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**REGIONAL JOINT BORDER COMMANDS: A PATHWAY
TO IMPROVING COLLABORATION AND
EFFECTIVENESS FOR BORDER CONTROL**

by

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December 2009

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ABSTRACT

Control of the U.S. border is a primary concern for the Department of Homeland Security. Three of the department's components have major roles in providing border security and control. With increasing costs and constantly changing threats, it is vital that all border organizations work together collaboratively. This thesis looks at two new ideas, border regionalization and joint regional border commands, and compares them with current efforts to increase collaboration. By establishing border regions, DHS can use threat based planning in each region to allow all border control components to focus on threats specific to their region while also increasing the level effectiveness of resources. Joint regional border commands offer even greater advantages in collaboration between components and resource usage. The DoD model for regional combatant commands is used as an example of how DHS can take advantage of the lessons learned with this recommendation.

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LIST OF ACRONYMS AND ABBREVIATIONS

2SR	Second Stage Review
ATF	Alcohol Tobacco Firearms and Explosives
BCMWG	Border Control Model Work Group
BEST	Border Enforcement Security Task Force
CBSA	Canada Border Services Agency
CPB U.S.	Customs and Border Protection
DEA	Drug Enforcement Agency
DHS	U.S. Department of Homeland Security
DoD	Department of Defense
DOJ	Department of Justice
EEZ	Exclusive Economic Zone
FEMA	Federal Emergency Management Agency
FIG	Field Intelligence Group
GAO	Government Accountability Office
GNA	Goldwater-Nichols Department of Defense Reorganization Act
IBET	Integrated Border Enforcement Team
ICE	U.S. Immigration and Customs Enforcement
INS	Immigration and Naturalization Services
JCS	Joint Chiefs of Staff
JTTF	Joint Terrorism Task Force
LORAN	Long-range navigation
NADO	National Association of Development Organizations
Nm	Nautical miles
NPG	National Preparedness Guidelines
OCDEF	Organized Crime Drug Enforcement Task Forces
OIG	Office of Inspector General (DHS)
OMB	Office of Management and Budget (DHS)
OIOC	Office of Intelligence and Operations Coordination (CBP)
RAPID	Risk Assessment Program for Informed Decision-making
RCMP	Royal Canadian Mounted Police

SBI	Secure Border Initiative
SES	Senior Executive Service
SSP	Secretaria de Seguridad Publica
TSA	Transportation Security Administration
USAF	U.S. Air Force
USBP	U.S. Border Patrol
USCG	U.S. Coast Guard
USCIS	Citizenship and Immigration Services
VCAS	Violent Criminal Alien Sections

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I. INTRODUCTION

A. PROBLEM STATEMENT

The Department of Homeland Security (DHS) is responsible for protecting the U.S. from all hazards that threaten the safety, health, and well-being of its citizens in the homeland. Since the terrorist attacks of 9/11, preventing terrorists, the acts of terrorism, and the tools of terrorism from entering the U.S. has become a priority. But other threats, such as illegal immigration, smuggling of narcotics, and other criminal activity originating outside the U.S. also remains high priorities. The main prevention activities for the U.S. homeland are conducted at and around the U.S. border and ports of entry. Though the U.S. border can be defined in many ways, depending on the environment (e.g., sea, land, air) and what laws (e.g., local, state, federal) are being enforced, the border is essentially the point where people and/or cargo cross from the jurisdiction of a foreign nation or international waters/airspace into the jurisdiction of the U.S. In the first five years of the department's existence, border security has been one of its highest priorities. The DHS components most responsible for border security, Customs and Border Protection (CBP), the U.S. Coast Guard (USCG), and Immigration and Customs Enforcement (ICE), have struggled to define, coordinate, and have a common strategy for border control. Even within CBP, Border Patrol, Office of Field Operations (ports), and the Office of Air and Marine have struggled with developing a unified effort.

The U.S. border is comprised of nearly 20,000 miles of a mix of coastline and rugged land borders with Mexico and Canada; this includes parts of the border that run through a maritime environment, as is the case with much of the border with Canada on the Great Lakes (Beaver, 2007). The U.S. Coast Guard counts 95,000 miles of shoreline that needs to be protected and monitored (Braesch, 2009, p. 1). The U.S. border covers the full range of environments from maritime to desert, tropical to arctic, mountainous, and from thickly forested to opens plains. The maritime environment adds the complexity of different borders for different purposes. There is the 12-mile territorial

sea, the 12-mile contiguous zone, and the 200-mile Exclusive Economic Zone (EEZ).¹ There are three modes used for transport: land, air, and maritime. To make things even more complex, there are three federal agencies that share responsibility for enforcing the laws in these various environments at, and between, ports of entry: Customs and Border Protection, U.S. Coast Guard, and Immigration and Customs Enforcement.

The U.S. border also differs greatly depending on whether it is a land border or maritime border, and whether it is north or south. The threats and methods used for the various border segments vary greatly across the border but tend to be common to some specific border regions. The southwest border with Mexico is primarily a land border with miles of desert land where the threat of mass illegal migration and narcotics are of primary concern. On the other hand, the Great Lakes region on the northern border with Canada presents a stark contrast in geography, threat, and methods. Though illegal narcotics are a concern, preventing the entry of terrorists and/or terrorist weapons is a major goal.

The Coast Guard's resources are much more prominent and intelligence plays a key role in focusing use of resources for the Great Lakes border control efforts. These types of differences can be observed between each of the various parts of the U.S. border. Adding to the complexity are the differences between at-the-port and between the ports operations and also the differences between the three modes of transportation used at the border; air, land, and maritime.

¹ The Territorial Sea is a belt of ocean space adjacent to and measured from the coastal state's baseline to a maximum width of 12 nautical miles (nm). Throughout the vertical and horizontal planes of the territorial sea, the coastal state exercises sovereign jurisdiction, subject to the right of innocent passage of vessels on the surface and the right of transit passage in, under, and over international straits. The Contiguous Zone is a maritime zone adjacent to the territorial sea that may not extend beyond 24 nm from the baselines from which the breadth of the territorial sea is measured. Within the contiguous zone, the coastal state may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration, or sanitary laws and regulations within its territory or territorial sea. In all other respects, the contiguous zone is an area subject to high seas freedom of navigation, overflight, and related freedoms, such as the conduct of military exercises. Generally, a state's EEZ extends to a distance of 200 nautical miles (370 km) out from its coastal baseline. The exception to this rule occurs when EEZs would overlap; that is, state coastal baselines are less than 400 nautical miles (740 km) apart. When an overlap occurs, it is up to the states to delineate the actual boundary (Dictionary of Military and Associated Terms, 2005).

Yet, within DHS, the components involved with border control have tended to treat many border related threats as applying to the entire U.S. border equally. Furthermore, efforts by DHS to address risk management and performance measurement indicate that there is a tendency to treat the border as one problem without fully considering its many complexities. For example, in the U.S. Coast Guard 2008 Posture Statement, under the Border Security section, patrolling and protecting coast line is the only strategy mentioned to stop terrorism and smuggling (U.S. Coast Guard [USCG], 2008, p. 22). There is no mention of the differences encountered on the various coasts, nor are there differences identified regarding the type or level of threat (e.g., on the Great Lakes as opposed to the Gulf Coast).

CBP is slightly better in this regard, in that it identifies three separate strategies: southern border; northern border; and coastal border (U.S. Border Patrol [USBP], 2004, p. 15). However, the distinctions do not go far enough to highlight the differences between the Gulf Coast and the east and west coasts. Two workgroups established at DHS, the Border Control Model Work Group (BCM WG) and the Risk Assessment Program for Informed Decision-making (RAPID) have worked on the assumption that the threats to the border are mostly uniform and have worked toward solutions that are simplified and do little to recognize the complexity of the border.

One example of differences on the U.S. border can be illustrated by comparing the southwest land border with the land border with Canada. On the southwest border, the threat of mass numbers of immigrants crossing the border is high. Since much of the southwest border is open desert, the strategy to use technology is employed to increase the ability for detection. To enable response, CBP is improving infrastructure and increasing the number of border agents. In contrast, on the northern land border, incidents of immigrants crossing the border between ports of entry are less frequent and usually involve only one or two people at a time. The strategy for that part of the border relies more heavily on intelligence combined with detection capability. Increasing border agents to cover that part of the border would be too costly and would not be practical. The strategy is to make more of an effort to coordinate with other federal, state, and local organizations to help with response.

The maritime borders are also a good example of differing threat and strategy on the border. The Coast Guard actually defends several borders from the shoreline to the territorial waters, and also the Economic Enforcement Zone (200 miles out). The maritime strategy involves detection at various stages so that targeted vessels are screened before reaching the shoreline.

One of the problems that results from this monolithic approach is that while parts of the border such as the southwest land border with Mexico have garnered great amounts of attention and resources, other parts of the border have been left largely unaddressed. The buildup of infrastructure on the southwest border to gain effective control involves equipping nearly 2000 miles of the border with sensors and/or surveillance equipment and is estimated to cost anywhere from \$8 billion to \$30 billion (Department of Homeland Security [DHS], 2005). The threat of terrorism was a primary justification, but there is general agreement that the greatest threats from terrorism are not necessarily on the southwest border. While the flow of illegal immigrants and smuggling continue to shift in location and methods on the southwest border, it remains a significant problem. In addition, the question needs to be asked as to whether the heavy spending of resources in one area in this way is justified by the results and whether the vulnerability to terrorism has been reduced. There are other parts of the border that also need to be given attention and border areas where the U.S. should spread out the resources that it dedicates to border control.

Another problem is the way that components plan and control operations and compete with each other for the resources to achieve their own component level plans. The Coast Guard has a strategy for stopping illegal drugs from coming into the country that is based on trying to stop smugglers before they get close to the border. The Coast Guard strategy competes within DHS for resources with ICE (interior enforcement and external investigation and intelligence) and CBP (interdiction at and near the border) use competing national level strategies instead of all three components working from a unified strategy that truly integrates the expertise and resources of all three organizations. There is a tendency for components to compete to maintain control of traditional turf or to add to the turf they have instead of focusing on the needs for overall, improved border

management. For example, when the Secure Border Initiative was being offered as a program to improve border security, the Coast Guard knew it would not be able to compete against that mandate and decided to only work within its base budget that year (CBP, 2006). This illustrates how the components and DHS posture their approach to the resource allocation process in a way that pits program and component plans against one another instead of taking an integrated approach.

B. RESEARCH QUESTION

The proposed thesis and associated analysis will focus on addressing the following specific research questions.

- What are the coordination/cooperation issues in border operations, how do they vary by region?
- Would a regional approach provide a better gauge of effectiveness and lead to improved resource distribution for controlling the U.S. borders?
- What should the basis be for a regional border approach?
- Could existing models of joint military commands be applied to the U.S. border to create regional border commands to improve collaboration and effectiveness?

C. RESEARCH SIGNIFICANCE

The significance of the research proposed is that it addresses an issue that DHS continues to struggle with, but from a perspective that has not been thoroughly studied. The research will look at regionalization that does not just attempt to use the existing regional structures but used regionalization in a way that focuses the regional structure on operational need and specifically for one aspect—border control. The research also looks at applying the concept of joint command, something that is well known in the military community but not common in the law enforcement or border communities. No similar examples could be found during the literature review, indicating that it has not been given much consideration in the academic community. The planned research will broach the subject and hopefully stir interest and dissent that could eventually bring out various views on the efficacy of a regional joint command approach for law enforcement and other areas of public service.

Another contribution of this research will be the combination of regionalization with joint command. Though regionalization has been considered in the past for DHS, it has not included the aspect of joint command. The recommendations resulting from this research will help DHS and border component leadership with a proposal for improving overall collaboration and effectiveness for U.S. border management.

D. LITERATURE REVIEW

This review identifies relevant sources concerning regionalization and joint commands, especially in relation to how those concepts can or are being considered for improving border control. The sources evaluated are diverse, originating from the federal sector, academia, and individual experts. Though few sources could be found that discuss the merits of regionalization or joint commands for border control, there are several that discuss the overall benefits of those approaches and some that discuss the idea of regionalization for DHS in general. Under regionalization, the review involves a look at government reports, articles, and academic writings concerning past or existing regionalization attempts within DHS and, specifically, regarding any reference to the use of regionalization for border control. It also includes a search of literature discussing regionalization efforts for organizations similar to DHS dealing with law enforcement issues and other government organizations, such as state efforts to regionalize various services. Similarly, a search was conducted under joint commands for literature dealing with proposed or actual attempts at using a joint command approach within DHS. It also involved a review of joint command used in organizations to integrate operations of several subcomponents.

1. Regionalization

Though not specific to border control, the Government Accountability Office (GAO) discusses how federal programs often rely on regional approaches to deliver services more efficiently and effectively (Government Accountability Office [GAO], 2004, p. 26). The GAO goes on to say that as DHS involves more state and local organizations that regional structures and plans will become more important for all major homeland security assistance (GAO, 2004, p. 27). Again, the focus for these arguments

was for disaster response and recovery, but the same arguments could be applied to any of the security areas addressed within DHS. Other readings also focused on the Federal Emergency Management Agency's (FEMA) role in DHS but support the GAO's claim.

The National Association of Development Organizations (NADO) stated in a 2005 report:

In a general sense, there is an intensifying dialogue at all levels of government about the rationale and the overwhelming benefits of working regionally to strengthen local planning, preparedness and prevention efforts. However, the reality at the grassroots level is often more complex as governmental entities and first responder officials fear losing control, seek to protect their turf, have overlapping responsibilities or simply fail to recognize the benefits of pursuing regional solutions. (NADO, 2005, p. 3)

The NADO report seemed to indicate that there is a realization that regional approaches are seen as beneficial, but that there is significant resistance from those that sense they may lose control or possibly influence over what is considered as their domain. In applying this idea to border control, one can see where similar challenges may exist in trying to implement a regional approach. This may have been one of the problems with past attempts at establishing regions in DHS.

The Office of Management and Budget described how the new DHS would "put into place an organizational structure that meets the dual needs of centralized planning and decentralized execution" (Office of Budget Management [OMB], 2003, p. 5). This regional approach would put regional directors in charge of all homeland security missions within their assigned region. However, the regional plan was never implemented. The early attempts at regionalizing DHS were centered on the organization existing at that time. DHS looked at how to move the existing organizational structures into common regions. There was much resistance from the components involved and confusion over these planned regions because the regions did not consider the operational needs of the organizations.

Because there was not a clear definition of what a region should be, and states and federal organizations had different views on what regionalization would mean, there was little chance for those efforts succeeding. William Austin said it best when he said,

“regionalization of homeland security efforts in the United States can succeed if based on clear definitions, solid leadership and a system that allows input into the decision making process from the regional level” (2006, p. 21). The idea of regionalization in and of itself was not the problem, but more so how it would be defined and implemented. Austin does question whether regionalization is necessary and offers no change in the current structure as one of the options (2006, p. 68). Ultimately, for emergency management, the recommendation presented by Austin reflects the need to have a regional approach but ensuring that the definition is clear, the leadership is solidified, and that the state and local organizations have input into the organization (2006, p. 74).

Though not in the context of making an argument for regionalization, Jerry Kidrick and James J.F. Forest describe the unique challenges of protecting Alaska in a way that clearly suggests that a case can be made for regionalization as a way to solve those issues (2006, p. 254). U.S. border security focuses highly on the southwest border with Mexico and, recently, on parts of the border with Canada. Yet, Alaska, along with its size and strategic location, is home to the Alaskan pipeline and the Port of Valdez, where 9.2 million barrels of oil is stored and 50 supertankers transit each month (Kidrick & Forest, 2006, p. 261). In the current approach to border control, there is little opportunity to focus resources on Alaska, as it has to compete with the Mexican border for national attention. Would a regional approach ensure that the Alaskan border at least have some consideration in the discussion for resources?

One argument that can be made against regionalization is from the failure of DHS to implement a regional structure in the early stages. Secretary Tom Ridge made regionalization a priority yet the resistance and lack of political support doomed the original idea (Glasser & Grunwald, 2005, p. 5). However, since the initial failures there have been some changes that have in essence helped to regionalize some operations. As an example both the Department of Defense (DoD) and DHS have assigned members in each of the FEMA regions for pre-coordination and planning (Federal Emergency Management Agency [FEMA], 2009).

