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### NAVAL WAR COLLEGE Newport, RI

# The Coast Guard is the Best Suited Agency to be the Lead for Maritime Homeland Defense

By

T. Vest LCDR, USCG

A paper submitted to the faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature:		

**14 February 2005** 

Faculty Advisor Capt I. Luke, USCG

#### Abstract

According to current doctrine, the Coast Guard is the lead agency for maritime Homeland Security and Department of Defense is the lead agency for maritime Homeland Defense. Due to the nature of the maritime problem, existing command and control systems and capabilities, and greatest jurisdiction over responding units and phases of terrorist activity, Coast Guard is best suited to be the lead agency for all maritime terrorism, security and defense.

#### Introduction

While riding the Staten Island Ferry on your way to work along with 3000 other people, you take a seat and sip your morning coffee while perusing the newspaper. The ferry slows unexpectedly and a voice announces over the intercom that the ferry has been hijacked and you along with the rest of the ferry passengers are now their hostages. Perhaps you are onboard a Bahamian registered cruise ship in international waters with your family which left Fort Lauderdale, Fl enroute Nassau, Bahamas. Suddenly a voice announces over the intercom that the ship has been hijacked and all passengers are now their hostages.

A Liberian registered oil tanker is enroute Los Angeles/Long Beach Harbor. Intelligence indicates the vessel and is under the control of a terrorist group intending to sink the vessel at the mouth of the harbor, preventing commercial traffic from entering or departing and causing incredible environmental damage. Consider a ship willingly cooperating with a terrorist group to smuggle into the United States a cell of terrorists intending to detonate a Weapon of Mass Destruction (WMD) in a crowded Washington DC metro station.

Are those situations realistic? Is the United States vulnerable to a maritime terrorist attack? History shows that the maritime venue has been used by terrorist in the past. A Chechen group seized control of a Panamanian registered ferry in the Black Sea in January 1996. Members of the Palestine Liberation Front took hostage the Achille Lauro in October 1985. In light of these examples, it is not difficult to imagine how any of the fictional situations mentioned above could happen to the United States.

Who is the lead for preventing of such events? Who is responsible for organizing the response? In the three years since the terrorist attacks of 9/11, countless authors have pontificated that the United States is no longer protected by the distances of the Atlantic and Pacific and that we must radically and immediately change our philosophy of defense accordingly. Although that kind of rhetoric found a willing audience in the emotional period that followed the 9/11 attacks, the United States does not need a wholesale revision of our national security strategy. We simply need to include the terrorism threat into our existing security plans and legal infrastructure. Tasking to all regional Unified Commanders already includes defense of the United States, which they do abroad rather than at home 1.

#### Thesis

According to current doctrine, the Coast Guard is the lead agency for maritime Homeland Security (HLS) and Department of Defense (DOD) is the lead agency for maritime Homeland Defense<sup>2</sup> (HLD). Due to the nature of the maritime terrorism problem, existing command and control (C2) systems and capabilities, and jurisdiction over responding units and phases of terrorist activity, the Coast Guard is best suited to be the lead agency for all maritime terrorism, security and defense.

#### **Goal: Desired End State**

The National Strategy for Homeland Security (NS-HLS) highlights the need to increase security while protecting civil liberties and maritime commerce. According to the NS-HLS, we need to find a balanced mechanism which meets several criteria: reduces, rather than eliminates, the likelihood to maritime terrorist acts in US waters and the approaches; adequately responds to suspected terrorist activity; manages post-

event security and clean-up and restores traffic flow as quickly as reasonable; all while, in the absence of suspected maritime threats, maintaining the free flow of maritime commerce upon which our economy depends<sup>3</sup>.

