



Center for Strategic & International Studies
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**The U.S. Policy Response to Canada
on the Subject of Border Security**

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Committee on the Judiciary Subcommittee on Immigration and Claims United States House of
Representatives

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It is an honor to be asked to testify before you today on U.S. policy to confront the threat of international terrorism through illegal immigration across the border with Canada, and the efficacy of our current policy to safeguard American lives.

The Timing of this Hearing

This hearing is an important opportunity to evaluate the current threat, and Mr. Smith and the Subcommittee should be commended for undertaking this valuable step in exercising congressional oversight over U.S. policy in this area.

Now is an appropriate time to review this aspect of U.S. policy regarding Canada. Why?

- First, because in the wake of two attempted crossings by alleged members of a terrorist organization in December 1999 there are actions which can be taken now that can improve the U.S. policy position as this issue is debated in Canada.
- Second, we cannot become complacent because there is reason to believe that one consequence of the arrests in December was to advertise the ease of crossing the land border between our two countries, and our attendant vulnerability, around the world.

Today, as close to one month after the first arrest as this year's congressional calendar will permit, it is prudent that the United States take stock of its current position. The issue facing this committee is nothing less than the security of Americans from outside aggression - not Canadian aggression, but the threat that may be posed by third parties transiting Canadian soil. Canada and the United States have an existing security relationship that addresses these same concerns.

Canada and American security

Canada and the United States have cooperated closely on an array of security issues, from the defense of North America to the current fight against cyber-terrorism. Combating international terrorism is a mutual challenge that it makes sense to face together, as an extension of our successful cooperation in other areas.

Our security partnership with Canada was cemented at Ogdensburg, New York as Canada (but not yet the United States) entered the Second World War. In 1938, President Franklin Delano Roosevelt and Prime Minister William Lyon Mackenzie King met in the State of New York to

discuss the defense of North America in light of the second great European war of the century. FDR articulated the reasoning behind a U.S. security guarantee for Canada in those more isolationist times:

"The people of the United States will not stand idly by if domination of Canadian soil is threatened by any other empire."

Canada's Prime Minister King replied that:

"[Canada] shall remain as immune from attack or possible invasion as we can reasonably be expected to make it, and that, should the occasion ever arise, enemy forces should not be able to pursue their way, either by land, sea or air, to the United States across Canadian territory."

Both of these statements make common sense today. The United States has to protect Canada in order to protect itself. And Canada has to protect the United States in order to protect itself - from potential U.S. intervention in Canadian affairs.

The Present Danger

The logic of U.S.-Canada cooperation remains clear even as the nature of the threats to the security of the United States has changed. We no longer face a traditional military threat, as we did from Nazi Germany or the Soviet Union. The threat from organized crime and the illicit drug trade are global challenges for domestic law enforcement. And, as other testimony given here today will establish in detail, terrorist groups based outside North America are known to have planned attacks on American soil.

The arrest of two Algerian nationals and a potential Canadian collaborator attempting to enter the United States in December 1999 underscored for all of us that the risk of an attack on U.S. civilians is real. More importantly, in the midst of tremendous shared prosperity and historic bilateral trade between the United States and Canada, these arrests reminded us that our mutual border is as easy to cross for criminals as it is for the rest of us.

It is worth pausing for a moment to reflect on the good news: that the suspects in these cases were caught before an attack was carried out, and that the due process of law, and close cooperation between U.S. and Canadian law enforcement, will help to bring these individuals to justice.

Yet regardless of the outcomes of these cases, the arrests last December have important consequences for us today.

First, in the media coverage broadcast around the world by CNN and others, we alerted the world to the openness of the U.S. border with Canada. To those hostile elements around the world that had not discovered it yet, we advertised our vulnerability.

Second, after a well-publicized tightening of border inspection procedures, both Canadian Prime Minister Jean Chrétien and President Clinton reassured the public that everything was under control. Certainly the laudable intention of both was to avoid public panic. But today, a little more than one month later, the tightened security has returned to its previous state.

Our vulnerability has grown, yet our response appears fleeting.

The Open Society and its Enemies

One important reason for the close security partnership between Canada and the United States is that the two countries share so much else. Canada is the United States largest trading partner, buys billions of dollars of American exports every year, and is one of the leading foreign sources of investment in our companies and communities. But trade alone does not explain the closeness of these two neighbors.

Canadians are a familiar part of American life. They are ubiquitous in popular culture - from Céline Dion to Shania Twain, from Michael J. Fox to Wayne Gretzky, to name just a few. Millions of Americans have relatives in Canada, and millions more have close friends there. Our veterans fought side by side with Canadians in all the major wars of the twentieth century - even in Vietnam, where many young Canadians fought and died as volunteers in the U.S. armed forces. Nearly all our leading companies do terrific business in Canada, and know Canadians as customers, suppliers and even employees. Few countries are as well-represented on the Internet as Canada and the United States, and today an American is almost as likely to meet a Canadian online as along the border.

These forces are deepening the integration of our societies as well as our economies - and making us rich. Canada's contribution to U.S. prosperity is unparalleled in human history. This is why many people in both countries express concern about the potential implementation of new security measures at the border.

But just as thieves may use interstate highways built for lawful commerce and travel to escape the police, criminals can use the relatively open border between Canada and the United States for unlawful purposes. And as Americans and their businesses make new and exciting use of the freedom of the Internet, we have witnessed an increase in cyber-crime, fraud and even cyber-terrorism aimed at U.S. institutions. Closing the interstates, the border and the Internet could hinder crime, but at a clearly unacceptable price to the rest of society.

Terrorism seeks to make the free society turn itself into a police state, and care is required to avoid this. Security and freedom must be compatible or neither can exist.

