

# REPORT DOCUMENTATION PAGE

*Form Approved*  
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.**

<b>1. REPORT DATE (DD-MM-YYYY)</b> 14-02-2005	<b>2. REPORT TYPE</b> FINAL	<b>3. DATES COVERED (From - To)</b>
--	--------------------------------	-------------------------------------

<b>4. TITLE AND SUBTITLE</b> Protecting America's Maritime Domain An Interagency Command and Control Structure to Achieve Unity of Effort	<b>5a. CONTRACT NUMBER</b>
	<b>5b. GRANT NUMBER</b>
	<b>5c. PROGRAM ELEMENT NUMBER</b>

<b>6. AUTHOR(S)</b>  LCDR Jeffery W. Thomas, USCG  Paper Advisor (if Any): CAPT Ivan T. Luke, USCG, COL Al Bergstrom, USA(Retired), CDR Peter Dutton, USN	<b>5d. PROJECT NUMBER</b>
	<b>5e. TASK NUMBER</b>
	<b>5f. WORK UNIT NUMBER</b>

<b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b>  Joint Military Operations Department Naval War College 686 Cushing Road Newport, RI 02841-1207	<b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>
--	---

<b>9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b>	<b>10. SPONSOR/MONITOR'S ACRONYM(S)</b>
	<b>11. SPONSOR/MONITOR'S REPORT NUMBER(S)</b>

**12. DISTRIBUTION / AVAILABILITY STATEMENT**  
Distribution Statement A: Approved for public release; Distribution is unlimited.

**13. SUPPLEMENTARY NOTES** A paper submitted to the faculty of the NWC in partial satisfaction of the requirements of the JMO Department. The contents of this paper reflect my own personal views and are not necessarily endorsed by the NWC or the Department of the Navy.

**14. ABSTRACT**

Protection of our nation's maritime domain is vital to the national economy. The vast area and free flowing nature of ships, their cargo, and international crews make this a unique challenge for the myriad of government agencies assigned to protect America's maritime domain. Following the attacks of 9-11 government reorganization and implementation of newly created government, regulations have reduced the vulnerability of our maritime domain to terrorist attacks. However, a "seam" of ambiguity exists within the maritime domain that terrorist may seek to exploit. The existing relationship between the Departments of Homeland Security and Defense and the ambiguity associated with the terms homeland security and homeland defense has created this "seam" and an environment that violates the principle of unity of effort. To achieve unity of effort within the maritime domain a national Joint Interagency Task Force (JIATF) should be created. A national JIATF would ensure one commander and one unified effort to fight the global war on terrorism within our nation's maritime domain.

**15. SUBJECT TERMS**  
Unity of Effort, Maritime Homeland Security/Defense, Seam of Ambiguity

<b>16. SECURITY CLASSIFICATION OF:</b>			<b>17. LIMITATION OF ABSTRACT</b>	<b>18. NUMBER OF PAGES</b>  21	<b>19a. NAME OF RESPONSIBLE PERSON</b> Chairman, JMO Dept
<b>a. REPORT</b> UNCLASSIFIED	<b>b. ABSTRACT</b> UNCLASSIFIED	<b>c. THIS PAGE</b> UNCLASSIFIED			<b>19b. TELEPHONE NUMBER (include area code)</b> 401-841-3556

NAVAL WAR COLLEGE  
Newport, R.I.

**Protecting America's Maritime Domain – An Interagency Command and Control  
Structure to Achieve Unity of Effort**

By:

Jeffery W. Thomas  
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, the Department of Defense, or the Department of Homeland Security.

Signature: *J. W. Thomas*

Date: 14 February 2005

## **Abstract**

Protection of our nation's maritime domain is vital to the national economy. The vast area and free flowing nature of ships, their cargo, and international crews make this a unique challenge for the myriad of government agencies assigned to protect America's maritime domain. Following the attacks of 9-11 government reorganization and implementation of newly created government regulations have reduced the vulnerability of our maritime domain to terrorist attacks. However, a "seam" of ambiguity exists within the maritime domain that terrorist may seek to exploit. The existing relationship between the Departments of Homeland Security and Defense and the ambiguity associated with the terms homeland security and homeland defense has created this "seam" and an environment that violates the principle of unity of effort. To achieve unity of effort within the maritime domain a national Joint Interagency Task Force (JIATF) should be created. A national JIATF would ensure one commander and one unified effort to fight the global war on terrorism within our nation's maritime domain.

