

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          |                                          |                                    |                               |                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------|------------------------------------|-------------------------------|-----------------------------------------------------------|
| REPORT DOCUMENTATION PAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                          |                                          | Form Approved<br>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.                                                                                                                                                                                                                                                                                                     |                          |                                          |                                    |                               |                                                           |
| 1. REPORT DATE (DD-MM-YYYY)<br>10-31-08                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          | 2. REPORT TYPE<br>FINAL                  |                                    | 3. DATES COVERED (From - To)  |                                                           |
| 4. TITLE AND SUBTITLE<br>Unity of Command: An Answer to the Maritime Homeland<br><br>Security Interagency Quagmire                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                          | 5a. CONTRACT NUMBER                      |                                    |                               |                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          | 5b. GRANT NUMBER                         |                                    |                               |                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          | 5c. PROGRAM ELEMENT NUMBER               |                                    |                               |                                                           |
| 6. AUTHOR(S)<br><br>Hanson, Darren J., CDR USN<br><br>Paper Advisor (if Any): Luke, Ivan T. CAPT USCG (ret)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          | 5d. PROJECT NUMBER                       |                                    |                               |                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          | 5e. TASK NUMBER                          |                                    |                               |                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          | 5f. WORK UNIT NUMBER                     |                                    |                               |                                                           |
| 7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)<br><br>Joint Military Operations Department<br>Naval War College<br>686 Cushing Road<br>Newport, RI 02841-1207                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                          | 8. PERFORMING ORGANIZATION REPORT NUMBER |                                    |                               |                                                           |
| 9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          | 10. SPONSOR/MONITOR'S ACRONYM(S)         |                                    |                               |                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          | 11. SPONSOR/MONITOR'S REPORT NUMBER(S)   |                                    |                               |                                                           |
| 12. DISTRIBUTION / AVAILABILITY STATEMENT<br>For Example: Distribution Statement A: Approved for public release; Distribution is unlimited.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |                                          |                                    |                               |                                                           |
| 13. SUPPLEMENTARY NOTES A paper submitted to the Naval War College faculty in partial satisfaction of the requirements of the Joint Military Operations 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<br><br>Maritime Homeland Security (MHS) and Defense (MHD) of the United States have evolved since the tragic events of September 11, 2001. However, effective operational command and control (C2) to ensure unity of effort of the myriad federal and state agencies involved in MHS still does not exist to prevent or recover from a terror attack or natural disaster.<br>This paper examines the development of current U.S. structure for MHS involving the Department of Homeland Security (DHS), Department of Defense (DoD), and other federal and civil agencies with often overlapping, confusing, and conflicting jurisdictions. A proposal is made to expand DHS capability with an operational unified command structure comparable to the military. DHS would exercise increased authority under the National Response Framework (NRF) and National Incident Management System (NIMS) for disaster response (DR). A new combatant commander (CCDR) for DHS with two geographic maritime Joint Task Forces (JTFs) based on the Joint Inter Agency Task Force - South (JIATF-S) model would conduct counter terror (CT) and counter narcotic (CN) operations with support from all other federal, state, and local agencies. |                          |                                          |                                    |                               |                                                           |
| 15. SUBJECT TERMS<br>DHS, NRF, NRP, NIMS, Maritime Homeland Security (MHS), MOTR, combatant commander, C2, JIATF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                          |                                          |                                    |                               |                                                           |
| 16. SECURITY CLASSIFICATION OF:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          |                                          | 17. LIMITATION OF ABSTRACT         | 18. NUMBER OF PAGES<br><br>21 | 19a. NAME OF RESPONSIBLE PERSON<br>Chairman, JMO Dept     |
| a. REPORT UNCLASSIFIED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | b. ABSTRACT UNCLASSIFIED | c. THIS PAGE UNCLASSIFIED                |                                    |                               | 19b. TELEPHONE NUMBER (include area code)<br>401-841-3556 |

**NAVAL WAR COLLEGE  
Newport, R.I.**

**UNITY OF COMMAND:**

**AN ANSWER TO THE MARITIME HOMELAND SECURITY INTERAGENCY**

**QUAGMIRE**

by

**Darren J. Hanson  
CDR USN**

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

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

Signature: \_\_\_\_\_

31 October 2008

## ABSTRACT

Maritime Homeland Security (MHS) and Defense (MHD) of the United States have evolved since the tragic events of September 11, 2001. However, effective operational command and control (C2) to ensure unity of effort of the myriad federal and state agencies involved in MHS still does not exist to *prevent* or *recover* from a terror attack or natural disaster.

This paper examines the development of current U.S. structure for MHS involving the Department of Homeland Security (DHS), Department of Defense (DoD), and other federal and civil agencies with often overlapping, confusing, and conflicting jurisdictions. A proposal is made to expand DHS capability with an operational unified command structure comparable to the military. DHS would exercise increased authority under the National Response Framework (NRF) and National Incident Management System (NIMS) for disaster response (DR). A new combatant commander (CCDR) for DHS with two geographic maritime Joint Task Forces (JTFs) based on the Joint Inter Agency Task Force – South (JIATF-S) model would conduct counter terror (CT) and counter narcotic (CN) operations with support from all other federal, state, and local agencies.

## INTRODUCTION

Maritime Homeland Security (MHS) and Defense (MHD) of the United States have evolved since the tragic events of September 11, 2001. However, effective operational command and control (C2) to ensure unity of effort of the myriad federal and state agencies involved in MHS still does not exist to *prevent* or *recover* from a terror attack or natural disaster.

This paper will examine the development of current U.S. structure for MHS involving the Department of Homeland Security (DHS), Department of Defense (DoD) and other federal and civil agencies with often overlapping, confusing and conflicting jurisdictions. A proposal will be made to expand DHS capability with an operational unified command structure comparable to the military. DHS would exercise increased authority under the National Response Framework (NRF) and National Incident Management System (NIMS) for disaster response (DR), and a new combatant commander (CCDR) with two geographic maritime Joint Task Forces (JTFs) would conduct counter terror (CT) operations with support from all other federal, state, and local agencies.

