

A Comparative Study of Domestic Terrorism:
An Empirical Evaluation of Security Responses by the United States and Great Britain

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Abstract

September 11, 2001 has unquestionably changed the circumstance under which we view today's security and policy. The people that died, the people that helped with the restoration, the policy that discussed future security all came together to take us back to the start and create an entire new principle of counter-terrorism. Similarly tragic and culturally shocking terrorist events happened in London in 2005. The United Kingdom looked at the situation and applied a different direction to policy change in order to serve its population. This article discusses policy change debated and/or implemented after 9/11 for both the United States and the United Kingdom. This paper will discuss and analyze such legislation such as: the Patriot Act (2001), the Homeland Security Act (2002), Enhanced Border Security and Visa Entry Reform Act (2002), and the Aviation and Transportation Security Act (2001) for the United States; the Terrorism Act (2000, 2006), and the Convention on the Prevention of Terrorism Act (2005) for the United Kingdom.

Key Terms: *September 11, 2001, United States, United Kingdom, Comparative analysis, Terrorism Legislation*

Introduction

September 11, 2001, or "9/11," is a day whose events shook the entire world, leaving every single country on the face of the planet with the questions, how and why? The United States of America, one of the most powerful countries in the world, a superpower with one of the most technologically advanced militaries, saw thousands of its citizens murdered in an act unlike none before. The U.S. was shocked to its core when it was attacked by a far less advanced group—al Qaida. Similarly, the United Kingdom, our staunch ally, was also attacked by a far less superior group. What followed seemed to trickle down and that haunting day would be the beginning of an unavoidable birth of political, governmental and national security reform. This would reshape both nations to carry on a wide systemic overhaul of national security policy.

The days following 9/11 drastically changed the American National Security Strategy (NSS) and reorganized how the United States characterized and implemented foreign policy—particularly in regards to terrorism. The word terrorism evolved in our vocabulary: al-Qaida, Taliban, ground zero, radicalism, extremism, anthrax and the Axis of Evil.¹ The American stance against terrorism started with the restructuring of our law enforcement and intelligence agencies. The USA PATRIOT Act, *United in Strengthening America by Providing Appropriate Tools*

¹ Jason Villedomez, "9/11 to Now: Ways We Have Changed," *PBS News Hour*, entry posted September 14, 2011, <http://www.pbs.org/newshour/rundown/911-to-now-ways-we-have-changed/> (accessed January 28, 2014).

Required to Intercept and Obstruct Terrorism, hereinafter the Patriot Act, was signed in October of 2001. This piece of legislation was important to the Bush Administration as the national strategy reorganized to adapt and meet the objectives of the “War on Terror”. In addition to a myriad of other functions, the Patriot Act allowed intelligence agencies and law enforcement to share information without the hindrance of bureaucratic hurdles which plagued information sharing in previous decades. Highlighted in the 9/11 Commission Report, the inability to share information across agencies was a considerable factor for the failure in the prevention/detection of the terrorist’s acts leading to the events of September 11, 2001.² The official stance of the United States Government is that: 1. The Patriot Act has accomplished exactly what it was designed to do- It has helped us detect terrorist cells, disrupt terrorist plots, and save American lives; 2. The Patriot Act authorizes vital information sharing to help law enforcement and intelligence officials connect the dots before terrorists strike; 3. The Patriot Act eliminates double standards by allowing agents to pursue terrorist with the same tools they use against other criminals; 4. The Patriot Act adapts the law to modern technology; 5. The Patriot Act preserves American freedoms and upholds the rule of law; 6. The reauthorization of the Patriot Act protects mass transportation.³

On the other side of the world, prior to 9/11, the United Kingdom enacted the Terrorism Act of 2000. The legislation was a modern approach to counterterrorism that extended to all British territories that were once autonomous legislation in regards to terrorism. It replaced the independent legislation that other British territories had (i.e. Northern Ireland).⁴ This piece of legislation also defined, as a nation, the word terrorism and how it be used in a legal context; how police power would remain unchanged and how police authority would expand to deal with terrorism; and, how the nation, generally, would deal with the international fight against terrorism.⁵ The 2006 amendment to the Terrorism Act came about after the 2005 London underground bombings. The amendment essentially meant to inhibit an all-encompassing framework of terrorism: recruitment process, daily activities that enhance terrorism operations, clauses of time allotted for detention of individuals of suspicion, and the way the law interprets the new prosecution indictments.⁶ Moreover, the Convention on the Prevention of Terrorism Act

² The National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*, Washington D.C.: National, 2004, <http://www.9-11commission.gov/report/911Report.pdf> (accessed February 1, 2014).

³ The White House. *USA PATRIOT ACT: The Patriot Act Closes Dangerous Law Enforcement And Intelligence Gaps*. <http://georgewbush-whitehouse.archives.gov/infocus/patriotact/> (accessed February 1, 2014).

