

Questioning the Dominance of Military Means: The Bush Administration's Fight against Terrorism¹

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Introduction

This work is devoted to investigating the variety of approaches that the US presidential administration of George W. Bush deployed to counter terrorism following 9/11. This topic deserves special attention because Bush's approach to fighting terrorism is often misconceived as primarily or even only, military in nature. This perception, well established within public and to some extent scholarly discourses, significantly influences international views of the United States' foreign policy. Furthermore, it can undermine understandings of terrorism and counterterrorism, more generally, which may have the adverse impact of heightening ambiguities over what consists of each. The 2009 change of presidential administrations produced extremely high expectations for a subsequent change of policy, including a different tract to the Global War on Terror (GWOT). The accession of the new administration offers an opportunity to *close* an era – the Bush administration and GWOT – and reflect on its impact. This article is temporally limited to 11 September 2001 to 20 January 2009.

Some scholars tend to view Bush's reaction to terrorism (post-9/11) as primarily military. Jan Eichler from the Prague Institute of International Relations wrote that "Great emphasis of military means and methods of fight became dominant characteristics of Bush administration strategy."³ Eichler's

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³ Jan Eichler, *Terorismus a války na počátku 21. století*, (Praha: Karolinum, 2007), p. 207. For similar perceptions of Bush's counterterrorism policy see also Jeremy Pressman, "Rethinking Transnational Counterterrorism: Beyond a National Framework," *Washington Quarterly*, 30:4 (Autumn 2007), pp. 63-73; for an alternative view see also, Jeremy Shapiro and Daniel Byman, "Bridging the Transatlantic Counterterrorism Gap," *Washington Quarterly*, 29:4 (Autumn 2006), pp. 33-50.

assumption is based on the fact that the US counterterrorism strategy differed fundamentally from European approaches. According to Javier Solana, the underlying logic of such varieties of approaches to combating terrorism is based on divergence interpretations and sensitivities, among Europeans and Americans, to low-intensity threats in general terms. Europeans, given their long historical struggles against political communities which deployed asymmetrical violence, tend not to understand the so-called *new* challenges through military lenses and have been more inclusive in their approaches to dealing with terrorism, recognising that military means, on their own, will not produce sufficient outcomes.⁴ This is particularly interesting given the (then) US government's expressed counterterrorism strategy which posited that

We will not triumph solely or even primarily through military might. We must fight terrorist networks, and all those who support their efforts to spread fear around the world, using every instrument of national power – diplomatic, economic, law enforcement, financial, information, intelligence, and military.⁵

It should be remembered that the extracted document was published during the lead-up to the invasion of Iraq (2003) not after the 2004 elections which are often seen as a major turning-point in Bush's foreign policy.

This paper questions public perceptions of Bush's counterterrorism strategy as being primarily based on military means. I suggest that this strategy consistently deployed various (non-military) means, such as: the countering of the financing of terrorism; the introduction or tightening of legal regulations (re: long- and short-term immigration procedures), the inauguration of the Department of Homeland Security with its various intelligence activities, and more general reforms within the US intelligence community.

This research is based on an examination of primary resources and supported by more interpretive scholarly literature and its main contribution is in its assessment of budgets; of various counterterrorism activities, to indicate the level of priority certain policy instruments that was given to respective approaches by the Bush administration. Since reliance on absolute figures may be misleading – as they indicate total monies spent, which are significant, without revealing contrasts in assigned budgets – this work is more concerned with relative budgetary data. Also, this work does not examine quantitative data-sets connected to budgeting. On the contrary, this work is based on the qualitative use of available quantitative data together with a wide set of additional empirical evidence. This assists in facilitating the connection between budgeting and other qualitative examinations which helps to understand US counterterrorism

⁴ Eichler, p. 220.

⁵ *National Strategy for Combating Terrorism*, (Washington DC: Government Printing Office, 2003), p. 1.

efforts. Finally, this approach provides a rigorous methodological framework that deploys a simple data set to challenge dominant discursive misperceptions of Bush counterterrorism policy.

