4 Anti-money laundering in the United States

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Studying anti-money laundering from a securitization perspective

This chapter adheres to the overall approach to studying anti-money laundering (AML) chosen for this volume. We adapt a securitization perspective, and in so doing we define securitization along the lines specified by Thierry Balzacq. In particular, this chapter assesses the modern effort against money laundering in the United States in terms of what Balzacq (2011: 8–9) calls 'assumption one among the "core assumptions of securitization theory" '; that is, 'the centrality of the audience'. One main object of study is what may be called the securitization moves applied by President George W. Bush after the terrorist attacks of 11 September 2001, in terms of whether or not they were accepted by the relevant audience, the US public. In addition, the chapter studies what Balzacq calls 'security practices' – what practical policies, in terms measured against money laundering, were instituted in the United States after 11 September 2001?

After the introduction, the chapter provides an overview of the laws regulating the struggle against money laundering after the Second World War. Following, there is a section focusing on the Patriot Act, a piece of legislation passed in the wake of the terrorist attacks on 11 September 2001. This Act is crucial for understanding the way in which the federal authorities understand and combat money laundering in the twenty-first century. Following the overview of the Patriot Act, the way in which the federal authorities, in particular the Treasury Department, interact with the banking system in the current-day system of AML is analysed in some detail. Finally, the securitization of money laundering in the United States is seen in a comparative context with the securitization of other policy areas in the modern American polity.

Anti-money laundering in US politics

The political efforts to combat money laundering in the United States began in the 1950s. The origins of these efforts derived from the struggle to combat crimes, particularly crimes such as drug smuggling. The existence in the United States of various large-scale criminal organizations, such as the Mafia and

criminal networks originating in China, more or less forced politicians into action (Williams 2001). It could be added that the term 'money laundering' originates from the United States and activities by the Mafia in the 1920s and 1930s. It seems the Mafia was using launderettes as a legitimate business, into which it put money acquired from illegal activities (Koh 2005: 26). The term thus has a literal meaning relating to the business where it was first used.

Stronger political measures than the fairly weak laws of the 1950s were taken in 1970 with the passage of the Bank Secrecy Act. The formal name of the core of this law is the Currency and Foreign Transactions Reporting Act, which clearly indicates that the law is intended to monitor monetary transactions with the outside world. In other words, it is intended to make money laundering more difficult. By this time, crime had become even more internationalized than in the 1950s, and since the banking system had also become much more global, the problem of money laundering had become even more pronounced (see Gilpin 2001).

The 1970 law contains several detailed provisions intended to make the transfer of money internationally more transparent, and thus to make attempts to hide such transactions more difficult. In one important provision the law

> transforms FinCEN [Financial Crimes Enforcement Network] from a Treasury Department bureau established administratively to a statutory bureau in the Treasury Department. It specifies that it is to be headed by a Director to be appointed by the Secretary. It details its duties and powers.
>
> (Murphy 2001: 12)

Ever since 1970, the Treasury Department, and particularly FinCEN, has been the nucleus of the federal US government's fight against money laundering – even more so after a merger with another unit inside the Treasury Department in 1994. After the passage of the Patriot Act in 2001, following the terrorist attacks on New York and Washington, the Treasury Department established yet another office, which now oversees the operations of FinCEN. It is the Executive Office for Terrorist Financing and Financial Crime (EOTF/FC) (Kazmerski 2010). This is, however, getting a bit ahead of ourselves in telling the story of the US government's efforts against money laundering.

It should be added that the vast machinery of the federal government in the United States of course has more than one unit that deals with the complex and multifaceted activities connected to serious crimes linked to moving money across borders. Another crucial unit in this struggle, also located within the Treasury Department, is the Internal Revenue Service (IRS), the government unit tasked with administering and collecting federal taxes in the United States. The IRS conducts criminal investigations in cases where individuals or companies are suspected of violating the tax code or the Bank Secrecy Act (BSA) (IRS 2011).

As the US economy grew every more globalized, the need for additional measures to combat money laundering increased. In 1986 the Money Laundering

Control Act (MLCA) was passed. This was the first law to classify money laundering as a crime (Kazmerski 2010: 12). The MCLA also includes aspects of extraterritoriality; that is, the US law can also be applied internationally (ibid.: 13).

