

The attacks of 11 September 2001 and legal and administrative changes in US security policy¹

Franciszek Dziadkowiec-Wędkowski

Independent author

 <https://orcid.org/0009-0008-0115-4702>

Abstract

This article discusses the implications of terrorist attacks of 11 September 2001 for US security policy. The event triggered a number of significant legal and administrative changes that revolutionised the US approach to counter-terrorism. Major reforms, such as the introduction of *The USA PATRIOT Act of 2001*, establishment of the Department of Homeland Security and the tightening of air safety regulations, were aimed at increasing the effectiveness of prevention and responding more quickly to potential threats. While these changes have brought significant benefits, they have also raised controversy over violations of civil rights. The analysis of the reforms shows the evolution of security policy and points to the challenges facing the contemporary counter-terrorism system.

Keywords

the attacks of 11 September 2001, *The USA PATRIOT Act of 2001*, US security policy, aviation security, administrative reforms, legal reforms, Department of Homeland Security, terrorist attacks

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Introduction

The terrorist attacks of 11 September 2001 in the United States proved to be a turning point in security policy for both that country and most countries in the wider West. The experience of terrorism has triggered the introduction of fundamental changes in US security policy and system and has influenced the formation of new counter-terrorism strategies and approaches around the world. Following the attacks of 9/11, US President George W. Bush delivered an address to the American people, which he began with the words: *Today, our fellow citizens, our way of life, our very freedom came under attack in a series of deliberate and deadly terrorist acts*². The attacks on the World Trade Center (WTC), in which nearly 3000 people were killed, have gone down as some of the most tragic in US history. Three of the four hijacked planes reached their targets – the machine operating flight 11 hit the north tower of the WTC at 8.46am, the one performing flight 175 hit the south tower at 9.03am and the one performing flight 77 hit the Pentagon building at 9.37am. The aircraft performing flight 93 missed its target in Washington DC and crashed in the fields of Pennsylvania shortly after 10am. The number of casualties even surpassed the tragic toll of the Japanese attack on Pearl Harbor in 1941³.

The aim of the article is to present the administrative and legal changes that were made after the attacks on the WTC. The paper discusses the motives of the perpetrators of the attacks and the legal and institutional changes that resulted from these events, primarily on the basis of *The USA PATRIOT Act of 2001*. Analysing these events and their impact is important for understanding the evolution of the security policy in the United States and for countries to better prepare for security challenges.

Motives of the perpetrators of the 11 September 2001 attacks

The terrorist attacks on the WTC and the Pentagon were carried out by members of Al-Qaeda, a terrorist organisation run by Osama bin Laden

² See: *WATCH: President George W. Bush's address to the nation after September 11, 2001 attacks*, YouTube, 19 VIII 2021, <https://www.youtube.com/watch?v=WA8-KEnfWbQ> [accessed: 30 III 2023].

³ In the attacks of 11 IX 2001, 2,977 people were killed; in the attack on Pearl Harbor, 2,403 on the US side. See: *14 Interesting Pearl Harbor Facts*, Pearl Harbor Tours, <https://www.pearlharbortours.com/pearl-harbor/facts-about-pearl-harbor> [accessed: 25 I 2025].

and ideologically linked to Islamic fundamentalism. The reasons for the attack were extensively discussed in the November 2002 *Letter to America* written by the organisation's leader himself⁴. In the manifesto, he stressed that the attack was the result of assassinations on Muslims in many regions of the world, most notably US military interventions in Arab countries, the Israeli-Palestinian conflict, the second war in Chechnya or India's support for discrimination against Muslims in Kashmir. In addition, he expressed his opposition to the American way of life, which deviates significantly from the principles set out by Muhammad, separating religion from government, and to homosexuality, the use of women in advertising and product sales, lobbying or the Western financial system. He very clearly manifested his hatred of Jews and the state of Israel as well as the support given to it by the United States. He also stated that if the American people are free and have the ability to choose their power, they are complicit in the actions of the government. This is how Bin Laden justified his organisation's attack on civilian targets⁵.

