Follow the Leader: Major Policy Changes to Homeland Security and Terrorism Policy

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Taking off our shoes at airports, walking through body scanners, packing liquids less than 3 ounces in a Ziploc bag, …these are all things that have become "the new normal", to quote Dick Cheney[1], in a post 9/11 world. Many of these policy changes occurred without much fanfare among the American public, who prioritized security after hijacked planes crashed into the World Trade Center and the Pentagon. While there was more controversy surrounding the introduction of body scanners, the public has now accepted this new norm, even a decade out from 9/11 when there have not been other attacks on U.S. soil.

While many Americans were willing to cede some intrusions on privacy and inconvenience with the new TSA regime, other policy changes enacted in response to 9/11 were far more extensive with respect to government administration, government surveillance of terrorist suspects, and how the government handles alleged terrorists in custody. Shortly after the events of 9/11, congress approved a new department of homeland security whose first secretary was Tom Ridge. The government relaxed requirements for wiretapping suspected terrorists (even U.S. citizens) on U.S. soil by reducing judicial barriers on the scope and specificity requirements of warrants. Racial profiling of Arab and Muslim individuals increased post 9/11. These are but a handful of the major shifts in homeland security and terrorism policy in a post 9/11 world.

The policy changes instituted post 9/11 are the most salient given that we are but a decade away from the events of that day and the threat of international terrorism has persisted. While there has not been another attack on U.S. soil, U.S. interests abroad have been attacked in countries from Saudi Arabia to Pakistan, and some attempted attacks have been foiled. That being said, there have been other important policy changes to homeland security and terrorism policy since the end of World War II that predate these changes. The creation of the CIA reflected the changing nature of

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[1] Cheney made this reference to a Republican fund raising crowd (Associated Press, Oct. 25, 2001

[2] Shugart lumps many of the groups such as the Black Panthers or the Italian Red Brigade into such "social justice"

security norms; intelligence gathering sought to prevent full scale war with the USSR. The growth in hijacking strategies in the 70s and 80s also led to major changes to airport security.

In this review essay, we seek to understand the political factors that led to some of these major policy shifts in homeland security and terrorism policy. More specifically, we will consider the role played by external events, the president, congress, the bureaucracy, and the public. As we review major policy changes, a common thread will emerge across many of the changes, one in which we observe policy coming on the heels of terrorist incidents, being led by the president (along with the bureaucracy), with Congress being supportive, and the public generally showing high levels of support.

In the next section, we briefly discuss the ways in which external events and all of these actors might influence major policy changes on homeland security and terrorism. Following that, we identify the major changes in policy that have occurred between 1945 and the present. The third part of the paper provides a detailed discussion of the major policy changes that we identified with a careful focus on the factors noted above. We conclude by discussing some of implications that changes in terrorism and homeland security policy may have for the quality of democracy.

Political Forces that influence Homeland Security and Terrorism Policy

Below, we discuss how the confluence of several factors may lead to major policy changes related to terrorism and homeland security. We consider the role of factors internal and external to the U.S. context, since we are dealing with policies relevant to foreign affairs.

External Factors

One of the most important factors relevant for major policy changes in terrorism and homeland security is the presence of external threats. Since these policies typically involve some tradeoff between individual liberty and security, democratic societies are generally only likely to support changes when there is a salient threat. In fact, if we consider security threats more broadly,

major policy changes have often occurred in tandem with conditions of conflict (Masci and Marshall, 2001). During World War II, security concerns lead to the internment of countless Japanese Americans – essentially becoming prisoners of the country to which they had sworn allegiance. The Red Scare and McCarthy's "witch hunts" utilized invasive tactics that set the stage for future debates on the degree to which government should have access to citizens' personal information.

One feature of international terrorism is that the number of attacks, as well as the lethality of attacks has increased over time. In Figure 1, we present the number of terrorist incidents around the globe from late 1968 to 2009 compiled from the RAND Corporation. While the number of incidents is fairly low in the 1960's, 1970's, and 1980's, we start to observe more of an increase in the 1990s, and exponential growth in the 2000s.

[Insert Figure 1 about here]

The nature of these attacks has also varied over time. William Shugart (2006) outlines three waves of terrorism since the end of World War II: the first wave in the 1940's and 1950's, the second in the late 1960's through the 1980's, and the final wave starting in 1979 to the present. The first wave of terrorist incidents was primarily targeted within colonial societies. Terrorist violence took the shape of ethnic separatism and national liberation, with former colonial subjects rallying for their own independent rule. Since this wave of terrorism did not attack U.S. targets, we would not expect much of a response from the U.S. policy community in reaction to these hijackings.

The second wave of terrorism began on July 22, 1968 with a Palestinian hijacking of an El Al flight from Rome to Tel Aviv. Shugart explains "terrorism was elevated to the international stage over the next two decades as ethno-national movements in the Netherlands, Turkey, and elsewhere attempted to duplicate the Palestinian Liberation Organization's success in galvanizing public opinion. Fueled by opposition to the Vietnam War…and anti-Americanism in general, left-wing

terrorist groups in Europe and North America…waged campaigns of political assassinations, bombings, and hijackings that continued until the fall of the Berlin Wall (Shugart, 2006, p. 8)."[2] Violence in this wave was a truly international experience, as almost every corner of the globe was affected by some anti-establishment or anti-government group, and targets shifted from political and military targets to include civilian populations. With U.S. interests being targeted, we begin to see responses from the U.S. government.

Shugart highlights the 1979 Iranian Revolution as the beginning of the third wave of terrorism, which is dominated by radical, extremist Islamic groups. Two key grievances fuel the third wave of terrorism: anger over the creation of the Israeli state after World War II and contempt for blasphemers and "betrayers of Islam." For Shugart, the Afghan War was particularly important due to the fact that resources expended by both the US and the Soviet Union provided skills and training that would ultimately give rise to the Taliban, al-Qaeda, and the infamous Osama bin Laden. It is in response to this third wave of terrorism that we have observed the most dramatic shifts in homeland security and terrorism policy, particularly following the events of 9/11. As we discuss the major policy changes in more detail, we will more explicitly discuss the role of external events in affecting proposed changes.

Public

Many of the policy changes related to homeland security and terrorism deal with some restrictions on civil liberties. Americans are typically very supportive of democratic values and civil liberties in the abstract (Jackman 1978; Marcus et al 1995; McClosky 1964; Stouffer 1955). In fact, support is so high that many survey organizations do not even ask these types of questions in

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[2] Shugart lumps many of the groups such as the Black Panthers or the Italian Red Brigade into such "social justice" groups, explaining that the cultural climate of the 1960s and 1970s emboldened anti-system actors; these individuals "turned their pacifist sympathies for the downtrodden into rage against the imperialist 'system' that oppressed them (Shugart, 2006, p. 20)."

surveys. However, another important finding is that support in practice tends to be much lower

(e.g., Stouffer 1955; Sullivan, Pierson and Marcus 1982; Marcus et al 2005), particularly in a context

of threat.

According to Merolla and Zechmeister (2009), conditions of national security threat elicit a

range of negative emotions, such as anxiety, fear, and even anger. In order to cope with the negative

emotions that arise from the threat context, individuals may adopt a number of coping strategies,

some of which are relevant for politics. One way in which individuals seek to cope with the threat is

to become more authoritarian, which enables them to feel a greater sense of control. With respect

to the policies we explore in this essay, this means that they will be more inclined to support civil

liberties tradeoffs in the name of security, and will be more inclined to support restrictions on

liberties for out-groups.   Another coping strategy is to look for a leader to save them from the crisis

context and throw their support behind that leader. In the U.S. context, we would therefore expect

citizens to rally around the president when they are concerned about national security threats.

With respect to the first strategy of coping, a long line of literature demonstrates that

individuals become more negative toward out-groups in times of national security threat. For

example, in his classic study of political tolerance, Stouffer (1955) showed that those in the U.S. who

perceived a higher threat from Communists exhibited lower levels of tolerance. We see a similar

pattern on the issue of terrorism. For example, Huddy and colleagues (2005) demonstrated a

relationship between those with high levels of worry about future attacks and willingness to increase

surveillance on Arabs and Arab-Americans, increase security checks on Arab visitors, and decrease

visas to Arab countries. These individuals were also more likely to hold negative stereotypes toward

Arabs.

Scholars also find that individuals are more willing to trade civil liberties for more security in

a context of national security crisis (e.g., Davis 2007, Davis and Silver 2004, Huddy et al 2005,

Merolla and Zechmeister 2009). For example, in an original survey in which they presented trade-offs between civil liberties and security related to nine issues, Davis and Silver (2004) found that individuals who are worried about a future terrorist attack are more likely to cede civil liberties for security, though the effect is most pronounced among those trusting of government. In another original survey, Huddy et al (2005) showed that individuals worried about national terrorist attacks were more supportive of a national identification card, of government monitoring of phones and email, and were more concerned that government would not enact strong enough antiterrorism measures.

With respect to the second means of coping with threat, there is a vast array of evidence that sitting presidents receive a boost in approval, across many issue domains, when there is a dramatic foreign policy event (e.g., e.g., Bowen 1989; Brody 1991; Kernell 1978; Mueller 1970, 1973; MacKuen 1983; Newman 2002; Ostrom and Simon 1985, 1989). Scholars have documented a similar relationship between terrorist attacks and approval of the president (Kam and Ramos 2008; Hetherington and Nelson 2003).[3] At least with respect to terrorism, extant research has found that Republican incumbents, in particular George W. Bush, has benefited not just following 9/11, but even under conditions in which terror threat was salient (Berinsky 2009; Merolla, Ramos, and Zechmeister 2007; Merolla and Zechmeister 2009). For example, in an experimental study in 2004, individuals primed to read a terrorism news story projected charisma onto George W. Bush and were less likely to blame him for policy failures in Iraq (Merolla, Ramos and Zechmeister 2007). We would therefore expect to see that the public is likely to be very supportive of the president whenever the threat of terrorism is highly salient.