## **Introduction**

Just off the coast of Texas, an Algerian flagged tanker carrying millions of gallons of liquefied natural gas (LNG) bound for the Houston-Galveston ship channel is hijacked by a terrorist organization. The tanker, now under control of terrorists, sets its sights on oil refineries located along the Houston-Galveston ship channel. Massive explosions rip through the area as terrorists fire rocket-propelled grenades from the tanker, striking shore facilities. Before the tanker can be neutralized, massive explosions rip through the ship creating an intense massive fireball that consumes the ship and nearby shore structures. The tanker ultimately sinks inside the Houston-Galveston ship channel, effectively closing the channel. While the number of human casualties will not approach the total of September 11, 2001, the economic damage will climb into the billions. Was this a Maritime Homeland Security (MHLS) incident or a Maritime Homeland Defense (MHL D) incident? Before the next “National Commission on Terrorist Attacks Upon the U. S.” is convened the finger pointing begins, the Secretary of the Department of Defense (SECDEF) and the Secretary of Homeland Security (SEC DHS) squabble over who had lead agency responsibility, and who should be held accountable. Current doctrine assigns the DHS, specifically the U.S. Coast Guard, as the lead federal agency (LFA) for MHLS with DOD supporting the Coast Guard. For MHL D the roles are reversed, DOD, specifically U.S. Northern Command (USNORTHCOM) is the LFA and the USCG supports DOD efforts. The existing relationship between DOD and DHS and the muddled distinction between Homeland Defense and Security have created a critical vulnerability within the maritime domain that could be exploited by terrorist organizations. By exploring the significance of the maritime region and analyzing post 9-11 developments, MHL D and MHLS definitions, DOD and DHS

responsibilities, and the existing relationship between DOD and DHS, I will demonstrate that there is a lack of definitive command arrangements between DOD and DHS to ensure unity of effort within the maritime domain of homeland defense and security. To achieve unity of effort I will recommend the establishment of a National Joint Interagency Task Force to resolve coordination efforts at all levels of government while facilitating a seamless and expeditious transition from MHLD and MHLS missions.

### **Maritime Transportation System and Vulnerabilities**

“With more than 360 major ports and associated infrastructure, 25,000 navigable channels, and intermodal rail connections and highways, the U. S. Marine Transportation System is considered the third tier of the U. S. national transportation system, along with the land-surface and air-transportation components.”<sup>1</sup> U. S. Coast Guard figures indicate that each year the Marine Transportation System:

- Moves more than 2 billion tons of foreign and domestic freight worth 2 trillion dollars; this trade level is predicted to double by 2020
- Imports 3.3 billion barrels of oil to meet U. S. energy needs
- Transports more than 180 million passengers by ferry
- Hosts more than 7 million cruise ship passengers
- Supports 110,000 commercial fishing vessels contributing \$111 billion to state economies
- Serves an increasing population of 78 million engaged in recreational boating<sup>2</sup>

“All told the Marine Transportation System contributes over \$1 trillion to the U. S. gross domestic product.”<sup>3</sup> This fact alone makes the nation’s maritime region an attractive target to terrorist organizations. Clearly, the Marine Transportation System is the lifeblood of U.S.

domestic and international commerce and its security is imperative to national growth. As Commandant of the U.S. Coast Guard ADM Thomas H. Collins said early in 2004, “With 9/11 came the imperative to identify and reduce security gaps in the maritime. It is essential that we get this right – the maritime sector is one of the most valuable and vulnerable components of our transportation system.”<sup>4</sup>

The size, open accessibility, and free flowing nature of the maritime region make security a unique and daunting challenge. As a result, the global nature and dynamic environment of our nation’s Marine Transportation System creates several vulnerabilities:

- 95,000 miles of open shoreline
- 3.4 million square mile Exclusive Economic Zone (EEZ)<sup>5</sup>
- Easy access to ports
- Numerous ports dependent on long narrow transits
- Vessels moving through vital waterways in close proximity to densely populated areas

These vulnerabilities offer attractive targets for terrorist exploitation via numerous threats that include:

- Sabotage or highjacking of high interest vessels (LNGs, Container ships, Cruise liners)
- Use of ships and their cargoes as weapons
- Weapons of mass destruction importation by container or other clandestine means

The terrorist attacks of 9-11 came from the air, but maritime terrorism while not directed at components of the U.S. maritime region have been prominent.