## DISCUSSION

### ***The Threat: Terror Attack or Natural Disaster***

Although it could be argued that the United States homeland is safer from a terrorist attack in 2008 than it was in 2001, it is still certainly not safe. The U.S. remains vulnerable to a variety of asymmetric threats, particularly in the maritime environment. According to multiple intelligence sources,<sup>1</sup> Weapons of Mass Destruction (WMD)<sup>2</sup> “remain the greatest U.S. security concern . . . transfers of such . . . will likely occur via the maritime domain.”<sup>3</sup>

The United States is also clearly not safe from natural disasters such as unpredictable earthquakes, fires, floods, or storms. Hurricane Katrina only recently demonstrated this catastrophic potential, which is highly likely to manifest itself again in a maritime environment considering global weather patterns and rising sea levels, with much of the U.S. population located near a seacoast.<sup>4</sup>

***The Problem: No one is in charge.***

Who is responsible for protection of the U.S. homeland? Unfortunately, the answer to this question is “no one and everyone.” “Who is in charge?” has been asked repeatedly by civilian and military professionals involved in Homeland Security (HLS) for good reason.<sup>5</sup> One would think that the *Department of Homeland Security* would be responsible for *homeland security*, however this would only be partially correct. Although President Bush established DHS through the *Homeland Security Act of 2002* to protect the homeland, out of over 100 agencies involved in HLS, only 22 were consolidated under DHS.<sup>6</sup>

HLS is “a concerted national effort to prevent terrorist attacks within the United States . . . and minimize the damage and recover from attacks that do occur.”<sup>7</sup> Although per this definition HLS is limited to *terrorist attacks*, “the body of national strategy and everything that flows from it clearly approaches homeland security as an *all-hazards* mission.”<sup>8</sup> Accordingly, this paper will examine HLS in terms of its two primary components of domestic DR (recovery) and CT (prevention), with a focus on the maritime domain, or MHS.

Federal, state and local governments have achieved some unity of effort in DR since 2001 with development and implementation of the National Response Plan (NRP) and National Incident Management System (NIMS) by 2004. However, debut of the NRP and

NIMS for Hurricane Katrina in 2005 was characterized by glaring C2 and interagency coordination shortfalls, which have not been resolved in the 2008 revision of the NRP, the National Response Framework (NRF).<sup>9</sup>

CT issues involving unity of effort and command, much as with DR, although often worked out at the tactical/local level, persist with often confusing and conflicting roles of multiple agencies, especially at the operational/regional and strategic/national levels. Significant improvements in MHS C2 have been made in accordance with the *National Strategy for Maritime Security (NSMS)* and supporting *Maritime Operational Threat Response (MOTR) Plan*.<sup>10</sup> However, within the U.S. Coast Guard, Navy, and elsewhere, the familiar question: “who is in charge?” is still being asked by experienced maritime professionals.<sup>11</sup>

Development of both DR and CT strategy has been with an emphasis on unity of effort, not unity of command. The NRF and current military joint doctrine both include guidance on interagency coordination and establishment of a lead agency to achieve unity of effort.<sup>12</sup> However, joint doctrine also states that unity of command ensures unity of effort.<sup>13</sup> History has shown this to be a sound concept for the DoD, with establishment of mutually supportive joint operational CCDRs with clear authority over a variety of military forces in their respective theaters of operation.<sup>14</sup> Much was learned on this topic in Vietnam, where challenges of interagency coordination would be an understatement.<sup>15</sup>

Considering the DR interagency coordination failures which occurred during Katrina, lessons of command learned in Vietnam may be suited to DR and CT interagency operations in the homeland. Katrina proved that the NRP and NIMS construct of coordination did not

work for DHS in response to a predictable catastrophe. Principles of command should be employed in response to future natural disasters and to prevent unpredictable terror attacks.

***Evolution of Command and Control (2001-2008):***

**2001 – September 11**

The terror attack of September 11, 2001 exposed multiple seams in U.S. interagency CT command mechanisms. The *9/11 Commission Report* found that “no one was firmly in charge . . . to draw relevant intelligence from anywhere in government, assign responsibilities across the agencies (foreign or domestic), track progress, or quickly bring obstacles up to the level where they could be resolved.”<sup>16</sup> In the aftermath of 9/11, steps have been taken to achieve unity of effort in CT and DR, starting with a major reorganization of the U.S. government and creation of DHS.

**2002 – Department of Homeland Security (DHS)**

Per the *Homeland Security Act of 2002*, DHS was formed to “protect our homeland.” Agencies integrated under DHS included the U.S. Coast Guard (USCG), Federal Emergency Management Agency (FEMA), and Customs and Border Protection (CBP). Notably absent were the Federal Bureau of Investigation (FBI), Drug Enforcement Agency (DEA) and Central Intelligence Agency (CIA), which are also heavily involved in HLS under shared jurisdictions.

The USCG was integrated into DHS by early 2003 and assigned lead agency for MHS.<sup>17</sup> Note that the USCG is considered both a law enforcement agency as well as an armed force, assigned to the DoD when needed in time of war, which makes it a very valuable and versatile asset.<sup>18</sup> FEMA, formed in 1979, is responsible for coordinating disaster response to states with overwhelmed local capacity and which have requested federal

assistance.<sup>19</sup> CBP is responsible for stopping illegal contraband, including weapons and drugs, and persons, from entering the country.

DHS was the largest reorganization of government agencies since formation of DoD in 1947 and was designed to “create a single, unified homeland security structure.”<sup>20</sup> However, DHS organization remains largely administrative, much like the service component structure of the military. There is no comparable joint operational chain of command, only individual service ones.<sup>21</sup> DHS hosts a Homeland Security Information Network (HSIN) and National Operations Center (NOC) (formerly Homeland Security Operations Center - HSOC). However, the HSIN and NOC are used for information fusion and situational awareness of state and regional DR efforts and less for operational C2 of agency assets.