In addition to the direct motives expressed in the manifesto, it is also possible to find those communicated indirectly, referring to the doctrine, which resounded in the subsequent statements of Bin Laden and members of Al-Qaeda. Michael Scott Doran pointed out that: *When a terrorist kills, the goal is not murder itself, but something else – for example, police crackdown that will create a rift between government and society, that the terrorist can then exploit for revolutionary purposes. Osama bin Laden sought and received international military crackdown, one he wants to exploit for his particular brand of revolution*⁶. Bin Laden intended to draw the US into the fight against the Islamic world, and the actions of Al-Qaeda, according to him, were to be the catalyst for the revolution he wanted to bring about. Doran further stated that: *Bin Laden produced a piece of high political theater he hoped would reach the audience that concerned him the most: the umma*⁷ *or universal Islamic community. The script was obvious: America, cast as the villain, was supposed to use its military might like a cartoon character trying to kill a fly with a shotgun. The media would see to it that any use of force against the civilian population*

⁴ O. bin Laden, *Letter to America*, <https://web.archive.org/web/20040615081002/http://observer.guardian.co.uk/worldview/story/0,11581,845725,00.html> [accessed: 26 I 2025].

⁵ Ibid.

⁶ M.S. Doran, *Somebody Else's Civil War*, "Foreign Affairs" 2002, vol. 81, no. 1, pp. 22–23.

⁷ *Umma* – Arabic word meaning community, nation, Muslim community.

of Afghanistan was broadcast around the world, and the umma would find it shocking how Americans nonchalantly caused Muslims to suffer and die⁸. The response of the United States to the events of 9/11 was therefore to reveal to the Muslim population the true face of America, and consequently to reconcile this community in a common struggle against American atrocities. Doran goes on to refer to the polarisation that would emerge between the Muslim community and the wider Western world (i.e. NATO and European Union countries in particular), allied to the United States. It would lead to the achievement of Bin Laden's main objective: an Islamic revolution in Muslim countries, which would at the same time ensure that the extremist strain of Islam could survive and thrive⁹.

According to Daniel Benjamin and Steven Simon the attacks of 11 September 2001 were exclusively religiously motivated: *The hijackings were the performance of a sacrament, one intended to restore to the universe a moral order that had been corrupted by the enemies of Islam and their Muslim collaborators*¹⁰. The response to the attacks in the form of expressions of support for Islam by the American government, led by President Bush, was, in Benjamin and Simon's view, the right decision, showing the followers of Islam that America is opposed not to them, but to the murder of innocent people¹¹.

The aftermath of the attacks of 11 September 2001

During President Bush's speech, words were spoken that proved to be the prelude to a change in US policy and the beginning of the conflict we now know as the Global War on Terror – the US response to the attack by Al-Qaeda: *We will make no distinction between the terrorists who committed these acts and those who harbor them*¹². Just one week after the attacks, the US Congress introduced a resolution titled *Joint Resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States*. The resolution – abbreviated as

⁸ M.S. Doran, *Somebody Else's Civil War...*, p. 23.

⁹ Ibid., p. 41.

¹⁰ D. Benjamin, S. Simon, *The Age of Sacred Terror*, New York 2002, p. 40.

¹¹ Ibid.

¹² See: WATCH: President George W. Bush's address to the nation...

*The Authorization for Use of Military Force*¹³ – allowed the President to use all necessary force against the perpetrators of the 9/11 attacks, those who planned them, those who helped carry them out and those who sheltered these individuals¹⁴.

Less than a month after the attacks, on 7 October 2001, the US, with the support of the UK, launched “Operation Enduring Freedom”, targeting the Taliban in power in Afghanistan and Al-Qaeda hideouts deployed on Afghan territory. Its main objectives were to capture or kill top Al-Qaeda leaders, destroy terrorist-owned infrastructure on Afghan territory and remove the Taliban from power¹⁵. In addition to the successful air strikes carried out by US and British forces, the early phase of the war also relied on the use of US special forces to assist the Pashtuns and the Northern Alliance in their fight against the Taliban. The first US conventional land forces arrived on the ground 12 days later¹⁶.

The investigation launched into the attacks, which was given the code name PENTTBOMB¹⁷, was the largest in the FBI’s history to date. It involved more than 4000 officers and 3000 employees. Just three days after the fateful events, the identities of all 19 suspects involved in the attack were established. On 27 September, their photographs were made public. Investigators quickly linked the men to Al-Qaeda and gained access to intelligence gathered on them¹⁸.

