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Visibilizing Risk: Risk Perception and Maritime Infrastructure in the 'War on Terror'¹

The September 11, 2001 attacks on the World Trade Center and the Pentagon galvanized U.S.-American popular support for an historic military effort. The National Security Strategy of 2002 which was developed in the direct aftermath of the attacks on these institutions of financial and military power defined what was to become known as the Bush doctrine of preemptive warfare. One of its main tenets was the objective of "defending the United States, the American people, and our interests at home and abroad by identifying and destroying the threat before it reaches our borders" (The White House 2002). Fought internationally and 'at home,' the 'War on Terror' cost the U.S. government approximately one trillion dollars between September 11, 2001 and the beginning of Barack Obama's administration (Thompson 2008).²

Despite this Herculean effort, certain questions have lacked clarification throughout this period. Where exactly to draw the line between 'at home and abroad'? How to identify the 'threat'? What constitutes a 'border' in the era of globalized trade and migration? These concepts become even more blurred at the physical nodal points connecting international flows and fixed infrastructure: in places such as container ports and airports notions of 'at home and abroad' are porous and the complex interaction of global and local forces renders 'borders' intangible. Determining policies on different levels of government, the dictum of securitization has led to the introduction of new technologies and new systematic approaches to these elusive areas of transition. But whereas the domains of aviation or border security, have frequently been addressed in public debates and in the media, equally important changes in maritime and port security have been less visible to the public eye.

This essay examines the political and discursive dynamics that led to these transformations. More precisely, this means to assess the impact of the September 11 attacks on the perception of risk emanating from ports and global supply chains as well as to examine the resulting policy adaptations. How did the political momentum of the pervasive discourse of securitization

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² Policy and budget priorities shifted considerably toward security and defense spending to the detriment of other sectors of the domestic economy. From the fiscal year 2001 to 2008, federal government spending on defense and security increased by 7.5% (from 21.7% to 29.3%) while spending for social security and medicare/aid diminished by 2.4% (45.9% to 43.5%). Domestic discretionary spending shrunk by 3.7% (18.4% to 14.7%) in the same period (Kogan 2008).

after September 11 render otherwise invisible risks and infrastructure into a dominant paradigm of Homeland Security? Which discursive tendencies rendered these risks politically intolerable and what were the consequences for supply chain governance?

As a process of 'semiosis,' or meaning-making, the assessment of risks is not an objective process – as is often argued – but depends on collective and insider knowledge, existing experience and historical context. In a similar vein, Ulrich Beck, who points to the socially constructed nature of risk in his analysis of the World Risk Society, has argued that the tolerability of any given risk is historically and culturally contingent (Beck 2008: 34). Based on these assumptions, this essay explores the *dynamic* process that is the construction of risk scenarios. For several reasons, which I will explore in the first section of this essay, ports and maritime infrastructure have become invisible to the public in the second half of the twentieth century. How and why did September 11 change this perception? Which threats were envisioned by security experts and politicians and how were these assessments constructed? Since the definition of risk is a matter of power and since the staging ("Inszenierung") of risk, as Beck has argued, can serve political purposes, the second part of this essay addresses political outcomes resulting from these risk assessments (271). I argue that through the mobilization of preexisting discourses and narratives of maritime vulnerability, that have resonated with public opinion after September 11, 2001, threat scenarios have left institutional traces at various governmental levels. Rather than simply evaluating the crisis response capabilities that have been developed, then, the set of questions that this section of the essay addresses pertains to the mobilization and fusion of preexisting discourses which have led to persisting organizational consequences in the supply chain.³ In the final section, I argue that an irresolvable trade-off between the efficiency of global production networks and free trade on one side, and national security on the other has been recognized in expert circles. Insider discourses on maritime and port security have consequently shifted toward a focus on 'resilience' and a 'multi-layered risk-based approach' – rather than preemption; the trade-off between security and efficiency, however, has been reinterpreted by the state to secure the functioning of supply chains by simultaneously serving other, more economically oriented projects. Securitization has hence meant two things: securing the nation from terrorist attacks on its supply chains,

³ This analysis is based largely on an examination of public and government discourses, as well as on legislative changes that have affected ports and port workers since September 11, 2001. Although similar processes in other North American port cities are abounding, I focus mainly on the development of New York City and its metropolitan area as an example, especially in the first section of the essay. Interestingly, the securitization happened in both constitutive places of the port city, the container port and the inner-city waterfront. The Maritime Security Initiative (MSI), for instance, has led to a securitization of the redeveloped waterfront. Yet, space constraints limit this analysis to the container port and supply chains.

and, more pro-actively, securing the seamless functioning of global production networks by reinterpreting any possible hindrance to the flow of goods as a threat to national security.

In this sense, I conclude that the September 11 terrorist attacks have served to amplify and secure preexisting processes and power hierarchies by strengthening coalitions between the federal state and businesses that facilitate the functioning of global production networks, most notably those in the transportation industries. While questions of maritime security lost their resonance with the broader public, the institutionalized dynamics of crisis persist and are readily available for future political change. The necessary contingent weakness of the ports continues to allow for a potential mobilization of risk scenarios.

