is quite simply the most obvious and extreme manifestation of race relations in America. The narrative of exceptionalism obscures the reality of where the fault lines exist and inadvertently reproduces the structural systems of oppression that maintain the status quo.

The events at Charlottesville occurred a full sixteen years after 9/11. This case, in particular, demonstrates the ways in which instances of white supremacist terrorism are framed and understood as exceptional acts of violence that are not in point of fact terrorist acts, but rather acts of violence committed by unstable people. Additionally, several of the white supremacist rallies were sanctioned by way of permit, it is unimaginable that a group of Islamic fundamentalist terrorists would be provided with a permit and venue to hold a rally, the notion sounds absurd and the absurdity is illustrative of these two groups' differential treatment. The contrast between the two could not be starker and is indicative of the ways in which the very presence of the far right is actually considered permissible and that their acts of violence are considered exceptional. The far right is not understood as individuals and groups whose sole purpose is to terrorize the public in general and specifically people of color and further political aims through violence and murder - even though this is precisely what they do. For us, this is demonstrative of the depth to which the underlying ideology of white supremacy exists in society at large.

The Anti Defamation League (ADL) has reported that white supremacist murders in the U.S. have "more than doubled in 2017" and that far right extremist groups and individuals are "responsible for 59% of all extremist related fatalities in the US in 2017" (ADL Audit 2017). In documentation from the House Oversight's Subcommittee on Civil Rights and Civil Liberties at a hearing titled "Confronting White Supremacy: The Consequences of Inaction" found that "White supremacists continue to pose the most significant threat of domestic terrorism and extremist killings in the United States" (DHS,

2017). Moreover, a joint intelligence bulletin issued by the Federal Bureau of Investigation and the Department of Homeland Security in May of 2017 titled "White Supremacist Extremism Poses Persistent Threat of Lethal Violence" found that white supremacists "were responsible for 49 homicides in 26 attacks from 2000 to 2016 … more than any other domestic extremist movement" (DHS, 2017). In addition, the following is worth quoting at length:

> The number of reported hate crimes in the U.S. has seen continual growth since 2014. The FBI reported 7,175 incidents of hate crimes in 2017, a 17% increase from 2016, and a 31% increase since 2014. The FBI also reported that in 2017, 4,131 hate crime incidents were based on race or ethnicity. The FBI's official hate crimes statistics are flawed and underreport the actual number of hate crimes being committed. From 2013 to 2017, the FBI reported 7,500 hate crimes on average while the National Crime Victimization Survey estimated 200,000 hate crimes a year. Under the Trump Administration, DHS appears to have significantly reduced resources and infrastructure that would address the increasing threat of white supremacist extremism. Reportedly, DHS recently disbanded a group of analysts focused on domestic terrorism in the Office of Intelligence and Analysis, reducing the number of analytic reports on white supremacists (DHS, 2017).

It is important to note that the Congressional hearing took place just prior to the events that unfolded in Charlottesville.

CONCLUSION

In this paper we have attempted to draw attention to the ways in which deep seeded notions of race and racism have informed understandings of who is a terrorist threat and who is not. We have argued that the historical social construction of race continues to permeate our understanding and informs the threat perceptions of national security dictums. The critical juncture of 9/11 acted as the impetus for reactionary policies, laws, and discourses that were and continue to be highly racialized. Each of the laws and discourses examined herein coupled with the cases of 9/11, Omar Khadar, the Quebec Mosque Attack, and Charlottesville demonstrate the linear causation that is representative of a positive feedback loop. The continual overemphasis of the fervent belief that the only terrorist is the Islamic fundamentalist terrorist becomes evident. This overemphasis obscures the clear presence of the actual national security threat who is at the proverbial and literal gate - the white nationalist terrorist.

BIBLIOGRAPHY:

ADL Hate Crime Map. (n.d.). Anti-Defamation League. Retrieved January 11, 2021, from https://www.adl.org/adl-hate-crime-map

American Civil Liberties Union. (n.d.). *Myths and Realities About the Patriot Act*. https://www.aclu.org/other/myths-and-realities-about-patriot-act

American Civil Liberties Union. (2011). *Surveillance Under the Patriot Act*.

