

TERRORISM AND ITS EFFECT ON POLICY: A COMPARISON
OF BRITISH AND AMERICAN EFFORTS SINCE
1960 AND THE LAWS INSTITUTED
FOR THE PROTECTION
OF THE CITIZENS

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I. THE EVOLUTION OF TERRORISM

The world is an ever changing place. On September 11, 2001 the United States and the world were changed forever. The 9/11 attacks signaled a new more deadly wave of terrorism. The US and the world were taken by surprise and unsure of the proper response. This led to a global condemnation of terrorism and the creation of new agencies to combat terrorism. The one thing lacking was a consensus of nations on a definition of terrorism which prohibits the United Nations from being a viable option for combating terrorism. The United Kingdom has fought terrorism in the form of the Provisional Irish Republican Army for several decades. Thus, the UK was more prepared than the US for terror attacks. However, with the creation of the Department of Homeland Security and the passage of anti-terror laws, the United States is learning. Have the United States and the UK become safer with the passage of these laws? Arguments can be made for both sides. Clearly, terrorism is on the rise, conventional war is on the decline, and it is up to the government to be ready for all situations. By looking at different definitions of terrorism currently in use, terrorist events from the past century, and the responses of the American and British governments, a working definition will be proposed. Case studies of the 9/11 attacks will be presented and the counter-terrorism efforts of the United Kingdom and the United States will be evaluated.

According to United States law, terrorism “is a premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or

clandestine agents, usually intended to influence an audience.”¹ Title 22 of the U.S. Code identifies noncombatants as unarmed citizens, and extends the definition to off duty military personnel and military personnel not engaged in conflict.² However, the Federal Bureau of Investigation has a different definition: “the unlawful use of force against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”³ The United States Department of Defense has yet another definition: “the unlawful use or threatened use of force or violence against individuals or property to coerce or intimidate governments or societies, often to achieve political, religious or ideological objectives.”⁴

The United Kingdom has another definition of terrorism. The Terrorism Act 2000 states:

- (1) In this Act “terrorism” means the use or threat of action where –
 - (a) the action falls within subsection (2),
 - (b) the use or threat is designed to influence the government or to intimidate the public or a section of the public, and
 - (c) the use or threat is made for the purpose of advancing a political, religious, or ideological cause.
- (2) Action falls within this subsection if it –
 - (a) involves serious violence against a person,
 - (b) involves serious damage to property,
 - (c) endangers a person’s life, other than that of the person committing the action,
 - (d) creates a serious risk to the health or safety of the public or a section of the public, or
 - (e) is designed seriously to interfere with or seriously to disrupt an electronic system.
- (3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.⁵

Unlike the United States, the United Kingdom has only one definition for terrorism. However, the definition does not specify what constitutes serious violence, nor does it enumerate the standards that have to be met to be considered serious. The

definition is very broad in section one, because a political rally could be considered to advance a political or ideological cause. Terrorism Act 2000's definition addresses the attempt to disrupt the electronic system, to include computer terrorism. Terrorism's goal is to disrupt daily life, and Terrorism Act 2000's goal is to prevent this disruption.

The United Nations has attempted to define terrorism for several years. Some steps in the right direction have been made by the UN; past conventions have made great progress. Still, the UN has been unable to reach a consensus on a definition of terrorism that would be approved by all of its members. On December 9, 1994 the UN was convinced that the adoption of the Declaration on the Measure to Eliminate International Terrorism should be approved. The UN was unable to determine how this action could be completed. "The States' Members of the United Nation solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States."⁶

The International Convention for the Suppression of Terrorist Bombings identified what constituted a terrorist attack. The definition of a terrorist was incomplete and open-ended. One definite determination was made by this convention; terrorism was a crime.

Any person commits an offense within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility: A) with the intent to cause death or serious bodily injury; B) with the intent to cause extensive destruction of such a place, facility or system, where such destruction results or is likely to result in major economic loss.⁷

This is the closest the UN has come to an agreement on a definition. Again the lack of a definition makes the identification of terrorists impossible.

Terrorism is evolving; over the last ninety years, the actions of terrorists and methods of terror have gotten deadlier and more costly. States have to compromise on a definition of terrorism. Attempting to define terrorism is a problem because the word lacks precision and objectivity. States can identify terrorism as a form of warfare used to achieve a strategy and used in pursuit of a political end. If this is the definition, freedom fighters and guerrillas will be included. Guerrilla groups and terrorist groups do have similarities such as fighting for regime change and the occupation of a territory. A major difference is that some guerrilla groups fight according to the conventions of war set forth by the Hague and Geneva Conventions while terrorist groups do not. Terrorist groups will target civilians intentionally in a clandestine manner. Terrorists are different from guerrillas and common criminals because the terrorist is an ultraist and violent intellectual, prepared to shed blood in pursuit of his organization's self defined objective to achieve a greater good. On June 28, 1914, a group of Serbian nationalist terrorists, led by Gavrilo Princip, assassinated Archduke Franz Ferdinand and his wife in Sarajevo, Bosnia. Princip and the others were sent off to prison, but his actions touched off World War I.

Princip was a member of the Black Hand Society which was created by Bosnian Serb intellectuals, university students and school children. Black Hand was not pleased with the ruling Hapsburgs of Austria. The Young Bosnians/Black Hand was an offshoot group from the Narodna Obrana, a pan- Serbian secret society that was anti-Hapsburg. This society recruited, trained, and armed the Young Bosnians. In 1910 the Young

Bosnians attempted to assassinate the governor of Bosnia. The assassins were trained by the Serb army. Narodna Obrana membership consisted of Serb government officials; however, the group was not officially supported by the Serb government or any entity of the government. When the Black Hand Society was established in 1911, it was composed mostly of Serbian military officers. A more militant and clandestine splinter group, Black Hand wanted the Austrians out of Bosnia. Since they were more militaristic, the members were better trained and had direct access to military armaments. In fact, the gun used by Princip to assassinate Franz Ferdinand was Serbian military issue. The idea of terrorism in the World War I period held revolutionary connotations; to overthrow a legitimate government and bring about complete changes within a state.

The 1930's brought another change to the idea of terrorism. Terrorism evolved from the revolutionary movements and violence directed against governments and their leaders to describing the practices of mass repression employed by totalitarian states and their dictatorial leaders against their own citizens. The idea of state sponsored terrorism was perfected by Hitler, Mussolini and Stalin. Stalin's "Great Terror" resembled and differed from what Hitler unleashed on Germany. On the one hand, drawing inspiration from Hitler's ruthless elimination of his own political opponents, the Russian dictator similarly transformed the political party he led into a servile instrument responsive directly to his political will, and the state's police and security apparatus into slavish organs of coercion, enforcement and repression.⁸ The purges Stalin launched were an attempt to seize total power by terrorist action, and this resulted in the death, exile, imprisonment, or forcible impressments of millions.

There were other innovations in terrorism in the 1930's. In 1931, the first known skyjacking on record occurred. In February 1931, revolutionaries attempted to take over a Peruvian domestic flight, ordering Captain B.D. Richards to drop propaganda leaflets over Peruvian cities.⁹ Richards refused and the revolutionaries were imprisoned.

There was a rise in assassinations in the 1930's as a way to bring about complete changes in states. These moves were attempts to grab power. Power is intrinsically at the root of political violence – its acquisition, its manipulation and employment to effect changes.¹⁰ In 1930, there was an attempt on the life of Josef Pilsudski, general and premier of Poland. On July 30, 1931 Chaing Kai-shek, president of China, survived an assassination attempt by Black Dragon terrorists. The Black Dragon Society began in the 1890's by Mitsuru Toyama. This criminal-terrorist organization was all-pervasive in Japan until the end of World War II, at which time it was succeeded by the Yakuza.¹¹ The Black Dragons would be successful in an attack on Junnosuke Inouye, minister of finance in Japan on February 9, 1932.¹² President Franklin Roosevelt was the target of an assassination attempt in February 1933. Terrorist Joseph Zangara attempted to assassinate the president-elect on a trip to Miami but Chicago Mayor Anton Cermak stepped forward and heroically intercepted the bullets and died on March 6, 1933 from his wounds. Zangara was executed on March 20th for Cermak's murder.¹³

The assassinations moved to state terror in 1934. On June 30, 1934 Adolf Hitler, accompanied by heavily armed members of his SS bodyguard traveled to Munich and then to a Lake Wiese resort where he confronted Ernst Roehm, head of the Brown Shirts (SA). Roehm, head of the long established terrorist organization, was caught with other top storm troopers in homosexual liaisons and then accused of treason. Hitler ordered the

SA leaders shot and the executions were carried out by Himmler's SS. These actions would later be called the Night of the Long Knives. This mass execution included the murders of all of Hitler's old enemies.¹⁴ Later that year, Stalin believed to have had Sergei Kirov assassinated; the assassin and 116 others were then executed by Stalin. Stalin had been conducting his purge of the kulaks, nomads, gypsies, and others he considered undesirable. This terrorist murder campaign would claim between six and twelve million lives.

Terrorism changed again in the 1940's, regaining its revolutionary connotation that it is closely associated with today. The politically correct attitudes of the West influenced the terrorist culture and "freedom fighters" became popular. The term "freedom fighter" came into fashion as a result of the political legitimacy that the international community (whose sympathy and support were actively courted by many of these movements) accorded to struggles for national liberation and self determination. Sympathy and support for the rebels extended to segments of the colonial state's own population as well, creating a need for less judgmental and more politically neutral language than "terrorist" and "terrorism" to describe these revolutionaries and the violence they committed in what were considered justified "wars of liberation."¹⁵ The Provisional Irish Republican Army, Che Guevara, Revolutionary Armed Forces of Columbia (FARC), and the Palestinian Liberation Organization are considered freedom fighters. Freedom fighters will conduct a campaign to liberate their people from dictatorial opposition, gross disarmament, or the grip of an occupying power.

The IRA has been working to free Ireland from Britain for many years.

Quite frankly it suited IRA strategy to carry out selective bombings in Belfast, Derry and other towns in occupied Ulster. They see these actions as a legitimate

part of war, the targets chosen being military and police barracks, outposts, customs offices, administrative and government buildings, electricity transformers and pylons, certain cinemas, hotels, clubs, dance halls, pubs, all of which provide relaxation and personal comforts for the British forces; also business targets (e.g., factories, firms, stores – sometimes under the guise of CO-OPs) owned in whole or part by British financiers or companies, or who in any way are a contributory factor to the well-being of Her Majesty's invading forces, and in certain instances residencies of people known to harbor or be in league with espionage personnel or agents provocateurs, namely the S.A.S., MRF, and S.I.B. In many ways this campaign is reminiscent of that carried out by the underground resistance in France during World War II.¹⁶

Is the IRA a terrorist group? Terrorist violence communicates a political message; its ends go beyond damaging an enemy's material resources. The victims or objects of a terrorist attack have little intrinsic value to the terrorist group but represent a larger human audience whose reaction the terrorists seek.¹⁷ The concept of political terrorism is characterized by amorality and antinomianism.¹⁸ In other words, the political terrorist regards him/herself as exempt from existing moral codes because the political goals which they seek to achieve justify the methods they use. Political terrorism will be arbitrary, indiscriminate, and unpredictable to those who are its actual or potential victims. The IRA has been working toward a free and united Ireland. The Catholic Church does not support the actions of the IRA in this endeavor, and used the threat of excommunication. "Among the causes of the present unrest are workings of certain secret societies. The church sternly condemns all societies which plot against the church or state. They are guilty of crime against human society. Members of such secret societies incur excommunication."¹⁹

Che saw similar problems in Latin America. He determined it was necessary to use guerrilla action against America as the central axis of the struggle. In "Guerrilla

Warfare – A Method,” Che identified three reasons for the use of guerrilla tactics. He wrote:

First: Accepting as truth the fact that the enemy will struggle to keep himself in power, it is necessary to consider the destruction of the oppressing army. But to destroy it, it is necessary to oppose it with a popular army. This army is not created spontaneously but must arm itself from its enemy's arsenal, and this causes a hard and very long struggle in which the popular forces and their leaders would be continually exposed to attack from superior forces without suitable conditions for defense and maneuverability.²⁰

Additionally, Che stated the guerrilla nucleus has an advantage because of the maneuverability. If the oppressing army is able to hunt down the guerrilla forces, killing the forces will not put an end to the Revolution. The possible destruction of these groups would not kill the soul of the Revolution. Its leadership from its rural fortress would continue to catalyze the revolutionary spirit of the masses and organize new forces for other battles.

He continued, “Second: We have to look at the general situation of the Latin American peasants and the progressively more explosive nature of their struggle against feudal structures in the framework of a social situation of alliance between local and foreign exploiters.”²¹ Che wanted to drive out ferocious Yankee imperialism, which he believed was far more powerful and ruthless than Spanish colonial imperialism.

Che concluded; Third: The continental character of the struggle. Could this new stage of the emancipation of America be conceived as the meeting of two local forces struggling for power in a given territory? Only with difficulty. The struggle will be to the death between all the popular forces and all the forces of repression.²²

Influenced by some of the ideas of Che, FARC was later created in Columbia in 1964. FARC was founded by Jacobo Arenas and Pedro Antonio Marin (aka Manuel Marulanda) to fight against the Columbian government. In 1966, Marulanda and Arenas

expanded the military agenda of FARC nationwide. Arenas envisioned an agrarian and communist state with small sized industries. Arenas also integrated a political mission with the military strategy to overthrow a government it perceived as elitist and corrupt. Unlike the National Liberation Army (ELN), FARC was not directly inspired by the Cuban revolutionary Fidel Castro or the Soviet Union. FARC's ideology, instead, contained highly nationalist and anti-capitalist rhetoric rooted in early progressive ideology.²³

The idea of "freedom fighters" has created a problem in the attempts to clearly define what and who are terrorists or what constitutes a terrorist act. Yasir Arafat gave a speech to the United Nations where he attempted to explain the difference between a terrorist and a freedom fighter. "The difference between the revolutionary and the terrorist lies in the reason for which each fights. For whoever stands by a just cause and fights for freedom and liberation of his land from the invaders, the settlers and colonialists, cannot possibly be called a terrorist."²⁴ Arafat has been condemned as a terrorist, and has been linked to groups such as the Muslim Brotherhood, Black September, and the PLO.

Black September was a terrorist organization based in the Middle East which worked closely with Al Fatah, the PFLP and the PLO. The Black September organization was founded in 1970. Ironically the first victim of the group was an Arab, Jordanian Prime Minister Wasif Tell, who was shot and killed outside the Sheraton Hotel in Cairo in November 1971.²⁵ Unlike most terrorist groups who stay in one area for operation, Black September went from the Middle East to Europe. At the XX Olympiad in Munich, on September 5, 1972 eight Syrian trained terrorists scaled a fence and gained

access to the Olympic Village. Their target was the dormitory housing the Israeli athletes. Their demands were clear: the terrorists wanted the release of the 234 prisoners held in Israeli jails and two from German prisons – Andreas Baader and Ulrike Meinhof, leaders of the infamous Baader-Meinhof terrorist gang. It was a straight, if unequal exchange of souls, and the deadline was 9:00 A.M. Unless the Israeli leadership was prepared to release scores of hardened Palestinian terrorists, the Black September guerrillas announced they would start executing their hostages.²⁶ The terrorists killed Moshe Weinberg, the Israeli wrestling coach when he resisted and killed a terrorist; this allowed one of his wrestlers, Gad Tsobari to escape. Then thirty-one year old weightlifter and father of three, Yossef Romano also attacked and wounded one of the intruders before being killed. The Arabs then succeeded in rounding up nine Israelis to hold hostage.²⁷

Poor intelligence and leadership led to the next events. The Germans thought there were only five terrorists when there were actually eight. There were not enough sharpshooters to take all of them out. The result was a bloody firefight between the terrorists and the Germans. The media at 11:00 A.M. local time were mistakenly informed the hostages were saved; this was then announced to the Israeli public. However, a second firefight broke out almost an hour later during which one of the helicopters holding the hostages was blown up by a terrorist grenade. The remaining nine hostages in the second helicopter were shot to death by one of the surviving terrorists. Wrestling referee Yossef Gutfreund, 40; American-born weightlifter David Berger, 28; wrestler Mark Slavin, 18; weightlifting judge Yacov Springer, 51; weightlifter Ze'ev Friedman, 28; track coach Amitzur Shapirn, 40; wrestler Eliezer

Halfin, 24; shooting coach Kehat Shorr, 53; and fencing coach Andre Spitzer, 27 were all killed.²⁸

Five terrorists and one policeman were killed and three of the terrorists were captured by the Germans. On October 29, 1972 Black September members skyjacked a Lufthansa Boeing jet bound for Beirut, Lebanon, to Ankara, Turkey, demanding that the three terrorists imprisoned for the 1972 massacre of the Israeli athletes be released. The plane landed in Libya and following negotiations, the three terrorists were arrested and then set free.²⁹

These actions by the “freedom fighters” and terrorists again helped change the definition of terrorism in the 1960’s and 1970’s. Terrorism expanded to include nationalist and ethnic separatist groups outside a colonial or neocolonial framework as well as racial, ideologically motivated organizations.³⁰ This also involved disenfranchised or exiled nationalist minorities such as the PLO and Basque ETA.