The Invisibility of Port Infrastructure in Global Production Networks

In a recent publication, Stephen Graham reminds us of the critical role of infrastructure in the twenty-first century and points to its invisibility in everyday life. Graham cites anthropologists, sociologists, and urban designers who have emphasized 'invisibility' as a characteristic feature of 'advanced' infrastructure. These researchers have argued that the taken-for-grantedness of functioning infrastructure and its invisibility have tendentially been interpreted, particularly in Western countries, as signs of higher development (Graham 2010: 7). In port cities, two concurring transitions in the second half of the twentieth century have reinforced the invisibility of maritime infrastructure: the declining visibility of the port and its functions after 'containerization' and the increased visibility of the inner-city, post-industrial waterfront in a new economic context of urban entrepreneurialism. In the following paragraphs I briefly outline these processes.

The container's role in facilitating today's national and global consumption patterns deserves more credit than is oftentimes acknowledged. Because handling containers necessitates more space than the historical trade of goods, container ports had to be relocated from within the city to an external (and less visible) site within the metropolitan area. This has had significant consequences not only for the port city – which witnessed a distancing of inner-city waterfront and container port – but also for the economy in general. The invention of the container in the late 1950s and technological advances in information technologies led to significant decreases in transportation and coordination costs which have facilitated a 'spatial unbundling' of production processes and have resulted in a realignment of supply chains in global production networks. Increased offshore production and a new emphasis on the knowledge-based aspects of the economy – as well as political realignments following multiple economic shocks in the mid-1970s – have fostered the decline of manufacturing and the rise of service jobs in the United States. The reorganization of production processes that accelerated after these cri-

ses has changed consumption and lifestyles – both in the port city and beyond.⁴ The functioning of this regime has depended largely on the efficiency of global supply chains and has shaped them in turn. On a global scale, sea cargo more than tripled from 10,650 to 32,930 ton miles⁵ in the period between 1970 and 2007 (bpb 2010). In 2008, according to the *American Association of Port Authorities* “deep-draft ports, which accommodate oceangoing vessels, [moved] 99.4 percent of U.S. overseas trade by volume and 64.1 percent by value” (AAPA 2008). Passing through container ports outside the inner-city these increases have gone largely unnoticed by urbanites.

If one reason for the invisibility of the container port and logistics industries has been the physical relocation of the container port, another one is its lack of a shared identity with the urban community – which stands in stark contrast to the post-industrial waterfront. A highly functionalized place, the container port serves solely the transshipment of goods. With the advance of logistics technology, the amount of longshoremen and dockworkers has been drastically reduced, and machines, cranes and containers dominate the terminals of U.S. ports. Marc Augé has coined the term ‘non-place’ to refer to places without an anthropological past and a lack of collective memory. One could undoubtedly add container ports to supermarkets, airports and rooms of hotel chains, which Augé lists as paradigmatic examples (Augé 2010). Yet, while hotel rooms and supermarkets are places that are still ‘lived,’ the invisibility of the container port and its purely technical function as an intermodal node in global production networks make it a peculiar kind of non-place.

The analogous development to the increasingly invisible port has been the rise of the post-industrial water-front in the inner-city. In contrast to the container port as a ‘non-place,’ it has been constitutive of the port city’s collective identity formation. The massive expansion of commercial trade and new transportation technologies that developed in the decades following World War II rid inner-city entrepôts, warehouses as well as piers, quays, and docks of their intended economic purpose (Meyer 1999: 13). At the same time that de-industrialization produced derelict harbor spaces – and that the suburbanization of jobs had led to a decline of inner-city tax bases – the federal and state governments drew back their financial support for urban development. Combined with the fiscal crises of the mid-1970s, this led many American cities to recur to more entrepreneurial strategies to overcome the debilitating effects of tight budgets (Harvey 1989: 4; Greenberg 2008). One

⁴ Robert Reich, former Secretary of Labor under President Bill Clinton, has argued that this new, more flexible economy, which has brought down the oligopolies of the Fordist era, has benefitted consumers and investors by driving down consumer prices and opening up new possibilities for investment (Reich 2008). In everyday life, one-stop shopping at big box stores has produced a ‘bargain culture’ and made consumption of a larger variety of fashion basics possible for the broader mass public (Harvey 1989a, Zukin 2005).

