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COMPARING THE EVOLUTION OF COUNTER TERRORISM RESPONSES IN THE
UNITED STATES AND UNITED KINGDOM

NATHAN SHOWAN
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Reviewed and approved* by the following:

Peter K. Forster
Senior Lecturer of Information Sciences and Technology
Thesis Supervisor

Edward J. Glantz
Senior Lecturer of Information Sciences and Technology
Honors Adviser

* Signatures are on file in the Schreyer Honors College.

ABSTRACT

This thesis analyzed how counter terrorism responses evolved over time in relation to significant terrorist attacks in the United States and United Kingdom. Other studies have focused on the evolution of counter terrorism responses, but due to age, they are missing key events in terrorist history that have had great influence on counter terrorism responses. This thesis used a case study approach and examined the tactical and strategic responses to terrorism. Tactical responses included police and intelligence investigations, and incident command. Strategic responses included high-level policy and legislation changes. This study gathered data from open source materials. The results of this study allow governments to further prevent terrorist events, better enable terrorist prosecution, and enhance terrorist attack mitigation.

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Chapter 1

Introduction

Government action should build upon itself over time while making minor adjustments periodically to prevent negative events from occurring, before those events force changes on the government. In other words, government action should be proactive and not reactive.

Unfortunately, this is not always the case. Governments around the world still suffer from terrorist events. The March 2015 Sana'a mosque bombings, July 2015 Suruç bombing, November 2015 Paris attacks, July 2016 Baghdad bombings, June 2016 Orlando nightclub shooting, and March 2016 Brussels bombings are only a few recent examples.

Counter terrorism responses are fluid, and change over time. Each subsequent terrorist event forces governments to reconsider their counter terrorism response. Studying the relationship between terrorist events and counter terrorism responses is valuable to determine patterns in that reactive response. The threat of terrorism is constantly evolving as well. The idea that terrorists would hijack a commercial passenger aircraft and use it in a suicide attack was unheard of prior to 9/11. The key is determining patterns in counter terrorism responses. Governments cannot prevent every terrorist attack. However, identifying counter terrorism response patterns brings governments closer to proactively combating terrorism, which may be more effective at preventing future terrorist attacks. If there is a typical response to terrorism events, it may prove worthwhile to apply those responses before another terrorist event occurs. Additionally, understanding the past counter terrorism response mistakes allows governments to be better prepared for future terrorist events. However, if the traditional responses to terrorism fail to prevent future terrorism events, then democracies require a different counter terrorism

approach. This thesis intends to study the relationship between terrorism events and counter terrorism responses as they evolve over time to bring governments closer to a proactive counter terrorism approach.

This study analyzes the response to two terrorist events from the United States and United Kingdom. This study uses the Oklahoma City bombing and 9/11 from the United States, and the Lord Mountbatten assassination/Warrenpoint ambush and 7/7 bombings from the United Kingdom. To accomplish this, this thesis utilizes a case-study approach, which has dominated terrorism research for some time. This thesis will begin with a literature review on the study of counter terrorism responses. The literature review section will discuss the methods of other counter terrorism studies, highlight their findings, and identify gaps in the literature. The thesis methodology will follow the literature review. The methodology will detail how this study intends to collect counter terrorism response data from the United States and United Kingdom. The data collection and discussion sections will succeed the methodology. The data collection section will gather information on each terrorist event according to three characteristics: background information, tactical response, and strategic response. Finally, the discussion section will compare and contrast the tactical and strategic responses to the terrorist events.

Chapter 2

Literature Review

Numerous studies have focused on counter terrorism responses in only the European Union (E.U.) (Zimmerman, 2006; Bures, 2007; Monar, 2007; Joffé, 2008; Coolsaet, 2010). There is however, surprisingly little research specifically detailing how the U.K. counter terrorism response has changed in relation to different threats. Walker (2006) outlined the development of major counter terrorism policies in the United Kingdom. His study quickly briefed the contemporary laws combating terrorism. He then qualitatively explained how counter terrorism acts became stronger over time. He also used terrorist events in the United Kingdom as a marker to track how long it took a strategic response to take hold. In the United Kingdom, he found there were knee jerk reactions to terrorist events. More specifically, politicians felt the need to pass legislation in the wake of terror events in order to prevent the same tragedy occurring again. Walker (2006) here only focused on one country, the United Kingdom. Therefore, the study does not provide context in the wider sense. Walker did not specify if these responses are United Kingdom specific, or if the knee jerk reaction is a common response by various governments to terrorist events. To achieve something of this nature, there is a need for a comparison of two or more countries to help determine how prevalent these knee jerk reactions are.

The study of comparing how two countries respond to terrorism is nothing novel. Way back in 1997, Smith performed a qualitative study comparing the U.S. Anti-terrorism and Effective Death Penalty Act of 1996 against the U.K. Anti-Terrorism Law; he also examined how the proposed bills changed over the course of debate. Smith (1997) also detailed how the

Anti-terrorism and Effective Death Penalty Act of 1996 went from a widely encompassing, full-scale counter measure, to a more watered down mild law. However, due to the age of the publication, it is missing many key events in history of terrorist events that have had great influence on how terrorism is viewed; namely 9/11 in America and the 7/7 attacks in the United Kingdom. Therefore, as new events unfold over time, there is a need for a reexamination of how countries respond to terrorist events. Hampton (2013) examined the U.S. counter terrorism strategy since the 1970s from a high level of analysis. He also put the U.S. counter terrorism strategy into perspective by briefly comparing it to the E.U. perception of terrorism. The author detailed how each president in the executive office shaped the counter terrorism strategy and commented on how each administration viewed terrorism. Hampton (2013) found that the U.S. perception of terrorism has changed over time. In the 1970s, the American government generally regarded terrorism as a nuisance and there was limited public rallying against terrorism. Over time, there began a shift toward perceiving terrorism as a grave threat toward the American way of life—predominantly after 9/11. The European Union on the other hand, tackled terrorism as a criminal problem in contrast to the U.S. military approach. Kurtulus (2012) compared U.S. and Israel counter terrorism trends. In his qualitative study, he saw an overall trend of the United States and Israel increasingly viewing terrorism as an act of war, and as such, needing an ideological justification to combat it. Much of George W. Bush's rhetoric about framing terrorism as evil provided an ideological justification for going to war against terrorism. More importantly, there is an overall trend of combating terrorism outside traditional law. This was evident by the use of extra-judicial courts to prosecute suspected terrorists, the use of enhanced interrogation techniques, which some consider legitimized torture, and the use of drone strikes to eliminate targets.

As evident from these studies, there is a gap in how the U.S. counter terrorism strategy differs from the U.K. counter terrorism strategy. Smith (1997) analyzed two specific laws from the United States and United Kingdom but the study is too old to be of any important relevance today. Studies that are more recent have analyzed the U.S. counter terrorism approach against other countries that are not the United Kingdom or the studies compared the United States and the European Union. The relationship between the United Kingdom and the United States is particularly important due to their historically close ties. As Hampton (2013) noted, Tony Blair, then prime minister of the United Kingdom was a lone voice of support for the Bush administration's stance on terrorism.

In the United States, there is a plethora of scholarly publications pertaining to the evolution of counter terrorism policy. Some studies focused on only one strategic response in particular. Evans (2002) analyzed how the USA PATRIOT Act came to be by reviewing the historical context for the law through open source materials. His analysis indicated that after major terrorist events, U.S. citizens sometimes lost civil liberties in the immediate aftermath as the United States responded to a terrorist event, but also that civil liberties must not be gone indefinitely. He argued the 9/11 attacks were a major event and the strategic response (USA PATRIOT Act) limited civil liberties too far, and for too long. This study is only one of the numerous studies in the literature on terrorism that questioned the implications of counter terrorism policies on civil rights. Civil rights organizations continuously question and challenge many counter terrorism policies. Some civil rights organizations allege the counter terrorism policies increase the strength of the state too far and target innocent civilians. Civil rights concerns regarding the strategies used by governments for countering terrorism saturate much of the counter terrorism literature.

The other studies that focused on how countries respond to terrorism had a narrow scope. Schultz (2008) used 9/11 as a starting point to analyze the response from countries. In his qualitative study, he mainly focused on the United States but also gave some attention to the United Kingdom, Spain, Germany, and the European Union as a whole. After the 9/11 attacks, he claimed the United States sacrificed civil liberties in return for security. Whereas the United Kingdom and Spain did not make this trade overall. Similar to Smith (1997), Jackson (2007) used a comparative study that focused on the evolution of the discourse on counter terrorism policies in the United States and European Union. Here, Jackson (2007) used discourse analysis to determine the evolution and he argued that the discourse of policies shaped the characteristics of the implemented policies. His period of analysis was 9/11 to the middle of 2006. He found that in the United States, ideological factors dominated the discourse and in the European Union, a law approach dominate discourse. Therefore, pursuing different counter terrorism responses is much more difficult in the European Union than in the United States because he believed the United States acts according to an emotional ideal. This finding is surprising considering Walker (2006) found that the United Kingdom was prone to knee jerk reactions involving terrorism responses. Although this could be explained by differences in U.K. government styles and E.U. government styles. While the 9/11 attacks do mark a significant event in terrorism history, there are numerous events prior to the 9/11 attacks that shaped how countries respond to terror attacks up until that point. It is beneficial to know how countries have historically responded to terrorism because that influences how they respond to terrorism in the future. So when analyzing the post 9/11 terrorism response, there is a contextual need that is not being satisfied in all the literature.

Some studies focused on how the counter terrorism response has changed overtime when enacted in foreign countries. Emerson (2014) examined the evolution of U.S. counter terrorism

policy in Africa from the end of the Cold War to 2014. This qualitative study examined the shift in counter terrorism strategy and the historical context for the shift. This study also highlighted how influential foreign governments can be on U.S. foreign policy. While this aspect of counter terrorism strategy is of grave importance, this study's purpose focuses on the immediate tactical response, and the strategic response at a high level so focusing on how strategic response are implemented in foreign countries is beyond the scope of this study.

Other studies have analyzed the effectiveness of the counter terrorism measures. Authors Brophy-Baermann and Conybeare (1994) analyzed how effective retaliation against terrorism was. This study used Israel as a case study to determine how effective major retaliation was as a tactical response to terrorism. The authors found that retaliation as a tactical response was only effective as a deterrent for approximately 9 months. After this grace period, the number of attacks rose to levels before the retaliation. Furthermore, after this response the terror groups began to anticipate retaliation so they took measures to safeguard themselves, which made it more difficult to pursue them. Mueller and Stewart (2012) questioned whether the response by the U.S. government to terrorism is justified. They performed a cost benefit analysis to determine whether the threat of terrorism justified the cost of counter terrorism spending. Here, the authors found there was virtually no government document performing a cost-benefit analysis for how effective counter terrorism measures were with respect to the amount of funding. This helps confirm Jackson's (2007) study by suggesting the United States does not base its counter terrorism responses primarily on financial issues, but rather something else.

