



The World Trade Center in ruins, 11 September 2001.

SECURITY THREAT AT THE BORDER BETWEEN CANADA AND THE UNITED STATES: A QUEST FOR IMPOSSIBLE PERFECTION

François Gaudreault

Introduction

The terrorist attacks of September 2001 (9/11) in the United States deeply shocked the nation and its allies. This event completely changed the world dynamic and deeply modified politics in North America. The US government, which had been taken by surprise, has taken major steps to ensure the safety of its population since then.

The new political imperative that resulted in the United States could be best summarized as “national security first.” Massive investments, deep institutional restructuring, and considerable policy changes have characterized this new quest for what could be called ‘perfect security.’ What were previously viewed as multilateral partnerships, based upon negotiation and mutual benefits, are now what Frank P. Harvey, a professor at Dalhousie University, categorizes as unilateral decisions, based upon “Homeland Security” imperatives.¹

Probably the best example is the border between Canada and the United States, which has been, for decades, referred to as the “longest undefended border” in the world. It is now in a process that, according to Deborah Waller Meyers of the Migration Policy Institute, should be seen as a “militarization.”² The first goal of this new border policy is to keep threats, mainly terrorism, outside, and to prevent them from entering the country.

Canada has also followed the path of adapting its border policy for security and counter-terrorism, as a responsible neighbor, major trading partner, and as a close ally.³ But in the eyes of many in the United States, and even in Canada, Ottawa is not doing enough to fight terrorism. Some observers still see Canada as too weak on terrorism and guilty of not taking the threat seriously enough.⁴

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Canada is the foremost trading partner of the United States, with a 8895 kilometre-long common border and 133 ports of entry, where over 200 million people cross every year and \$1.4 billion worth in trade is conducted every day.⁵ Due to that huge flow of goods and people, and the impossibility of positively controlling the entire border, the Department of Homeland Security (DHS) considers the Canada-US frontier a weak link in US national security. More security efforts are expected from Canada by Washington to match the already-implemented US security and anti-terrorism measures.

At this time, the dilemma for Ottawa is the following: continue to expand the security and anti-terrorism budget and efforts, even if it is unpopular with Canadian citizens, and regardless if it goes against the national agenda; or spend less on security but be prepared to see economic exchanges with the US decline. Since the key to this dilemma is based upon the perceived terrorist threat level in Canada, the main question should be: does the known terrorism threat at the border between Canada and the United States justify more security investments from both governments?

The missing element in both Canadian and American policies with respect to security is an end-state. At what point will the security at the border be sufficient, and at what point will the costs surpass the benefits? The hypothesis behind this article is that important improvements have been made in securing the border since 9/11, and that any new investments should be allocated, based upon a well-planned decision process that will take into account

the myriad factors involved, not just the political imperative of 'doing something.'

To that end, the purpose of this article is to determine if the improvements in security at the border since 9/11 are sufficient to meet the 'reasonable level of security' expected by Canada's citizens, as well as how to plan new investments and commitments. Its scope will be limited to the terrorism threat, and not the other threats, which consist primarily of criminal activities. In the context of this article, the expression 'reasonable level of security' refers to the tools and measures necessary to *prevent* or to *intercept* terrorism before it reaches the United States, while simultaneously maintaining an open border, which permits trade and travel between the two nations.

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Discussion

In past studies, several authors have provided information with respect to the status of the border before 9/11, and they provide a good benchmark for viewing the changes that have been effected since 2001. Jason Ackleson of New Mexico State University, in his paper, *From Thin to Thick*, refers to the US-Canada border before 9/11 as "...at best, a thin, relatively weak legal boundary."⁶ All the focus at the time was based upon economy and trade between the two countries. He presents a list of economic agreements, all intended to "...facilitate trade, coordinate policy and efficiently manage the border."⁷ Those agreements permitted a major increase in exchanges, as reported



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The Ambassador Bridge, which connects Detroit, Michigan, to Windsor, Ontario. A 2004 Border Transportation Partnership study affirmed that 150,000 jobs in the region and US\$13 billion in annual production depend upon this border crossing.