2. Joint Commands

There were no sources found that discussed the idea of joint commands for border control or for cross-component regions within DHS. The concept does not seem to have been considered within DHS at all. Though fusion centers, Integrated Border Enforcement Teams (IBETS), Border Enforcement Security Task Force (BEST), and other joint task forces have been employed in DHS; however, the concept is only applied at the tactical level of the components involved and does not employ the overall command concept at the strategic and planning level. The one organization that has employed this concept is the Department of Defense.

There are several sources that discuss the Goldwater-Nichols Act of 1986 that helped to strengthen the joint or unified command concept in DoD. Most of the literature concentrates on the role that the Joint Chiefs of Staff plays within the department in providing strategy and removing conflict between military services. Faller (1991) discussed whether the Goldwater-Nichols Act achieved what it set out to do. He concluded that though there are some areas where the act may not have gone far enough, it essentially set about a change in culture for the military services that over time has and will continue to improve. A quote that helps frame this claim discusses the role of each individual in that culture change:

It is a concept—a mindset that says, “Let’s have the best team, regardless of the cost to the individual service.” As one Navy commander put it, “your question should be, not is jointness working but, what have you done for jointness today?” (Faller, 1991, p. 151)

Locher (2001) discusses several aspects of Goldwater-Nichols and the effect it has had on DoD and the military services. In most areas, the author advocates that there has been marked improvement. Concerning the U.S. joint warfighting capabilities, General Shalikashvili was quoted, “No other nation can match our ability to combine forces on the battlefield and fight jointly” (Locher, 2001, p. 12). The author also gives the DoD a grade of “A” for structural changes leading to improved operational effectiveness (Locher, 2001, p. 12).

Colonel Stuart K. Archer of the U.S. Air Force (USAF) points out the many successes of the Goldwater-Nichols Act, and how it had positive impacts on the effectiveness of DoD. (Archer, 2009, pp. 4–9) On improving collaboration between the services, he said:

In summation, the Goldwater-Nichols Act reduced the influence of parochial service chiefs and empowered the combatant commanders to demand joint cooperation. While not ridding the defense establishment of inter-service rivalry, the Act made a fundamental change in service relations that future Secretaries of Defense and progressive military leaders would develop and expand. (Archer, 2009, p. 8)

Admiral Edmund Giambastiani discusses how the Joint Forces Command, started in 1999 (formerly the U.S. Atlantic Command), has helped to further collaboration between the military services and improve interoperability by working with the combatant commanders service chiefs and senior defense officials. He talks about efforts to transform the culture in DoD by rewarding innovation and intelligent risk taking and how these efforts are improving DoD's ability to adapt quickly in an environment where the rate of change continues to increase (Giambastiani, 2003).

3. Conclusion

Though there are no direct references to regionalization or joint commands for border control, it is clear that there is high regard for both approaches in helping to improve effectiveness and focus for complex issues. The literature reviewed indicates that regionalization was originally expected to occur within DHS but that the emphasis of the early attempts may have been too much on having regions for command and control instead of regions that target operational needs. This leaves open the possibility that regional approaches that target operational needs could be accepted.

There is only one good example of regional joint commands that would give a regional focus to strategies, planning, and operations. The literature covering the DoD experience is rather sparse, but it consistently points to the positive effects of the change. Joint commands have helped to change a very powerful culture where the military services competed directly for resources and control of operations. Though there is still

much room for improvement, the change has been positive and helped improve the level of effectiveness for the total military. Though this approach has not been applied to civilian agencies, there seems to be great opportunity in applying this concept with organizations that experience similar challenges.

E. METHOD

1. Case Study

This thesis looks at one case study to gauge the pros and cons of organizing U.S. border control components regionally and organizing to establish regional joint commands. The Department of Defense Unified Commands, resulting from the Goldwater-Nichols DOD Reorganization Act of 1986, will be studied to see how the reorganization: affected the level of collaboration between the military services; impacted the level of operational effectiveness; affected resources in general; and affected leadership decision-making. The thesis will also look at the affect the reorganization had on the military services themselves, including both positive and negative impacts. The pre-existing situation at DoD and the military services will be compared to current DHS and border control related components with the intention of showing how DHS might expect a similar reorganization in DHS to affect its border control community and its level of performance. Other variables that will be studied include time and degree of difficulty for implementation; impact on individual members; the headquarters structure for overall policy and strategy (joint chiefs concept); and the change in roles for the military services and components.

2. Policy Analysis

For regionalization, the thesis assesses a centralized versus a decentralized approach. In this portion of the analysis, the aspect of joint commands will not be included but rather the focus will be on the effect a more decentralized approach would have on border management within DHS. In this portion of the analysis, the thesis will concentrate on past attempts at regionalization, and why they may have failed and also discuss how a different approach to regionalization specific to border management may be more appealing.

The results of the analysis of the case study and policy analysis will be used to construct options and a recommendation for how DHS should proceed to improve overall border effectiveness and collaboration.

II. BACKGROUND

A. CURRENT BORDER CONTROL ORGANIZATION

1. Customs and Border Protection (CBP)

CBP began as one of the newly formed organizations within the Department of Homeland Security on March 1, 2003. The new agency combined customs and immigration functions under one organization, bringing together U.S. Border Patrol (USBP) from the Department of Justice (DOJ), Immigration and Naturalization Services (INS) inspections from DOJ, and the U.S. Customs Service from the Department of Treasury in an attempt to create “One Face at the Border” (Office of Inspector General, [OIG], 2005, p. 16) (See Figure 1). Unlike U.S. Customs and INS, Border Patrol transferred into CBP as a whole organization maintaining its responsibility for border control between ports of entry and did not face many of the issues encountered by their colleagues at the ports of entry.

For customs and immigration inspection officers the transition was much more challenging because the move reshuffled parts of each organization combining the inspections part of the two organizations together and moving the investigations part of both organizations into a new organization, Immigration and Customs Enforcement. Eventually, the inspections functions from the Department of Agriculture were also added to the mix at CBP, to create a whole new approach at the U.S. ports of entry. The resulting new organization within CBP, the Office of Field Operations, now has the responsibility for all port inspections combining the immigration responsibilities with the immigration and agriculture inspections responsibilities for CBP officers. Blending very different skills, cultures, and procedures was a significant challenge for the new office. Those challenges were further exacerbated by the change in emphasis at the border to preventing terrorists and weapons of terrorism from entering the U.S. (CBP, 2005, p. 2).

This new emphasis on preventing terrorism presented challenges regarding how the agency would: detect nuclear and biological weapons; detect potential terrorists; and all while maintaining an acceptable level of trade and travel facilitation. It also provided a

uniting factor for the new organization at the ports of entry. Despite the many differences and challenges, the new officers could rally around a very important role in preventing terrorism in the U.S., and that may have been the most important factor in helping the Office of Field Operations within CBP to overcome many of its obstacles.

U.S. CUSTOMS & BORDER PROTECTION

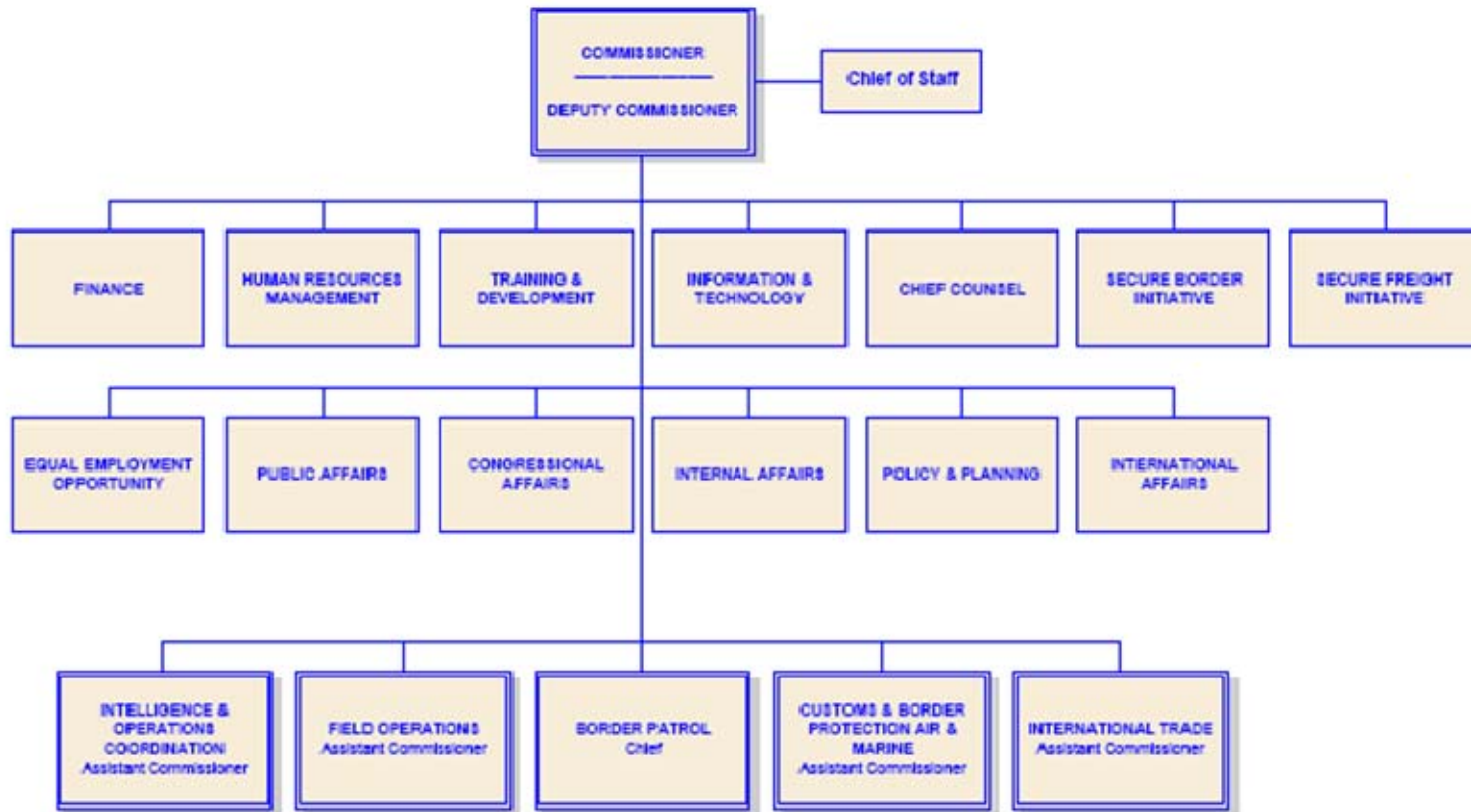


Figure 1. U.S. Customs and Border Protection (From CBPnet, 2009)

CBP also had to deal with the loss of the investigations function moved to the newly formed Immigration and Customs Enforcement. This will be addressed in more detail later, but the move created an institutional barrier that had the effect of reducing operational coordination and increasing competition (OIG, 2005, p. 3). In the original configuration, the air assets that were part of Customs and U.S. Border Patrol were also located in ICE. However, shortly after the organizations were formed, the air assets were moved to CBP and a third operational office was created within CBP called Air and Marine. Air and Marine now provides air assets in support of Border Patrol and port operations in addition to supporting ICE and joint task force operations in the Caribbean. In addition to defining its role within CBP, Air and Marine had the challenge of combining 26 different aircraft types from the various legacy organizations into an effective air force that also happens to be the largest law enforcement air force in the world.

The three operational offices in CBP—Air and Marine, Office of Field Operations (ports of entry), and Border Patrol—have all been able to focus their energies on developing the individual roles they play in improving border control. However, one of the main reasons for bringing these organizations together into one agency was to be able present one face at the border, and CBP has struggled to actually make that happen, especially at the headquarters level. The uniforms of all three operational offices are different. Even Air and Marine, a new office within CBP, did not adopt either one of the existing uniforms but now has its own distinct look. Internally, the three different uniforms help to identify the individual roles, but to the public, it can be confusing to have three different uniforms within an organization that purports to be “one face at the border.” Though many may point to examples of increased cooperation between CBP components for specific field operations, at the headquarters level there is still a lack of a unified strategy for the three CBP offices that addresses border challenges in terms that apply to all three offices. The offices still compete for resources and are reluctant to share information that might disadvantage them in achieving component goals and objectives or in obtaining resources they see essential to their plans.

CBP has taken steps to try to integrate the operational offices, but those efforts have been met with internal resistance from the operational components. This was best demonstrated in attempts to develop an overall performance measure for border control within CBP. The operational offices steadfastly opposed attempts to use terminology that was not specific to their own operations making it nearly impossible to come up with language that could be applied to all border operations. Instead, CBP continues to struggle with describing its overall success on the border in terms that demonstrate the value provided to the U.S. public for the funds it receives. This is especially noticeable with high cost programs such as the Secure Border Initiative (SBI), which is spending billions of dollars on infrastructure and technology, yet has not been able to demonstrate how the spending is affecting the overall level of border security or control (GAO, 2008).

The measure that is most often used for between the ports activity by Border Patrol is “border miles under effective control” (ExpectMore.gov, 2007, p. 1). This measure, though good for determining the number of miles where the planned infrastructure and technology has been completed and deployed, does not help the U.S. to know if it actually has had an impact on reducing the flow of illegal immigrants, narcotics, or other contraband. It also does not help with identifying how it increases the level of security against terrorism. With CBP struggling to measure success between the ports of entry, it becomes even more problematic when attempts are made to include all border control operations. The problem CBP has had with determining overall border performance measures is symptomatic of the stovepipe approach that still exists for border control, revealing where port and between the port operations lack integration and a united approach to border control.

CBP has also taken steps towards a more integrated approach for its operational components through strategic planning and resource planning. In 2007, CBP shifted its strategic planning efforts away from a focus on its individual programs to a singular agency strategic plan. The new strategic plan (signed but unpublished)² was the first

² Though the updated CBP Strategic Plan was signed, it has not been published. This may be due to the change in administration and a new Commissioner awaiting Senate approval anticipating there may be changes to the latest CBP strategy.

effort to bring Border Patrol, Office of Field Operations, and Air and Marine together with the CBP support offices to come up with a long-term unified strategy (CBP, 2009). The planning effort not only identified a more unified approach, but also identified gaps that were not being addressed and helped to eliminate unnecessary redundancies. The strategic planning process included an implementation effort to tie the strategic plan to the resource allocation process, but it never got off the ground because of internal resistance. That same resistance has seemed to play into decisions not to publish the latest version of the plan, though it has been signed.

The CBP Office of Intelligence and Operations Coordination (OIOC) was established in 2007 to help to integrate intelligence and operations for the CBP operational offices in the field (Basham, 2007). Since its beginning, OIOC has been trying to improve integration between the operational offices within CBP but with only marginal success. Anecdotal reports from field representatives indicate that collaboration and cooperation between operational components on the frontlines of border security are actually quite good, as long as the leadership supports them. Most of the success, and what has been reported, are the cooperative efforts that are at the operational field level.

What tends to stay hidden from the public is the level of competition and turf battles that are being fought at the headquarters and strategic levels. There has been continuous posturing by office leadership to increase power and control with little regard as to how it is preventing the best opportunities for achieving the highest levels of effectiveness on the U.S. border. In October 2009, a study was started within CBP to determine whether the operations coordination function should stay together with intelligence coordination.³ Representatives from CBP operational offices have expressed a lack of trust in OIOC and are concerned that OIOC is trying to take over operational control.⁴ Whether there is such a specific intent or not, splitting intelligence coordination and operations coordination would in essence weaken the operations coordination role currently in OIOC and make it easier for the operational offices to maintain full operational control over their subordinates. However, even if OIOC stays together, the

³ The CBP study was assigned verbally at an executive staff meeting.

⁴ Concerns expressed are anecdotal and not documented.

operational control will likely continue to stay within the operational offices, with only minimal impact from OIOC in helping to form a truly collaborative effort at the strategic level.

2. Department of Homeland Security (DHS)

In addition to the role that CBP plays in providing border control two other organizations play major roles; U.S. Coast Guard and ICE. Figure 2 shows the relationship between the DHS components. As mentioned earlier, ICE combined the investigations role of immigration and customs together to form the basis of the organization. It has at different points in its short existence also included: the air assets since moved to CBP; air marshals currently in the Transportation Safety Administration; and the Federal Protective Service recently moved to the National Protection and Programs Directorate (Immigrations and Customs Enforcement [ICE], 2009).