The ETA group takes its name from a campaign started in 1959 in the seven Basque Provinces along the northern Spanish coast. Here seven million people live with an age old culture and a distinctive language. ETA is an acronym for Euzkadi ta Askatasuna (Basque Homeland and Freedom), clearly a phrase that sums up the liberationist zeal of those who feel oppressed.³¹ In the 1970’s Basque students issued demands to Madrid for autonomy. The demands included: full self determination to be an indisputable right; the territorial integrity of the Basque homeland was undeniable and would be stoutly defended; the Basque language and culture were to be revitalized, given proper acknowledgement by Spain; there must be an amnesty for all Basque political prisoners; plus a total withdrawal of Spanish police and army from the seven provinces.³²

The demands fell on deaf ears in the repressive realm of General Franco. This created a power struggle as the Basques realized that only strong arm tactics would work against Franco who labeled the ETA a terrorist group and targeted its leaders. In December 1973, the ETA delivered a heavy blow to the Franco regime by bombing the car carrying Prime Minister Admiral Luis Carrero Blanco, Franco's designated successor.

The assassination triggered a two year wave of state terror – the first “Dirty War” targeting ETA activists both in Spain and in French Basque Provinces. While the ETA's killing of Blanco had facilitated Spain's transition to democracy after Franco's death in November 1975, the organization's factionalism would continue to mar the Basque collective quest for a united front.³³ The new government under King Juan Carlos negotiated with the ETA and some of the demands made in the early 1970's were accepted by the Spanish government.

However, the ETA still uses violence to attempt to change policy. The ETA utilizes three types of tactics. The first is what is called “Fight X,” which includes violent demonstrations, coercion and acts of intimidation against those who oppose their cause. The second, “Fight Y,” consists of acts of sabotage and organized street violence, which could be considered low intensity urban terrorism. Finally, the third, “Fight Z,” signifies more serious terrorist acts, such as premeditated murder and the planting of explosive devices.³⁴

The ETA has attempted several cease fires. In September 1998 an ‘Indefinite Ceasefire’ was declared. This ceasefire ended in November 1999 but brought about bombings in January and February of 2000. The ETA announced another ceasefire in 2006, but broke the agreement in 2007. This signaled another failure of the Spanish

government to negotiate an end to the forty years of separatist violence. The ETA is beginning to lose strength in Spain; not only operational, but also political and social. Murders committed by the ETA have dropped from 85 in 1979 to 30 in the early 1990's, and in 2003 there were only three deaths as a result of ETA terrorism.³⁵ The operational, political and social weakness of ETA terrorism can be attributed to two primary factors: a new and more comprehensive approach by the government and increased international cooperation.³⁶ The former focuses not only on ETA's cells, but also on its larger network, which includes its political parties, social organizations, business enterprises and propaganda ability. The Spanish government has, therefore, waged war against the network so as to hinder its regeneration capacity and the impunity ETA has enjoyed through manipulating the democratic process.

On December 21, 1988, Pan Am Flight 103, a 747 jumbo jet en route to New York with 259 passengers, blew up over Lockerbie, Scotland.³⁷ This attack was carried out by the Popular Front for the Liberation of Palestine (PFLP). All aboard, plus eleven persons on the ground were killed. The PFLP is a Middle Eastern terrorist organization founded in 1967, and was considered at one time to be the most dangerous terrorist group in the world. It is responsible for countless bombings, skyjackings, kidnappings, and murders and is closely allied with Black September, the PLO, and through his top advisors, Yasir Arafat. In 1995, President Clinton branded the PFLP a top terrorist organization. The PFLP is probably the organization behind Osama bin Laden, and gave the order for bin Laden's terrorist group to bomb the two U.S. Embassies in Kenya and Tanzania in August 1998.³⁸

In the 1980's and 1990's terrorism came to be regarded as a calculated means to destabilize the West. Terrorism thus became associated with a type of covert or surrogate warfare by which weaker states could confront larger, more powerful rivals without the risk of retribution. The 1980's saw the creation of Hizbullah. Hizbullah originated in Lebanon in 1982 as a militant fringe of Shi'ites protesting against political and social deprivation. It is an alliance between Muslim clerics (mullahs), unelected politicians, journalists, and students. The goal is to combat the intolerance of the ruling clique of Westernized traders and Christian parliamentarians, specifically to get rid of foreign influences, most notably that of Israel on Lebanon, and to replace these influences with an independent and religiously orthodox state. Hizbullah then started to snatch westerners as hostages, and started bombing and burning American, British, and French banks and factories.

Hizbullah's primary goal was to provide security for Lebanon's Shi'ite population. The strategic objectives that it shared with Iran and Syria were to prevent the implementation of a Maronite-led government in Beirut with United States and Israeli support, and to deny Israel and the United States a long term presence in Lebanon.³⁹ Hizbullah sought to make the human costs too great for the United States and Israel to stay. To this end, Hizbullah mounted a series of devastating attacks that began with the truck bombing of the U.S. Embassy in Beirut on April 18, 1983 killing sixty-three people including seventeen Americans. The United States responded with the deployment of 2000 Marines to Beirut. On October 23, 1983 truck bombs destroyed the U.S. Marine barracks and the French encampment in Beirut killing 241 and fifty-eight soldiers respectively. The United States retaliated with air and missile strikes from its naval

forces in the Mediterranean. This provoked a response; the assassination of Dr. Malcom Kerr, president of the American University of Beirut on March 31, 1984 by Islamic Jihad, a Hizbullah faction.⁴⁰ The United States then withdrew the military forces in Lebanon, a move soon followed by the French and Italians. The American and French withdrawal from Lebanon was perhaps the most clear cut coercive success for suicide terrorism. In his memoirs, President Ronald Reagan explained the U.S. decision to withdraw: “The price we had to pay in Beirut was so great, the tragedy at the barracks was so enormous... We had to pull out... We couldn’t stay there and run the risk of another attack on the Marines.”⁴¹ This did not stop Islamic Jihad’s campaign; on September 12, 1984 a truck bomb demolished the U.S. Embassy Annex in Beirut, killing twenty-four, including two Americans.

Islamic Jihad was not done with the United States. The “Party of God” was responsible for the hijacking of TWA flight 847 in June 1985.⁴² This hijacking is considered a prime example of media-encouraged terrorism at its worst. For seventeen days, Hizbullah terrorists held forty crew members and passengers hostage. They killed a U.S. Navy diver, Robert Stethem, who happened to be on the flight and dramatically pushed his body out of the plane onto the tarmac.⁴³ The Islamic Jihad also attacked the Israeli Embassy in Argentina in 1992 and the Israeli cultural center in Buenos Aires in 1994. More recently, members of the group have captured Israeli soldiers; the latest incident being the kidnapping of two soldiers in 2006, which resulted in an Israeli invasion of southern Lebanon and the deployment of a U.N. peacekeeping force.⁴⁴

Hizbullah has its main area of operation in the Bekaa Valley, the southern suburbs of Beirut and southern Lebanon, but it also has cells in Europe, Africa, North America,

South America and Asia. Its leader is the Lebanese Shiite Mullah Nasrullah. It has a few hundred active members and several thousand supporters and it has a relationship with Palestinian extremist groups.

The 1990's brought two new buzzwords into the terrorism landscape, "narcoterrorism" and the so-called "gray area phenomenon." Narcoterrorism is the use of drug trafficking to advance the objective of certain governments and terrorist organizations. These organizations were identified as the "Marxist Leninist Regimes" of Russia, Cuba, Bulgaria and Nicaragua and their goal was to undermine Western Society.⁴⁵ These groups are economically motivated and will form strategic alliances with the goal of specific political ends. The Russian Mob has joined forces with FARC, and Hizbullah has also joined forces with cartels. In March 2002, U.S. State Department officials told a Senate panel, "Not only does it (the drug trade) provide funds; it also furthers the strategic objectives of the terrorists. Some terrorist groups believe that they can weaken their enemies by flooding their societies with addictive drugs."⁴⁶

Francis Taylor, ambassador-at-large for counterterrorism, stated that "relations between drug traffickers and terrorist benefit both. Drug traffickers benefit from the terrorists' military skills, weapons supply and access to clandestine organizations. Terrorists gain a source of revenue and expertise in illicit transfer and laundering of proceeds from illicit transactions."⁴⁷ Hizbullah issued a fatwa in the mid 1980's on the distribution of drugs, providing the rationale for drug trafficking. "We are making these drugs for Satan-America and the Jews. If we cannot kill them with guns, then we will kill them with drugs."⁴⁸

FARC took an active interest in narcoterrorism in the late 1980's and early 1990's. The battle between FARC and the drug lords was just beginning. The FARC guerrillas seized control of the coca and poppy fields. The collection of "coca taxes" from farmers, residents and workers on the plantations was a new source of income for the group and dramatically increased their revenue.

These coca taxes were not wholly approved by Jacobo Arenas. He thought FARC should stay away from drug trafficking. However, Arenas died on August 10, 1990. The leadership reinterpreted Arenas' ideology to include the legalization of narcotics, arguing that Colombia could profit from the addiction of the United States.

The leadership of FARC was right, by the mid 1990's, 65% of its income came from narcotic trafficking. With this influx of money FARC was able to modernize with new weapons and tactics. New weapons included contraband arms and the expansion of military ranks. A new public relations campaign was initiated within cities and universities. 'By 1997, reports estimated Marulanda had at least 8,000 troops distributed among an estimated sixty-two rural fronts, three urban fronts, and nine elite units, modeled on the army's specialized counterinsurgency brigades.'⁴⁹

Narco-terrorism is also a problem in Afghanistan. In 2005 the heroin crop was 5,000 tons from 200,000 hectares. President Karzai attempted to eradicate the opium-heroin trade, but since the country was in the process of becoming industrialized, this goal was little more than a pipe dream.⁵⁰ The major alternatives to cultivation are poppy eradication, which threatens the fragile livelihood of poor Afghans; crop substitution, problematic because of the high unit price received for opium; and destruction of processing laboratories and interdiction of smugglers, both easily thwarted through protection schemes by senior government officials.⁵¹ Al Qaeda and the Taliban have adopted roles similar to FARC, with the goal of turning Afghanistan into an Asian Columbia.

The gray area phenomenon is another area terrorism created. This threatens the stability of nation states by non state actors and nongovernmental processes and organizations. The goal of these organizations is to have violence affecting immense regions or urban areas where control has shifted from legitimate governments to new half political, half criminal powers. Or simply to group together in one category the range of conflicts across the world that no longer conform to traditionally accepted notions of war as fighting between the armed forces of two or more established states, but instead must involve irregular forces as one or more of the combatants.⁵² This gray area is the style of al Qaeda and the Taliban.

In 1984, Osama bin Laden and his spiritual mentor Abdullah Azzam founded the *Maktab al Khidmat lil Mujadidinal Arab* (Afghan Service Bureau).⁵³ This organization was created to aid in the recruitment of mujahedeen to fight the Soviets in Afghanistan. When the Soviets left Afghanistan, bin Laden kept the organization going to fight threats to Muslims around the world. Al Qaeda was formed in 1988 but bin Laden and Azzam disagreed over the organization and methods to use. When Azzam was assassinated in Peshawar in 1989, bin Laden had al Qaeda under his control and could focus on promoting terrorism in the defense of Islam.

Al Qaeda has developed into a hierarchal organization. At the top sat bin Laden himself, surrounded by a *shura* or council of perhaps a dozen members, which in turn supervised five standing committees. The military committee ran training camps and procured weapons, the Islamic study committee issued *fatwas* and rulings, the media committee published newspapers, the travel committee handled travel documents and tickets, and the finance committee raised money.⁵⁴ Other than this hierarchy, al Qaeda is

decentralized with regional bureaus linked to cells with between two and fifteen members.

Al Qaeda announced their arrival on November 13, 1995 with an attack on the US-operated Saudi National Guard Training Center in Riyadh, Saudi Arabia. Seven people were killed including five American servicemen.⁵⁵ This was followed by the attack on the Al Khobar Towers apartment complex housing U.S. Air Force personnel in Dhahran, Saudi Arabia on June 25, 1996. Nineteen U.S. servicemen were killed and one Saudi and 372 of many nationalities were injured.⁵⁶ After the successful attacks at the Khobar Towers, bin Laden made a lengthy speech, explaining the motives behind his campaign against the United States:

The people of Islam have suffered from aggression, inequity and injustice imposed on them by the Zionist-Crusader alliance and their collaborators... The latest and greatest of these aggressions, incurred by the Muslims since the death of the Prophet... is the occupation of the land of the two Holy Places [the cities of Mecca and Medina] – the foundation of the house of Islam... The explosion at Riyadh and Al-Khobar [he is referring to the June 25, 1996, attack on the Khobar Towers apartment complex which killed nineteen] is a warning of this volcanic eruption emerging as a result of the severe oppression, suffering, excessive inequity, humiliation and poverty... It is essential to hit the main enemy who divided the Ummah [the Muslim community] into small and little countries and pushed it, for the last few decades, into a state of confusion... Clearly after Belief (Imaan) there is no more important duty than pushing the American enemy out of the holy land [Arabia].⁵⁷

Bin Laden was not done issuing statements. On February 23, 1998 he issued a second declaration of war stating that to 'kill Americans and their allies – civilian and military – is an individual duty for every Muslim who can do it in any country in which it is possible to do, in order to liberate the Al Aqsa mosque and the Holy Mosque, and in order for their armies to move out of the lands of Islam, defeated and unable to threaten any Muslim.'⁵⁸ This statement came months before al Qaeda conducted two simultaneous

bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam Tanzania on August 7. In Dar es Salaam, ten Tanzanians are killed and dozens injured in the blast, but little damage was done to the embassy building because it sat some distance from the street. In Nairobi the explosion was gigantic, totally collapsing the building next to the embassy. The bombers attempted to drive a truck into the embassy ramp area but a guard prevented them. While the truck was driving down an adjacent alley it exploded, collapsing the neighboring building. Twelve Americans and 250 Kenyans were killed. The blast blew out countless windows, sending debris into the street injuring more than 5,000.

Prior to 9/11, no terrorist operation ever killed more than 500 people. The attacks killed almost 3,000 citizens from 80 different countries. This is large scale terror, and since the attacks killed so many from different countries, al Qaeda was declaring war on the whole world. The 9/11 attacks killed twice as many Americans as had been killed in all other terrorist acts since 1968. Al Qaeda changed the definition of terrorism with the 9/11 attacks.

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II. CASE STUDIES IN TERROR

Osama bin Laden conducted a meeting on August 11, 1988 creating al Qaeda. The meeting's purpose was to discuss "the establishment of a new military group." Al Qaeda was born as a result of the failure of discredited Arab governments to defend their countries. The evolution toward armed politics of a group of Arab Islamists from the Middle East and North Africa allied with Asian Muslims was the consequence of a dual realization, wherein private actors came to the conclusion that their states were too weak to defend their citizenry, but equally too strong to be overtaken.¹ This new group would have sleeper cells all over the world willing to carry out attacks against the West.

Al Qaeda funded many attacks. In July 1990, radical Muslim leader Sheikh Omar Abdul-Rahman, a member of the US terrorist watch list for three years, entered the United States. Abdul-Rahman was heavily involved with the CIA and Pakistani Inter-Services Intelligence efforts to defeat the Soviets in Afghanistan and became famous traveling all over the world for five years recruiting new mujahedeen.² He never hid his primary goal of overthrowing the governments of the United States and Egypt. He is also thought to have had an alleged role in the assassination of Egyptian President Anwar el-Sadat. While in the United States, the sheikh began to set up a terrorist network. He and bin Laden met in Afghanistan and bin Laden paid for Abdul-Rahman's living expenses in the United States.

Bin Laden moved from Afghanistan to the Sudan in 1992. With his personal fortune of around \$250 million, bin Laden began plotting terrorist attacks against the United States. The first attack killed two tourists in Yemen at the end of 1992. The CIA learned of his involvement in the attacks in 1993, and that in the same year he was channeling money to Egyptian extremists. United States intelligence also learned by January 1994 he was financing at least three terrorist training camps in North Sudan.³ Bin Laden stayed in Sudan until 1996.

