



“North American Maritime Homeland Security and Defense”

A CNA Corporation Workshop

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James Wylie, Rapporteur



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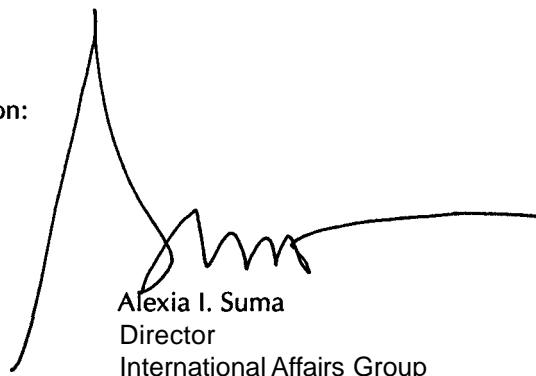
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A CNA Corporation Workshop

"North American Maritime Homeland Security and Defense"

Introduction

The visit of Dr. Joel J. Sokolsky, Dean of Arts at the Royal Military College of Canada, a longtime advisor to the Canadian government, and one of Canada's leading defense analysts, provided the occasion for a workshop focusing on North American Maritime Homeland Security. Dr. Sokolsky was conducting research for a major study of the maritime dimensions of homeland security and defense for North America.

The CNA Corporation (CNAC) has been involved in this issue since well before the attacks of September 11th, 2001, and has provided direct support to the Global War On Terror, both overseas and domestically since the attacks. Additionally, CNAC has provided support to U.S. Coast Guard (USCG) planning and programming in recent years.

On January 16, 2004, we assembled some three dozen U.S. and Canadian uniformed Navy, Coast Guard, and civilian experts in maritime homeland security, USCG matters, naval operations and organization, and the Unified Command Plan to consider present and projected roles of the USCG, U.S. Navy, U.S. Northern Command (USNORTHCOM), the North American Aerospace Defense Command (NORAD), the U.S.-Canadian Bi-National Planning Group and the U.S. Department of Homeland Security. Industry representatives also participated, providing insights on new surveillance and tracking technologies that enhance maritime domain awareness.

Summary

Participants reached consensus on several points.

First, maritime homeland security amounts to an unfunded mandate imposed by the federal government on state and local governments, and on the many maritime terminal and Port Authorities. Transformation of port and shipping operations to account for terrorist threats represents a huge problem that dwarfs efforts made to secure the airlines from attack.

Second, the U.S. Navy response to homeland security/defense missions has been historically episodic and situational. U.S. Navy commitment to such missions has tended to dissolve over time in favor of "forward" operational concepts. Two years after 9/11, Defense Department strategies and concepts for homeland security rest on the idea that the first line of defense is overseas, performed through military operations to stop potential threats before they directly threaten the homeland.

Third, the establishment of the U.S. Department of Homeland Security and a new unified combatant command—USNORTHCOM—may be important steps toward a more sustained and focused commitment to homeland security and defense, but much work remains to be done on their *maritime* aspects.

Finally, there may be a political window of opportunity for a productive U.S.-Canadian dialogue on maritime homeland security in North America.

History of U.S. Navy Maritime Homeland Defense and Recent Developments

CNAC's senior analyst and workshop chair Peter M. Swartz underscored the amorphous nature of the homeland security policy environment, and, by extension, the complexity of maritime homeland security issues. He reviewed the mandate of CNAC's Center for Strategic Studies, which includes conducting workshops and roundtables to grapple with such policy questions.

In framing the discussion, Swartz referred to repeated calls made by U.S. Chief of Naval Operations (CNO) Admiral Vern Clark since 9/11 to create a maritime version of NORAD. He also noted that no one on the CNO's staff or elsewhere in the homeland security policy arena has defined this concept in any way that resembles the bilateral and continental nature of NORAD. It may be that the CNO was using maritime NORAD to describe a desired capability for an operating picture.