Antúnez, J. C., & Tellidis, I. (2013). The power of words: The deficient terminology surrounding Islam-related terrorism. *Critical Studies on Terrorism, 6(1)*, 118–139. https://doi.org/10.1080/17539153.2013.765703

Asad, T. (2007). *On Sucide Bombing.* 128. http://books.google.com/books?hl=en&lr=&id=Tyg-crZZTX1EC&oi=fnd&pg=PA1&dq=On+suicide+bombing&ots=Nfw4_5KxA3&sig=O0Mn4G-gA1_5q50yyQ_m1Z6kUo6c

Bell, S. (2019, June 26). Canada adds neo-Nazi groups Blood & Honour, Combat 18 to list of terror organizations. *Global News*. Retrieved from https://globalnews.ca/news/5432851/canada-adds-neo-nazi-groups-blood-honour-and-combat-18-to-list-of-terror-organizations/

Bell, S. (2020, March 16). Suspect's alleged statements about ISIS led to terrorism charge ove Toronto hammer attack: sources. *Global News*. Retrieved from https://globalnews.ca/news/6661038/toronto-hammer-attack-by-isis-supporter/

Beydoun, K. A. (2018). American Islamophobia: Understanding the Roots and Rise of Fear. In *American Islamophobia*. University of California Press. http://www.degruyter.com/california/view/title/556414

Byng, M. (2013). You Can't Get There from Here: A Social Process Theory of Racism and Race. *Critical Sociology, 39(5),* 705–715. https://doi.org/10.1177/0896920512453180

Brewster, M. (2020, September 4). Rights group urges defence minister to turn caes of racism in the ranks over to police. *Cbc.Ca.* Retrieved from https://www.cbc.ca/news/politics/sajjan-simon-wiesenthal-neo-nazi-canadian-forces-1.5711272

British Columbia Civil Liberties Association. (2015). The Anti-Terrorism Act. In *Privacy Handbook.*

Budiman, A. (2020). Key findings about U.S. immigrants. In *Pew Research Center*. https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/

Byng, M. (2013). You Can't Get There from Here: A Social Process Theory of Racism and Race. *Critical Sociology, 39(5)*, 705–715. https://doi.org/10.1177/0896920512453180

Carvin, S., & Tishler, N. (2020). Made in Canada: The evolution of Canadian counter-terrorism policy in the post-9/11 world. *Canadian Public Administration, 63(1)*, 53–70. https://doi.org/10.1111/capa.12359

CBC Radio. (2019, August 21). How an undercover reporter exposed an alleged neo-Nazi in the Canadian miltary. *Cbc.Ca.*

CBC News. (2014). Misbahuddin Ahmed gets 12 years for terrorism convictions. In *Cbc.ca.*

CBC News. (2020). Man arrested in Toronto hammer attack now facing terrorism-related charge. In *Cbc.ca.* https://www.cbc.ca/news/canada/toronto/murder-terror-charge-1.5475641

Césaire, A. (1972). *Discoures on Colonialism*, (J. Pinkham, Trans). New York, NY: Monthly Review Press.

Challenges, T., & Terrorism, D. (2012)*. The Challenges of Comprehending and Responding to Domestic Terrorism*. 1–8.

Cineas, F. (2020, October 9). *A timeline of hate: Trump's history of encouraging violence, from 2015 to 2021*. Vox. https://www.vox.com/21506029/trump-violence-tweets-racist-hate-speech

CNN, M. S. and S. S. (n.d.). *Tackle white supremacy as terrorism, experts say*. CNN. Retrieved January 9, 2021, from https://www.cnn.com/2019/05/14/us/white-supremacy-terrorism-soh/index.html

CNN.com—Text of Bush's address—September 11, 2001. (n.d.-a). Retrieved December 30, 2020, from http://edition.cnn.com/2001/US/09/11/bush.speech.text/

Codification, C. (2001). *Anti-terrorism Act—Loi antiterroriste*.

