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**THE COAST GUARD'S COMING OF AGE
THE NEW NORMALCY OF MARITIME HOMELAND SECURITY**

BY

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ABSTRACT

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Recent terrorist attacks on the sovereignty of the United States have rocked the nation's sense of security. The integrity of the U. S. air, land, and maritime borders integrity is no longer assured. Of particular concern is maritime defense and security along the extensive American coastline, especially given the volume of foreign trade. Maintaining a sea defense on a 24-hour basis for a maritime country such as the United States is both impractical and unsustainable. The best protection of our maritime borders comes from a robust intelligence gathering, synthesizing, and dissemination system. Using accurate, real time intelligence, can the nation marshal its limited maritime resources against the correct targets and establish a dynamic defense system that can deter, detect, and intercept unwanted intrusions of U.S. shorelines? This study analyzes defense of the homeland from a maritime perspective. It will also address the rising importance of Maritime Homeland Security, describe functions the Department of Defense presently performs in defending the maritime border, and assess the Coast Guard's current and future 'deter, detect, and intercept' role on a post-September 11th security and defense environment.

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THE COAST GUARD'S COMING OF AGE THE NEW NORMALCY OF MARITIME HOMELAND SECURITY

September 11, 2001 was this nation's second "date which will live in infamy".¹ The events in New York, Washington, and Pennsylvania that unfolded on television and over the radio will mark a generation, as did the Shuttle disaster, the assassination of President Kennedy, and Pearl Harbor. The date will also be a date that marks a fundamental change in the way that America looks at her security. As was the case with Pearl Harbor, the security blanket that had covered the United States was ripped apart by a horrifying surprise attack. A tear in the nation's defense fabric was exposed. Americans no longer live under the illusory security blanket that has comforted them for so long.

The terrorist attacks were envisioned, although few really believed they could occur. Several national commissions gave warnings of a high probability of terrorist attacks within the near future, specifically predicting that "a direct attack against American citizens on American soil is likely over the next quarter century."² President Clinton went so far as to declare war on terrorism in late 1998.³ Somehow, it just didn't catch. Neither the Congress nor the populace at large acknowledged the predicted vulnerability of the strongest nation on earth. The United States was defenseless against the simplest of means of attack - a benign instrument of our own transportation system, an airplane. Captain Tony Regalubuto, U. S. Coast Guard, testified recently at a Congressional Hearing on Port Security that one of the biggest lessons learned from the attack is that "the nature of the threat facing all nations has changed dramatically. What we saw was new; hijackers taking over commercial flights for the sole purpose of turning them into guided weapons of mass destruction."⁴

Before the attacks, several government agencies had gathered bits and pieces of information that if synthesized correctly may have predicted the tragic event. Instead, we witnessed a failure of the deterrence and detection systems designed to ward off such events and a lethargic intercept of the attack. It is curious to note that one of the first decisive actions taken by the federal government was the Department of Transportation's decision to shut down the air transportation system in the United States within minutes of the first airplane strike. Where were the defenders of the Homeland? Who was minding the shop? Who was putting the threat picture together?

Since the September 11th attacks, the federal government, in cooperation with several private think tanks, has scrutinized the ability of the government to counter asymmetric attacks such as those already experienced. The vulnerability of the country's maritime

system – which includes 361 ports, 95,000 miles of coastline, and thousands of miles in inland rivers and Intracoastal waterways - has long been subject of discussion. Even more attention has been drawn to maritime security as a result of the September 11th infiltration of air security. The maritime transportation system – given the openness of our ports; the myriad of small, unchecked inlets; and the length of unobserved inland waterways - was readily identified as one of the most critical U. S. security vulnerabilities. Entry points to the United States, key infrastructure, and nodal points of the maritime transportation system responsible for 90% of the nation's import/export trade are ripe for exploitation from asymmetric attack.

Constructing a sea defense on a 24-hour basis for a maritime country such as the United States is both impractical and unsustainable. The best protection of the maritime borders lies in a robust intelligence gathering, fusing, and dissemination system. Only such a system will enable the nation to make the most of its limited maritime defense resources to protect specific targets and establish a credible system capable of deterring, detecting, and intercepting intruders.

This study analyzes defense of the homeland from a maritime perspective. It will also address the rising importance of Maritime Homeland Security, describe functions the Department of Defense presently performs in defending the maritime border, and assess the Coast Guard's current and future 'deter, detect, and intercept' role on a post-September 11th security and defense environment. As September 11th is proving to be a significant turning point in our nation's history, so will it prove to be a critical event in the history of the U. S. Coast Guard.

HOMELAND SECURITY – A DEFINITION

Several definitions of Homeland Security exist. The term has also been confused with Homeland Defense in the recent past. The interchangeability of these two terms and the resulting confused sense of their real meanings are prevalent. While the 'term' Homeland Defense still appears in many publications, current proposed or functioning definitions of Homeland Security are inclusive of Homeland Defense. In that vein, this paper will use term Homeland Security vice Homeland Defense except when referring to historical perspectives.

The Joint Chiefs of Staff (JCS), in anticipation of its future role in Homeland Security, has proposed the following definition.⁵

Homeland Security: the preparation for, prevention of, deterrence of, preemption of, defense against, and response to threats and aggression directed towards U.S. territory, sovereignty, domestic population, and infrastructure; as well as

crisis management, consequence management, and other domestic civil support.⁶

From the maritime perspective, the Coast Guard defines Homeland Security in terms of its maritime mission as follows:

The United States must have the means to *deter, detect, intercept, and respond* (emphasis added) to asymmetric threats, acts of aggression and attacks by terrorists on American homeland while maintaining our freedom and sustaining the flow of commerce.⁷

The JCS definition is strikingly similar to the Coast Guard definition; however neither definition specifically identifies Homeland Defense as a separate entity. The JCS definition, by its nature, is oriented towards defense without forsaking its traditional commitment to civil support. It also has both a domestic and global dimension. On the other hand, the Coast Guard definition is oriented domestically and arguably aligned with its established civil authorities.

