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# Essay: Terrorists Are Always Muslim but Never White: at the Intersection of Critical Race Theory and Propaganda

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## ESSAY: TERRORISTS ARE ALWAYS MUSLIM BUT NEVER WHITE: AT THE INTERSECTION OF CRITICAL RACE THEORY AND PROPAGANDA

Caroline Mala Corbin\*

*When you hear the word “terrorist,” who do you picture? Chances are, it is not a white person. In the United States, two common though false narratives about terrorists who attack America abound. We see them on television, in the movies, on the news, and, currently, in the Trump administration. The first is that “terrorists are always (brown) Muslims.” The second is that “white people are never terrorists.”*

*Different strands of critical race theory can help us understand these two narratives. One strand examines the role of unconscious cognitive biases in the production of stereotypes, such as the stereotype of the “Muslim terrorist.” Another strand focuses on white privilege, such as the privilege of avoiding the terrorist label.*

*These false narratives play a crucial role in Trump’s propaganda. As the critical race analysis uncovers, these two narratives dovetail with two constituent parts of propaganda: flawed ideologies and aspirational myths. Propaganda relies on preexisting false ideologies, which is another way to describe racist stereotyping. Propaganda also relies on certain ideals and myths, in this case, the myth of white innocence and white superiority. Thus, the Trump administration’s intentional invocation of both narratives amounts to propaganda in more than just the colloquial sense.*

*Part I illustrates each of the two narratives. Part II then analyzes them through a critical race lens, showing how they map onto two strands of critical race theory. Next, Part III examines how these narratives simultaneously enable and constitute propaganda. Finally, Part IV argues that the propagation of these false narratives hurts the nation’s security.*

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#### INTRODUCTION

When you hear the word “terrorist,” who do you picture? Chances are, it is not a white person.

While many of the essays in this symposium examine the conflict between our commitment to free speech and our need to secure the country against terrorists, this Essay will focus on speech about terrorists in the United States. More specifically, it will examine the depiction of terrorists through a critical race theory lens and through a propaganda lens.

In the United States, two common though false narratives about terrorists who attack America abound. We see them on television, in the movies, on the news, and currently, in government policy. The first is that “terrorists are always (brown) Muslims.” The second is that “white people are never terrorists.” These narratives likely influenced the image you conjure up in response to the opening question, “When you hear the word ‘terrorist,’ who do you picture?”

Different strands of critical race theory can help us understand these two narratives. One strand examines the role of unconscious cognitive biases in the production of stereotypes, such as the stereotype of the “Muslim terrorist.” Another strand focuses on white privilege, such as the privilege of almost never being labeled a terrorist.

These false narratives play a crucial role in government propaganda. Propaganda relies on preexisting false ideologies, which is another way to describe racist stereotypes. Propaganda also relies on certain ideals and myths, in this case, the myth of white innocence and white superiority.

Both false narratives—“all terrorists are Muslim” and “no whites are terrorists”—undermine rather than enhance our security. First, and most obviously, negative stereotypes jeopardize the security of Americans who are

Muslim or are perceived as Muslim. Second, the mistaken belief that white people are not terrorists results in security blind spots that make the United States less safe.

Part I illustrates each of the two narratives. Part II then analyzes them through a critical race lens, showing how they map onto two strands of critical race theory. Next, Part III examines how these narratives simultaneously enable and constitute propaganda. Finally, Part IV argues that the propagation of these false narratives hurts national security.

## I. TWO FALSE NARRATIVES

It is not difficult to uncover two coexisting narratives about terrorism occurring in the United States. The first is the idea that “all terrorists are Muslim,” which sometimes even morphs into “all Muslims are terrorists.” The second is that “white people are never terrorists.” Neither are true. Despite the starkness of these summaries, they capture the general tenor of these widespread narratives.

There is not one universal definition of terrorism.<sup>1</sup> This Essay follows (without necessarily endorsing)<sup>2</sup> the meaning laid out in the USA PATRIOT Act,<sup>3</sup> which defines “terrorism” as violent action that is intended to intimidate or coerce a civil population or influence the government.<sup>4</sup> That is, violence in the United States that is meant to inspire fear and is motivated by ideology rather than, say, financial gain.<sup>5</sup>

1. See, e.g., Nicholas J. Perry, *The Numerous Federal Legal Definitions of Terrorism: The Problem of Too Many Grails*, 30 J. LEGIS. 249, 249 (2004) (“The different proposed scholarly and legal definitions of terrorism are more numerous than the 150 knights seeking the grail, and definitional consensus has been at least as elusive as the Grail.”).

2. Cf. Sudha Setty, *Country Report on Counterterrorism: United States of America*, 62 AM. J. COMP. L. 643, 646 (2014) (“The current Patriot Act definition of terrorism has a broad scope, and its reach exacerbates the uncertainty surrounding the application of conflicting definitions of terrorism, including the potential lack of notice to individuals as to whether they will be categorized as a terrorist and exactly what kind of conduct is prohibited.”).

3. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56, 115 Stat. 272 (codified in scattered sections of the U.S. Code). The Act defines “domestic terrorism” as activities that:

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; (B) appear to be intended—(i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily within the territorial jurisdiction of the United States.

18 U.S.C. § 2331(5) (2012).

4. 18 U.S.C. § 2331(5)(B)(i)–(ii).

5. Dane E. Johnson, *Cages, Clinics, and Consequences: The Chilling Problems of Controlling Special-Interest Extremism*, 86 OR. L. REV. 249, 258 (2007) (“A comparative study of definitions used in the United States, Britain, and Israel revealed the common factors as ideological motivation and the use of acts that provoke various degrees of fear among all or part of the public.”).

## A. "All Terrorists Are Muslim"

The idea that terrorists are Muslim is pervasive in the United States. Even before 9/11, a commentator could write that "the perception of Arabs as terrorists has come to dominate the public imagination."<sup>6</sup> There is a long history of "Orientalism,"<sup>7</sup> which positions Arab and Muslims as exotic, uncivilized, dangerous "others."<sup>8</sup> Of course, "Arab" and "Muslim" are not interchangeable terms. In fact, in the United States, most Arabs are not Muslim, and most Muslims are not Arab.<sup>9</sup> Nonetheless, terrorists are regularly linked to a racialized group now termed "Muslim,"<sup>10</sup> which includes Muslims as well as those who appear Arab or Middle Eastern.<sup>11</sup> Islam itself is presumed to be "inherently violent, alien, and inassimilable."<sup>12</sup> The identification is not because Muslims are always responsible for terrorist attacks in the United States. As discussed in Part II.A, they are not. The reasons must be found elsewhere.

First, the depiction of Muslims on television and film is surprisingly limited.<sup>13</sup> One analysis of over 900 Hollywood films concluded that Arab or Muslim men were usually represented as terrorists or other stock villains.<sup>14</sup>

6. Michael J. Whidden, *Unequal Justice: Arabs in America and United States Antiterrorism Legislation*, 69 *FORDHAM L. REV.* 2825, 2849 (2001); see also Yaser Ali, *Sharia and Citizenship—How Islamophobia Is Creating a Second-Class Citizenry in America*, 100 *CALIF. L. REV.* 1027, 1035 (2012) ("The mistrust of Muslims, however, was arguably well ensconced in the American psyche even prior to the [9/11] attacks.").

7. Edward Said, in his book *Orientalism*, established our current understanding of the word. See generally EDWARD SAID, *ORIENTALISM* (1978). Scholars point to Orientalism as the antecedent of today's Islamophobia. Ali, *supra* note 6, at 1035 ("Orientalism, or the process of Arab racialization, served as the precursor to . . . Islamophobia."); Khaled A. Beydoun, *Islamophobia: Toward a Legal Definition and Framework*, 116 *COLUM. L. REV. ONLINE* 108, 115 (2016) ("Islamophobia is a modern extension of 'Orientalism,' a master discourse that positions Islam—a faith, people, and imagined geographic sphere—as the civilizational foil of the West.").

8. See Sahar F. Aziz, *Sticks and Stones, the Words That Hurt: Entrenched Stereotypes Eight Years After 9/11*, 13 *N.Y.C. L. REV.* 33, 35 (2009) (noting "the racialization of Arabs, Muslims, and South Asians as the 'terrorist other'").

9. See Hilal Elver, *Racializing Islam Before and After 9/11: From Melting Pot to Islamophobia*, 21 *TRANSNAT'L L. & CONTEMP. PROBS.* 119, 124 (2012). In fact, only about 25 percent of American Arabs are Muslim. *Religious Affiliation of Arab Americans*, ARAB AM. INST., <https://web.archive.org/web/20060601221810/http://www.aaiusa.org/arab-americans/22/demographics> [<https://perma.cc/A6KP-NQUZ>] (last visited Oct. 16, 2017).

10. "Racialization" has been defined as "the process by which a diverse group of people become lumped together by stigma, stereotype, and fear." Amna Akbar, *National Security's Broken Windows*, 62 *UCLA L. REV.* 834, 880 (2015).

11. Leti Volpp, *The Citizen and the Terrorist*, 49 *UCLA L. REV.* 1575, 1576 (2002) [hereinafter Volpp, *The Citizen and the Terrorist*]; see also Leti Volpp, *The Boston Bombers*, 82 *FORDHAM L. REV.* 2209, 2215 (2014) ("It thus seems sadly uncontroversial today that those who appear Middle Eastern, Arab, or Muslim are identified as terrorists.").

12. Beydoun, *supra* note 7, at 111.

13. See generally TIM JON SEMMERLING, "EVIL" ARABS IN AMERICAN POPULAR FILM: ORIENTALIST FEAR (2006) (presenting a relatively recent accounting of caricatured portrayals of Arab characters in U.S. cinema); JACK G. SHAHEEN, REEL BAD ARABS: HOW HOLLYWOOD VILIFIES A PEOPLE (2001).

14. Susan M. Akram & Kevin R. Johnson, *Race, Civil Rights, and Immigration Law After September 11, 2001: The Targeting of Arabs and Muslims*, 58 *N.Y.U. ANN. SURV. AM. L.* 295, 309 (2002) ("Shaheen catalogues hundreds of Hollywood movies in which Arabs or Muslims

“A post-9/11 review of the United States film industry evinces the entrenchment of such stereotypes, as Arabs and Muslims are almost exclusively portrayed as terrorists or other negative characters rather than as everyday people with family and friends.”<sup>15</sup> As one frustrated commentator observed, American popular entertainment “ha[s] portrayed Arabs in a manner that would have caused outrage if applied to any other ethnic or religious minority in the United States.”<sup>16</sup>

Second, we regularly witness the tendency to leap to the conclusion that Muslims were responsible for terror attacks.<sup>17</sup> Take the U.S. media’s coverage of the recent massacre at a mosque in Quebec City, where the shooter killed six people and injured another nineteen.<sup>18</sup> Early reports suggested that police were holding two men.<sup>19</sup> And indeed they were—one born in Canada and one born in Morocco,<sup>20</sup> a majority-Muslim country.<sup>21</sup> Fox News tweeted out that there was a single Moroccan suspect: “Suspect in Quebec mosque terrorist attack was of Moroccan origin.”<sup>22</sup> In fact, the gunman was the white French Canadian; the Moroccan-born man, Mohamed Belkhadir, was the one who had called the police when he heard shots.<sup>23</sup> Far

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are portrayed as terrorists or otherwise placed in a negative, often non-human, light.”); Tung Yin, *Jack Bauer Syndrome: Hollywood’s Depiction of National Security Law*, 17 S. CAL. INTERDISC. L.J. 279, 292 (2008) (“After cataloging almost one thousand American films containing Arab characters, Shaheen concluded that most—though not all—movies tended to reduce Arabs and Muslims into stock villains, blonde-lusting sheikhs, maidens, or Egyptian or Palestinian terrorists.”).

15. Aziz, *supra* note 8, at 39; see also John Tehranian, *The Last Minstrel Show?: Racial Profiling, the War on Terrorism and the Mass Media*, 41 CONN. L. REV. 781, 814 (2009) (“When virtually every single piece of mainstream media that features Middle-Easterners inextricably involves themes of terrorism, violence, misogyny and/or religious extremism, one must conclude the presence of a systematic failure to portray Middle-Eastern peoples with accuracy.”).

16. Cyra Akila Choudhury, *Terrorists & Muslims: The Construction, Performance, and Regulation of Muslim Identities in the Post 9/11 United States*, RUTGERS J.L. & RELIGION, Spring 2006, ¶ 8.

17. See, e.g., Kate Shellnutt, *Muslims: Why It’s Not a Good Idea to Assume Every Terrorist Is Islamic*, HOUS. CHRON. (July 25, 2011), <http://blog.chron.com/believeitornot/2011/07/muslims-why-its-not-a-good-idea-to-assume-every-terrorist-is-islamic/> [<https://perma.cc/D99A-GZRT>] (describing how security experts initially assumed that the right wing anti-Muslim terrorist who murdered seventy-seven in Norway was Muslim).

18. Jessica Schladebeck, *Justin Trudeau Pressures Fox News into Deleting Incorrect Quebec Mosque Shooting Tweet*, N.Y. DAILY NEWS (Feb. 2, 2017, 9:48 AM), <http://www.nydailynews.com/news/world/justin-trudeau-forces-fox-news-delete-incorrect-quebec-tweet-article-1.2962251> [<https://perma.cc/FL9L-BX3R>].

19. *Id.*

20. *Id.*

21. *The World Factbook: Morocco*, CENT. INTELL. AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html> [<https://perma.cc/BY6Z-NRNZ>] (last visited Oct. 16, 2017).

22. *Id.*

23. Lydia O’Connor, *Man Mistaken as Quebec Shooter Was Trying to Save Friend’s Life*, HUFFINGTON POST (Jan. 30, 2017, 8:16 PM), [http://www.huffingtonpost.com/entry/mohamed-belkhadir-quebec-shooting\\_us\\_588fc0bbe4b0c90efeff7ba0](http://www.huffingtonpost.com/entry/mohamed-belkhadir-quebec-shooting_us_588fc0bbe4b0c90efeff7ba0) [<https://perma.cc/96S7-N4X5>].

from being guilty, Belkhadir had been trying to help people when the police detained him.<sup>24</sup>

Third, the news repeatedly links “Muslim” with “terrorism.” When terror attacks are perpetrated by Muslims, they receive significantly more media attention. One study, after controlling for variables like number of fatalities, found that Muslim attacks receive on average 449 percent more media coverage.<sup>25</sup> Another study found that news about Muslims was generally news about terrorism: an analysis of news coverage by three major networks revealed that 75 percent of stories that focused on Muslims was about the Islamic State of Iraq and Syria (ISIS, or “Daesh”) or other militant groups.<sup>26</sup>

Fourth, although I am focusing on narratives rather than policy, it is worth noting that the U.S. government’s response to terrorism has disproportionately targeted Muslims.<sup>27</sup> For example, the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), passed after the 1995 bombing of a federal building in Oklahoma (which Muslims had nothing to do with), was enforced “almost exclusively” against the Muslim community.<sup>28</sup> Moreover, the extensive counterterrorism measures that followed 9/11 have regularly singled out Muslims.<sup>29</sup> All of these factors contribute to the “all terrorists are Muslim” narrative.