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[3] Numerous reasons have been offered to explain rally 'round the flag phenomena, including a surge in patriotism and national identity in the face of external threats (Kam and Ramos 2008; Kernell 1978; Mueller 1970, 1973), lack of elite criticism of the incumbent (Brody 1991; Brody and Shapiro 1989; Zaller 1992; also, see Kam and Ramos 2008), and a desire to single out a leader with the capacity to confront the threat successfully (Merolla, Ramos, and Zechmeister 2007).

Political Elites

The presence of a threat combined with strong public support often results in major policy changes being drafted by the president along with the bureaucracy with strong bi-partisan support in Congress. There are several reasons why we observe this pattern among political elites. For one, as commander in chief of the military, the public, as well as other elites, look to presidential leadership in the context of a salient threat such as terrorism. Second, since much of the expertise on national security lies with the executive branch, other elites are more likely to defer on matters related to national security interests. The president is therefore expected to be ready with a plan of action to defend the nation and its interests, both domestically and abroad. Third, there is generally a sense among elites that in a time of threat it is important to maintain a sense of cohesion to ease concerns among the public. Finally, it is not generally in the interests of Congress to challenge the President on national security policy, particularly early in the stages of a crisis context.

To elaborate on the first point, the public often rallies behind the sitting president whenever there is a security threat. As we articulated above, in this type of context, the public looks to a leader to save them from the crisis context, and they are inclined to throw support to the sitting president (Merolla and Zechmeister 2009). With respect to political elites, members of Congress do not have the same expertise in national security, nor is the legislative process generally swift enough to have a careful consideration and deliberation on national security policy changes right after an attack, so they will tend to defer to the president and bureaucracy in crafting policy.

The president often relies heavily on the bureaucracy in crafting national security legislation and policies since they have the highest level of expertise in this issue area. As Kingdon argued long ago, the bureaucracy often has policy solutions ready when a policy problem arises (1984). This has particularly been the case in contexts of national security threat. According to Naftali (2004), low and mid level meetings among bureaucrats have been taking place since the start of Nixon's

presidency, ready to address the perceived growing threat of sub-state actors. The role of the

bureaucracy intensified as the threat of terrorism grew larger in the 1990s and into the 2000s.

Second, at the onset of any national security incident, we typically see consensual policies

and messages sent by elites. According to Relyea (2003), immediately after a terrorist attack,

Congress may provide undivided, bipartisan support as a sign of solidarity. Congress may also agree

in principle with the policies forwarded by the president or bureaucracy in order to strengthen a

sense of national security. In times of crisis, dissent may only add to the public sense of panic and

chaos, and a united front serves to bolster the mood of the people. The rhetoric during these times

highlights the need for all Americans to come together to confront the threat. Opposition,

regardless of partisanship or ideology, to this sentiment is perceived as a threat to group cohesion;

from a practical standpoint this may doom a political career. Members of congress concerned with

re-election would therefore not be very inclined to go against a president with high levels of popular

support. Previous studies have shown that public opinion (Norpoth and Sidman, 2003; Colaresi,

2007; Oneal and Bryan, 1995; Hill, 2010) and congressional support (Norrander and Wilcox, 1993;

Casey 2002; Souva and Rohde, 2007) can reflect "rally around the flag" effects, elevating bipartisan

support on security measures and impacting public opinion favorably toward the president. We

generally do not observe any challenges to presidential policies until later in the crisis, as public

support for conflict might wane (Mueller 1973; but see Gelpi, Feaver and Reiffler 2009).

Later in the paper, we will carefully consider the role of the president, bureaucracy, and

congress for each major policy change in homeland security and terrorism policy that we identified.

Important for our purposes will be to see whether the trend of presidential leadership and bipartisan

congressional support holds across most of the policy changes.

General Look at Major Policy changes

We began the process of identifying major policy changes by searching on the govtrack.us

website, THOMAS online, Congressional Quarterly, and the House and Senate online roll call records using the following search terms: security, terrorism, safety, threat, homeland, and defense. After developing a comprehensive list of bills, we selected policies for analysis by consulting Congressional Quarterly's list of critical pieces of legislation, and those pieces of legislation most identified throughout existing literature by scholars on history and counterterrorism, such as Falkenrath (2001) and Naftali (2004). Policies were further filtered based on the degree to which the policy represented major changes to both governmental affairs *and* daily public life. This excludes laws such as chemical and biological weapons acts, which specifically target wartime combat conduct, and funding measures specifically for programs isolating international counterterrorism.

This process revealed nine major proposed policy changes to homeland security and terrorism policy. In general, the laws listed were products of their times. The National Security Act came as a response to rising communist suspicion at the end of the 1940's; the startup aviation security measures throughout the 1970's and 1980's were reactions to the rapid expansion of terror tactics for political goals; legislation during the 1990's and well into the 21st century directly addressed terrorism as a separate phenomenon differentiated from the shadows of the Cold War; and laws after 9/11 transitioned to focus on prevention. All of these laws are listed in Table 1.

[Insert Table 1 about here]

Before we turn to a detailed discussion of each policy, we note some general patterns on our primary factors. First, almost all of these proposed major changes followed on the heels of terrorist attacks targeting U.S. interests. The only exceptions include the National Security Act in 1947, which was a reaction to WWII, and the aviation security measures during the 1980's, which were not responses to a specific event, but a string of ongoing terrorist incidents, notably attacks abroad. With respect to the public, available public opinion data shows strong support for the policies, as well as strong support for the president around the time legislation was being considered. Finally,

the majority of the major policy changes were initiated by the president, in close consultation with the bureaucracy, and strong bipartisan support in Congress. To preview some of this pattern, Tables 2 and 3 show levels of bipartisan support for the major policies identified above, for the House and Senate, respectively. Two exceptions, however, are reflected in this data. One notable exception is the Violent Crime and Law Enforcement Act of 1994, which passed but not with much bipartisan support. Furthermore, the aviation security measures in the 1980's are also a slightly different case since some of the measures did not get a final vote in the Senate, one of the few failed attempts at national security and homeland security policy. We discuss these exceptions more in the next section.

[Insert Tables 2 and 3 about here]

Having provided a broad overview of the political factors influencing each of the major policy changes to homeland security and terrorism that we identified, we now turn to a more detailed look at each policy change.

Detailed Examination of Policy Changes

National Security Act of 1947

The National Security Act of 1947 represented a major change in the policy direction of the United States. The various branches of the military would be unified into the National Military Establishment, later to become the Department of Defense. The most critical aspect of this law was the creation of the Central Intelligence Agency, which took the place of the Office of Strategic Services. The CIA was meant to streamline intelligence gathering efforts, which were previously divided among the various branches of the military. The National Security Law allowed for a direct line of communication with the Oval Office and established separate funding for the new arm of American intelligence. This law represented a major policy change because, as Hansen (2002) points out, intelligence had previously been perceived to be a wartime event; the CIA would conduct

business during peacetime as well, and would become a critical player in the fight against domestic and international terrorism.

Hansen (2002) highlights two external forces that prompted the creation of the CIA. He points to the lessons learned from the bombing of Pearl Harbor, and how unprepared American forces were in anticipating such a catastrophe. During the War, this lead to the creation of the OSS, which acted with a great deal of effectiveness. Hansen suggests that then-head of the OSS, William Donovan, wanted to continue these successes which Donovan saw as vital to the security of the country. This tied in with the second external factor, which was the fear of a communist threat. On the heels of the most destructive war ever experienced, members of the government did not want to engage in another drawn out and global conflict. With the rapidly escalating arms race between the U.S. and the USSR, the policy of containment was a vital aspect of American international security concerns, and the necessity of strong intelligence contributed to the perceived necessity of the CIA.

The president played a significant role in pursuing legislation for this purpose. During the War, Roosevelt instituted the OSS and Truman forwarded legislation for its permanence via the CIA. Griffin (1992) suggests that Truman played a vital role in persuading congress to expand funding to bolster their intelligence gathering. Stevenson (2008) outlines how the president had to mediate between forces that agreed with his vision of national security intelligence and congressional and bureaucratic forces that opposed a centralized institution.

Stevenson (2007) points out that the lukewarm feelings from Congress stemmed from contention between political and security interests. First, these lawmakers were hesitant to allocate funds for the expansion of the executive branch, particularly after engaging in such a costly war. Second, high-ranking officials from the Army and Navy voiced their fears about losing autonomy and having to fight over scarce, allocated resources. Ever playing the mediator role, Stevenson (2007) explains that congress commissioned a committee to investigate the pros and cons of military

and intelligence consolidation, and what possible alternatives might be able to assuage both sides of the debate.

The bureaucracy played a dual role in the formation of the National Security Act. Members of the military opposed consolidation in order to protect their autonomy and to maintain resources. On the other hand, Secretary of Defense James Forrestal (who also showed opposition to consolidation) worked with members of the intelligence community and military leadership on the committee investigating consolidation. Stevenson (2007) notes how the committee essentially agreed with Truman and Donovan's assessment that gaps in intelligence indeed were quite troubling. However, the report also noted the potential loss of stable civil-military relations, as consolidation meant the possibility of fewer checks and balances. This report lead to a compromise from Truman, of which the creation of the National Security Council and a Secretary with limited autonomous powers placated most of the opposition. With this compromise in place, congress was very supportive of the bill and it became law.

Congress certainly had an incentive to work with the president since public opinion at the time showed concern about the threat of communism and strong support for Truman. Figure 2 shows Gallup data on Truman's presidential approval ratings around the time of this legislation and public opinion on the threat of communism. Truman's approval ratings were quite high, at 65%, and 64% of the public perceived communism as a credible threat to the United States. Thus, the president certainly had leverage with Congress and the bureaucracy in pushing this major policy change.

[Insert Figure 2 about here]

Anti-Hijacking Bill of 1974

We do not observe another major change to homeland security and terrorism policy until the mid 1970's. The Anti-Hijacking Bill of 1974 consolidated many of the piecemeal features that had

been established since the 1960's, when hijacking quite visibly reemerged into public view. The bill made it a crime to carry weapons onto aircraft, solidified the air marshal program, and made security screenings of passengers and luggage mandatory at all airports. This represented a major change, particularly for the public, because the bill represents the dawn of "inconveniences" for air travel. The bill also represents a moment in which the response to a crisis event highlighted the tradeoff between civil liberties and security. Crenshaw (1988) suggests that the notion of the invasion of privacy entered the public consciousness because of these mandatory searches.