This work commences with broad argumentation on US military involvement within the GWOT context, and branches out to include a focus on other, related themes including: countering terrorist finances; the idea and institutionalisation of ‘homeland security;’ intelligence services, and new legislative provisions. The limited scope of this work does not allow for a discussion of all *battlefields* involved in the GWOT or corresponding US strategies; nevertheless the aforementioned represent a significant part of the US counterterrorism strategy and, as such, will help challenge the validity of the dominant discourse and perspective of US approaches, under Bush, to terrorism.

Military Means

While beginning with an assessment of ‘military means’ may seem counter-intuitive given that this work aims to challenge the perception of the dominance of military means in Bush’s counterterrorism strategy, however it must be stressed that the goal of this work is not to deny the importance of the military in Bush’s approach to the GWOT; it was a visible and well documented part of the campaign against Islamic-inspired terrorism. There is no need to examine it broadly; substantial scholarly as well as media attention was paid to the topic. Indeed, an argument could be made that the military side of Bush’s approach received too much attention, because it overshadowed the other tools the US deployed to protect its citizens and challenge actual and would-be terrorists organisations and individuals around the world. Media attention has especially been devoted to the conflicts in Iraq and Afghanistan, which is a contributing factor in constructing a broad perception that the US prioritises the military in the GWOT.

There is a rational basis for this perception. In the summer of 2008, more than five years after the US invasion of Iraq, and seven years after the US-led coalition toppled the Taliban regime in Afghanistan, the number of US military personnel who remained deployed in these two major combat theatres exceeded 200,000. According to the Department of Defense (DoD) there were 183,100 US personnel in Iraq, including army reserves and national guardsmen. At the same time, 37,100 soldiers and marines fought the Taliban and helped to rebuild the Afghanistan within the mandate of *Operation Enduring Freedom*.⁶ Such a robust deployment requires immense resources and has attracted substantial media attention. Requested by the Senate Committee on the Budget,

⁶ “Active Duty Military Personnel Strengths by Regional Area and by Country,” Department of Defense, available at: <<http://siadapp.dmdc.osd.mil/personnel/MILITARY/history/hst0806.pdf>> (accessed November 12, 2008).

the Congressional Budget Office examined the funding of the US military in the GWOT and concluded that US military activities in Iraq, Afghanistan and elsewhere rose the total spending to \$752 billion (USD) since 2001.⁷

Based on this data one may argue that the US relied exclusively on its military in the fight against terrorist networks. However, as suggested above, reliance on absolute data when examining the importance of various counterterrorism means is insufficient. One may hardly compare the costs necessary to send 200,000 soldiers abroad for combat operations to, for example, the costs associated to freezing certain bank accounts. Differences in expenditures do not indicate degrees of importance but is the outcome of the appropriate, deployable tools themselves. It should be remembered that, even though defence spending increased significantly from the 2000 fiscal year (FY) level (\$342 billion) to \$546 billion in 2007 (FY), the DoD has disposed with huge resources and the change in resources devoted to the military during the Bush administration(s) was less than a 50% increase.⁸

Even though the military plays a crucial war-fighting role in counterterrorism efforts, it has number of other duties as well. For example the DoD budget for the GWOT was approximately one fourth of the overall department budget.⁹ Armed forces' central objective is to protect the survival and sovereignty of a nation in the generally anarchic international system.¹⁰ States still possess enormous resources and are able to endanger existence of other states, despite improvements in great powers relations since the end of the Cold War. The defense of US interests remains a crucial objective of the US military. To illustrate this, one may consider the cost of US nuclear forces, which are not able to be used in counterterrorism efforts. The analysis of the Center for Strategic and Budgetary Assessments estimates the financing of the US on nuclear weapons

⁷ "War Cost Letter from CBO to Senate Committee on the Budget," Congressional Budget Office, available at: <http://www.cbo.gov/ftpdocs/89xx/doc8971/02-11-WarCosts_Letter.pdf> (accessed July 23, 2009).

