

POST-ATTACK POLICIES: ANALYZING THE MAGNITUDE OF THE U.S. AND
U.K. DOMESTIC SECURITY CHANGES FOLLOWING THE 9-11 ATTACKS AND
2005 LONDON BOMBINGS

by

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The timing and similar nature of the September 11 attacks and the 2005 London bombings provides a unique opportunity to compare the policy changes undertaken by the U.S. and British governments following a large scale terrorist incident. Where the attacks of 9-11 were seen as a watershed event prompting a massive U.S. policy response, the significance of the 2005 London bombings and subsequent counter-terror policies implemented in Britain garnered a mixed reaction. To determine the true magnitude of the policy responses, the author analyzes the major enactments implemented in the U.S. and Great Britain during the two years immediately following the attacks. The author concludes that previous assumptions about the size of post 9-11 and post 7-7 changes generally hold true and suggests that Britain's changes made prior to the London bombings

and the lack of political capital for Prime Minister Blair in 2005 are the best explanations for the divergent responses.

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CHAPTER I

INTRODUCTION

1. Overview

On September 11, 2001 the Al Qaeda terrorist organization hijacked U.S. airlines flights United 175, American 11, and American 77 and flew them into the World Trade Center Towers in New York City and the Pentagon in Arlington, Virginia. United Airlines Flight 93, hijacked by four Al Qaeda terrorists was thwarted by passengers aboard, and crashed in the fields Shanksville, Pennsylvania. Close to three thousand Americans were killed in total, making it the worst terror attack in U.S. history. In the months after 9-11, U.S. policymakers came together to craft several changes to its domestic security structure and processes. Before the fall of 2001, security reforms had been discussed, but most of the recommendations were not acted upon until 9-11 put domestic security atop the political agenda.

It has been recognized that the attacks on September 11, 2001 ushered in a new era in international affairs and a turning point in U.S. national security (Sarkesian, Williams, and Cimbala 2002).¹ A Pew Research Center Poll conducted shortly after 9-11 shows widespread agreement between the U.S. and countries from across the globe. 76

¹ Congressional actions reflect the idea that 9-11 fundamentally changed the way America looks at the world. 9-11 removed the illusion that the U.S. was invulnerable from attack and the U.S. Congress and Administration were shifting U.S. resources and policy efforts accordingly (Kapp and Lum 2003, 1).

percent of those polled from Western Europe, and 90 percent of those polled in the Middle East and Latin America considered the events of 9-11 a turning point in world history. In *Foreign Policy* William Dobson relates the post 9-11 reaction of the majority of scholars and policymakers saying, “rarely have so many agreed about the meaning of a single moment” (2006). Similarly, when describing the U.S. policy changes implemented in the years after 9-11, scholars widely agreed the response taken by the Bush Administration was brash, aggressive, and massive in scale. Civil liberty concerns associated with the controversial USA Patriot Act, the unilateralist approach in invading Iraq, the detention policies at Guantanamo Bay, and the largest US government reorganization in more than a half a century via the Homeland Security Act of 2002 are referenced in support of these claims (Schulhofer 2005, 1; Powell 2004, 273; Firestone 2002, A1). Although the impact from the post 9-11 U.S. policy changes has been criticized, the idea the overall U.S. policy response was immense after the 9-11 attacks is rarely questioned.

Yet, after the United Kingdom endured a large-scale coordinated attack on London’s transit systems on July 7, 2005--causing the deadliest terror attack on British soil (Kfir, 2006)--the response regarding the significance of this terrorist event and the magnitude of the British policy response has been surprisingly mixed. The 7-7 attacks, which have been called Britain's “version of 9/11,” occurred when four coordinated bombings rocked three of London’s subway trains and one bus during evening rush hour

(Gardiner and Phillips 2005).² In total, the bombings killed 56 people and injured more than 700 others (State Department Country Report, 2006). As in the U.S. after 9-11, calls for change reverberated throughout U.K., increasing the pressure on the British government to put forth significant security reforms. Commentary dealt with the resilience of the British people and the swift actions of Britain's first-response teams. Scholars viewed the attack as another reminder that no country was safe from terror—even one with a reputation for maintaining excellent domestic security agencies. The wide-ranging response over the significance of the London bombings was best typified by the British citizens themselves. In opinion polls after the 2005 bombings, Britons indicated they had more “satisfaction with [Tony] Blair’s performance as a leader in the wake of the bombings,” while at the same time polls revealed over 60% of Britons thought its government’s policy in Iraq raised the risk of terror attacks in the U.K. (Archick 2005, 5). Thus, unlike the impact of 9-11, there was no widespread agreement about the “meaning of the moment” after the London attacks.

The impact of the British government’s subsequent policy actions was equally diverse. Like President Bush, Prime Minister Tony Blair was accused by civil libertarians and Muslims of aggressively pushing through policies which were “far too stringent” (Kfir 2006). Scholars reference the massive Iraq demonstrations, the 2006 Terrorist Act Legislation which extended the length of time suspects can be held without charge, and the controversial House Arrest plan proposed by then-Home Secretary

² Two weeks later, a coordinated attack on London’s subway was carried out, but only the bombs’ detonators went off, resulting in no citizen casualties. Al Qaeda claimed responsibility for both the 7-7 and 7-21 incidents (Gardiner and Phillips 2005).

Charles Clarke (Kfir).³ To many outside observers, the British domestic security apparatus was still seen as strong even in light of the bombings and news that their counterintelligence agencies badly misinterpreted the terror threat.⁴

At the same time, in comparisons of British and U.S. counterterror policies before and after the London Bombings, Great Britain was often grouped with Europe,⁵ who was criticized for not doing enough to counter terrorist attacks, and for making changes that were not equal to those implemented in the U.S. after 9-11 (Dalgaard-Nielsen 2004, 160).⁶ Although most European countries and Great Britain demonstrated support towards the U.S. after 9-11,⁷ divisions about how their countries should respond to the attack, and how they actually did respond, continued among scholars and policymakers. Robert Kagan's (2003) contention there was a gap of 'strategic cultures' between the USA and Europe tied into the literature comparing the size of domestic security changes

³ The stiff resistance Blair faced in Parliament in 2006 over the arrest provision illustrates how Blair faced more resistance passing security legislation after 7-7 than Bush after 9-11.

⁴ A month before the London bombings, the Joint Terrorism Analysis Center (JTAC), a group composed of high ranking counterterrorism officials, issued a memo which stated, "At present there is not a group with the current intent and capability to attack the UK." Martin and Jones concluded this memo represented an intelligence failure and "a wider failure" in communications among government agencies, academics and analysts, and the media about the nature of the British terror threat (2006).

⁵ The U.K. has been grouped with the Europeans in this debate, but due to Britain's strong support for the U.S. after 9-11, their role in the 2003 invasion of Iraq, and their more stringent terror legislation, they are distinguishable from their European counterparts in comparisons as well.

⁶ Although there was debate over the U.K.'s counterterror strategy, 9-11 did cause the British government to acknowledge they needed a new and dramatic response to combat the threat (Shapiro 2004).

⁷ The close relationship was further cultivated as President George W. Bush and Prime Minister Blair became united on the "War on Terror" (Gardner 2007). After the 9-11 attacks some policymakers and scholars in the U.K. felt the attack marked a new age in terrorism requiring drastic policy changes, while others saw it as an isolated incident which called for a less urgent response. It is true Tony Blair and his government "made a strategic choice to stand by the U.S." after 9-11, but "some U.S. critics question the extent to which the European allies share U.S. threat perceptions of the challenges posed by Islamist terrorism" (Archick 2007; 2006a). Other European nations and the European Union are often used in the security comparisons, but for the purposes of this paper, I will be focusing on the actions taken specifically in the U.S. and Great Britain.

implemented in Great Britain and the United States. Many Americans believed Britain was too soft on terrorism, while Britons felt the U.S. abandoned the rule of law (Jacobsen 2006, xv)⁸

Great Britain's specific post-London policy changes were also seen by some as small in comparison to the post-911 U.S. changes. Policy analysts claimed the British government did not undergo a massive security reorganization following the London Bombings comparable to the U.S. response. The *Congressional Research Service* (CRS) and the influential British think-tank, The *Chatham House*, both agree there is no UK equivalent to the U.S. Department of Homeland Security with responsibilities over all aspects of homeland security and counterterrorism (Archick 2006 et al., 36, 38; Cornish 2007, 10). A Cato Institute report issued in 2005 claimed, "Since July 7, the Blair government's response has been surprisingly measured" (Basham).

To clear up the uncertainty, this thesis compares the major policy changes implemented in the U.S. two years after 9-11, and in Great Britain following the London bombings to determine how the two democratic governments responded after each were hit with the largest domestic terrorist attack in their countries' history. Were the changes made to the U.S. domestic security infrastructure after 9-11 as sweeping as most scholars have claimed? And how do the changes made by the British government following the London bombings stack up in comparison? Investigating the major policy changes in the U.S. and U.K. can help determine if the assumptions about the size of the U.S. response

⁸ The current domestic security literature which compares U.S. and Great Britain's anti-terror policies is rapped up in the debate between U.S. and European scholars over which side is stronger in their fight against terrorism. The thesis does not seek to resolve the discussion about whether the U.S. or the U.K. has done more in the fight against Islamic extremists, but it is important to note because the comparative security texts largely emanate from these issues.

are valid, and also will help clear up ambiguity about the post 7-7 British policy response as well.

Since there is debate about the magnitude of the U.S. and British post-attack changes, deciphering what major legislation changed in each country is of initial importance. Thus, a central component of this thesis is devoted to uncovering what actually changed in the U.S. and Great Britain after the two attacks. In order to do this, and because Great Britain made significant changes prior to 9-11, the first section compares the pre-bombing reorganization changes of the domestic security agencies in each country. This way, when the post-bombing changes are analyzed, the potentially unbalanced strength between the U.K. and U.S. domestic security agencies will be accounted for.

2. Further Need for Analysis

While the security literature is filled with debates over the effectiveness of recent U.S. and U.K. security changes, nobody has compared the changes undertaken in the U.S. after 9-11 with those implemented in Great Britain after the London bombings. The disparate level of casualties stemming from the two attacks--Over 2,000 from 9-11 and over 50 from London bombings—and the fact that only two years has passed since the London bombings are possible reasons why this study has not been conducted previously. As a consequence, no established critique of the magnitude/significance of change taking place after the respective attacks exists in the security literature.

There is also no consensus within the academic field on a theory to explain the different post-attack policy changes in the U.S. and Great Britain. Therefore, the last section of the thesis will address scholar's common rationales to explain the changes and explanations not referenced in the literature. The section includes the author's viewpoints about the central theories along with a discussion regarding the most likely explanation for why we see the particular post-attack changes.

3. Why Important

Gaps in Literature

Because there have been few studies using the London bombings as a central component in a case study, this thesis intends to help bridge the gap between policy analysts and political scientists within the security field. "Certainly a 'gap' exists between much of the theory produced by political scientists in academic settings and the knowledge needs of policy specialists" (George and Bennett 2005, 265). In the US, programs are being established in colleges across the country to help produce scholarly research in the areas of homeland security. This thesis will continue the trend of expanding the domestic security literature in the United States, and with my introductory knowledge in the field of political science, attempt to bridge gaps in the literature as well.

Improve Dialogue between Countries

The majority of recent comparative security literature has focused on rifts in the alliance between Great Britain and the U.S.,⁹ and more can be done to improve communication between the two countries. "Lost amid this often-heated rhetoric are the

⁹ The divide largely stems from the U.S. and British backed invasion of Iraq in 2003.

significant commonalities between the United States and several European countries in the terrorism arena” (Jacobson 2006, xv). Finding ways to share ideas on improving intelligence and security functions is a crucial aid in the fight against terrorism for both the U.S. and Great Britain, and by analyzing the policy changes implemented after similar-styled attacks, this thesis looks to improve the information and facilitate dialogue on both sides of the Atlantic.

Crucial Elements in U.S. /U.K. Comparison

RAND scholars Peter Chalk and William Rosenau describe the benefit of comparing the U.S. and British security policies in their book *The Enemy Within*. Chalk and Rosenau see the U.S. and Britain as having similar characteristics such as “(1) liberal democratic traditions, (2) a common concern with stemming threats to domestic stability through robust internal security infrastructures, and (3) acceptance of the need to balance operational effectiveness in the fight against terrorism with the concomitant requirement to respect fundamental norms integral to the effective functioning of an open society” (xv-xvi). These traits, to Chalk and Rosenau “make it useful to consider how each state has organized its respective counterterrorist capabilities, if only as a benchmark for guiding possible developments in the United States.” In *Lessons of Disaster*, Thomas Birkland said a major reason for writing his book about whether “big events have influence on policy change,” was “because the implicit mechanism of focusing events is that they reveal in some way the need for policy change” (2006, xv-xvi). A case study comparing the British and American security changes following similar styled terrorist

attacks should provide benchmarks for developments in both countries and reveal how each country needed to change their domestic security systems.

The changes implemented after the London bombings were chosen because out of the European countries, Great Britain has been acknowledged as being the most aggressive in their counter-terror policies since 9-11. Therefore, their potential post-attack response should provide the best test for a comparison with the seemingly strong U.S. response.

Rise in Terrorism

Finally, this project is a useful endeavor because terrorism has significantly increased worldwide over the last few years. According to the RAND terrorism incident database funded by DHS, “Surveying incidents for the period January 1998 through 11 August 2006 shows that the rate of terrorism fatalities for the 59 month period *following* 11 September 2001 is 250 percent that of the 44.5 month period preceding and including the 9/11 attacks” (Conetta 2006).¹⁰

4. Methodology Brief

This thesis will compare the policy changes in the U.S. and Great Britain by evaluating the important legislation, executive orders, government reorganization, and spending totals relating to reforming domestic security in the U.S. and Great Britain. One domestic security definition was used for both countries to select the appropriate legislation and narrow the scope of the analysis which will be explained below. To

¹⁰ “This figure has been adjusted to account for the different length of the two periods and it implies an increase in average monthly fatalities of 150 percent. (Only in January 1998 did the database begin to include both national and international terrorism incidents)” (Conetta).

determine what the major changes were in the U.S. and Great Britain, the author used tests based off of David Mayhew's methods in *Divided We Govern*. The central sources used to compare the changes were the laws passed in U.S. Congress and British Parliament exactly two years following the two attacks, government spending reports, and important end of the year summary articles from the major British and American newspapers. To compare the magnitude of change the documents also included major security and political science journals, think tank publications and seminars, government white papers, and commission reports from U.S. Congress and British Parliament. The results of this study will be presented through the description of the "major" domestic security changes in the U.S. and Great Britain in the post-attack section.

5. Organization of Thesis

Including the introduction, the argument consists of six total chapters/sections. Section II will set the stage for the post-disaster changes by comparing the American and British security development and policy enactments made prior to the two attacks. Comparing how and when these countries made important organizational changes in the years prior to the bombings will help determine how advanced each countries' security infrastructure was at the time of the attacks. Section III begins with a detailed review of the research methodology. The post-attack section revealing the "major" security changes in both countries serves as Section IV, and as the primary results portion of the thesis. The researcher uses the extensive literature devoted to dissecting the U.S. and British post bombing policy changes as a means to synthesize the most important changes

in both countries. Section V reviews the findings of the study. The section explains the notable distinctions between the size of the two country responses. It serves to recount the important claims made by scholars about the magnitude of the overall changes in the U.S. and Great Britain while also providing the author's own analysis of the results. In Section VI the author explains the most common rationales for why the U.S. changes were seen as larger than Britain's post-attack changes. This section includes the author's critiques about which explanations seem the most logical. The concluding Section VII recounts the author's final explanations for why there is a different level of change in the U.S. and Great Britain and makes suggestions for additional research on the topic. This thesis will be a success if it aids future domestic security researchers in their own efforts.

6. Definitions

Before proceeding further a definition of "domestic security" needs to be established.¹¹ Counter-terror has been a central concern of the U.S. government since 9-11 after President Bush declared a "War on Terror". As fighting terrorism has become a bigger industry the dividing lines between domestic and foreign activities have become increasingly interrelated (Korologos 2005). Therefore, it is important to establish a clear distinction between domestic and foreign agencies. For the purposes of this thesis, agencies dealing with domestic security efforts¹² are of primary importance as opposed to the foreign military or intelligence functions of the American or British armed forces and

¹¹ The phrase "homeland security" was not used here as it is an uncommon term in Great Britain and Europe. Their understanding of homeland security is much broader than the U.S. version (Sarotte 2005, 34)

¹²Such as the U.S. Department of Homeland Security, FBI, and Britain's Security Service (MI-5) and National Counterterrorism Center (NCTC).

spy agencies.¹³ To decide which issues fall under the domestic realm, I am using the U.S. government definition and agenda as it corresponds with the National Strategy for Homeland Security. The U.S. government defines homeland security as “the domestic effort (as opposed to the overseas war on terrorism) to defend America from terrorists” (Sauter 2005, xiv). The definition of homeland security also falls under the “all hazards doctrine,” which encompasses general preparedness for natural or accidental catastrophes such as hurricanes and chemical spills (Sauter), but this paper focuses on the counter-terror efforts in particular.

The three strategic objectives in the Strategy for Homeland Security are to prevent terrorism, reduce vulnerabilities, and minimize damage/recover from attacks. Preventing terrorism calls for improving intelligence, border and transportation security, and improving functions of domestic law enforcement agencies (domestic counterterrorism). Reducing vulnerability focuses on “protecting critical infrastructure” and preventing terrorists from acquiring weapons of mass destruction. Minimizing damage deals with the ability of the U.S. to respond to an attack on our country which focuses on improving training and resources for local and state “first responders” (Sauter 2005, xv).

Britain’s counterterror strategy called CONTEST, was released in 2003 and addresses similar objectives to the American National Strategy. CONTEST is based around the “four Ps”—*preventing* terrorism by tackling its underlying causes, *pursuing* terrorists and those who sponsor them, *protecting* the UK public and interests, and

¹³ The Secret Intelligence Service (MI-6) and the Central Intelligence Agency (CIA) are the primary foreign counter-intelligence units in Great Britain and the United States respectively.

preparing for the consequences of any attack” (O’Connor 2006).¹⁴ Therefore, for the purposes of this thesis, “domestic security” is defined as the “domestic efforts by the U.S. and British government to defend America and Great Britain from terrorism.” Domestic security entails efforts by both countries to “prevent terrorism, reduce vulnerabilities, and minimize damage and recovery from attacks” (Sauter 2005, xv). Issues falling under these categories are defined as “domestic security” matters.