⁵ Defined by the ‘Business Dictionary’ as: “Unit of a transporter’s revenue turnover, equal to one ton of freight-paying cargo hauled for one mile” (Business Dictionary 2010).

of these strategies was to brand cities by evoking certain images of a place in order to attract investors and tourists, for instance, through the use of ad campaigns, new spectacular architecture, luxury condominiums, and festivals. In many port cities, municipal officials chose to redevelop the derelict port to create access to the waterfront, 'authentic' lofts and maritime theme parks. New York City's government realigned its priorities in a similar fashion after the fiscal crisis of 1975 and has served as an example for other waterfront developments. In a more entrepreneurial stance, the city's political and economic elites dedicated their efforts toward the fostering of "markets in high end services, including finance, insurance, and real estate [FIRE], as well as tourism" (Greenberg 2006: 5).⁶

Miriam Greenberg has pointed to the "extreme *image-sensitivity*" of these industries. Mostly, these images were directed against the city's immediate labor past and drew on "mythic, transhistorical representations of the city as a national and global capital," as Greenberg argued. These images were "to be embraced by the city government and turned into a large-scale, summer-long campaign, strategically linked to two national media events that were coming to town: New York City's celebration of the U.S. Bicentennial, and its hosting of the 1976 Democratic National Convention." 'Operation Sail,' the "big photo-op [...] in which regattas of colonial-era tall-ships and modern luxury liners cruised New York Harbor past the Statue of Liberty and a downtown skyline crowned by the newly completed World Trade Center" created a "visual montage" that conveyed the impression of a post-industrial New York City which had overcome problems attributed to the Fordist regime of accumulation (Greenberg 2008: 162).⁷

Urban entrepreneurialism has served as a guideline for waterfront developments in North America since. In the New York City metropolitan area this entailed building tourist destinations and trademark architecture, and expanding leisure sites toward the shorelines of Lower Manhattan, West Brooklyn and the Jersey City-Hoboken waterfront. While the container port has become a non-place, then, waterfronts have become highly visible places. The economic, political and cultural assertion of a new era - leaving behind the fiscal crisis of the city and the physical crisis of the waterfront by assuming the promises of the new economy - has been reinforced in the everyday experience of North American urban dwellers and has become a powerful narrative in the discourse on post-industrial waterfronts by urban planners and architects. Richard Marshall from the Graduate School of Urban Design at Harvard University, for instance, argues that "the waterfront is an expression of what we are as a culture. [...] These are the sites of post-industrial city

⁶ These industries increased the city's tax base at low cost. In other words, this type of restructuring was politically feasible.

⁷ As the committee on Urban Waterfront Lands found in 1980, the "enthusiasm and excitement aroused by the Operation Sail July 4th festivities in 1976, coupled with other events, have brought about a new attitude toward reclaiming the waterfront" (Committee on Urban Waterfront Lands 1980: 91). Providing a business friendly climate was a crucial feature of this new kind of thinking (New York Encyclopedia 2011: 1354).

space-making" (2007: 4). In a similar vein, Raymond W. Gastil insists that, in the twenty-first century waterfronts in port cities around the world "serve as front yard and service alley, cultural stage and civic space, playground and profit center. In short, it is the paradigmatic site for the future of public life" (2002: 19).

Securing the Port City: Old Narratives and New Layers of Governance

Before the September 11 attacks, maritime infrastructure was just as invisible to urbanites, tourists and real-estate investors as it was to public debates and thorough political scrutiny. Kenneth Christopher, who held police and security positions at the Port of Miami from 1996 through 2006, states in his book *Port Security Management* that, although "[s]eaports are a critical component of the global transportation infrastructure," before September 11, they "have not been subject to comprehensive governmental regulation and security oversight." Only the terrorist attacks, "a paradigm-shifting event for transportation systems' security," as Christopher continues, "[...] prompted dramatic shifts in the focused perspectives on security now required by anyone even remotely affiliated with the management of port security" (2009: 3). Similarly, Stephen Flynn, a former senior fellow at the Council on Foreign Relations and former Coast Guard Commander, argued that the "ambitious approach" that he deemed necessary "to securing the trade and transportation system would have been a nonstarter before 9/11" (2004: 104).

The dependence on imports as well as the location of container ports within metropolitan areas make the potential for disruption of a terrorist attack enormous. The U.S. has 361 sea and river ports. Roughly 8,100 foreign cargo ships, carrying more than 3,000 containers⁸ each, enter the U.S. 50,000 times every year. This adds up to nearly 8 million containers (equaling 21,000 containers per day) that arrive from 3,000 ports around the globe (cf. Public Citizen 2004: 88). If, for instance, a terrorist organization succeeded in interrupting crude oil shipments to the Port of Los Angeles, as Richard Clarke, former security advisor to three U.S. presidents, has argued, "auto-dependent Southern California would literally run out of gas within two weeks" (Clarke & Beers 2006: 190/191). In addition to an attack's economic consequences, other risks imply the security threat to the lives of U.S. citizens. With a new awareness of these challenges, the Homeland Security Department set out to implement new security measures *after* September 11, 2001 (Department of Homeland Security 2004: 2).