#### **2002 – U.S. Northern Command (USNORTHCOM)**

USNORTHCOM was established nearly at the same time as DHS, with a mission to “anticipate and conduct Homeland Defense (HD) and Civil Support (CS) operations.”<sup>22</sup> HD refers to protection against external versus internal threats to the homeland, the distinction between which can be unclear and therefore may be exercised by authority of the president.<sup>23</sup> CS is the method by which USNORTHCOM provides military support to civil authorities in context of a larger DHS HLS mission. USNORTHCOM is primarily a C2 element with few standing forces.<sup>24</sup>

One of these standing forces is JTF North, which “supports federal law enforcement agencies in the interdiction of trans-national threats to CONUS . . . terrorism, narco-trafficking, alien smuggling and WMD.”<sup>25</sup> JTF North was established as JTF-6 in 1989 with a counter-drug mission and renamed to JTF-N in 2004 with an expanded CT mission.<sup>26</sup>

Although clearly an interagency effort, it was not established as a Joint Interagency Task Force (JIATF) under control of DHS, despite all of its missions falling under DHS charter.<sup>27</sup>

USNORTHCOM has a Joint Interagency Coordination Group (JIACG) composed of 40 resident representatives from DoD, DHS and other federal agencies, which becomes a 24/7 adjunct to the battle staff upon any major incident.<sup>28</sup> However, the purpose of any CCDR JIACG, consistent with its name, is to collaborate with other government agencies.<sup>29</sup> The JIACG does not contribute a command element.

USNORTHCOM is very careful to ensure that its CS mission is accomplished strictly in a supporting rather than supported or commanding role, consistent with historical authority in context of *Posse Comitatus*.<sup>30</sup> Accordingly, USNORTHCOM's focus is on interagency coordination and responds to a pull from DHS or a state in CT or DR operations. There was an absence of this pull from DHS, the state of Louisiana, or any C2 element during the Katrina response.

When DoD forces are employed for CT or DR operations, by law they remain under operational control (OPCON) of their respective chain of command via the Secretary of Defense. Similarly, state National Guard (NG) troops remain under control of their state governor, unless federalized under Title 10 authority. All of this can contribute to confusion without unity of command, as evidenced by the lack of unified military effort during response to Katrina, characterized by “confusion and uncertainty over the scope and timing of military response . . . [and] processes to request National Guard troops.”<sup>31</sup>

#### **2004 – Incident Command System (ICS), National Incident Management System (NIMS) and the National Response Plan (NRP).**

National Security Presidential Directive (NSPD) – 5, *Management of Domestic Incidents* of 2003 prompted implementation of NIMS in 2004, built upon the Incident

Command System (ICS) and part of the larger NRP for federal, state, and local emergency preparedness and incident response. This collective guidance provided a common set of terminology and protocol administered by DHS, not unlike that which the *Goldwater-Nichols Act of 1986* provided in terms of joint structure and language for DoD.

ICS was developed in the 1970s in response to dysfunctional organizational structures, lines of authority, and communication between disparate agencies involved in fighting a series of catastrophic California wildfires. ICS principles are unity of command, with the first on-scene responder in charge until relieved by next higher authority, and strict span of control guidelines to prevent subordinate assets from overwhelming supervisors.<sup>32</sup> ICS is also flexible and rapidly expandable in measured response to an incident across multiple jurisdictions with a unified command (UC).

The ICS concept of command is very much the same as command in the military sense in that an Incident Commander (IC) is clearly in charge of a scene at the tactical level.<sup>33</sup> When an incident encompasses multiple jurisdictions and a UC is formed, there is no “‘decision by committee.’ The principles are there to command the response to an incident . . . for contentious issues, the member with primary jurisdiction would be referred to for final decision.”<sup>34</sup> However, this becomes problematic with increasing size and complexity of incidents at the operational and strategic levels when it is not clear which agency has primary jurisdiction. This became apparent when a massive hurricane struck the city of New Orleans in 2005.

ICS has an impressive record of performance based on unity of command at the tactical level for over thirty years in the United States and other countries.<sup>35</sup> ICS was expanded into the larger NIMS and eventually NRF under DHS management to provide a

mandatory architecture for an all hazard emergency response at the federal, state, and local levels.<sup>36</sup> Unfortunately however, the NRF/NIMS/ICS construct relies heavily on interagency coordination rather than command for complex strategic and operational responses at the federal and state levels, and is not in place before an incident occurs. Results depend on who shows up, with no one clearly in charge among a large group of people that are not used to working together. Figure 1 illustrates this structure.

### **2005 – TOPOFF 3: NRP rollout and first indication of problems with C2.**

Top Officials (TOPOFF) – 3 was the first major HLS training exercise sponsored by DHS. Simulated terrorist attacks were conducted, involving a chemical weapon in New Jersey and a high-yield explosive in New London, Connecticut.<sup>37</sup> The DHS Inspector General (IG) reported that although “exercise objectives were generally met,”<sup>38</sup> there were significant problems with interagency coordination and confusion over NRP and NIMS protocols, roles, and responsibilities, especially those of the Federal Control Officer (FCO) and Principle Federal Officer (PFO).<sup>39</sup> The PFO is the direct representative of the DHS Secretary at the Joint Field Office (JFO) (see Figure 1) to oversee and execute incident management responsibilities.<sup>40</sup> However, the PFO has no direct authority.<sup>41</sup>

Leaders at the scene expected the PFO to wield authority as the senior DHS representative among the myriad agencies present. However per the NRP, the role of the PFO was purely informational. Accordingly, turf wars between agencies were common, most notably between the Coast Guard and FBI over use of their respective teams to interdict a simulated attack on a ferry off the Connecticut coast. A Department of Justice (DoJ) IG report highlighted strained relations between the Coast Guard and FBI from a long history of jurisdiction overlap and lack of clear authority.<sup>42</sup>

The final DHS IG report underscored the need for additional training and exercises, as well as clarification of roles and responsibilities in the NRP. The word coordination was mentioned countless times.