### B. “No White People Are Terrorists”

The other common narrative is that white Christian extremists who commit terrorist attacks are not terrorists.<sup>30</sup> There are exceptions. The Oklahoma bombing by a white Christian<sup>31</sup> is generally considered to be an act of

24. *Id.* Even after the information proved inaccurate, Fox did not remove its tweet. Schladebeck, *supra* note 18. It tweeted a correction but nonetheless left the original intact. *Id.* Indeed, the tweet stayed up for nearly two days. *Id.* Only after the Prime Minister of Canada intervened did Fox remove it. *Id.*

25. Erin M. Kearns et al., *Why Do Some Terrorist Attacks Receive More Media Attention Than Others?* 2 (Mar. 5, 2017) (unpublished manuscript), <https://ssrn.com/abstract=2928138> [<https://perma.cc/4EQK-55LJ>] (“Controlling for target type, fatalities, and being arrested, attacks by Muslim perpetrators received, on average, 449% more coverage than other attacks.”).

26. Meighan Stone, *Snake and Stranger: Media Coverage of Muslims and Refugee Policy*, SHORENSTEIN CTR. ON MEDIA, POL. & PUB. POL’Y (June 22, 2017), <https://shorensteincenter.org/media-coverage-muslims-refugee-policy/> [<https://perma.cc/2LW2-GXMM>]. The study also found that “[i]n reports where Muslims were the focus, only 3% of voices heard were those of Muslims.” *Id.*

27. Jerry Kang, *Thinking Through Internment: 12/7 and 9/11*, 9 *ASIAN L.J.* 195, 197 (2002) (“[W]e overestimate the threat posed by racial ‘others’ (in WW II, Japanese Americans; today, Arab Americans, Muslims, Middle Easterners, immigrants and anyone who looks like ‘them’).”).

28. Alia Malek, *“Dying with the Wrong Name”: The Role of Law in Racializing and Erasing Arabs in America*, 1 *GEO. J.L. & MOD. CRITICAL RACE PERSP.* 211, 245 (2009).

29. See generally Susan M. Akram & Maritza Karmely, *Immigration and Constitutional Consequences of Post-9/11 Policies Involving Arabs and Muslims in the United States: Is Alienage a Distinction Without a Difference?*, 38 *U.C. DAVIS L. REV.* 609 (2005).

30. My use of “white Christian extremist” and related language intentionally parallels terminology applied to Muslims.

31. Moreover, this white Christian had ties to white supremacy. See, e.g., Mike German, *Behind the Lone Terrorist, a Pack Mentality*, *WASH. POST* (June 5, 2005),

terrorism.<sup>32</sup> Although there, too, the attack was initially blamed on Islamic terrorist groups.<sup>33</sup>

For the most part, though, “terrorist” was not a word applied to the white Christian responsible for the Quebec City attack.<sup>34</sup> Nor is he alone in avoiding classification as a terrorist.<sup>35</sup> That list also includes white Christians, often white supremacists, whose ideologies drove them to attack women’s health clinics,<sup>36</sup> police officers,<sup>37</sup> Jewish community centers,<sup>38</sup> and Sikh temples.<sup>39</sup> It includes the white Christian extremist whose slaughter of

<http://www.washingtonpost.com/wp-dyn/content/article/2005/06/04/AR2005060400147.html> [<https://perma.cc/7MRB-DPJ9>] (“He was linked to . . . white supremacist groups in Oklahoma and Missouri, and at gun shows he sold copies of ‘The Turner Diaries,’ a racist novel written by the founder of a neo-Nazi organization.”); Brandon Harris, *Oklahoma City Exposes the Origins of Today’s White Nationalism*, NEW REPUBLIC (Feb. 7, 2017), <https://newrepublic.com/article/140467/oklahoma-city-exposes-origins-todays-white-nationalism> [<https://perma.cc/66NA-KPCV>].

32. This attack—the worst domestic terror attack before 9/11—killed 168 people, including nineteen children in the federal building’s day care. *Oklahoma City Bombing*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/event/Oklahoma-City-bombing> [<https://perma.cc/F3BZ-U8KB>] (last visited Oct. 16, 2017).

33. *Id.*; see also Ali, *supra* note 6, at 1041 (recounting the assumptions of media, FBI, and politicians in the immediate aftermath of the Oklahoma bombing); Nagwa Ibrahim, *The Origins of Muslim Racialization in U.S. Law*, 7 UCLA J. ISLAMIC & NEAR E.L. 121, 139 (2009) (same).

34. See, e.g., Paula Newton et al., *Quebec Mosque Shooting: ‘Lone Wolf’ Kills 6, Officials Say*, CNN (Jan. 31, 2017), <http://www.cnn.com/2017/01/30/americas/quebec-mosque-shooting/index.html> [<https://perma.cc/C39T-FH6B>]. But see Ian Austen & Craig S. Smith, *Quebec Mosque Attack Forces Canadians to Confront a Strain of Intolerance*, N.Y. TIMES (Jan. 30, 2017), <https://www.nytimes.com/2017/01/30/world/canada/quebec-mosque-shooting.html> [<https://perma.cc/8RUA-ANC7>] (reporting that Prime Minister Justin Trudeau “called [the attack] an act of terrorism”).

35. Leonard Pitts, *White-Extremist Terror Rare?: History Argues Otherwise*, SEATTLE TIMES (Feb. 12, 2017), <http://www.seattletimes.com/opinion/white-extremist-terror-rare-history-argues-otherwise/> [<https://perma.cc/V6B7-8FQD>] (listing examples and concluding “[w]hen white people do it, it is less likely to be perceived—or reported by news media—as terrorism”).

36. Ben Mathis-Lilley, *The Long List of Killings Committed by White Extremists Since the Oklahoma City Bombing*, SLATE (Aug. 14, 2017, 3:15 PM), [http://www.slate.com/blogs/the\\_slatest/2015/06/18/white\\_extremist\\_murders\\_killed\\_at\\_least\\_60\\_in\\_u\\_s\\_since\\_1995.html?cck=1486485587473](http://www.slate.com/blogs/the_slatest/2015/06/18/white_extremist_murders_killed_at_least_60_in_u_s_since_1995.html?cck=1486485587473) [<https://perma.cc/NS8F-TADB>] (noting that, in 2015, a white Christian extremist claiming to do “God’s work” attacked a Planned Parenthood in Colorado Springs, Colorado, killing three and wounding nine).

37. Review-Journal Staff, *Shooters in Metro Ambush That Left Five Dead Spoke of White Supremacy and a Desire to Kill Police*, LAS VEGAS REV.-J. (June 9, 2014, 11:03 PM), <https://www.reviewjournal.com/local/local-las-vegas/shooters-in-metro-ambush-that-left-five-dead-spoke-of-white-supremacy-and-a-desire-to-kill-police/> [<https://perma.cc/TAF9-DAWL>] (noting that, in 2014, a white supremacist antigovernment married couple in Las Vegas, Nevada, killed two police officers who were eating lunch, leaving a swastika and a note stating “[t]his is the start of the revolution”).

38. Mathis-Lilley, *supra* note 36 (noting that, in 2014, a virulent anti-Semite who believed the Jews were trying to destroy the white race attacked a Jewish Community Center and a Jewish retirement home in Overland Park, Kansas, killing three).

39. *Terror from the Right*, S. POVERTY L. CTR. (Nov. 1, 2015), <https://www.splcenter.org/20100126/terror-right> [<https://perma.cc/J6V3-CVZB>] (noting that, in 2012, a neo-Nazi white supremacist shot up a Sikh temple in Oak Creek, Wisconsin, killing six people). In addition, in 2015, a white man who praised Hitler and the Westboro Baptist Church shot up a movie theatre in Lafayette, Louisiana, killing two and wounding nine. *Id.*



nine African Americans at a Charleston, South Carolina, church in 2015 is widely recognized as a hate crime but not necessarily as terrorism.<sup>40</sup> Yet, as former Attorney General Loretta Lynch noted, “Hate crimes are the original domestic terrorism.”<sup>41</sup> Nevertheless, the terrorist label is usually reserved for when violence is perpetrated by a Muslim.<sup>42</sup>

A Muslim guilty of violence who expresses admiration for previous mass shooters and writes “[t]hose whom allow their God to be mocked have no God” would instantly be labeled a terrorist.<sup>43</sup> A white Christian guilty of violence who expressed admiration for the Charleston attacker and who wrote that very sentence, however, is not.<sup>44</sup>

Indeed, a Congressman flat-out proclaimed that white violence is just different.<sup>45</sup> When asked about the Quebec City attack and, specifically, why the president is not “talking about the white terrorists who mowed down six Muslims praying at their mosque,”<sup>46</sup> he responded: “I don’t know . . . There’s a difference. You don’t have a group like ISIS or al Qaeda that is inspiring [attacks] around the world . . . That was a one off.”<sup>47</sup>

40. See, e.g., Anthea Butler, *Shooters of Color Are Called ‘Terrorists’ and ‘Thugs.’ Why Are White Shooters Called ‘Mentally Ill’?*, WASH. POST (June 18, 2015), [https://www.washingtonpost.com/posteverything/wp/2015/06/18/call-the-charleston-church-shooting-what-it-is-terrorism/?utm\\_term=.3f2a8254b381](https://www.washingtonpost.com/posteverything/wp/2015/06/18/call-the-charleston-church-shooting-what-it-is-terrorism/?utm_term=.3f2a8254b381) [<https://perma.cc/PP7A-TV87>] (“You haven’t heard the white, male suspect . . . described as ‘a possible terrorist’ by mainstream news organizations . . .”); Rick Jervis, *‘Lone Wolf’ Attacks Are Difficult to Detect—and Difficult to Prevent*, USA TODAY (June 22, 2015, 5:19 PM), <https://www.usatoday.com/story/news/2015/06/18/charleston-shooting-lone-wolf-hate-crime/28926927/> [<https://perma.cc/K954-STAS>] (discussing the murders as a hate crime but not a terrorist attack).

41. Kevin Johnson, *AG Lynch: Similarities in Roof Radicalization, U.S. Recruits to ISIL*, USA TODAY (June 25, 2015, 9:37 AM), <https://www.usatoday.com/story/news/nation/2015/06/25/lynch-interview-roof/29276471/> [<https://perma.cc/W59N-5DLP>].

42. For example, one analysis by several scholars found that the coverage of the Orlando shooting used “terrorism,” “terrorist,” and “radical” three to four times as much as the coverage of the Charleston shooting and that “articles that discussed [the Orlando shooter] and terrorism focused on Islam and violence [but] articles that discussed [the Charleston shooter] and terrorism tended to focus on the question of whether his attack constituted terrorism.” Bryan Arva et al., *Almost All News Coverage of the Barcelona Attack Mentioned Terrorism. Very Little Coverage of Charlottesville Did.*, WASH. POST (Aug. 31, 2017), <https://www.washingtonpost.com/news/monkey-cage/wp/2017/08/31/almost-all-news-coverage-of-the-barcelona-attack-mentioned-terrorism-very-little-coverage-of-charlottesville-did/> [<https://perma.cc/ATV2-23E7>] (analyzing news coverage). Moreover, “the same pattern emerged in coverage of the Charlottesville and Barcelona attack.” *Id.*

43. Jarvis DeBerry, *Lafayette Shooter’s Journal Shows Overlap Between Terrorism and Mental Illness*, TIMES-PICAYUNE (Jan. 16, 2016), [http://www.nola.com/opinions/index.ssf/2016/01/lafayette\\_theater\\_shooter.html](http://www.nola.com/opinions/index.ssf/2016/01/lafayette_theater_shooter.html) [<https://perma.cc/W2S5-HZLT>] (recounting the entries in the diary of the Lafayette movie theatre shooter and asking how we would perceive a Muslim attacker who wrote the same thing).

44. *Id.*

45. Eugene Scott, *Duffy: ‘There’s a Difference’ on White Terror and Muslims Terror*, CNN (Feb. 8, 2017, 1:51 AM), <http://www.cnn.com/2017/02/07/politics/sean-duffy-white-terrorism-cnntv/index.html> [<https://perma.cc/Z5WX-7DDR>].

46. *Id.*

47. *Id.*

## II. THE TWO NARRATIVES THROUGH A CRITICAL RACE THEORY LENS

Critical race theory—which Kimberlé Crenshaw has described as “challeng[ing] the ways in which race and racial power are constructed and represented in American legal culture and, more generally, in American society as a whole”<sup>48</sup>—has long focused on the ways in which racial subordination is perpetuated,<sup>49</sup> even in a society where most people avoid overt racial animosity.<sup>50</sup> Although the field has focused primarily on the black/white racial hierarchy, this Essay applies its insights to the brown Muslim/white Christian one. This Part first examines how unconscious cognitive processes perpetuate the racist stereotypes of the first narrative.<sup>51</sup> Next, it explores the role white privilege plays in the second narrative.<sup>52</sup>

### A. The “Terrorists Are Muslim” Stereotype

Unless you are an old-school first-generation racist, you know it is wrong to judge people more harshly because of their race or ethnicity, yet that is precisely what most of us do. Countless studies have documented how the same performance or behavior is evaluated very differently depending on the race of the actor.<sup>53</sup>

Identical résumés, save for the name, yield different callback rates depending on the perceived race of the applicant.<sup>54</sup> Law partners evaluate

48. Kimberlé Crenshaw et al., *Introduction to CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* xiii, xiii (Kimberlé Crenshaw et al. eds., 1995); see also Adrien Katherine Wing, *Conceptualizing Global Substantive Justice in the Age of Obama*, 13 J. GENDER RACE & JUST. 705, 706 (2010) (“[Critical race theory] is a comprehensive study, developed primarily by law professors, of how race and ethnicity are perceived in society.”).

49. See Athena D. Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship*, 84 DENV. U. L. REV. 329, 333 (2006) (“[Critical race theory’s] basic premises are that race and racism are endemic to the American normative order and a pillar of American institutional and community life.”).

50. Although white supremacist rallies such as the one in Charlottesville, Virginia, in August 2017 might suggest otherwise, I assume, at least for the purposes of this Essay, that most people avoid overt racial hostility. See Ann C. McGinley, *Policing and the Clash of Masculinities*, 59 HOW. L.J. 221, 240 (2015) (“[W]hile certain groups in society continue to express racism overtly and consciously, eliminating overt racism is not sufficient because implicit or unconscious forms of racism still remain as a result of our history that are intractable and often invisible to white people.”).