With the enactment of the Antiterrorism and Effective Death Penalty Act of 1996, a new aspect was introduced as a motive to strengthen the efforts at the federal level to combat money laundering. This was the use of the term 'foreign terrorist organization'. If a group was designated thus, important consequences followed. According to an analysis, this designation leads to

> two important financial consequences. First, it renders it illegal for persons within the United States or subject to the jurisdiction of the [United States] to knowingly provide material support to a designated organization. Second, US financial institutions are required to block the assets of foreign terrorist organizations or their agents in this country. Any US financial institution that has control over funds in which the foreign terrorist organization has an interest must report the existence of such funds to the Department of the Treasury.
>
> (FAS 1998)

In the analytical terms of this volume, this means that it was in 1996 that the US government for the first time attempted to securitize the struggle against money laundering. Even though the country had gone through a terrible act of domestic terrorism the year before – 168 people were killed when a US citizen exploded a bomb at the Federal Building in Oklahoma City – it is unlikely that the attempt to securitize AML by the federal government in 1996 was successful, if evaluated in the terms utilized by the Copenhagen School of measuring the percentage of public approval of the political efforts. The Oklahoma City bombing was regarded as an isolated event, and very few people in the United States at that stage took note of the 'Declaration of War against the Americans Occupying the Land of the Two Holy Places' published in August 1996 by a Saudi named Osama bin Laden in *al-Quds al-Arabi*, a newspaper published in London. (For the text of the Declaration, see Rubin and Rubin 2002: 137–142.) This was despite the fact that the organization bin Laden founded, al-Qaeda, had – at least in the view of some – already carried out an attack against the World Trade Center in New York City in 1993.[1]

Everything changed in terms of the securitization of various measures against money laundering in the United States following the terrorist attacks carried out by al-Qaeda in New York and Washington on 11 September 2001. In a sense, the efforts undertaken by the US government, as personified by the then-president George W. Bush, as a response to the terrorist attacks seem to be a prime example of successful securitization in the US political context. From that event onwards, the struggle against money laundering has primarily been focused on preventing or at least making much more difficult terrorist attacks against the United States.

The president used a solemn occasion to spell out his government's strategy and the practical measures to be taken against the terrorists in a speech to both houses of Congress on 20 September 2001. Apart from the State of the Union speeches, which are held by the president in the same venue in January or February of every year, it is very seldom that the president holds speeches to both houses of Congress. The 20 September 2001 address was a speech which electrified a nation that looked for a strong and solid response to the terrorist attacks that had shocked the population only nine days earlier. The TV audience for this speech is estimated at 82 million viewers, which would make it the TV speech with the largest audience ever for any presidential speech, at least up to that point in time (MediaPost 2001). This gave the president an immense audience in front of which he could attempt to securitize his suggested responses to the terrorist attacks. It should be added that this speech was also intensely covered in other media in the United States, making the total audience of the president's speech much larger than even the 82 million estimated to have watched the event on TV.

In his speech, President George W. Bush painted a picture of a global struggle, in which the United States invited all nations and peoples of the world to stand on the side of Washington in the fight against what he defined as evil. In a crucial passage, the president stated the five broad measures he intended to take to combat international terrorism:

> We will direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war – to the destruction and to the defeat of the global terror network.
>
> (Bush 2001)

'Financial influence' is of course the crucial term in this context. This brief mention hides important and wide-ranging political efforts, in the United States as well as across the globe, to stop finance from reaching al-Qaeda and organizations allied to what Washington has taken to be its prime enemy in the struggle against terrorism.

One crucial question here is to what extent one vital politician's attempt to securitize AML was successful or not. There is no direct way to answer this question, absent perhaps deep studies into the relevant political circumstances prevailing in the United States at the time. There is, however, one indirect way for measuring the success of President George W. Bush's attempt to securitize the struggle against terrorism, including in the field of money laundering, according to the approach used by the Copenhagen School. In the more recent definition provided by Balzacq (2011), the securitizing move also has to result in a new practical policy, an aspect considered later in this section.

