

U. S. Department of  
Homeland Security

United States  
Coast Guard



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**DEPARTMENT OF HOMELAND SECURITY**

**U. S. COAST GUARD**

**STATEMENT OF**

**REAR ADMIRAL WAYNE E. JUSTICE  
ASSISTANT COMMANDANT FOR CAPABILITIES**

**ON**

**COAST GUARD INTERDICTION**

**BEFORE THE**

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION**

**U. S. HOUSE OF REPRESENTATIVES**

**MARCH 11, 2009**

Good morning Mr. Chairman and distinguished members. I am honored to appear before you today to share the challenges and successes of the Coast Guard's maritime drug and migrant interdiction missions.

The U.S. Coast Guard is a military service and a branch of the armed forces of the United States at all times, and we are the only armed service given statutory responsibility and authority for direct law enforcement action. Since the founding of the Revenue Cutter Service in 1790, Congress has granted our Service expansive authority to board and inspect vessels at sea without particularized suspicion. After the Civil War, Congress removed geographic limitations on our boarding authority, directing the Service to enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas, in addition to waters subject to the jurisdiction of the United States. This worldwide boarding authority, codified in 14 U.S.C. §§ 2 and 89, is the foundation of the Coast Guard's maritime law enforcement mission, and specifically drug and migrant interdiction. Coast Guard boarding activity is as critical to the national security and commerce of the United States today as it was in 1790. Not unlike the boarding officers of the Revenue Cutter Service over 200 years ago, today's boarding officers lead teams of two or more uniformed officers to "make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States."

The influx of illegal drugs is one of America's greatest maritime-security threats. The National Drug Intelligence Center's National Drug Threat Assessment for 2009 identifies cocaine as the leading drug threat to the United States. National law enforcement and drug use surveys show that the adverse impact to the nation's communities, families, and individuals caused by the distribution and abuse of powder and crack cocaine exceeds that caused by all other drugs.<sup>1</sup> At the first-ever meeting of Ministers Responsible for Public Safety of the Americas, the Executive Director of the United Nations Office on Drugs and Crime (UNODC), Mr. Antonio Maria Costa, warned that the biggest threat to public safety in the Americas comes from drug trafficking and the violence perpetuated by organized crime...he correctly called drug trafficking a "hemispheric security issue."<sup>2</sup>

Mr. Costa correctly noted that the Americas face the world's biggest drug problem – whether we measure it in hectares of cultivation, tons of production, its market value or even by the gruesome number of people killed.<sup>3</sup> In the Western Hemisphere, powerful Drug Trafficking Organizations, which I'll refer to as DTOs, challenge the authority of democratic institutions, undermine the rule of law, and threaten public safety and national security. A vivid demonstration of the evil wrought by powerful DTOs is playing out in plain view along our shared border with Mexico. During 2008, over 5,000 murders in Mexico were attributed to DTO violence and many public officials, police officers, news reporters and citizens who spoke out and worked against the DTOs were targeted for kidnapping and assassination. DTO violence isn't isolated to Mexico and threatens public safety throughout the Western Hemisphere.

Tracing the movement of illicit narcotics to the U.S. demonstrates the significance of the maritime domain to DTO smuggling operations. Virtually all of the world's cocaine comes from coca leaf cultivated in Colombia, Peru and Bolivia. When we look exclusively at the Western Hemisphere during CY 2008, more than 90 percent of all cocaine moving towards the U.S. transits Central

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<sup>1</sup> National Drug Intelligence Center, National Drug Threat Assessment 2009 – Published Dec 2008.

<sup>2</sup> United Nations Office on Drugs and Crime, UNODC warns of "hemispheric threat of drugs" to the Americas. 9 Oct 2008

<sup>3</sup> Ibid

America and Mexico, which helps explain the power and relevance of Mexican DTOs and the violence currently playing out along our Southern Border. Of this total flow, nearly 90 percent of the cocaine moves via maritime routes. The Eastern Pacific and Western Caribbean serve as the principal maritime threat vectors, followed by the Central and Eastern Caribbean vectors. Non-commercial maritime conveyances such as go-fast vessels, self-propelled semi-submersibles (SPSS) and fishing vessels are the drug smuggling conveyances of choice. Go-fasts and SPSSs account for approximately 50 percent and 30 percent respectively of the maritime movement of cocaine towards the United States.