51. See Frank Rudy Cooper, *Our First Unisex President?: Black Masculinity and Obama’s Feminine Side*, 86 DENV. U. L. REV. 633, 643 (2009) (“A second tenet of critical race theory is that the racial status quo is often perpetuated by bias that is implicit rather than explicit.”).

52. See generally Peggy McIntosh, *White Privilege: Unpacking the Invisible Knapsack*, WELLESLEY CTNS. FOR WOMEN (1989), <https://nationalseedproject.org/white-privilege-unpacking-the-invisible-knapsack> [<https://perma.cc/2D7G-LB4G>] (explaining white privilege); see also Kimberlé Williams Crenshaw, *The First Decade: Critical Reflections, or “A Foot in the Closing Door,”* 49 UCLA L. REV. 1343, 1355 (2002) (noting that “interrogating whiteness is an important dimension of any critical discourse on race”).

53. See, e.g., Caroline Mala Corbin, *Intentional Discrimination in Establishment Clause Jurisprudence*, 67 ALA. L. REV. 299, 309–10 nn.64–68 (2015) (collecting studies).

54. See, e.g., Marianne Bertrand & Sendhil Mullainathan, *Are Emily and Greg More Employable Than Lakisha and Jamal?: A Field Experiment on Labor Market Discrimination*,

the same writing sample more harshly when it is attributed to a black associate compared to a white associate.<sup>55</sup> Black law associate “Thomas Meyer” earned a 3.2 out of five and was criticized as “average at best and needing a lot of work” while white law associate “Thomas Meyer” was rated 4.1 and praised for his “potential and good analytical skills.”<sup>56</sup> School children shown a cartoon of one boy poking another boy sitting in front of him were more likely to describe the poking boy as mean and threatening when he was black but playful and friendly when he was white.<sup>57</sup> There are countless studies like these yielding similar results.<sup>58</sup>

These discriminatory assessments are not necessarily intentional. Rather, they are likely the result of unconscious cognitive processes. Because our minds are overwhelmed with information, they have developed certain cognitive shortcuts to help process all that information.<sup>59</sup> While often accurate, these shortcuts can also lead to predictable errors.<sup>60</sup>

One of these cognitive shortcuts is reliance on categories.<sup>61</sup> For example, once we categorize something as a cat, we can assume a panoply of information about it with very little thought, and much of it will be accurate. At the same time, as with other cognitive shortcuts, reliance on categorization means we will make predictable mistakes. A predictable error when we categorize by race is the use of inaccurate stereotypes.<sup>62</sup> Consequently, when we hear “terrorist,” we unconsciously associate it with all manner of information, including, as it so happens, brown and Muslim perpetrators.

Moreover, once people have certain stereotypes in place, confirmation bias sets in. That is, people tend to notice, process, and remember information in

94 AM. ECON. REV. 991, 992 (2004) (finding that résumés with white-sounding names received 50 percent more callbacks for interviews); Katherine L. Milkman et al., *What Happens Before?: A Field Experiment Exploring How Pay and Representation Differentially Shape Bias on the Pathway into Organizations*, 100 J. APPLIED PSYCHOL. 1678, 1678 (2015) (finding that professors are most likely to respond to otherwise identical requests for mentorship when signed with a white male name).

55. Debra Cassens Weiss, *Partners in Study Gave Legal Memo a Lower Rating When Told Author Wasn't White*, A.B.A. J. (Apr. 21, 2014, 12:09 PM), [http://www.abajournal.com/news/article/hypothetical\\_legal\\_memo\\_demonstrates\\_unconscious\\_biases](http://www.abajournal.com/news/article/hypothetical_legal_memo_demonstrates_unconscious_biases) [<https://perma.cc/TGU4-2AJE>]. In both cases, the partners were told that Thomas Meyer wrote the writing sample. *Id.* But half of the partners were told the associate was white while the other half was told he was black. *Id.*

56. *Id.*

57. Linda Hamilton Krieger, *The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity*, 47 STAN. L. REV. 1161, 1202–03 (1995) (detailing study).

58. See, e.g., Corbin, *supra* note 53.

59. See Caroline Mala Corbin, *Compelled Disclosures*, 65 ALA. L. REV. 1277, 1295–96 (2014).

60. *Id.* at 1296.

61. Krieger, *supra* note 57, at 1188 (“To function at all, we must design strategies for simplifying the perceptual environment and acting on less-than-perfect information. A major way we accomplish both goals is by creating categories.”).

62. *Id.* (“According to this view, stereotypes, like other categorical structures, are cognitive mechanisms that *all* people, not just ‘prejudiced’ ones, use to simplify the task of perceiving, processing, and retaining information about people in memory. They are central, and indeed essential to normal cognitive functioning.”).

a way that confirms their preexisting beliefs.<sup>63</sup> Because of their preexisting stereotypes, the law partners found around six spelling and grammar errors in black Thomas Meyer's writing but only around three in white Thomas Meyer's.<sup>64</sup> Confirmation bias also affects memory:<sup>65</sup> chances are that, three months later, the partners would remember the errors black Thomas Meyer made and the good points white Thomas Meyer made.

Indeed, once stereotypes take hold, they can be so strong that we may "remember" stereotype-consistent acts that did not even occur.<sup>66</sup> This cognitive error may explain<sup>67</sup> how White House Spokesperson Kellyanne Conway "remembered" the Bowling Green massacre by two Iraqi refugees—an incident that existed only in the imagination of Kellyanne Conway.<sup>68</sup>

This short discussion focuses only on implicit racial bias and not the explicit racism that seems increasingly more visible.<sup>69</sup> Moreover, this is just

63. Elizabeth Thornburg, *Cognitive Bias, the "Band of Experts," and the Anti-Litigation Narrative*, 65 DEPAUL L. REV. 755, 785–86 (2016) ("Confirmation bias leads us to find and interpret information in a way that supports preexisting hypotheses and to avoid information or interpretations that support alternate possibilities. It can also take the form of giving greater weight to information supporting a position one has taken or remembering that supporting information more readily than information that disconfirms the belief.")

64. Weiss, *supra* note 55 (finding an average of 5.8 errors in black Thomas Meyer's writing versus 2.9 errors in white Thomas Meyer's writing).

65. Krieger, *supra* note 57, at 1208 ("[O]nce a target individual has been perceived as a member of a particular category, people are more likely to remember the target as exhibiting attributes and behaviors commonly associated with that category.")

66. See, e.g., Linda Hamilton Krieger, *Civil Rights Perestroika: Intergroup Relations After Affirmative Action*, 86 CALIF. L. REV. 1251, 1258–76 (1998); Krieger, *supra* note 57, at 1208 ("Indeed, once we have developed stereotypic expectancies of a person, we even tend to 'remember' stereotype-consistent behaviors that did not actually occur.")

67. Although Conway claimed she made an honest mistake, it was a mistake she had made before, suggesting that the "Bowling Green Massacre" may be better characterized as an example of intentional propaganda rather than cognitive error. Brian Stelter, *Kellyanne Conway's "Bowling Green Massacre" Wasn't One-Time Slip-Up, Cosmo Reveals*, CNN (Feb. 6, 2017), <http://money.cnn.com/2017/02/06/media/kellyanne-conway-bowling-green-massacre-cosmopolitan/index.html> [<https://perma.cc/E7KE-LJGZ>].

68. *Bowling Green Massacre: Trump Aide Cites Non-Existent Attack*, BBC NEWS (Feb. 3, 2017), <http://www.bbc.com/news/world-us-canada-38857216> [<https://perma.cc/5J3S-JQ3M>]; Bill Chappell, *Bogus 'Bowling Green Massacre' Claim Snarls Trump Advisor Conway*, NPR (Feb. 3, 2017), <http://www.npr.org/sections/thetwo-way/2017/02/03/513222852/bogus-bowling-green-massacre-claim-snarls-trump-adviser-conway> [<https://perma.cc/HQ6H-NZD3>] (noting that Conway stated, "I bet it's brand new information to people that President Obama had a six-month ban on the Iraqi refugee program after two Iraqis came here to this country, were radicalized—and they were the masterminds behind the Bowling Green massacre"); Ed Mazza, *Kellyanne Conway Literally Fabricated a Massacre to Justify Trump's Immigration Ban*, HUFFINGTON POST (Feb. 3, 2017), [http://www.huffingtonpost.com/entry/kellyann-conway-bowling-green-massacre\\_us\\_58940d66e4b09bd304baa78a](http://www.huffingtonpost.com/entry/kellyann-conway-bowling-green-massacre_us_58940d66e4b09bd304baa78a) [<https://perma.cc/SZ66-CJUF>] (explaining that two Iraqi refugees were arrested for attempting to send arms to Al Qaeda in Iraq and that Obama did not ban refugees from Iraq but expanded screening measures that slowed down the pace of admittance).

69. See, e.g., Lois Beckett, *Anti-Muslim Hate Groups Nearly Triple in US Since Last Year, Report Finds*, GUARDIAN (Feb. 15, 2017), <https://www.theguardian.com/us-news/2017/feb/15/anti-muslim-hate-groups-increase-far-right-neo-nazis> [<https://perma.cc/CM9Z-YA47>] (describing the Southern Poverty Law Center report); Brian Beutler, *Trump Promised White Supremacy. Now He's Delivering It.*, NEW REPUBLIC (Feb. 3, 2017), <https://newrepublic.com/article/140377/trump-promised-white-supremacy-now-hes-delivering-it> [<https://perma.cc/>]

the tip of the cognitive-error iceberg. It does, however, help to explain the persistent discriminatory stereotype of the Muslim terrorist even by those who have no conscious antipathy toward Muslims, like many Hollywood movie-makers, news reporters, and you and me.<sup>70</sup>

### B. *The White Privilege of Never Being a Terrorist*

While unconscious discrimination helps explain the “terrorists are Muslim” narrative, white privilege helps explain the “white people aren’t terrorists” one. Discrimination and privilege are two sides of the same coin, that coin being a racialized hierarchy.

What is white privilege? Peggy McIntosh defines it as “an invisible package of unearned assets that I can count on cashing in each day, but about which I was ‘meant’ to remain oblivious.”<sup>71</sup> White privilege is essentially various benefits that white people enjoy, usually without even realizing it, that people of color do not. Examples run the gamut. As a white person, I can buy “nude” stockings that match my skin<sup>72</sup> or go to the movies and see lots of people whose race is the same as mine.<sup>73</sup> As a white person, I can wander in an upscale boutique or board an airplane without raising any suspicion.<sup>74</sup> Additionally, “[w]hen I am told about our national heritage or about ‘civilization,’ I am shown that people of my color made it what it is.”<sup>75</sup>

Today, I want to add to that list: Even if I use violence within the United States to intimidate a civilian population, odds are I will not be called a terrorist.<sup>76</sup> Rather than immediately becoming a demonized “other,” I would

6N6W-ZJ2E]; Sophie Bjork-James & Jeff Maskovsky, *When White Nationalism Became Popular*, ANTHROPOLOGY NEWS (May 18, 2017), <http://www.anthropology-news.org/index.php/2017/05/18/when-white-nationalism-became-popular/> [<https://perma.cc/34AY-929H>] (noting the recent “rise of a visible white nationalist movement and the precipitous rise in publicly reported hate crimes”).

70. Note that these biases potentially affect everyone in a particular culture. That is, in the United States, even a black person may be biased against other black people, a woman against other women, and so on. See, e.g., Theodore R. Johnson, *Black-on-Black Racism: The Hazard of Implicit Bias*, ATLANTIC (Dec. 26, 2014), <https://www.theatlantic.com/politics/archive/2014/12/black-on-black-racism-the-hazards-of-implicit-bias/384028/> [<https://perma.cc/VD6B-83W9>]; see also *FAQs*, PROJECT IMPLICIT, <https://implicit.harvard.edu/implicit/demo/background/faqs.html#faq19> [<https://perma.cc/B9WU-ZMM6>] (“Do Black participants show a preference for Black over White on the race attitude IAT?”) (last visited Oct. 16, 2017).

71. McIntosh, *supra* note 52, at 1.

72. *Id.* at 2 (“I can choose blemish cover or bandages in ‘flesh’ color and have them more [or] less match my skin.”).

73. *Id.* (“I can turn on the television or open to the front page of the paper and see people of my race widely represented. . . . I can easily buy posters, postcards, picture books, greeting cards, dolls, toys, and children’s magazines featuring people of my race.”).

74. *Id.* (“If a traffic cop pulls me over . . . I can be sure I haven’t been singled out because of my race.”).

75. *Id.*

76. Brian J. Phillips, *Was What Happened in Charleston Terrorism?*, WASH. POST (June 18, 2015), <https://www.washingtonpost.com/news/monkey-cage/wp/2015/06/18/was-what-happened-in-charleston-terrorism> [<https://perma.cc/UN5X-DLHS>] (“Terrorism is already used without hesitation for many non-white—especially Muslim—actors who carry out violence consistent with the definition outlined above. Few media sources use the term for

remain an individual, albeit a deeply troubled one. The dehumanization of the Muslim perpetrator happens in an instant. The white Christian perpetrator, on the other hand, always retains his humanity.

Even after committing heinous acts of violence, we see these white Christians depicted as human beings, not terrorist “others.”<sup>77</sup> The media describes their childhood and shows us their graduation photos, not their mug shots. They are shy, quiet young men<sup>78</sup> or charming Southern gentlemen.<sup>79</sup> At school, they sang in the choir or played varsity sports.<sup>80</sup> They have favorite songs and favorite movies.<sup>81</sup> One reporter described the white Christian terrorist responsible for the Charleston massacre as “an often-silent, awkward housemate who liked to watch ‘Oprah’ during the day and loved

violent actors motivated by, for example, white supremacy or anti-government rage.”); Sarah Ruiz-Grossman, *Former Neo-Nazi Says It's on White People to Fight White Supremacy*, HUFFINGTON POST (Apr. 24, 2017, 5:56 PM), [http://www.huffingtonpost.com/entry/life-after-hate-christian-picciolini-white-supremacist-exit-skinhead\\_us\\_58fa36cee4b018a9ce5ace1a](http://www.huffingtonpost.com/entry/life-after-hate-christian-picciolini-white-supremacist-exit-skinhead_us_58fa36cee4b018a9ce5ace1a) [https://perma.cc/STS2-R44D] (“There really is no difference between what happened in Charleston . . . and what happened in San Bernardino. They’re both terror attacks based on ideologies of extremism—yet we still don’t call it terrorism when it’s white extremism.”).

77. In fact, white terrorists are literally treated more humanely: rather than being shot, the Charleston terrorist was captured alive and fed Burger King. Simon McCormack, *Cops Bought Dylann Roof Burger King Hours After Charleston Shooting*, HUFFINGTON POST (June 23, 2015), [http://www.huffingtonpost.com/2015/06/23/dylann-roof-burger-king\\_n\\_7645216.html](http://www.huffingtonpost.com/2015/06/23/dylann-roof-burger-king_n_7645216.html) [https://perma.cc/QM4S-99XR].