ICE's role for border control is much different from CBP's in that it is not defined by, or only located near, the U.S. border. ICE agents investigate all types of border related crimes and also support border operations through their Detention and Removal Program. Much of its operations are conducted away from the actual U.S. border in the U.S. interior and outside of the U.S. borders, in essence providing a layered approach to defense of the border. ICE investigations take their agents to all parts of the U.S. and the world to enforce U.S. laws related to border enforcement and to reduce the impact of threats such as: terrorism, narcotics, financial crimes, contraband smuggling, visa violations (compliance enforcement), human smuggling and trafficking, document and benefits fraud, intellectual property violations, crimes exploiting children, transnational organized crime, and gangs (ICE, 2007, pp. 2-5). With such a large amount of responsibility, ICE must prioritize use of its resources to target areas of highest concern.

With ICE investigations being separated from CBP operations, CBP has had little influence over ICE priorities and has often been frustrated in the past to find little interest or slow response from ICE on arrests or information ICE found. Also, competition

between CBP and ICE and the communication methods of information has often presented problems in connecting the two organizations on important information (OIG, 2005, pp. 64–69).

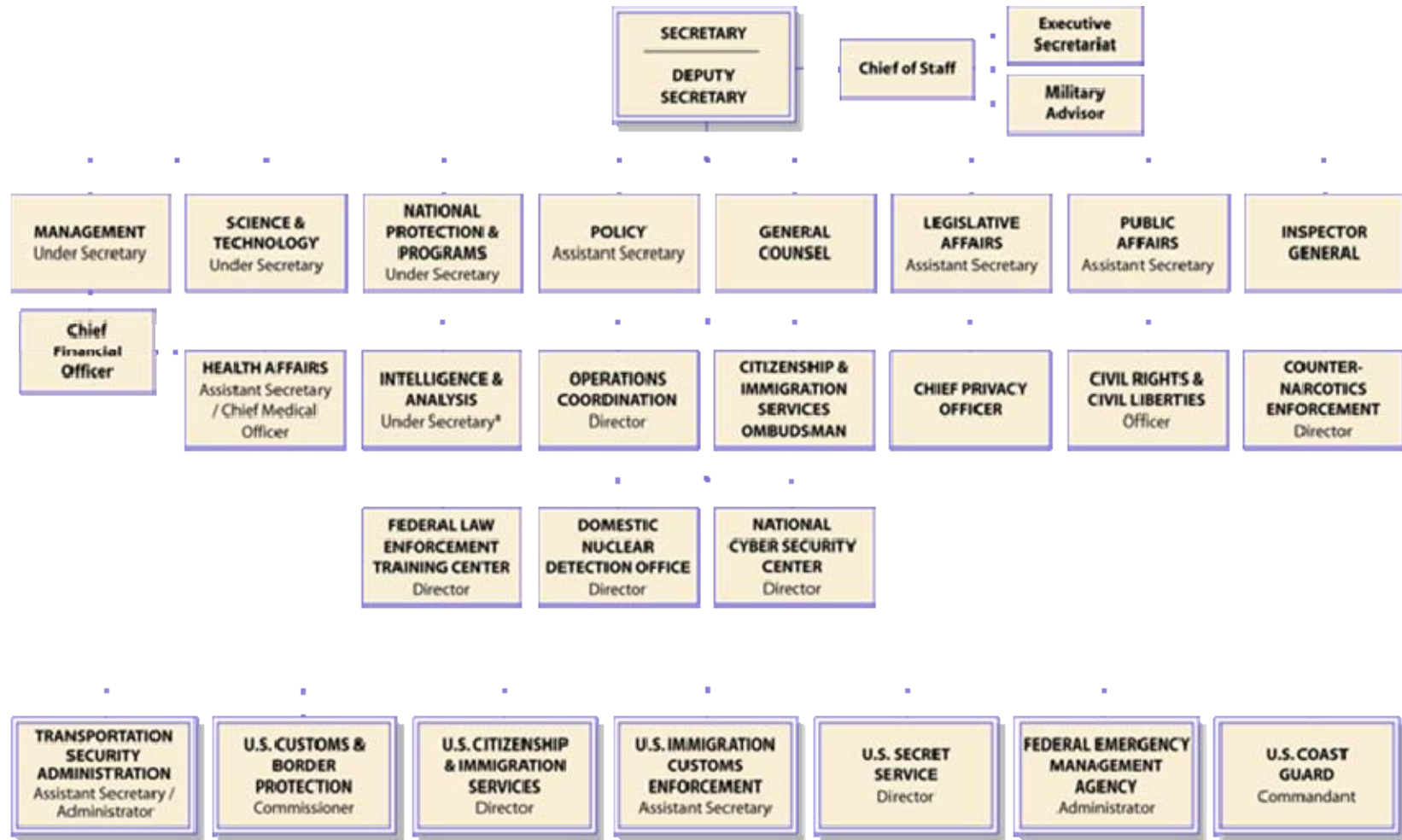


Figure 2. Department of Homeland Security (From DHS.gov, 2008)

The U.S. Coast Guard is one of the organizations that transferred to DHS as a whole agency. (See Figure 3.) USCG came from the Department of Transportation, and it has maintained its status as a military organization. Three of the 11 USCG missions are related to border control: drug interdiction; migrant interdiction; and other law enforcement, which includes maritime security and protecting the integrity of the U.S. maritime borders (USCG, 2009). Of the nearly 19,400 miles of U.S. border, 12,400 are in the maritime environment (Pekoske, 2007 p. 2). Unlike the approximately 7,000 miles of land border, the maritime borders vary depending on the location and what laws are in effect. For example, the actual U.S. border with Canada runs through the Great Lakes, with water on both sides of the imaginary line between the two countries. The Great Lakes border is very different from the other maritime borders in that once one crosses the “line” on the Great Lakes the person is considered in the other country whereas along the ocean any of several U.S. borders runs as far as 200 miles from the shoreline out to sea.

U.S. COAST GUARD

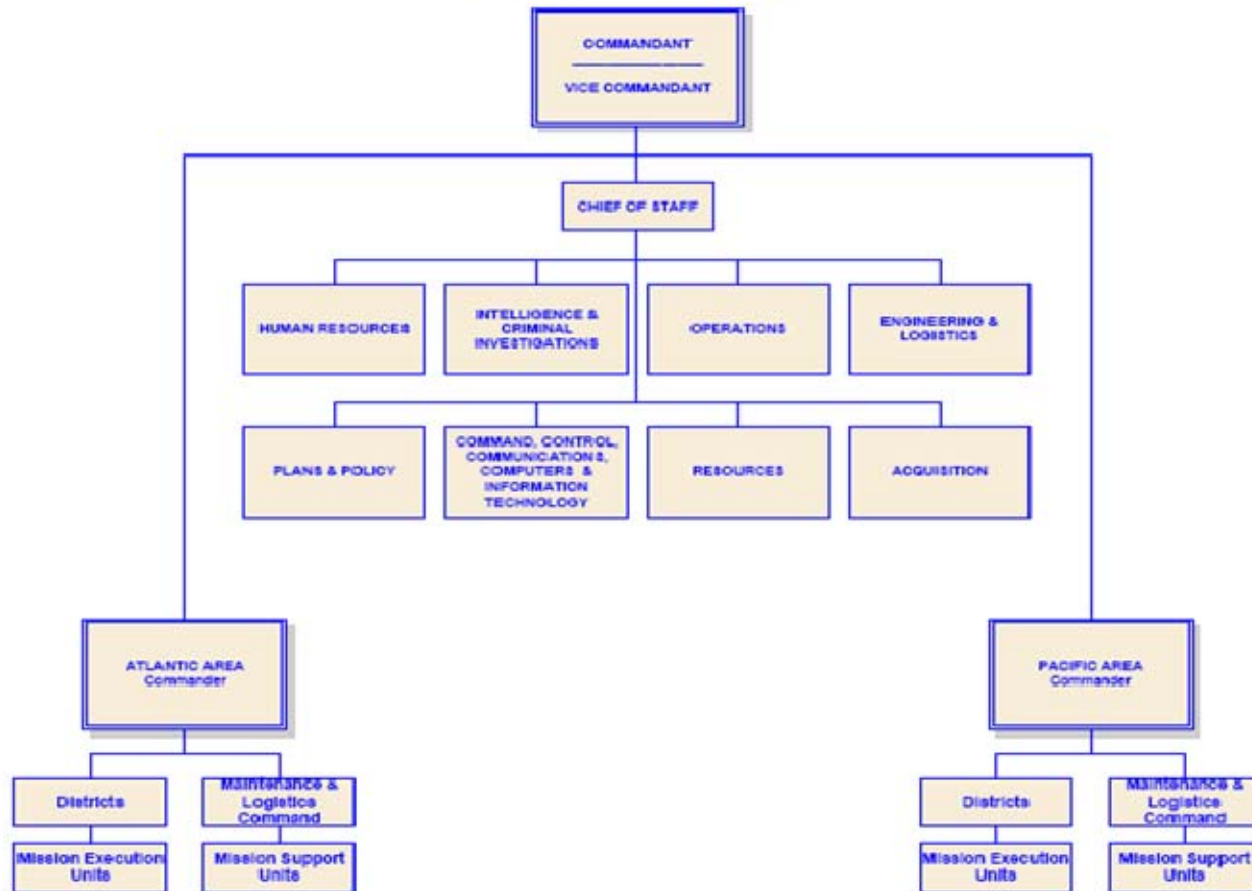


Figure 3. U.S. Coast Guard (From DHS.gov, 2007)

The territorial sea extends 12 miles from the baseline (normally the low-water mark closest to the shore). The contiguous zone is a band of water extending from the outer edge of the territorial sea and up to 24 nautical miles from the baseline (United Nations, n.d. (a)). The exclusive economic zone (EEZ) extends from the outer limit of the territorial sea to a maximum of 200 miles from the baselines of the territorial sea (United Nations, n.d. (b)). In the contiguous zone, the U.S. can enforce laws pertaining to customs, immigration, finance, and environment and can board, search, and apprehend foreign vessels without first obtaining permission from the country where the vessel is registered (Council on Environmental Quality, 1999). This is significant for border control because though the actual border may be considered the baseline, the border for enforcement purposes is extended in the maritime environment out 24 miles. Though CBP is the lead agency for enforcing the border, the USCG is the lead organization for providing homeland security in the maritime domain (O'Rourke, 2006, p. 1).

The apparent overlap of responsibility between the Coast Guard and CBP, particularly with Border Patrol, creates either opportunities or problems—depending on one's perspective. As has been the case with Haitian immigrants since the President George H.W. Bush administration, the Coast Guard has interdicted migrants at sea, returning them to their homeland or detaining them and depositing at the nearest non-U.S. port without immigration processing. If migrants are able to reach dry land before being apprehended, they are afforded the immigration process to determine status (Barry, 2005). This policy has kept the Coast Guard busy in the border control arena but only on the water. Any enforcement on dry land in coastal areas is left for CBP to handle in the current organizational setup. The question this raises concerning CBP is what resources does it need especially related to marine craft to do its part of the job?

Another issue that is raised is the use of Coast Guard resources for border control. Coast Guard resources are used to support 11 mission areas: search and rescue; marine safety; ports, waterways and coastal security; drug interdiction; migrant interdiction; defense readiness; ice operations; aids to navigation; marine environmental protection; living marine resources; and other law enforcement (USCG, 2008, p. 16). Coast Guard resources are not dedicated solely to the border security mission and at any time can be

involved in other missions or even pulled away from border security for something that is considered a higher priority, such as search and rescue at sea. From a CBP perspective, it is problematic if Coast Guard resources cannot be completely relied upon to see through border control operations. For instance, a Coast Guard helicopter on a border control mission might be redirected at anytime if needed for a rescue mission that is considered a higher priority but to the detriment of completing the border control mission.

3. Border Region History

Prior to DHS, each of the components making up the new department had distinct districts or regions with a rationale for why the component needed the specific breakout. The original intent for the new department included a common regional approach for all of the department's components. This section compares the component districts/regions and considers the differences as a primary reason why the original DHS regional approach failed. Immigration and Naturalization Service, Customs, Border Patrol, and Coast Guard are the primary legacy organizations compared. Even though FEMA is not one of the border control organizations, it was considered for the DHS regions, influenced the decisions concerning regionalization, and, thus, it is included in the comparison.

a. U.S. Border Patrol (USBP)

The U.S. Border Patrol, one of the three offices within CBP, currently divides operations between 19 sectors. Prior to 2004, when David Aguilar was appointed as the Border Patrol Chief (CBPnet, 2009), the sector chiefs were mostly autonomous. Sector chiefs frequently worked with each other to shift sector boundaries as required to address operational needs, such as changes in air support or changes in the flow of illegal smuggling traffic. Since Chief Aguilar's appointment to Border Patrol Chief, operations have been centralized and changes to sector boundaries need to be approved at the headquarters level. Figure 4 shows the sector breakout in 2005, while Figure 5 shows the 2009 version of the sector boundaries. The Livermore sector was eliminated, and the San Diego, El Centro, Yuma, Marfa, Laredo, and Rio Grande Valley sectors all changed significantly to accommodate changes in operational needs.

Note also that neither Alaska nor Hawaii were included as separate sectors or as part of any of the other existing sectors. Border Patrol does not include those areas, since crossing into mainland U.S. would require using a port of entry or passing through Canada or the maritime environment to enter.



Figure 4. U.S. Border Patrol Sectors and Stations (From CBP.net, 2005)



Figure 5. U.S. Border Patrol Sectors and Stations (From CBP.net. 2009)

b. U.S. Coast Guard (USCG)

The U.S. Coast Guard has nine districts supporting its 11 mission areas (USCG, 2009). The Coast Guard district setup shown in Figure 6 reflects an emphasis on its maritime responsibilities including inland federal waterways such as the Great Lakes and the major navigable river systems. Since no documents were found that describe the rationale for the district boundaries, it is assumed that operational considerations for setting boundaries include such things as amount of recreational and commercial traffic and activity, environmental considerations (frequency of maritime chemical or oil spills), and criminal activity such as drug smuggling in the maritime environment. Though not all states have federal waterways, each state is represented in one of the districts. Some states without federal waterways have Coast Guard stations for other purposes, such as recruiting offices, Coast Guard Auxiliary offices or the LORAN (long-range navigation) station in Gillette, Wyoming.



Figure 6. U.S. Coast Guard Districts (From USCG.mil, 2008)

c. U.S. Customs Districts/Field Offices

Figure 7 depicts the approximate breakout of the CBP Field Offices across the U.S., and also reflects the U.S. Customs district offices prior to the move to DHS. The district breakouts are centered on large ports of entry and as can be seen in the illustration can extend across several states, as is the case with the Seattle, Portland, and Chicago offices. There are also very concentrated offices such as New York and Miami where air and maritime ports have significantly large amounts of activity. As is the case with Border Patrol sectors, there are 19 field offices. Three field office boundaries are very close to the same named Border Patrol sectors: El Paso, Tucson, and Laredo. The boundaries for the other field offices do not approximate any border patrol sectors in size or location.