Collet, T. (2009). Civilization and civilized in post-9/11 US presidential speeches. *Discourse & Society, 20(4)*, 455–475. https://doi.org/10.1177/0957926509104023

Confronting White Supremacy (Part I): The Consequences of Inaction. (2019a, May 15). House Committee on Oversight and Reform. https://oversight.house.gov/legislation/hearings/confronting-white-supremacy-part-i-the-consequences-of-inaction

Cook, N. (n.d.). *White House updates Trump's Charlottesville statement to condemn "extremist groups."* POLITICO. Retrieved January 11, 2021, from https://www.politico.com/story/2017/08/13/trump-charlottesville-extremist-groups-241590

CTVNews.ca Staff. (2014). Full text of Prime Minister Stephen Harper's remarks on Ottawa shootings. In *CTVNews.ca.*

Crenshaw, Kimberlé Williams. 2011. "Twenty Years of Critical Race Theory: Looking Back To Move Forward.": 103.

Collet, T. (2009). Civilization and civilized in post-9/11 US presidential speeches. *Discourse & Society, 20(4)*, 455–475. https://doi.org/10.1177/0957926509104023

Confronting White Supremacy (Part I): The Consequences of Inaction. (2019a, May 15). House Committee on Oversight and Reform. https://oversight.house.gov/legislation/hearings/confronting-white-supremacy-part-i-the-consequences-of-inaction

Cook, N. (n.d.). *White House updates Trump's Charlottesville statement to condemn "extremist groups."* POLITICO. Retrieved January 11, 2021, from https://www.politico.com/story/2017/08/13/trump-charlottesville-extremist-groups-241590

D'Angelo, S. (2016). 'To what world am I being released to?'*: Canadian national news discourse and the anticipated repatriation of Omar Khadr. *Social Identities, 22(6)*, 619–641.https://doi.org/10.1080/13504630.2016.1186532

Davis, L. E., McNerney, M., & Greenberg, M. D. (2015). *Clarifying the Rules for Targeted Killing. Rand Corporation.*

Declaration on Race and Racial Prejudice. (n.d.). Retrieved January 11, 2021, from http://portal.unesco.org/en/ev.php-URL_ID=13161&URL_DO=DO_TOPIC&URL_SECTION=201.html

Delgado, Richard, and Jean Stefancic, eds. 2000. *Critical Race Theory: The Cutting Edge.* 2nd ed. Philadelphia: Temple University Press.

———. "An Introduction to Discourse Analysis - Theory and Method.": 206.

Discourse, C., & Right, A. F. (2011). *Contemporary Discourse of the American Far Right.*

Erlenbusch-Anderson, V. (2018). The Trouble With Terrorism. In *Genealogies of Terrorism: Revolution, State Violence, Empire* (p. 281). Columbia University Press.

Full text: Trump's comments on white supremacists, 'alt-left' in Charlottesville—POLITICOBack ButtonSearch IconFilter Icon. (n.d.). Retrieved January 11, 2021, from https://www.politico.com/story/2017/08/15/full-text-trump-comments-white-supremacists-alt-left-transcript-241662

Focus on Geography Series, 2016 Census. (2019). In *Canada, Statistics*. https://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/Facts-can-eng.cfm?Lang=Eng&GK=CAN&GC=01&TOPIC=7

Forcese, C., & Roach, K. (2015). *False Security: The Radicalization of Canadian Anti-Terrorism. Irwin Law Inc.*

Forget, A. (2017). Mourning the Quebec mosque attack. *Anglican Journal, 143(2).*

Full text: Trump's comments on white supremacists, 'alt-left' in Charlottesville—POLITICOBack ButtonSearch IconFilter Icon. (n.d.). Retrieved January 11, 2021, from https://www.politico.com/story/2017/08/15/full-text-trump-comments-white-supremacists-alt-left-transcript-241662

Gabor, T. (2004). *The View of Canadian Scholars on the Impact of the Anti-Terrorism Act* (p.104). Department of Justice Canada. https://www.justice.gc.ca/eng/rp-pr/cj-jp/antiter/rr05_1/rr05_1.pdf

Gabriel, T. (2017, December 18). Charlottesville Police Chief Steps Down After Handling of Rallies Is Criticized (Published 2017). *The New York Times*. https://www.nytimes.com/2017/12/18/us/charlottesville-police-al-thomas.html

General, O. of the I. (2003). *The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks* (pp. 1–239). U.S. Department of Justice.

Geddes, Barbara. 2003. *Paradigms and Sand Castles: Theory Building and Research Design in Comparative Politics*. University of Michigan Press: Ann Arbor.