In 1993 bin Laden bought a jet from the U.S. military in Arizona. The transaction was approved by the U.S. military. The aircraft would later be used to transport missiles from Pakistan that killed American Special Forces in Somalia.⁴ Al Qaeda also had some members begin training as pilots in U.S. flight schools. An expert panel commissioned by the Pentagon postulated an airplane could be used as a missile to bomb national landmarks. However, the panel did not publish this idea in its “Terror 2000” report. One of the authors of the report later said, “We were told by the Department of Defense not to put it in...and I said, ‘It’s unclassified, everything is available.’ In addition, they said, “We don’t want it released, because you can’t handle a crisis before it becomes a crisis. And no one is going to believe you.” However, in 1994, one of the panel’s experts wrote in *Futurist* magazine, “Targets such as the World Trade Center not only provide the requisite casualties but, because of their symbolic nature, provide more bang for the buck. In order to maximize their odds for success, terrorist groups will likely consider mounting multiple, simultaneous operations with the aim of overtaxing a government’s ability to respond, as well as demonstrating their professionalism and reach.”⁵

The first major attack by foreign terrorists on the U.S. mainland occurred on February 26, 1993. Ramzi Yousef parked a large truck bomb in the basement parking garage of the World Trade Center in New York City, killing 8 people, injuring more than 1000, and causing widespread damage and panic. The attack was perpetrated by a group of foreign terrorists from Egypt, Iraq, Jordan, and the Palestinian Authority.⁶ Analysts later determined that had the terrorists not made a minor error in the placement of the bomb, both towers could have fallen and up to 50,000 people could have been killed. U.S. officials later stated that the overall mastermind of the 9/11 attacks, Khalid Sheikh Mohammed, is a close relative, probably an uncle, of Yousef. One of the attackers even left a message found by investigators stating, "Next time, it will be very precise."⁷

In June 1993, eight people were arrested, foiling a plot to bomb several New York City landmarks including the United Nations, 26 Federal Plaza, and the Lincoln and Holland Tunnels. The plotters were connected to Ramzi Yousef and Sheikh Omar Abdul-Rahman.

Al Qaeda and more specifically Osama bin Laden conducted several more missions against the United States and their allies. Bin Laden and his followers were indicted in 1998 for training Somalis in their battles against the United States. In 1994 an al Qaeda connected group tried to fly an airplane into the Eiffel Tower. Several other incidents that year involved the hijacking of airplanes and crashing them into buildings. A disgruntled Federal Express employee tried to crash a DC-10 into a company building in Memphis but the flight crew overpowered him. A lone pilot crashed a small plane onto the White House grounds, just missing the President's bedroom. An Air France flight was hijacked by a terrorist group linked to al Qaeda with the goal of crashing into

the Eiffel Tower, but French Special Forces stormed the plane and retook it before it could take off.

The most daring failure before the bombings of the U.S. embassies in Africa was Operation Bojinka. Bojinka is Serbian for loud bang. Ramzi Yousef and his associates began working on a series of bombs and timing devices for use aboard airplanes in public places. They intended to bomb 12 U.S. commercial jumbo jets over the Pacific during a two-day span. Khalid Shaikh Mohammed was involved in the planning; only an apartment fire stopped the operation. This marked the first time Khalid Shaikh Mohammed took part in the actual planning of a terrorist operation. While sharing an apartment in Manila during the summer of 1994, he and Yousef acquired chemicals and other materials necessary to construct bombs and timers. They also cased target flights to Hong Kong and Seoul that had onward legs to the United States. During this same period, Khalid Shaikh Mohammed and Yousef also developed plans to assassinate President Clinton during his 1994 trip to Manila and to bomb U.S.-bound cargo carriers by smuggling jackets containing nitro cellulose on board.⁸ This would eventually result in the arrest of Ramzi Yousef in 1995 in Pakistan. Yousef had recruited Istaique Parker to implement a limited version of Operation Bojinka. Parker was to place bombs on board two flights bound from Bangkok to the United States, but got cold feet and instead turned in Yousef. The next day, as Yousef was flying over New York City on his way to a prison cell, an FBI agent says to him, “You see the Trade Centers down there; they are still standing, aren’t they?” Yousef responds, “They wouldn’t be if I had enough money or explosives.”⁹ The World Trade Centers were still a terrorist target.

In June of 1998 the United States learned that bin Laden was considering attacks against Washington and New York City. This information was given to senior U.S. officials in July 1998.¹⁰ However, the intelligence community was slow to react and it took them over a year to start planning for an attack. Later that year, an intelligence report from the CIA asserted that Arab terrorists were planning to fly bomb-laden aircraft from a foreign country into the World Trade Center. However, the FBI and the FAA do not take the threat seriously.

On August 4, 1998 a threat to U.S. Embassies was uncovered. The Egyptian Islamic Jihad, a terror group, joined forces with al Qaeda and issued a statement threatening to retaliate against the United States for its involvement in rounding up three of its members helping Muslim forces fight in Albania. The group announced, “We wish to inform the Americans...of preparations for a response which we hope they read with care, because we shall write it with the help of God in the language they understand.”¹¹ The attack on the U.S. embassies in Nairobi, Kenya and Dar es Salaam, Tanzania on August 7, 1998 showed that al Qaeda had the ability to carry out simultaneous attacks. This category of attack came closest to the al Qaeda operational template or model evident in the bombings and the future 9/11 attacks. Such high value, “spectacular” attacks are entrusted only to al Qaeda’s professional cadre: the most dedicated, committed and absolutely reliable element of the movement.¹²

At 10:36 A.M. a truck bomb containing two terrorists approached the U.S. embassy in Nairobi, Kenya. The goal of the driver was to drive the truck to the underground parking garage and detonate the device. However, the embassy guard refused to allow access to the terrorists. A passenger then got out of the truck and threw

flash bang grenades at the guards in an attempt to scare them. The driver then opened fire on the guards with a handgun. None of the guards were injured.

Since the driver could not access the garage, he decided to detonate the bomb right there. The passenger who threw the flash bang grenades was injured, but able to flee. The explosion killed 291 people and injured 5000. Among the dead were 12 Americans and 32 Foreign Service nationals. The majority of the deaths were caused by the collapse of the Ufundi Building located two to three meters from the blast site.¹³ The Ufundi Building was composed of large glass windows and most of the injuries were a result of flying glass. (See Appendix A)

At 10:39 A.M. a truck bomb pulled up to the front entrance of the U.S. embassy in Dar es Salaam. The embassy was on alert from the State Department as a result of the Nairobi bombing, so security was on high alert. The guards at the Dar es Salaam embassy had parked a water truck blocking complete access to the embassy. The compound was on lockdown and no trucks were allowed access. As a result the truck driver had to detonate the bomb ten to twelve meters from the U.S. embassy building. The bomb killed 10 people (no Americans) and injured 77 people, including one American. (See Appendix B) According to Khalid Sheikh Mohammed, the 1998 bombings of the U.S. embassies in Nairobi and Dar es Salaam marked a watershed in the evolution of the 9/11 plot. He claimed these bombings convinced him that bin Laden was truly committed to attacking the United States.¹⁴

The Clinton administration was unsure how to respond to these attacks. On August 20, 1998 the United States launched retaliatory and preemptive missile strikes against Sudan training bases and infrastructure in Afghanistan used by groups affiliated

with Osama bin Laden. This was the first time the U.S. had unreservedly acknowledged a preemptive military strike against a terrorist organization or network. This led to speculation that faced with a growing number of major attacks on U.S. persons and property and mounting casualties, U.S. policy makers might be setting a new direction in counterterrorism – a more proactive and global policy, less constrained when targeting terrorists, their bases or infrastructure.¹⁵

The warning signs for a spectacular attack on the United States were occurring at a rapid pace. Chatter between al Qaeda cells was becoming more frequent. President George W Bush was sworn into office on January 20, 2001.

Before 9/11, President Bush and his advisors feared terrorism, but they did little to deal with it. Upon taking office, they were informed by intelligence analysts that terrorism was a great threat to national security, that a mass casualty event in the United States was a possibility, that al Qaeda had the intention and was developing the capability to strike inside the United States.¹⁶

It was not until April 2001 that FBI translators were able to point to explicit warnings from Afghanistan. In their accounts, a reliable informant on the FBI's payroll for at least ten years told two FBI agents that sources in Afghanistan had heard of an al Qaeda plot to attack the United States and Europe in a suicide mission involving airplanes. Al Qaeda agents, already in place inside the United States were training as pilots.¹⁷

In response to these threats, the FBI sent a message to all its field offices on April 13, summarizing reporting to date. It asked the offices to task all resources, including human sources and electronic databases for any information pertaining to "current operational activities relating to Sunni extremism." It did not suggest a domestic threat.¹⁸

More warnings came to the intelligence communities. In May 2001, U.S. intelligence obtained information that al Qaeda was planning to infiltrate the United States from Canada and carry out a terrorist operation using high explosives. The United States was still focusing most of the attention of the U.S. security establishment on the alleged threats from major rival states, notably China and Russia. Because such revolutionary terrorist groups pose not only a terrorist but a revolutionary and/or separatist threat to many states around the world (including the Muslim world), the attacks and the U.S. response to them seemed in the wake of 11 September to open up the possibility of a new era of limited cooperation among the world's major states.¹⁹ Bin Laden had already "declared war" twice against the United States by fatwah but the United States treated bin Laden's declaration as grandiose bluster and dismissed it.

The muscle hijackers began arriving in the United States in April 2001. Muscle hijackers were the operatives who would storm the cockpits and control the passengers. In most cases they traveled in pairs on tourist visas and entered the United States in Orlando or Miami, Florida; Washington, D.C; or New York. They established bank accounts, acquired mailboxes and rented cars. They also joined local gyms to stay fit for the operation. Several of the pilots continued to train, including Mohamed Atta, Marwan Alshehhi and Ziad Jarrah; this training included cross country surveillance flights. Each of these men flew in first class and the specific type of plane he would pilot on September 11.²⁰

When Atta was checking in for his flight in Maine, he was selected by a computerized prescreening system known as the Computer Assisted Passenger Prescreening System (CAPPS), created to identify passengers who should be subject to

special security measures. Under security rules in place at the time, the only consequence of Atta's selection by CAPPs was his checked bags were held off of the plane until it was confirmed he had boarded the aircraft.²¹

Flight 11 was scheduled to take off at 7:45. Between 6:45 and 7:40, Atta and Alomari board the flight. Satam as Saqami, Wail al Shehri and Waleed al Shehri boarded Flight 11. Three of this team were selected by CAPPs, again holding their bags until they actually boarded the flight. Meanwhile, in another part of Logan terminal, Marwan Alshehhi, Fayeze Banihammad, Mohand Alshehri, Hamza Alghamdi, and Ahmed Alghamdi boarded United Airlines Flight 175 bound for Los Angeles. All of the men were able to board the plane and both flights took off on time.²²

American Airlines Flight 77 was bound for Los Angeles. Khalid Almihdhar and Majed Moqed checked in at the ticket counter. Within the next twenty minutes Hani Hanjour and the two brothers, Nawaf al Hazmi and Salem al Hazmi checked in at the ticket gate. Hanjour, Almihdhar and Moqed were all flagged by CAPPs. The Hazmi brothers were selected for extra security by the customer service representatives. One of the brothers did not have photo identification and could not understand English. The only consequence was the luggage for the two men was held off the plane until it was confirmed they had boarded. Almihdhar and Moqed both set off the metal detectors when entering the airport, however both were allowed to continue. When the two brothers went through the metal detectors, Nawaf set the detector off, but he was allowed to pass through. Video footage indicated that he was carrying an unidentified item in his back pocket, clipped on to its rim.²³ All the men were permitted to board and were sitting in first class on the flight.

In Newark, United Flight 93 was preparing for boarding and a scheduled flight to Los Angeles. Saeed al Ghamdi, Ahmed al Nami, Ahmad al Haznawi, and Ziad Jarrah all checked in at the ticket counter. Again CAPPS selected one of the four, Haznawi, and yet again he was allowed to board the flight after a small delay.²⁴

The morning of September 11, 2001 all 19 men were aboard transcontinental flights. They were planning to hijack the flights with up to 11,400 gallons of jet fuel and use them as guided missiles to attack the United States. By 8:00, they had all defeated the security layer that America's civil aviation security system had in place to prevent hijacking.

Flight 11 was scheduled to provide service from Boston to Los Angeles; Captain John Ogonowski and First Officer Thomas McGuinness were piloting the Boeing 767. There were eighty-one passengers on board including five terrorists. It is believed the hijacking began around 8:14 A.M. It is not known how the terrorists gained access to Flight 11's cockpit. It is believed the Al Shehri brothers injured the two first class flight attendants, who were preparing the cabin for service. An attempt was made by one of the passengers to stop Atta and Omari from accessing the cockpit. Daniel Lewin, who was seated in a row just behind Atta and Omari was stabbed by one of the terrorists – probably al Sugami who was seated directly behind him. Lewin had served four years as an officer in the Israeli military. He may have made an attempt to stop the terrorists in front of him, not realizing that there was another behind him.²⁵ After the terrorists gained control of the plane they sprayed a form of irritant in the air to force the other passengers and flight attendants to the rear of the plane. They claimed they had a bomb. When the terrorists tried to communicate with the passengers, they actually called Boston.

“Nobody move. Everything will be okay. If you try to make any moves, you’ll endanger yourself and the airplane. Just stay quiet.”²⁶ At 8:26 A.M. as Flight 11 turned south, American was already getting information that helped identify the terrorists. The attendants told the ground that one of the terrorists spoke very good English and the other spoke very little English. It was after this conversation that the aircraft entered a steep descent and was flying erratically. At 8:41 A.M. American’s operation center determined Flight 11 was heading toward Kennedy Airport in New York City, and the aircraft was descending in that general direction. At 8:46:40 American Flight 11 crashed into the North Tower of the World Trade Center in New York City. All on board and an unknown number of people in the tower were killed instantly.²⁷

United Flight 175 was scheduled to depart for Los Angeles at 8:00 A.M. Captain Victor Saracini and First Officer Michael Horrocks piloted the Boeing 767. There were seven flight attendants and fifty-six passengers boarded for Los Angeles. The terrorists hijacked Flight 175 between 8:42 and 8:46 A.M. using knives, Mace, and the threat of a bomb. They killed both pilots and numerous calls from the aircraft gave reports to the ground. The terrorists used the same tactics and weapons as Flight 11. At 8:47 United 175 changed beacon codes twice within a minute. At 8:51 the flight deviated from its assigned altitude as the tower was trying unsuccessfully to contact the aircraft. At 8:58 Flight 175 took a heading toward New York City. At 9:03:11 United Airlines Flight 175 struck the South Tower of the World Trade Center. All on board, along with an unknown number of people in the tower, were killed instantly.²⁸

American Airlines Flight 77 was scheduled to depart from Washington Dulles for Los Angeles at 8:10 A.M. The Boeing 757 was piloted by Captain Charles F.

Burlingame and First Officer David Charlebois, there were four flight attendants and fifty-eight passengers. The hijacking began between 8:51 and 8:54 A.M. Unlike the terrorists on Flight 11 and United 175, they used box cutters instead of knives.

Additionally, the passengers told authorities the pilot made the announcement the plane had been hijacked. There was no mention of a bomb or the use of Mace. At 9:29, the autopilot on American Flight 77 was disengaged. The aircraft was at 7000 feet and approximately 38 miles west of the Pentagon. At 9:34 Ronald Reagan Washington National Airport advised the Secret Service of an unknown aircraft heading in the direction of the White House. American 77 was then five miles west-southwest of the Pentagon and began a 330-degree turn. At the end of the turn, it was descending through 2200 feet, pointed toward the Pentagon and downtown Washington. The hijacker pilot then advanced the throttles to maximum power and drove toward the Pentagon. American Airlines Flight 77 crashed into the Pentagon at 9:37:46 at 530 miles per hour. All on board were killed, as well as military and civilians in the Pentagon.²⁹

United Flight 93 took off from Newark bound for San Francisco. The aircraft was piloted by Captain Jason Dahl and First Officer Leroy Homer; there were five flight attendants and thirty-seven passengers, including the terrorists. The terrorists attacked at 9:28 when Flight 93 was over Eastern Ohio; the aircraft dropped 700 feet immediately. Several of the passengers who had learned about the attacks decided to try to retake the aircraft. According to one call, the passengers voted on whether to rush the terrorists in an attempt to retake the plane. They decided and acted. At 9:57, the passenger assault began. Several passengers had terminated phone calls with loved ones in order to join the revolt. One of the callers ended her message, "Everyone's running up to first class. I've

got to go. Bye.”³⁰ The passengers continued their assault and at 10:02:23 the hijackers were beginning to lose the battle. The hijackers began yelling, “Allah is the greatest.” With the sounds of the passengers counterattack at its height, the aircraft plowed into an empty field in Shanksville, Pennsylvania at 580 miles per hour, about 20 minutes flying time from Washington, D.C. Jarrah’s objective was to crash the airliner into symbols of the American Republic: the Capitol or the White House. He was defeated by the alerted, unarmed passengers of United 93.³¹

The September 11 attacks were not the last attacks performed by al Qaeda. The morning of July 7, 2005 started with great news for London; it was announced that London would be the host city for the 2012 Olympic Games. This good feeling would be short lived. During morning rush hour, four young British men, Mohammad Sidique Khan, Shehzad Tanweer, Jermaine Lindsay, and Hasib Hussain travelled to London. The men, aged from 18 to 30, had travelled to London carrying large backpacks packed with explosives and other materials such as nails that were designed to cause as many deaths and injuries as possible.³² They entered the King’s Cross St. Pancras station and hugged each other goodbye. At 8:50 A.M. and over the following 60 seconds, the bombs carried by Khan, Tanweer, and Lindsay exploded. Initially the explosions were reported as power surges before the truth later emerged. The final bomber, Hussain, found that his targeted train was running late, so he wandered the streets of London before climbing onto a bus and sitting down at the back of the top deck. At 9:47 he detonated his bomb in Tavistock Square as the bus passed the British Medical Association.³³

The authorities soon discovered the identity of the bombers. Three of them were British born and raised, and Lindsay was born in Jamaica and moved to Britain at the age

of five. Two weeks later, copy cat attacks took place. The detonators all exploded, but the bombs did not go off and no one was killed.³⁴

The 9/11 and 7/7 attacks announced al Qaeda's presence to the whole world. Although the intelligence communities knew of the danger of al Qaeda, the general public did not. Terrorism until this point was designed to bring about political change and disrupt international relations which the international community considers contrary to desirable international norms of behavior.

