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Material Support Laws and Critical Race Theory

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Abstract

The paper examines terrorism designation and material support laws for structural racism using Critical Race Theory. Legislation concerning terrorist organizations continues to limit efforts of humanitarian organizations and refugee applicants. The impact of such legislation extends beyond the designated terrorist organizations to the communities and countries they inhabit. This article describes the legal statutes and issues related to terrorist designation and material support laws before defining Critical Race Theory. The article seeks to understand the structural racism involved in the defined statutes and procedures. Using Critical Race Theory, the article defines how material support laws and terrorist designation procedures are inherently racist. The paper finishes by exploring avenues to address and counter the impact left by the current statutes and procedures related to material support laws and terrorist designation.

Keywords: Critical Race Theory, terrorism, foreign policy, institutional racism, material support laws, terrorist designation, humanitarian, Middle East

Material Support Laws and Critical Race Theory

Since 9/11 and the War on Terror, legislation attempting to address national security concerns have passed through Congress with little consideration for the potential implications of the laws claiming to protect the citizens of the United States (Nezer, 2006). Laws prohibiting the offering or giving of material support to designated foreign terrorist groups purport to prevent attacks and stabilize regions, but these laws potentially do the exact opposite—an idea this paper will explore (Fraterman, 2014).

This paper can be divided into three sections. The first section defines terrorism and the process of becoming a designated foreign terrorist organization, discusses the issues behind the process, and provides an overview of the material support clause and its history. The second section defines critical race theory and discusses experiences of Muslim and Arab individuals after 9/11. The third section provides an analysis of material support laws and the designation of foreign terrorist organizations from a critical race perspective.

Critical race theorists extensively examine social and government policies, practices, norms, and laws within the United States. The critiques from critical race theory address how race impacts choice, laws, outcomes, and treatment, among other topics (Harris, 2012). Currently, little research seems to exist concerning a critical race perspective of the United States material support laws and the foreign terrorist designation process. This paper attempts to use critical race theory to analyze material support laws and the foreign terrorist designation process in order to broaden dialogue and awareness surrounding the impact of these policies. Through this process, this analysis of material support laws using critical race theory finds that these laws and procedures are structurally racist because the laws impact primarily non-white regions or

countries, do not allow support for war-torn regions, and prevent refugees from these areas from entering the United States.

Defining Components and Processes

An analysis of material support laws cannot start at the law itself, but must begin at the defining components and the point where material support laws apply. Discussing these components and processes first is important because material support laws do not apply until a group has been put on the designated foreign terrorist organization list. As such, an analysis requires an overview of how terrorism is defined in the United States, the process of designating organizations to the foreign terrorist organization list, the list of organizations designated as terrorist organizations, and the potential impact and implications of both designation and material support laws. Once these components are defined and examined, a critique of not only material support laws but of how terrorist organizations are designated in general is possible.

Defining Terrorism

Two types of terrorism exist in law: domestic terrorism and international terrorism. The focus of the paper on material support laws targeting foreign terrorist organizations leads to an emphasis on international terrorism. The U.S. Code defines international terrorism with three components. First, an action must "involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State" (18 U.S.C. § 2331, 2015). The second component is that an action must "appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping" (18 U.S.C. § 2331, 2015). The final component states that the action must "occur

primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum" (18 U.S.C. § 2331, 2015). The statute detailed here is used to identify organizations who might qualify for the designated foreign terrorist organization list (U.S. State Department, n.d.). So how does the government pick and choose which groups to label as a foreign terrorist organization?

The Designation Process

In order for an organization to be designated as a foreign terrorist organization, it must meet three criteria: "It must be a foreign organization. The organization must engage in terrorist activity… or retain the capability and intent to engage in terrorist activity or terrorism. The organization's terrorist activity or terrorism must threaten the security of U.S. nationals or the national security… of the United States" (U.S. State Department, n.d., "Legal Criteria for Designation under Section 219 of the INA as amended," para. 3). The organization is investigated by the State Department where, if they deem sufficient evidence exists, a proposal is sent to the Secretary of State to designate the group as a foreign terrorist organization (Wyatt, 2009). The Secretary of State works alongside the Attorney General and Secretary of Treasury to determine whether the organization qualifies for designation. Once they determine that an organization meets the criteria for designation, they notify Congress who then has an opportunity to block the designation within a week. After that week, the group is considered a foreign terrorist organization with all of the legal ramifications and stigma that follow (Wyatt, 2009).