Taking a longer perspective, Swartz reviewed the history of the U.S. Navy and homeland defense, a history not characterized by any consistent policy line.¹ Rather U.S. Navy participation in homeland defense has waxed and waned over the years, with much Army and Navy debate over roles and missions, some public and congressional debate, changing perceptions of the threat and the rise and fall of defense budgets. Homeland defense roles for the Navy have expanded in times of rising budgets and apparent threat to home waters, and have been cut or marginalized in times of budget decline. The American Civil War heightened public interest in harbor defense, but once the immediate threat passed, physical and administrative capabilities for homeland defense eroded. The 19th and 20th centuries saw the appearance and disappearance of "Naval Districts", "Sea Frontiers", and "Maritime Defense Zones" associated with homeland defense. Swartz noted current efforts to develop maritime homeland defense concepts at the U.S. Naval Postgraduate School, especially in "maritime domain awareness".

Fundamentally, the U.S. Navy has seen itself as constituted to carry the fight to the enemy overseas and treated the defense of home waters as a temporary aberration or a distraction from its main functions. For example, during the Spanish American War, the U.S. Navy was forced by public and congressional concerns to create a "flying squadron" to patrol the east coast of the United States. This squadron could not join the main battle fleet for operations in Cuba until it was clear there was little threat of direct Spanish attack on the homeland. A more recent example was the reaction to the attacks of 9/11, which saw the immediate but brief dispatch of aircraft carriers and other units to waters off New York and other urban centers on each coast. Congressman Billy Tauzin even suggested stationing an AEGIS cruiser in the Potomac to protect airspace in the capital region. A recent Naval Institute *Proceedings* article called for a larger role for

¹ Swartz has detailed this history in "Forward...From the Start: The U.S. Navy & Homeland Defense 1775-2003", by Peter M. Swartz, CNA Occasional Paper, February 2003.

the Navy and Marine Corps in support of the Coast Guard in maritime homeland security.²

Alarik M. Fritz, currently serving as CNA field representative to Commander Fleet Forces Command (CFFC), and author of a seminal study on organization for homeland security that was completed before 9/11, said “changes the U.S. Navy has made since 9/11 are mostly outward in orientation”. Yet, his study had concluded that the U.S. Navy and USCG are complementary services that could much better organize to deal with asymmetric attacks—that is, attacks where the strategic effects are disproportionate to the actual damage. The CNA study mapped out a series of recommendations for Navy support to the USCG and defense of the homeland against major seaborne asymmetric attacks, including mines, submarines, surface combatants, and cruise missile launching platforms. The analysis suggested Navy roles in four specific phases of asymmetric attack: *pre-attack protection*, *post-attack detection*, *response*, and *recovery*.

The U.S. Navy has activated a naval component commander to the new unified command charged with homeland defense, USNORTHCOM. USNORTHCOM’s role and responsibility for defense out to 500NM is, as yet, unmatched by resources or organization. However, its component commanders do have a large number of U.S.-based forces to draw from should the need arise. The U.S. Navy component, COMUSNAVNORTH (an additional hat worn by CFFC), like some other naval components, has no dedicated forces. It is important to realize, however, that CFFC does have command of virtually all ships, aircraft, and submarines homeported in the continental United States.

Progress has been made in enhancing the force protection readiness of naval shore installations. Additional funding has been dedicated to counter-terrorist technology initiatives and increased force protection manning, correcting a long period of decline in this area.

The CNO’s Annual Guidance statement makes limited reference to maritime homeland security/defense.³ The statement alludes to exploring improvements in maritime domain awareness. The CNO has charged CFFC with exploring improvements in global maritime awareness.