This definition of “domestic security” was used when comparing and evaluating the major laws, events, reorganizations, and spending efforts undertaken by the British and American governments before and after the two bombings. The thesis applies the same broad definition throughout, including when comparing the magnitude of change in each country. Magnitude of change was classified in the amount of variance in the number of major additions or alterations to domestic security policies, organizational structure, budget totals and overall functions. Legislation and agencies, tasked with addressing issues falling under the domestic security definition are the changes being compared in this research effort.¹⁵

¹⁴ The specific content of the CONTEST strategy can be found at:

¹⁵ A more comprehensive description explaining how major legislation was selected can be found in the methodology section below.

CHAPTER II

PRE-BOMBING COMPARISON OF DOMESTIC SECURITY STRUCTURES/NEED FOR CHANGE

Comparing data using events with unequal starting points is a central obstacle in any research endeavor. In this case, the U.K. was seen to have a stronger and more advanced domestic security organization in place in 2005 than the U.S. had in 2001. During the four year gap between the two attacks, the British government made several important changes to their domestic security structure which further strengthened their system prior to the London bombings in July of 2005. Therefore, before comparing the level of post-disaster responses in the U.S. and Great Britain following the 9-11 and 2005 London bombings, we must first recognize how and why the starting points were distinctive for the U.S. government in September of 2001 and for the U.K. in July of 2005.

As mentioned earlier, the U.S. is widely assumed to have made more sweeping changes after 9-11 than Great Britain after 7-7, and the disparate need to change is commonly cited as justification for this discrepancy. Comparative articles following the 9-11 attacks reference Britain's impressive domestic security apparatus as the U.S. sought to learn from its more experienced ally. In the four year interim, Britain learned from 9-11 and implemented several new security laws of their own. This section serves to describe the status quo as of 9-11 which the rest of the post-bombing change will be

evaluated against. In addressing the two countries' divergent starting points, we can more confidently evaluate the post-attack changes and reasons why the magnitude of change may have varied.

The first part of this section compares the general structure of the domestic security arrangements in Great Britain and the U.S. as of 2001. The important agencies in place in both countries are briefly explained, with an emphasis on the institutional differences set in place even before 9-11. Next we'll see how experts judged the security situation and capability (need to change) of the major counter-terror organizations in the US prior to 9-11, and Great Britain before the London Bombings.¹⁶ In the final portions of this section, the author uses 9-11 and Britain's major reforms to highlight the different degree of change in the U.S. prior to 9-11, compared with the U.K. before the 7-7 attacks. After reviewing government reports, statements from scholars, security experts, and policymakers, the author explains how the two countries' perceptions of their security needs are relevant to discussing the post-attack changes that followed.

1. Domestic Security Agencies and Leadership Responsibilities

Understanding the key structural differences between the U.S. and U.K. domestic security organizations will help elucidate the post-attack changes in the upcoming sections. Prior to the 9-11 attacks, government officials in the U.S. and Great Britain recognized their domestic security agencies needed to change and adapt to the new

¹⁶ As Britain made more changes prior to the 2005 attack than the U.S. before 9-11, there will be more information concerning British legislation in this section. Alternatively, in the post-bombing changes section, the U.S. legislation is lengthier than the British portion.

international order following the end of the Cold War. The United States held the position as the preeminent global power in the 1990s. Yet, it was the United Kingdom who made changes to their domestic security systems at a faster rate than the United States leading up to 9-11. The author compares and describes some of the reasons we see organization differences in the U.S. and U.K. The roles of corresponding agencies will be analyzed side by side, with differences emphasized throughout the section.

The U.S. and U.K. intelligence agencies provide the first institutional comparison. In a recent Senate Appropriations Hearing, John Yoo said the “most important British-American difference...which can have significant effects on the war on terrorism is the structure of the domestic intelligence agencies” (2006). The similar intelligence agencies/positions in the U.S. and U.K. include the Federal Bureau of Investigation (FBI) and the British Security Service (MI-5); U.S. Central Intelligence Agency (CIA) and the Secret Intelligence Service (MI-6),¹⁷ National Security Agency (NSA) and the Governmental Communications Headquarters (GCHQ) in Great Britain (National Intelligence Machinery; Masse 2003, 4). The British Home office and Home Secretary are also related in function with the U.S. Departments of Justice and Homeland Security (Lewis 2006).

Federal Bureau of Investigation (FBI) and Security Service (MI-5)

The FBI is the United States’ domestic security agency serving investigative, law enforcement, and domestic counterintelligence functions (Jordan and Taylor 1999, 153).

¹⁷ Less attention will be devoted to the responsibilities of the MI-6 and the CIA since they deal primarily with foreign affairs matters.

The Security Service is also responsible for Britain's domestic intelligence functions, but MI-5 plays a more supportive role with police and law enforcement agencies to protect and prevent major crime (National Intelligence Machinery), whereas the FBI combines its domestic intelligence and law enforcement roles (Masse 2003, i). MI-5 works most closely with the "Special Branches" of the United Kingdom's 56 police forces 'explicitly responsible for countering terrorism' (Masse).

Central Intelligence Agency (CIA) and Secret Intelligence Service (MI-6)

The CIA and MI-6 are used to gather secret intelligence relating to the intentions or acts of individuals overseas (Britain National Intelligence Machinery). The important differences between the two agencies developed because of their unique histories. The Security Service and Secret Intelligence Service were both founded in 1910—MI-6 to gather foreign intelligence and MI-5 to look for German spies—and their distinct roles were well defined from the outset. In the U.S., competition and turf wars were more prevalent. The FBI had been conducting intelligence operations in Latin America during the 1930s while the Office of Strategic Services (OSS), the precursor to the CIA did not form until 1942 (Fas.org).¹⁸ Consequently, more cooperation was embedded in the British intelligence community compared with the U.S. agencies before the two attacks (Parker Senate testimony 2006).

Further, the U.S. and its citizens were born out of a general mistrust of government, while the British are by and large less skeptical of their institutions. These cultural distinctions resurfaced strongly in the 1970s when the American public became

¹⁸ The FBI originally wanted the military to control all overseas intelligence operations, while they handled all civilian intelligence matters.

disillusioned following the Vietnam War and the Nixon Watergate Hearings. The events fueled an “unsettling public realization...that America had an important, but as yet undefined, intelligence problem” (Jordan and Taylor, 153-155). The resulting skepticism directed at the intelligence agencies caused the FBI and CIA to become more secretive and less cooperative with each other in the years that followed.

In contrast, the British public is known to have less “dread of government” and its intelligence agencies are able to conduct operations in greater anonymity. The “relatively benign oversight mechanisms” governing security and intelligence operations illustrate this notion. Oversight is either Ministerial in nature through Britain’s Home Secretary, or bureaucratic via the National Audit Office and Joint Intelligence Committee.

Parliamentary oversight, which is usually undertaken by Parliamentary Select Committees with the ability to define their agendas, has one statutory committee covering only issues of expenditures, administration and policy (Yoo Senate Testimony).

U.S. Department of Justice/Courts and U.K. Home Office/Home Secretary

The different arrangements among the intelligence and law enforcement agencies, judiciary, and legislative bodies also shape the different post-attack responses as well.

One distinction between the security structures is that Britain can go further in targeting terrorists,¹⁹ while the U.S. courts play a larger role in influencing security legislation.

The FISA court established in the 1970s is an example of the U.S. courts power (Tsoukala, Anastassia 2006, 607-27). In Britain, the Prime Minister has overall responsibility for intelligence and security matters and is accountable to Parliament for

¹⁹ The differing policies can be traced back to the Bill of Rights in the U.S. Constitution which forbids unreasonable search and seizure, and arrests with no warrant.

matters affecting these agencies. The Home Secretary is responsible for the Security Service and the Foreign Secretary is accountable for SIS and GCHQ (Britain Intelligence Machinery).

As mentioned above, the role of Britain's Home Office has distinguishing characteristics with U.S. agencies in terms of oversight capabilities. The Home Secretary establishes "independent oversight bodies" for domestic intelligence in the U.K. U.S. oversight, on the other hand, is usually situated within the agencies they are overseeing (Lewis 2006, 3). Additional institutional differences include the U.K. having more power over arresting and detaining suspected terrorists, whereas U.S. officials boast greater ability to use intercepted communications for court trials.

In the United Kingdom the Regulation of Investigatory Powers Act of 2000 (RIPA) is "the key UK law for domestic intelligence" (Lewis). The law delegated a great deal of power to the Home Secretary, and shifted additional authority away from the British courts and judges (Lewis). The underlying conflict between the British courts and the Prime Minister influences the magnitude of the counter-terror policies before and after the 2005 London bombings.

An important dissimilarity between the two systems prior to the 9-11 attacks was the centralization of Great Britain's security agencies compared with the broader power relationship among U.S. counter-terror agencies. The role of the Home office is an example of U.K. centralization as the organizational body controls the local police funds and oversees their operation concurrently. The Security Service and elected officials in Britain also report to the Home Secretary (within the Home Office), which means one

Cabinet Minister has significant control over Britain's domestic intelligence and local police forces (Lewis). The manner in which the two countries issue warrants highlights another institutional example of the U.K. centralization. In the U.K. issuing warrants is an Executive function while in the U.S. it is mainly a function for the courts (Feikert and Doyle 2006, 1).

2. Pre-Bombing Domestic Security "Needs"

This section compares the U.S. security needs in the years prior to the September 11 attacks with Great Britain during the period before 9-11 through the London bombings. After the Cold War concluded, both the U.S. and British security agencies recognized the need to change their domestic security agencies to adapt to a new security landscape where the enemy was not well defined. Terrorism was seen as the most pressing security concern within the security establishment. In 1997, a major U.S. report issued by the National Defense Panel stated, "The greatest danger lies in unwillingness or an inability to change our security posture in time to meet the challenges of the next century" (1997). The report predicted the U.S. would require a "much larger role for homeland defense." The British government understood they needed to adapt, and they proved their need and willingness to change by consistently making counter-terror reforms before and after 9-11 (London Resilience Team, 2006). Yet, judging from statements made by leading security officials prior to the London bombings, the U.S. and British security agencies may have still viewed the threat in a distinctive manner.

The perception of threat in both countries tells us about the urgency in which both

countries attended to their domestic security needs prior to the bombings. The more serious the threat is viewed within a security establishment, the more likely that country will make major policy changes. Therefore, reviewing the threat perception is an important aspect in judging the magnitude of the U.S. and U.K. pre-bombing responses

US Pre-Bombing Security Needs

The scholarship regarding the U.S. threat perception prior to 9-11 is varied. Some emphasize that the U.S. saw the need to change before 2001, but there are also examples showing the inability of U.S. security agencies to adapt to the new terrorist threat.²⁰ The 9-11 Commission Report recounted how the U.S. emerged as the “globe’s preeminent military power” after the Cold War, and also how the U.S. faced new threats because a vacuum of instability developed in the 1990’s (340). However, the report also documented how the threat of terrorism was not atop the political agenda prior to 9-11. Terrorism was of such small priority in the U.S. that no polling organization even asked a question about it in 2000 or during the 8 months before 9-11 (341).

On this same note Al Qaeda was not publicly referenced in intelligence documents until 1999. Although the 1995 National Intelligence Estimate predicted a future attack would occur in the United States, the report did not reveal the enemy had a strong organizational network in place (341). In the years from 1998 through 2001 there were several solid analyses regarding Al Qaeda and Bin Laden, but the Congress, security agencies and the media did not cause Americans to focus on the threat of terrorism in the United States. Prior to 9-11 there were discussions in the academic and

²⁰ Frederick Hitz and Brian Weiss, among others, recounted the notion that “U.S. officials were slow to understand the magnitude of the new threat” (2004, 9).

security community of potential “blowbacks” (Johnson 2000) and “clash of civilizations” (Huntington 2006), and a series of relatively ambiguous policy reports requested by Secretary of Defense William Cohen, but “otherwise, little attention was given before September 11 to establishing a scenario for anything resembling a war on terror” (Callahan, Dubnik, and Olshfski 2006, 555). Terrorist threats “remained stories of law enforcement, criminal investigations, and the prosecution of bombers and their co-conspirators,” but there was public indifference or ignorance of the terrorist threat, before and immediately following 9-11 from most of America (2006).

With that said, even before 2001, the United States government was aware of its security vulnerabilities and making steps to remedy these flaws. The U.S. Commission on National Security/21st Century, or the Hart-Rudman Commission as it is commonly known, was the report frequently referenced when the US made major policy changes after 9-11. The report found “mass-casualty terrorism directed against the U.S. homeland was of serious and growing concern” (vi) and proposed establishing a National Homeland Security Agency (NHSA) “with responsibility for planning, coordinating, and integrating various U.S. government activities involved in homeland security” (viii, 15).²¹ Additionally, the Commission referenced “inadequacies” within the State Department, saw the intelligence community as “adjusting slowly to changed circumstances of the post-Cold War era” and recommended a complete overhaul of the Department of Defense (x).

A central claim among policymakers was the intelligence agencies were too slow

²¹ Following the 9-11 attacks, the Hart-Rudman proposal, put forward by Representative Max Thornberry (TX) was reintroduced (and slightly altered) in the Committee on Governmental Affairs by Joe Lieberman.

to change and adapt to the terrorist threat before 9-11. For example, in January 2000, the CIA was monitoring the actions of Khalid al-Mihdhar, one of the hijackers aboard American Airlines Flight 77 which crashed into the Pentagon on 9-11. By January of 2000, the CIA had obtained a photograph of al-Mihdhar, knew his full name, had his passport number, and most importantly, found out he had a multiple-entry visa to the U.S. Former Director of Central intelligence, George Tenet, later acknowledged the CIA should have placed al-Mihdhar on the State Department's watch list which would have denied him entrance to the United States. Instead, the CIA did not place al-Mihdhar on the State Department watch list until August 23, only nineteen days before 9-11, and after al-Mihdhar was able to enter the U.S. and receive flying lessons. This security mishap occurred, because "keeping track of the whereabouts of foreign terrorists had never been standard practice or high priority" for the CIA before 9-11 (Zegart 2005, 79). For over forty years, the Cold War "dominated the thinking and operation" of the CIA and the other U.S. security agencies (Zegart 2005, 79).

Before 9-11 no intelligence agencies had formal programs or "well-honed procedures" to assist intelligence officers or other domestic security agencies and coordinate information about dangerous threats before they entered the U.S. Zegart goes on to say, "No organization is failure-proof, and no one will ever know whether the World Trade Center and Pentagon attacks could have been prevented. Evidence suggests, however, that the U.S. intelligence community showed a stunning inability to adapt to the rise of terrorism after the Cold War ended" (79).

Even as some insisted the U.S. security agencies simply didn't recognize the

threat before 9-11, other analysts claimed the U.S. was adapting well to the new terror problem overseas. Those in the latter group pointed to how resources were shifted away from Soviet matters after the Cold War. Former DCI, Robert Gates claimed in 1980, 58 percent of all intelligence resources were directed towards Soviet-related matters.

Whereas, in 1993, only 13 percent of resources were directed towards the Soviet Union. Though the U.S. pared down their defense budgets in the 1990's, direct spending on counterterrorism roughly quintupled (81).

The United States also showed signs of re-directing their security infrastructure after the end of the Cold War. The FBI Director Louis Freeh added several legal attaché offices overseas (9-11 Commission Report 76), and there were greater efforts to work with other countries in fleshing out terrorist groups (Zegart 2005, 81). The US "signaled an important shift in policy" when they switched their counter-terror approach from targeting the terrorist, to targeting the individuals or countries who sponsored or aided terrorist groups. The Anti-terrorism and Effective Death Penalty Act of 1996 "created a legal category of Foreign Terrorist Organizations (FTO) and banned funding, granting of visas and other material support to such organizations" (Perl 2006). This act was the precursor to the USA Patriot Act of 2001, which strengthened provisions of the 1996 law (Nagel 2002, 15-16; Perl 2006).²²

In addition to poor intelligence adaptation, several common problems and recommendations continued to appear in the major security reports conducted in the years

²² Another important directive under Clinton was PDD-63 which formed the National Infrastructure Protection Center (NIPC) in charge of "defending telecommunications, banking, transportation, and other critical infrastructures from electronic attack by terrorists" (Nagel 2002, 46-47).

leading up to 9-11.²³ First, the US needed a comprehensive security strategy issued by the President or Congress. A second problem in the U.S. was poor oversight and guidance from the U.S. Congress (Zegart 2006, 101). Lastly, the lack of coordination among domestic security agencies was a major unresolved issue when the U.S. was attacked in 2001. There were 14 major intelligence agencies in the U.S. and no one was responsible for all of them. Before 9-11 the DCI, George Tenet, had control over only 15 percent of intelligence budget and the Secretary of Defense held the rest (Council on Foreign Relations Task Force; Zegart 100).

DCI, George Tenet and President Clinton did make attempts to reform the U.S. security organization and improve coordination before 9-11. At the end of 2000, Tenet recognized the strategic analysis against Al-Qaeda was inadequate (9-11 Commission Report 342). To remedy the analysis problems, in 2001 Tenet created a strategic assessments branch within the Counterterrorist Center (CTC) and appointed a senior manager to brief him on “creating a strategic assessment capability” (342). President Clinton ushered in new counter-terror and homeland security changes as well. In 1998, in the aftermath of the Kenya and Tanzania attacks, the White House created the cabinet position of National Coordinator for Security, Infrastructure Protection and Counterterrorism (Shapiro 2004, 4).²⁴

²³ Some of the major reports consisted of the Hart and Rudman Commission, a 1996 House Intelligence Committee staff study, 1993 and 1995 interagency National Performance Reviews under President Clinton, and the 1998 FBI Draft Strategic Plan (Zegart 2005, 86).

²⁴ Prior to 9-11, the administration was already investing large amounts of money on a ballistic missile system as well (Shapiro).

Yet, even with the aforementioned security moves, the overall coordination and resource allocation problems were not changed before 9-11. In 1995, Clinton implemented Presidential Decision Directive (PDD) 39 which “delineates the missions and responsibilities of the various federal agencies involved in fighting terrorism” (Nagel 38). The primary focus of this directive was geared towards improving management in the aftermath of an attack, yet the directive did little to change the major deficiencies besetting the U.S. before 9-11 (Nagel 38), especially when compared to the United Kingdom’s organization. In *September 11 and the Adaptation Failure of U.S. Intelligence Agencies*, Amy Zegart analyzed major reports, initiatives and commissions pertaining to the U.S. intelligence community and counterterrorism efforts between the fall of the Soviet Union and the September 11 attacks.²⁵ Out of 340 recommendations for change in the intelligence community from these reports, “only 35 were successfully implemented” and “79% of them resulted in no action at all” (Zegart 85-88). In 1992 and 1996 congressional committees tried and failed to bolster powers of the DCI, but faced opposition from bureaucracy, congressman, and the executive (105).