Jenkins (2010) took a different approach than some of the previous literature by examining the number of terrorist attacks both pre-9/11 and post-9/11. He used information from

RAND and analyzed the trend of terrorism in the United States. He found that there was a greater number of attacks in the United States prior to 9/11 than what the United States currently experiences. According to the RAND information, there were approximately 60 to 70 terrorist events each year during the 1970s. This number was 15 to 20 times greater than the years following 9/11, even when including attempted incidences. A quick look at data from the Global Terrorism Database (GTD) on the number of terrorist incidents in the United States confirm this trend. The GTD has information on 2646 incidences in the United States from 1970 to 2014. See **Figure 1: Terrorist incidents in the United States (GTD)**. As the figure from GTD shows, the number of terrorist events has decreased considerably since the 1970s and has further decreased since 2001. The implementations of this research could suggest that the responses by the U.S. government are working successfully because a main overarching goal of counter terrorism responses is to decrease the number of terrorist events. Examine what factors facilitated the huge drop in terrorist event in the early 1970s might also be of interest for counter terrorist researchers.

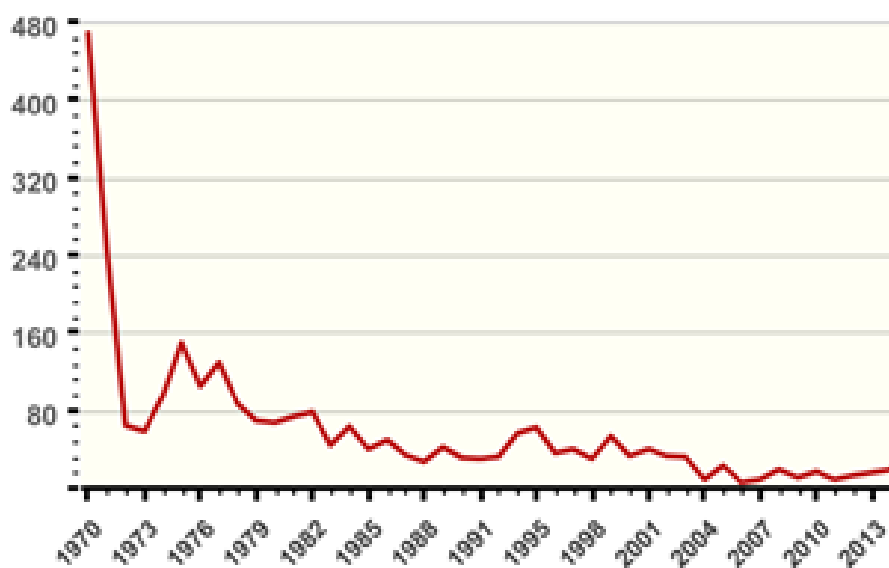


Figure 1: Terrorist incidents in the United States (GTD)

There are certain gaps within the literature that need addressed before the study of counter terrorism strategies may continue. Since the rise of the European Union, there have been fewer studies examining the U.K. response to terrorism outside the study of civil rights concerns, but there are numerous studies examining the E.U. response to terrorism. E.U. counter terrorism strategies overshadow the study of U.K. counter terrorism strategies considerably. There are many studies comparing the U.S. counter terrorism strategies to various countries and groups of countries but the literature is lacking how the United Kingdom compares to the United States. Furthermore, many studies lack sufficient depth. Some studies (Jackson, 2007) had a tiny period of analysis that only considered the events in that period without examining the larger picture. Strategic policies evolve slowly over time and previous events shape future events. Analyzing these strategies requires a historical context. Without this, it leads to a fragmentation of perception because the reader does not have a chance to understand the deeper aspects of the

problem. The fragmentation of perception means the person is only seeing a small piece of an issue, and with this, comes losing context.

Chapter 3

Methodology

The goal of this research study is to examine how counter terrorism responses evolve over time in relation to significant terrorist events in democracies. With this in mind, the independent variables are individual terrorist events and the countries studied. The dependent variables are police investigative responses and incident responses (tactical), and changes in policy and major counter terrorism legislation (strategic). This study intends answer the following research questions:

1. *What is the counter terrorism response of democratic countries for terrorist events?*
 - a. *How does the tactical response to terrorist events translate to a strategic response?*
 - b. *How do the characteristics of terrorist events influence counter terror responses?*
 - c. *How long does it take democratic countries to respond to terrorist events?*
2. *How are the counter terrorism responses of democratic countries similar and how are they different?*
 - a. *How does the type of democracy influence the counter terrorism response?*
3. *How has the relationship between federal and state/local respondents changed over time?*

Choosing a Research Method

Shortfalls in Quantitative Terrorism Research

Since 9/11, the study of terrorism has grown significantly, and various researchers over the years have used different methods to study terrorism. Most notably, terrorism research is becoming progressively quantitative. However, there are still inherent problems using this

method including standardized data collection methods and differences in analytic approaches. The terrorism definition for collecting data can vary from one terrorism database to another, which may lead to conflicting reports depending on the definition. Part of the problem arises from no agreement on the definition of terrorism, which negatively influences the methodology for classifying what constitutes a terrorist event. Furthermore, over time definitions of terrorism can expand or narrow which would result in collecting more or less terrorist events than previous years. Typically, there is also minimal effort to apply the new methodology to the years before the change. For example, as one report points out, the Global Terrorism Database (GTD) may be misrepresenting the trends on suicide terrorism (Pape, et al, 2014). The authors note, the GTD data have 359 suicide attacks in 2007, and 619 suicide attacks in 2013—that would indicate a sharp increase in suicide attacks. However, when compared to The University of Chicago Project on Security and Terrorism (CPOST) database, the results are much different. The CPOST reports 521 suicide attacks in 2007, and 423 suicide attacks in 2013—a decrease in suicide attacks. The authors of the report believed that the GTD changed the methodology for how they collected data, and this resulted in the sharp increase in suicide attacks, whereas the CPOST kept a consistent methodology for collecting data. The CPOST and other terrorism databases, such as the ITERATE database, are also fallible, and suffer from many inherent pitfalls of terrorism databases. Drakos and Gofas (2006) examined the reliability of terrorism databases and found that underreporting is present in many terrorism databases and has the potential to skew conclusions drawn from quantitative analysis. Their study also found that underreporting of terrorism is a significant issue in countries with low press freedom—making the quantitative study of terrorism in autocracies difficult (Drakos & Gofas, 2006). Terrorism databases still need time to develop further. Until then, qualitative methods will remain a reliable method.

The Case Study Approach

To avoid these issues of the quantitative method, this study uses a qualitative approach. Within qualitative research, there are five major types: Phenomenology, Ethnography, Narrative, Grounded Theory, and the Case Study (Sauro, 2015). Each of these major types have their own research purposes. Time constraints, access to counter-terrorism experts, and the ability to witness events pushed this study to use a case study approach. According to Young and Findley's (2011) literature review of terrorism research, "qualitative, case-study work has dominated the terrorism literature for decades." The case study argument offers several advantages when studying terrorism. One reason that the authors point out is as follows:

"Because the number of observations in most of this work is extremely small, scholars have been careful to define terrorism to fit the case(s) under study. This makes a lot of sense. The small number of observations, unfortunately, often disallows varying debatable parts of the definition. In one country, for example, violence against the military might occur, but in a second country it might not. In a study of the first country, one could vary the definition beyond civilian targets to military targets (perhaps during times of peace). In a study of the second country, the results could be compared to explore the implications of varying whether including attacks against the military changes inferences" (Young & Findley, 2011)

The case study approach can also more easily tease out the characteristics of cases. As Wendy Sykes (1990) highlights from her research, some information can only be gathered using qualitative methods. Each terrorism event is unique—over the course of this study, this becomes

apparent. Thus, this study requires some flexibility when analyzing terrorism events that the case study approach afforded, as “each case study is tailor-made” (Meyer, 2001).

Another important distinction here is that the qualitative approach addresses “why” an event occurred. The quantitative approach does not explain the “why” as thoroughly. In the study of terrorism, the “why” needs to be addressed because it will further the understanding of the factors that lead to terrorist events occurring, and case studies are a persuasive way to illustrate a cause-effect relationship (Siggelkow, 2007). From a policy/legislation maker’s perspective, they need to understand the factors that led to an event in order to enable them to enact new policy and/or legislation that can effectively prevent imminent terrorist events. Otherwise, those enacting new policy and legislation are acting without addressing the root enablers of terrorism—potentially leading to future terrorist events.

As with every research design, challenges exist. One major concern of case studies is that the results are hard to generalize to other cases. This is especially relevant for terrorist events because each event is so unique. To help avoid this, this study employs a multiple case study review of four terror events. In an ideal world, a case study of every terrorist event would be preferred; however, the constraints of time prohibit such an approach. Instead, this study uses four terror events to expand the scope of the study, but also to not make it so complex that it is of no use to anyone. A lack of validity is another cited concern of case studies (Zainal, 2007). To increase the validity of the study, this study attempts to triangulate its analysis by using both primary and secondary source analysis.

Democratic Country Selection

This study analyzes two democratic countries: the United States and the United Kingdom. Two democratic countries will generate enough data to answer the research questions. While other countries may have been chosen, such as Australia, again time constraints necessitated a decision. This study selected the United States and United Kingdom because both are democracies, share similar interests in the world, and have historically had close relations. For ease of researching, it helps that they are both English-speaking countries so collected data does not need translated. However, for as many similarities there are between the United States and United Kingdom, there are just as many dissimilarities—particularly in how each respective country has experienced terrorism. The United Kingdom provides a unique example because they have been facing terrorism for years against the Irish Republican Army (IRA) and their split off groups. Now, the United Kingdom is revamping their counter terrorism policies in response to new threats.

The United States is a particularly interesting case to study due to their relative inexperience handling prolonged terrorism when compared to countries like the United Kingdom; or even Israel who have faced terrorism for some time. Another reason is the United States' dominance in the world system. Its global predominance makes the United States the target for numerous terrorist groups such as al-Qaida, who claim they want foreign entities out of their countries. This is directed towards western countries that have a presence in their land—namely the United States and the United Kingdom. The United States and the United Kingdom will continue to have many interests throughout the world ranging everywhere from economic to national security. The United States and United Kingdom will continue to be a target of terrorist

groups for the near future. As a result, the continued threat of terrorism makes these two countries worthwhile selections for study.

Terrorist Event Selection

Terrorist events chosen included a pre-9/11 historical event and a post-9/11 event in order to compare the impact of the new terrorist environment. (Historical events and modern events. See **Figure 2**. The study analyzes the historical context behind terror events to highlight how each country traditionally enacted legislation and policy changes to prevent terrorism in the future by examining the tactical and strategic responses to the event. This provides a baseline to analyze how counter terrorism responses have evolved over time in the wake of a new violent extremist terrorism threat. The historical study is a major event in each country and chosen because the timeframe is not too long ago that it holds no relevance to today's counter terrorism response, but is at the same time not as recent that events that are more modern overshadow them. The historical events were also chosen because they are not religious extremist attacks. The study then analyses one modern event from each country and examines the tactical and strategic responses to those events. These modern events were chosen because religious extremists perpetrated each event. Each modern terrorist event acted as a major catalyst that shifted the counter terrorism focus to a religious extremist threat.