The Coast Guard, in cooperation with our partners in DHS, plays a pivotal role implementing the U.S. government's strategy for disrupting the market for illicit drugs. The Coast Guard is the lead federal agency for maritime drug interdiction in the transit zone, which covers a six million square mile area that includes the Caribbean, Gulf of Mexico and Eastern Pacific. To put this in perspective, the transit zone is roughly the size of the continental United States. The Coast Guard strives to reduce the supply of drugs by denying smugglers the use of maritime routes and conveyances, principally from South American source countries. To cover these large maritime areas, the Coast Guard uses C-130 long-range maritime patrol aircraft and our largest cutters which carry helicopters, small boats, and boarding teams. We support our Coast Guard cutters and airplanes through partnerships with other federal and foreign law enforcement agencies within the region, and various intelligence and information sources.

Though the Coast Guard is the lead federal agency for maritime drug interdiction in the Eastern Pacific and Caribbean transit zone, we could not do our job without the tremendous interagency and international cooperation which comes together at Joint Interagency Task Force South (JIATF South) which includes components from the Department of Defense (DoD), the Department of Homeland Security (DHS), Department of Justice (DOJ), and the National Security Agency (NSA). JIATF South is responsible for directing Department of Defense and interagency detection, monitoring, and sorting of air and maritime drug smuggling events, fusing intelligence and law enforcement information, and planning and conducting flexible operations that enable the U.S. Coast Guard to interdict and disrupt drug smuggling events throughout the transit zone. Every department and agency with a drug interdiction responsibility and role in the transit zone participates in making JIATF South an extremely effective and efficient operation for the detection and monitoring of suspect vessels and aircraft. JIATF-South also utilizes foreign liaison officers from 11 different countries to facilitate transnational cooperative counterdrug efforts.

A typical case can start with JIATF South receiving actionable law enforcement information from the DEA. This prompts the deployment of a CBP P-3 or Coast Guard C-130 that subsequently detects and monitors a foreign flagged suspect vessel until JIATF South can sortie a Coast Guard cutter or U.S. Navy or allied surface ship with an embarked Law Enforcement Detachment (LEDET) to intercept. When the ship arrives on scene with the suspect vessel, this marks the transition from the detection and monitoring phase to the interdiction and apprehension phase which results in a shift of tactical control from JIATF South to the Eleventh Coast Guard District for operations in the Eastern Pacific or the Seventh Coast Guard District for operations in the Caribbean. For a foreign flag vessel, the Coast Guard tactical commander implements a bilateral agreement or arrangement in force with the vessel's flag state to confirm registry and to stop, board and search the vessel for drugs. If drugs are found, jurisdiction and disposition over the vessel, drugs and crew are coordinated with the State Department, DOJ, and the flag state. Every day this process plays out with amazing effectiveness and efficiency.

The interdiction of a drug smuggling vessel isn't the end of the story. Another significant contributor to the Coast Guard's counterdrug successes are Organized Crime Drug Enforcement Task Forces (OCDETF) such as Operation Panama Express (PANEX). These task forces are multi-agency organized crime investigations focused on dismantling drug trafficking organizations. An OCDETF collects and analyzes vital law enforcement data, and disseminates information to other partners such as JIATF South for action. In particular, PANEX South and North along with the Caribbean Corridor OCDETF have provided information leading to Coast Guard cocaine removals at sea of over 600 metric tons, and the successful prosecution of over 1,300 smugglers since 1996. The effective delivery of consequences through criminal prosecutions opens gateways to new information that facilitate investigations that generate new intelligence that feed back into successful operations. The Coast Guard has experienced recent record-setting years of illicit drug removals in the transit zone that can be directly attributed to law enforcement information and intelligence gleaned from OCDETF investigations. JIATF-South and Panama Express are models of cooperation among U.S. and cooperating nation military, law enforcement, and intelligence communities and demonstrates the tremendous increases in effectiveness and efficiency such creative collaboration can bring.