⁸ Data is in 2005 dollars, see: *The SIPRI Military Expenditure Database*, Stockholm: Stockholm International Peace Research Institute at: <<http://milexdata.sipri.org/>>.

⁹ "Fiscal 2008 Department of Defense Budget Released," Department of Defense, available at: <http://www.defenselink.mil/comptroller/defbudget/fy2008/2008_Budget_Rollout_Release.pdf> (accessed July 27, 2009).

¹⁰ For a more *realist* study of international anarchy see: Kenneth N. Waltz, *Theory of International Politics*, (New York: McGraw-Hill, 1979); John J. Mearshimer, "Back to the Future: Instability in Europe after the Cold War," *International Security*, 15:1 (Summer, 1990), pp.5-56. The 'anarchical nature of the international system' is recognized by other international relations scholars as well, not only by realists. See Robert O. Keohane and Lisa Martin, "The Promise of Institutionalist Theory," *International Security*, 20:1 (Summer, 1995), pp.39-51; Alexander Wendt, "Anarchy is what States Make of it: The Social Construction of Power Politics," *International Organization*, 46:2 (Spring, 1992); and Alexander Wendt, *Social Theory of International Politics*, (Cambridge: Cambridge University Press, 1999).

and related programs to be around \$54 billion (USD).¹¹ Other factors influence the high cost of armed forces as well such as the necessary-non-military costs of Effect Based Operations, enormous expansions of air power (which play a decisive role in US military strategy), and general expenditures for research, development and the deployment of technology, which is a preferred trend in US ways of warfare.¹² Based on these arguments it is clear that the funding of the US military has, since the WWII period, been enormous in absolute terms. The relative changes following the beginning of the GWOT is significant as well, but should not undermine the importance of other means that the Bush administration used to counter terrorism.

Financing Terrorism: A *Great War* under the Radar Screen?

Arguably, securing financial resources are of central importance for terrorist operations since, without them, high-profile attacks would be untenable. Therefore terrorist organisations require sufficient financial support to be able to plan, prepare and realise their operations. Despite that the resources necessary for terrorist attacks are incomparable with the billions of dollars devoted to the military interventions by the US, major terrorist attacks are still financially demanding. Localised terrorist actions probably do not require the financial support from larger, international networks such as Al Qaeda, and they can be realised with the limited resources of individual cells. But larger actions, similar to 9/11, can hardly be paid for covered with the monies of local cells. Terrorist organisations must ensure adequate fundraising for these kinds of operations, and then they must be able to transfer appropriate sums to the local cell charged with executing the attack. The 9/11 Commission estimated that “the 9/11 plotters eventually spent somewhere between \$400 000 and \$500 000 to plan and conduct their attack.”¹³ It may be supposed that individual cells connected to Al Qaeda cannot generate this level funds without arousing suspicion, hence cooperation within the Al Qaeda network is necessary for providing finances for similar attacks. While local funding can be extremely hard to track especially as long as it relies on legal or minor criminal activities, significant money transfers from an organisation’s leadership to local cells can be possibly recognised and

¹¹ Steven M. Kosiak. *Spending on US Strategic Nuclear Forces: Plans & Opinions for 21st Century*, (Washington DC: Center for Strategic and Budgetary Assessments, 2006), available at: <http://www.csbaonline.org/4Publications/PubLibrary/R.20060901.Spending_on_US_Str/R.20060901.Spending_on_US_Str.pdf> (accessed July 27, 2009).

¹² See Christopher Coker, “Is There a Western Way of Warfare,” *IFS Info*, No.1, (2004), pp. 5-20; Christopher Coker, *Waging Wars Without Warriors?: The Changing Culture of Military Conflict*, (London: Lynne Rienner, 2002); and James Der Derian, “Virtuous War/ Virtual Theory,” *International Affairs*, 76:4 (October, 2000), pp. 771-788.