The assessment of whether or not the securitization move is successful from the perspective of the Copenhagen School can be made with what is generally perceived to be a crucial factor in assessing a US president's general political

strength and influence: the figures on presidential popularity as measured by polls regularly taken to assess what percentage of the US public answers in the affirmative to the question: 'Do you approve or disapprove of the way George W. Bush is handling his job as president?' Academic scholarship on the role of the presidency in US politics convincingly shows that a president who has high job approval, measured as perhaps 70 per cent and above, has great influence on the US policy process, and must be regarded as having approval by a majority of the public for his major policies.[2] Measured in these terms, the presidential popularity of George W. Bush reached a level of over 80 per cent approval for a longer period than for any other president since these polls started to be taken by George Gallup, most likely in 1937. President George W. Bush thus had approval ratings of at least 80 per cent support from the public from the middle of September 2001 to early March 2002; these numbers did not go below 70 per cent until 22 July of that year.[3] No other president during the more than 70 years of measuring presidential job approval in the United States has had such high opinion polls for such a long time.[4]

As detailed in later sections of this chapter, this successful securitization of the struggle against money laundering in the case of terrorists also resulted in new legislation; legislation that changed the ways in which the government of the United States struggles against illicit money transfers. The passage of the Patriot Act thus seems to be a clear case where the Administration's handling of money laundering was securitized, both in the terms of the Copenhagen School centred on Barry Buzan, and in the later sense of Thierry Balzacq and his emphasis on practical deeds.

The high levels of presidential job approval for George W. Bush during the period after 11 September 2001 are as good an indication as can be had that the president was indeed able to securitize his efforts to combat terrorism, including the struggle against money laundering with the purpose of stopping the money flows to al-Qaeda and its allies. The efforts undertaken by the United States, in co-operation with many other countries and several international organizations, against money laundering after 11 September 2001 are unprecedented in the history of the struggle of the federal government in the United States against the illicit movement of money in their breadth, scope and width. Indeed, the overall efforts of Washington in its struggle against international terrorism have been immensely complex and multifaceted during the past ten years. It is very difficult indeed to measure the extent to which these US-led efforts have been successful in terms of stopping the flow of money to al-Qaeda.

The international option: the FATF

The creation and functions of the FATF (Financial Action Task Force) are analysed by Anja Jakobi in a separate chapter in this volume and so will not be the subject of any in-depth analysis here. A few comments are, however, in order.

First, it appears clear that the United States was instrumental in creating the FATF in 1989. At that stage, the main purpose of the federal government in

Washington when it comes to AML was to prevent or at least increase the difficulty of drugs operations (Levi and Reuter 2006: 306). Second, once the terrorist attacks had occurred in New York City and Washington, the US government already had an international organization in place that could be used for coordinating the international struggle against the financing of terrorist networks. Indeed, the FATF called an extraordinary meeting of the organization in Washington on 29–31 October 2001. The Secretary of the Treasury, Paul O'Neill, made some brief remarks on this occasion, stating:

> For a dozen years, the membership of the Financial Action Task Force has worked to safeguard the integrity of the international financial system. You have made impressive progress countering the threats posed by money laundering. Without the force of law or treaty, this organization has convinced other nations to adopt laws and implement enforcement regimes to bar the access of criminals to the international banking system. Today, I ask you to devote your considerable experience to disrupt the misuse of the international financial system by terrorists and those who channel funds to them. The threat that terrorism poses to the world financial system demands from us an expanded effort to combat the financing of terrorism and terrorist acts. I am confident that FATF is up to this challenge.
>
> (O'Neill 2001)

The Patriot Act

The main legislative expression in the United States for when the traditional struggle against money laundering was married to the war against terrorism is the Patriot Act. This act was, in its original version, passed by Congress and signed by President George W. Bush, in late 2001. Title III of that very large piece of legislation is entitled 'International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001'. In this legislation, Congress built expressly upon the previously mentioned BSA of 1970. In addition, the new legislation granted US federal authorities immense new powers, primarily in their struggle against terrorism. Among the most important of these are that the legislation gives the Secretary of the Treasury the power – after consultation with the Secretary of State and the Attorney General – to prohibit foreign financial institutions to establish bank accounts in the United States, provided that the financial institutions have been determined to be 'of primary money laundering concern' (Murphy 2001: 4).