#### **Identifying the Problem**

Is terrorism a military attack or a criminal action? The answer is an unequivocal "Yes." It has been described as less than war but more than peace. A mental hurdle United States military and security forces must overcome is the idea that we are only interested in countering a terrorist incident. That mind set forces us to react only to known incidents. On the contrary, we are also interested in terroristrelated activity. It is the larger scope of screening ships, cargo and people constant basis, much like the on-going counter-drug campaign, which is more likely to detect and prevent a terrorist incident. Rather than waiting until we have intelligence of a pending incident, it would better protect the United States to have a continuous system of monitoring all aspects of maritime traffic, routinely boarding inbound vessels at random as well as in response to intelligence or suspicious profiles. It is the maritime component of terrorist activity that we should be interested in rather than solely a terrorist incident. While it can be argued whether or not terrorism amounts to military attacks, the terrorist-related activities described above fall within the criminal and law enforcement realm.

#### **Indian Experience**

As a nation, India has been plagued by maritime terrorism dating at least to the 1980s. B. Raman is the retired Additional Secretary, Cabinet Secretariat for the Government of India, New Delhi and current Director, Institute For Topical Studies,

Chennai, and Distinguished Fellow and Convenor, Observer Research Foundation. Mr. Raman accurately asserts that there are no maritime terrorist organizations in the world today, only those terrorist organizations which occasionally use and operate on the sea in addition to other means, air and land<sup>4</sup>. Since the conception of the International Islamic Front, which includes Al Qaeda, in 1998, there have been only two acts of maritime terrorism, the USS COLE bombing in October 2000 and the French oil tanker bombing of the Yemeni coast in October 2002<sup>5</sup>.

The more likely use of the sea by terrorist organizations is for support of terrorist acts on land. Raman cites five common uses of the sea by terrorist groups: 1) gun-running, 2) secret personnel movements, 3) smuggling narcotics for financing other activities, 4) economic terror against Petroleum, Oil and Lubricants and commercial merchandise and 5) secretly moving WMD to support land-based terrorist acts<sup>6</sup>. The first three examples Raman provides fit nicely into traditional Coast Guard law enforcement missions of contraband and human smuggling interdiction rather than acts of war. Although the object is different, the *means* of smuggling WMD are the same as those for smuggling guns, drugs and humans. Therefore, the Coast Guard is particularly well-suited to assume the lead in maritime WMD interdiction in addition to other aspects of maritime Homeland Security.

It is the fourth, attacks against vessels to disrupt economic activity, type of maritime activity that, although potentially devastating, has been committed only twice by the United States' main terrorist adversary, the IIF/Al Qaeda organization. According to the Strategy for Homeland Defense and Civil Support (SHDCS), this type of scenario falls under Homeland Defense rather than Homeland Security.

Although this document is an unsigned final coordination draft, it can be assumed it will be approved largely unchanged<sup>7</sup>.

According to Raman, these type of terrorist attacks are unlikely to become a regular occurrence for two reasons: first, the ability to escape from a maritime attack are limited and second, it is less in the public eye as an attack on a well-known, symbolically important building<sup>8</sup>. I would add a third reason; the logistics for a maritime terrorist attack are substantially more complex. Although Raman's assessment is a correct generalization, the Al Qaeda group's consistent employment of suicide bombers demonstrates their indifference to escaping and the IIF/Al Qaeda group has proven their capacity for logistically complex activities. However, it is wise to keep in mind that Al Qaeda is not the only terrorist group about whom we should be concerned.

Of the scenarios mentioned at the beginning, the entry of terrorists or WMD via a ship is the scenario toward which most of Homeland Defense doctrine is based. However, as demonstrated above, it is rather unlikely.

#### **Homeland Security or Homeland Defense**

The SHDCS makes a distinction, albeit narrow, between Homeland Security and Homeland Defense. Homeland Security is "a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur." The Department of Homeland Security (DHS) is the lead agency for Homeland Security, and the Coast Guard, within the DHS, is the lead agency for maritime Homeland Security. The SHDCS defines Homeland Defense as "the protection of US sovereignty, territory,

domestic populations and critical defense infrastructures against direct threats and aggression." The Department of Defense is the lead agency for Homeland Defense. Broken into manageable terms for the maritime environment, Homeland Security is preventative; security patrols, tighter restrictions and scrutiny over incoming vessel traffic. Once a credible threat is detected, intelligence of incoming WMD or terrorists, the case transitions into Homeland Defense for adequate response by DOD forces.

