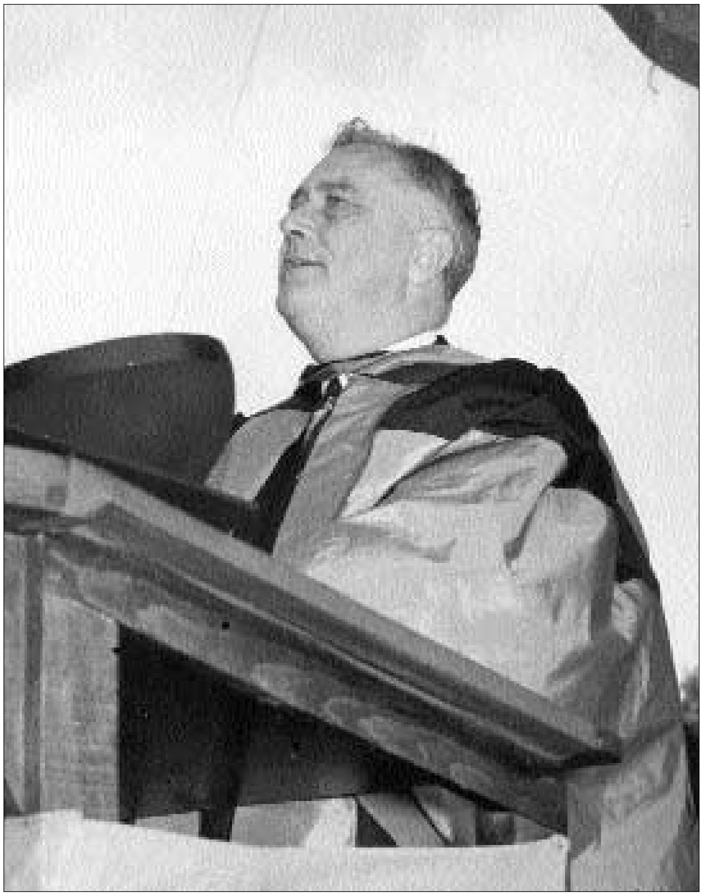

Queen's University Archives: Queen's Picture Collection - Visits

America will 'not stand idly by'. US President Franklin Delano Roosevelt speaking at Queen's University, August 1938.

CANADA AND THE ISSUE OF HOMELAND SECURITY: DOES THE 'KINGSTON DISPENSATION' STILL HOLD?

by Dr. Michel Fortmann and Dr. David G. Haglund

Even before the 11 September 2001 attacks on Washington and New York, there were signs that the structural basis of Canadian-American defence and security cooperation was shifting in such a way as to put a premium once more on territory in the Western hemisphere, and especially on the North American landmass. Some interpreted the signs as evidence that America might again be turning inward. During the early rounds of the Canadian debate over national missile defence (NMD) it was not uncommon to encounter such claims, with more than a few Canadian observers wondering whether a new era of American 'isolationism' was at hand, one whose arrival was being heralded by the novel concept of 'homeland defence' (subsequently expanded to 'homeland security' by early 2001).

There was, of course, an alternative interpretation of homeland defence and its associated menu of policies, including and especially NMD: it and they could have been seen to represent a necessary condition for the maintenance of American global engagement, and thus to be more consistent with 'internationalism' than with its mooted doctrinal antithesis, isolationism. This tended to be an interpretation held only by a few Canadian observers, but the Afghan war provides a basis for concluding that it will turn out to have been the more reliable of the two readings of homeland defence/security.

In this article, we concentrate upon three matters. First, we explain what we mean by the 'Kingston Dispensation', and why we think it is important. Second, we discuss the appearance and evolution of the doctrine of homeland defence. Third, we briefly discuss some of the policy fields in which convergence between Canada and the US might prove to be most controversial. We conclude that while the Kingston Dispensation will likely be under some stress — at least in a few categories not traditionally thought of as being within the domain of security (e.g., immigration and refugee policy) — by and large the normative basis of Canadian-American cooperation will remain intact, given the intensification of concern over homeland security in the US.