When JIATF South gets us along side a suspect vessel, the Coast Guard requires a broad mix of interdiction tools to counter the many tactics and techniques employed by DTOs. Ion scan detection devices capable of detecting trace amounts of narcotics help narrow the search to a specific location on board a vessel. Fiber optic cameras peer into spaces that are otherwise inaccessible to Coast Guard personnel. Testing protocols developed with the assistance of DEA chemists enable boarding personnel to detect the presence of cocaine that has been concealed in water, fuel and other liquids, and fuel neutralization cartridges prevent gasoline from being used to refuel smuggling vessels. These tools and the associated skills necessary to properly employ them are common to Coast Guard cutters. Coast Guard LEDETs embarked in U.S. Navy, Royal Navy and Netherlands surface ships not only allow these ships to be used in counterdrug interdiction operations under Coast Guard tactical control, but they also enhance their overall mission performance through the use of these tools.

Another great example of Coast Guard adaptability is the development and expansion of armed counterdrug helicopter capabilities that can disable go-fast vessels that fail to comply with Coast Guard orders to stop. The Coast Guard operates a squadron of newly armed MH-65C helicopters with specially trained crews equipped with precision fire weapons that have been tremendously effective at interdicting elusive, high speed go-fast vessels. The Coast Guard has expanded this capability in recent years to U.S. Navy and Royal Navy deployers. Coast Guard LEDET personnel fly in Royal Navy armed helicopters to provide the necessary authority for the British gunners to fire warning shots and disabling fire against suspect go-fast vessels with no indicia of nationality. When embarked in U.S. Navy helicopters, LEDET personnel serve as both precision marksmen and controllers bringing this unique capability to U.S. Navy combatants engaged in counterdrug operations. By expanding this capability beyond Coast Guard platforms, we have significantly enhanced the combined forces' ability to effectively respond to the go-fast threat.

The overwhelming success of the Airborne-Use-of-Force (AUF) program has resulted in DTOs avoiding the most direct deepwater routes between departure points and arrival destinations. The result has been a change in the primary smuggling routes to the Central America littorals where smugglers attempt to evade U.S. patrol efforts by operating in the territorial sea of partner nations. The Coast Guard has actively targeted this trend through a series of 27 maritime bilateral counterdrug agreements and arrangements with partner nations that include all or some of the following provisions: shipboarding and shiprider agreements; pursuit, entry and over-flight of the

territorial sea; order to land for aircraft; and operation center information exchange protocols. Though these agreements vary from one partner nation to another, they all enable timely information sharing that facilitate coordinated interdiction operations on the high seas and within a partner nation's territorial sea. Our newest arrangement which was signed this past December with Mexico marks a significant expansion in our counterdrug cooperation and collaboration which is already paying dividends. Just last month, using the recently approved operation center information exchange protocols, the Coast Guard was able to confirm the registry of a Mexican flagged fishing vessel that was suspected of drug trafficking and in less than an hour obtained permission from the government of Mexico to board the vessel on the high seas. As a direct result of this cooperation, the Coast Guard boarding personnel located nearly seven metric tons of cocaine concealed within a hidden compartment and detained five Mexican nationals for transfer to Mexican officials for prosecution. This is just one example of the frequent and routine interaction that plays out between the Coast Guard and partner nation forces throughout the Eastern Pacific and Caribbean Sea.