“In 2002, a French-flagged tanker was attacked in Yemen, killing and injuring crewmembers and badly damaging the vessel; while creating havoc with Yemen’s, oil exports. In October 2001, a stowaway was found in a container at the southern Italian port of Gioia Tauro along with a satellite phone, lap top computer and airport security passes and airline mechanic’s certificate valid for major U.S. airports. The container movement was indistinguishable from any of the other 2.5 million handled at the port each year and the stowaway was found only because port workers were nearby when he attempted to widen the container’s ventilation holes.”<sup>6</sup>

The Maritime Transportation System is vulnerable to terrorist attacks due to its large size, easy accessibility, diverse and large international labor force, the enormous amount of goods transported and the number of vessels registered in countries with less stringent regulations. Since the 9/11 attacks, our nation has worked closely with its international trade partners and enacted new legislation to reduce the vulnerability of America’s ports.

However, as history has shown terrorist organizations adapt quickly and look to exploit vulnerabilities in other areas. The DHS, DOD, other federal, state and local agencies are faced with potential maritime threats from many sources. Preventing terrorist incidents within the maritime domain requires a robust command and control structure that can direct all of America’s resources in a timely and efficient manner. Recognizing a need to improve, the U. S. government, following 9-11, created new government entities, reorganized, and implemented doctrinal changes that improved our abilities as a nation to combat terrorism.

### **Post 9-11**

The terrorist attacks of September 11, 2001 and the catastrophic loss of life and property that resulted led to the most significant changes to the nation’s organization and redefined the missions of various agencies at all levels. Under Title I of the Homeland Security Act of 2002, the Department of Homeland Security was created giving the U. S. a federal department whose primary mission is to prevent, protect against, and respond to

terrorist attacks within the United States.<sup>7</sup> On March 1<sup>st</sup>, 2003, the U. S. Coast Guard was shifted from the Department of Transportation to DHS and designated as the LFA for MHLS.

On July 16, 2002, President Bush signed the first National Strategy for Homeland Security. “The purpose of the Strategy is to mobilize and organize our Nation to secure the U.S. homeland from terrorist attacks. This is an exceedingly complex mission that requires coordinated and focused effort from our entire society—the federal government, state and local governments, the private sector, and the American people.”<sup>8</sup> The National Strategy for Homeland Security assigned DOD as LFA for Homeland Defense.

The creation of a National Strategy and new governmental entities was a major step in protecting the American homeland from terrorist attacks. While these measures have undoubtedly strengthened the United State’s ability to combat terrorism, a seam exists when distinguishing between Homeland Security and Homeland Defense missions. As my opening scenario demonstrated, this “seam” creates vulnerability within the maritime domain.

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

Homeland Security is defined as “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.”<sup>9</sup>

Homeland Defense is defined as “the protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against direct threats and aggression.”<sup>10</sup>

These definitions serve as bookends on a conceptual spectrum that show a seam of vulnerability in the middle that exists when threats cannot be clearly defined as a national security threat or a law enforcement threat (See Figure 1).

“Within this “seam” are threats such as transnational terrorist groups that challenge the delineation of responsibility between DOD and DHS, DOJ, or other agencies because it is difficult to label them as either a national security threat or a law enforcement threat. Determining whether a particular adversary is one or the other will depend on the circumstances at the time and who is best capable to lead the Nation’s efforts.”<sup>11</sup>

The opening scenario clearly falls in this seam of ambiguity and presents a challenge to DOD and DHS. From a MHLS perspective, the USCG as LFA would seek to “*prevent*” the attack, while USNORTHCOM, as LFA for MHLA would seek to “*protect*” America from the attack.