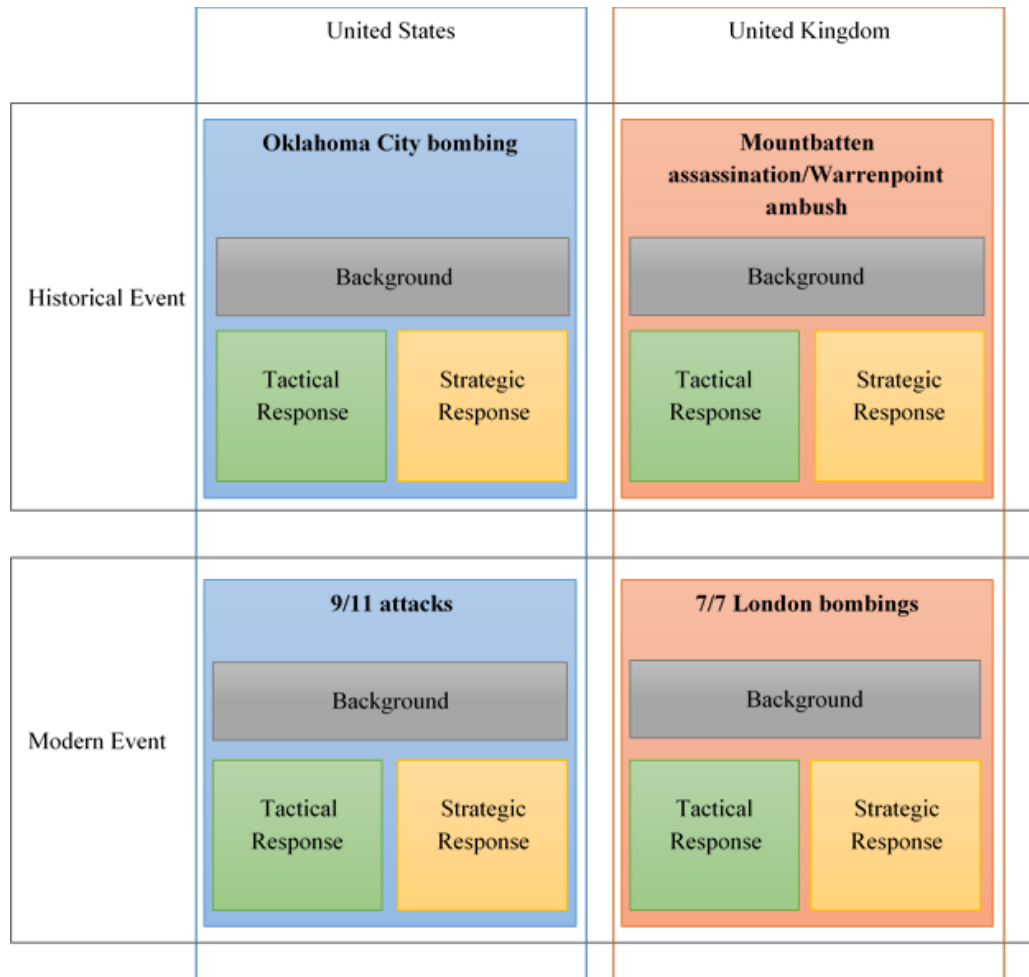


Figure 2: Analytical Outline

Data Collection and Case Study Reports

The data collection of each case study has three sections: background, tactical response, and strategic response. See **Figure 2** for a graphical representation. For each section, this study collects data using a mix of open source information, such as, declassified or unclassified government documents, newspaper articles, and journal articles.

In the background sections, this study intends to describe the independent variables by gathering data on where the event occurred, when the event occurred, how many people killed and injured, who the attackers were, and what was the motivation of the attackers. These background sections help answer how the characteristics of terrorist events influence counter terrorism responses.

Second, the dependent variables this study focuses on is the tactical response. Tactical responses are the police investigative responses and incident command. Tactical responses examine who led the investigations, how they led the investigations, what entities responded to the terrorist event, and how long it took to respond at the tactical level. This section questions who has responsibility of the tactical response, and how the relationship between federal and state/local respondents has changed.

Third, the study focuses on another dependent variable, strategic responses. Strategic responses are high-level government responses such as, changes in policy and major counter terrorism legislation that has lasting implications on the respective country. This study defines a major piece of legislation from the United States as a federal law whose purpose is to fight or deter terrorism. This study defines a major piece of legislation from the United Kingdom as a law passed by Parliament whose purpose is to fight or deter terrorism. Laws passed by states in the United States or sub-nations in the United Kingdom are excluded from this strategic response. The information gathered here will examine what changes to policy were a result of the terrorist event. This section will also examine how long it took to pass a piece of counter terrorism legislation, and what vulnerabilities the new legislation intended to fix. A timeline will further represent these laws, along with each major piece of legislation passed by the United

States and United Kingdom. This will provide some high level context for how the United States and United Kingdom respond to terrorism at the legislative level.

The information gathered from the tactical and strategic response sections will be used to answer how tactical responses translate to strategic responses in the context of each specific terror attack; and the information will also answer a sub question of this study, which is how quickly do democratic countries respond to terror events. For example, if there was a significantly delayed tactical response, there may be a legislative action (strategic response) to improve the response time. This study will examine the relationships between strategic and tactical responses.

The study then compares and contrasts the tactical and strategic responses across countries. For example, how does the U.S. tactical response to 9/11 differ from the U.K. tactical response to the 7/7 attacks. The comparison highlights how each country responds to similar events, given the context of their historical responses. Comparing both the tactical and strategic responses of the United States and United Kingdom provides several benefits. The first being, the study is able to detail whether there is a divergence in how two democratic countries response to terror events and if they do diverge, to what degree is the divergence. This will answer the second major research question of the study. It is also vital to see how similar these two countries response to terrorism because there are two main historical differences between the countries. Historically, small groups of individuals have carried out major attacks on U.S. soil and only more recently violent extremist organizations, such as Al-Qaeda and now ISIS, have targeted the United States. This is an entirely new type of threat to the United States because the United States has traditionally faced autonomous groups, and now with the ever-growing violent

extremist threat, the United States faces a long protracted terrorism threat by terrorist organizations. Terror attempts in the future are likely to follow because of these various terrorist organizations. The United Kingdom, on the other hand, have dealt with a prolonged terrorist threats orchestrated by a single organization in the form of the various IRA attacks. The continued threat of terrorism from one specific organization is nothing new to the United Kingdom so examining how their responses have shifted (or not shifted) in relation to the U.S. responses, is invaluable to the future study of terrorism.

Choosing a Definition of Terrorism

Choosing a terrorist event to analyze requires a working definition of “terrorism”. After reviewing the literature on terrorism—there are numerous definitions of terrorism. Even within the United States, every U.S. agency or government law has a different definition of terrorism. It appears that no entity that has a definition of terrorism, can agree on a uniform terrorism definition. As Young & Findley (2011) point out, many scholars use a different definition of terrorism for each terrorist event. However, because this study is using four terrorist events, creating a different definition for each terrorist event is unnecessary. Instead, this study uses a small sampling of widely accepted terrorism definitions and uses the themes of them as a general terrorism definition.

The Federal Bureau of Investigation (FBI) defines international terrorism under 18 U.S.C. § 2331 and must contain these three criteria:

- 1) Involve violent acts or acts dangerous to human life that violate federal or state law;

- 2) Appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
- 3) Occur primarily outside the territorial jurisdiction of the U.S., or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

The Central Intelligence Agency (CIA) uses Title 22 of the US Code, Section 2656f(d) to define terrorism as:

- 1) the term "international terrorism" means terrorism involving citizens or the territory of more than one country;
- 2) the term "terrorism" means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; and
- 3) the term "terrorist group" means any group practicing, or which has significant subgroups which practice, international terrorism.

The United Nations Security Council Resolution 1566 defines terrorism as:

"criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature,"

The historical and modern terror events chosen in this study satisfy each of these definitions. While each of these definitions are different, along with many other definitions, there are overarching themes that define terrorism. The first major theme is that it involves an act or a threat of violence. The second theme is that there is a goal to influence a different party beyond

the party immediately affected. Thirdly, the attacks are politically, religiously, or economically motivated. This study uses these three guidelines to define a terror event.

Justification for Chosen Terror Events

For the United States, the historical starting point to analyze how counter terrorism responses have evolved over time is the 1995 Oklahoma City bombing. This is the first real terrorist event that the American public faced. Many consider the Oklahoma City bombing the worst terrorist event on U.S. soil until 9/11 (Chuck, 2015). There were other terrorist events, such as the relatively unsuccessful 1993 attack on the World Trade Center, but these events did not capture the attention of the American public like the Oklahoma City bombing. The historical context for the United Kingdom is actually two related events treated as one event: the assassination of Lord Mountbatten and the Warrenpoint ambush, when 18 British soldiers died (Rodrigues, 2015). The IRA perpetrated both the assassination and the ambush, and the events occurred within only a few hours of each other, however at different locations. This study treats these two events one single event as such. There were previous terror events in the United Kingdom prior to the assassination/ambush and after, but these events made the people of the United Kingdom finally start paying attention to what was happening in Ireland (The Telegraph, 2012). This event was a major catalyst that shifted the public focus toward terrorism in the United Kingdom and solidified the significance of the IRA threat.

For the modern event, this study analyzes the U.S. response to the 9/11 attacks. The 9/11 event was quickly considered the worst terrorist attack in U.S. history, surpassing even the Oklahoma City bombings in terms of casualties and monetary damages. Soon following the

attacks, the United States enacted major counter terrorism initiatives to combat terrorism. This event marked the advent of the publicized and politicized “War on Terror” by the United States and its allies to combat terrorism. The modern event for the United Kingdom is the 7/7 London bombings of 2005. This event was the first major successful violent extremist terror attack to occur on U.K. soil. This event marked a significant shift in focus towards religious extremism. All four of these attacks drastically increased public awareness of terrorism in their respective countries. As a result, this study assumes these terrorist events generated change both in tactical responses and in strategic responses.

Chapter 4

Data Collection

The data collection section begins with a brief introduction to democracies and transitions into each country and then each terrorist attack. Each terrorist attack has three sub-sections: background, tactical response, and strategic response. The background information help answer how the characteristics of terrorist events influence counter terrorism responses. Tactical responses examine who led the investigations, how they led the investigations, what entities responded to the terrorist event, and how long it took to respond at the tactical level. Strategic responses examine how long it took to pass a piece of counter terrorism legislation, and what vulnerabilities the new legislation intended to fix.

Democracies

Democracies are systems of government that derive power from the people. They are beholden to the people, and public opinion heavily influences government action. Democracies receive a part of their legitimacy by being representative of their constituents. Constituents also consider their system of government legitimate if the enacted policies are successful (Rothstein, 2009). Voters elect officials to represent themselves in policy matters and the elected officials vote on policy. Therefore, people do not directly vote on policy, but the people who they elected do. The power in the democracy comes from the bottom and flows upward. Normally, there is a check and balancing system to ensure not one entity has too much power. This differs from a government system in which one unelected central figure decides decision-making and policy formulation. The important take away here is to understand a little background information that helps put into context the different decision making processes of each country. The decision

making process of each country influences the tactical and strategic responses after a terrorist event so the structure of government plays an important part. Therefore, at least a brief introduction section on democratic structures was warranted.

United Kingdom

The United Kingdom is a constitutional monarchy with a parliamentary system. In a constitutional monarchy, the monarch remains in place but a constitution severely restricts a monarch's power. The monarchy in the United Kingdom is mainly for ceremonial purposes but the monarch does retain some limited power. In the United Kingdom, people directly elect a representative from their constituency. These representatives comprise what is known as the House of Commons. Every five years there is an election, and the party with the most seats has their top official become the prime minister. The prime minister will then create a 'government' and anyone who is not in the 'government' is known as the opposition. People appointed by the Queen, bishops, and lifetime appointed members who inherited their position, comprise the House of Lords. The members of the House of Lords are less influenced by the popular opinion because they are lifetime appointed and are used as a balancing act to the House of Commons. Both the House of Commons must agree upon an act and House of Lords before it may receive its Royal Assent, which would turn a bill into law.