⁴ Ian Cawsey, John Wadham, “Head to Head: New Terrorism Act,” *BBC News*, February 19, 2001, under “UK Politics: Talking Politics,” http://news.bbc.co.uk/2/hi/uk_news/politics/1178705.stm (accessed February 14, 2014).

⁵ Ibid.

⁶ “Q&A: Terrorism laws,” *BBC News*, July 3, 2006, under “UK Politics: Q&A: Terrorism laws,” http://news.bbc.co.uk/2/hi/uk_news/politics/4715478.stm (accessed February 22, 2014).

2005 was designed to create control orders for citizens and non-citizens alike. For example an individual can be subject to the following: house arrest, electronic tagging (known as wire-tapping in America), and rules on whom they can contact, where they can go, and where they can work. These control orders can be either non-derogating or derogating. Non-derogating control orders are the most common; while derogating control orders are less common because they infringe on civil liberties and are only approved in extraordinary events (i.e. war, public safety, etc.).⁷

In sum, this research proposal intends to conduct a comparative analysis of the legislative measures taken after extraordinary attacks of domestic terrorism for both the United States and the United Kingdom. Furthermore, this case study will conduct evaluations of laws proposed, or enacted, to better serve the security of each respective nation.

Research Question and Significance

The research question for the project is: How did the United States and Britain respond to domestic terrorist attacks of 9/11 and 7/7? Specifically, what legislative policy did each respective country take to preempt future terrorist attacks? The secondary research question will be: After an empirical evaluation, how much did each respective country's proposed and passed legislation cost—financially and politically? Naturally, the final research question will be how successful was each respective country's legislation.

It is important to take an empirical look at legislation because of the associated consequences from enacting new reform. Ideally, particularly in regards to terrorism legislation, new laws are designed to either completely reduce, or greatly inhibit, terrorism activity. However, this is not often the case. It's because of this that it is extremely important to review the efficacy of such legislation. The United States and the United Kingdom represent two salient case studies to review effectiveness of terrorism legislation.

Literature Review

The research published evaluates the transformation concluded from the different reforms established for counter-terrorism. It is important to say that although these laws were enacted to protect citizens, not everyone has agreed with the objectives set by the legislation. For example, "Learning Lessons from Counter-Terrorism Failures: The United Kingdom's Pre- and Post-9/11 Counter-Terrorism Policy" studies the responses to domestic and international terrorism in the UK since 1969. This paper particularly discusses what lessons were learned from the

⁷ "Prevention of Terrorism Act 2005," The Guardian, January 19, 2009, under "Series: A-Z of Legislation" <http://www.theguardian.com/commentisfree/libertycentral/2009/jan/13/prevention-terrorism-act> (accessed February 14, 2014).

experiences of prior legislative pieces implemented to deal with counter-terrorism and draws out common themes of these policies over forty years. Additionally, the article discusses how civil liberties were infringed upon and how the government has dealt with it.

Moreover, an additional article by Jytte Klausen has researched the domestic reactions to the British community-policing principles that have blossomed from the anti-terrorism laws. Specifically it explains what lead to the Muslim collaboration that has helped to rebuild the view counter-terrorism.

Furthermore, a separate article by the Congressional Digest of September 2005 describes the “effectivity” of the USA PATRIOT Act in response to the terrorists’ attacks of September 11, 2001. The article studies the overall effect of policy after 9/11. Other research goes into further detail of the great overhaul of American policy after 9/11 including the 2002 Homeland Security Act and the Enhanced Border Security and Visa Reform Act of 2002. The article previously mentioned, by Deepa Lyer “9/11 and the Transformation of U.S. Immigration Law and Policy,” is an excellent example of the organizational and structural changes applied to federal law enforcement agencies. The article goes into depth on the expanded and consolidated jurisdictional authority that various agencies underwent after the passing of the Patriot Act.

Methodology and Data

My research proposes a case study that will be evaluating the policy change established after the terrorist attacks against the United States and the United Kingdom. As mentioned before this proposal will look at a variety of legislation passed in each country. Specifically, and most importantly, this research will focus on the two essential pieces of legislation: USA PATRIOT Act and the Terrorism Act. Moreover, this essay will include a time series design in order to examine the below variables prior to 9/11 and 7/7. This will support, or negate, the validation of the policy change before and after it was created. This proposed research will utilize grounded theory and a holistic approach to the collection of data. The following metrics will be examples of how success is indicative, variables will include:

- Arrests of individuals known to be terrorist or conducting terrorist activities
- Publicized foiled operations
- Number of citizens killed on account of terrorist actions
- Public perception of safety after policy enacted to serve counter-terrorism

The results of this research proposal will indicate which respective country had more successful legislation. Through the comparative analysis you will be able to see which respective country programs were more successful and why.