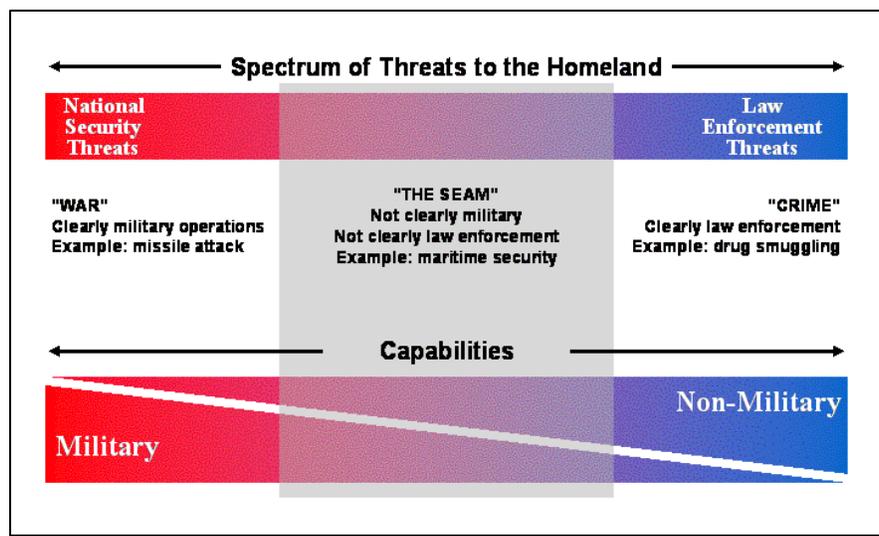


Figure 1: Homeland Threat Spectrum<sup>12</sup>

## **DOD and Homeland Security**

The National Strategy for Homeland Security specifies DOD's contribution to homeland security as "DOD contributes to homeland security through its military missions overseas, homeland defense, and support to civil authorities."<sup>13</sup> The Strategy lists three circumstances under which DOD would be involved in improving security at home:

- 1) "In extraordinary circumstances, DOD would conduct military missions such as combat air patrols or maritime defense operations."<sup>14</sup> In these cases, DOD is the LFA.
- 2) "DOD would be involved during emergencies such as responding to an attack or to forest fires, floods, tornadoes, or other catastrophes, during which DOD may be asked to act quickly to provide capabilities that other agencies do not have."<sup>15</sup>
- 3) "DOD would also take part in "limited scope" missions where other agencies have the lead-for example, security at a special event like the Olympics."<sup>16</sup>

Since the promulgation of The National Strategy for Homeland Security in July 2002, two significant changes to DOD have been implemented that further foster DOD's evolving perspective of its role in homeland security.

First, the Unified Command Plan was changed and on October 1, 2002, USNORTHCOM, a new combatant commander with an area of responsibility that encompasses most of the North American continent, the surrounding water, Puerto Rico, and the U.S. Virgin Islands was created. By doing so DOD consolidated under a single unified command existing missions that were previously executed by other military organizations.

"USNORTHCOM's mission is homeland defense and civil support, specifically:

- Conduct operations to deter, prevent, and defeat threats of aggression aimed at the United States, its territories, and interests within the assigned area of responsibility; and
- As directed by the President or SECDEF, provide military assistance to civil authorities including consequence management operations.”<sup>17</sup>

It is important to understand that NORTHCOM is a military organization whose operations within the U.S. are governed by law, including the Posse Comitatus Act<sup>18</sup>, that severely restricts direct military involvement in law enforcement activities. The limitations of the Posse Comitatus Act are critical when distinguishing between homeland defense and homeland security since homeland security missions are generally defined as “law enforcement” activities.

Second, responding to the need for improved guidance to DOD components on homeland defense and civil support missions the National Defense Authorization Act of 2003 established an “Assistant Secretary of Defense for Homeland Defense”. Secretary Paul McHale has been appointed to this position. While speaking before the House Armed Services Committee, Secretary McHale described his principal duty as “the overall supervision of the homeland defense activities of the DOD.”<sup>19</sup> Secretary McHale further described his duties as:

“to lead and focus the Department’s activities in homeland defense and homeland security, ensure internal coordination of DOD policy direction, provide guidance to USNORTHCOM for its homeland defense mission and its military activities in support of homeland security, to include support to civil authorities, and to coordinate with the Homeland Security Council (HSC), the National Security Council (NSC), the DHS, and other government agencies. In layman’s terms, I am responsible for recommending to the Secretary the roadmap and the “rules of the road” for the Defense Department’s future role in securing our nation at home.”<sup>20</sup>

USNORTHCOM's mission statement and Mr. McHale's testimony before the House Armed Services committee indicates that to DOD, Homeland Security encompasses both defending the homeland against external threats and providing civil support to other agencies.

### **DHS and Homeland Security**

The creation of the DHS brought together 22 entities with critical homeland security missions. According to the National Strategy for Homeland Security, DHS was created to ensure greater accountability over critical homeland security missions and ensure unity of purpose among the agencies responsible for them. The DHS mission is to:

- “Prevent terrorist attacks within the U.S.
- Reduce America's vulnerability to terrorism; and
- Minimize the damage and recover from attacks that do occur”<sup>21</sup>

By combining numerous government entities, into one department the nation now has one department whose primary mission is to protect the homeland against terrorist threats. As defined earlier protecting the U.S. against terrorist threats includes homeland defense missions. One shortcoming of DHS that could be prejudicial to unity of effort is its lack of authority to direct DOD assets. Only the President or SECDEF can direct DOD assets.