The definition of terrorism has many parts, including any willful act causing death or grievous bodily harm or loss of liberty to heads of state, their spouses, or persons holding a public position, when the act is directed against them in their public capacity; willful damage to public property belonging to another contracting party; any willful act calculated to endanger the lives of member of the public; any attempt to commit one of the above offences; the dealing with arms and ammunition with a view to the commission of one of the above offences in any country what so ever.³⁵ These attacks were different than any other traditional terrorist attacks. More death occurred in those two attacks than all of the other attacks in the 20th century. These attacks marked a new, more dangerous type of terrorism than the world was ready for or wanted.

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III. UNITED STATES RESPONDS TO TERROR

The United States was taken by surprise with the 9/11 attacks. There was a warning that something was going to happen, but the government was not prepared for such a spectacular attack on soft (civilian) targets, such as the World Trade Center and hard (military) targets, such as the Pentagon. Since the United States had never been attacked on the mainland at such a scale, the government depended on the typical terrorist model.

By making attacks appear to be random, terrorists intimidate a larger audience and enhance its anxiety. The targeted society must then expend large outlays to protect a wide range of vulnerabilities. Terrorists rely on numerous modes of attack that include hostage taking, bombings, suicide attacks, assassinations, armed attacks, and threats.¹

The 9/11 attacks were different from traditional ones. The plan was conceived by Khalid Sheikh Mohammed in Afghanistan but the terrorists were from other countries; fifteen of the hijackers were from Saudi Arabia, two were from the United Arab Emirates, one was from Egypt and one was from Lebanon. Support for the terrorists came from a variety of countries, including the UAE, Saudi Arabia, Afghanistan, and Pakistan. The victims of the attacks were from eighty countries. These attacks had economic and security implications worldwide. Unlike other terrorists groups, al Qaeda's network is not limited. Al Qaeda's network, with its affiliate terrorist groups in some sixty nations, engages in transnational terrorism. Changes in visa procedures, airport security, target fortification and other counter terrorism measures indicate that transnational terrorism

represents the greater concern to the authorities.² The efforts made by the United States to make the country more secure are numerous, from the increased security at airports to stricter immigration laws and specific protection laws, such as the Patriot Act.

How was the United States supposed to respond to the 9/11 attacks? Would laws and a response from the international community suffice? The U.S. response was to lead a war on terror, to identify an enemy and to press for global support in destroying the terrorists.

Recent reports estimated that about two-thirds of al Qaeda have been either killed or captured; such attrition severely limited the amount of command and control that al Qaeda's highest echelon could exercise over its far flung cells. These same reports indicate that al Qaeda had 3400 suspects arrested worldwide since 9/11 and that it lost many operatives during the Afghanistan War in 2001. In addition, significant financial assets (\$135 million since 9/11) of the network have been frozen, compromising al Qaeda's capabilities.³

This would lead the United States to make many difficult decisions. The September 11 terrorist attacks on the United States have raised new questions about public governance and the democratic principles of citizenship. As policy makers attempt to justify antiterrorist law and institutions in the name of internal and external security, critics argue that such measures may pose a considerable challenge to various domains of people's rights; especially privacy, freedom of expression, political dissent, racial equality and social entitlement. The reaction to these laws by citizens has been mixed.

The public is not likely to forget these attacks any time soon. Security in all public spaces has been dramatically tightened. However, the longer America goes without being attacked again, the more complacent Americans become and the less tolerance they have towards the inconveniences of increased security. These attacks were carried out by an organization that still exists, and the leader of that organization has repeatedly announced his desire to kill Americans.

We – with Allah’s help – call on every Muslim who believes in Allah and wishes to be rewarded to comply with Allah’s order to kill the Americans and plunder their money wherever and whenever they find it. We also call on Muslim ulema, leaders, youths, and soldiers to launch the raid on Satan’s U.S. troops and the devils’ supporters allying with them, and to displace those who are behind them so that they may learn a lesson.⁴

Other organizations may have the same goal, and some national governments may be helping them.

President Bush announced the Global War on Terrorism (GWOT) on September 20, 2001. The administration employed the GWOT for two purposes. The first is hortatory and inspirational – it is meant to arouse the U.S. public and signal the U.S. government’s commitment to defeating a formidable and cruel foe. President Bush declared:

We remain a nation at war. The war reached our shores on September the 11th, 2001, when our nation awoke to a sudden attack. Like generations before us, we have accepted new responsibilities, and we will confront these dangers with firm resolve.⁵

The second reason is essentially negative. By describing the adversary in the most general of terms, the administration clearly hopes to deflect the charge that the United States and its allies are waging war against Islam – a favorite trope of Osama bin Laden and his fellow jihadist-salafists.⁶

The GWOT has had many long lasting effects. President Bush characterized it as a long war. As a result, important issues related to terrorism came to the forefront of policy agendas. These issues included the use of the counterterrorism role of NATO in Afghanistan and elsewhere and the creation of the Department of Homeland Security (DHS).

Before 9/11, terrorism was an element of U.S. national security policy; it was largely a responsive effort and not a proactive policy. Terrorism during the Nixon and Ford administrations was determined to be a law enforcement problem that could be best dealt with by the strengthening of multinational institutions like the International Criminal Police Organization (Interpol). The Reagan administration viewed international terrorism as an instrument of Soviet statecraft. The Clinton administration perceived al Qaeda as a serious threat, but not a grave danger to the United States. Under the Clinton and previous administrations, terrorists were not prevented from recruiting or fundraising on U.S. soil, nor was there any real effort to keep suspected terrorists out of the United States.⁷

September 11, 2001 changed U.S. policy. The Bush administration focused on key elements of national power – military, political, economic, intelligence, and law enforcement – to deny international terrorists safe haven, to disrupt the networks, and to apprehend their members. Additionally, the Bush administration's policy contained two important new features. The first is a marked sense of urgency, symbolized by the president's fervent commitment to combating terrorism. The second is a declared policy of preemption.

Operation Enduring Freedom in Afghanistan marked the emergence of preemption as a tool for disrupting or destroying terrorist entities and preventing

them from carrying out future attacks. Operation Iraqi Freedom, launched in 2003, was justified in part as a campaign to break the supposed nexus between the regime of Saddam Hussein and international terrorists intent on acquiring weapons of mass destruction.⁸

The goal of the Bush administration was a continuous action against terrorist groups that will disrupt, degrade, and destroy the terrorist organization. This would be achieved by:

Denying terrorists access to money, sanctuary, weapons, and other resources, including materials that can be used to fabricate WMD's; cooperating with willing and able states, assisting willing but weak states, pressuring reluctant states, and compelling uncooperative states; diminishing poverty and other conditions that the terrorists can exploit; delegitimizing terrorism as a tool of statecraft and as an instrument of nonstate actors; and defending the U.S. homeland through improved border control, intelligence, and other security measures.⁹

The Bush administration had several challenges to deal with after 9/11. It had to work with all forms of government entities to address the terrorist challenge.

Diplomacy touches at least as many aspects of counterterrorism as does any other instrument. Although U.S. diplomats seldom get the opportunity to apply their diplomatic skills directly on terrorists, the essence of diplomacy – articulating policy to foreign interlocutors, persuading them, and reaching understandings or agreements with them – clearly must be part of efforts that necessarily rely so heavily on engagement with foreign groups and states.¹⁰ Counterterrorism diplomacy is not limited to the activities of the Department of State.

Counterterrorism diplomacy takes place in specialized service-to-service or department-to-department channels and is conducted by states meeting regularly for the exchange of information. When this occurs, the State Department is the coordinator. The U.S. delegation includes some combination of representatives from the intelligence and law enforcement communities, the departments of Defense, Transportation, and

Treasury; the Immigration and Naturalization Service; the Federal Aviation Administration; other components of the State Department; and perhaps other agencies or the National Security Council.¹¹ For counterterrorism diplomacy to work cooperation is needed between the states; each negotiation is part of a larger bilateral relationship. The United States has an advantage over most other countries. Actions by the United States are usually introduced in a clear, articulate manner. Objectives and principles of the United States provide a necessary framework for specialized cooperation.

Diplomacy supports the other instruments in numerous other ways. Criminal law and law enforcement are aided by the negotiation of treaties between states. Counterterrorism diplomacy is bilateral. An example for law enforcement is the negotiations between states over the extradition of a terrorist. Most of the effective negotiations between states occur between two nations.

However, multilateral diplomacy can help in three ways.

First, in a few cases a multilateral resolution can provide a formal structure for making demands and implementing responses (usually toward a state sponsor of terrorism) without the taint of being solely the work of the United States, or the United States and a few allies. A second and less specific way in which even vaguer resolutions that are the stock in trade of multilateral diplomacy can be modestly useful is that they reinforce an international norm against the use of terrorism. The conventions also – and this is the third way in which multilateral diplomacy helps counterterrorism – provide common standards that facilitate cooperation on certain matters.¹²

The U.N. Security Council has aided the United States on limited occasions that include the Libya-Pan Am 103 case. Resolution 731 condemned international terrorism and requested Libya cooperate in determining responsibility for the Pan Am disaster. U.N. Resolution 1373 condemned terrorism after 9/11. Every member of the United Nations voted in support of the resolution. The resolution contained no definition of terrorism or

solution to combat terrorism. There have been several conventions on terrorist related matters over the last fifty years, including the International Convention for the Suppression of Explosives in 1997 and the Convention on the Suppression of the Financing of Terrorism in 2000.

If the United States and United Kingdom are able to stop the flow of money to terrorist groups, attacks would be few and far between. The ability to track money and prevent it from reaching a terrorist organization is a strength of states. Money is the lifeblood of a terrorist group. Financial support certainly has been a principal part of state sponsorship of terrorism, and the most important part of the assistance that some states have given to some terrorist groups. However, the emergence of bin Laden as a non-state terrorist financier has led to another problem. Governments are having a difficult time following the money of private financiers.

Mainstream commercial banking is now subject to far greater scrutiny; formerly wide-open jurisdictions like the Bahamas, Liechtenstein, and the Cayman Islands have enacted legislation aimed at controlling elusive and shadowy “correspondence accounts,” and the use of “naming and shaming” by the nongovernmental Financial Action Task Force has exposed dubious banking practices.¹³ Al Qaeda and other terrorist organizations are moving away from the banks. Additionally, terrorist organizations are now moving towards informal banking, the reliance on charities, wealthy individual donors such as Osama bin Laden, and criminal activities such as credit card fraud. The charities are a particularly intractable problem. Some organizations that support al Qaeda also engage in legitimate humanitarian relief, such as the Muslim Brotherhood, making

many governments reluctant to take action, fearing that doing so will offend religious sensibilities.

Terrorist groups are very good at raising money. Terrorism is a cheap form of warfare. The basic act of killing somebody or blowing something up does not require much money. The truck bomb used at the World Trade Center is estimated to have cost \$400.¹⁴

The United States has taken two types of action against terrorist finances: the freezing of assets belonging to individual terrorists, terrorist groups, or state sponsors; and the prohibition of material support to terrorists.

The United States' has not hesitated to use military force in dealing with the terrorist threats. The United States had not used armed forces against terrorism since the failed attempt to rescue the hostages from Iran. However, the United States has used retaliatory strikes following a terrorist attack only three times before the year 2000. The use of retaliatory strikes is unlikely and unwise.

The United States had a turning point in military actions against terrorism in 1980. When an attempt was made to rescue hostages at the seized American embassy in Tehran, the operation ended in flames and failure in the Iranian desert. Because that disaster was attributed partly to coordination problems, the United States military subsequently developed a new command structure that evolved into the Joint Special Operations Command (JSOC). The command is now a subordinate element of the U.S. Special Operations Command (SOCOM), which was activated in 1987. JSOC's publicly stated mission is opaque, but numerous published reports have identified it as the center of the U.S. military's capacity to apply armed forces to an ongoing terrorist incident.¹⁵

The JSOC has never had to rescue a single hostage, although it reportedly has made plans to do so peacefully. However, there have been no opportunities to rescue hostages. The Israelis have been very successful in these situations. The dazzling success of the Israelis raid at Entebbe, Uganda, in 1976 saved 103 of 106 lives. The successes are easier to remember than the failures. The Egyptians' raid on a hijacked Egypt Air plane in Malta in 1985, during which the terrorists threw grenades inside the aircraft and 60 of the 96 passengers and crew died in the resulting explosions and fire.¹⁶ The United States should model the JSOC on the Israelis and learn from the missteps of the Egyptians.

The United States uses retaliation to display the military force and strength to respond to terrorism. Retaliation was first employed against Libya in 1986 in response to the bombing on April 14th of a nightclub in Berlin, La Belle Discotheque, which off-duty U.S. servicemen frequented. American casualties at the nightclub included two killed and seventy-nine wounded. The U.S. response on April 14th was a strike by one hundred combat aircraft based on carriers or in the United Kingdom. The targets were several military sites around Tripoli and Benghazi as well as numerous surface-to-air missile installations.

The second retaliatory use was against Iraq for having unsuccessfully attempted to use paid agents to assassinate former president George Bush while he was visiting Kuwait in April 1993. The retaliatory strike on June 26 used 23 Tomahawk cruise missiles, all aimed at the headquarters of the Iraqi intelligence service in Baghdad.¹⁷

The third retaliatory use was a set of strikes on August 20, 1998 against targets associated with Osama bin Laden in response to the bombing of the U.S. embassies in Africa.

Several dozen cruise missiles were fired against a complex of training camps in eastern

Afghanistan and a smaller number against a pharmaceutical plant in Sudan suspected of being connected to chemical weapons.

Military retaliation is commonly motivated by more than a belief that it will reduce future terrorism. A major terrorist incident commonly arouses a desire to “do something,” preferably something emphatic, to punish the perpetrators. The thought to “do something” and to deter the terrorist in question from attacking again is the goal of military retaliation. Bin Laden has taken several good shots from the U.S. military and he and his organization had survived. His movement not only made it difficult to track him; it also meant that by the time more missiles were ordered into action and arrived on target, he would likely – as in August 1998 – already have moved on.¹⁸ The desire to do something must not outweigh the benefits. The success of military deterrence is limited at best.

There are three reasons for this limited success. First, the terrorists most likely to threaten U.S. interests present few suitable military targets, especially high-value targets whose destruction would be very costly to the terrorists. This is chiefly the result of the threat coming more from groups than from states, with the former lacking the territory and physical infrastructure of the latter. Second, the nonphysical effects of a military strike may serve some of the political and organizational purposes of terrorist leaders, and for that reason they may tacitly welcome such an attack. In this regard, terrorism has a dynamic similar to that of guerrilla warfare, in which one of the purposes of the guerrillas’ attack is to goad the government into counterattacking in ways that will alienate the civilian population and increase recruits, resources, and sympathy for the guerrillas. Third, the terrorists’ response to a retaliatory strike may be counter-retaliation

rather than good behavior. A larger problem may be the resentment against the world's only super power using its military muscle offensively. Foreign reactions to the counterattacks against terrorism have mixed reactions. No matter how strong the case for a counterattack against a terrorist group, it will always appear the "big bad United States" is picking on some poor country. The U.S. military is stronger than any terrorist group. The use of the military is a delicate one. Actions against terrorists will always need proof beyond a reasonable doubt, but evidence the U.S. government has will not always be enough for the whole world to accept.

For the Bush administration, the military component included combat operations in Afghanistan and Iraq. A less visible component of these operations is the use of Special Operations Forces (SOF), in "direct action" in missions to hunt down and capture or kill as Qaeda operatives, remnants of the Taliban and Ba'ath regimes, foreign jihadists, and other adversaries. SOF personnel are deployed all over the world to strengthen counterterrorism, border control, and internal security capabilities of friendly governments.¹⁹

The United States government uses intelligence and covert action to fight terrorism. The Bush administration increased the U.S. intelligence budget from 30 billion to 40 billion dollars a year; not all was used for counterterrorism purposes. This increase was for an expanse of a cadre of analysts and case officers working for the intelligence services. The U.S. intelligence community is strengthening its ties with foreign intelligence services such as MI5. According to the State Department, "the expansion of intelligence sharing and cooperation among nations since September 11 is preventing attacks, saving lives, and exposing the hiding places of terrorists."²⁰

U.S. intelligence to counterterrorism is the least open of any of the instruments. This section addresses the collection and exploitation of information on international terrorists and the potential for using the U.S. intelligence apparatus more actively as an instrument in its own right to affect the capabilities and intentions of terrorist groups.