UK Pre-Bombing Security Needs

After the 9-11 attacks the British government was forced to look at its own security vulnerabilities. In years prior to the London Bombings, MI-5 has had trouble disseminating necessary information which could have prevented “several high profile terrorist incidents” (Chalk and Rosenau 2004, xiv). The focus of the British government

²⁵ Zegart’s examination reviewed, “six bipartisan blue ribbon commissions,” three major unclassified governmental initiatives, and three think tank task forces” (Zegart 2005, 85-86). These commissions included the Hart and Rudman Commission, a 1996 House Intelligence Committee staff study, 1993 and 1995 interagency National Performance Reviews under President Clinton, and the 1998 FBI Draft Strategic Plan (Zegart 2005, 86).

after September 11 was to improve and strengthen its terrorist legislation and border controls and curtail terrorist financing (Archick 2007, 14). With the hindsight of the 9-11 attacks and the 2004 Madrid bombings, the issue of terrorism was at the forefront of British politics, but the perception of the threat was varied among British officials before the London bombings. 9-11 was indeed a wake-up call for the U.K. that spurred several major domestic security reforms, but the event did not cause Britain to perceive the terrorist threat in the same manner as the U.S. in the years after 9-11. Before 9-11 U.S. officials questioned whether the terrorist threat was one “they had lived with for decades,” and similarly, before 7-7 British officials speculated whether the threat of terrorism was any larger than the ones they encountered during the violent years fighting Irish Republican Army (IRA). Blair aligned himself with Bush after 9-11 (Archick 2007, 11), but Britain continued to become a breeding ground for militant Islamists (Kfir 2006, 10).²⁶

In the U.K., several important changes were implemented before the 2005 London bombings. The fear resulting from the 9-11 attacks caused the British government to “adopt an activist legislative program,” (Kfir 2006, 3). The House of Commons Select Committee on Home Affairs explains the philosophy of Britain’s pre-London bombing approach stating, “The new terrorism legislation cannot and must not simply be a set of police and judicial powers. It must be part of an explicit broader anti-terrorism strategy” (*Sixth Report of Session 2004-2005*, April 6, 2005; Kfir 2006, 3). Three major terror

²⁶ The U.K. likely lacked the same level of urgency because they had not faced an international terrorist act since the Lockerbie bombing in 1988 (Kfir 2006, 13)

laws and several changes to Britain's security organization preceded the London Bombings in 2005.

The Terrorism Act 2000

This act is described by the British Home Office as the “primary piece of counter-terrorism legislation,” which includes the United Kingdom’s “most vital” counter-terrorism measures (UK Home office). The law enhanced police powers, made it illegal for certain groups to operate within the UK, and expanded the ability of police to arrest subjects. The act granted police the power to arrest citizens based on a “reasonable suspicion” they were involved in the “preparation, instigation, or commission of acts of terrorism,” regardless of whether police think an individual has committed or is in the process of committing a crime (Feikert and Doyle 2006, 5; Terrorism Act 2000 41-43). The British government’s justification for this “pre-emptive power of arrest”²⁷ was that the process of obtaining a warrant, would, in some cases, be too late to prevent a terrorist act (Feikert and Doyle 2006, 5). In the end, the law allowed the British government to have a more streamlined method of tracking terrorists before the London bombings than the U.S. had in 2001.²⁸

The Anti-Terrorism, Crime and Security Act 2001 (ATCSA)

The Act also gave police greater powers to investigate terror-related crimes. More importantly, the law sought to “promote sharing among government agencies, stop terrorist funding, and improve security” (Archick 2006, 39).

²⁷ Which happens to be similar to the Bush Administration’s defense after it was revealed in 2005 they circumvented the FISA court by authorizing the NSA to monitor citizen phone calls without prior approval.

²⁸ Regulation of Investigatory Powers Act 2000 (RIP or RIPA) is another pertinent law which expanded Britain’s security services’ surveillance powers.

Civil Contingencies Act (2004)

Another major piece of security legislation implemented before the London bombings was the Civil Contingencies Act. The act focused on the preparation component of their Four P strategy delineating the responsibilities and roles of first-responders, and officials from local, regional and central government. The Contingencies Act granted the government the power to declare a state of emergency and control a crisis before obtaining Parliament approval. The reform represented “the first wholesale revision of UK emergency legislation since the 1920s” (Perl 2007).

The Prevention of Terrorism Act 2005

The Prevention of Terrorism Act 2005 (implemented prior to the London bombings) reforms the Anti-Terrorism, Crime and Security Act 2001. The Prevention of Terrorism Act allows for control orders to be sought for any suspected terrorist. The law includes including UK nationals, non-nationals and can be issued for alleged domestic and international terrorist activity.²⁹ The Act reflects the British government’s response to criticism over their neglect in targeting domestic subjects.

Other important changes implemented prior to the London bombings included the establishment of a new Civil Contingencies Secretariat (CCS), the forming of the Security Intelligence Coordinator within Tony Blair’s cabinet, and the formation of the Joint Intelligence Analysis Center. Before the 9-11 bombings the CCS, was created to respond to crises from 2000 including fuel protests, flooding, and the foot and mouth disease outbreak. After 9-11, the central responsibility of the CCS was to review and

²⁹ In every case, the Home Secretary is required to report to Parliament as soon as reasonably possible after a three-month period regarding the progress of the control orders (home office. Gov).

improve Britain's emergency response system. The Security Intelligence Coordinator position was created in June of 2002 to coordinate issues among the intelligence services and set budgets and priorities. The coordinator works under the Prime Minister and the position is sometimes compared with the former Office of Homeland Security in the U.S. (Archick 2006, 38-39).

The Joint Intelligence Analysis Center (JTAC) was formed in June of 2003 to improve coordination and intelligence sharing among the United Kingdom's domestic intelligence and law enforcement agencies. The Center hoped to "break down institutional barriers" among security analysts by selecting close to 100 officials from 11 different agencies and departments. The JTAC is accountable to the director-general of the MI5 and is equivalent to the U.S. National Counter Terrorism Center (NCTC) (Archick 2006, 41).³⁰

The two final British security bodies of note are the Intelligence and Security Committee (ISC) and the Joint Intelligence Committee (JIC). ISC was created out of the Intelligences Services Act (1994) and its role is to oversee the intelligence agencies. The Joint Intelligence Committee is made up of the agency heads and senior officials whose job is to provide intelligence assessments to the ministers and officials who deal with matters of national security, defense, and foreign affairs (Kfir 2006, 8).

³⁰ The counterterrorist function in the United Kingdom was initially held by the Police Special Branches (SB).

3. Magnitude of Pre-Bombing Changes

While the U.S. was decidedly uncertain and slow to change in the years before 9-11, the British government faced a completely different set of circumstances in the years before the 2005 bombings. As mentioned in the introduction, countries simply thought about terrorist attacks differently in the years after September 11. Because the U.S. attack took place four years ahead of those in London, the magnitude of pre-bombing change and the threat perception were affected as a result. It was clear there were more major domestic changes in the United Kingdom in the years before the London bombings than U.S. reforms before 9-11. Most notably, after comparing the magnitude of the two countries' pre-bombing changes, the author concluded the impact and timing of 9-11 could explain much of the variation.

The fact the U.S. suffered the first large-scale coordinated attack unavoidably spurred change in democratized countries, and caused the U.K. to use the 9-11 attacks as a learning experience. The U.S. and British security agencies began collaborating and looking towards each other for new domestic security methods. The British government wasted little time in passing reforms after 9-11. For example, the *ATCSA* was introduced just two months after the September 11 attacks, and received Royal Assent before the end of the year.

In comparing Great Britain's agencies in 2005 with the U.S. in 2001, we are able to see the major advantages Britain had over the U.S. Most notably, in July of 2005 the U.K. already had an alert system, re-directed the primary functions of its emergency response head Civil Contingencies Secretariat (CCS) towards terrorist incidents, and put

control orders in place. Britain's intelligence agencies expenditures increased dramatically which allowed the Security Service to develop new regional offices. The establishment of the Joint Terrorism Analysis Center (JTAC) enabled Great Britain to improve their efficiency before the 2005 attacks. Conversely, intelligence coordination was one of the United States' most pressing, and unresolved security deficiencies before 9-11.

With this said, Britain's academic elites still questioned their countries own counter-terror efforts. During the 1990s, many felt Britain's security agencies were preoccupied with the IRA. As Britain "failed to appreciate the al-Qaida threat," the U.K. was allegedly turning into a 'hotbed' for Islamic militants (Kfir 2006, 13 from Gregory and Wilkinson 2001). In the four years between 9-11 and the 2005 London Bombings Britain's security changes helped their system adapt to the new terrorist threats, but there was still plenty of room and need for Britain's agencies to become better prepared, equipped, and well-organized.

Overall, in the U.S. there was much discussion but little in the way of major change before the September 11 attacks. The section showed the U.S. security establishment recognized the threat and were making efforts to change, but a "focusing event" in the form of the 9-11 attacks would be necessary for major change to occur. Zegart's study testing U.S. security gains ultimately concluded the U.S. intelligence officers and policymakers did "recognize the gravity of the threat posed by Al Qaida before September 11," while only achieving "a small degree" of the organizational changes they believed were necessary" (82). The creation of the National Coordinator

for Security, Infrastructure Protection and Counterterrorism typifies the overall pre-9-11 security atmosphere in the U.S. Just as President Clinton recognized the gravity of the threat in 1998 by creating a cabinet position, the responsibilities accorded to the coordinator were limiting. The coordinator was given no budget, only a dozen staff, and no ability to direct actions by the departments or agencies (Shapiro 2004, 4).³¹ In turn, the U.S. again only achieved “a small degree” of the organizational changes which were needed before 9-11.

4. Relevance to Post-Attack Changes

When the post-attack changes Britain made prior to the London bombings are reviewed in the next section it should become clear the British government adjusted their domestic security structure significantly from 2001-2005. The responsive changes were a major reason why their government may have made fewer major reforms after the 2005 London bombings. The formation of the JTAC supports the less need for change premise. Britain’s ability to establish an agency similar to the type of organization the U.S. needed and didn’t have before 9-11, provides further evidence that Britain’s domestic security apparatus was further advanced before the London bombings than the U.S. was prior to 9-11. Not surprisingly, Britain’s post-attack changes revealed the U.K. implemented significantly fewer reforms in the specific areas of homeland security and intelligence coordination, two areas the pre-911 reforms had already addressed. With this said, recognizing British policymakers perceptions about the terror threat were similarly

³¹ Prior to 9-11, the administration was already investing large amounts of money on a ballistic missile system as well (Shapiro).

conflicted prior to the London Bombings as U.S. officials were before 9-11, reinforces the notion both countries could have done more before the two attacks, and in turn, the idea both were in need of major change after the attacks.

CHAPTER III

METHODOLOGY

The section explains how I went about obtaining the data for the post-attack changes in both countries. As little time has passed since the London bombings, few scholars have been able to directly compare the major policy actions taken in Great Britain and the U.S. in the years since the attacks. Thus, a large portion of this thesis is devoted to synthesizing the changes made in both countries. The central goal of the study is to provide the reader with a better understanding of what important security legislation was produced in the U.S. and U.K. immediately following the attacks.

The changes included in the study focused on organizational reforms which significantly altered the U.S. and U.K. domestic security structures. Countries' counter-terrorism functions and the money associated with these actions were analyzed. "Major" changes are the laws and reorganization efforts which met the conditions of the Mayhew sweeps. In the budget comparisons, major change is established if the agency showed more than a 10% increase from the previous spending cycle. Major changes were also determined by the amount of variance in the number of additions or alterations to domestic security policies in Great Britain and the U.S. following the two bombings. The study used changes to the organizational structure, budget totals and to determine the overall magnitude of change. Legislation and agencies, tasked with addressing issues

falling under the domestic security definition are the changes being compared in this research effort.

The following pieces of legislation were selected by using a research sweep modeled after David Mayhew's methods in his study on divided government. For my tests, Mayhew's two sweep process provided the amount of significant domestic security legislation coming out of the U.S. and U.K. in the two years following the attacks. For the United States analysis I used data from September 12, 2001-September 12, 2003. This encompassed the 107th and the first session of the 108th Congress. Testing the legislation after the attack helped explore what was said about the two countries, what differences existed, and how scholars analyzed these major legislative changes. Testing legislation over two years promoted response-based data, and also allowed for the legislation that took longer to enact.

In *Divided We Govern* Mayhew selects his legislation after it meets a series of tests. The judgments in the first portion of the selection process or "Sweep One," were achieved by finding the legislation deemed important in the end of the year newspaper articles. These sources are useful according to Mayhew because "in reaching for absolute judgments, they draw comparisons across the current Congress's enactments, regardless of what policy areas the bills were in, and across the records of current and past Congresses" (37).

The purpose of Sweep One was to begin locating the most important laws enacted following the 9-11 and 7-7 bombings. A search from the major newspapers and political outlets in the U.S. and U.K were used in an effort to find end of the year stories

spotlighting the major bills from the previous legislative session. On the U.S. side the sources included the Washington Post, New York Times, Roll Call, Congressional Quarterly, and the National Journal. In the United Kingdom the searches focused on five major publications which included the Daily Telegraph, the Guardian, the Independent, the New Statesman, and the Times of London. These sources were accompanied by the security legislation proposed in the annual “Queen’s Speech.” The “Queen’s Speech” is usually given at the start of the Parliamentary session. The speech, crafted by the Prime Minister, outlines the major laws on Parliament’s agenda for the upcoming year. News articles devoted to the Acts in the Queen’s Speeches were also included in Sweep One. It is a useful data source since almost all of Britain’s significant laws are included in the speech. The National Journal ratings, newspaper analyses, and the Queen’s speech encompass Sweep One. After finding a pertinent piece of legislation in the articles, I would make sure the law was a relevant domestic security matter as defined previously. If the law dealt with the proper issues, it was included in the analysis.

In Sweep Two I looked for academic oriented research from authors who noted the functions or importance of the individual legislation (45). In addition to the popular political science journals, I focused on security based journals and think tank publications to gain data for this sweep. Mayhew explains the benefit of the two sweep process saying, “The second search compliments the first. By drawing on long-term perspectives of policy specialists about what enactments have counted most in their areas, it adds a dimension of expertise” (44). The Second Sweep also requires that the researcher “press the sources for defensible cutpoints—that is, ones that reasonably

clearly dichotomize an area's enactments into more important and less important" (46). The Mayhew's study also "generates three categories of enactments. Some laws that surfaced in Sweep One now also make it onto Sweep Two lists: They are 'validated,' in a sense, by Sweep Two. Some laws that surfaced in Sweep One are not thus 'validated.' And some laws now come to notice for the first time by making it onto Sweep Two lists" (48).

It is also important to note some of the differences between Sweep One and Sweep Two. My specific sources are different than in Mayhew's study, but my goals and intentions were similar. Mayhew discusses how the Sweeps are a way of weeding out the important and less pertinent pieces of legislation. For instance, if a bill is found following searches in both sweeps, it is more likely to be of importance for the current project. Since Mayhew suggests that Sweep one produce less legislation than sweep two, for my first sweep I only included newspapers and information dealing with legislation that was passed into law in either the U.S. Congress or British Parliament. Sweep two, on the other hand, covered research from political science and security journals, think tank publications, and major government publications. I sought out information about the important events by exploring publicly-available committee hearings and reports from the U.S. Congress and British Parliament. The second sweep for this thesis was not limited to legislation passed in the U.S. and U.K. The study included any major governmental "changes" that took place outside of the legislature as well. These included Executive orders, government reorganizations, and various other events which altered the political landscape.

The changes should have a direct linkage to the attacks, but any legislation written prior to the attacks and passed in the two years after the attacks was included in the analysis. Legislation passed which was not a direct response to the bombings, but was intended to fix an area of domestic security also applied. Allowing these pieces of legislation made it easier to catalogue my research. Yearly budget data and particular spending bills were also included. Because the number of bills coming out of Congress was greater than in British Parliament, using the total number of laws passed in each country was not seen as the most balanced data comparison. In turn, the interpretive analysis of the laws meeting the Mayhew Sweeps was a more reliable data source. The different legislative norms in Parliament and Congress also caused the in-depth interpretive tests to become more essential to the overall analysis. By spending more time analyzing the specific legislation coming out of the Mayhew-based sweeps, I hoped to become more accurate in the comparative discussions in the final magnitude and reasons for change sections.

The status and comparative size of the overall changes (and basis for the section summary) were determined by judging the results from the post-bombing changes section. The central question asked was, are certain pieces of legislation seen as causing more “major/groundbreaking change while others were seen as more minor? For instance, even if Great Britain produces a smaller number of significant pieces of legislation, if scholars viewed these laws as producing major change, than their change would be recognized as measuring up with United States policies.

CHAPTER IV

POST-BOMBING CHANGES (RESULTS)

1. Introduction

While Britain was praised for the well-coordinated efforts of their first-responders, after the bombings there was a strong belief Britain's domestic security agencies needed restructuring. Tony Blair conceded many countries became complacent after September 11. "11 September for me was a wake up call. Do you know what I think the problem is? That a lot of the world woke up for a short time and then turned over and went back to sleep again" (BBC 7/26/05). On July 10, 2005, three days after the London bombings, the *New York Times* published a lengthy article detailing the failure of Britain's counter-terror policies leading up to the London bombings. Although the British government implemented several major counter-terror reforms after 9-11, their organizations were still seen as outdated. "The government's ability to foresee and respond to these increasing threats is handicapped by an archaic and compartmentalized system that dates from the Cold War" (Edwards 2007). As the events preceding the 7-7 attacks became well known, the British intelligence agencies recognized they misinterpreted the severity of the threat prior to the bombings. The security agencies perceived the threat to be external, and believed an attack was more likely to come from

individuals abroad (Jones and Smith 2006). In a memo by the Joint Terrorism Analysis Centre (JTAC) written a month before the attack, senior intelligence officials stated: “At present there is not a group with the current intent and capability to attack the UK” (The Times, 7/19/05 from Jones and Smith).