George W. Bush—911 Address to the Nation.pdf. (n.d.). Retrieved December 30, 2020, from https://www.americanrhetoric.com/speeches/PDFFiles/George%20W.%20Bush%20-%20911%20Address%20to%20the%20Nation.pdf

Gill, L. (2015). Understanding Bill C-51: The Anti-terrorism Act, 2015. In *Canadian Civil Liberties Association*. https://ccla.org/understanding-bill-c-51-the-anti-terrorism-act-2015/

Gill, L. (2017). Ten Things You Need to Know About Bill C-59. In *Canadian Civil Liberties Association*. https://ccla.org/ten-things-need-know-bill-c-59/

Goussios, C., Aspriadis, N., Tsirimiagou, Z., & Dogani, M. (2014a). Rhetorical use of fear in presidential speeches: The War on Terror discourse. J*ournal of Arab & Muslim Media Research, 7(2/3)*, 163–183. https://doi.org/10.1386/jammr.7.2-3.163_1

Groothuis, S. (2020a). Researching race, racialisation, and racism in critical terrorism studies: Clarifying conceptual ambiguities. *Critical Studies on Terrorism, 13(4)*, 680–701. https://doi.org/10.1080/17539153.2020.1810990

Gurski, P. (2017, February 6). Why wasn't Alexandre Bissonnette being monitored? Another 'intelligence failure'? *The Hill Times*. Retrieved from https://www-hilltimes-com.ezproxy.library.yorku.ca/2017/02/06/wasnt-alexandre-bissonnette-monitored-another-intelligence-failure/94562

Gurski, P. (2018, October 15). Is the far right extremist threat really that big in Canada? *The Hill-Times*. Retrieved from https://www-hilltimes-com.ezproxy.library.yorku.ca/2018/10/15/far-right-extremist-threat-really-big-canada/171853

Gurski, P. (2020). We really need to stop debating whether far right or Islamist extremists are more dangerous: Both need to be monitored. In *The Hill Times*. https://www-hilltimes-com.ezproxy.library.yorku.ca/2020/01/13/we-really-need-to-stop-debating-whether-the-far-right-or-islamist-extremists-are-more-dangerous-both-need-to-be-monitored/229339

Haddara, W., & Kutty, F. (2020). The far right threat to government institutions and policy is systemic. In *The Hill Times*.

Haque, Eve. (2010). Homegrown, Muslim and other: Tolerance, secularism and the limits of multiculturalism. *Social Identities, 16(1)*, 79–101. https://doi org/10.1080/13504630903465902

Hayden, Michael Edison and M.L. Nestel 14 August 2017, 18:34 Timeline: What led to the violence that unfolded in Charlottesville - ABC News (go.com)

Hayden, W. (2015). *Appalachian Black People: Identity, Location and Barriers*, Pittsburgh & Toronto: 91 South.

Heim, Joe. (2017). "Recounting a day of rage, hate, violence and death" *Washington Post*. Charlottesville timeline - How white supremacist protests turned deadly over 24 hours - Washington Post

Holland, Jack, and Lee Jarvis. 2014. "'Night Fell on a Different World': Experiencing, Constructing and Remembering 9/11." *Critical Studies on Terrorism 7(2)*: 187–204.

Human Rights Watch. (2012). *In the Name of Security: Counterterrorism Laws Worldwide since September 11*. Retrieved from https://www.hrw.org/report/2012/06/29/name-security/counter-terrorism-laws-worldwide-september-11

Huntington, Samuel. 1997. *The Clash of Civilizations and the Remaking of World Order*. New York: Touchstone, Rockefeller Center.

Implementation of the US Patriot Act: Effect of Sections 203 (B) and (D) on Information Sharing. (2005). U.S. Congress. Washington DC: U.S. Government Printing Office. Retrieved from https://www.govinfo.gov/content/pkg/CHRG-109hhrg20707/html/CHRG-109hhrg20707.htm

Jackson, R. (2007). Constructing Enemies: 'Islamic Terrorism'. *Government and Opposition, 42(3)*, 394–426.

Jones, M. (2020). Citizen in Exception: Omar Khadr and the Performative Gap in the Law. *Theatre Research in Canada, 41(1*), 88–107.