The ability to get specific intelligence on terrorist threats is rare because there are few sources that could provide intelligence. Terrorist groups are either small (as with ad hoc groups like Ramzi Yousef's) or highly compartmentalized (as in larger organizations like Hamas). Regardless there is little information available about terrorist organizations or threats available to intelligence organizations. If an intelligence agency is able to identify a well-placed human source within a terrorist group, this source is the best possible intelligence asset for counterterrorism, but these sources are few and far between.

Technical intelligence plays an important supporting role but has limitations. Terrorists are aware of the monitoring capabilities of the United States and western governments. The most important preoperational instructions that terrorists convey are conducted by noninterceptable face-to-face contact. Exploitation of terrorist messages that do get sent electronically must contend with the proliferation of commercially available encryption technology and, even more so, with the tendency of security-conscious terrorists to disguise who they are and what they are up to.²¹ Thus terrorists provide little direct or conclusive information about future attacks. The problem for the United States is there are so many threats they do not know which threat to pursue.

The United States has enacted several programs aimed at keeping terrorists out of the United States. The Tipoff program converts all-source intelligence about foreign

terrorists and suspected terrorists into unclassified watch lists used by consular officers in making decisions on visa applications and by INS and Customs officers at U.S. points of entry. Tipoff is managed by the State Department's Bureau of Intelligence and Research (INR), which controls access to the underlying classified intelligence when it must be consulted in making a decision on admitting a suspect person.²² The program has been effective in keeping undesirables such as United Flight 93 team leader Mohamed al Kahtani out of the United States. However, the lack of security along the U.S. borders is making it easy for terrorists to gain access to the United States.

Another option the United States has is the assassination of possible terrorist leaders. U.S. executive orders have prohibited assassination for the past quarter century. President Gerald Ford initiated such a ban in 1976 with Executive Order 11905; President Reagan renewed it in 1981 with Executive Order 12333, which states flatly that no person employed by or acting on behalf of the U.S. government shall engage in, or conspire to engage in, assassination. A renewed interest in assassination as a possible counterterrorist tool stems partly from heightened concern about international terrorism generally and partly from perceived importance of a single terrorist leader like bin Laden.²³ Assassination of a terrorist leader may or may not reduce terrorism. Israel has been effective at the assassination technique but the world condemns the action. If the United States began to use the assassination technique, it must be successful every time. Failed assassination attempts lead to political problems as well as diplomatic problems. The leading examples for Israel were the shooting death in Norway in 1973 of an innocent Moroccan waiter mistakenly identified as a Black September leader (Norwegian authorities subsequently arrested and convicted several Israeli agents involved in the

misdirected killing) and the botched attempt to kill Khalid Mishal, the chief Hamas political officer in Amman, in September 1997. The latter incident caused a crisis in Israeli-Jordanian relations, with King Hussein threatening to break diplomatic ties and forcing Israel to release from prison the spiritual leader and founder of Hamas, Sheik Ahmed Yassin, as a part of a deal with Jordan to get its two arrested agents released.²⁴

President Bush signed Public Law 107-296 on November 25, 2002 creating the Department of Homeland Security. This created an executive department of the United States within the meaning of title 5, United States Code. A department Secretary was created; the position is appointed by the President, by and with the advice and consent of the Senate. The mission of the Department of Homeland Security is:

- (1) In general – The primary mission of the Department is to -
 - (A) prevent terrorist attacks within the United States;
 - (B) reduce the vulnerability of the United States to terrorism;
 - (C) minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States;
 - (D) carry out all functions of entities transferred to the Department, including by acting as a focal point regarding natural and manmade crises and emergency planning;
 - (E) ensure that the functions of the agencies and subdivisions within the Department that are not related directly to securing the homeland are not diminished or neglected except by a specific explicit Act of Congress;
 - (F) ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland; and
 - (G) monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.
- (2) Responsibility for investigating and prosecuting terrorism. – Except as specifically provided by law with respect to entities transferred to the Department under this Act, primary responsibility for investigating and prosecuting acts of terrorism shall be vested not in the Department, but rather in Federal, State, and local law enforcement agencies with jurisdiction over the act in question.²⁵

President Bush nominated Tom Ridge to be the head of Homeland Security. In his speech before Secretary Ridge took the oath, President Bush stated:

We face a united, determined enemy. We must have a united and determined response. The Homeland Security Office has a series of specific goals and will have my authority to meet them. One, take the strongest possible precautions against terrorism by bringing together the best information and intelligence. In the war on terror knowledge is power.²⁶

The creation of the Department of Homeland Security was an attempt by the government to streamline agencies and share information. Secretary Ridge believed in three basic principles: candor, cooperation and liberty. No one should be wary of coming forward when they see a problem. It's the only way to define a solution. The urgency of our task dictates candor about our challenges and confidence in our ability to solve them.²⁷ Lines of communication and support must be opened, on a precedent that has never been seen before. Communication between agencies and departments, between federal and state and local entities, and between the public and private sectors must improve. The only turf that any agency should be worried about is the protection of the Homeland. Liberty is the most precious gift offered to U.S. citizens. This liberty is what terrorists fear the most, and what was attempted to be destroyed on 9/11. The goal of having one single agency with its primary goal, the protection of the homeland was established and had a capable leader.

This new strategy was premised on the fact that, in 2002, no single government agency had homeland security as its primary mission. Instead, responsibilities for homeland security were dispersed among at least 22 different federal organizations. DHS sought to reform and realign the current overlapping patchwork of government activities into a single department. (See Appendix C) DHS was designed to give federal, state and local officials one primary contact regarding homeland security.²⁸

DHS was intended to manage federal grant programs for enhancing the preparedness of firefighters, police, and emergency medical personnel. Additionally, DHS was empowered to set standards for state and local preparedness activities and equipment. The DHS initially had important strategic goals:

Awareness: Identify and understand threats, assess vulnerabilities, determine potential impacts, and disseminate timely information to homeland security partners and the American public.

Prevention: Detect, deter, and mitigate threats to the homeland.

Protection: Safeguard the people and their freedoms, critical infrastructure, property, and the economy of the nation from acts of terrorism, natural disasters, or other emergencies.

Response: Lead, manage, and coordinate the national response to acts of terrorism, natural disasters, or other emergencies.

Recovery: Lead national, state, local, and private sector efforts to restore services and rebuild communities after acts of terrorism, natural disasters, or other emergencies.

Service: Serve the public effectively by facilitating lawful trade, travel and immigration.

Organizational Excellence: Value the most important resource, the people. Create a culture that promotes a common identity, innovation, mutual respect, accountability, and teamwork to achieve efficiencies, effectiveness, and operational synergies.²⁹

After the establishment of DHS and the war on terror in Afghanistan and Iraq, another problem arose for the United States: what to do with the terrorists once they were captured. Terrorists are not prisoners of war. They are not combatants actively involved in a war who have been captured by the opposing side. If terrorists were fighting in uniform, as a member of an army, they would be given the privileges from the Geneva Convention. The war on terror has created its own unique by-product, the “enemy combatants” – terrorists captured “in action” fighting what we refuse to recognize as a conventional war.

On March 11, 2002 the DHS created the Homeland Security Advisory System. The nation requires a Homeland Security Advisory System to provide a comprehensive

and effective means to disseminate information regarding the risk of terrorist acts to federal, state, and local authorities and to the American people. Such a system would provide warnings in the form of a set of graduated “Threat Conditions” that would increase as the risk of the threat increases. At each threat condition, Federal departments and agencies would implement a corresponding set of “Protective Measures” to further reduce vulnerability or increase response capability during a period of heightened alert.³⁰

The U.S. system is similar to the UK system, both have level and conditions, but unlike the UK’s, the U.S. has colors to make it easier for the public to understand. The lowest condition is green. This condition is declared when there is a low risk of terrorist attack. Guarded condition is blue. This condition is declared when there is a general risk of terrorist attacks. The elevated condition is yellow. This condition is declared when there is a significant risk of terrorist attack. The current condition the United States is under is high condition color orange. A high condition is declared when there is a high risk of terrorist attack. The final condition is severe and red. A severe condition reflects a severe risk of terrorist attack.³¹

There are three major areas where law enforcers are likely to value their authority more highly after September 11 than before. The first is profiling. The terrorist attacks of 9/11 were executed by young and middle aged men of Middle Eastern origin. Antiterrorism law enforcement is not going to target people in those categories exclusively (notice the news reports at the height of that fall’s anthrax scare suggesting its source might be domestic right-wing groups), but young men of Middle Eastern origin are clearly going to receive more police attention than the rest of the population.³² The second is secret information gathering. Much of the evidence gathering the police do is

out in the open, or nearly so. Other kinds of investigations are secret by design. Sneak and peek warrants authorize searches of dwellings whose occupants will not know they have been searched. Wiretaps work precisely because participants in conversations on tapped phones do not know they are being monitored. The same is true of searches conducted over the internet. The government needs to do a great deal of preliminary investigation in these cases merely to identify suspects, and the investigation must be secret, for the suspects are likely to have the resources and the ability either to go into hiding or to flee the country.³³ The third is interrogation.

Antiterrorism work is mostly about the business of preventing future crimes, not solving past ones. This is crime prevention of a different sort than is discussed in police circles. Street crime can sometimes be avoided by establishing a police presence in the right places at the right times, but terrorist attacks are not preventable by such means. They are too geographically dispersed, and the attackers are too sophisticated – this is not opportunistic crime in a few “hot spots,” but something both less visible and less easily deterred. The police need information to find and prevent terrorist attacks. In most criminal networks, such information is best obtained through informants and undercover agents. Only a very small group of people could penetrate the relevant terrorist networks (or be recruited from within such networks), and finding them is a hard, time-consuming process. The best source of information is likely to be the suspects themselves. If these suspects decide not to talk, agents are likely to want to induce them to change their minds.³⁴

The Federal Aviation Administration (FAA) performed passenger and baggage screening with screening personnel and equipment at the nation’s airports. This

screening is supplemented by a system of computer-based passenger screening known as the Computer-Assisted Passenger Pre-screening System (CAPPS), which is operated by US aircraft operators. CAPPS was created in 1998. It analyzed information in passenger name records (PNR) using certain evaluation criteria in order to determine whether a passenger or his property should receive a higher level of security screening prior to boarding the aircraft.³⁵ The PNR contained detailed information about travelers on a particular flight including their name; reservation date; travel agency or agent; travel itinerary information; form of payment; flight number and seat location. The commercial aircraft companies were responsible for carrying out the function of CAPPS using lists provided by the FAA. The lists were unclassified and the amount of information limited. Many of the 9/11 terrorists were identified by CAPPS, but the airlines did not remove the terrorists from the plane, or even question the them; the airlines simply made sure the passenger was actually on the flight before their baggage was loaded. This was a failure of policy by both the FAA and the commercial airlines. It was up to the airlines to establish guidelines to protect both the travelers and the aircraft. The lax security contributed to the success of the 9/11 attacks.

After 9/11 CAPPS was deemed to be ineffective by the 9/11 Commission. The original CAPPS was reevaluated and disbanded. CAPPS II was proposed under the newly formed Department of Homeland Security, under the direct supervision of the Transportation Security Administration (TSA). Under CAPPS I only 15% of passengers required additional screening compared to an expected one to three percent under CAPPS II.³⁶ CAPPS II was envisioned to operate in the following manner:

- 1) During the reservation process, the passenger will be required to provide four pieces of information: full name, home address, home phone number and date of birth.
- 2) At a specified time prior to the flight, CAPPS II will request an identity authentication from commercial data providers. This means that a passenger's personal information collected under step 1 will be verified by information in commercial databases operated by Lexis-Nexis. Rather than the commercial data provider sending back any personal information, an identity authentication score will be returned to CAPPS II indicating the probability that the passenger is who he says he is.
- 3) After obtaining passengers' authentication scores, CAPPS II will conduct risk assessments using government databases, including classified and intelligence data, to generate a risk score categorizing the passenger as an acceptable risk, unknown risk, or unacceptable risk.
- 4) When the passenger checks in for a flight, the passenger's risk category will be transmitted from CAPPS II to the check in counter. Passengers who are an acceptable or unknown risk will receive a boarding pass encoded with their risk level so that checkpoint screeners will know the level of scrutiny required. If the passenger's risk is determined to be unknown, additional security checks will be required. Passengers whose risk assessment is determined to be unacceptable will not be issued boarding passes. Law enforcement agencies will be notified and will determine whether the individual will be allowed to proceed through the screening checkpoint or if other actions are warranted, such as additional questioning of the passenger, or taking the passenger into custody.³⁷

The theory behind CAPPS II was sound; however CAPPS II will never be implemented. CAPPS II relied on the airlines to verify passenger identity. Requesting birth date, phone number, name and address could result in identity theft. CAPPS II could not be successful unless a biometric indicator was used for the purpose of identification. The TSA had the right idea, but will be unable to implement the plan because of infringements on privacy rights brought to light by the ACLU and Civil Libertarians. Biometric technology is not advanced enough to make CAPPS II foolproof.

President Bush announced the "war on terrorism," and the formation of an antiterrorist coalition among various nations, a global search for the terrorists responsible for the attack, massive military operations in Afghanistan to eliminate the al Qaeda terrorist networks led by Osama bin Laden, and the adoption of multifaceted legal

provisions against terrorists and their sympathizers worldwide. The September 11 attack was the most significant in the history of terrorism because it altered the structures of interstate relations, transformed perceptions of security, redefined the identities of friends and enemies in world politics, restructured the criteria of state-citizen-resident relations, and reprioritized the mission of public governance.

The UN passed Security Council Resolution 1373 on September 28, 2001, condemning the attacks and calling on all states to prevent and suppress the financing of all terrorist acts, to freeze funds and assets of individuals involved in terrorism, and criminalize the provision or collection of funds for terrorists. This resolution also required all states to exchange information regarding terrorist networks, false travel documents, traffic in sensitive materials, and communications technologies used by terrorist groups.

The United States has passed a series of antiterrorism measures since 9/11. These measures included the Federal Anti-Terrorism Act, Airport Security Federalization Act, Bioterrorism Response Act, Preparedness against Domestic Terrorism Act, Aviation Security Enhancement Act, Airline Security Act, Bioterrorism Preparedness Act, and United States Security Act. However, one of the most important legal provisions is the USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act, signed on October 26, 2001. The Patriot Act enhances the government's authority and capacity to redefine terrorism, conduct surveillance, gather intelligence, determine crimes and penalties, detain immigrants for lengthy periods and verify financial transactions and accounts.

Prior to the Patriot Act, there was the Designating Foreign Terrorism Organizations Act of 1996. The main component of the FTO was designating groups involved in international terrorism as foreign terrorist organizations. The statute blocks FTO's assets in the possession or control of US financial institutions, subject to regulation by the secretary of the treasury. The FTO was initially opposed by liberal Democrats and conservative Republicans. The major concern was that once an organization was named it could never get off the list. However, this issue was resolved during a negotiating session with Congressional Staff when a Justice Department official suggested the compromise in which the designations expired after two years unless renewed.

The first designations were made in October 1997 by Secretary of State Madeline Albright. These designations were made in concert with the attorney general and secretary of the treasury as required by law; thirty groups were designated. The problem was a delay in making the designations and that the designations required decisions to be based on an administrative record and that mandated court challenges and defenses are based solely on that administrative record. The Justice Department attorneys told the State Department that the administrative records therefore had to be the equivalent of court briefs.³⁸ This was the beginning of the confusion between agencies as well as competition. The State Department had no experience in this type of procedure, thus there were lengthy discussions and rewriting sessions causing more delays. Additionally, the State Department also had to deal with its regular counterterrorism duties. The State Department offices had limited access to unclassified internet to aid in search of public sources, as there was only one such computer in the Counterterrorism Office. This

computer was out of date and the workers worked at home to conduct unclassified internet research on the organization.

Congress complained about the time delays, but these reflected cutbacks in the State Department's budget by Congress, resulting in curbs on staffing and computer equipment, not reluctance by the State Department. Al Qaeda was added to the list in October 1999. Since the designations were to be reviewed every two years, the groups had to be active during the previous two years. The current listing from October 2005 designates forty-two groups.³⁹

The first part of the AEDPA (Antiterrorism and Effective Death Penalty Act of 1996) was a precursor to the Patriot Act. The second component of AEDPA makes it a criminal offense for Americans to knowingly provide material support or resources to a terrorist group formally designated as an FTO by the Secretary of State. There are two material support provisions to the second section of the AEDPA.