The Patriot Act has been debated widely and deeply in the United States. The original package, passed in 2001, to a large extent consisted of 'sunset clauses'; in other words, this was legislation that ceased to have legal force unless Congress made a new decision to keep the legislation in force. Many commentators in the United States felt that the legislation granted the federal government too wide-ranging powers; indeed, that some of its provisions could be construed as being against the spirit, if not the letter, of the US Constitution (Dworkin 2002;

Herman 2006). Despite these misgivings, Congress passed the Patriot Act again in 2006, albeit with some changes to the original law, and with somewhat fewer votes in favour in each chamber than was the case in 2001.[5] Out of the 16 parts of the original legislation that were to expire at the end of 2005 if not re-authorized, 14 were made permanent, while two others were once again 'sunset clauses' that required renewed passage if they were not to expire (Yeh and Doyle 2006). The latter two provisions are still controversial at the time of writing. Congress voted to extend them for three months in late February 2011, which means that they were due to expire by the end of May 2011. Since these legal provisions are voted on under special 'fast-track rules' they need a two-thirds majority to be accepted by both houses, something the House of Representatives was unable to achieve for a longer period than three months in late February 2011 (Sonmez 2011). After three more months of deliberations, the leaders in Congress finally agreed to extend the relevant passages of the Patriot Act, and the extension was duly signed by President Obama in late May 2011 (Savage 2011a). Even at this late stage, however, two senators publicly criticized the way the Patriot Act has been interpreted by the Justice Department (Savage 2011b). This clearly shows that some provisions of the Act remain controversial nearly ten years after its initial passage.

While this legislation was indeed controversial in US politics to some extent in 2001, and even more in 2005–2006, the passage of the law meant an immense change in the power of the US federal authorities to combat money laundering. One expert states the essence of the change in this way:

> In the wake of September 11, governments, in concert with the private sector, sought to leverage the existing global anti-money laundering system to prevent the financial system from being abused by al Qaeda and other terrorist organizations to perpetrate another attack or sustain their organizations. In this context, global anti-money laundering regulations and practices based on principles of financial transparency, information sharing, and due diligence were expanded and aggressively implemented. Regulations and obligations were applied to new sectors of the domestic and international financial community, such as insurance companies, brokers and dealers in precious metals and stones, and to methods of moving money such as hawala (a trust-based money transfer mechanism) and money service businesses.
>
> (Zarate 2011)

The role of banks in the US struggle against money laundering

From the passage of the BSA in 1970 and up to and including the passage of the Patriot Act in its two versions, US banks – and gradually also other financial institutions – have faced ever more intrusive, and from their perspective onerous, requirements to report various activities concerning the transfer of money to the

federal authorities. The fundamental idea that could be said to govern the legislative efforts against money laundering in the United States is to create an audit trail. In other words, banks – and, again, increasingly also other financial institutions – should be obliged to report to the authorities the chain of transactions in which specific customers with certain characteristics moved their money.

One practical manifestation of this idea starting in the BSA is that a bank or other financial institution is required to file a currency report (CTR) with the Treasury Department for each transaction of a larger sum than $10,000. Over time, another related requirement – suspicious activity reports (SAR) – has been mandated. What are now called money services businesses (MSBs) – a much broader grouping than banks – must file such CTR and SAR reports with FinCEN at the Treasury Department in case it suspects the transactions to be criminal in nature (Gouvin 2005: 525).

As intimated in the previous passage, the increasing regulation of financial activities in the United States has also resulted in a broadened definition of which financial institutions have to file reports with FinCEN. The currently used term is thus MSB. In an official publication on the struggle of the federal government against money laundering – current as of spring 2011 – FinCEN defines MSBs as actors fulfilling one or more of these requirements:

- money transmitters;
- currency dealers or exchangers;
- issuers, sellers or redeemers of money orders;
- issuers, sellers or redeemers of traveller's checks; and
- the US Postal Service.

(FinCEN 2011)

Apart from the two specific requirements detailed above, MSBs must also register their very existence with FinCEN.

As mentioned previously, the passage of the Patriot Act meant a sea-change in the struggle against money laundering in the United States. The broader significance of these changes in terms of the overall approach to money laundering is well-stated by Eric J. Gouvin:

> Prior to the passage of the Patriot Act, the money laundering laws focused primarily on tracing the proceeds of crime as criminals sought to make those ill-gotten gains look legitimate. After the Patriot Act the ostensible goal of the anti-money laundering statutes is to intercept the financing of criminal acts before they ever take place.
>
> (Gouvin 2005: 525)

There are several aspects to this sea-change in the US struggle against money laundering after the 11 September 2001 terrorist attacks. One basic alteration is that with the passage of the Patriot Act, law enforcement agencies no longer have to wait for reports from the financial institutions of suspicious activities

concerning the transfer of money. Instead, these agencies can now first identify a suspect, and then start looking at whether or not this person or entity has indeed committed any offence.