Progress on an Unfunded Mandate: Report from the Virginia Port Authority

Captain Joseph F. Bouchard, U.S. Navy (Ret), former commanding officer, U.S. Naval Station Norfolk, provided a detailed overview on the post-9/11 challenges of port security, and efforts by the Virginia Port Authority (VPA) to implement federal mandates for maritime security in the Hampton Roads area. This is a complex maritime region which includes commercial shipping and repair facilities, Norfolk naval shipyard, the Newport News shipyard complex (which builds nuclear powered aircraft carriers), a

² See, “The Coast Guard Needs Help from the...Navy and Marine Corps”, by Lieutenant Commander Geoffrey A. C. Mones, U.S. Navy, U.S. Naval Institute *Proceedings*, January 2004.

³ CNO Guidance for 2004 “Accelerating Our Advantages”, Chief of Naval Information (CHINFO), 4 January 2004.

naval weapons station, a naval amphibious base, Norfolk naval station, and tunnels and bridges crossing the region's waterways.

The security players in this dynamic maritime environment include the USCG Captain of the Port and a USCG Maritime Security Squadron; naval security forces including pier sentries, harbor patrol boats and transiting U.S. Navy vessels; the VPA; numerous Navy and USCG commands ashore; state and local law enforcement organizations; and more distantly, federal law enforcement and the Department of Homeland Security/Transportation Security Administration (TSA).

Congress enacted the Maritime Transportation Security Act (MTSA) in 2002. Bouchard characterized the act as an enormous "unfunded mandate," in which most of the costs of compliance with new federal strictures are passed on to the states and to the hundreds of terminal operations in the United States. Pre-9/11, the industry view of security was strictly concerned with theft—keeping it to a level considered a reasonable cost of doing business. Only two of 153 port authorities make a profit. Given exceptionally low industry margins, there was very little incentive to invest in robust security capabilities. Post-9/11, the state port authorities, terminal operators, and USCG are struggling to achieve a paradigm shift in security, concerned, for example, with the possibility of weapons of mass destruction (WMD) arriving in a port concealed in one of thousands of shipping containers. Fewer than half of U.S. port facility operators met a December 2003 deadline to submit security plans to the USCG, and Bouchard has heard that most were woefully inadequate.

According to Bouchard, more than two years since 9/11, only 3% of the 13 million shipping containers annually arriving in U.S. ports are inspected. Any of the remaining 97% could contain a WMD. One study indicated that a complete mobilization of the U.S. National Guard would only produce a surge capability to inspect 10% of such containers. The TSA has estimated that the annual funding shortfall to implement the MTSA lies between \$5.4-7.4 billion. At current funding, implementation will take 40-50 years. In effect, much of the MTSA is an unfunded mandate. (Regarding containers, in fairness, the key measure of success is not the total number inspected, but rather that inspections are targeted based on information developed when the containers are loaded/shipped.)

Much of the MTSA focuses on organizational change and interagency cooperation, with the USCG taking the overall lead in maritime homeland security. Joint Harbor Operations Centers (JHOC) are being established in key ports; at Hampton Roads, the JHOC supervises an optimum division of security responsibilities, maintains an integrated tactical picture of the entire port (maritime domain awareness) networks the various nodes together, and coordinates threat response. Effectiveness has been proven in various exercises and actual incidents.

Virginia Port Authority goals include fully meeting International Ship and Port Facility Security (ISPS) Code, the MTSA, USCG regulations, and federal and state emergency preparedness requirements. Within this regulatory framework, the VPA seeks to prevent terrorists from using their terminals for smuggling and minimize vulnerability to attack; preserve VPA ability to compete with other ports; forge strong partnerships for effective security operations with government and industry; and implement a viable continuity of operations plan. The VPA is the first in the country to achieve 100% radiological

monitoring of transiting shipping containers, a huge achievement in light of funding constraints.

A View from Canada

Dr. Sokolsky noted that the U.S.-Canadian border has long been known as the longest *undefended* border in the world. A Canadian parliamentary report recently said that Canada's coastlines are the "longest *underdefended* borders in the world." In the post-9/11 world, security on the border and along Canada's long coastline is a real concern to the United States.