WHAT IS THE 'KINGSTON DISPENSATION'?

In mid-1937, at a time when America's grand strategy was decidedly isolationist — by which we mean that the country's leaders and public alike envisioned the possibility as well as the desirability of remaining aloof from the European balance of power — an East Coast internationalist named Livingston Hartley published a book entitled *Is America Afraid? A New Foreign Policy for the United States.*[1] The crux of Hartley's argument was that all attempts at keeping his country from involving itself in the European crisis were doomed to fail, and that hunkering down behind Western hemisphere barricades not only was a cowardly posture for a great

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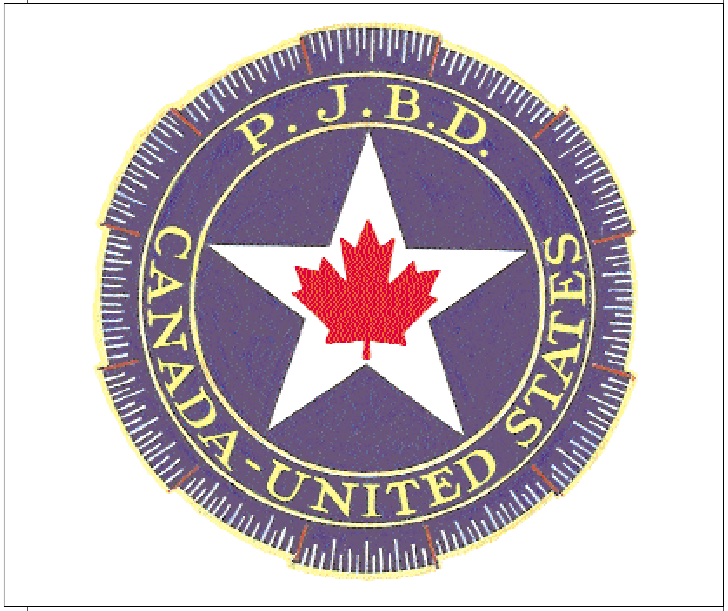
power, it was a disastrous one. Only internationalism, which to Hartley meant crafting security pacts with the European democracies, Britain and France, would suffice to protect America's values and interests — including and especially its physical security interests.

Hartley's advocacy proved precocious, for it took another three years before the Roosevelt administration would make such a security commitment. By the time it did, France had been conquered by Germany. Britain, to whom matériel, financial, and even naval support would begin to be accorded in ever-increasing quantities after August 1940, looked to some to be in for the same fate.



Unlike the US, Canada had been inextricably involved in the European balance of power from the onset of its national existence in 1867 by dint of its political, constitutional and cultural connections with Britain. There were, it is true, advocacies in Canada during the interwar years that the country should emulate America and adopt an isolationist posture of its own,[2] but in the end, the decision to enter the Second World War proved to be an easy one for Prime Minister Mackenzie King to make in September 1939, even though some of his top advisors would have preferred that he decide otherwise.[3] But even before the war's outbreak, it was apparent that the international situation presented some powerful challenges to the bilateral relationship between Canada and the US.

In the event of a divergence between the two countries' strategic approaches to the European crisis, there were going to have to be adjustments made regarding the continent of North America, given that Canada would likely become a belligerent while the US remained (or tried to remain) at peace. What this implied was clearly spelled out by both North American leaders in the year following the publication of Hartley's book. In August 1938, during the height of the Sudetenland crisis and at a moment when war in Europe seemed imminent, President Franklin Roosevelt told an audience at Queen's University that America would "not stand idly by" were the physical security of Canada threatened by a great power adversary, as a consequence of the country's participation in a European war. For his part, Prime Minister King, speaking a few days later (though not in Kingston), pledged that Canada would ensure that nothing it did would jeopardize the physical security of the United States.

