People and Cigarettes:
Organizational History, Culture and the Management of the U.S.- Canada Border

by

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Abstract

In the aftermath of the terrorist attacks of 11 September 2001 (9/11) in the United States (U.S.) the U.S. and Canada both restructured the institutions responsible for the management of the U.S.-Canada border. The United States created Customs and Border Protection (U.S. CBP) under the Department of Homeland Security in 2002 and Canada established the Canada Border Services Agency (CBSA) under the Ministry of Public Safety in 2003. Prior to these reforms, in both the U.S. and Canada, the border was under the jurisdiction of multiple government agencies and departments, including those associated with immigration, customs and policing. Historically, in the United States, the main concern at land border crossings (for example at the North Dakota/Manitoba border) was immigration and the individuals crossing the border, while for Canada, it was primarily the need to collect taxes on goods crossing the border. This thesis utilizes the concept of path dependency and the organizational behavior model to examine the post-9/11 institutional changes and the extent to which they impacted the management of the U.S.-Canada border after 9/11. In particular, this thesis seeks to answer the question: do national management predilections remain constant before and after 9/11? Despite a major shock, such as 9/11 and the institutional changes that followed, the American predisposition to be concerned with individuals and the Canadian predisposition to be concerned with goods remains as evidenced in their missions, training and policies.

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Dedication

This thesis is dedicated to my parents, Mary and Bruce Kimlinger, who from an early age encouraged me to follow my passions in life and also instilled in me the importance of education. Their selflessness and the sacrifices they have made for their children are unparalleled, and this accomplishment would not have been possible without their emotional and financial support.

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List of Abbreviations

9/11	The September 11, 2001 Terrorist Attacks on the United States
9/11 Commission	*U.S. National Commission on Terrorist Attacks Upon the United States*
BPAs	Border Patrol Agents (United States)
BSOs	Border Service Officers
CBSA	Canada Border Services Agency
CBP	Customs and Border Protection (United States)
CBPOs	Customs and Border Protection Officers (United States)
CCRA	Canada Customs and Revenue Agency
CFIA	Canadian Food Inspection Agency
CIC	Citizenship and Immigration Canada
CSIS	Canadian Security Intelligence Service
DHS	Department of Homeland Security (United States)
ICE	Immigration and Customs Enforcement (United States)
INS	Immigration and Naturalization Service (United States)
NWMP	Northwest Mounted Police
OAM	Office of Air and Marine (United States Customs and Border Protection)
OFO	Office of Field Operations (United States Customs and Border Protection)
PIL	Primary Inspection Line
RCMP	Royal Canadian Mounted Police
UAS	Unmanned Aircraft Systems

Chapter One: Introduction

1.0 Background and Context

The security relationship between Canada and the United States (U.S.) is not replicated anywhere else in the world. The deeply integrated and complex 8890 kilometer border that the two countries share is often heralded as the "longest undefended border" in the world.[1] However, in the aftermath of the terrorist attacks of 11 September 2001 (9/11) in the United States, the border became the focus of a great number of domestic reforms and binational initiatives, including the restructuring of border management agencies.

Prior to these reforms, the U.S. and Canada had parallel but different border management organizations and foci. Border management in the United States was under dual governance shared by Immigration and Naturalization Service (INS), an agency of the Department of Justice, and the U.S. Customs Service, under the Treasury Department. Additional agencies involved included the U.S. Border Patrol (under the INS, and thus Department of Justice) and the U.S. Coast Guard.[2] The overriding concern in the United States was noting who was coming over the border and controlling immigration. Similarly, before 9/11, Canada historically had a "tri-service" border management policy involving customs, immigration, and police. Canada Customs was involved at all land crossings, airports and harbours, and immigration officers from Citizenship and Immigration Canada (CIC) worked alongside these inspectors at major ports of entry. The Royal Canadian Mounted Police (RCMP) was responsible for patrolling areas between ports of entry.[3] However, unlike the U.S., Canada tended to focus on what was coming

[1]"Legacy of 9/11: The World's Longest Undefended Border Is Now Defended," *The Globe and Mail*, September 9, 2011, http://www.theglobeandmail.com/globe-debate/editorials/legacy-of-911-the-worlds-longest-undefended-border-is-now-defended/article593884/.
[2]U.S. Customs and Border Protection, "CBP Through the Years," *CBP.gov*, http://www.cbp.gov/about/history, accessed March 20, 2014.
[3]Winterdyk, John and Kelly W Sundberg, "Shifts in Canadian Border Security," in *Border Security in the Al-Qaeda Era* (Boca Raton: CRC Press, 2010), 3–32.

over the border, with whether or not the appropriate taxes were paid being the main concern. The U.S. and Canadian agencies and departments would often discuss common concerns and problems but operationalization of border management plans and priorities were nationally-focused and nationally-based.

After 9/11, however, border management on both sides of the border was scrutinized and changes were made to the institutions involved in managing the border. On the U.S. side, the U.S. *Homeland Security Act* of 2002 reorganized a number of federal agencies under the newly established Department of Homeland Security (DHS).[4] U.S. Customs and Border Protection (CBP) under DHS brought together all of the major agencies of border security, including some of the responsibilities of INS as well as the U.S. Border Patrol.[5] Likewise in Canada, the Canada Border Services Agency (CBSA) was created in late 2003.[6] The CBSA houses former customs, immigration and food inspection services and became one of six agencies under Public Safety Canada. Other associated agencies within Public Safety include the RCMP and the Canadian Security Intelligence Service (CSIS).[7] Thus, under Public Safety Canada, border management was streamlined under one Ministry, similar to how DHS streamlined border security into one Department.

[4]U.S. Department of Homeland Security, "Creation of the Department of Homeland Security," accessed March 10, 2014, http://www.dhs.gov/creation-department-homeland-security.
[5]U.S. Department of Homeland Security, "Department Components," accessed March 10, 2014, http://www.dhs.gov/department-components.
[6]Canada. Canada Border Services Agency. "About the CBSA - What We Do," June 1, 2006, http://www.cbsa-asfc.gc.ca/agency-agence/what-quoi-eng.html.
[7]Canada. Public Safety Canada. "About Public Safety Canada," Accessed March 4, 2014, http://www.publicsafety.gc.ca/cnt/bt/index-eng.aspx.

1.1 Purpose

This thesis examines the institutional changes (i.e. the creation of new departments and the concomitant policies and training) and the extent to which they impacted the management of the U.S.-Canada border after 9/11. In particular, it seeks to answer the question: do national management predilections remain constant before and after 9/11? In other words, does the U.S. still worry more about who crosses the border than what versus Canada's predilection to concern itself with what versus whom? To answer this overall question, this thesis investigates whether or not the creation of the CBP and CBSA altered national priorities and procedures for customs and border officials. Given the scale and shock to U.S. homeland security and given Canada's close cooperation with the U.S. in defending the border jointly, one would have expected national border priorities to harmonize: the U.S. and Canada would both prioritize who and what. However, this thesis suggests that national priorities have not changed as dramatically as one would have expected and remain connected to national predilections prior to 9/11. Ultimately, this thesis, therefore, will demonstrate that despite the post-9/11 institutional changes and attempts at binational harmonization, in practice, Canada and the United States approach border security in fundamentally different ways which have been consistent throughout their histories. The predominant area of concern for the U.S. CBP is on the movement of people, while CBSA officers tend to focus on the transport of goods across the border. Metrics for success as defined by the institutions include operational objectives (lines of questioning for example), standard operating procedures, recruitment, training and tenure of personnel.

1.2 Theoretical Framework

Fundamental to this argument will be the concepts of path dependency, a feature of historical institutionalism, as well as Graham Allison's Organizational Behavior Model. The concept of path dependency suggests that the policy choices made when an institution is being formed, or when a policy is initiated, have a continuing and largely determinate influence over the policy far into the future.[8] In other words, the historical context of an institution's formation has a lasting effect on its nature and policies – akin to an echo. The differences between the United States and Canada's approach to the border can thus be partly attributed to the history; the context in which the respective border agencies were created have had a lasting influence on their nature. In the United States, border monitoring began as a response to the immigration waves of the late nineteenth century. Conversely, Canada Customs was the main border management institution for Canada and it began in response to Canada's need to regulate trade as customs and excise were an essential part of the country's revenue.[9] Therefore, historically, the concern for Canada has been carriage of goods such as tobacco and alcohol, whereas in the United States it has been on the people crossing the border.

The Organizational Behavior Model put forward by Graham Allison and Philip Zelikow in their book *Essence of Decision: Explaining the Cuban Missile Crisis*[10] also provides a framework through which we can understand the development of both the United States and Canada's border agencies. This model focuses on organizations, defined as institutions that are established in order to bring individuals together under a common objective or mission

[8]Peters, Guy B. *Institutional Theory in Political Science: The New Institutionalism* (London; New York: Pinter, 1999).
[9]McIntosh, Dave. *The Collectors : A History of Canadian Customs and Excise* (Toronto: NC Press in association with Revenue Canada, Customs and Excise, and the Canadian GovtPubCentre, Supply and Services Canada, 1984).
[10]Allison, Graham T. and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Longman, 1999). The original, by Allison, was published in 1971.

statement. Allison argues that organizations have a substantial amount of autonomy under the umbrella of their main objective, which results in the development of norms and routines within the organization. Through this, organizations develop an organizational culture. Therefore, the patterns of behaviour seen in CBP and CBSA officers at ports of entry today can be understood as outputs of large organizations functioning according to their standard patterns of behaviour. In other words, certain preferred patterns of how work is completed and ways of thinking become preferenced, and repeated by those in the organization. Ultimately, the concepts of path dependency as well as organizational culture help explain the nature and consistency of the approaches to border management in both the United States and Canada.

It is important to note that there is much debate among scholars of new institutionalism and organizational theorists about the terms “organization” vs. “institution.” It is accepted that an organization is an established structure for a function, whereas an institution connotes that structure plus culture, policies, training and other norms and rules. However, from an international relations perspective, and the perspective of this thesis, these terms are used interchangeably. When referring the U.S. CBP or the CBSA and their respective legacy agencies and departments, it is understood that there are individuals doing work and other factors at play. However, the distinction between the two terms will be sidelined as this would require a discussion of literature and debates which are outside the scope of this thesis.

1.3 Methodology

The methodology to be used by this study includes a literature review as well as an analysis of primary sources, including government reports and data as well as first hand interviews conducted with border management officials on both sides of the border to augment

the two main theories: path dependency and the organizational behavior model which focus on history and culture of organizations, respectively. For purposes of this study, the focus of national predilections and border management priorities is focused on land ports of entry into the respective states and provinces. The land crossings are most numerous and most representative of both people and goods crossing the border. The land crossings are also more similar – U.S. and Canadian officials occupy the same space in many cases. Maritime ports are heavily skewed towards goods and agents are not always located in similar locations, therefore, they will not be analyzed as they are less comparable.

Interviews were conducted with officials from the U.S. CBP and CBSA. These interviews provided essential data and perspective, as these individuals are responsible for applying agency mandates and policy to actual circumstances at, and between, ports of entry. The interviews with U.S. CBP and CBSA officials occurred primarily at the Emerson/Pembina port of entry along the border of Manitoba and North Dakota. Several land border crossing sites was analyzed, these interviews contributed valuable context to this thesis and guided the research process. It is noted that since these interviews were conducted in one location, the perspective may be regionally-biased. These ports of entry see a substantial amount of commercial traffic of agriculture products, being the fifth busiest in terms of cross-border trade[11] as well as traffic from personal travel.[12] Nevertheless, as the procedures, policies and training of the border agencies are federally determined, any potential regional differences noted at different crossing sites still have the same overall priorities.

[11]Canada. Transport Canada. *Table EC10: Canada's Road Trade with the United States by Busiest Border Crossing Points, 2010–2011*, Statistical Addendum 2011, Transport and the Economy (Transport Canada, July 19, 2012), http://www.tc.gc.ca/eng/policy/anre-menu-3028.html.

[12]The Pembina/Emerson port of entry is located along a key trade corridor connecting Interstate 29 in the United States to Highway 75 in Manitoba, making it a location with a substantial amount of commercial traffic. Additionally, it is commonplace for Manitobans to travel to the towns of Grand Forks and Fargo, ND in order to shop and/or access cheaper U.S. flights. This results in the import and export of commercial products as well as personal declarations of goods purchased by tourists.

The literature review consisted of both historical literature as well as contemporary documents addressing the current nature and management of the U.S.-Canada border. Primary documents issued by the organizations guided initial research. For example, the U.S. CBP website includes sections on the history of its legacy organizations.[13] From there, further research was conducted based on the events and issues highlighted by the organization rather than second or third party commentators. Similarly, documents published by the current U.S. CBP and CBSA were used to guide research into the nature of contemporary border management. Figure 1.1 outlines the primary sources utilized.

Figure 1.1 Primary Documents Consulted

U.S. Primary Documents Consulted	Canadian Primary Documents Consulted
DHS and U.S. CBP Websites: mission statements, history fact sheets, news releases and training information.	Public Safety Canada, CBSA and RCMP Websites: mission statements, history fact sheets, news releases and training information.
Congressional testimonies made by DHS and CBP officials.	CBSA Annual statistics, Departmental Performance Reports (including those by legacy organizations, mainly Revenue Canada)
U.S. Library of Congress: legislation history and Congressional debates.	Parliamentary Debates
Presidential Archive for U.S. President George W. Bush.	News Releases from the Prime Minister
	Audits released by the Office of the Auditor General

These primary documents, in combination with other literature available on the U.S.-Canada border and U.S.-Canada relations, were used to evaluate criteria outlined by the theories. Each theory outlined things of note to look for when evaluation organizations, and these criteria were used to uncover the national predilections present and how they are manifested in the organization. Figure 1.2 outlines these.

[13]See U.S. Customs and Border Protection, "CBP Through the Years."

Figure 1.2 Criteria for Analysis

Criteria	Theory	Example: **bold** is evidence of concerns for people, *italic* is evidence of concerns for goods
Events occurring at the time of the creation of the institution and corresponding ideas and values	Path dependency	**Immigration** concerns vs. *transport of goods/Customs* concerns
Which legacy institution had the most influence or was most prominent along the border	Path dependency	**Immigration** organization vs. *Customs* organization
Organizational mission	Organizational Behavior Model	Mandate to address threat from **individuals** and to **enforce immigration laws** vs. a mandate to *stop undesired goods* and *enforce trade laws*
Operational objectives (metrics used to define success)	Organizational Behavior Model	Number of **arrests of individuals** vs. number of *seizures of goods*/amount of *revenue collected*
Special Capacities (information and technologies available to and used by the organization)	Organizational Behavior Model	**Surveillance of people** and **background checks** vs. technology to *detect goods and contraband*
Norms of recruitment/tenure of personnel (training, standards for employment)	Organizational Behavior Model	Training that involves **psychological analysis of individuals** and **arrest protocol** vs. *knowledge of trade policy* and how to *detect certain types of goods*
Organizational traditions and symbols	Organizational Behavior Model	Is the organization convey symbols of **defence** or *facilitation*

1.4 Overview

Chapter Two lays out the theoretical approach to the thesis. Path dependency is a key aspect of historical institutionalism. Historical institutionalism's main focus is on the ideas and values that are embodied in an institution as a result of its formation. Path dependency holds that when a government makes an initial policy or institutional choice, a pattern, or inertia, is created which shapes that institution far into the future. Historical institutionalism has contributed to a

greater understanding in the fields of American and Comparative Politics, and as Orfeo Fioretos argues in his article "Historical Institutionalism in International Relations," it can also play a similar role in international relations' studies.[14] This chapter will outline the merits of historical institutionalism, and its concept of path dependency, as being a useful approach to the analysis of the U.S.-Canada border. This chapter will also outline organizational theory as both an aspect of institutionalism as well as its description and application by Graham Allison. Allison utilized this model to understand how bureaucracies within the U.S. government reacted to the Cuban Missile Crisis, and also advocated for this approach to be used widely in international relations scholarship.

Chapter Three provides the historical context of the U.S.-Canada border and the establishment of border management institutions in the United States and Canada beginning in 1880 until 2001. This historical overview was focused on this time frame because it was when the legacy institutions of U.S. CBP (INS, U.S. Border Patrol) and the CBSA (Canada Customs) were created and/or marked the beginning of physical infrastructure established along the border. The events of this time period thus influenced border management organizations, as the formative years of border management established the norms and goals for the institutions responsible for border policing as well as the political factors involved. Central topics of concern in this chapter are the various cases and circumstances that made the the border a focal point of concern for the American and Canadian governments. As the framework for this analysis is historical institutionalism, a history of the relevant institutions is necessary.