78. Sari Horwitz et al., *What We Know So Far About Charleston Shooting Suspect Dylann Roof*, WASH. POST (June 20, 2015), [https://www.washingtonpost.com/news/post-nation/wp/2015/06/20/what-we-know-so-far-about-charleston-church-shooting-suspect-dylann-roof/?utm\\_term=.d5b749a1c514](https://www.washingtonpost.com/news/post-nation/wp/2015/06/20/what-we-know-so-far-about-charleston-church-shooting-suspect-dylann-roof/?utm_term=.d5b749a1c514) [https://perma.cc/B269-7CRP] (reporting that a childhood friend of the Charleston terrorist described him as “quiet and shy growing up”); see also Meg Kissinger, *Friend of Sikh Temple Shooter Feared What He Might Do*, MILWAUKEE J. SENTINEL (Aug. 9, 2012), <http://archive.jsonline.com/news/milwaukee/friend-of-page-feared-what-he-might-do-426edmg-165668826.html/?page=1> [https://perma.cc/D6XA-WLUS] (reporting that an army buddy of the Sikh temple shooter described him as “painfully shy and super sensitive”). Alternatively, if they were not shy and quiet, they were outgoing and funny. See, e.g., Carli Brosseau & Allan Brettman, *Jeremy Christian's Path from Troubled Youth to TriMet Stabbing Suspect*, OREGONIAN (June 11, 2017, 7:00 AM), [http://www.oregonlive.com/portland/index.ssf/2017/06/jeremy\\_christians\\_path\\_from\\_tr.html](http://www.oregonlive.com/portland/index.ssf/2017/06/jeremy_christians_path_from_tr.html) [https://perma.cc/8B7U-HFZ2] (reporting that racist Portland stabber “had been a likeable teenager obsessed with comic books”).

79. Maria L. La Ganga et al., *Suspect in Kansas Jewish Center Shootings Has Long History of Hate*, L.A. TIMES (Apr. 14, 2014), <http://articles.latimes.com/2014/apr/14/nation/la-na-jewish-center-profile-20140415> [https://perma.cc/W55S-N9YS] (describing the man who shot three people near Jewish Community Center and Jewish assisted living center as “well known . . . for his failed attempts at elective office, his libertarian leanings, his Southern charm”).

80. Jean Marbella, *From a Place of Tolerance, He Followed a Path to Hate*, BALTIMORE SUN (Apr. 15, 2017), [http://www.digitaledition.baltimoresun.com/tribune/article\\_popover.aspx?guid=c3fcadea-1276-4495-b22d-8515303e0b2f](http://www.digitaledition.baltimoresun.com/tribune/article_popover.aspx?guid=c3fcadea-1276-4495-b22d-8515303e0b2f) [https://perma.cc/Y6LN-BBHJ] (describing the man who knifed an innocent black man in New York City as someone who “sang bass with the concert chorale and played on the varsity golf team”).

81. Jarvis DeBerry, *Lafayette Theater Shooter's Journal Shows Overlap Between Terrorism and Mental Illness*, TIMES-PICAYUNE (Jan. 16, 2016, 10:16 AM), [http://www.nola.com/opinions/index.ssf/2016/01/lafayette\\_theater\\_shooter.html](http://www.nola.com/opinions/index.ssf/2016/01/lafayette_theater_shooter.html) [https://perma.cc/TXH6-K66T] (noting that the Lafayette movie theatre shooter’s favorite songs included “Boys Do Fall in Love” by Robin Gibb, “Soldier of Love” by Donny Osmond, and “Love and Happiness” by Al Green).

sappy movies such as ‘Titanic’ and ‘Stand by Me.’”<sup>82</sup> These white Christian killers have families: much loved families,<sup>83</sup> all-American families,<sup>84</sup> grieving families.<sup>85</sup> The Charleston County magistrate noted that “[w]e have victims, nine of them. But we also have victims on the other side . . . . There are victims on this young man’s side of the family.”<sup>86</sup>

Time and again, attention is paid to the individual mental health of these white Christian extremists.<sup>87</sup> “With non-Muslims, the media bends over backwards to identify some psychological traits that may have pushed them over the edge. Whereas if it’s a Muslim, the assumption is they must have done it because of their religion.”<sup>88</sup> As a white terrorist, the main assumption made about my motive is that some personal trauma must have triggered my violence. In contrast, like a stock villain in a movie, the Muslim perpetrator

82. Marc Fisher, *Lone Wolf Extremists Like Dylann Roof Are Easy to Develop but Hard to Track*, WASH. POST (June 25, 2015), [https://www.washingtonpost.com/politics/lone-wolf-extremism-easy-to-form-difficult-to-track/2015/06/25/121d981e-19e7-11e5-93b7-5eddc056ad8a\\_story.html](https://www.washingtonpost.com/politics/lone-wolf-extremism-easy-to-form-difficult-to-track/2015/06/25/121d981e-19e7-11e5-93b7-5eddc056ad8a_story.html) [https://perma.cc/R6D2-FZEW].

83. Marbella, *supra* note 80 (noting that a racist killer’s yearbook message to his parents said: “I love you guys more than you know”); Rick Romell, *Shooter’s Odd Behavior Did Not Go Unnoticed*, MILWAUKEE J. SENTINEL (Aug. 6, 2012), <http://archive.jsonline.com/news/crime/shooter-wade-page-was-army-vet-white-supremacist-856cn28-165123946.html> [https://perma.cc/JGV7-PY78] (“He called non-whites ‘dirt people,’ and sent roses to his grandmother.”).

84. Joe Kovac Jr., *Brother of Lafayette Shooter Says Rampage Was ‘No Surprise’*, WASH. POST (July 25, 2015), [https://www.washingtonpost.com/national/brother-of-lafayette-shooter-says-rampage-was-no-surprise/2015/07/25/9f72bafa-3319-11e5-8353-1215475949f4\\_story.html?](https://www.washingtonpost.com/national/brother-of-lafayette-shooter-says-rampage-was-no-surprise/2015/07/25/9f72bafa-3319-11e5-8353-1215475949f4_story.html?) [https://perma.cc/KGE7-2UZD] (noting that the Lafayette shooter’s daughter “was a homecoming queen at Brookstone School in Columbus”).

85. Abby Phillip, *The Charleston Magistrate Who Sparked a Debate About Who Is a Victim*, WASH. POST (June 21, 2015), [https://www.washingtonpost.com/national/the-charleston-magistrate-who-sparked-a-debate-about-who-is-a-victim/2015/06/21/ef340330-184a-11e5-93b7-5eddc056ad8a\\_story.html?](https://www.washingtonpost.com/national/the-charleston-magistrate-who-sparked-a-debate-about-who-is-a-victim/2015/06/21/ef340330-184a-11e5-93b7-5eddc056ad8a_story.html?) [https://perma.cc/7WYT-MMYA].

86. *Id.*

87. See, e.g., Kissinger, *supra* note 78 (“If anyone had evaluated [the Sikh temple shooter], a gazillion red flags would have gone off . . . . It was obvious to me that he had huge mental illness.”); Margaret Stafford, *Kansas Man Accused of Hate Crime in Death of Indian Citizen*, U.S. NEWS (June 9, 2017, 7:14 PM), <https://www.usnews.com/news/us/articles/2017-06-09/kansas-man-faces-hate-crime-indictment-in-bar-shooting> [https://perma.cc/7BKY-DKV9] (“Neighbors in the quiet Olathe cul-de-sac where he lived told The Associated Press that Purinton had become ‘a drunken mess’ after his father’s death about two years ago and had physically and mentally deteriorated before the shooting.”); The Associated Press, *Lafayette Theater Shooter John Russell Houser Had History of Mental Problems*, TIMES-PICAYUNE (July 24, 2015, 10:15 AM), [http://www.nola.com/crime/index.ssf/2015/07/lafayette\\_theater\\_shooter\\_john.html](http://www.nola.com/crime/index.ssf/2015/07/lafayette_theater_shooter_john.html) [https://perma.cc/39TN-J7VM];.

88. Scott Shane, *In US, Homegrown Radicals More Deadly Than Jihadis*, BOS. GLOBE (June 24, 2015), <https://www.bostonglobe.com/news/nation/2015/06/24/homegrown-radicals-more-deadly-than-jihadis/oEjjvadC7Tdz5WGLUlgUPM/story.html> (quoting Abdul Cader Asmal, a retired physician, in Boston); see also Arjun Singh Sethi, *Attacks Like Portland’s Will Keep Happening Unless We All Fight White Supremacy*, WASH. POST (May 29, 2017), <https://www.washingtonpost.com/posteverything/wp/2017/05/29/attacks-like-portlands-will-keep-happening-unless-we-all-fight-white-supremacy/> [https://perma.cc/CW7J-DSL8] (“White suspects who perpetrate mass atrocities are often humanized and described as shooters and mentally ill lonewolves. They’re seen as holding personal grievances and capable of rehabilitation. But when the suspect is Muslim, brown, black or a combination thereof, they are often described as terrorists, who are deliberately evil, inspired by collective grievance, incapable of intervention.”).

has no backstory, no grieving family, his motive is clear enough. My argument is not that white terrorists are never mentally ill; many are. But so too are many Muslim terrorists. However, the presumption of white innocence means that for white terrorists we look to mental illness for explanations in a way that we do not for nonwhite terrorists.

The bottom line is that white Christian extremists remain individuals—“lone wolves” suffering in some individualized way—as opposed to an interchangeable member of a terrorist conspiracy. For example, one of South Carolina’s senators characterized the Charleston terrorist as just “a whacked-out kid.”<sup>89</sup> Indeed, he insisted that “[t]here are real people who are organized out there to kill people in religion and based on race; this guy’s just whacked out.”<sup>90</sup> Because these attacks are categorized as one-offs,<sup>91</sup> other white Christian men are spared the profiling that brown Muslim men are subjected to. Moderate white Christians are also spared the expectation of having to condemn every act of violence by extremist white Christians.<sup>92</sup>

Some might argue that unlike Muslim terrorists, white terrorists are not motivated by an ideology or trying to intimidate a civilian population. But they would be wrong. Like their Ku Klux Klan forefathers, white Christian terrorists often subscribe to an ideology of white supremacy and act to instill terror in communities of color.<sup>93</sup>

For example, the Charleston terrorist left a 2000-word racist manifesto<sup>94</sup> and explicitly stated that he wanted to start a race war.<sup>95</sup> One witness testified that during the shooting he yelled, “You rape our women and you’re taking

89. Kimberly Atkins, *Politicians Failing to Grasp Reality of Racial Terrorism*, BOS. HERALD (June 19, 2015) [http://www.bostonherald.com/news/columnists/kimberly\\_atkins/2015/06/atkins\\_politicians\\_failing\\_to\\_grasp\\_reality\\_of\\_racial](http://www.bostonherald.com/news/columnists/kimberly_atkins/2015/06/atkins_politicians_failing_to_grasp_reality_of_racial) [https://perma.cc/6TSB-FNXS].

90. *Id.*

91. *See, e.g.*, Scott, *supra* note 45 (reporting that Wisconsin Congressman Sean Duffy described the 2017 Quebec City attack on a mosque as a “one off”).

92. *Cf.* Aisha Sultan, *White Americans Need to Address Extremism the Way American Muslims Are*, ST. LOUIS POST-DISPATCH (June 27, 2015), [http://www.stltoday.com/lifestyles/relationships-and-special-occasions/parenting/aisha-sultan/white-americans-need-to-address-extremism-the-way-american-muslims/article\\_ecf23dad-90b5-5626-b062-cc48737855a4.html](http://www.stltoday.com/lifestyles/relationships-and-special-occasions/parenting/aisha-sultan/white-americans-need-to-address-extremism-the-way-american-muslims/article_ecf23dad-90b5-5626-b062-cc48737855a4.html) [https://perma.cc/SL7T-K2EG] (“When self-described Islamic terrorists attacked our country, the rest of the country said: Muslim moderates need to speak up!”).

93. Alternatively, it is not a racial hierarchy but a gender hierarchy or some combination thereof that motivates the Christian white terrorist. *See, e.g., supra* note 36 (describing the attack on Planned Parenthood); *see also infra* note 178 (explaining that the attack in South Carolina was intended to “protect” white women).

94. *See* Johnson, *supra* note 41.

95. Polly Mosendz, *Dylann Roof Confesses: Says He Wanted to Start “Race War,”* NEWSWEEK (June 19, 2015, 9:38 AM), <http://www.newsweek.com/dylann-roof-confesses-church-shooting-says-he-wanted-start-race-war-344797> [https://perma.cc/S3RW-75N7]; *cf.* James Downie, *The Charleston Shooter Is a Terrorist. The Federal Government Should Charge Him as One.*, WASH. POST (June 26, 2015), <https://www.washingtonpost.com/blogs/post-partisan/wp/2015/06/26/the-charleston-shooter-is-a-terrorist-the-federal-government-should-charge-him-as-one/> [https://perma.cc/P2Y5-YF8G] (“[I]f Dylan Roof were Muslim, and had been accused of killing nine Christian Americans to start a ‘holy war,’ the Justice Department would have charged him as a terrorist in a second.”).



over our country. And you have to go.”<sup>96</sup> During an interview he elaborated: “I had to do it because somebody had to do something . . . Black people are killing white people every day on the street, and they are raping white women. What I did is so minuscule to what they’re doing to white people every day all the time.”<sup>97</sup> He was never charged with terrorism. According to then-FBI Director James Comey, “Terrorism is [an] act of violence done or threatened in order to try to influence a public body or citizenry. So it’s more of a political act. And again, based on what I know so [far], I don’t see it as a political act.”<sup>98</sup>

Yet there is no question that the massacre was intended to intimidate. As with many terrorists, the Charleston shooter targeted a house of worship—a space where people ought to feel safe.<sup>99</sup> Moreover, black churches such as Emanuel African Methodist Episcopal Church in Charleston have a long history as forces for racial equality, a history that no doubt infuriates white supremacists.<sup>100</sup> Consequently, as Anthea Butler has noted, “Black churches have long been targets of white supremacists who burned and bombed them in an effort to terrorize the black communities those churches anchored.”<sup>101</sup> In case anyone doubted that the white Christian terrorist intended to instill fear, he told one survivor that he was letting her live so she could tell the world about him.<sup>102</sup> According to an expert, leaving someone behind as a messenger is “a textbook terrorist act.”<sup>103</sup> “Like the Ku Klux Klan lynchings of the past, the Charleston shooting appears designed not just to kill individuals but to create terror among African-Americans.”<sup>104</sup>

96. Lisa Wade, *How “Benevolent Sexism” Drove Dylann Roof’s Racist Massacre*, WASH. POST (June 21, 2015), <https://www.washingtonpost.com/posteverything/wp/2015/06/21/how-benevolent-sexism-drove-dylann-roofs-racist-massacre/> [https://perma.cc/ZU7R-X3K2].

