

2004

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Recommended Citation

Hugh Segal, *Beyond the Maginot Line: The Real Borders of Freedom and Security*, 10 LAW & BUS. REV. AM. 335 (2004)

<https://scholar.smu.edu/lbra/vol10/iss2/4>

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BEYOND THE MAGINOT LINE: THE REAL BORDERS OF FREEDOM AND SECURITY

US-CANADIAN SECURITY RELATIONS CONFERENCE

PANEL 1: BORDER ISSUES US-CANADIAN BORDER RELATIONS:
PARTNERSHIP OR PREDICAMENT

*Hugh Segal**

MY purpose in this presentation is not to bring new expertise to the challenges of border management. There are others here who, on this panel and others, can add immeasurably more to that aspect of our discussions. I intend, instead to suggest that in spite of the outstanding and hard nitty-gritty work done on border management by both governments, and by the private sector – reflecting extraordinary accomplishment in a relatively brief time frame, or, perhaps because of all that has been accomplished, it is time to think hard about whether we are understanding the border issue in its full dimension.

I understand and accept that the Border has become a key measure of the battle against terrorism in both countries. Relative to what Canada's general stance should be on anti-terrorism engagement I am attracted by what Andrew Richter of University of Windsor, wrote in the recent Dalhousie Centre for Foreign Policy monograph entitled "Independence in an Age of Empire." In an article entitled, "The Invisible Country" Professor Richter put it this way on page 265: "In the present war on terrorism I believe that Canada should co-operate with the United States because it is the right thing to do. Canada, like the United States is a potential target of terrorists, something that the Canadian government would prefer Canadians not think about (even if terrorists have shown no similar unwillingness). Groups like Al Qaeda despise Canada almost as much as they hate the U.S. Canada stands for everything such groups abhor: free people making free choices, in a secular state where women have equal rights to men.

It is time that Canada's political leaders understood that fact, and it is similarly time for Canada's citizens to realize that this is not a war of radical Islam against the U.S. It is a war that pits democratic and secular peoples against those who do everything in their power to kill them. Ca-

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nada has no choice regarding which side it is on in this conflict, and the sooner Canadians understand that fact, the more likely it is we will begin to reclaim some of the international standing we have most recently lost.”

That being said, I want to raise with you my concern about how we view and understand the border challenge. The Maginot line of fortification built from the Swiss border to the Belgian, and, named, unhappily for him, for Andre Maginot, who was France’s Minister of War from 1929-1932, was built to be impregnable, was never finished, and was not complete by the outbreak of new hostilities in 1939. It was designed to respond to the technologies and battle plans of the 1914 war. It was utterly useless in the face of the Nazi blitzkrieg of 1939. 7 billion Francs were invested in the line. It had three interdependent fortified belts with anti-tank emplacements and pillboxes. Rommel and Van Rundstedt went through the heavily wooded and semi mountainous areas of the Arden and evaded the line completely.

There has been increased funding of at least thirty billion US dollars to the Department of Homeland Security since 2001. A host of new programs have been constructively put into place by Canada and the United States, aimed at tracking and apprehending the guilty, or those with personal patterns that reflect greater terrorist risk, while expediting the trans-border movement of the assumed innocent, the honorable and where possible the pre -cleared, pre-filed, or pre-inspected and certified. Canada has created a new Canada Border Services Agency, on December 12, 2003 as part of the new portfolio of Public Safety and Emergency Preparedness. The new agency will be responsible for 75 different laws, including customs, intelligence, and enforcement from Citizenship and Immigration, and Import Inspection at Points of Entry from Canada’s Food Inspection Agency. In the immediate post 9-11 federal budget in Canada, then Finance Minister Martin approved eight billion new dollars for various aspects of security.

There are roughly two hundred million travelers who cross the Canada-US border every year. All of the above invites us to ask some serious questions about border infrastructure and what the real protections are against the random mass murder of our residents by terrorists. And to assess the extent to which the Border focus may be an unwitting focus on the most convenient as opposed to the most salient points of our real vulnerability. Let me connect for a moment a core defense theory and a compelling aspect of human nature:

A. It is always better, according to conventional defense theory, to fight the enemy as far away from home as humanly possible. A partial victory or defeat abroad is always better than a successful engagement at home – because the latter will cost innocent civilian lives at home- the least acceptable defense option as long as any other option exists.

B. Threats to any institution are always externalized. University presidents blame governments for internal financial pressures, investors blame regulators, public health officials blame far away sources

of virulent infections, unions blame greedy employers, shareholders blame management, families blame schools, unhappy wives blame mistresses. It is part of our culture that danger and risk come from elsewhere, and can or should be kept away and be dealt with in that fashion.

Both these conceptual and psychological realities can be seen over our collective history. Calling a deployed military force an "Expeditionary Force" reflects the popularity of sending troops "over there" to confront, contain, or eradicate a risk – "over there" being the very real opposite of "over here." Songs like "Over There," or "It's a Long Way to Tipperary," or "We're Going to Hang Out the Washing on the Ziegfried Line," all speak to the deep need people have to know that there are barriers of space, time, and friendly troops and forces between the "problem" or the "threat" and where they spend their daily private and public workplace lives.