Although port facilities have fallen into obscurity over the second half of the twentieth century – both visually and politically – the role of ports as

⁸ Today's biggest ships carry around 12,000 twenty-foot equivalent units (TEUs, the standard measurement for containers). According to the Journal of Commerce, the world's largest shipping line, Maersk, has ordered 18,000 TEU vessels which it is planning to deploy on the EU-Asia trade route between 2013 and 2015 (Leach 2011).

geo-strategic sites during wars, revolutionary movements and international disputes has a long tradition in military history. Historical episodes such as the Boston Tea Party, the Caroline dispute in 1837, or the role of the Port of London in the liberation of Europe during World War II are often invoked examples from the three past centuries.⁹ It comes as little surprise then, that institutional arrangements to secure ports have mainly developed in times of crisis. For instance, in 1917, the “Espionage Act assigned the Coast Guard the responsibility of securing U.S. ports and waterways during times of war” (Homeland Security & Defense Business Council 2011).¹⁰ In the context of World War II, the vulnerability of ports similarly became a political issue and new risk scenarios emerged. More than 60 years ago, Albert Einstein warned Franklin D. Roosevelt of the risk that “a single bomb [...] carried by boat and exploded in a port might very well destroy the whole port together with some of the surrounding territory” (Greenway 73). Hence, the focus of government agencies and security experts on port cities as vulnerable points after September 11 seems plausible; even more so since terrorist groups had shown an increased tendency to attack ‘soft’ non-military targets and transportation nodes before 2001 (Clarke & Beers 2006).

But the above-mentioned dangers existed prior to the September 11 attacks and persisted even after most public attention had abated. Indeed, the fact that maritime security played such a minor role in political and public debates before the September 11 attacks, despite these risks, astonished some commentators. New York City mayor Michael Bloomberg, for instance, referring to officials on the federal level and security experts, asked in his radio program: “Where were these people for the last few decades? [...] I mean, come on, this is the cheapest political shot in the world. Everybody’s rushing to save our ports; it isn’t like this hasn’t been brewing for two decades” (Bloomberg in Hu 2006: B4). Only with the potential threat of further terrorist attacks after September 11, however, did old narratives of vulnerability reemerge and resonate with a broader public so as to become a political issue to be addressed at the federal level. These narratives have served to conceptualize risk scenarios that guided policy change. But the scenarios envisaged in political circles and public debates have changed over time, varying according to political circumstances as well as to available intelligence. The changing validity of some narratives of vulnerability over others delineates a dynamic process that has – over the years and in an incoherent manner – developed into a master narrative of port security which has not lost any of its potential political clout until today.

⁹ Ulrich Beck points to early intercontinental merchant shipping as the beginning of the modern risk society. He argues that, in opposition to premodern external or divine ‘blows of fate,’ the worst catastrophes in the nascent modern society of the nineteenth and twentieth century were man-made; and so were the related risks (Beck 2008: 25).

¹⁰ A mission that “evolved into modern port security units that protect the U.S. maritime domain from terrorism” as the Homeland Security & Defense Business Council states (2011).

In the days following September 11, 2001, the memory of the attack against Navy destroyer *U.S.S. Cole* on October 12, 2000¹¹ guided much of the improvised response to protect the ports. In what could be understood as a reflex movement, the Port of New York and New Jersey stopped its services on September 11, 2001, and “reopened [...] the next day, with security inspections of all entering ships” (Smothers/NYTimes A12). Stephen Flynn commented that “[f]reezing our transport networks first and asking questions later was clearly appropriate” but caustically added that the “first campaign in the war to protect the American homeland was to impose an embargo – on our economy” (2001: A23). Flynn’s statement makes clear that, very early, there was an awareness of a trade-off between national security and free and efficient trade – a trade-off which was reinterpreted over the years as we will see below.

As a September 20, 2001 article by John Kifner reported, an improvised “armada” continued “patrolling the harbor” for the week that followed, the “greatest fear” being “a repetition of the attack on the destroyer *Cole* in Yemen last year” (B13). While for two and a half weeks, all incoming vessels were searched,¹² inspections were reduced on September 28 and Coast Guard officials boarded only “up to half of the 20 or so daily arrivals” (Baker B11).¹³ Six weeks after the terrorist attacks on the World Trade Center and the Pentagon, the threat scenario publicly envisaged by security experts still looked somewhat different from risk assessments made later on. Influenced in his assertion by the September 11 attacks as well as by the attack against the *U.S.S. Cole*, Captain Michael R. Watson of the American Pilots’ Association stated before a Senate committee on maritime security that two scenarios would be imaginable:

The first would be where one or more individuals takes control of the ship away from the pilot with the intention of steering it into another ship, a bridge, a fuel dock or some other structure with maximum destructive potential. [...] The second would be, as in the case of the *U.S.S. Cole*, a deliberate suicide attack on a vessel carrying hazardous cargoes (Watson in Baker B11).

¹¹ The *U.S.S. Cole* bombing was a suicide attack on the Navy destroyer in the Port of Aden in Yemen in 2000.

¹² A report on September 19, 2001 states that “all incoming freighters, tankers and other commercial ships are stopped and held at Ambrose Light, while two Coast Guard teams board them. One is the regular inspection, checking the ship’s papers and those of its captain and crew. The second, he [Captain of the Port Adm. Richard E. Bennis] said, is a ‘full law enforcement sweep’ searching the ship for anything suspicious” (Kifner B13).

