

David T. Jones

Open borders and closing threats

Where do we draw the line on the adage that “good fences make good neighbours?” The iconic Robert Frost verse is much quoted, but do longer, higher, barbed-wire, electrified, security-patrolled, and access-controlled fences make for still better neighbours? This question embodies the essence of current continuing tensions along the Canadian-US borders. The traditional “longest undefended cliché” is quickly becoming a 20th-century artefact with levels of security and proposals for much, much more than would have been conceivable a decade ago, before 11 September 2001. Admittedly, this circumstance would barely be recognized as a constraint, let alone a problem, throughout much of the world in historical or even current terms, where crossing a national border is a serious personal-political decision. (Try getting a visa to Russia or China if you want a lesson in bureaucratic frustration.) Nevertheless, due to the unique US-Canadian relationship, its recent evolution needs examination.

David T. Jones is a retired senior US diplomat and the co-author of Uneasy Neighbo(u)rs: A study of US-Canadian Relations.

Certainly, from time immemorial until 11 September 2001, the reality of the North American continent was the virtually free movement of populations—animal and human. Well before there was significant human presence, the “fauna” drifted (and for that matter the “flora” as well, albeit more slowly) with no special regard for anything beyond the availability of grass and water, favourable climate, and fewer predators. Much of North America was a sea of grass “where the deer and the antelope play” and a roaming herd of buffalo could take much of a day to pass a given landmark.

Nor did anything beyond the nomadic pursuit of wildlife impinge on the travels of most native Americans: they came; they camped, gathered, hunted, and feasted; and they moved again for the next season or hunting opportunity. The Head-Smashed-in-Buffalo-Jump site in Alberta epitomizes such a style of life. While specific tribes were more or less found in general locations, geographic constraints were minimal. And, so far as European arrival on the continent was concerned, the specific location of boundaries was a technical-political concern rather than one of serious socioeconomic significance to individuals. Both Canada and the United States sought people to fill the empty space in the centre of the continent and thereby generate prosperity from farming, ranching, and mining. In that regard, the primary difference in the 19th and early 20th century between a Canadian and a US citizen was between an immigrant who turned right rather than left while traveling west across North America. And that is not to count the present-day Canadians and Americans whose ancestors originated in the other country, moving north or south at will and whim. Primarily, these were people seeking precious metals, better land, more reliable water, closer trailheads, and generally enhanced economic opportunity, rather than viewing where they lived as an immutable national label for citizenship.

To be sure, there were specific territorial conflicts and persisting unresolved boundary differences; however, for generations the Canadian-US border has been socially and economically fluid, despite clearly surveyed and carefully marked boundary lines. There are endless anecdotes demonstrating a genuine neighbourly spirit more akin to the relations of congenial residents on a city block than those between two nations. Witness, for example: the children of Point Roberts in Washington state, who are bussed to school through British Columbia and get most of their services from Canada; the library and opera house in Derby Line, Vermont, that sit in both the United States and Stanstead, Québec; the women of Stanstead, Québec, who had their babies in Vermont when labour came on more quickly than expected, because that’s where the closest clinic was, and whose children were then

dual nationals, having been born in the US; Canusa Avenue, in Beebe Plain, Vermont, which runs east-west and whose northside residents are Canadians while its southside residents are Americans; the children's sports teams across the continent that regularly play opponents from schools in the other country; the thousands of daily workers and shoppers who live in one country and work in the other—and pick up “specials” on the way home; and the many instances where emergency vehicles and volunteer fire departments in one country respond to accidents and fires in the other.

It is the casual and habitual nature of this relationship that created a sense among Canadians that they have a right to travel into the United States without restriction. Americans assumed the same, with the most casual forms of identification (or none at all) sufficient to permit a US license-plated automobile to enter Canada. To be sure, intellectually, Canadians appreciate (more than US citizens appreciate the obverse) that the United States is a separate country; however, viscerally they assumed that restrictions on entry would not apply to them as general “good guys” and close political allies. It is something of a twist on the sobriquet that “we’re just like you,” whereby Canadians believed they were accorded automatically a privilege associated with US citizenship without the commensurate responsibility of citizenship. And they certainly didn’t equate themselves with Mexicans, in terms of the attention required to enter the United States.

But times have changed.