Kanji, A. (2018). Framing muslims in the "War on Terror": Representations of Ideological Violence by Muslim versus Non-Muslim Perpetrators in Canadian National News Media. *Religions, 9(9)*, 1–26. https://doi.org/10.3390/rel9090274

Kellner, D. (2004a). 9/11, spectacles of terror, and media manipulation: A critique of Jihadist and Bush media politics. *Critical Discourse Studies, 1(1)*, 41–64. https://doi.org/10.1080/1740590 0410001674515

Klemme, E. (2012). Review: DETAINED WITHOUT CAUSE: MUSLIMS' STORIES OF DETENTION AND DEPORTATION IN AMERICA AFTER 9 / 11 by Irum Shiekh. *The Oral History Review, 39(2)*, 358–360.

Lamoureux, M., & Makuch, B. (2018, February 8). Member of a Neo-Nazi Terror Group Appears To Be Former Canadian Soldier. *Vice.Com.*

Mackey, A. (2016). Troublesome Indigestion: The "Return" of Omar Khadr and Post-Racial Politics of Citizenship in Canada. *TOPIA: Canadian Journal of Cultural Studies, 35 (May 2016)*, 107–135. https://doi.org/10.3138/topia.35.107

Mahrouse, G. (2018). Minimizing and denying racial violence: Insights from the Québec mosque shooting. *Canadian Journal of Women and the Law, 30(3)*, 471–493. https://doi.org/10.3138/cjwl.30.3.006

McIntosh, P. (1997) *White privilege and male privilege: a personal account of coming to see correspondences through work in Women's Studies*. In R. Delgado & J. Stefencic (Eds.) Critical White Studies: Looking behind the mirror. Philadelphia: Temple University Press, pp. 291-99.

Merskin, D. (2005a). Making Enemies in George W. Bush's Post-9/11 Speeches. *Peace Review, 17(4)*, 373–381. https://doi.org/10.1080/10402650500374637

Montpetit, J. (2020, November). Quebec mosque shooter's sentence reduced as Appeal Court finds consecutive life sentences are unconstitutional. *Cbc.Ca.*

Mukbil, H. (2020a). Canada's public safety and national security organizations must prioritize and confront violent white supremacy. In *The Hill Times*. https://www-hilltimes-com.ez-proxy.library.yorku.ca/2020/10/19/canadas-public-safety-and-national-security-organiza-tions-must-prioritize-and-confront-violent-white-supremacy/268025

Mukbil, H. (2020b). Integrated national security efforts that include more stringent security screening should weed out violent white supremacists in Canadian military. In *The Hill Times*. https://www-hilltimes-com.ezproxy.library.yorku.ca/2020/11/09/integrated-national-security-ef-forts-that-include-more-stringent-security-screening-should-weed-out-violent-white-suprema-cists-in-the-canadian-military/270485

Musabji, H., & Abraham, C. (2007). The Threat to Civil Liberties and Its Effect on Muslims in Ameri-ca. *DePaul J. Soc. Just., 1*(107), 83–112.

Nesbitt, M., & Hagg, D. (2020). AN EMPIRICAL STUDY OF TERRORISM PROSECUTIONS IN CANADA: ELUCIDATING THE ELEMENTS OF THE OFFENCES. *Alberta Law Review, 57*, 595–648.

Oddo, J. (2011a). War legitimation discourse: Representing 'Us' and 'Them' in four US presidential addresses. *Discourse & Society, 22(3)*, 287–314. https://doi.org/10.1177/0957926510395442

Olshansky, Barbara. *Democracy Detained: Secret Unconstitutional Practices in the U.S. War on Terror*. New York: Seven Stories Press, 2007.

Park, A. S. J. (2014). Constituting Omar Khadr: Cultural racism, childhood, and citizenship. *International Political Sociology, 8(1)*, 43–62. https://doi.org/10.1111/ips.12039

Patel, G. T. (2017a). It's not about security, it's about racism: Counter-terror strategies, civilizing processes and the post-race fiction. *Palgrave Communications, 3(1)*. https://doi.org/10.1057/palcomms.2017.31

Patel, F., & Koushik, M. (2017). *Countering Violent Extremism*.

Parasram, Ajay. 2019. "Pathological White Fragility and the Canadian Nation: Pathological White Fragility and the Canadian Nation." *Studies in Political Economy 100(2)*: 194–207. https://www.tandfonline.com/doi/full/10.1080/07078552.2019.1646457 .