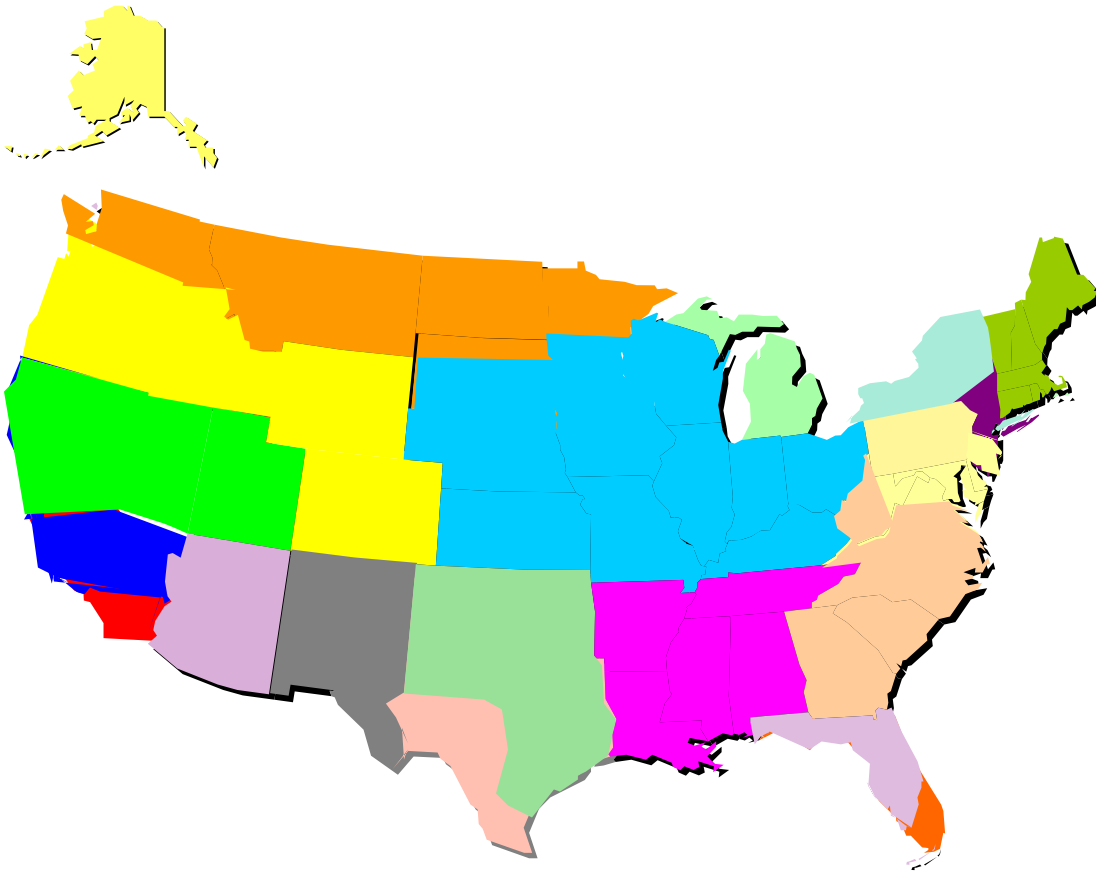


Figure 7. Customs and Border Protection Field Offices⁵ (After CBP.net, 2007)

d. Immigration and Customs Enforcement (ICE)

ICE is made up of numerous programs that are aligned differently at the field office level. (See Figure 8.) The field office types include Detention and Removal; Intelligence; Investigations; Professional Responsibility; Law Enforcement Support Centers; and International Affairs (ICE, 2009).

⁵ The map depicting CBP Field Offices was created using a CBP map that shows Border Patrol, Air and Marine and Field Offices. This depiction gives a clearer view of the boundaries though does not include office names.

U.S. IMMIGRATION & CUSTOMS ENFORCEMENT

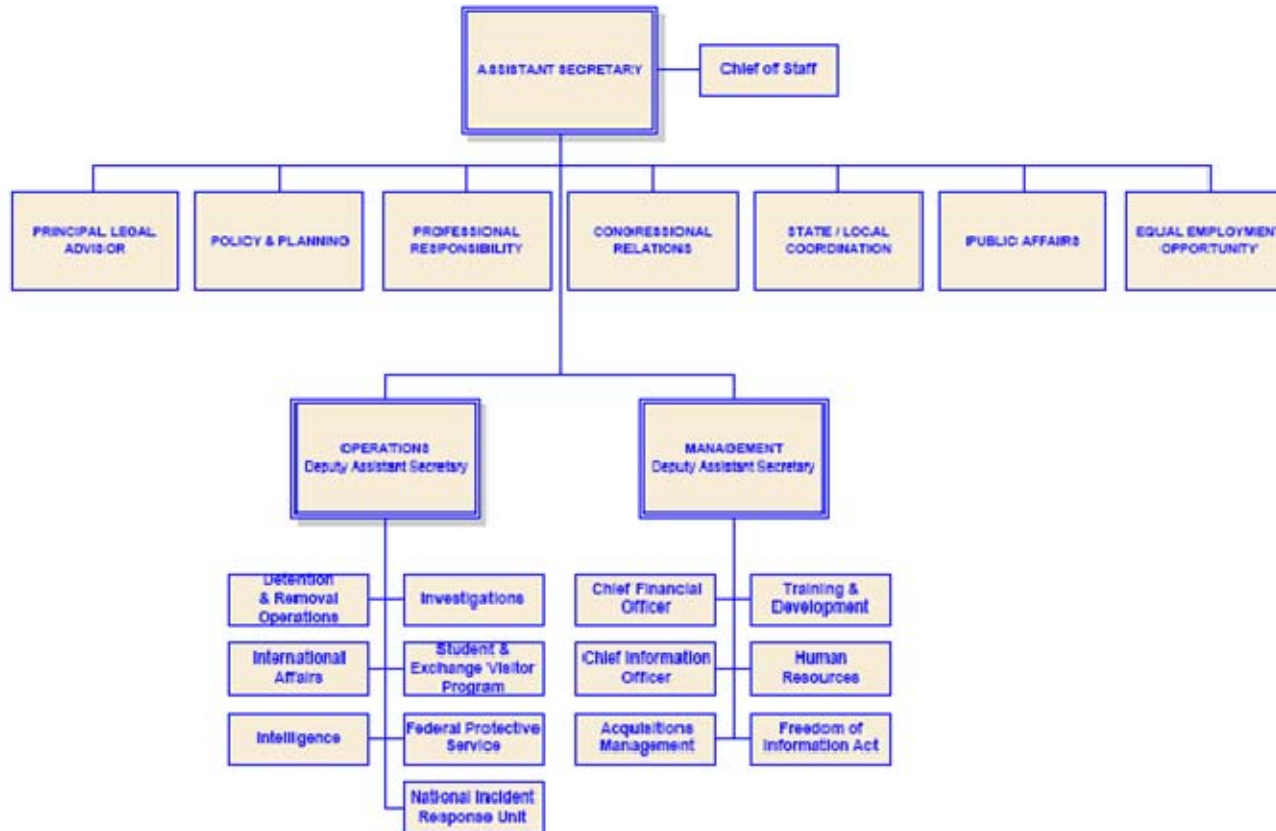


Figure 8. U.S Immigration and Customs Enforcement (From DHS.gov, 2007)

The International Affairs offices are outside of the U.S. and are not included as part of the regionalization. ICE has 24 Detention and Removal field offices as depicted in Figure 9. The ICE Field Intelligence Groups (FIGs) number 26 and are very closely aligned to the Detention and Removal field offices with some exception, mostly in the western and southwestern states (Figure 10). ICE Offices of Investigation appear to be located in the same cities as the FIGs (Figure 11). Though the illustration does not indicate any boundaries of the areas of responsibility for these offices, it can be assumed that they are closely aligned with the FIG boundaries. Similar to CBP, the various ICE boundaries indicate the need or at least the desire for varying districts to accommodate specific operational needs. ICE does not provide any rationalization for the differences, but the fact that they are different indicates enough variation between the programs to justify different districts.

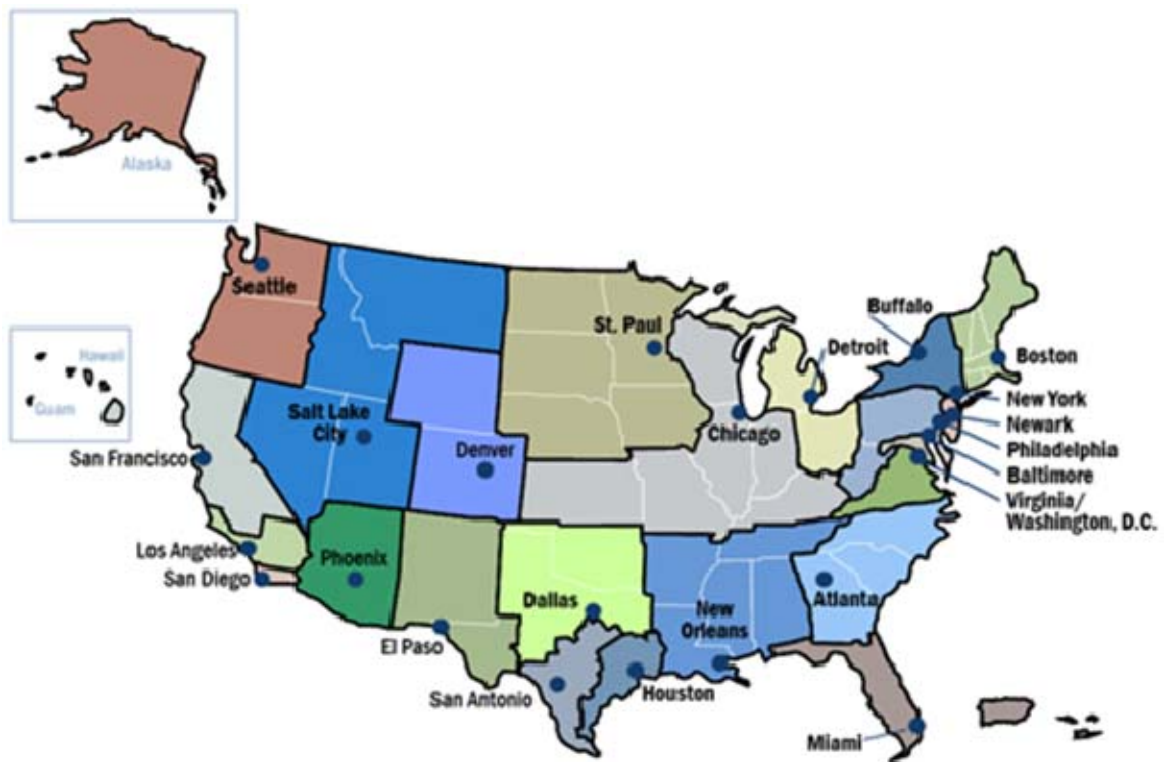


Figure 9. ICE Detention and Removal Field Offices (From ICE, 2009)

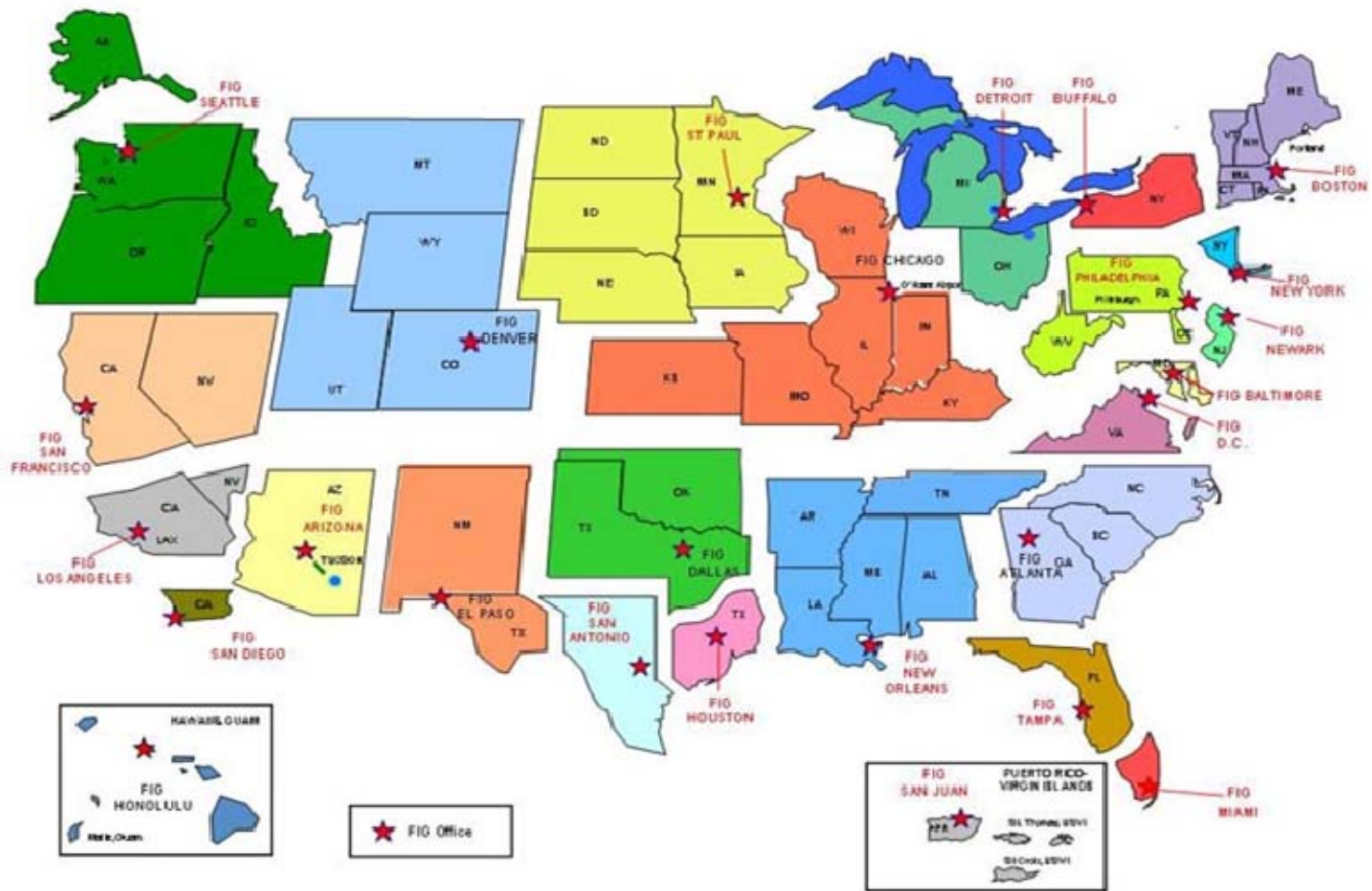


Figure 10. ICE Field Intelligence Groups (From ICE, 2009)



Figure 11. ICE Offices of Investigation (From ICE, 2009)

e. Federal Emergency Management Agency (FEMA)

Though FEMA is not considered one of the border control agencies, the original regional plan for DHS included FEMA; and, thus, it is included in this discussion to compare the FEMA boundaries to the DHS border agencies. No documents could be found explaining the rationale for the region boundaries; however, it appears that they are centered on large metropolitan areas that experience similar types of natural disasters (Figure 12). For example: the Atlanta Region takes the brunt of hurricane disasters; the Oakland Region is known for earthquakes and more recently wild fires, especially those near to residential areas; tornadoes in the Kansas City and Denton regions; heavy snow in the northern regions; and flooding from various sources in all regions. This is a very simplified breakdown but provides some possible logic for the approximate boundaries.



Figure 12. Federal Emergency Management Agency Regions
(From D-STAR.com, 2009)

B. ONGOING COLLABORATIVE EFFORTS WITHIN DHS AFFECTING BORDER CONTROL

1. State and Local Fusion Centers

One of the main challenges for the new DHS in 2003 was to improve information sharing between the various levels of organizations involved with “homeland security.” In 2006, DHS began a nationwide Fusion Center Initiative to help with providing information, people, technology, and other resources to various centers across the country in an effort to create a “web of interconnected information nodes” that would bridge state, local, and federal organizations for information sharing (OIG, 2008, pp. 3–6). Though this effort was not specific to border control, it should not be left out of the discussion, as it is one of the endeavors to increase collaboration in law enforcement, including those for border control. There has been much discussion about the value and effectiveness of fusion centers; however, this discussion is not about the merits of fusion centers, but rather what role they play in helping to improve collaboration between border control organizations.

State and local fusion centers are key elements to helping DHS to share information and to link information that can help identify and make visible otherwise imperceptible threats. The sharing of information across the federal sector, as well as with state and local law enforcement organizations, is intended to help all organizations involved to have a better view of the whole picture as opposed to only having individual parts of the picture (Straw, 2009, p. 1). Though the primary focus is for organizations to identify potential terrorism activity, the fusion centers also share information related to all types of crime, including cross border activities that might be related, and, therefore, does provide some level of collaboration for border control. However, the collaboration at the fusion centers does little to help the federal level border organizations to collaborate from an operational perspective because of the specific information sharing focus. Fusion centers are also state run and each is managed differently. Because individual states operate the fusion centers, no two are the same (Harwood, 2009).