The difference between whether a situation would fall under Homeland Security or Homeland Defense is a decision by the President. In theory, the President would be briefed on the threat, then make a declaration of defense or law enforcement. That declaration then would drive which agency would respond, DOD or DHS.

#### Posse Comitatus and National Security Act of 1947

There is some debate regarding the role of DOD forces enforcing civilian laws within the United States. Article 2 of the U.S. Constitution obligates the President to execute the laws and protect the country, but does not limit his choice of tools<sup>10</sup>. Because it has been so long since territorial defense was needed that the United States has long since used our military overseas to protect our *interests* rather than our *country*. However, since the Constitution was ratified, Congress has restricted the President's choice of tools to execute laws depending on the situation. The law Posse Comitatus, which originally applied only to the Army, was approved in 1878 to redefine civil – military roles as a result of actions by troops during the post-Civil War occupation of the South and on the western frontier<sup>11</sup>. This concept was revalidated and imposed on all DOD services as a part of the National Security Act of 1947 (NSA-47) under Title 10<sup>12</sup>. The caveat in the prohibition from using DOD forces as

civil law enforcers is that the President may employ DOD forces, with Congressional approval, in cases such as the Los Angeles riots by invoking the Insurrection Act<sup>13</sup>. Aside from large scale rioting, how NSA-47 plays out currently is that military forces cannot directly participate in civilian law enforcement actions such as searches, seizures, and arrests.

A counter-argument is that the law should be changed to allow DOD forces to directly participate in law enforcement, as the British have done<sup>14</sup>. While the law can be changed, it simply is not necessary. The Coast Guard gets its law enforcement authority from Title 14 and keeps it even when officially transferred to the Navy in time of war. This unique authority makes the Coast Guard a flexible tool of the President to provide adequate military response to maritime terrorist activity in the approaches to the United States as well as a full range of law enforcement options<sup>15</sup>.

#### **Current C2**

The creation of Northern Command (NORTHCOM) wisely acknowledged possibility of military and terrorist attacks against the United States and the need for a coordinated military response. An agreement between DOD and DHS provides authority for the transfer of Coast Guard forces to DOD upon the declaration of a Maritime HLD mission<sup>16</sup>. While that level of cooperation is commendable, it builds in a lack of continuity in the C2 structure of a HLS/HLD event. Additionally, this current C2 structure focuses on reacting to a known threat rather than monitoring terrorist activities and prevention of attacks. Coast Guard Atlantic and Pacific Area Commanders are dual-hatted as Coast Guard Defense Forces East and West. However, Coast Guard Defense Force East and West exist only on paper to be

activated during emergencies and be subordinate to NORTHCOM via the Joint Forces Maritime Component Commander (JFMCC) North, similar to the concept of the now defunct Coast Guard Maritime Defense Zones of the Cold War era. An organization which is activated only in a time of crisis will not be well positioned to plan and execute an adequate response while the threat is still at a safe distance.

#### Recommendations

A C2 structure that would provide more continuity and better coordinated response at all levels of maritime terrorist-related activity, rather than just crisis, would be to create a standing Maritime Security Joint Task Force (MSJTF) on each coast, like a JFMCC East and West, as a direct subordinate command to NORTHCOM for Homeland Defense functions with the purpose of continuously monitoring inbound vessel traffic, cargo, suspicious persons, identifying and responding to all levels of maritime terrorist activity. These MSJTFs could be accomplished by increasing capabilities of the existing Coast Guard Atlantic and Pacific Area Commands with permanent, dedicated staffs. For all traditional Coast Guard missions, the Area Commands would answer through the standard Coast Guard chain of command then shift to NORTHCOM chain of command if the President declares a maritime Homeland Defense event. As a subordinate NORTHCOM command, DOD would retain directive authority over the MSJTF if a situation were to transition from HLS to HLD. The advantage would be in maintaining C2 continuity and situational awareness at the operational level, from the JFMCC to the task units.