¹³ *9/11 Commission Final Report*, (Washington DC: Governmental Printing Office, 2003), p. 169.

frozen. Recipients and possibly consignors may be identified and charged under criminal law or become subject of further investigation by law enforcement or intelligence agencies.

The 9/11 Commission's conclusion challenged the common perception that Bin Laden was able to provide financing for Al Qaeda from his personal resources. The Commission noted that "(f)rom 1970 through 1994, Bin Laden received about \$1 million per year – a significant sum to be sure, but not a \$300 fortune that could be used to fund jihad."¹⁴ Moreover, after the US, together with Egypt among others, forced Sudan to expel Bin Laden (1996), – he purportedly left Sudan for Afghanistan – he remained almost entirely without significant financial assets and must have relied on the help of the Taliban. Bin Laden managed to overcome this situation due to his contacts to the wealthy individuals in the Persian Gulf region, especially Saudi Arabia. Al Qaeda established an effective fundraising system and generated large sums of money from Muslim charities in the Gulf region, as well as from individuals. The traditional Islamic system of informal banking known as *hawala* provided a useful vehicle for the transfer of funds.¹⁵

The American National Strategy for Combating Terrorism (2006) argued that "We have led an unprecedented international campaign to combat terrorist financing that has made it harder, costlier, and riskier for al-Qaeda and related terrorist groups to raise and move money."¹⁶ US attempts to disable the financing of terrorism was identified as one of nine crucial successes in the GWOT. In fact, US authorities successfully managed to target terrorist financing and freeze number of funds that belonged to terrorists or related organisations and individuals. Despite common perceptions, the US heightened its attention to terrorist financing even before 9/11. The primary motivation behind this redirection was the Al Qaeda attacks on the US embassies in western Africa in August 1998. According to the Commission, the "Treasury Department's Office of Foreign Assets Control (OFAC) [gained] the ability to search for and freeze any Bin Laden or Al Qaeda asset that reached the US financial system. But since OFAC had little information to go on, few funds were frozen."¹⁷

After 9/11, even more attention was paid to terrorist financing and the Treasury's activities evolved in response. According to the OFAC, until 2007, \$11,324,261 (USD) which belonged to Al Qaeda and \$20,736,920 (USD) which belonged to various other international terrorist organisations' were frozen. Overall, the OFAC managed to block more than \$402 million (USD) within US

¹⁴ Initial estimates suppose that Bin Laden inherited \$300 million (USD) that he could use to fund his fight. See *9/11 Commission Final Report*, p. 170.

¹⁵ *Ibid.* p. 171.

¹⁶ *National Strategy for Combating Terrorism*, (Washington D.C., Governmental Printing Office, 2006), p. 3.

¹⁷ *9/11 Commission Final Report*, p. 185.

territorial jurisdiction. These assets were controlled either by terrorism related individuals or organisations, or states listed as a sponsors of terrorism.¹⁸

In addition to the targeting terrorist money-flows in the US, the Bush administration also worked to ensure international cooperation in combating terrorist financing. To facilitate this cooperation, the US engaged in various multilateral negotiations and the diplomatic tools utilised in this context was instrumental in freezing assets of those engaged in terrorist activities, within the US and abroad, and must thus been seen as a positive contribution to the GWOT despite that Bush's critics tend to overlook this aspect of the US strategy. A further example of the success of this US-led initiative may be found in United Nations Security Council (UNSC) Resolution 1390/2002 that

Decides that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them... Freeze without delay the funds and other financial assets or economic resources of these individuals ... including funds derived from property owned or controlled, directly or indirectly.

Within the framework of international cooperation, the Bush administration was deeply involved in the activities of the Financial Action Task Force (FATF) established created by the Group of 7 (G7). FATF facilitates international cooperation in countering money laundering; helps to set global standards in money transfers; make recommendations to states (in those areas), and helps identify *terrorist* money.