by retired US Colonel C.P. Stacey in his article, *Undefended no More*. The trade statistics rose to 80 percent of Canadian exports going to the US, and \$250 billion worth of imports generated each year. The number of people crossing the border also grew to over 200 million a year, with the Windsor-Detroit border crossing having the highest transit volume in the world.⁸

With respect to the security aspect, an accurate summary of the border status pre-9/11 has been provided by Brigit Matthiesen, Senior Advisor to the US Government and her panellists from the *Safe and Secure Canada-United States Border Conference*, held in 2009.⁹ At that time, Canadian border agents were not armed, and they were often stationed alone at any given border post. There was also very minimal communication between the Canadian and US border agencies, and there was very little intelligence sharing between border agencies, but also with other Canadian law enforcement organizations.

Some observers espouse an insufficient commitment to security on the part of Canada. York University professor Daniel Drache, in *Borders Matter: Homeland Security & the Search for North America*, presents the attitude of the Canadian government as still treating border politics as an economic issue.¹⁰ CP Stacey also cites a 2004 DHS report that refers to the Canadian border as being, "...too porous and poses a threat to US security."¹¹

On the policy side, some consider the Canadian attitude as being too liberal. Paul Rosenzweig, ex-Assistant Secretary for International Affairs for the DHS, wrote an article entitled, *Why the US doesn't Trust Canada*.¹² In this article, he denounces several Canadian policies as being too liberal with respect to the terrorist threat. He gives as an example the Canadian asylum policies, which, he believes, permits visa-free travel to the citizens of too many countries. Kent Roach of the University of Toronto also presents major differences between Canadian and American anti-terrorism policies. According to Roach, "[The] Canadian Counter-Terrorism Act is more respectful of human rights, its definition of human rights, preventive arrests, investigative hearings and secrecy provisions are more restrained than those of some other democracies."¹³

Other papers touch upon the lack of security through public opinion. Deborah Waller Meyers, in her paper, *Does 'Smarter' Lead to Safer?*, discusses the perception in the United States that: "Canadian think security and border issues are only a US problem and that Canadians are not taking seriously enough the security issues."¹⁴ Frank P. Harvey also cites a 2005 Ipsos-Reid poll that professed that around half the American and Canadian population believes that Canada is not doing enough to secure its border.¹⁵

On the other hand, some authors consider the Canadian contribution to security and counter-terrorism as being sufficient. Ackleson cites the Integrated Border Enforcement Teams (IBETs) that have been created to patrol the border. The IBETs provide an

"...integrated intelligence and tactical approach that combine law enforcement and counter-terrorism."¹⁶ Those teams have greatly improved cooperation and efficiency at the border, particularly between the ports of entry. Deborah Waller Meyers also cites the NEXUS and US-VISIT systems as being a successful way to combine security and ease of travel.¹⁷

John A. Winterdyk of Mount Royal University, and Kelly W. Sundberg, President and CEO of the International Institute of Criminal Justice Research, present most of what has been done by both countries to secure the border, and to fight terrorism. Their assessment is that all the investments and policy changes have not created the promised secure environment, have caused multiple human right violations, and have struck serious blows to North American politics and democracy. For them, "Canada and the US have both taken dramatic steps to secure their borders from possible outside threats. What will be the long term cost?"¹⁸ Warren Coons, director of the IBETs in Canada, confirms that "...national Security is the number one priority of all law enforcement agencies in both countries."¹⁹ But for him, even with national security as the priority, the main threat at the border is criminality. Harvey also comments upon the Canadian national security policy. The government's priority is closely aligned with that of the Americans: countering international terrorism and preventing the proliferation of weapon of mass destruction (WMD).²⁰ Harvey regards those priorities as nonsense, since most Canadians do not believe them to be the most important security threats to Canada.



The Peace Arch Border Crossing at Surrey, British Columbia.