The MSJTFs would include permanent representatives from Navy, Federal Bureau of Investigation (FBI), Border and Transportation Security Directorate (BTS),

Customs and Border Protection (CBP), Transportation Security Agency (TSA), and Central Intelligence Agency (CIA). A standing MSTJF, which responds daily to all levels of maritime terrorist-related activity, could more easily prepare an adequate response to an imminent or actual terrorist attack while the threat is still at a safe distance. A permanent link between the MSJTFs and the National Counter-Terrorism Center, in the form of liaison officers, would ensure information sharing and coordination of effort for terrorism cases crossing land and sea boundaries. A Coast Guard admiral is best suited to command the MSJTF since most of the resources tagged to respond to a maritime terrorist threat would be Coast Guard.

A counter-argument is that NORTHCOM, specifically the Navy and SOCOM components, has identified response units capable of eliminating maritime threats. While those units are undoubtedly more than capable of mounting an adequate response, it misses the point that the response unit is really the end of chain. The current structure misses the crucial C2 mechanism to gain Maritime Domain Awareness (MDA) and determine appropriate response. Keep in mind that the appropriate response may simply be a standard boarding.

The level of threat will range from high to low, depending on intelligence of hostile intentions versus an inbound vessel which simply meets a suspicious profile based on previous port calls, inconsistencies in crew lists or other official documents. Most situations will be the latter in which we will simply want to board the vessel at sea to clarify discrepancies or verify inconsistent claims. That level of threat could be handled by any Coast Guard cutter and does not justify causing significant delays in commercial traffic and disrupting legitimate economic activity. Also, this type of

activity would fall below the crisis level needed to activate the Coast Guard Defense Force structure and engage NORTHCOM, but nonetheless is an important part of interrupting terrorist related activity.

With the Coast Guard commanded MSJTFs, a cutter could be performing a traditional mission under the operational control of a Coast Guard District, then be seamlessly shifted to operational control of the MSTJF to intercept a Homeland Security target of interest approaching the US coast. After boarding and searching the vessel, the cutter's operational control would return to the Coast Guard District and resume its previous operations. The organic capability within the Coast Guard would provide the MSJTF Commander a smooth transition from other missions and a range of options from 1) dockside boarding, 2) at sea boarding for crew and cargo verification to 3) opposed boarding of a hostile vessel.

Following the neutralization of a threat or after a successful attack, any postincident crisis management of a maritime incident would be managed by the Coast
Guard<sup>17</sup>. The continuity of command through the phases of monitoring, detection,
response and post-incident management would prevent loss of situational awareness or
lapse in command and control at any phase. Remember that the goal is to prevent as
well as recover from attacks as quickly as possible<sup>18</sup>. The recovery phase of a
successful maritime terrorist attack will likely include minimizing environmental
damage and re-opening waterways as quickly as possible (sunken oil tanker) as well as
search and rescue (ferry or cruise ship). All of those elements of a post-event recovery
are traditional Coast Guard missions. According to the National Incident Management
System, a nation-wide doctrinal document defining national and unified response to

any emergency, the Incident Commander comes from the agency with the most jurisdiction over all those jurisdiction. The Coast Guard is the agency with the most jurisdiction over all those phases mentioned above in a maritime terrorist attack or maritime terrorist-related activity. As such, the Coast Guard is best positioned to be the lead federal agency for all aspects of maritime terrorism, from Homeland Security to Homeland Defense.

#### Maritime Domain Awareness (MDA) / Intelligence

Early warning is a key component of preventing terrorist attacks<sup>20</sup>. Much of that early warning currently exists in routine procedures for maritime traffic. To gain MDA, MSTJFs must continuously sift through mandatory Notices of Arrival, compare crew list names with suspect lists and synthesize other sources of intelligence to make decisions early enough regarding which vessels to intercept offshore to direct cutters to intercept and board. This early decision-making and intercept-at-a-distance process can best be accomplished by a standing organization continually synthesizing the information and monitoring the maritime environment. Additionally, there are litanies of other unclassified reporting systems which are available to gain better MDA. The Bureau of Customs and Border Protection Automated Reporting System, the Container Security Initiative, QualShip21 and merchant mariner licensing are examples of unclassified reporting systems which are currently used by the Coast Guard and could be easily integrated into the MSJTFs intelligence and decision-making mechanism.