Legal and administrative changes

The terrorist attacks of 11 September 2001 triggered a heated debate on the need to adapt the law to the new terrorist threats. As a result of these discussions and intensive legislative work, new laws and regulations were

¹³ *Authorization for Use of Military Force*, <https://www.govinfo.gov/content/pkg/PLAW-107publ40/pdf/PLAW-107publ40.pdf> [accessed: 30 III 2023].

¹⁴ Ibid.

¹⁵ I.H. Daalder, J.M. Lindsay, *The Bush Revolution: The Remaking of America’s Foreign Policy*, April 2003, <https://www.brookings.edu/wp-content/uploads/2016/06/20030425.pdf>, p. 20 [accessed: 25 I 2025].

¹⁶ *1999 – 2021 The U.S. War in Afghanistan*, Council on Foreign Relations, <https://www.cfr.org/timeline/us-war-afghanistan> [accessed: 30 III 2023].

¹⁷ The abbreviation PENTTBOMB stands for Pentagon/Twin Towers Bombing Investigation.

¹⁸ *A Review of the FBI’s Handling of Intelligence Information Prior to the September 11 Attacks*, <https://oig.justice.gov/sites/default/files/archive/special/0506/chapter5.htm> [accessed: 10 VI 2023].

introduced to strengthen security measures and expand the powers of law enforcement agencies and special services to make counter-terrorism more effective¹⁹.

The next section of the article discusses the Patriot Act, which introduced the expansion of the powers of government agencies to monitor and combat terrorism, and the establishment of the Department of Homeland Security. Changes to aviation security measures were also mentioned.

The USA PATRIOT Act of 2001

The foundation of legal changes is the passed on 26 October 2001, *The Unit-ing and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*, abbreviated as The USA PATRIOT Act of 2001 (hereinafter: Patriot Act)²⁰. The Act introduced changes to the competences of national intelligence services and law enforcement agencies²¹. It focused on four key issues:

- expanding the possibilities of surveillance by law enforcement agencies, including wiretapping,
- facilitating communication between the various services so that they can use available resources to combat terrorism,
- updating the law to take account of new technologies and new threats,
- making penalties for offences of a terrorist nature more severe, while at the same time increasing the range of acts which qualify as such offences²².

Title I of the act describes the creation of an anti-terrorism fund and gives the US Attorney General the authority to request the Department of Defense to ask for assistance from the military in the event of the illegal use of weapons of mass destruction on US territory. In addition, the Director of the United States Secret Service was directed to create the National Electronic Crime Task Force – a nationwide task

¹⁹ L. Fisher, *Presidential War Power*, Lawrence 2004, p. 202.

²⁰ *The USA PATRIOT Act of 2001*, <https://www.congress.gov/107/plaws/publ56/PLAW-107publ56.pdf> [accessed: 30 III 2023].

²¹ S. Wojciechowski, P. Osiewicz, *Zrozumieć współczesny terroryzm* (Eng. Understanding contemporary terrorism), Warszawa 2017, p. 129.

²² *The USA PATRIOT Act: Preserving Life and Liberty*, Department of Justice, https://www.justice.gov/archive/ll/what_is_the_patriot_act.pdf [accessed: 30 III 2023].

force to prevent, detect and investigate cyber crimes, particularly terrorist attacks on critical infrastructure²³. It also condemned the discrimination and aggression against Muslims living in the United States that occurred after the 11 September attacks. The most important provision of this title appears to be Section 106, which provided the President with the ability to confiscate assets belonging to foreign individuals and organisations suspected of terrorist activities. Furthermore, where confiscation is undertaken on the basis of classified sources of information, the suspect person or organisation may not be informed of the confiscation²⁴.

From the point of view of the intelligence services, one of the most important parts is Title II. It deals with the surveillance of persons suspected of terrorism, involvement in computer fraud or abuse, and spies working for foreign powers who are engaged in clandestine activities on US territory. Government agencies are allowed to collect information through foreign intelligence information from both US citizens and foreign nationals²⁵.