Four countries, Northern Ireland, Scotland, Wales, and England form the United Kingdom. The United Kingdom has a devolution system, which means that each sub-nation retains some independence from the central government. The powers that each sub-nation has varies. For the context of this study, an exhaustive list of all devolved responsibilities is

unnecessary. However, it should be noted that the Scottish government and Northern Ireland have full legislative power when it comes to justice and policing, as of 1997 and 2010 respectively (Scotland Office, Cabinet Office, Wales Office, Northern Ireland Office, 2013). The U.K. Parliament has not intentionally legislated devolved issues without the approval of the sub-nation's government (Scotland Office, Cabinet Office, 2013). There are certain matters that the U.K. Parliament remains responsible for, which are nationally important issues. These include: national security, international relations and defense, the constitution, nuclear energy, nationality and immigration, broadcasting, the U.K. tax system, employment, and social security (except Northern Ireland); almost all other matters are devolved (Cabinet Office, Scotland Office, Wales Office, Northern Ireland Office, 2013). In foreign affairs specifically, the U.K. prime minister has a great deal of power. Where the power of U.K. Parliament in legislative matters ends, begins the U.K. prime minister's role in international affairs.

U.K. Terror Attacks

Mountbatten Assassination/Warrenpoint Ambush

Background

The Irish Republican Army (*hereafter* IRA) was fighting a bitter battle against British rule to unite Northern Ireland with the Republic of Ireland. A group of Irish nationalists founded the IRA in 1919, as a militant nationalist organization whose purpose was to achieve an independent Ireland by armed force (Encyclopædia Britannica, 2016). A part of this struggle between the IRA and Britain manifested itself with two significant events: Lord Mountbatten assassination and Warrenpoint ambush. On August 27, 1979, the IRA killed Lord Mountbatten

while he was on vacation at his summer home in Mullaghmore, Republic of Ireland. The cause of death was an explosion from a bomb aboard his boat; the IRA hid the bomb the night before (Rodrigues, 2015). In addition to Mountbatten's death, the attack also claimed the lives of his 14-year old grandson Nicholas Knatchbull, and two others. The IRA made a statement soon afterward claiming responsibility for the attack (Time, 1979). The statement read, "The IRA claim responsibility for the death of Lord Mountbatten. This operation is one of the discriminate ways we can bring to the attention of the English people the continuing occupation of our country" (Pogatchnik, 2015). The assassination of Lord Mountbatten was the IRA's first successful attack against the British royal family and demonstrated to the public that the IRA was capable of killing even royals. What is even more remarkable is how infrequent royal family members have been assassinated in Britain's long history. This was an important benchmark event as such. On the same day, just a few hours after the assassination, the IRA ambushed the British 2nd Battalion, Parachute Regiment near Warrenpoint, which is right near the border of the Republic of Ireland, killing 18 British soldiers. This ambush killed the greatest number of soldiers in a single attack, in 35 years of 'The Troubles' (Irish Examiner, 2009). The first bomb exploded and killed 6 people, then a second bomb exploded about half an hour later killing an additional 12 soldiers. A helicopter was evacuating the wounded soldiers from the first explosion were evacuated when the second bomb went off, but did not cause the helicopter to crash. Another helicopter flew in and evacuated the remaining. The motivation for the attack on the British 2nd Battalion, Parachute Regiment may be traced back to two separate events, the Ballymurphy Massacre and "Bloody Sunday". During a span of three days, the Ballymurphy Massacre occurred on August 9-11, 1971 in the city of Belfast, when the British 1st Battalion Parachute Regiment killed at least 8 citizens (Cobain, 2014). Then Bloody Sunday occurred on

January 30, 1972 when the British 1st Battalion Parachute Regiment, in an effort to stop a riot, eventually killed 14 unarmed civilians in Northern Ireland, by firing into the crowd (Koren, 2015). In both instances, the British 1st Battalion Parachute Regiment claimed they were being fired upon and were facing gunmen. This however, was later proven false. The IRA targeted paratroop battalions in particular because of these perceived unjustified killings. As a result, the Warrenpoint ambush was a revenge attack.

Tactical Response

The Mountbatten assassination it is said to have launched one of the biggest police investigations in Irish history and led to one man being convicted (Telegraph, 2012). The entity tasked with the investigation were the Republic of Ireland police authorities—given that the event occurred on Irish soil. There was some assistance from the British government at the time of the investigation, but their contribution was minimal (Calderwood, 2015). There were, however, some speculation from Britain that the Irish police knew who all of the perpetrators were, but Ireland refused to investigate further. This episode caused further strain between Britain and Ireland relations all the way until the very end of the century. Motivation to pursue the attackers waned significantly after the Good Friday agreement on December 2, 1999. This agreement also led to the release of the one man convicted for the assassination. The case remains open even today, but new information regarding the bombing is unlikely to become known.

The immediate response to the Warrenpoint ambush further compacted the strained Ireland – Britain relationship. The soldiers who were attacked, were helicoptered away soon after the first bomb, and were long gone by the time the Royal Ulster Constabulary (*hereafter* RUC)

arrived. When the RUC, the police force of Northern Ireland, arrived to investigate the attack, the Irish police gave virtually no assistance and the RUC met further resistance from the U.K. military. The attackers likely originated from the Republic of Ireland and it was probable the attackers returned to the Republic of Ireland after the event. The U.K. government even alleged that the Republic of Ireland ordered their police officers to not investigate the ambush, and instead treat the ambush as a “political crime” and not a criminal attack as the RUC viewed it (Stack, 2012). The explicit distinctions between a political crime and a criminal attack in the United Kingdom remain unclear to this study; however, criminal attacks are considered more significant and would warrant greater cooperation between police forces. There were also allegations that the second bombsite, the bomb that almost brought down the first helicopter, was destroyed before the RUC could arrive and investigate (Stack, 2012). No one was charged for the ambush. These two events do highlight that the RUC led the investigation of the attacks and when they arrived at the scene of the event, they met significant obstacles.

Strategic Response

The U.K. government needed to formulate a counter terrorism response after suffering from two well-orchestrated attacks within the span of a few hours. A royal member blew up and an ambush resulted in 18 dead British soldiers. The question on the government’s mind was, “how do we prevent this from happening again”? From a law perspective, there were not any significant changes in law that may be reasonably attributed to either the Mountbatten assassination or the Warrenpoint ambush. However, there were changes made to the RUC. Before the attacks, there was a rift between the Army and the police. In the immediate aftermath of the attacks, the power struggle between the police and Army become exasperated. The Army wanted to have an increased role in the conflict against the IRA and the police, the group that

was traditionally in charge of responding to the IRA, worried that an increased Army presence would have detrimental effect on the situation. In midst of the two competing factions, Margaret Thatcher took it upon herself and increased the RUC by 1000 personnel, and shuffled up the security coordinators and security officers in the region by appointing new security personnel who would more likely increase cooperation between the Army and police (Arthur, 2001). In Thatcher's memoirs on this issue she wrote,

“There were two major questions. How were we to improve the direction and co-ordination of our security operations in the Province? And how were we to get more co-operation in security matters from the Irish Republic? On the first, we decided that the difficulties of coordinating intelligence gathered by the RUC and the Army would be best overcome by instituting a new high-level security directorate. On the second, we agreed that I would tackle the Irish Prime Minister, Jack Lynch, when he arrived shortly for Lord Mountbatten's funeral” (Potter, 2008).

An important point that must be emphasized here is that there was not a legislative change in the aftermath. Instead, the Iron Lady chose to address the situation with soft diplomacy, appointing new top security personnel, and increasing the RUC police force without an executive decision. Unlike the United States, there is no such thing as an executive decision in the United Kingdom. The U.K. prime minister must rely on other methods to address certain situations and that is precisely what Thatcher did. The assassination of Mountbatten was an international event, and as the devolution government structure mandates, the U.K. prime minister is in charge of foreign affairs and national security type issues. At this time, Margret Thatcher was the prime minister so she had the authority to exercise power in this instance.

Moreover, the ambush targeted a Parachute Regiment so there is some justification for treating the situation as a national security/defense type of issue. From this study's findings, there were no mentions whatsoever of a high-level legislative change in the wake of these two events. This was not always the case. As we will see in the next section, the terrorist events that occurred after these two events will result in legislative changes.

7/7 attacks

Background

On July 7, 2005, four bombs killed 52 people and injured hundreds more in central London (BBC News, 2015a). Three homegrown violent extremists detonated three homemade explosives on London Underground trains. A fourth violent extremist detonated another explosive later that day on a double-decker bus in Tavistock Square (BBC News, 2015b). All were suicide bombers and died in their attacks. One of the bombers stated in a video broadcasted by Al-Jazeera that he carried out the attack because:

“Your democratically elected governments continuously perpetuate atrocities against my people all over the world. And your support of them makes you directly responsible, just as I am directly responsible for protecting and avenging my Muslim brothers and sisters. Until we feel security, you will be our targets. And until you stop the bombing, gassing, imprisonment and torture of my people we will not stop this fight” (BBC, 2005).

A couple weeks later on July 21, 2005, a different violent extremist attack, inspired by the 7/7 attack, failed. In the second attack, only the detonators exploded on four of the bombs

and the authorities later found a fifth bomb before it could explode (Lieber & Cheloukhine, 2009).

Tactical Response

The direct response to the 7/7 attacks was described by some as slow, as the attack caught the United Kingdom off guard, like most terrorist events do. It took approximately 25 minutes for the first ambulance to arrive at Aldgate, where the first bomb exploded, and 43 minutes had passed before the London Underground became aware that they were under a terror attack (Gardham, 2011). Almost an hour after the first three bombs detonated, the whole subway system was shut down (CNN, 2015b). Soon following the attacks, the Metropolitan Police Service, or Scotland Yard, headed the subsequent investigation. Later that day on 7/7, the police found “other personal items, cash and membership cards” belonging to two of the perpetrators; on July 9th police found evidence of a third perpetrator; July 12th police found evidence of the fourth perpetrator; by July 13, there was enough evidence to connect the four people in question to the attack (House of Commons, 2006). The police were able to identify the four attackers to the crime after 5 days of investigating. Throughout the investigation to identify the attackers, the Metropolitan Police Service acted as the lead liaison between the government and the media to relay information to the public (Strom & Eyerman, 2008).

Strategic Response

In the aftermath of the 7/7 events, there was one law that was passed which may be directly attributed to the events. This law is the Terrorism Act 2006. In addition, present in this section is the CONTEST counter-terrorism policy that helps frame the state of mind of the United Kingdom’s counter terrorism priorities at the time. After the attacks, there were numerous

questions surrounding the incident. Two significant questions raised after this event was “what is causing the disenfranchisement of our citizens?” and “how do we stop this?” In response, the United Kingdom passed the Terrorism Act 2006 to address these questions. Among many other things, the Terrorism Act 2006 made it illegal to encourage terrorism (such as glorifying terrorism), disseminate terrorist publications, prepare terrorist acts, train for terrorism, be at any place where terrorist training occurs, make terrorist threats, make or possess radioactive devices, misuse radioactive materials, or trespass on nuclear sites. This law also increased the period of detention without charge from a maximum of 14 days to 28 days. This act is still current legislation. The intended goal of Terrorism Act 2006 was to reduce the possibility of U.K. citizens becoming terrorist recruits. Glorifying terrorism makes terrorism seem appealing, and the more terrorism becomes appealing, the easier it is to recruit people to carry out terrorist attacks. By making glorifying terrorism illegal, it would ideally result in less people glorifying terrorism—and in turn reduce the possibility of U.K. citizens becoming terrorists. This is of particular relevance because the 7/7 attacks were a domestic terrorist attack that was a result of homegrown terrorism.