Given the U.S. and U.K. domestic security agencies both faced perceptions of organizational failure after the two terrorist incidents, it seems logical their post-attack policies may be similar as well. The remaining portions of this section are devoted to uncovering how the U.S. and U.K. made major policy changes after the attacks to shed light on why there may have been unequal levels of change following 9-11 and 7-7. The section details the relevant changes meeting the Mayhew Sweeps by explaining the purpose of the legislation and changes, and why it was deemed important. The results (major changes) are grouped by security legislation type. The first grouping compares domestic intelligence and police changes, the second compares homeland security changes and spending totals, and the third grouping summarizes additional major legislation and agency reforms

Shortly after the attacks the Bush administration and security officials believed Osama Bin Laden and Al Qaeda were responsible for the attacks. On September 20, 2001 in a speech before Congress, Bush laid out the U.S. policy shift from deterrence to preemption (Perl 2007, 1). The policy of preemption, commonly referenced as the “Bush Doctrine,” holds that any nation harboring terrorists would be “regarded by the U.S. as a hostile regime.”³² (Sauter 2005, 42-43). The major changes in the immediate aftermath of 9-11 covered intelligence reform, refocusing federal agencies like the FBI, instituting

³² This became justification for the U.S. invasion of Afghanistan in October of 2001.

major law enforcement reforms. The major changes included the “most far-reaching reorganization of the federal government in more than 50 years” in the form of the Department of Homeland Security (Sauter 2005, 51).

Table 1 lists the major post-attack changes included in the studies findings. These were the domestic security and counter-terror changes of notable importance after the 9-11 bombings in the U.S. and the 7-7 bombings in Great Britain. This chart is not indicative of all important security legislation, and does not represent comparative increases in departmental and security resources, budget totals.

Table 1. Important Post-Attack Domestic Security Reforms in the US and Great Britain

United States (2001-2003)	Great Britain (2005-2007)
USA Patriot Act 2001	Terrorism Act 2006
Homeland Security Act 2002/ Department of Homeland Security	Office for Security and Counter-Terrorism*
Executive Order 13228 (Office of Homeland Security)*	Ministerial Committee on Security*
HSPD-6/ Terrorist Threat Integration Center (TTIC)*	SO15 Counter-Terrorist Command*
National Joint Terrorism Task Force	Police and Justice Act 2006
Aviation and Transportation Security Act 2001	Centre for the Protection of National Infrastructure (CPNI)
Enhanced Border Security and Visa Entry Reform Act 2002	Immigration and Asylum Act 2006
Maritime Transportation Act 2002	Identity Cards Act 2006
Public Health Security and Bioterrorism Preparedness and Response Act 2002	
HSPD-5: Management of Domestic Incidents	
HSPD-8: National Preparedness	
HSPD 2: Combating Terrorism through Immigration Policies	

* Indicates changes formed through executive action.

2. Law Enforcement/Intelligence Comparison

In an effort to present the results in a straightforward manner, I've grouped the changes under two separate headings. The first grouping consists of police and intelligence related changes. The second grouping focuses on the primary categories grouped under the U.S. definition for homeland security which include disaster, immigration, and border issues. It should be noted the formation of the Department of Homeland Security resulted in changes to U.S. police and intelligence processes,³³ but they are divided here because intelligence agencies are often grouped separately from the DHS in the United States. In addition to intelligence and police related changes, the central DHS responsibilities were to secure America's borders, transportation, and critical infrastructure, improve security against bio-terrorism and weapons of mass destruction, and manage the federal government's emergency response during a time of attack (Crotty 205). Rather than neglecting the major police-related reforms to come out of the DHS reorganization, I attempted to include them in the homeland security section.

³³ As defined in the National Security Act of 1947, the groups part of the "intelligence community" consisted of: the Central Intelligence Agency; the National Security Agency; the Defense Intelligence Agency; the National Imagery and Mapping Agency; the National Reconnaissance Office; particular reconnaissance offices within the Department of Defense; intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, and the Coast Guard; the Bureau of Intelligence and Research in the Department of State; and "such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of Central Intelligence and the head of the department or agency concerned, as an element of the intelligence community." 50 U.S.C. § 401a(4) (2000)."
<http://www.usdoj.gov/oip/foiapost/2002foiapost38.htm>

U.S. Law Enforcement/Intelligence Legislation

U.S. intelligence agencies received blame after 9-11. The U.S. Patriot Act was the first piece of legislation to significantly change the manner in which U.S. police and intelligence agencies countered potential terrorist threats.

U.S. Patriot Act 2001

The Patriot Act was created by lawyers in the Department of Justice less than a week after the September 11 attacks. On September 19, 2001 the draft was introduced in the House of Representatives and Attorney General John Ashcroft testified in support of the bill before the House Committee on the Judiciary five days later (Schulhofer 2005, 2-3). After a shortened series of hearings with no committee reports, the Patriot Act sailed through both houses of Congress on October 24, 2001. The bill was signed into law two days later.

The Patriot Act, officially titled the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001,” addressed 16 broad topics, encompassed 161 separate sections, and was over 350 pages in length (Schulhofer 2005, 3). The important law enforcement changes to come out of the bill were the measures to improve coordination between the FBI, CIA and federal state and local law enforcement, enhanced funding for border guards, upgrades of visa databases and FBI computers, and the creation of an agency to make the “critical infrastructure”³⁴ less vulnerable (Schulhofer, 3-4). The legislation also increased law

³⁴ U.S. ports, chemical factories, and power plants.

enforcement's power to investigate terrorist suspects by expanding surveillance capabilities. The law provided the government greater capacity to track international money laundering and terrorist financing; allowed security officials access to foreign intelligence information received in criminal cases and expanded the definition of "terrorist activity" (Perl 2007, 21).³⁵

The government's enhanced surveillance powers were one of the most divisive aspects of the Patriot Act.³⁶ The act extended the use of pen registers and trap-and-trace devices which recorded the origin of phone calls and emails.³⁷ The Patriot Act also allowed foreign intelligence information gathered in criminal investigations to be passed over to intelligence and national security officials (Perl 2006, 13-14). Section 203 of the Patriot Act amended the Federal Rules of Criminal Procedure to allow grand jury information to be released to 'any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official' in matters of 'foreign intelligence and counterintelligence' without judicial approval (USA Patriot Act, Sec. 203; from Hitz and Weiss, 18).

The CIA and FBI have significantly expanded their surveillance powers as a result. Going against its original charter, the CIA has been given new powers to gather intelligence within the U.S. and Congress has given the FBI "nearly unbridled power to poke into the affairs of anyone in the United States" (Crotty 2004, 124). FBI agents now

³⁵ The definition included material support for terrorists and/or terrorist organizations in addition to harboring known or suspected terrorists.

³⁶ Many conservatives and civil libertarians felt the government would be gaining too much power to spy on its own citizens, and they succeeded in requiring sunset provisions which were to expire in 2005.

³⁷ The US Supreme Court ruled the fourth amendment did not cover pen registers because "telephone companies often record such information for billing" (Hitz and Weiss 2004, 17).

work on nearly all major U.S. universities and are able to question any person accused, even anonymously, of making “disloyal” statements (Crotty 2004, 124).

The most ‘controversial’ Patriot Act provision was an amendment to the Foreign Intelligence Surveillance Act (FISA) (Hitz and Weiss, 18). Initially, FISA court warrants were distinguished from criminal warrants because FISA warrants were produced in secret. A crime did not have to be close to being carried out to receive a FISA warrant as long as there was probable cause the suspect was “an agent of a foreign power” (Hitz and Weiss 19). Congress originally granted the FISA Court these powers because evidence gathered from court was not used for prosecuting domestic cases, but for gathering intelligence activities about foreign nations. The Patriot Act removed these “dual tracks” (criminal and foreign intelligence) by changing the requirement for a FISA wiretap from foreign intelligence being “the purpose” to “a significant purpose” (Hitz and Weiss 19). Thus, the primary intention of FISA taps can now be for criminal prosecutions, which were “exactly the type of surveillance FISA was intended to exclude” (19). In a move intended to facilitate cooperation among agencies, the Patriot Act dismantled the statutory “wall” between foreign intelligence and law enforcement agencies.

Additional Importance

Although there is debate about whether the Patriot Act hinders civil liberties and suspends the Bill of Rights, all scholars agree the act provided new powerful “search and surveillance tools” to the Federal government (Schulhofer 2005, 1). These provisions were deemed important not only because they gave the intelligence agencies “sweeping new powers,” but also because they broke down distinctions in U.S. law between foreign

and domestic intelligence matters, and between law enforcement and intelligence itself (Shapiro 2004, 5). In the book, *Rethinking the Patriot Act*, the Century Foundation scholars said the U.S. government responded to the 9-11 attacks with “periodic bursts of dramatic action” (v). Of the five major actions listed, the Patriot Act was deemed the first “dramatic action” taken by the U.S. government after 9-11.³⁸

U.S. Non-legislative Law Enforcement/Intelligence Reforms

After 9-11 a debate formed regarding the reasons why U.S. law enforcement and intelligence agencies were unable to adequately respond to security threats leading up to the 9-11 attacks. The first post-911 domestic security reforms, like the U.S. Patriot Act, were set up to lift restrictions on the agencies. These laws are an example of those designed to tackle *collection* problems. The argument made by Ashcroft and others after 9-11 was that the agencies were not able to collect the necessary information due to restrictive rules. The other viewpoint, espoused by *New York Times* columnist William Safire and Steven Schulhofer, was that the agencies had the information but either lacked the intellect, or simply failed to understand the information they had prior to the attacks. These were grouped as problems of *analysis*. To date, there is still not a consensus regarding how much either of these two problems influenced the 9-11 intelligence failures, but the concepts continue to frame many of the changes in the U.S. and U.K. after the attacks (Hitz and Weiss).

³⁸ The actions included the invasions of Iraq and Afghanistan, the creation of the Department of Homeland Security, the 2004 reorganization of the intelligence agencies, and the passage of the 2001 Patriot Act (Schulhofer, v).

Several changes made by the FBI and CIA illustrate the government's belief that the central need for U.S. agencies was to establish greater "information awareness" (Shapiro 2004, 5). Officials believed all the information needed to stop the 9-11 attacks existed within the government and private sector. Therefore, the central problem was not the lack of information within each individual security agency. Due to lack of information sharing and restrictive rules, government officials felt no one agency had enough information or authority to identify and act on the information available to them (Shapiro 2004, 5).

Terrorist Threat and Integration Center (TTIC)

The Terrorist Threat and Integration Center (TTIC) represented a major post-911 change and also a response to the information-sharing critics. Ordered by President Bush in September of 2003, *HSPD 6: Directive on Integration and Use of Screening Information to Protect against Terrorism*, established the TTTIC. The TTIC was a FBI and CIA venture to bring the counter-terror information from all sources into one area (Hitz and Weiss 30).³⁹

Importance

Critics questioned the necessity of forming the TTIC when the Department of Homeland Security (discussed in depth in following section) shared similar

³⁹ On December 17, 2004, Bush signed the Intelligence Reform and Terrorism Prevention Act of 2004 which established the role of Director of National Intelligence as the central Presidential advisor on intelligence matters. This role, previously held by the CIA Director was tasked with the job of "overseeing and coordinating the foreign and domestic activities of the intelligence community" (Perl, 2007 24-25). The law also created the National Counterterrorism Center,³⁹ designed to "serve as a central knowledge bank for information about known and suspected terrorists and to coordinate and monitor counterterrorism plans and activities of all government agencies. The Center provides daily terrorism threat information to the President and other policy makers" (Perl, 2007 24-25)³⁹ The precursor to NCTC was the Terrorist Threat Integration Center (TTIC), established in May 2003 by Executive Order. TTIC was originally headed by the CIA, while the new NCTC is managed by the Director of National Intelligence (Shapiro 5).

responsibilities (Hitz and Weiss 31). It is also likely the significance of this change went unnoticed because the President announced the creation of the TTIC “in an apparent effort to ward of Congressional efforts” to create a separate agency for data collection and analysis (Haynes 2004, 378). Members of Congress, ready to put their weight behind a similar agency plan, were unhappy with the Administration and often disregarded the reorganization.

Regardless, the formation of the TTIC, with approximately 300 staffers, was indeed a major post-9-11 change in the U.S. In congressional testimony Winston Wiley, chair of the TTIC Senior Steering Group, said the TTIC was to function as “the U.S. Government hub for all terrorist threat-related analytic work” (US Senate Governmental Affairs Committee; Hitz and Weiss).

Intelligence failures continued to surface as committee investigations and new stories came to light in the years after 9-11. FBI’s failures to “connect the dots”⁴⁰ were revealed in the spring of 2002, and FBI Director Robert Mueller unveiled additional reorganization plans shortly thereafter. In a May 2002 speech, Mueller stated the Bureau had to “fundamentally change the way we do our business” (Hitz and Weiss 21). He said the FBI needed new technologies, needed to do a better job recruiting and training its members, and most importantly, the Bureau needed to be better at collaborating and managing information. The changes included permanently shifting 518 field agents from criminal to counterterrorism investigations (22). Conley portrays the impact of Mueller’s

⁴⁰ Prior to 9-11 several key pieces of information were not coordinated throughout the FBI. A Phoenix based FBI agent had recommended the Bureau investigate Muslims in flight schools, and Minneapolis based agents requested to search Zacarias Moussaoui’s computer (Hitz and Weiss, 21).

efforts saying “the massive shift of personnel to counterterrorism efforts and the creation of new units within the FBI have been impressive” (2006, 321).

National Joint Terrorism Task Force (JTTF)

To improve counter-terror efforts, Director Mueller formed the National Joint Terrorism Task Force (JTTF). The National JTTF was created to support the local JTTF's and to promote information sharing within the agency. The FBI reformed its out of date technology by creating the Trilogy Program, which was a \$379 million upgrade of its networks and computers. Mueller also helped form the Office of Intelligence at FBI headquarters, with “strategic analysis capability” to train new analysts. The new Office of Intelligence is arguably the most important change instituted by the FBI after 9-11 (Hitz and Weiss 22).⁴¹

U.K. Law Enforcement/Intelligence Legislation

Great Britain underwent a major transformation to its counter-terrorism preparedness after 9-11 and the 2005 London Bombings. The British government adapted to the new terrorist threat by passing legislation focusing on issues of radicalization, militarization, and the promotion of terrorism (Kfir 2006, 13). Several changes implemented by the British government will have a lasting impact on their law enforcement powers and organizations. The first section will look at major legislation causing intelligence or police changes in the U.K. followed by other important changes

⁴¹ Other changes to the intelligence agencies include the FBI opening up more offices abroad, including one in china in 2002, and the CIA opening up more offices domestically (Hitz and Weiss 23).

implemented by order of the Prime Minister.

In a speech to British Parliament in August of 2005, Tony Blair outlined the government's new plan to secure Britain from domestic terrorist attacks. The speech became known as his 12 point plan. Blair's speech set the stage for new anti-terrorism legislation prohibiting the glorification of terrorism, revisions of Britain's extradition laws, changes to strengthen their borders, and the government's intention to extend the pre-trial detention length of suspected terrorists (number10.gov). Some of these goals were met in the remaining two years of Blair's tenure in power, while others were met with fierce resistance from the Liberal Democrat party and various political and media elites.

Terrorism Act 2006

The largest post-London bombing legislation, the Terrorism Act 2006 was also the most controversial. The Terrorist Act 2006 act received Royal Assent in March of 2006. The act's crucial measures are the creation of several new terrorism offences. These include making it illegal to: commit acts preparatory to terrorism; encourage terrorism, which includes direct or indirect efforts to persuade someone to commit a terrorist act; disseminate terrorist publications; and the law makes it illegal to receive or provide terrorist training to any individual. The Terrorist Act 2006 amended several of Britain's previous counter-terrorism measures as well. The act created warrants for police to search terrorist controlled property, improved search power at British ports, and afforded greater flexibility to prohibit groups that "glorify terrorism" (Cornish 2007, 14).

The most controversial amendment in the 2006 Act was the inclusion of a

provision extending the amount of time police were able to detain suspects after being arrested from 14 to 28 days.⁴² On recommendations from police and the security service Blair aggressively lobbied members of Parliament to extend the time from 14 to 90 days before the Parliamentary vote. Blair ended up losing his request for the 90 day detention measure marking the first time his Labor government ever lost a vote in the House of Commons (English People's Daily). Several members of the Labor party had voted against the measure, bringing attention to Blair's declining support in the U.K. By the end of 2006, Blair had lost support from the public, members of his own party, and the courts. The unpopular invasion of Iraq was linked to Blair's limiting supply of political capital. President Bush faced similar unpopularity from the American people at this time, but in the first two years after 9-11 his approval ratings were still high. So, while the 2006 Terrorism Act was one of the major post-London bombing reforms, the vote which revealed the weakness of the British Prime Minister may be even more noteworthy.

Police and Justice Act 2006

The Police and Justice Act 2006 established the National Policing Improvement Agency (NPIA) to deliver the 'national mission critical' priorities and oversee and assist the police operations when needed. The NPIA replaced Centrex, which headed police training and development, the Police Information Technology Organization (PITO), and a few of the Home Office responsibilities as well (UK Home Office) Overall, the act represented an important, but not a "sweeping" change.

⁴² The act requires that a judicial authority approve the detaining of a suspect for periods longer than two days (Cornish 2007, 14).

U.K. Non-Legislative Law Enforcement/Intelligence Reforms

By the beginning of 2007, there had not been a significant amount of security policy change, (with the exception of the 2006 Terrorist Act), implemented since the July 2005 attacks. Just as intelligence changes followed the reports of failure in the years after 9-11, the real changes in Britain were not instituted until official government reports were released documenting the British government's security shortcomings. The London Assembly Review Committee, published in June of 2006, and the Lessons Learned Report, published in September of 2006,⁴³ both highlighted poor communications, planning, and equipment instituted by the security agencies before and after the London bombings. Critics were also unimpressed by the lack of major reorganization among the security agencies. In response to these reports, the Conservative Party spokesman for homeland security said, "It's a disgrace that many of the inadequacies that emerged on that day have still not been rectified nearly a year later. "The government must appoint a single cabinet-level minister for counter terrorism or homeland security to inject energy and drive into dealing with this serious problem" (politics.co.uk).

By the spring of 2007, Tony Blair had revealed he would be stepping down from his role as Prime Minister in July. With his days in office numbered, Blair, and his Home Secretary John Reid, responded to claims suggesting Britain's domestic security needed

⁴³ The 7 July Review Committee, formerly called the London Resilience Committee was set up following the London attacks in September of 2005. The Lessons Learned Report was one of a series of post-London bombing reports headed by Home Secretary John Reid.

an overhaul by⁴⁴ by making a few key structural changes. The major structural reforms were announced by Tony Blair on March 29, 2007 and were put in place by May 9, 2007. The Prime Minister's two major changes were to establish a new Ministerial Committee on Security and Terrorism and to create an Office for Security and Counter-Terrorism. The Ministerial Committee on Security subsumed the Defense and Overseas Policy (International Terrorism) Committee and the counter-radicalization components of the Domestic Affairs Committee. The Prime Minister headed the new committee and the Home Secretary will usually act as Deputy Chair (Home Office Machinery 2007).