97. Mark Berman, *Dylann Roof Will Plead Guilty to Murder for Charleston Church Massacre, Avoiding Second Death Penalty Trial*, WASH. POST (Mar. 31, 2017), <https://www.washingtonpost.com/news/post-nation/wp/2017/03/31/dylann-roof-will-plead-guilty-to-murder-for-charleston-church-massacre-avoiding-second-death-penalty-trial/> [https://perma.cc/76YE-KEPS].

98. Downie, *supra* note 95.

99. See *supra* notes 19–24 and accompanying text (describing an attack on a mosque); see also *infra* notes 113–14 and accompanying text (describing the attack on Sikh temple).

100. Cf. Sarah Kaplan & Justin Wm. Moyer, *Why Racists Target Black Churches*, WASH. POST (July 1, 2015), <https://www.washingtonpost.com/news/morning-mix/wp/2015/07/01/why-racists-burn-black-churches/> [https://perma.cc/PR4M-4P82] (“Since at least 1822, when the first recorded burning of a black church occurred in South Carolina, church arson has been the default response of racists frustrated with progress . . . on civil rights.”).

101. Butler, *supra* note 40.

102. One witness explained that the terrorist “told [one survivor] that he would spare her so she could tell the world what he had done.” See Kevin Sullivan, *‘Evil, Evil, Evil As Can Be’: Emotional Testimony As Dylann Roof Trial Begins*, WASH. POST, (Dec. 7, 2016), <https://www.washingtonpost.com/news/post-nation/wp/2016/12/07/as-dylann-roof-trial-begins-prosecutor-describes-each-victims-life-and-how-they-died/> [https://perma.cc/7EBJ-N9MN].

103. Phillips, *supra* note 76 (“[R]egarding intimidation of a wider audience, the shooter reportedly left one person alive to spread the message. This was a textbook terrorist act.”).

104. Sean Cockerham & William Douglas, *Attention Refocusing on Domestic Threats*, DAYTON DAILY NEWS, June 29, 2015, at A1.

There are plenty of other examples. The white Christian extremist<sup>105</sup> who traveled to New York City<sup>106</sup> to kill black men because “he was angered by black men mixing with white women”<sup>107</sup> and he hoped murder would deter white women from relationships with black men.<sup>108</sup> The white Christian in Kansas who mistook two Indian men for Middle Easterners and shot them after yelling “get out of my country.”<sup>109</sup> The white supremacist in Portland, Oregon, a supporter of a “White homeland,”<sup>110</sup> who killed two men on a train when they interrupted his anti-Muslim tirade<sup>111</sup> against two teenage girls, one in a hijab.<sup>112</sup> The white Christian who murdered six worshippers at a Sikh temple—a neo-Nazi skinhead and member of white supremacist heavy metal bands<sup>113</sup> who “spoke of the need for securing a homeland for white people

105. He frequented the neo-Nazi website *The Daily Stormer* and admired the Charleston terrorist. See Ellen Moynihan & Stephen Rex Brown, *Exclusive: White Supremacist James Jackson Reveals Deranged Desire to Kill Black Men to Save White Women in Jailhouse Interview*, DAILY NEWS (Mar. 26, 2017, 9:25 PM), <http://www.nydailynews.com/news/national/james-jackson-twisted-regrets-killing-timothy-caughman-article-1.3009736> [<https://perma.cc/QY8H-YUGG>].

106. He traveled to New York City to commit his crime, hoping that its occurrence in the “media capital of the world” would magnify his message. Mark Berman, *Fatal Stabbing in New York Was ‘Practice’ for More Attacks on Black Men, Police Say*, WASH. POST (Mar. 23, 2017), <https://www.washingtonpost.com/news/post-nation/wp/2017/03/23/white-man-who-targeted-black-people-viewed-fatal-stabbing-as-practice-for-more-attacks-police-say/> [<https://perma.cc/EAF5-MSAB>].

107. Unlike most of these other examples, he was in fact charged with terrorism. Mark Berman, *Prosecutors Charge Man with Murder as an Act of Terrorism in New York Stabbing*, WASH. POST (Mar. 27, 2017), <https://www.washingtonpost.com/news/post-nation/wp/2017/03/27/prosecutors-charge-man-with-murder-as-an-act-of-terrorism-in-new-york-stabbing/> [<https://perma.cc/BBE2-CL7K>].

108. Ben Rosen, *White Racist Accused of Fatal NYC Stabbing Charged with Terrorism*, CHRISTIAN SCI. MONITOR (Mar. 28, 2017), <https://www.csmonitor.com/USA/2017/0328/White-racist-accused-of-fatal-NYC-stabbing-charged-with-terrorism> [<https://perma.cc/69PU-UJXT>] (“‘Well, if that guy feels so strongly about it, maybe I shouldn’t do it,’ he said, imagining how he wanted a white woman to think.”); see also Moynihan & Brown, *supra* note 105 (“Most chillingly, Jackson said he had traveled to New York from Baltimore intending to kill numerous black men, imagining that the bloodshed would deter white women from interracial relationships.”).

109. Ishaan Tharoor, *An Act of American Terror in Trump’s Heartland*, WASH. POST (Feb. 27, 2017), <https://www.washingtonpost.com/news/worldviews/wp/2017/02/27/an-act-of-american-terror-in-trumps-heartland/> [<https://perma.cc/QR6P-PYTT>].

110. Amy B. Wang, *‘Final Act of Bravery’: Men Who Were Fatally Stabbed Trying to Stop Anti-Muslim Rants Identified*, WASH. POST (May 27, 2017), <https://www.washingtonpost.com/news/post-nation/wp/2017/05/27/man-fatally-stabs-2-on-portland-ore-train-after-they-interrupted-his-anti-muslim-rants-police-say/> [<https://perma.cc/NGS8-3EKV>].

111. Madison Park, *Teen on Portland Train: ‘They Lost Their Lives Because of Me and My Friend’*, CNN (May 30, 2017), <http://www.cnn.com/2017/05/29/us/portland-train-teenager-stabbing/index.html> [<https://perma.cc/2LYA-G6MA>] (describing the man’s tirade as including exhortations to “get out of [my] country” and “go back to Saudi Arabia”).

112. Wang, *supra* note 110.

113. Michael Laris et al., *Gunman in Wisconsin Was Deeply Involved in White-Supremacist Music Scene*, WASH. POST (Aug. 6, 2012), [https://www.washingtonpost.com/world/national-security/gunman-in-wisconsin-was-deeply-involved-in-white-supremacist-music-scene/2012/08/06/5dba0b82-dffb-11e1-8fc5-a7dcf1fc161d\\_story.html/](https://www.washingtonpost.com/world/national-security/gunman-in-wisconsin-was-deeply-involved-in-white-supremacist-music-scene/2012/08/06/5dba0b82-dffb-11e1-8fc5-a7dcf1fc161d_story.html/) [<https://perma.cc/ELC7-Z4J3>] (“This guy was in the thick of the white-supremacist music scene. He was not a fringe player. He was well known in the scene and played in some of the best-known bands.”).

and referred to all non-whites as ‘dirt people.’”<sup>114</sup> The white Christian who gunned down a black guard at the U.S. Holocaust Memorial Museum and was known to the Anti-Defamation League as “a longtime white supremacist anti-Semite”<sup>115</sup> and Holocaust denier.<sup>116</sup> The founder and former grand dragon of the Carolina Knights of the Ku Klux Klan<sup>117</sup> who shot and killed three people on the eve of Passover near a Jewish community center and a Jewish retirement home<sup>118</sup> and boasted, “[b]ecause of what I did, Jews feel less secure.”<sup>119</sup> Nor are these examples exhaustive.<sup>120</sup>

In short, for these terrorists, their ideology is white supremacy and their violent acts are meant to terrorize and reassert that supremacy. One terrorist expert wrote that there is no definition of terrorism that the Charleston shooting fails to satisfy: “There is no criterion or definition [of terrorism] that this incident does not plainly and fully meet . . . . Were I teaching such a course next year, I would begin with this Charleston event as a textbook example of domestic terrorism.”<sup>121</sup> And yet, the Charleston shooter, like other white Christian extremists, is not routinely referred to as a terrorist, and other white Christian men are not profiled or expected to denounce him. That is white privilege.

### III. THE TWO NARRATIVES THROUGH A PROPAGANDA LENS

This section examines the intersection between critical race theory and propaganda, and Trump’s propaganda in particular. The critical race deconstruction of these two narratives reveals two constituent parts of

114. Romell, *supra* note 83.

115. Scott Calvert et al., *Suspect Has Deep Maryland Ties, History of Anti-Semitic Activities*, BALT. SUN (June 11, 2009), [http://articles.baltimoresun.com/2009-06-11/news/0906100164\\_1\\_von-brunn-james-von-holocaust](http://articles.baltimoresun.com/2009-06-11/news/0906100164_1_von-brunn-james-von-holocaust) [<https://perma.cc/9R6B-H7Z7>] (recounting that the shooter wrote “[i]t’s time to kill all the Jews”).

116. Mimi Hall et al., *Shooting Suspect Was on Anti-Hate Groups’ Radar*, USA TODAY (June 10, 2009), [https://usatoday30.usatoday.com/news/nation/2009-06-10-shooter\\_n.htm](https://usatoday30.usatoday.com/news/nation/2009-06-10-shooter_n.htm) [<https://perma.cc/5NTF-QJV4>] (noting that the U.S. Holocaust Memorial Museum terrorist was “the author of *Kill the Best Gentiles*, a 200-page book denying the Holocaust and praising Hitler”).

117. La Ganga et al., *supra* note 79.

118. Lindsey Bever, *Man Arrested in Kansas City Shootings Was Reportedly a Longtime Ku Klux Klan Leader*, WASH. POST (Apr. 14, 2014), <https://www.washingtonpost.com/news/morning-mix/wp/2014/04/14/man-arrested-in-jewish-community-shootings-reportedly-longtime-ku-klux-klan-leader/> [<https://perma.cc/T6HC-EYS2>].

119. Emily Wax-Thibodeaux, *White Supremacist Says He Hoped to Kill More Jews, but He Still Got His Message Across*, WASH. POST (Nov. 17, 2014), <https://www.washingtonpost.com/news/post-nation/wp/2014/11/17/white-supremacist-says-he-hoped-to-kill-more-jews-but-he-still-got-his-message-across/> [<https://perma.cc/JU8C-8CQX>].

120. *See, e.g., supra* note 39 and accompanying text. This Essay does not, for instance, list all the white Christian extremists who attacked abortion providers and health clinics. *See, e.g., infra* notes 173–74.

121. Joel Thornton, *Texas Faith: When Racism Becomes Terrorism*, DALL. MORNING NEWS (June 19, 2015, 3:10 PM), <https://web.archive.org/web/20150824115929/http://dallasmorningviewsblog.dallasnews.com/2015/06/texas-faith-when-racism-becomes-terrorism.html/#more-57059> [<https://perma.cc/Y9YW-DMYJ>] (quoting Distinguished Professor of History Philip Jenkins of the Institute for Studies of Religion at Baylor University, who has taught college courses on terrorism for fifteen years).

propaganda: flawed ideologies and aspirational myths. Thus, Trump and his administration's intentional invocation of both narratives amounts to propaganda in more than just the colloquial sense.

*A. Racism as "Flawed Ideological Belief"  
of Terrorist Propaganda*

As with terrorism, there is not a single definition of propaganda. It may even lack negative connotations,<sup>122</sup> though that is not how I use it here. As traditionally understood, especially in relation to demagogic propaganda,<sup>123</sup> the speaker and audience are not engaged in an exchange of ideas. Rather, the audience is the speaker's target, with the speaker talking at his audience, not conversing with them.<sup>124</sup> The ultimate goal is to help the speaker, not necessarily the audience.<sup>125</sup> For purposes of this discussion, propaganda's most important characteristic is its manipulateness.<sup>126</sup> While "manipulative" is another contested term, in propaganda it usually means intentionally undermining reasoned analysis.<sup>127</sup> "To be effective, propaganda must constantly short-circuit all thought and decision."<sup>128</sup>

Lies are a well-known example of manipulation, and some of the best-known propaganda techniques involve blatant fabrications. A demagogue might insist that lies are true or that the truth is "fake news."<sup>129</sup> The aim may be to repeat these falsehoods so often that they take on the veneer of truth,<sup>130</sup> or the point of such disinformation may be "to distort information so that no

122. See, e.g., JASON STANLEY, *HOW PROPAGANDA WORKS* 38 (2015) (noting that propaganda may have a neutral as well as a pejorative sense).

123. One definition of demagogic propaganda is "propaganda in the service of unworthy political ideals." *Id.* at 68.

124. Beth S. Bennett & Sean Patrick O'Rourke, *A Prolegomenon to the Future Study of Rhetoric and Propaganda*, in *READINGS IN PROPAGANDA AND PERSUASION: NEW AND CLASSIC ESSAYS* 51, 66–68 (Garth S. Jowett & Victoria O'Donnell eds., 2006).

125. The propaganda may appeal to popular lofty goals, but its ultimate goal is to advance the speaker's agenda. *Id.* at 65–69.

126. See, e.g., GARTH S. JOWETT & VICTORIA O'DONNELL, *PROPAGANDA AND PERSUASION* 7 (4th ed. 2006) (defining propaganda as "the deliberate, systematic attempt to shape perceptions, manipulate cognitions, and direct behavior to achieve a response that furthers the desired intent of the propagandist").

127. Bennett & O'Rourke, *supra* note 124, at 68 ("Propaganda usually seeks to short-circuit a thinking response.").

128. Jacques Ellul, *The Characteristics of Propaganda*, in *READINGS IN PROPAGANDA AND PERSUASION: NEW AND CLASSIC ESSAYS*, *supra* note 124, at 1, 17.

129. Michael Judge, *Q & A: Garry Kasparov on the Press and Propaganda in Trump's America*, *COLUM. JOURNALISM REV.* (Mar. 22, 2017), [https://www.cjr.org/q\\_and\\_a/kasparov-trump-russia-propaganda.php](https://www.cjr.org/q_and_a/kasparov-trump-russia-propaganda.php) [<https://perma.cc/4KCL-Z77R>] ("Putin and Kremlin organs do use this method of calling anything they don't like from abroad 'fake' and have for some time.").