Chapter Four is an analysis of the nature of border management in the United States and Canada after 9/11 to the end of 2013. This will include the impacts on the border in the

[14]Fioretos, Orfeo. "Historical Institutionalism in International Relations," *International Organization* 65, no. 02 (2011): 367–99.

immediate aftermath of the terrorist attacks. An analysis of the creation of both DHS and Public Safety in the United States and Canada is central to this chapter, including analysis of the various motives for these changes, the new jurisdictions and mandates of each border management organization, as well as how the new institutions were received by the American and Canadian governments and citizenry. Finally, this chapter provides an organizational analysis of the current U.S. CBP and CBSA, including organizational missions, metrics for success as defined by the institutions, operational objectives and recruitment, training and tenure of personnel.

Chapter Five compares and contrasts the differences and changes to border management of Chapters Three and Four. This concluding chapter will aim to answer the main thesis question: do national management predilections remain constant before and after 9/11? The expected answer is yes; due to path dependency and organizational model arguments, national predilections tend to persist even after a major shock like 9/11. However, this does not mean that the organizations/bureaucracies do not evolve. Rather, history and culture remain vestigial factors that must be considered when trying to understand national borer management. The policy implications of this finding will be explored, such as the impact national predilections have on security at the border and what possible security issues might exist given these national variations.

1.5 Research Challenges

Some challenges were faced during research for this thesis, which in some respects limited the analysis, but also represent findings in themselves. For one, when researching the history of U.S. border management, it was difficult to find substantial information on the role of the U.S. Customs Service, especially before 1980. In the history of the U.S.-Canada border, the

Border Patrol and Immigration and Naturalization Service are the prominent organizations for the United States, despite the fact that the Customs Service employed many customs inspectors at U.S. ports of entry. The lack of information on the history of this organization demonstrates that the American national narrative of the border is very much linked to immigration and not customs.

In addition, the contemporary CBSA has become more sensitive to security concerns. The research process revealed, unexpectedly, that the U.S. CBP was much more open in terms of sharing information and allowing the author to visit ports of entry to view the technology utilized. CBSA officials were willing to share information, but did not stray from information that was pre-approved by the communications' office. This may be a reflection of the current Canadian government[15] or an overall shift in how the CBSA views their role in Canadian society and overall national security. More time and research are needed to provide a more thorough explanation.

1.6 Relevance

The U.S.-Canada border impacts the citizens of both countries on a number of levels, including trade, security and tourism. The economies of both countries are heavily dependent on the other, and bilateral trade relies on the exchange of goods across an efficient and passable land border. This thesis will provide a deeper understanding of the priorities and standards of procedure within border agencies in Canada and the United States, as well as their consistency over time, considering the events of 9/11 and the restructuring of the institutions in 2002 and

[15]See "Harper Government Most Secretive, Journalists Say," *The Globe and Mail*, April 29, 2012, http://www.theglobeandmail.com/news/politics/harper-government-most-secretive-journalists-say/article4103406/. and Galloway, Gloria. "Ottawa Keeps Tight Lid on Even Most Basic U.S.-Border-Deal Files," *The Globe and Mail*, March 15, 2011, http://www.theglobeandmail.com/news/politics/ottawa-notebook/ottawa-keeps-tight-lid-on-even-most-basic-us-border-deal-files/article612537/.

2003. This consistency demonstrates how the political issues of past generations and the formative years of the Canada-U.S. relationship continue to influence how we interact in the context of contemporary issues and challenges. Ultimately, the priorities of these border institutions reveal differing outlooks held by the Canadian and U.S. governments and citizenry about their security which has repercussions for the overall relationship between the two countries.

Chapter Two: Theoretical Approach

2.0 Introduction

This Chapter outlines the two theories that will provide a framework for understanding the development of American and Canadian border institutions: path dependency and organizational behavior. Path dependency is utilized in both economics as well as historical institutionalism in political science. It looks at the founding moments of an institution as well as "critical junctures," or key events in an institution's history, as having lasting impact. Once an institution is placed along a particular path, the path becomes self-reinforcing. History is thus key to understanding the capabilities and limitations of an institution. Similarly, the Organizational Behavior Model, as developed by Graham Allison, looks at bureaucracies as a main actor in international relations, as opposed to the traditional emphasis on states as unitary actors. In understanding how these institutions function and how organizational cultures develop, we are better able to predict and understand policy outcomes.[16] Together, these two methods will assist the analysis of the development of border institutions in the United States and Canada and assist in evaluating the impact of the creation of U.S. Customs and Border Protection (CBP) and the Canada Border Services Agency (CBSA) on contemporary border management.

2.1 Path Dependency: Context and Implications

Path dependency is a concept that is used in political science largely in association with historical institutionalism, a school of thought of new institutionalism. New institutionalism is a

[16]The Organizational Behavior Model, as introduced by Graham Allison, is decision-making model that focuses on organizations and the bureaucracy within the organization. It was used in the context of international relations' theory as a way to understand critical events such as the Cuban Missile Crisis. Thus, I use this model to understand the impacts of another critical event, 9/11, on the border institutions and decision-making within the U.S. and Canadian bureaucracies. It is used here independently of the wider body of literature on organizational behavior as studied by management and organizational experts.

relatively recent school of thought, having developed in the 1980s and 1990s at the same time when international relations' theory was undergoing a more general re-evaluation of exclusively state-based ontologies. It returns the focus from the state to the individual as the main actor of formal and informal institutions. New institutionalism earns the distinction of being "new" in that while it returns the focus to institutions, it also includes new theoretical and empirical directions. The scholars credited with defining and naming new institutionalism, namely James March and Johan Olson (1984), advocated for an institutional approach which put collective action at the center of analysis. Instead of choosing either individual process or structure over the other, they felt that there was a relationship between politics and society, with the socio-economic environment shaping politics and vice-versa.[17]

Of the schools of thought encompassed by new institutionalism, historical institutionalism was one of the first to emerge. As Guy Peters states, "the basic, and deceptively simple idea is that the policy choices made when an institution is being formed, or when a policy is initiated, will have a continuing and largely determinate influence over the policy far into the future."[18] In other words, institutions have a 'memory' which influences future decision-making and procedures. Historical institutionalism's main focus is on the ideas and values that are embodied in an institution as a result of its formation. When a government makes an initial policy or institutional choice, a pattern, or inertia, is created which shapes that institution far into the future. When looking back at this history, we see evidence of an "echo" of the original organization in its policies, training practices and the like. While outside forces may act upon that institution, most change and evolution will be constrained by the decisions made during the

[17]Peters, *Institutional Theory in Political Science: The New Institutionalism*, 17.
[18]Ibid., 63.

formative period of the institution.[19] Historical institutionalism defines institutions in relatively loose terms, including formal government structures, legal institutions as well as social institutions.[20] This also includes formal or informal procedures, routines and norms embedded in the organizational structure of the government and its institutions.[21] Under this approach, the polity is an overall system of interacting parts, and the institutional organizations of it are the principal factors structuring collective process and generating outcomes.[22] The behaviour of actors and the choices they make are thus constrained by institutions, in particular, the initial policy decisions made.

Historical institutionalism is also especially attentive to the relationship between institutions and ideas or beliefs. Of importance are the conditions under which ideas are embedded within institutions in politically consequential ways.[23] As Peter Hall and Rosemary Taylor (1996) outline, past lines of policy defines and limits later policy by encouraging societal forces to organize along some lines rather than others, to adopt particular identities or to develop interests in policies that are costly to shift.[24] That is, once an institution has started down a particular path, there are incentives that motivate it to maintain and support those initial ideas and values in lieu of other potential options. This concept is known as path dependency.

One of the main implications of path dependency is that the early stages in a sequence can place particular aspects of political systems or institutions into a distinct track, which are reinforced over time.[25] This can sometimes mean that a smaller event early on has more impact while larger events at later stages are less significant in terms of changing the focus or policies of

[19]Ibid., 64.
[20]Ibid., 65.
[21]Hall, Peter A. and Rosemary C. R. Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44, no. 5 (1996): pp. 936–957.
[22]Ibid., 937
[23]Fioretos, "Historical Institutionalism in International Relations," 375.
[24]Hall and Taylor, "Political Science and the Three New Institutionalisms," 941.
[25]Pierson, *Politics in Time : History, Institutions, and Social Analysis*, 45.

institutions. These significant (especially early) events are often referred to as "critical junctures," or moments when a substantial institutional change takes place that creates a "branching point" from which historical development moves into a new path.[26] Ultimately, timing and sequence does matter. The structure that prevails after a critical juncture may shape the path of an institution in ways which make alternative institutional designs less likely to occur, even if they, in theory, would be more efficient.[27] Individuals are thought to balance evaluations of the costs and benefits of adapting to new circumstances with the costs and benefits of maintaining or losing their investments in past arrangements, and actors will often see greater benefits from reproducing existing arrangements than from embracing change.[28]

Path dependency was initially developed as a microeconomics concept, coupled with the notion of "increasing returns." However, the dynamics of path dependency are just as prevalent in politics as they are in economics, if not more so. Paul Pierson[29] outlines a number of reasons for this. For one, politics is centered on collective action. The public sector creates public goods which have widespread and public effects. This, in turn, makes the consequences of making the wrong choice quite costly (both monetarily- and political-speaking). In addition, many types of action in the public sector have high start-up costs involving both material resources as well as political capital, making choices especially constraining.[30] Secondly, politics is very institutional in nature. In order to coordinate actors in pursuit of a public good, such as managing a secure and efficient land border, institutions are almost always created and utilized. These institutions, in turn, constrain and "fundamentally shape the incentives and resources of political actors."[31]

[26]Hall and Taylor, "Political Science and the Three New Institutionalisms," 942.
[27]Fioretos, "Historical Institutionalism in International Relations," 376.
[28]Ibid., 373 and 376.
[29]Pierson, *Politics in Time : History, Institutions, and Social Analysis*, 31.
[30]Ibid., 32-33.
[31]Ibid., 35.

Also, institutions often develop particular political and social identities and result in the specialization of skills and development of relationships among other individuals and organizations.

Third, politics is full of asymmetries of power, and shifts in power may serve as self-reinforcing. Actors aim to utilize their authority to change the rules of the game to maximize their authority while diminishing the authority of their rivals. These changes can result in the reinforcement of trends, as individuals choose to side themselves with the "winners" and desert the "losers."[32] Lastly, Pierson argues that there is a status quo bias in political institutions. Policies and institutions are generally designed to be change-resistant in order to create stability, and often times are also done so by their creators in order to bind their successors. Formal barriers to institutional reform are high, meaning that tendencies toward path dependence in political development can be substantial.[33] Given these points, politics can be just as susceptible to the path dependency.

There are, of course, weaknesses to be found with historical institutionalism and the concept of path dependency. One main problem is a failure to deal wholly with the causes of institutional change. As Peters states, "Change is not totally antithetical to the approach, but it is certainly not a central element."[34] However, some proponents of historical institutionalism argue that incremental change is possible, as a means of adjustment to changing demands and inadequacies of the initial design. Institutions learn from new information discovered while on their own path and also from the experiences of other institutions.[35] Nonetheless, the concept of

[32]Ibid., 36-37.
[33]Ibid., 43-44.
[34]Peters, *Institutional Theory in Political Science*, 70.
[35]Ibid., 69-70.

path dependency lacks a thorough consideration of institutional change and an ability to accurately predict institutional change.

2.2 Path Dependency and the U.S.-Canada Border

Despite the weaknesses outlined, path dependency also has strengths, particularly when considering the study of border management in the United States and Canada. Orfeo Fioretos highlights historical institutionalism's merits in the study of international relations, stating that it can stress processes such as "the legacies of founding moments in shaping long-term power relations and whether new ideas become consequential."[36] As the following chapter will outline, in the early years of border management, both countries responded to issues involving the border by creating institutions to manage it. These institutions, over time, have developed into the ones that manage it today, namely U.S. CBP and the CBSA, in addition to a number of other government agencies in both countries that now have a stake in border management.

Institutions are particularly sensitive to positive feedback and thus self-reinforcing processes, which are germane to path dependency. Given the institutional nature of the border, a theoretical approach which emphasizes the development of institutions is quite appropriate for this thesis. Path dependency looks at policy across time while most institutional theories end up bound in one specific time and place. For instance, while normative institutionalism might be helpful in understanding the norms of an institution and how the rules affect behaviour, it does not account for the origin of these norms and how they came to be an influential part of the institution. While a large amount of literature exists on the U.S.-Canada border since 9/11, or immediately before and following those events, it is also important to look back at the very foundations of these institutions through the lens of historical institutionalism. To identify

[36]Fioretos, "Historical Institutionalism in International Relations," 369.

moments of "critical juncture" and the self-reinforcing processes that exist within border management institutions is to understand them more fully, not just by looking at the years before and after 9/11.

2.3 Organizational Behavior Model

In addition to the concept of path dependency, another framework guiding this thesis will be the Organizational Behavior Model put forth by Graham Allison in his original book *Essence of Decision: Explaining the Cuban Missile Crisis* published in 1971.[37] Later, he updated the book given the events of the end of the Cold War and 9/11 with Philip Zelikow in 1999.[38] I use the 2nd edition, published in 1999, as it covers more of the time frame I am examining.

The Organizational Behavior Model seeks to understand the role organizations, their bureaucracies and their outputs have on government processes and in turn, the choices governments make in foreign affairs. Allison wrote this book in order to put forward both this model as well as another, the Governmental Politics Model[39] as alternative approaches to the Rational Actor Model (RAM). Professional analysts and policy actors, he argues, had always conceptualized problems under this RAM model; as happenings of national governments which acted as unitary, rational actors.[40] Through an examination of the Cuban Missile Crisis, Allison highlights the merits of both the Organizational Behavior Model and the Governmental Politics Model as approaches which could be implemented broadly to both foreign affairs and domestic policy in order to understand more fully events and organizations.

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[37]Allison, Graham T. *Essence of Decision; Explaining the Cuban Missile Crisis* (Boston: Little, Brown, 1971).
[38]Allison, Graham T. and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Longman, 1999).
[39]This model looks more at the individuals, like Presidents of states, who make executive-like decisions. As I am dealing with organizations which are created by more than one individual and that take on lives of their own, with their own processes and budgets, etc., the Behavior model is the better of the two to use for the purposes of this thesis.
[40]Allison and Zelikow, *Essence of Decision*, 2-7.

Under the Organizational Behavior Model, the basic unit of analysis is government action as an organizational output.[41] When a government faces a problem, organizations are created to address it. These organizations, in turn, become active players in defining just how a mission or mandate translates into specific tasks and operational objectives. They end up with substantial scope in defining these operational objectives.[42] Thus, government behaviour reflects the outputs of organizations, partially coordinated by government leaders. In order to coordinate individuals, within bureaucracies, organizations adopt rules, norms and routines, often in the form of standard operating procedures (SOP's). Out of this process, two key things occur: 1) organizations create capabilities, while at the same time constraining behaviour, and 2) organizational culture emerges.

Similar to the premise of path dependency, the Organizational Behavior Model holds that organizations constrain behaviour and that this has much to do with the very nature of public organizations themselves. Organizations do not like uncertainty, and so they create programs and rigid routines for making policy decisions. While these programs and routines, as Allison argues, are "indispensable to efficient organizations"[43] they also create limitations. Routines are developed for making frequent adjustments and alternatives are often generated sequentially. The order of these alternatives is thus quite significant because organizations will stop with the first alternative that is satisfactory for solving the problem at hand. In turn, these developed programs and routines limit future decision-making. And as Allison states, "A common understanding of these programs and development of the capacities to run them… are powerful ingredients in shaping an organizational culture."[44]

[41]Ibid., 164.
[42]Ibid., 151.
[43]Ibid., 152.
[44]Ibid., 152.

Organizational culture is not a concept solely tied to Allison's model. As James March (1994) has said, "Organizations have identities. For an organization to be a proper business firm, or a proper military unit, it must organize and act in a particular way… as organizations seek to confirm such descriptions, they frame organizational forms and procedures in ways consistent with them."[45] Also, "an identity is a conception of self, organized into rules for matching actions to situations."[46] Given the relative autonomy organizations have in developing SOPs and other routines and norms under the umbrella of their mandate, an organization's culture is something that naturally emerges among the individuals that are employed by that organization. Once members hold a set of beliefs about their organization, these beliefs are passed on to successors.[47] Additionally, "operational experiences in the field reinforce certain capacities and routines, even endow the capacities and routines with a ceremonial power that provides legitimization internally or in dealings with the outside world."[48] An excellent example of this would be the traditional "Change of Command" ceremony the U.S. Border Patrol holds when a new Chief Patrol Agent takes over a sector. The ceremony involves the swearing of an oath and is often attended by federal, state and local leaders.[49] This is an illustration of the operation and routine of patrolling the border being given a ceremonial power within the organization itself and is also legitimized, even honoured, by the outside world.

[45]March, James G. *A Primer on Decision Making: How Decisions Happen* (New York: Free Press, 1994), 61.
[46]Ibid., 61.
[47]Allison and Zelikow, *Essence of Decision*, 153.
[48]Ibid., 155.
[49]U.S. Customs and Border Protection, "U.S. Border Patrol Change of Command Ceremony," August 21, 2012, http://www.cbp.gov/newsroom/local-media-release/2012-08-21-040000/us-border-patrol-change-command-ceremony.