The data for this research proposal will be gathered from a variety of sources. The actual text from the legislation will be reviewed. Additionally, expert assessments from peer-reviewed journals regarding the legislation will also be utilized. Lastly, the variable for the time series will be gathered from official government statistics, scholarly statistics and polls.

USA – A Case Study

-A review of the Patriot Act

Since the terrorist attacks of September 11, the United States has seen an enormous security and policy transformation. The deaths of the 9/11 victim's has been a topic of conversation that has unanimity of opinion on the basic issue of security and responsibility of information sharing among intelligence agencies. The Bush Administration's strategy to revamp national security created one of the greatest reorganization's since the Truman Administration, which created the original National Security Act.⁸ Immediately after the incidents of September 11, fears grew of the possibilities that terrorist activities could be actively, and at present, developing. Therefore, without hardly any opposition (Senate 98-1, and 357-66 in the House of Representative), Congress enacted The USA PATRIOT Act: Preserving Life and Liberty (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism). It was signed into law on October 25, 2001.⁹ The PATRIOT Act of 2001 defined domestic terrorism as "activities involving an act dangerous to human life that are a violation of the criminal laws of the United States or of any state; appear to be intended—to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion..."¹⁰ The PATRIOT act essential conditions law enforcement agencies with a combination of pre-9/11 legislation-- Foreign Intelligence Surveillance Act (FISA)-- with new laws to expose terrorist and prevent future terrorism.

The redevelopment of national security has trickled into many aspects of the investigation process that are handled by local police and federal agencies. According to the PATRIOT Act, its main efforts are focused on counter-terrorism without restrictions on types groups. Before 2001, tools had previously been established for law enforcement agencies to conduct electronic investigations for more common criminal complaints on those individuals in organized crime and drug trafficking rings. Essentially, the PARTIOT Act extends the investigation accessibility to include individuals who may not only be involved in ordinary crime but individuals involved

⁸ White House, *National Security Strategy* (Washington, DC: White House, 2002).

⁹ U.S. Department of Justice, *The USA Patriot Act: Preserving Life and Liberty* (U.S. Department of Justice).

¹⁰ *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001*, Public Law 107-56, *U.S. Statutes at Large* 115 (2001): 279, <http://www.gpo.gov/fdsys/pkg/PLAW-107publ56/pdf/PLAW-107publ56.pdf>.

with terrorism activities, while also reaching different aspects of technological advancements that go hand in hand with crime.

The act has been able to aid law enforcement to tackle terrorism and its related activities by revising certain legislative procedures:

1. Roving Wiretaps

The roving wiretaps is authorized by a federal judge to allow authorities to listen in on phone calls. The judge will issue the order once the agent can prove probable cause to believe the individual is committing a serious crime. Specifically section 206 of the PATRIOT Act, allows the courts to issue a wiretap on individuals rather than a communication devices.¹¹ In the past, terrorist has proved to organize themselves very cleverly as their operations evade surveillance while the terrorist continually readjustment to locations and devices.¹² In addition, the roving wiretaps have also seen changes to the duration of the active order. Section 207 allows the order to have an extended period of time ranging from 90-120 days. The wiretap can also be renewed up to one year.¹³

2. Sneak-and Peaks

A sneak-and-peak is a federal search warrant allows law enforcement to enter a home (either physically or electronically), without notification to individual's knowledge. These "sneak-and-peak" (section 213) allows investigators to conduct search, observe, take measurements, conduct examinations, smell, take pictures, copy documents, and download or transmit computer files.¹⁴

Prior to 2001, law enforcement had to officially communicate to individual of interest that an investigation was actively being carried out. Thus, criminals had a chance to rid themselves of incriminating evidence, flee, compel witnesses, excommunicate from cronies, and/or ultimately take any necessary actions to elude detainment or arrest.¹⁵

¹¹ Charles Doyle. *Terrorism: Section by Section Analysis of the USA PATRIOT Act*. Congressional Research Service: The Library of Congress.

<http://epic.org/privacy/terrorism/usapatriot/RL31200.pdf> (accessed April/12, 2014).

¹² U.S. Department of Justice, *The USA Patriot Act*.

¹³ Doyle. *Terrorism*, 10.

¹⁴ *Ibid*, 12.

¹⁵ U.S. Department of Justice, *The USA Patriot Act*.

3. Business Records

Section 312 relates the use of business records in criminal investigations. These are obtained through federal grand jury subpoenas or through the federal court: Foreign Intelligence Surveillance Court (FISC). Specifically, this became an essential part of the process of investigation as criminals/terrorist use money laundering and other forms of economic investments in order to pay for their activities. This section secures support from foreign clientele seeking banking institutions to which investigators may look into the account of not just drug affiliates or large criminal organizations, but rather, it extends to terrorist entities.