130. Cf. John Dunbar, *Analysis: Donald Trump, Propagandist-in-Chief?*, *CTR. FOR PUB. INTEGRITY* (Aug. 10, 2016, 6:00 AM), <https://www.publicintegrity.org/2016/08/10/20047/analysis-donald-trump-propagandist-chief> [<https://perma.cc/DV7F-K33Q>] (noting that Joseph Goebbels, Adolf Hitler's propaganda minister, supposedly said, "[i]f you tell a lie big enough and keep repeating it, people will eventually come to believe it").

one knows what to believe.”<sup>131</sup> In short, “[i]f you don’t like the facts, invent your own,” represents one classic propaganda technique.<sup>132</sup>

However, propaganda does not have to be false.<sup>133</sup> Other manipulative techniques besides lying are familiar from advertising. Many involve the intentional exploitation of the type of cognitive errors mentioned earlier.<sup>134</sup> With affective priming, for example, advertisers link their product with something audiences already like (such as fun! friends! beautiful women!), creating a positive association for their own products.<sup>135</sup> Repeated exposure then cements the association.<sup>136</sup> These techniques lead viewers to draw conclusions about the product that they would not have drawn with more thorough deliberation.<sup>137</sup>

Note that propaganda (or least successful propaganda) depends upon preexisting beliefs. “[P]ropaganda cannot create something out of nothing. . . . [I]t must build on a foundation already present in the individual. . . . Propaganda is confined to utilizing existing material; it does not create it.”<sup>138</sup> In the example above, the advertisement makes you like its product by associating it with something that you already liked.

Demagogic propaganda in particular depends upon *flawed* preexisting ideological beliefs.<sup>139</sup> Flawed ideologies are deeply held beliefs that are inaccurate. Racial ideologies, with their inevitable stereotypes, represent a paradigmatic example of a flawed ideological belief system. When linked to

131. Bryan Schatz, *The Kremlin Would Be Proud of Trump’s Propaganda Playbook*, MOTHER JONES (Nov. 21, 2016, 11:00 AM), <http://www.motherjones.com/politics/2016/11/trump-russia-kremlin-propaganda-tactics/> [<https://perma.cc/XT5C-H9A3>]; see also Judge, *supra* note 129 (“The methodology of fake news isn’t to convince anyone exactly what the truth is, but to make people doubt that the truth exists, or that it can ever be known.”).

132. Schatz, *supra* note 131. Of course, this is only one of many tactics. See, e.g., Danielle Kurtzleben, *Trump Embraces One of Russia’s Favorite Propaganda Tactics—Whataboutism*, NPR (Mar. 17, 2017, 5:02 AM), <http://www.npr.org/2017/03/17/520435073/trump-embraces-one-of-russias-favorite-propaganda-tactics-whataboutism> [<https://perma.cc/B8NM-8STU>] (“President Trump has developed a consistent tactic when he’s criticized: say that someone else is worse.”).

133. STANLEY, *supra* note 122, at 41–43.

134. Cf. Caroline Mala Corbin, *Emotional Compelled Disclosures*, 127 HARV. L. REV. F. 357, 357–58 (2014) (describing manipulative speech as speech that intentionally exploits certain heuristics, including affect heuristics); Jon D. Hanson & Douglas A. Kysar, *Taking Behavioralism Seriously: The Problem of Market Manipulation*, 74 N.Y.U. L. REV. 630, 637 (1999) (“This is what we mean by manipulation—the utilization of cognitive biases to influence peoples’ perceptions and, in turn, behavior.”).

135. With propaganda the reverse may be true: for example, certain politicians will intentionally link “welfare” to “urban African-Americans,” something their particular audience already dislikes. STANLEY, *supra* note 122, at 138.

136. These cognitive errors occur even when audiences are aware of them. See, e.g., Cass R. Sunstein, *Hazardous Heuristics*, 70 U. CHI. L. REV. 751, 760 (2003) (“[M]aking people aware of an anchor’s effect does not reduce anchoring . . .”).

137. Corbin, *supra* note 134, at 358.

138. Ellul, *supra* note 128, at 20.

139. STANLEY, *supra* note 122, at 4 (“[H]armful propaganda relies upon the existence of flawed ideologies present in a given society.”); see also *id.* at 43 (“[P]ropaganda depends for its effectiveness on the presence of flawed ideological belief.”).

identity, as racial ideologies are, these ideologies become stronger still.<sup>140</sup> Not surprisingly, these deep-seated and flawed beliefs interfere with rational analysis.<sup>141</sup>

Trump's propaganda exploits our flawed racial ideology. A hallmark of the demagogue, after all, is appealing to people's prejudices. Trump's propaganda builds on preexisting racial ideologies, most obviously by mobilizing racialized Muslim stereotypes. If he were to imply that all inside traders or hackers were Muslim, such a claim would probably be met with incredulity, or at least puzzlement. It would not resonate. To suggest that all terrorists are Muslim, however, draws upon centuries of negative stereotypes of Muslims and Arabs as volatile, uncivilized "others" who bear "us" ill will.

Trump's propaganda then reinforces this association by mobilizing other reliable cognitive errors such as the availability error.<sup>142</sup> Due to the availability error, people evaluate probability based on the examples that most easily come to mind.<sup>143</sup> The Trump administration's terrorism propaganda intentionally exploits this predictable cognitive error by making the stereotype of the Muslim terrorist the most readily available image of "terrorist" and "Muslim."

The demonization of Muslims was well underway during Trump's campaign,<sup>144</sup> at which time he supported a ban on Muslims entering the

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140. *Id.* at 196 ("[B]eliefs that are connected to our identity will be emotionally dear to us in ways that beliefs unconnected to our identity are not.").

141. Flawed ideologies derail deliberation, in part, because they trigger intense emotions. *Id.* at 46 ("Flawed ideologies characteristically lead one to sincerely hold a belief that is false and that, because of its falsity, disrupts the rational evaluation of a policy proposal."). The argument is not that causing an emotional reaction automatically makes it manipulative propaganda. "Propaganda is not simply closing off rational debate by appeal to emotion; often emotions are rational and track reasons." *Id.* at 48. Rather, the argument is that the propaganda may be manipulative because it invokes unreasonable emotions that stem from a flawed ideology. *Id.*

142. *Cf.* Bennett & O'Rourke, *supra* note 124, at 62 ("[P]ropaganda takes advantage of our natural inclination to conserve cognitive energy . . . . Propaganda promotes and functions best on a 'mindless' audience (i.e., one devoting little thought to the message) . . . ." (citing ANTHONY PRATKANIS & ELLIOT ARONSON, *AGE OF PROPAGANDA: THE EVERYDAY USE AND ABUSE OF PERSUASION* (2001))).

143. Jeffrey J. Rachlinski, *Selling Heuristics*, 64 ALA. L. REV. 389, 392–93 (2012). As a result, "a class whose instances are easily retrieved will appear more numerous than a class of equal frequency whose instances are less retrievable." Cass R. Sunstein, *Precautions Against What? The Availability Heuristic and Cross-Cultural Risk Perception*, 57 ALA. L. REV. 75, 88 (2005) (quoting Daniel Kahneman & Amos Tversky, *Judgment Under Uncertainty: Heuristics and Biases*, in *JUDGMENT AND DECISION MAKING: AN INTERDISCIPLINARY READER* 35, 43 (Hal R. Arkes et al. eds., 2d ed. 2000)).

144. For example, Trump falsely claimed that he saw Muslims in New Jersey celebrating the fall of the World Trade Center on 9/11: "There were people over in New Jersey that were watching it, a heavy Arab population, that were cheering as the buildings came down. Not good." Lauren Carroll, *Fact-Checking Trump's Claim That Thousands in New Jersey Cheered When the World Trade Center Tumbled*, POLITIFACT (Nov. 22, 2015, 6:17 PM), <http://www.politifact.com/truth-o-meter/statements/2015/nov/22/donald-trump/fact-checking-trumps-claim-thousands-new-jersey-ch/> [<https://perma.cc/9CKD-D79W>]. This claim was rated a "Pants on Fire" falsehood. *Id.*

United States and a registry of Muslims already here.<sup>145</sup> From the outset, he equated Islam with terrorism.<sup>146</sup> For example, in March 2016, Trump said during a CNN interview, “I think Islam hates us.”<sup>147</sup> When asked whether “there [is] a war between the West and radical Islam, or between the West and Islam itself,” he answered: “It’s very hard to separate. Because you don’t know who’s who.”<sup>148</sup> In that same interview, he also complained that the United States had “allowed this propaganda to spread all through the country that [Islam] is a religion of peace.”<sup>149</sup>

As president, Trump continues to do everything in his power—which is now considerable—to ensure that people associate terrorism with brown Muslims. At his inauguration, he swore that he would “unite the civilized world against Radical Islamic Terrorism” and “eradicate [it] completely from the face of the Earth.”<sup>150</sup> His “America First Foreign Policy” promises to focus on “American national security.”<sup>151</sup> And what, according to the president, must we prioritize to stay safe? “Defeating ISIS and other radical Islamic terror groups will be our highest priority.”<sup>152</sup> The people he appoints to high-level positions seem to share this view.<sup>153</sup> For example, Trump’s short-lived national security advisor, Michael Flynn, tweeted, “Fear of Muslims is RATIONAL.”<sup>154</sup>

145. Jenna Johnson, *Trump Calls for ‘Total and Complete Shutdown of Muslims Entering the United States,’* WASH. POST (Dec. 7, 2015), <https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/> [https://perma.cc/WZ5B-VWJP]; Sabrina Siddiqui, *Trump and a Muslim Registry: Does He Want One—and Is It Even Possible?*, GUARDIAN (Nov. 27, 2016), <https://www.theguardian.com/us-news/2016/nov/27/donald-trump-muslim-registry-policy-possibility> [https://perma.cc/2AZE-2Q8Z].

146. Jenna Johnson, *Inside Donald Trump’s Strategic Decision to Target Muslims*, WASH. POST (June 21, 2016), [https://www.washingtonpost.com/politics/inside-donald-trumps-strategic-decision-to-target-muslims/2016/06/20/d506411e-3241-11e6-8758-d58e76e11b12\\_story.html/](https://www.washingtonpost.com/politics/inside-donald-trumps-strategic-decision-to-target-muslims/2016/06/20/d506411e-3241-11e6-8758-d58e76e11b12_story.html/) [https://perma.cc/G9UD-33N4] (“Trump has purposely and methodically made his proposed Muslim ban—and suspicion of American Muslims—a centerpiece of his nativist pitch to voters.”).

147. Theodore Schleifer, *Donald Trump: ‘I Think Islam Hates Us,’* CNN (Mar. 10, 2016, 5:56 PM), <http://www.cnn.com/2016/03/09/politics/donald-trump-islam-hates-us/index.html> [https://perma.cc/YL5Z-8H74].

148. *Hawai’i v. Trump*, No. CV 17-00050 DKW-KSC, 2017 WL 1011673, at \*13 (D. Haw. Mar. 15, 2017).

149. *Int’l Refugee Assistance Project v. Trump*, No. CV TDC-17-0361, 2017 WL 1018235, at \*12 (D. Md. Mar. 16, 2017).

150. Donald J. Trump, President of the United States, Inaugural Address (Jan. 20, 2017), <https://www.whitehouse.gov/inaugural-address> [https://perma.cc/59Q9-HDWP].

151. *America First Foreign Policy*, WHITE HOUSE, <https://www.whitehouse.gov/america-first-foreign-policy> [https://perma.cc/SZ2R-YKE8] (last visited Oct. 16, 2017).

152. *Id.*

153. See, e.g., David Shariatmadari, *How War on Islam Became Central to the Trump Doctrine*, GUARDIAN (Jan. 30, 2017), <https://www.theguardian.com/us-news/2017/jan/30/war-on-islam-central-trump-doctrine-terrorism-immigration> [https://perma.cc/PX4H-5ZBZ] (describing the anti-Islam views of Trump’s appointees).

154. *Id.* Flynn stepped down not because of his Islamophobia, but because of ties to Russia. Julian Borger, *Trump Security Advisor Flynn Resigns After Leaks Suggest He Tried to Cover Up Russia Talks*, GUARDIAN (Feb. 14, 2017), <https://www.theguardian.com/us-news/2017/feb/13/michael-flynn-resigns-quits-trump-national-security-adviser-russia> [https://perma.cc/GJB3-6QZ4].

Trump's tweets—arguably his favorite mode of communication<sup>155</sup>—are likewise revealing. Trump straightaway tweets about attacks by Muslims anywhere in the world.<sup>156</sup> After attacks in Paris, Manchester, and London,<sup>157</sup> to name just the most recent incidents, his condemnation of the Muslim terrorists was immediate and unequivocal.<sup>158</sup> When the White House released a list of seventy-eight overlooked acts of terrorism between September 2014 and December 2016, it focused solely on attacks perpetrated by “radical Islamists.”<sup>159</sup> Although Trump's exclusive spotlighting of Muslim terrorists is widely recognized as misleading, it is not necessarily labelled as propaganda. But as history shows, some of the most successful propaganda attacks a dangerous “other.”<sup>160</sup>

### B. *White Innocence as “Myth” of Terrorist Propaganda*

At the same time that Trump jumps at the chance to instantly condemn Muslim terrorists, his response to white Christian terrorists is either nothing, or at best, a tepid or generic message days later. He made no public statement about the Quebec City massacre of Muslims in January 2017.<sup>161</sup> In February

155. See, e.g., Ali Vitali, *Trump's Tweets 'Official Statements,' Spicer Says*, NBC NEWS (June 6, 2017), <http://www.nbcnews.com/politics/white-house/trump-s-tweets-official-statements-spicer-says-n768931> [<https://perma.cc/GUW7-A7BB>] (“Trump's Twitter usage has been a cornerstone of his presidency.”).

156. Adam Taylor, *Donald Trump Often Tweets About Terror and Violence, but Said Nothing About an Attack on Muslims in Quebec City*, WASH. POST (Feb. 2, 2017), <https://www.washingtonpost.com/news/worldviews/wp/2017/02/02/donald-trump-often-tweets-about-terror-and-violence-but-he-ignored-an-attack-on-muslims-in-quebec-city/> [<https://perma.cc/UPU9-WCVG>] (“In almost every case [of tweeting after a terror attack], Trump was responding to an attack claimed by a militant Islamist group.”).

157. Alex Wagner, *Trump's Selective Responses to Terror*, ATLANTIC (June 6, 2017), <https://www.theatlantic.com/politics/archive/2017/06/trumps-selective-responses-to-terror/529218/> [<https://perma.cc/GBH8-B9G9>] (“[I]n the immediate aftermath of the Paris, Manchester and London attacks, Trump expressed his feelings within hours.”); see also Philip Bump, *Why Won't Donald Trump Rush to Tweet Criticism of Attacks Against Muslims?*, WASH. POST (June 19, 2017), <https://www.washingtonpost.com/news/politics/wp/2017/06/19/why-wont-donald-trump-rush-to-tweet-criticism-of-attacks-against-muslims/> [<https://perma.cc/96G3-TNGD>] (noting that Trump tweets within hours of certain attacks but not others).