Although an essential component of Homeland Security, a detailed study of the quality and efficiency of event *response* is beyond the scope of this paper. The construct for response to terrorist attacks, outlined in Presidential Decision Directive (PDD) 39, specifically identifies the Federal Emergency Management Agency (FEMA) as the lead agency for consequence management and the Federal Bureau of Investigation (FBI) as the lead federal agency for crisis management. Definitions for each are as follows:

Crisis Management includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism.⁸

Consequence Management includes measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of terrorism.⁹

Crisis Management thus includes a *preventative* role for the FBI in thwarting a terrorist event, not solely a response role. However, the preventative role pertains only to "... legal deterrence in the form of not allowing terrorism to interfere with the prosecution, process, and ceasing certain activities that allow terrorist cells to flourish."¹⁰ Additionally, the FBI only becomes involved actually in *prevention* if a potential terrorist threat is positively identified. FEMA, on the other hand, takes the same approach to response regardless of the cause and dovetails consequence management protocols for terrorist events with those already established for natural or non-terrorist man-made disasters.¹¹

The U.S. lacks the robust structure to implement of all four elements of Maritime Homeland Security. First, several agencies are involved in, but do not have a consistent understanding of, the requirements for conducting the 'deter, detect, and intercept' portions of the Maritime Homeland Security definition. Second, a Maritime Homeland Security strategy cannot be constructed until maritime entities identify existing security gaps. This task is complicated acknowledging the very different restrictions between the military and civil authority in filling those gaps without violating the Constitution. Third, the methodology for filling the Maritime Homeland Security gaps and identification of the acting authority (military, civilian, or both) has not been assigned. Finally, what role should the Coast Guard fill in the emerging strategy.

To further address these issues, let's consider a full description of the 'deter, detect, and intercept' strategy.

DETERRENCE

Webster defines deterrence as "the methods of preventing or discouraging from acting especially by means of doubt and fear." From a military perspective, Joint Pub 1-02 describes it as "the prevention from action by fear of the consequences. Deterrence is a state of mind brought about by the existence of a credible threat of unacceptable consequences."¹² The Coast Guard construct for deterrence from a maritime perspective manifests as "prevention measures to protect U.S. interests including its population, armed forces, critical infrastructure, and important American historic and symbolic landmarks."¹³ All definitions speak of a cost to an offending party resulting from undesirable action.

There are generally three types of deterrents. One type of deterrence, static deterrence, consists of the domestic laws and regulatory requirements involving a consequence manifested by loss of financial means or liberties. The United States has a plethora of deterrence-based laws and regulations in place, sponsored by several regulatory agencies. Such regulations ensure compliance or discourage action a vast majority of the time and are effective for a large majority of the U. S. citizens and visitors to this country.

The second type of deterrence is kinetic deterrence and consists of active enforcement of laws. Police on patrol, the Coast Guard conducting overflights of the maritime approaches, and active defense radar are examples of this type of deterrence. Static deterrence focuses on keeping unwanted actions from occurring while kinetic deterrence assumes a failure of static deterrence, possibly by asymmetric means. An

asymmetric breach in deterrence structure occurs when willful violators navigate past both static and kinetic deterrence and act at will.

A third type of deterrence, preemptive deterrence, involves specific actions that deter by preempting undesirable actions. PDD 39 describes a form of active terrorist deterrence as follows:

. . . the disruption of terrorist-sponsored activity including termination of financial support, arrest and punishment of terrorists as criminals, application of U.S. laws and new legislation to prevent terrorist groups from operating in the United States, and application of extraterritorial statutes to counter acts of terrorism and apprehend terrorists outside of the United States.¹⁴

This directive proposes overt actions, akin to military tactics such as flexible deterrent operations, designed to preempt undesirable actions. While the military naturally would focus on using all elements of national power as deterrent actions, it is likely that civil authorities, including the Coast Guard, would rely mainly on civil authority concurrent with its domestic jurisdiction to conduct its deterrent actions.

DETECTION

Deterrents can and often fail. This was the case in the September 11th attacks. The civil deterrence mechanisms failed to stop actions that led to a cataclysmic event. Intelligence indicators produced no credible warning, and therefore no preemptive deterrent options were outlined or executed. In cases such as these, when all deterrence fails, the importance of swift and decisive detection of deterrence failures becomes paramount. In cases involving weapons of mass destruction, the early and unambiguous detection of aggressive action must be sufficiently aggressive to initiate action to protect vital national interests and critical infrastructure. A vibrant intelligence network that quickly fuses information from a multitude of sources, identifies a threat, and quickly transmits the threat to enforcement personnel, must provide the foundation of detecting deterrence failures. Without a smart intelligence gathering and fusion system, events are likely to occur without a chance to sortie resources to intercept and defeat.

A post September 11th review of the intelligence system revealed gaps in the domestic and international systems of intelligence collection, analysis, and sharing.¹⁵ Much information was available to the intelligence and law enforcement communities before the attacks. If shared, someone could have pieced together the warning of the impending disaster.

Ideally, the probability of an event's occurrence is formed from information that is collected, processed, coalesced, fused, and disseminated. With luck, resources mobilized once a certain probability threshold is crossed, counters the identified threat and restores a nominal security level. However, proper analysis requires large numbers of people with access and capability to sift through the mountains of seemingly insignificant bits of information to piece together a scenario and assign a probability of a deterrence failure.

Unfortunately, detection systems and probability thresholds, if they exist at all, differ from agency to agency within the federal government. Few, if any, attain the nimbleness to communicate the imminent threat to the appropriate interception resources in a timely manner.

INTERCEPTION

Interception is the "use of resources to anticipate, prevent and/or resolve a threat or act of terrorism or aggression."¹⁶ The laws of the United States assign primary authority to the federal government to protect the homeland and its citizens by responding to such acts. In many ways, interception is the last line of action before a threat materializes into a catastrophic event, triggering the Consequence Management response.

The Coast Guard, as well as other law enforcement agencies, understand this concept from a maritime perspective and readily recognize that credible awareness and detection are useless without effective interception capability. "Based on intelligent targeting, [these] agencies must be outfitted with the tools to interdict suspicious people or cargo, thereby disrupting the chain of events leading up to catastrophic terrorist attack on the American homeland."¹⁷

ANALYSIS OF HOMELAND SECURITY

Orchestrating all four parts of the Homeland Security definition is necessary to ensure full spectrum security and is lacking throughout the Federal, State, and local government agencies. Analysis of the gaps in orchestration is offered.

First, robust *response* organizations and partnerships, to shape the crisis and consequence management portions, exist in only a few municipalities across the country. Of these, there are glaring deficiencies in the arena of response to biological weapons of mass destruction (WMD).¹⁸ Once they are established, the response mechanism to minimize consequences of an event is in place, exercised, and effective. This was evident in the response in New York City and Washington D. C. in September 2001. Unfortunately, very few of the nation's cities can boast of preparedness systems like those in New

York and Washington. This is particularly true of coastal port cities vulnerable to maritime WMD events.