Certainly, external factors played a significant role in the passage of this bill. Hijackings of American airliners began in 1961, which Hansen (2002) explains prompted Congress to pass a law forbidding the possession of weapons on a flight. However, the initial infrequency did not result in further responses from US lawmakers. But the end of the 1960s and the early 1970s saw a major spike in the occurrence of airline hijackings. Hansen (2002) points out that Fidel Castro quickly viewed hijackings as a way to punctuate his political goals, and subsequently, pro-Castro militants began hijacking American airliners. Nixon reacted quickly to the Cuban-based hijackings, with an emergency directive establishing the air marshal program in 1968. More comprehensively, Hansen (2002) points to two violent and highly publicized hijackings in the early 1970's prompting a re-evaluation of the safety and security of American airports. The first was the D.B. Cooper airline hijacking, in which Cooper escaped with $200,000 and simply disappeared. The second involved three armed, violent criminals who overtook a plane and demanded $10 million. These individuals threatened to crash the plane into a nuclear plant if their demands were not met. Naftali (2004) points to a third incident, which was a coordinated effort by militant, anti-Israel Palestinian extremists to hijack four airplanes in order to disseminate their political goals. After letting the passengers go, the terrorists detonated explosives inside, completely destroying the plane. In response to these events, Nixon issued another emergency directive in 1973, initiating the first

iteration of airline security screenings of passengers and their luggage.

The president, along with the bureaucracy, played a vital role in the Anti-hijacking Bill. Nixon first initiated security measures via the executive directive that established the air marshal program. Additionally, Nixon entered into a 1972 pact with Cuba to reduce the number of airline hijackings. Crenshaw (1988) paints this bi-country agreement as a success, noting a drastic reduction of airline incidents from 1972 to 1973. This gave more fuel for Nixon's pressure on Congress to pass airport security legislation. The bill was primarily formulated by consolidating Nixon's directives establishing the air marshal program and mandating that all airports screen all passengers and luggage. Additionally, Naftali (2004) points to an interagency counterterrorism group, comprised of representatives from the CIA and FBI, which met regularly starting in 1972. This group privately briefed the president on terrorism developments and made recommendations on the validity of threats while also submitting appropriate covert and overt responses. Other members of the bureaucracy, particularly those dealing with airline regulations, were less receptive. Bailey (2002) points to congressional and private pressure throughout the 1960s and 1970s on regulatory agencies to keep government interference in airline affairs to a minimum, as the focus was on cost reduction and efficiency (also see Fredrickson 2001).

Though the bill had bipartisan support, Crenshaw (1988) points out that the bill had some critics. These congressional opponents were concerned about the logistics of the plan, fearing both the cost and the simple ability to effectively carry out searches without creating massive delays. However, the far more immediate threat of the loss of lives created enough bipartisan support in order to push this bill through with almost unanimous support in both chambers, 354 – 2 in the House and 75 – 0 in the Senate.

[Insert Figure 3 about here]

It is likely that elected officials were also reacting to support for Nixon and public opinion on hijackings. Figure 3 shows Nixon's approval ratings around the time of his directives and around the time during which the Anti-Hijacking Bill was passed. As can be seen in the figure, Nixon was relatively popular with approval ratings ranging from 57 to 62%, and would have enough perceived popularity to push for legislation. The available public opinion data suggests individuals wanted stiff penalties for hijackers, suggesting enough concern existed regarding airline safety. A 1970 poll by the Gallup organization asked respondents what they felt was an appropriate penalty for multiple crimes. A vast majority of the public thought that hijackers should face a harsh sentence (including more than 10 years in prison up through death), while only 26% indicated less than 10 years in prison. Two years after passage of the Act, as hijackings continued, the public registered even stronger opinions. In a Cambridge Reports/National Omnibus Survey in July of 1976, 75% of respondents agreed with the following statement: "The tremendous increase in airplane hijacking and other forms of random violence and terrorism only show that if these terrorist groups had nuclear weapons they would not hesitate to use them." In a Harris Survey that same year, 74% of the sample thought the U.S. should take the lead in setting up an international police force that would crack down on hijackers and guerillas who take violent action around the world. These opinions reflect not only the sense of threat that the public perceived from the hijackings, but also the tendency to adopt more authoritarian attitudes in the presence of threat. They also certainly foreshadow the public's support of the more intense policies that would be instituted post 9/11.

[Insert Figure 3 about here]

Aviation Security Legislation in the 1980's

Legislation during the 1970's would certainly not be the last iteration of airline security measures. Three pieces of legislation sought to further bolster security at airports in the 1980's.

Under Reagan, the 1985 International Security and Development Cooperation Act expanded the scope and enforcement powers of the sky marshals. The Terrorism Firearms Detection Act, started under Reagan's tenure, and meant to address gun restrictions, would end up folded into other legislation during the next administration. Under Bush, The Aviation Security Act of 1989 would attempt to encompass two vital provisions that had been debated throughout the 1980's: the gun restrictions of the Terrorism Firearms detection act, and broader research funding for airport security technology such as improved metal detectors and scanners. These were important developments because, as Crenshaw (1988) and Bailey (2002) note, the trend of increased government intervention into airports continued into the 1980s. Bailey explains that this trend went against private interests that sought to reduce government involvement in airline business. Furthermore, the advent of metal detectors as a security measure continued the discussion about the tradeoffs between security and privacy.

Yet again, external events triggered continued attention to security concerns. Cooper (1995) and Crenshaw (1988) point to the increasingly violent and indiscriminant nature of airline hijackings. Rather than hostage situations, hijackers sought to create as much destruction and chaos as possible, often by taking explosives on board and detonating the aircraft. Hansen (2002) paints the Palestinian hijacking and destruction of four planes as a precursor to developments in the 1980s. At that time, the highest profile incident was the Lockerbie bombing, in which terrorists hijacked a plane and set off explosives midair, killing all 259 passengers. However, there was not a specific event that prompted the legislation in the 1980s.

According to Naftali's (2004) analysis, Reagan played a significant role on homeland security during the 1980's. Initially, Naftali explains that low and mid-level intelligence meetings occurred weekly, as far back as the Nixon administration, regarding terrorism. He contends, however, that terrorism was viewed as a politically volatile issue, and the high level bureaucrats shielded the

President from the plans and recommendations of these weekly briefings. This changed with the escalating magnitude of terrorist incidents. Responding to increased public concern over terrorism, Reagan upgraded the role of his counterterrorism experts to inform domestic and international security policy. In response to the escalating international violence of the Abu Nidal organization, Naftali explains that Reagan sought a stronger mandate for counterterrorism in general. Duane Clarridge, a high ranking CIA official, sought to expand the offensive scope of the CIA while also enabling a stronger informative role directly to the president. And, in this round of aviation legislation, the airline regulatory agencies seemed much more receptive to changes, in part because the destructiveness of terrorist incidents created a much more damaging economic threat to the airlines.[4]

One major piece of legislation that Reagan pushed for during his term was the International Security and Development Cooperation Act, which expanded and enhanced the Sky Marshall program originally set forth in the Nixon administration. This bill also contained measures on international counterterrorism and foreign aid for democratic development. While there was broad support for the Sky Marshall aspect of the bill, some members of Congress were less enthusiastic about these foreign policy aspects. Naftali (2004) contends that, prior to the passage of this bill, Clarridge sparked a bureaucratic reorganization that, in addition to actively pursuing terrorists abroad, endowed the American intelligence community a sharper analytical angle that underscored briefings and recommendations about the nature of terrorism and specific, regional terrorist threats. These tactics and recommendations animated the provisions of the bill that dictated which countries would receive development aid and which countries were isolated as adversarial. Furthermore, in a statement on Aug. 8th, 1985, Reagan noted the contentious nature of security assistance provisions

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[4] Crenshaw (1988) further explains that improving security efficiency and effectiveness became part of regulatory agencies' mission statements, which was a stark contrast to the hands-off pressures of the past.

for Nicaragua, Cambodia, Mexico, and Palestine. Still in the era of the Cold War, a coalition of Democratic and Republican members of Congress had difficulty supporting development in Third World countries, particularly those that had previously shown hostilities to democracy. Republicans viewed aid in this sense as taking a softer approach in foreign policy; Democrats had issues supporting human rights violators. The nature of development assistance for democratically questionable states was a volatile issue, particularly given that the Iran-Contra scandal would soon rock the headlines. Therefore, while the bill passed by a comfortable margin in both chambers (House vote 262 - 161, Senate vote 75 - 19), it did not have the near unanimous support that is characteristic of some of the other policy changes.

The next important piece of legislation on terrorism and homeland security in the 1980's was the Terrorism Firearms Detection Act, during Reagan's tenure. German weapon manufacturers had begun producing guns made almost entirely out of plastic, from small pistols to sub-machine guns. These weapons were lauded for their lite weight, but more dubiously these could pass through metal detectors without setting off alarms. Weapons of this nature were transported by the drug cartels and utilized by terrorists in their hijackings. The intent of the proposed bill was to set a minimum metal component standard for imported and exported guns into the United States. Given strong support for an omnibus drug trafficking law being considered close to this time, the airport weapon bans and the terrorist weapons detection act ended up being folded into this legislation, and the omnibus bill became law with an almost unanimous vote in both chambers on October 21, 1988 (House vote 346 – 11, Senate vote 87 – 3).