Taken together, the two leaders' remarks constitute the crux of what might be called the Kingston Dispensation. Each country understood that it had a 'neighbourly' obligation to the other, not only to refrain from any activities that might imperil the security of the other, but also to demonstrate nearly as much solicitude for the other's physical security needs as for its own.[4] The Kingston Dispensation was not quite an alliance, but it would only take two more years before a bilateral alliance did get forged in North America, at Ogdensburg, New York.[5]

For more than sixty years, the Kingston Dispensation has constituted the normative core of Canadian-American defence and security cooperation. For nearly that entire period, much (though hardly all) of the countries' institutional defence cooperation has taken place far from North American shores, and usually within a multilateral 'internationalist' context. In Joel Sokolsky's apt assessment of the bilateral defence relationship by the latter half of the 1990s, Canadian-American defence cooperation was increasingly going on "over there", within the context of NATO conflict management operations, rather than "over here" on the North American landmass.[6] Yet at the same time that Canada was becoming more engaged operationally with NATO, changes were underway in the international threat environment, suggesting that American strategists might soon be paying more attention to physical security interests within the North American heartland, a theatre of operations that had tumbled into deep eclipse as a result of the advent of the era of intercontinental ballistic missiles by the late 1950s.

EVOLUTION OF A DOCTRINE

Homeland defence (as it was then known) became an increasingly important issue after a series of widely publicized terrorist incidents in 1993 and 1995. The February 1993 bombing of the World Trade Center in New York demonstrated that the continental US was no longer, if it ever had been, immune from terrorist attack. The March 1995 nerve gas attack in the Tokyo subway further demonstrated that terrorist use of weapons of mass destruction (WMD) was not just a distant nightmare. The destruction, one month later, of the Murrah Building in Oklahoma City came as a grim harbinger of the new face of terrorism.[7]

These three incidents, followed by several others in 1996, 1998 and 2000, created a climate of intense interest on the part of the media and the public in the threat represented by terrorism — especially terrorism involving the use of WMD. Public opinion surveys testify to that interest. For instance, in September 1996 a Pew Research Center survey found that 75 percent of the American public believed there was a chance that terrorists could attack the US homeland with WMD; that

60 percent felt a foreign country could launch a nuclear attack against the US; and that more than half considered the country's anti-terrorism laws to be too weak.

In the spring of 1999, Gallup found that the number one threat to American vital interests in the mind of the public was international terrorism (selected by 84 percent of respondents). This figure was up fifteen points from a survey done in 1995. Some 76 percent of the public expressed worry about biological and chemical weapons. Accordingly, a substantial number (75 percent) of respondents indicated that reducing the threat of international terrorism should be the top priority of the US government.[8]

It should not come as a surprise that the rash of terrorist acts of the 1990s also triggered growing official concern with the threat of terrorism to the US homeland. President Bill Clinton, congressional leaders and defence officials were all expressing strong views regarding the growing vulnerability of the US to a variety of possible terrorist attacks. The message that ran across their statements was clear: although the immediate risk of an attack involving WMD might be slim, the odds that such an attack would occur sometime in the future were high. There was official consensus on one important point: the threat of a biological attack loomed by far as the scariest of all the WMD scenarios.[9]

But while the threat may have been growing ever more real to Americans in the late 1990s, it was still far from easy for analysts and policymakers to come up with a doctrine designed to respond to the new challenge. It is true that defining 'homeland defence' could be a simple enough matter. Michael Dobbs, for instance, proposed this straightforward description of homeland defence: the "prevention, deterrence and defense against aggression targeted at U.S. territory, sovereignty, population and infrastructure as well as the management of the consequences of such aggression."[10]

Far more difficult was figuring out what belonged under the new rubric. For some (including many in Canada), homeland security was mainly about NMD; this seemed to be a common link made by members of Congress when they pondered the new doctrine. Others thought of the latter in terms of defending America against terrorist organizations or individuals equipped with WMD. Still others conceived of the problem as being principally related to cyber-defence, i.e., protecting the country's critical electronic infrastructure in an increasingly interconnected world.

In reality, the threats that constitute the agenda of homeland security are simply too many and too diverse to be fitted neatly into a coherent body of doctrine. A former deputy secretary of defense, John Hamre, put it best when he expressed doubt that there could ever be a unified theory or doctrine of homeland defence.[11] The simple truth is that the missions appertaining to homeland security are hybrid by nature.