2.4 Organizational Behavior and the U.S.-Canada Border

Allison highlights a number of "organizing concepts" for his Organizational Behavior Model. In order to more fully understand how this model can be applied to the management of the U.S.-Canada border, we can apply these organizing concepts to this policy area. To start, the main actor under this model are organizations.[50] In terms of border management, that includes the government departments/agencies and their bureaucracies in the United States and Canada that are mandated with patrolling and managing the flow of people and goods across the border. In the United States, this is the Department of Homeland Security (DHS) which oversees U.S. CBP[51] and in Canada, the Ministry of Public Safety, which houses the CBSA and Royal Canadian Mounted Police (RCMP) among others.[52] The next concept, which expands on this, is the division of power, or the delegation of policy areas to various departments and agencies. Each organization performs a range of actions with considerable autonomy to maintain their mandate. However, their size prevents any one organization from making all important decisions or directing all activities in one area.[53] This breakdown of responsibilities is seen in both DHS and Public Safety Canada. In the United States, U.S. CBP officers in the Office of Field Operations officers maintain ports of entry[54] while the U.S. Border Patrol is responsible for monitoring the areas in between ports of entry.[55] In Canada, the CBSA is responsible for ports of entry[56] and the RCMP is responsible for the areas in between.[57] Additionally, in both Canada and

[50]Allison and Zelikow, *Essence of Decision*, 166.
[51]U.S. Department of Homeland Security. "Department Components."
[52]Public Safety Canada, "About Public Safety Canada," see Appendix E.
[53]Allison and Zelikow, *Essence of Decision*, 166-167.
[54]U.S. Department of Homeland Security. Customs and Border Protection, "Field Operations/Port Security," accessed March 10, 2014, http://www.cbp.gov/xp/cgov/border_security/port_activities/.
[55]U.S. Department of Homeland Security. Customs and Border Protection, "Border Patrol Overview," January 5, 2011, http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_ohs/overview.xml.
[56]Canada Border Services Agency, "About the CBSA - What We Do."
[57]Canada. Royal Canadian Mounted Police. "Border Integrity," December 10, 2010, http://www.rcmp-grc.gc.ca/bi-if/index-eng.htm.

the United States, other agencies create policy that has implications for border management. For example, the Canadian Food Inspection Agency (CFIA) creates policies relating to the importation of live plants across the border, which CBSA is mandated to enforce these rules and requirements.[58] Since the main focus of this thesis is focused on the management of the border at land ports of entry, the agencies of interest are U.S. CBP Office of Field Operations and CBSA.

The next concept under the Organizational Behavior Model is organizational missions. Organizations often have an explicit mandate or mission statement which lays out what they seek to accomplish. This specifies their authorities, arenas in which they are directed to operate, and core values.[59] The U.S. CBP and CBSA mission statements are as follows:

Figure 2.1 U.S. CBP and CBSA Mission Statements.

U.S. Customs and Border Protection (CBP)[60]	Canada Border Services Agency (CBSA)[61]
Mission: We are the guardians of our Nation's borders. We are America's frontline. We safeguard the American homeland at and beyond our borders. We protect the American public against terrorists and the instruments of terror. We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel. We serve the American public with vigilance, integrity and professionalism. **Core Values:** *Vigilance* is how we ensure the safety of all Americans. We are continuously watchful and alert to deter, detect and prevent threats to our	**Our Mission**: The Canada Border Services Agency works to ensure Canada's security and prosperity by managing the access of people and goods to and from Canada. **Our Vision**: An integrated border agency that is recognized for service excellence in ensuring Canada's security and prosperity. **Our Workforce**: We work with vigilance at the border, within Canada and abroad, providing the services necessary to help keep our nation safe and prosperous. Born of the rich history that is our legacy, we are proud to protect and serve Canadians and

[58]Canada. Canada Border Services Agency. "MEMORANDUM D19-1-1: Food, Plants, Animals and Related Products," June 29, 2010, http://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-1-1-eng.pdf, 2.
[59]Allison and Zelikow, *Essence of Decision*, 167.
[60]U.S. Customs and Border Protection, "CBP Mission Statement and Core Values," February 17, 2009, http://cbp.gov/xp/cgov/about/mission/guardians.xml.
[61]Canada. Canada Border Services Agency. "Our Charter," December 8, 2010, http://www.cbsa-asfc.gc.ca/agency-agence/charter-charte-eng.html. Also found in Appendix F.

Nation. We demonstrate courage and valor in the protection of our Nation. *Service to Country* is embodied in the work we do. We are dedicated to defending and upholding the Constitution of the United States. The American people have entrusted us to protect the homeland and defend liberty. *Integrity* is our cornerstone. We are guided by the highest ethical and moral principles. Our actions bring honor to ourselves and our agency.	confident in our ability to meet new challenges. We are united in our resolve to carry out our diverse mandate and enforce the laws of Canada with impartiality and fairness. As leaders and innovators in border management, we value our strong domestic and international partnerships and are dedicated to working together on critical safety, security and trade issues. We rise to the challenges we face each day, and take pride in knowing that the work we do makes a difference in the lives of Canadians while contributing to global security and commerce. **Values**: Protection, Service, Integrity.

The missions of the two border agencies have striking differences. The U.S. describes the border as a barrier that needs to be guarded while Canada focuses on the flow of goods and people through the border. Organizations ultimately interpret these mandates into their own terms. From the missions, organizations develop operational objectives, special capacities and a culture. They produce a set of beliefs about how a mission should be implemented and what capacities are needed and wanted to perform them.[62] And yet, there are also similarities in terms of the missions. Both border agencies, for example, aim for vigilance, service and integrity, which are common for public service organizations.

When attempting to discern the cultures of U.S. CBP and CBSA, it is helpful to analyze some particular characteristics of the organizations. To start, how does the organization define success in operational terms? Secondly, what information is available to the organization, and what special systems or technologies are operated to perform the task?[63] For instance, a quick

[62]Allison and Zelikow, *Essence of Decision*, 167.
[63]Ibid., 167.

glance at the websites for both the U.S. CBP and CBSA gives us a surface idea of how they measure success. The U.S. CBP 2012 Annual Report[64] highlights the amount of trade processed, revenue collected and the seizure of narcotics and apprehension of illegal aliens between ports of entry. Similarly, for the CBSA, one could infer from their national statistics report for 2012[65] that the number of seizures of unauthorized firearms, drugs, tobacco, and other prohibited materials is one measure of success, as are the number of persons processed and those removed from or denied entry to Canada.

Allison also mentions professional norms for recruitment and tenure of personnel in the organization, as well as the distribution of awards by the organization, as key to organizational behaviour.[66] Thus the nature of recruitment of U.S. CBP officers in the U.S. and CBSA officer in Canada (such as citizenship requirements, physical fitness or firearm certification) can reveal institutional norms or expectations. Additionally, looking at the actions for which officers have received commendations or awards may reflect organizational values. Furthermore, Allison highlights the experience of making "street-level" decisions. This can be translated to mean the daily decisions U.S. CBP and CBSA officers make at ports of entry while processing travelers and cargo.

Allison looks at the outputs of organizations as products of its programmed character and the influence pre-established routines have on behaviour.[67] The formal mandates defined earlier will give us a vague idea of the makeup of U.S. CBP and CBSA. To understand them more in-depth, we need to look at the objectives, how these objectives are met and what defines success.

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[64]U.S. Department of Homeland Security. Customs and Border Protection, *Performance and Accountability Report, Fiscal Year 2012*, April 2013, http://cbp.gov/linkhandler/cgov/newsroom/publications/admin/perform_account_rpt_2013.ctt/perform_account_rpt_2013.pdf.
[65]Canada. Canada Border Services Agency. "National Statistics - January 1, 2012 to December 31, 2012," February 1, 2013, http://www.cbsa-asfc.gc.ca/agency-agence/stats/2012/2012-ann-eng.html.
[66]Allison and Zelikow, *Essence of Decision*, 167.
[67] Ibid., 168-69.

Ultimately, these "organizing concepts" are pieces which, together, allow us to fully understand not just how organizations operate, but reveal the particular patterns of behaviour and organizational cultures which have developed over the years. Chapter Four will apply these highlighted organizing concepts to the U.S. CBP and CBSA. Allison's Organizational Behavior Model is thus very useful as a guide to understanding the culture and makeup of the United States and Canada's border institutions. The patterns and cultures revealed by this model may explain both policy choices that are made and also how they are manifested in the procedures seen every day at ports of entry.

2.5 Conclusion: Organizational Behavior and Path Dependency – A Match Made in Heaven?

Two concepts have been addressed which will play key roles in this thesis. Instead of choosing just one as a framework, both need to be applied in tandem. For one, Graham Allison's Organizational Behavior Model was put forward as a new approach largely to enrich one's understanding of foreign affairs. This gives an inside-out view of the world. Path dependency, on the other hand, provides an insider's view of organizations and domestic politics. Both the inside-out and insiders' view of the U.S.-Canada border is important. While we are comparing and contrasting two, different, sovereign states' approach to their border, the domestic politics of the United States and Canada affect the other (the inside to out) as well as nationally (the insider only view). Secondly, path dependency and the Organizational Behavior Model share similarities and complement each other by accounting for the other's weaknesses. For instance, while path dependency is criticized for being unable to predict or account for institutional change, the Organization Behavior Model, as put forward by Graham Allison, does address change more

thoroughly. Allison acknowledges the role leaders play in the creation, dissolution or change in organizations, and that organizations are not immune to shifts in government behaviour.[68] However, "even in making these various choices, leaders rely for the most part on information provided by, and alternatives specified by organizational programs."[69] That is, the changes that occur are often made in consultation with individuals from the organizations in question, so ultimately the organizational culture and identity can influence decisions on what changes occur. Thus, despite the changes, cultures and identities can continue to perpetuate as predicted by path dependency.

We do not have to look much further than the creation of DHS in the United States in 2002[70] and Canada's mirrored act of creating Public Safety Canada and the CBSA in 2003[71] as an example of such changes. Both changes were done in reaction to the events of 9/11, a major shock to U.S. homeland security system and, due to their close economic and security ties, Canada's as well. Given that the restructuring of these institutions was most likely done in consultation with individuals who worked in the former institutions that now make up DHS and Public Safety Canada (such as the Customs Service and INS in the U.S.; Canada Customs and CIC in Canada), Allison would predict that it is not at all surprising that organizational norms, routines, and identities are perpetuated in the new organizations despite the structural change.

On the other hand, while the Organizational Behavior Model puts together an excellent argument and framework for understanding how organizations operate and impact decision-making, he does not account for where the origins of an organization's culture might come from, or what dynamics may influence or cause organizations to develop in a certain way – it is

[68]Allison and Zelikow, *Essence of Decision*, 174.
[69]Ibid., 175.
[70]U.S. Department of Homeland Security, "Creation of the Department of Homeland Security."
[71]Public Safety Canada, "About Public Safety Canada," see also Appendix E.

assumed to be a “given”. Path dependency, however, does account for this. It holds that the ideas and values that are present at the moment of an institution’s founding or at critical junctures in the institution’s history become embedded in that institution. Therefore we need to look to history in order to understand why the U.S. CBP or CBSA developed the cultures and procedures they did.

Path dependency provides a longitudinal perspective; it looks at the entire history of an organization and perspective on its development, critical events and the ideas and values that become entrenched. The Organizational Behavior Model puts a microscope on these critical moments. Its more in-depth “organizing concepts” take snap shots of particular moments during the organization’s history and can help us understand how the organization reacts to particular events. Thus while path dependency predicts that organizations should continue along the same trajectory, the Organizational Behavior Model allows us to see if there are significant shifts in rules, processes or culture along the way that may impact this path or trajectory.

Given this, path dependency will be more essential to Chapter Three, which will look at the development of both of these institutions before 9/11 in a historical context. Of note will be the motivations for creating border management institutions in the United States and Canada, the values and ideas surrounding their establishment, as well as those “critical junctures” which were key moments that shaped the path and structure of the institutions. Graham Allison’s Organizational Behavior Model will have more impact in Chapter Four, when the border institutions are analyzed in light of the events of 9/11 – a critical juncture. The U.S. and Canadian reactions in creating DHS and Public Safety Canada reveal key features of its culture and values. Allison’s model will help frame an explanation for both how and why, despite the

creation of two new organizations for border management and security, national predilections concerning the approach to border management remain largely the same as they did before 9/11.

Chapter Three: Shaping Events and Critical Junctures for American and Canadian Border Institutions, 1880-2001

3.0 Introduction

The creation of the institutions that are now responsible for the management of the U.S.-Canada border, U.S. Customs and Border Protection (CBP) and the Canada Border Services Agency (CBSA) respectively, marked the first time border management was consolidated under one department or agency for both countries. Prior to 2002 and 2003, the border was under the purview of multiple agencies in both the U.S. and Canada. To understand contemporary border institutions we must understand the multiple institutions that were tasked with border management before 9/11 beginning with the origins of the border agencies in both states.

As path dependency suggests, institutions are influenced greatly by the cultures and ideas present at the time of their inception as well as being influenced by "critical junctures," or key events in their history, particularly early on in their development. This chapter will highlight both the establishment and the critical junctures in the history of American and Canadian border institutions, with particular emphasis on the ideas and values embedded at these moments in history. Section 3.1 outlines the U.S. perspective and experience while section 3.2 focuses on the Canadian story. For the United States, it was ultimately issues of immigration around the turn of the twentieth century that brought about increased attention to and supervision of the U.S.-Canada border, while for Canada the border was largely understood in the context of customs, as customs and excise historically were Canada's primary sources of revenue up until the start of World War I. The political climate and policy issues at play during these critical moments in the history of border institutions have had a lasting effect on their nature.

3.1 The U.S. Story

When U.S. CBP began operating on March 1, 2003,[72] it marked the consolidation of the U.S. Customs Service, elements of the Immigration and Naturalization Service (INS), the U.S. Border Patrol and agriculture inspectors.[73] Each of the elements of the U.S. CBP that came together to comprise the present day institution brought with them their own unique histories. Of these, both the U.S. Customs Service and U.S. Immigration Service were created within the Department of the Treasury. The U.S. Customs Service was instituted with the First Congress, in 1789, and has spent most of its history under the purview of the Treasury Department.[74] The Immigration Service ultimately became the INS under the Department of Justice in 1940.[75] The beginnings of the INS developed greatly at the end of the nineteenth century in light of the immigration issues of the time. At the same time, the U.S. Border Patrol was created because of the increased immigration especially from China and from Eastern Europe. INS and the Border Patrol, in particular, played a significant role in the shaping of the U.S.-Canada land border.

3.1.1 The Evolution of INS and the U.S. Border Patrol: An Overview

The critical period of development for the U.S. Immigration Service and, eventually, Border Patrol, began in the 1880-90s, a period which saw increasing concern on the part of U.S. politicians and the American public about the number of unwanted immigrants entering the United States through Canada. Two unwanted groups – the Chinese and the "new" immigrants,

[72]While U.S. CBP was created through the Homeland Security Act of 2002, it did not begin operations until this date.
[73]U.S. Customs and Border Protection, "CBP Through the Years."
[74]U.S. Customs and Border Protection. "1789: First Congress Provides for Customs Administration." *CBP.gov*. Accessed March 20, 2014. http://www.cbp.gov/about/history/1789-first-congress-provides-customs-administration.
[75]In 1903, the Bureau of Immigration moved from the Treasury Department to the Department of Commerce and Labor. In 1933, The Bureau of Immigration and Bureau or Naturalization were united into the Immigration and Naturalization Service (INS), and in 1940 INS was moved to the Department of Justice: U.S. Customs and Border Protection, "1891: Immigration Inspection Expands," *CBP.gov*, accessed March 20, 2014, http://www.cbp.gov/about/history/1891-imigration-inspection-expands.

southern and eastern European groups such as the Italians, Russians, Greeks and Romanians (among others), were of particular concern.[76] Given Canada's "lax" immigration policy vis-à-vis the United States (at least in the estimation of the U.S.), immigrants saw a route through Canada as an easy way to avoid the more rigorous U.S. immigration inspectors. Up until 1890, the shared border had been relatively unmonitored, with people typically being able to cross as they pleased, unquestioned by any authority.[77] The northern (U.S.-Canada) border thus provided a particular weakness as it had multiple crossing points (including via land but also steamship and rail), conveniences the U.S.-Mexico border lacked at the time. Therefore, there were multiple and easier means of travel for immigrants wishing to cross into the United States without inspection.[78]

It was in response to U.S. government policies in the 1880s and 1890s restricting immigration into the U.S. through Canada that the Immigration Service in the United States began to see substantial growth and authority, especially in its monitoring of the border. The *Chinese Exclusion Act* of 1882 led to the creation of a Superintendent of Immigration in 1891, and later, to the creation of the Bureau of Immigration in 1895.[79] Up until 1915, customs inspectors on horseback were responsible for patrolling the border. In light of the immigration concerns, Congress enabled the Bureau of Immigration to deploy immigration guards.[80] The Border Patrol was established in 1924 as part of the Immigration Bureau in the Department of

[76]Higham, John. "American Immigration Policy in Historical Perspective." *Law and Contemporary Problems* 21, no. 2 (April 1, 1956): 222.
[77]Klug, Thomas A. "The Immigration and Naturalization Service (INS) and the Making of a Border-Crossing Culture on the US–Canada Border, 1891–1941." *American Review of Canadian Studies* 40, no. 3 (2010): 395–415.
[78]Smith, Marian L. "The Immigration and Naturalization Service (INS) at the U.S.-Canadian Border, 1893-1993: An Overview of Issues and Topics." *Michigan Historical Review* 26, no. 2 (October 1, 2000): 129.
[79]U.S. Department of Homeland Security. Customs and Border Protection. "Did You Know... CBP's Legacy Agencies Have Worked Side-By-Side for Nearly a Century?" *CBP.gov*. Accessed March 20, 2014. http://www.cbp.gov/about/history/did-you-know/diduknow.
[80]Ibid.