The Office for Security and Counter-Terrorism (OSCT)

The Office for Security and Counter-Terrorism (OSCT) was created because the Prime Minister wanted to strengthen the Home Secretary's role and capabilities of the Home Office in "facing the terrorist threat," The OSCT is based out of the Home Office and reports to the Home Secretary through the new Ministerial Committee. The OSCT will now be responsible for the issues relating to Britain's CONTEST counter-terror strategy (Home Office Machinery 2007). The government reorganized the Home Office by shifting the criminal justice and sentencing policy, and the National Offender Management Service (which includes prison related responsibilities), to the Department of Constitutional Affairs, renamed the Ministry of Justice. The Home Office retained its responsibilities regarding crime reduction and police service matters, immigration and asylum issues, and identity and passports (Cornish 2007, 21).

⁴⁴ Upon taking over the role of Home Secretary from Charles Clarke in May of 2006, Reid caused an uproar when he said the Home Office was "not fit for purpose." Reid was also hurt politically in January of 2007 when British judges decided not jail sex offenders due to the overcrowded prisons (formerly administered by Reid and the Home Office) (Cusick 2007).

Importance

The Home Office reorganization was the largest non-legislative change made after the London bombings, but the majority of the commentary reflected skepticism over the changes (BBC 2007). Because Blair was careful his actions were not deemed an overreaction, he made sure to emphasize none of the responsibilities of the other major Ministries were being altered. The Prime Minister's message seemed to suggest he was concerned these changes would be viewed as a form of admitting his critics were right to call for these adjustments a year earlier. The Cabinet Office document read:

“The changes set out here are aimed at producing a step change in our approach to managing the terrorist threat to the UK and winning the battle for hearts and minds, needed despite UK counter-terrorist capabilities and strategy already being among the best in the world. These changes do not, however, change the responsibilities of the Foreign and Defense Secretaries, or other ministers, or the strategic and operational reporting lines of any of the security and intelligence agencies. The Cabinet office will retain its role supporting the Prime Minister on national security and counter-terrorism” (Home Office Machinery 2007).

Yet, in reaffirming the public's confidence in its security agencies, Prime Minister Blair also casts some doubt on the magnitude of the changes themselves. As a result, some of the articles came out on the other side of the policy debate and voiced concern about a potentially “stripped-down” Home Office organization. In the end, Home Secretary John Reid “denied that this left the Home Office in a weak position. He said the job of the OSCT would be to ‘integrate’ the counterterrorist response across government” (Travis 2007).

Table 2. New Roles of the Departments and Ministers after 2007 Home Office Reorganization

Home Office	Ministry of Justice	Attorney General's Office
<ul style="list-style-type: none"> - Office for Security and Counter-terrorism - Policing - Crime Reduction and Drugs Strategy - Serious and Organised Crime - RESPECT and Antisocial Behaviour - Border and Immigration Agency - Identity and Passport Service 	<ul style="list-style-type: none"> - Existing functions of the Department for Constitutional Affairs - National Offender Management Service, including the prison and probation services - Criminal Law and Sentencing Policy - Sponsorship of relevant inspectorates and NDPBs, including the Prison Service, Parole Board, Youth Justice Board 	<ul style="list-style-type: none"> - Existing functions remain, including superintendence of the prosecuting authorities and other existing criminal justice responsibilities

The Office for Criminal Justice reform will be based in the Ministry of Justice, but, as a shared resource, work trilaterally between the Home Office, Ministry of Justice and the Attorney General's Office (Taken from *Machinery of Government: Security and Counter-Terrorism, and the Criminal Justice System*, U.K. Cabinet Office, March 2007).

Similar to the problems encountered in the U.S. after 9-11, coordination issues were a concern for security officials after the 2005 London bombings. The police structure in Great Britain is largely decentralized. As mentioned, each of the 43 regional police forces in England, Wales, and Scotland has its own Special Branch, who coordinates counter-terror efforts with MI-5 (Archick 2006, 40).⁴⁵ A key change to

⁴⁵ Additional British police who have a role in the counter-terror efforts are the British Transport Police (BTP) who controls the railway systems, and the Civil Nuclear Constabulary (CNC), a police force set up to protect nuclear installations and materials within the country. Ministerial responsibility for the BTP rests

British law enforcement was the creation of a Police International Counter Terror Unit (PICTU) based within the Metropolitan Police and the National Counter Terrorism Security Office (NaCTSO), which is based within MI-5 (Walker 2005, 387). This change is important because PICTU now serves as a bridge between the Security Service and the police on issues of international terrorism (Walker).

The largest Special Branch, which is also known as SO12, has played a central role in protecting Britain's national security interests. Following 9-11 and the London bombings, the Metropolitan Police reviewed its counter-terror policies, which led to the Special Branch being merged with the Anti-Terrorist Branch (SO13) on October 2, 2006 (Kfir 2006, 8). The new body put in place after the London bombings is called the Counter-Terrorism Command (SO15) whose purpose is to combine intelligence gathering operations with operational and investigatory activities (Kfir). The formation of the Counter-Terrorism Command is a significant change as the agency brings together distinct operations to establish a specialty force. Over 1500 police officers and staff make up the new body (met.police.gov).

Center for Protection of National Infrastructure (CPNI)

Another change to the domestic security apparatus in Great Britain occurred on April 1, 2007 with the formation of the Centre for the Protection of National Infrastructure (CPNI). The National Security Advice Center (NSAC), formerly a part of the Security Service, merged with the National Infrastructure Security Co-ordination Centre (NISCC). The NSAC provided advice on personnel and physical security, while

the NISCC was responsible for advice on computer network defense and information assurance. The CPNI now combines more general counter-terrorism policy with IT and physical security concerns in mind at the same time. The CPNI is accountable to the Security Service General and also works closely with the U.K. police the police Counter Terrorism Security Office (NaCTSO) are co-located with CPNI) (Cornish 2007, 8).

Just as the FBI and CIA opened new overseas offices prior to 9-11 and stepped up recruitment efforts after 9-11, a comparable goal to increase man-power was undertaken by the British Security Service (MI-5). MI-5 declared its goal was to double the total number of its staff. In a move which some critics claimed was long overdue, MI-5 opened 8 new regional offices outside of its London headquarters. The purpose of this move was for the intelligence agencies to gain a “rich picture” of potential terror threats, but many British Muslims have questioned whether they are being unfairly targeted (BBC 2007).

3. Homeland Security Comparison

Homeland security is not a term commonly used in Great Britain, but for the purposes of this section, the legislation and agencies implemented in the U.K. after the London bombings which correspond to the U.S. homeland security mission will be used. The core homeland security mission is to “prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation” (DHS website). Issue areas include border safety, aviation reform, and relevant immigration bills. Those major bills made in response to 9-11 in the two years following the attack were of primary focus.

U.S. Homeland Security Legislation/Reforms

9-11 provided the U.S. government with a “huge and fleeting opportunity to reorganize the government...in a manner that had long been understood to be necessary but which heretofore had been politically impossible” (Shapiro 2004, 4). The security system in place still was still oriented towards the Cold War. Security agencies needed to coordinate vital information and intelligence pertaining to homeland security and counter-terrorism issues.

On October 8, 2001, less than a month after 9-11, Bush made a major domestic security change when he signed Executive Order 13228, establishing the Office of Homeland Security (OHS) and the Homeland Security Council (HSC) within the Executive Office of the President (Relyea 2003, 613). Bush appointed former Pennsylvania governor Tom Ridge as OHS Director. The primary tasks of the council were to harmonize counterterrorism efforts dispersed among the security agencies, while “acting as an honest broker” coordinating the policy coming out of these agencies and cabinet departments (Conley 2006, 317).

Importance

The creation of the DHS likely obscured the initial importance of the OHS. Ridge faced a tall order in his efforts to persuade agency heads, with a culture of secrecy, to provide him with sufficient intelligence and terror related information. In early 2002, as Ridge sought to merge parts of the Customs Service, Coast Guard, and Border Patrol, Democratic Senators Joe Lieberman (D-CT) and Robert Byrd (D-WV) came out strongly against Ridge’s proposal. Since Ridge had no statutory authority for his post, members

of congress feared he was above government accountability, and the position was altered after the Homeland Security Act passed in late 2002 (Conley 2006, 317).

On October 29, 2001 Bush implemented another notable reform with HSPD 1 (Homeland Security Presidential Directive). The directive laid out the “organization and operation of the Homeland Security Council (Compilation of Presidential Documents 2001, 1568). The Homeland Security Council Principles Committee was composed of the Directors of the major government agencies tasked with coordinating “homeland security related activities” (Compilation).

The committee met at the call of the Assistant to the President for Homeland Security, a post held by Governor Ridge in addition to his title as Chairman (Haynes 2004, 372). Therefore, Ridge had influence in organizing the Security Council and was “a trusted advisor with unfettered access to President Bush“(Conley 317). Conley emphasized the authority of the OHS saying, “Bush’s move was more than window dressing designed to show the country that he was ‘doing something’ to fight terrorism” (Conley).

Although security experts and public officials disagreed how to structure a new homeland security agency, by the summer of 2002 there was a consensus among policymakers the U.S. needed to reorganize its domestic security operations. U.S. homeland security affairs were extremely disjointed prior to the formation of the DHS⁴⁶ (Shapiro 2004, 4). Yet, the 9-11 attacks “stimulated the requisite political will” to

⁴⁶ For instance, border security issues were split among several departments including: the Immigration and Naturalizations Service of the Justice Department, the Customs Service of the Treasury Department, the Consular Service in the State Department, and the Coast Guard within the Transportation Department, the Defense Department, Department of Agriculture, and the Border Patrol, and possibly a few others as well (Shapiro 2004, 4).

successfully implement the reforms recommended by several commissions which had been unable to “garner consensus in the absence of crisis” (Conley 2006, 305). The Homeland Security Act of 2002 and subsequent formation of the Department of Homeland Security (DHS) were the most noticeable and sizeable reforms during the two years after September 11.

The Homeland Security Act 2002 and Creation of Department of Homeland Security

Before the Homeland Security Act, no one Federal Government agency had homeland security as its “primary mission.” The legislation signed into law on November 2, 2002 created a new department of homeland security by “substantially transforming the current confusing patchwork of government activities into a single department” whose central mission was to secure the U.S. homeland (Crotty 2004, 205). The department’s mission was to prevent terrorist attacks within the U.S., reduce vulnerability to terrorism, minimize damage and recover from any attacks that may occur (Crotty).⁴⁷

The U.S. Congress determined the appropriate administrative structure for the new “mega-agency” which was to comprise over 170,000 employees and affect, in one form or another, every agency of the federal government (Crotty 2005; Relyea 2006, 7). The most important agencies shifted under the Department of Homeland Security included the Federal Emergency Management Agency (FEMA), the Coast Guard, Secret

⁴⁷ The central DHS responsibilities included securing America’s borders, transportation, and critical infrastructure, analyzing domestic security intelligence, coordinating homeland security activities with local and state governments, improving security against bio-terrorism and weapons of mass destruction, and managing the federal government’s emergency response during the time of an attack (Crotty 2005).

Service, Immigration and Customs Enforcement, and Customs and Border Protection. The other agencies made up the National Cyber Security Division and the Transportation Security Agency (Conley 2006, 318). The legislation also formally established the HSC which was initially put into action from Bush's Executive Order 13228 (Sauter 2005, 213).

The Homeland Security Act created four new directorates responsible for different aspects of protecting the U.S. homeland. The four directorates are the border and Transportation Security, Emergency Preparedness and Response, Science and Technology, and Information Analysis and Infrastructure Protection. The Border and Transportation Directorate are accountable for maintaining secure borders and protecting the transportation systems from terrorist entering the country or harboring weapons. The TSA and the Customs and Border Protection agency (CBP), which enforces interior immigration matters and customs law enforcement, are also under this directorate. Lastly, the HSA delineated the DHS with responsibility for establishing visa policies and related security measures. The BTS became responsible for overseeing the visa issuance and monitoring process (Sauter 2005, 217-218).

The Emergency Preparedness and Response (EPR) Directorate within the DHS handles federal "preparedness, response, and mitigation efforts for both natural and technological disasters," which include terrorist attacks (Sauter 2005, 217-218). The EPR coordinates the National Response Plan and federal and state agencies during an actual attack. The central component of the EPR is the Federal Emergency Management Agency (FEMA). The Science and Technology Directorate is the main research arm of

the DHS, while the Information Analysis and Infrastructure Protection Directorate (IAIP) allows the department to review intelligence information and provide timely warnings to the U.S. public. The IAIP's three central components are the Office of Information Analysis (IA), the Office of Infrastructure Protection (IP), and the Homeland Security Operations Center (HSOC). The HSOC also maintains the tools to collaborate and share "sensitive" but "unclassified" intelligence information with the states and major urban areas in the U.S. An important distinction between the IAIP and the FBI is that the IAIP does not have field agencies or assets to *collect* intelligence. Rather, the main priority of the IAIP is to analyze the information collected from the departments within DHS, state and local agencies, and the private sector to deliver warnings when necessary (Sauter 2005, 219-223).⁴⁸

The Coast Guard and Secret Service are independent agencies within the DHS with "significant responsibility." The Coast Guard is the lead maritime security agency who protects the maritime transportation system and commerce entering the U.S. The Coast Guard has unique legal status as it is considered a uniformed member of the military services, while also receiving status as an intelligence, law enforcement and regulatory agency (Sauter 223-224).

Importance

The Homeland Security Act (HSA), signed into law by President Bush on November 25, 2002, is significant for a number of reasons. First, the law represents the "administrative response to the emergence of a new government function," via the

⁴⁸ The analysis and dissemination of warnings are primarily performed by the Infrastructure Protection and Analysis offices within the IAIP (Sauter 219, 2005).

expanded threat of terrorism (Moynihan 2005, 171). The change was important to the legislative branch as well as the executive because as Donald Kettl said, “many members of Congress saw this as one of the biggest new initiatives in decades, and they wanted to ensure that they could control its direction” (Perrow 2006, 8).

HSA reworked the inter-departmental relations of agencies through the shift which will have lasting impact for years down the road. FEMA, for example, was transferred into the DHS, but lost its prestige and much of the influence it had prior to 9-11 (Tierney 2005, 3). As the Office for Domestic Preparedness (ODP) was transferred into the DHS from the Department of Justice, it took control over many important DHS programs like the Homeland Security Grant Program and Urban Areas Security Initiative, thereby reducing the influence of FEMA organizationally. The impact of these changes continue as the agencies involved in the DHS shift continue to take on new responsibilities and establish their place in the U.S. bureaucratic structure

The HSA and formation of DHS is also “significant” in terms of comparative public management policy (Moynihan 2005, 171). Donald Moynihan describes the HSA as “perhaps the most dramatic shift in the direction of management flexibility seen since the founding of the civil service system in the U.S” (2005, 171). Many other prominent domestic security scholars claim it could be “the prototype for the rest of government in the coming years” (Moynihan).

Lastly, the law’s formation of DHS is important for the “sheer size” of the new organization which would now become the third largest department and fourth largest in budgetary appropriations (Moynihan 2005, 171; Crotty 2004, 206). Conley notes how

prior U.S. presidents were either uninterested in expending political capital to reorganize the government bureaucracy or simply failed in their efforts to do so (Conley 2006, 315). So, while the merging of 22 federal agencies was “one of the most visible aftereffects of 9-11” (Conley 315), it was also the last major reorganization of the federal government since 1947, when President Truman and the National Security Act formed the CIA and NSC, and unified the armed forces via the Defense Department (Conley).

Additional U.S. Homeland Security Laws

Although not on the same level of change as the HSA, the following section reviews several of the more important post-911 homeland security related domestic laws.

Aviation and Transportation Security Act

The Aviation and Transportation Security Act, made public law on November 19, 2001, amended the Federal Transportation Act to form the Transportation Security Administration (TSA) within the Department of Transportation (DOT). The TSA is headed by the undersecretary of transportation who is responsible for the security of all methods of transportation under DOT jurisdiction. TSA is in charge of civil aviation security; domestic transportation during national emergencies (these include aviation, rail, maritime, and port security); managing any security information such as identifying at-risk individuals; and TSA reasonability for federal screening of passenger air travel (CRS summary, Thomas.gov).

Prior to 9-11, state and local airport owners and private carriers were tasked with securing their own airports (Haynes 2004 375). After Congress quickly ushered through the bill, there was substantial jurisdictional confusion among FDA staff, private carriers,

and the local airlines (Haynes). Eventually the TSA was moved into the newly formed Department of Homeland Security.

Although the effectiveness of airline screeners and the hastily implemented legislation has caused observers to initially paint the TSA in a fairly negative light, “knowledgeable observers” noted the bill was a “significant change in the USDOT organizational structure” (Haynes). Again, this thesis is primarily concerned with the magnitude of the changes, not with the eventual effectiveness of the legislation or reorganization once it is implemented. The case of the Aviation and Transportation Security Act illustrates another quick and major domestic security reform by the U.S. government after 9-11.

Enhanced Border Security and Visa Entry Reform Act of 2002

With domestic security staying atop the political agenda in the 107th Congress, securing the nations borders became a top priority. The Enhanced Border Security and Visa Entry Reform Act, enforced agencies to share information in an effort to determine whether individuals were seeking visas, were inadmissible or deportable. The State Department, INS, and federal law enforcement agencies were held accountable for these new requirements (McDaniel 2007, 15; Enhanced Border Security and Visa Entry Reform Act, Pub. L. No.107-173 (2002)). The State Department changes included the elimination of the crew list visa. The new change required all crew members entering the U.S. to have a visa, passport, and undergo a background check and interview. Although the larger post 9-11 change came via the HSA which incorporated the INS/Border Patrol, Customs, and related agencies into the new Department of Homeland Security, the border

security act consisted of several fundamental changes to the overall domestic security process (Kapp and Lum 2003, 33-34).

Public Health Security and Bioterrorism Preparedness and Response Act of 2002

The Public Health Security and Bioterrorism Act was passed to “improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies” (Public Law 107–188, 116 STAT. 594, 6/12/02). The act required any businesses or individuals using any of the 42 biological agents listed by the Secretary of Health and Human Services as posing a severe public health and safety threat to register with the Secretary. Individuals or businesses using the threatening agents were subject to security requirements, such as personnel screening and inspections. The Act also authorized the Food and Drug Administration (FDA) to enact rules for careful screening of imported food supplies (McDaniel 18-19).