### **2005 – Katrina: The first test for DHS, more problems with C2.**

Hurricane Katrina, besides being the worst natural disaster to hit the continental United States since the 1906 earthquake and fires in San Francisco, exposed glaring problems with federal, state, and local emergency response mechanisms, specifically C2. FEMA, the lead DR agency for DHS, was completely overwhelmed. Criticism, primarily directed towards FEMA, but also towards DoD and others, was common: “FEMA has been here three days, yet there is no command and control. We can send massive amounts of aid to tsunami victims, but we can't bail out the city of New Orleans.”<sup>43</sup>

The PFO assigned to Katrina, FEMA Director Mike Brown, was relieved seven days into the incident under severe criticism and replaced by USCG Vice Admiral Thad Allen. With essentially a leadership vacuum prior to this point, individual DoD and USCG commanders, in the absence of a pull from an organized DHS/FEMA or state command structure, eventually pushed independently, along with state NG troops and other agencies.

Both Senate and White House reports on Katrina point to leadership and C2 failures, primarily directed towards DHS and FEMA. The White House reported that “our architecture of command and control mechanisms . . . as well as our existing structure . . . did not serve us well. Command centers in DHS and elsewhere in the federal government had unclear, and often overlapping, roles and responsibilities that were exposed as flawed during this disaster.”<sup>44</sup> The Senate’s “first core recommendation [was] to abolish FEMA and replace it with a stronger, more capable structure.”<sup>45</sup>

DHS has since (2006) implemented a *Post-Katrina Emergency Reform Act*, which slightly reorganized FEMA to include an operations division and other minor agency additions.<sup>46</sup> The most significant DoD action since Katrina has been issuance of a Defense Support of Civil Authorities (DSCA) Execute Order (EXORD),<sup>47</sup> which provides for a more forward leaning DoD posture before a formal state request for assistance. President Bush signed the controversial *John Warner Defense Authorization Act of 2007*, which broadened the president's power to use active military and federalized state NG troops to quell "public disorder."<sup>48</sup> In 2008, the NRP was renamed the National Response Framework (NRF).

***Maritime Counter-Terror and C2: NSMS and the MOTR Plan.***

Much like interagency DR efforts using ICS, maritime CT efforts to protect the homeland generally work well at the tactical level. The USCG, with primary responsibility for MHS, despite previously discussed overlap with agencies such as the FBI, works effectively with its partners for unity of effort. For example, the security of every major U.S. seaport is managed by a Coast Guard Captain Of The Port (COTP).<sup>49</sup> The *Maritime Transportation Security Act of 2002* mandated the creation of Area Maritime Security Committees (AMSC), run by the COTP, which ensure a collaborative effort among local, state, and federal agencies.

However, also much like DR and the NRF/NIMS construct, CT efforts are degraded at the operational and strategic levels in terms of C2. In 2005, the *National Strategy for Maritime Security (NSMS)* was released with one of its eight supporting plans, the *Maritime Operational Threat Response (MOTR) Plan* as the primary MHS C2 apparatus. MOTR designates lead agencies for MHS missions from among DHS, DoD, DoJ and DoS, generally

aligned with traditional missions. Action against a specific threat is assigned via a conference call available 24/7 in response to five triggers.<sup>50</sup>

MOTR has been effective,<sup>51</sup> however it is limited as primarily a coordination mechanism for unity of effort in reaction to a problem, similar to the NRF construct.<sup>52</sup> Although MOTR is near real-time for tactical responses to threats, it lacks a fused detect/track/sort/engage or offensive planning capability that comes with a full-time staff and infrastructure. MOTR also relies on audio and/or video communication to connect geographically separated entities. A RAND study found that face-to-face groups were more effective than virtually connected groups, which tended to require well-established facts and to form biased coalitions.<sup>53</sup>

#### ***Joint Inter-Agency Task Force South (JIATF-S): A Model for Success?***

The answer may be yes. JIATF-S has had success in counter-narcotics (CN) in the U.S. Southern Command (USSOUTHCOM) area of responsibility (AOR) using an interagency construct, but with essential unity of command:

The top command structure demonstrates total integration, with the Director being a Coast Guard rear admiral and the Vice Director coming from Customs and Border Protection (CBP). Integration also exists through the lower levels of the command: both the Directors for Intelligence and Operations are military officers, but their Deputies are from the Drug Enforcement Agency (DEA) and Customs and Border Protection.<sup>54</sup>

JIATF-S uses an array of national and international resources to collect and fuse intelligence (detect and track), select targets based on probability of seizure (sort), and employ one of a variety of assets to prosecute (engage). This real-time detect/track/sort/engage capability has achieved remarkable success in the CN mission.

JIATF-S is a DoD command, and therefore does not inherently have law enforcement (LE) capability, however many of its participating agencies such as the FBI and USCG do.

Detected and monitored targets are handed off to partner nation authorities or to U.S. law enforcement entities, typically the Coast Guard at sea, for arrest and seizure.<sup>55</sup> Unity of command at JIATF-S ensures unity of effort by the multiple U.S. government agencies and eleven partner nations in the staff.<sup>56</sup>

The authors of the *Homeland Security Act of 2002* recognized that the JIATF model could be applied to the CT mission:

**SEC. 885. JOINT INTERAGENCY TASK FORCE.**

(a) ESTABLISHMENT.—The Secretary may establish and operate a permanent Joint Interagency Homeland Security Task Force composed of representatives from military and civilian agencies of the United States Government for the purposes of anticipating terrorist threats against the United States and taking appropriate actions to prevent harm to the United States.

(b) STRUCTURE.—It is the sense of Congress that the Secretary should model the Joint Interagency Homeland Security Task Force on the approach taken by the Joint Interagency Task Forces for drug interdiction at Key West, Florida and Alameda, California, to the maximum extent feasible and appropriate.