Three types of change in the regulations make this sea-change in the search for money launderers possible. The first is that the definition of a financial institution has been broadened. The new term is MSB, and the definition of their activities, as shown above, means that many more agencies are now covered by the laws against money laundering than was the case before the passage of the Patriot Act. The second relevant change is known as 'Know Your Customer' rules. According to these rules, all MSBs must make efforts both to identify positively their new customers and, in addition, to try to determine whether or not this person appears on a list of suspected terrorists or terrorist organizations. The third relevant change concerns information-sharing provisions. Prior to the passage of the Patriot Act, it was often very difficult for law enforcement agencies to gather financial data on suspected criminals. With the passage of the Act, the law enforcement agencies, acting through FinCEN, can request, with very few procedural safeguards, the financial institutions to gather extensive financial information about suspected terrorists.

Another way of stating the meaning of the large changes wrought by the Patriot Act in the struggle against money laundering is to say that what before was a one-way flow of information from the financial institutions to mainly FinCEN, has now become a two-way flow of information, with FinCEN not only the recipient of vast floods of information from the MSBs, but also acting as a requester of information from the MSBs as well (Gouvin 2005: 526–532).

While the struggle against money laundering in the United States has, for obvious reasons, focused on terror-related activities during the past ten years, this does not mean that federal US authorities have overlooked other cases of money laundering. One illustration of much more broad-based efforts, that also shows the role of Congress in these matters, are two reports issued by the Senate Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs. These reports illustrate how politically influential persons in various foreign countries have used the US financial system to move illicit money across the globe (US Congress, Senate – Permanent Committee on Investigations of the Committee on Homeland Security and Governmental Affairs 2010).

The reports just mentioned are also interesting in that they lead to the recommendation that, in the fight against money laundering, the federal government should increase the type of private sector businesses it supervises and regulates from a broadly defined financial sector to 'address the misuse of attorney–client and law office accounts by requiring banks to treat them as high-risk accounts and get certifications that the accounts won't be used to circumvent bank control' (US Congress, Senate – Permanent Subcommittee on Investigations 2010). In the Staff Report accompanying the two volumes from the hearings on the matter, the recommendation is put even more starkly:

> Attorney–Client and Law Office Accounts. Treasury should issue an AML rule requiring US financial institutions to obtain a certification for each attorney–client and law office account that it will not be used to circumvent AML or PEP controls, accept suspect funds involving PEPs, conceal PEP activity, or provide banking services for PEPs previously excluded from the bank; and requiring enhanced monitoring of such accounts to detect and report suspicious transactions
>
> (US Congress, Senate – Permanent Subcommittee on Investigations 2010: 6)

In response to the suggestions for new laws and regulations concerning the legal profession in the United States, the American Bar Association (ABA) has issued *Voluntary Good Practices: Guidance for Lawyers to Detect and Combat Money Laundering and Terrorist Financing* (ABA 2010). As of spring 2011, this appears to have contributed to delaying, if not preventing, the efforts of federal legislators to draft and pass new legislation covering the legal profession even more strongly in the struggle against money laundering. The fact that the ABA adopted these guidelines in August 2010, about six months after the completion of the hearings of the Senate Subcommittee on Investigations, attests to the fact that the organization is eager to try to prevent new laws regulating the activities of their profession in the money laundering context (Susman 2011).

Conclusion

During the post-Second World War period in the United States, presidents have regularly used what is in this book called securitization in order to advance their worldviews and policies. There are numerous examples that could be mentioned here, including President Harry S. Truman's speech to both Houses of Congress on 12 March 1947:

> I believe that it must be the policy of the [US] to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures. I believe that we must assist free peoples to work out their own destinies in their own way.
>
> (Saull 2008: 73)

Other occasions where US presidents used speeches to attempt to securitize their policies include President John F. Kennedy's speech on the 'missile gap' in 1961, his speech on the blockade of Cuba during the Cuban Missile Crisis in October 1962, Lyndon B. Johnson's speech on the Tonkin Gulf incident in 1964, and President George W. Bush's attempts to securitize the threat from Iraq in late 2002 and early 2003.

The position of the US president in the federal structure, resting on a divided government in Washington, makes his position probably ideal for attempts to securitize various policies. The struggle against money laundering, particularly

after the passage of the Patriot Act in 2001 and 2006, in this respect follows a well-trodden path in US politics.