Previous law allowed senior FBI officers to seek a court order, in connection with an investigation, to gain access to records of carriers, hotels, warehouses or vehicle rental companies. Section 215 amended these provisions. Applications can now be made by FBI officers of a lower rank – *assistant special agent-in-charge* (i.e. those in charge of FBI field offices). In addition, court orders began to cover any items in the possession of anyone – any company or individual. The items sought need not, as before, be related to an identified spy or foreign state, but may only be sought as part of an investigation to protect the United States from international terrorism or clandestine intelligence activities, provided that such an investigation is not only conducted on the First Amendment to the US Constitution, but also has other bases²⁶.

²³ *ECTF and FCTF*, United State Secret Service, <https://www.secretservice.gov/contact/ectf-fctf> [accessed: 30 III 2023].

²⁴ *The USA PATRIOT Act of 2001*..., pp. 6–8.

²⁵ *Ibid.*, pp. 8–25.

²⁶ *Ibid.*, p. 17. The first amendment refers to the inviolability of freedom of expression. “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”. See: *Constitution of the United States*. The author of the article used the translation by Andrzej Pułło *Konstytucja Stanów Zjednoczonych Ameryki* (Eng. Constitution of the United States), Warszawa 2002.

Section 218 changed the requirements (previously set by *The Foreign Intelligence Surveillance Act of 1978*, FISA) that the intelligence services had to meet in order to undertake surveillance of a person. The existing “the purpose” of surveillance in the form of foreign intelligence gathering was changed to “a significant purpose”. Surveillance could be carried out when the collection of foreign intelligence information was only a partial (relevant) objective and the main objective was another offence. This gave the services the ability to surveil a much larger proportion of the citizenry, with the provision invoked that the collection of foreign intelligence need not be the main, but only an essential, purpose of that surveillance²⁷. Title II also includes provisions on trade sanctions against the Taliban and restrictions on the export of agricultural goods, medicines and medical devices²⁸.

Title III of the act is divided into three subsections. The first deals with the strengthening of banking regulations, particularly in the area of anti-money laundering and terrorist financing. The second discusses communication between law enforcement and financial institutions. The last section of the title is dedicated to currency smuggling and counterfeiting. The purpose of the changes introduced, as indicated by the legislator, was (...) *to increase the strength of the United States measures to prevent, detect, and prosecute international money laundering and the financing of terrorism*²⁹.

Title IV introduced many changes on *Immigration and Nationality Act of 1965*. It provided more investigative and enforcement powers to the US Attorney General and the Immigration and Naturalization Service (INS). This title was also divided into three subsections. The first subsection deals with the protecting of the country's northern border – the limit on the maximum number of personnel at the border was removed, and resources (both financial and infrastructure) were prepared to triple the number of Border Patrol personnel, Customs Service personnel and INS inspectors. It also gave the INS and the State Department access to the National Crime Information Center files maintained by the FBI. The second subsection strengthens immigration laws. Of particular importance in this part

²⁷ S.H. Rackow, *How the USA Patriot Act Will Permit Governmental Infringement upon the Privacy of Americans in the Name of „Intelligence” Investigations*, „University of Pennsylvania Law Review” 2002, vol. 150, no. 5, pp. 1676–1677. <https://doi.org/10.2307/3312949>.

²⁸ *The USA PATRIOT Act of 2001...*, p. 21.

²⁹ *Ibid.*, p. 27.

is Section 412, which allows for the detention of persons who pose a threat to the United States (due to links to terrorist groups or support for terrorist activities) for an indefinite period of time (with the need for renewal every six months). The third subsection in turn was devoted to the families of those affected by the 9/11 attacks. Attention was drawn to the fact that some of the victims or their families were immigrants and documents confirming the legality of their stay in the United States may have expired shortly after the attack. For these individuals, it was decided to make an exception and extend the time needed to submit the relevant documents to the office³⁰.

Title V of the Patriot Act increased the upper limit on rewards that can be paid by the state for assistance in apprehending terrorists. It also reaffirmed the ability of federal intelligence services to cooperate with other law enforcement agencies and expanded powers of the United States Secret Service over fraud and other criminal activities targeting federally insured financial institutions.