A DIFFERENT WORLD

The US and global efforts to counter the effects of September 11 have now lasted longer than US participation in most of the military conflicts of our history. The Obama administration may have dropped references to “the long war” or the “global war on terror,” but that doesn’t change the protracted reality. Already combat in Afghanistan is longer than our participation in World Wars I and II combined; longer than the Korean conflict; longer than the Civil War (1861-65) and the American revolution (1775-83). Only Vietnam (1965-74) was close to its duration and earlier this year was overtaken. Nor have we faced a societal challenge that is clearly “a long war” since the generations-long “Indian wars” in the American west during the 19th century before, during, and after the Civil War. These were also similar to a war against terrorists, featured an endless effort to identify bands and chiefs amenable to persuasion/coercion/bribery, secured the ranches and homesteads of settlers, seeded the area with secure bases (log forts/stockades), and wiped out those whose primary life motivation

was killing “palefaces” with little or no differentiation among soldiers and settlers of any ethnicity, age, or gender.

Perhaps the circumstances of security are still not appreciated, let alone understood, by non-Americans. Perhaps, in particular, someone who hasn’t travelled significantly, or not travelled recently, is suffering “security shock” akin to that “sticker shock” facing a new car purchaser. Certainly, if I had not visited Washington since 1968, I would see a very different country and society in 2012 and would probably be significantly unsettled, even distraught, and mutter about a “garrison state.” A generation ago, we were certainly a more naive and physically open society. Although the technical potential for terrorism was clearly evident (witness the massacre of Israeli Olympic athletes in Munich in 1972 or the Beirut embassy bombing in 1983), as far as North Americans were concerned, it was “over there,” and we were safe at home—or at least safe from anything short of nuclear attack by Soviet missiles and a catastrophe that no individual precautions could thwart.

Consequently, as a newly minted foreign service officer, I could enter the Department of State or any other agency in Washington without identification of any nature and wander the corridors until I found my destination or had satisfied my wanderlust. Slowly, over the years, “security” was enhanced. First, one carried a badge with a photograph (a photo so poor and so little observed that one individual substituted a picture of a dog and was not noticed). Then security guards began closer observation and badges had to be worn visibly within the department, dangling from neck chains like military dog tags. New rules on who could authorize entry into official buildings were implemented. Locks with punch codes were placed on individual office doors. The photo ID passes were upgraded with a code, like a credit card, so that they had to be swiped before entry through a turnstile was possible. Then the swipe passes were further upgraded to incorporate an information chip and an individualized code that had to be punched into the turnstile before it permitted entrance. And virtually every door in the State Department now requires individualized, coded passes before entry is possible. This has been an expensive and admittedly at times a tedious process. It is, however, a response to a reality: terrorists have become cleverer and more technically skilled. Suicide bombers wearing bomb-loaded vests or driving high-cargo-capacity trucks have demonstrated the ability to kill anyone in wholesale, not just retail, numbers. That circumstance is relatively new historically—at least in the numbers now encountered and their geographic reach. Attempts to counter them—and to prevent citizens

from dying—have limited individual freedoms. We are still struggling with the costs both financial and philosophical, but Canadians who whine about our process and/or its conclusions are not helping to resolve the baseline problems.

To belabour the obvious, there have been two events that have prompted US attitudinal change: the apprehension of the “millennium bomber,” Ahmed Ressam, and September 11, with its Christmas 2009 codicil. It is on the verge of trite to review the events that are now 10 years in the past or to discuss the effect that the terrorist attack on the World Trade Center in New York City had, and continues to have, on the United States. Suffice it to say that for the foreseeable future, the attack will define a generation.

It has been said that “who you are is where you were, when.” That is, for the “greatest generation,” the question was “Where you were when you heard about Pearl Harbor?” For the “boomers,” it was “Where were you when you heard about JFK?” And now for this maturing generation, the question will remain, “Where were you on 9/11?” Its bolt-from-the-blue character, indelibly embossed on all who saw it “live” or replayed for the nth time, has had a profound effect, significantly greater in its individual psychological weight than even the Pearl Harbor attack in 1941. The horror in Hawaii had to be imagined and its dimensions were concealed by censorship for months.

The 2009 Christmas “panty bomber” effort to destroy Northwestern flight 253 brought back 9/11 memories with a gut-wrenching twist. Eight years of apparent success in preventing attacks had prompted not congratulations but criticism that existing security precautions were too rigorous, intrusive, and unnecessary. But with the December 2009 incident, we were forced to recognize that the terrorist attack succeeded: it was just technical and personal incompetence by the terrorist that prevented the PENT device from killing almost 300 people. One would have thought that the prospect of fragments of the aircraft and its contents scattered over the Ontario landscape would have galvanized Canadians into a fresh appreciation of security problems: after all, Canadians could have been killed. While there was some positive official and public reaction, the media frequently focused more on the anticipated violation of “privacy” from full body scans to detect PENT-type explosive. There was much kvetching over locking barn doors after horses had escaped (as if the barn had no other horses). And there was opinion to the effect that heavy security was disconcerting the traveling public, as if the public would be less traumatized by exploding aircraft than by intrusive security.