158. See, e.g., Donald J. Trump (@realDonaldTrump), TWITTER (June 3, 2017, 4:17 PM), <https://twitter.com/realDonaldTrump/status/871143765473406976> (“We need to be smart, vigilant and tough... We need the Travel Ban as an extra level of safety!”) [<https://perma.cc/GXU6-WWVY>].

159. See Carroll, *supra* note 144; Lauren Carroll & Linda Qiu, *The List of 78 Terror Attacks the White House Says the Media Didn't Cover—but They Did*, POLITIFACT (Feb. 8, 2017), <http://www.politifact.com/truth-o-meter/article/2017/feb/08/list-78-terror-attacks-white-house-says-media-didn/> [<https://perma.cc/8VR9-VR86>].

160. As Hitler himself wrote: “[T]he efficiency of the truly national leader consists primarily in preventing the division of attention of a people, and always in concentrating it on a single enemy.” Kenneth Burke, *The Rhetoric of Hitler's “Battle,”* in READINGS IN PROPAGANDA AND PERSUASION: NEW AND CLASSIC ESSAYS, *supra* note 124, at 149, 150.

161. Taylor, *supra* note 156 (noting that Trump's personal Twitter account was silent about the Quebec City massacre despite the fact that it “has posted 16 times since the shooting, and the official POTUS account on the same service tweeted or retweeted other messages 30 times”). Trump did call Canada's prime minister. Jeremy Berke, *Trump Calls Trudeau to Offer Condolences for Quebec Mosque Shooting*, BUS. INSIDER (Jan. 30, 2017),



2017, six days passed<sup>162</sup> before Trump reacted to a white Christian extremist in Kansas who yelled “get out of my country” and killed an Indian engineer he mistook for Iranian.<sup>163</sup> Days also passed before Trump acknowledged the murder of the two Good Samaritans defending teenagers (one Muslim) from a white supremacist in May 2017.<sup>164</sup> After much public pressure he finally tweeted, but only a boilerplate message from his official account,<sup>165</sup> not a fiery one from his more widely followed personal account.<sup>166</sup> Most recently, Trump failed to condemn as a terrorist the white Christian extremist<sup>167</sup> at the August 2017 “Unite the Right” rally<sup>168</sup> in Charlottesville who drove his car into a crowd of counterprotestors, killing one and injuring nineteen.<sup>169</sup> (Indeed, Trump doubled down on his narrative of white innocence when,

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<http://www.businessinsider.com/trump-trudeau-call-quebec-mosque-shooting-2017-1> [https://perma.cc/P25Z-X36Q].

162. Anand Giridharadas, *A Murder in Trump's America*, ATLANTIC (Feb. 28, 2017), <https://www.theatlantic.com/politics/archive/2017/02/srinivas-kuchibhotla-alok-madasani/518160/> [https://perma.cc/NH2G-49LH] (“President Trump has found time to condemn multiple different episodes of ‘Saturday Night Live,’ an individual movie actor, a local union leader in Indiana, a range of news outlets, and military contractors he fears are fleeing the United States. He has taken the time to condemn a terrible thing that never happened in Sweden. But he waited six days to condemn the terrorism in Kansas.”).

163. *Id.* Trump’s generic message was, “We are a country that stands united in condemning hate and evil in all its forms.” *Id.*

164. Elliot Hannon, *President of United States Waits Nearly Three Days to Condemn Racist Portland Murders*, SLATE (May 29, 2017), [http://www.slate.com/blogs/the\\_slatest/2017/05/29/donald\\_trump\\_tweeted\\_21\\_times\\_while\\_not\\_condemning\\_white\\_supremacist\\_portland.html](http://www.slate.com/blogs/the_slatest/2017/05/29/donald_trump_tweeted_21_times_while_not_condemning_white_supremacist_portland.html) [https://perma.cc/K3P7-XCSX].

165. President Trump (@POTUS), TWITTER (May 29, 2017, 7:51 AM), <https://twitter.com/POTUS/status/869204433418280961> [https://perma.cc/85SX-HQQN] (“The violent attacks in Portland on Friday are unacceptable. The victims were standing up to hate and intolerance. Our prayers are w/ them.”).

166. Lucy Westcott, *Portland Stabbing: Donald Trump Finally Responds amid Public Outcry*, NEWSWEEK (May 29, 2017), <http://www.newsweek.com/portland-stabbing-trump-responds-public-outcry-617076> [https://perma.cc/UMW7-C3X3]. Trump exhibited the same pattern following other terrorizing attacks by whites of nonwhites. For example, even after terrorism charges were brought against the white supremacist who stabbed an innocent man in New York City in March 2017, Trump remained silent. Rosen, *supra* note 108 (explaining that the killer was “indicted on Monday on rare state charges of murder as terrorism”); see also *supra* notes 105–08.

167. See Steven Almsy et al., *Teacher, Ex-Classmates Describe Charlottesville Suspect as Nazi Sympathizer*, CNN (Aug. 15, 2017, 4:51 AM), <http://www.cnn.com/2017/08/12/us/charlottesville-car-crash-suspect-idd/index.html> [https://perma.cc/RG5F-SGLK]; *Charlottesville and a ‘New Generation of White Supremacists,’* FOX NEWS (Aug. 17, 2017), <http://www.foxnews.com/us/2017/08/17/charlottesville-and-new-generation-white-supremacists.html> [https://perma.cc/LXW2-X3GF] (noting that the driver marched with Vanguard America in Charlottesville, an organization with “a heavy focus on ‘whiteness’ and fascist/Nazi ideology”).

168. *Charlottesville and a ‘New Generation of White Supremacists,’ supra* note 167 (“The organizer of [the] Unite the Right rally, Jason Kessler, described the gathering as being part protest over removing of Confederate symbols, and part ‘advocating for white people.’”).

169. Jason Wilson et al., *Man Charged with Murder After Driving into Anti-Far-Right Protesters in Charlottesville*, GUARDIAN (Aug. 14, 2017, 9:45 AM), <https://www.theguardian.com/us-news/2017/aug/12/virginia-unite-the-right-rally-protest-violence> [https://perma.cc/VWY3-XHJ8].

instead of unequivocally denouncing white supremacists at the rally,<sup>170</sup> he insisted that there were “very fine people on both sides.”<sup>171</sup>

Consistent with this approach, Trump’s terrorism list omitted attacks by white Christian extremists during the stated time frame, including the Charleston massacre, the movie theatre shooting in Lafayette, Louisiana,<sup>172</sup> and the Planned Parenthood clinic shooting in Colorado Springs, Colorado.<sup>173</sup> In fact, the Global Terrorist Database—the most comprehensive catalogue of terrorist events—lists a total of thirty-nine terrorist attacks in the United States in 2015.<sup>174</sup> Trump ignored all but four of them.<sup>175</sup>

This pattern not only strengthens the link between Muslim and terrorist, but also strengthens the second narrative of white innocence. That is, Trump’s propaganda also draws on and reinforces the other strand of our flawed racial ideology. In general, propaganda does not just identify enemies, it is also aspirational. It has cherished ideals.<sup>176</sup> It creates myths.<sup>177</sup> When you think of Nazi propaganda, the demonization of Jews went hand in hand with the mythologizing of Aryans and the ideal of the (powerful, virtuous) Aryan homeland.

170. Sewell Chan & Nick Cumming-Bruce, *U.N. Panel Condemns Trump’s Response to Charlottesville Violence*, N.Y. TIMES (Aug. 23, 2017), <https://www.nytimes.com/2017/08/23/world/un-trump-racism-charlottesville.html> [<https://perma.cc/D8KD-XU98>]; Ben Westcott, *Trump Isolated As U.S. Military, Business and Political Leaders Condemn Racism*, CNN (Aug. 17, 2017, 7:22 AM), <http://www.cnn.com/2017/08/17/politics/donald-trump-statement-fallout/index.html> [<https://perma.cc/NU57-S7LV>].

171. Rosie Gray, *Trump Defends White-Nationalist Protesters: ‘Some Very Fine People on Both Sides,’* ATLANTIC (Aug. 15, 2017), <https://www.theatlantic.com/politics/archive/2017/08/trump-defends-white-nationalist-protesters-some-very-fine-people-on-both-sides/537012/> [<https://perma.cc/6Q4T-AFMS>].

172. See *supra* note 39 and accompanying text.

173. Trevor Hughes, *Planned Parenthood Shooter “Happy” with His Attack*, USA TODAY (Apr. 11, 2016), <https://www.usatoday.com/story/news/2016/04/11/planned-parenthood-shooter-happy-his-attack/32579921/> [<https://perma.cc/XSQ5-4VPU>] (“The man who admits to killing three people at a Colorado Springs Planned Parenthood clinic last fall told police he dreamed he’ll be met in Heaven by aborted fetuses wanting to thank him for saving unborn babies, according to newly released court documents.”).

174. Five 2015 attacks were coded as abortion related. See *Incidents over Time*, GLOBAL TERRORISM DATABASE (June 2017), <https://www.start.umd.edu/gtd/search/Results.aspx> [<https://perma.cc/65GS-YD2U>].

175. See Wagner, *supra* note 157.

176. See STANLEY, *supra* note 122, at 51 (“Propaganda . . . essentially exploits an ideal.”); see also *id.* at 52 (“[Propaganda] is a kind of speech that fundamentally involves political, economic, aesthetic, or rational ideals, mobilized for a political purpose.”).

177. See Ellul, *supra* note 128, at 18 (“The propagandist tries to create myths by which man will live.”).

One of the most enduring myths in the United States is the myth of white innocence, white purity,<sup>178</sup> and, at its core, white superiority.<sup>179</sup> These myths about whiteness—the myths that critical race theory exposes and deconstructs—are precisely the ones being revered, vaunted, and propagated. Indeed, the success of Trump’s propaganda may lie with his appeal to white Christian superiority.<sup>180</sup> He is, after all, not invoking just any myth but one that is intertwined with his target audience’s identity. The audience’s emotional attachment to this myth makes it difficult to revise and susceptible to manipulation.

Finally, as should be apparent, Trump’s terrorist propaganda not only reflects racist ideology but also helps perpetuate it. In other words, this kind of “demagoguery can also contribute to the formation of the very flawed ideological beliefs that mask its demagogic nature.”<sup>181</sup>

#### IV. BOTH NARRATIVES COMPROMISE SECURITY

By intentionally invoking these narratives in the name of national security, these narratives actually undermine it. Indeed, they might even qualify as a particular type of propaganda known as “undermining propaganda.” “Undermining propaganda involves a kind of contradiction between ideal and goal. It’s an argument that appeals to an ideal to draw support, in the service of a goal that tends to erode the realization of that ideal.”<sup>182</sup> The intent of this Part is not to provide a comprehensive account but rather to briefly sketch out some of the harmful consequences of this kind of propaganda.

##### A. *The Dangers of the “Terrorists Are Muslim” Narrative*

The first narrative causes incalculable harm to Muslim Americans and, increasingly, anyone who is perceived to be Muslim. The harm includes both material and dignitary injuries.

The material harms caused by government policies premised upon these false stereotypes are fairly obvious. While not new, there are high levels of racial profiling and surveillance of the Muslim community.<sup>183</sup> “Flying while

178. More than one white supremacist justified his violence on the ground that black men were sullyng white women’s purity, providing an example of how racism and sexism intersect. Wade, *supra* note 96; see, e.g., *supra* notes 94–97 and accompanying text (explaining the justifications of the Charleston terrorist); *supra* notes 105–08 and accompanying text (explaining the justifications of the NYC terrorist).

179. See Ellul, *supra* note 128, at 18 (“Without giving a metaphysical analysis of the myth, we will mention the great myths that have been created by various propagandas: the myth of race . . .”).

180. Cf. Thomas Wood, *Racism Motivated Trump More Than Authoritarianism*, WASH. POST (Apr. 17, 2017), <https://www.washingtonpost.com/news/monkey-cage/wp/2017/04/17/racism-motivated-trump-voters-more-than-authoritarianism-or-income-inequality/> [<https://perma.cc/3Q26-KPWL>] (analyzing the 2016 American National Election study).

181. STANLEY, *supra* note 122, at 78.

182. *Id.* at 53; see also *id.* at 70 (“[U]ndermining propaganda crucially involves appeal to a cherished ideal, usually a political ideal, which it then in fact tends to undermine.”).

183. See generally Akram & Johnson, *supra* note 14; Sahar F. Aziz, *Caught in a Preventive Dragnet: Selective Counterterrorism in a Post-9/11 America*, 47 GONZ. L. REV. 429 (2011).

Muslim”<sup>184</sup> has joined “driving while Black” to describe the extra burden Muslims, or people thought to be Muslim, face in day-to-day living.<sup>185</sup> The “travel ban,” Trump’s attempt to fulfill his campaign promise to bar Muslims from entering the country, has obviously exacerbated these burdens. While ostensibly targeting new Muslim immigrants and refugees, the ban has wreaked havoc on many American Muslims.<sup>186</sup> Amnesty International collected stories about its impact, which ranged from “my marriage is in limbo” to “I was forced to leave my baby with a friend” to “I’m too scared to leave the country again.”<sup>187</sup>

This stereotyping causes intangible harms as well. Leti Volpp has argued that one aspect of citizenship is being considered part of the American body politic.<sup>188</sup> Instead, Muslims exist as a vilified “other” in their own home. They do not feel like they truly belong. “Identified as terrorists and . . . disidentified as citizens,”<sup>189</sup> you do not enjoy full citizenship.<sup>190</sup> In addition, Muslims do not feel safe. In January 2017, one in three U.S. Muslims reported feeling afraid for their safety because of white supremacist groups.<sup>191</sup> The endless anxiety is exhausting: “We’re very resilient, but we also have to comfort our children. We have to figure out if my place of

184. The profiling may be by the government itself (for example, TSA agents) or countenanced by the government. Fredrick Kunkle, *Advocates Say Complaints of ‘Flying While Muslim’ Often Go Nowhere*, WASH. POST (Oct. 28, 2016), <https://www.washingtonpost.com/news/tripping/wp/2016/10/28/advocates-say-complaints-of-flying-while-muslim-often-go-nowhere/> [https://perma.cc/J9A3-2V4S] (“Federal law gives captains and flight crews authority to remove an airline passenger if they have a reasonable belief that the person poses a safety risk . . .”).

185. See, e.g., Homa Khaleeli, *The Perils of Flying While Muslim*, GUARDIAN (Aug. 8, 2016), <https://www.theguardian.com/world/2016/aug/08/the-perils-of-flying-while-muslim> [https://perma.cc/EB3Q-B5P6].

186. Amy Taxin, *For Iranian-Americans, Trump Travel Ban Keeps Families Apart*, U.S. NEWS (July 1, 2017, 12:09 AM), <https://www.usnews.com/news/best-states/california/articles/2017-06-30/for-iranian-americans-trump-travel-ban-keeps-families-apart> [https://perma.cc/J5Y9-4NHB].