Labor, with the responsibility of patrolling the borders between inspection stations along the U.S.-Canada border.[81]

This period in history saw an increase in U.S. policing and monitoring of the U.S.-Canada border that had not been in place prior to the immigration concerns. The political culture and public opinion of the time was heavily concerned with the influx of unwanted immigrants. This marked the first time in this history of the United States that we see the concept of the "illegal" immigrant arise, as well as the first time immigrants would be excluded based on race or class.[82] In this environment, the U.S.-Canada border received substantial attention from both average American citizens and U.S. politicians, with the media playing a particular role.

3.1.2 "New" Immigrants, Chinese Exclusion and the Birth of Immigration Restriction, 1880-1920

Up until the end of the 1880s, America had been confident in its identity as an immigrant nation. They had not been as troubled as Europe was by issues of class, as they were blessed with economic and social mobility. By the 1860-70s, however, the United States was experiencing the largest influx of immigrants it had seen to date.[83] This was followed in the 1880-90s with an increase in anti-immigration sentiment in the United States, manifested both in American public life as well as in the laws and acts passed by the U.S. government. These acts were aimed at specific immigrant groups.

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[81]U.S. Department of Homeland Security. Customs and Border Protection. "1924: Border Patrol Established." *CBP.gov*. Accessed March 20, 2014. http://www.cbp.gov/about/history/1924-border-patrol-established.
[82]Lee, Erika. "Enforcing the Borders: Chinese Exclusion along the U.S. Borders with Canada and Mexico, 1882-1924." *The Journal of American History* 89, no. 1 (June 1, 2002): 54–55.
[83]Higham, John. "Origins of Immigration Restriction, 1882-1897: A Social Analysis." *The Mississippi Valley Historical Review* 39, no. 1 (June 1, 1952): 77–88.

The "new immigration" flow comprised peoples from Italy, Austria-Hungary, the Balkans and Russia which, after 1886, constituted the majority of European immigration to the U.S.[84] While not entirely clear why these specific groups were targeted as undesirable, John Higham puts forward some hypotheses. For one, this period saw the development of reform movements aimed at solving the issues urban industrial society was facing. These "new" immigrants were viewed as disorganized and impoverished, and thus were perceived as extra strains on society. The majority of them were peasants and from ghetto communities. Additionally, many mining and industrial companies had recruited these immigrants to break strikes and hold down wages, which resulted in dissent from labour unions and the middle-class who felt this type of immigration to be "unnatural."[85]

Ultimately, however, this group was culturally different from the immigrants of Northern Europe to whom American society was accustomed. They lived closer to serfdom and, therefore, were perceived as backwards and bizarre. This perception was combined with the economic and social troubles of the time, such as the depression of 1883-86 and the Haymarket Square riot of 1886, in which a bomb exploded in front of police at a German anarchist meeting.[86] Consequently, the public came to the conclusion that these "new" immigrants were socially dangerous and racially unassimilable,[87] while their predecessors had not been. World War I did not help improve U.S. opinions about Eastern Europeans. Subsequently, the *Immigration Act* of 1921 limited European immigration to three per cent of the foreign born of each nationality present in the United States at the time of the last available census (being 1910, at the time).[88]

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[84]Ibid., 81 and Higham, John. "American Immigration Policy in Historical Perspective," 222.
[85]Ibid., 81.
[86]Higham, "American Immigration Policy in Historical Perspective," 218-19.
[87]Ibid., 219.
[88]U.S. Congress. *An Act To limit the immigration of aliens into the United States*, Public Law 5, 67th Cong., 1st sess. [May 19, 1921], 5-7.

Thus, ethnic affiliation was now a determinant for admission, and this favored immigrants from Northern Europe over those "new" immigrants from the south and east, being higher in number.[89] Notably, this immigration quota exempted Canadians, as would the later *Johnson-Reed Act* of 1924, which further solidified the quota system.[90]

The other group of immigrants targeted by anti-immigration sentiment and laws at the turn of the century were more easily identified: the Chinese. The *Chinese Exclusion Law* of 1882 barred all Chinese labourers from admission to the United States for ten years, and allowed only for the immigration of Chinese merchants, teachers, travelers and diplomats. It also defined illegal immigration as a criminal offense for the first time.[91] The Chinese exclusion movement came mainly out of California, where the Chinese had been steadily arriving since the Gold Rush. From 1860 to 1880, they constituted 9% of California's population.[92] Their obvious racial and cultural differences resulted in a backlash from the frontiersmen of California. National leaders in Washington, D.C. wanted to appease California by passing the 1882 law, followed by the 1892 *Geary law* which extended the exclusion of Chinese immigrants for ten additional years and required every Chinese to prove his/her legal right to be in the United States.[93]

Similar to the "new" immigrants of southern and eastern Europe, a public image of the Chinese immigration was created which illustrated them in a poor light. As many Chinese after the exclusion act attempted to smuggle themselves into the United States from Canada, a new image was created: one of the illegal immigrant. The Chinese were portrayed as cunning

[89]Higham, "American Immigration Policy in Historical Perspective," 229.
[90]U.S. Congress. House of Representatives. *Immigration Act of 1924*, Public Law 139, 68th Cong., 1st sess. [May 26, 1924], 153-169 and Ramirez, Bruno. *Crossing the 49th Parallel : Migration from Canada to the United States, 1900-1930* (Ithaca, NY: Cornell University Press, 2001).
[91]Lee, "Enforcing the Borders," 55.
[92]Higham, "American Immigration Policy in Historical Perspective," 216.
[93]Ibid., 217.

criminals; intelligent tricksters that were "shrewd and impenetrable."[94] The threat of Chinese migration across the border garnered a lot of attention in the media, and U.S. government officials characterized the threat in racial terms, equating it to threats to national sovereignty.[95]

Figure 3.1 *Judge Magazine* editorial cartoon from August 22, 1903.[96]



This editorial cartoon shows waves of immigrants arriving on the shores of the U.S. like unwanted debris. The long, slim moustaches, unusual hats and bandanas illustrate the stereotypes associated with the various undesirable immigrant ethnic groups.

3.1.3 The U.S. Response to Illegal Immigration at the U.S.-Canada Border

Canada became a gateway into the United States for the unwanted immigrants arriving from Southern and Eastern Europe and China. Even long after the 1846 *Oregon Treaty*, which

[94]Lee, "Enforcing the Borders," 67.
[95]Ibid., 70.
[96]Dalrymple, Louis. *The High Tide of Immigration-A National Menace*, ink, August 22, 1903, Billy Ireland Cartoon Library & Museum, https://cartoonimages.osu.edu/MbVmUnGXa. Image is in the public domain.

established the 49th parallel as the boundary between the United States and British North America from Lake of the Woods west to the Pacific Coast, populations had moved freely across the border.[97] Going through Canada had been a typical route for immigrants coming to the U.S. from Scandinavia, Russia and other European countries.[98] This route grew in popularity as inadmissible immigrants found going through Canada was a way to evade the U.S. inspectors (found at U.S. ports) in favour of less rigorous Canadian inspectors. As European immigrants arriving on the east coast went farther and farther west to cross, immigration inspectors, too, went west. A U.S. inspector was placed at Sault Ste. Marie in 1902 and in Winnipeg in 1903.[99] This increase in U.S. immigration inspectors went from 66 in 1902 to 300 in 1909,[100] and by 1908 there were enough stations staffed to cover the complete border.[101] Congress, with the *Immigration Act* of 1907, had allowed for the establishment of certain crossing points as official border ports of entry for all aliens. Forty-three of these ports were established at key points where railroads and ferries frequently crossed between the U.S. and Canada.[102]

Similar to the European immigrants, the Chinese found Canada to be a backdoor into the United States. Chinese exclusion also played a role in the development of border institutions. Indeed, historian Erika Lee states that from 1882 to 1924 "Chinese immigration and exclusion along the U.S.-Canadian and U.S.-Mexican borders… transformed immigration policy, the border region, and American border enforcement."[103] While Canada also had a desire to keep out Chinese immigrants, their approach was entirely different. Rather than trying to stop the Chinese

[97]Warner, Judith. *U.S. Border Security* (Santa Barbara, CA, USA: ABC-CLIO, 2010), http://site.ebrary.com/lib/alltitles/docDetail.action?docID=10400747, 6.
[98]Smith, "The Immigration and Naturalization Service (INS) at the U.S.-Canadian Border, 1893-1993," 128-129.
[99]Ibid., 131.
[100]Lee, "Enforcing the Borders," 74.
[101]Smith, "The Immigration and Naturalization Service (INS) at the U.S.-Canadian Border, 1893-1993," 131.
[102]Klug, "The Immigration and Naturalization Service (INS) and the Making of a Border-Crossing Culture on the US–Canada Border, 1891–1941," 398.
[103]Lee, "Enforcing the Borders," 84.

at the border, Canada placed a head tax on each immigrant that was collected by the shipmasters before departure from Asia.[104] Ultimately, this was not a sufficient deterrent but it did become a source of revenue for the Canadian government.[105] As a result, the smuggling of immigrants from Canada into the U.S. became a profitable business for many. The Vancouver-Puget Sound corridor became a common route for Chinese arriving in British Columbia to enter the United States. It was also common for Chinese immigrants to take the newly finished Canadian Pacific Railway to the northeastern part of the border in order to cross at less guarded areas, such as Buffalo, New York.[106] A major rail corridor also existed in Manitoba that went south of the border. The main line of the Canadian Pacific reached Winnipeg from Thunder Bay in 1882 and the Pacific Coast in 1885. To follow, the Saint Paul and Pacific connected St. Paul, Minnesota to Winnipeg in 1878.[107] While this line would go bankrupt, the Northern Pacific Railway, which ran from western Wisconsin to the Pacific coast, had a branch connecting to Winnipeg and other southern Manitoba towns.[108]

The border ultimately became a weakness in the enforcement of immigration policy for the U.S. In turn, border enforcement became an issue of sovereignty for the United States and was addressed in this context. The U.S.'s first response to this problem was the 1884 *Canadian Agreement*. Indeed, the *Canadian Agreement* was "fundamental to the Immigration Service's organization and early operations on the northern border."[109] This agreement, between the U.S. government and Canadian transportation companies, was the first attempt to control the border via third parties. Canadian steamship and rail companies agreed not to land immigrants who

[104]Individual provinces in Canada did have specific policies regarding Chinese immigration, however these did not impact the U.S.-Canada border as most of the immigrants were not coming via the U.S. land border into Canada.
[105]Ibid., 57.
[106]Ibid., 58.
[107]McIntosh, *The Collectors*, 171.
[108]Riley, W.C. *The Official Northern Pacific Railway Guide* (Saint Paul: Prelinger Libary, 1899), https://ia600307.us.archive.org/26/items/officialnorthern00nortrich/officialnorthern00nortrich.pdf.
[109]Smith, "The Immigration and Naturalization Service (INS) at the U.S.-Canadian Border, 1893-1993," 131.

declared they were destined for the United States at Canadian ports of entry unless they were admissible under U.S. law.[110] It also allowed U.S. immigration inspectors to be stationed at Canadian ports of entry to enforce compliance.[111] Those inspected were given papers declaring their admissibility so they could get on a train at the U.S. border.[112] However, this tactic proved to be insufficient as immigrants would simply declare their intention to immigrate to Canada instead of the United States, and cross the border at a later time.[113]

The U.S. government also began to address the vast amount of land in between ports of entry which provided a route for illegal immigrants. An *Appropriation Act* signed 28 May 1924 earmarked one million dollars from the U.S. Treasury to create the U.S. Border Patrol, with additional funds appropriated in 1925. The U.S. Border Patrol, consisting of 472 men in 1925, had 805 men patrolling the Canadian and Mexican borders by 1930. While many illegal entrants were not caught, it signified the move to begin the policing of the border in order to interdict people representing and additional layer of security established by the U.S. and reinforced the view of the border as a bulwark against undesirables.[114]

3.1.4 Prohibition and the U.S.-Canada Border, 1919-1933.

From 1919 to 1933 the Eighteenth Amendment to the *U.S. Constitution* was in effect, which prohibited the production, transport, or sale of alcohol in the United States.[115] This, too, was a substantial aspect of the history of border management for both the U.S. and Canada.

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[110]Ibid., 128.
[111]Ibid., 129.
[112]Klug, "The Immigration and Naturalization Service (INS) and the Making of a Border-Crossing Culture on the US–Canada Border, 1891–1941," 379.
[113]Ibid., 379 and Smith, "The Immigration and Naturalization Service (INS) at the U.S.-Canadian Border, 1893-1993," 129.
[114]Ramirez, *Crossing the 49th Parallel.*
[115]"English original text of the Constitution of 1789 with Amendments I to XXVII, Ratified 5-7-1992.", 1789. Hein Online. Articles XVIII and XXI.

While parts of Canada were also under prohibition laws during this time, production and export were not always illegal. The smuggling of liquor from Canada into the U.S. thus became commonplace during U.S. Prohibition and resulted in increased enforcement of the border by the U.S. The ports between the Great Lakes and the Atlantic coast garnered the most attention – with particular focus on the Detroit River and region of the Great Lakes between Buffalo and Detroit, where the number of U.S. agents doubled in 1927. In the early 1930s, Prohibition enforcement was aided by thirty speedboats meant to combat rum running on the Great Lakes. The Border Patrol supported this policing.[116]

While this era reflects a time when goods were of particular concern for border enforcement in the United States, immigration remained the primary context for the development of these institutions. Prohibition became an unpopular policy for many Americans, and enforcement varied. Many states and local law enforcement agencies felt it was not their duty to enforce a federal law,[117] and Congress did not appropriate enough funds to adequately address the issue of smuggling across the U.S.-Canada border.[118] Instead, the U.S. put immense pressure on Canada to mirror their policies, which Canada initially resisted. The Canadian government was concerned with regulation – they wanted to crack down on illegal production and distribution, while still regulating legal production and collecting taxes and duties.[119] However, Canada eventually conformed persuaded by U.S.' threats promising a more fortified border and fewer crossing points which ultimately would have had a greater negative impact on the Canadian economy than the loss of revenue from liquor sales. The Canadian Prime Minister,

[116]Hataley, Todd. "Constructing Border Security: An Institutional Analysis of the Canada-United States Border" (PhD, Queen's University, 2006), Library and Archives Canada, p. 145-146.
[117]Burns, Ken and Lynn Novick, *Prohibition* (PBS, 2011).
[118]Kottman, Richard N. "Volstead Violated: Prohibition as a Factor in Canadian-American Relations," *Canadian Historical Review* 43, no. 2 (June 1, 1962): 106–26.
[119]Jones, Robert L. *The Eighteenth Amendment and Our Foreign Relations* (New York: Thomas Y. Crowell Company, 1933).

Mackenzie King, introduced legislation in 1930 to prohibit the release for export of any Dominion-controlled liquor for export to dry countries.[120] As Todd Hataley, a Canadian political scientist and RCMP officer, states this demonstrated the "Canadian predisposition to focus on economic issues"[121] as Canada ultimately only conceded to U.S. wishes in the face of threats to close the border which would be detrimental to trade and therefore, Canada's economy.

Prohibition, undoubtedly, did play a role in increasing the policing along the U.S.-Canada border and kept border issues at the forefront of U.S.-Canada relations. However, Prohibition was a brief period and immigration concerns existed long before the creation of the Eighteenth Amendment and continued to exist during and after its repeal. U.S. ports of entry at this time were still staffed prominently by immigration inspectors, whose primary concern were filtering out inadmissible immigrants. Furthermore, as Todd Hataley asserts, despite the challenges presented by Prohibition, the U.S. Border Patrol's "primary function was to stop the flow of illegal immigrants, particularly the Chinese."[122] Ultimately, border institutions in the United States were created in response to the problem of illegal immigration and were shaped mainly in this context.

