

U.S. and European Counterterrorism Efforts from September 11 to the London Bombings

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Brief Analysis

The London bombings served as an unpleasant reminder that Britain remains a primary target of the global Islamist terrorist movement. Michael Jacobson's forthcoming book on legal and law enforcement changes in the United States and Europe is particularly pertinent in light of such attacks. The following excerpts from his analysis challenge popular misperceptions about U.S. and European approaches to counterterrorism and highlight their common ground. They also shed light on the way in which the "security vs. civil liberties" debate is playing out on both sides of the Atlantic.

The Need for Transatlantic Collaboration

One of Mr. Jacobson's arguments is that the United States has not fully grasped two key facts: first, that Europe has become "one of the most important battlegrounds in the fight against global Islamist terrorism," and second, that the outcome of European counterterrorism efforts can have a direct impact on U.S. national security. As his monograph notes:

"Europe's battleground status should not be of great concern to the Europeans alone, as the terrorists living and training in Europe often are plotting to attack U.S. -- not European -- targets. What makes this issue one of even greater importance to the U.S. is that the counterterrorism efforts of European Union (EU) member states remain extremely uneven. While some countries take the threat very seriously and have fairly strong intelligence and law enforcement capabilities, this is not the case with all member states. In addition, cooperation and coordination on counterterrorism within Europe remains problematic. This is a particularly dangerous vulnerability given the ease of movement and travel across the EU. As the 9/11 attacks illustrated, terrorists living and training freely in Europe -- undisturbed by European security services -- can pose the greatest danger to U.S. national security. This lesson is as relevant today as it should have been at the time."

Although Mr. Jacobson advocates a more collaborative approach to counterterrorism, he also notes the widespread tendency in media and academic circles to emphasize transatlantic differences rather than commonalities. According to him, these differences are often a matter of perception rather than substance:

"Since 9/11, the United States and the European governments have frequently been at odds, most visibly on the war in Iraq, but also on numerous other issues where their approaches to combating terrorism have differed. The often two-dimensional media and public portrayals of the U.S. in Europe and vice versa have added further fuel to the fire. The U.S. is widely regarded in Europe as having abandoned the rule of law in its counterterrorism efforts, and is perceived as using almost exclusively military means to fight this war. The Europeans, on the other hand, are often viewed in the U.S. as soft on terrorism and unwilling to take the tough measures necessary to defeat the terrorists. What has often been lost in the midst of the heated rhetoric is how much the U.S. has in common with at least some of the European countries in the terrorism arena. The U.S., Germany, and England, for example, in some respects used similar approaches to combat terrorism and have in many cases encountered the same difficulties. In one area -- the role of prosecutors and law enforcement in counterterrorism -- the similarities in terms of the approaches utilized and the problems faced have been particularly pronounced."

Indeed, U.S. and British counterterrorism strategies overlap at several key points. The following series of excerpts from Mr. Jacobson's book describe the shared transatlantic approach to dealing with terrorist threats.

Prioritizing Counterterrorism

"In the U.S., the Justice Department and the FBI made counterterrorism their top priority almost immediately in the aftermath of the 9/11 attacks. . . . [E]very terrorism lead was to be addressed, even if it meant that the FBI had to transfer resources from other areas to cover these leads. The FBI also assigned more than a thousand additional agents to work on counterterrorism matters and hired hundreds of new analysts and translators."

"In the United Kingdom, the Home Secretary took several steps to ensure that the police forces could adequately focus on combating terrorism. In 2004, the British government gave the Special Branches 15 million additional pounds, which the Home Secretary stated would 'significantly increase their surveillance and intelligence gathering capabilities to prevent attacks against the UK.' The Home Secretary also created regional intelligence cells for the Special Branches, devoting 3 million pounds toward this effort. The Counterterrorism Branch of the Metropolitan Police received an additional 12 million pounds. The Home Secretary also updated the guidelines for the Police Special Branches -- which had last been issued in 1994 -- making it clear that counterterrorism was now their top priority."

A Shift from Reaction to Prevention

"Soon after the 9/11 attacks, the Justice Department and FBI leadership determined that prosecutors and law enforcement had . . . to be preventive in nature. Successfully investigating and prosecuting individuals after a terrorist attack -- a task at which the FBI and the Justice Department had historically performed very well -- was no longer considered sufficient. . . . [Former assistant attorney general] Viet Dinh explained why the old approach was no longer an acceptable one for the U.S.: '[B]y the time we wait to investigate, prosecute, and then incarcerate the persons, the damage is already done. . . . [T]he consequence is too great, and we cannot risk that damage to the American people.'"

"A similar paradigm shift took place in England and Germany after the 9/11 attacks, though with considerably less fanfare. British and German prosecutors and law enforcement agencies . . . now regard their role in counterterrorism as largely a preventive and not reactive one. . . . Perhaps somewhat surprisingly, the changes made by the British and German law enforcement agencies have in many cases mirrored those made by the U.S."

A Law Enforcement Approach

"A key element of the U.S.'s aggressive law enforcement strategy has been prosecuting suspected terrorists for non-terrorist related offenses. . . . Attorney General Ashcroft said that the Justice Department would prosecute a suspected terrorist for even 'spitting on the sidewalk,' noting that 'it is difficult for a person in jail or under detention

to murder innocent people or to aid or abet in terrorism."

"The British aggressiveness can be seen through the statistics released by the government. From 9/11 to the end of 2004, the British arrested 701 people under the 2000 Terrorism Act powers. Of these, 119 were ultimately charged under the Terrorism Act, while 45 were also charged with other offenses. . . . [O]f those arrested under the Terrorism Act Powers, [135] were charged only with non-terrorism related offenses, such as murder and causing grievous bodily harm."

Increased Intelligence Sharing

"The U.S. government has highlighted the improved information sharing between intelligence and law enforcement as one of the most important post-9/11 developments. According to the Justice Department, as a result of these changes, now a 'complete mosaic of information can be compiled,' allowing those investigating terrorism to better connect the dots."

"According to the Peter Clarke, the head of the Anti-Terrorist Branch of the Metropolitan Police, one of the most notable features of the post-9/11 world is the close relationship that has developed between MI-5 -- the British domestic intelligence service -- and the police. . . . As one senior Scotland Yard official stated, '[T]he police are now involved in things that, ten years ago, MI-5 would have had fits about.'" ❖

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