Another concept that surfaces in most of the research is the idea that perfect security is impossible. No matter how much money is invested in security, there will always remain a risk of failure. As Meyers states: "...there is no single realistic action that can be taken at borders that can prevent, with 100 percent certainty, another terrorist incident."²¹ Harvey postulates that the US government will only be satisfied with perfect security, which is impossible to obtain. For that reason, he believes that spending will continue to increase, even if the goal will never be reached. He pushes the

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On 6 October 2011, border patrol agents monitor a freight train entering from Canada on the International Railroad Bridge in Buffalo, New York.

idea even further, concluding that with all the resources invested in security since 9\11, if another attack was to happen, which is inevitable in his eyes, the public would automatically accuse the authorities of not doing enough, and this creates the need to spend even more. In essence, this would create a spiral wherein colossal amounts of money would be spent, again, for minimal gains. For Harvey, in this game, the terrorists have the upper hand, since small actions would have enormous consequences.²²

Winterdyk and Sundberg also bring another interesting concept, stating that the border policy, the massive security spending, and the constant repetition to the public that there is an important terrorist threat at the border, might, through the concept of “moral panic,” create a real and *superior* threat.²³ This concept was introduced by British criminologist Jock Young, and it refers to the sociological reaction to intense media coverage of a public issue. Even if the issue does not really exist, over time, people will start to emulate what they see or hear, and eventually, it will create an issue that was not there in the first place.²⁴

Finally, one of the critical aspects of the problem seems to be missing from most of the research examined, namely, is there a terrorist threat within Canada? A few authors refer to it, implying that there is little proof that there are terrorists in Canada. Rosenzweig implies that since Canada has very liberal immigration and visa policies, it would be much easier for members of terrorist groups to enter and live in Canada.²⁵ However, he does not provide evidence to confirm this claim. The most publicized case is when known-terrorist Ahmed Ressam tried to enter the US with a car packed with explosive material in 1999.²⁶ It is, in fact, the only publicly-known case of a terrorist trying to cross the border from Canada into the United States.

The clearest reference to a terrorism threat was found in a book entitled *Cold Terror: How Canada Nurtures and Exports Terrorism around the World*, written by Stuart Bell, a Toronto journalist who specializes in terrorism and security issues.²⁷ In his book, Bell refers to Canada as a breeding ground for terrorism. He believes that many of the most dangerous terrorist organizations have members in Canada, and that most of the deadliest attacks committed during the 20th Century had ties to Canada.

The literature with respect to border policies and security is abundant, and it also covers a wide spectrum of opinions and concepts. There is no consensus on the subject, and no clear trend that could show if public spending is sufficient, or even if the terrorist threat is real. This is likely due to the great difficulty associated with clearly defining what is ‘enough’ security. There is only minimal mention of the critical issue, at the policy level, of not providing an ‘end state,’ or an optimal security level where all the goals would be met. This is critical, because without such direction, spending will continue to spiral upwards, in order to try to fill the bottomless pit of the ‘perfect security’ fantasy.

What has changed since 9\11?

Many new laws and policies were put in place following the 9\11 attacks, most of which can be qualified as ‘unilateralism’ on behalf of the United States. Many of them had a direct impact upon the Canada-US border. The first and most important was, in 2001, the creation of the DHS, an organisation that brought together all the agencies charged with US security, “domestically, continentally and globally.”²⁸ Its objective remains the protection of the United States, and it has the authority to take any measures necessary to ensure that protection. DHS is a massive organisation with over 216,000 employees and a growing budget, which blossomed from \$20 billion in 2001, to \$57 billion today.²⁹ The DHS has basically nullified most of the previous border accords and put in place new rules, which both Canada and Mexico are obliged to follow. Those rules were put in place with no consultation with either Canada or Mexico. This unilateralism generated a deep economical impact, since the entire import-export industry of all three nations had to adapt to new costs and regulations. With the creation of the DHS, the number of agents at the border with Canada tripled. With this increase in personnel, the number of inspections also greatly increased, with expanded technological monitoring and new grounds for exclusion of entry into the US.³⁰ As part of the new rules pertaining to border operations, visitors from more than 50 countries now require visas to enter the US,³¹ and Canadians, as of 2009, require a passport to cross the border. The passport policy has been pushed even further, whereby Canadians born outside Canada also require a visa to enter the US.³² In a 2002 case, Syria-born Canadian citizen Maher Arar was arrested while

travelling in the US. Arar was then deported to Syria, without notification being given to the Canadian authorities.³³

New regulations also affect the commercial transports crossing the border. Since North American transportation system is integrated, “Canada and Mexico were informed that the entire continental transportation system had been re-regulated.”³⁴ All transportation companies have had to adapt to new rigorous security standards, including pre-clearances and pre-inspections by American personnel, new charges, and new delays at the border. The truck drivers themselves must also be cleared before they are permitted entry.