2. Integrated Border Enforcement Teams (IBETs)

IBETs, a collaborative border operations concept developed with Canada in 1996, was originally organized to combat illegal smuggling and immigration between Blaine, Washington and British Columbia, Canada (TechBeat, 2002, p.1). The IBETs operations were so successful—seizing an average of \$1 million worth of drugs, weapons, alcohol, tobacco, and vehicles per month—that it led to the formation of six more IBETS across the northern border (TechBeat, 2002, p.1). IBETS now cover 15 regions across the northern border and combine CBP, U.S. Coast Guard, ICE, Canada Border Services Agency (CBSA), and the Royal Canadian Mounted Police (RCMP). In addition, the IBETs include state and local organizations, which further enhances information sharing and the coordination of operations.

From all accounts researched, the IBETs have been very successful and are models for international border collaboration for security operations. The IBETs formalized a working relationship on the northern border between law enforcement agencies that existed on the operational level far earlier but lacked the resources and support from higher levels in organizations. The IBETs gave the organizations the

resources and infrastructure needed to make the relationships between the agencies part of the law enforcement routine for planning and conducting operations and for sharing information. This became even more important after 9/11 when information sharing related to terrorism became a primary concern and gave the use of IBETs a boost of support and further expansion. IBETs are now being considered for use on the southwest border with Mexico to help combat the problems with cross border violence and stem the flow of illegal immigrants and drugs (The California Institute for Federal Policy Research, 2009, p. 1).

Though IBETs have proven successful for coordinating some operations, there are significant limitations that prevent them from being the ultimate answer for border coordination and collaboration. So far, the use of IBETs has proven successful on the northern border with Canada and in an international context, which accounts for approximately one fifth of the border. IBETs are being considered for implementation on the southwest border with Mexico. However, the relationship between the U.S. and Mexican border agencies is not the same as the relationship between the U.S. and Canadian border agencies. Therefore, there are no guarantees that IBETs will experience the same level of success on the southwest border as they have on the northern border with Canada. The maritime borders of the U.S. account for more than two thirds of the border and, as discussed earlier, are very complex. Though some of the concepts developed in the IBETs may be very valuable for coordinating maritime operations, there may be significant differences other than just lacking the international component. Lastly, and, most importantly, though the IBETs have been great for coordinating at the operational level, component representatives are still subject to component control. Each component maintains its own strategic initiatives, control of resources, priorities, and competitive spirit that keeps the IBETs from being anything more than a way to have everyone in the room coordinated on information and operations. From a strategic standpoint, the components and not the IBETs decide what the priorities are, how resources will be utilized, how to participate in, and whether to support specific operations. The success of the IBETs is totally dependent on the willingness of the components to participate and share and can shift at any time depending on the situation.

3. Border Enforcement Security Task Force (BEST)

ICE began establishing BESTs in 2005 to help counter significant increases in border crimes and violence along the southwest border, especially in Texas (ICE, 2008). Though the primary functions of ICE are related to investigations and intelligence and not as first responders, ICE has provided direct operational support to first responders through its BEST offices (Ayala, 2009, p. 4). Rather than planning and coordinating law enforcement operations as the IBETs do, the BESTs focus on sharing intelligence and information between organizations that can then be used to support operations. The BESTs established on the northern border have “complemented and increased the effectiveness” of the IBETS through its investigative abilities (Ahern, 2009, p. 5). Like IBETs, BESTs bring together a large number of federal, state, local, and international organizations including CBP, Alcohol Tobacco Firearms and Explosives (ATF), Social Security, FBI, Coast Guard, Drug Enforcement Agency (DEA), and IRS. Internationally, RCMP, CBSA, and other state and local organizations from Canada have participated; there has also been involvement from the Mexican law enforcement agency, Secretaria de Seguridad Publica (SSP) on the southwest border (CBP, 2009; ICE, 2009, p. 5). Under the new administration, DHS has committed to double the number of ICE agents assigned to the Violent Criminal Alien Sections (VCAS) located in the five southwest Border Field Offices; a testimony to the high level of effectiveness that they have brought to border control efforts (California Institute for Federal Policy Research, 2009, p. 1).

Similar to the IBETs, the ICE BESTs have had a positive impact on the level of cooperation and information sharing, but they also share the same characteristics relating to component control and a lack of unified strategy. Also, since it is not an organization geared toward coordinating operations, but rather one to share and coordinate intelligence, it relies on the whims of the participating organizations to voluntarily share and contribute.

4. Joint Task Force

In addition to the IBETs and BESTs, DHS components participate in several other joint task force operations such as the Joint Terrorism Task Force (JTTF), the Organized

Crime Drug Enforcement Task Forces (OCDETF), and the Document and Benefit Fraud Task Forces. The JTTF, run by the FBI, and OCDETF, run by the DEA, are both Department of Justice efforts that DHS components support and for which they provide participants. These task forces are run similarly to the DHS IBETs and BESTs in that participation is mostly voluntary and the task forces provide forums where participants are able to share information and intelligence and also coordinate activities related to the focus of the task force. The component members of the task force maintain their own strategies and participate, as long as it provides an overall benefit to the priorities of their component. From a comparison standpoint, the task force examples do not provide anything different from the IBETs or BESTs as a model to follow for improving border control collaboration, other than that they provide more examples of the ability, at the tactical level, for law enforcement agencies to work together to improve effectiveness.

C. CURRENT ISSUES AND PROBLEMS RELATED TO BORDER CONTROL COLLABORATION

With all of the success and improvement gained by the various task forces within DHS, one might question whether there is any need for changing the current approach. It is obvious from the research that IBETs and BESTs have had positive effects on interdiction efforts and on formalizing the high level of cooperation that has been experienced at the tactical level. What is not obvious to the casual observer is the high level of competition and battles over turf that continues at the headquarters level, especially within the DHS and, in the case of CBP, within the component. Part of the blame for that competition can be put on the resource allocation process since it forces components to partake in a win/lose process that does not reward organizations for saving money or reducing their scope of responsibility. Regardless, DHS components involved with border management continue to compete for control instead of committing to changes that would achieve the most effective ways to use the expertise and resources across the components for improved border control.

1. Competition

There are numerous examples of the level of competition especially between the law enforcement components within DHS. Some might point out the value of competition in that it helps the components to continuously improve and to perform at high levels. DHS Secretary Michael Chertoff's Second Stage Review (2SR) included a study of the law enforcement issues within DHS. Though not publicized, it was well known among the 2SR study teams that the law enforcement team was the most contentious of the 19 issues teams and found that the participating members were not able to come to agreement on some the more difficult concerns during the study. Many of the problems stemmed from: differences in the cultures between the various law enforcement agencies; agents versus officer status; and sharing of law enforcement information that is considered too sensitive and might jeopardize other operations or the ability to prosecute a case. The members of the law enforcement issue team also included very strong personalities and participants who were charged with protecting their respective agencies' interests during the study.

Within CBP, the three operational offices: Border Patrol, Office of Field Operations, and Air and Marine have improved the level of cooperation and collaboration between the offices. However, there is a lingering lack of trust that keeps the any one office from "giving in" to another office on any contentious issue; or on an issue that might give the perception of another office having control over the first office's resources; or that the another office may get more credit for success. The same kind of competition exists between the other DHS law enforcement components as well, in a large part because resources that are slated to for one agency are often designated at the expense the others. This was especially evident with the Secure Border Initiative (SBI) funds that were prioritized for infrastructure and technology on the southwest border. When those funds were being pursued by CBP, the Coast Guard made a decision not to ask for more funds above their base funding because they knew they would not be able to compete against SBI to get any new money for priority projects.

2. Component Centered Strategies

A second issue with the current approach is that even with improved operational coordination, the components still maintain separate national level strategies that do not necessarily have the same priorities or focus. For instance, the U.S. Coast Guard strategy for dealing with border control issues, such as immigration and drugs, is focused on interdiction prior to reaching the shoreline, and in the case for drugs, to intercept vessels before they reach U.S waters when possible (USCG, 2008, p. 16). Though this strategy has been used successfully to increase the amount of interdicted drugs targeted for the U.S from South and Central America, it does not necessarily translate into overall success since it does not account for what drugs are being transported over land or through the air. However, since the border agencies tend to receive recognition for the amount of drugs they interdict or the number of arrests they make, the emphasis is on the component's ability to effect the interdiction, regardless as of how it might or might not affect the image of other border agencies. This is not just how the Coast Guard operates; all of the border law enforcement agencies are fighting for the same recognition, to be able to support their own component agendas, meet component performance targets so that they improve their chances for getting the necessary resources.

The strategies of each of the components also tend to deal with the border very differently. The Border Patrol focuses between ports of entry with most of its resources going to the southwest land border and the northern border with Canada a distant second. The Office of Field Operations focuses on all ports of entry: land, maritime, and air. Air and Marine monitors air incursions across the border and also supports JTTF operations in the Caribbean. As discussed earlier, the U.S. Coast Guard focuses on intercepting drugs and illegal immigrants as far from the shoreline as possible but does not operate on the shore itself. Its resources are highly concentrated in the Caribbean and off the South American and Central American coastlines. The Coast Guard is also very active on the Great Lakes, St. Lawrence Seaway, and at maritime ports of entry. ICE investigates border violations but is also very involved with crimes and immigration violations inside the U.S. borders. ICE also works outside the U.S. borders conducting investigations and intelligence efforts to resolve and prevent border crimes. Though the components do

make efforts to coordinate operations at the tactical level, the coordination mostly happens after the component strategies have already been developed with different areas of emphasis and focusing on different goals.

To use an analogy, it would be like having U.S. football, rugby, Canadian football, and Australian football members forming a team and with each style of players having their own coaches on the sidelines. Each of them would be trying to win the football game but they would be using their own strategies and rules. Team members might be working hard to coordinate with the other players on the field, but they would all be playing a different game even though they are supposedly working together to achieve a common goal of winning the game. The players on the field might get along well and try to modify their play, but when their individual sideline coaches, who by the way are not working together, give them direction, it keeps them from fully cooperating to reach an undefined overall goal. Even getting the coaches to agree on the definition of winning would be difficult if the coaches are not willing to give in and modify parts of their game.

3. Duplication

With each component pursuing its own strategy, it also creates the opportunity for duplication. One of the primary examples is the duplication of maritime and air resources between CBP and the U.S. Coast Guard. There is a definite need for both sets of resources for each organization, but there has been a growing need for both organizations having duplicate resources in and around the same environments. As a result of the two organizations having different priorities, situations have come up [or been created] where one organization, CBP, feels it cannot completely rely on the air and maritime resources of the Coast Guard because the Coast Guard resources can often be diverted from border operations for higher priority Coast Guard missions, especially search and rescue (GAO, 2005). Because CBP does not want to deal with those types of diversions, it continues to pursue employing its own boats and aircraft to conduct operations in some of the same areas where the Coast Guard already operates. There may actually be some positives in having duplicate resources. Duplication may allow for

increased levels and quality of operations; however, it also can contribute to the level of competition, especially if one organization sees the other organization being recognized for accomplishments in an environment where the first organization believes it should have control.

Another example of duplication involves the investigations responsibility of ICE. The DHS OIG reported that when investigations (ICE) for the immigration and customs functions was separated away from the inspectors (CBP), it also caused a split in the relationship between the investigators and inspectors in a way that gave inspectors less influence over what ICE would investigate. It also caused CBP to refer cases to other agencies and even to pursue its own investigative capability (OIG, 2005, p. 12). Though this example is much more an organizational issue, it does show how having two separate chains of command and two different strategies tends to promote duplication of capability and effort.

4. Lack of Flexibility

Flexibility may not be the right term for describing the ability to account for threats to border security across the entire border, but there are large segments of the border that lack attention to potential threats and existing vulnerabilities. There is little opportunity for those segments of the border other than the northern and southern borders to compete with established priorities. Overall security is weakened if we fail to identify the threats and vulnerabilities across the entire border and fail to allow all parts of the U.S. border to be considered when determining priorities for border control. In the current competitive environment, the border agencies must clearly identify focused strategies to be able to convince the leadership that the proposed programs and projects will have the greatest impact on reducing the risk to identified threats. In the current approach, most threats are projected across the entire border, such as a threat of nuclear weapons being brought across the border. With this example, one can see why nuclear and radiation detection capability is being sought for all aspects of border control. However, the threat of nuclear or radiological weapons being smuggled into the country

is not the same on all parts of the border. Similarly, violent border crimes experienced on the southwest border do not apply to the entire U.S. border.

While billions of dollars have been poured into resources and infrastructure for controlling the southwest border; continuing the drug interdiction efforts in the southeast and Caribbean; and in recent years to the northern border, there is little evidence that more than half of the U.S. border is being given much consideration. What threats exist along the Alaskan and Hawaiian border areas? Are vulnerabilities on the west and east coastal areas being adequately addressed? One lesson from 9/11 that needs to be continuously reviewed is that the terrorists took advantage of something nobody expected. As the DHS border agencies focus all of their attention and resources on the high traffic areas, they must also be sure that al Qaida or other terrorist groups are not quietly taking advantage of a lack of attention. How can the U.S. be sure that the more remote border areas are being adequately considered? Is there a better way?

5. Performance Measurement

With billions of dollars being spent on the border for infrastructure, technology, and more than doubling the size of the U.S. Border Patrol, questions remain as to just what those dollars have bought in terms of overall security and effectiveness. With the economic downturn and an accompanying movement of illegal immigrants back home (Bazar 2007), there are questions as to whether any data reflecting improvements are a result of the improvements that were bought or whether they are due to reduced threat. At the same time, increases in border violence and new methods being used by smugglers might suggest that things have actually deteriorated. DHS has also struggled with how to measure border effectiveness. Though border control organizations can provide data on what has been interdicted, it is nearly impossible to determine the total amount attempted to be smuggled into the U.S or how much actually makes it through. The DHS Border Control Model Workgroup was formed to attempt to come up with a border measure that would help inform on overall effectiveness. It was found that the many variables across the entire U.S. border made measurement too difficult to define for the entire border. DHS continues to try to find a measurement process that will help to give an accurate

picture of effectiveness. With threats that are fluid and ever adapting, the measurement process must be able to be based on common areas where any adaptations can be included in the overall level of activity.

6. Conclusion

In summary, border control presents incredible challenges for DHS. Not only is the border environment extraordinarily diverse, but the organizations involved in border control bringing strong cultures that set the stage for competition. These conditions are not conducive to cooperation and collaboration as it is desired by the department. DHS must look at ways to overcome the obstacles of the past and pave new roads to the future.

III. IMPROVING BORDER COLLABORATION AND EFFECTIVENESS

A. UNIFIED REGIONAL APPROACH FOR IMPROVED BORDER MANAGEMENT

1. A Case for Regions as a Way of Improving Collaboration and Cooperation

The term collaboration has been used extensively within DHS as a primary method for how organizations can and should improve effectiveness and share information. But what exactly is collaboration in DHS? Eugene Bardach simply defines collaboration as any joint activity by two or more agencies intended to increase public value by working together rather than separately (Bardach, 1998, p. 8). Raymond L. Kay II looked at this more deeply when he addressed this question in his thesis titled: “Homeland Security Collaboration: Catchphrase or Preeminent Organizational Construct?” (Kay, 2009). Though Kay’s discussion is primarily centered on state and local organizations and is mostly in the preparedness and emergency management contexts, he makes a number of points that address collaboration generally. These points can be used for federal level border control as well. Kay points out that the *National Preparedness Guidelines* (NPG), published in 2007, describes collaboration as “Standardized structures and processes for regional collaboration enable entities collectively to manage and coordinate activities for operations and preparedness consistently and effectively.” (DHS, 2007; Kay, 2009, p 2). The definition is used specifically for the preparedness context, but it is important to note that the definition itself contains the idea of “regional collaboration” for managing consistently and effectively. The NPG goes on to say that the objective for expanding regional collaboration is for “Standardized structures and processes for regional collaboration...” (DHS, 2007; Kay, 2009, p. 8). This gives credence to the idea that for collaboration to have positive results and lead to improved effectiveness, there needs to be a standard approach across the participating organizations both structurally and in the processes being used. Wendy Wheeler also discusses various forms of cooperation and sharing in terms of levels. She identifies the fifth level, collaboration, as “characterized by highly

structured and explicit systems, commitments, decision-making structures and intended outcomes supported by written agreements and defined accountability for interdependent outcomes and results” (Kay, 2009, p. 23; Wheeler, 2007). Can this description of collaboration be applied to the current organizations where task force, IBETs, BEST, or fusion centers are being used by DHS components as the best examples of collaboration for border control?