The 7/7 attacks and later the July 21 attempt, are considered events that forced change on U.K. intelligence and security agencies as well. Some have speculated that better funded protection services could have prevented these attacks. These eventual changes expanded the capabilities of intelligence and security agencies in ways such as, increasing recruitment and establishing more intelligence stations at home and overseas (Intelligence and Security Committee, 2006). As the Intelligence and Security Committee’s report on the 7/7 attacks concludes, “We believe that lessons have been learned” (Intelligence and Security Committee, 2006). However, whenever domestic security agencies receive more funding, there are concerns

for how it may affect civil liberties. The balance between a strong security force and a robust respect for civil liberties is a tricky rope to walk that continues to cause headaches for lawmakers.

More changes to the city of London have also manifested because of the 7/7 attacks. For instance, the 7/7 attacks led to a restructuring of urban transport security in the city. Now the London Underground, the public rail transportation system, embraced a different command structure in the event of an incident; in response to an event, a three tiered, centralized command structure that takes effect (BBC News, 2015a). Before, and during the 7/7 attacks, the command structure was dispersed across London with different agencies/responders operating independently of one another, but with some communication. It should be noted that a centralized command structure would eventually be created to handle the crisis; however, it is unclear how quickly that structure was set up.

2010-2015 Conservative and Liberal Democrat coalition government published the U.K.'s counter terrorism policy known as CONTEST. While not a law in the U.K., this policy outlines guides the U.K.'s counter terrorism strategy. The legal basis for CONTEST comes from The Terrorism Act 2000. UK's Home Office is responsible for immigration, security, and law and order. The UK's counter terrorism policy CONTEST has a stated goal of "to reduce the risk to the UK and its interests overseas from terrorism". There are four major components within CONTEST: Prevent, Pursue, Protect, and Prepare. "Pursue: to stop terrorist attacks; Prevent: to stop people from becoming terrorists or supporting terrorism; Protect: to strengthen our [UK's] protection against a terrorist attack; and Prepare: to mitigate the impact of a terrorist attack." The 'Prevent' specifically addressed the vulnerability of disenfranchised citizens becoming potential

terrorists. This section, along with the Terrorism Act 2006, attempt to prevent radicalization by preventing radical ideology.

United States

The United States is a presidential constitutional republic. Every four years, the American voters go to the polls to cast their vote for the president. However, it is not a pure democracy in the sense that the person who received the most votes by the people becomes president. Instead, the United States is the only country that has an electoral college. Here, every state has a certain number of votes based on their population size. The votes by the American citizens tell the Electoral College who they want their state to elect. For the most part, the Electoral College votes the way the citizens voted. However, the Electoral College does not have to follow the popular vote. If a candidate receives 270 Electoral College votes or more, then they win the election. In some presidential elections, a candidate may win the popular vote, but lose the election because they did not win the electoral vote. For example, the 2000 presidential election between George W. Bush and Al Gore. Al Gore won the popular vote but George W. Bush won the electoral vote and became president. In the legislative branch, there are senators and members of the House of Representatives. They are both elected directly in their home states with a fifty percent majority, but some states may have additional requirements to become elected to congress. The constituents elect their members of the House of Representatives every two years and may serve an unlimited number of terms. The Senate members have an election every six years and may serve an unlimited number of terms. Both the House of Representatives and the Senate must agree on a bill before the President signs the bill into federal law.

Similar to the United Kingdom, the United States has more than one law enacting body; Federal law just described, and state law. Both federal law and state law are allowed to pass legislation on issues they see fit, however, if there is a contradiction between the state and federal law, and then the federal law has supremacy according to Article Six of the U.S. Constitution. For instance, if something is legal at the State level, but illegal at the Federal level, then Federal authorities can prosecute under federal law. If a Federal law says something is legal, and a State law says it is illegal, then a prosecuted person under State law may appeal to federal court and challenge it; the federal court has the power to overturn state law.

U.S. Terror Attacks

Oklahoma City bombing

Background

The Oklahoma City bombing was a domestic terror attack targeting federal agencies and carried out by two former U.S. military personnel, Timothy McVeigh and Terry Nichols. On April 19, 1995, McVeigh parked a truck loaded with 4,800-pounds of explosives outside the Alfred P. Murrah Federal Building (Gorman, 2015). Once in place, the bomb exploded, killing 168 people (Chuck, 2015). The U.S. government's handling of the standoff at Ruby Ridge and the Waco Siege angered the pair enough to take action (Baker, et al., 1995). In a letter to Fox News, Timothy McVeigh described his motives:

“Foremost, the bombing was a retaliatory strike [...] for the cumulative raids (and subsequent violence and damage) that federal agents had participated in over the preceding years (including, but not limited to, Waco.) From the formation of such units

as the FBI's "Hostage Rescue" and other assault teams amongst federal agencies during the '80's; culminating in the Waco incident, federal actions grew increasingly militaristic and violent, to the point where at Waco, our government - like the Chinese - was deploying tanks against its own citizens." (Fox News, 2001)

Tactical response

The response to the Oklahoma City bombing saw a combined effort from every available force the government could utilize to investigate the bombing and aid in the recovery of people affected. Within minutes, a large search and rescue operation was underway and "23 minutes after the blast, the State Emergency Operations Center was operational and included representatives from the state departments of public safety, human services, military, health, and education" (Office for Victims of Crime, 2000). Unfortunately, one search and rescue volunteer died from falling debris hitting her head. President Clinton signed the Emergency Declaration FEMA-3113-EM-OK within an hour and a half of the bombing. This emergency declaration gave the Federal Government the primary responsibility for handling the Oklahoma crisis (Office for Victims of Crime, 2000). The Federal Bureau of Investigation (*hereafter* FBI) oversaw the bombing investigation and Special Agent Weldon Kennedy guided federal, state, and local law enforcement to capture those responsible (Office for Victims of Crime, 2000). By the end of the case, the FBI had "conducted more than 28,000 interviews, followed some 43,000 investigative leads, amassed three-and-a-half tons of evidence, and reviewed nearly a billion pieces of information" (FBI, n.d.). The investigation led the FBI to believe Timothy McVeigh was a suspect in the bombing on April 21, 1995 because a Kansas motel owner thought a previous renter matched the description of an FBI sketch of the bombers (Clay, 2014). This was just two days after the bombing. Much to the FBI's surprise, McVeigh was already in police custody at

this time. Soon after the bombing occurred, an Oklahoma Highway Patrol trooper pulled over McVeigh for not having a tag on his vehicle and then arrested McVeigh for carrying a .45 caliber Glock pistol (Morava, 2009). The case against McVeigh developed from there. A federal court tried McVeigh for the murder of federal agents and given the death penalty and later put to death in 2001. State prosecutors did try McVeigh under state law for the death of the many others because federal court already gave him a death sentence under federal law and further proceedings would delay his sentencing. Terry Nichols was considered a suspect for his close association with McVeigh, and when Nichols found out the authorities were looking for him, Nichols gave himself up (CNN, 2016). A federal court later gave Nichols life in prison sentence for “conspiracy to use a weapon of mass destruction and involuntary manslaughter in the deaths of eight federal employees” (CNN, 1997). After the federal court decision, state prosecutors tried to get Nichols a death sentence under state law, but failed and only managed additional life sentences. Nichols returned to his federal prison cell after the state court decision.

Strategic Response

This attack lead Americans to realize that terrorist attacks can also arrive domestically. The response to this event was a combination of multiple responses. Much like what United Kingdom did after the Mountbatten assassination/Warrenpoint ambush, the United States increased the number of law enforcement officers. The FBI hired an additional 500 agents to investigate domestic terrorism (Anderson, 2001). President Clinton helped make the FBI the lead investigative body in the aftermath of any future terror event on U.S. soil; the FBI also began combining their international terror units with their domestic terror units to form more general counterterrorism divisions (Fox, 2015). The President formally tasked the FBI with such a mission to reduce the competition of interests and quell questions surrounding jurisdiction. Many

state and federal law enforcement agencies also formed their own domestic terror units in the wake of the Oklahoma bombing to help prevent another attack, but changes primarily focused on the FBI.

On the legislative side, there was one law attributed to the Oklahoma City bombing. The U.S. government passed the Antiterrorism and Effective Death Penalty Act (ATEDP) of 1996 on April 24, 1996. It passed the senate 91 to 8 and passed the house without any objections. This act was designed to deter terrorism and ensure a proper death penalty. One goal of the legislation was to make it clear to potential terrorists that if they would attack the United States, then the United States would in turn kill them. If potential terrorists knew the United States would kill them after an attack, the legislation would theoretically deter future attacks. However, this line of reasoning failed to take into account suicide bombers who have no intention of living after an attack. The main criticisms of the bill pertain to reforming *Habeas Corpus*. *Habeas Corpus* is a legal action that defendants may take to relieve themselves from unlawful punishment. Proponents of the law say it helps end continued appeals and speeds up the process to receive justice for victims. Whereas dissenters say, the law speeds up the process too quickly and that it increases the chances of convicting an innocent person. In McVeigh's case, McVeigh himself requested the federal judge stop additional appeals of his convictions and requested a date for his execution; the court executed McVeigh roughly three years after convicted of his crimes (Thomas, 2000). There are also provisions within the Antiterrorism and Effective Death Penalty Act of 1996 that pertain to designating foreign terrorist organizations and prohibiting fundraising for terrorist organizations. Fundraising includes both material support and resources. While the Oklahoma City bombing was a domestic attack, these legislation sections address foreign terrorist organizations as well. The attempted World Trade Center bombing a few years prior

likely influenced these two provisions. This law also increased the penalty for plots involving explosives.

9/11 attacks

Background

Violent extremists affiliated with al-Qaeda first attempted to bomb the World Trade Center in 1993 and resulted in 6 people killed and more than 1000 injured (CNN, 2015a). The perpetrators of this attack were later arrested and sentenced. Then in 2001, al-Qaeda initiated the 9/11 attacks. Al-Qaeda issued two Fatwas, or declarations of war, against the United States and its allies before the 9/11 attacks (PBS, 1996; PBS, 1998). In both Fatwas, al-Qaeda cited extreme content for U.S. military bases stationed in Saudi Arabia. For instance, “First, for over seven years the United States has been occupying the lands of Islam in the holiest of places, the Arabian Peninsula, plundering its riches, dictating to its rulers, humiliating its people, terrorizing its neighbors, and turning its bases in the Peninsula into a spearhead through which to fight the neighboring Muslim peoples.” There were also grievances regarding U.S. support of Israel. The second Fatwa would go on to say:

“Nothing is more sacred than belief except repulsing an enemy who is attacking religion and life.” On that basis, and in compliance with God’s order, we issue the following fatwa to all Muslims: The ruling to kill the Americans and their allies — civilians and military — is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa Mosque and the holy mosque

[Mecca] from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim.” (PBS, 1998)

A deep hatred of the United States, and the West, was evident prior to the attacks. On September 11, 2001, 19 violent extremists hijacked four commercial passenger jets in the United States (Schone, 2010). Two planes crashed into the World Trade Center’s Twin Towers. The third plane crashed into the Pentagon, and the fourth plane crashed in a field in Pennsylvania as the passengers of the fourth plane struggled to overpower the terrorist hijackers. The final destination of the fourth plane is unknown, but the target is believed to have been either the White House or the somewhere else in the U.S. Capitol (CNN, 2004). The terrorist attack resulted in 2,977 people confirmed dead excluding the hijackers (CBC News, 2011).