The final proposed policy change, under new president George H.W. Bush, was the comprehensive Aviation Security Act, which provided funding for research and development for detection technology, set minimum standards for security personnel and included stipulations for continued research, development, and deployment of security technology. The proposed Aviation

Security Act was meant to consolidate many piecemeal standards set in motion by the bureaucracy during the 1980's. Additionally, it was also meant to be a sign that the government was taking action against the rising magnitude of terrorist violence. The bill never reached the senate for approval, primarily due to debates over the amount of funding. However, politicians agreed in principle about the need to bolster airport security. While congressional debate occurred, regulatory agencies required that airports and airline firms address security concerns. Specifically, the FAA stipulated that airports must include metal detectors and increased security personnel. Even though the bill did not make it to the Senate for approval, the strong bipartisan support for the legislation reflects the agreement on the nature of the bill. Primary sponsors of the bill emphasized the fact that terrorism was a direct attack on the American people, and that the government should address airport security. Opposition arose in the Ways and Means Committee, where all of the issues centered around how much public funding should be relegated to the airports in the form of research and development grants. Furthermore, newly elected President Bush opposed excess spending in order to be consistent with his conservative fiscal policy. Though the Aviation Security Act did not reach a Senate vote, agencies and sub-agencies within the bureaucracy began more vigilantly implementing and enforcing safety recommendations, such as mandating metal detectors. At that time, the bill unofficially went into effect; the only pieces missing were federal grants into technological research.

Government action may also have come out of public concern. Despite early measures in the 1970s, Cooper and Crenshaw outline how the heightened violence of terrorist incidents entered the public consciousness. Crenshaw references sharp declines in airline travel during the 1980s and the subsequent economic impact on tourism-related businesses. Kuzma (2000) analyzes the trend of terrorism perceptions, noting that a majority of Americans polled consistently viewed terrorism as either a serious or very serious threat; when pressed about these thoughts, Kuzma (2000) explains

that most respondents during the 1980's viewed the biggest threat coming from an international

actor. In a survey by CBS News, about 54% of the public perceived the threat of terrorism to be

very serious, while 45% indicated somewhat serious. Very few respondents, only 15, indicated that

terrorism was not a serious threat. In this context of worry about terrorism, both Reagan and Bush

had strong approval ratings at the time legislation was being considered. Figure 4 shows Reagan's

approval ratings during the time of both pieces of legislation, while Figure 5 shows Bush's approval

ratings when the Aviation Security Act was being considered. Reagan's approval was in the high 50s

and low 60s when the International Security and Development Cooperation Act was being

considered and it passed by a wide margin in Congress. However, his approval was only in the low

50s when the Terrorist Firearms Detection Act was being considered, and elements of this bill

ended up being folded into another bill. Bush's high approval ratings were not enough to secure

passage of the most comprehensive piece of legislation, the Aviation Security Act. However, he did

manage to fold some of the critical domestic security measures such as restrictions on plastic

weapons, into other laws, which passed with broad support once the funding roadblocks were

removed, and the bureaucracy took action where it could.

<p style="text-align:center">[Insert Figures 4 and 5 about here]</p>

Violent Crime Control and Law Enforcement Act of 1994

The large publicity of the Unabomber and the first bombing of the World Trade Center

were key elements in the passage of the Violent Crime Control and Law Enforcement Act of 1994.

The bill was initially aimed at increasing funding for police officers and other bureaucratic

reorganizations, but the form of the bill that passed included a great deal of anti-terrorism measures.

The bill included provisions against aiding and abetting terrorists, falsifying identification

documents, and listed terrorism as a capital crime. Furthermore, the bill included language that

added further penalties for using nuclear, chemical, or biological weapons in conducting terrorist

activity. Also important, yet not directly related to terrorism and homeland security, the act expanded the crimes punishable by death, included a ban on assault weapons, created even harsher penalties for domestic violence against women, contained stricter sentencing guidelines, and included the three strikes law for repeat offenders.

Kim (1996) contends that crime control and prevention was a top priority for Clinton during his first term, to counter the perception that Democrats are soft on crime, and this bill initially served this purpose. However, the bill met with opposition from Republicans and conservative Democrats, as well as the public after the highly publicized Rodney King incident. As the bill essentially expanded the scope and funding of law enforcement, support of this bill would be hard to sell to a public that had a very negative perception of the ways in which law enforcement acted during the King incident. In Congress, the provisions for stricter penalties in the bill enticed conservatives but was opposed by liberals in Clinton's party; on the other hand, provisions for greater gun control and pork spending for youth programs fostered tensions from the very same conservatives but appealed to members of his own party.

The first bombing of the World Trade Center changed the ball game with respect to this bill. Despite the very salient nature of terrorism as a threat, most actions had occurred abroad, and any domestic events were often dismissed as the isolated actions of a loner. According to Naftali (2004) and Zegart (2005), the bombing of the World Trade center shifted these conceptions.

Cooper (1995) points out how, in response to the wave of terrorist incidents, President Clinton received a moment of bipartisan support, and a boost in presidential approval ratings. Immediately after the bombing of the World Trade Center, the president issued a statement that he would turn the full resources of the government in pursuing those responsible and bolstering security for the country. Shortly afterward, antiterrorism language entered the bill, as Smith (2007) explains that Clinton viewed a governmental response as a law enforcement issue.   Hass (1997)

notes that elements in the bill on foreign policy and counterterrorism allowed Clinton to form a congressional support base. Kuzma's (2000) analysis further suggests that the terrorist attacks in the early 1990's provided a sizable enough reason for Clinton to effectively sway Congressional opposition into enough support for this bill. For example, Senator Orrin Hatch, one of 6 Republicans who supported the bill, deflected criticism by noting the antiterrorism language of the bill (CBS Face the Nation, August 15, 1993). While the bill passed by a comfortable margin (House vote 234 – 195, Senate vote 61 – 38), the terrorism provisions alone did not lead to the type of unanimous vote characteristic of some of the other major legislation on homeland security and terrorism.

Public concern about terrorism likely played an important role in persuading some hesitant members of Congress to ultimately support the legislation. Before the rapid succession of terrorist attacks, the American public did not view terrorism as a primary concern, even if the public maintained wariness about a terrorist attack. However, with World Trade Center bombing, the public's concern about terrorism increased. In Figure 6, we present the public's perceptions of the threat of weapons of mass destruction and terrorism using data from Time/CNN. A majority of the public, 54%, perceived an extreme threat from terrorism, while 27% perceived a moderate threat. Figure 7 shows Clinton's approval and disapproval ratings before and after the legislation. Of particular importance are the first two data points, which correspond with the time in which congress debated bill. In this range, Clinton's ratings spiked around the time of the first World Trade Center bombing, which afforded him some political capital in pushing through the legislation. Another interesting thing to look at is public approval of Clinton across different issues, which we display in Figure 8. Positive perception of Clinton's crisis management style is suggestive of public support with respect to the terrorist incidents. Meanwhile, public perception of Clinton's handling of crime is quite low, suggesting that terrorism played a major role in drumming up enough support

to overcome partisan opposition to the bill.

[Insert Figures 6, 7, and 8 about here]

Legislation After 9/11

On September 11th, 2001, terrorists hijacked airplanes, crashing two into the World Trade

Center and the Pentagon. An additional hijacked plane did not make it to its intended target, with

passengers fighting their captors; unfortunately that plane and its passengers would also be lost in

Shankesville, PA. Estimates suggest that nearly 3,000 people lost their lives in the most devastating,

and coordinated, terrorist attacks on US soil. This major external event sparked several pieces of

legislation to deal with protecting the homeland in the face of a continued threat of terrorism. The

event also led to a proactive campaign to target terrorists abroad, leading most notably to the

Afghanistan war, but also to drone attacks in Pakistan and Yemen, and it was also used as a

justification for the Iraq war.

As Merolla and Zechmeister (2009) document in their book, worry about terrorism was high

in the immediate aftermath of 9/11 and stayed fairly high through much of 2007 (when their

reporting ends). The public showed a huge increase in support for George W. Bush following the

events of 9/11. In Figure 9, we can see that Bush's approval ratings jumped from 57% in August

2001 to 90% in September 2001. The approval rating showed a slow decline over time, but remained

in the 70s throughout 2002. Most of the major changes to homeland security and terrorism policy

that transpired occurred in the window from 2001 to 2002. With such strong support from the

public and the threat of terrorism very salient, it is not surprising that many of the major pieces of

legislation met with little opposition in Congress.

[Insert Figure 9 about here]

PATRIOT Act

The PATRIOT Act, signed into law on Oct. 26th, 2001, was a measure that sought to

enhance the enforcement arm of the American government. This bill allowed the Department of Justice and the Department of Homeland Security to restrict information that was once viewed as public such as nondisclosure of the names of individuals who were detained, closure of immigration hearings, restriction of due process for individuals deemed to be of interest due to potential terrorism links, the ability to suspend habeas corpus if the individual is deemed to be an enemy national due to suspected terrorist activity, and expanding FISA for wiretaps, electronic, and physical searches on general crimes as opposed to actual intelligence gathering. The implications of these factors are clear due to the massively expanded powers through which the government could monitor and detain individuals on nothing more than a suspicion of terrorist activity[5]. Reports quickly arose about the rampant spread of racial profiling and discrimination. Baker (2003) notes just eight weeks after the passage of the act, 1,147 individuals were detained under the provisions of the Patriot Act; another 5,000 were interrogated to reportedly such varying degrees that John Ashcroft had to make a public statement defending against public accusations of racial profiling. Baker explains that these individuals were from a wide range of Arab and Persian backgrounds and countries, some even American citizens; yet the Bush administration had yet to formally declare a "War on Terror," instead only isolating Al-Qaeda as the primary target.

As initial votes and public opinion suggest, President Bush enjoyed a great deal of support for this legislation in the early stages after the attacks. Farrier (2007) notes unanimous congressional agreement with Bush that the scope of the executive needed to be expanded in order to sufficiently address vulnerabilities of the system. Bush spearheaded the movement to get support, but relied on the expertise of the bureaucracy to formulate the specific legislation.

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[5] The decision to use Guantanamo Bay came after the Patriot Act, essentially as a logistical solution that starkly highlights the degree to which civil liberties were sacrificed. The site was chosen because enemy combatants were located outside the legal jurisdiction of the US, adding another complicated layer to withholding these civil liberties.

Masci (2001) points out relatively little opposition to re-expanding the scope of the federal government to address terrorism. Attorney General John Ashcroft played a major role initiating bureaucratic restructuring meant to bolster investigative methods and detain suspects. Masci (2001) points out the relative ease with which Congress accepted these proposals. The PATRIOT Act ultimately endowed the bureaucracy with most of Ashcroft's recommendations, due to pressures to appear tough and decisive on antiterrorist programs. In conjunction with the Homeland Security Act, the PATRIOT Act was deemed a necessary step in order to provide powerful tools for the newly reorganized bureaucracy. Ashcroft not only had a strong hand in formulating much of the legislation, but also lobbied hard for quick passage of the bill.