In order to keep track of foreign investors, section 312 dictate financial institutions to establish specific operation procedures (SOPs) in order to facilitate detection of money laundering. This only becomes more intricate for offshore banking correspondences as policies are enhanced and similarly for key political figures. One accounts with more than \$1,000,000 of deposit, identities are indemnified, including beneficial owners, and source of monies.¹⁶ Furthermore, criminal investigators may also request business records from “hot” locations where terrorist can easily ascertain material to carry out terrorist operations. Business records serve as filters that can be easily tracked and investigate business owners and clients alike. The Department of Justice specifically mentions hardware stores and chemical plants as places of interest.¹⁷

4. Intelligence Sharing

One of the most talked about subjects of 9/11 has continuously been subsisted within the information sharing realm. Before the PATRIOT Act, different law enforcement and intelligence communities could not share information extracted from each of their operations and investigations. Initially, these government entities were prevented from sharing collected intelligence. The U.S. up to that point – 2001-- had seen several years of principles within secrecy. During the cold war and thereafter, there was an urgency to find moles and double agents who had penetrated our intelligence agencies. Human intelligence is a very delicate process and when trying to preserve its originality and its beginnings, you will ultimately always have secrets and sources to safeguard. It was about using a technique that prevented unnecessary leaks from transpiring.¹⁸ Federal law

¹⁶ Doyle. *Terrorism*, 23.

¹⁷ U.S. Department of Justice, *The USA Patriot Act*.

¹⁸ Charles Faddis, Rachel Marti, *Has Sep. 11 Changed How Agencies Share Secrets?* Sound Recording, 7 min 49 sec, September 06, 2011, <http://www.npr.org/2011/09/06/140206911/intelligence-community-still-not-keen-on-sharing-secrets>.

enforcement, then, who had discovered intelligence of international terrorist organizations or of foreign agents could not share with federal intelligence agencies who could acquire federal warrants/orders in order to investigate the matter further.¹⁹

Section 203 of the USA PATRIOT Act now relieves local, regional, and national investigators from such a burden. More importantly, there are now fusion centers and Joint Terrorism Task Force's (JTTF) that are made up from liaisons of different backgrounds: law enforcement, national defense, and intelligence community. Agencies not only cooperate better and coordinate their operations but now can reduce overlap in operational activities.

5. The Law Reflecting New Technologies and Threats

Section 216, "Modification of Authorities Relating to Use of Pen Registers and Trap and Trace Devices," has reorganized the way law enforcement apply pen registers to individuals of interest. Before the PATRIOT Act, agents had to apply for a pen register or trap in every jurisdiction where the target telecommunication was positioned. This caused setbacks for such a time-sensitive procedure.²⁰ After 9/11 investigators now have the opportunity to save time by acquiring a single trap order or pen register in any district in which terrorism is suspected, in spite of where the warrant will be operated.²¹

6. Increased Penalties for Terrorism Crimes

Lastly, the PATRIOT Act defines activities that follows terrorism realms and calls for investigations that describes some the following activities: nuclear/biological/chemical-weapons offenses, use of weapons of mass destruction, killing Americans abroad, and terrorism financing, knowingly harboring terrorists who have committed or about to commit terrorist activities, destruction, bombing, sabotaging or piracy of government property. Moreover, the PATRIOT Act, because of the previously mentioned activities, has now increased penalties for those involved in any of the before mentioned or similarly actions taken. According to the Department of Justice: "Americans are threatened as much by the terrorist who pays for a bomb as by the one who pushes the button."²²

¹⁹ Doyle. *Terrorism*, 8.

²⁰ *Ibid*, 14.

²¹ U.S. Department of Justice, *The USA Patriot Act*.

²² *Ibid*.

The act has also condemned and adjusted the inadequate maximum penalties for various crimes that would seem more likely to be conducted by a terrorist: arson, sabotage, destruction, of sensitive facilities and national defense materials; and material support for terrorist and their networks. This action would extend for those that have been found guilty of conspiring to do any of the mentioned above and includes: attacking communications systems and interference with flight crew members. And further, it also penalizes those terrorist who commit serious crimes on transit systems. Finally, this section of the act eradicates the statutes of limitations or lengthens specified terrorism crimes.²³

-Listed variables

Table—1 United States Terrorism Variables Since 2001-2011

Arrests	2,934 ²⁴
Convictions	2,568 ²⁵
Arrests per 100,000	.935
Convictions per 100,000	.818
Foiled Terror Operations	60 ²⁶
Number of Citizens Killed (Domestic)	46 ²⁷
Public Perception of Safety [Concerned about the possibility of a terror attack] (2001)	87% ²⁸
Public Perception of Safety (2006)	74% ²⁹

²³ Ibid.