Maritime Transportation Act 2002

Before the 9-11 attacks, when addressing maritime issues, the federal government focused on safety and navigational issues, such as environmental protection, but rarely on security related matters. Once the September 11 attacks caused policymakers to reform airline security, attention was directed to overhauling America’s ports. The Maritime Transportation Act, passed in November of 2002, created a broad range of programs to secure U.S. ports and waterways. The legislation assessed the security preparedness of U.S. ports by identifying tracking vessels and limiting access to sensitive areas. (Wrightson 2003) The programs included creating Maritime Safety and Security Teams

within the U.S. Coast Guard,⁴⁹ the TSA creating new identity cards to secure transportation facilities, and other projects undertaken by the Bureau of Customs and Border Protection (BCBP) and the Maritime Administration (MARAD) (Wrightson).⁵⁰

Importance

The MTSA imposed an “ambitious schedule of requirements” for several federal agencies. In addition, MTSA mandated a comprehensive security framework which included planning, personnel security, and careful monitoring of vessels and cargo. A 2003 GAO study said, “MTSA was a landmark legislation that mandated a quantum leap in security preparedness for America’s maritime ports.” Director of Homeland Security and Justice, Mary Wrightson noted the potential changes saying, “This sweeping piece of legislation was enacted just 10 months ago, but it has already produced major changes in the nation’s approach to maritime security” (GAO Testimony)

As evidenced by the OHS and Home Office reorganization, executive actions can create extensive security reforms. “Indeed, many significant actions taken by President Bush in the aftermath of 9/11 that had broad implications for homeland security were initiated *directly* by the White House” (Conley 2006, 309). The following actions are included in the results section because they are of notable importance to the domestic security community. However, the remaining actions and policies were not intended to

⁴⁹ The teams can be deployed quickly and are designed to provide protection against terrorism for “high-interest vessels” and critical infrastructure.

⁵⁰ Most of the agencies with MTSA responsibilities were reorganized into the Department of Homeland Security in March 2003, just 5 months after the enactment of MTSA. The “vast recombination of organizational cultures” established new chain of commands and duties across several government agencies (Wrightson 2003).

initiate a sweeping level of change like we saw in previous legislation.

HSPD 5: Management of Domestic Incidents and HSPD: 8 National Preparedness

President Bush issued two homeland security presidential directives (HSPDs) that “transformed” the U.S. crisis management policy system. HSPD-5 Management of Domestic Incidents, and HSPD-8 National Preparedness, is “the two directives that are most relevant for event management” (Tierney 2005, 4). HSPD-5 created a comprehensive national incident management system (“Directive on Management of Domestic Incidents,” 2/8/03, 280). HSPD-5 also sought to develop a “comprehensive approach” to domestic management which unifies the framework at the state, local, and federal levels of government (Tierney).

HSPD-5 conferred the Secretary of Homeland security with responsibility for developing a National Response Plan (NRP) and a National Incident Management System (NIMS). The directive required all federal agencies to adopt NIMS. HSPD-5 was a requirement for any other government entities receiving federal assistance as well (Tierney 2005, 4). In turn, these mandatory requirements significantly altered the management process at every level of government in the U.S.

HSPD-8, National Preparedness, provided the Secretary of Homeland Security authority in setting the national preparedness goal. The Secretary was also tasked with improving U.S. programs response and prevention capabilities. Preparing for terrorist events is the primary focus of HSPD-8, which includes providing better equipment for emergency response groups (Tierney 2005, 4).

Additional Importance

Although the two directives did not replace the pre-existing Federal Response Plan developed in the late 1980s, the NRP did “make several important modifications” (Tierney 2005, 4). The National Response Plan now allocated primary crisis management responsibility to the Secretary of Homeland Security. The language also strongly suggested the federal government would receive greater ability to directly manage future crises. Thus, the language in the directives modified previous policies which granted disaster management to local authorities. Finally, the most profound change was the institutionalization of the Incident Command System (ICS) as the desired organizational structure for disaster management at all levels of government (Tierney).

HSPD 2: Combating Terrorism through Immigration Policies

The second HSPD issued by President Bush put several post-9/11 security changes into action. The directive created the Foreign Terrorist Tracking Task Force to ensure Federal agencies coordinate programs to deny aliens suspected of being engaged in terrorist activity entry into the U.S. The directive also called for these task forces to “locate, detain, prosecute, or deport any such aliens already present in the United States” (HSPD-2 from whitehouse.gov).

A second change was the enhanced capability of the INS and Customs Enforcement agencies. The Attorney General and Director of Central Intelligence were assigned to improve the investigative and intelligence analysis capabilities of the Customs Service and INS (HSPD-2). The plan calls for a significant increase in the number of Customs and INS agents assigned to Joint Terrorism Task Forces.

The last major change, and perhaps most controversial, were Bush’s directives

targeting international students. The initiative prohibits certain international students from gaining education “in sensitive areas.” The government program was to use a student’s “sensitive courses of study” as justification for denial of their visa application. The initiative provides the government ability to track a foreign student’s class schedule, academic major, and the source of the student’s education funding. The initiative also tasked the INS, with Department of Education’s consultation, to conduct “period reviews of all institutions” receiving nonimmigrant and foreign exchange students. If an institution failed to comply with these reviews, they could potentially lose their ability to receive foreign exchange students in the future (HSPD-2).

UK Homeland Security Legislation
Immigration/Asylum Act 2006

The immigration and Asylum Act, received Royal Assent on March 30, and caused several changes to Britain’s immigration and domestic security processes. The act removed the appeal process for individuals who had been denied entrance into the U.K. The 2006 Act gave immigration officials the ability to request fingerprints. The law also enables immigration officers to require airline or ship crews to furnish passenger lists or related information (Explanatory Notes, Immigration Asylum Act 2006). The implemented of the Immigration/Asylum Act can be attributed to the criticism the British government received regarding their failure to strengthen their immigration procedures.

Identity Cards Act 2006

The Identity Cards Act received royal assent, becoming British law, on March 30 2006. The identity cards will be provided to citizens and foreign nationals over 16 years

in age who have been UK residents for at least 3 months time. To give the British government a “stronger way of protecting people’s identities,” biometric identifiers will be used to match owners with their cards. Background checks will be conducted to ensure the identities for each resident’s card is valid. The first foreign national residence permits will be introduced in 2008, and the first ID cards for British citizens in 2009 (UK Home office Website).

The Identity Cards Act is not a major structural change, but it should have a profound impact on the activities and procedures of law enforcement and border security agencies throughout Great Britain.

Additional U.K. Homeland Security Changes

The formation of the New Dimension program of investment in fire and rescue services to give them better tools to respond to major terrorist attacks or disasters. The Firelink project was formed in March of 2006 to provide a Nation-wide radio system for the Fire and Rescue Service along with other ‘blue light’ emergency services (Cornish 2007, 20).

The Home Office Immigration and Nationality Directorate (IND) were reformed following a 2006 review. The IND was changed to become a “more powerful agency” with greater operational freedoms. The new executive agency which formed in April of 2007 is called the Border and Immigration Agency (BIA). (Cornish 28).

After the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland the UK further established its security legislation aimed towards preventing terrorist attacks on its

air, maritime, and rail transportation systems (Archick 2006, 44). The Anti-terrorism, Crime and Security Act 2001 strengthened the airlines, and since 9-11 the UK has improved the border and security measures with greater “stop-and search” powers for police, immigration, and customs officials. Additional equipment checking for illicit and radioactive materials has been introduced at British ports in recent years. Many UK ports also take part in the U.S. Container Security Initiative, which allows U.S. customs officers to pre-screen cargo bound for the U.S. before it reaches American shores. In the wake of the 2005 London bombings, Britain’s Department of Transportation announced plans to conduct trial screenings of passengers and baggage at certain rail and London Underground stations in 2006. (Archick 2006, 45; Department of Transport Website)

The British government insists it is involved in a “program of hardening a number of critical infrastructure sites,” but public information is limited due to security concerns. The UK continues to carry out exercises to give the government and emergency teams a chance to practice their disaster response initiatives. As mentioned earlier, the major UK homeland security changes came prior to the London bombings. These include the establishment of the Civil Contingencies Secretariat in 2002, and passage the Civil Contingencies Act in 2004. The 2004 Civil Contingencies Act represented the “first wholesale revision of UK emergency legislation since the 1920s” (Archick 2006, 46-47).

Britain has made progress with their homeland security functions since 2005, but analysts have questioned whether their funding is sufficient (Archick).

4. US and UK Spending Comparisons

UK Spending

Following the London bombings, the British government allocated additional resources towards domestic counter-terrorism efforts. U.K. law enforcement and terrorist-based intelligence work were a key component of the prevention and pursuit aspects of its “Four P” policy. British security forces uncovered several terrorist groups and potential terrorist plots.⁵¹ The government has also invested more money into the intelligence and police forces, as they expanded their counter-terror investigations. With the additional resources, MI-5 started recruiting new intelligence officers with the goal of increasing its staff by 50% to 3,000 by the year 2008 (Archick 2006, 43).

For every official praising Britain’s police and intelligence agencies’ achievements, there are others questioning whether the British government is devoting enough resources to improve their domestic security bodies. An official government report reviewing the 7-7 bombings published in May of 2006 blamed “a lack of resources for the security services’ failure” to prevent the London attack (Guardian 2006). Another study by the St Andrews/Southampton ESRC found the GCHQ, has had difficulty balancing their new counterterror focus. This has caused the agency to decrease their collection efforts in “many non-priority geographical areas and even on some aspects of

⁵¹ Notable examples include catching an Al-Qaeda-affiliate cell accused of making chemical weapons (Archick 2006, 43), and the discovery of the coordinated plot to blow up airplanes headed from London to the U.S.

counterproliferation” (Archick 2006, 44). Thus, there is debate about the magnitude of Britain’s recent domestic security spending.

According to the Congressional Research Service, British spending on “public order and security” grew from approximately \$40 billion in 2001 to \$53 billion in 2005 (Archick 2006, 42). Public order and security includes “police services, fire protection services, law courts, prisons, and research and development” (Archick).⁵² The recently published Spending Review of 2007 showed expenditures for the “police, criminal justice system and wider public order and safety” has risen over 50% since 1997-1998 (2007 Pre-Budget Report and Comprehensive Spending Review, 32). Judged over a ten-year period, this comes out to a 5% increase annually, which does not meet the requirements for major change.

The money allocated for counter-terrorism, intelligence and resilience increased in the aftermath of the 2005 London bombings. The 2004 Spending Review showed the total spending on counterterrorism and resilience across all departments consistently went up from \$1.8 billion the year prior to 9-11 to \$2.6 billion in 2004-2005. This figure is expected to exceed \$3.6 billion by 2007-2008 (Archick). The recently released 2007 Spending Review, revealed total spending on counter-terrorism and intelligence was rising from £2.5 in 2007-2008 to £3.5 billion in 2010-11 (Spending Review 2007, 4). Therefore, the percentage budget allocation stayed constant with a 28% increase from 2005-2008 and a predicted increase of 29% between 2008-2011. This brings Britain’s

⁵² Departmental budget priorities and spending limits in the U.K. are prepared by the Prime Minister, cabinet ministers, and the Chancellor of the Exchequer. Because the Prime Minister and his cabinet are selected from the majority party in the House of Commons, the budget does not face resistance in the U.K. like it often does in the U.S. (Archick 2006, 41).

annual rise in counter-terrorism and intelligence spending to approximately 9.5%, essentially meet the standards for major change.

In the UK there was a 2.25 % annual real increase in the Department for Transport's budget, and a 1.1% a year increase for the Home Office. Since 9-11, the Home Office reports its funding towards homeland security related programs has increased by providing an additional 85.5 million to counter bio-terrorism, 56 million to the Fire Service for decontamination programs, and 132 million to the Fire Service for search and rescue equipment (UK Home Office).

The 2007 Spending Review figures show the Home Office is to receive an additional £220 million a year by 2010-11. The funds will be used for Home Office resources "as part of the cross-government CSR07 settlement for counterterrorism." The new totals increases the Home Office budget from £9.2 billion in 2007-08 to £10.3 billion in 2010-11 (Spending Review 2007, 225).

US Spending

Since 9-11, tracking counter-terrorism spending has become increasingly more complex. It was difficult to separate areas of defense, intelligence, homeland security, and law enforcement. Previously, defense was the domain of the military, intelligence, and diplomatic agencies. Now, "congressional anti-terrorism funding goes to more than forty-six federal bureaus and offices in twenty agencies" (24). This section reviews spending for intelligence and police, and due to different spending classifications in the U.S. and U.K., this section will also compare totals related to homeland defense (US) and

counter-terror (UK).

From September 11, 2001 up through the beginning of 2004 (FY2001-FY2004), U.S. government funding for combating terrorism, defense, military operations, homeland security and related activities, has increased by over \$407 billion.⁵³ Approximately \$167 billion of the \$407 billion was directly related to the 9-11 attacks and to improving U.S. security functions for a future attack (Kosiak 2004, 1). \$83 billion of this total was allocated to the Department of Defense (\$63 billion through supplemental appropriations acts and \$20 billion from annual defense acts). Part of the \$63 billion went to homeland defense in the U.S., while the rest was spent on military operations in Afghanistan.

In the Center for Strategic and Budgetary Assessments grouping by “major mission or activity,” a total of \$65 million went to non-DOD Homeland Security and combating terrorism issues. If we look at the funding totals provided in appropriations acts for combating terrorism that include homeland security, U.S. spending increased by 28% percent from FY2001 to FY2002 (\$21-\$29 billion) and 40% from FY2002-FY2003 (\$29-\$49 billion). Supplemental funding for “defense, combating terrorism, homeland security, and related activities,” increased by 55% from 2001-2002 (20-44 billion), and by 50% in 2002-2003 (44-88 billion) (Kosiak 2004, 4-6).

According to Congressional Budget Office statistics, appropriations for

⁵³ This figure only accounts for discretionary budget authority from the annual or supplemental appropriations bills approved by Congress during this time. “This figure represents the level of funding appropriated for these programs and activities over the fiscal year (FY) 2001-04 period that is *above what would have been projected to have been provided in these areas, over these years, had funding simply been increased at the rate of inflation.* In real (inflation-adjusted) terms, funding for these programs and activities is about 41 percent higher in FY 2004 than it was just prior to the attacks of 9-11.” (Kosiak)

combating terrorism and protecting critical infrastructure rose from approximately \$7.2 billion in 1998 to \$13.5 billion in President Bush's pre-911 funding request (CBO and 147 Protecting the homeland). Out of this total, defense and intelligence agencies, and the Justice Department funding accounted for \$5.5 billion in 1998. This total increased to \$8.2 billion pre-911 of 2002 (taken from CBO and protecting the homeland 148-49). After 9-11 the total 2002 budget authority increased was \$22.2 billion, a 68% increase from 2001.

Homeland Security spending in the United States increased tremendously after 9-11. During FY01 homeland security (non DOD) spending were \$10 billion; increasing to \$13 billion in FY 2002, and 24 billion in FY 2003. The discretionary spending increased by 21% between FY 2001 and FY 2002 and then by 85% between FY2002 and FY2003. We see the dramatic increase between FY 2002 and FY 2003 because the FY 2001 budget was published prior to the 9-11 attacks, and because the DHS was formed in 2003 (OMB budget totals FY 2006). Funding for the Department of Homeland Security rose at an average rate of 16% between 2001-2006, the largest of any U.S. government department (OMB FY2006 budget). The Department of Transportation saw a 6% average funding decrease of 6% during 2001-2006, while the Department of Defense increased by 6.7% (White House 2006).

Scholars offer mixed reactions towards the United States' post 9-11 homeland security spending. The new Executive offices and government agencies solely dedicated for homeland security affairs was a new concept in 2001. Therefore, it was not surprising to see dramatic funding increases follow the opening of these new large-scale agencies.

Most commentators were in agreement in describing the large new DHS budget. Yet, as the Bush Administration kept security atop the political agenda after the Republicans seized full control of Congress in 2002, and continued to allocate more money for foreign security affairs, several Democrats began commenting on the limited spending devoted to homeland security efforts. In 2003, Senator Joe Lieberman requested the administration add an additional \$16 billion in homeland security spending above the administration's budget request (Haynes). These criticisms have intensified over the years, thus obscuring the fact that U.S. homeland security based spending has increased at a higher rate than all U.S. departments since 9-11 (FY 2006 budget report).

The agencies and elements within the fiscal comparisons are not exact. Using these totals, however, it is clear the U.S. increased at a much higher rate than the U.K. The homeland security budget categories were less well defined in Great Britain which is why I used the Home Office and its relevant agencies as the basis for the comparison with DHS. Originally, I intended to compare the particular appropriations bills as the basis for the spending comparisons, but it was difficult to form consistent breakdowns between homeland security, intelligence, and law enforcement funding. By using the figures tabulated from the OMB and British's HM Treasury, I was able to use similar resources which also provided a slightly more reliable breakdown of total spending in each country.

CHAPTER V

SUMMARY OF FINDINGS

Descriptions of the importance and magnitude of various reforms were documented in the prior sections. The brief summary section is provided to compare the U.K. and U.S. changes more generally. The author discusses the themes he saw after comparing the results sections. It should be noted that not all notable legislation was included in support of the author's comparative analysis.

After comparing the results of the study I found that overall the U.S. experienced a much greater level of change than in the U.K. For the purposes of the original research question, the assumptions about the magnitude of the U.S. change generally held true. There were fewer pieces of legislation passed in the U.K. after the London bombings. In the interpretive analysis there were more scholars who detailed the significance of U.S. laws than the U.K. laws. There was greater agreement in the daily newspaper accounts about the large U.S. post 9-11 response when compared with articles devoted to post 7-7 reforms. In total, there were more significant U.S. changes, but with the reorganization of the Home Office, the British government began to narrow the gap.

Although the thesis did not focus on the amount of legislation passed in both countries, Claire Rubin created a useful tally and timeline of the major post-911

changes.⁵⁴ In the 18 months after 9-11, Rubin found: 20 major pieces of legislation were enacted, 12 major organizational changes implemented, 12 Executive Directives issued, and 6 “major mandates for state and local government” were initiated as a result of these actions (Rubin 2004, 2). In probably the most impressive statistic explaining the magnitude of the post 9-11 changes, Rubin revealed the “amount of legislative and policy changes” occurring in the 18 months after 9-11 “was greater than the previous 18 years” (2004, 2).

1. Categorizing by Type of Security Change

Although the results reflected prior assumptions about a large post-bombing U.S. response, a fuller picture develops when the changes are compared by security type. The prior sections show how each different aspect of domestic security has its own set of unique problems.