On the one hand, deterring and defeating aggression against the US, along with national missile defence and the defence of sea, land and aerospace approaches to North America are classic military problems. Interventions in the framework of civil emergencies, on the other hand, are anything but traditional military operations. They may involve a much more complex chain of command. They are governed by many legal regimes (other than the law of war) and require close coordination with federal, state and local authorities. As for cyber-security, this is such a novel domain that it is unclear what the appropriate role of federal authorities, and especially of the defence establishment, may be.

Another challenge inheres in the nature of the adversary, something that became only too obvious with the events of 11 September 2001. Adversaries may be states, but they can also be nonstate actors or individual terrorists, whether foreign or domestic. They could be rational, calculating individuals as we understand those terms, or they may be religious fanatics who are undeterred by the prospect of dying for their cause. They may use conventional explosives or biological, chemical or radiological weapons. Their target can be almost anything, from utilities, water and sewage systems, transportation links and communications, to the population at large. Warning time can be short to nonexistent.

Queen's University Archives

President Roosevelt and Prime Minister Mackenzie King at Queen's University, August 1938.

Given the complexity of the threat as it was being interpreted throughout the past half decade or so, it is hardly surprising that there should have been a variegated governmental response — or set of responses. The White House took the lead with the issuance of three presidential directives between 1995 and 1998: PDD-39, PDD-62 and PDD-63. These were intended to supply policy guidance for combating terrorism and weapons of mass destruction.[12]

Congress followed suit, seeking to translate the rising concern over WMD into practical policy initiatives. The first in a series of congressional budget allocations for several counter-terrorism projects appeared in the April 1996 "Antiterrorism and Effective Death Penalty Act". A couple of months later, on 27 June, with the Al Khobar bombing in Saudi Arabia in mind, the Senate adopted an amendment aimed at "preventing terrorist assaults in the US with Nuclear, Biological and Chemical weapons and at helping cities deal with such attacks if they occurred." More importantly, Congress passed the "Defense against Weapons of Mass Destruction Act of 1996", better known as the Nunn-Lugar-Domenici amendment, in September 1996. Its purpose was essentially to prepare local response personnel to manage the consequences of a terrorist incident in which chemical weapons were used. No fewer than a dozen bills pertaining to various aspects of homeland security were on the congressional agenda in the months preceding the attacks of September 2001.

RCAC(A) Archives

The Canadian Army in 1938: more suited to homeland defence than war fighting.

A major component in the campaign to strengthen homeland security has been money. Since 1995, there has been a significant increase in the public funds allocated to defending the US against attacks using WMD. According to the data provided by the Office of Management and Budget, total funding for all forms of federal action dealing with terrorism rose 48 percent, from $7.6 billion in FY 1998 to $11.3 billion in FY 2000. Total funding designed specifically to deal with the threat from WMD increased even more dramatically during the same period — by 141 percent — from $658 million to $1.5 billion. Amounts allocated to the protection of critical infrastructure similarly rose, from $1.142 billion to $2.027 billion (a 78 percent increase).[13]

Finally, over the past few years you could almost say that homeland security has been studied to death. We counted no fewer than nine official commissions, panels and boards charged with examining homeland defence in all its aspects. This figure does not include the massive studies undertaken by such think tanks as the Center for Strategic and International Studies (CSIS), the RAND Corporation, and the US Army's Strategic Studies Institute. In fact, there have been so many official and quasi-official reports on homeland security that Washington commissioned a further study intended to summarize the conclusions of the other studies.