The security measures now in place at the border constitute a layered approach, whereby intelligence sharing between Canada and the US permits interception of a threat before it reaches the border. In several cases, DHS has also deployed custom and security personnel away from the border in order to intercept illegal immigration attempts. Road blocks, searches, and interrogations are conducted, even as far-ranging as 100 miles south of the border. As reported by US journalist Colin Woodard, in the State of New York, in some regions without access to the border, the number of customs and immigration agents has been increased, often resulting in a very aggressive presence near universities where foreign students are being actively monitored.³⁵

Canada has followed the wave of security reforms since 9/11. Some bilateral accords have been signed, principal among them the Smart Border Accord of 2001, but most of the measures constituted ‘mirror imaging’ of the US measures. Bills C-11 (Immigration and Refugee Protection Act), and C-36 (the Anti-terrorism Act), closely resemble the American Patriot Act and the National Security Act in their *intent*, even if their *application* is more limited in Canada.³⁶ In 2003, Canada created the Canadian Border Services Agency (CBSA), which is the Canadian organizational parallel to the DHS. The Canadian rationale for placing multiple agencies under one umbrella was to “...create important synergies between national security and emergency management, corrections and crime prevention, justice information networks and law enforcement agencies,”³⁷ improving efficiency, data and intelligence sharing, and facilitating cooperation with the DHS.

Canada had also previously invested additional resources in the Joint Canada-United States Integrated Border Enforcement Teams (IBETs), created in 1996. These teams permit the monitoring of the large and problematic regions of the border that lie between the official ports of entry by law enforcement specialists from both nations. Canada also joined the US Foreign Terrorist Tracking Task Force. Based upon the success of this organization, Canada agreed to review its immigration and visa policies, and also increased the number of its immigration officers deployed overseas.³⁸

Other Canadian security and anti-terrorism initiatives have included the Anti-Terrorism Plan, which provided an extra C\$5 billion to “...increase staffing of RCMP, Customs and Immigration, improve screening of immigrants, refugee claimants and visitors, enhance infrastructure protection and emergency preparedness, address border-security and increase the use of detention.”³⁹ Canada also created the Border Infrastructure Fund, providing C\$ 600 million to improve the physical security of the border posts. The border posts are also manned by extra personnel, *and they are now armed.*⁴⁰



Canadian Prime Minister Stephen Harper greets Canadian border guards after arriving at the Canadian/U.S. border crossing in Cloverdale, B.C., 31 August 2006. Harper had just announced that Canadian border guards would be armed like their U.S. counterparts beginning in September 2007.

Reuters RTTRIGV56 by Andy Clark

Success and Failures

Following more than a decade of investments and new regulations at the border, both successes and failures have transpired. On the American side, there is now a layered verification approach, allowing inspections and verification distant from the border, usually before shipments leave the country. This approach greatly improves the security of the frontier, since it tends to avoid last minute surprises and it helps the different agencies involved to maximize the use of intelligence.⁴¹ On both sides, intelligence is now better utilized



Reuters RTXOWFO by Todd Korol

A U.S. border agent watches video monitors of cameras placed along the U.S. and Canada border at the American border crossing, Sweetgrass, Montana, 28 May 2009.

through information sharing between the two nations and the different agencies involved in border security. This has been facilitated by the creation of those centralized organisations, the DHS and CBSA, resulting in less duplication of personnel and responsibilities, and an (intended) standardization of the databases being utilized. These initiatives help in the interception of threats before they get to the border, a capability which was nearly impossible in the past.⁴²

Several initiatives have been put in place to minimize the effect of the extra security measures on the economy. Programs such as the Canadian NEXUS and the US-VISIT are now in place, permitting travelers that cross the border frequently to get a pre-clearance card and save time when crossing.⁴³ Similar programs have been introduced by the US for the commercial ground shipping, under aegis of the Customs-Trade Partnership against Terrorism (C-TPAT). This program permits shipping companies to be certified by US custom agents, thus avoiding further border inspections and delays.⁴⁴ It provides more stability for import/export between Canada and the

US, since most supply chains are based upon 'just in time' delivery of goods, which make additional delays at the border very costly.⁴⁵

“In 2003, Canada created the Canadian Border Security Agency (CBSA), which is the Canadian organizational parallel to the DHS.”