Second, the *deterrence* component of Homeland Security exists, but easily foiled in an open society such as that of the United States. The single best deterrent for civil societies are laws and regulations. A majority of the U. S. laws and regulations in place today are based on events that civil societies do not want to see repeated. Past events lead to rules to prevent further occurrences. Thus prevention is the basis of the nation's regulatory system. But rule and laws that seek to maintain civil order, do not deter willful terrorists. Civil order erodes when people or systems stray from the rule of law. United States statutes are designed to prosecute and punish offenders; it is not an effective deterrent against entities acting asymmetrically as those on September 11th. Such actions go beyond the expectation of rational people and bridge the abyss between civil disobedience and acts of war. Legislated deterrence does not always work as an effective security system, especially for irrational people. Therefore, the ability to 'detect and intercept' deterrence failures before they manifest into acts of terror, is essential for a full spectrum security system.

Irrational people exist and act asymmetrically. No deterrence system is foolproof against these actors. The nation's '*detect and intercept*' system, proved weak during the September 11th attacks. Assuming the deterrence in place were sufficient, the 'detection and interception' of the threat was not. From the perspective of Homeland Security, maritime included, these two capabilities of the security system are woefully inadequate in the present asymmetric global security environment.

The questions become; "What organization should be responsible for the 'detect and intercept' portion of our definition for Maritime Homeland Security?" and 'what type of force should be employed; military, civil, or both?'"

PRE-SEPTEMBER 11TH WORLD

DEPARTMENT OF DEFENSE HOMELAND SECURITY EFFORT

Two characteristics defined DOD's role in Homeland Security before September 11th; civil support and response to natural or man-made disasters. The Federal Response Plan tasks the Department to:

. . . provide support only when other resources are unavailable, and only if such support does not interfere with its primary mission or ability to respond to operational contingencies.¹⁹

The Secretary of the Army is DOD's executive agent to FEMA for this support via the Army Directorate of Military Support (DOMS). It is through this link that the military assists FEMA during natural and man-made disasters.

DOD is given additional broad guidance through Presidential Directives (PDD), Presidential Executive Orders (EO), and other government publications. Some examples follow:

Civil Support and Response: Commander in Chief, Joint Forces Command (JFCOM) Joint Task Force – Civil Support (JTF-CS). Established in October 1999 in a change to the Unified Command Plan, JTF-CS responds in a crisis, when requested by a Lead Federal Agency and approved by the Secretary of Defense, to support the civilian Lead Federal Agency designated to be in charge of the event. JTF-CS's mission is to provide command and control for deploying DOD consequence management activities to save and preserve lives, and restore critical services.²⁰

Cyber Protection: DOD has created Joint Task Force for Computer Network Defense (JTF-CND) under assignment to Commander in Chief, Space Command (SPACECOM) to assist other federal agencies in protecting cyber system from incursion from unwanted parties.²¹

Response Training: DOD has been involved in training and technical assistance to federal, state, and local emergency management personnel regarding response to WMD events as directed by the Nunn-Lugar-Domenici Act of 1996.²² The training was required to take "reasonable measures to reduce the reliance of civilian law enforcement officials on DOD resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the U. S."²³

Clearly, DOD has a role in domestic Homeland Security to provide assistance at the consequence management level. However, little or no emphasis has been placed by DOD or any other federal agency on the *prevention*, or 'detect and intercept' role, in the Homeland Security equation. Note also that in none of the examples offered above was there mention of maritime security or maritime defense. The nation's military has not focused on active maritime Homeland Defense since the disestablishment of the Coast Artillery in the 1950s. The nation's military has instead focused on providing for security under a Cold War doctrine of nuclear deterrence, forward presence, and stopping aggression before it reaches our shores. The United States strategic nuclear deterrence capability, along with its geopolitical isolation, had rendered the threat of foreign incursion onto American soil by either conventional or nuclear means most undesirable, given the potential repercussions. September 11th proved to be a great flanking maneuver by shrewd

terrorist organizations that chose not to face the United States' military superpower conventionally, but to attack the sparsely defended homeland rear area, asymmetrically.

The glaring lack of homeland protection does not imply that DOD is doing nothing to prevent attacks on the homeland. DOD plays a significant role in stemming proliferation of WMD technologies and materials through coordination with the Department of State and the support of the Cooperative Threat Reduction Program, along with several other multi-agency and international non-proliferation initiatives.²⁴ While this program has seen success, 100% reliability of non-proliferation cannot be assured.

Another DOD preventative measure within the realm of Homeland Security is the protection provided by the North American Aerospace Defense Command (NORAD). Under the command of United States Space Command and in partnership with the Canadian Military, NORAD performs the missions of aerospace warning and aerospace control for North America. Aerospace warning includes the monitoring of man-made objects in space and the detection, validation, and warning of attack against North America whether by aircraft, missiles, or space vehicles, utilizing mutual support arrangements with other commands. Aerospace control includes surveillance and control of Canadian and U. S. airspace.²⁵ NORAD has the capability to detect both hostile aircraft and missiles. Intercept of aircraft is presently possible, but intercept of missiles is not. So, DOD established the Missile Defense Agency (MDA)²⁶ to counter all missile technologies, theater and ballistic. Although beyond the scope of this study, MDA will eventually play an important role in ensuring the air security of the U. S.

MARITIME HOMELAND SECURITY

The Preamble to the Constitution clearly alludes to the basic principle of defending the United States and providing for its security by requiring Congress to "provide for the common Defence and general Welfare of the United States."²⁷ The preponderance of the nation's physical defense lies on the shoulders of the nation's armed services under the consolidated general administration of DOD. The National Security Strategy specifies the objective of "enhancing security at home and abroad."²⁸ The NSS further identifies as a vital national interest

. . . the physical security of our territory and that of our allies, the safety of our citizens both at home and abroad, protection against WMD proliferation, . . . and the protection of the nation's critical infrastructure – including energy, banking and finance, telecommunications, transportation, water systems, vital human services, and government services – from disruption intended to cripple their operation."²⁹

Before the events of September 11, 2001, DOD tacitly accepted its role in the internal defense of the homeland critical infrastructure, even while assigning it a lesser priority.