3.1.5 Twentieth Century U.S. Border Management: A Balancing Act

The border in the twentieth century faced more challenges as the populations of the U.S. and the nature of immigration changed. Another world war followed by a Cold War meant that the threat of enemy agents (such as Japanese, German and Soviet) meant that scrutinizing who crossed the border mattered even more – both to protect against saboteurs but also to ensure

[120]Kottman, "Volstead Violated," 106–26.
[121]Hataley, Todd. "Constructing Border Security: An Institutional Analysis of the Canada-United States Border," 173.
[122]Ibid., 145.

desirable immigrants were processed efficiently. Later in the century, attention turned to the "war" on drugs.

The quota system established by the *Johnson-Reed Act* of 1924 was ultimately successful, and the number of immigrants attempting to cross declined substantially from its peak of nine million in the first decade of the twentieth century. (Of course, the devastation of WWI is also to blame given the millions killed.) The U.S. foreign-born population, which was 14.7% in 1910, decreased to 8.4% in 1930 and 6.9% in 1950.[123] The act was also successful in that immigration from countries that were primarily white and Protestant did not decrease as substantially, favoring those from northern Europe.[124] However, World War II resulted in some exceptions to this. While the quotas were never directly repealed, some groups were allowed in that were previously banned because of wartime politics. For instance, the Chinese, the major U.S. ally in Asia, were allowed in and Chinese Exclusion was repealed in December of 1943.[125] South Asians,[126] subjects of the British crown, and Filipinos were also allowed into the United States. However, Koreans, Japanese, Southeast and Southwest Asians were still barred. By the end of the war, the U.S. Border Patrol had grown to 1,531 officers.[127] During the war, the Patrol not only controlled the border but also manned alien detention camps, guarded diplomats and assisted the U.S. Coast Guard in searching for saboteurs. It was during this period, as well, that aircraft became a part of Border Patrol operations.[128]

Immigration policy in the latter half of the twentieth century was undeniably impacted by Cold War politics. The U.S. opened its doors selectively, to those who had skills the U.S.

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[123]Spickard, Paul. *Almost All Aliens* (Hoboken: Taylor and Francis, 2010): 291.
[124]Ibid., 291.
[125]Ibid., 327.
[126]South Asians refers collectively to the people who trace their ancestry to the Indian subcontinent, primarily those from India, but also Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan and Sikkim.
[127]U.S. Customs and Border Protection. "Border Patrol History." *CBP.gov.* Accessed March 20, 2014. http://www.cbp.gov/border-security/along-us-borders/history.
[128]Ibid.

economy needed or to those who were deemed refugees of communism. After World War II, Harry Truman's *Displaced Persons Act* of 1948 opened up the U.S. to half a million people outside of the quota system and established two preferences that would become a permanent fixture in U.S. immigration law: a preference for persons with occupational skills the U.S. economy needed and a preference for those who had relatives that were U.S. citizens or residents.[129] Generally, after World War II, the U.S. formulated immigration policy to give itself an advantage over the Soviet Union. They sought to bring the smartest and most skilled individuals to the U.S. so they would not remain in their countries of origin or, even worse, go to the Soviet Union. As U.S. Congressman from Minnesota, Walter Judd described, the U.S. was trying to "influence greatly the battle for men's minds and hearts that is going on between the two philosophies of life and government that are locked in mortal struggle in our world." [130] Among those who the U.S. attempted to "save" from Communism were the Chinese, following the Chinese Communist Revolution of 1949,[131] and Cubans, following Fidel Castro's revolution in 1959.[132]

The *Immigration Act* of 1965, also known as the *Hart-Cellar Act*, abolished the quota system altogether and established the preference system based on skills and family relationships. This is reflective of the sentiment of the time, which had become less anti-immigration in the years following WWII. The result was an immigration boom, especially from new countries. By the 1970s, half of the immigrants coming to the U.S. were from Latin America, a third were from Asia and the rest were from Europe with some coming from Africa, as well. [133] Migrants from Mexico made up the greatest number of immigrants in the last 30 years of the twentieth

[129]Spickard, *Almost All Aliens*, 325.
[130]Ibid., 329.
[131]Ibid., 331.
[132]Ibid., 331-332.
[133]Ibid., 341.

century.[134] Asian immigration, from 1961-2000, included a large number of Filipinos, Chinese, Asian Indians, Koreans and Vietnamese working as mainly unskilled labourers.[135] These immigrant groups represent another type of "new" immigrant group for the U.S. This surge in immigration resulted in a rebirth of anti-immigration sentiment in the 1980-90s. While the Eastern Europeans and Chinese, who had arrived at the beginning of the century were now looked upon favourably, the new immigrants of southern Asia and Latin America were the ones who now seemed unassimilable. As Rita Simon observes, "the only popular or valued immigrants are those who came long ago, whenever 'long ago' happened to be."[136]

The passion against immigration was tied to the increasing number of illegal immigrants living in the United States. The Bracero guest worker program had been established during World War II to relieve labour shortages by bringing Mexican workers into the western U.S. to pick crops. Public outcry meant the program was cancelled in 1964.[137] Mexicans, who had grown accustomed to working in the United States, no longer had any legal means of entry, and so entered illegally. It is difficult to find the exact numbers on how many crossed into the United States illegally, as the very nature of illegal immigration implies undocumented. However, based on the number apprehended in the years between 1960 and 1990 (increasing steadily, peaking at 1.8 million in 1986 and staying above on million into the 1990s)[138] many were making the U.S. their home. It is important to note that this issue was primarily related to the U.S.-Mexico border, with five out of six individuals captured by the Border Patrol being

[134]Ibid., 369.
[135]Ibid., 346.
[136]Simon, Rita J. "Old Minorities, New Immigrants: Aspirations, Hopes, and Fears," *Annals of the American Academy of Political and Social Science* 530 (November 1, 1993): 73.
[137]Espenshade, Thomas J. "Unauthorized Immigration to the United States," *Annual Review of Sociology* 21 (January 1, 1995): 198.
[138]Ibid., 197-198.

Mexican adult males.[139] Nonetheless, the issues of illegal immigration in the latter half the twentieth century, and the political and public focus on them, was reinforcing the founding events of the 1880-1920s for the INS and Border Patrol. This "positive reinforcement" furthered the path dependency process and the focus of U.S. border management on people.

In addition to issues of immigration, the War on Drugs was important to U.S. border management and was intertwined with issues of immigration from Latin America. Again, the War on Drugs was focused chiefly on the southern (U.S.-Mexico) border, but it had implications for the decisions made with regards to the U.S.-Canada border and U.S.-Canada relationship as well. Although the phrase "war on drugs" was first used by U.S. President Richard Nixon, it was Ronald Reagan who turned it into a national security strategy. In April 1986, *National Security Decision Directive 221* declared drug trafficking a threat to national security.[140] The commitment to the War on Drugs continued throughout the Bush and Clinton administrations.[141] The focus on drug routes highlighted the limited narcotics law enforcement along the U.S.-Canada border and the Canadian role in the production and transit of illegal narcotics and also prescription drugs, with particular focus on the transit of drugs between British Columbia and Washington.[142] However, by and large, the U.S.-Mexico border garnered most of the attention in this respect. While the U.S. Border Patrol more than doubled in personnel from 1993 to 2001 (from 3,965 to 9,651 agents), the majority of them were sent to the U.S.-Mexico border, which is where 93.9% of the Border Patrol's manpower was located in 2001.[143] Ultimately, during this time in U.S. border enforcement history, ports of entry were neglected in favor of increasing the

[139]Ibid., 197.
[140]Carpenter, Ted Galen. *Bad Neighbor Policy: Washington's Futile War on Drugs in Latin America* (New York: Palgrave MacMillan, 2003).
[141]Hataley, "Constructing Border Security: An Institutional Analysis of the Canada-United States Border," 186.
[142]Ibid., 186.
[143]Heyman, Josiah and Jason Ackleson, "United States Border Security after 9/11," in *Border Security in the Al-Qaeda Era*, by John Winterdyk and Kelly W Sundberg (Boca Raton: CRC Press, 2010), 43.

Border Patrol, as the interdiction of drugs and illegal immigrants at the U.S.-Mexico border became the national priority and few of the drug "mules" were using legitimate land border crossings.[144] Rather, drugs and illegal migrants were smuggled via other routes.

Similar to American Prohibition, the U.S. War on Drugs put Canada under pressure to mirror U.S. policies. Gradually, Canadian policies resembled the U.S.'s. However, similar to the Prohibition era, Canada linked "national drug policy to economic costs associated with lost production and the costs of delivering government services"[145] and less so on the individuals doing the illegal activities. While the Canadian variation of the War on Drugs was developed for similar domestic political reasons as in the U.S., it remains another example of Canada's economic reliance on the United States shaping its own internal policies.

The challenges U.S. border officers faced in interdicting illegal immigrants and the smuggling of narcotics was further compounded by the increase in border activity as a result of the free trade agreements of the 1980-90s. The U.S. – Canada Free Trade Agreement (FTA) of 1988, followed by the North American Free Trade Agreement (NAFTA) of 1994, resulted in increased trade across the border, and therefore the need for greater infrastructure.[146] Ports of entry are bottlenecks in terms of transportation infrastructure and this was exacerbated as trade increased. The pressure exerted by politicians and corporations on the border agencies to move people and goods through quickly increased. This meant INS and Customs Service officers were forced constantly to balance the need for a thorough inspection with the need for a speedy one.[147]

A new concern also arose at the end of the twentieth century: terrorism. The fall of the Soviet Union changed the world order and led to a rise in ethno-religious terrorism, particularly

[144]Ibid., 46.
[145]Hataley, "Constructing Border Security: An Institutional Analysis of the Canada-United States Border," 198.
[146]Warner, Judith. *U.S. Border Security*, 11.
[147]Heyman and Ackleson, "United States Border Security after 9/11," 41.

Islamic extremism, precipitated, in part, by the Soviet Union's invasion of Afghanistan (1979 – 1989). With the U.S. emerging as the global superpower, it became the main target for these groups. Attention turned to the U.S.-Canada border as the potential weak link of U.S. security because of a number of events in which terrorists used Canada as a route into the U.S. in order to attack U.S. targets. In 1988, three Syrian terrorists were arrested at the border while attempting to enter the U.S. from Canada with explosive devices.[148] In 1993, a truck bomb was detonated at the north tower of the World Trade Center in New York City. Afterwards it was found that some of those responsible for the bombing had been living in Canada. In 1999 Ahmed Ressam, often known as the "Millennium Bomber," was caught trying to cross the border into Washington carrying a car full of explosives with the intention of attacking the Los Angeles International Airport on the eve of the millennium.[149] These incidents, too, reinforced for Customs Service and INS to focus on the individuals crossing the border rather than goods. Although national attention in the U.S. time was more focused on the War on Drugs, these incidents were given retrospective importance following the events of 9/11 raising suspicions of Canada's (assumed lax) role in U.S. national security.

3.1.6 U.S. Border Institutions Prior to 9/11

In the years preceding 9/11, border management in the United States was in the hands of two main organizations: INS (and the U.S. Border Patrol within it) and the U.S. Customs Service. Both shared jurisdictions at ports of entry, with INS, under the Department of Justice, regulating the entry of persons and Customs, under the Treasury Department, regulating

[148]Hataley, Todd. "Catastrophic Terrorism at the Border: The Case of the Canada-United States Border." *Homeland Security Affairs*, Proceedings of the Workshop on Preparing for and Responding to Disasters in North America (December 2007), 4.
[149]Ibid., 22.

goods.[150] The split at major ports of entry was approximately 30% immigration officers and 70% Customs officers typically. However, more remote ports would only be staffed by two officers – one from INS and one from the Customs Service.[151] Thus, when a traveler came to a port of entry, it was essentially a matter of chance if they faced an inspection from an immigration officer or a customs officer. Furthermore, the INS and U.S. Customs Service had separate training programs. While each would take a small amount of training in the field of the other – i.e. Customs officers getting training on admissibility issues and INS officers getting training on inspecting cargo, the majority of the training was focused on their areas of jurisdiction. For instance, Immigration officers received Spanish language training, whereas the Customs officers did not.[152] While the Border Patrol was a part of INS, it should be noted that, as an organization, it had considerable autonomy. It was only united at the highest level with INS and had its own, more powerful, political constituency compared to the rest of the organization.[153]

Precedents for the management of the U.S.- Canada border by U.S. institutions had been set in the early decades of the twentieth century. Anti-immigration sentiment was the motivating factor for the initial establishment of ports of entry, the placement of immigration inspectors at those ports, and the creation of a Border Patrol which monitored the area in between ports. All of this was done with the goal of inspecting those people wishing to enter the United States and stopping those who attempted to do so without inspection or who were undesirable. Thus two key aspects of the U.S. CBP's legacy – immigration inspectors and the Border Patrol – have their roots in this context. Additionally, while the Customs Service's main jurisdiction was the regulation of goods, and in periods such as Prohibition and the War on Drugs this certainly was a

[150]Heyman and Ackleson, "United States Border Security after 9/11," 40.
[151]U.S. CBP Official, Author Interview, May 2014.
[152]Ibid.
[153]Heyman and Ackleson, "United States Border Security after 9/11," 42.

priority for the U.S. government, they too played a role in decisions concerning the admissibility of persons. This is especially applicable to the War on Drugs and catching the traffickers of illegal goods, as the Customs Service staffed ports of entry and were trained in cargo inspections. The authorization to make law enforcement arrests were also devolved to the Customs Service.[154]

Immediately before the events of 9/11, the main focus was on illegal migration of Mexicans and narcotics smuggling along the U.S.-Mexico border, and political and financial support was mainly given to the Border Patrol to combat this.[155] The ports of entry themselves, and thus the organizations that staffed them, both INS and the Customs Service, did not receive the same attention in terms of resources.[156] The two organizations were separate and officers did not receive adequate cross-training. However, 9/11 would result in increased attention in the U.S. to the border and to the interdiction of unauthorized, and potentially dangerous, individuals at ports of entry as well as in between them.

3.2 The Canadian Story

Up until the creation of the CBSA in 2003, customs officers under Revenue Canada controlled all of Canada's harbours, airports and major land crossings. Immigration officers worked alongside customs inspectors at major ports of entry and the RCMP, periodically, patrolled Canada's inter-port remote regions.[157] Unlike the United States, where immigration played a vital role in the evolution of the border, at the forefront of the development of border

[154]Ibid., 42.
[155]Heyman and Ackleson, "United States Border Security after 9/11," 42-49.
[156]Ibid., 48.
[157]Sundberg, Kelly W. "Transforming Canada's Border Services" (M.A., Royal Roads University, 2004), Library and Archives Canada, http://www.collectionscanada.gc.ca/obj/s4/f2/dsk4/etd/MQ93789.PDF.

infrastructure and policy in Canada was customs. This is a result of the importance of customs and excise to Canada's revenue.

3.2.1 "Protectors of Revenue": The Importance of Customs in Canada

The collection of duties owed on goods was one of the earliest and most important functions of the Canadian government. In 1787 the British Board of Trade recommended that the Canadian legislature be allowed to regulate inland trade with the United States. The first interior Customs office was established in St. Jean (Québec) in 1788 with the intention of regulating trade along the Vermont-Canada border. Following the American Revolution and *Jay's Treaty*[158] of Amity Commerce and Navigation of 1794 between his Britannic Majesty and the United States, Upper Canada (Ontario) was forced to recognize the establishment of a customs line with its southern neighbor.[159] Upper Canada (Ontario) was initially reluctant to accept the customs house, as her merchants were "mercantilists with respect to the seaboard and free traders with respect to the interior."[160] Lower Canada (Québec), conversely, saw mainly traffic from oceangoing vessels, with the major ports serving the St. Lawrence River. Nevertheless, this Treaty marked the beginning of the enforcement of customs between Canada and the United States. However, *Jay's Treaty* permitted articles, which were *not specifically prohibited*, to be imported free of duty, from the U.S.[161] meaning that the Canadian legislature was losing excise duties. The Canadian *Customs Consolidation Act* of 1841 finally created a single system for the new province of United Canada (present day Ontario and Quebec). With this consolidation of Upper and Lower Canada came the creation of Canada Customs.

[158]Named after John Jay, the U.S.'s signatory.
[159]Blake, Gordon. *Customs Administration in Canada* (University of Toronto Press, 1957), 36.
[160]Ibid., 60.
[161]Ibid., 60.