Once an organization is designated as a foreign terrorist organization, several penalties are implemented against the organization. Members of the organization are not allowed in the United States, and can be deported if they are currently in the United States. Financial

institutions are obligated to take control over any assets if it becomes apparent that foreign terrorist organizations use their services. Lastly, the material support laws against foreign terrorist organizations apply immediately, once the group is designated. All of these consequences serve to isolate the organizations, potentially exacerbating an already tense situation (Van Bergen, 2004).

The designation statute lends itself to minimal accountability or review and an abundance of discretion for the agencies involved in the designation process. Two phrases which lack clear definitions stand out as important to the process of designating a group as a foreign terrorist organization: "foreign organization" and "threatens the security of United States nationals or the national security of the United States" (Wyatt, 2009, p. 226). Concern exists over the broad application and interpretation of these phrases and leads to questions about whether these vague phrases allow wrongful designation of international organizations. Additionally, portions of the designation process rely on foreign policy, which is based on action from the Executive Branch. The inherent problem with the designation process relying on Executive action for policy is that the process and framework prevent judicial review of this component of the process. These issues increase the discretionary nature of the designation process with minimal opportunities for accountability through judicial review (Wyatt, 2009).

In order for a designation to be reviewed by the judicial system, the group designated as a foreign terrorist organization must apply for a judicial review within thirty days of their designation (an act the group is not notified of). The petition goes through the U.S. Court of Appeals in Washington D.C. and can only be reversed through five possibilities. First, the court could find the designation arbitrary or exceeding discretionary power. Second, the court could find the designation unconstitutional according to an afforded right, privilege, or immunity.

Third, the designation could be found to overreach the jurisdiction or authority of the government. Fourth, the designation could lack necessary support in the evidence under review. Last, the designation could be completely outside the process and procedure of the law. While any of these five findings can reverse a designation, reaching this decision can be challenging with the limited evidence the court is able to consider. Essentially, while judicial review is possible, discretion in the designation process is broad and makes challenging the designation exceedingly difficult (Wyatt, 2009).

Designated Foreign Terrorist Organizations

The process for designating a group as a foreign terrorist organization is difficult to reverse and subject to the discretion of the United States government and its agencies. The fact is that there are many groups around the world that could qualify under the vague and wide-reaching qualifications of the designation process (Van Bergen, 2004).

There are currently sixty organizations that the United States labels as foreign terrorist organizations (U.S. State Department, n.d.). Of those sixty groups, only two organizations are primarily white: the Real Irish Republican Army and Continuity Irish Republican Army (U.S. State Department, n.d.). This means that almost 97% of all groups currently labeled as foreign terrorist organizations are primarily non-white. Many groups are based in countries that are war-torn; some even are based in countries where their government is corrupt and committing crimes against its own people (Heins, 2012). If that is the case, does it make sense to isolate and stigmatize an organization that could benefit from learning how to use non-violent measures to advocate for themselves? Should the United States prohibit organizations from attempting to address the issues the designated organization is founded upon, a focus that could resolve issues of violence? The following sections discuss the material support laws that are applied to

designated foreign terrorist groups, which prohibit the aid and training that could help war-torn or developing regions.

Material Support Statutes

Material support laws prohibit individuals, companies, organizations, and other entities from providing various forms of support to terrorists or terrorist groups as designated by the United States State Department (Doyle, 2016). The statute is defined in U.S. Code 18, section 2339 and is split into two sections: A and B (Doyle, 2016). Part A of the material support clause states that:

> whoever provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation…or in preparation for, or in carrying out, the concealment of an escape from the commission of any such violation, or attempts or conspires to do such an act, shall be fined under this title, imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law. (p. 2)

Part A focuses on identifying types of support that are prohibited, the level of knowledge necessary to qualify as a crime, and the jurisdiction that can prosecute the specific crime. The clause goes on to identify specific actions and support that fall under material support and include weapons, currency, explosives, expert assistance, training, advice, housing, and more (Doyle, 2016).