One can counter that a terrorist attempting to enter the country illicitly is not going send the mandatory notice of arrival. While that is true, the inter-agency nature gives the MSJTF access to many other sources of intelligence, similar to how the

counter-drug focused Joint Inter-Agency Task Force South operates now<sup>21</sup>. The sources of intelligence are beyond the scope and classification of this paper, but they will exist regardless of what agency will prosecute the case.

#### **Evaluation**

As a result of this intelligence synthesis, the MSJTF would rate vessels using a standard system to make decisions regarding vessels to be intercepted. It is worth reemphasizing that we are interested in terrorist-related activity in addition to actual terrorist attacks. The continuous monitoring of suspicious vessels, cargo and people by the MSJTFs is more likely to produce the desired outcome: prevention of a terrorist attack rather than responding to an imminent one or minimizing the effects of a successful attack. An example of a rating system might look like:

Category	Criteria	Action Required
1) Unknown	No derogatory info re last port/crew list/cargo. Has met all reporting requirements.	Board as ops permit, not to interfere w/primary mission, do not impede vessel's voyage.
2) Standard	Last port/crew list/cargo warrant further examination.	Intercept & board, vessel may continue transit enroute US port during boarding.
3) High	Failed to meet notification requirements, suspicious crew list, coming from known source port/country, cargo readily used as WMD.	Intercept & board, vessel may not enter US port until authorized by MSJTF Commander.
4) Specific	Specific intel (HUMINT, SIGINT, etc) of hostile intentions/capabilities, known terrorist(s) or WMD aboard.	Intercept, take physical control of vessel and crew, assume hostile boarding.

#### Response

A core capability requirement specified in the SHDCS, is the "capability for intercepting and defeating threats at a safe distance." This means hardware and skill sets. First, one must identify the likely targets, or vessels to be used to transport terrorists, WMD or both. It is most likely going to be mechanically propelled and

large enough to make a trans-oceanic voyage. The number and type of vessels that fit those criteria is immense, but suffice it to say that the vessels likely to transport terrorists or WMD will be metal and detectable by radar and have some communications capability, ranging from HF, VHF to satellite. They are not likely to be small pleasure crafts or sailboats. The significance of this is that existing sensors will be a tremendous advantage in detecting and identifying those targets in which we are most interested, particularly if departure times and destination are already known from other sources mentioned above.

The protection against high jackers, such as the ferry or cruise ship scenarios, is the continuous monitoring of terrorist suspects abroad and at home through the permanent intelligence members of the MSJTF. The Coast Guard licensing program of merchant mariners is a filter through which applicants can be screened against other intelligence and law enforcement agencies to identify suspicious activity. That type of screening would go a long way towards recognizing plots to gain access to harbor tugs for potential terrorist attacks such as 2000 attack on the USS COLE in Yemen.

#### **Maritime Safety and Security Teams**

Since the 9/11 attacks, the Coast Guard has established Maritime Safety and Security Teams (MSST) in major US ports to provide regional maritime anti- and counter-terrorism capability. These robust and highly trained units are designed to fill the spectrum of prevention and response from routine security patrols, special event security up to defending against fast boat attacks and delivering disabling fire<sup>23</sup>.

The higher threat scenario, such as convincing evidence of inbound WMD or terrorist or ship hijacking, would be considered Homeland Defense per the SHDCS definition<sup>24</sup>. As such, DOD would have the lead for interdicting at a safe distance offshore. In Assistant Secretary for Defense (Homeland Defense) McHale's memo to DOD, he provides the counter-argument that the Coast Guard should be the lead agency for all aspects of maritime homeland defense by asserting that such a scenario would require special operations forces<sup>25</sup>. His assertion is based on the errant assumption that the Coast Guard does not have the organic capability to address the high threat mission.