Pilecki, Andrew. (2015). The Moral Dimensions of the Terrorist Category Construction in Presidential Rhetoric and Their Use in Legitimizing Counterterrorism Policy. *Qualitative Psychology, 4(1)*, 23–40. https://doi.org/10.1037/qup0000037

Penny, C. K. (2009). De-Conflicting Canada's Anti-Terrorism Legislation: Khawaja and the Ongoing Challenges of the "Armed Conflict" Exclusion. *Windsor Yearbook of Access to Justice, 27*, 403–430.

Perliger, A. (2017). *American Zealots: Inside Right-Wing Domestic Terrorism*. Columbia University Press.

Perry, B., Mirrlees, T., & Scrivens, R. (2019). The Dangers of Porous Borders. *Journal of Hate-Studies, 14(1)*, 53. https://doi.org/10.33972/jhs.124

Pew Research Center. (2014). Religious Landscape Study.

Postmedia News. (2017). Why no terrorism charges in Quebec mosque shooting? It would place extra burden on prosectuors: Experts. In *National Post*.

Press Progress. (2020). Canadian Government Says It's Concerned That Calling Far-Right Terrorists 'Far-Right' Could Seem 'Biased'. In *Pressprogress.ca.*

Proceedings of Issue 7—Evidence—Meeting of October 4, 2010. (2010). Senate of Canada. https://sencanada.ca/en/Content/Sen/committee/403/anti/07eva-e

Razack, Sherene. (2008) *Casting Out: The Eviction of Muslims from Western Law and Politics*. University of Toronto Press, Toronto.

Razack, S. H. (2002). *Race, Space, Law: Unmapping a White Settler Society* (p. 310). Between the Lines.

Razack, S. H. (2014). The Manufacture of Torture as Public Truth: The Case of Omar Khadr. In S. Perera & S. H. Razack (Eds.), *At the limits of justice: Women of colour on terror* (pp. 70–98). University of Toronto Press.

Razack, S. H. (2018). "A Catastrophically Damaged Gene Pool": Law, White Supremacy, and the Muslim Psyche. In S. Daulatzai & J. Rana (Eds.), *With Stones in Our Hands: Writings on Muslims, Racism, and Empire* (pp. 183–200). University of Minnesota Press. https://doi.org/10.1353/scp.0.0055

Roach_Defining Terrorism The Need for a Restrained Definition.pdf. (n.d.).

Saeed, A. (2011). 9/11 and the Increase in Racism and Islamophobia: A Personal Reflection. *Radical History Review, 2011(*111), 210–215. https://doi.org/10.1215/01636545-1268821

Schuurman, Bart. (2019). Topics in Terrorism Research: Reviewing Trends and Gaps, 2007-2016. *Critical Studies on Terrorism. Vol.12.3*, 463-480.

Sentas, V. (2014). Traces in Counter-Terrorism: An Introduction. In *Traces of Terror: Counter-Terrorism Law, Policing, and Race* (pp. 1–19). Oxford University Press.

Senzai, F. (2004). *The USA Patriot Act: Impact on the Arab and Muslim American Community* (p. 36). Institute for Social Policy and Understanding. www.ispu.us

Sharma, S., & Nijjar, J. (2018). The racialized surveillant assemblage: Islam and the fear of terrorism. *Popular Communication, 16(1)*, 72–85. https://doi.org/10.1080/15405702.2017.1412441

Sian, K. (2017). Countering racism in counter-Terrorism and surveillance discourse comment. *Palgrave Communications, 3(4),* 1–3. https://doi.org/10.1057/s41599-017-0010-7

Smith, B. K., Stohl, M., & al-Gharbi, M. (2019). Discourses on countering violent extremism: The strategic interplay between fear and security after 9/11. *Critical Studies on Terrorism, 12(1)*, 151–168. https://doi.org/10.1080/17539153.2018.1494793

Sorenson, M.P., K. (2008). *OMAR KHADR: Report of the Standing Committee on Foreign Affairs and International Development* (July; pp. i–17). House of Commons Canada.

States, U. (2018). *National Strategy for Counterterrorism of the United States of America* (p. 25). Office of the President of the United States. https://www.whitehouse.gov/wp-content/uploads/2018/10/NSCT.pdf

Staff. (2021, February 2). Sailor booted out of Canadian navy over involvement with online hate groups. Global News.