Tactical response

Soon after the second plane hit the twin towers, the Federal Aviation Administration (FAA) grounded the national airspace system and did not allow any other planes to take off (Brokaw, 2006). North American Aerospace Defense Command (NORAD) dispatched Fighter planes, but it was not until 28 minutes after flight United 93 crashed in Pennsylvania that the NORAD authorized shoot down protocol. However, the orders were never relayed to the fighter pilots; the fighter pilots only received orders to “ID type and tail” (National Commission on Terrorist Attacks upon the United States., Kean, T. H., & Hamilton, L., 2004). Even NORAD relayed shoot down protocol in time, the moral conundrum for the pilots could have stopped them from carrying out their orders despite the command they had received. The FBI carried out the investigation on the ground. The FBI launched operation PENTTBOM on the same day as the attacks. In the subsequent investigation, the FBI used more than 4,000 special agents,

followed over 500,000 investigative leads, and conducted more than 167,000 interviews (The FBI's 9/11 Role by the Numbers, n.d.). Within a few days, the FBI were able to identify the 19 hijackers by examining the flight records, the passenger's passports, and other documents. The New York City Police Department (NYPD) was present after the planes hit the Twin Towers. However, their role was largely relegated to assisting with the rescue of civilians, maintaining transportations proper flows, securing the disaster zone, and ensuring city-wide security (McKinsey & Company, 2002). The FBI took over jurisdiction and led the efforts to investigate who was responsible for the attacks once the event was identified as a terrorism event. However, it was apparent the event was a terrorist event very quickly as the second plane hit.

The immediate emergency response did suffer from communication problems. When firefighters entered the north tower and south tower, their radios only worked sporadically and could not effectively coordinate efforts with other firefighters, nor with the outside world; the firefighter leadership did not find out until afterwards the south tower had a stairwell open that allowed 18 people to escape from above the impact zone, which could have saved dozens, if not hundreds more (Dwyer, Flynn, & Fessenden, 2002). There was also virtually no communication between Fire and Police Departments, and response efforts were largely independent from one another. Fire Chief Pfeifer said there was trouble communicating with the Police due to jammed phone lines and no one was answering calls; additionally, he said no police showed up at the Fire Department command station to help coordinate (Dwyer, Flynn, & Fessenden, 2002). This did have unfortunate ramifications. Police officers in helicopters who were monitoring the situation from the air noticed the north tower was about to collapse and relayed the information to police on the ground and in the building to evacuate—the firefighters in the tower did not receive this information which could have saved at least a few lives (Dwyer, Flynn, & Fessenden, 2002).

However, in this instance, even if the Fire and Police Departments were coordinating efforts, the firefighters in the tower would probably still be unable to receive the information due to their faulty communication devices.

Strategic Response

The events of 9/11 shocked the world and even more so the United States. What followed was a mix of anger, sadness, and confusion about what had occurred. There were some small changes with the NYPD. The NYPD created its own counter terrorism unit, expanded, and enhanced its intelligence division (Smith, 2002). However, these changes pale in comparison to what occurred at the national level. The FBI doubled the number of agents and analysts since 9/11, and more than doubled the number of Joint Terrorism Task Forces (Mueller, 2011). George W. Bush announced a “War on Terrorism” and launched a war in Afghanistan to capture those responsible for the plane hijackings. Massive changes to the air transportation system took hold as well. 9/11 also helped create the Transportation Security Administration (TSA), as well as, more security measures when using air transportation. Another department, The Department of Homeland Security, formed in the wake of 9/11 to protect the United States against terrorist attacks and other disasters. Changes to the Intelligence Community were also significant. In 2004, a new cabinet-level position, the Director of National Intelligence formed to facilitate the coordination of all the intelligence communities and improve information sharing between agencies. By some reports, the United States more than doubled its spending on intelligence since 9/11 (MacAskill & Watts, 2013).

There were also two major laws passed in response to the 9/11 attacks: The PATRIOT Act and the Homeland Security Act of 2002. George W. Bush signed first major law, the

PATRIOT Act into law on October 26, 2001. The law went through the House of Representatives with an astounding 357 ‘yeas’ to 66 ‘nays’ (Office of the Clerk, 2001). Then the U.S. Senate passed the bill with 98 ‘yeas’ to just 1 ‘nay’ (U.S. Senate Roll Call, 2001). Title II greatly increased the surveillance gathering capabilities of the United States—particularly regarding digital communications. Title III of the PATRIOT Act targeted the terrorist organization financing, specifically targeting money laundering and increased bank record keeping. This provision also made it easier to pursue money counterfeiters. Title V made it easier to investigate terrorism. Title VIII significantly expanded what falls under the definition of domestic terrorism and added new punishments for attacks on mass transit systems. Then Title IX allowed the Central Intelligence Agency (CIA) leadership to more easily establish collection priorities and required the CIA to submit various reports to Congress regarding how to improve intelligence related centers, such as National Virtual Translation Center. These specific Titles attempted to make it easier to deter, identify, and pursue terrorists. The PATRIOT Act greatly expanded the capabilities of the state, and some say it gave the U.S. government too much power and failed to respect individual liberties. As a result, there has been some scaling back of the Act’s capabilities, but not a complete overhaul. In the landmark case *United States v. Jones*, the U.S. Supreme Court found that increased monitoring on U.S. citizens jeopardized constitutional rights—at least the use of warrantless GPS tracking devices on the United States’ own citizens is unconstitutional. In the years since the PATRIOT act passed, legislators proposed several bills to amend it, but none had passed to overhaul the PATRIOT Act.

The second major piece of legislation was the Homeland Security Act of 2002. The goal of this Act is to improve the ability of the United States to respond to disasters, and improve the security of the United States in general, which specifically includes safeguarding against

terrorism. On June 24, 2002, Dick Armev introduced the bill to the House. The bill passed the House on July 26, 2002 with 295 'yeas' to 132 'nays' (Office of the Clerk, 2002). The bill then passed the Senate with 90 'yeas' to 9 'nays' on November 19, 2002 with amendment (U.S. Senate Roll Call, 2002). On November 22, the House agreed with the amendment and signed into law 3 days later on November 25, 2002. Title XIV established a Federal flight deck officer program which allows volunteer pilots to become deputized as Federal law enforcement officers "to defend the flight decks of aircraft of such air carriers against acts of criminal violence or air piracy" (Homeland Security Act of 2002). This specific title appears to have been included with the struggle the passengers of the fourth hijacked plane endured in mind. This title gives passenger aircraft greater strength to "fight back" in the event of a hijacking or other criminal activities during a flight. Other titles such as Title IV focus on securing borders and transportation systems. The 9/11 attacks used a mass transit system (passenger planes) in suicide attacks, and in an effort to secure those mass transit systems and other systems, Title IV attempts to prevent terrorists from entering the United States, and increases custom security procedures. Title V helps ensure the effectiveness of emergency services when they respond to future disasters, which includes terrorism disasters. In unfortunate event that another terrorist attack the size of 9/11 occurs, the United States would be better prepared to respond to the attack. The main outcome of this law, however, was that it established the U.S. Department of Homeland Security and created a new cabinet position titled, the Secretary of Homeland Security. The Department of Homeland Security has 5 primary missions: Prevent terrorism (like the U.K. CONTEST policy) and enhancing security, secure and manage our borders, enforce and administer our immigration laws, safeguard and secure cyberspace, and ensure resilience to disasters (Department of Homeland Security, 2016).

Chapter 5

Discussion

This section compares and contrasts the tactical and strategic responses to the studied terrorist events. The tactical response covers police and intelligence responses and investigation, along with the first responder incident command. The police and intelligence responses and investigation section examines the relationship between police and intelligence services over time. The incident command section examines the shortcomings of incident response to terrorist events. The strategic response covers budget reform, what occurred after the initial reaction, and a comparative timeline of counter terrorism legislation resulting from the events. The budget reform section examines budget changes to authorities after terrorist events. The, after the initial reaction section, analyzes what eventually occurred as a result of the after event changes. The timeline compares and contrasts the legislative response to terrorist events.

Police and Intelligence Responses in the United States and United Kingdom

Between the two countries, there is a major difference in their tactical responses. The United Kingdom uses local police forces and the United States uses federal authorities to investigate. Since the Oklahoma City bombing, the United States treats terrorism as a national security issue, which is reflected in federal authority over investigations and prosecutions. This is not to suggest that the United Kingdom does not believe terrorism is national issue, but it localizes its tactical response. One possible explanation for the United States use of federal authorities instead of local authorities could be to quell questions surrounding jurisdiction, as jurisdiction is required to prosecute cases. Jurisdictional problems among police forces have

been a problem in the United States. For example, cybercrime is particularly difficult to determine jurisdiction due to information crossing state and country borders. Terrorism, even domestic terrorism, may traverse local, state, and international boundaries thus requiring a higher level of focus federal authorities afford. Using the FBI as the primary responder to terrorism events removes these questions and allows the investigation to go ideally unimpeded. The tactical response to terrorism in the United States reflects the basic premise of U.S. democracy in which explicit federal authority trumps state and local authorities. In the United Kingdom, there are no federal authorities. There are only local police forces. Further study of this difference is worthwhile particularly with regard to lessons learned and whether one response over the other improves prevention, enables prosecution, and enhances mitigation.

Jurisdiction issues also arise in the United Kingdom. Not surprisingly, the tactical response to the Mountbatten assassination was severely lacking because of sovereignty concerns and foreign policy disputes. The assassination occurred in the Republic of Ireland, nullifying British jurisdiction. Furthermore, strained relations between the United Kingdom and the Republic of Ireland inhibited the British government's ability to request permission to conduct its own investigation even though a member of the Royal family was targeted. In contrast, the RUC, the local Northern Ireland police force under the Crown's jurisdiction, responded to the Warrenpoint ambush. During this time, the RUC also handled all the counter terrorism intelligence work, suppressing to an extent, MI5's counter terrorism role in Northern Ireland (Security Service MI5, n.d.). Like Warrenpoint, the 7/7 attacks took place in the United Kingdom thus the Metropolitan Police Service headed the subsequent investigation. MI5 worked very closely with the Metropolitan Police Service to help capture those responsible but did not have the lead. After the 7/7 attacks, MI5 and the Metropolitan Police Service increased their

cooperation, but the Metropolitan Police Service retain supremacy in investigative terrorism matters in the London area. From the Warrenpoint ambush to the 7/7 attacks, MI5, Britain's domestic intelligence service, acquired a larger role. After the Warrenpoint ambush, MI5 was absent, but after the 7/7 attacks, MI5 worked closely alongside the local police. After the murder of Lee Rigby on May 22, 2013 in London, Scotland Yard and MI5 again cooperated in the subsequent investigation (Pettifor & Lines, 2013). This would suggest the United Kingdom uses intelligence services increasingly in a larger capacity. This may be the case due to MI5 being able to highly specialize in certain areas and local police forces having responsibility for all crime.