Mathew Lewitt argues that “despite these various means of raising funds, recent cases suggest that the al-Qa`ida senior leadership is lacking funds.”¹⁹ Lewitt offers a number of examples of Al Qaeda leadership's – especially Ayman al-Zawahiri – attempts to raise additional monies from local cells. Saudi authorities managed to arrest 56 people who tried to raise money for Al Qaeda. Based on the above information, it is clear that the Bush administration paid special attention to combating terrorist finances, though these provisions are often neglected by the popular media. The Bush administration relied on multilateral cooperation, and worked together with others, a fact which sits

¹⁸ See “Terrorist Assets Report,” Office of Foreign Assets Control, US Department of Treasury, available at: <<http://www.ustreas.gov/offices/enforcement/ofac/reports/tar2007.pdf>> (accessed July 19, 2009).

¹⁹ Mathew Lewitt, “Al Qaeda’s Finances: Evidence of Organizational Decline?” *Counterterrorism Sentinel*, 1:5, (April, 2008), p.8. For additional views see also Bruce Hoffman, “Changing Face of Al Qaeda and the Global War on Terrorism,” *Studies in Conflict & Terrorism*, 27:6 (Nov./Dec. 2004), pp. 549-560; Mark Basile, “Going to the Source: Why Al Qaeda’s Financial Network Is Likely to Withstand the Current War on Terrorist Financing,” *Studies in Conflict & Terrorism*, 27:3 (May/June 2004), pp. 169-185; Audrey Kurth Cronin, “How al-Qaida Ends: Decline and Demise of Terrorist Groups,” *International Security*, 31:1 (Summer 2006), pp. 7-48.

in contrast to the multitude of critics who argue that Bush was a ‘unilateral’ President.

While it is impossible to compare that precise importance given by Bush’s administration to combat of terrorist finance with the importance given to military power; based on the above information, it should be noted that the Bush administration waged a crucial battle in the GWOT against terrorist financing. This may be compared to the war waged by military power in terms of results, despite that they are different in their respective objectives and public visibility.

Homeland Security

Homeland Security represents other crucial level of the GWOT. Homeland security reflects the various ways the US protects US citizens, cities and assets from threats *within* the territory of the US. To facilitate coordination and improve security within the *United States* the Bush administration established the Department of Homeland Security (DHS). According to the 9/11 Commission Report the “Department of Homeland Security was established to consolidate all of the domestic agencies responsible for securing America’s borders and national infrastructure (...)”²⁰ The United States National Strategy for Combating Terrorism identifies homeland security, especially border protection, as a means to deny potential terrorists from entry into the US, as a crucial avenue to protect Americans.²¹ The Homeland Security Act (2002), which established the DHS, set three terrorism related tasks for the new office: “(A) prevent terrorist attacks within the United States; (B) reduce the vulnerability of the United States to terrorism; (C) minimise the damage, and assist in the recovery, from terrorist attacks that do occur within the United States.”²² Twenty two agencies and other institutions that were previously within various departments cognisance or made up independent agencies were to fall under the responsibility of the DHS.

The DHS budget was set at about \$40 billion (USD) in 2007; ten times less than the DoD. However, the DHS became the third largest department in the US government, with nearly 200,000 employees. This number *is* incomparable with the DoD’s personnel. When comparing the DHS to the DoD in absolute terms, it is obvious that the DoD overshadows DHS. However, as indicated in the introduction of this work, relying on absolute data is not efficient in this case and a reflection of relative data produces greater insights.

The DoD played a central role in securing the US and its international interests since, at least, WWII, and justifies its huge budget from its historical successes and, at present, does not need to demonstrate its importance to US

²⁰ *9/11 Commission Final Report*, p. 428.

²¹ *National Strategy for Combating Terrorism (2006)*, p. 13.