Section 505 amended three acts: *The Electronic Communications Privacy Act of 1986*, *The Right to Financial Privacy Act of 1978* and *The Fair Credit Reporting Act of 1970* and authorised third parties to disclose for intelligence purposes, upon written request by the FBI, confidential transaction records, financial reports and credit information³¹. Prior to this legal change, the FBI was required to ensure that the information sought related to a foreign state, a foreign intelligence officer, an international terrorist or a person engaged in covert intelligence activities. After the amendment, the FBI only has to ensure that the data to be released is relevant to an investigation aimed at preventing international terrorism or to covert intelligence activities. This creates a serious risk of abuse by the FBI³².

Title VI provides assistance to families of officers injured in terrorist attacks (including increasing payments to families of victims from the previous USD 100 000 to USD 250 000). The provisions of *The Victims of Crime Act of 1984* were amended³³.

³⁰ Ibid., pp. 72–93.

³¹ S.H. Rackow, *How the USA Patriot Act...*, p. 1689.

³² *The USA PATRIOT Act of 2001...*, pp. 93–98.

³³ Ibid., p. 99.

Title VII discusses the issue of changes concerning the exchange of information between government agencies, aimed at improving communication of law enforcement agencies at different levels (federal, state and local) in the event of terrorist attacks³⁴. The changes introduced were intended to streamline the work and exchange of information in the case of investigations conducted under the supervision of several authorities simultaneously³⁵.

Another very important title of the law is Title VIII. Section 801 fills in the loopholes regarding attacks on means of public transport. The previous provisions of the law did not include penalties for attacks directed at means of public transport. Section 802, in turn, completed the definition of domestic terrorism, according to which it is defined (...) *as those criminal acts dangerous to human life, committed primarily within the United States, that appear to be intended to intimidate or coerce a civilian population, or to influence a governmental policy by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination or kidnapping*³⁶. Section 803 introduced, already announced on 11 September, a prohibition against harboring terrorists under penalty of imprisonment or fine. Subsequent sections (804 and 805) added, respectively, amendments related to the extraterritoriality of the legislation (including attacks on embassies, consulates and military bases) and a prohibition on providing material support to terrorists. Under Section 806 addressing the issue of assets belonging to terrorists and terrorist organisations, all such assets, whether within the United States or abroad, are subject to forfeiture. This provision is intended to exclude one of the main sources of funding for terrorist acts. The next major section of Title VIII is Section 808, which amends the definition of a federal crime of terrorism. Several less serious offences, such as assault or destruction of property, have been removed from the definition, while more serious offences, such as attacks on aircraft and airports, the use of biological and chemical weapons, and the assassination and kidnapping of members of the US Congress, Cabinet or Supreme Court judges, have been included. Section 809 introduced the absence of a statute of limitations for terrorism offences. Under Sections

³⁴ Ibid., p. 104.

³⁵ Ibid.

³⁶ Ch. Doyle, *Terrorism: Section by Section Analysis of the USA PATRIOT Act*, <https://www.arl.org/wp-content/uploads/2001/12/patriot-act-analysis-2001.pdf>, pp. 50–55 [accessed: 30 III 2023].

810 and 811, the penalties for committing or assisting in the commission of terrorist acts were significantly increased. For example, the maximum penalty for causing damage to a nuclear power plant, if there were no fatalities in the attack, increased from 10 to 20 years' imprisonment. Subsequent sections have, among other things, authorised post-release surveillance of those accused of terrorism, increased penalties for the offence of cyber-terrorism and increased funding for the development of national cyber-security, as well as tightened legislation on biological weapons (introducing, among other things, penalties of up to 10 years' imprisonment for the possession of biological agents or toxins³⁷ which possession cannot be justified by peaceful intent)³⁸.

The amendments contained in Title IX were intended to streamline intelligence operations, particularly in relation to the collection of foreign intelligence information. The Director of the Central Intelligence Agency (CIA), under Section 901, was given responsibility for establishing requirements and priorities for foreign intelligence information to be collected under FISA and for assisting the Attorney General in disseminating intelligence information. However, the Patriot Act limited the powers of the CIA Director. He no longer had the ability to undertake, based on FISA, electronic surveillance or physical search operations, or to direct and manage them, unless authorised by statute or presidential executive order³⁹. Section 902 supplemented the definition of foreign

³⁷ In accordance with the United States Code, the term "biological agent" means "any microorganism (including, among others, bacteria, viruses, fungi or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance, capable of causing: (A) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism; (B) deterioration of food, water, equipment, supplies, or material of any kind; or (C) deleterious alteration of the environment". The term "toxin" means "the toxic material or product of plants, animals, microorganisms (including, among others, bacteria, viruses, fungi or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes: (A) any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or (B) any poisonous isomer or biological product, homolog, or derivative of such a substance". Quoted after: <https://www.govinfo.gov/content/pkg/USCODE-2023-title18/pdf/USCODE-2023-title18.pdf> [accessed: 20 II 2024] – editor's note.