The literature reviewed seems to indicate that collaboration and regional approaches pretty much go hand in hand. The NPG stated, “There is no greater necessity than to collaborate on a regional basis to leverage expertise, share specialized assets, enhance capacity, and interoperate cohesively and effectively” (DHS, 2007, p. 19). Additionally, it goes on to advocate that all levels of government must embrace a regional approach to improving capabilities (DHS, 2007, p. 20). Susan Reinertson, in her thesis titled *Resource Sharing: Building Collaboration for Regionalization*, said:

A regional approach will deliver a more comprehensive needs and risk assessment as opposed to a myopic analysis limited by jurisdictional boundaries. This leads responders to realistically perceive funding priorities. Regionalization is pivotal in developing a comprehensive homeland security program strategy that incorporates both prevention and response. (Reinertson, 2005, p. 31)

She also said, “Regionalization can be interpreted as a force-multiplier that delivers economy of scale” (Reinertson, 2005, p. 32). The GAO maintains that regional approaches are recognized as one of the key ways to address terrorism (GAO, 2004, p. 1). The GAO also said explained:

...effective regional collaboration is characterized by, among other things; the presence of a regional organization of many diverse stakeholders that identifies problems and possible solutions...The combined outcome of the collaboration interaction of those parties is a strategic plan that is made actionable by the presence of goals and objectives. (GAO, 2004, p. 23)

Jennie Temple, in her thesis *Enhancing Regional Collaboration: Taking the Next Step* makes the point that regional collaboration helps ensure that plans are aligned despite the diversity across DHS (2007, p. 4). When one looks at the diversity of the U.S. borders and the varying relationships to deal with that diversity, it seems that a

regional approach would help improve the degree of collaboration, especially given that there would likely be an improved level of consistency within each region.

An argument could be made that the literature mainly speaks to helping to solve the problems by supporting states in the handling various types of disasters and for more efficient use of resources for response, recovery, and preparedness—not for handling federal level border control. It is a point that cannot be ignored, but at the same time it should not be a reason for failing to considering how regionalization might help create improvements for border control. If regionalization can help states to more efficiently use sparse resources for preparedness and disaster response, would it not make sense that the same approach might help the federal agencies, involved with border control, find ways to more efficiently use their resources? Rather than aligning plans by component-specified “regions” that are not congruent with the other components, would not a common regional approach help to ensure that the resources from all components were working in harmony? Would not regional approaches help to avoid the component myopic views and strategies and help produce strategies that are focused on the challenges faced within the specific region? Finally, if regionalization is a key to addressing terrorism for response, recovery, and preparedness, would it not seem logical that it would also benefit addressing the threat of terrorism at our borders? Even though the literature is not specific to regionalization for border security, it is reasonable to assume that border control could benefit for many of the same reasons.

2. DHS Regional Concept

As described earlier in Chapter II, the existing regions⁶ of the DHS components were not compatible enough to form a single regional construct for all DHS components without creating major disruptions—at least not in the way that it was being proposed. DHS inherited agencies with very different ways of managing their operations. For example, ICE and the Transportation Security Administration (TSA) field offices report directly to their Washington headquarters offices while the Coast Guard and CBP offices

⁶ The term “region” is being used to include districts, sectors, and offices that serve similar functions within the component organizations.

report through district, sector, and area offices (Peckenpaugh, 2004). When discussing the varied regional boundaries, Joe Fiorill said, “The boundaries of their regional offices rarely coincide and former House of Representatives majority leader Dick Armey, R-Texas, said Homeland Security’s bid to integrate the offices is likely to run up against “parochialism” and tenacious “civic relationships” (2004). The regions used by each component were largely based on operational needs and any changes to component boundaries would affect not only component operations but would likely affect working relationships with state and local partners as well.

When comparing the regional boundaries across all the DHS border control components, it is easy to see the amount of misalignment, not only with the district borders themselves, but also with the number of regions used by the components. Complicating the issue further is the lack of clear purpose for any of the proposed regional constructs. According to Robert Stephan, a special assistant to Tom Ridge and former Undersecretary for Critical Infrastructure Protection, the regional directors would not direct day-to-day operations but instead facilitate coordination and collaboration (Fiorill, 2004). If that were the case, then it is not clear what regional directors would actually do or whether they would have the ability to improve collaboration. If the components maintained operational control, it is likely that the regional directors would have little opportunity to facilitate better field coordination and collaboration in any meaningful way. The component leaders would continue to hold sway over any of their unit operations. It also raises questions concerning whether regional directors would be loyal to the region or to their own particular component. How departing regional directors are treated when they return to their component would play a big part in how independent follow-on directors would act. If directors or their staffs are “punished” or their careers are affected negatively when they return to their components, it could render the regional concept ineffective. How much would members of the other components trust a regional director or staff members that may appear to be loyal to their own component?

After Hurricane Katrina, the focus for the proposed DHS regions became centered more on disaster response (Fiorill, 2006). The emphasis was on aligning regions so that the various components would be better positioned to coordinate with FEMA in providing support and equipment during disasters. This emphasis presented an even bigger hurdle for the predominant law enforcement components within DHS because it shifted the regional design away from law enforcement focused boundaries.

The DHS proposal for joint regions might not have been such a bad idea except that the resulting regions seem to have been more focused on achieving better-centralized administrative control for the department rather than helping to improve collaboration and coordination among the component operational offices. It appears that the biggest stumbling block for the DHS regions was that no one could come to agreement on a regional structure that would accommodate the many different operational needs of the components. One of the biggest challenges in this effort remains in creating organizations that can accommodate the many statutory responsibilities of the components, including border control. The problem is that the statutory responsibilities and operations are so varied and diverse that it seems impossible to come up with regions that meet all components' needs. For example, the U.S. Coast Guard districts are designed to address maritime related responsibilities of the agency, and it would not make sense for these components that have considerable interests and missions related to the land and air modes. The FEMA regions, likewise, could not accommodate the operational needs of any of the other DHS components.

But what if instead of designing regions for all operations and missions, regions were designed around a single mission, in this case border control. By focusing the regional construct in this manner, each border region could center its planning and operations on the identified threats specific to that region without impacting how the components carry out operations and planning for other mission areas. It would also allow individual border regions to determine how the components support each other in addressing the threat rather than trying to use centralized component policies to determine how component resources work together.

3. Proposed Border Regions

What would border control regions likely look like if given the opportunity to optimally design regions for the border control mission? Rather than trying to use any of the existing component regions, it seemed beneficial to consider a whole new approach based on what is most common when considering operational needs. One of the first considerations should be the threat. Are the threats the same for all of the border or do they have differences that require varying approaches? Where does each of the threats pose the greatest problems? What other factors influence response to the threat? By looking at the answers to these types of questions, one can see that the U.S. border has enough similarities in certain areas to designate them as logical regions for border control.

The U.S. border varies greatly in geography, climate, threat types, degree of threat, enforcement agencies involved, and political considerations. These differences, though great across the entire border, can be broken down into 10 regions where the geography, climate, threat types, degrees of threat, enforcement agencies involved, and political considerations are similar. The 10 regions are:

1. The southwest land border with Mexico;
2. The Caribbean/southeast coastal border (Texas to Florida/Georgia border);
3. East Coast (maritime);
4. Northeast land border with Canada (Maine to New York, where Lake Ontario begins);
5. Great Lakes maritime and land border with Canada;
6. Great Plains land border with Canada (Lake Superior to eastern slope of Rocky Mountains);
7. Northwest land/maritime with Canada (eastern slope of Rocky Mountains to Pacific Ocean);
8. West Coast (Washington, Oregon, and California coasts);
9. Alaska maritime and land border with Canada; and
10. Hawaii (maritime)

In this regional approach, illustrated in Figure 13, DHS components could continue to maintain their own regional organizations to support their statutory responsibilities and non-border related missions. This helps to eliminate the concerns of the components regarding how a common regional structure affects the rest of the components' responsibilities. The focus of the border regions should be on threat assessment, strategy, and coordinating operations between the participating components. Representatives on the regional staff should include members from each of the border components and liaisons with local and state law enforcement organizations to ensure that operations are also coordinated outside of federal organizations. The main point of the border regions is to have staffs that can focus planning, resources and coordination efforts on border control for areas that have relatively homogenous threat types, levels of threat, climate, geography, etc. By having component representatives co-located in regions to address homogenous challenges specifically related border control, the chances for high degrees of collaboration and coordination should greatly increase.

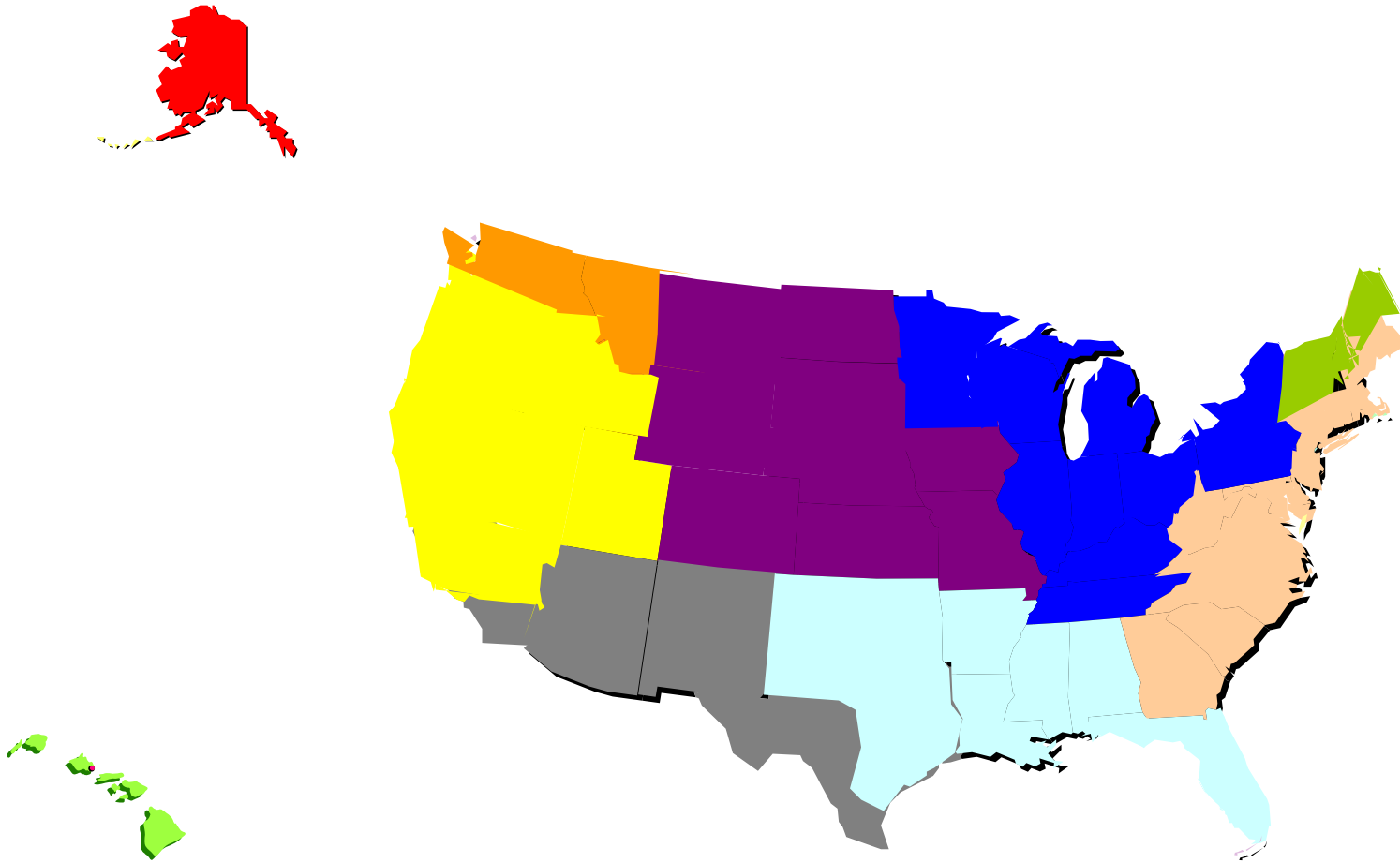


Figure 13. Proposed DHS Border Regions (After CBPnet, 2007)

Another feature of this approach would be that the regions would not own or control component resources, except for specific operations. Instead, the components would continue to assign resources, including the resources requested by the regions to conduct specific operations. The main function of the regions would be for developing and coordinating the regional strategy. By having a joint regional staff, the level of collaboration on the planning and coordination efforts would increase and improve the degree of effectiveness.

Though the number of regions and the regional delineations could be changed slightly, this regional concept demonstrates a logical breakdown of the border where strategies, resources, and policies could be tailored to meet the operational needs of the region to provide the most effective level of control and security, while also increasing the likelihood of collaboration and cooperation. This regional concept provides a potential solution to the complexity of the U.S. border by breaking it down into nearly homogenous segments.

4. How Border Regions Can Benefit from Increased Coordination and Collaboration

It has been noted that field level cooperation between border control components within DHS has actually been pretty good whenever supported at the headquarters level. How could border regions improve in this area? One of the main improvements would be in the area of planning. The regional concept allows the border components to work together on a unified plan that addresses the threats identified for each specific region. Threat-based planning would focus strategies on how the various resources from the components would be used to counter the greatest threats to each region. It would also help to ensure that component resources were coordinated in a way to ensure that the most appropriate resources are used for specific operations.

This would be a distinct change from the current planning efforts where each component plans its strategies across the entire border and only in respect to the individual component's mission(s). For example, U.S. Border Patrol strategy focuses primarily on the southwest border with substantial consideration also being given to the

northeast and northwest corridors from Canada (USBP, 2004). Though the Border Patrol also has responsibilities along the coastal borders, the best chance for getting the resources it desires comes from emphasizing solutions to threats in those areas. Though the threats in each area are very different, the threat of terrorism is used to help justify requests for resources across the entire border.

Also, in the current planning process, little consideration is given as to how other components impact the threat or how their resources could be used to counter the threat. In fact, the competition for resources actually discourages cooperation with other components because control of the resources for the component's own missions is of primary concern. Focusing on regional threats in a unified way would create an environment where it would likely decrease the level of competition between components and increase the level of collaboration in planning and use of resources.

Though cooperation between components at the tactical level has been good, it has been based on a case-by-case basis. In other words, component resources working together on operations coordinated through BESTs or IBETs tend to be single operations planned and coordinated as they come up. The regional approach would bring the level of coordination up to a long-term and more consistent basis. Through the joint threat-based planning process, each of the components would have an understanding of the requirements and resource involvement over the whole planning period as opposed to one operation at a time.

One of the characteristics of the border threats is that they are very liquid in that as border security features change, the threat adapts and moves to an area or method that attacks a perceived weakness. The regional joint approach allows the border control forces to act more in unison and also adapt to the changes in the threat. For example, if efforts to shutdown smuggling routes between the ports of entry begin to make it too difficult for smugglers whereby the number of attempts and new methods of smuggling through ports of entry increase, the region would be better able to coordinate resources of all components within the region to adapt to the new threat and more quickly respond to the changes. Regionalization combined with threat-based planning within those regions adds a degree of flexibility not currently available for overall border control.

Regionalization by itself will not address all of the earlier stated challenges with how the various border organizations coordinate and collaborate to achieve the highest level of effectiveness. Since the components continue to control resources, the level of competition and “turf wars” could still be significant enough to negatively impact the ability for the regions to implement their strategies. There is also a concern that in this approach, regional directors would feel compelled to follow their own component’s direction instead of having the level of independence necessary for true collaborative efforts. If that situation is allowed to exist, it could have a severe impact on the level of trust between the components and, again, do little to increase the level of collaboration or effectiveness.

5. Comparing the Current Structure to Unified Border Regions

W. Chan Kim and Renee Mauborgne, in their book *Blue Ocean Strategy*, discuss the importance of making competition irrelevant by looking for those opportunities to emphasize a product, method, service, or approach that existing “competitors” are not (2005). Those opportunities when taken are called “blue ocean” strategies as opposed to the highly competitive approaches called “red ocean” strategies (Kim & Mauborgne, 2005). One of the examples of a blue ocean strategy illustrated in the book described how Southwest Airlines emphasized lower fares, fewer in-flight conveniences, and point-to-point departures, to name a few strategies. This emphasis was made in order to create a service that was far different from the other airlines competing in the same “red ocean” strategy that included higher fares, many in-flight services, and few point-to-point departures (Kim & Mauborgne, 2005, p. 38). Kim and Mauborgne also introduce a strategy canvas (2005, p. 25) that helps to illustrate the differences between the red ocean and blue ocean approaches, which is very useful in demonstrating how applying a different method can change the dynamics of a problem.