¹³ In order to reduce the number of inspections and to secure the flow of goods, the Coast Guard started to collect information on cargo ships four days before their arrival “passing that data to law enforcement agencies, including the Federal Bureau of Investigation, and boarding those deemed to pose the highest risk, such as ships from the Middle Eastern nations” (Baker 2001: B11). According to Coast Guard Lt. Cmdr. Brian T. Fisher, the selective screening followed a simple logic: “Obviously, something coming from a country we’re at war with would draw our attention for targeting much more than something coming from a country we’re not at war with” (Baker 2001: B11).

In November 2001, a *New York Times* article pointed out in more detail the specific vulnerability of ports, using Portland to illustrate the dangers. Peter T. Kilborn noted that the “unscrutinized containers, the bridge, the oil tanks, the dormant but still radioactive nuclear power plant 20 miles north of the harbor – all form a volatile mix in a time of terrorism. [...] All that makes ports among the greatest points of vulnerability” (B5). While for “Portland’s officials, the scene [of maritime traffic], at least before Sept. 11, was a point of pride, the sign of a strong economy,” now, after September 11, it “evokes fear and uncertainty” (ibid.). Scenarios of fear and uncertainty were also envisaged by officials in other port cities. In the spring of 2002, New York City’s particular vulnerability to an attack on its port gained more and more public attention. New Jersey Democrat Robert Menendez “whose district includes the huge container ports and fuel tank farms of Port Newark and the Elizabeth Marine Terminal” warned in March 2002 that: “The port represents a huge opportunity for those who would wish us harm [...] The superport of the East Coast has to be moved up on the list of security priorities because there is not a more vulnerable port in the nation” (Menendez in Smothers A12). At a hearing of the subcommittee on Coast Guard and Maritime Transportation of the House Transportation Committee, experts underpinned this claim when they argued that the Port of New York and New Jersey, being “the biggest container port on the East Coast,” constituted “an appealing target for terrorists who might consider packing biological weapons or explosives into sealed shipping containers [...]. It is also the largest fuel depot in the nation, so any explosion would cause widespread destruction” (Smothers A12).

While the attack of a ship or the utilization of a vessel as a weapon had dominated accounts of potential danger in the months directly following 9/11, and while regionally specific risk scenarios were developed for each city and discussed in public, the focus on containers as carriers of weapons of mass destruction became more explicit in 2002 and 2003. Stephen Flynn, who, according to *CBS News*, had “spent the last two and a half years studying the security, or lack of it, at U.S. seaports,” argued that “shipping containers are the weak link” (Flynn in Eaglin). As opposed to the risk assumptions deduced from the U.S.S. Cole incident and the 9/11 attacks, this assessment was based on events following September 11. “Five weeks after Sept. 11,” Nina Eaglin reported for *CBS News* in 2003, “authorities found a suspected terrorist trying to smuggle himself from Egypt to Canada inside a shipping container equipped with a makeshift bed and enough food and water for the three-week journey.”¹⁴ Eaglin continues: “The Commandant of the U.S. Coast Guard, Admiral James Loy, told us there’s evidence that terrorists linked to Osama bin Laden are directly involved in the shipping business.” As a consequence, U.S. officials, amongst them James Loy, concluded that foreign ports should be included in the search for terrorists. Since the U.S. believed

¹⁴ According to Eaglin’s report, “[t]he stowaway was a trained airplane mechanic, and he was carrying a laptop computer, a satellite phone, fake credit cards and an airport security pass” (n. p.).

in 2003 that “one of those ships delivered the explosives used in [Al Qaeda’s] embassy bombings in Africa [...] the U.S. Navy and the Marines have been boarding freighters and opening up containers looking for terrorists, including bin Laden” in the Arabian Sea, where the U.S. surmised Al Qaeda’s ships (Eaglin 2003).

Statements of government officials such as Stephen Flynn’s also became more elaborate and specific with regard to technical details. Flynn warned in 2003 that “it wouldn’t be difficult for a terrorist to track a container with a global positioning system and to detonate a weapon hidden inside” (Flynn quoted in Cowen & Bunce 431). In a similar fashion, but one of the first commentators to publicly point to the danger of nuclear weapons, H.D.S. Greenway argued in 2003:

If 19 terrorists could so artfully use America’s air transportation system against the United States, what might they do to take advantage of the country’s infinitely larger and harder to keep track of maritime transportation system? Everybody’s nightmare is a nuclear weapon brought into this country on a container ship (73).