Of the programs laid out by DOD, none pertain directly to the maritime realm. Rather they focus on assistance to civil authorities, limited preventative assistance to cyber attack, and training to civil authorities to prepare for consequence management response. Few programs focus on the 'deter, detect, and intercept' triad of Homeland Security. NORAD is a notable exception, since it has the capability to deter and detect conventional hostile aerospace forces. However, NORAD has no capability to track unfriendly maritime traffic or coordinate an intercept. At present, our maritime borders are open to the free flow of goods and people. The maritime border alone consists of 361 navigable ports and over 95,000 miles of open coastline. The nation's maritime transportation system includes more than 1,000 harbor channels, 25,000 miles of Intracoastal and coastal waterways, and 3,700 passenger and cargo terminals.

Successfully performing the 'detect and intercept' phases of Maritime Homeland Security over such a broad expanse of territory and users requires a creative effort combining the civil and military authorities and capabilities to engage in the full spectrum of Homeland Security scenarios. The future construct requires flexibility to shift quickly and confidently from low threat to high threat, while protecting the rights afforded by the Constitution. A historical review of how the nation addressed maritime security and defense provides a perspective on the difficulty in creating such a construct.

HISTORICAL PERSPECTIVE OF MARITIME HOMELAND SECURITY

U. S. NAVY'S ROLE

For the greater part of the first 200 years of our nation's existence, maritime threats to our Homeland Security stemmed from foreign navies having the capacity to project forces upon U. S. shores. The relative safety enjoyed by the U.S., due to its geopolitical isolation, minimized the threat from the maritime realm. Up until the 1930s, the nation built and manned great fortresses along the coastal U.S. to 'deter, detect and intercept' maritime incursions with hostile fire and counterattack. These fortresses were the nation's first line of defense for potentially hostile naval forces which could pop-up over the horizon, a mere 18-30 miles from land depending on the eye height above sea level of the fortress watchman.

The U.S. Navy was initially built to counter these threats as our country fought for its independence. After the Revolutionary War, we faced no overt threats from the sea. The young republic did not have the economic might to support a standing Navy. Therefore, in

1785, the Navy was disestablished. In 1793, American vessels were trading essentially unprotected from raiding nations and pirates of the Barbary Powers.³⁰ To protect American trade, President Washington implored Congress to reauthorize the Navy. After much debate, Congress finally authorized "the procurement of six frigates"³¹ in January of 1794. From these meager beginning would grow the greatest sea power ever known. After two World Wars, the U. S. Navy has become the undisputed ruler on, above, and below the sea. As the Navy grew stronger in its force projection capability, the maritime isolation of the United States from conventional forces also increased due to an expanded security buffer. This isolation was further enhanced with the development of coastal radar, spaced-based intelligence systems, and land-based fighter interceptor aircraft – all of which rendered maritime attack on the United States unattainable.

During the same time, the U.S. close-in naval defenses were ironically weakening. Radar and the airplanes became the ascendant military weapons for coastal protection. as Coast Artillery units were converted into antiaircraft artillery units. While this formulation was acceptable to 'detect and intercept' conventional warring armadas intending to attack the homeland, it did nothing to 'detect and intercept' unconventional and asymmetric threats.

U. S. COAST GUARD'S ROLE

The U. S. Coast Guard has been involved with Maritime Homeland Security since its inception in 1790 as the Revenue Cutter Service. Originally designed as a Customs enforcement agency, the organization has used multiple elements of national power to conduct maritime safety and security operations. Although the Coast Guard has several times in its history used military force in execution of its duties, it has never been directly charged with the 'maritime defense' of the United States. The U. S. Navy is presently responsible for maritime defense of the homeland.

The Revenue Cutter Service, renamed the U. S. Coast Guard in 1915, was a force primarily charged with enforcement of the customs.* By that time, the Coast Guard had assumed a multi-mission ethic by virtue of incorporating both the Lifesaving Service³² and the Bureau of Marine Inspection and Navigation³³ into the organization. This expansion was the fundamental building block of the service's humanitarian, safety, and emergency responder culture. Increasingly the Coast Guard was becoming a federal law and safety enforcement agency on the sea.

* The Coast Guard was under the Department of Treasury until 1967.

While the Coast Guard is a civil law enforcement agency, it is also an armed service by virtue of law.³⁴ Establishment as an armed service confers upon the Coast Guard the "mantle of the sovereign and accordingly under international law are sovereign instrument[s] of the nation."³⁵ Simply stated, Coast Guard cutters are warships.

Therefore, the service does have a wartime mission, albeit a less defined function than those of the other armed services. By law, during time of war and by Presidential direction, the Coast Guard becomes part of the Navy as a force.³⁶

The Coast Guard gained both peacetime and wartime responsibility for port security from passage of the Espionage Act and the Ports and Waterway Safety Act (PWSA)³⁷. These two acts gave the Coast Guard broad powers to protect port facilities and harbors with the intent to keep these open for military and economic strategic purposes. The Espionage Act tasked the Coast Guard with 'detect and intercept' defense requirement as a wartime function. However, the Act failed to properly resource the Coast Guard, so the 'deter and detect' capabilities never materialized. The Act culminated as a deterrent law giving the Coast Guard no resources for conducting the 'detect and intercept' function, and certainly never envisioned the increasingly destructive capability of saboteurs, or the magnitude of military and economic dependence on the nation's port areas. It was not until after the Texas City Explosion of 1947 that resources began flowing for port security. Ironically, the explosion was the result of an industrial accident, not the result of terrorism or sabotage. Regardless, the event illustrated the vulnerability of strategic ports and the vital national interest in keeping them protected.³⁸

The PWSA, passed in 1972, was safety oriented. It acknowledged that unintentional acts could have the same results as intentional acts by significantly disrupting the flow of products and military goods through the port structure.