The study could not claim the U.S. domestic security changes far surpassed the U.K. changes in every area during the two years after the bombings. Great Britain’s changes came close to the level of the U.S. changes in some aspects of domestic security. When comparing the intelligence and police based changes, Britain’s changes were close to the level of change seen in the U.S. The 2006 Terrorist Act provided the police with more power. The merging of the Special Branch with the Anti-Terrorism Branch (SO13) to form the Counter-Terrorism Command (SO15) looks to greatly improved UK police and intelligence operations and coordination.

⁵⁴ Rubin’s timeline can be found at <http://www.disaster-timeline.com/TTL2007A-Apr15-secure.pdf>

On the U.S. side, the Patriot Act was widely seen as the law with the potential to have the most long lasting change, and it expanded intelligence agencies powers in the process. The U.S. also formed several new bodies to improve intelligence gathering and departmental coordination. The formation of the TTIC and the National Joint Terrorism Task Force within the FBI provided extensive reorganization for the U.S. intelligence agencies. With this said, several security analysts, do not agree with the notion the FBI made significant reforms after 9-11.

When comparing homeland security changes, or efforts focused on prevention and response, the U.S. changes were much greater than the post London bombing changes. Although scholars have criticized the way the DHS was formed and the amount of money being spent on the agency, few referenced the DHS without noting the enormity of the changes, which would encompass the new bureaucracy. The DHS formation affected every federal agency in some form or another; the changes helped define “homeland security” in the U.S., and spawned growth of a new major component to the U.S. security system.

The recent reorganization within the U.K. Home Office should promote large-scale changes for Britain’s domestic security efforts. Commentators have predicted the formation of the OSCT will generate an increased focus on Britain’s domestic counter-terrorism efforts as well. At the same time, critics noted how the changes were only the beginning of a series of reforms to be enacted under new Prime Minister Gordon Brown. Overall, the British homeland security changes seemed to be minor corrective fixes compared with the sweeping U.S. reforms.

Both countries also implemented more major reforms through the executive branch than I originally anticipated. Not surprisingly, Great Britain's largest changes were the result of direct action by the Prime Minister and his cabinet.

2. Limitations of Study

Although these findings support the claims made by scholars that the U.S changes were massive in scale after 9-11, because the study was focused on a two year block of time, it was difficult to make generalizations about the full makeup of the domestic security changes in the U.S. and U.K. For instance, the study did not prove Britain's policy changes were "not going far enough" as some experts claimed.

CHAPTER VI

REASONS WHY WE SEE DIVERSITY OF POST-BOMBING CHANGES

There are several possible explanations for why we see the different magnitude of change in the U.K. and U.S. following the two bombings. This section will address several of the most prominent theories within the security literature. I will also consider explanations not widely noted by scholars while issuing my own viewpoints on the respective theories throughout. While I found no established form of categorization in the security literature, I've put the explanations into three broad categories in an effort to properly organize the research for the reader.

1. Difference in the Policy Challenge

Nature of Attack/Threats

Common explanations for why the U.S. change was larger than Britain's are provided by analysts who feel the U.S. had greater security needs than the U.K. at the time of the two bombings. A similar explanation uses the unequal size of the 9-11 attack and the U.S. country as whole, compared with the smaller London bombings and British population, as the rationale for the unequal responses.

The theory about the size of the U.S. and the 9-11 attacks posits there is little surprise in witnessing greater U.S. change, because the 9-11 attacks were “unique” and unprecedented in scale. In turn, this theory has caused many analysts to shy away from 9-11 comparisons as a whole. Looking at the DHS or the spending increases between the U.S. and Great Britain is also seen as a biased comparison due the size disparity between the two countries. The U.S. must link up its 50 states throughout expansive territory, while the U.K. has fewer people and a smaller land mass. Therefore, the theory assumes no change the size of the DHS would have needed to develop in the U.K. after the 7-7 bombings because their undersized government lends itself toward smaller-scale coordination fixes.

Nature of Attack Critique

Resolving the debate over the “uniqueness” of 9-11 is difficult, but as described earlier, there are many commonalties between the U.S. and U.K. and the 9-11 and 7-7 terrorist attacks. Not only are the U.S. and U.K. both democratic-styled governments, but the attacks provided a similar level “focusing event”.⁵⁵ The U.K. had not suffered a domestic attack on this scale for many years. Preceding the bombing, as in the U.S. prior to 9-11, the British intelligence agencies and citizens were overly-confident in their own security.⁵⁶ Finally, even if the disparity in the attacks and country are distinctive, they cannot fully explain the variation of change across the different areas of domestic security.

⁵⁶ See statements made by Joint Intelligence Committee changing the UK attack level just before 2005 bombings.

Government Capabilities

The government capabilities theory is investigated by comparing the disparate security abilities that existed when the countries were attacked, and by using historical examples to explain how the two governmental systems became distinguishable. First, I'll address possible historical explanations before using the pre-bombing comparisons to reemphasize the different needs/capabilities between the U.S. and U.K.

The distinct U.K. and U.S. security capabilities can be linked to their long-established governmental principles and the countries' dissimilar constitutions. For instance, U.S. amendments outlawing arrests with no warrant, unreasonable search and seizure, and detention without a court trial are not norms in Great Britain. These amendments partially explain how the U.S. courts are stronger than in the UK and why the relationship between domestic intelligence and security agencies work closer with the local police forces in Great Britain than in America. More generally, these amendments help explain "why the UK approach to counterterrorism would be difficult to duplicate in the U.S." (Lewis testimony 2006, 2). Another example to support the capability theory is viewed in investigating the U.S. and British security powers. One distinction between the security structures is that Britain can go further in targeting terrorists,⁵⁷ while the U.S. courts play a larger role in influencing security legislation. The FISA court established in the 1970s is an example of the U.S. courts power (Tsoukala, Anastassia 2006, 607-27).

One final governmental comparison lends credence to this explanation. A recent RAND study found the U.K. administrative bureaucracies and police structures were

⁵⁷ The differing policies can be traced back to the Bill of Rights in the U.S. Constitution which forbids unreasonable search and seizure, and arrests with no warrant.

more centralized than institutions found in the U.S. (55). The structures have been in place for many years, which makes them difficult to change in a short period of time. Thus, the older, more centralized agencies in the U.K. affected their level of post-attack reform.

The second primary difference in capability is tied to the more recent efforts by the U.S. and U.K. to re-make their respective domestic security structures. Most notably, the different levels of change between the British homeland security and police/intelligence categories, and the massive U.S. reorganization via the DHS, can be attributed to the varying limitations of the respective agencies in both countries prior to the attacks. For example, before the London Bombings, the British government had already made extensive changes to their homeland security based agencies, most notably, through the formation of the Civil Contingencies Secretariat. In turn, the organizational efficiency and the efforts of Britain's first-responders were lauded in the summer of 2005. As the theory would predict, the British changes were less prevalent in the homeland security field in the two years after the 2005 bombings.

In the U.S., the largest changes were seen in the areas most-commonly cited as needing comprehensive reform prior to 9-11. The Gilmore Commission, the most well-known pre-911 security review, found the lack of a U.S. homeland security agency to be one of the most pressing concerns for the U.S. domestic security structure. The formation of the Department of Homeland Security represented the biggest post 9-11 change, which again supports the capabilities explanation.

The distinct timing of the two attacks is also linked to the capabilities theory. The array of important counter-terror legislation referenced in the pre-attack section shows how 9-11 caused Britain to change and re-tool their security functions before the London bombings. By the time the U.K. was attacked in July of 2005, their domestic security agencies were already more secure, which provided less incentive to restructure their agencies. Several provisions in Britain's Anti-Terrorism and Security Act passed in December of 2001, covered functions taken up by the DHS in the U.S. Again, supporting the notion that Britain's capabilities outpaced the Americans at the time of the respective attacks.

Britain's Chatham House think tank provides a final example for the policy challenge explanation. In a recent think tank report analyzing Britain's domestic security agencies, the Chatham House created a section titled "principal legislation." The "primary" acts consisted of the Terrorism Act 2000, the Anti-terrorism Crime and Security act 2001, the Civil Contingencies Act 2004, and the Terrorism Act 2006. Of the British acts listed as "primary," only one (Terrorism Act 2006) was implemented after the London bombings.

Policy Challenge/Capabilities Theory Critique

The diverse levels of change found prior to the 9-11 attacks and 2005 London bombings presents a valid explanation regarding the different magnitude of post-attack change in the U.S. and Great Britain. The nature of the current research endeavor, however, precludes this explanation from becoming the central rationale behind the studies results. Before beginning the comparative analysis of the post-attack changes, the

author noted the different timing of the two events and the level of advancement between the U.S. and U.K. security infrastructure at the time of the two attacks. So, while these explanations contribute to the overall policies implemented after the bombings, because they were recognized as intervening variables, they do not provide the most comprehensive conclusions for the purposes of this study.

2. Different Views in Leadership

Although President Bush and Prime Minister Blair were known to have a close relationship, scholars and critics have commonly noted the two leaders have distinct beliefs about how they view the world. The stereotypical view is that Bush holds a Manichean view of the world while Blair espouses a belief in multiculturalism. While at times the two leaders' actions fall under both leadership ideals, this theory contends that a majority of their actions fit under the separate categorizations. A broader interpretation of the same argument divides the viewpoints of the political left and right wing into these categories as well (Left/Multicultural vs. Right/Manichean). In recent book titled *Partisan Interventions*, Brian Rathbun argues that political party differences cause individuals to view the world in distinct ways, and, in turn, the domestic divide affects the outcome of major international events. Rathbun says leftist political parties espouse less use force and more cooperation to achieve their objectives than those on the right. In turn, this section also reviews the domestic response in the U.S. and U.K. to see if the actions of the left and right support a similar explanation. If the theory holds true we should see liberal democrats in the U.S. supporting Blair/policies of cooperation and less

intervention and British conservatives supporting Bush/policies of intervention for more individualistic reasons.

U.S. Viewpoints

In viewing the security responses in the U.S. after 9-11, there are several examples which link Bush's actions with the Manichean theory. A popular example is Bush's use of the prison in Guantanamo Bay, Cuba to hold individuals deemed "enemy combatants" of the United States. Since 9-11, Bush has continued to insist any Al-Qaeda or Taliban suspects held at Guantanamo Bay do not qualify for protection under the Geneva Convention, and are subject to military tribunals. The debate continues in the U.S. courts and between left-wing Democrats and right-wing Republicans.

The reaction of leftists in the U.S. also corresponded with the Rathbun theory. There are several examples of Democrats speaking out against the quick method of response utilized by Bush. The speedy passage of the Patriot Act, the objections to forming the Department of Homeland Security, and the formation of the Terrorist Threat and Integration Center (TTIC) are all examples of the Democrats opposing the large-magnitude approach. For example, Congressional Democrats were against Bush implementing *HSPD 6* which quickly established the TTIC. Lastly, instead of disagreeing with Prime Minister Blair's approach, many of the civil libertarians in the U.S. and others on the left thought Blair's multicultural approach better represented their own viewpoint of the world. A Pew Global poll conducted in 2006, a period when the Iraq War was unpopular, found that two in three Americans had confidence in Tony

Blair. 88% of Republicans and a majority of Democrats (55%) and independents (63%) were confident in Blair.

U.K. post-attack politics/multiculturalism

In Great Britain there is also evidence the liberals in Britain were against the use of force while conservatives were often promoting intervention. In the International Affairs article *Commentariat and Discourse Failure: Language and Atrocity in Cool Britannia*, scholars David Martin Jones and M.L.R. Smith describe how “the contradictory character of the politics of multicultural complacency” which had developed within the Labor Party caused British leaders to respond in unique fashion after the attacks. The authors recount how members of the Labor party and civil libertarian organizations complained the government was using the “politics of fear” to overemphasize the terrorist threat. Jones also said prior to the attacks, the “prevailing academic and media orthodoxy” was that the British government “manufactured a ‘politics of fear’ in order to marginalize the Muslim voice” (1090). In actuality, before the bombings the British government expresses an excessive degree of sensitivity to Muslim values, which was most notable through the “political ideology of multiculturalism” (1090).

Blair’s government became preoccupied with preserving “harmonious community relations” (1091) after the attacks as well. For example, after the London Bombings, Deputy Assistant Commissioner of the Metropolitan Police Brian Paddick remarked how “Islam and terrorism don’t go together.” Therefore, it was the British government’s fear of a Muslim backlash which dictated the immediate construction and response to the

terrorist threat (1091).

Immediately following the London bombings, in order to reassure the British public and foster civilian resiliency, high-ranking members of the security community advised the government to simply assume no terrorist threat existed in the U.K. In a Chatham House briefing paper in July of 2005, Bill Durodié said, “We should remind ourselves that there have been few significant terrorist attacks in the developed world. To suggest otherwise, is both alarmist and disingenuous” (Durodie 2005, 4). Again, policies promoting cooperation were evident in the U.K.

The British media even downplayed the severity of the attacks. Less than a week after the bombings, the *Times of London* described the 7-7 bombings as the act of “small time losers” (Kaletsky 2005), whereas 7 days after 9-11, the U.S. Congress was passing the “Use of Force” Resolution (PL 107-40) and cable stations were still showing planes crashing into the World Trade Center Towers.

As the academic proponents of this “policy of complacency” were faced with the realization the terrorist attacks were perpetrated by British-born Muslims, they sought to “export the responsibility for the 7/7 attacks” (Jones and Smith 2006, 1093). Britain’s involvement in the Iraq War, not their lack of security reform, then, became a popular argument among Britons for why they were dealt the 2005 bombings.

After the London Bombings, Tony Blair, and the majority of Britain’s political and media establishment were concerned about maintaining peace with the Muslim community. As a result, they committed to promoting counter-terror policies which centered on diversity and “multiculturalism.” The belief that actions promoting diversity

would lead to harmony with Muslims was called the “default” position of “Blairism” (Martin and Jones 1083). One year after the attack Blair recognized the multicultural approach was not succeeding. In August of 2006, Blair called for a “rethink on the war on terror strategy and an ‘alliance of moderation’” to combat extremism. Instead of a “rethink,” commentators called this a “return to the muddled multicultural approach to the ‘war’ that Blair announced in Sept. 2001” (“Blair’s Multicultural Stance,” the Australian, 8/3/06).

Leadership Theory Critique

The amount of influence the particular policies of “Blairism” or multiculturalism had on retarding the U.K.’s post-attack changes is still uncertain, but evidence suggests the British Labor party and the British conservatives were at odds regarding its post-attack domestic security agenda. Members of the Labor party, the British media, and British citizens displayed a greater willingness to pursue policies or methods analysts considered weak, lending support to the leadership argument. Yet, rallying against the “politics of fear,” promoting multiculturalism, and playing down the severity of the terrorist threat, were not the only tactics and sentiments pursued in the U.K. in the two years after the bombings. The study showed that as Blair was losing support he largely abandoned the multicultural approach, and instead more structural changes were put in place. Blair’s Home Office reorganization in April--which was opposed by many in the U.K. and criticized in the liberal British media--had the support of the conservatives in the British security community to provide consensus for the reforms. In the U.S. the majority of Democrats did support Tony Blair and there was opposition from the left

regarding Bush's counter-terror agenda, but after 9-11 the Democrats largely united behind Bush which enabled a more aggressive security agenda. While there is significant support for the Rathbun and left/right leadership theory, from the aforementioned examples and the relevance of the political capital article discussed below, we will discover the leadership theory does not provide the most persuasive reasoning to explain the studies findings.

3. Differences in Political Support/Capital

The final theory uses the varying levels of political capital and support in the U.S. and U.K. to explain why the British post 7-7 response was smaller in scale than the U.S. post 9-11 response. This explanation runs counter to the prior leadership argument. Instead of the predisposition of Bush and Blair's leadership views causing the different magnitude of change, the argument assumes Blair attempted to put in place a larger post-attack security response, but suggests it was the varying levels of political capital and support which were the primary reasons Britain made fewer reforms after the 7-7 attacks. This section looks at the common reasons why political capital may have been different in the U.S. and Great Britain before noting which aspects of the theory are most persuasive.

Experience with Terror

A common position assumed by security scholars is the notion that a countries' past experience with terror influences their future response. In this case, Great Britain

was viewed as having a long history of confronting domestic terrorism with the IRA. The U.S. was seen as having little experience with domestic terrorism. In turn, the varying levels of past experience can explain why the political elites felt less pressure to make major security changes after the London bombings.

British Terror Experience

Britain developed significant experience in fighting terrorism with the Irish Republican Army in the 1970s and 1980s. Today's terrorist threat is unique from the Ireland case, but several scholars contend the British security agency had more tools in place in 2005 because of the fierce battles which took place decades earlier. Dan Jones argues that the U.S. had little experience with terrorism when compared with Britain's dealings with the IRA (Jones 2005, 346). Tom Parker, a former British Counterterrorism Official, elucidates the British perspective regarding past experiences saying:

“Bear in mind, this is not a new experience for us. We have had terrorist bombings in London going back now 120 years. I cannot think of a decade since the 1880s when a terrorist bomb has not exploded in London, whether it is Russian anarchists or the Fenians or the Provisional IRA, the Angry Brigade, the Animal Liberation Front, Hezbollah, al Qaeda. We have had pretty much everybody pass through London and kill somebody or blow something up, and this is a feature of our lives, and the state has been dealing with it continually for a long period without losing the public's confidence. Add to that two world wars on top of that, with the inevitably increased security regime that that entails” (Senate 2006)

Commentary after the 2005 bombings which centered on the resiliency of the British people, also used Britons past history with terrorism to explain why they appeared calm after the attacks. David Plotz's description, linking Britain's past history and experience with their recent resiliency, encapsulates the majority of post-bombing accounts. Plotz recalled:

“The reaction to today's attacks feels incredibly English. When I left the quiet area right around the bus bombing and returned to the busy streets of Holborn and Soho, London

appeared just as it always is. The natural state of the English is a kind of gloomy diligence, which is why they do so well in hard times. In 1940, Londoners went dutifully on with their business while the Luftwaffe bombed the hell out of them. Today, most of them are doing the same. I was in Washington for 9/11, and the whole city went into a panic. Offices emptied, stores shut, downtown D.C. became a ghost town. But in London today, everyone still has a cell phone clutched to their ear. The delivery vans are still racing about, seeking shortcuts around all the street closures. The Starbucks is packed” (Slate.com).⁵⁸

Thus, the theory claims Britain’s past history of terrorism caused its citizens to not overreact to the London bombings. The more measured behavior dampened the impact of the public’s pressure and the general urgency of British lawmakers to implement major reforms. In the U.S., the American public was largely viewed as more reactionary and patriotic following 9-11 which made it easier for major legislation to win support of Democrats and Republicans in Congress.