Experts within the administration and in the security community combined these scenarios and warned that Al Qaeda or other terrorist groups might attempt to smuggle a container carrying a nuclear or dirty bomb into the port of a metropolitan area such as Newark or Baltimore with devastating consequences for the area’s population. In government circles, these fears were amplified, as a Wikileaks dossier published by the *New York Times* in April 2011 (Shane & Weiser) revealed, by the interrogation of the Guantanamo-detainee Saifullah Paracha in 2003. According to U.S. investigators, Paracha had “offered his assistance with the shipment of explosives into the U.S. and advised (al Qaeda) on shipping and port security [...]. With his knowledge of international shipping, business connections and stature within Pakistan, [the] detainee was an extremely valuable asset to al Qaeda and its operations” (Journal of Commerce 2011). In hindsight, these scenarios seem to have been influenced not just by historically contingent security assessments and new intelligence, but also by popular narratives. In a 2010 conference, Steven Bucci, former Deputy Assistant Defense Secretary to Donald Rumsfeld, stated that his “old boss [...] used to use the Tom Clancy ‘the sum of all fears scenario’ of the nuke coming into the United States on a ship” (Bucci 2010) – an analogy that retrieved its metaphorical power from the movie adaptation of Clancy’s novel, which starred Ben Affleck and Morgan Freeman and was released in March 2002 under the book’s title.

While this became the predominant narrative of vulnerability – one that persists through today¹⁵ – other groups also entered the debate on port security, upping the political ante for the federal government. Civil society became aware of the security loopholes in the supply chain and various actors

¹⁵ In 2010, J. Michael Barrett even took this worst-case scenario a step further when he argued at the Heritage Foundation’s ‘Homeland Security 2020’ panel that “[...] a nuclear weapon that goes off in a city is very bad. It is a horrific absolutely devastating event. But it is not necessarily unrecoverable. A nuclear weapon arriving through the global

criticized the lack of effort of government institutions. Members of Congress, non-government security experts, and non-profit organizations – such as Public Citizen, a major, left wing non-profit organization – deplored the lack of an “overall strategic plan” and the absence of “strong federal leadership” as well as a lack of \$1 billion to improve port security (Public Citizen 2004: 2). The main accusation was directed at the fact that of the 8 million containers entering the U.S. every year, only 4-6% were being inspected (Public Citizen 2004).

These accusations lost some momentum in 2004 and 2005, perhaps due to a shifting political climate and a growing focus on foreign affairs, most notably on the wars in Afghanistan and Iraq.¹⁶ However, the Dubai Ports World Controversy in February 2006 caused a resurgence of the ready scenarios and debates. Dubai Ports World, a state-owned company from the United Arab Emirates, planned to buy port management businesses in several U.S. ports, which in turn stirred a political debate on whether this critical infrastructure should be owned by foreign companies or whether (Arab) foreign ownership would compromise national security. While George W. Bush eventually had to back down from his support for the deal due to public pressure – according to a poll 66 percent of Americans opposed the deal at the time (CQ Researcher 316) – the debate on port security had regained momentum. Echoing earlier assessments, a *New York Times* article published in March 2006 was one among many to report that “[t]he nightmare is that an atomic bomb or some other weapon – perhaps a ‘dirty bomb’ spewing radiation, or a biological or chemical agent – might be smuggled in on a container ship and either detonated in the terminal or exploded elsewhere in the country” (New York Times A20).¹⁷

The heated up political debate and institutional dynamics reinforced policy change vis-à-vis maritime security and port governance. Following the reinvigorated debate on port security in 2006 as well as recommendations by the 9/11 Commission’s report of 2007¹⁸, George W. Bush signed into law *H.R. 1 Implementing Recommendations of the 9/11 Commission Act of 2007* calling for “the 100-percent scanning of maritime cargo before it’s loaded onto vessels

supply chain such that the system is shut down following that event – that could be unrecoverable. That could be an existential threat – at least to the lives and the livelihoods of the economy as we currently know it” (Barrett 2010).

¹⁶ While 2004 and 2005 yielded some ‘hope’ for the U.S. War on Terror, since President Hamid Karzai was elected (in 2004) and Saddam Hussein tried (2004-2006), attacks by ‘insurgents’ grew stronger during that time.

¹⁷ The article went on to acknowledge, however, that “[n]obody knows whether terrorists would risk sending such weapons in unguarded containers, but it would be reckless to leave the way open” (New York Times 2006: A20).

¹⁸ The SAFE Port Act of 2006 preceded this piece of legislation: “On 13 October 2006, the U.S. enacted The Security and Accountability for Every (SAFE) Port Act (The SAFE Port Act of 2006), which, inter alia, (1) codified in law CSI and C-TPAT; (2) required testing the feasibility of scanning all U.S.-bound cargo containers; and (3) required scanning of all containers for radiation at the 22 busiest U.S. ports [...]” (Ireland 2009: 10).

heading for the United States to be required by 2012" (Berman 2010).¹⁹ As Steven Bucci commented laconically, "The American people put us a pretty high standard, [...] like, perfect" (Fellow 2010).

Efficiency versus Security?

Published in April 2011, a *Globe Newswire* article asked "Port Maritime Security: Are We Ready for the Day Before Tomorrow?" (Globe Newswire 2011). Most U.S. security experts today would answer this question in the negative. Stephen Flynn, under the immediate impression of the terrorist attacks, had argued in 2001 that "[w]e are now experiencing the dark side of a transport system in which efficiency has trumped public security" (Flynn 2001: A23). Today, most experts in the United States agree that 100 percent security is impossible while the business community pushes for more efficiency in the supply chain.