JIATF-S success should be tempered with the fact that drugs still get into the United States. From a drug trafficker perspective, losses to LE busts are considered a “tax,” the degree of which is related to JIATF-S limited capacity. JIATF-S routinely has more targets than it has available interdiction assets.<sup>57</sup>

## **RECOMMENDATIONS**

Figure 2 illustrates a proposal to achieve unity of command and effort in MHS. Central to the concept is expanded authority for DHS in both DR and CT operations.

For DR, a strengthened operational division of FEMA should administer the NRF, with expanded authority for the PFO at the operational level to achieve a semblance of C2. Rather than a purely informational or even coordinating element, the PFO should be given authority at a minimum comparable to a supported military commander to resolve issues at the operational level during federal responses. Current NRF/NIMS doctrine is a diluted version of proven ICS command doctrine and should be changed accordingly.

Continued emphasis should be placed on response at the lowest possible level and non-DoD support, consistent with historical mission context, state sovereignty, and *Posse Comitatus*, except in cases of extreme emergency. DHS and/or DoD should only step in when absolutely necessary.

Despite multiple chains of command inherent in the interagency environment, direct supporting relationships can be prioritized, similar to the military concept of tactical control (TACON). Parent organizations, including DoD, may still retain operational control (OPCON) over respective forces, however this would largely remain transparent and unlikely to be relevant for the duration of an incident.

NG assets are a good example and should be a primary back up to civil emergency responders rather than DoD active troops, and could remain in a Title 32 status. NG troops would report tactically to the Incident Command Post (ICP), remain under OPCON of the governor, and be recalled only under extreme circumstances.<sup>58</sup>

For CT, an operational chain of command should be created for DHS, with a unified CCDR: Homeland Security Command (HLSCOM), led by a USCG flag officer and supported by USNORTHCOM and other CCDRs. The CT JIATFs envisioned in the 2002 HSA would fall under HLSCOM, renamed as JTFs consistent with terminology in the 2007 *Defense Authorization Act*.<sup>59</sup> Other agencies with maritime jurisdiction, such as the FBI, would be in a supporting or TACON role.

JIATF-S would convert to JTF-E and cover CT and CN operations along the entire Atlantic coast and Caribbean.<sup>60</sup> JIATF-N would be redirected from DoD to DHS as JTF-N, with heavy participation of CBP and FBI and focus on landward CT and CN across the Mexico border. JIATF-W would be relocated to, and cover, the west coast as JTF-W.<sup>61</sup> All

JTFs would include military and civilian staff from Canada, Mexico and other nations applicable to respective areas of responsibility (AORs) and based on the current JIATF-S model.

There are two likely objections to this CT proposal.

First, risking an understatement, USSOUTHCOM and US Pacific Command (USPACOM) may not easily relinquish a major asset, particularly one that operates partially in its AOR. However, this should happen as part of a larger interagency shift from DoD to DHS. Since DHS has been given primary responsibility to counter the threat from drugs and terrorists, it should be given the authority to do it. A maritime security organization led by a Coast Guard admiral and with a “preponderance of force”<sup>62</sup> provided by DHS assets (i.e. USCG) should be controlled by DHS.

Second, many would argue that integration of CT and CN missions would dilute performance of both,<sup>63</sup> however, both missions are inextricably linked and share infrastructure, intelligence fusion,<sup>64</sup> and engagement assets. “JIATF South should worry about terrorism . . . [and] drug smuggling . . . defeating terrorism would be a perfect mission for the regional interagency task forces.”<sup>65</sup> Accordingly, if the two missions are separated, they should at least share the same building, and CT should receive priority over CN, consistent with national priorities. Current priorities reflect three CN JIATFs within DoD and zero CT JIATFs anywhere.

## **CONCLUSION**

Although relatively new and improved since its formation in 2002, the Department of Homeland Security is still primarily administrative in nature and faces operational command challenges that have not been resolved. Rather than bolstering DoD infrastructure to

compensate for shortfalls in DHS capability, the focus should be on DHS. The Coast Guard, a historically capable armed force and LE agency in the maritime realm, is equipped to take a lead role in maritime CT. An overhauled FEMA operational component should lead the DR effort.

Assistant Secretary of Defense for Homeland Defense Paul McHale put it this way:

To what extent should the nation rely on DoD in disaster response?...Northern Command capabilities have become robust...I would urge caution and think of domestic American policy, society and constitutional government. We have to balance what the military is capable of doing and what it should be doing within historical constraints...Is it wiser to further develop these capabilities in DHS?...DHS could adopt military models of ...centralized incident management.<sup>66</sup>

Mr. McHale was right. DHS needs to take charge of protecting the homeland, and shift focus from *coordination*, which DHS leadership continues to advocate in the face of stark failure, towards *command*.

## NOTES

<sup>1</sup> USCG Intelligence Coordination Center (ICC), Washington D.C., *National Maritime Terrorism Threat Assessment*, 7 January 2008, 2.

<sup>2</sup> Per 18 U.S. Code, Weapons of Mass Destruction generally include chemical, biological, radiological, nuclear and enhanced high explosives (CBRNE) components.

<sup>3</sup> USCG ICC, *Maritime Safety, Security, and Stewardship (MSSS)*, June 2008, 3.

<sup>4</sup> For a graphical depiction of U.S. population density:

[http://earthobservatory.nasa.gov/Newsroom/NewImages/Images/us\\_population\\_2005\\_lrg.jpg](http://earthobservatory.nasa.gov/Newsroom/NewImages/Images/us_population_2005_lrg.jpg) (accessed 25 October 2008).

<sup>5</sup> Thomas Goss, “‘Who’s In Charge?’ New Challenges in Homeland Defense and Homeland Security,” *Homeland Security Affairs*, 2, No. 1 (April 2006): 1-12.

<sup>6</sup> President George W. Bush, *Department of Homeland Security* (Washington DC: June 2002), <http://www.dhs.gov/xlibrary/assets/book.pdf>. (accessed 15 October 2008).