²⁴ Martha Mendoza, “Rightly or wrongly, thousands convicted of terrorism post-9/11,” *NBC News Online*. Last modified September 4, 2011, <http://www.nbcnews.com/id/44389156/ns>.

²⁵ Ibid

²⁶ Jessica Zuckerman, Steven P. Bucci, and James Jay Carafano, “60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism,” *The Heritage Foundation*. Last modified September 4, 2011, <http://www.heritage.org/research/reports/2013/07>.

²⁷ Dave Gilson, “Charts: How Much Danger Do We Face From Homegrown Jihadist Terrorist?” *Mother Jones*, Last modified April 24, 2013, <http://www.motherjones.com/politics/2013/04/charts-domestic-terrorism-jihadist-boston-tsarnaev>.

²⁸ Micah Cohen, “Polls Show Growing Resolve to Live With Terror Threat” *The New York Times*, Last modified April 23, 2013, http://fivethirtyeight.blogs.nytimes.com/2013/04/23/polls-show-growing-resolve-to-live-with-terror-threat/?_php=true&_type=blogs&_php=true&_type=blogs&_r=1.

²⁹ Ibid.

Table—1 above shows the expanding arrest authority provided by the statutes laid out in the PATRIOT Act. The period between 2001 and 2011 had eight times more terrorist arrests and convictions than the proceeding decade.³⁰ The broadening definitions for terrorism allowed for greater arrests for terror related incidents. Interestingly, the United States has a 87.5% conviction rate in regards to terrorism prosecutions. This is just slightly below the national average criminal conviction rate of 93% reported by the Department of Justice in 2011.³¹ However, Peter Caughlin notes that in general the conviction rate in the United States is quite high.³² What should be kept in mind when viewing these arrests and convictions is that many of these arrests could be grandstanding operations conducted by U.S. politicians and policymakers. Albeit, according to polling data conducted by the *New York Times*, politicians and policymakers were slightly successful in their endeavors. In the five year period from 2001 to 2006 there was a 13 point difference between public perceptions of safety—specifically, whether or not they felt another domestic terrorism act was imminent. While there were, and still are, allegations of 4th Amendment Constitutional breaches, authorities utilizing PATRIOT Act statutes still had legislative and judicial oversight from Congress and FISA courts.

Furthermore, much of the Table—1 can be explained by new terrorism legislation in the U.S and the crackdown on terrorism. Law enforcement now has the ability to arrest and issue criminal complaints that prior to the USA PARIOT Act could have been much more difficult. federal agencies to do their work without unnecessary barriers. 9/11 was an outline incident where more than 3,000 people were killed. None of the incidents that were foiled, nor any of the other successful terrorist attacks, approach the scope and scale of 9/11 and thus, it appears as though the PATRIOT Act has been operational.

On the other hand, it is important to emphasize that although the number of arrests and convictions for terrorist activities have dramatically transformed, we have to keep in mind that there are far more common factors that kill U.S. citizens. Interestingly, according to Dr. Kevin Barrett, Americans are thirty times more likely to die from lightning strikes, and ten times more likely to drown in their bathtubs than to be killed by terrorism.³³

³⁰ Mendoza, “Rightly or wrongly.”

³¹ "United States Attorneys' Annual Statistical Report for Fiscal Year 2011". United States Department of Justice. Accessed April 28, 2014, http://www.justice.gov/usao/reading_room/reports/asr2011/11statrpt.pdf.

³² Peter J. Coughlan, *In Defense of Unanimous Jury Verdicts: Mistrials, Communication, and Strategic Voting*, *The American Political Science Review*, 94 (2), pp. 375–393

³³ Dr. Kevin Barrett, “Bathtubs more dangerous than terrorists,” Press TV, Last modified June 16, 2013, <http://www.presstv.com/detail/2013/06/16/309237/bathtubs-more-dangerous-than-terrorists/>.

UK –A Case Study

-A review of Terrorism Act

Before the United States could ever begin to fathom the idea of a homeland attack, the United Kingdom had already been experiencing terrorism activities by the Irish Republican Army (IRA) and transnational Islamist terrorist. On one occasion an incident involving a rocket attacks in 2000, damaged the United Kingdom's intelligence headquarters, MI6.³⁴ Furthermore, before the 2000s, attacks like the 1998 bombings that murdered 29 individuals and two unborn babies, demonstrated the seriousness and atrocities that terrorist's capabilities challenged the British government.³⁵ More importantly, On July 7th, 2005 the United Kingdom witnessed one of the worst homeland attacks in years. 52 human beings were murdered and as much as 700 individuals were reported to have sustained substantial and/or minimum injuries.³⁶ Three trains and one bus were targets of suicide bombers that had backpack-filled explosives.³⁷ There was another attempt that same month, July 21st, but this was only a failure as the suicide bomber was ineffective.