Unsurprisingly, the 2007 mandate on 100 percent scanning was opposed by the international and U.S. business community as well as the World's Customs Organization. Adam Salerno, Senior Manager at the U.S. Chamber of Commerce, argued that technical challenges, inadequate infrastructure in foreign ports, an opposition to the 2007 mandate by trading partners such as the European Union²⁰, and, most importantly, the cost of implementation made 100 percent security impossible. Installing the scanning technology would cost \$6 million for each U.S. port; for U.S.-EU trade, "the initial costs to continue trade" under this mandate "would equal a 10 percent increase in costs for businesses" (Fellow 2010). The bottom line is clear, as Salerno outlines: "My member companies talk about a competitive advantage when they talk about the supply chain. A 10 percent increase across the board for something that we have already determined has little to no security benefit is not worth the risk for our economy" (Salerno 2010).

Instead, Salerno and others opt for a "multi-layered risk based approach."²¹ Since "not everything can be secured, not everything can be scanned," as security expert J. Michael Barrett put it. Multiple layers of security – cheaper and more effective than 100 percent scanning, as it is argued – are supposed to increase the likelihood of stopping a terrorist attack (Barrett 2010). The creation of the *TWIC-Card* (Transportation Worker Identification Credential), a security card for workers in the goods-moving industries, the *Container Security Initiative* to inspect ships in foreign ports (CSI), and the *Customs-Trade*

¹⁹ In 2009, however, DHS Secretary Janet Napolitano reported to the House of Representatives Homeland Security Committee that 100-percent scanning would not meet this deadline (Berman 2010).

²⁰ Trade partners have criticized the mandate as a non-tariff barrier.

²¹ According to Avery Fellow, "Col. Steven Bucci, former Deputy Assistant Defense Secretary, explained that the maritime officials were currently operating under a 'Swiss cheese' model of maritime defense, which he called 'imperfect.' He said the goal for security officials is to 'get the holes in the Swiss cheese as small as they can get them.'" (Fellow 2010)

Partnership Against Terrorism which fast-lanes its member shipping lines (C-TPAT) were but some of the measures implemented since 2001 in order to secure the port from international terrorism while keeping the U.S. 'open for business.' These multiple layers of initiatives were complemented by a more selective, risk-based approach that sought to distinguish between high-risk and low-risk elements in the supply chain in order to allow for a more specific targeting of potential security threats.

From a strategic point of view, port security over the decade following September 11 has shifted toward both a national and international harmonization of those programs in place on one side as well as to 'resilience' on the other. Rather than focusing on preemption as the National Security Strategy had set out to do, the focus today has hence moved toward the capacity to absorb the shock of an attack and carry on. This implies psychological post-traumatic support for victims of a possible attack as much as the maintenance of secure trade routes after the shock (Barrett 2010). The latter is reflected, for instance, in programs such as the Customs and Border Protection's (CBP) Customs-Trade Partnership Against Terrorism (C-TPAT) that highlights 'Business Resumption' after an attack as one of the benefits for partners and members of the program (CBP 2011: 2).²²

From the perspective of the multi-layered risk-based approach, the question whether George W. Bush's port security strategy was lax is a matter of degree. Since "[i]t is physically impossible to check every container without essentially stopping global commerce," as Flynn had already argued in a 2003 interview with *CBS News* (Eaglin 2003), it is the perceived effort of securitization that counts. Its success is the non-event of a terrorist attack on maritime infrastructure; its strategy that of giving the impression of security through the plethora of programs and initiatives - to deter terrorists from possible attacks, to reassure the public, and to encourage the business community. As J. Michael Barrett, co-author of *Securing Global Transportation Networks*, has argued, after September 11 "something had to change, something tangible, even if only cosmetic, so that you could restore faith in the system" (Barrett 2010).

However, while defensive preparedness and resilience seem to form a logical consensus for maritime security strategies amongst government officials and security experts today, those layers of security that have been implemented by the government have served purposes that were, indeed, much more pro-active. Turning toward the domestic realm, the national security discourse underwent a subtle but crucial epistemological transition: While in the direct aftermath of September 11, the port was secured to protect U.S. citizens from a potential terrorist attack - since earlier attacks and avail-

²² The Customs and Border Protection "has conducted comprehensive business resumption planning in the event of a significant disruption in the flow of trade to ensure actions are taken to maintain communication and coordination of CBP processes at our border with U.S. Government and foreign government stakeholders, as well as the trade community. C-TPAT status will be taken into consideration when CBP resumes the processing of shipments" (CBP 2011: 2).

able intelligence suggested the plausibility of such a scenario – in the years that followed, *any* risk to the functioning of global supply chains, terrorist or other, could be perceived as a potential security threat. In other words, the Homeland Security discourse created a political space where unwanted behavior could be sanctioned by reinterpreting threats to supply chains as threats to national security. This transition is perhaps best exemplified by George W. Bush's invocation of the Taft-Hartley Act in late 2002 which set a precedent for the larger reorganization of the supply chain.²³