Congress added Part B in 1996 when it sought to address how specific prohibited activities fall under unlawful conduct and what prohibited actions apply to financial institutions (Doyle, 2016). Specifically, part B states that:

> Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 20 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization, that the organization has engaged or engages in terrorist activity, or that the organization has engaged or engages in terrorism. (p. 2)

And that:

> Except as authorized by the Secretary, any financial institution that becomes aware that it has possession of, or control over, any funds in which a foreign terrorist organization, or its agent, has an interest, shall—
>
> A) retain possession of, or maintain control over, such funds; and
>
> B) report to the Secretary the existence of such funds in accordance with regulations issued by the Secretary. (p. 17)

According to the House report:

> Section 2339B reflected a recognition of the fungibility of financial resources and other types of material support. Allowing an individual to supply funds, goods, or services to an organization, or to any of its subgroups, that draw significant funding from the main organization's treasury, helps defray the costs to the terrorist organization of running the

> ostensibly legitimate activities. This in turn frees an equal sum that can then be spent on terrorist activities. (Doyle, 2016, p. 1)

Essentially, Congress reasoned that if a person or organization assisted terrorist organizations beyond giving them currency, it could still allow terrorists to pursue violent goals and aims. The above reasoning leads Congress and the military to view everyone from refugees to humanitarian aides as potential dangers and enablers of terrorist organizations (Adelsberg, Pitts, & Shebaya, 2013).

The Development of the Material Support Clause

The material support clause dates back to 1994 when Congress introduced the Violent Crime Control and Law Enforcement Act. This package of legislation sought to reduce violent crime, and give law enforcement additional resources to fight crime. The fact that the material support clause was simply included in the packet led to it passing with little attention from the public. Congress later amended the material support clause with the Antiterrorism and Effective Death Penalty Act of 1996. This package of legislation expanded the statute to include part B, and clarified the scope of prohibited material support (Doyle, 2016).

After the attacks on September 11, 2001, the USA PATRIOT ACT was introduced and passed overwhelmingly. Among the details were amendments to the material support clause. These amendments increased the maximum sentence a person convicted of giving material support could receive, and expanded the terms of violating the law beyond completed/attempted violation to conspiracy. Additionally, the legislation added expert advice and training regarding the types of prohibited material support. Since then, Congress has clarified and fine-tuned the material support clause three times: in the Intelligence Reform and Terrorism Prevention Act of 2004, and again—without official legislation packages—in 2009 and 2015 (Doyle, 2016).

Holder v. Humanitarian Law Project

In 2010, fifteen years after the material support clause was enacted, the Supreme Court was given its first opportunity to examine the law and how it is applied. In *Holder v. Humanitarian Law Project* (2010), a non-government organization (NGO) attempted to obtain the ability to avoid prosecution while providing humanitarian support to two organizations labeled as designated terrorist organizations. The NGO sought to train members of the Partiya Karkeran Kurdistan (PKK) and the Liberation Tigers of Tamil Eelam (LTTE) in humanitarian law and human rights. The purpose of the training was to equip the two groups to pursue their political agendas through non-violent avenues (*Holder v. Humanitarian Law Project*, 2010).

Advocating for their ability to train the groups, the NGO argued that the material support law was vague in regards to what constituted training and advice. Due to the supposed ambiguity, the NGO claimed that the statute violated the Due Process Clause of the Fifth Amendment. Adding depth to their argument, the NGO also claimed that the statute violated their freedom of speech and association as granted by the First Amendment. Despite these arguments and the goal of reducing violence committed by these groups through training, the Supreme Court determined that the material support statute was constitutional as it was broadly applied (*Holder v. Humanitarian Law Project*, 2010).

Holder v. Humanitarian Law Project (2010) highlighted important reasons the material support clause raised concerns in how it was broadly defined and applied. The first issue includes humanitarian efforts to train groups to use non-violent avenues to pursue their goals. Second, concern exists that individuals who experience coerced servitude are prevented from entering the United States as refugees (Fraterman, 2014).

Humanitarian Efforts

One of the areas most discussed as impacted by the material support law is the efforts of humanitarian groups to bring aid, peace, and support to war-torn regions. In fact, that specific issue was argued in *Holder v. Humanitarian Law Project* (2010), as the plaintiffs sought to train the PKK and LTTE in non-violent methods of advocating their concerns and political agendas. Due to the types of aid that are prohibited, they would have been vulnerable to criminal charges against their organizations and employees (Fraterman, 2014).