Congress also plays a critical role supporting Coast Guard efforts by providing legislation to combat illicit drug smuggling. In addition to the boarding authority granted in 14 U.S.C. §§ 2 and 89 that I mentioned earlier, the Maritime Drug Law Enforcement Act has proven to be a powerful tool for prosecuting drug smugglers in U.S. courts that were interdicted far from our shores. Most recently, Congress' rapid action to pass the Drug Trafficking Vessel Interdiction Act provided another powerful tool to counter difficult to detect self-propelled SPSS vessels transporting multi-ton loads of cocaine bound for the United States. Since the passage of this Act on September 13, 2008, the Coast Guard has interdicted five SPSS vessels carrying an estimated 25 metric tons of cocaine toward the United States. Thanks to this new law, U.S. Attorneys are now able to prosecute suspected smugglers even if the vessel is successfully scuttled and no contraband evidence is recovered. The Coast Guard has developed special tactics, techniques and procedures to collect evidence sufficient to support domestic prosecution and, when appropriate, to seize SPSS vessels that fail to scuttle. Drug smugglers will no longer be able to sink their vessels to escape U.S. prosecution. This legislation also protects Coast Guard men and women from having to take unnecessary risks to collect contraband evidence while the vessel is sinking. The Coast Guard greatly appreciates the work of Congress in passing this vital legislation.

I am immensely proud of our interdiction efforts and the superior performance of Coast Guard men and women. However, in recent years, Coast Guard personnel have been saddled with significant maintenance challenges associated with maintaining an aging deepwater fleet of major cutters and C-130 aircraft that are increasingly experiencing lost operational days and degraded readiness due to unscheduled maintenance and casualty repair. For example, Coast Guard major cutters experience mission degrading casualties that affect 65 percent of their operational deployment time. Significant structural deficiencies resulting from advanced age have resulted in considerable unplanned maintenance onboard several cutters, including the Coast Guard cutters DALLAS and GALLATIN that prompted cancellation of several patrols and the loss of 149 operational days to counterdrug operations.

The Coast Guard is modernizing how it provides maintenance and logistics support through a comprehensive reorganization that will centralize key functions under the Deputy Commandant for Mission Support (CG-DCMS) at Coast Guard Headquarters. CG-DCMS will oversee human resources management, acquisition, contracting policy and execution, engineering, and logistics support of operating forces and shore infrastructure, as well as the information systems utilized to carry out operations. This consolidation will enable more effective acquisition governance and asset management/oversight, standardize maintenance processes, ensure strict configuration

control across the enterprise, and provide single-point accountability for life-cycle management of assets and human resource management. This modernization initiative is critical to sustaining our existing capital plant, while the Coast Guard implements the 25-year Deepwater recapitalization program that will provide the cutters, aircraft, sensors, intelligence collection and communications capabilities necessary to address adaptive DTOs operating in an expansive maritime domain.

Illegal drugs are not the only maritime threat to our national security moving via maritime means. Every year, thousands of people try to enter this country illegally via maritime routes, many utilizing organized smuggling operations and often in dangerously overloaded, unseaworthy, or otherwise unsafe craft. This flow of undocumented migrants in boats onto America's shores is both a threat to human life and violates U.S. and international laws. The Coast Guard supports and carries out the Administration's policy of safe, orderly, and legal migration. In this regard, Coast Guard migrant interdiction operations are as much humanitarian efforts as they are law enforcement actions. In fact, many of the migrant interdiction cases handled by the Coast Guard begin as search and rescue missions, usually on the high seas rather than in U.S. coastal waters.

While most maritime illegal migrants come from Haiti, the Dominican Republic and Cuba, the Coast Guard has interdicted undocumented migrants of various nationalities throughout the Western Hemisphere. Since 1980, the Coast Guard has interdicted over 350,000 illegal migrants at sea, including around 180,000 Cuban and Haitian migrants during mass migrations in 1980 and 1994. The normal flow of illegal migrants can change dramatically from one year to the next, dependent upon a variety of push and pull socio-economic and political factors related to individual countries. For example, between 2005 and 2007 the number of illegal migrants departing Cuba increased to levels not experienced in a decade, averaging almost 6,800 migrants per year. Numbers then dropped significantly to just under 3,700 migrants over the last 12 months. The Coast Guard has consistently interdicted approximately 40 percent of those attempting to enter the country illegally from Cuba each year. Similarly, people illegally trying to enter the country from the Dominican Republic represented the largest nationality group coming to the U.S. between 2004 and 2006, averaging over 8,600 migrants per year entering Puerto Rico across the Mona Passage (the 60 mile expanse of water that separates the east coast of the Dominican Republic from the west coast of Puerto Rico), but dropped precipitously since then to only 1,485 migrants last year.