A dispute between the International Longshore and Warehouse Union (ILWU) and the Pacific Maritime Association (PMA – representing ocean carriers and terminal operators) caused a lock-out in the Port of Los Angeles and Long Beach in the fall of 2002. Interrupting trade flows for several days, this lock-out created costs that amounted to several billion U.S. dollars as final products did not reach their customers and the stalled supply of intermediate goods paralyzed Just-in-Time production. From an economic point of view, the crisis was disastrous since it disrupted the lifelines of American businesses. To resolve the interruption of global supply chains, the federal government stepped in by explicitly recurring to the Homeland Security discourse. The former director of the DHS, Tom Ridge, cautioned the ILWU that “strikes would not be tolerated because they were not in the ‘national interest’” (Cowen 2006: 433). In October 2002, President Bush acted on this premonition and declared the conflict a crisis of national security. In his “Rose Garden Statement,” George W. Bush justified his invocation of the Taft-Hartley Act by arguing:

The crisis in our Western ports is hurting the economy. It is hurting the security of our country, and the federal government must act. Americans are working hard every day to bring our economy back from recession. This nation simply cannot afford to have hundreds of billions of dollars a year in potential manufacturing and agricultural trade sitting idle (Sanger & Greenhouse 2002).

As longshoremen were forced back to work, Richard Trumka, secretary-treasurer of the A.F.L.-C.I.O., did not hide his frustration: “We’re absolutely furious [...]. The P.M.A. locked the workers out, contrived a phony crisis and then gets rescued by the administration. They’re getting their way and have the weight of the government behind them” (Sanger & Greenhouse 2002).

The invocation of the Taft-Hartley Act clearly signaled the willingness of the federal government to put economic growth and the demands of shippers and terminal operators over the concerns of organized labor. The precedent also displayed the potential of the Homeland Security discourse to function as a new tool of governance in the transportation industries which the U.S. had become so dependent on since the 1980s. Demonstrating the vital political and economic dependence of the United States on its imports, the actions of the federal government provided a blueprint on how the national security

²³ The Taft-Hartley Act, passed in 1947, allows presidents to seek injunctions against strikes and lock-outs that “imperil the national health or safety” (Sanger & Greenhouse 2002).

discourse could be used to ensure the seamless functioning of supply chains as an end in itself. In other words, if the balance between efficiency and security was seen as a zero-sum game, in practice, security could serve as a political tool by reframing the threat to trade flows as a national security issue and thereby enhancing their efficiency.

Security by Obscurity?

With regard to a narrowing of the public sphere in cities after September 11, 2001 Peter Marcuse has argued that “[t]he term ‘security’ was a catch-all defined at the discretion of the police and the professionals in Homeland Security.” An “existential insecurity,” he continues, is “a deep and fundamental threatening anxiety, without a sharp focus on a specific danger” (2006: 923 f.). It is this type of diffuse anxiety that has driven the reassessment of risk scenarios in the maritime domain and that has shaped supply chain governance since September 11, 2001.

As we have seen, the post-industrial spatial division of port cities has rendered maritime infrastructure invisible, attenuating the discussion of maritime security questions in broader public discourse prior to September 11, 2001. The terrorist attacks on the Pentagon and the World Trade Center led to a resurgence of preexisting discourses of port cities’ vulnerability producing ‘new’ risk scenarios as well as a political momentum which needed to be addressed by the federal government. As the analysis of these risk assessments shows, it is not the degree of ‘riskiness’ that has determined the visibility of the risk and the political attention that has been attributed to it, but its plausibility in a specific cultural and historical context.

In a manner that seems tautological only at first glance, Ulrich Beck claims that acceptable risks are those that have been accepted (Beck 2008: 36). This essay both supports and transcends Beck’s thesis by arguing that the production of this consensus is dynamic and that its political momentum can ebb off. In other words, the acceptance of a risk can change over time and depends on its public visibility. Perhaps Jaron Lanier was right in his assumption that “[s]urely obscurity is the only fundamental form of security that exists” (Lanier 67). Nonetheless: while the acuteness of threats coming through maritime infrastructure has lost resonance in public debates after the Dubai Ports World controversy of 2006, decisions taken on various levels of government after the crisis have had long term effects on port governance. Similar to the Taft-Hartley Act, the C-TPAT, the Container Security Initiative and the TWIC card have been attempts to mitigate the trade-off between efficiency and security. These initiatives, too, raise questions as to who defines risk and how this definition can serve preexisting power hierarchies. What seems clear, a decade after September 11, is that, inevitably, this tradeoff persists in a system that depends on a balance of low transportation costs and secure supply chains.

If the maritime security discourse can still be activated for political or economic purposes today, envisaging these threat scenarios bears a dangerous dialectical moment. While states assume, as one of their most pertinent tasks in the twenty-first century, the anticipation of potential risks to protect their citizens, the cultural process of assessing and pronouncing certain risks more than others produces further potential targets. The state's staging of threats in the Homeland Security discourse makes it both an involuntary accomplice of global terrorism as well as its potential victim in that it produces scenarios to which it has to respond.

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