In the order in which they reported, the nine official studies were:

- the *Report of the Defense Science Board Task Force on Information Warfare* (Washington, November 1996);
- the President's Commission on Critical Infrastructure Protection, *Critical Foundations: Protecting America's Infrastructures* (Washington, October 1997);
- the Rumsfeld Commission, *Report of the Commission to Assess the Ballistic Missile Threat to the United States* (Washington, 15 July 1998);
- the Deutsch Commission, *Combating Proliferation of Weapons of Mass Destruction* (Washington, 14 July 1999);
- the James Gilmore Panel, *First Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction* (Washington, 15 December 1999);
- Judge William Webster's Commission, *Report on the Advancement of Federal Law Enforcement* (Washington, January 2000);
- the Bremer Commission, *Report of the National Commission on Terrorism: Countering the Changing Threat of International Terrorism* (Washington, June 2000);
- the *Report of the Defense Science Board: Protecting the Homeland* (Washington, February 2001); and
- the Hart-Rudman Commission, *The United States Commission on National Security/21st Century* (Washington, February 2001).

As might be expected, the enormous outpouring of money, coupled with the huge volume of studies, laws and regulations, spawned a host of new programs and specialized organizations intended to deal with the terrorist threat in all its aspects. For a time it seemed as if there was not a federal agency anywhere that had not claimed its own piece of the pie. It was this bureaucratic morass that President Bush sought to render manageable by his appointment of Pennsylvania's governor, Tom Ridge, to head the new Office of Homeland Security, in the aftermath of the attacks on Washington and New York.[14]

It is easy to see why it made sense to group together under one office the myriad elements of the homeland security agenda, and even without the shock of

11 September a compelling case could have been made for imposing order on the bureaucratic clutter in this domain. Consider that since the mid-1990s, according to the General Accounting Office (GAO), more than forty federal agencies, bureaus, and offices were involved with homeland security in one way or another. In short, this new security agenda was becoming so widened that much of the old thinking about Canadian-American defence and security cooperation was suddenly in need of comprehensive revision.

CANADA-US DEFENCE AND SECURITY COOPERATION IN THE NEW ERA

It is far too early to state with any precision the direction that debate is going to take, but at least we can advance a few thoughts. The first is the ironic observation that the issue that most used to come to mind when Canadians contemplated homeland security, to wit NMD, is likely to pale in comparison with some of the coming policy challenges.

The September attack on America will have such a huge impact upon the US and its security partners that missile defence cannot help being placed in a vastly altered, yet less controversial, policy setting. This is *not* to argue that 11 September has in any way set back the case for missile defence; quite the contrary, if an estimated threat is conceived as the mathematical product of an estimate of intention and of capability, then it would be inadvisable to the point of sheer folly for any American policymaker to minimize the current adversary's intent to inflict further harm upon the country.[15] And what applies to the foe of the moment will also apply to the foe of the future: 'plan against capability, and assume the most malign intent', will be the order of the day, with a logic that will hold for as long as the memory of 11 September endures. 'Worst-case analysis' will be back, with reason.

Missile defence, notwithstanding the enhanced justification for it if intention is the surest guide for policy, and irrespective of its shedding some of its most controversial implications, will not, however, take shape with either the speed or technological ease envisioned by some of its enthusiasts over the past few years. What will keep it from rapid development and deployment is cost, calculated in terms both of actual budgetary outlays charged against a weakening American economy, and 'opportunity costs' introduced by the comprehensive new agenda of homeland security.

Whatever else 11 September meant, it proved that mass destruction could be wreaked upon American targets by methods falling far short of the more technologically advanced challenge missile defence is intended to combat. Some would even go so far as to say that part of the reason for America's lack of preparedness against the threat that did materialize in the late summer of 2001 was that too much attention was being paid, and too many resources were being allocated, to the threat envisioned to appear in 2011 or 2021. But even if those who make the 'opportunity cost' argument are misguided, there can be no denying that a credible homeland security response will carry with it a price tag that must, *ceteris paribus*, mean a reduction in the amount of time and money available to develop missile defence.

Homeland security is going to feature such a wide variety of initiatives as to provide unprecedented opportunities and challenges to policymakers. Canada will emerge as a country of major import to American physical security for the first time since the early days of the Cold War (i.e., before the development of ICBMs). There will, perforce, be a reduction in the scope for developing certain policies independent of a need for 'harmonization' with American policies (to take just one example, in the area of the processing of refugee claims), and the contradictions of policymaking will be exacerbated as the trade-offs become more clearly identifiable. In that new climate, it will be more than a bit ironic that policymakers in Ottawa should find themselves pining for a more innocent yesterday, when all they had to worry about was developing the most appropriate response to the NMD 'challenge'.