As democracies require trust to work, and as trust is tied to confidence, democratically elected politicians on both sides of the border have a real and understandable interest, not detached from the public interest to be seen to be investing in efforts abroad and at the border to keep the risk and threat contained. (not to mention the interest that congressional members from border districts have in more jobs and investment in their district) What possible other option could democratic leaders and public servants have? Yet, it is at conferences like this, and in think tanks and research centres everywhere, where we need to ask some thoughtful questions about the underlying principles and assumptions here. Let me refer to this thematic of questions as the Maginot Line of Inquiry.

I.

Why do we believe that terrorists will choose our most fortified, heavily prepared and data linked infrastructures at the border as their desired means of entry? What is it about terrorists and their practices to date that would lead us to that conclusion?

II.

We know from various published documents that to the extent there are explicit terrorist plans, harming Americans, Jews, Israelis, and all other citizens of those countries engaged in the war on terrorism in Iraq or Afghanistan, in the greatest possible numbers in places of maximum exposure and least protection is very much the desired outcome. If one talks to people who live in countries regularly faced with terrorist mass murder of civilian and essentially innocent populations, this terrorist tactic is, however repugnant and barbaric, quite predictable. Making people fearful of every school bus, open air café, discotheque, restaurant, university campus, or downtown square, eats quickly away at confidence, trust, cooperation, and common cause. Fear is the terrorists' short term goal. Panic is the higher dimension of that fear; despair is the medium term

result most helpful to the nihilist worldview the terrorist has taken. The idea of a border, between a good country and bad, between innocent civilian and enemy combatant is, by all assessment, utterly irrelevant to the terrorist.

III.

The asymmetric nature of the terrorist threat is about the opposite of land, sea, and air borders. It is about first and foremost, destroying the border between civility and mayhem, between sane private lives in civil societies, and random death, mutilation, pain, and carnage – the more random and horrific, the better. People jumping from burning buildings, body parts strewn hither and yawn, children killed on the way to school, these are all victories for the terrorist planning framework. Terrorists rarely have prison records. They usually commit one barbaric and heinous mass murdering crime. Asymmetry means precisely that – the denial of any balanced or logical proportions, the absence of balance or harmony; borders are about the organized application of rules, procedures, principles, judgment, and human intuition to find and address risks that have attributes associated with risk in the past.

IV.

The real front line, the real border that truly matters, is the border in our day to day life between the civility and predictability of a life without fear or intimidation, and death, mass murder, and systemic panic. The front line is not an isolated border crossing near Lacolle, Quebec, or between Montana and Alberta. The real front line is where we live, work, and relax in our great cities and communities. That front line is not of our choosing. Those who blew up innocent commuters in Madrid, those who killed thousands in New York and Washington, those who blew up buses and Pizzerias in Israel, clubs in Bali, and the rest, it is they who chose that front line. Doing all we can to move the front line back to our borders, airports, seaports, sealanes, and terrorist recruitment and coalescence spots around the world is worthwhile and vital. Why would we conclude, and on the basis of what evidence, that it is sufficient? It is both unavoidable and natural that a civilized society would want to have some sort of “checkpoint Charlie” between itself and the terrorist threat. It is, unclear that evidence supports the viability of this concept, however comforting it may be.

V.

Clearly, and for good reason, airport security in North America has been increased. In Canada, evidence of stricter standards, better and more thorough scanning equipment and more uniform training are evident. The core question, which existed well before Madrid is whether enhanced airport security obviates security at office towers, department

stores, shopping malls, railway stations, theatres, and large crowd venues generally? With airports better protected, and with terrorist target preferences clearly stated, are we really “at war” with terrorists if other large crowd venues are unprotected or only sporadically protected? Are we invested in one border infrastructure while avoiding the border between civil society and terror that may well matter as much if not more?

VI.

In the end, security and freedom is about far more than territorial borders – even though, territorial borders may be among the most compelling government concerns on this issue. We know that disease, environmental risk, criminal networks, drugs, illegal arms, financial fraud and money laundering are essentially undeterred by borders. Why would we rationally conclude that terrorism is deterred? In Canada, the Canadian Security and Intelligence Service has long reported and certainly well before the tragedy of 9- 11, the existence of terrorist related groups connected to conflict around the world – including the Israeli- Palestinian conflict as well as those in Egypt, Algeria, Sudan, Afghanistan, Lebanon, Northern Ireland, the Punjab, Sri Lanka, Turkey, and the former Yugoslavia. There is little reason to believe that the presence of similar groups is in any way less meaningful in the United States, or Western Europe.

VII.

Has the old adage that if “all you have is a hammer, then every problem looks like a nail” determined, at least in part, the nature of government response to the terrorist threat? Is the pre-existence of border infrastructure the most compelling reason for the continued intensity of focus on that infrastructure? Is the investment in the border (which I heartily encourage and support) a strategic and tactical response to the real nature of the threat – or a response that is the least likely to inconvenience domestic populations where they work, live and congregate?