That said, the Canadian government has resolved that Canada shall not be the conduit for an attack on the United States. Fiscal and policy problems constrain that resolve. The Cold War model of North American defense was based on NORAD strategic warning and defensive arrangements. Canadian maritime forces, like the U.S. Navy, were constituted for operations "over there" and supporting Supreme Allied Commander Atlantic (SACLANT)/NATO operations. The Cold War model provides little precedent, or insight, for the challenges of securing the continent against a ubiquitous terrorist threat.

Rather, we must look to the Franklin Roosevelt-McKenzie King relationship in the late 1930s and the early war years, as the American president and the Canadian prime minister discussed defense of North America against fascism, and established the U.S.-Canada Permanent Joint Board on Defense, which exists today. Canada would welcome renewed meaningful dialogue at the highest levels on North American defense, and the moment is propitious for such dialogue with new Canadian Prime Minister Paul Martin.

Political disagreement with the U.S. over invading Iraq impeded recent dialogue, but cooperation at the bureaucratic level, even in the previous government, remained good. Martin is committed to making substantial progress in addressing continental security issues, and has created a federal agency analogous to the U.S. Department of Homeland Security. Canada has had some difficulty adapting to U.S. Unified Command Plan changes, particularly with the establishment of USNORTHCOM. Sokolsky asked rhetorically, "Where is NORTHCOM going?" The U.S. Canadian Bi-national Planning Group in Colorado is grappling with maritime security arrangements. Sokolsky noted that the lack of a single homeland maritime commander heretofore has not impeded *cooperation* in the maritime domain, evidenced by continuing participation by Canada in overseas naval efforts against terrorism. This reflects a continuation, however, of Cold War era support to NATO and overseas operations. In Sokolsky's judgment, the broader definition of maritime security, post-9/11, will over time tend to move the Navy "closer to shore".

The economic implications of the War on Terror are significant for Canada. Most of Canada's external trade is with the United States, and is transported by land (truck and rail). By contrast, most American external trade is seaborne. Huge backups at crossing points such as the Ambassador Bridge (Detroit-Windsor), as cargoes and people are closely examined, have captured Canada's attention. U.S. Ambassador to Canada Paul Cellucci has been widely quoted that security at the border trumps Canadian trade

concerns, a galvanizing cry for action in Canada to resolve security issues and render trade more efficient.

Discussion

Several participants in the workshop questioned Canada's commitment to combating terror. One mentioned that cultural and policy differences have made the border a protective barrier impeding counter-terrorist efforts, especially regarding background investigation of recent immigrants. Sokolsky responded to this allegation by placing it in cultural context. Canada was very closed and intolerant of immigrants prior to the sixties. Barriers to immigration then fell without particular regard to security concerns. The Canadian experience of immigration has been very different than the American.

Participants raised the issue of perennially inadequate defense funding in Canada. Sokolsky suggested that historical differences in how Canada and the United States were formed—Canada resulted from a century of political compromise, the United States seized independence—produced differing perceptions of defense priorities. Except during the two World Wars and the early Cold War period, Canadian governments have not felt it necessary to devote a large percentage of the federal budget to defense. Washington has learned to live with low Canadian defense spending because Canada has been a supportive ally and because North America was something of a strategic backwater during the Cold War. This changed on 9/11. The workshop agreed that defense and homeland security resources are very inadequate, whether Canadian Navy or Canadian Coast Guard (CCG). The CCG needs new vessels and equipment and the Navy's maritime patrol vessels are not well suited to all weather operations. The Royal Canadian Mounted Police (RCMP) port security groups are very thinly stretched. A Canadian interagency working group is studying the problems of integrated homeland defense. Notably, "it is easier for the Canadian Navy to talk to the U.S. Navy than to the Canadian Coast Guard", suggesting that lack of jointness and interoperability problems might be significant impediments to progress. Sokolsky summarized this issue saying that Canadian defense and security parliamentary processes tend to produce minimal or "just enough" funding, while failing to address the question "how much is really enough?"