The incidents mentioned before along with the September 11th terrorist acts and the Madrid bombings, all combined to be part of a bigger campaign that called for the War of Terrorism. These grave terrorist undertakings rocked the British Parliament and the intelligence community. Likewise, those momentous events called for a national debate that led to a countrywide reorganization of strategic counter-terrorism policies and operations. This gave way to the reorganization of Prevention of Terrorism Act (Northern Ireland) and the birth of Terrorism Act 2000.

Prior to the 2001 Terrorism Act, Britain had established terrorist laws that specifically dealt with the emerging terrorist group from Northern Ireland. This was an emergency legislation put in place that separated Northern Ireland criminal complaints from Great Britain in order to initially deal with the terrorizing operations of the IRA. The number of people killed from the years before had dramatically increased almost three times -- 7 in 1999 to 18 in 2000 -- which

³⁴ John Steele, Michael Smith, "MI6 grenade fired from public park," *The Telegraph*, (September 21, 2000), (Accessed May 1, 2014), <http://www.telegraph.co.uk/news/uknews/1356362/MI6-grenade-fired-from-public-park.html>.

³⁵ BBC, "History: Omagh bomb," (accessed May 1, 2014), http://www.bbc.co.uk/history/events/omagh_bomb.

³⁶ Jytte Klausen, "British Counter-Terrorism After 7/7: Adapting Community Policing to the Fight Against Domestic Terrorism," *Journal of Ethnic and Migration Studies* 35, no. 3 (2009) : 403-420, doi: 10.1080/13691830802704566.

³⁷ Klausen, "British Counter-Terrorism After 7/7."

then followed 2001 bombings, although there were a few serious injuries no one was killed.³⁸ Nevertheless, because the IRA continues its guerilla operations the Terrorist Act was established.

The new act started with the classification and broadening of domestic and transnational terrorism. Like the United States PATRIOT Act, the Terrorism Act also allows investigators to use enhanced arrest and prosecutions practices for those involved in terrorist like activities.³⁹ Additionally, according to the U.S. State Department, the Regulation of Investigatory Powers Act, (RIPA) passed in July, 2000, had already given authorities the power to intercept communications and use provisions like the “Sneak-and-Peek” in order to gain a tactical advantage over potential terrorists through covert surveillance.⁴⁰

The Terrorism Act 2000, which became law in February 2001, was created with the intentions of becoming a permanent counter-terrorism apparatus for the United Kingdom. The new act was now extensive to all of Great Britain. More importantly, the new act served the evolving terrorist operations.

The legislation of 2000 has been able to assist investigations through revision of procedures. The following are the specific classifications discussed with in the Terrorism Act 2000:

1. Classification of Terrorism

The new piece of legislation defines terrorism as “use or threat of action to influence the government or to intimidate the public or section of the public, and the use or threat is made for the purposes of advancing a political, religious or ideological cause”⁴¹ Further, part one of the act commits the rest of the section to describe all forms of terrorism actions.

2. Proscribed Organizations

Part two of this section operates under guidelines that describe affiliations, groups, and organizations related to terrorism. Its intentions are to broadly define what constitutes a terrorist organizations, including immunity, membership, support, uniform, appeals, and applications to add/delete organizations.

³⁸ U.S. Department of State, *Patterns of Global Terrorism 2000*, (Accessed May 3, 2014), <http://www.state.gov/j/ct/rls/crt/2000/2434.htm>.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ The National Archives (U.K.), *Terrorism Act 2000*, (Accessed May 1, 2014), http://www.legislation.gov.uk/ukpga/2000/11/pdfs/ukpga_20000011_en.pdf.

Essentially, it was designed to encompass a wide variety of organizations that would have previously not been classified.⁴²

3. Terrorist Property

Terrorist property defines all references that may involve asset forfeitures. Terrorist are subject to financial investigations and money involved with outlined terrorist activities defined within the Terrorist Act 2000 will be seized.⁴³ This section specifically reviews the following: interpretation of terrorist property, offences within fund-raising, use and possession, funding arrangements, money laundering, disclosure of information (duty and permission), cooperation with police, seizure of terrorist cash (interpretations, seizure and detention, continued detention, detained cash, forfeiture, forfeiture appeal, treatment of forfeited cash and rules of court).⁴⁴

4. Terrorist Investigations

Part four of this act is self-explanatory. It refers to any criminal or intelligence investigations into a terrorist defense, act, organization, or conspiracy to commit terrorism as proscribed by the definition listed in the statute.⁴⁵ This includes interpretation of terrorist investigations, cordoned areas (closed for investigation areas): power to designate; and police powers, and lastly information and evidence subjects.⁴⁶