The reason why nontraditional security issues such as immigration and refugee policy will leap to the upper reaches of the homeland security agenda is apparent. It is *not*, as some in the US appear to believe, that Canadian incompetence or indifference to the security implications of human migratory flows somehow led to the 11 September attacks on America. This is not to claim that Canadian diligence in this area was particularly laudable (and anyone who watched the hard-hitting CBC documentary on the Ahmed Ressam affair, "Trail of a Terrorist", will understand how inept Ottawa could be when it came to letting Al Qaeda operatives slip into — and out of — the country).[16] But it *is* to claim that neither were American intelligence services or American policies any better situated in respect of preventing the attacks. Ineptitude reigned on both sides of the line, and neither Ottawa nor Washington could claim any bragging rights prior to 11 September.

The issue is how the two countries adjust to the new threat environment. Here the preliminary evidence seemed to be that America was taking the challenge more seriously than Canada, as one would have expected it to, given that the US and not Canada was the target of the terrorist attacks. For a time it even seemed as if Ottawa was more committed to protecting Canadian sovereignty than to ensuring Canadian and American security, and there was much early official rhetoric, after 11 September, focused on Canadian 'values', whatever these were supposed to be.[17] But soon it became clear to Ottawa that there might be a price to pay in terms of a more rigid, more controlled, border, with all that this might imply for a country that enjoys a trade surplus of some $35 billion (Canadian) with the US in an age when 'just-in-time delivery' has become a growing commercial necessity. Moreover, and to the surprise of a Chrétien government that prided itself on knowing the public mood, it also became clear that most Canadians were prepared to cede some sovereignty over the border in exchange for greater security.[18]

So the current mood in Ottawa has become more supportive both of combating terrorism — to the chagrin of the country's civil libertarians — as well of creating a more open border, even if the case for doing the latter within the context of a North American 'security perimeter' remains muted (though the pressure for such a perimeter is growing in some circles, especially within provincial governments and the country's business community).[19] It seems unlikely to us that there will be a more porous border anytime soon, at least not until the worst fears generated by the current crisis have subsided. Indeed, from the point of view of security (though not trade), it is a good thing that the border has become tougher to cross; it constitutes one more arrow in the quiver of those who must root out the Al Qaeda cells in North America.

CONCLUSION

The temporary hardening of the border will not mean that the Kingston Dispensation has become irrelevant, for the good reason that the latter's existence never did entail a common security perimeter in the past. Thus, there exists no logical reason for it to do so in the future. Besides, there has always been a large element of cant in the claim that the Canada-US frontier represents, as the slogan puts it, the "world's longest undefended border". For those who grew used to travelling across borders in Western Europe over the past two decades, the Canada-US border really was, comparatively, a barrier. The claim that somehow it was not a barrier constituted, instead, the world's longest-standing indefensible cliché.

Nevertheless, there would seem to be, over the longer haul, a definite logical link between the porosity of the border and the sustainability of the Kingston Dispensation. For if the border stays relatively hardened — if it remains 'Mexicanized' — for too long a period, this will have to be taken as *prima facie* evidence that the normative basis of Canada-US security cooperation has eroded, with all that this must signal to governments on either side of the line. We doubt that such a signal would be something any Canadian government would wish to receive, nor would it be something any American government would desire having to send. Thus we conclude that, not without some strains, the Kingston Dispensation will hold.

NOTES

We are grateful for research support provided through the Security and Defence Forum (SDF) of the Department of National Defence.

1. Livingston Hartley, *Is America Afraid? A New Foreign Policy for the United States* (New York: Prentice-Hall, 1937).

2. See David G. Haglund, "Le Canada dans l'entre-deux-guerres, " *Études internationales* 31 (December 2000) pp. 727-43.

3. See John MacFarlane, *Ernest Lapointe and Quebec's Influence on Canadian Foreign Policy* (Toronto: University of Toronto Press, 1999).