This approach is different from how the United States are typically handles its tactical responses. While local first responders obviously handled the initial response to both the Murrah Building and World Trade Center attacks, federal authorities quickly assumed the role of incident command. Within an hour and a half of the Oklahoma City bombing, President Clinton issued an emergency declaration that transferred primary incident command to the federal government (Office for Victims of Crime, 2000). Until the federal directive, the Oklahoma City Fire Department exercised incident command at the site of the attack and after the directive, they reported to the federal government. The FBI lead the investigation and the local police forces reported to them. The FBI also assumed responsibility for the investigation in the wake of 9/11. The NYPD had a largely subservient role to the FBI; even with their history of investigating crime, their roles were primarily to maintain proper transportations flows, secure the disaster zone, and ensure citywide security (McKinsey & Company, 2002).

Incident Response Changes

American and British incident response methods run into the similar problems. Unsurprisingly, there were no British first response after the Mountbatten assassination because it occurred on foreign soil. In response to Warrenpoint, the responding soldiers followed well-established protocol that had been refined over years of combat. Simplistically, their responsibility was to secure the area and wait for evacuation. Evacuating the wounded from the danger zone is a well-established battle-tested military protocol to which the military consistently trains. Once helicopters arrived and flew the ambushed soldiers away, the local police force arrived to launch an investigation. Changes to the military response would require a different kind of training for the soldiers and one that the military is not inclined to undertake. In the Warrenpoint ambush, the response to the situation worked because it was a military operation. This attack occurred on military personnel. This is a vital distinction. All the other attacks discussed in this study targeted civilians and received a civilian response.

The 7/7 attacks, on the other hand, did result in an incident response change. The tactical response to the 7/7 attacks was considered slow. It took 43 minutes before Transport for London, the transport authority operating the London Underground, finally recognized a terror attack had occurred (Gardham, 2011). Transport for London thought the first bomb was simply a major mechanical malfunction on the track. Ambulances were also delayed 52 minutes getting to Tavistock Square (Casciani, 2011). After realizing there had been a terror attack, some observers considered the response disorganized as different first responders responded independently and without effective communication among themselves (Martin & Allen, 2011). For example, the ambulance service had just transferred to mobile messages from pagers to relay information.

However, the mobile network became jammed during the incident, and their communication abilities were severely degraded (Casciani, 2011). They went back to using pagers after 7/7. Furthermore, some emergency vehicles could not enter the underground railways either because they did not know where to enter or if Transport for London shut off the power running through the tracks (The Telegraph, 2010).

A strategic policy change also resulted in responding to crises in the London Underground. Under the new policy, in the event of a major incident, the Transport for London, along with emergency services, organizes into a three tiered centralized command structure. The first responder composition may change depending on the situation. The top tier typically consists of high-ranking liaisons, such as a Chief constable, from British Transport Police, the Fire department, Transport for London, and other first responders, and operate in the London Underground control room dictating strategy. The second tier manages tactics on-site while being on or off site, and the bottom tier, consisting of low-level staff of first responders, manages teams on-site carrying out responsibilities on the ground. In the event of an incident, the British Transport Police always coordinates with the London Underground in the control room. This ideally helps coordinate efforts when responding to a major incident that improves the effectiveness of first responders and decreases the response time.

In the United States, the incident response to the Oklahoma City bombing was widely considered a success. The Oklahoma City Fire and Police Departments' search and rescue operations was underway in minutes and just 23 minutes after the explosion, a State Emergency Operations Center was operational (Office for Victims of Crime, 2000). In contrast to the Oklahoma City incident response, after the 7/7 attacks there was no survivor reception areas and

many of the survivors not ambulated away, simply left without any support or providing their personal details to authorities (London Assembly, 2006). The incident response to the Oklahoma City terrorist attack was extremely fast considering the circumstances and when compared to other terrorist events, such as the response to the 7/7 attacks. The fast response to the Oklahoma City bombing may have saved lives, but it should be noted that a quick response might not always be the best course of action. As the Warrenpoint ambush case demonstrates, follow-on attacks are a concern in terrorist events. Almost half an hour after the first bomb exploded at Warrenpoint, a second bomb exploded damaging the helicopter carrying the wounded soldiers from the first explosion, but the helicopter remained operational. If McVeigh had replicated this scenario in Oklahoma City, the first responders would have unknowingly become victims themselves. First responders must be aware that follow-on attacks are possible.

Communication between first responders is crucial after a terrorist event. After failures in the 9/11 incident response, the U.S. congress passed the Homeland Security Act. As previously noted, communication between 9/11 first responders were severely lacking. U.K. first responders also ran into this problem on 7/7 when the ambulance service could not effectively communicate with other first responders. A primary goal of the Homeland Security Act, a federal level initiative, is to improve the ability of the United States to respond to disasters. Under Title V section 502 of the Homeland Security Act, the Under Secretary for Emergency Preparedness and Response became responsible for “building a comprehensive national incident management system with Federal, State, and local government personnel” and “developing comprehensive programs for developing inter-operative communications technology, and helping to ensure that emergency response providers acquire such technology” (Homeland Security Act of 2002). These provisions specifically address shortcomings in the 9/11 tactical response and are intended

to increase communication in a major disaster. The New York City Fire Department at the time was using ineffective, outdated radios and did not have effective communication means with the New York City Police Department and so ensuring that emergency responders are able to communicate with each other will ideally improve the effectiveness of the incident response. The New York Fire Department would later purchase an operating system that connected incompatible radio systems together allowing the fire department to communicate with the police department, in addition to upgrading their existing radios (Careless & Bischoff, 2011). These new purchases appear to resolve the technical communication issues. However, in crises there are always unforeseeable circumstances and the new communication systems have not been tested in an environment the scale of 9/11. Unexpected communications issues may arise in the future. On 7/7, the ambulance service had recently transferred over to a modern communication system and on 9/11, the fire department did not yet upgrade their old communication system, yet both first responders ran into communication trouble. Communication methods must be tested beforehand in all potential environments to ensure first responders can communicate with one another.

Budget Increases after Terrorist Events

After each of the terrorist events studied, investigative authorities received significant increases to their budget and/or sought to increase personnel. When the RUC first arrived to investigate the Warrenpoint ambush, they faced significant challenges. The Republic of Ireland police refused to provide assistance, and the Royal Army resisted RUC efforts because they wanted to resolve the attack themselves. In reviewing the tactical response, Prime Minister

Margaret Thatcher saw the RUC as being ill equipped in terms of personnel. This failing resulted in her ultimately increasing their personnel by 1000 (Arthur, 2001). Although the official RUC funding is not public, it may be assumed that adding 1000 additional personnel requires a significant funding increase. Some have speculated that the 7/7 attacks could have been prevented if intelligence services had more resources. In the aftermath of the 7/7 attacks, the U.K. intelligence and security agencies received much more funding and began increasing recruitment and establishing more domestic and oversea stations. According to the Intelligence and Security Committee's review of 7/7, MI5's budget tripled since 9/11 and the growth accelerated after 7/7 (Intelligence and Security Committee, 2009)

After the Oklahoma City bombing, the U.S. government realized that it under-supported its domestic counter terrorism efforts. A strategic response was to hire 500 new FBI agents to investigate domestic terrorism cases. Domestic cases against anarchist extremists, environment and animal rights extremists, lone offenders, and sovereign citizen extremists (FBI, 2011). At the local and state level, law enforcement agencies established their own domestic terrorist units to help assist the FBI. In response to 9/11, the FBI launched a vastly larger investigation than the Oklahoma City bombing investigation. There was again a realization that the FBI was underfunded. In response, the FBI gained an additional 4,000 agents by 2011 (Bjelopera, 2014), and the FBI overall budget increased from \$3.3 billion in 2001 to \$4.3 billion in 2003 (Milbank, 2004). According to some reports, intelligence spending in the United States more than doubled since 9/11. Based on these findings, it would be likely that a future terrorist event will result in further budget increases and perhaps increased personnel to law enforcement.

After the Reaction: The Pendulum Swings Back

The immediate response to terrorist events tends to be extreme and even authoritarian; however, over time, the measures soften. In 2015, the Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection and Online Monitoring Act, also known as USA FREEDOM Act, passed both houses of Congress with strong majorities. This Act ended the bulk collection of data and limited the government's ability to collect data to the "greatest extent reasonably practical" (Washington Post, 2015). When Snowden revealed the extent of the U.S. government's domestic data collection programs, the public wanted reforms and the government eventually obliged. U.S. lawmakers sought to reign in domestic data collection authorized by the PATRIOT Act, and help restore public trust (Diamond, 2015). This piece of legislation was the first major law that modified sections of the PATRIOT Act; however, the vast majority of the powers that the PATRIOT Act affords are still active.

In the fourteen years between 9/11 and the USA FREEDOM Act, there had been no more major terrorist attacks inside the United States. As time passes, the fear of terrorist attacks diminishes and can influence the way lawmakers and the public view counter terrorism laws. After 9/11, the American public was extremely concerned for its safety. One Gallup poll reported that right after 9/11, 59% of Americans very/somewhat worried about themselves or their family becoming a terrorist victim (McCarthy, 2015). As the Snowden disclosures began to make headlines in the middle of 2013, roughly 40% of Americans were very/somewhat worried about themselves or their family becoming terrorist victims (McCarthy, 2015).

Harsh measures receding after a period of peace is also seen in Northern Ireland. The United Kingdom and the Republic of Ireland signed the Good Friday agreement in 1998. This

agreement ended much of the conflict between Irish nationals and the British government. After a period of peace, Northern Ireland reformed the RUC in 2001. The Independent Commission, set up after the Good Friday agreement to review policing, found the methods used by the RUC was harsh, and created unnecessary tensions between the government and Northern Ireland citizens (Independent Commission On Policing, 1999). Interestingly, the RUC reforms only took place after a relative period of peace and not before. The USA FREEDOM Act is another example of scaling back harsh methods after a relative period of peace. This suggests that reforming harsh counter terrorism laws and policies requires a reduction in terrorist attacks first.

Conversely, democratic check and balances systems help soften harsh laws before legislators pass them in the first place. For example, the U.K. parliament passed the Terrorism Act 2006 after 7/7. As the bill passed through the House of Lords and House of Commons, the proposed suspected terrorist detention limit was reduced from 90 to 28 days. The lawmakers and the public thought a maximum 90-day detention period did not respect civil liberties and crossed into authoritarian territory. The U.K. parliament reduced the detention limited to 28 days as a compromise between respect for civil liberties and security. However, in practice, softening harsh laws before they pass is not always the case. For example, congress passed the USA PATRIOT Act after 9/11. Neither the House of Representatives nor the Senate changed any provisions in the bill before it passed. As the passing of the USA FREEDOM Act demonstrates, the USA PATRIOT Act may have extended the powers of the state too far without proper consideration to civil liberties. This suggests the United States is impetuous in its counter terrorism legislation response and the United Kingdom has a more deliberate approach.

Legislation Timelines

In Clive Walker's 2006 study, he found that in the United Kingdom there were knee-jerk reactions to terrorist events at the legislative level. In Walker's study, he focused on only four U.K. laws in particular: Terrorism Act 2000; Anti-terrorism, Crime and Security Act 2001; Prevention of Terrorism Act 2005; and Terrorism Act 2006. However, a larger scope is required. Refer to **Figure 3** and **Figure 4** for a full timeline of U.K. counter terrorism legislation. Since 1996, almost every one to two years a new counter terrorism bill becomes law. The Royal Assent dates are fairly evenly distributed across time. If Walker's (2006) conclusion were to ring true, **Figure 4** would show a timeline full of clusters of laws. Walker's conclusion suggests there would be a terrorist event, followed by a counter terrorism law (or a few laws) soon after the event that addresses the vulnerability the terrorists exploited, and then there would be a lag period until the next terrorist event where no new laws would become law. This is hypothetical, the timelines do not show this, except for a few anomalies, such as when the London bombings occurred on July 7, 2005, and the U.K. Parliament drafted the Terrorism Act 2006 in the aftermath and eventually passed on March 30, 2006.