Between 1841[162] until 1917, when income tax was first introduced in Canada, three-quarters of the Canadian government's revenue was from customs and excise duties.[163] Given this, great importance was given to the duty of customs officers, or the "Collectors" as they were branded. Customs officers were deemed "protectors of Revenue"[164] and because the collection of revenue depended so heavily on them, customs officers were given a considerable range of powers.[165] Customs in Canada was modeled after the British system. The principal officer of the customs house was the Collector, who was in charge of the actual collection of duties.[166] Other officials of the customs house could include a Controller, who acted as a co-partner and auditor, and an Appraiser, who determined the duty on the merchandise and reported it to the Collector. In some smaller houses, however, one officer would perform all of the duties.[167] Before Confederation, in the United Province of Canada, Customs had numerous responsibilities which included "the collection of canal and road tolls, administration of ferries, immigration, ship registration and enforcement of navigation regulations."[168] Officers were given the power to inspect any package or mode of transportation deemed necessary without being repercussion with no right of appeal.[169] The power of the customs officer is highlighted in a 1849 account by American traveler James Dixon, who describes his border experience through a comparison of the American and Canadian officers:

> The American officer never forgets that he is a citizen, and the citizen does not forget that he is a man; their intercourse is perfectly easy, free, unembarrassed; the one class never assumes an air of superiority; the other never lowers his status, or yields up his consciousness of equality, of self-respect. On the other hand, the

[162]The British began appointing customs officers as early as 1696 given how lucrative the fur and whaling trades were in Rupert's Land and the rest of Canada.
[163]McIntosh, *The Collectors*, 7.
[164]Ibid., 12.
[165]Ibid., 109.
[166]Blake, *Customs Administration in Canada*, 54.
[167]Ibid., 55.
[168]McIntosh, *The Collectors*, 107.
[169]Ibid., 109.

> Canadian officer never removes from his standing of assumed dignity, or condescends to become the citizen; he rarely amalgamates with the people; and they, on their part, seldom think of stepping beyond their line, and claiming equality.[170]

It was very common for merchants and ship-owners to appeal customs decisions in the late 18th and 19th centuries, requiring the customs officer to act with confidence and authority.[171] Additionally, the officers received a share of the re-sale of seized goods; one-third, typically, with one-third going to the government and the other third to the informer, if there was one (if not, two-thirds went to the seizing officers).[172] This, not the salary, was what motivated individuals to choose the occupation of customs officer at the time.

It was in the name of customs that the first stations were established along the U.S.-Canada border, or "customs houses," as they were known. At Confederation, customs administration was almost entirely under the Province of Canada, with some small concessions to the Maritimes, and control came primarily from the Quebec customs house – especially Montreal with its large port.[173] As is demonstrated in many cases throughout the history of customs in Canada "the history of excise taxes in Canada is little more than a chronicle of numerous classes of goods being brought into the excise tax net, or let out of it. Capture is more common than escape"[174] and excise tax "is one tax that can be avoided: that is, if you don't drink or smoke."[175] That is, only certain goods have been subject to duty, and those historically have included alcohol and tobacco products in addition to whatever else may be lucrative at the time.

[170]Ibid., 295.
[171]Ibid.
[172]Ibid., 229-300.
[173]Blake, *Customs Administration in Canada*, 58.
[174]McIntosh, *The Collectors*, 134.
[175]Ibid., 137.

By 1845, there were 63 customs ports in Canada with 132 total customs officers.[176] During this time, particularly in more remote areas, ports would move based on changing infrastructure (such as railway and roads) and as populations shifted.[177] For instance, in Upper Canada, the establishment of customs houses was challenging as most of the frontier consisted of lakes and other waterways. With the rise of the railway, however, customs houses were redistributed away from the lakes as it was now feasible to set up houses at points of commercial importance.[178] The customs house at Emerson, Manitoba was established in 1871, the year after Manitoba became a province. However, fur-trading companies' posts had existed in the same area on the banks of the Red River as early as 1801.[179]

As populations expanded west, so did concerns over smuggling and the spread of enforcement of customs law. It was not without challenges. In the winter of 1878, smugglers were hiding whiskey on the islands of Lake of the Woods. When one smuggler was caught and arrested by the customs officer (known as the "whisky detective"), he was given the choice of a $50 fine or jail time. Having no money, he accepted the jail sentence, but the nearest jail was in Winnipeg – 100 miles away. The smuggler refused to walk the distance and there was no transportation, so the customs officer forfeited half the fine and the smuggler's employer lent the rest. No more arrests for smuggling in that district were made again in winter.[180] A jail was established at Emerson in 1879, mainly to accommodate illegal whiskey traders from the United States.[181]

[176]Ibid., 104-105.
[177]Ibid., 171.
[178]Blake, *Customs Administration in Canada*, 61.
[179]McIntosh, *The Collectors*, 374.
[180]Ibid., 329.
[181]Ibid., 374.

The Northwest Mounted Police (NWMP), a predecessor of the RCMP, was established in 1874 and given the immediate objective to "destroy liquor traffic, gain the respect and confidence of the Indians, collect customs duties, and carry out all regular police duties."[182] NWMP outposts were established first as "customs preventative stations," to prevent and interdict the smuggling of goods across the border, and later became regular customs houses.[183] It can be said that a major priority of this institution, then, was customs enforcement. Mounties were paid commissions of ten per cent by Customs to collect customs and excise taxes. In the first ten months at Fort McLeod, the NWMP collected $16,324 in revenue.[184] The RCMP was manning some customs houses up until WWI (when many Mounties were sent overseas), and as late as the 1980s the RCMP acted as the customs and immigration service in many settlements in the Arctic.[185]

3.2.2 The Customs Scandal of 1926

A key moment in the history of Canada's Customs Department was the scandal of 1926. In the period following WWI, the Customs Department had gradually become subject to internal weaknesses and, in many cases, corruption. When Prohibition was instituted in the U.S., corruption only intensified. As *The Globe and Mail* declared in 1926, the corruption was not solely among the lowly Collector: "…the rottenness, which seemingly has characterized the administration of the Customs for years, has not been limited to the misdemeanors of more subordinates, but has saturated the whole system… it must be eradicated by courageous –

[182]Ibid., 166.
[183]Ibid., 170.
[184]Ibid., 169. $16, 324 is approximately $395,000 in today's terms.
[185]Ibid., 170.

ruthless, if necessary – treatment."[186] When Prime Minister King failed to act, political scandal and ultimately a constitutional crisis resulted; contemporary scholars of Canadian politics know it as the infamous King-Byng affair.[187]

During American Prohibition, Canadians and their government generally turned a blind eye to the smuggling of liquor south across the border. In Canada, "prohibition was a crazy composition of liquor laws. Some Provinces were wet, some dry, some half-and-half. Enforcement varied from severe to loose."[188] Yet, Provinces set themselves up as liquor distributors and retailers when they realized the potential for revenue[189] and in 1924, it is estimated that 5,000,000 gallons of liquor were smuggled into the U.S. with some of the main operations being based out of Halifax, Windsor and Vancouver. Indeed, at one point during Prohibition, four-fifths of all illegal liquor entering the United States was through Detroit-Windsor.[190] Customs officers found themselves tempted by bribes in exchange for overlooking the smuggling, or by even participating in it themselves.

The smuggling of liquor into the United States ultimately led to the smuggling of cigarettes and textiles back into Canada.[191] It was reported in 1926 that one tobacco store on the ferry dock at Detroit did $650,000 annually in business, with 90 per cent of that being cigarettes sold to Canadians who would smuggle them back across the border. Another, in Rouse's Point, a town of 2500 people across from the Quebec border, did $75,000 in business with 75 per cent of it being Canadians.[192] This led to outcry from many Canadian industries, embodied in the Commercial Protective Agency. Agency Chairman, R.P. Sparks, went to Prime Minister King

[186]"Clean Up the Mess!" *The Globe and Mail*, May 3, 1926, ProQuest Historical Newspapers.
[187]Lord Byng was the British chosen Governor General of Canada
[188]McIntosh, *The Collectors*, 255.
[189]Ibid., 256.
[190]Ibid., 254.
[191]Ibid., 267.
[192]F C Mears, "More Than Billion Cigarets Enter Canada Every Year Without Paying the Duty," *The Globe and Mail*, April 14, 1926, ProQuest Historical Newspapers.

with detailed information about the many indiscretions of customs officials, many of them high up in the government. When the Prime Minister failed to act on this information, an angered Sparks turned the information over to Conservative Harry Stevens of Vancouver, who turned it into an impassioned, four-hour long speech on the floor of the House of Commons. Stevens accused King of covering up the scandal and demanded a parliamentary investigation, which King eventually conceded to create.[193] After four, separate investigations, the Customs department saw the resignation/retirement of the Minister of Customs, the Deputy Minister and a number of collectors and senior port officials.[194] When Prime Minister King asked the Governor General, Lord Byng, to dissolve Parliament and call a general election (in order to curtail debate and avoid a motion of censure in the House, it was assumed), Byng refused and instead asked Opposition Leader Arthur Meighen to form a government.[195]

As a result of the investigations, the Department of Customs underwent reform.[196] The years following the scandal saw a relatively quick recovery of the Department, under the direction of W.D. Euler, minister of National Revenue and David Sim, his assistant and later Deputy Minister, who went on to serve under five Prime Ministers.[197] In April 1928, as part of the recovery, an advisory was issued regarding complaints which had reached the Department regarding the demeanor of certain Customs officers:

> An examining officer who allows his temper to show itself, and acts in a discourteous manner, will not be allowed to continue in that capacity. If he is retained in Service then he will be sent to the freight yards or the manifest room where his peculiar temperament will not offend others. The Tourist season is

[193]McIntosh, *The Collectors*, 268-269.
[194]Blake, *Customs Administration in Canada*, 143.
[195]Dyck, Rand and Christopher Cochrane, "The Executive: Crown, Prime Minister, and Cabinet," in *Canadian Politics: Critical Approaches*, 7th ed. (Toronto: Nelson Education Ltd., 2013), 518-519. This represented only the second time in history that the Governor General did not take the advice of the Prime Minister and his Cabinet. The first time was in 1896 when Governor General Lord Aberdeen refused a number of newly chosen Prime Minister Tupper's choices for key positions (Senators and judges).
[196]Blake, *Customs Administration in Canada*, 154-158.
[197]McIntosh, *The Collectors*, 144-145, 156.

> about to open and visitors to Canada [from the U.S.] by automobile and railway must be treated with constant courtesy by National Revenue officers whose duties bring them into contact with the travelling public. There is no place in the Service for an officer who is rude and discourteous, and the sooner this is realized the better it will be for all concerned.[198]

This quote outlines an entirely different concern for the Canadian government than from the U.S. Rather than a focus on immigration at land crossing sites, the emphasis was on courtesy to visitors (who presumably, would spend more money in Canada if greeted by a courteous customs officer). This reflected the direction of immigration (mostly from Canada to the U.S.) and visitors (from the U.S. to Canada) and the fact that most immigrants, if they arrived to Canada, arrived by boat at ports (the greatest number through Pier 21 in Halifax) and not via the U.S.-Canada border. All in all, the customs scandal and "reforms" demonstrates the historic importance of customs for Canada. Revenue, being so heavily dependent on customs and excise even after income tax was introduced meant that corruption in the department was of immense concern – enough to contribute to the toppling of a government.

3.2.3 Canadian Immigration Policy

Immigration is a crucial piece of Canada's history as a nation, but it has played a surprisingly small role in the development and management of its border with the United States. Immigration policy in Canada was almost never articulated in legislation or subject to parliamentary debate. Instead, immigration policy was skeletal and subject to executive discretion. There was minimal parliamentary or judicial oversight.[199] Additionally, immigration policy throughout Canada's history is tied to the economic and labour-market issues.

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[198]Ibid., 336-337.
[199]Kelley, Ninette. *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 1998), 467-468.

Immigration was initially under the purview of the minister of Agriculture (followed by the Department of the Interior starting in 1892), as the Canadian government was mainly concerned with the recruitment of immigrations to settle the expanding west with farm labourers.[200] As the number of immigrants grew at the turn of the century, Canada found it necessary to regulate immigration, just as the United States had, with the Immigration Acts of 1906 and 1910.[201] However, unlike the American sentiment of exclusivity that dominated this period, Canada's Minister of the Interior from 1896 to 1905, Clifford Sifton, was in favor of relatively unregulated importation of farmers into the west.[202] In 1899, he stated that "there is no Exclusion Act in the Dominion of Canada at the present time, and there never has been, so far as I am aware. Therefore, it is no part of the duty of the Government, under the law to appoint agents for the purpose of keeping people from coming to Canada."[203] Indeed, Canada was in fierce competition with other countries for immigrants, such as the United States, Brazil, Argentina, New Zealand and Australia.[204] Sifton's successor, Frank Oliver, did favour a more selective immigration policy and established an immigration inspection service in 1908 at certain ports of entry along the border. However, customs officials took on the immigration duties in addition to their own,[205] demonstrating that customs was still the focus at ports of entry.

While World War I and World War II would see more restrictive immigration policies in Canada than before (largely to do with allowing for allies to immigrate but not enemies), this can be traced to the fears and nationalistic sentiment that was prominent during the time.[206] After the

[200]Kelley, *The Making of the Mosaic: A History of Canadian Immigration Policy*, 78.
[201]Ibid., 115-116.
[202]Ibid., 119.
[203]Canada. Parliament. House of Commons. *Debates*, 8th Parliament, 4th session, vol.3. (Library of Parliament, 1899), http://parl.canadiana.ca/view/oop.debates_HOC0804_03/875?r=0&s=2.
[204]Kelley, *The Making of the Mosaic: A History of Canadian Immigration Policy*, 100-101.
[205]Knowles, Valerie. *Forging Our Legacy : Canadian Citizenship and Immigration, 1900-1977* (Ottawa: Citizenship and Immigration Canada, 2000).
[206]Kelley, *The Making of the Mosaic: A History of Canadian Immigration Policy*, 312-315.

wars, labour interests were increasingly influential in determining immigration policy. Italians and other southern Europeans arrived during the 1950s to help fill shortages of skilled and unskilled labour in the post-war economic boom.[207] Post-war favourable economic conditions in the late 1960s and early 1970s meant Canadians were more tolerant of immigrants. Throughout this time "the values supporting the case for a racially non-discriminatory immigration policy tended to become more firmly entrenched and widely held."[208] The formulation of immigration policy also became more democratized. The *White Paper* of 1966 and *Green Paper* of 1974 as well as two Joint Senate-House of Commons Committees during this period included participation from politicians, special interest groups, church groups, ethnic groups, individual Canadians, academics and the media.[209] The prevailing values of the time included the belief that immigrants should be protected by due process and explicit regulations regarding entry and expulsion.[210] This ultimately led to the *Immigration Act* of 1976, which curtailed administrative and executive discretion, increased due process protections for immigrants and created a relatively generous refugee policy.[211] The values reflected in this act were tested in the following years; the late 1970s saw a dramatic increase in refugees claiming sanctuary in Canada and an increase in immigration from non-traditional countries (like Vietnam because of the war). Immigration from Europe decreased and immigration from Asia and the Caribbean increased. Indeed, by 1976, a quarter of all immigrants in Canada originated from Asia.[212]

While Canada was no without anti-immigration sentiment against specific racial or ethnic groups early in its history (for example, the Chinese Head tax as mentioned in section

[207]Ibid., 463, 467.
[208]Ibid., 17.
[209]Ibid., 355.
[210]Ibid., 18.
[211]Ibid., 379.
[212]Ibid., 354.

3.1), it simply did not reach the level of fervor as in the United States (such as banning an entire ethic group from immigrating entirely, as the U.S. did with the *Chinese Exclusion Act*). Additionally, the post-war era saw the development of non-discriminatory sentiment and a more open-door policy with regards to immigration – Canada needed the labour and immigration was the solution. Generally, the U.S.-Canada border was not a frontline for immigration concerns in Canada as it was for the United States.

3.2.4 Canadian Border Management in the 21st Century

While customs was primarily the framework through which Canadians understood the U.S.-Canada border, and Canada Customs was initially vital to the collection of revenue owing the Canadian government, the organization's role eventually evolved from one of mainly collecting revenue to one of facilitating entry of travelers and goods into Canada.[213] Similar to the U.S. Border Patrol, Customs officers in Canada found themselves with added responsibilities during WWII, including searching for illegal exports to enemy countries and also controlling the amount of money taken out of the country. Most of this work occurred at Canadian seaports, which were managed by both the Navy and Canada Customs. At the Windsor, Ontario crossing, a customs officer captured an escaping German prisoner-of-war on the engine of a passenger train. In Winnipeg, the customs and excise staff was designated to issue Canadian passports. In Emerson, Manitoba, an international airport was built on the border so that warplanes could be delivered from the U.S. to Canada to evade the U.S.'s neutrality act before its entry into the war

[213]Canada. Office of the Auditor General. "Canada Customs and Revenue Agency – Travelers to Canada: Managing Risks at Ports of Entry." [Ottawa], April 2000. Accessed May 3, 2014. http://www.oag-bvg.gc.ca/internet/English/parl_oag_200004_05_e_11192.html.

in 1941 (planes would land on the American side and then be pushed across the border where Royal Canadian Air Force pilots awaited).[214]

The post-War period saw cross-border travel and infrastructure expand, and with it so did concerns regarding the expediency of inspections. The initial customs houses had been placed on sea ports at frontiers. As settlement and industry expanded, however, so did the need for inland ports to inspect commercial goods arriving via air or rail. This meant that most entries at the land frontier became tasked with, primarily, processing travelers.[215] Additionally, the clearance of travelers originally dealt only with the protection and collection of revenue. All other matters, such as immigration, food, plant and animal inspection, were dealt with by officers of those respective departments. As the number of federal departments increased so did the line-ups separate questionings and examinations were required by each individual department. On 1 October 1969, customs officers were given responsibility for questioning travelers on behalf of all federal departments.[216] At the same time, Customs remained under the purview of Revenue Canada and thus remained an institution focused on economic issues. The inspections naturally remained focused on revenue. This is best illustrated by the mandate of the Customs and Trade Administration in the 1990s, which was to "enforce Canadian laws and sovereignty at the border, and support Canadian industrial competitiveness and economic policies."[217] Customs Operations, one of the seven branches pertaining to customs and excise under National Revenue, was the most visible component of the administration and the one which managed ports of entry.