<sup>7</sup> Homeland Security Council, *National Strategy for Homeland Security* (Washington DC: October 2007).

<sup>8</sup> Ivan T. Luke, *Homeland Security – Civil Support: How DoD plugs into the Interagency C2 Structure* (Newport, RI: Naval War College, August 2008), 2.

<sup>9</sup> Department of Homeland Security, *National Response Framework*, (Washington DC: February 2008), [http://www.dhs.gov/xprepresp/committees/editorial\\_0566.shtm](http://www.dhs.gov/xprepresp/committees/editorial_0566.shtm) (accessed 15 October 2008).

<sup>10</sup> Department of Defense and Homeland Security, *National Strategy for Maritime Security*, (Washington DC: September 2005). *National Strategy for Maritime Security: Maritime Operational Threat Response (MOTR) Plan*. (Washington DC: October 2005) (FOUO).

<sup>11</sup> Example: J. Patch, “Is Anyone In Charge?” *Proceedings*, (U.S. Naval Institute Press: October 2008), cover and 26.

<sup>12</sup> U.S. Office of the Chairman of the Joint Chiefs of Staff, Joint Publication (JP) 3-08, *Interagency, Intergovernmental Organization and Nongovernmental Organization Coordination During Joint Operations*, (Washington DC: CJCS, 17 March 2006). For further discussion, see: Ivan T. Luke, *DoD’s Role in Maritime Homeland Defense & Security* (Newport RI: Naval War College, August 2006), 8.

<sup>13</sup> JP 3-0 (CJCS, 13 February 2008).

<sup>14</sup> The Goldwater-Nichols Act of 1986 established joint theater and functional Combatant Commanders within DoD, which formally support each other when directed by higher authority (POTUS/SecDef).

<sup>15</sup> President Johnson repeatedly attempted to unify disparate interagency efforts in Vietnam, for example with Ambassador Taylor in 1964: “I wish it clearly understood that overall responsibility includes the whole U.S. military effort...” Eventually all pacification and civil reconstruction efforts were brought under the military commander with improved results but arguably too late. For more information, see Robert W. Komer, “Bureaucracy Does Its Thing: Institutional Constraints on U.S.-GVN Performance in Vietnam,” (Rand Corporation: August 1972). JP 3-28, *Civil Support* (14 September 2007), II-21 also acknowledges the “challenge” of interagency operations.

<sup>16</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, Authorized Edition, (New York, NY: W. W. Norton & Company, Inc, 2002), 400.

<sup>17</sup> The 2002 HSA defined five missions for the USCG: (1) ports, waterways and coastal security, (2) drug interdiction, (3) migrant interdiction, (4) defense readiness, and (5) other law enforcement. MOTR assigned DHS/USCG as lead agency for maritime law enforcement.

<sup>18</sup> Per Title 14, U.S. Code.

<sup>19</sup> Federal disaster assistance to states is provided per the Robert T. Stafford Act of 1988 (42 U.S.C 5121).

<sup>20</sup> President George W. Bush, *Department of Homeland Security* (Washington DC: June 2002), <http://www.dhs.gov/xlibrary/assets/book.pdf>. (accessed 15 October 2008).

<sup>21</sup> For DHS structure: [http://www.dhs.gov/xabout/structure/editorial\\_0644.shtm](http://www.dhs.gov/xabout/structure/editorial_0644.shtm) (accessed 15 October 2008).

<sup>22</sup> Per the Northern Command website: [www.northcom.mil](http://www.northcom.mil) (accessed 15 October 2008).

<sup>23</sup> Definitions per JP 1-02, for further discussion, see Luke, *How DoD plugs in...*, 2-4.

<sup>24</sup> NORTHCOM has seven subordinate commands: (1) JF Headquarters Capital Region, (2) JTF Alaska, (3) JTF North, (4) JTF Civil Support, (5) Standing JTF Headquarters North, (6) Army North and (7) Air Force North.