Farrier (2007) notes that, rather than acting as the gatekeeper of debate and deliberation, much of the negotiation behind the PATRIOT Act took place in the 11th hour (House vote 357 – 66, Senate Vote 98 – 1). The bill was almost unanimously supported by both chambers; with only 62 House Democrats and 3 House Republicans opposing the bill, and only 1 member of the Senate. Senate Democrat Russ Feingold strongly opposed the bill, citing violations of civil liberties[6]. Because of political and social pressures to swiftly and decisively address terrorism, Farrier (2007) suggests that the normal process of negotiation would be sidestepped in the interest of national security. Farrier (2007) contends that Congress essentially skirted their immediate duties in the hopes of being able to review and modify the law after the fact.

Overall, public opinion data suggests that, in the aftermath of the terrorist attacks, Americans were willing to make sacrifices in order to bolster security. Figure 10 shows data from an LA Times poll of the nation taken on Sept. 13th. The results show that 61% of respondents were willing to sacrifice civil liberties in order to achieve these ends; 54% supported the use of wiretaps,

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[6] In 2005 he would forge a coalition that sought to overturn some of the more controversial aspects of the PATRIOT Act

50% supported expanding the government's role in information and technological monitoring, and a surprising 68% of the sample supported the use of racial profiling. A few years after passage, polling organizations began to ask more directly about the PATRIOT Act, and support was also high. In a Fox News/Opinion dynamics polls in July of 2003, 55% of the sample indicated that the PATRIOT Act is a good thing for America, while only 27% said it was a bad thing for America. In a Gallup/CNN/USA Today poll in August of 2003, 48% of the sample indicated that the PATRIOT Act is about right in the degree to which it restricts civil liberties in order to fight terrorism, while 21% said not far enough (only 22% said too far). As we noted earlier, scholarly research has demonstrated a strong link between worry about terrorist attacks and a willingness to trade liberty for more security (e.g., Davis 2007; Davis and Silver 2004; Huddy et al 2005; Merolla and Zechmeister 2009). Even as of February of 2011, in a PEW weekly interest news poll, a plurality of the public, 42% says that the PATRIOT Act is a necessary tool to fight terrorism, compared to 34% who say it goes to far and poses a threat to civil liberties (11% say don't know).

[Insert Figure 10 about here]

Aviation and Transportation Security Act

The Aviation and Transportation Security Act, signed into law on Nov. 19th, 2001, entailed a complete overhaul of the aviation system. Hansen (2002) and Bailey (2002) both outline how the act substantially increased government oversight of airport security. Airport screeners became government employees under the Transportation Security Authority, far stricter guidelines of screenings would be implemented, extra airline taxes and fees were added to ticket prices, and for a time a military presence could be seen at every airport. The entirety of the law represented a massive paradigm shift for the public and also for airline businesses. On the business side, this piece of legislation represented more encroachment of the government into private affairs, but with due cause. For the public, new guidelines further encroached on civil liberties. Individuals were required

to unpack their luggage in order to conduct screenings, which many saw as a violation of their privacy. Baker (2003) highlights numerous cases of racial profiling as security personnel targeted individuals from certain racial and ethnic backgrounds for "extra" screening procedures. Baker notes hours of detention in airport holding areas coupled with interrogations without due cause beyond a person's appearance.

President Bush ardently spearheaded the passage of all anti-terrorism legislation immediately after 9/11, and the Aviation and Transportation Security Act would be no different. The pursuit of aviation legislation followed the same path as the Patriot Act, although much easier due to the fact that it quite publicly addressed the most salient public fear.

Unlike the Patriot Act, even though there was unanimous support for the revitalized of aviation security, some debate over the details occurred in Congress. Because new guidelines for airport security dramatically raised the bar for quality, this necessarily entailed greater costs. One key contention was whether security training, screening, and background checks should take precedent or whether the focus should be on developing better technology. In any event, however, Congress recognized the immediacy of the situation and passed the law with an eye towards modifications in the future (House Vote 407 – 9, Senate Vote 99 – 0). Frederickson (2002) notes that the focus of Congress in passing the Aviation and Transportation Security Act was to calm the system and prevent further catastrophic events. He continues, however, noting that bureaucratic experts played a large role in addressing many of the specifics on what areas of airport security required the most attention, weaknesses in personnel organization and accountability, and the necessity of a paradigm shift away from privatization.

Even before the events of 9/11, Zegart (2005) suggests that members of the bureaucracy had anticipated a need for reorganization. Falkenrath (2001), Naftali (2004), and Zegart (2005) further explain that the business of intelligence was also connected with airport security. The

counterterrorism working groups included airport safety as part of their systemic analysis, including recommendations on both intelligence and domestic security reform. Thus, plans had already existed for strengthening and reorganization. Unfortunately, Falkenrath (2001) and Zegart (2005) suggest that old-guard resistance to change stymied the dissemination of these critical plans to the necessary agencies and regulatory bodies pre 9/11. Thus, in the wake of the attacks, swift passage of the PATRIOT Act and the Aviation and Transportation Security Act were seen as ways to stabilize the system.

Given the close proximity of all counterterrorism legislation immediately after the attacks on 9/11, public opinion essentially acted in a similar fashion for all of these pieces of legislation. Donley (2003), Hansen (2002), and Bailey (2002) all point to immediate responses via airline use, in which the volume of domestic flights dropped by nearly 40% in the days and weeks after 9/11. Furthermore, survey data show that Americans definitely had serious concerns about the safety and security of the country while also demanding that the government act even if it meant sacrificing civil liberties. Further questions from the LA Times Poll suggest that individuals were quite dissatisfied with the status of aviation security. For example, as seen in Figure 11, 82% of the sample disapproved of airport security. At the same time, 95% of the sample approved of the new airport security measures. These public opinion trends show that in the aftermath of a crisis event, individuals resoundingly supported stricter security protocols at airports. While there has not been another attack on U.S. soil since 9/11, several foiled attacks on U.S. planes have meant that the public remains accepting of more intensive screening.

[Insert Figure 11 about here]

Homeland Security Act

The Homeland Security Act, signed into law on November 25, 2002, reorganized the government in a number of significant ways. Donley (2003) explains that the creation of the

Department of Homeland Security sought to streamline the avenues of communication between all of the major branches of law enforcement and intelligence gathering. This umbrella was also meant to have a direct line to inform the president on the most current trends and events related to counterterrorism and the security of domestic interests. The creation of the DHS also entailed a restructuring of law enforcement, as the act created a new dimension of security to law enforcement. Donley notes the call for unified goals and strategies starting from the DHS and downward to all the agencies and sub-agencies now reorganized under the DHS. The unification of these agencies is significant because Wise (2002) highlights the disjointed and disconnected nature of law enforcement and intelligence gathering before 9/11. Kady (2003) points out that these gaps in communication contributed to the security failure in preventing the airline hijackings that caused such devastation. The Homeland Security Act also had a significant impact on the American public. Donley points out that, before 9/11, no one had even conceived of the notion of "homeland security;" the term rapidly became ubiquitous. He further contends that the publicized focus on intelligence failure and the need for vigilance made sacrifices for the sake of security much more palatable.

President Bush played a significant role in pursuing this legislation. Gordon (2007) underscores the role of the executive in providing organization, management, control, and coordination in response to a crisis of national security. President Bush acted in such a manner, decisively pushing for legislation to address the failures of the previous system. Gordon (2007) notes President Bush's use of national security directives in order to speed up legislation to comprehensively attend to the wide range of issues created by the terrorist attacks. Furthermore, Kady (2003) notes high levels of public and bipartisan support for the president in a rally around the flag manner.

And though the bill received bipartisan support (House vote 229 – 121, Senate Vote 89 – 8),

legislation was not without some level of doubt. Wise (2002) notes that Congress was not as willing to unanimously support legislation that was simply placed in front of them, especially one creating a new department. Though they agreed that an overhaul of the system was necessary, Congress played the role of the debate forum over the proper ways to address security and intelligence. Though the concept of agency unification was agreeable in theory, members of both parties gave pause as to the degree. Wise (2002) continues, explaining some confusion as to why, for example, immigration or the postal service would be included under the proposed Department of Homeland Security. Additionally, Kady (2003) points to typical debates over the allocation of funding. Even if Congress accepted the fact that more spending would be necessary to keep the new department afloat, Kady (2003) notes slight contention on technological research and development versus staff or employee numbers, or whether the emphasis should be on domestic or foreign efforts.

The bureaucracy played a vital role in outlining the details of the legislation, and in terms of homeland security, Gordon (2007) hints at the relationship between the president and the bureaucracy. Bush's national security directives prompted a response from the bureaucracy as to what necessary and proper responses might be. Wise (2002) notes that an evaluation committee pointed out the disjointed nature of the intelligence and security apparatus and recommended the creation of a unifying agency to streamline the process.

We have already discussed the wide range of public opinions post 9/11. In the LA Times poll, 51% of respondents disapproved of the current state of American intelligence (see Figure 11). Given the timeframe of this poll, it also suggests that respondents were quite receptive to announcements for reorganization, consolidation, and strengthening intelligence and security institutions. However, an ABC poll on October 24th, 2001 asking about the creation of the Office of Homeland Security (predecessor to the DHS) reveals that only 22% of respondents approved of the matter - 71% thought it was too soon to pass judgment. However, the public became very

supportive of the department in a few short months. A Gallup poll on November 8th revealed a 60% approval rating for Director Tom Ridge, up from 41% (51% don't know) in a Gallup poll a mere week earlier.

Discussion and Conclusions

We identified nine major policy changes to homeland security and terrorism in the post WWII era. Only one of these pieces of legislation was not directly relevant to terrorism, the National Security Act, which came on the heels of WWII. However, the CIA would come to play an important role in combatting terrorism in the future and the creation of the agency was meant to protect homeland security. Most of the important policy changes through the 1970s and 1980s had to do with airport security in light of an increase in the number of hijackings. Policy changes in the 1990s dealt more with harsher sentences for terrorists. The most dramatic changes would come with the devastating events of 9/11, which led to more security reorganization, airport security measures, and policy changes that were more extensive with respect to civil liberty and security tradeoffs.