5. Counter-terrorist Powers

In this section law enforcement and intelligence agencies are given a set of tools describing what judicial steps are taken in order to arrest or detain an individual suspected of terrorist activities. In specific, this part describes procedures for arrests without warrants, search of premises, search of persons, authorizations (power to stop and search), offences against law enforcement, parking authorizations, exercise of power, duration of authorizations, interpretations, and finally port and border controls.⁴⁷

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

6. Miscellaneous

This section ranges from terrorist offences, inciting terrorism overseas and terrorist bombing and finance offences.⁴⁸

7. Northern Ireland

Section seven describes the laws applied from the Terrorism Act 2000 and the ones that were never changed before it was being guided by older legislation.

8. General

This section deals with some of the following repeated information: police power, officers' powers, power to stop and search, consent to prosecution, defenses, crown servants, regulators, evidence, interpretation, index of defined expressions, order and regulations, directions, and others alike.⁴⁹

Though not the same terminology, the U.K. runs similar programs to United States' roving wiretaps, sneak-and-peaks, business records, and increased penalties. These programs are regulated by the statutes listed in RIPA. Very much like the United States, the United Kingdom regularly and routinely collects covert information and surveillance on terrorism suspects. With RIPA, covert surveillance is classified into three categories: 1. *Covert human surveillance*, 2. *Intrusive*, and 3. *Directed*.⁵⁰ Naturally, and like the United States, the covert nature of these surveillance programs are designed so that suspect is completely unaware of the surveillance program. *Covert human surveillance* refers to when an intelligence operations officer or a criminal detective establishes a connection with a source, and the true nature of the relationship is completely unbeknownst to the source. *Intrusive* surveillance is the most controlled and regulated type of surveillance. *Intrusive* surveillance, as defined by RIPA, is surveillance which can be conducted by either a device or person. This type of surveillance is conducted within the suspect's legal private property (i.e. the suspect's house, vehicle, etc.). *Directed* surveillance is still covert, but not necessarily intrusive. *Directed* surveillance occurs when the suspect is unaware of the surveillance operation; however, the intelligence or law enforcement organization does not enter or violate the suspect's private property. This type of surveillance is used to build a profile on a suspect by observing and evaluating the suspect's movements, habits, and activities in public space.

⁴⁸ Ibid.

⁴⁹ Ibid

⁵⁰ Clare Feikert. *Anti-Terrorism Authority Under the Laws of the United Kingdom and the United States*. Congressional Research Service: The Library of Congress. (accessed April/12, 2014), <http://www.fas.org/sgp/crs/intel/RL33726.pdf>

The Regulation of Investigatory Powers Act and the Terrorism Act 2000 (and its revisions in 2005 and 2006), not only expanded the surveillance capabilities of government authorities in the United Kingdom, but they also increased the punishment and retaliatory consequences for terrorists. As can be seen from the type of surveillance programs that the United Kingdom operates, the United Kingdom does operate very similar surveillance programs to the United States' roving wiring, and sneak-and-peaks.

-Listed variables

Table—2 United Kingdom Terrorism Variables Since 2001-2013

Arrests	2,465 ⁵¹
Convictions	332 ⁵²
Arrests per 100,000	3.961
Convictions per 100,000	.553
Foiled Terror Operations	7 ⁵³
Number of People Killed by terrorism (Domestic)	53 ⁵⁴
Public Perception of Safety [Concerned about the possibility of a terror attack] (2005)	51% ⁵⁵
Public Perception of Safety (2010)	53% ⁵⁶

⁵¹ Security Service MI5, "International terrorist plots: Arrests and convictions," accessed May 5, 2014, <https://www.mi5.gov.uk/home/the-threats/terrorism/international-terrorism/international-terrorist-plots/arrests-and-convictions.html>.

⁵² Ibid

⁵³ "Spy chiefs public hearing: Security service have 'foiled 34 terror plts In UK since 7/7'" *The Telegraph*, Last updated November 7, 2013, <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/10433482/Spy-chiefs-public-hearing-Security-services-have-foiled-34-terror-plots-in-UK-since-77.html>.

⁵⁴ John Lanchester, "The Snowden files: why the British public should be worried about GCHQ," *The Guardian*, Last updated October 3, 2013, <http://www.theguardian.com/world/2013/oct/03/edward-snowden-files-john-lanchester>.

⁵⁵ Jeremy Allouche, and Jeremy Lind, "Public Attitudes to Global Uncertainties: A research Synthesis exploring the trends and gaps in knowledge," *Economic and Social Research Council*, Last updated November 2010,

http://www.esrc.ac.uk/_images/ESRC%20Global%20Uncertainties%20Research%20Synthesis%20FINAL_tcm8-14632.pdf.