VIII.

An old economics professor of mine, now a senior official at the Department of Foreign Affairs in Ottawa was speaking at a session on “Governing in a World Without Borders” sponsored by the IRPP in October of 2001 at Montebello outside of Ottawa. While the conference itself was planned long before 9-11, and focused explicitly on how sovereignties were being shared and transferred in a range of international agreements, we did have one evening long session on the implication of 9-11 as they were knowable at that time. Those present included public servants, scholars, former politicians, journalists, and private sector leadership. The D.F.A. official phrased his concern this way: “When ‘just in time’ becomes ‘just in case’ at the US/Canada border, Canada has a huge problem. So, while genuine security and protective screening is the pri-

mary purpose of investment in border infrastructure, on both sides, for Canada, doing what is necessary in security terms to keep open the economic thoroughfares that proceed through the border is of compelling interest. While showing Americans that Canadians are doing their part so as to forestall the ultimate sanction of a closed or severely constrained border is vital, one should not assume that it is coincident with the real application of investment at those places in society where citizens are most vulnerable. Security must be about security. If it is perceived as being about doing what is necessary to promote trade, with trade being the key goal, then it is not surprising that due diligence concerns about real security outcomes tend to materialize.

IX.

Also, in the category of “hammers making all problems into nails” is the cost to new organizational structures and legislation. The largest terrorist attack in Canada caused the death of more than three hundred passengers, mostly Canadians, on an Air India flight from Toronto in 1985. Its alleged organizer is just at trial as we speak. That event brought about no reorganization of airport security or new anti-terrorist legislation. We are now in the throws of significant reorganization, since the swearing in of the Martin administration in December 2003. The events of 9-11 produced significant other reorganization and the creation of new agencies on both sides of the border. If there is a direct relationship between creating new departments and apprehending more terrorists, it is at least empirically unproven. What we do know is that reorganization is financially costly, saps internal energy, and eats up management time. Both the US and Canada are deeply into this operational mode. Without quibbling about sincere and good faith efforts up to this point, should we not ask whether perpetual reorganization makes compelling sense going forward? If we invested reorganization dollars into screening at arenas, office towers, large theatres, public transit, and malls – where huge numbers of vulnerable citizens gather daily – would we not be doing more that really mattered?

X.

While it is politically attractive to talk about America or Canada being under attack by terrorists, the hard truth is that terrorists have not put our armed forces, border patrols, or police in their cross hairs. It is our civilian population that is the target. So the border that matters, essentially, is the one between each citizen and that risk of random violence. These are the real borders that protect freedom and security. They are not exclusively found at the 49th parallel. They are found, these real borders, at railway stations, hospitals, ferries, bridges, transit terminals, arenas, large hotels, malls, and the like. No intensity of infrastructure at our borders, no plethora of pre-clearance, manifest pre-transmission, gamma ray inspection, at ports can make up for the absence of infrastruc-

ture at the public gathering place and private vulnerability points that matter.

CONCLUSION

The massive investment of money, time, and technology by governments, civil servants, law enforcement agencies, and the private sector at our borders is driven by a mix of security and economic considerations; it is laudable and reflective of the best in cooperation between two allies.

The belief that national border infrastructure can protect against real vulnerability in local high-density locations is unfounded; most security agencies would agree that it is only one part of the answer. Security is about keeping people safe from violence and random terrorist acts. It is not about economic flows. For my government to justify security investment at the border in terms of economic access is to deny the hard reality that for Americans security is about security, not about economics.

Ambassador Celucci made it clear at an IRPP breakfast last year—"Security trumps Trade." If along with the twin Towers, BCE Place in Toronto or the Place Ville Marie had been attacked killing innocent thousands, Canadians would feel precisely the same. A Maginot line belief in the national prophylactic capacity of borders is likely both a compelling conceit and a mixture of prayer and wishful thinking. We need to become brutally and publicly honest about the less than causal relationship between departmental reorganization and border infrastructure, and real public security in public places that face asymmetrical risks from detached terrorist networks.

If we are "at war with terrorism," as we should be, we cannot wage that war without some public inconvenience. The intensification of border presence and screening, the creation of new programs and infrastructure will be hollow and pyrrhic gains if we have not engaged our communities to protect public places and systems where citizens actually live, work, and commute. The national border deserves support and modernization. That cannot take place at the expense of the real border between civility and panic, the border that protects the average citizen in their day to day lives.

The security arrangements between our two countries are about more than borders. Co-operation between agencies in our two countries is at an all time high. The linkage between local first responders and local and preventive capacity has never mattered more. Some will no doubt argue that to impose random bag checks, wandings, metal detectors across the full range of public venues would be to impose undue inconvenience on the residents of our two countries. I understand that argument but argue that we must set it aside. Inconvenience is not tantamount to the abrogation of human rights or civil liberties. We are subjected to hundreds of process inconveniences everyday that have little to do with security. The borders that matter are close at hand. They are part of our everyday lives. And these are the borders that must be strengthened.

Perspectives