On the contrary, Coast Guard Maritime Security and Safety Teams (MSSTs) and specifically the Enhanced-MSST, capable of fast-roping by helicopter onto a hostile vessel with designated marksman cover, are tailored made for just such a mission<sup>26</sup>. The MSSTs are also capable of detecting and conducting preliminary identification of WMD and perform decontamination if exposed to hazardous materials<sup>27</sup>. Additionally, the Coast Guard Tactical Law Enforcement Teams have conducted high-threat Maritime Interception boardings in the Arabian Gulf for years and are also fast-rope trained. With these existing units and a considerable pool of experienced personnel, the Coast Guard is capable of defeating that level threat now.

#### **Cutter Capabilities**

For traditional Coast Guard missions, cutters routinely patrol in the maritime approaches where we want to intercept suspect vessels. Therefore they are already pre-positioned for maritime counter-terrorism while simultaneously conducting current missions. A counter-argument to using Coast Guard cutters is that Navy ships bring more firepower than a cutter to the maritime counter-terrorism arena. To that there is no question, but is extra firepower necessary? The capital and training

required to adequately operate armed military vessels limits them to being used by states. An attack by an armed military vessel against United States soil or vessels would be a clear act of war and not be dealt with as a terrorist attack. Although a vessel engaged in terrorist related activity may be armed with small arms and even shoulder fired rockets, the response vessels would not need extraordinary weapons capabilities.

Anecdotal evidence on the War on Terrorism thus far has shown that counterterrorism requires people with special skills more than people with special equipment. The traditional missions of human smuggling and drug interdiction are similar to the mission of boarding, searching and locating contraband and wanted persons. The Coast Guard has long conducted non-compliant and opposed boardings, even without calling them that. As an example, in June of 1998, two 378' Coast Guard cutters interdicted Chinese vessels fishing illegally in boardings that included the vessels making evasive maneuvers and impeding the boarding team. The range at which those happened is significant as well. One was over 1300 nautical miles from Alaska and the other was 200 nautical miles from Russia<sup>28</sup>. Although illegal fishing does not inspire fear like international terrorism, the point here is the capability to board and control a trans-oceanic sized vessel which is purposely evasive and has a hostile crew, all at a distance exceeding 2000 nautical miles from the continental United States. Additionally, Coast Guard Cutters and Law Enforcement Detachments are wellexperienced conducting Maritime Interception Operations in Operation Market Time in Vietnam and Operations Desert Storm and Iraqi Freedom in the Persian Gulf<sup>29</sup>. The reach and experience make the Coast Guard ideally suited for interdicting maritime terrorist activity.

#### Conclusion

The National Security Presidential Directive (NSPD-41)/Homeland Security Presidential Directive (HSPD-13) re-affirmed the need to conduct our response to maritime terrorism in a "manner that facilitates global commerce and preserves the freedom of the seas for legitimate military and commercial navigation and other legitimate activities as well as civil liberties and the rights guaranteed under the Constitution." That statement acknowledges the dynamic balance between the need for security and protecting global commerce and civil liberties. Currently, the Coast Guard is responsible for maritime Homeland Security as well as maintaining movement of commercial shipping through US ports, making it a perfect fit to meet the requirements of NSPD-41 and HSPD-13. Being a military service as well as fully a law enforcement agency, it is long accustomed to enforcing laws within the constraints of protecting civil liberties.

The National Response Plan is the government-wide all-hazards response plan that reiterates the goals of prevention, preparedness, response and recovery for any emergency<sup>31</sup>. Their role as licenser of merchant mariners and continuous monitoring of vessel arrival notices and other existing vessel and cargo reporting mechanisms makes the Coast Guard ideally suited to meet the goals of maritime terrorism prevention and preparedness. Traditional missions by traditional units married with new units and expanded capabilities allow the Coast Guard to be in a position to meet the goal of providing an adequate response to maritime terrorist activity. The Coast

Guard's long-standing role as the primary maritime environmental disaster responder and search-and-rescuer make the Coast Guard the only agency capable of responding to successful maritime terrorist attacks. With the most jurisdiction, as well as capability, to meet all aspects of the maritime terrorist threat, the Coast Guard is uniquely qualified to be the lead federal agency for all aspects of maritime Homeland Defense and Homeland Security.