[214]McIntosh, *The Collectors*, 343-344.
[215]Ibid., 344.
[216]Ibid., 344-345.
[217]Canada. Revenue Canada, *Performance Report for the Period Ending March 31, 1996.* (Ottawa: Minister of Public Works and Government Services Canada), accessed May 5, 2014, http://www.collectionscanada.gc.ca/webarchives/20060116230012/http://www.tbs-sct.gc.ca/rma/dpr/95-96/2rc95e.pdf.

Its responsibilities included the processing of all traveler, commercial, postal and courier operations.[218]

Up until the late 1980s, the methods for processing travelers remained mostly the same. A driver's license was sufficient identification for crossing the border, and in some ports, where the inspector knew travelers personally, even that could be bypassed. The U.S.-Canada Free Trade Agreement (FTA) and North American Free Trade Agreement (NAFTA) put pressure on Canadian ports of entry just as they did on American ones. By the late 1980s and early 1990s there was increasing traffic congestion at major Customs offices and intense public pressure to reduce delays in addition to cost restraint in governments.[219] This resulted in "Customs 2000" - a blueprint paper issued in March 1990 by the Minister of National Revenue - which reexamined Customs operations and set out a new approach in the face of increasing demands.[220] This paper emphasized an "enhanced program based on risk analysis and selectivity" with the goal of moving low-risk travelers and goods more quickly.[221] The main areas of initiatives for Customs 2000 were commercial in nature and thus still constrained to the scope of Revenue Canada and its priorities. Furthermore, in 1999 the Department of National Revenue was reorganized and became the Canada Customs and Revenue Agency (CCRA).[222]

At Canadian ports of entry, the Primary Inspection Line (PIL), the point at which all travelers were initially examined, was staffed by customs officers. Customs officers

[218]Canada. Office of the Auditor General. "Department of National Revenue – Customs and Excise – Customs Operations." [Ottawa], November 1991. Accessed May 3, 2014. http://www.oag-bvg.gc.ca/internet/English/parl_oag_199111_15_e_8042.html.
[219]Office of the Auditor General, "Canada Customs and Revenue Agency – Travelers to Canada: Managing Risks at Ports of Entry."
[220]Ibid.
[221]Office of the Auditor General. "Department of National Revenue – Customs and Excise – Customs Operations."
[222]Canada. Canada Customs and Revenue Agency, *Performance Report for the Period Ending March 31, 2000.* (Ottawa: Minister of Public Works and Government Services Canada), accessed May 7, 2014, http://www.collectionscanada.gc.ca/webarchives/20060120122521/http://www.tbs-sct.gc.ca/rma/dpr/99-00/ccra-adrc/ccra9900dpr02_e.asp#Section_II.

referred travelers to their counterparts from Citizenship and Immigration Canada (CIC)[223] for further inspection if they were deemed inadmissible, were identified in immigration lookout information, fell within certain specified classes or required further documentation or examination.[224] An interdepartmental agreement signed in 1983 defined the working relationship between the two agencies. Namely, that CIC was responsible for designing and presenting courses on immigration matters to customs officers and that Customs[225] was responsible for advising CIC on its training needs.[226] A 1990 Auditor General's Report found that the training of customs on immigration matters was "limited and inconsistent" and that, "although assignment to the PIL is an entry level position at Customs, its immigration component is unique and highly specialized."[227]

In the years leading up to 9/11, more focus and attention was given to the role CCRA played at the border. A report by the Auditor General of Canada in 2000 identified a number of problem areas. One was the inconsistency with which information was shared from other departments, namely CIC, Health Canada and the Canadian Food Inspection Agency,[228] for in addition to major statutes applying to their own department, customs officers was also responsible for over 70 pieces of legislation on behalf of other

[223]CIC was created in 1994, immigration was under the purview of Employment and Immigration Canada from 1977 up until its creation.
[224]Canada. Office of the Auditor General. "Immigration – Control and Enforcement." [Ottawa], November 1990. Accessed May 3, 2014. http://www.oag-bvg.gc.ca/internet/English/parl_oag_199011_15_e_8010.html.
[225]The Customs and Trade Administration under National Revenue and, after 1999, the CCRA.
[226]Office of the Auditor General, "Immigration – Control and Enforcement."
[227]Ibid.
[228]Office of the Auditor General, "Canada Customs and Revenue Agency – Travelers to Canada: Managing Risks at Ports of Entry."

departments.[229] Customs officers also needed to be better equipped – with better quality systems and more consistent training.[230]

The importance of proper border monitoring on both sides of the border was illustrated in 1999 when Ahmed Ressam attempted to enter the United States from Canada near Blaine, Washington with a car full of bomb-making materials. While Ressam was apprehended because the RCMP shared intelligence with U.S. officials, this incident still instilled in some Americans a fear that Canada's immigration and refugee laws were too lax. The incident led to a joint U.S.-Canada investigation of Montreal cell of the Armed Islamic Group which revealed that many terrorist groups with small operations in Canada, were linked to one another through Al Qaeda.[231] These issues would come under even more scrutiny in the context of the terrorist attacks in the United States in 2001.

3.3 Conclusion: Applying Path Dependency and Organizational Behavior Model

This chapter has outlined the history of the legacy agencies of the U.S. CBP and CBSA and the key ideas and beliefs surrounding their formation. Given that, according to path dependency, past lines of policy shape subsequent lines of policy, this discussion is crucial to understanding the contemporary institutions.[232] The histories described in this chapter highlight the particular identities and policies that were adopted in the early days of border management agencies on both sides of the border.

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[229]Office of the Auditor General. "Department of National Revenue – Customs and Excise – Customs Operations."
[230]Office of the Auditor General, "Canada Customs and Revenue Agency – Travelers to Canada: Managing Risks at Ports of Entry."
[231]Sands, Christopher. "Canada and the War on Terrorism: The U.S. Challenge on the North American Front," *Canada Focus*, October 2001, http://csis.org/files/media/csis/pubs/v2i3.pdf.
[232]Hall and Taylor, "Political Science and the Three New Institutionalisms," 941.

The INS, and especially the U.S. Border Patrol as an aspect of it, was established in order to stop people from crossing the border to migrate to the United States without inspection. When this institution was set along this path, as path dependency asserts, it was framed in this context. Like guard rails along a bowling lane, it is extremely difficult for the ball (or policies) to change course other than via a massive effort (i.e. throwing the ball over the guard rails - akin to a major event) or by removing the guard rails (eliminating the organization) allowing the ball to fall into the gutter. However, rather than facing a major changing event or elimination of the organization, continued waves of immigrants became reinforcing mechanisms. Some of the "reinforcing mechanisms" for the INS and U.S. Border Patrol included public and political sentiment. Throughout the twentieth century, public sentiment in America opposed the immigration of those seen as "different" into their society and also viewed illegal immigrants unfavourably. These immigrants were seen as taking jobs away from, and lowering the wages of, native workers while draining social resources and not paying taxes. Legislation, such as the quota system early in the twentieth century, also reinforced this. Thus as the twentieth century progressed, the INS and Border Patrol retained the mission of interdicting people. While the origins of the immigrants changed from China and Eastern Europe to Latin America and other parts of Asia, the institution's priority did not.

Similarly, we see how in Canada, the focus on customs and excise taxes in the early days and the proximity to the border with the U.S. set the CCRA and the Canadian conception of the border on a particular path. We also see how the RCMP and its predecessors became involved in the enforcement of customs laws, as well. For Canada, the "collector" was the face of the border in its first days, and customs houses constituted the first border infrastructure. As time went on, Canada was constrained by this. The Customs Department had the capacity and experience to

manage the border, while immigration officials did not. Immigration ultimately became an issue for secondary inspection, with individuals crossing being greeted by a customs officer at Canadian ports of entry. In the face of new challenges at the border at the end of the twentieth century (such as increased traffic and the U.S. concern with narcotics smuggling), Canada, through the CCRA, turned to a "risk management" approach and addressed these challenges in the context of economics and trade policy which is indicative of the path it had been set upon, and the limits of a border that was managed chiefly by the Department of Revenue.

This is not to say that in the United States the U.S. Customs Service was completely irrelevant, nor was Citizenship and Immigration Canada north of the border. Indeed, the U.S. Customs Service was of great importance and had more staff at U.S. ports of entry than the INS did at the end of the twentieth century. In Canada, the CIC processed the entry of millions of immigrants into Canada at its borders but mainly at ports like Pier 21 in Halifax and later airports and not at US-Canada land crossings. However, path dependency tells us that the values and beliefs that are present at the founding of institutions are most important. Political and public opinion in the United States has traditionally been preoccupied with immigration policy and, in particular, illegal immigrants. The conception of the idea of the illegal immigrant was born at the same time border infrastructure was established and border monitoring increased. More generally, the U.S.-Canada border was given attention in this context. Prohibition and the War on Drugs were other key events. However, given the path the border institutions and conceptions of the border were already on, these issues would be framed with a focus on people. The bootlegger, the drug smuggler, the criminal; the people participating in illegal activity were the targets, as they posed a threat to American citizens and U.S. sovereignty.

Conversely, in Canada, the focus was primarily on the goods and the collection of the proper taxes was the target. While in Canada customs and excise was no longer as fundamental to revenue, trade with the United States was. Central to the Canadian economy were exports and imports to the U.S. The border was a place where the facilitation of trade occurred and therefore, for Canada, the border was an economic issue. Thus the early histories of the border institutions – the customs houses – had a lasting impact. Indeed, while the technologies and particulars had changed, the purposes of the INS and Border Patrol on the US side and the CCRA on the Canadian side were similar in nature at the end of the twentieth century to their purposes at the beginning of it. The American and Canadian responses to the events of 9/11 would also reflect these dispositions.

Chapter Four: 9/11, Institutional Change and the Contemporary Border Institutions

4.0 Introduction

This chapter outlines the effects 9/11 had on the management of the land border and describes the motivations for, and events surrounding, the creation of the Department of Homeland Security (DHS) and under it, U.S. Customs and Border Protection (CBP), as well as Public Safety Canada and its border component, the Canada Border Services Agency (CBSA). An analysis of the current organizations will be conducted, following key "organizing concepts" of Graham Allison's Organizational Behavior Model. These "organizing concepts" will include: organizational missions, operational objectives, special capacities, and norms of recruitment and tenure of personnel. Organizational mission will contain the objectives and areas of responsibility of the organization. Operational objectives will include an exploration of the metrics used to define success. Special capacities will analyze the information available to the organization and what special systems or technologies are used in order to perform tasks. Lastly, norms of recruitment and tenure of personnel will examine the types of individuals recruited for employment, the selection process and nature of training, as well as what types of performance merit commendations or reward within the organization. In addition, organizational traditions and symbols will be used as another way to reveal aspects of organizational culture.[233] In conclusion, this chapter will highlight the ways the founding events of each institution have influenced the contemporary organizations, per path dependency.

[233]See Schein, Edgar H. *Organizational Culture and Leadership*, 4 edition (San Francisco: Jossey-Bass, 2010). One layer of Schein's model of culture area "artifacts;" or visible elements of culture, which includes organizational symbols and traditions. These are outward reminders to both employees and the public of the origins of an organization and their current values and goals.

4.1 The Aftermath of 9/11 in the United States and Canada

The 11 September 2001 (9/11) terrorist attacks on the United States defined a generation and a decade. Its aftershocks spread across the globe affecting the United States especially, as well as Canada and changed how the world viewed borders. Newfoundlanders housed and fed thousands of stranded American airline passengers in a show of neighborly compassion as U.S. airspace was closed off[234] and the U.S.-Canada border was shut down. In Canada, it is often said that its day of shock came on 9/12, the day after, when the border "thickened". In the days following the attacks, customs and immigration inspectors at the U.S. border thoroughly verified the identity of every person crossing the border and inspected most cargo.[235] In addition, the U.S. Customs Service went to a Level 1 Alert Status. This mode meant all ports of entry were staffed by a minimum of 2 officers per shift, 24 hours a day, 7 days a week.[236] The U.S. brought in off-duty Customs officers and National Guard troops to assist.[237] This resulted in incredible delays for vehicles attempting to enter the U.S. from Canada. At some ports of entry in Michigan, the wait for commercial traffic was nearly 15 hours.[238] These wait times were not just for Canadians wishing to head south. Canadian officials, as well, inspected every car heading North. It was reported that travelers on 12 September 2001 had to wait six hours to enter British Columbia from Blaine, Washington, considerably longer than normal.[239]

Furthermore, immediately after the attacks, U.S. investigators followed false leads that had as many as five of the 9/11 hijackers entering the United States through Canada. In fact, two

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[234]See Defede, Jim. *The Day The World Came To Town: 9/11 in Gander, Newfoundland* (N.Y.: Avon, 2003).
[235]Oppel, Richard A. Jr. and Bernard Simon, "New Security Clogs U.S. Borders," *New York Times*, September 20, 2001, ProQuest Historical Newspapers.
[236]Senate Subcommittee of the Committee on Appropriations, *Northern Border Security*, 107th Cong., 1st sess., 2001, 49.
[237]Oppel and Simon, "New Security Clogs U.S. Borders."
[238]Pear, Robert. "THE NORTHERN BORDER: Tightened Inspections Mean Delays From Maine to West," *New York Times*, September 14, 2001, ProQuest Historical Newspapers.
[239]Ibid.

of the five hijackers had taken an early commuter flight from Portland, Maine to Boston, and hijacked flights from Logan International Airport in Boston which were flown into the World Trade Center.[240] However, it was assumed that they entered either by land south from Quebec City or by ferry via Nova Scotia into Maine.[241] No evidence of any kind, however, has ever been found between the 9/11 attackers and Canada.[242] Despite this lack of evidence, Canada and its border would continue to be doubted as secure by U.S. officials and even by some Canadian officials.

A scathing article by *Washington Post* foreign correspondent, DeNeen L. Brown on 23 September 2001, illustrates this scrutiny well. Citing Canadian Security and Intelligence Service (CSIS) sources and reports, Brown wrote that Canada had become an indirect accomplice in terrorism and that the 9/11 attacks were a "wakeup call" for Canadians who thought Canada was immune from terrorist threats. In particular, Brown pointed to Canada's refugee policy, its openness to immigration and law enforcement budget cuts in the 1990s.[243] Brown was not alone in this belief. U.S. Attorney General, John Ashcroft, stated on 25 September 2001, that the U.S.-Canada border had "become a transit point for several individuals involved in terrorism."[244] According to a nationwide poll in the U.S., two-thirds of those polled strongly agreed that enforcement of immigration laws and the border in the U.S. had been too lax and that not enough

[240]Ibid. and National Commission on Terrorist Attacks, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*, Authorized Edition (New York: W. W. Norton & Company, 2004), 1-14.
[241]Sallot, Jeff, Andrew Mitrovica, and Rheal Seguin, "Canadian Connection Suspected in Hijackings," *The Globe and Mail*, September 13, 2001, ProQuest Historical Newspapers.
[242]LeBlanc, Daniel, Andrew Mitrovica, and Ingrid Peritz, "No Evidence of Canada Link: Investigations so Far Show Terrorists Did Not Travel to Boston via Quebec or Nova Scotia," *The Globe and Mail*, September 14, 2001, ProQuest Historical Newspapers.
[243]Brown, DeNeen L. "Attacks Force Canadians to Face Their Own Threat," *Washington Post*, September 23, 2001.
[244]Canada. Parliament. House of Commons. *Debates*, 37th Parliament, 1st session, vol.137, No.86, 26 September 2001 (Page 5605). http://www.parl.gc.ca/content/hoc/House/371/Debates/086/HAN086-E.PDF.

was being done to control the border and vet prospective immigrants.[245] This narrative of Canada's lax rules was perpetuated and even a year later, an article in the *New York Times* in 2002 quoted one resident of a northern border town as saying "up here, a terrorist could slip in, or slide in on skates."[246]

The economic impact of traffic backups on both sides of the border and the painting of Canada as a security vulnerability by its neighbour were both felt acutely by Canadian business owners and politicians. Given Canada's economic reliance on trade with the United States, the tightening of the border by the U.S. was disastrous. In particular, Canada's automotive industry, which sent 80% of its production to the United States, faced a crisis.[247] Other manufacturing sectors, which relied heavily on exports to the United States, were also hurt, and both the beef and lumber industries suffered well into 2002 and 2003.[248] Economic and security issues became interwoven for Canadian politicians. As John McCallum, Parliamentary Secretary to the Minister of Finance stated in a House of Commons Debate regarding the federal budget on 1 November 2001, "First and foremost, is the protection of Canadians' lives and security and second is convincing the Americans that we are serious and do not represent a security risk. As everyone is aware, it is absolutely crucial from the economic point of view for goods and individuals to be able to cross the Canada-U.S. border."[249] Many Members of Parliament called for increasing resources for both the RCMP and Canada Customs and Revenue Agency (CCRA), including