³⁸ *The USA PATRIOT Act of 2001...*, pp. 104–116.

³⁹ A. Siegler, *The Patriot Act's Erosion of Constitutional Rights*, "Litigation" 2006, vol. 32, no. 2, pp. 18–21.

intelligence information to include information on international terrorist activities. Section 903 required members of the intelligence community to make every effort to acquire information about terrorists and terrorist organisations. Section 904 allowed the intelligence community to defer until 1 February 2002 the submission of required intelligence reports to Congress. Section 905 directed the Attorney General, in consultation with the Director of the CIA, to develop, within no more than 180 days of the Act's enactment, guidelines for the dissemination to the intelligence community of foreign intelligence information disclosed in the course of a criminal investigation. These guidelines were to allow the American intelligence community to report on actions taken or planned based on information that agencies of the intelligence community provided to the US Department of Justice. The guidelines may have contained exceptions where there was a threat to an ongoing investigation. Section 907 required the Director of the CIA to report, in consultation with the Director of the FBI, the establishment of a the National Virtual Translation Center (which took place in February 2003) to ensure timely and accurate foreign intelligence translations. Section 908 authorised the necessary resources for the training of government officials who do not normally deal with foreign intelligence matters, and state and local government officials who may encounter members of foreign intelligence during a terrorist attack. The training would help officials identify foreign intelligence information and utilise it in the course of duties⁴⁰.

Amendments, which could not be allocated to the earlier titles, are contained in the last – Title X. For example, under Section 1006, foreign nationals who have engaged in money laundering cannot enter the United States. Section 1009 provides USD 250 000 to the FBI to investigate the possibility of providing airlines with computerised access to the names of federal government terrorism suspects, and Section 1014 provides money to individual states to purchase equipment and training for emergency services (police, fire and ambulance)⁴¹.

The introduction of such broad changes to the legislation was accompanied by much controversy. Opponents of the act argued that it had been passed for opportunistic reasons, with the idea that it would not be widely debated in light of 9/11 and would pass quickly through

⁴⁰ *The USA PATRIOT Act of 2001...*, pp. 117–121.

⁴¹ *Ibid.*, pp. 121–132.

the legislative process. In addition, it was argued that Section 215 violates the Fourth Amendment of the Constitution⁴², Section 505 violates both the First and Fourth Amendments⁴³. In the case of Section 215, opponents saw blatant interference with the inviolability of property. This included searches by the services without a warrant of the suspect's residence or workplace, as well as wiretapping or obtaining information without the suspect's knowledge. Section 505 further alleged violations of freedom of expression. Section 412, which allows persons who pose a threat to the state to be detained indefinitely without charge, was also controversial⁴⁴.

Much of Title II of the Patriot Act was initially set to expire on the last day of 2005, in accordance with the *sunset clause* written into the Act, a pre-scheduled expiry date of the legislation that occurs automatically unless an extension is voted on. Such a vote occurred in March 2006. President Bush signed it and kept most of the key elements of the title unchanged. Under Barack Obama, an extension of the act was also voted down (in 2012), and in 2015, the USA FREEDOM Act upheld most of the provisions of the expiring Patriot Act apart from Section 215, which was intended to prevent the National Security Agency from collecting information en masse from the mobile phones of Americans suspected of terrorist activity.

US Department of Homeland Security

In response to the 9/11 attacks, President Bush announced the creation of the Office of Homeland Security to coordinate homeland security efforts. On 25 November 2002, the U.S. Department of Homeland Security (DHS) was established under The Homeland Security Act of 2002 to consolidate US executive bodies related to homeland security⁴⁵. On 1 March 2003, 22 agencies united under one department with a common mission to protect the American people, the most diverse mix of federal function

⁴² The fourth amendment refers to the inviolability of persons and property. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized". See: *Constitution of the United States*.