#### **NOTES**

<sup>&</sup>lt;sup>1</sup> The White House, <u>The National Security Strategy of the United States of America</u>, (Washington, D.C.: September 2002), p. 5

<sup>&</sup>lt;sup>2</sup> Department of Defense, <u>Strategy for Homeland Defense and Civil Support</u> (SHDCS), final coordination draft, dtd 04Jan05. This document describes DOD roles and missions inside the United States and coordination with civilian agencies. p.5

<sup>&</sup>lt;sup>3</sup> Office of Homeland Security, <u>National Strategy for Homeland Security</u>, (Washington, D.C.: July 2002), p. 2.

p. 2

<sup>4</sup> B. Raman: Text of a paper presented at an International Conference on National Security in a Changing Region organized at Singapore on October 28 and 29, 2004, by the Asia-Pacific Conferences & Events Management (APCEM) with the endorsement and support of "Defence News"

<sup>&</sup>lt;sup>5</sup> Ibid

<sup>&</sup>lt;sup>6</sup> Ibid

<sup>&</sup>lt;sup>7</sup> SHDCS p.5

<sup>&</sup>lt;sup>8</sup> B. Raman

<sup>&</sup>lt;sup>9</sup> SHDCS p.5

<sup>&</sup>lt;sup>10</sup> U.S. Constitution, Art.2

<sup>&</sup>lt;sup>11</sup> Bonnie Baker, "The Origins of Posse Comitatus", <u>Air & Space Power Chronicles – Chronicles Articles</u>. 1 November 1999. < <a href="http://www.airpower.maxwell.af.mil/airchroncles/cc/baker1.html/">http://www.airpower.maxwell.af.mil/airchroncles/cc/baker1.html/</a> > [11 February 2005], p.1

<sup>&</sup>lt;sup>12</sup> Ibid p.3

<sup>&</sup>lt;sup>13</sup> U.S. Constitution, Art.1, section 8

<sup>&</sup>lt;sup>14</sup> Terrorism Act 2000 (UK), Chapter 11 section 83.

<sup>&</sup>lt;a href="http://www.hmso.gov.uk/acts/acts2000/20000011.htm">http://www.hmso.gov.uk/acts/acts2000/20000011.htm</a> [11 February 2005]

<sup>&</sup>lt;sup>15</sup> Coast Guard, U.S. Code, Title 14, secs 1 and 89 (1949)

<sup>&</sup>lt;sup>16</sup> Memorandum of Agreement Between the Department of Defense and the Department of Homeland Security for the Inclusion of the U.S. Coast Guard in support of Maritime Homeland Defense, Annex A <sup>17</sup> Department of Homeland Security, <u>National Incident Management System</u>, (Washington, D.C.: 1 March 2004), p.11

<sup>&</sup>lt;sup>18</sup> Office of Homeland Security, National Strategy for Homeland Security, (Washington, D.C.: July 2002)

p. 3  $^{19}$  Department of Homeland Security, National Incident Management System , (Washington, D.C.: 1 March 2004), p.11

<sup>&</sup>lt;sup>20</sup> SHDCS p.2

<sup>&</sup>lt;sup>21</sup> SHDCS p.2, 19, 21, 22

<sup>&</sup>lt;sup>22</sup> SHDCS p.23

<sup>&</sup>lt;sup>23</sup> U.S. Coast Guard, <u>Required Operational Capabilities (ROC) and Projected Operating Environment (POE) for Coast Guard Maritime Safety and Security Teams</u> (MSST), COMDTINST M3501.39 (Washington, DC: 2002), Encl 2

<sup>24</sup> SHDCS p.5

<sup>27</sup> ROC/POE for MSST, Encl. 1

 $\begin{array}{c} p.19 \\ ^{30}\ National\ Security\ Presidential\ Directive-41\ /\ Homeland\ Security\ Presidential\ Directive-13 \end{array}$ (Washington, D.C.: 21 December 2004), p.3

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<sup>&</sup>lt;sup>25</sup> Paul McHale, Assistant Secretary of Defense, Homeland Defense, <u>Memo for Secretary of Defense</u>, Subject: Navy – Coast Guard Authorities and Relationship <sup>26</sup> ROC/POE for MSST, Encl. 2

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