Participants noted some progress, with Canada motivated by economic factors. The RCMP has established maritime emergency response teams and established maritime restricted areas in accordance with International Maritime Organization guidelines. A significant plus for Canadian forces is that there is no *posse comitatus* problem. In contrast, U.S. forces continue to be artificially impeded by legal impediments to military operations in law enforcement mode. New boarding protocols support enhanced screening of St. Lawrence Seaway and Great Lakes shipping. Yet, even here, U.S. and Canadian boarding teams must disarm as they pass through each other's national waters—an artificial restriction against terrorists who may be targeting shipping on the seaway. This example suggests that some useful policy work between Canada and the U.S. could produce security enhancements at negligible cost.

Summary of Observations

- Maritime homeland security amounts to an unfunded mandate imposed by the federal government on state and local governments, and on the many port authorities and private port facility operators in the USA.
 - Transformation of port and shipping operations to account for terror threats is a problem that dwarfs the airlines security problem.
 - Economic disincentives to improve security bedevil progress.
- The U.S. Navy response to homeland security/defense missions has been historically episodic and situational. U.S. Navy commitment to such missions has tended to dissolve over time in favor of “forward” operational concepts. The senior naval vision of a maritime NORAD remains undefined. The USCG, it should be noted, has recently established a maritime domain awareness directorate. U.S. Navy staff officers have been assigned to support its work.
- Establishment of the U.S. Department of Homeland Security, and the standup of a new unified command—USNORTHCOM, have so far had only marginal impact on maritime homeland security and defense. Probably, this should not surprise anyone given the difficulty in creating new organizations from whole cloth.
- Canadian role in maritime homeland security and defense are still in organizational debate.
 - USNORTHCOM’s role and responsibility for defense out to 500NM is has not been matched by resources or organization. However, its component commanders do have a large number of U.S.-based forces to draw from should the need arise.
- The cost of improvements in Maritime Homeland Security can seem overwhelming—yet progress has been made both in the United States and Canada which show that even an unfunded mandate can foster improvements.
 - VPA radiological inspection of containers
 - Boarding and search improvements on the St. Lawrence Seaway
 - Significant economic incentives exist to improve efficiency of cross border procedures, especially on Canadian side.
 - Policy issues (vice cost issues) can impede progress in developing more effective maritime homeland security and defense. Examples include *posse*

comitatus restrictions on military forces in the U.S., and disarming boarding teams on the St. Lawrence Seaway.

- With the first phases of the Iraq War behind and a new government in place in Canada, a window of opportunity to craft a global approach to North American security may exist.
 - Canadian leadership would welcome high-level dialogue leading to practical arrangements with the new U.S. unified command structure.

Conclusion

Participants in The CNAC workshop agreed that the event was an important step in invigorating debate and analysis of maritime homeland security and defense.

They also agreed that these issues need considerable further discussion and analysis to address concerns and develop courses of action.

Future steps should involve senior leadership in both Canada and the United States, and focus on practical and affordable measures that can be jointly undertaken to improve continental security against terror.

Biographical Sketches

Peter Swartz (Captain, USN, Ret.), Workshop Chair

Peter M. Swartz is a senior analyst at the Center for Strategic Studies (CSS) of the CNA Corporation (CNAC). His current specialty is applied naval strategic and operational history. He has been an analyst and manager at CNAC since 1993, serving for two years as a Research Team director and directing or contributing to numerous studies for the U.S. Navy and U.S. Coast Guard on fleet deployment strategies, multinational doctrine, operations other than war, homeland defense, and other topics.

Before joining CNAC, he was a career officer in the U.S. Navy, retiring as a captain. While in the Navy, he served in senior military and diplomatic staff positions in the United States and overseas. He was Special Assistant to Chairman of the Joint Chiefs of Staff General Colin Powell during the Gulf War, and Director of Defense Operations at the US Mission to NATO in Brussels during the Warsaw Pact collapse.