Through constant presence, the Coast Guard has been able to interdict around 50 percent of those attempting to use the Mona Passage route. The numbers of illegal migrants attempting to enter the U.S. from Haiti, on the other hand, is subject to large individual spikes and valleys, yet over the long term tends to be fairly steady. From 2005 through 2008, the number of illegal Haitian migrants averaged nearly 3,900 per year with little variance in total numbers each year. Yet in just the first four months of FY 2009, 3,119 Haitian migrants have attempted to enter the U.S. illegally via maritime means, with more than 1,800 departing in January. The Coast Guard Intelligence Enterprise believes this spike may be due to the combination of devastating hurricane damage last summer combined with unsubstantiated rumors in Haiti that the new U.S. Administration may be more lenient in their handling of illegal migration. While the average Coast Guard interdiction rates for Haitians is only 45 percent, nearly all illegal Haitian migrants are stopped before reaching the U.S., often by Bahamian law enforcement personnel, assisted by the Coast Guard, through our Comprehensive Maritime Agreement with the Bahamas, which provides the means for direct maritime law enforcement cooperation between our two nations. The Coast Guard maintains a persistent presence of deepwater cutters and aircraft in the Florida Straits, Windward Passage and Mona Passage to deter illegal immigration and conduct interdiction operations. Frequent pulse

operations with these assets provide critical capacity to respond during periods of heightened migrant flow.

Successful illegal migration penalizes those who follow the established legal processes to migrate to the United States, prevents proper safeguards, and can potentially cost U.S. taxpayers billions of dollars each year. Accordingly, our charge per Executive Order 12807 is to interdict undocumented aliens as far from U.S. shores as possible and return them to their countries of nationality or origin. Swift repatriation deters many intending migrants, and minimizes costly disposition processes arising from illegal entry into the United States. Protection from persecution or torture is also an important concern. During the course of migrant interdictions, Coast Guard crews may encounter migrants seeking protection from persecution or torture. U.S. Citizenship and Immigration Services and the Department of State (Bureau of Population, Refugees, and Migration) are the agencies responsible for processing potential protection cases arising from interdictions at sea in compliance with relevant Executive Orders.

The Department of Homeland Security recognized the critical importance of being ready for a maritime mass migration, such as occurred in 1994 coming almost simultaneously from Cuba and Haiti, and developed Operation Plan Vigilant Sentry (OVS) in 2004, and updated it in 2007. OVS is a comprehensive DHS contingency plan for a unified response to a mass migration event in the Caribbean. This plan's success depends upon full interagency cooperation and coordination, including assistance from the state of Florida and local agencies. To carry out the provisions of OVS, the Department created Homeland Security Task Force – Southeast (HSTF-SE), with the Commander of the Seventh Coast Guard District as its Director, and the Chief Patrol Agent at the U.S. Border Patrol Sector in Miami as the Deputy. HSTF-SE is a standing organization with personnel assigned but not actively filling their positions during normal operations. However when there are indications that a mass migration is imminent, DHS personnel and other HSTF-SE partners can fully man and execute within 24 hours.

We also have a bridging concept plan called Operation Epic Response (OER), which involves a ratcheting up of DHS actions to deter a mass migration. Department of Homeland Security personnel routinely exercise both OVS and OER, and have used the HSTF-SE organization for actual operations to ensure its real-world success. While no one can ever say that we are fully ready for any possible contingency, I can say with a great deal of confidence that all DHS components and partner agencies are cooperating fully and are ready to deter and respond to a mass migration, if necessary.