²² *Homeland Security Act 2002*, sec. 101.

executive or legislative branches of government. When examining relative change, it is possible to see that the DoD saw a 45% increase in its annual budget between 2001 and 2007, which is a noteworthy enhancement. During the same period however, the DHS's budget increased by 121%, significantly more than the Pentagon's.²³ It is thus clear that the Bush administration attached great importance to the newly established DHS, despite it not being involved in 'war-fighting.'

While key strategic doctrinal documents related to the deployment of US armed forces were drafted long before 9/11, the first National Strategy of Homeland Security was not issued until July 2002. This document was drafted by the Office of Homeland Security, the predecessor to the DHS which was established (in the White House) by Bush on October 8, 2001. Accordingly the "purpose of the Strategy is to mobilise and organise our Nation to secure the US homeland from terrorist attacks."²⁴ Similar to the DHS, this particular document was motivated by broadly defined problems within the US security apparatus including the lack of coordination and cooperation between various governmental agencies which significantly contributed to Al Qaeda's 9/11 success. The three strategic objectives identified in the 2002 Strategy for Homeland Security are repeated as the objectives tasked by 2002 Homeland Security Act to the DHS (NSHS, 2002, p. vii). This strategy also identified six major areas the US should focus on when it comes to homeland security:

1. Intelligence and Warning;
2. Border and Transportation Security;
3. Domestic Counterterrorism;
4. Protecting Critical Infrastructure and Key Assets;
5. Defending against Catastrophic Threats [only WMD's threat is concerned];
6. Emergency Preparedness and Response.²⁵

These areas are common in nearly all understandings of homeland security, and have been similarly identified and adopted by various states including most EU members; with much success. Indeed, there have been no major terrorist attacks on US soil since 9/11 and while critics argue that this fact is overshadowed by an overall increase in the number of terrorist attacks around the world (re: Iraq and/or Afghanistan), as far as homeland security is concerned, being defined geographically, in the US,²⁶ attacks outside of US territory must be excluded when analysing the role of the DHS.

²³ "FY 2007 Summary Tables." Office of Management and Budget, available at: <<http://www.whitehouse.gov/omb/budget/fy2007/tables.html>> (accessed July 20, 2009).

²⁴ *National Strategy for Homeland Security*. (Washington DC: Governmental Printing Office, 2002), p. viii.

²⁵ *Ibid.* p.viii-x.

²⁶ See Homeland Security Act 2002.

There is a possible caveat to challenge the above mentioned arguments; that the role of the DHS in preventing attacks in the US may be largely unqualified. The 9/11 events occurred eight years after the last case of Islamist violence against the US on its soil – the 1993 bombing of the World Trade Center and even if the post-9/11 success of the US's defensive measures against terrorism is not simply lack of terrorists' desire to strike within the US, which, presumably is erroneous, a further exploration is necessary in order to evaluate the role of the DHS in this process. Notwithstanding the outcomes of such research, the Bush administration perceived the DHS as an important part of its counterterrorism strategy; a step that complemented other processes and approaches.

Intelligence

Intelligence is recognised as a crucial part in securing states and their citizens from the threat posed by terrorism. For example, the 2003 European Security Strategy argues that “dealing with terrorism may require a mixture of intelligence, police, judicial, military and other means.”²⁷ The events of 9/11 demonstrated the vital role of intelligence in the protection of the state from non-state actors, such as terrorist groups. Similarly, intelligence is necessary for successful offensive actions against terrorist groups. Major shortcomings in US intelligence services and especially the lack of cooperation between agencies played a key role in the success of terrorist attacks on September 11.²⁸

In order to solve problems of inter-service cooperation the Bush administration triggered a major reorganisation of the US intelligence system and

In 2004, the Intelligence Community launched its most significant reorganization since the 1947 National Security Act. The centrepiece is a new position, the Director of National Intelligence, endowed with expanded budgetary, acquisition, tasking, and personnel authorities to integrate more effectively the efforts of the Community into a more unified, coordinated, and effective whole.²⁹

The extent of the reorganisation suggests that the Bush administration perceived this reform as imperative to successfully wage the GWOT, though due to the nature of intelligence work much information is confidential and reliable information as to the specific goals of the intelligence community are scarce.