⁵⁶ Ibid

According to Table—2, the United Kingdom had nearly 2,500 arrests in the first decade of the 21st century. However, and startlingly, they only had 332 convictions. That is a conviction rate less than 13.5%; which is well below the Crown Court’s criminal conviction rate of 80% reported by the Home Office in 2009. Despite the glaring discrepancy, the Home Office has insisted and maintained that terrorism arrests and conviction are similar to other criminal offence convictions. Interestingly, more than half of those individuals who are charged under the various Terrorism Acts in the UK are never charged with a criminal or terrorism offense; and they are eventually released without cause.⁵⁷ In the 12 years from 2001 to 2013, 53 people lost their lives due to terrorism in the United Kingdom—that is 4.3 deaths (on average) per year.⁵⁸ An independent watchdog group, the Independent Reviewer of Terrorism Legislation, issued a report in 2012 which stated over the past decade more people on average die each year of bee and wasp stings in the United Kingdom than terrorism.⁵⁹ Fascinatingly, after the various counterterrorism acts which were passed by British authorities, the British public concern about an imminent terrorist attack increased from 51% in 2005 to 53% in 2010. While it is only a two point percentage increase, it is noteworthy to mention that an increasing number of the British public were feeling less safe in the United Kingdom.

Final Thoughts and Conclusion

When comparing the efficacy of the two anti-terrorism acts side by side there are significant differences. For example, the number of arrests, although only a few hundred in variance, have not led to equivalent or similar number of convictions. However, the PATRIOT unlike the Terrorism Act, gives law enforcement and the judicial system a lot more freedom through investigation policies and sentencing guidelines. This, nonetheless, comes with a price of intrusion that not many may be willing to pay. This is a debate that continues to be heard even a decade after its creation. Second, since the creation of these acts there have been 46 citizens killed on behalf of terrorism activity in the USA compared to 53 in the UK. Could it be a difference of quality of legislation? On the other hand, the United States has been able to prevent 37 foiled terror operations compared to 7 for the United Kingdom. And interestingly, when comparing public perception of safety concerned with the possibility of a terror attack, 87% of Americans felt the immediate concern over an impending terrorist attack in 2001, compared to 51% for British citizens. A year later, under the same question, U.S. citizens expressed their level of concern at 74% compared to a small jump of 53% for U.K. citizens. The following chart will demonstrate the above information:

⁵⁷ “Terror arrest conviction rate 13%,” *BBC News*, Last updated May 13, 2009, http://news.bbc.co.uk/2/hi/uk_news/8047477.stm.

⁵⁸ “As Many UK Deaths Caused By Bees as Terrorism, Watchdog Finds,” *The Huffington Post*, Last updated June 28, 2012, http://www.huffingtonpost.co.uk/2012/06/28/terrorism-bees_n_1633308.html.

⁵⁹ *Ibid.*

Table 3—Comparison of variables

	USA	UK
Arrests	2,934	2,465
Convictions	2,568	332
Arrests per 100,000	.935	3.961
Convictions per 100,000	.818	.553
Foiled Terror Operations	37	7
Number of Citizens Killed (Domestic)	46	2
Public Perception of Safety [Concerned about the possibility of a terror attack] (2001)	87%	51%
Public Perception of Safety (2002)	74%	53%

The results of this comparative research analysis indicate the USA PATRIOT Act has had more arrests, more convictions, stopped more terror operations, have witnessed 46 deaths and had great public perception of reoccurring terrorist attacks, making this act the most successful piece of legislation between both anti-terrorist laws. Interestingly, the United Kingdom had substantially higher arrests per capita compared to the United States. The United States, however, has much higher conviction rate. Without studying each of these cases individually, it would be impossible to determine why the conviction rate disparity exists between the two countries. However, it is logical to assume that the authorities in the United States are able to make better arrests where charges stick because of PATRIOT Act. The United Kingdom arrests almost the same quantity, albeit a higher number per capita, of terrorism suspects as the United States. However, more than 50% of those people are released without charge. Although it goes beyond the scope of this research paper, it is important to note that this gross disparity between arrests and convictions in the United Kingdom could be a civil rights issue.

The USA PATRIOT Act and the UK Terrorism Act, although different, have had successful operations with terrorism prevention. Substantial transformations have been able to revolutionize the way we avert, research, and prosecute those that threatened the safety of our homelands. September 11, 2001 and July 2005 attacks, gave way to a new birth of policy institutions that are now the new principles to intelligence operations. The security of nations is a great responsibility that will always come with a heavy burden for those that must carry out the mission and this weight will be felt on the shoulders of policy makers. The ethical dilemmas that

come with this type of work will always be present but the citizens of both nations have had to consider serious crimes committed.

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