As a function of these two laws, Captains of the Port enforce safety and security within their areas of responsibility. Jurisdiction of the laws applies to port areas, inland waters and coastal areas seaward to three miles.³⁹

The Coast Guard had not been mandated to perform military actions in the coastal zone as a primary responsibility. The Navy had retained this mandate since its reformation in 1794. Rarely were cutters outfitted in peacetime to jump directly into wartime missions, including those involving low-intensity conflict. Instead, cutters were *Semper Paratus* to be quickly adapted to specialized missions as required by the "Naval Component Commander." Providing specialized capabilities, or adapting to specialized maritime missions, the Coast Guard stood as a force-in-waiting.⁴⁰

The early functions of the Department of the Navy, other than fighting the nation's wars at sea, included anti-commerce-raider operations, protection of shipping, raids against hostile nations, blockades, and ground force support fires. According to today's doctrine, most of these actions would align with those of the Coast Guard. Over time, the Navy focused on its 'blue water' wartime mission, while the Coast Guard focused on its safety and security mission. As the nation became engaged in world conflicts, the Navy's surface, sub-surface, and aerial expeditionary war-fighting capabilities grew. Force projection capabilities improved, and the Navy grew until essentially it became the master of maritime high intensity conflict at and from the sea.⁴¹ The Navy retained few of its early homeland maritime responsibilities, gradually relinquishing the benign functions to the Coast Guard. One function never transferred was Maritime Homeland Defense.*

Significant among those responsibilities was the role of coastal war fighter. Several times in our nation's history, the Coast Guard has filled this role, at home and abroad, in the low-intensity conflict range, while Navy vessels and their associated systems managed the high intensity conflict. The Coast Guard served independently during the Caribbean skirmishes with France (1798-1800), the War of 1812, the Civil and Spanish-American War, and the Vietnam War - conducting the fight there in the coastal zone.⁴² Only during both World Wars did the Coast Guard become a part of the Navy task forces and serve a myriad of defense functions, including commanding assault group forces onto Omaha beach during the Invasion of Normandy in 1944.⁴³

However, the Coast Guard had no defined role in Homeland Defense. Instead, the responsibility for Maritime Homeland Defense was shuffled between Naval Yards, Naval Districts, Naval Coastal Frontiers, and Naval Sea Frontier Commands. These commands were the defense *du jour*, depending on the perceived threat to the homeland from the sea. The Navy grew more focused on establishing global presence and continuing the push for domination of the seas based upon the theories of Mahan.⁴⁴ As such, Maritime Homeland Defense was rarely a priority for the Navy.

In early 1980, Naval Districts were disestablished and the responsibility of Maritime Homeland Defense today rest with the Navy Fleet Commander-in-Chiefs (CinCs), Atlantic and Pacific.

* As a reminder, the term Homeland Security did not exist until recently.

MARITIME DEFENSE ZONES

Since World War II, the design of the Navy fleet tended towards the blue water, power projection missions. Ships built during the period boasted capability that did not suit them for the shallow water, low-intensity conflict missions. The Navy grew to a maximum of 600 vessels during the height of the Cold War. These vessels were equipped and trained to project force in keeping with the Department of Navy's vision that focused on expeditionary force projection.

The Navy needed then, and still needs today, vessels to meet the mission requirement of Naval Coastal Warfare (NCW). However, during the Cold War build up, the service paid much less emphasis to the NCW mission.⁴⁵ The condition and expertise of the U. S. Navy's mine warfare capability offers current evidence of how far away from naval coastal warfare operations the Navy's focus has strayed. The present capability is surpassed by many of our allies. Naval officers perceive assignment to a mine warfare unit as a career-ending move.⁴⁶ Although fully recognized as a weakness, the mine warfare mission cannot compete against the high profile of large force projection systems. From time to time, thoughts of merging the coastal warfare functions with the Coast Guard's longtime experience and professionalism in coastal operations have emerged, only to be dismissed from lack of political resolve.

COAST GUARD AS A WAR-FIGHTING PLAYER

Maritime Defense Zones (MARDEZ) were created in 1984, on the heels of a Coast Guard Wartime Missions Study, with recommendations by and approval of the Navy-Coast Guard Board.⁴⁷ Current doctrine for maritime defense of the homeland refers to these zones. Their creation was an attempt to leverage the expanding deficiency in the Navy's NCW capabilities while tasking the Coast Guard with a continual wartime mission.

The concept assigned the functions of MARDEZ Commanders (COMUSMARDEZ) to Coast Guard Area Commanders. The Fleet CinCs retain coastal defense responsibilities in this new MARDEZ command structure, and the Coast Guard assumes responsibility for ensuring full utilization of all available naval assets, both Coast Guard and Navy, in the defense of the coastal United States. Activated, they served as subordinates to the respective Navy Fleet CinC as a third echelon Navy Command.⁴⁸ This maritime defense strategy focuses mainly on U.S. ports, but also includes countermine and anti-submarine operations in coastal areas out to 200 miles.

In 1984, the Departments of the Navy and Transportation agreed to establish Maritime Defense Zones. At that time, two MARDEZs, Atlantic and Pacific, were established in 1985 and 1986 respectively. Each zone was divided into several subordinate sector commands headed by either Coast Guard District Commanders or Naval Base Commanders. A 1986 policy statement issued by Admiral Paul Yost, then Commandant of the Coast Guard, clarified the interconnectedness of the Coast Guard and the MARDEZ commands in the coastal defense of the United States.⁴⁹

This new organization was a 'win' for both the Coast Guard and the Navy. The Navy could focus on its more aggressive and more expansive expeditionary function. The Coast Guard, now with an identified and named war-fighting mission, could potentially dip into the lucrative DOD war chest to augment poor funding from the Department of Transportation.

After Desert Storm, the MARDEZ role expanded to include deployment of NCW forces in support of OCONUS expeditionary operations. In March 1994, a Memorandum of Agreement (MOA) between the Departments of the Navy and Transportation renamed MARDEZ subordinate sectors as Maritime Defense Commands and established Harbor Defense Commands. Maritime Defense Commands were assigned to the Coast Guard District Commanders and Harbor defense Commands were assigned to the local Captain of the Port. The MOA also confirmed that in wartime, or when directed by the President, the Coast Guard Area Commanders, wearing their MARDEZ Commander hats, would prosecute those tasks assigned by the fleet CINC relating to the coastal defense of the United States.⁵⁰ This and another revised MOA in 1995 incorporated the lessons learned from force protection requirements in Desert Storm and allowed for "peacetime activation . . . to perform and coordinate dual-service operations."⁵¹ Most importantly, MARDEZ activation was no longer dependent on Presidential approval. The MOA directs "conduct of forces will be coordinated between the CinCs, Services, and Secretaries of the respective departments on a case-by-case basis."⁵²

MARITIME DEFENSE ZONE CHALLENGES

However, there are fundamental problems with this MARDEZ construct. First, the Coast Guard failed to receive adequate resources to fully meet the requirement the organization. The MARDEZ construct tasked the Coast Guard Area Commanders with writing doctrine, local port level plans, and training. They were also charged with conducting exercises for meeting the mission requirements of both CONUS and OCONUS NCW and Maritime Defense. However, while tasked with planning, exercise and execution upon

activation, Mine Warfare Units, Inshore Underwater Units, and Harbor Defense Command Center assets remained under Navy control. To aggravate matters, MARDEZ Naval Reserves units were passed to the active duty component in the mid-1990s to facilitate the increase in overseas deployments during the Clinton Administration. Simply stated, MARDEZ commanders owned no MARDEZ assets and had increasingly restricted access due to active deployments. The Navy, realizing a distinct need for its own force protection and OCONUS port viability, developed expeditionary NCW doctrine with the Coast Guard tagging along. As a result, towards the late 1990s, MARDEZ, as a command for maritime defense of the homeland, was dead and hollow. Assets were gone and most contingency planning at the Harbor and Defense Commander level had severely atrophied.