As we indicated at the start of this essay, we believe that major policy changes in homeland security and terrorism are often characterized by several characteristics: the presence of a salient external threat, public concern about the threat and strong approval for the president, president initiated legislation (often in close consultation with the bureaucracy), and bi-partisan support in Congress. In Table 4, we show a table of the nine pieces of legislation that we considered along with each of these characteristics and indicate with an X whether each of these characteristics was present. Across almost all of these pieces of legislation, we find that these characteristics were all present. With so few events, it is difficult to systematically test whether all of these factors need to be present for major policy change. However, the pattern is certainly suggestive, and we only see a few deviations. One important exception was the Aviation Security Act of 1989, which failed to get

a vote in the Senate because of funding issues, as well as the other pieces of legislation in the 1980s, only one of which became law as its own bill. However, all three pieces of legislation that were proposed did not coincide with a specific external threat, thus a key factor was missing. Another important exception was Violent Crime and Law Enforcement Act. One reason why this bill did not follow the standard pattern was that the original bill was geared more toward fighting crime in general, rather than terrorism specifically. In fact, it was only after the World Trade Center bombing that Clinton was able to build a strong enough coalition to pass the legislation through, and mostly because of incorporating the anti-terrorism provisions.

[Insert Table 4 about here]

One important feature of these major policy changes is that they have tended to build on each other over time. In times of war, restrictions on civil liberties are usually lifted at the conclusion of hostilities. One problem with the "war on terrorism" is that there is no clear end date in sight; thus, these policies are more likely to stay on the books (Merolla and Zechmeister 2009). Stone reflects on this quite succinctly:

> As we have seen, a saving "grace" of America's past excesses is that they were of "short" duration and that, once the crisis passes, the nation returned to equilibrium. A war of indefinite duration, however, compounds the dangers both by extending the period during which civil liberties are "suspended" and by increasing the risk that "emergency" restrictions will become a permanent fixture of American life (Stone 2004, 545).

Since Stone's writing, the Obama administration no longer uses the term "war on terror", and there have been some modifications to some of the policies that are most restrictive of civil liberties. For example, the Patriot Act was modified to reinstate some limits on the availability and government accessibility of personal information, particularly of foreign nationals. In 2009, the Supreme Court lamented the ambiguity of the term enemy combatants, noting it added another

complex legal layer as to which rights were afforded to prisoners. Subsequently, the Obama administration dropped usage of the term. Even though there has been some shift back to pre 9/11 policies, almost all of the changes to airport security have remained on the books, and have become arguably more invasive of personal privacy. The Department of Homeland Security is certainly not dissolving anytime soon. So long as the threat of terrorism remains present and salient among the public, it is not likely that these policies will revert to the pre 9/11 period anytime soon.

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Figure 1. Number of Terrorist Incidents, 1968 to 2009

Total number of terrorist incidents

Source: RAND Database of Worldwide Terrorism Incidents
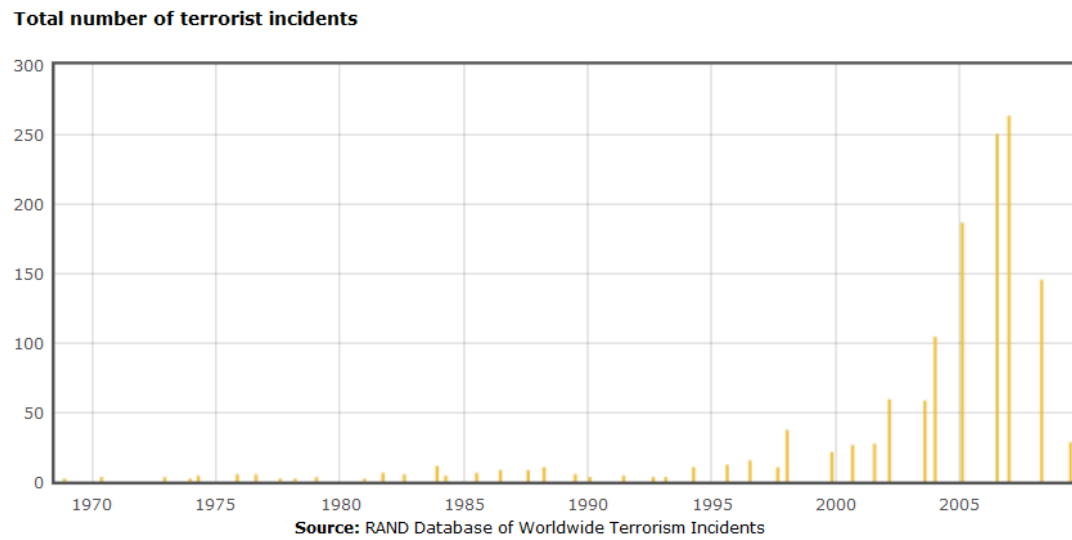
Figure 2. Presidential Approval and Perceiving Communism as a Threat, May 1947
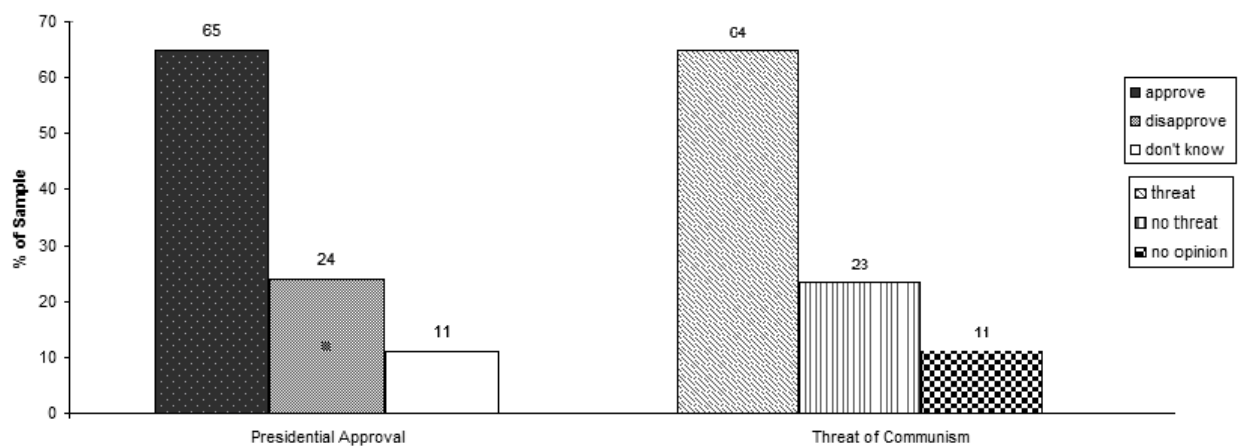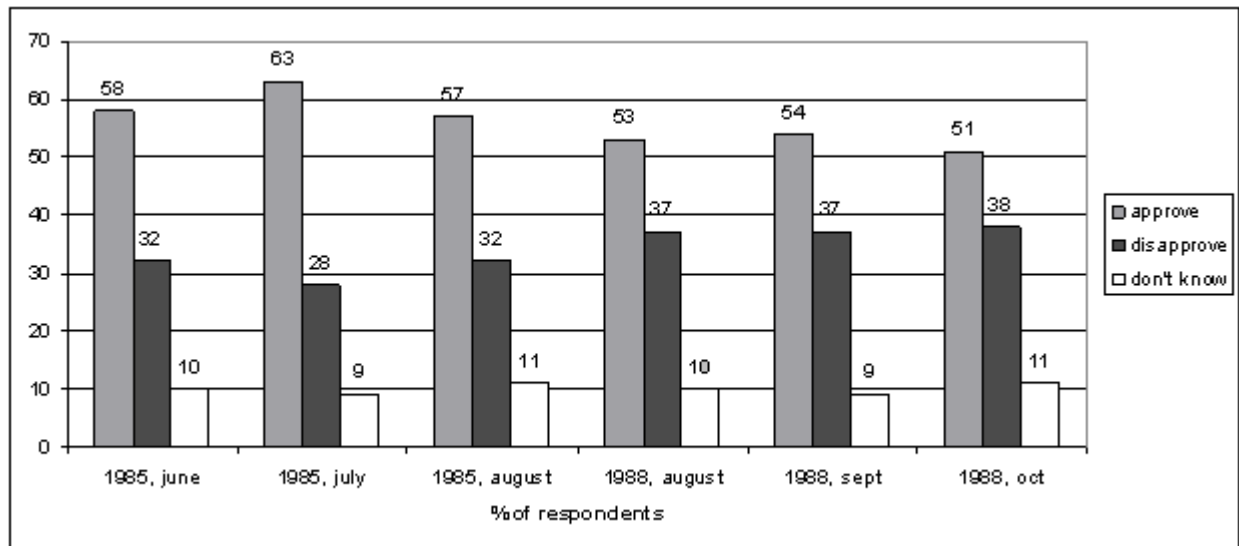