Statistic Canada. (2016). Two-thirds of the population declare Christian as their religion. Retrieved from https://www150.statcan.gc.ca/n1/pub/91-003-x/2014001/section03/33-eng.htm

Statistics Canada. (2017). Census in Brief: Ethnic and cultural origins of Canadians: Portrait of a rich heritage. Retrieved from https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016016/98-200-x2016016-eng.cfm

Stevens, Matt. (2017) "How the Media Captured Charlottesville and Its Aftermath" *New York Times*
        How the Media Captured Charlottesville and Its Aftermath - The New York Times (nytimes.
        com)

Stonebanks, C. D. (2019). Secularism and securitisation: The imaginary threat of religious
        minorities in Canadian public spaces. *Journal of Beliefs and Values, 40(3)*, 303–320. https://
        doi.org/10.1080/13617672.2019.1600341

Sussman, Robert W. 2014. *The Myth of Race: The Troubling Persistence of an Unscientific Idea*.
        Cambridge, Massachusetts: Harvard University Press.

Stohl, Michael. 2008. "Old Myths, New Fantasies and the Enduring Realities of Terrorism." *Critical
        Studies on Terrorism 1(1)*: 5–16.

The USA Patriot Act: The Impact on the Arab and Muslim American Community: Analysis and
        Recommendations. 2004. *The Institute for Social Policy andUnderstanding*. ISPU | The USA
        Patriot Act: Impact on the Arab and Muslim American Community

The Moral Dimensions of the Terrorist Category Construction in Presidential Rhetoric and Their Use
        in Legitimizing Counterterrorism Policy. (2017). *Qualitative Psychology, 4(1),* 23–40. https://
        doi.org/10.1037/qup0000037

The Year in Hate and Extremism. (n.d.). Southern Poverty Law Center. Retrieved January 8, 2021,
        from https://www.splcenter.org/fighting-hate/intelligence-report/2017/year-hate-and-extrem-
        ism

The Year in Hate and Extremism 2019. (n.d.). Southern Poverty Law Center. Retrieved January 8,
        2021, from https://www.splcenter.org/year-hate-and-extremism-2019

Thorne, K., & Kouzmin, A. (2010). The USA PATRIOT Acts (et al.): Convergent Legislation
        and Oligarchic iIsomorphism in the "Politics of Fear" and State Crime(s) Against De-
        mocracy (SCADs). *American Behavioral Scientist, 53(6)*, 885–920. https://doi.
        org/10.1177/0002764209353280

UNESCO, The United Nations Educational, Scientific, and Cultural Organization, Declaration of
        Race and Racial Prejudice Declaration on Race and Racial Prejudice (unesco.org)

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and
        Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. (2001). In *Library Journal* (Vol. 127).
        United States Congress. https://doi.org/10.1201/b11845-8

United States Census Bureau. (2019). QuickFacts: United States.

White nationalism-fueled violence is on the rise, but FBI is slow to call it domestic terrorism. (n.d.).
        NBC News. Retrieved January 8, 2021, from https://www.nbcnews.com/news/us-news/white-
        nationalism-fueled-violence-rise-fbi-slow-call-it-domestic-n1039206

White-Supremacist-Extremism-JIB.pdf. (n.d.). Retrieved January 9, 2021,from https://assets.docu-
   mentcloud.org/documents/3924852/White-Supremacist-Extremism-JIB.pdf

Williams, M., & Aaronson, T. (2019). *How Individual States Have Criminalized Terrorism*. https://
   theintercept.com/2019/03/23/state-domestic-terrorism-laws/

Williamson, J. (Ed.). (2012). *Omar Khadr, Oh Canada.* McGill-Queen's University Press.

Wispinski, J. (2006). *The USA Patriot Act and Canada's Anti-Terrorism Act.* Library of Parliament.

Wong, K. (2006). The USA Patriot Act: A Policy of Alienation. *Michigan Journal of Race and Law,
   12(1)*, 161–202.

Wong, K. C. (2007). *The Impact of USA Patriot Act on American Society: An Evidence Based
   Assessmen*t. Nova Science Publishing. http://scholarlycommons.law.case.edu/cgi/viewcon-
   tent.cgi?article=1072&context=jolti