But perhaps it is the Ahmed Ressam case that is potentially the most disconcerting. As the prospective “millennium bomber,” Ressam represents death retail while 9/11 was death wholesale, and thus Ressam is closer to the day-to-day reality that most Americans can imagine. On 14 December 1999, Ressam was stopped by an unusually alert US customs official at the Port Angeles, Washington ferry landing border crossing point from Vancouver Island. Ressam was found to have concealed in the trunk of his car 50 kilograms of explosives and timers intended for an attack on Los Angeles international airport. This event was the final act in a psychodrama that concluded as farce, as Ressam was pursued through the streets on foot by US security forces, but it could easily have been a tragedy.

Ressam arrived in Canada in February 1994 with a fraudulent French passport. Challenged by immigration officials, he claimed political asylum, contending that he had been tortured in Algeria. He was allowed to stay pending a refugee hearing. He skipped the June 1995 hearing (whereupon his application was denied and a warrant issued for his arrest), created a new identity with a stolen baptismal certificate form, and obtained a Canadian passport in that name. He remained in Montreal for almost three years, apparently living as a petty criminal (with the warrant for his arrest/deportation outstanding and unexecuted). He travelled to Afghanistan in March 1998 where he spent several months in an al Qaeda camp and was trained in weapons use and explosives manufacture. Returning to Montreal in February 1999, he spent until December planning the attack on the Los Angeles airport, gathering explosive material, constructing timers, and securing false identity cards.

What does this legend suggest to even the casual reader? Even in the less-aware pre-9/11 era, the feeble nature of Canadian domestic security is palatable. To wit: the process for political asylum upon arrival at a border entry point can be “gamed” even by the most ignorant; there is no mechanism for rapid determination of the legitimacy of an asylum claim; there is no mechanism for securing or monitoring claimants between the time of their apprehension and their scheduled court appearance (or an ability to assure appearance in court); the effort to arrest and deport those with warrants against them is insignificant (reportedly there are upwards of 30,000 such individuals in Canada evading deportation); the ability to obtain false identities (passport and driver’s license) is easily mastered; precursor materials for constructing explosives and timers can be casually obtained; money for air fares, automobiles, hotel rooms, etc. is readily available—either because crime pays well or external financing is available; and the

societal constraints that would identify suspicious and/or criminal behaviour on the part of a “Ressam” and bring him to official attention appear feeble to nonexistent. Ressam was no mastermind criminal spy of the James Bond variety; it is the very mundane nature of his personal abilities and the degree to which he was able to secure the tools for terrorism unimpeded that are chilling.

Recently announced ostensible Canadian government law/regulations to attempt to control illegal immigrants are at this juncture more sound than substance, with legions of lawyers salivating at the opportunity to reverse them in courts. Delays only enable prospective terrorists. Who is the next Ressam? And will we be lucky a second time?

But to return to September 11. Those who are aware of the circumstances and movements of the 9/11 terrorists know that none of them originated in Canada. The regular comment that there was a Canadian connection reflects the continuing ignorance of the ignorant—not excepting some senior US politicians ranging from Hillary Clinton to Homeland Security Secretary Janet Napolitano. However, there is a salient point beneath the ignorance. Although none of the 9/11 terrorists came through Canada, those aware of the feeble nature of border security during that period also know that all of them *could* have come—easily—through Canada. It is that reality that should indicate to discerning Canadians the imperative nature of their effort to secure the border.

Many Canadians hold the attitude that the United States is paranoid over border security when we should only be neurotic. In a phrase, “humour us.” We may indeed be that batty old Uncle Sam who can be a wingnut caricature in cartoon cleverness, but no Canadian wants to be tagged with the responsibility for being the base for terrorists who strike the United States in some future attack. If such an event were to occur, and if the base of our attackers were to be identifiably in Canada, Ottawa needs to be in the unassailable position that it is clear that Canada went the extra mile to placate the paranoid uncle, because even paranoids have real enemies. And angry paranoids will strike out at the perceived source of injury, regardless of whether they damage themselves as well. So if that effort means what a Canadian green-eye-shade actuary would consider unnecessary expenditures on document security, personnel investigations, equipment purchases, or border controls, it will be cheap at the price when examined in the light of a Washington looking to blame someone for having done the minimum unavoidable rather than the maximum requested.