- 
- <sup>25</sup> [www.northcom.mil](http://www.northcom.mil) (accessed 15 October 2008).
- <sup>26</sup> <http://www.jtfn.northcom.mil/subpages/mission.html> (accessed 15 October 2008).
- <sup>27</sup> DHS missions include border control, immigration and counter-terrorism. For more information, see: [http://www.dhs.gov/xlibrary/assets/DHS\\_StratPlan\\_FINAL\\_spread.pdf](http://www.dhs.gov/xlibrary/assets/DHS_StratPlan_FINAL_spread.pdf) (accessed 15 October 2008).
- <sup>28</sup> U.S. Government Accountability Office, *U.S. Northern Command Has Made Progress, But Needs to Address Force Allocation, Readiness Gaps, Other Issues*, (GAO-08-251 April 2008), 35-37.
- <sup>29</sup> JP 5-0, GL-14.
- <sup>30</sup> Section 1385 of Title 18, U.S. Code (USC), prohibits armed forces (except USCG or Title 32 NG) in conduct of Law Enforcement. Notable exceptions include suppression of insurrection and assistance to LE authorities to counter drugs, nuclear, chemical, or biological materials or WMDs.
- <sup>31</sup> United States Senate Committee on Homeland Security and Governmental Affairs Special Report, *Hurricane Katrina: A Nation Still Unprepared*, (Washington DC: 2006), 506.
- <sup>32</sup> ICS span of control guidelines are from 3 to 7, with an optimum of 5 subordinate assets assigned to a leader or supervisor.
- <sup>33</sup> The author speaks from personal experience as a firefighter in a major metropolitan city (Seattle, WA – pop 600K over 142 sq miles) since 2000, responded to a variety of fire, emergency medical, mass casualty, earthquake, flood, and hazardous materials incidents, frequently across multiple jurisdictions.
- <sup>34</sup> U.S. Environmental Protection Agency (EPA) National Response Team, *ICS/UC Technical Document*, (undated), [http://www.nrt.org/Production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/SA-52ICSUCTA/\\$File/ICSUCTA.pdf?OpenElement](http://www.nrt.org/Production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/SA-52ICSUCTA/$File/ICSUCTA.pdf?OpenElement) (accessed 15 October 2008).
- <sup>35</sup> ICS is widely used in the UK and in other countries in various forms.
- <sup>36</sup> The NRP was further renamed to the National Response Framework (NRF) in 2008, incorporating lessons from Katrina.
- <sup>37</sup> Two previous biannual exercises were conducted: TOPOFF 2000 sponsored by DoJ with simulated chemical attacks and the plague in Portsmouth (NH) and Denver; and TOPOFF 2 in 2003, with a simulated dirty bomb in Seattle and plague in Chicago jointly sponsored by FEMA and DoJ.
- <sup>38</sup> DHS Office of Inspector General, *A Review of the Top Officials 3 Exercise*, (OIG-06-07, November 2005).
- <sup>39</sup> Federal Control Officers (FCO) are assigned to a Unified Control Group (UCG) which resides in the Joint Field Office (JFO) during an incident which involves federal response. FCOs have authority to provide federal assistance to states in accordance with the Stafford Act.
- <sup>40</sup> DHS Office of Inspector General, *A Review of the Top Officials 3 Exercise*, (OIG-06-07, November 2005).
- <sup>41</sup> Ibid and per NRP/NRF.
- <sup>42</sup> U.S. Department of Justice, *Audit Report: the Federal Bureau of Investigation's Efforts to Protect the Nation's Seaports* (Washington, DC: Office of the Inspector General Audit Division, March 2006), 41-42.
- <sup>43</sup> Staff Writer, "Katrina day-by-day recap," *Palm Beach Post* (September 1, 2005).
- <sup>44</sup> <http://www.whitehouse.gov/reports/katrina-lessons-learned/chapter5.html> (accessed 15 October 2008).
- <sup>45</sup> United States Senate Committee on Homeland Security and Governmental Affairs Special Report, *Hurricane Katrina: A Nation Still Unprepared*, (Washington DC: 2006), 16.
- <sup>46</sup> Provided for "New FEMA" with addition of some agencies, updated NRP to allow for DoD JTF integration into JFO. [http://www.dhs.gov/xabout/structure/gc\\_1169243598416.shtm](http://www.dhs.gov/xabout/structure/gc_1169243598416.shtm) (accessed 15 October 2008).
- <sup>47</sup> Defense Support of Civil Agencies (DSCA), synonymous with Civil Support (CS). EXORD CJCS 282000ZMAY08.
- <sup>48</sup> Broadened presidential powers historically limited by the Insurrection Act and Posse Comitatus, which prohibits use of active troops in domestic law enforcement except in rare cases.
- <sup>49</sup> *Code of Federal Regulations (CFR) Title 33, Chapt 1, Part 103*, July 2005.
- <sup>50</sup> MOTR Plan Triggers: (1) Any operational response to a terrorist or state threat. (2) More than one federal department or agency involved. (3) Engaged agency or department lacks necessary capability, capacity or jurisdiction. (4) Assistance needed to dispose of cargo, people or vessels after threat is resolved. (5) Potential adverse effect on foreign affairs of the U.S. government.
- <sup>51</sup> Interview: Selley, Norman CDR USCG (ret) and USNORTHCOM Primary Maritime Planner, July 2002 – July 2006. CDR Selley advocates MOTR as a strong intergovernmental process that works well in combination with strong coordination at the operational level between USN, USCG, interagency, and Canada.
- <sup>52</sup> Luke, *DoD's Role...*, 8.
- <sup>53</sup> Lynne Wainfan and Paul K. Davis, *Challenges in Virtual Collaboration* (Santa Monica: RAND, 2004), 19-34.

---

<sup>54</sup> Richard M. Yeatman, "JIATF-South: Blueprint for Success," JFQ Forum, *Joint Force Quarterly*, Issue 42 (3<sup>rd</sup> Quarter 2006), 26-27.

<sup>55</sup> Ibid.

<sup>56</sup> James Carafano, "A Better Way to Fight Terrorism," Fox News, *Heritage Foundation*, (May 2005), <http://www.foxnews.com/story/0,2933,156732,00.html> (accessed 28 October 2008).

<sup>57</sup> Interview: Parisi, Anthony CDR USN, former Surface Warfare Officer School (SWOS) Lead Counter Narcotics instructor, conducted several visits to JIATF-S, various human intelligence (HUMINT) sources.

<sup>58</sup> This proposal is different from the "dual status" option, in which NG forces fall in with Active Component (AC) troops under a joint Title 10 AC commander, who reports to both the President and governor via separate chains of command. For more, see: Luke, *How DoD Plugs In...*, 14.

<sup>59</sup> Defense Authorization Act of 2007, Part III, Section 519, defined terms of "jointness" to include the interagency effort in national security.

<sup>60</sup> JIATF-S was created by CINCLANTFLT following the 1986 GN Act as JTF-4, then converted to JIATF-E, then changed to JIATF-S which it remains today, under SOUTHCOM and located in Key West, FL.

<sup>61</sup> JIATF-W was created in the same manner as JIATF-E, via a former numbered JTF-5. JIATF-W was originally located in Alameda CA then moved to its current location in Hawaii under PACOM.

<sup>62</sup> JP 1.0.

<sup>63</sup> Joseph A. Koop, LCDR USN, *Interagency Cooperation, Is It Enough to Achieve Unity of Effort?: Command and Control Concepts for the Homeland Maritime Domain*, (Newport, RI: Naval War College, 10 October 2006). LCDR Koop makes an argument for JIATFs under DoD and specifically warns against a dual mission of CN and CT and points to JIATF-N as an example. However, he does not address the fact that JIATF-S is largely "successful" in contrast because of much "low hanging fruit" in the maritime drug trade from Columbia to the U.S. via Mexico. JIATF-N is not comparatively situated or staffed.