European Rationality/Policy Traditions vs. U.S. Manichean/Policy Traditions

Similar to earlier claims, the varying nature of British and American cultures and government structures are used explain the varied level of political support in the two countries. The U.S. has been viewed as being naïve and Manichean in their counter-terror approach. The U.K., on the other hand, is referenced by scholars as being more rational and mature than their American allies. The argument also relies on the comparison of the two countries’ different traditions of policymaking. This section

⁵⁸Additional examples of Londoners calm and resiliency can be found at:
<http://www.prospect.org/web/page.ww?section=root&name=ViewPrint&articleId=10006>

looks at the cultural-based arguments followed by the distinction between the countries political bodies.

As previously mentioned, the idea British and American citizens have different reactions to fear is commonly used as justification for their post-attack policies. In a comparative study of terrorism in U.S. and British elections, Sarah Oates and Andrew Williams found British citizens had a “more rational” approach to terrorism than Americans. Oates and Williams’ claimed Americans and Britons were distinctive in how they viewed the two attacks saying, “The British respondents grasped the London bombings – and the more distant event of 9/11 – as episodic in nature. On the other hand, the U.S. respondents attached weight, importance and significance to 9/11 that is difficult to rationalize” (2004, 10-11). The authors suggested British experience with terrorism could have contributed to their “less emotive response to the notion of terrorism on their home soil,” while they believed the U.S. media contributed to what they called Americans “irrational fear” of terrorism (Oates and Williams).

The U.S. and U.K. distinctive terrorism and homeland security definitions are also used to explain why the U.S. and Great Britain diverged in their post-attack policies. In the U.K. terrorism is treated as a civil crime while in the U.S. it can be viewed as an act of war (Cornish 2007, 10). The British security community is also quick to make the point that in Great Britain terrorism is treated as “one of a number of causes of emergency” (Cornish 2007, 10) which require several government agencies coordinating a response depending on the incident. These two statements by Britain’s security elites imply that the U.S. “war-based” approach is unnecessary and overly aggressive, and

indicative of a country without the same amount of counter-terror experience.

Regardless, the lack of a DHS-equivalent agency in Great Britain shows how Britain did not assume the U.S. style approach after the London bombings (Cornish).

Additionally, in the U.S., President Bush dubbed the fight a “War on Terror,” whereas those in Great Britain have shied away from this characterization. In December of 2006, cabinet ministers in Britain were instructed by the Foreign Office to stop using the phrase “War on Terror.” The *Guardian* explained the rationale behind the switch saying, “Many senior British politicians and counter-terrorism specialists have always been uneasy with the term ‘the war on terror’, coined by the White House in the week following the 9/11 attacks, arguing that the term risked inflaming opinions worldwide. Other critics said that it was too ‘military’ and did not adequately describe the nature of the diverse efforts made to counter the new threat” (Burke 2006).

The U.S. represented the “hard” military style approach while others in Europe and in Great Britain promoted the “soft power” or political approaches in tackling terrorism (Burke). Inherent in this debate are the ideas of anti-Americanism and British disagreement regarding its involvement in the Iraq War. The debate about the Iraq War soon fed into an idea that there were two distinct methods of fighting terror generally. The different philosophy in domestic security policies was even acknowledged by Tony Blair. For instance, in March of, 2004 Tony Blair “observed that the Madrid bombings had exacerbated the divergence between the United States and Europe” (Thachuk 1). The different definition explanations are recognized in the security community, most commonly in the homeland security and disaster research texts. Again, it is assumed the

political support for major domestic security reform was smaller in the U.K. due to their unique counter-terror/homeland security approach.

Different U.S. and British policymaking traditions are also used to justify why the U.S. implemented more sweeping policy reforms. British policy—especially foreign and domestic security policy—is made with much greater involvement by permanent expert civil servants, working within an old tradition of British diplomacy, whereas U.S. policies are almost entirely crafted by politicians who are not experts and who often have electoral incentives to play up panics. Therefore, after 9-11 the U.S. policymakers were inherently more prone to quickly execute great reforms to garner political support, while British civil servants could take more time and had less of a tendency to push through major legislation.

Support for the premise U.S. reforms were pursued by non-experts can be seen with the problems associated with the homeland security changes. After the Bush administration resisted the move by Senator Lieberman to enact his bill to create a new Department of Homeland Security, they realized the American public and those in Congress supported the proposal. As a result, Bush asked several of his senior aides to pursue a top-secret effort to form a new plan for a major reorganization which would create a Department of Homeland Security and transfer the functions of other agencies (Ornstein and Mann 130-131). Political motives also caused the U.S. Congress to navigate through as many as 88 committees and subcommittees which sought jurisdiction over homeland security affairs (153), which further supports the policymaking explanation.

Evidence of British policymaker's lack of panic can be seen with their statements minimizing the terror threat before and after the attacks, and downplaying the significance of the attacks. As we have seen in previous sections, there was an attempt by members of the British government to simply deny a terror threat existed after 7-7. Just before the 2005 attacks senior intelligence staffers composed in the JTAC issued a memo which said no group currently had the capability to attack the U.K.

Prime Minister Power

Britain's Prime Minister historically has greater ability to implement legislation in a timelier manner than Presidents in the U.S. system. With party control in the British Parliament, the Prime Minister rarely encounters the type of push-back from Parliament that Presidents typically find when dealing with the U.S. Congress. Therefore, with all political circumstances being equal, Blair should have been more proficient in passing legislation than Bush.

The role of the British Prime Minister is not easy to define because there is no formal prime ministerial job description. Yet, Richard Heffernan explains how the Prime Minister only needs two things to operate effectively: 1.) Power over their Parliamentary majority and 2.) Power within the government they lead. In 2005, Heffernan notes how Blair does not have a monopoly of power, but does have "extensive authority" (2005, 605).

Bush and Presidential Power

In turn, Blair's reduced political capital would not be enough to explain why the U.S. produced a greater amount of post-attack legislation unless President Bush took the lead role in setting the agenda following 9-11. Although there is a precedent establishing the agenda setting role of President's during times of crisis, (Owens 2006, 261) President Bush gained more power than usual for an American President from 2001-2003. As Ivo Daalder explains, "The depth of Congress's deference partly reflected the enormity of the attacks and a principled belief that lawmakers should defer to strong presidential leadership in times of national crisis. Rather than blaming Bush for failing to anticipate the attacks (as was the case with Blair and the London bombings), Americans rallied around him" (93). 9-11 created a perfect storm which allowed Bush to implement several large-scale reforms. The majority of U.S. Congress, the public, and countries across the world rallied in support of the United States after 9-11, which allowed Bush to emerge as "an exceptionally bold president in the legislative arena, governing as if he had won in a landslide" (Mann and Ornstein 2006, 123).

President Bush was widely recognized as being aggressive in implementing policy while expanding the powers of the Presidency. When Presidents take unilateral action it is usually a sign they are declaring a policy they could not pass through ordinary congressional lawmaking (Owens). The series of important Presidential directives passed by President Bush after 9-11 is a primary example of the large amount of political capital he developed after 9-11.

The popular theory of "punctuated equilibrium" (Baumgartner and Jones 1993) argues "that rapid changes in or external shocks to, domestic and international society

imposes new and insistent demands on the state. In so doing, these demands generate important and decisive moments of institutional mobilization and creativity, disrupt the preexisting, relatively stable, equilibrium between the Congress and the president, and precipitate decisions or nondecisions by the electorate and political leaders that define the contours for action when the next crisis or external shock occurs” (Owens 2006, 261-263). The London bombings caused a similar-style focusing event in Great Britain in 2005, but because Blair’s relationship with Parliament and the courts was unstable before the external shock, Britain was unable to capitalize on the potentially decisive moment of institutional mobilization.

Congress, traditionally a primary check to the President’s power permitted almost all of Bush’s major and most controversial actions after 9-11. For example, Congress did not block Bush’s executive order which put suspected members of Al Qaeda, such as Jose Padilla, essentially beyond the reach of U.S. law (Daalder and Lindsay 2003, 93). Congress did not intervene when Bush lifted CIA restrictions to operate covertly or when he approved the roundup of thousands of Muslim and Arab men (93). Most notably, less than a month after 9-11, Congress passed essentially intact the administration’s proposed USA Patriot Act (93).

A final example of Bush’s unprecedented ease in overstepping Congress was the formation of the Terrorist Threat Integration Center (TTIC). Bush learned Congress was seeking to make a similar style change, so he created the agency via Presidential directive. “With soaring approval ratings, the president’s powers of persuasion enabled

him to win strong congressional approval for terrorist- and war-related legislation” (Owens) over the course of the two year period analyzed for this research endeavor.

How Iraq Hurt Blair

President Bush and Prime Minister Blair encountered two distinct domestic political landscapes in 2001 and 2005 respectively. The Iraq War was linked to the London bombings immediately after the incident. On July 8, 2005, one day after the bombings, a respected MP George Galloway stated that Londoners have “paid the price” for the Afghanistan and Iraq wars (Ball 2006). Leading British think tanks, like the Chatham House, linked the cause of the bombings with Britain’s presence in Iraq.

After the London Bombings as critics began using Iraq as the rationale behind the suicide bombings, Blair did everything he could to distance the Iraq War from the recent domestic attacks. Blair was firm in his view that the terrorist problem did not arise out of Iraq. Shortly after the bombings, when Blair was asked about the notion Britain was becoming a breeding ground for terrorists, he asserted the problem started not in the U.K., but “beyond our shores” (PM Briefing Notes). However, by 2005, the majority of Britons had lost their faith in Blair. A Guardian/ICM poll conducted two weeks after the attack revealed 33% of Britons thought Blair bears “a lot” of responsibility for the London bombings and an additional 31% said Blair “a little” responsibility (Glover).

“The War on Terror and specifically the campaign in Iraq have largely altered the Blairite agenda, which in 1997 centered on improving economic prosperity and enhancing social justice” (Kfir 2006, 12-13). The leaking of a top-secret JIC memorandum claimed Britain’s role in Iraq had caused Britain to be a terrorist target for years to come (Kfir 2006, 13). This, of course went against Blair’s claims after the July 2005 bombings that Iraq had nothing to do with domestic terrorism and was actually helping their anti-terror efforts. In short, the revelation further weakened Tony Blair’s power.

Blair continued to deny the linkage between Iraq and the London bombings and often shifted the focus of the debate when pressed on Iraq. And when Blair did make domestic security changes, many feared it was simply a way for him to avoid the negative comparisons between the Iraq invasion and homegrown terrorism. Thus, some in Britain were been unhappy with what they saw as a lack of focus in pursuing terrorists. Blair’s backing of the U.S. invasion of Iraq and his subsequent unpopularity also spilled over to hinder the effectiveness of Britain’s counter-terror policies. Since, Blair was so maligned within the British government; he couldn’t lead as he once did. Dr. Isaac Kfir of the Institute for Counter-Terrorism Policy (ICT) claims “the campaign to strengthen Britain’s position in the War on Terror has suffered due to lack of cohesion. Decisions made by the executive branch are increasingly coming under criticism from the public, legislature, and the judiciary” (Kfir 2006, 13). The poor cohesion among Britain’s government bodies caused the country to appear to be divided, which then caused the terrorists to believe they were winning the war (14).

Political Capitol/Support Theory Critique

Even as I agreed with the general scope of the political capitol explanation, some aspects were less convincing than others. The experience and stereotypical culture beliefs had less support than the policy making and political environment aspects of the theory. Evidence suggests the U.S. had prior experience with terrorism which would lessen the structural advantage past experience provided Great Britain. And in a recent CSIS study comparing the U.S. and European notions of the terror threat, researchers found the “differences among discussants...were minimal and more often rhetorical” (CSIS 2004). The researchers concluded that any differences in the way citizens viewed the “war” on terror, did not affect the resulting counter-terror policies. “Differences of opinion in the broader public on these issues reflect differing political contexts and cultural characteristics that have little to do with the terrorist phenomenon” (2004).

The definitions explanations were useful when breaking down the two countries homeland security philosophies. The countries do diverge on defining “homeland security,” but both countries are looking to anticipate and respond quickly to any potential attacks, and there is a great deal of collaboration and carry-over among the countries methods. For example, Britain’s “Four P” policy is similar to the U.S. strategy for Homeland Security. Overall, the different definitions should be helpful for those looking to understand the countries’ domestic security approaches, but it is unclear how much affect the two philosophies had on the post-attack policies. What is clear, however, is the U.S. and the U.K. have worked together and looked to each other to apply effective counter-terror policies. Taken as a whole, the similarities are easier to identify when one

compares the countries post-attack changes, which led me to assume the definition claims had less influence on the magnitude of the post-attack policy responses.

While these examples were the basis for my assumption that not all aspects of the political capital explanation were reliable, I still found it to be more persuasive than any other possible conclusions. Other than the political capital explanation, the needs-based theory served as the best explanation for the different post-attack responses. The large number of changes implemented in the U.K. prior to the London bombings altered the nature of the policies implemented from 2005-2007. Even though one assumes Britain would have attempted to make similar changes after the London bombings had they not implemented them prior to 2005, the needs/policy explanation was not the primary justification for the magnitude of change because the outside influence of the Iraq War would have still slowed the rate at which the security changes were implemented. Thus, the needs/policy challenge critique was not placed ahead of the political support explanation. The final section provides further support for these conclusions.

CHAPTER VII

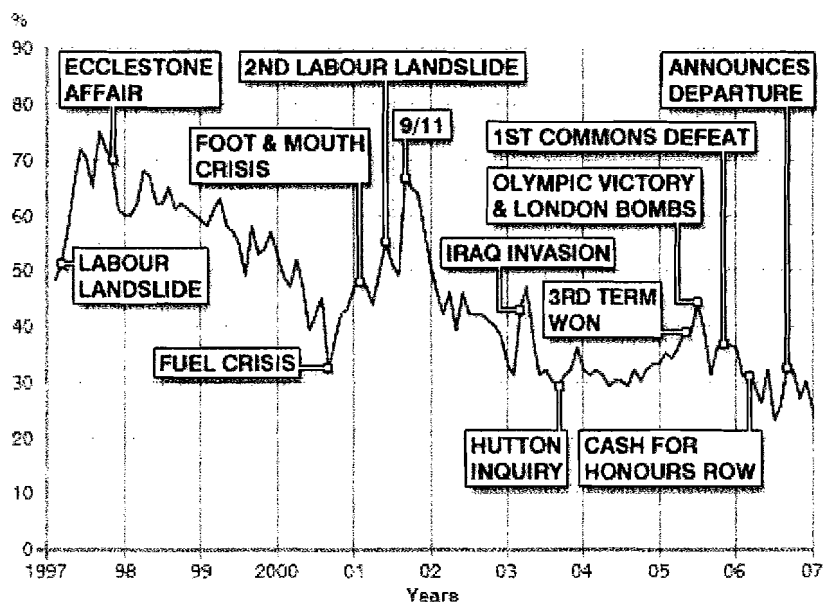
CONCLUSION

After analyzing the data and prior explanations I assert Prime Minister Tony Blair's lack of political capital, largely the result of opposition to Britain's involvement in the 2003 invasion of Iraq, is the best explanation to explain why the United Kingdom implemented less legislation after the London bombings than the U.S. after 9-11. The popularity of Bush and Blair and the impact of the Iraq War, different policymaking traditions, and the general political strength of the President and Prime Minister are the central comparisons used to support this explanation.

While there is no exact measure analyzing the Prime Minister's political power or influence, evidence from this section revealed how Tony Blair faced a growing number of obstacles in his efforts to pass significant legislation over his final two years in power. After 9-11, Bush had an optimal period to bring about major reforms with approval ratings hovering above 80%. During much of the time Tony Blair had to implement reforms after the London bombings, however, he experienced far less political support. The chart below shows the ebb and flow of the approval rankings for Tony Blair in Great Britain. Similar to Bush, Blair's approval rating was extremely high during the first few years of his term. A severe drop in approval is seen from during the debate surrounding the Iraq War which brought his approval rating down to 30% in 2004. Immediately

following the 2005 London attacks Blair's approval rose to around 45%, but he never was able to obtain the approval of the majority of Britons following the bombings. As the patriotic sentiment from the bombings wore off and new political scandals developed, his approval ratings bottomed out under 30% (BBC News 2007).

Figure 1. Timeline of Tony Blair Approval Ratings 1997-2007



Further, the security legislation and policy decisions enacted after the September 11 attacks saw a largely unified response between President Bush and U.S. Congress, compared with the more divided response between Tony Blair and Parliament following the London Bombings. Blair's Labor party won the 2005 election with a significantly smaller number of seats (Dumbrell 2006, 466). The Prime Minister's reduced majority also made it more difficult for him to push any significant domestic security changes through Parliament (Archick 2005, 5).

The different policymaking traditions between Great Britain and the U.S. were also good methods of explaining the results. Surprisingly, the power of the President increased after 9-11 and Tony Blair had less ability to utilize his more efficient tools as Prime Minister.

It also is important to recall Blair was unable to pass all of the security legislation he presented to Parliament after 7-7. The most prominent example is the Parliament's rejection of Blair's efforts to extend the length of time a terror subject can be held without charge in the 2006 Terrorist Act. Blair's position was characterized as extreme in the media, but the amendment was backed by Britain's police and intelligence community. Blair's successor, Gordon Brown, has also expressed willingness to bring similar legislation back to Parliament for a vote. Even though it was difficult to access the Prime Minister's proposed actions, the fact that Blair was dealt a public defeat at the hands of several of Labor MP's, was widely seen as an indication he had lost much of the political capitol he once established. With this said, if Blair was not associated with the 2003 invasion of Iraq, I would have expected his political capitol to have been much higher after the 2005 London bombings. This increase in capitol would have allowed him to pass the 2006 terrorist provision, and perhaps implement more major post-attack security changes as well.

Final Summary/Future Research

The primary assumptions regarding the magnitude of the U.S. and British responses were supported in the research findings. The overall conclusions, however, were not as straightforward as it's been previously suggested. The thesis addressed a

question in the field of domestic or national security-- a subject area that has become increasingly difficult to categorize over time. The comparison also analyzed attacks which took place in different countries, several years apart. As a result, the findings were best judged when I attempted to break-down particular areas of domestic security. While the police/intelligence and homeland security legislation was sometimes interrelated, this enabled additional conclusions to be drawn from the research.

In addition to providing further evidence the security field is fragmented, the project also showed how many new areas of research can be explored relating to the 9-11 and 2005 London bombings. Investigating why the magnitude of the two responses was distinctive is an area which presents a wide variety of options for new research endeavors. In the end, whether one chooses to investigate a similar topic or not, this project showed me that research which pursues answers to timely questions will always be of importance.

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