In short, we can be sure that our enemies continue to search for mechanisms to inflict maximum pain on us. On 9/11 they creatively exploited airline reliance on the paradigm of the previous generation, in which hijackers of passenger aircraft were often delusional psychotics demanding ransom for passengers, release of political prisoners, or publication of personal grievances. The “book” response was to placate and temporize; we had not faced a circumstance that postulated suicide to maximize casualties and economic destruction. An enormous amount of highly expensive effort has been directed at preventing this “horse” from escaping again, but it is hardly the only mechanism by which terrorists can strike. And we could be struck again—with vicious creativity—despite our best efforts to thwart such an attack.

This was almost the case in December 2009—and the new aircraft paradigm is that the passengers are the last line of defence; they made a desperate and successful effort to immobilize the “hot pants” terrorist and extinguish the flames from his igniter. We can be sure that every terrorist wannabe knows the flight time from Toronto to Chicago and will be able to pick out the tallest structure—the 108-story Willis (formerly Sears) tower. Terrorist creativity was again demonstrated in October 2010 when two bombs designed to appear to be Xerox printer cartridges were detected on cargo planes originating in Yemen and headed for Chicago via UPS and FedEx. Astute intelligence stopped them, but the lesson of the hands-off terrorist global reach puts another spin on security challenges.

What we in the US seek from Canadians is maximum effort to support our interests. Kvetching that we are using too many nails to shut the barn door doesn't qualify as support. And facing the politically correct strictures of equity, Canadians must now address our need to treat the 49th parallel with the same attention as the border with Mexico.

But 11 September 2001 has prompted major changes in US attitudes toward border security that certainly affect Canadians, to which they have responded more with irritation and complaint than with appreciation for the pressures under which we are operating. Media play appears to concentrate far more on the inconvenience to Canadian citizens and/or the potential that their precious privacy is in danger of being violated (almost on the level of screaming “rape” in response to someone saying “hello.”) Thus Canadian newspapers obsessed over the story of Rohinton Mistry, who complained in 2002 that he was repeatedly interviewed when attempting to travel to the US (and declared subsequently that he would no longer travel south). To be honest, I doubt that he was missed as no one has heard of him since.

The next level of controversy has been the US requirement that commercial aircraft flying over the United States (but not scheduled to land) provide their passenger lists for vetting. The rationale for such a request would appear self-evident given the proximity of major Canadian airports such as Toronto to US cities such as Chicago, and the “privacy” of the individuals flying would be a tertiary concern. Nevertheless, the topic was a focus of media convinced that if the United States wanted such information, correct-thinking Canadians should deny it.

To be honest, there will be mistakes. Individual names will be confused; incorrect names will be entered on watch lists; innocent travellers will be delayed, inconvenienced, and perhaps even prevented from traveling. And those who should be prevented from flying, such as the Christmas “panty bomber,” will not be listed. Ridiculous events such as questioning the late Senator Edward Kennedy or twice finding the US ambassador to Canada on the no-fly list will occur. Searches of the diaper of a wheelchair-bound 95-year-old or of a small child, in a manner that might equate to molestation, amuse nobody. Apologies do not suffice for many of those so inconvenienced or delayed. Nor is there any special pleasure in repeated searches and limitations over what can be carried on aircraft. The wry suggestion that we should strip and travel in the equivalent of hospital examination-room gowns may yet become more than talk-show humour. Even the prospective virtual nudity stemming from the new scanning machines will need eventually to be enhanced, and cell phones will likely be banned, as they can be used to detonate explosives secreted in body cavities.

Moreover, the regulations against profiling create special absurdities: when all of the 9/11 terrorists were young Muslim men and the overwhelming majority of subsequently identified terrorists globally fall into the same category, there is an inherent logic in paying special attention to such individuals. But no. Political correctness requires selective sampling that runs through the inspection mill fat, elderly white men, matronly women “of a certain age” and various races, and young women with knapsacks (drug mules or just cute enough to stimulate an intrusive search).