In the case with border control, though the DHS components are not competing with other organizations to provide border control services, there is a high level of competition among the DHS border control components for resources and control. Using

the strategy canvas tool introduced by Kim and Mauborgne, Figure 14 helps to show how the regional approach compares with the current approach using the following factors:

1. Cost
2. Level of Collaboration
3. Level of Component Control
4. Uniformity of border strategy
5. Degree of competition for resources
6. Degree of coordination
7. Ability to address specific threats
8. Efficient use of resources
9. Performance measurement

Strategy Canvas of DHS Unified Border Control Regions

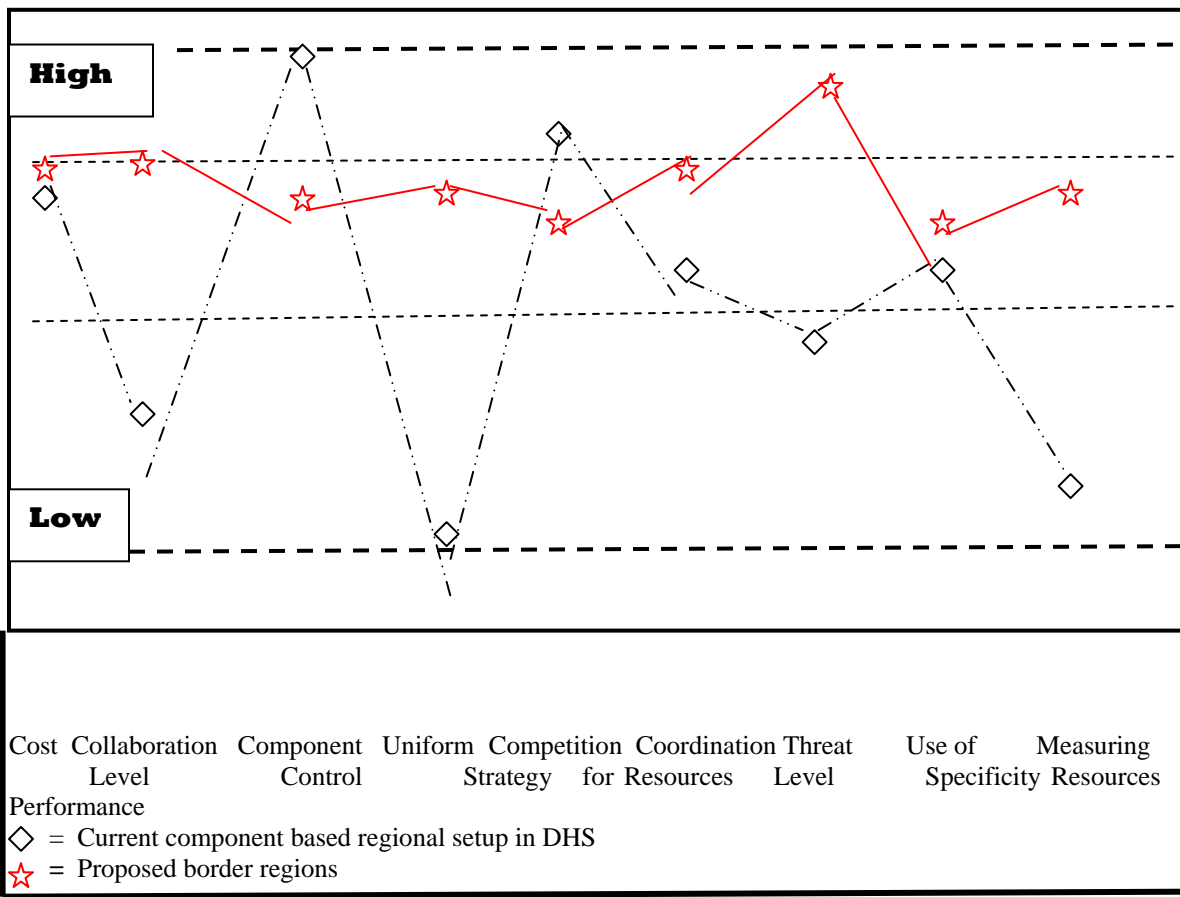


Figure 14. DHS Border Regions Strategy Canvas (after Kim & Mauborgne, 2005)

As illustrated in Figure 14, the cost of the proposed border regions may be slightly higher considering that staff elements and support would be added in 10 regions. However, that cost may be offset by a more efficient use of resources, such as response and patrol equipment (aircraft, boats, vehicles, etc.). Collaboration would likely increase substantially, though that could be influenced greatly by the amount of control exercised by the components over their representatives on the staffs. Component control would still remain high overall, but it would be lessened in areas such as planning and coordinating resources. The uniformity of strategies for the components within each region should improve dramatically. Instead of component-focused strategies, the strategies would reflect the contributions of all components and would also include common goals and objectives for border control within the region. The degree of competition for resources and control between DHS components would likely change very little since components would still determine the distribution of its resources. The regional strategies would have some influence by helping to produce more targeted goals and objectives, but the components would still have the final word on what strategies would be supported. The degree of coordination between the components should increase substantially since there would be a joint staff dedicated to those efforts.

One of the areas that would be most improved through this approach would be the ability to better address specific threats in each region. Though the overall ability would be greatly affected by the number of resources dedicated in each region, the decision-making process would at least include comparisons of the risks faced for each region and ensure that all border regions are being considered. Furthermore, threat-based planning would greatly add to the level of coordination and flexibility for border control efforts.

In the border regions approach, there would likely be little improvement in resource utilization because the components would maintain control over the resource distribution. However, in the area of performance measurement, there is considerable opportunity to improve upon the ability to measure performance compared to the current approach. In the current setup, each of the components does not segment the border the same way. In addition, since each of the components maintains separate strategies, there is no way to come up with measures that make sense across the many differences. By

having joint strategies in focused regions, each region will be able to measure performance its specific goals and objectives and across all of the components involved. At the national level, DHS will be able to measure the level of success across each of the regions and be able to determine where it is meeting its goals and where it still needs improvement. At the same time, it will have the information it needs to determine an overall status on border control across the varying threats or by location.

Overall, the main benefits of the DHS border control regions are: improved collaboration; more unified and targeted strategies; the ability to address threats more specifically within the regions; and improved performance measurement. Four out of the nine factors can be substantially improved with the other five factors having moderate to no positive improvement. One of the main areas of concern that remains is the competition between components. This one factor is strongly influential over many of the other factors, and, in some situations, it could negate improvements if taken to the extreme. Component control is also a factor that weighs heavily on the ability for DHS to gain improvements in many of the remaining factors. The next section will look at how DHS can address the remaining factors and the overall impact it could have on improving U.S. border control.

B. REGIONAL JOINT COMMANDS FOR INCREASED EFFECTIVENESS

1. DoD: A Model for Improving Coordination and Effectiveness

Prior to 1986, the U.S. armed forces struggled with conducting inter-service operations. Military operations since World War II were hampered by conflict and inadequate coordination among the military services. Service priorities trumped joint operations and the spirit of competition and control dominated the Department of Defense (DoD) (Answers.com, 2009c). Stuart K. Archer explains:

The command arrangements of U.S. forces in Vietnam exposed the extraordinary effect of service competition that had developed since World War II. While clinging to service prerogatives, generations of service leaders closely guarded service interests and countered exterior moves to increase effectiveness or enhance service cohesion.” (2008, p. 12)

In addition, the competition after World War II between the military services created numerous budget difficulties as each service tried to establish its own service strategy as the primary solution for defense and included acquiring the resources to support those strategies (Answers.com, 2009a). The National Security Act of 1947 was an attempt to unify the military services, but it did little to improve the level of coordination between the services. The Defense Reorganization Acts were adopted in 1953 and 1958 to further reduce obstacles to coordinate plans and management. These acts also served to strengthen the Office of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff; yet these acts did little to prevent open disagreement between the services, and they did not help with curtailing budget requests (Answers.com, 2009b). The military services continued to compete for control and resources, and, in many cases, officers that served on or supported joint commands had their careers affected negatively and cut short.

It was not until the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (GNA) that the relationship between the armed services truly began to change (GNA, 1986). What was it about the GNA that was different from previous attempts that helped to make the transition to improved coordination happen when all earlier attempts failed? Craig S. Faller credits the aspects of the act that forced the services to address their cultures (1991, pp. 70–78). The U.S. Navy was probably the most resistant to the changes largely because it had components that matched capabilities of the other services and felt it had the most to lose. General David C. Jones, USAF and former Chairman of the Joint Chiefs of Staff (JCS), described the Navy as:

...the most strategically independent of the services—it has its own army, navy, and air force.

It is the least dependent on the others. It would prefer to be given a mission, retain complete control over all assets, and be left alone. (Faller, 1991, p. 16; Jones, 1982, p. 84)

Congressman Ike Skelton stated:

In all honesty, it should be noted that as a service the Navy is unique. It has its own air force, its carrier air wings; its own ground forces, the Marine Corps, and of course its own warships. (Skelton, 1985, p. 13)

As long as the services had the option to hold onto their culture and implement measures to resist, such as affecting officers promotions, the other organizational changes would have little chance to succeed. By requiring joint service for promotion to flag rank (admirals and generals), the GNA had a significant impact on the ability for the Navy or any of the other services resist. Vice Admiral M. Boorda stated, “the promotion system is the driver” regarding the strengthening of the joint institutions and moving the military organizations in that direction. (Faller, 1991, p. 74) This is only one example of the cultural changes resulting from GNA, but probably one of the most important.

Another change implemented with the GNA was the role of the service chiefs and the Chairman of the Joint Chiefs of Staff in relation to operations. Prior to GNA, the service chiefs and the JCS Chairman were in the chain of command for operations. Afterward, the JCS and service chiefs were removed from the chain of command and placed in the role as advisors. The streamlined chain of command now runs from the President to the Secretary of Defense to the combatant commanders. The Chairman of the JCS and the combatant commanders were also given greater say in budget matters. However, even though the balance of power shifted to the joint organizations, the services maintained most of the power in budget (Faller, 1991, p. 72). The role of the services shifted from operational control to providing trained personnel and resources to the combatant commands. The services retained the ability to set policy on how their units were run and for assignments, but they no longer controlled planning or conduct of military operations.

Looking back now, after more than 20 years, how well has the GNA worked? James R. Locher III conducted a detailed review of the act and its results and states that though there is still room for improvement in many areas, there has been marked improvement (2001, pp. 11–14). Of U.S. joint warfighting capabilities, General Shalikashvili was quoted, “No other nation can match our ability to combine forces on the battlefield and fight jointly” (Locher, 2001, p. 12). The author also gives the DoD a grade of “A” for structural changes leading to improved operational effectiveness and also for establishing the combatant commanders with responsibility and authority (Locher, 2001, p. 12). In the area of planning, Locher was not as impressed noting that

though strategy formulation improved, it was not nearly strong enough and betrayed a strong allegiance to the past (2001, p. 13). Archer put it as in the following:

Today's geographic combatant commanders wield tremendous influence not only within the Department of Defense (DOD), but also within larger governmental and interagency areas far outside of pure military affairs. The Goldwater-Nichols Act enhanced the role of the combatant commanders, codified their responsibilities, and granted the authorities needed for effective unified command. Geographic command influence now transcends all areas of the military establishment, from national security strategy to growing influence in the acquisition process. Today, the geographic combatant commanders are likened to modern "proconsuls" and carry international status, maintain robust personal staffs, and can levy vast military service resources. (2008, p. 1)

Though some have said that the GNA did not go far enough and others have said that there is need for improvement, there seems to be general consensus in the literature reviewed that the DoD has experienced mostly positive results from the GNA. For the past 20-plus years, DoD has had the opportunity to see the GNA work through two wars in the Persian Gulf, a war in Afghanistan, military operations in Bosnia, and continuous threats from North Korea. It has proven to be a solid, if not perfect, model for improving coordination and effectiveness.

Could it work for DHS? Probably not in the same way it was applied at DoD because of the disparate missions between the DHS components involved and the various law enforcement authorities. As discussed in the regionalization section, it would be a stretch to think that a regional command structure could be devised that would work for all of the varied missions covered by DHS components. However, if the concept was applied for only one mission area, border control in common border regions, there is little reason to doubt it could be successful. In this construct, a joint commander would lead each of the border regions as described earlier. The joint regional border commander would be responsible for the regional threat analysis, strategic planning to address the threats, and coordinating component resources to achieve a consolidated border control effort in the region. Unlike the border regions where the components would continue to direct their own component resources, the joint regional border commands would be given the authority to plan and direct operations within their respective regions. There is

still strong support in DoD for continuing the roles of the military services in resourcing (Murdock & Weitz, 2005, p. 3). Similar to the DoD model, the joint regional border commanders would have input into the budget system and to define their own resource requirements. The chain of command for border control operations would run from the operational units to the joint regional border commander and then directly to the DHS Secretary. As in the DoD model, the border control components would be bypassed.

Another feature of this concept that would be similar to the DoD model is the establishment of a “joint chiefs” for border control to advise the DHS Secretary on border issues and to help define national priorities for border control. The joint chiefs would include the chief executives from CBP, ICE, and U.S. Coast Guard, at a minimum, but might also include the Chief of Border Patrol, Assistant Commissioner for Office of Field Operations, and the chief administrator for the Citizenship and Immigration Services (USCIS). The component roles for border control would be to provide training, organizational standards and policy, and also to provide resources to the joint regional border commands as approved through the budget process. Though details would be worked out later, generally, the components would continue to provide policy and guidance on procedures such as trade and processing of travelers and cargo at the ports of entry, but the joint regional border commanders would plan and coordinate specific operations and determine the use of resources for those operations within their region.

For the Coast Guard, similar to DoD operations, units assigned to the joint regional border commands will be dedicated to the operations assigned. Once the unit is released, it would be available to its Coast Guard command for other missions. So for example, if a joint regional border commander is assigned a helicopter from the Coast Guard to participate in border patrol operations, it would be unavailable to the Coast Guard command for reassignment until released by the joint regional border command. The Border Patrol sectors, port field offices, and CBP Air and Marine units would come under the joint regional border commands operationally and under their components in CBP administratively. ICE operations dealing directly with border operations would be coordinated through the joint regional border commands while international investigations and operations would continue to be handled by ICE.

2. Comparing Joint Regional Border Commands to Unified Border Regions and the Status Quo

Figure 15 uses the strategy canvas to illustrate the comparisons between the options presented. The cost of the proposed joint regional border commands would probably be slightly higher than both of the other two options since the staff commitments would probably be higher to handle operations and planning. The joint regional border commands are likely to find and eliminate many unseen overlaps in resources usage for border control efforts in areas where multiple components are currently operating. The level of collaboration would more likely increase for joint regional border commands than it would for unified border regions. Unlike unified border regions, the joint commands should not be influenced by the amount of control exercised by the components over their representatives on the staffs because they would be more independent. The uniformity of strategies for the joint commands would improve dramatically over both of the other two options. Because of the independence and authority established at the joint commands, there would be nothing to compete against. Instead, joint command strategies would target the threat identified for that region without having different, and often competing, approaches from each of the separate components.

The degree of competition for resources and control between DHS components would change greatly under the joint commands approach. Though components could still have impact on the resourcing, the joint commanders would have much greater influence on identifying the type and mix of resources it would need for addressing the threat. The components would have much less influence on determining where resources would ultimately go. The degree of coordination between the components would again be very high and likely increase over what the border regions could provide. The joint commanders should have much greater influence over coordination efforts because of the increased authority. The ability to address specific threats in each region would again be very high and probably not that much better than what could be done through the unified border regions.