### **USCG and Homeland Security**

As the LFA for MHLS, the Coast Guard's primary responsibility within DHS is to protect the U.S. Maritime domain and the nation's marine transportation system, and deny their use and exploitation by terrorists.<sup>22</sup> The Coast Guard's dual functionality as a law enforcement agency (14 U.S.C. 89) and an armed force (14 U.S.C. 1) make the Coast Guard uniquely qualified to carry out this mission. If a terrorist incident were declared a “homeland

security” incident the Coast Guard would prosecute the mission under its law enforcement authority and if the incident is determined to be “homeland defense” the Coast Guard would support DOD efforts.

A memorandum of agreement between DOD and DHS for the inclusion of the Coast Guard in support of MHLA was signed in late 2004. This MOA established protocol and a joint command and control structure for the rapid transfer of Coast Guard forces to Commanders, USNORTHCOM, and U.S. Pacific Command (USPACOM), for MHLA operations.

However, the MOA does not address the transfer of DOD assets in support of MHLA operations. DHS’s lack of authority to direct DOD assets in support of MHLA operations and the blurred distinction between homeland security and defense has created a structure that lacks unity of command; therefore “unity of effort” is paramount to success.

### **Unity of Effort**

Unity of Effort is one of the six “Principles of Military Operations Other Than War”. Derived from the principle of unity of command, unity of effort “emphasizes the need for ensuring all means are directed to a common purpose.”<sup>23</sup> To achieve unity of effort requires all agencies involved to cooperate and coordinate in order to achieve national objectives, although they may not be part of the same command structure. In interagency operations, unity of command may not be possible; therefore, the requirement for unity of effort becomes paramount. “Unity of effort – coordination through cooperation and common interests – is an essential complement to unity of command.”<sup>24</sup> The existing relationship between DOD and DHS and the seam of ambiguity created by the blurred distinction between homeland defense and homeland security violate the principle of unity of effort.

## Signs of Trouble

During February 2004, USNORTHCOM conducted Unified Defense 04 (UD 04). The objective of UD 04 was to conduct a joint and interagency exercise to provide ongoing assessment of the interoperability and coordination between the commands and their subordinate command structure; DOD, DHS, other federal, state, local and non-governmental organizations in the areas of Homeland Defense and civil support.<sup>25</sup> UD 04 consisted of several major scenarios involving maritime intercept events. The stated objective of the maritime intercept operations (MIO) portion of UD 04 was to look at the relationship between DOD and DHS organizations for possible ambiguities between MHL D and MHLS missions, and clarity in the chain of command.<sup>26</sup> Discussions, recommendations, and areas to improve contained within the UD 04 Exercise Report highlight a lack of unity of effort and the problematic nature of the doctrinal definitions of homeland defense and security. Specifically, discussions in the report indicate “Although there was guidance from the national level to operational and tactical organizations, for some exercise participants the “handoff” between MHL D and MHLS events remain vague.”<sup>27</sup> One of the key recommendations listed recommended the “establishment of interagency protocols for maritime intercept missions, especially between DOD and DHS”<sup>28</sup>. Additionally, UD 04 revealed two vital areas to improve:

- 1) “During the maritime scenario, USNORTHCOM executed its authority as listed in the Global Extended Maritime Interception Operations Execution Order. However, questions still arose about whether DHS or DOD had determination authority, what emergency conferences needed to be held, and how disposition of the vessel would work based on whether the event was considered MHLS or MHL D.”<sup>29</sup>

- 2) “Increased coordinated and concurrent planning with all components for all assigned missions.”<sup>30</sup>

U.S. Coast Guard input to the DHS After Action Report for UD 04 highlights a breakdown in unity of effort that can be attributed to DHS’s lack of authority to direct DOD assets. Coast Guard input indicates a shift in how DOD views the Coast Guard. The report indicates that DOD now views Coast Guard “Request for Forces (RFF)” as a request for support to civilian authority vice a military service. Prior to the Coast Guard’s shift to DHS, RFFs were handled via a direct relationship between Coast Guard Headquarters and the Joint Chiefs of Staff. According to the Coast Guard, “maintaining this relationship will be critical to DHS as we continue to flesh out the maritime seam between homeland security and homeland defense. Our ability to interact with DOD as a military service should prove a great benefit and allow us to approach that MHLS-MHLD policy seam without negative impact on execution.”<sup>31</sup> UD 04 marks the third time in the past two years the Coast Guard has raised this issue. Expedient handling and approval of Coast Guard RFFs is critical because as a military service the Coast Guard can exercise operational and/or tactical control of DOD assets. This concept has proven quite effective in drug interdiction operations and could be easily applied to MIO in support of MHLS.