The IBETs also constitute a significant improvement to securing the border, especially at those most vulnerable spots between the border posts. These units permit cooperation between the many national agencies on 'both sides of the fence.' Intelligence sharing through the IBETs now results in the interception of thousands of people that would have been able to cross undetected in the past. According to Warren Coons, Canadian Director of IBETs, the teams have been successful in thwarting several terrorist attacks while they were still in the planning process.⁴⁶

Unfortunately, a number of initiatives have also been qualified failures. On the US side, DHS has been accused many times of wasting funds, lacking effectiveness, and even, of corruption. In 2008, American radio media reported that the organization faces low morale, misses deadlines, and has questionable successes.⁴⁷ Earlier, a 2005 DHS report stipu-

lated that millions were misspent by the organisation, and that 146 personnel had been arrested for accepting bribes.⁴⁸ One of the most questionable programs initiated by DHS was the SBINet 'virtual fence' program. Developed by Boeing, the program was eventually cancelled after generating a \$400 million cost overrun.⁴⁹

On the Canadian side, CBSA has also experienced its failures. In 2007, 1200 students were hired under a summer employment initiative to work at different border crossings. However, these temporary workers critically lacked the experience and the maturity required for the job. Many incidents occurred, caused by irresponsible or inappropriate actions by these young employees. CBSA regular employees also lost some credibility when in 2007, the media reported that one-fifth of the border agents failed their firing tests.⁵⁰ Maclean's magazine has also accused CBSA of using most of its resources to maximize the revenue generated by the border, and less upon actual security.⁵¹ To cite a specific occurrence from 2007, the US Accountability Office conducted a security check, wherein two of their agents crossed the border with "a bag that looked like radioactive material,"⁵² without it being detected by Canadian border agents.

There have also been two major failures with respect to intelligence sharing between CBSA and DHS. The first is the actual incompatibility of the different databases that are being used by the agencies, which makes the sharing of information very difficult and inefficient. The second problem is the apparent conflict between intelligence sharing and privacy protection. The DHS require personal information on Canadian citizens for security and screening purposes, but there are no agreements as to what will be done with this information once it is in American hands. Fundamentally, there is no clear understanding on what information can be *shared*, and what should be *protected* under privacy laws.

Finally, the 2004 Canadian Auditor General's report criticized the Canadian government for the way it handled its security spending immediately after 9/11. The report found no evidence that any threat assessment had been produced after 9/11, and that the policies and investments generated in its wake were not based upon known requirements, but rather, upon a perceived urgency to 'do something.' The report also noted that money and efforts were often poorly focussed, resulting in little progress with respect to security.⁵³

What is known about a terrorist threat in Canada?

Reference is often made to terrorist activities in Canada, but overall, supporting evidence is difficult to find. Even if some describe the situation as extreme, most experts consider the threats to be questionable.⁵⁴ A few concrete examples, such as the case of Ahmed Ressam, do not constitute a compelling trend, considering that more than 200 million people cross the border every year. DHS reported that between 2004 and 2007, it intercepted 1160 foreigners with prior criminal convictions, or who "...pose a security threat" to the US.⁵⁵ What has not been qualified is the number of suspected terrorists considered within those 1160 persons. Without it, it is impossible to judge success in securing the border. "Security threat" is a very generic term which does not necessarily relate to terrorism.

Authorities assure us that they are able to stop terrorists before they act, but very little is reported to the public, so it is even harder to assess such success. The US Custom Agency reports that on an average day, they seize over 7000 pounds of drugs. Further, every day, 800 persons are denied entry into the US, but the reasons for denial are not made available to the public.⁵⁶ Those are successes, mostly against criminal activities, but the number of interceptions and denied entries are also due to the new rules with respect to visas and passports, which have expanded the reasons to deny entry. Thus, these statistics, taken by themselves, cannot be seen as good indicators of a terrorism threat.