<sup>64</sup> Although outside of the scope of this essay, a sound argument could be made since DHS/USCG has enforcement responsibility for MHS, they should also be the lead for Maritime Domain Awareness (MDA), particularly in U.S. territorial waters and approaches. For more, see: Chris Dougherty, USCG GS-13, *The Coast Guard Should Be The Designated Lead Agency To Manage and Execute Maritime Domain Awareness*, (Newport, RI: Naval War College, 23 October 2006).

<sup>65</sup> Carafano, "A Better Way...."

<sup>66</sup> Senate on Katrina: *A Nation Still Unprepared*, 525.

---

## SELECTED BIBLIOGRAPHY

Department of Defense and Homeland Security, *National Strategy for Maritime Security*. Washington DC: September 2005.

Department of Defense and Homeland Security. *National Strategy for Maritime Security: Maritime Operational Threat Response (MOTR) Plan*. Washington DC: October 2005. (FOUO).

Goss, Thomas. “‘Who’s In Charge?’ New Challenges in Homeland Defense and Homeland Security.” *Homeland Security Affairs*, 2, No. 1 (April 2006).

Homeland Security Council. *National Strategy for Homeland Security*. Washington DC: October 2007.

Luke, Ivan T. *Homeland Security – Civil Support: How DoD plugs into the Interagency C2 Structure*. Newport, RI: Naval War College, August 2008.

Luke, Ivan T. *DoD’s Role in Maritime Homeland Defense & Security*. Newport RI: Naval War College, August 2006.

National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. Authorized Edition. New York, NY: W. W. Norton & Company, 2002.

U.S. Coast Guard Intelligence Coordination Center (ICC). *National Maritime Terrorism Threat Assessment*. Washington D.C.: 7 January 2008.

U.S. Department of Homeland Security Office of Inspector General. *A Review of the Top Officials 3 Exercise*. OIG-06-07: November 2005.

U.S. Department of Justice. *Audit Report: the Federal Bureau of Investigation’s Efforts to Protect the Nation’s Seaports*. Washington, DC: Office of the Inspector General Audit Division, March 2006.

U.S. Office of the Chairman of the Joint Chiefs of Staff. Joint Publication (JP) 3-08. *Interagency, Intergovernmental Organization and Nongovernmental Organization Coordination During Joint Operations*. Washington DC: CJCS, 17 March 2006.

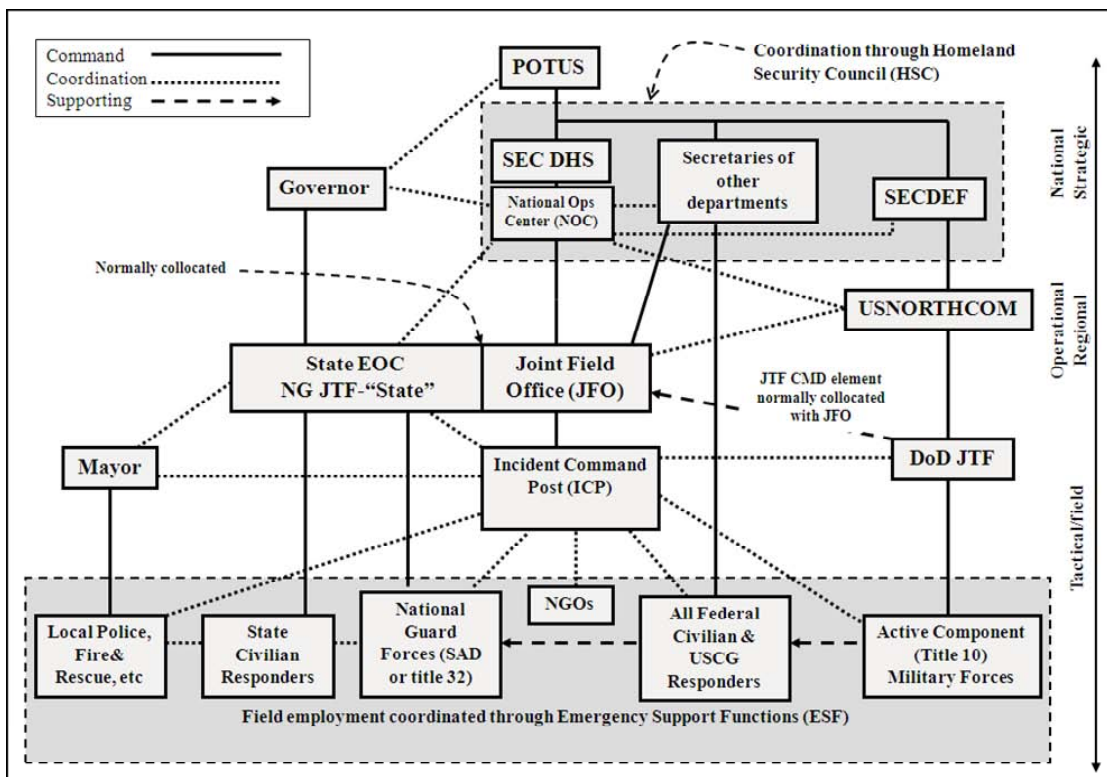
U.S. Government Accountability Office. *U.S. Northern Command Has Made Progress, But Needs to Address Force Allocation, Readiness Gaps, Other Issues*. GAO-08-251: April 2008.

---

United States Senate Committee on Homeland Security and Governmental Affairs Special Report. *Hurricane Katrina: A Nation Still Unprepared*. Washington DC: 2006.

Yeatman, Richard M. “JIATF-South: Blueprint for Success,” JFQ Forum, *Joint Force Quarterly*, Issue 42 (3<sup>rd</sup> Quarter 2006).

Wainfan, Lynne and Paul K. Davis, *Challenges in Virtual Collaboration* (Santa Monica: RAND 2004).



**Figure 1: Notional NIMS/ICS Incident Management C2; large incident requiring federal and DOD military support.**  
Source: Naval War College JMO Department