The second problem in this arrangement is the difficulty involved in actually activating the MARDEZ command for deployment on small-scale contingency operations both at home and abroad. For example, the International Naval Review in 2000 brought forty naval vessels from twenty-four countries and more than 70,000 pleasure craft to New York Harbor.⁵³ The risk assessment indicated a high risk for terrorism, and the consequence of visiting naval vessels being damaged while in U. S. ports was unacceptably high. The local Captain of the Port wisely thought that the services and protection available through MARDEZ units, specifically highly trained Port Security Units (PSUs), was warranted. Although PSUs are fundamentally a Coast Guard resourced capability, the Coast Guard does not own them. Hence, the New York Captain of the Port had to convince CINCLANTFLT to task the Coast Guard Atlantic Area Commander to provide security at the International Review through the MARDEZ command structure. Only then would CINCLANTFLT direct Second Fleet to transfer Operational Command (OPCON) of NCW forces to MARDEZLANT, who then transferred Tactical Command of those forces to the Harbor Defense Commander (i.e., the New York Coast Guard Captain of the Port). This procedure, required for the use of MARDEZ assets for domestic security, bordered on the absurd. Regardless, the event marked the first and only time that the MARDEZ was formally assigned OPCON of NCW forces to conduct CONUS operations.

The third fundamental problem associated with this command structure is that it calls for the Coast Guard Area Commander to fill the third echelon Navy command under the fleet CINC. A big command and control question remains unanswered: "Where does the Commandant of the Coast Guard fall in the Chain of Command?" In every other mission the Coast Guard performs, whether it be a high profile search and rescue case (e.g., John F. Kennedy Jr. plane crash) or oil spill (e.g., Exxon Valdez), the Commandant of the Coast

Guard is the top operational commander. Additionally, exercise of MARDEZ activation, although conducted annually, usually limits players to the Area Commander staff level and rarely involves Coast Guard top-level headquarters command and control.

THE NEW NORMALCY OF MARITIME HOMELAND SECURITY

On September 11th, the United States experienced the biggest attack on the continental U.S. since the War of 1812, and the largest number of civilian casualties since Pearl Harbor. MARDEZ was established to respond to such events as this terrorist attack. Nevertheless, the Maritime Defense Zone Command construct did not stand-up as a third echelon Navy Command under the respective fleet CINC, nor did the Coast Guard absorb NCW assets for immediate CONUS deployment in response to potential future terrorist threats. Few Captains of the Port (Harbor Defense Commanders under the MARDEZ construct) had updated port protection plans, and actions taken at the port levels resembled nothing close to the plans in the vaults. The Commandant of the Coast Guard did not relinquish operational command of his Area Commanders to the Navy, nor was the Navy pounding at the door to establish the echelon III MARDEZ command. Instead, Coast Guard cutters were on scene within minutes of the attacks, while the Navy's was turning around carrier battle groups to the Indian Ocean to prepare to do battle in Afghanistan. The MARDEZ construct was categorically dismissed, denied the opportunity to live up to its design or expectation.

Unfortunately, the United States homeland, at a moment in its history when it needs it most, does not have a workable maritime defense structure. The question remains, "What construct is necessary to ensure the Homeland is defended 'against all enemies, both foreign and domestic?'"⁵⁴ A simple ends, ways, and means analysis leads to a solution.

[Ends] The nation needs to protect itself from hostile actions against and within its borders (maritime inclusive). This is supported by both the National Security Strategy and the Constitution.

[Ways] A viable force that can operate in the maritime environment must be able to 'detect and intercept' hostile actions and threats as they arise. This function has been shared, somewhat convolutedly, between the Coast Guard and the Navy for over two hundred years. The current construct for the maritime defense is not workable for a variety of reasons already addressed. It failed to materialize at the exact moment for which it was designed on September 11th.

[Means] Responsibility for coastal defense must be streamlined into a single entity that can respond using multiple elements of national power with a focus on improving the 'detect and intercept' portions of Maritime Homeland Security. The Coast Guard fills all of these roles, but presently lacks the means to operate in the low-intensity conflict realm as a military element of national power. The Navy has forfeited most of its capability to operate effectively in the low-intensity conflict realm, and has no direct authority to intervene in domestic civilian matters.

Domestically, the Coast Guard presently offers a large part of the solution for Maritime Homeland Security. As depicted in Figure 1, the elemental phases of Maritime Homeland Security are shown to intersect with the missions of the Coast Guard. The missions in themselves represent a majority of the elements of National Power from a domestic perspective. The complexities of the missions, in the context of Homeland Security, reveal the Coast Guard as a multi-mission, multi-element enforcer of National Power in the coastal maritime domain. The glaring deficiency is in the 'detect and intercept' intersection as shown in the boxed area of Figure 1.