By now virtually everyone who crosses the border regularly has a “story”—either of extended delay or inconsequential additional search and review. In this regard, during the 2006 summer a US retired couple with standard tourist passports was asked standard questions at a Canadian customs post in the course of their annual visit. They were then directed to the customs office for further questioning; in effect, there were no further questions—just delay. Asked what prompted attention to such an uneventful

couple, the Canadian officials implicitly admitted to having a quota of just plain people to be examined.

Nor can we be confident that for all of the security (and commensurate delay and inconvenience), air travel is perfectly safe. Although the December 2009 near-miss is the proximate illustration of potential air tragedy, there are other illustrations. On one day in January 2008, media reported two stories, one of presumed success and one of failure, of airline-related security. The success was the arrest of a California teenager with implements, including handcuffs, who planned to hijack a passenger aircraft, reportedly to crash it into a concert venue. The failure was a man who carried a loaded pistol unimpeded through a security check point at Ronald Reagan airport in Washington, DC. Finally appreciating his error, the man informed security personnel who, probably in a combination of fury and embarrassment, promptly arrested him. The public has been regaled with comparable systemic failures—along with a steady stream of further restrictions (various liquids and jells banned apparently since in combination they can be explosives) and, following the December 2009 terrorist attempt, announcements of enhanced detection equipment.

MAKING UNSATISFACTORY SECURITY BETTER

The United States has been forced by the insecurity of its normal documentation to demand its upgrade. That is, fraudulent drivers licenses were easily obtained by a number of the 9/11 terrorists. The market in false birth certificates, social security cards, and other papers previously regarded as proof of identity has been driven by the flood of illegal immigrants in the United States. Presumably, those supplying the 9/11 terrorists with fake drivers' licenses thought that they were just standard illegal economic immigrants. It is to cope with this challenge that the US turned to enhanced secure documentation, notably upgraded passports, to provide reliable identification of the document holder.

The elements of this effort are incorporated into the 2004 intelligence reform and prevention act in the form of the "western hemisphere travel initiative." As of January 2007, all individuals entering or re-entering the United States by air must present a passport or "other valid travel document" (a range of identification material that regularly changes). More significant, since most individuals traveling by aircraft have passports, was the requirement that by February 2008, all individuals age 19 or older entering the United States—including US citizens—by land required upgraded documentation. It was no longer possible simply to flash your driver's license

with a photo to obtain entry. Thus, if the potential entrant did not have a passport, the photo driver's license had to be implemented with additional proof, such as a birth certificate. Children had lesser identity requirements.

The February 2008 requirements went into effect despite congressional legislation ostensibly barring their implementation until June 2009—legislation for which Canadian officials actively campaigned and that also suited the local interests of border state politicians. Secretary for Homeland Security Michael Chertoff declared that he had authority under earlier congressional legislation to act. For US citizens, the issue was a “where you sit is where you stand” political exercise with the citizens of upstate New York (engaging senators Charles Schumer and Hillary Clinton) and Vermont (and Senator Patrick Leahy) and their claims that additional controls would damage local border economies. However, the self-interested studies that contend that one or another amount of money would be lost—e.g., a 2005 Conference Board of Canada study estimating that the travel initiative would cost US/Canada/border communities \$2.5 billion in reduced travel—are inherently impossible to prove. Travel has been far more stimulated (or depressed) by the respective values of the national currency than by specific travel constraints. Hence, when the Canadian dollar soared to US\$1.10 in December 2007, cross-border Canadian bargain seekers stormed local stores. Likewise, when the Canadian dollar hovered below US 70 cents, US citizens found bargains of every nature north of the border. And without question the ongoing recession has steadily reduced US travel to Canada to its lowest level in years, exacerbated by the stronger Canadian dollar that has fluctuated throughout 2012.

Canadians, however, have continued to devote their efforts to fighting the problem, presumably in hope that if resisted and delayed long enough, it will go away. Hence, the desire to push action into mid-2009 clearly reflected the hope that a new (and presumably Democrat) administration would soften and/or further defer into the never/never enhanced travel documentation. This fighting-the-problem approach has taken multiple directions: it is too expensive; documentation would have to be replaced too frequently (Canadian passports are valid for five years); only approximately 40 percent of Canadians have passports; and improved technology such as radio frequency identification is insecure.