We balance these imperatives in domestic law all the time. It is difficult to strike an appropriate balance in some cases, but the accommodation of the rule of law and individual liberty - the lion laying down with the lamb - is the noble work of democratic governments.

The Open Society and its Friends

It is in this larger context of the United States security partnership with Canada - rooted in close economic and societal integration that has fueled prosperity and growth in both economies - that the present danger posed by international terrorism must be viewed. The worst that Canada may be accused of here today is of realizing somewhat late the nature and extent of the problem. Many Canadians thought the United States was being paranoid. Well, if it is true that even paranoids can have enemies, it is also true that even paranoids can have friends.

It would be a grave mistake to make Canada out to be part of the problem, when Canadians are willing to be part of the solution.

As others will testify today, Canada can and should do much more to screen prospective immigrants and refugee status applicants. While other major developed countries have tightened their immigration rules in recent decades, Canada - a big, largely empty country - has remained generous and welcoming to new settlers. This has drawn desperate migrants from as far as China - as well as those with hidden intentions and criminal associations.

However, it is also true that, in the spirit of partnership between our two countries, law enforcement officials in Canada and the United States today cooperate in myriad constructive ways every day. The most important interaction happens at the level of the law enforcement officers who staff the ports of entry at the border. At higher levels, the United States and Canada maintain several forums and consultative groups to exchange intelligence on criminal activity and prospective immigrants. The border has been the subject of several recent bilateral summits, and shared concerns have resulted in an announcement of a Canada-U.S. Strategic Partnership initiative to bring together work in a variety of areas to improve security and efficient processing of legitimate trade and travel. The number and variety of joint activities, and their relative success in making improvements and building consensus between the two countries, explains why President

Clinton and Prime Minister Chrétien have taken the position that the two sides have the situation in hand, even after December's arrests.

But these statements have failed to fully reassure the public in both countries that the response has been adequate, and there is real anxiety in Canada and the United States about whether we are doing enough. Partly, this is because the close cooperation between the two countries is quiet and behind the scenes. Partly, this also stems from a public mood that security concerns need greater priority - on equal footing with the justified importance attached to trade. Attitudes have clearly shifted toward greater alarm since December.

The proliferation of discussions and forums for the exchange of intelligence information responds to this growing concern, but there is a limit to the additional benefit that can be gained from such activity without effective funding for the law enforcement, immigration and customs services that are the guardians of the borders. Personnel. Advanced technology and equipment. All basic things with which to carry on the work of securing the border. And both countries are guilty of under-funding in certain crucial areas. In the United States, the northern land border is physically longer, and must accommodate significantly greater traffic, but is staffed by a far smaller contingent of U.S. Customs, Immigration and Naturalization Service, and Border Patrol officers than the border with Mexico. In Canada, delays in processing refugee claims and other immigration cases and appeals can be traced to limited staff and resources to conduct investigations.

The Members of the Subcommittee have a far greater sense of the willingness of this Congress to consider further funding for these important functions. They may well wonder if the Canadian Parliament is prepared to spend more either.

I have spent the past few months in Canada, as a grateful recipient of a Fulbright grant to conduct research in Ottawa, the Canadian capital. Members of Congress would find the debates in Parliament, and the debates of Canadian pundits on the evening news, quite familiar. Canada has, through tough fiscal discipline, eliminated its federal deficit spending and is now reporting annual surpluses. These have awakened demands from all quarters for new spending and tax cuts as constituents seek to reclaim part of these surpluses.

In addition, I can tell you that the Canadian police investigation that has followed the December arrests has been a major story in Canada. Canadians may not have been alert to the threat of terrorists in their midst before, but they are absolutely aware of this daunting reality today.

A Golden Opportunity for Joint Action

Now, as a result, there is a golden opportunity to increase the security of the United States and Canada through joint efforts to improve procedures and invest in personnel, advanced technology and other vital resources. Members of Congress and their counterparts in the Canadian Parliament may now see the necessity of funding reasonable measures, and law enforcement and immigration officials in both countries will certainly act, if a consensus on the appropriate measures can be forged.

I urge the members of the Subcommittee not to let this moment pass without decisive action.

No course will be more effective than one that builds a strong consensus in the United States and Canada on the appropriate measures necessary to balance our liberty and personal security.

A Binational Commission on North American Security

To that end, I recommend to you the creation of a **Binational Commission on North American Security**, to be created in cooperation with Canada's Parliament.

This Commission should be charged with a mandate to promptly consult with law enforcement and immigration personnel as well as with the community of frequent border users (including representatives of the private sector and communities along the northern border) and recommend to Congress and Parliament a consensus agenda of concrete actions to be taken and critical funding priorities in both countries to secure the safety of Canadian and American civilians in a manner that is technologically sophisticated and as unobtrusive as possible to the flows of family, friends and free commerce that are the lifeblood of our future prosperity.

The recommendations of this bilateral and all-partisan Commission would deserve and likely receive swift action from both countries.

Only by working in cooperation with Canada can the United States address the problems identified with Canadian immigration screening and domestic security arrangements that threaten our communities by allowing dangerous persons into our midst. Canadians have their hand outstretched in friendship, and we must not slap it away in stern judgment of previous nonchalance.

In closing, I remind the members of the Subcommittee that our vulnerability along the Canadian frontier is now widely known. The challenge for Canada's immigration and law enforcement authorities is certain to grow as others attempt to follow the road to the United States through Canada that has now been shown to the world to be an easy one to traverse.

As good neighbors, and in our own fundamental national interest, we must pledge to share our greater resources, experience with terrorism and expertise in security issues to help the Canadians to address the threat posed by international terrorism.

This opportunity for action is yours.

Thank you.