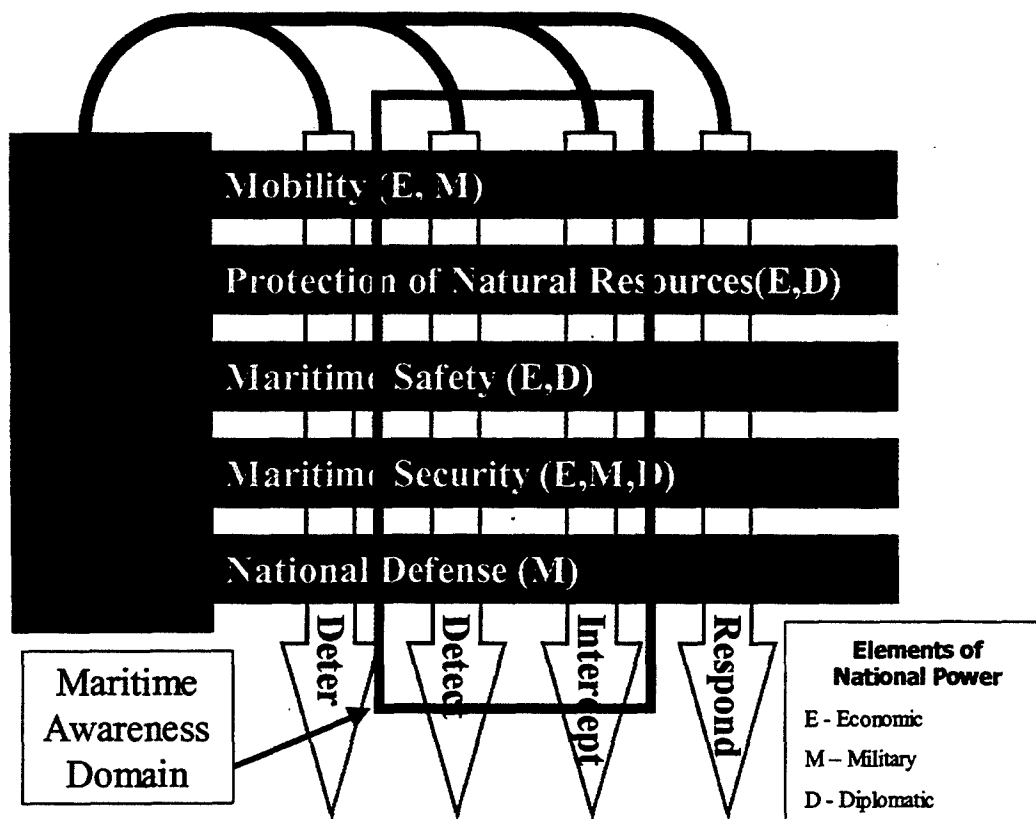


FIGURE 1 THE DOMAIN OF MARITIME AWARENESS

The ability to 'detect and intercept' is necessary attribute of all Coast Guard peacetime and wartime missions. It varies only by the rules of engagement and force brought to bear to complete the mission. Current capabilities in this box are lacking within the Coast Guard and virtually non-existent in any other Federal Agency, including the Navy, with regard to Maritime Homeland Security[19].

The Commandant of the Coast Guard, Admiral James M. Loy, defines the 'detect and intercept' intersection as the ability to exercise Maritime Domain Awareness (MDA).⁵⁵ The MDA model is based on using existing law enforcement capabilities, risk-management practices, human intelligence, and physical presence to detect threats and launch appropriate interdiction forces. The framework fuses ship, cargo passenger and crew databases from multiple sources to give the Coast Guard and other maritime security and enforcement agencies a picture of who and what is coming towards the maritime border.⁵⁶ This construct of information sharing, fusion, and dissemination is the foundation for the 'new normalcy'; the new status quo in the maritime environment. Not addressed is the 'detect and intercept' posture in the higher levels of maritime security or the low-intensity conflict arenas.

Appropriate levels of 'detect and intercept' will naturally vary by the level of threat. September 11th events created the 'new normalcy'. It is a normalcy where nothing is unthinkable and where America "continually and relentlessly protects its citizens and vital national security and economic infrastructure against unpredictable terrorists attacks."⁵⁷ As such, the Coast Guard has defined three maritime security (MARSEC) conditions that help determine the necessary levels of 'detect and intercept' to be activated based, on the perceived threat. They are as follows:

MARSEC 1 – heightened awareness that a threat exists to the U.S. exploiting open access to the Maritime Transportation Network.

MARSEC 2 – increased risk level either due to specific intelligence of potential enemy activity or increased vulnerability. This MARSEC employs a 'point defense' philosophy.

MARSEC 3 – higher risk than MARSEC 2, where specific threats exist to the U.S. maritime domain are identified.⁵⁸

Responding to these threat levels falls well within the Maritime Security mission of the Coast Guard. However, it is uncertain how such responses relate to the national defense mission. First, the 'detect and intercept' construct outlined above works in the peacetime

environment, but does not satisfy the need to fill the coastal maritime defense void. Second, the construct focuses on the ports and viability of the navigable waterways structure. This is a valid concern, consistent with the Coast Guard's mobility mission. However, it does not address potential incursions to the homeland from small, relatively non-vital ports and over 95,000 miles of unprotected coastline. It must be remembered that the September 11th terrorists entered the country not through large international airports, but through small, low security regional airports. Small ports, close to neighboring North American countries with weaker customs and immigration enforcement, could compromise border integrity. Moreover, anyone who takes a drive down the coasts of Texas, Florida, North Carolina, or Maryland will note the long stretches of uninhabited and unprotected beaches accessible to any small vessel. The myriad of swamps and marshes along the Louisiana coast as well as the more than 4,000 oil rigs and production platforms in the Gulf of Mexico⁵⁹ also offer willing terrorists a number of accesses to the homeland interior, as well as access to U.S. vital interests. In short, as would be necessitated in a wartime posture, a maritime screen of the United States would be extremely difficult for any agency to construct with current capabilities.

THE WAY AHEAD – MARITIME HOMELAND SECURITY

The breadth of maritime threats, and the lack of asset organization for assuring full-spectrum maritime security, begs for a military command structure that can operate in both peacetime and wartime security environments.

THE 10TH CINC - NORTHERN COMMAND

The Joint Chiefs of Staff proposed in a letter to the Secretary of Defense that a tenth Unified Command be formed "(to) properly address the complex joint and interagency issues and provide a single military commander focused on military support for preemption and response."⁶⁰ The JCS readily recognized that the mission of Homeland Defense had been "longstanding, but previously less evident"⁶¹ and that "the pervasive nature of the threat, combined with the requirement for immediate application of DOD capabilities, precludes the luxury of ad hoc command and control arrangements."⁶² Among the recommendations for CinC Northern Command (NORTHCOM) was a change to "integrate the capabilities of the Coast Guard".⁶³ More recently, the Joint Chiefs of Staff issued a memorandum to all CinCs outlining the Terms of Reference for the establishment of NORTHCOM. The memo clearly establishes NORTHCOM's responsibility to include "providing unity of command and control

over military effort related to HLS (Homeland Security) . . . whose AOR (Area of Responsibility) will encompass CONUS, Alaska, Canada, Mexico, and the surrounding water out to approximately 500 nm (nautical miles).⁶⁴ Once the proposed changes to the Unified Command Plan are approved by President Bush, conditions will be set for creation of a military rapid 'detect and interception' capability aimed at defeating aggression towards the homeland from land, air, sea, and cyberspace.