Throughout the early and mid-1980s he was a principal author of and spokesman for the Reagan Administration's "Maritime Strategy." He holds a BA with honors in International Relations from Brown University, an MA in International Affairs from the Johns Hopkins Nitze School of Advanced International Studies (SAIS), and an MPhil in Political Science from Columbia University. He has authored numerous journal articles and lectured at several military and civilian colleges and universities in the United States and in Europe.

Dr. Joel J. Sokolsky

Dr. Joel J. Sokolsky is a Visiting Canada-U.S. Fulbright Scholar at Bridgewater State College. He is Dean of Arts and a Professor of Political Science at the Royal Military College of Canada (RMC). He earned his Honours BA from the University of Toronto, an MA from the Johns Hopkins Nitze School of Advanced International Studies (SAIS), and a PhD in government from Harvard University.

Dr. Sokolsky has taught at the Canadian Studies Center at SAIS, Dalhousie University and Duke University.

Dr. Sokolsky has been the author, co-author and co-editor of a number of books, monographs and articles including; *Seapower in the Nuclear Age: The United States Navy and NATO, 1949-1980*, *Canadian Defence Policy: Decisions and Determinants*, *Sailing in Concert: The Strategy and Politics of Canada-U.S. Naval Interoperability* and most recently, *The Soldier and The State in the Post-Cold War Era*.

Dr. Sokolsky has served as a consultant to several government offices.

Dr. Joseph F. Bouchard (Captain, USN, Ret.)

Dr. Joseph F. Bouchard (Captain, USN, Ret.) joined Zel Technologies, LLC as Senior Program Executive in October 2003 after 27 years commissioned service in the US Navy.

Before joining ZelTech, he served in the Office of the Chief of Naval Operations, planning the reconstitution of all U.S. Navy forces after Operation Iraqi Freedom. From February 2000 to January 2003 he was Commanding Officer, Naval Station Norfolk, and Program Manager, Regional Port Operations, Navy Region Mid-Atlantic. From January 1997 to January 2000 he served on the National Security Council as Deputy Senior Director for Arms Control and Defense Policy and was principal author of the National Security Strategy. He has had a number of key assignments at sea, including Commanding Officer, USS *Oldendorf* (DD 972). He earned a PhD at Stanford University.

Alarik M. Fritz

Alarik M. Fritz is serving as a CNA field representative to Commander Fleet Forces Command. Prior to the events of Sept. 11 2001, he directed study teams on the US Navy's Role in Homeland Defense. His 5 years at CNA have included deployments with US Marine Corps forces to Iraq, Bahrain, Kuwait, and Africa during Operations Enduring Freedom and Iraqi Freedom (OIF), where he provided on-scene analytical support to Marine forces. His other past analyses of note include assessments of the contributions of EA-6B Prowler aircraft to OIF. He is a PhD candidate at Georgetown University.

James M. Wylie (Captain, USN, Ret.)

James M. Wylie (Captain, USN, Ret.) is a research analyst at the Center for Strategic Studies (CSS) of the CNA Corporation (CNAC). He analyses European and international security developments, military transformation, defense reform, and international defense cooperation and industrial issues.

Before joining CNAC, he was a career officer in the U.S. Navy, retiring as a Captain. During his naval service, he commanded a Japan-based destroyer and Fleet Activities Yokosuka, Japan. He headed the policy division at the U.S. Atlantic Command in Norfolk, Virginia, and served as the U.S. Naval Attaché in the American embassy, Paris France.

Designated as a Navy Foreign Area Officer, he had six overseas postings spanning three decades – three in Europe and three in Asia. He holds a BA in Political Science from Ursinus College, an MA in International Affairs from Salve Regina College, and an MBA from George Mason University.