Source: Gallup
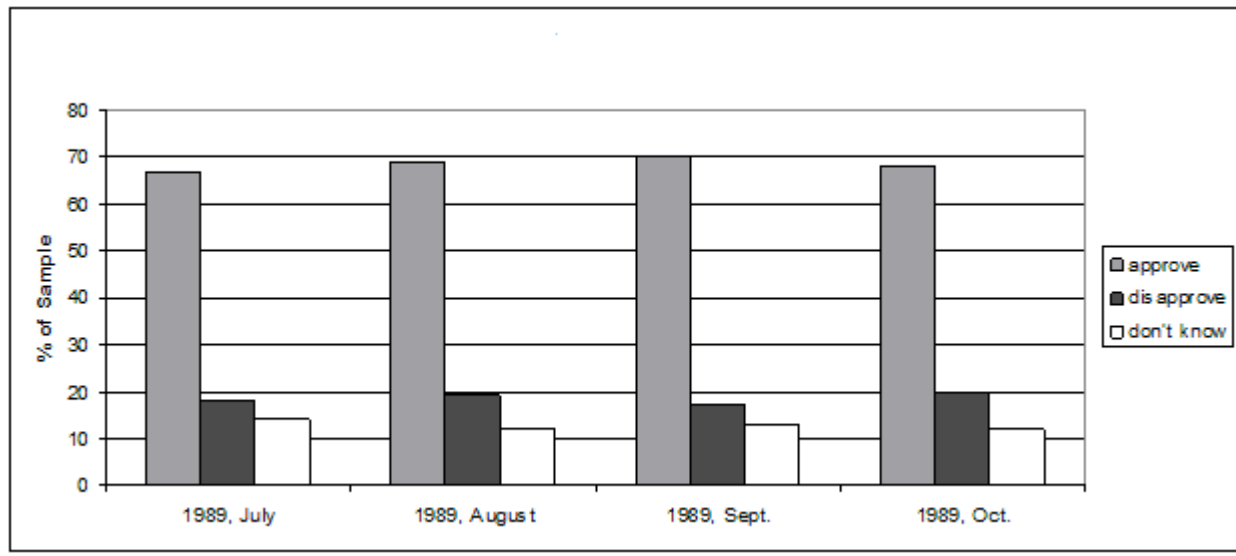
Figure 3. Presidential Approval of Nixon
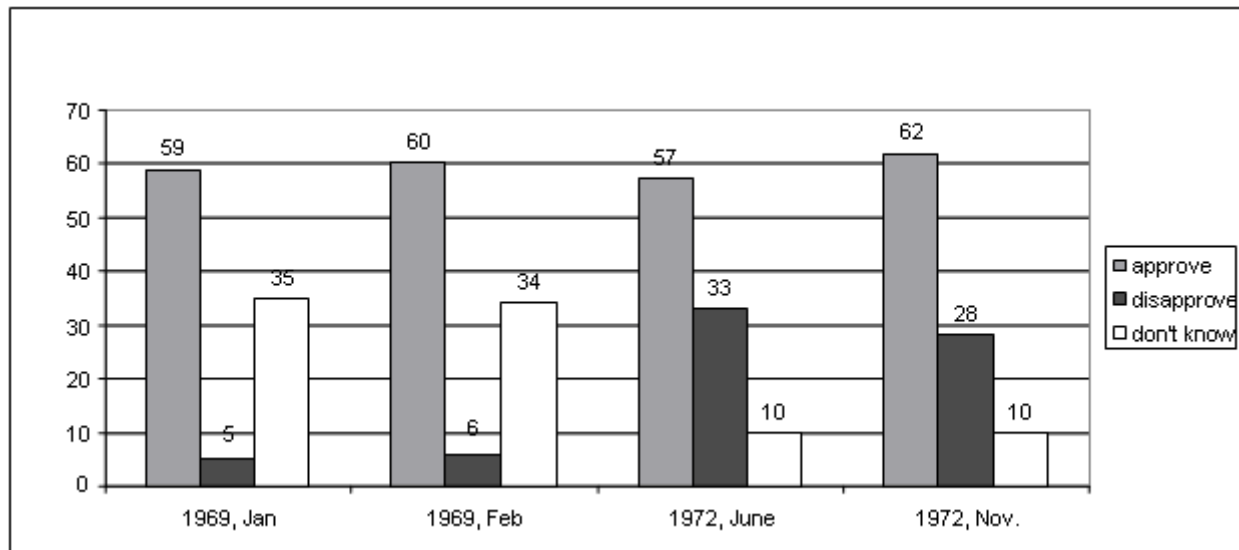
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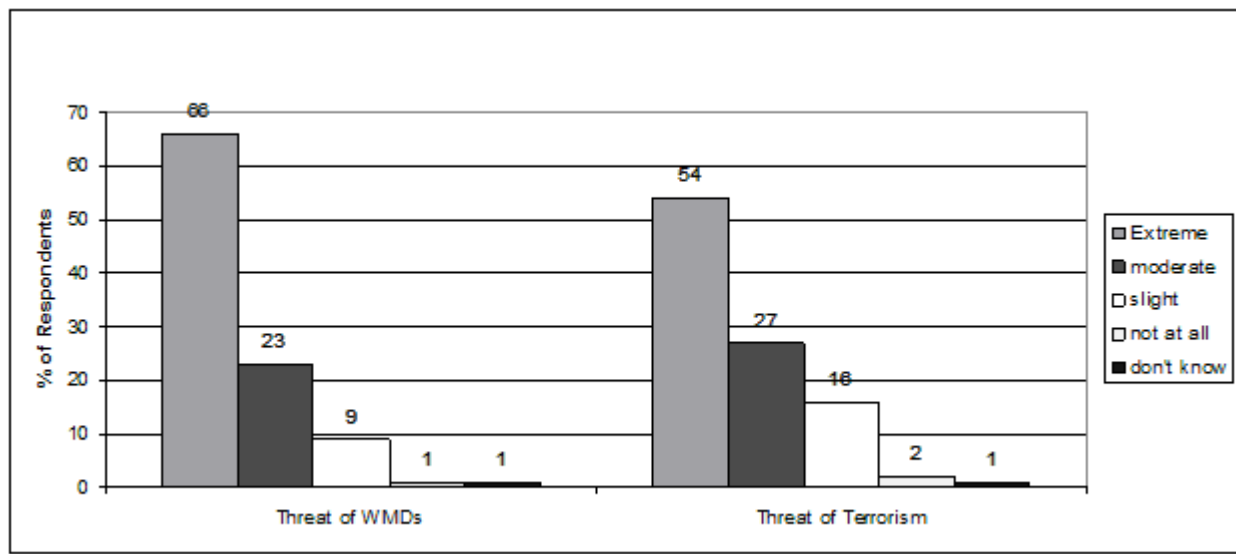
Figure 4. Presidential Approval of Reagan

Source: Gallup

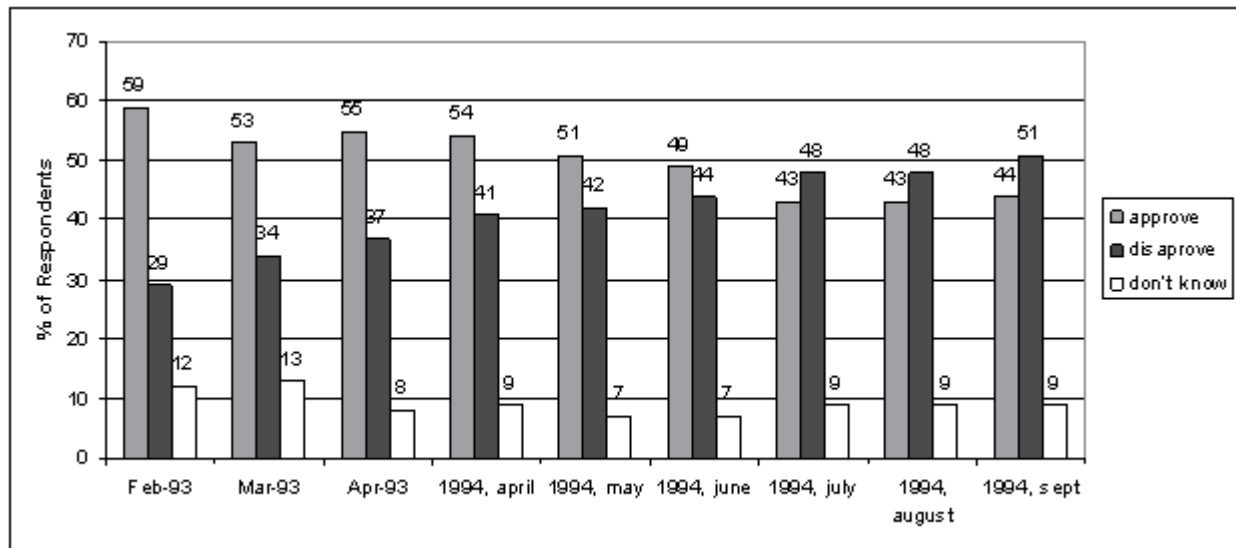Figure 5. Presidential Approval of Bush

Source: Gallup

Figure 6. Perceptions of Terrorist Threat and Weapons of Mass Destruction, 1994
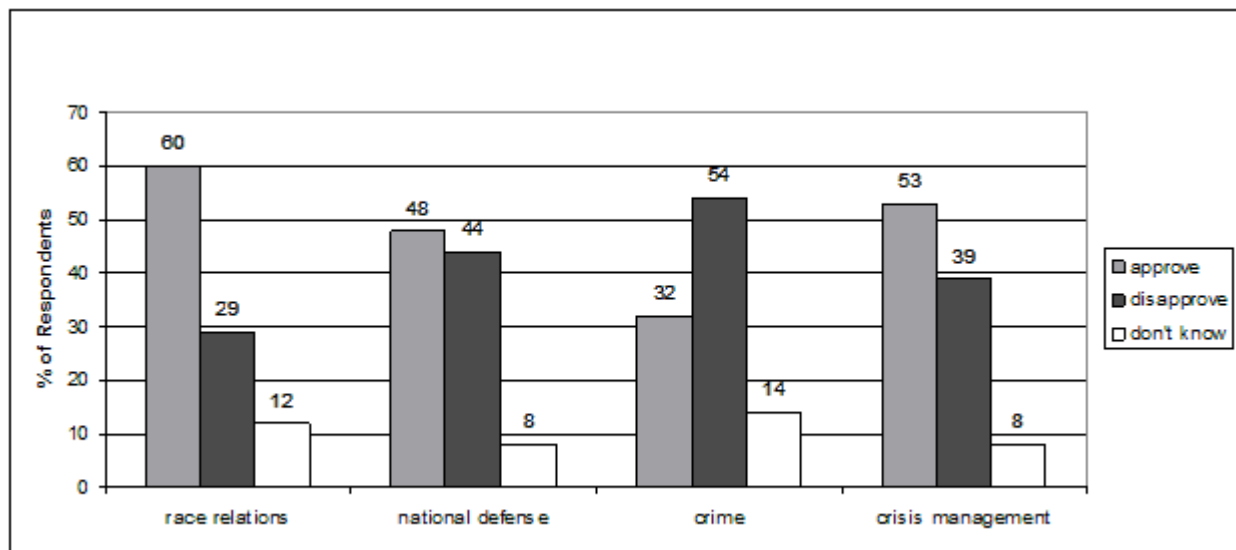