187. Guardian Panel, *‘A Rollercoaster Ride’: How Trump’s Muslim Travel Ban Has Affected Lives*, GUARDIAN (May 24, 2017), <https://www.theguardian.com/commentisfree/2017/may/24/how-trumps-muslim-travel-ban-affects-us-panel> [https://perma.cc/96EN-Y8LJ].

188. Volpp, *The Citizen and the Terrorist*, *supra* note 11, at 1592.

189. *Id.* at 1576; see also *id.* at 1594 (“In the American imagination, those who appear ‘Middle Eastern, Arab, or Muslim’ may be theoretically entitled to formal rights, but they do not stand in for or represent the nation. . . . Thus, one may formally be a U.S. citizen . . . but one will stand outside of the membership of kinship/solidarity that structures the U.S. nation.”).

190. Malek, *supra* note 28, at 213 (noting that “certain peoples are permanently foreign”).

191. Scott Malone, *One in Three U.S. Muslims Fear for Their Safety in Trump Presidency: Poll*, REUTERS (Mar. 22, 2017), <http://www.reuters.com/article/us-usa-islam-idUSKBN16T1TL> [https://perma.cc/P624-3SV5]; see also Emma Green, *American Muslims Are Young, Politically Liberal, and Scared*, ATLANTIC (Mar. 21, 2017), <https://www.theatlantic.com/politics/archive/2017/03/american-muslims-demographics/520239/> [https://perma.cc/K9L6-JCC2] (“Nearly half of young Muslims say they fear for their personal safety because of groups like neo-Nazis, white supremacists, or the Ku Klux Klan.”).

worship is safe on Friday. How will I be treated at work? There's an emotional exhaustion."<sup>192</sup>

This unease is not without foundation, as the government's perpetuation of these stereotypes encourages suspicion and hostility.<sup>193</sup> "Trump has essentially given everyone permission to say the hateful things that they've been thinking. . . . Trump has basically mainstreamed Islamophobia."<sup>194</sup> Anti-Muslim groups<sup>195</sup> and anti-Muslim attacks have increased.<sup>196</sup> Some have turned violent, like the Islamophobic rants that began with "get out of my country"<sup>197</sup> and ended in the murder of two people in Portland, Oregon, and one person in Olathe, Kansas.<sup>198</sup>

Children have been targets as well. Forty-two percent of U.S. Muslims have said their school-age children had been bullied because of their faith—a rate that is four times the rate of the general population.<sup>199</sup> And a quarter of the time the bullying has been by their teachers.<sup>200</sup> According to an American Civil Liberties Union complaint, one school teacher told her eleven-year-old student, a Muslim Somali refugee: "I can't wait until Trump is elected. He's going to deport all you Muslims . . . Muslims shouldn't be given visas. They'll probably take away your visa and deport you. You're going to be the next terrorist, I bet."<sup>201</sup>

192. Rachel Zoll, *A Mix of Despair and Resolve for US Muslims in Trump Era*, ASSOCIATED PRESS (Jan. 28, 2017), [http://www.apnewsarchive.com/2017/A\\_mix\\_of\\_despair\\_and\\_resolve\\_for\\_US\\_Muslims\\_in\\_Trump\\_era/id-046a9542b7dd425aac752c37a0d11902](http://www.apnewsarchive.com/2017/A_mix_of_despair_and_resolve_for_US_Muslims_in_Trump_era/id-046a9542b7dd425aac752c37a0d11902) [<https://perma.cc/C26N-HN2V>]; see also Stephanie McCrummen, *Love Thy Neighbor?*, WASH. POST (July 1, 2017), [https://www.washingtonpost.com/national/in-a-midwestern-town-that-went-for-trump-a-muslim-doctor-tries-to-understand-his-neighbors/2017/07/01/0ada50c4-5c48-11e7-9fc6-c7ef4bc58d13\\_story.html](https://www.washingtonpost.com/national/in-a-midwestern-town-that-went-for-trump-a-muslim-doctor-tries-to-understand-his-neighbors/2017/07/01/0ada50c4-5c48-11e7-9fc6-c7ef4bc58d13_story.html) [<https://perma.cc/4MLD-GU4T>] (recounting the postelection experience of a Muslim doctor in Minnesota).

193. Beydoun, *supra* note 7, at 121 ("[S]tructural Islamophobia mobilizes private animus.").

194. Johnson, *supra* note 146 (alteration in original).

195. See, e.g., Phil McCausland, *Huge Growth in Anti-Muslim Hate Groups During 2016: SPLC Report*, NBC NEWS (Feb. 16, 2017), <http://www.nbcnews.com/news/us-news/huge-growth-anti-muslim-hate-groups-during-2016-splc-report-n721586> [<https://perma.cc/N5VM-JAZZ>] (reporting that the Southern Poverty Law Center found that anti-Muslim hate groups had nearly tripled in 2016).

196. Laura Pitter, *Hate Crimes Against Muslims in US Continue to Rise in 2016*, HUM. RTS. WATCH (May 11, 2017), <https://www.hrw.org/news/2017/05/11/hate-crimes-against-muslims-us-continue-rise-2016> [<https://perma.cc/GN22-GJXF>] (citing statistics from a study by the FBI and California State University).

197. Tharoor, *supra* note 109.

198. See *supra* notes 109–12 and accompanying text.

199. Akinyi Ochieng, *Muslim Schoolchildren Bullied by Fellow Students and Teachers*, NPR (Mar. 29, 2017), <http://www.npr.org/sections/codeswitch/2017/03/29/515451746/muslim-schoolchildren-bullied-by-fellow-students-and-teachers> [<https://perma.cc/QX4J-RN5A>]; see also COUNCIL ON AM.-ISLAMIC RELATIONS-CAL., *MISLABELED: THE IMPACT OF BULLYING AND DISCRIMINATION ON CALIFORNIA MUSLIM STUDENTS 12* (2015) (finding that 55 percent of Muslims students in California have suffered some kind of religion-based bullying).

200. Dalia Mogahed & Youssef Chouhoud, *American Muslim Poll 2017: Key Findings*, INST. FOR SOC. POL'Y & UNDERSTANDING (Mar. 21, 2017), <https://www.ispu.org/wp-content/uploads/2017/06/AMP-2017-Key-Findings.pdf> [<https://perma.cc/TP7A-2FZV>].

201. Ochieng, *supra* note 199.

Propaganda has consequences, and one of the consequences of propagation of the terrorist Muslim stereotype is the dehumanization and terrorization of Muslim Americans, as well as Americans perceived as Muslim, which sweeps in Arabs, Middle Easterners, and Southeast Asians.<sup>202</sup>

*B. The Dangers of the “No White People Are Terrorists” Narrative*

The second narrative is also dangerous, as it leads to ignoring the threat posed by radicalized white Christians. Make no mistake, white supremacists and other right-wing ideologues pose a serious threat. Yet this threat will be missed if all attention is focused on Muslims.

Various studies on terrorist attacks in the United States found that Muslims are not responsible for most of them. One study that analyzed the information from the Global Terrorism Database found that of the eighty-nine attacks in the United States that occurred from 2011 to 2015, Muslims were responsible for eleven attacks, or 12 percent.<sup>203</sup> A Government Accountability Office report found that of the eighty-five extremist incidents that resulted in death since September 12, 2011, right-wing violent extremists were responsible for sixty-two (73 percent) while radical Islamic violent extremists were responsible for twenty-three (27 percent).<sup>204</sup> Other studies corroborate this finding.<sup>205</sup>

202. In a masterstroke of propaganda, a White House spokesperson used the Quebec City terrorist attack of Muslims to further anti-Muslim propaganda: The mosque attack is “a terrible reminder of why we must remain vigilant and why the President is taking steps to be proactive and not reactive on issues of national security.” Rebecca Joseph, *Sean Spicer Hints Quebec City Mosque Shooting Justifies Trump Travel Ban*, GLOBAL NEWS (Jan. 30, 2017), <http://globalnews.ca/news/3214989/sean-spicer-hints-quebec-city-mosque-shooting-justifies-trump-travel-ban/> [https://perma.cc/4QL5-42UU].

203. Ronald Bailey, *Do Muslims Commit Most US Terrorist Attacks?*, REASON.COM (Mar. 24, 2017), <http://reason.com/archives/2017/03/24/do-muslims-commit-most-us-terrorist-atta> [https://perma.cc/ZWU3-VJTR] (describing a study by political scientists at Georgia State University).

204. U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-17-300, COUNTERING VIOLENT EXTREMISM: ACTIONS NEEDED TO DEFINE STRATEGY AND ASSESS PROGRESS OF FEDERAL EFFORTS 4 (2017).

205. The nonpartisan organization New America Foundation found that between September 11, 2001, and June 2015, twice as many people in the United States were killed by right-wing terrorists as were killed by Muslim jihadists. Scott Shane, *Homegrown Extremists Tied to Deadlier Toll Than Jihadists in U.S. Since 9/11*, N.Y. TIMES (June 24, 2015), <https://www.nytimes.com/2015/06/25/us/tally-of-attacks-in-us-challenges-perceptions-of-top-terror-threat.html> [https://perma.cc/6794-6NGH]. Yet another study found that of the 201 terrorist attacks in the United States from January 2008 through December 2016, almost twice as many involved right-wing extremists as Muslims extremists. Sarah Ruiz-Grossman, *Most of America's Terrorists Are White, and Not Muslim*, HUFFINGTON POST (Aug. 23, 2017), [http://www.huffingtonpost.com/entry/domestic-terrorism-white-supremacists-islamist-extremists\\_us\\_594c46e4e4b0da2c731a84df](http://www.huffingtonpost.com/entry/domestic-terrorism-white-supremacists-islamist-extremists_us_594c46e4e4b0da2c731a84df) [https://perma.cc/J9PW-R9VV]. The Anti-Defamation League's Center of Extremism, meanwhile, concluded that from 2007 to 2016, 74 percent of deaths caused by domestic extremists “came at the hands of right-wing extremists.” ADL: *Limiting Scope of Countering Violent Extremism Programs Places Nation at Risk*, ANTI-DEFAMATION LEAGUE (Feb. 2, 2017), <https://www.adl.org/news/press-releases/adl-limiting-scope-of-countering-violent-extremism-programs-places-nation-at> [https://perma.cc/S79F-XSQJ].

Those responsible for public security are primarily concerned about right-wing extremism.<sup>206</sup> A recent survey asked local police departments and sheriffs' offices what they considered to be the most pressing terrorist threat in the United States.<sup>207</sup> Twice as many law enforcement officers listed right-wing terrorists compared to Muslim ones.<sup>208</sup> As one expert noted, "the reality is the most significant domestic terror threat we have is right wing extremism."<sup>209</sup> It is certainly the greatest threat to law enforcement: "Of the 45 police officers killed by domestic extremists since 2001, 10 were killed by left wing extremists, 34 by right wing extremists and one by domestic Islamic extremists."<sup>210</sup>

Yet this very real danger is poised to be overlooked.<sup>211</sup> A former FBI agent once cautioned, "A fixation upon Arabs and Muslims as the only source of terrorism runs the very real risk of missing out on opportunities to use undercover stings and other traditional law enforcement to prevent acts of terrorism by *other* groups."<sup>212</sup> For example, although the White House did not carry out its plan to rename the Department of Homeland Security's "Countering Violent Extremism" program as "Countering Radical Islamic Extremism,"<sup>213</sup> the Trump administration nonetheless is revamping it to focus on "radical Islam" and not on, for example, white supremacists.<sup>214</sup> As one expert concluded, the Trump administration's "approach to security has less to do with facts than with racialized fears."<sup>215</sup>

206. Charles Kurzman & David Schanzer, *Law Enforcement Assessment of the Violent Extremism Threat*, TRIANGLE CTR. ON TERRORISM & HOMELAND SECURITY 3-4 (June 25, 2015), <https://sites.duke.edu/tcths/2015/06/25/report-law-enforcement-assessment-of-terrorist-threat/> [<https://perma.cc/79L6-P59E>].

207. *Id.* (polling 382 police and sheriff departments around the country and asking them to list the three biggest threats from violent extremism).

208. *Id.* Notably, 74 percent of those surveyed listed violence from the right-wing "sovereign citizen" movement, close kin to the white supremacist one, while 39 percent listed Al Qaeda-inspired violence. *Id.*

209. Ruiz-Grossman, *supra* note 205.

210. ADL: *Limiting Scope of Countering Violent Extremism Programs Places Nation at Risk*, *supra* note 205.

211. ANTI-DEFAMATION LEAGUE, *A DARK AND CONSTANT RAGE: 25 YEARS OF RIGHT WING TERRORISM IN THE UNITED STATES 1* (2017) (listing 150 incidents and noting that "[r]ight-wing extremists have been one of the largest and most consistent sources of domestic terror incidents in the United States for many years, a fact that has not gotten the attention it deserves").

212. Tung Yin, *Were Timothy McVeigh and the Unabomber the Only White Terrorists?: Race, Religion, and the Perception of Terrorism*, 4 ALA. C.R. & C.L. L. REV. 33, 63 (2013).

213. Julia Edwards Ainsley, Dustin Volz & Kristina Cooke, *Exclusive: Trump to Focus Counter-Extremism Program Solely on Islam—Sources*, REUTERS (Feb. 2, 2017), <http://www.reuters.com/article/us-usa-trump-extremists-program-exclusive/idUSKBN15G5VO> [<https://perma.cc/UN84-RMGQ>].

214. Daniel Lippman, *DHS Halts Planned Funding for Anti-White Extremism Group*, POLITICO (June 23, 2017), <http://www.politico.com/story/2017/06/23/playbook-dhs-extremism-life-after-hate-239889> [<https://perma.cc/RC2X-4M9J>] (noting that one of the DHS grants rescinded by the Trump administration was to a group that helped people leave white supremacist groups).

215. Mythili Sampathkumar, *Majority of Terrorists Who Have Attacked America Are Not Muslim, Study Finds*, INDEPENDENT (June 23, 2017), <http://www.independent.co.uk/news/world/americas/us-politics/terrorism-right-wing-america-muslims-islam-white-supremacists->

These false narratives, exacerbated by the current administration's propaganda, make us less safe, thereby completely undermining the propaganda's ostensible goal of national security. In other words, we are all put in jeopardy. To make matters worse, this propaganda may not simply ignore right-wing terrorism but actually foster it.

#### CONCLUSION

Trump did not invent these two terrorism narratives. He and his administration, however, have successfully exploited them. And the narratives lend themselves to exploitation. First, propaganda relies on flawed ideologies such as racial stereotypes. Second, propaganda relies on myths, such as the myth of white innocence and white supremacy. The two sides of the coin of racial hierarchy match up with two basic components of propaganda. The consequences are not more but less safety. The propaganda also makes us lesser in other ways that have contributed to the strength of our nation: it makes us less welcoming, less inclusive, and less diverse.