The material support provisions have been an important legal tool against those people who help provide funds, weapons, training, financial services, and other forms of support for terrorist activities, even though they may not be bombers or shooters.⁴⁰ The modified 18USC2339A provision made it illegal to knowingly provide material support for specific acts of terrorism, whether or not they are carried out by a known organization. The law does not define terrorism directly, but instead cites as predicate offenses a series of US laws that criminalize certain specific acts, such as attacking aircraft, taking hostages, or attacking the president, cabinet officers, and members of Congress.⁴¹

The lack of a proper definition of terrorism and a lack of support from the government created confusion. This confusion on 9/11 led to chaos and a response before an understanding of what had occurred and who was responsible for the attacks.

Five years after the enactment of AEDPA and 45 days after 9/11, Congress enacted the next major counterterrorism legislation. The fears of other terrorist attacks in

the wake of 9/11 were major influences on the legislation and speed by which the legislation was rushed through. The major goal of the legislation was to protect the homeland by facilitating investigations and surveillance.

The major feature of the Patriot Act permits the sharing of foreign intelligence information with federal law enforcement, protective, immigration, national defense, and national security officials for the performance of official duties. This includes information relating to protection against international terrorism or foreign attack, or concerning foreign activity and the conduct of foreign affairs. This removal of the legal barrier was considered by Bush administration officials a major benefit of the Patriot Act. Intelligence analysts are now able to connect the dots between intelligence agencies. The sharing of intelligence information comes from different sources where the recipients of the material supports are located. This increased information sharing enhanced the ability for the Justice Department officials to investigate and prosecute cases, especially under the material support laws.

The Patriot Act also addresses the issue of terrorism funding, containing new provisions on money laundering that give the United States jurisdiction over foreign people who maintain a bank account in the United States. The new law requires US financial institutions to terminate their correspondent relationships with foreign banks that ignore US subpoenas for records. Additionally, the Patriot Act makes terrorism an offense under the Racketeer Influences and Corrupt Organizations Act (RICO), which originally was used against ordinary crime. The modification allows for forfeiture of all the assets of a person or entity that takes part in or plans an act of domestic or international terrorism.

The United States has had good success in preventing terrorist attacks against the homeland. Actions taken by President Bush in streamlining the government agencies have made information sharing between agencies more consistent. The United States has moved to a post-9/11 world, where security and safety is priority one. Accountability has become the primary objective for DHS. The United States has taken many important steps to securing the nation. However, the United States will not be secure until its borders are secure and protected.

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IV. UNITED KINGDOM RESPONDS TO TERROR

The British response to 9/11 was quite different than that of the United States. The UK had a better response because of the rapid counterterrorist assault. Civil Aviation banned all civilian air traffic over central London and closed City Airport in east London. Metropolitan Police evacuated Downing Street and initiated a comprehensive review of the UK's preparedness and contingency plans. Westminster outlawed an extensive list of pathogens and toxins; empowered the government to retain communications data; and reintroduced indefinite detention.¹

BBC reporter Andrew Marr asserted that Prime Minister Tony Blair, unlike President Bush, was decisive; shot through with energy and certainty. Blair recognized almost immediately what he had to bring to the crisis: his instinctive pro-Americanism; his relative experience as a world leader; Britain's unusual place in the structure of global power; his fluency; and, not least, his religious certainty – which included, by luck, an interest in the Koran stretching back five years.² Blair's initial analysis was that Britain would stand unshakably 'shoulder to shoulder' with America. This was about terrorism, not Islam. Terrorism was a worldwide threat. There should not be a wild, indiscriminate or immediate response.³

Terrorism is not new to the United Kingdom. The UK dealt with terrorist activities throughout its colonies during the 1950-1970 periods of decolonization – usually implementing a policy-based counter-insurgency strategy to confront these – as

well as through the ongoing threat of modern Irish terrorist activities since the late 1960's.⁴ The threats to the United Kingdom have been both internal and external.

The British army was charged with the main responsibility for restoring and maintaining order in these bitter conflicts. Inevitably therefore they developed a huge reservoir of practical knowledge, expertise, strategy and tactics, covering not only guerrilla warfare generally but also the rapidly proliferating challenge from urban terrorism.⁵ This expertise led to strategy for the long ongoing conflict with the Provisional Irish Republican Army in Northern Ireland.

Since 1969 the Northern Ireland conflict has produced the worst protracted campaign of terrorism experienced in Western Europe in recent history. A major problem for the British army was troops had not been used on such a large scale for internal peacekeeping for over a century. Nor had they ever before had to perform such a politically delicate task under all the constitutional and judicial restraints of parliamentary democracy among their own fellow citizens, and under the full glare of television and the press.⁶ Instead, the army had to operate at the most dangerous mid-levels of coerciveness, walking a tightrope between over and under reactions. The army was constantly aware of the need for impartiality in upholding the law between the Protestant majority and the Catholic minority. This experience aided in the creation of an unrivaled expertise in strategy and ability to cope with the problems of terrorism in the Western World.

The international strategy and goals for the UK are similar to those of the US. These include the development of a broad international coalition against terrorism, in which a wide range of countries, including Arab and Muslim states, have played a part, from the granting of landing and overflight rights to the sharing of intelligence; to

implement successful military action against al Qaeda and the Taliban regime in Afghanistan; deployment of British troop to promote stability in Afghanistan; preventive measures against terrorist attacks on the UK; introduction of the Anti-Terror Act; implementation of UN Resolution 1373; and increased international assistance to states that oppose terrorist activity.⁷ The overall goal for the UK is to aid in the elimination of terrorism as a force in international affairs. This goal can be met with the objectives set forth by former Foreign Secretary Jack Straw in a 2001 speech to the House of Commons. These objectives included bringing Osama bin Laden and other al Qaeda leaders to justice, to eliminate the al Qaeda terrorist threat by destroying the organization, to aid Afghanistan in fighting al Qaeda, to ensure that Afghanistan ceases to harbor and sustain international terrorism and enable the coalition to verify that terrorist training has ceased and that the camps where terrorists train have been destroyed.⁸

These goals he asserted would either be met or war against states that harbor terrorists would occur. The wider objectives of the war were to do everything possible to eliminate the threat posed by international terrorism and to deter states such as Afghanistan and Iran from harboring, supporting, or acting complicitly with international terrorist groups. This war will result in the reconstruction of Afghanistan. Realistically it will be difficult for this to start until there is a secure environment in Afghanistan. A program of relief will have to be established by the coalition. The cost of reconstructing Bosnia was five billion dollars and Afghanistan is four times larger than Bosnia. Reconstruction of Afghanistan could take five to ten years to complete. Only a sustained international development effort has any chance of ridding Afghanistan of heroin and the domination of war lords.⁹

Before 9/11, the British had enacted several pieces of legislation to combat terrorism including the Northern Ireland Emergency Provisions Act of 1996 and 1998. These were the result of the protracted violence between the IRA and the British. Britain agreed to recognize the Irish Republic as a partner in the search for a settlement in Northern Ireland in return for Dublin's promise to crackdown on the IRA's activities in the areas bordering Ulster. The British goal was on the one hand to weaken the IRA through the agreement and to use the other hand to crush the terrorists. This plan did not work and the result was an escalation of fighting and an expansion of violence away from Northern Ireland's border. The IRA moved from targeting both military and civilian targets in Northern Ireland to targeting London in an effort to show the vulnerability and weakness of the British government.

In February 1994 Sinn Fein leader Gerry Adams was granted a visa by President Clinton in a move to start the peace process. John Major had replaced Margaret Thatcher as Prime Minister and it was the United States' hope that there would be a policy change as well. This was the first time the United States entered the negotiations between the IRA and Britain with both parties consent. This move was hailed by Irish Americans and empowered and legitimized the Sinn Fein/IRA as a negotiating partner. When President Clinton visited Ireland and shook Gerry Adam's hand the peace talks could begin.

Since Britain was the stronger party, Britain insisted Sinn Fein make the first move. Sinn Fein declared a total cease fire and expected the British would negotiate. However, the British did not think that was enough, insisting that the IRA give up all of its weapons before negotiations were to begin. This was part of John Major's two level hard line strategy. The first level was to force the IRA to give up its "threat power,"

making it impossible for the IRA to revert to terrorism if the talks proved unsatisfactory. The second level was to assuage Conservative Party hardliners, particularly its traditional Unionist allies in Parliament as elections were ahead in 1997.¹⁰

In 1997 the Labour Party took control of the British government. John Major, the Conservative stalwart, was defeated and Tony Blair became the new Prime Minister. The change from Conservative to Labour changed London's view of the IRA. Blair was trusted by the Sinn Fein leadership since the new Prime Minister showed a willingness to drop Major's precondition regarding the IRA's disarmament prior to the peace talks. On July 19, 1997 the IRA reinstated the cease fire which was then followed by an invitation to Sinn Fein to join the peace talks on September 15, 1997. The Good Friday Agreement was concluded in 1998 and passed by an all-Ireland referendum on May 21, 1998. However, the next 18 months were marked by arguments and deadlock over the IRA's promise to participate in the decommissioning of arms.

Has the Good Friday Agreement acted as a good faith agreement between the UK and Ireland? Has it been successful in preventing more conflict and terrorist attacks? April's Good Friday Agreement, whose signing in Belfast was celebrated on both sides of the Atlantic, did no more than sketch out a middle ground on which unionists and nationalists who reject violence might together govern this province of 1.6 million people.¹¹

There were three major problems with the agreement. The first was that the problem had arisen from a unique historical circumstance which led to the settlement of a clear majority of Protestants who regarded – and still regard – themselves as British in the northeastern six counties of Ireland. This had turned into a classic double minority:

more than half a million Catholic/nationalists constitute about 40 percent of the population within Northern Ireland, but the Protestant/unionist majority of almost one million within Northern Ireland forms a minority of less than 20 percent of the total population of just over five million in the whole island of Ireland. The second was that the determination of most people in both communities in Northern Ireland to maintain their separate identities and aspirations led to what must be a fairly normal pattern of domination, discrimination, and exclusion. The third was that the structures for government provided by the British when they effectively withdrew from active involvement in the administration of Northern Ireland between 1920 and 1969 were wholly inadequate for the needs of its two communities.¹²

The British and IRA continued to struggle in relations. However, the progress made with the Good Friday Agreement was a step in the right direction. The referendum on the agreement gained the support of 71 percent of the province's voters. Most of the no votes were in the unionist camp, which makes up between 55 and 60 percent of the province. The two toughest elements for the unionists to swallow are the release of terrorists, the majority of whom are republicans, and the entry into provincial government of the two leading members of Sinn Fein, Gerry Adams and Martin McGuinness.¹³ A major problem confronting both the UK and Ireland is nationalism. Irish nationalism has been variegated and has spoken with different accents, but in the end sees itself as a family that, when challenged, will always put unity before agreement with opponents. Meaning, no nationalists, no matter how reasonable, peacefully inclined, or constitutionally minded, would betray the cause of a united Ireland, even if they might not agree with the methods of the IRA.¹⁴

The biggest problem the British had in achieving a stable peace with the Republic of Ireland was convincing the Social Democratic and Labour Party (SDLP) and Sinn Féin members that a peaceful Ireland could lead to a United Ireland. Gerry Adams had the difficult task of convincing his doubting members that persuasion by peaceful means could advance an agenda more effectively than one of war. Even so, the IRA refused to hand over its weapons. For most of the peace talks, the weapons surrender was the greatest failure. The other was the unionist party's anger over the possible release of terrorist prisoners.

The influence of an outside negotiator was crucial to the Good Friday Agreement. Former Senator George J. Mitchell's role as chairman of the talks was commonly said to be critical and exemplary. Throughout a nerve-grinding process stretched over three years, Mitchell gave no hostages to the media, was never captured by any side, and even won the trust of the unionists, who had seen him as just another pro-nationalist American politician.¹⁵ Mitchell understood the real nature of Northern Irish Politics. President Clinton was heavily influenced by the Irish-American lobby led by Senator Edward Kennedy (D-MA). This was seen as a problem by the unionists. In the end, the Good Friday Agreement was full of looseness and ambiguity. The result was what neither side wanted, a shaky peace that was unable to achieve a secure and lasting solution.

But each side can agree to differ while also agreeing to govern. It would be wrong, however, to say that both must make the same accommodation. The agreement has given the union with Great Britain a new lease on life by rooting it explicitly in what it always required for its stability – the will of the majority to continue it, which remains, and the acquiescence of the minority to live in it peacefully, which must be developed. This means that the nationalists, while they are the minority, must accept the union and the condition of Britishness and put the achievement of Irish unity, the quest that has convulsed British and Irish politics throughout the twentieth century, to one side as the nations enter the 21st.¹⁶

While the Good Friday Agreement was at best a moderate success, the future Northern Ireland Emergency Provisions Acts of 1996 and 1998 were a better success and the Prevention of Terrorism Acts (POTA) of 1989, 1996 and 2000, with the latter addressing aspects of international terrorism such as financial and telecommunications infrastructure. POTA 2000 was extended and strengthened by the UK's post-9/11 emergency legislation, the Anti-Terrorism, Crime and Security Act (ATCSA) which came into law on December 14, 2001. ATCSA addresses a broad range of issues. These issues included: freezing terrorism property and funding; the management within government of information required for counterterrorism; the UK's immigration and asylum procedures, and their possible exploitation by terrorists; the security of the nuclear and aviation industries; the security of 'dangerous substances' (such as pathogens and toxins) that might be attacked by terrorists; UK legislation concerning chemical, nuclear and biological weapons; the scope of police powers in the UK; investigatory powers and the retention of communications data; the UK's external obligations in police and judicial cooperation and anti-corruption initiatives.¹⁷ The ATCSA purpose and scope were similar to those listed in the Patriot Act in the United States. These provisions aided the British government in keeping former Dutch Representative and Leader of the Party of Freedom Geert Wilders from entering the country. Two members of the House of Lords invited Wilders to a February 12, 2009 showing of *Finta* in the Palace of Westminster. Two days before the event Home Secretary Jacqui Smith banned Wilders from entering the country. Wilders was labeled by Smith as an 'undesirable person.' The Home Office stated, "The Government opposes extremism in all its forms...and that was the driving force behind tighter rules on exclusions for unacceptable behavior" that

the Home Secretary announced in October 2008.¹⁸ Wilders defied the ban and entered England via Heathrow on February 12th trailed by television crews. He was detained by the Border Patrol and sent back to the Netherlands on the next available flight. Wilders called British Prime Minister Gordon Brown, “the biggest coward in Europe” and said, “Of course I will be back.”¹⁹ The two members of the House of Lords who had invited Wilders accused the British government of appeasing militant Islam. The ATCSA goes even farther than the Patriot Act because of the attempts to regulate nuclear, chemical and biological weapons of mass destruction.

The United Kingdom passed a second major anti-terror law on March 11, 2005. The Prevention of Terrorism Act of 2005 (PTA) replaced Part 4 of the ATCSA. Part 4 was considered to be racist and nationalist in nature, as it originally affected foreign nationals and did not have the power to affect UK citizens.

The reason the PTA was introduced by the UK government was to reduce the risk of terrorism by providing for “control orders” so that residents of Great Britain could go forward with their business freely and with confidence. According to the UK government, the PTA further seeks to balance individual liberty and collective security by allowing the Home Secretary to place a person suspected of terrorism under a control order. These control orders grant permission for British law enforcement to monitor the suspect, take away the suspect’s freedom to leave the country or move around the UK, and force the suspect to searches of his or her home.²⁰

This was followed by the Terrorism Act of 2006. The Terrorism Act of 2005 was drafted prior to the July 7, 2005 London bombings. However, the Terrorism Act of 2006 led to more stringent regulations about associating or speaking with others who glorify terrorism. The Act also goes further than any other British legislation had ever gone before. Under this new law, acts such as looking at certain web sites or reading certain books may result in the deportation for foreign nationals in the UK.²¹ Under a corollary

law to the Terrorism Act 2006 called the Identity Cards Act, UK citizens will have to carry ID cards with vital biometric information, such as fingerprints, and present them at spot checks and border crossings. Like the United States, the UK's terrorism watch list is made up of Muslim charities and religious groups.²² In the United States, the most prevalent problem for Muslims is the restriction on religious conduct, namely, giving freely to charity in accordance with Surah 9:60. In the UK, the most prevalent problem is the restriction on preaching and other forms of religious free speech.²³

The United Kingdom has an organized state structure responsible for confronting terrorism. (See Appendix D) The primary responsibility for confronting terrorism rests with the Cabinet Office and the machinery of the central government. Initial responses to terrorism are performed by the Cabinet Office Briefing Room A (COBRA) which is comprised of the Deputy Prime Minister; the Cabinet Secretary; the Foreign Secretary; the Chancellor; the Defense Secretary; the Home Secretary; the Chief of Defense Staff; the Chairman of the Joint Intelligence Committee; and the Chief Foreign Policy Advisor to the Prime Minister.²⁴ There are several other committees involved in the fight against terrorism. The Ministerial Civil Contingencies Committee (CCC) includes the Secretary of State for the Home Office as the chair and Number 10, the Cabinet Office, Treasury and the devolved administrators will attend depending on the contingency. It coordinates the preparation of plans for ensuring in an emergency the supplies and services essential to the life of the community; keeps the plans on regular review; and supervises their prompt and effective implementation in specific emergencies.²⁵

The London bus bombings were different from the 9/11 attacks in planning, execution, and response by the government. Unlike the 9/11 attacks, the British

government was more able to respond to the attacks. The London City government had been working with the London Emergency Services Liaison Panel (LESLP) creating a *Major Incident Procedure Manual*. This is a core memorandum among the members and includes a comprehensive outline upon which London's coordination model of emergency response is founded. The manual defines "major incident" broadly so that any emergency response can be declared a major incident and thus increase the likelihood that multiple agencies would respond. The London bombings were rapidly declared a major incident.