The types of support prohibited under the material support law include not only physical money, weapons, explosives, and other dangerous materials, but also include training, expert advice, and communication equipment. The type of support many humanitarian organizations provide often falls under training or expert advice, especially for groups seeking to aid regions in becoming self-sustainable. However, due to the potential criminal charges, humanitarian groups are unable to provide the type of aid and support that promote peace, non-violence, and self-sufficiency (Fraterman, 2014).

Coerced Servitude

The second area of concern lies in the process and standards for accepting refugees who have applied for asylum after being held by terrorist groups and forced to work for them/serve them. These refugees are often women and children who witnessed the murder of their families and endured rape and abuse while held captive. They could be coerced to perform tasks as required by their captors. Once these captives escape and find safety, they may apply for refugee status, only to be denied that status by the United States because they provided support and service to terrorist organizations. For example, one woman watched as a group of militants killed her family and others around her. The group then took residence in her home. She was raped, and

forced to feed and clean up after them. When she finally escaped, she sought freedom from the militants and went to an embassy. She applied for refugee status in the United States and was turned away because she was found to have provided material support to a designated foreign terrorist organization (Nezer, 2006).

The question in this discussion becomes whether the material support laws within the United States infringe on international law concerning refugees. The United States, as well as the United Nations, define a refugee as a "person who is outside of his or her country of nationality and is unwilling or unable to return to his or her home country because of persecution or 'a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion'" (Nezer, 2006, p. 177). However, since Congress signed counter-terrorism laws such as the USA PATRIOT Act, refugees from areas with terrorist activity can be rejected due to the amendments made to material support laws. The material support law does not define duress as an exception. The lack of an exception for duress is problematic because material support laws are taken into consideration by the agencies who process refugee applications: the Department of Homeland Security and the State Department (Nezer, 2006).

The lack of applied understanding of other cultures and norms within the material support laws and terrorist designation demonstrate disregard for the well-being of other nations, and the willingness to oppress certain people groups in the name of national security.

Critical Race Theory

Critical Race Theory (CRT) is a type of critical legal theory that was developed to describe how racial minorities experience law and social structures (Harris, 2012). Specifically, CRT emerged in the 1980s after the Civil Rights Movement when systemic racism was not eliminated through the efforts of the Civil Rights Movement (Harris, 2012). Researchers began

to analyze how racism existed in nearly all areas of society, even considering that implicit racism was necessary for social structures to function (Romero, 2003). CRT addresses how researchers frame issues to focus on questions of equity and disproportionality, and search for race-based solutions that address the racism found either implicitly or explicitly in the many social structures in the United States (Harris, 2012).

CRT examines legal doctrines, Supreme Court opinions, and legislation with an eye that critiques colorblindness, implicit bias, and systemic racism (Harris, 2012). CRT scholars often work to demonstrate how law and legislation can even further aid racism (Romero, 2003). This type of examination leads CRT scholars to question every area of society, often being drawn to legislation and solutions that focus on equity and address harm done to racial minorities (Harris, 2012). CRT scholars also tend to question whether law is even capable of addressing racism and discrimination against oppressed groups (Harris, 2012).

CRT scholars have also begun to broaden their analysis of American society beyond the discourse between black and white. Instead, CRT scholars have begun to examine how other minorities, including Asian-Americans, Latinos, Native Americans, and mixed-race people are treated by social structures in the United States. Scholars who focus on expanding the black-white discourse to make CRT more inclusive examine the normative narrative of American history. This examination questions whether the American history that is widely taught and accepted as truth is truly a definitive and accurate portrayal of historic events. CRT scholars are expanding the discourse surrounding the struggles of racial minorities to gain rights, freedoms, and citizenship that have largely been ignored in the past. This particular field of CRT is most likely to examine and discuss international law and the impact the material support laws have on war-torn regions and the people from those areas (Harris, 2012).

The Post-9/11 Muslim Experience

After 9/11, many changes occurred within the United States in a short period of time, most notably, for the purpose of this paper, how Muslims and Arabs were treated in connection to their identified race, but also in conjunction with the War on Terror and subsequent policies (Romero, 2003). Hate crimes against people perceived to be Muslim or Arab increased dramatically (Wing, 2003). CRT scholars began to examine the parallels between the treatment of Muslims and Arabs and the treatment of other racial minorities, especially blacks (Wing, 2003). Muslims and Arabs began to experience increased racial profiling while travelling, attending large events, or visiting important monuments (Romero, 2003). CRT scholars began to re-examine how Muslims and Arabs have experienced discrimination in the past, and how 9/11 impacted their experiences even more (Romero, 2003).