The American homeland is now part of the battlespace. The distinction between “foreign” and “domestic,” between “military” and “law enforcement,” and between “homeland defense” and “homeland security” is not clear. A seam of ambiguity exists where threats are neither clearly homeland defense nor clearly homeland security. Within this “seam”, terrorist groups may seek to exploit the delineation of responsibility between DOD

and DHS, because it is difficult to label them as either a homeland defense threat or a homeland security threat.

### **Bridging the “seam” of ambiguity**

Securing the maritime domain requires the coordinated efforts of DOD and DHS as well as numerous other entities at federal, state, and local levels. The best way to achieve this coordinated effort is through a national joint interagency task force (JIATF) charged with maritime homeland security and defense.

The JIATF concept has proven itself quite effective on a smaller scale to conduct international counternarcotics. JIATF-South directs a myriad of agencies (DOD, DHS, USCS, DEA, FBI, and numerous international partners) to execute its counternarcotics mission. “The result is a fully integrated, international task force organized to capitalize on the force multiplier effect of the various agencies and countries involved.”<sup>32</sup> The key to JIATF-South’s success lies within its Joint Operations Command Center (JOCC). Within the JOCC, intelligence and operations functions are fused together and the result is a coordinated employment of ships, aircraft, and law enforcement assets from all agencies committed to the counternarcotics mission. This model could easily be expanded to a larger mission such as MHLS/D.

The JIATF-MHLS/D commander would be empowered to direct the actions of all agencies involved in execution of the national maritime security policy. Commander, JIATF- MHLS/D would alternate between the Secretaries of Defense and Homeland Security (this concept as worked well at JIATF-South) with each serving for a period of two years. At the heart of the JIATF-MHLS/D command will be a national JOCC established at the Terrorist Threat Integration Center or if it comes to bear the National Counter Terrorism

Center. Additionally, regional JOCCs would be established at USNORTHCOM and USPACOM consisting of representatives from the various departments and agencies with MHLS missions. Regional JOCCs will have immediate access to a broad spectrum of capabilities and associated forces and will ensure rapid transition between MHLS and MHL D missions to facilitate mission success.

Critics against establishing a national level JIATF to direct homeland security and defense efforts would argue that the “seam of ambiguity” between law enforcement actions and military actions is an inherent strength of the United States government. Furthermore, the absence of clear lines of responsibility provides the President with maximum leeway in determining what national instrument of power to bring to bear against potential threats.<sup>33</sup>

However, the establishment of a JIATF to oversee and direct homeland security and defense missions provides the President with a single point of contact regarding homeland security and defense operations. One commander with responsibility across the “seams” will prevent the “seams” from tearing and eliminate “stovepiping” problems that are inherent in interagency operations.

A memo from the Assistant Secretary of Defense for Homeland Defense to SECDEF illustrates the need for and the effectiveness of a JIATF within the maritime domain.

“DOD and Coast Guard interoperability is reinforced through regularly scheduled exercises and real-world operations. A recent CJCS exercise demonstrated, however, that we must consider the assets of other agencies in our maritime response. In the scenario, when threatened with a terrorist vessel carrying WMD, we saw the need to integrate USSOCOM and both the FBI and CIA into our operational task force. They joined DOD and Coast Guard assets, forming an integrated interagency task force under control of a Combatant

Commander to interdict the vessel, conduct an opposed boarding, render-safe the WMD device, and conduct immediate forensic and investigative activities.”<sup>34</sup> This exercise clearly illustrates the need for a JIATF to execute the nation’s maritime security policy. Waiting for the discovery of a WMD on board a vessel within a U.S. port is not the time to establish a JIATF to handle the situation.

## **Conclusion**

“Today’s terrorists can strike at any place, at anytime, and with virtually any weapon. Securing the American homeland is a challenge of monumental scale and complexity. But the U.S. government has no more important mission.”<sup>35</sup> The lack of unity of effort created by assigning multiple commanders for the achievement of a common objective of the national strategy for homeland security provides a critical vulnerability for terrorist groups to exploit.