The LESLP are defined by three levels of leadership: Gold, Silver and Bronze. These are announced across the UK and all agencies are familiar with their roles and responsibilities. The LESLP holds quarterly joint exercises to practice what to do in case of a major incident. This is much like the training the United States does in areas that hospitals and police constantly practice.

Unlike the United States, the LESLP has a single media spokesman to provide consistent information for the public and media in a timely matter. Control headquarters established a media cell which was able to give the media a constant stream of information to restore calm and identify the bombers. One of the biggest challenges faced by the London agencies was how to communicate with the victims' families. Family members and friends found it difficult to get information of the status and location of injured or deceased loved ones.²⁶

Failures in leadership can contribute to coordination-related problems especially when the attacks occur in three different police jurisdictions. The City of London Police, which is responsible for the square mile in the center of London, restricted cell phone

network traffic and improved first responder access.²⁷ London was a success for the terrorists as well as the London responders.

The UK has several more issues to deal with than the United States. There is constant tension between Muslims and non-Muslims. UK officials have to understand why young British Muslims were being recruited into terrorism. Radicalism is all over the UK, including the London School of Economics. Omar Sheikh, who killed Daniel Pearl, attended the London School of Economics. What drew him into terrorism was not attendance at the University, but the treatment of Bosnian Muslims. Charles Clarke, the former Home Secretary gave a speech at the Heritage Foundation:

The threat we face is ideological. It is not driven by poverty, or by social exclusion, or racial hatred...It is equally wrong to claim, as some do, that the motivation of al Qaeda and their allies is driven by some desire to seek justice in the Middle East – the part of the world where progress has been most difficult to achieve in the past 30 years...In fact the whole approach of al Qaeda and their like is more akin to 19th century nihilism than to 20th century liberation.²⁸

The United Kingdom established the Joint Terrorism Analysis Centre (JTAC) in 2003. Much like the United States' DHS, JTAC is responsible for the development and coordination for handling and disseminating intelligence in response to a terrorist threat. JTAC is a multi-layered agency, staffed by members of the Defense Intelligence Staff and representatives from other relevant departments including the Foreign and Commonwealth Office and Home Office, and from the police.

The Defense Intelligence Staff (DIS) is an essential element of national intelligence machinery. DIS is not a stand alone organization, but a constituent part of the Ministry of Defense (MOD). It brings together expertise from all three armed forces as well as civilian staff, and is funded by the Defense Budget. The DIS conducts all-source intelligence analysis from both overt and covert sources. It provides intelligence

assessments in support of policy-making, crisis management and the generation of military capability. The DIS was created in 1964 by the amalgamation of all three armed services' intelligence staffs and the civilian Joint Intelligence Bureau.²⁹

JTAC has become widely recognized as an authoritative and effective mechanism for analyzing all-source intelligence on the activities, intentions, and capabilities of international terrorists who may threaten UK and allied interests worldwide. JTAC sets threat levels designed to give a broad indication of the likelihood of a terrorist attack. These threat levels are determined by available intelligence, terrorist capability, terrorist intentions and timescale.

Available intelligence: It is rare that specific threat information is available and can be relied upon. More often, judgments about the threat will be based on a wide range of information, which is often fragmentary, including the level and nature of current terrorist activity, comparison with events in other countries and previous attacks. Intelligence is only ever likely to reveal part of the picture.

Terrorist capability: An examination of what is known about the capabilities of the terrorist in question and the method they may use based on previous attacks or from intelligence. This would analyze the potential scale of attack.

Terrorist intention: Using intelligence and publicly available information to examine the overall aims of the terrorists and the ways they may achieve them including what sort of targets they would consider attacking.

Timescale: The threat level expresses the likelihood of an attack in the near term. We know from past incidents that some attacks take years to plan, while others are put together more quickly. In the absence of specific intelligence, a judgment will need to be made about how close an attack might be to fruition. Threat levels do not have any set expiry date, but are regularly subject to review in order to ensure that they remain current.³⁰

Much like the United States, the United Kingdom has threat levels. The current level as of July 4, 2007 is "severe". The severe level means that an attack is highly likely. Threat levels started at "low", meaning an attack is unlikely. "Moderate" level means that an attack is possible, but not likely. "Substantial" means an attack is a strong possibility and "critical" is the highest level meaning an attack is expected imminently.

The British counterterrorism agencies have had mixed results since 9/11.

Counterterrorism agencies and practices represent a no-win situation. First, the broader context they have to function in is determined by politicians. Then there is the reality that for the police and MI5, any failure, such as actual terrorist attacks or botched arrests, is magnified exponentially.³¹ Successful terrorist attacks damage morale, weaken public and government confidence in counterterrorism agencies, and can even lead to backlash against minorities. This is the goal of terrorism: to drive a wedge into the population. If the government allows terrorism to be a success, the government is failing at its job which is to protect all citizens from all forms of terrorism, both foreign and domestic.

Internally generated threats to British security arise primarily from the deepening socio-economic divisions within the country. These divisions result in considerable deprivation directly affecting at least 10 percent of the population. In the past 20 years people in this group have seen their levels of wealth decline both in real terms by 17 percent, and relative to the increasing wealth of the majority of the population. The polarization has been extraordinarily rapid. By comparison, the richest 10 percent of the population have seen their incomes increase by 62 percent over the same period. The deprivation of the minority, including direct poverty as well as the wide range of social problems typical of many inner city areas, though largely unknown to most of the population, results in great insecurity, primarily for those people who are most marginalized.³²

Since the British are a parliamentary system a false view of the population is presented.

The view of the population will make the discriminated population insecure and force insecurity upon the entire population.

The United Kingdom has more experience dealing with terrorism than the United States. Experiences with the IRA and the current al Qaeda problems have been frequent and troublesome. The bombers on 7/7 were all British citizens. Mosques in the United Kingdom are radicalizing the younger population. English law in some areas is being

replaced by Sharia law. UK citizens are now at a crossroads; whether to fight for a better country or surrender.

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V. COUNTER-TERRORISM SUCCESSES AND FAILURES: PATHS TO A MORE SECURE FUTURE

Terrorism has changed modern political life. The lack of a definition that is accepted by the states has led to several problems. Terrorism has no place in a civilized world. Political violence is not a gentle form of terrorism. The goal of terrorism is to disrupt daily life and cause fear in the citizenry. Terrorism can be committed by anyone; sponsorship by a state, terrorist group or lone financier is not required. As mentioned previously, the U.S. State Department definition of terrorism is: premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.¹ Noncombatant targets are unarmed civilians – men, women and children. This also includes soft targets including buildings and infrastructural targets serving the civilian population. The FBI defines terrorism as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.² The Department of Defense defines terrorism as the unlawful use or threatened use of force or violence against individuals or property to coerce or intimidate governments or societies often to achieve political, religious or ideological objectives.³

Under international law terrorism is a crime. The UN Ad-Hoc Committee on Terrorism defines it as a criminal act in which an individual intentionally causes:

- A. Death or serious bodily injury to any person; or
- B. Serious damage to public or private property, including a place of public use, a state or government facility, a public transportation system, an infrastructure facility or the environment; or
- C. Damage to property, places, facilities, or systems referred to [above], resulting or likely to result in a major economic loss, when the purpose of conduct, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act.⁴

The UN passed Resolution 1373 about terrorism after the 9/11 attacks, but it did not contain a clear definition of terrorism. The resolution was approved by all member countries of the UN, but no real steps have been taken to prevent attacks or identify who are terrorists.

Some analysts define terrorism as a form of political violence. In the competition for control of the state, political parties or groups have used terrorism to achieve their goals. This action would often not be called for if the state protected the citizen's minority rights. It is the job of any state to protect the rights of all citizens no matter their political views. The conflicts between the state and opposition groups can be viewed as an interactive process favoring the state. In some cases, violence by the state will be countered by nonviolent campaigns either because the opposition is too weak to use violence or it desires to hold the moral high ground and garner international support. Terrorism is a cheap form of warfare; the bomb that exploded in the World Trade Center cost around \$400 to build.⁵

Terrorism is a form of warfare, both in times of peace and war. Wars of aggression are criminal acts under international law. The United States is a member of the International Court of Justice, but its rulings do not apply to the U.S. We do accept its jurisdiction ad hoc over various treaties. The rules of war are often breached by the

international killing of noncombatants, captives and innocents. Some wars have become more terroristic – targeting civilians rather than military opponents.

Terrorism is an act of communication. In committing violence, terrorist groups are signaling to four distinct constituencies: members of the group, the targeted regime, the citizenry, and the international community. Terrorist groups have become very effective at using the media which is willing to be manipulated by the terrorist organizations. The dynamic relationship between terrorism and propaganda has been well understood between the terrorists and media. The IRA has used the media effectively and Bin Laden has not hesitated to use the media either.

Terrorism is not a form of religion. Terrorists have cited religious texts and use them as a recruiting tool and method to attack nonbelievers. Religious suicide terrorists engage in the sacrificial killing of their innocent victims as well as themselves in order to assert their belief in a divine will. Extremist off-shoots have engaged in acts of terrorism and slaughter of innocents which are justified as salvational acts for a transcendent purpose.⁶

Terrorism is a premeditated, politically motivated violence perpetrated against innocents by subnational groups or clandestine agents. It is conducted to influence an audience and achieve a political goal. Any individual can be a terrorist, but it is organized groups that make it an international problem. They must have the will to create problems for states and individuals. Terrorists must be dealt with in any situation.

In addressing the terrorist threat the United States has had think outside the box and come up with policies that were once frowned upon as too radical or unenforceable. One of the first moves by the U.S. was to provide 40 billion dollars to New York and

Washington to deal with the damage produced by the attacks. This was a down payment because several of the emergency workers would later fall ill from the debris and dust. This was an attempt by the government to look as if it was doing something useful.

The United States then decided to increase the number of federal air marshals on planes. This was a token move because there are not enough air marshals to be on every foreign flight coming into the United States or be on every domestic flight servicing the United States. This was designed to give the terrorists the idea that an air marshal could be on any flight. In an effort to make the passengers feel even more secure, the federal government allowed some pilots to carry firearms in the cockpit; but the pilot must be willing to use the gun when necessary. One problem prior to 9/11 was the cockpits in aircraft were not secure. On October 1, 2001 the United States government designated \$500 million for modifications to the cockpits.⁷ However, security for the cockpit in an aircraft depends on the will of the pilot; if the pilot is weak and decides to open the door to a terrorist who is threatening a flight attendant or passenger, it does not matter how much is spent on security. The pilot and copilot are the determining factors on who has control over an aircraft.

Prior to 9/11 any person could go to flight school and learn how to fly. Now the TSA requires the flight instructor to submit the student's finger prints and run a background check. The TSA is taking a proactive step instead of a reactionary step by training the instructors to look for certain characteristics in their students. Instructors are to report anyone who just wants to learn how to fly in a straight line and not learn how to take off or land the plane. These steps are dependent on the flight instructor doing the right thing no matter the situation.

Another step by the U.S. government post 9/11 was the public health response. This is dependent on the federal government acquiring the necessary amounts of vaccines and medicines to immunize and treat the population in case of an emergency. Who is going to supply the government with the necessary materials? Is the \$1.5 billion dollars set aside for this action enough? We live in a society where people can refuse vaccines and medications and do not trust the government. Are people really going to show up when ordered by the federal government? This is reactionary; just waiting for something to happen. Instead, the government should require these vaccines to be given to every citizen when they get their driver's license. This would ensure that everyone would have an opportunity go get the vaccines. The \$1.5 billion is not enough to vaccinate every man, woman and child. Additionally, there are some diseases that do not have a vaccine or treatment and terrorists would use these weapons if they were given the chance.

The immigration policies of the United States changed after 9/11. On October 29, 2001 President Bush issued a directive to improve immigration policies and practices to make it more difficult for terrorists to enter the country.⁸ Again, this is a reactive move by the federal government. If Abdul Rahman was not allowed into the country in July 1990, the first attack on the World Trade Center might have been avoided. This policy was a step in the right direction and was making a difference during the Bush administration. However, the Obama administration has stopped the ICE raids and put the immigration issue on the back burner. This policy change has made it easier for radical clerics to come into the country and recruit for the jihad.

A larger problem that the United States is facing is the disappearance of citizens to foreign countries to be trained as terrorists and then come back into the United States.

Early in 2008, thirteen Somalis from Minnesota were recruited by their local mosque to join the jihad and fight. One of the men who disappeared is believed to have killed himself in an October 29th suicide bombing in Northern Somalia. This was one of the first instances in which a United States citizen has acted as a suicide bomber.

The Obama administration and current leadership in Congress have adopted a pre-9/11 mentality. Speaker of the House Nancy Pelosi stated the continued enforcement of ICE laws was unpatriotic. Another issue is the new DHS Secretary Janet Napolitano who told the German magazine *Der Spiegel* that she's not going to use the word "terrorism" because it perpetuates the politics of fear. Instead, she'll call terrorist murders "man-caused disasters."⁹ This is a dangerous step backward and the United States cannot afford to take this risk. For the first time in over 200 years a United States flagged ship was attacked by pirates. Somali pirates attacked the Maersk Alabama and attempted to take the ship. The crew forced the pirates off the ship but the pirates took the captain as a volunteer hostage. The captain was freed when Navy Seals killed three of the four pirates in a rescue effort. The pirates were back in business two days later taking four ships. The actions of the pirates were a direct challenge to international commerce and the Obama administration, and we as a country blinked. The whole world was watching our actions and took notice.

The Obama administration, on the first day in office, decided it was going to close Guantanamo Bay Prison. President Obama wanted the prisoners to be tried or released back to their homeland. He failed to realize that most of the countries would refuse to take these people back. The administration then refused to hand Chinese terrorists back

to China because they feared the terrorists would be tortured. The administration is acting with no clear goal or plan for the terrorists imprisoned at Gitmo.

The United Kingdom has had to make several changes over the years to deal with the constant terrorist threat. When the Soviet Union fell in 1991, most of the UK's resources were dedicated to counter-subversion and counterespionage. In 1992 the money dedicated to those resources were allocated to the Security Service's T branch to deal with the Irish threat and the G branch to deal with the threat of international terrorism. Terrorism laws continued to evolve in the United Kingdom. When Terrorism Act 2000 was passed, it was seen as a victory for government in dealing with the threat of international terrorism. The police gained a special power to arrest for use in terrorism cases. Even if there was not enough evidence to charge an individual with a particular offense if there was a reasonable suspicion of involvement in terrorism, the police could now arrest. However, there were holes in TA 2000. The first problem is with the Anti-Terrorism Crime and Security Act, which allows the internment of foreign nationals who could not be deported indefinitely. This action allows the UK to get rid of foreign terrorists, but not to take action against native born or citizens of the UK. The 7/7 attacks were carried out by UK citizens.

The British have attempted to win the hearts and minds of their citizenry. They have not been able to stop the recruiting at fundamentalist Maoraras. Parts of the UK have allowed Sharia law to be practiced, setting a dangerous precedent. As of December 2008, there were more than a dozen Sharia courts in the UK. The courts have been set up in mosques, and are being used by more and more UK Muslims. According to Muslim law, penal law is the duty of the Muslim state – it is not in the hands of any public

institution such as the UK to handle. Only a Muslim government that believes in Islam is going to implement it. Additionally, in Muslim law a husband can divorce his wife in the presence of two witnesses without going through the state. Under Islamic law a woman married has no legal rights and the husband is expected to pay for everything in the marriage. The UK would be creating a slippery slope if Sharia law was given official status. A religious war would break out between Muslims and non-Muslims.

The UK has used the media effectively in dealing with terrorist threats. The intelligence agencies give the impression that everyone is being watched. However, the UK does not have the assets to watch every suspected terrorist. In fact, MI5 had two of the four 7/7 bombers under surveillance, but they were labeled low risk. It is impossible for everyone to be watched and citizens do not want to live in a police state but they do want to feel protected. Unless the UK is able to win the hearts and minds of the citizenry, it will be difficult to win the GWOT.

The United States and the United Kingdom have taken substantial steps to preventing more terrorist attacks. Threats to each country are very different. The United States is facing mostly external threats such as al Qaeda. This is not to say homegrown terrorists are not possible; there have been Somali Americans who have been missing and possibly training in al Qaeda cells. One of the missing has been identified as a suicide bomber in Somalia. Continued knowledge of dangerous individuals is needed. The United Kingdom faces internal as well as external threats. The 7/7 bombers were all British citizens. The UK is also experiencing problems with Sharia law being enforced in certain areas of the country.