²⁷ *A Secure Europe in a Better World: European Security Strategy*, (Brussels: European Council, 2003), p. 7.

²⁸ See Amy B. Zegart, “September 11 and the Adaptation Failure of US Intelligence Agencies,” *International Security*, 29:4 (Spring 2005), pp. 78-111. For further reading see Richard K. Betts, “Two Faces of Intelligence Failure: September 11 and Iraq’s Missing WMD,” *Political Science Quarterly*, 122:4 (Winter 2007/2008), pp. 585-606.

²⁹ *National Security Strategy of the United States of America*, (Washington DC: Governmental Printing Office, 2006), p. 43.

It is therefore difficult to evaluate the importance given to intelligence by the Bush administration. Paul R. Pillar rightfully argues that “in the intelligence business, failures (and apparent contradictions) make headlines, while successes generally remain secret. Failures also prompt inquiries, whereas successes go unnoticed.”³⁰

Other authors argue that the reform of intelligence services was insufficient and it did not manage to overcome shortcomings. For example, the inability of the FBI to work as a domestic intelligence agency – not only as a criminal investigation bureau – was the subject of sharp criticism, as was the continuity of the excessive number of intelligence agencies which remained under the authority of the DoD.³¹ The success of the reform is crucial for the future security of US citizens, but for the purpose of this study the fact that significant attention was paid to this reform by the administration is sufficient for presenting the overall argument of this work; that the Bush administration attempted to wage the GWOT in more than the simple deployment of military force. Indeed, the Bush administration would not have significantly reformed the intelligence community if it had not perceived this as a vital and necessary step. Reviewing the budget of the intelligence community offers additional evidence of the position of intelligence in the GWOT. Since the budget of intelligence is largely confidential estimations are utilised and the majority of such estimations suggests that the financing of intelligence community nearly doubled between 1997 and 2007. In absolute terms this means an increase from \$26.1 billion (USD) in 1997, when the budget was (for the last time) officially disclosed, to an estimated \$50 billion (USD) in 2007.³²

New Legislation

A number of new legislative provisions were passed as part of the US reaction to 9/11 and the majority of these were not explicitly concerned with military force. Terrorism only underwent the process of securitisation following 9/11 and currently forms the backbone of bipartisan consensus.³³ Nevertheless, the Bush administration had to cooperate with the US Congress to pass new legislation relevant for waging the GWOT. Perhaps the most visible and

³⁰ Paul R. Pillar, “Intelligent Design?: The Unending Saga of Intelligence Reform,” *Foreign Affairs*, 87:2 (2008).

³¹ Richard A. Poster, *The Reorganized US Intelligence System after One Year*, (Washington DC: American Enterprise Institute, 2006), available at: <<http://www.aei.org/outlook/24213>> (accessed July 23, 2009).

³² Walter Pincus, “Intelligence Budget Disclosure Is Hailed,” *The Washington Post*, October 31, p. A04.

³³ For the concept of securitization see Ole Waever, *Securitization and Desecuritization*, (Kobenhavn: Center for Freds- og Konfliktforskning, 1993); also see Steve Smith, “The Contested Concepts of Security,” in Ken Booth (et al) *Critical Security Studies and World Politics*. (Boulder: Lynne Rienner, 2005), pp. 27-62.

probably the most controversial piece of legislation after 9/11 was the so-called PATRIOT Act (the name is an acronym standing for: Uniting and Strengthening America by **P**roviding **A**ppropriate **T**ools **R**equired to **I**ntercept and **O**bstruct **T**errorism). The various provisions of this act empowered US security services in areas such as: intercepting communications, financial regulations powers of the Treasury Department; and the ability of security services to obtain personal information.