Strategy Canvas of DHS Joint Regional Border Commands

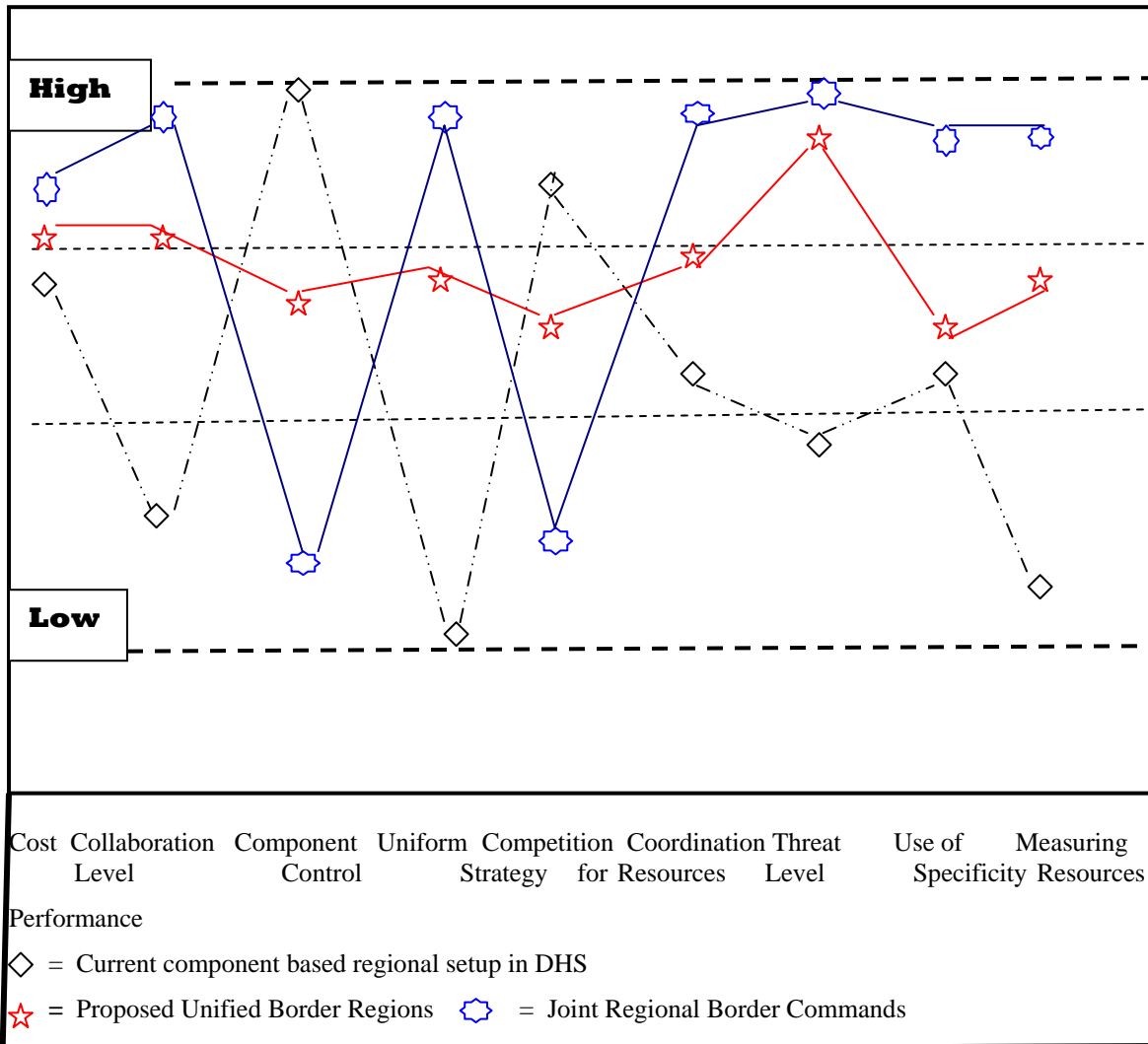


Figure 15. DHS Joint Regional Border Commands Strategy Canvas (After Kim & Mauborgne, 2005)

As with the border regions, with the joint commands the overall ability would be greatly affected by the number of resources dedicated in each region. With joint commands, resource utilization should improve dramatically since the commands would have dedicated staff and resources assigned that are dedicated to specific operations. Performance measurement could improve considerably if each joint command can establish performance criteria for countering the specific threat in their region. Since

joint commanders would have greater authority to implement their strategies, they would also have greater ability to measure performance against the established goals and objectives.

C. THREE BORDER CONTROL OPTIONS

1. Status Quo

In this option, DHS would continue to rely on the various state and local fusion centers, IBETS, BESTs, and joint task forces to coordinate and collaborate on border control. Also with this option, DHS can expect that its components will continue to compete for control as well as for the resources they need to achieve their individual strategies.

a. Major Features

- Component centralized control of planning and operations
- Component based planning
- Component regional structures that do not align with other components
- Reliance on component efforts to improve coordination and collaboration
- Centralized component approaches to threat assessments
- Component emphasis on a small number of priorities (regions)
- Component controlled use of resources

b. Pros

- Components can continue to build on deeply held cultures and traditions
- DHS can continue to grow and mature its organization slowly
- Multiple component strategies to choose from to resource
- Familiarity within components

c. Cons

- Component strategies that likely do not align

- Continued overlap of responsibilities between components
- High level of competition between components for border control resources
- Little control over the collaboration building process
- Continued struggle with measuring border control effectiveness.

2. Unified Border Regions

In this option, DHS would establish unified regions for border control that would combine members from the DHS border control agencies into unified staffs for border regions that have nearly homogenous threat types, threat levels, geography, climate, law enforcement relationships, and international partners. There are 10 proposed regions as illustrated in Figure 13.

a. Major Features

- Combined regional border control staffs
- Regions that are focused solely on border control efforts
- Coordination and collaboration of border control efforts accomplished at the regional level
- Region focused threat assessments and plans
- Threat based planning
- All regional plans considered in budget and resourcing
- Component controlled use of resources
- Component control of operations.

b. Pros

- Threat assessments and planning that are aligned across components in each region
- Uniform efforts to improve collaboration
- Collaboration efforts that are focused on regional issues
- Improved coordination of resources between components
- Improved ability to measure border control effectiveness
- Improved flexibility across component resources to adapt to changes in threat

c. Cons

- Potential higher cost to set up regional staffs
- Component authority and control of operations could sabotage collaboration efforts
- Components competition for border control resources would still exist
- Little improvement in efficiency of use of resources
- Regional staffs lack authority and need to rely on personal abilities to making improvements
- Regional staff members allegiance likely tied to home component

3. Joint Regional Border Commands

This option establishes command authority at the same regions described in option two. The component role in border control substantially changes from one of controlling operations to one of providing support to the regional commands. The DHS model for their combatant commands is used including establishing a Joint border control staff at the component chief level to provide advice to the DHS Secretary.

a. Major Features

- Joint regional border commands
- Regions that are focused solely on border control efforts
- Coordination and collaboration of border control efforts accomplished at the regional level
- Region focused threat assessments and plans
- Threat based planning
- Joint regional commanders have a say in budget and resourcing
- Regional commander controls use of resources
- Regional commander controls planning and operations
- A Joint Chiefs Border Control Staff made up of component chiefs.

b. Pros

- Threat assessments and planning that are aligned across components in each region
- Uniform efforts to improve collaboration
- Collaboration efforts that are focused on regional issues
- Improved coordination of resources between components
- Vastly improved ability to measure border control effectiveness
- More efficient use of resources across components
- Competition for resources between components greatly reduced
- Regional commanders have authority to implement their plans
- Maximum level of flexibility between component resources to adapt to changes in threat

c. Cons

- Potential higher cost to set up regional staffs
- High level of initial resistance can be expected from components

4. Conclusion

In summary, there are many variations that can be made to the options presented, but these options highlight the most likely results from three distinct approaches. In many ways, the options presented mirror the phases DoD went through in helping to improve coordination between the military services. In the first few years of DHS, billions of dollars were invested in border control infrastructure, technology, and staffing. The new money helped to make many badly needed improvements, but it also tended to hide some of the warts in the overall border control approach. As budgets become more constrained, those warts will become more obvious and will need to be addressed to make sure that funds are being used most effectively to improve border control.

IV. CONCLUSIONS AND RECOMMENDATIONS

All who work in elements of large organizations face a similar challenge. The natural impulse is to defend that element--to protect it against marauders, to be sure it gets its fair share, to demonstrate that its contributions are more vital than those of others, and, when necessary, to fight against its evil foes. Such impulses have their time and place, but increasingly, America will need officers who can resist them when the nation's security demands something more [emphasis added]. (Locher, 2001, p. 14)

A. RATIONALE

The formation of DHS brought together many well-established organizations that have strong cultures and traditions. One of the main reasons for establishing the new department, however, was to help break down barriers between organizations and to improve information sharing and provide for better integrated operations (DHS, 2002, pp. 11–14). The Homeland Security Act of 2002 required DHS to develop a plan for consolidating and co-locating regional offices for its components (Meese, Carafano, & Weitz, 2005). DHS attempted to meet that requirement but found that it was going to be much more difficult than expected. Unlike the military services in DoD where the mission for each region is the same, the components within DHS have a wide range of missions. The U.S. Coast Guard alone has 11 missions ranging from ports, waterways, and coastal security to aids to navigation (USCG, 2009). DHS found that trying to define regions that would be able to accommodate the well-established response and recovery role of FEMA and the various law enforcement organizations within the same area to be unacceptable to the components involved.

Other efforts to improve coordination and collaboration have included state and local fusion centers, IBETs, BESTs, and joint task forces. DHS has experienced limited success in improving coordination and collaboration at the tactical level through these efforts. However, the type and amount of success relies mostly on the people involved. Another issue has to do with the lack of consistency between these various units. There is no overall strategic plan that describes how these organizations fit into a national level effort to achieve improved coordination and collaboration. Instead, these groups seem to

be established as a need occurs and do not appear to be part of a larger coordination effort. These unit level coordination efforts also do little to address coordination and collaboration at the “regional” or component levels.

As was noted in discussions during the DHS Secretary’s Second Stage Review, collaboration and coordination are mostly welcomed at the unit level. It is at the Senior Executive Service (SES) level and at the headquarters where competition for resources and control tend to interfere with coordination efforts. Protecting programs within components is a priority for many at the SES level, and coordination and collaboration is often supported only if it can also support program growth or at a minimum does the program no harm (author discussions, Culture and Internal Information Workgroup for the DHS Secretary’s Second Stage Review, 2005). Staying on the present course may continue to show some small improvements with collaboration and coordination over time, but those efforts will do little to address the problems experienced above the operational unit level. As discussed, the real problems with coordination and collaboration are at much higher levels of the components.

In the literature reviewed, there is ample support for the idea that regionalization would help to increase the level of coordination and collaboration. Thus the question becomes “how does DHS resolve the issues with regions among its components without hampering their ability to support all of their missions?” One approach that did not appear in the literature is to look at mission-focused regions instead of regions for whole components. This idea may work for other missions also (preparedness, emergency response, etc.), but for this study it is only applied to the mission of border control. Forming regions that focus specifically on addressing parts of the U.S. border where threat, geography, climate, threat intensity, among other factors, are somewhat homogenous allows the components to work collaboratively on that mission without interfering with the components’ ability to continue to address their other missions with the organization that works best for them. This idea takes some of the success demonstrated by the BESTs and IBETs and applies it to the regional level to help with the planning and resource coordination on a larger scale.

The strategy canvas (Kim & Mauborgne, 2005, p. 25) helped to illustrate how the border-focused regions would improve coordination, collaboration, and effectiveness using nine factors. The strategy canvas clearly shows that DHS could experience substantial increases in key areas just by establishing regions in this way.

However, even with these improvements, the major issues of competition between components for resources and control are not addressed. Other areas of improvement are also dependent on how much control the components would yield in a regional structure where the components would continue to have control over operations and resourcing. In an effort to find ways to gain more improvement, this study looked at the DoD experience with establishing its combatant commands. What is especially interesting about this study is that many of the same problems currently being experienced with component competition and power struggles at DHS also were experienced between the military services at DoD. DoD went through more than a 40-year process to try to find the right organizational setup that would get the military services to truly coordinate. DoD was at one point in the same situation as DHS where it was relying on joint task forces and unit level efforts to improve coordination. The military services steeped in rich traditions and strong cultures could not let go of their power on their own. It was only through legislative action (Goldwater-Nichols Act, 1986) that the military finally found a workable answer.

DHS cannot adopt the DoD model outright because there are some important differences. First, the military services are all focused on the same basic mission. Taking the military services out of all operations and handing them over to regional combatant commanders was possible because the regions were singularly focused one basic mission (defense/power projection). DHS does not have that ability. As discussed earlier, the wide range of missions makes it nearly impossible to have a regional commander that could take on all of those missions successfully. There would also be problems with law enforcement jurisdiction and statutory responsibilities that would prove untenable. The only way that the DoD model would really work would be for singularly-focused missions. The DHS regional concept described earlier fits that description.

Should DHS, like DoD, plod through 40 years of competition between component cultures until it finally finds a way to get them to work together to improve overall collaboration and effectiveness? Or can it learn from the DoD experience and establish a command concept in a fraction of the time? Many might argue that DHS just needs time to mature. That is valid, but it can mature without making some of the same mistakes of the past. Even if the joint border command process were to be pursued by DHS, it would not happen overnight.

The experience that DoD had demonstrates that resistance to joint commands can be expected from the DHS components. There will be plenty of efforts to demonstrate why component control is necessary. Setting up the commands will take time and training officers to work in a joint environment will also take time. There are two reasons that will always trump any other excuses: the U.S. must find ways to be more effective to stay ahead of the terrorist threat; and the U.S. in its current economic state cannot afford the cost of inefficient border control.

B. RECOMMENDATION

The U.S. cannot afford to wait 40 years for DHS to find its way to improved effectiveness and coordination. It must try to push the timetable up as quickly as feasible to attain the highest level of border effectiveness possible. The DoD model presents the best way to achieve that goal. DHS should take steps to establish joint regional border commands within the next five years. The first step is that DHS needs to determine the border regions. As presented earlier, the recommended regions are:

1. The southwest land border with Mexico;
2. The Caribbean/southeast coastal border (Texas to Florida/Georgia border);
3. East Coast (maritime);
4. Northeast Land border with Canada (Maine to New York, where Lake Ontario begins);
5. Great Lakes maritime and land border with Canada;
6. Great Plains land border with Canada (Lake Superior to eastern slope of Rocky Mountains);

7. Northwest Land/Maritime with Canada (eastern slope of Rocky Mountains to Pacific Ocean);
8. West Coast (Washington, Oregon, and California coasts);
9. Alaska maritime and land border with Canada; and
10. Hawaii (maritime)

The map on Figure 13 gives a general idea of how the regions would be divided, but that would need to be vetted by the components considering what airports and internal ICE offices make the most sense for regional commands. DHS also needs to determine how it will assign regional commanders and develop their reporting responsibilities. The procedures and roles for the joint border chiefs also need to be formulated. The earlier these details can be worked out, the sooner joint regional commands can be implemented.

A major consideration needs to be whether legislation will be needed to effect these changes. The DoD model needed legislative action to overcome very powerful military service organizations. DHS needs to determine how strongly the law enforcement components within the department would oppose these ideas and whether they wield enough power to prevent these changes from happening without legislative action.

DHS may consider testing the joint regional command concept at one or two of the suggested regions before full implementation. The Great Lakes region should be one of the regions in the pilot phase since it would test the workings of the maritime border and land border along with land ports of entry.

Whether it is done within five years or DHS takes the 40-year route, joint regional border commands provide a logical answer to improving coordination and effectiveness on the border.

1. Conclusion

Border control is the only mission addressed in these recommendations; however, there are a number of other missions that might benefit from a similar approach. DHS should consider how FEMA regions might benefit from a joint approach in dealing with

preparedness, response, and recovery. During the Hurricane Katrina response and recovery, it was evident that resources across all of DHS, but especially the U.S. Coast Guard, were vastly involved. Would a regional approach help to improve upon the efforts to provide the kind of response and recovery needed during disasters? DHS might also consider whether the Citizenship and Immigration Services and/or Transportation Security Administration with its overall transportation security efforts would benefit by being co-located with the border regions. The airport screening, in particular, might benefit from being in the same region with the CBP airport personnel. Finally, DHS must consider how state, locals and private enterprises can be integrated with the regional border control organization. Even if true collaboration and cooperation is gained at the federal level through joint regional border commands, maximum border control effectiveness will require involvement from all entities concerned with a level of integration that maximizes use of inputs from all sectors.

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