COAST GUARD AT THE CROSSROADS

This impending and monumental change to the Unified Command Plan will mark a strategic turning point for the Coast Guard. The Coast Guard should be designated as the Maritime Component Commander for CinC NORTHCOM. The new unified CinC will be the military component of a greater Homeland Security effort that includes all four elements of national power and incorporates both public and private sectors. The Coast Guard brings civil and military features to the table, but lacks a robust low-intensity conflict capability.

There will be more debate about the role the Coast Guard will play in the new U.S. Northern Command. But no informed person doubts the need for a robust maritime military entity with law enforcement jurisdiction to 'deter, detect, and intercept' threats to the U.S. sovereignty. The sister services and civilian think-tanks clearly support a more active role for the Coast Guard regarding Maritime Homeland Security. General Peter Pace, Vice Chairman of the Joint Chiefs of Staff, recently stated:

[T]he Homeland Security Council is still wrestling with that [Coast Guard role] issue as well as defining the roles and missions of the entire command. Options to appoint a Coast Guard admiral as the deputy head of Northern Command, are being assessed. Another issue is how to link Northern Command to the nation's border security entities, which are part of other departments and not part of the Pentagon's chain-of-command. How the Coast Guard will integrate with Northern Command is being sorted through, since its part of the Department of Transportation and not DoD.⁶⁵

The Navy also supports a future role for the Coast Guard within NORTHCOM. VADM Clark, Chief of Naval Operations recently stated:

What we need in the maritime domain is similar to what we have in the air defense domain; and that is, fundamentally, we need a maritime NORAD. . . . I am convinced that responsibility for [this maritime mission] should rest first and foremost with the United States Coast Guard. . . . I'm also convinced that there is a role for the United States Navy to play in response and in support of the Coast Guard, bringing our resources to bear wherever they are required.⁶⁶

How the Coast Guard will ultimately integrate within a unified command such as NORTHCOM will depend on functional changes as well as improvements to the Coast

Guard's infrastructure and operating capital. Approval and funding of the Coast Guard Deepwater air, shore, and sea asset re-capitalization program will improve its ability to perform a national defense mission.⁶⁷ However, if the Coast Guard is to provide the maritime security capabilities as well as ability to conduct low-intensity conflict in the coastal zone, the Deepwater program will fall short of the full Naval Coastal Warfare Doctrine requirements. Anti-submarine warfare, mine countermeasures, and explosive ordnance details are still part of the Navy's war chest. These issues have not been discussed in light of the pending changes to the Unified Command Plan. It is true that the Navy could chop these assets to the NORTHCOM Maritime Component Commander (i.e., Coast Guard) or any other CinC in a force-providing role. However, this arrangement is too close to the failed MARDEZ concept of asset-sharing and becomes troublesome as we contemplate the array of CinC's that could use low-intensity conflict assets such as these.

Although tasking the Coast Guard to fill the Maritime Component Commander (MCC) role under NORTHCOM is close to the MARDEZ construct, the MCC command relationship eradicates the problem of a Coast Guard Vice Admiral wearing two hats (i.e., Coast Area operational commander and Navy Echelon III operation commander) and utilizing mixed service resources. As Maritime Component Commander to the NORTHCOM, the Coast Guard would be the single commander in both peacetime and wartime. In relation to other CinCs, the Coast Guard can provide forces to fill the low-end conflict (including theater engagement, rear area protection, small scale contingency support, and Operation Other Than War) needs of the Maritime Component Commander and free the Navy to fight the hi-end conflict. This construct gives both the Navy and Coast Guard a much clearer unity of command and unity of effort than was in existence under the MARDEZ construct. It allows the federal government, via the Coast Guard, to provide full-spectrum security ('new normalcy' to low-end conflict) in the maritime domain.

CONCLUSION

The recent Quadrennial Defense Review (QDR) forecasts a changed global as well as domestic security environment. Current security trends analysis predicts "the United States is likely to be challenged by adversaries who possess a wide range of capabilities, including asymmetric approaches to warfare, particularly weapons of mass destruction."⁶⁸ The QDR also clearly outlines new geopolitical and military-technical trends that echo the warning of several independent studies, such as Hart/Rudman Commission, Gilmore Commission, and the Bremer Commission. The Hart/Rudman Report best sums up the future threat:

. . . that attacks against American Citizens on American soil, possibly causing heavy casualties, are likely over the next quarter of a century. . . .

. . . These attacks may involve weapons of mass destruction and weapons of mass disruption. As porous as U. S. physical borders are in an age of burgeoning trade and travel, its "cyber borders" are even more porous – and the critical infrastructure upon which so much of the U. S. economy depends can now be targeted by non-state and state actors alike. America's present global predominance does not render it immune from these dangers. To the contrary, U. S. preeminence makes the American homeland more appealing as a target, while America's openness and freedoms make it more vulnerable.⁶⁹

This forecast offers a strikingly different perspective on what "provide for the common defence and general welfare of the United States" really means for the nation. Over the past two hundred years, the maritime defense of the homeland has been a function largely overlooked in comparison to the naval strategies embraced by the U. S. In the post September 11th environment, Maritime Homeland Security takes on a new, more urgent meaning. The nation's defenders must meet this historic challenge by devising and implementing an effective Maritime Homeland security strategy.

The Coast Guard will likely have important roles and missions in the national strategy developed to counter asymmetric threats presently threatening the nation's maritime borders. With its current organizational competence, legal authorities, and substantial linkages to civil response and law enforcement agencies, the Coast Guard is the right agency, at the right time, to fill the right mission of Maritime Homeland Security, especially coastal defense functions. Its bid to replace capital infrastructure is critically important to the nation's ability to protect its vital interest and requires full support and integration with the other armed services.

It is clear that the threat to the homeland is real and strong, but the present defense is weak in the maritime sector. As DOD stands up U.S. Northern Command, the logical and best organization to fill the maritime defense role with minimal overall disruption and maximum connectivity, through the full spectrum of maritime security, is the U. S. Coast Guard.

WORD COUNT = 8980

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⁶⁸ Donald H. Rumsfeld, Quadrennial Defense Review (Washington D. C.: U. S. Department of Defense, September 30, 2001), 3.

⁶⁹ Hart-Rudman.

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