

## Jones Act Lobby Misdeals 'Homeland Security' Card

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When the facts don't work, try appeals to national or "homeland" security.

That seems to be the tactic of the Jones Act lobby, which has been increasingly hard-pressed in recent years to make the case that the 101-year-old Jones Act — which requires goods shipped between U.S. ports to be transported by U.S.-flagged ships — really is essential to America's military and economic security.

This past November, Jones Act supporters seized on a relatively minor case of alleged terrorism along the Ohio River to suggest that all hell might have broken loose if not for the Jones Act.

In a Townhall commentary titled Jones Act Patriotism Protects the Homeland, which was widely shared by Jones Act supporters, Donna Jackson wrote that crewmembers of Jones Act-qualified tugboats and barges found "three explosive devices" — materials consistent with pipe bombs, according to police — that allegedly had been dropped onto their vessels from a bridge.

Jackson, a writer affiliated with the National Center for Public Policy Research, said, "Disabling even one of these vessels would have caused inevitable delays and stoppage of water traffic along the Ohio River. But [the] alleged criminal acts were foiled by observant and dedicated mariners.

"This protection of American property, trade and homeland security was made possible," she added, "by a century-old law called the Jones Act."

How so?

Because, said Jackson, the Jones Act "makes it so the vessels transiting American docks are owned and crewed by Americans who have 'skin in the game.' If foreign-flagged vessels with international crews traversed American waterways, would there be similar concern?"

Colin Grabow, a Jones Act expert with the Washington, D.C.-based Cato Institute, scoffed at this notion: "Are we to believe that foreign mariners would just shrug their shoulders if they found explosives on the very vessels they were operating on?"

Further, Jackson's implication that the Jones Act keeps foreign seamen from traversing inland waterways isn't true. Although no foreign vessels are known to routinely traverse the section of the Ohio River where the incidents allegedly occurred, the Jones Act does not prevent foreign ships and crews from operating on U.S. inland waterways, so long as they are moving goods between a foreign and a domestic port.

Even at coastal ports, the evidence shows foreign seamen pose little danger. Thousands of foreign-crewed ships visit U.S. ports each day, with no security concern.

In their 2018 review of international coastal trading laws, Nigerian legal analysts Ferdinand Agama and Henry Alisigwe found “no direct links ... between liberalized cabotage (where some level of foreign participation in domestic shipping is allowed) with international terrorism.”

The Grassroot Institute of Hawaii recently debunked the “homeland security” red herring in its policy brief, “Five myths about the Jones Act.” The report also addressed other common misconceptions about the Jones Act, such as that it contributes to economic growth, protects American jobs and provides benefits without adding to consumer prices.

As for greater detail about the Ohio River incident, none of the local news media in their reporting mentioned the words “terrorism” or even “the Jones Act.”

Moreover, the alleged perpetrator was identified not by any of the Jones Act mariners, but rather through barcodes affixed to the pipes used to make the alleged explosive devices that the police traced to a local Lowe’s store.

Through security video footage from the store, the authorities eventually identified and arrested the individual who had bought them: a 42-year-old Marietta, Ohio, resident, who in 2020 had been arrested after a high-speed chase and barricade incident.

In one news report, police authorities described the “suspicious device” found on one of the vessels as “pipe-bomb-like” and possibly a “hoax device.” No injuries were reported in any of the three cases, it added.

Could this all have turned out worse? Yes.

But whether it was perpetrated by foreign terrorists intent on causing a major river blockage or just a troubled American with a petty criminal background whose actions might even have been a hoax, the Jones Act had nothing to do with it.