This political struggle against money laundering has, particularly during the decade after the terrorist attacks of 11 September 2001, meant that the federal authorities in Washington have come to rely on an ever-widening circle of private professional actors. Whereas the early legislation in this field, epitomized by the BSA of 1970, was focused on the traditional banking sector, the laws passed thereafter have included more private actors. The first move here on the part of the authorities has been to broaden the scope of the definition of the relevant actors in the financial sector, from the more strict definition of financial institutions provided in the original law from 1970, to the current definition in 2011 of MSBs, which covers a much wider sector of financial institutions.

Recent initiatives in Congress have also indicated a willingness of at least some members of the US legislature to include explicit regulations on members of the legal profession as well. This has been met by efforts from the ABA to issue voluntary guidelines that would pre-empt the need for any additional legislation that would, for instance, threaten the hallowed lawyer–client privilege that has been so important in the legal profession in the United States. As of spring 2011, the legal profession appears to have avoided what, from their perspective, would be potentially devastating legislation threatening one pillar of the legal profession: lawyer–client privilege. The fact that no such legislation has been enacted up to the time of this writing does preclude, however, that the federal legislators in Washington may return to the matter.

Policy developments in the United States thus clearly indicate that policymakers have followed the path of the 'managerialization of security' (Powell, this volume). Ever larger segments of private life that come into contact with the transfer of money, particularly across borders, are thus drawn into the sphere that has to report to federal authorities, particularly to FinCEN in the Treasury Department, on any aspects that have to do with the transfer of money that may appear suspicious.

Legislation on money laundering has not only covered ever more private actors in recent years, the legislation known as the Patriot Act has also meant what may be characterized as a sea-change in US efforts to hinder money laundering. Prior to the passing of the Patriot Act, the legislation covering money laundering was geared towards detecting financial and other related crimes after the fact; the legislation mentioned here is intended not merely to investigate crimes already committed, but is at least as much, if not more, focused on preventing crimes before they occur. One prerequisite for this change has been that US law enforcement agencies have, after the passage of the Patriot Act, been permitted to proactively search for data pertaining to criminal suspects held by actors in other law enforcement agencies to a much greater extent than before. FinCEN is, to take a prominent example, no longer reliant solely on piecing together traces of previous crimes in the reporting it regularly receives from the financial sector. Instead, federal law enforcement agencies may now approach FinCEN and ask it for data from the financial sector about actors that are merely

suspected of perhaps being involved in criminal activities, as opposed to having to wait for data from FinCEN that has been regularly gathered from the financial sector as a whole. In addition, officials from various organizations tasked with law enforcement duties are, after the passage of the Patriot Act, in general much more able to co-operate across institutional boundaries, particularly in the pursuit of presumed terrorists.

The legal profession in the United States is, during the early part of the second decade of the twenty-first century, attempting to regulate itself in the field of depositing and moving money, in order to avoid new legislation from the federal authorities that might, in the eyes of the legal profession, violate lawyer–client privileges.

Notes

1 Compare, on this point, *The 9/11 Commission Report* (9/11 Commission 2004: 60) with Lawrence Wright (Wright 2006: 177–179). The former source states that bin Laden's involvement was 'cloudy', while the latter states that while the al-Qaeda leader's personal involvement may have been unclear, the terrorist behind the attack, Ramzi Yousef, had indeed received training in al-Qaeda training camps.
2 For an overview of this type of research, see Paul Gromke and Brian Newman (2009: 232–253); cf. also George C. Edwards III in the same volume, (pp. 182–207).
3 See the American Presidency Project at the University of California, Santa Barbara. The figures for President George W. Bush are available at www.presidency.ucsb.edu/data/popularity.php?pres=43&sort=time&direct=DESC&Submit=DISPLAY (accessed 24 February 2011).
4 The only president whose public approval figures came close to those of George W. Bush in these terms was Franklin D. Roosevelt who, under the very special circumstances of the Second World War, had at least 70 per cent approval from the autumn of 1941 until March 1943. See www.presidency.ucsb.edu/data/popularity.php?pres=32&sort=time&direct=DESC&Submit=DISPLAY (accessed 24 February 2011).
5 The vote for the Patriot Act of 2001 was 98 votes for and 1 against in the Senate, and 357 for and 66 against in the House of Representatives. See Purdy (2001). The analogous figures for 2006 were 95 for and 4 against in the Senate, and 280 for and 138 against in the House. See www.thepoliticalguide.com/vote_tracker.php?action=topics&topic=5 (accessed 15 April 2011).

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