4. For one Canadian's succinct statement of the problem from the US perspective – namely that Canadian belligerency potentially forced Washington to "choose between a war over Canada and abandonment of the Monroe Doctrine" – see John MacCormac, *Canada: America's Problem* (New York: Viking Press, 1940), p. 13.

5. Norman Hillmer and J. L. Granatstein, *Empire to Umpire: Canada and the World to the 1990s* (Toronto: Copp Clark Longman, 1994), pp. 159-61.

6. Joel J. Sokolsky, "Over There With Uncle Sam: Peacekeeping, the 'Trans-European Bargain', and the Canadian Forces," in *What NATO for Canada?*, ed. David G. Haglund, Martello Papers 23 (Kingston: Queen's University Centre for International Relations, 2000), pp. 15-36.

7. Richard Falkenrath, "Problems of Preparedness: U.S. Readiness for a Domestic Terrorist Attack," *International Security* 25 (Spring 2001), p. 161.

8. Data cited in this and the preceding paragraph can be found in Eric V. Larson and John E. Peters, *Preparing the U.S. Army for Homeland Security: Concepts, Issues, and Options* (Santa Monica: RAND, 2001), pp. 17-21. Also see John E. Rielly, "Americans and the World: A Survey at Century's End," *Foreign Policy*, No. 114 (Spring 1999), pp. 97-114; David W. Moore, "Fear of Terrorism Affects Many Americans' Plans for New Year Celebration," *Gallup Poll Monthly*, No. 411 (December 1999), p. 54; Idem, "Americans Brace Themselves Against More Terrorism," *ibid*, No. 355 (April 1995), pp. 2-5; and Keating Holland, "Poll: Many Americans Worry about Nuclear Terrorism," 16 June 1998, http://www.cnn.com/ALLPOLITICS/1998/06/16/poll, updated 12 June 2001.

9. Ashton B. Carter, John M. Deutch, and Philip D. Zelikov, "Catastrophic Terrorism: Tackling the New Danger," *Foreign Affairs* 77 (November/December 1998), pp. 80-94; Steven Simon and Daniel Benjamin, "America and the New Terrorism," *Survival* 41 (Spring 2000), pp. 59-75.

10. Cdr Michael Dobbs, USN, "New Challenges for an Old Responsibility," http://www.homelanddefense.org/journal/

11. John Hamre, "A Strategic Perspective on U.S. Homeland Defense", in *Papers from the Conference on Homeland Protection*, ed. Max G. Manwaring (October 2000), http://carlisle-www.army.mil/

12. See United States Presidential Decision Directive 39, "Counterterrorism Policy," 21 June 1995, http://www.fas.org/irp/offdocs/pdd39.htm; United States Presidential Decision Directive 62, "Protection Against Unconventional Threats to the Homeland and Americans Overseas," 22 May 1998, http://www.ojp.

13. Anthony Cordesman and Arleigh Burke, *Defending America: Redefining the Conceptual Borders of Homeland Defense* (Washington: Center for Strategic and International Studies, 14 February 2001), pp. 247-48; "The Fiscal Year 2001 Pentagon Budget Request," http://www.cdi.org/issues/usmi/highlightsFY01.html.

14. See the special report, "Homeland Security," *Defense News*, 29 October-4 November 2001, pp. 33-50.

15. By current adversary we mean radical Islam.

16. Originally broadcast in Canada on 21 September 2001, it was shown in the US on PBS a month later.

17. Shawn McCarthy and Campbell Clark, "Canada Will Make Its Own Laws, PM Vows," *Globe and Mail*, 20 September 2001, pp. A1, A6.

18. André Picard, "Most Want PM to Cede Sovereignty over Border," *ibid*, 1 October 2001, pp. A1, A16.

19. Robert Benzie, "Premiers Push EU-Style Perimeter," *National Post*, 3 October 2001, pp. A1, A6.