The experience in London provided guidance to United States agencies. First, we must recognize the long history of disaster response in which London's coordination approach is rooted, for example the bombings during World War II and the IRA's campaign of violence in the 1970's and 1980's.¹⁰ LESLP's ability to communicate effectively and plan in advance led to a solid response. The ability for agencies to work and train together will form long term partnerships and improve future responses to emergency situations.

The United States and the United Kingdom must do more to prevent future terrorist attacks. Both countries need to get more intelligence assets in place. Human intelligence is better than pictures and it is more reliable. More Arabic speakers are needed in the intelligence agencies. Resources such as money and more complete anti-terrorist laws are needed. The countries must enforce the laws that are currently on the books; not ignore them because it is politically expedient. Security is a national function. The UK and US cannot wait for other countries to aid in security matters. They must protect their own homeland and citizens. However, the citizenry must take an active interest in securing their own countries. The US and UK have recently had elections; the United States elected Barack Obama and the United Kingdom elected Gordon Brown. Both have a transnationalist view that focuses on global security. This goes against the idea that security is a local matter. It is up to the citizens to elect capable leaders to protect the country. If this is not done, the citizens are going to have to live with the consequences. Until a more serious approach is taken by the governments of the UK and the US, neither country will ever truly be secure.

Notes

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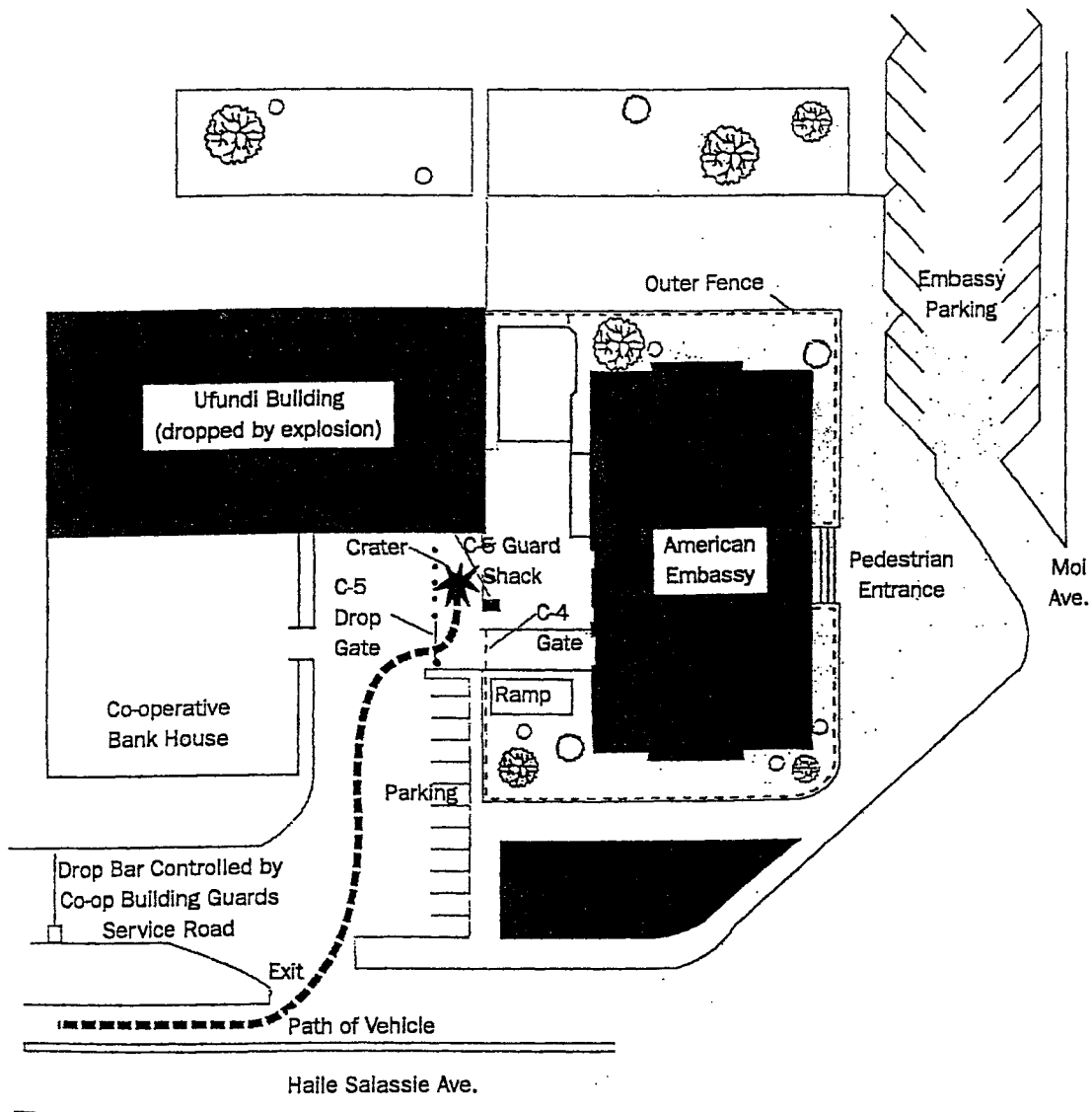
APPENDIX A

BOMBING OF U.S. EMBASSY NAIROBI, KENYA

Bombing of U.S. Embassy

Nairobi, Kenya

August 7, 1999



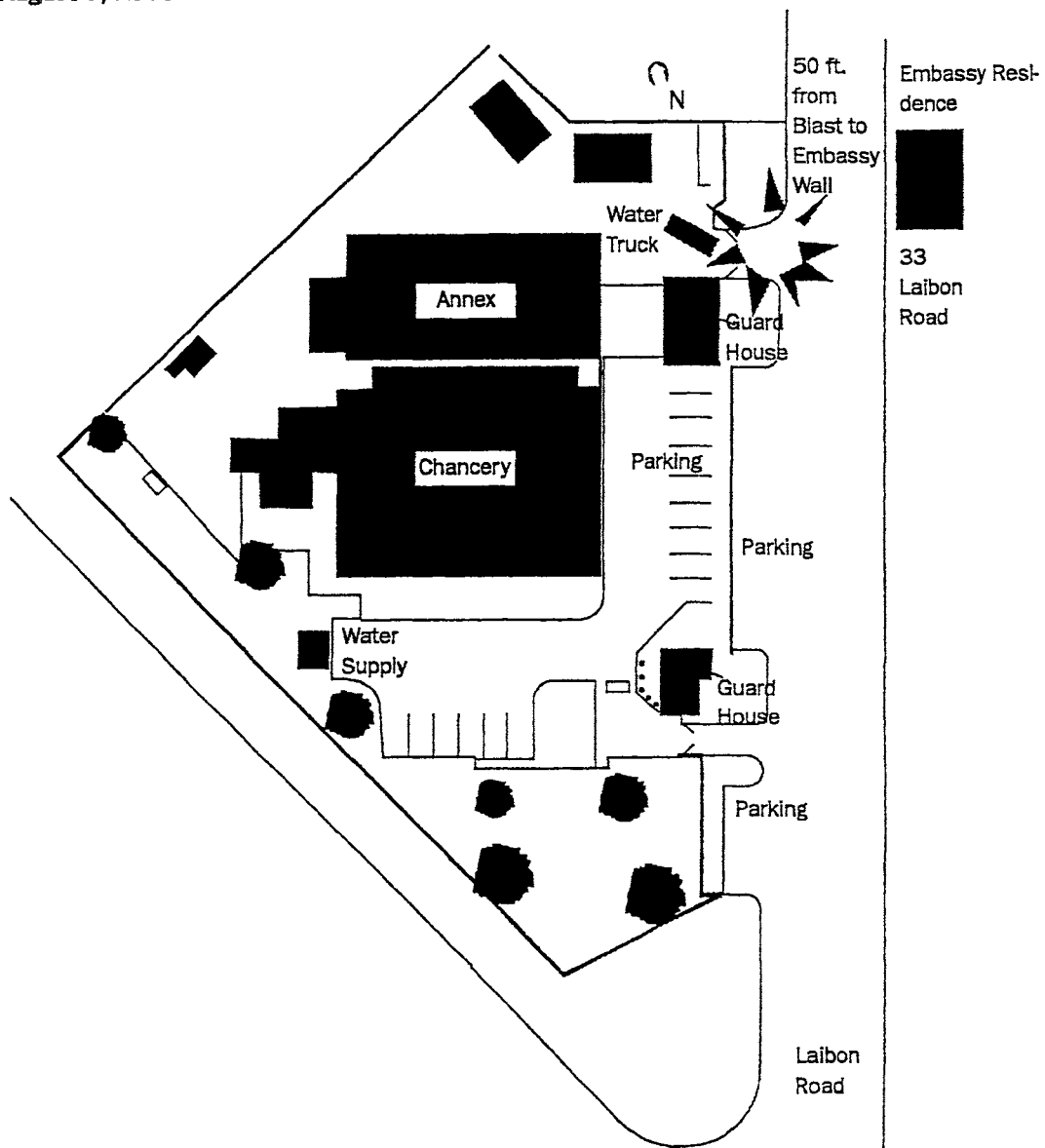
APPENDIX B

BOMBING OF U.S. EMBASSY DAR ES SALAAM, TANZANIA

Bombing of U.S. Embassy

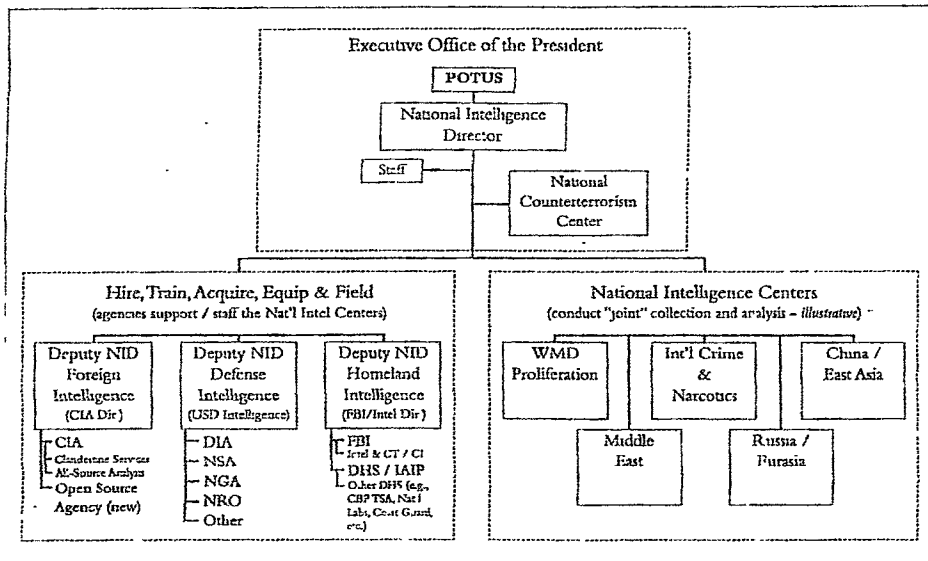
Dar es Salaam, Tanzania

August 7, 1998



APPENDIX C

EXECUTIVE OFFICES OF THE UNITED STATES



RESPONSIVE AUTHORITIES FOR DISASTER MANAGEMENT



APPENDIX E

ABBREVIATIONS

AEDPA	Antiterrorism and Effective Death Penalty Act 1996
ATSCA	Antiterrorism, Crime and Security Act
CAPPS	Computer Assisted Passenger Prescreening Service
CCC.....	Civil Contingencies Committee
CIA.....	Central Intelligence Agency
COBRA.....	Cabinet Office Briefing Room A
DHS.....	Department of Homeland Security
DIS	Defense Intelligence Staff
ELN.....	National Liberation Army (Colombia)
ETA.....	Basque Homeland and Freedom (Euzkadi ta Askatasumo)
FAA.....	Federal Aviation Administration
FARC	Revolutionary Armed Forces of Colombia
FBI	Federal Bureau of Investigation
FTO	Foreign Terrorism Organizations 1996
GWOT.....	Global War on Terror
INB.....	Bureau Intelligence and Research
INS	Immigration and Naturalization Service
IRA.....	Irish Republican Army
JSOC	Joint Special Operations Command
JTAC	Joint Terrorism Analysis Center
LESLP	London Emergency Services Liaison Panel
MI5.....	Military Intelligence Section 5
MOD	Ministry of Defense
NATO	North Atlantic Treaty Organization
PFLP	Popular Front for the Liberation of Palestine

PLO Palestinian Liberation Organization
 PNR..... Passenger Name Records
 POTA Prevention of Terrorism Acts
 PTA Prevention of Terrorism Act
 RICO Racketeer Influences and Corrupt Organizations Act
 SA Brown Shirts
 SAS Special Air Service
 SDLP Social Democratic and Labour Party
 SOCOM Special Operations Command
 SOF Special Operations Forces
 SS Protective Squadron – Schutzstaffel
 TSA Transportation Security Administration
 UAE United Arab Emirates
 UN United Nations
 USAPATRIOTACT..... Uniting and Strengthening America by
 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act
 WMD Weapons of Mass Destruction

APPENDIX F

TIMELINE OF EVENTS

- 1890 – Black Dragons established
- 1910 – Narodna Obrana created
- 1911 – Black Hand Society established
- 1914 – Serbian Nationalists assassinate Archduke Franz Ferdinand
- 1930's – Great Terror: Hitler, Mussolini and Stalin
- 1931 – February: First skyjacking occurs in Peru
- 1931 – July 30: Attempted assassination of Chaing Kai Shek by Black Dragons
- 1932 – February 9: Black Dragons assassinate Japanese Minister of Finance Junnosuke Inouya
- 1933 – February: Attempted assassination of FDR misses and kills Anton Cermak
- 1933 – March 20: Joseph Zanagra executed for murder of Anton Cermak
- 1934 – June 30: Night of Long Knives in Germany
- 1940's – PIRA, PLO considered freedom fighters
- 1959 – ETA created
- 1964 – FARC established
- 1967 – PLFP created
- 1969 – Northern Ireland conflict begins
- 1970 – Black September founded
- 1971 – Black September assassinates Jordanian PM Wasif Tell
- 1972 – September 5: Black September attacks XX Olympiad in Munich and murders Israeli athletes
- 1972 – October 29: Black September skyjacks Luftansa flight
- 1973 – December: ETA bombs car carrying PM Admiral Luis Blanco
- 1975 – Franco dies
- 1982 – Hizbullah created
- 1983 – April: Hizbullah bombs U.S. Embassy in Beirut

1983 – October 23: Hizbullah bombs Marine barracks in Beirut

1984 – Bin Laden and Azzam create Afghan Service Bureau

1984 – March 31: Islamic Jihad assassinates President of American University of Beirut, Dr. Malcom Kerr

1984 – September 12: Hizbullah truck bomb explodes at U.S. Embassy annex

1985 – June: Islamic Jihad hijacks TWA Flight 847 and murders U.S. naval officers

1988 – December 21: PLFP blows up Pan Am 103 over Lockerbie, Scotland

1989 – Azzam assassinated in Peshawar; bin Laden takes control of al Qaeda

1990's – Russian mob joins forces with FARC

1990 – FARC founder Jacobo Arenas dies; FARC interest in narco-terrorism increases

1990 – July: Sheikh Abdul Rahman enters the United States

1992 – Islamic Jihad attacks Israeli embassy in Argentina

1993 – February 26: First attack on World Trade Center

1994 – Islamic Jihad attacks Israeli cultural center in Buenos Aires

1994 – February: Gerry Adams visits the United States

1994 – Summer: Operation Bojinka foiled

1995 – President Clinton identifies PLFP as a terrorist group

1995 – November 13: al Qaeda attacks U.S. operated Saudi base in Riyadh, Saudi Arabia

1996 – June 25: al Qaeda attacks Al Khobar Towers

1997 – Tony Blair elected Prime Minister

1998 – CAPPs is created

1988 – May 21: Good Friday Agreement is signed

1998 – August 7: al Qaeda attacks U.S. embassies in Kenya and Tanzania

1998 – August 20: Clinton administration launches missiles against al Qaeda bases in Sudan

1998-2001 – al Qaeda prepares attack against the United States

2001 – September 11: al Qaeda attacks World Trade Center and Pentagon

2001 – September 20: GWOT announced by President Bush

2001 – September 28: UN Resolution 1373 is passed

2001 – October 7: United States invades Afghanistan

2001 – October 26: Patriot Act is signed into law

2001 – December: ATCSA is passed in Britain
2002 – March 12: DHS and Homeland Advisory System are created
2003 – JTAC is established
2003 – March: United States invades Iraq
2004 – March 11: al Qaeda-inspired bombing of Madrid train station
2004 – March 11: PTA is passed
2005 – July 7: Bus bombings in London
2006 – Terrorism Act of 2006 is passed

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