⁴³ *Myths and Realities About the Patriot Act*, ACLU, 22 I 2005, <https://www.aclu.org/other/myths-and-realities-about-patriot-act> [accessed: 31 V 2023].

⁴⁴ Ibid.

⁴⁵ *The Homeland Security Act of 2002*, https://www.dhs.gov/sites/default/files/publications/hr_5005_enr.pdf [accessed: 31 V 2023].

and duties⁴⁶. The mission of DHS, the youngest, third-largest department, includes, among others: preventing terrorism, law enforcement, ensuring land and maritime border and transport security, conducting immigration policy, crisis management, ensuring cyber security. The establishment of DHS marked a change in the American way of thinking about threats. The introduction of the term “homeland” into both the legal system and the nomenclature of the services was an expression of the rulers’ focus on protecting the population not only from emergencies caused by natural factors, such as natural disasters, but also from diffuse threats from individuals or organisations⁴⁷.

Aviation security

The events of 11 September had a huge impact on civil aviation security. This included significant restrictions on the objects that can be brought on board aircraft (including a ban on knives, which were used during the Al-Qaeda attacks), a ban on access to the cockpit (more security has been introduced to make it more difficult for outsiders to enter), for which pilots underwent additional training. The changes also included improvements to security at the airports themselves⁴⁸. After the 9/11 attacks, the Transportation Security Administration was created, and the budget as well as the number of posts in the Federal Air Marshal Service – federal air police – have been significantly increased⁴⁹.

Summary

The changes introduced after the attacks on the WTC have had far-reaching consequences in both US domestic politics and international relations. The expansion of the secret service’s powers, new air security regulations

⁴⁶ *Creation of the Department of Homeland Security*, Homeland Security, <https://www.dhs.gov/creation-department-homeland-security> [accessed: 12 V 2023]; S. Wojciechowski, P. Osiewicz, *Zrozumieć współczesny terroryzm...*, p. 104.

⁴⁷ E. Alterman, M. Green, *The Book on Bush: How George W. (Mis)leads America*, New York 2004, p. 244.

⁴⁸ *Bezpieczeństwo i ochrona lotnictwa cywilnego* (Eng. Safety and security of civil aviation), A.K. Siadkowski, A. Tomasiak (eds.), Poznań 2012, pp. 152–154.

⁴⁹ A.K. Siadkowski, *Bezpieczeństwo i ochrona w cywilnej komunikacji lotniczej na przykładzie Polski, Stanów Zjednoczonych i Izraela* (Eng. Safety and security in civil air transport on the example of Poland, the United States and Israel), Szczepański 2013, pp. 296–302.

and establishment of DHS have all contributed to improving the US' ability to prevent and respond to terrorist threats. The adopted security policy has set new standards in the fight with terrorism⁵⁰. Nevertheless, as mentioned, these changes have also been criticised by human rights defenders and international organisations, emphasising that the introduction of these measures has to some extent violated fundamental civil rights, such as the right to privacy and civil liberties⁵¹. Thus, it became necessary to strike a balance between effectiveness in combating threats and protecting democratic values.

Although the changes introduced have brought many benefits in terms of security, the author believes that their long-term effects on society and the political system require further analysis. Development in technology and the evolution of counter-terrorism methods are prompting new questions about ethics, the effectiveness of prevention efforts and compliance with the associated law. It is necessary to adapt measures to the dynamically changing nature of threats, while respecting citizens' rights and international legal standards. Otherwise, the fight against terrorism may lead to the undermining of the foundations it should protect.

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⁵⁰ *The Lessons Learned for U.S. National Security Policy in the 20 Years Since 9/11*, CAP, 10 IX 2021, <https://www.americanprogress.org/article/lessons-learned-u-s-national-security-policy-20-years-since-911/> [accessed: 27 I 2025].

⁵¹ M. Carlisle, *How 9/11 Radically Expanded the Power of the U.S. Government*, Time, 11 IX 2021, <https://time.com/6096903/september-11-legal-history/> [accessed: 27 I 2025].

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Franciszek Dziadkowiec-Wędlkowski

Student majoring in national security at the Jagiellonian University in Kraków. His research interests include the United States and the functioning of special services in Poland and around the world.

Contact: franciszek.dw@gmail.com