The discrimination and suspicion that Muslims and Arabs experience while travelling worldwide are unique to their lived experiences and demonstrate a global mindset that singles them out as most likely to commit terrorist acts when that is not accurate (Wing, 2003). For example, after the Oklahoma Federal Building Bombing, the Federal Bureau of Investigation (FBI) believed that the bomber had been an Arab man who fit their preconceived notion of a terrorist instead of the white right-wing militia member it turned out to be (Wing, 2003). Would-be terrorists range from Frenchmen to felons, from Chicagoans to clean-cut British men, and beyond (Wing, 2003). However, because of the narrative that Muslims and Arabs were more likely to be terrorists, or form terrorist organizations, global society is more likely to be suspicious of people travelling who appear to be Muslim or Arab (Wing, 2003).

Additionally, once the War on Terror started, legislation and policies at home and abroad focused on dismantling any perceived threat of terrorism (Romero, 2003). This focus has

seemingly taken precedence over rights and freedoms guaranteed in the United States, all in the name of national security (Fraterman, 2014). Legislation such as the USA PATRIOT ACT, amendments made to the material support clause, and the Illegal Immigration and Immigrant Responsibility Act of 1996, were specifically developed to address perceived terrorist threats (Wing, 2003). The legislation has often been used to target individuals who are Muslim or Arab, and, quite possibly, not used against other cultures or races as frequently (Wing, 2003). The government's propensity to utilize legislation in the name of national security resembles behavior and decisions from previous wars, and should not be a shock. According to Jerry Kang,

> [we] should not be surprised if courts determine that national security in the face of terrorism is-in the lingo of constitutional law— 'compelling interest' and that rude forms of racial profiling, notwithstanding its over and under-inclusiveness, are 'narrowly tailored' to furthering that interest. It would be foolish to think that the courts will necessarily save us from the excesses of the more political branches. (Wing, 2003, p. 729)

It is true that the Supreme Court has sided with Congress in many cases questioning the constitutionality of these statutes (Wing, 2003). As noted previously, the Supreme Court has allowed the Executive Branch to deny entry for refugees who were forced into servitude (Fraterman, 2014). The Supreme Court has also sided with Congress concerning material support laws and search and seizure laws, in the name of national security (Adelsberg, Pitts, & Shebaya, 2013). Although these laws claim to be color-blind, Arabs and Muslims are charged under them at higher rates than other individuals who commit similar acts (Wing, 2003).

Race in Social Institutions

CRT Scholars examine how race plays an integral role in the systems, infrastructure, laws, norms, and socialization within the United States. Scholars posit that racism and discrimination are integrated into the institutions at every level, perpetuating dominant white norms and privileges over those of other races. Perpetuating such norms and privileges impacts people, and society in general, in a few ways. First, it isolates and excludes members of society who do not fit within white norms. If people from different cultures wear culturally appropriate clothing or hair, they can experience stigmatization for not assimilating to norms for dress and appearance, a stigma that excludes them and reinforces the norms of the dominant white race. Second, the privileges enjoyed by white people are considered universal and if people of another race seem to fall short of that privilege, people assume there is something wrong with that race in general. For example, in cities with a high ratio of both minorities and crime, society holds that the high rate of violence must be due to some biological trait that increases aggressiveness in minorities. However, if high crime rates occur in a community with a high ratio of white citizens, crime is blamed on energetic youth, drugs, poverty, or the few minorities in the area. This reasoning effectively labels aggressive tendencies as a problem for minorities and social downfalls as a problem for whites. Lastly, due to the infusion of white norms and expectations into all of its institutions, the United States tends to project those normative values onto other countries, regions, and organizations. This has led to foreign policy and laws such as the designated foreign terrorist list, material support laws, and other areas of policy not discussed. Each of the impacts listed above plays an important role in the analysis of material support laws against foreign terrorist organizations (Harris, 2012).