To fully integrate all elements of national power into a concerted national effort to “prevent” or “protect against” terrorist attacks in the maritime domain I recommend establishment of a national Joint Interagency Task Force to execute America’s maritime security policy. If we are to effectively protect America’s maritime domain we will need unprecedented integration of DOD, DHS, and other agencies at all levels of government. To achieve this integration and eliminate critical vulnerabilities within the maritime domain we must designate and empower one commander to execute the mission. Only through unity of command can we achieve unity of effort.

## NOTES

---

<sup>1</sup> Peterson, Gordon I. "The U.S. Marine Transportation System: Long-Term Strategy and New Funding Streams Urgently Needed." The Marine Transportation System: Making It Possible. (Washington, DC: Government Services Group Publication, 2004), 6.

<sup>2</sup> Ibid.

<sup>3</sup> Fleming, Gerald P. "Maritime Security Poses Unique Challenges For Global Commerce." U. S. Coast Guard The Shield of Freedom 2004. (Washington, DC: 2 Government Services Group Publication, 2004) 133.

<sup>4</sup> Peterson, 11.

<sup>5</sup> An exclusive economic zone (EEZ) is a resource-related zone adjacent to the territorial sea. An EEZ may not extend beyond 200 nautical miles from the baseline. The Commander's Handbook on the Law of Naval Operations. Department of the Navy, Naval Doctrine Command, (Norfolk, VA: Oct 1995), 1-6.

<sup>6</sup> "A terrorist attack: the Limburg Story" Maritime Security Bulletin. (23 June 2003) quoted in Australian Government, Department of Foreign Affairs and Trade, Costs of Maritime Terrorism and Piracy. (September 2003), 5.

<sup>7</sup> Homeland Security Act of 2002, 107<sup>th</sup> Congress, 2<sup>nd</sup> session, 23 January 2002.

<sup>8</sup> U. S. Government. The National Strategy for Homeland Security. The White House, (Washington, DC: July 2002), vii.

<sup>9</sup> Ibid., 2.

<sup>10</sup> Department of Defense, Strategy for Homeland Defense and Civil Support. (Final Coordination Draft). (Washington, DC: January 2005), 5.

<sup>11</sup> Department of Defense, Homeland Security Joint Operating Concept (Draft). (Peterson AFB, CO: February 2004), 8.

<sup>12</sup> Ibid.

<sup>13</sup> The National Strategy for Homeland Security, 13.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> U.S. Northern Command, Who We Are – Mission. <[http://www.northcom.mil/index.cfm?fuseaction=s.who\\_mission](http://www.northcom.mil/index.cfm?fuseaction=s.who_mission)>, [05 January 2005].

<sup>18</sup> The "Posse Comitatus Act" (PCA), Title 18 of the U.S. Code (USC), Section 1385, states:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both." Department of Defense (DoD) Directive 5525.5 extended the substantive prohibitions of the Posse Comitatus Act (PCA) to the U.S. Navy and U.S. Marine Corps. The PCA does not apply to the U.S. Coast Guard in peacetime or to the National Guard when not in Federal service. The PCA generally prohibits U.S. military personnel from direct participation in law enforcement activities. Some of those law enforcement activities would include interdicting vehicles, vessels, and aircraft, conducting surveillance, searches, pursuit and seizures; or making arrests on behalf of civilian law enforcement authorities. Prohibiting direct military involvement in law enforcement is in keeping with long-standing U.S. law and policy limiting the military's role in domestic affairs.

<<http://www.northcom.mil/index.cfm?fuseaction=news.factsheets&factsheet=5>> [14 February 2005]

<sup>19</sup> Testimony of Assistant Secretary of Defense for Homeland Defense before the House Armed Service Committee on Readiness, (Washington, DC: 13 March 2003).

<sup>20</sup> Ibid.

<sup>21</sup> Department of Homeland Security, Mission Statement. <<http://www.dhs.gov/dhspublic/display?theme=10&content=429>>, [03 January 2005].

<sup>22</sup> Testimony of Director of Coast Guard Maritime Domain Awareness Program Integration Office before the House Subcommittee on Coast Guard and Maritime Transportation Committee on Transportation and Infrastructure, (Washington, DC: 6 October 2004).

<sup>23</sup> U. S. Joint Chiefs of Staff. Joint Doctrine for Military Operations Other Than War, Joint Pub 3-07, (Washington, DC: 16 June 1995), II-3.