The purpose of this work is not to examine the many controversies surrounding this particular law, but rather to determine how it, along with other legal provisions, have been utilised by the US to combat terrorism. Indeed, it is important to note that legal provisions, such as the PATRIOT Act, were made possible not only because of the Bush administration, but also because Congress also viewed such provisions as necessary for the security of the US and its citizens. The PATRIOT Act passed with overwhelming support in the Senate (98 to 1) and in the House of Representative (357 to 66).³⁴

In addition to the PATRIOT Act, several other legal provisions were passed to construct institutions and legal regimes able to more effectively combat terrorism. The following is a modest list of such provisions:

1. **The Aviation and Transportation Act (2001)**: This act created the Transportation Security Administration (TSA), responsible for security on all means of transportation.
2. **The Border Security and Visa Entry Reform Act (2002)**: This act sought to strengthen ports of entry to the US, construct a database of all foreign nationals living within the US and streamline Visa procedures.
3. **The Public Health Security and Bioterrorism Preparedness Response (2002)**.

Although not an ‘act,’ presidential cooperation with Congress is one of the nine successes of the Bush administration in the GWOT according to the National Strategy for Combating Terrorism.³⁵ Again, examining various laws after the 9/11 attacks falls beyond the scope of this work, nonetheless that the Bush administration used legislation to more effectively fight terrorism helps paint a more vivid picture of Bush’s approach to the GWOT and assists in challenging the perception that the Bush administration predominately relied on military force for combating terrorism.

³⁴ See “PATRIOT Act Summary,” US Library of Congress, available at: <<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:hr03162>> (accessed June 23, 2009).

³⁵ *National Strategy to Combat Terrorism*, (2006), p. 4.

Conclusion

This work sought to challenge popular views regarding Bush's counterterrorism strategy. Based on the strong but simple combination of some quantitative information, and other empirical evidence, in a qualitative study, this work demonstrated that military operations had substantial but hardly a dominant role in the deployed US tools challenging Al Qaeda (among other terrorist groups) in the post-9/11 GWOT. Even though this methodological approach does not identify the importance that the Bush administration attached to the various means deployed to combat terrorism, the analysis conducted here demonstrates that US counterterrorism efforts relied on *many* tools and activities. Perceptions that the Bush administration's GWOT strategy was primarily military in nature are misleading and the insinuation that military force was the *only* tool prioritised is entirely inaccurate.

Upon analysis, it is clear that the Bush administration paid substantial attention to various areas and aspects of the GWOT, not *only* to military approaches. The areas dealt with in this work included: terrorist financing, homeland security, intelligence, and a number of legislative provisions, often reached with bipartisan consensus. Some (re: countering terrorist finances) represent multilateral diplomatic efforts led by the US, but significantly influenced by other countries and international organisations. Such efforts undermine dominant views which portray Bush's policies as overwhelmingly unilateralist. The shortcomings of US intelligence services highlighted by the 9/11 events triggered a major reorganisation of the intelligence community. Various provisions in homeland security, including the establishment of an independent department (the DHS) are examples of non-military steps undertaken by the Bush administration to protect US citizens from terrorism.

US counterterrorism policy during the two Bush administrations understood terrorism as a complex issue that cannot be solved only through military means. Generally, this is similar to the views Javier Solana referred to as European.³⁶ Such parity between the US and European approaches deserves further examination, and although this too falls beyond the scope of this work. The dominant perception that Bush's counterterrorism policy relied predominately on military power is fundamentally erroneous. Instead Bush, like many others, deployed military power as *part* of a broad counterterrorism strategy, and despite what one may think of the former US president, in his task to defend US territory from terrorist attack, he fared better than one may have expected given the wide criticism his 'war-fighting' receives.

³⁶ Eichler, p. 220.