Chapter 6
Mass Shootings as Terrorism in an Era of Homeland Security

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ABSTRACT

The purpose of this chapter is to examine the nature and scope of mass shootings in the United States. These incidents are discussed with respect to the criteria by which they are classified as mass shootings by various academic sources and news outlets, their analogue to acts of terror, and the reluctance of state officials to classify ideological-motivated mass shootings as terrorism. This chapter examines the incidence of mass shootings with particularly attention paid to the characteristics of these events pre and post-9/11, as well as the media representation and statutory dictate of some as acts of domestic terrorism. Finally, the application of anti-terrorism legislation in response to mass shootings perpetrated by extremists is discussed.

INTRODUCTION

In the last few years, several incidents of mass shooting have occurred across the United States that have resulted in increased media attention and awareness of past and current – and the proposal of new – legislation that is thought to prevent such attacks. Victims of mass shootings come from all walks of life. They include children, the elderly, students, concertgoers, and party attendees – among many others. While the documentation and reporting of mass shootings lacks clarity due to inconsistencies in how these events are classified, their incidence is well-publicized. According to a database compiled by investigative journalists, there have been 144 mass shootings from 1982 to May 2019. From the first shooting chronicled in 1982 to the terrorist attacks in New York, Pennsylvania, and Washington, D.C.

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on 9/11 (approximately 19 years), only 33 of these incidents occurred. Since that time (approximately 18 years), 111 incidents classified as mass shootings have occurred (Follman, Aronsen, & Pan, 2019). It is within reason, then, to suggest that these events are becoming more frequent, and additional data suggest they are becoming more deadly.

Despite the seeming ubiquity of these events – occurring across the United States and often resulting in the indiscriminate targeting of victims – no consensus exists on: what qualifies a shooting as a “mass shooting”; if “mass shooting” is the appropriate term to describe these events; and, of more recent debate, how the motivations of the perpetrators should be considered when classifying these events. Classification may have significant ramifications, namely the prosecutorial response for offenders that survive the event and their accomplices. If/when motivations are found to be political, economic, against the state, or meant to induce fear in the general populace, crimes are often classified as attacks of terror according to federal law. Few incidents of mass shooting have been described using this specific crime classification. There are, however, some recent examples.

In the early hours of June 12, 2016, Omar Mateen entered the Pulse nightclub in Orlando, Florida. Known to Mateen as a gay nightclub, he specifically targeted this location. At 2:02 a.m., as the club neared closing, Mateen entered the club with two firearms and opened fire. The firearms used included a 9mm pistol and an AR-15-type assault rifle – a weapon with features previously prohibited from public ownership and use. By 5:15 a.m., 49 patrons and Mateen were dead, with 53 other individuals wounded. At the time, it was the deadliest terrorist attack in the United States since the events of September 11th nearly 15 years prior. Just five months before Mateen’s attack, a married couple killed 14 and wounded 22 others before being shot and killed by police. At approximately 11:00 a.m., Syed Rizwan Farook and Tashfeen Malik entered a banquet hall where an event was being held by the San Bernardino (CA) County Department of Public Health. After just a few minutes, carrying tactical gear and heavily armed, they fled the scene, leaving three explosive devices in an attempt to target first responders.

While the characteristics of these two incidents – and any mass shooting – evidence similarities, the motivation(s) behind the acts sets them apart from other even deadlier incidents like the Las Vegas Shooting of 2017 by Stephen Paddock. The shootings carried out by Mateen and Farook and Malik were motivated by terror-related sentiment. To date, no confirmed affiliation or motivation has been found in the Las Vegas Shooting perpetrated by Paddock, in which 58 people were killed and hundreds injured. In the case of Mateen, his affiliation with a terrorist group was made known by self-laudation. During the shooting, Mateen made a 911 call and pledged his allegiance to the Islamic State (ISIS) and to its leader Abu Bakr al-Baghdadi. In the case of Farook and Malik, the pair met and interacted over the Internet, discussing a shared jihadist commitment. During their investigation, the Federal Bureau of Investigation (FBI) was able to identify motivations linked to terrorism. At the time, acting FBI Director Comey described the husband and wife as homegrown violent extremists that were “at least in part” inspired to commit violence the foreign organization known as ISIS, first individually then further collectively after they met (Johnson, 2015).

While these two incidents specifically, and others generally, may be classified as acts of terrorism, they are only two of dozens (and some would say hundreds) of incidents with similar offender profiles and offense outcomes. Unlike other forms of violence, however, mass shootings are rarely classified as acts of terrorism.