Just as we do in drug interdiction, we rely on technological innovation and partnerships with other agencies and countries within the region to counter alien smuggling. In Coast Guard Sector San Juan, the effective interdiction of smuggling vessels in the Mona Passage between Puerto Rico and the Dominican Republic, combined with robust interagency support for prosecution and the deployment of a mobile biometrics capability on 110-foot patrol boats, has proven extremely effective in reducing the flow of illegal migration in that vector by over 75% since 2006. Demonstrating the value of consequence delivery through prosecution following interdictions, the referral of 236 cases of criminal aliens identified at sea through mobile biometrics, including 40 aggravated felons, and 90 aliens attempting to illegally re-enter the U.S. after deportation, seems to have stemmed the flow in what was the single largest migrant smuggling vector before biometrics-based prosecutions began. This initiative would not have been possible without the full partnership of US-VISIT, Customs and Border Protection, Immigration and Customs Enforcement, the U.S. Attorney's Office in San Juan, the State Department, the Dominican Republic Navy, and others.

Like drug traffickers, migrant smugglers have also profited from technological innovations, particularly high-speed, multi-engine go-fast boats. Go-fast smuggling vessels have replaced rafts and rusticas as the preferred mode of transportation due to their increased probability of success. We estimate that the rate of success for a raft or rustica is never better than 50 percent and generally 25 percent or lower. By comparison, the rate of success for a go-fast vessel operated by a smuggling organization is estimated at 70 percent. Smuggling via go-fast vessels is a multimillion dollar human smuggling enterprise that brings thousands of undocumented aliens to the U.S. at prices of up to \$10,000 a head. To address this threat, the Coast Guard deployed high speed and extremely maneuverable special purpose craft with crews trained in employing warning shots and disabling fire against smuggling vessels. The deployment of this capability significantly improved our effectiveness in compelling smuggling vessels to comply with orders to stop.

Despite our many successes, Coast Guard migrant interdiction operations have also been negatively impacted in recent years by readiness challenges associate with our ageing platforms. To address surges in migrant activity, the Coast Guard instituted numerous mitigation strategies. Examples include multi-crewing on board medium endurance cutters and patrol boats to boost operational hours, and forward deploying patrol boats and aids to navigation cutters to the Seventh Coast Guard District from the Gulf Coast and other East Coast Districts. Even with these mitigation efforts, the Coast Guard is challenged to maintain a reasonable force laydown elsewhere while responding to the recent surge in Haitian migrant flow. We are making the necessary adjustments to our force lay down to ensure that we are always properly positioned to respond to a mass migration and will continue to work closely with U.S. Country Teams to quickly react to changes on the ground.

As we look to the future, we're anticipating that DHS' secure border initiative coupled with Mexico's law enforcement efforts will pressure drug and human smuggling organizations to move their operations offshore. In San Diego, we may be seeing the first signs of an increase in maritime smuggling activity. We are leveraging the Coast Guard Joint Harbor Operations Center in San Diego and existing law enforcement task forces to improve information and intelligence sharing. We are integrating planning and undertaking joint operations with our federal, state, local and Mexican partners and are well positioned to address a surge in illicit maritime smuggling activity should that occur.

Whether operating thousands of miles down range off South and Central America, or operating in our nation's littorals, the Coast Guard is playing a critical border security role countering a broad range of illicit activities in established smuggling routes throughout the maritime domain.

While I have focused on the interdiction of drugs and migrants, they are but two of the eleven missions the Coast Guard conducts daily for the safety and security of the American public. Day and night, in good weather and bad, 24-hours a day and 365 days a year, for over 218 years, our young men and women are on watch, ever-vigilant, always ready, actively seeking those who would do harm to our great nation, and rescuing mariners in distress. It is our unique authorities, capabilities, competencies and partnerships, foreign and domestic, which enable the Coast Guard along with our fellow DHS components, to consistently and effectively enforce maritime laws, interdict smugglers, and protect American shipping.

Thank you for the opportunity to testify before you today. I will be happy to answer any questions you may have.