Source: Time/CNN

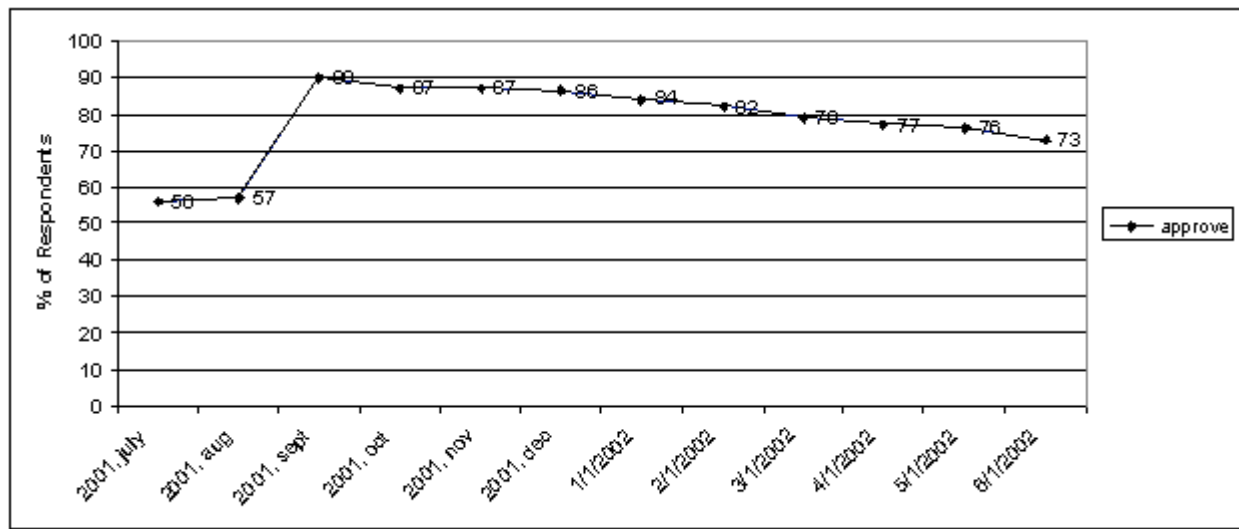Figure 7. Presidential Approval of Clinton

Source: Gallup

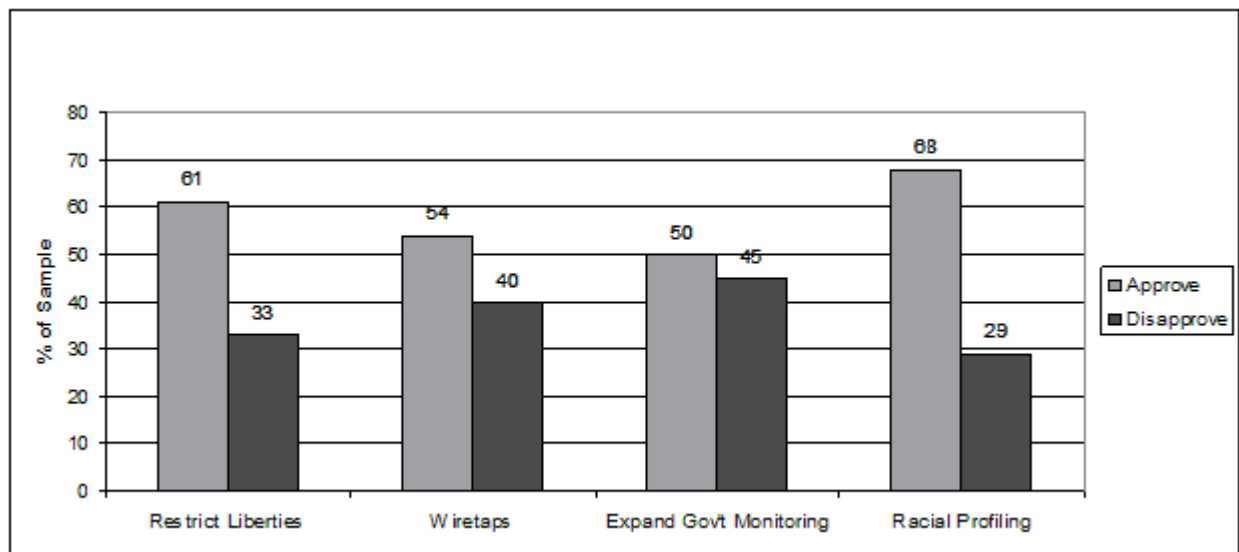Figure 8. Clinton Approval on Different Issues

Source: Gallup
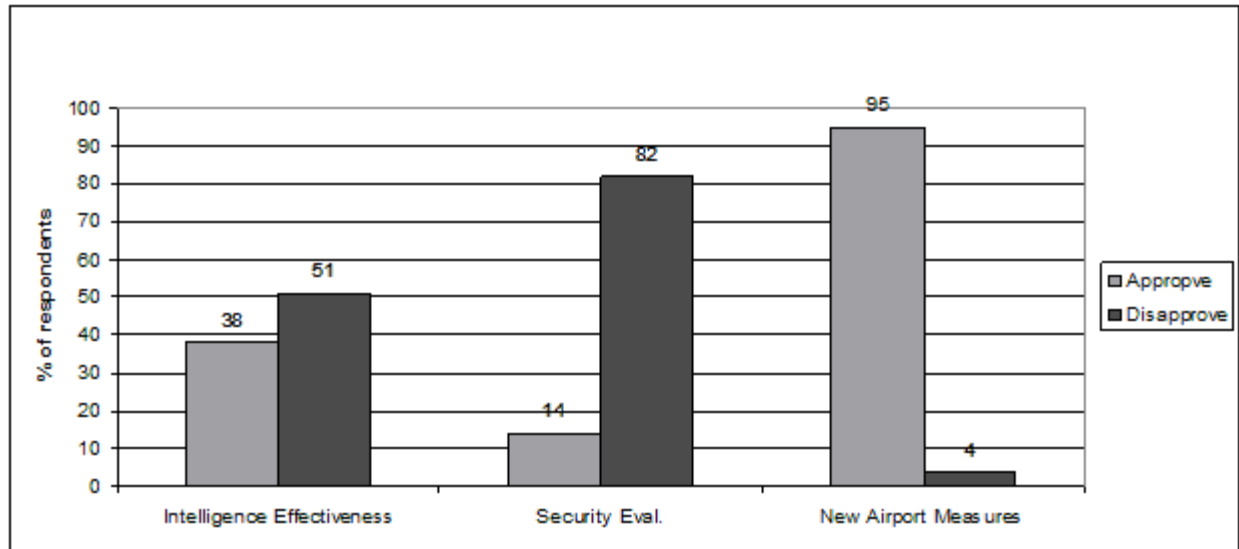
Figure 9. Bush II Approval Ratings

Source: Gallup

Figure 10. Support for Elements Relevant to the Patriot Act, September 2001

Source: LA Times 09/13/01

Figure 11. Opinions on Airport Security, September 2001

Source: LA Times, 09/13/01

Table 1: List of Major Policy Changes

Year	Policy	
1947	National Security Act	
1974	Anti-Hijacking Bill	
1985	International Security and Development Cooperation Act (Sky Marshals)	
1988	Terrorist Firearms Detection (via Omnibus Drug Control Act)	
1989	Comprehensive Airport Security	
1994	Violent Crime and Law Enforcement Act	
2001	Aviation Security Act	
2001	PATRIOT Act	
2002	Homeland Security Act	

Table 2: U.S. House Votes on Major Policy Changes

Policy	Dem Vote Yes	Dem Vote No	Rep Vote Yes	Rep Vote No	Total Yes	Total No
National Security Act						
Anti-Hijacking Bill	198	2	156	0	354	2
International Security and Development Cooperation Act	152	92	110	69	262	161
Terrorist Firearms Detection (via Omnibus Drug Control Act)	196	11	150	0	346	11
Aviation Security Act of 1989	248	2	144	29	392	31
Violent Crime and Law Enforcement Act	188	64	46	131	234	195
Aviation and Transportation Security Act	200	0	207	9	407	9
PATRIOT Act	145	62	210	3	357	66
Homeland Security Act	88	120	206	10	294	130

Note: we are missing data for the National Security Act and are waiting for the Congressional Record to arrive at our institution.

Table 3: U.S. Senate Votes on Major Policy Changes

Policy	Dem Vote Yes	Dem Vote No	Rep Vote Yes	Rep Vote No	Total Yes	Total No
National Security Act						
Anti-Hijacking Bill	41	0	32	0	75	0
International Security and Development Cooperation Act	35	11	69	8	75	19
Terrorist Firearms Detection (via Omnibus Drug Control Act)	49	1	38	2	87	3
Aviation Security Act of 1989	N/A	N/A	N/A	N/A	N/A	N/A
Violent Crime and Law Enforcement Act	55	2	6	36	61	38
Aviation and Transportation Security Act	50	0	49	0	99	0
PATRIOT Act	48	1	49	0	98	1
Homeland Security Act	41	8	48	0	89	8

Note: we are missing data for the National Security Act and are waiting for the Congressional Record to arrive at our institution.

Table 4: Summary of Major Laws

Law	Presidential Initiation	Bipartisan	Response to Specific External Threat	Public Concern
National Security Act	X	n/a	X	X
Anti-Hijacking Bill	X	X	X	X
International Security and Development Cooperation Act (Sky Marshals)	X	X	.	.
Terrorist Firearms Detection (via Omnibus Drug Control Act)	.	X	.	.
Aviation Security Act	X	X	.	.
Violent Crime and Law Enforcement Act	X	.	X	X
Aviation and Transportation Security Act	X	X	X	X
PATRIOT Act	X	X	X	X
Homeland Security Act	X	X	X	X