Figure 3: U.K. Counter Terrorism Laws from 1974 - 2000

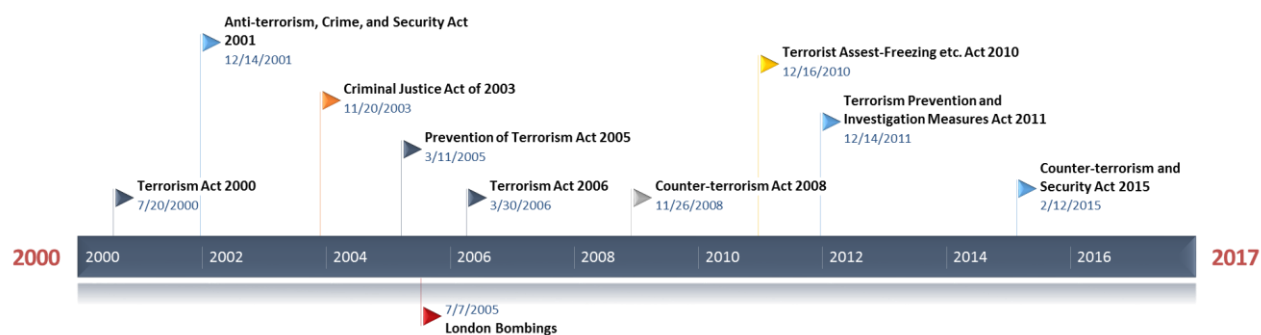


Figure 4: U.K. Counter Terrorism Laws from 2000 - 2016

Figure 3 and **Figure 4** indicate a different reality to the one Walker describes. Prior to the Mountbatten assassination/Warrenpoint ambush, three counter terrorism laws were passed, but after the event, no new laws were passed for nearly ten years until The Prevention of Terrorism Act 1989, and this law was not attributed to the assassination/ambush. Then beginning in 1996, U.K. counter terrorist laws were passed at almost regular one to two year intervals; The Prevention of Terrorism Act 1996; Criminal Justice (Terrorism and Conspiracy) Act 1998; Terrorism Act 2000; Anti-terrorism, Crime and Security Act 2001; Criminal Justice Act 2003; Prevention of Terrorism Act 2005, and so on. Based on the information gathered here, this means that in the United Kingdom, terrorist events do not always result in changes at the legislative level. Another interpretation of these findings is that the United Kingdom passes counter terrorism legislation in order to address potential vulnerabilities. Therefore, at the legislative level, the United Kingdom has a more proactive approach to counter-terrorism. The assassination/ambush in particular was an anomaly that did not necessitate a change in legislation. The changes needed to address the vulnerabilities of this incident, needed to effect the security personnel or something similar—like increasing protection or having different security protocol.

Interestingly, in the United States there are clusters of counter terrorism laws after terrorist events. See **Figure 5**. Within a year of the Oklahoma City bombing, congress passed the Antiterrorism and Effective Death Penalty Act of 1996, and then there was a five-year period with no new counter terrorism legislation. 9/11 occurred, then the PATRIOT Act and the Homeland Security Act became law, followed again by a period where no new counter terrorism legislation being passed. In the United States, there are clusters of counter terrorism legislation after major terrorist events, followed by nothing until the next major terrorist event. This would suggest that the United States has a much more reactionary approach to counter terrorism legislation than the United Kingdom does. This finding confirms Jackson's (2007) conclusion that the United States is easily swayed by its emotions in its counter terrorism response because only after a major terrorist event will the United States enact counter terrorism legislation. It appears that counter terrorism legislation in the United States requires a terrorist attack. There were other counter terrorism bills in the United States proposed, but they ultimately failed to become law. For example, some members of congress proposed the Border Protection, Anti-terrorism and Illegal Immigration Control Act of 2005 at a time when no major terrorist events had occurred on U.S. soil, and the bill failed to pass both houses. This approach to counter terrorism legislation can lead to dangerous results because legislation passed after emotional events tends to be harsh and exclusionary. Such is the case with the PARTRIBUT Act, and it took the USA Freedom Act to help restore public trust. The United Kingdom on the other hand, will enact counter terrorism legislation regardless if a terrorist event has occurred. This would suggest the United Kingdom has a less emotional and more deliberate approach to counter terrorism legislation. Walker's (2006) conclusion that the United Kingdom was knee jerk was not quite right according to the timelines because the United Kingdom always passes laws even when

there has not been an attack. Moreover, sometimes a terrorist attack occurs and no laws become law, such as the assassination/ambush, even if it is an anomaly. However, in the United States, the U.S. approach is very knee jerk because after a major terrorist attack, legislators pass federal laws each time.

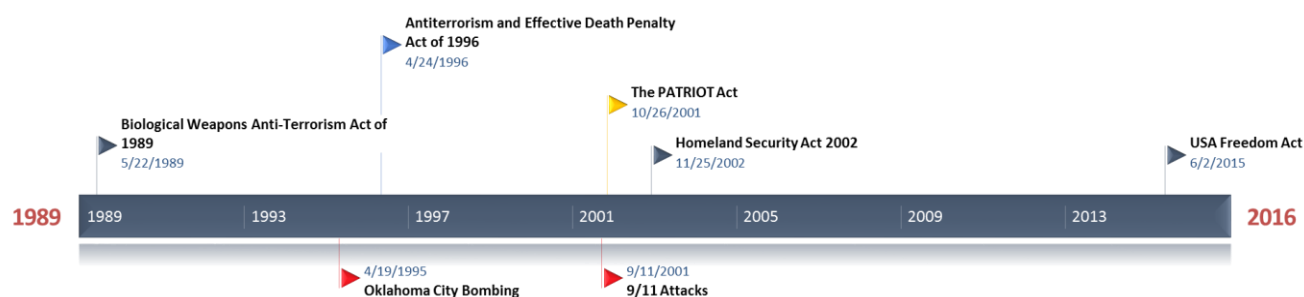


Figure 5: U.S. Counter Terrorism Laws from 1989 - 2016

It should be noted, that this study only used two terrorist events from each country on which to base its analysis on, and so this study does not include every significant terrorist event. What could be found in the United Kingdom's case is that each counter terrorism law precedes a terrorist event. While the counter terrorism laws appear enacted at a consistent rate of one to two years, the United Kingdom may also suffer from significant terrorist events at a consistent rate of one to two years. This would reinforce Walker's (2006) conclusion. In the United States' case, a more in-depth examination of every terrorist event occurring in the United States would not change the conclusion that it takes a significant terrorist attack to result in new counter terrorism legislation entirely. This is because the Antiterrorism and Effective Death Penalty Act of 1996 is directly attributed to the Oklahoma City bombing and partially the attempted first World Trade Center bombing, and the PATRIOT Act and the Homeland Security Act are directly attributed to the 9/11 attacks. Without those two attacks, it is highly unlikely that those three laws would become law. There may have been other significant terrorist events that did not result in counter

terrorism legislation, but a terrorist event appears to be needed to result in counter terrorism legislation. If this were the case, a future question would be, why did the Oklahoma City bombing or 9/11 attacks result in a new counter terrorism law, when a different significant terrorist event did not? Furthermore, if there were significant terrorist events that occurred in the United States, but did not result in counter terrorism legislation, it would suggest that the outcry that follows a terrorist attack does not sway the United States legislative response to the degree previously thought. This study found that there is a cause-effect relationship in the United States between significant terrorist events and legislations, but the research is not conclusive. A more comprehensive study of a series of terrorist events, along with every counter terrorism law from both the United States and United Kingdom was beyond the scope of this study. Future study of this aspect may prove valuable.

Discussion Conclusion

The United States and United Kingdom employ different tactical response methods. The main difference is in the use of police forces. The United States uses federal authorities to investigate terrorist events, and the United Kingdom uses local police forces. The differences may be partly attributed to different government structures. The United Kingdom has a devolved system where Northern Ireland, Scotland, England, and Wales have greater autonomy than states in the United States. However, there were similarities within the two nation's counter terrorism approach. Police and intelligence agencies received additional funding after every terrorist event studied in this thesis. Based on this finding, it is likely that additional terrorist attacks will result in more funding for police and intelligence agencies.

American and British incident responses also ran into the similar problems. The ambulance service on 7/7 had a difficult time communicating with other first responders due to technical misfortunes and the New York City Fire Department were unable to communicate with the New York Police Department during 9/11 due to aging equipment. After these events, both first responders received more robust communication systems. The immediate legislative response to terrorist events can be extreme and authoritative, but soften over time. The United States passed the USA PATRIOT Act after 9/11 and roughly, 14 years later repealed some of the domestic data collection capabilities by passing the USA FREEDOM Act. Finally, the legislative timeline suggests the United States has a reactionary approach to terrorism because only after a terrorist event will congress pass counter terrorist legislation. The United Kingdom, on the other hand, has a more thoughtful, considerate approach to counter terrorism legislation because U.K. legislators will pass legislation regardless of a terrorist event. Thus suggesting the U.K. approach to counter terrorism is more proactive than the U.S. approach.

Chapter 6

Conclusion

Understanding how terrorist events influence counter terrorism responses is the first step to developing a proactive approach to prevent terrorism. The United States tends to have a reactionary approach to terrorism. Dangerous results can follow because legislation passed after emotional events tends to be harsh and exclusionary. The United Kingdom appears to have a more deliberate counter terrorism approach than the United States as evident by its frequency of passing counter terrorism legislation. A deliberate, proactive approach to counter terrorism may allow for a greater respect of civil liberties. Furthermore, continuous support helps police and intelligence agencies prevent terrorist events, and retain the capability to investigate terrorist events when they do occur. Police and intelligence agencies receive additional funding after each terrorism event, suggesting it is possible they are repeatedly underfunded to tackle the terrorist threat.

Additionally, understanding previous shortcomings when responding to terrorist events allows governments to better prepare for future events. On 7/7, the ambulance service had recently transferred over to a modern communication system and on 9/11, the New York Fire Department did not yet upgrade their old communication system, yet both first responders ran into their own communication problems. Fully functioning communication systems could potentially have saved lives in response to both terrorist events. In the future, governments must give greater care to communication systems to ensure first responders are able to communicate with one another when responding to major incidences. The lessons learned here will allow

governments to further prevent terrorist events, better enable terrorist prosecution, and enhance terrorist attack mitigation.

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ACADEMIC VITA

Academic Vita of Nathan Showan
Email: nd.showan@gmail.com

Education:

The Pennsylvania State University
Class of Summer 2016
Bachelor of Science: Security and Risk Analysis

Thesis Title:

Comparing the Evolution of Counter Terrorism Responses in the United States and United Kingdom

Thesis Supervisor:

Peter K. Forster

Work Experience:

Title: Research Intern
Institution/Company: Hudson Institute
Description: Researched critical regional security issues, and analyzed complex international challenges
Date: January 2016 – present

Title: Undergraduate Research Assistant
Institution/Company: Penn State
Description: Assisted in research to detect malicious node activity in wireless Mobile Ad Hoc Networks (MANETs)
Date: January 2014 – May 2014

Language Proficiency:

English