Some of these objections are easily dismissed. The cost for a Canadian passport may be excessive, but it could be subsidized by the Canadian federal government, which until recently ran a substantial fiscal surplus. Even in the current economy, the passport price could be lowered. Replacement

cost/frequency could be reduced by making passports valid for 10 years for adults, as is the case in the United States and/or by extending current passports so that they are valid for 10 years. The question of what percentage of Canadians (or US citizens) currently holds passports is a red herring. First, those Canadians who do the overwhelming percentage of the national traveling already hold passports. Second, those who do not hold passports may well be individuals too young (or old) to travel—or who have not the slightest interest in traveling beyond their national borders or even outside their city limits. Indeed, if it is too complicated (or expensive) for them to obtain passports, perhaps they lack the competence and financial ability to travel and should not be making international trips in the first place.

The technology/security issue needs to be addressed separately. Various biometric approaches are under investigation. Thus laser identity for the eye and embedded codes for finger- and thumbprints are being tested. To be sure, some are squeamish about offering up their eyeballs to a laser and others concerned that a felon might pass with someone else's dismembered digit. Currently, radio frequency identity elements are incorporated in US passports—as they are in the passports of upwards of 20 nations, including most EU states, Japan, Norway, the UK, Australia, South Korea, and New Zealand. Information in the chip is limited to that on the passport and a digital photo of the passport holder. Security concerns over whether the information can be read at a distance or whether passport holders can be targeted by prospective assailants seem more directed at abstractions rather than any concrete case. However, US officials state that the identity chip cannot be read directly. And anyone who seeks to mug a wealthy tourist to based on an identity chip could probably identify such a victim with a much lower level of technology: one can identify by eye people with the obvious trappings of wealth.

Another element is the “privacy” issue in which Canadian concern for personal information protection verges on the paranoid—including in summer 2011 the CBC refusal to publish the names/photos of illegal alien criminals sought by the government for deportation. One has the feeling that Canadians believe we want to look up the skirts of their grandmothers.

THE PEREGRINATIONS OF PERIMETER SECURITY

Perhaps it is not surprising, albeit gratifying, that finally, finally we have returned to the obvious. It is easier to keep the bad guys out of Canada-US if we have one set of rules, procedures, policies, and approaches to security. If such a perimeter defence can be constructed—and both nations are satisfied

with its effectiveness—then (theoretically at least) our citizens should be able to travel as easily between Ontario and New York as they do from Ontario to Québec. That is not to say that there will be no “rite of passage” at the US-Canadian border, but that it should be quicker and thinner rather than ever.

Officially we have moved in this direction since, at a White House meeting on 4 February 2011, President Barack Obama and Prime Minister Stephen Harper announced talks on the security perimeter initiative—officially the “beyond the border and regulatory cooperation” talks. Indeed, Harper had gotten the word: “a threat to the US is a threat to Canada.” And by the end of 2011, an agreement was in place.

Throughout the process, the “devil is in the details” maxim appeared to be hard at work in the security perimeter negotiations. That plus the unfortunate tendency for Canadians to try to leverage the system. At the 10-year-mark for the 9/11 attack, Canadians appear to believe that we should be “over it” and able to get back to normal. In this vein, Canadian Public Safety Minister Vic Toews was cited as saying in August 2011 that Canadians will trade better perimeter security for greater economic access. (“We will accommodate them as long as we benefit on trade.”)

This attitude is a sure way to lose both objectives. Toews seemed to believe that these negotiations were akin to the bazaar-haggling Middle East peace negotiations wherein Israel trades “land for peace.” But for us, there will be a proof-is-in-the-pudding attitude: if the proposed arrangements coordinating intelligence exchanges and procedural parallelism plus effective new technology are perceived to be working, then easier movement across the US-Canadian border will follow. But if Toews, or post-Toews types, push, neither will happen.

An ancillary but proximate problem is the duty-free issue for short cross-border trips. Canada exempts nothing from customs duties for a one-day trip. The United States has a \$200 limit and in mid-2011 was proposing in congress a \$1000 daily limit. Canadians in May blew off the US proposal that both countries move to a \$1000 customs free for a daily trip. This attitude reflected the nickel-and-dime Canadian attitude toward finances, prompting border agents to be more alert to a hidden bottle of whiskey than to prospective criminals and terrorists.

Will “beyond the borders” square the security/privacy circle? Hardly. Doubtless, new problems, as-yet “unknown unknowns,” will impinge. And even the parameters of beyond the borders will take years to implement fully. But it appears as though beyond the borders will institutionalize a flexible

framework to address these concerns and survive the administrative stops and starts that have bedevilled action for a decade.

Indeed, the effort has progressed so slowly that it has been all but miraculous that borders have not been blatantly penetrated. The December 2009 non-event suggests that God continues to look after fools, drunkards, and the United States of America. Next time God may be otherwise occupied.