<sup>24</sup> U. S. Joint Chiefs of Staff. Doctrine for Joint Operations, Joint Pub 3-0, (Washington, DC: 10 September 2001), A-2.

---

<sup>25</sup> Department of Defense. U. S. Northern Command. Preliminary Exercise Summary Report, Unified Defense 04, (Peterson AFB, CO: 25 May 2004), 1.

<sup>26</sup> Ibid., 20.

<sup>27</sup> Ibid., 21.

<sup>28</sup> Ibid., 22.

<sup>29</sup> Ibid., 23.

<sup>30</sup> Ibid.

<sup>31</sup> U.S. Coast Guard. Commandant (G-OPF). Memorandum USCG Input to the DHS After Action Report – Unified Defense 04, (Washington, DC: 9 Mar 2004), 1.

<sup>32</sup> Joint Interagency Task Force South, Fact Sheet, <[www.jiatfs.southcom.mil/index.html?cgFact](http://www.jiatfs.southcom.mil/index.html?cgFact)>, [03 January 2005].

<sup>33</sup> DoD Homeland Security Joint Operating Concept, 8.

<sup>34</sup> Department of Defense. Office of Homeland Defense. Navy-Coast Guard Authorities and Relationship, (Washington, DC: 08 December 2004), Tab A-2.

<sup>35</sup> The National Strategy for Homeland Security, 1.

---

## Bibliography

- “A Terrorist Attack: the Limburg Story” Maritime Security Bulletin. (23 June 2003) quoted in Australian Government, Department of Foreign Affairs and Trade, Costs of Maritime Terrorism and Piracy. September 2003
- Department of Defense, Homeland Security Joint Operating Concept (Draft). Peterson AFB, CO: February 2004.
- Department of Defense. Office of Homeland Defense. Navy-Coast Guard Authorities and Relationship, Washington, DC: 08 December 2004.
- Department of Defense, Strategy for Homeland Defense and Civil Support. (Final Coordination Draft). Washington, DC: January 2005.
- Department of Defense. U. S. Northern Command. Preliminary Exercise Summary Report, Unified Defense 04, Peterson AFB, CO: 25 May 2004.
- Department of Homeland Security, Mission Statement.  
<[http://www.dhs.gov/dhspublic/display? theme=10&content=429](http://www.dhs.gov/dhspublic/display?theme=10&content=429), [03 January 2005].
- Fleming, Gerald P. “Maritime Security Poses Unique Challenges For Global Commerce.” U. S. Coast Guard The Shield of Freedom 2004. Washington, DC: Government Services Group Publication, 2004.
- Homeland Security Act of 2002, 107<sup>th</sup> Congress, 2<sup>nd</sup> session, 23 January 2002.
- Joint Interagency Task Force South, Fact Sheet,  
<[www.jiatfs.southcom.mil/index.html?cgFact](http://www.jiatfs.southcom.mil/index.html?cgFact)>, [03 January 2005].
- Peterson, Gordon I. “The U.S. Marine Transportation System: Long-Term Strategy and New Funding Streams Urgently Needed.” The Marine Transportation System: Making It Possible. Washington, DC: Government Services Group Publication, 2004.
- Testimony of Assistant Secretary of Defense for Homeland Defense before the House Armed Service Committee on Readiness, Washington, DC: 13 March 2003.
- Testimony of Director of Coast Guard Maritime Domain Awareness Program Integration Office before the House Subcommittee on Coast Guard and Maritime Transportation Committee on Transportation and Infrastructure, Washington, DC: 6 October 2004.

---

U.S. Coast Guard. Commandant (G-OPF). Memorandum USCG Input to the DHS After Action Report – Unified Defense 04, Washington, DC: 9 Mar 2004.

U. S. Government. The National Strategy for Homeland Security. The White House, Washington, DC: July 2002.

U. S. Joint Chiefs of Staff. Doctrine for Joint Operations, Joint Pub 3-0, Washington, DC: 10 September 2001.

U. S. Joint Chiefs of Staff. Joint Doctrine for Military Operations Other Than War, Joint Pub 3-07, Washington, DC: 16 June 1995.

U.S. Northern Command, Who We Are – Mission. <[http:// www.northcom.mil/index.cfm?fuseaction=s.who\\_mission](http://www.northcom.mil/index.cfm?fuseaction=s.who_mission)>, [05 January 2005].