From the CRT perspective

Using the Critical Race Theory perspective, the first concern would be the presumed authority of the United States to designate an organization as terrorist. When designating a group as a terrorist organization, the United States does not consider how cultural differences and unique regional challenges can impact norms and responses in a different country. The resulting list demonstrates the focus on Arab, communist, Muslim, and other predominantly non-white, non-Christian countries. When a government built on systemic racism judges which groups and countries represent a terrorist threat, the result is a list that holds few white-majority groups and many non-white majority groups. The non-white emphasis of the designated list can be traced to a combination of assumed authority and indifference to other cultures. The cause of this can boil down to a white-dominant system being unable to objectively consider white-dominant organizations as terrorists (Romero, 2003).

The second issue focuses on how material support laws impact humanitarian efforts in the regions where designated terrorist groups reside. Material support laws prohibit training, expert advice, and service. Humanitarian groups seek to help organizations enter into the political process in order to achieve their goals through non-violent means. Economic growth, well-being, stability, and safety across a region are nearly impossible where regional violence exists. Teaching organizations how to reach their goals through non-violent means encourages growth and safety, and designating groups as foreign terrorist organizations prevents the realization of that goal. Critical race theory acknowledges the systemic oppression in the United States and would likely understand that oppression as reflected in foreign policy and laws. While two majority-white groups are currently labelled as foreign terrorist organizations, they function within a country of relative peace. Yet, many groups have no access to humanitarian aid or

training, and function in non-white majority countries where violence and corruption exist throughout the country and may even have influenced the group's formation. The fact that so many groups in non-white majority countries lack access to learning about non-violent solutions demonstrates an implicit oppression of entire groups of people. What remains are countries embroiled in violence, unable to grow into powerful and influential countries. Further, critical race theory raises the question of whether the material support law's secondary function is maintaining oppression, and preventing growth and decreased reliance on westernized countries (Fraterman, 2014).

Finally, as discussed before, the material support laws deny entrance to refugees seeking asylum if the United States government discovers that they provided coerced service and support to terrorist groups. Critical race scholars would point to the fact that these refugees are predominantly non-white, often Arab and/or Muslim, and that the lack of compassion and acceptance for these refugees stems from their differences from the dominant white, Christian norms found in the United States. Additionally, critical race theorists might ponder whether a white person in similar circumstances would be allowed to enter as a refugee and if implicit bias against Arabs and Muslims impacts the acceptance of a refugee (Adelsberg, Pitts, & Shebaya, 2013).

Critical Race Theory Proposals

Due to these issues, critical race theorists would find the designation list and material support laws inherently racist and oppressive. Critical race theorists would move to change how the United States government deals with violent groups. First, they would likely propose the removal of the designated foreign terrorist organization list and repeal the material support clause. This step would allow humanitarian organizations to pursue training violent groups in the

political process that is used and prevalent in their country to reduce violence for groups and promote the collective social well-being of the region. Removing the material support prohibition would also allow refugees from war-torn and violent areas to receive asylum in the United States, no matter what their past affiliation was with violent groups. Using compassion and cultural sensitivity, this approach would seek to remove government interventions and allow independent humanitarian organizations to assist regions when appropriate (Adelsberg, Pitts, & Shebaya, 2013).

Conclusion

Throughout the course of this paper, terms have been defined, explanations have been offered for the designation process for foreign terrorist organizations, and policies and procedures have been detailed, discussed, and analyzed through a critical race perspective. While critiques of these policies exist, there seems to be a lack of critique from the critical race perspective, which in the past, has largely dealt with domestic policies, procedures, and norms within the United States. This paper demonstrates that critical race theory would take issue with the designation of foreign terrorist organizations in general, and more specifically, with the projection of norms and values of the United States onto other countries and cultures. The application and prohibited actions of the material support laws are also critiqued for being too broad, preventing humanitarian efforts in developing countries that are majority non-white and Muslim, and blocking their refugees due to coerced services rendered to foreign terrorist organizations. Critical race theorists would consider the discussed laws and foreign policies to be oppressive and racist. This analysis demonstrates an important area into which critical race theory should extend, as these policies and laws continue to expand and impact the global community. Further research could examine a large variety of foreign policies and decisions

from the critical race perspective. Deeper research into this field could offer insights on the impact United States policies have on other regions and people groups, as well as on potential new directions and policies to minimize the negative effect foreign policies can have.

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