A legitimate concern for a potential threat is the border itself. Its varied geography makes it very complex to monitor, and even with the IBETs, there are still major portions of the border that are vulnerable to illegal activities.⁵⁷ What makes the problem even worse is the infrastructure in place at the ports of entries, which is "significantly outdated."⁵⁸ There is reasonable concern from the authorities on both sides of the border with respect to being able to ensure an entirely secure frontier. But it is also accepted as a reality of life that *completely* securing the longest undefended border in the world is simply not practicable.

Conclusion

By researching through official documents and academic literature, it is possible to better understand security issues as they relate to the border. There has been important progress in term of securing travel and economic activities. It is now more layered, better staffed, and more coordinated. And intelligence sharing is better than ever. Unfortunately, there are still some gaps. Massive organisations such as DHS and CBSA will always be plagued with bureaucratic problems, and human factors will always enter into the equation. The length of the border is also a major issue, but this has always been the case, and it is well recognized that a complete surveillance of the border is effectively impossible.

The most difficult aspect to assess is the success of the funds allocated to the overall security of the border. Billions of dollars have been invested from both governments to improve security, which was clearly deficient before the 9/11 attacks. Unfortunately, with a terrorism threat which was so difficult to assess at the time, it was difficult to determine what security measures were required to 'fix' the assumed weaknesses at the border. For the same



Enforcement and Removal Operations officers, with assistance from federal, state, and local counterparts, arrested more than 3100 convicted criminal aliens and immigration fugitives during a six-day nationwide 'Cross Check' enforcement operation, 5 April 2012.

U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement



Reuters RTR2HBEE by Andy Clark

Ship MV *South Sea* with an estimated 490 suspected Tamil refugees arrives in Colwood, British Columbia, 13 August 2010. Authorities intercepted and boarded the ship after it entered Canadian waters.

reason, it is still extremely difficult to assess what future measures are required, and what funds are reasonably necessary to meet an optimal level of security.

As expressed by Deborah Waller Meyers, “We must acknowledge the possibility of future attacks and take every reasonable action to prevent them as well as respond to them. But we must remain a society open to visitor and trade and true to our democratic heritage.”⁵⁹ Considering the level of cross border traffic, a security failure of some measure is impossible to avoid indefinitely. It is unfeasible to attain a *perfect* security system which would prevent *all* terrorist attacks. With those facts in mind, extra care should be taken with respect to the implementation of future security measures, but spending at the border cannot constitute a bottomless pit generated by a pervasive need just to ‘do something.’ If too much is needlessly invested, a future attack, even a small one, will

significantly erode public confidence, and pressure will trump even more security investments to bring back the lost trust.

Certainly, the terrorist threat must continue to be addressed vigorously and innovatively, not necessarily just by more security measures, but also by a better understanding of the actual threats and by objective and accurate reporting to our respective citizens. If the media and the authorities continue to propagate the idea that Canada is a fertile ground for terrorism, and that terrorists can walk freely and unchallenged on Canadian soil, it might well encourage actual terrorists to do so, thus creating a ‘self-fulfilling prophecy.’

Finally, there are several examples that can offer pointers with respect to ways in which to counter terrorism. Most of the recent attacks that struck the Western world, Madrid in 2004, London in 2005, and Moscow in 2011, were all committed by terrorists born in the country of occurrence. Even if better border security had been in place, it probably would not have affected the outcome. Another good example is the situation in Israel. No matter how much security is added, including a physical wall between Israel and the Palestinians, the attacks continue. Even worse, the constant state of security in Israel is believed to be part of the reason why the attacks continue.⁶⁰

Unfortunately, this article cannot offer a satisfactory answer to the question: does the known terrorism threat at the border between Canada and the United States justify more security investments from both governments? Investments and improvements have indeed been made, and the border is much more secure than it was before

the 9/11 attacks, but our respective economies have since suffered. Without a better understanding of the threat itself, and a clear understanding of what the ‘reasonable level of security’ should be, unfettered increases in spending would neither be rational nor constructive. Unless both governments can agree upon what would constitute an acceptable level of risk, security investments will never stop increasing, since *absolute* security is an impossible ideal.

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Image gallery <cbssa-asfc.gc.ca>

A CBSA detector dog and handler inspect the trailer of a commercial vehicle.



CBSA officers prepare for the inspection of a deep sea vessel.

NOTES

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