[245]Adelman, Howard. "Canadian Borders and Immigration Post 9/11," *International Migration Review* 36, no. 1 (2002): 15, doi:10.1111/j.1747-7379.2002.tb00066.x.
[246]Purdy, Matthew. "Our Towns: Looking Over the Northern Border, and Over Their Shoulder," *New York Times*, November 24, 2002, ProQuest Historical Newspapers.
[247]Canada. Parliament. House of Commons. *Debates*, 37th Parliament, 2nd session, vol.138, No. 106, 27 May 2003. http://www.parl.gc.ca/content/hoc/House/372/Debates/106/HAN106-E.PDF.
[248]Ibid., and Canada. Parliament. House of Commons. *Debates*, 37th Parliament, 3rd session, vol.139, No.34, 1 April 2004. http://www.parl.gc.ca/content/hoc/House/373/Debates/034/HAN034-E.PDF.
[249]Canada. Parliament. House of Commons. *Debates*, 37th Parliament, 1st session, vol.137, No.107, 1 November 2001 (6808). http://www.parl.gc.ca/content/hoc/House/371/Debates/107/HAN107-E.PDF.

increasing personnel and new tools, such as updated passport scanners and biometric screening systems.[250]

The Canadian government acted quickly to attempt to satisfy the concerns the United States had over the security of the border. On 15 October 2001, the *Anti-Terrorism Act*, or *Bill C-36*, was introduced to the Canadian Parliament, and it received Royal Assent on 18 December 2001. The *Anti-Terrorism Act* was not a standalone Act but an amending statute.[251] Among its attributes, it added comprehensive terrorism offences to the *Criminal Code*, amended the *Proceeds of Crime (Money Laundering) Act* to include the detection and deterrence of terrorist financing and amended the *Official Secrets Act* to focus on conduct, such as espionage or potential harm to Canada including terrorist activity and interference with critical infrastructure.[252] Furthermore, Bill S-23, "An Act to Amend the Customs Act and to make related amendments to other Acts," which had been introduced in March of 2001 prior to 9/11, was pushed through quickly in light of the attacks and received royal assent on 25 October 2001.[253] The goal of S-23 was to modernize Customs, expanding on the "Customs 2000" blueprint paper. Fundamental to it was the concept of risk management, and it included the expansion of the Canpass program (an expedited passenger processing system for airports) and the customs self-assessment program.[254]

[250]Idib., 6810.
[251]Canada. Department of Justice. "About the Anti-Terrorism Act," September 12, 2013, http://www.justice.gc.ca/eng/cj-jp/ns-sn/act-loi.html.
[252]Ibid.
[253]Bill S-23, *An Act to Amend the Customs Act and to make related amendments to other Acts*, 1st sess., 37th Parliament, 2001.
[254]House of Commons, *Debates*, 37th Parliament, 1st session, vol.137, No.107, 1 November 2001 (6828).

The reactions in the U.S. to the 9/11 attacks are well documented.[255] In particular, there were some important changes to how the U.S.-Canada border was secured. For one, the United States Congress passed the *Customs Border Security Act* of 2001 (H.R. 3129) as part of the *Trade Act* of 2002 (H.R. 3009) on 6 August 2002.[256] The bill had been introduced less than a month after 9/11, on 16 October 2001. It allotted just over $16.5 million for the U.S.- Canada border for equipment (such as x-ray scanners, portable contraband detectors and inspection systems)[257] and added approximately 285 additional U.S. Customs Service officers to the U.S.-Canada border.[258] It also expanded the powers of Customs Service officers in order to fight terrorism and interdict drugs, for example, granting them immunity from civil suits as a result of personal searches if they acted in "good faith."[259]

The *U.S. National Commission on Terrorist Attacks Upon the United States* (9/11 Commission) found a number of weaknesses within the American immigration system that left it susceptible to terrorist attacks. It also found flaws in procedural standards at ports of entry as well as a lack of resources. Prior to 9/11, priorities at the border had been focused on the U.S.-Mexico border and on the interdiction of drugs, not terrorism.[260] Additionally, identification requirements for crossing the U.S.- Canada border were dissected. Canada, and many other countries, had visa exemptions; Canadians did not need to have a passport to cross the U.S. border, only government-issued photo identification, and U.S. citizens could also orally declare

[255]A commission was established on November 27, 2002 in the U.S. to investigate and prepare a report on the circumstances surrounding the events of 9/11. Its final report, released on August 21, 2004 and made public, includes analysis of footage, documents and interviews with over 1,700 individuals.
[256]Rep. Crane, Philip M. "H.R.3129 - Customs Border Security Act of 2002," Legislation, October 16, 2001, http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03129:@@@X. and U.S. Congress, *Trade Act of 2002, 116 STAT. 933*, 2002, http://www.gpo.gov/fdsys/pkg/PLAW-107publ210/pdf/PLAW-107publ210.pdf.
[257]$16,590,000 for Vehicle and Container Inspection Systems, mobile truck x-rays with transmission and backscatter imaging, 1-MeV pallet x-rays, portable contraband detectors (busters), contraband detection kits, portable Treasury Enforcement Communication Systems terminals and narcotics vapor and particle detectors: U.S. Congress, *Trade Act of 2002*, Sec. 312 (a) (2).
[258]$25 million in funds: U.S. Congress, *Trade Act of 2002*, Sec. 331.
[259]U.S. Congress, *Trade Act of 2002*, Sec. 341.
[260]National Commission on Terrorist Attacks, *The 9/11 Commission Report*, 80-81.

their citizenship and cross at the discretion of border officials.[261] The threat of transnational terrorism put immigration and the interdiction of unauthorized immigrants at the forefront of border issues.[262] The 9/11 Commission report stated that "immigration law enforcement should be strengthened and the INS should tighten controls on the Canadian border (including stepping up of U.S.-Canada cooperation)."[263] This call for cooperation should read as requiring increased disclosure of information about persons in Canada and abroad who may enter the U.S. given the new "imminent threat" milieu that seeped into all security documents and discussions in the U.S.[264] The securitization initiatives following 9/11 ultimately occurred within the parameters of normal immigration law, rather than developing new criminal laws. The focus for the George W. Bush administration after 9/11 was on background checks and immigration enforcement alongside new border controls; the administration adopted a zero-tolerance risk management strategy to border security.[265]

Peter Andreas, an American political science scholar, argues that in the wake of 9/11 there was a "Mexicanization" of U.S.-Canada border policies. He stated in 2003, "remove the word "terrorism" and put in words "drug trafficking" or "illegal immigration" and the new discourses of border security is strikingly familiar, mimicking the older discourse that has characterized U.S. border relations with Mexico."[266] Furthermore, Canadian scholar Bryan MaBee argued that the articulation of terrorism as a key issue in US security policy led to a "bureaucratic shift within the US, showing a re-thinking of the role of borders within US security

[261]Heyman and Ackleson, "United States Border Security after 9/11," 46, 48.
[262]National Commission on Terrorist Attacks, *The 9/11 Commission Report*, 383-389.
[263]Ibid., 182.
[264]McLuhan, Stephanie. "Intelligence Sharing between Canada and the United States: A Matter of National Survival," *One Issue, Two Voices*, Woodrow Wilson International Centre for International Scholarship, no. 6 (January 2007): 1-7. She notes that there has been a cooling of the eagerness of Canada to share information with the U.S. since the Mahar Arar incident in September, 2006.
[265]Warner, Judith. *U.S. Border Security*, 28.
[266]Andreas, Peter. "A Tale of Two Borders: The U.S.-Mexico and U.S.-Canada Lines After 9/11," June 22, 2003, 9, http://escholarship.org/uc/item/6d09j0n2.

policy."[267] Ultimately, in the years immediately following 9/11, the border was redesigned as part of a new and expanding "war on terrorism."[268] For both the American and Canadian governments, traditional border issues, like trade and immigration, were now perceived as having larger implications for national security.

4.2 The Creation of the Department of Homeland Security and U.S. Customs and Border Protection

On 8 October 2001, less than a month after the terrorist attacks, President George W. Bush signed *Executive Order 13228*, which created an Office of Homeland of Security and the Homeland Security Council. The Office was housed within the Executive Office of the President and was to "develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks."[269] Tom Ridge, the Governor of Pennsylvania and good friend of President Bush, resigned as Governor to organize the office.[270] This Office and Council constituted the foundation of what would eventually become a new Executive Department. In what was referred to by one *New York Times* reporter as the "largest reshuffling of government responsibilities since the founding of the Defense Department after World War II,"[271] the Department of Homeland Security (DHS) was created with the passing of the *Homeland Security Act* of 2002 on 25 November 2002.[272]

[267]MaBee, Bryan. "Re-Imagining the Borders of US Security after 9/11: Securitisation, Risk, and the Creation of the Department of Homeland Security," *Globalizations* 4, no. 3 (2007): 386, doi:10.1080/14747730701532567.
[268]Andreas, "A Tale of Two Borders," 1.
[269]Executive Order no. 13228. *Code of Federal Regulations*, title 1, p.51812-51817 (2001).
[270]Bush, President Geroge W. "Remarks on Signing the Homeland Security Act of 2002" (Government Printing Office, November 25, 2002).
[271]Stevenson, Richard W. "Signing Homeland Security Bill, Bush Appoints Ridge as Secretary," *New York Times*, November 26, 2002, ProQuest Historical Newspapers.
[272]Bush, President George W., "Remarks on Signing the Homeland Security Act of 2002."

The creation of DHS reorganized more than twenty existing agencies and 170,000 employees under its authority. The mission of the Department was first and foremost counterterrorism (see Appendix B for the Department's mission). Of the seven different aspects of the DHS mission statement, the first three pertained to preventing and responding to terrorist attacks in the United States. In addition, the mission statement also includes drug trafficking; specifically, the links between illegal drug trafficking and terrorism as well as overall efforts to interdict trafficked drugs.[273] The *Homeland Security Act* received support on both sides of the political aisle. Combining the U.S. House of Representatives and U.S. Senate votes, 96% of Republicans supported the Act and 50% of Democrats supported it.[274] By nightfall on the day of the signing of the Act, President Bush had sent to Congress a detailed plan for bringing the department into being. The plan called for it to be up and running by 1 March 2003, with the process to be completed by 30 September 2003.[275] Tom Ridge was nominated by President Bush to be the first Secretary of Homeland Security.[276]

The new Department absorbed the enforcement and service functions of INS and the U.S. Customs Service and put them under the management of the Directorate of Border and Transportation Security within the Department. In 2003, President Bush's reorganization plan for DHS changed the names of the Customs Service to the Bureau of Customs and Border Protection, and the Bureau of Border Security to the Bureau of Immigration and Customs Enforcement. Today, those aspects are known as U.S. Customs and Border Protection (CBP) and

[273]U.S. Congress. *Homeland Security Act of 2002, 116 STAT. 2136*, 2002, Sec. 101 (b), http://www.gpo.gov/fdsys/pkg/PLAW-107publ296/pdf/PLAW-107publ296.pdf.
[274]U.S. Library of Congress, "Bill Summary & Status, 107th Congress (2001-2002), H.R. 5005, Major Congressional Actions," accessed May 21, 2014, http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR05005:@@@R.
[275]Stevenson, "Signing Homeland Security Bill, Bush Appoints Ridge as Secretary."
[276]Bush, President George W., "Remarks on Signing the Homeland Security Act of 2002".

U.S. Immigration and Customs Enforcement (ICE).[277] In addition, the U.S. Coast Guard[278] and U.S. Border Patrol were moved to DHS, with the Border Patrol becoming an arm of U.S. CBP.[279] Thus, the entire management of the border was streamlined into one Department with one mandate.

Congress recognized quickly that DHS would require a massive budget. For 2004, DHS requested $5.6 billion for customs and border protection aspects alone, a 3.3% increase from the year before.[280] In particular, immigration continued to be identified as a weakness for U.S. security. It was reported in 2003 that immigration agencies had lost track of thousands of illegal immigrants who had final court orders for deportation, including many from Iraq, Iran and five other countries identified as state sponsors of terrorism.[281] The following decade witnessed even greater increases to homeland security spending as well as an increased focus on immigration enforcement.

4.3 U.S. Customs and Border Protection: An Organizational Analysis

4.3.1 Organizational Mission

The contemporary U.S. CBP is one of largest and most complex components of DHS.[282] U.S. CBP is made up of three main offices: Field Operations, Border Patrol Operations and Air and Marine Operations. The Office of Field Operations (OFO) monitors and oversees the

[277]McAleenan, Kevin and Daniel Ragsdale. *Authorizing Customs and Border Protection and Immigration and Customs Enforcement* (U.S. Department of Homeland Security, 2014), http://www.dhs.gov/news/2014/04/08/written-testimony-cbp-and-ice-house-homeland-security-subcommittee-border-and.
[278]Previously under the Department of Defense.
[279]Kady, Martin. "Now for the Hard Part," *New York Times*, November 25, 2002, ProQuest Historical Newspapers.
[280]Shenon, Philip. "Ridge Says Request for Homeland Security Is Enough," *New York Times*, February 4, 2003, ProQuest Historical Newspapers.
[281]Shenon, Philip. "Ridge Discovers Size of Home Security Task," *New York Times*, March 3, 2003, ProQuest Historical Newspapers.
[282]McAleenan and Ragsdale, *Authorizing Customs and Border Protection and Immigration and Customs Enforcement*.

nation's 328 ports of entry and 16 preclearance locations. In between ports of entry, the Border Patrol and the Office of the Air and Marine (OAM) surveys, detects and interdicts those attempting to enter illegally and/or with illegal goods.[283] Figure 2.1 in Chapter Two highlighted the mission statement of the organization and its core values of "Vigilance, Service to Country and Integrity" (also found in Appendix C). With counterterrorism as the basis for the creation of the DHS, and the U.S. CBP a vital component of that organization, terrorism became a primary focus for the CBP with illegal immigration and drug trafficking highlighted as well. A 2014 testimony by CBP Deputy Commissioner, Kevin McAleenan, and ICE Deputy Director, Daniel Ragsdale, declared that CBP has a "priority mission of keeping terrorists and their weapons out of the United States," before mentioning customs, immigration and agricultural responsibilities.[284] Similarly, when Secretary of Homeland Security, Jeh Johnson, testified before the U.S. House Committee on Homeland Security on the future of the Department in 2014, he stated that the "cornerstone of the homeland security mission has been, and should continue to be, counterterrorism; that is, protecting the nation against terrorist attacks… at our borders and ports of entry, we must deny entry to terrorists, drug traffickers, transnational criminal organizations and other threats to national security and public safety."[285] The border, therefore, is still firmly placed within the context of counterterrorism for the United States, and the testimony by Secretary Johnson further highlights the U.S. predisposition to be concerned with knowing who are the individuals crossing the border and their characteristics, with concern for goods crossing being secondary.

[283]Ibid.
[284]Ibid.
[285]Johnson, Jeh. *The Secretary's Vision for the Future – Challenges and Priorities* (U.S. Department of Homeland Security, 2014), http://www.dhs.gov/news/2014/02/26/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security.

Although immediately following 9/11, the U.S.-Canada border was highlighted as a security weakness, in terms of resources and political capital for border management in the United States, the U.S.-Mexico border remains the larger concern. While there has been a substantial increase in resources at the U.S.-Canada border, the comparison remains startling: there are now 3,600 Customs and Border Protection Officers (CBPOs) and 2,200 Border Patrol Agents (BPAs) along the U.S.-Canada border and 17,400 CBPOs and 18,500 BPAs along the U.S.-Mexico border.[286] The CBP force deployed at the U.S.-Canada border represents only 16% of its total personnel.

4.3.2 Operational Objectives

For the U.S. CBP, "securing our borders means first having the visibility to see what is happening on our borders and secondly to respond to what we see."[287] To evaluate success, a number of different figures are used. For one, the number of arrests for people wanted for serious crimes at ports of entry, as well as the number of inadmissible aliens stopped from entering the United States, is highlighted. Seizures are also an important measure, namely seizures of currency, drugs and weapons, in addition to plant pests.[288] Reduced crime rates and increased economic prosperity in border communities also are used by the CBP as indicators of success. However, these measures are principally applied to the U.S.-Mexico border, whose border communities suffer more from issues of crime and poverty. For the U.S.-Canada border, the

[286]U.S. Customs and Border Protection. *Border Security: Frontline Perspectives on Progress and Remaining Challenges* (U.S. Department of Homeland Security, 2013), http://www.dhs.gov/news/2013/04/10/written-testimony-us-customs-and-border-protection-senate-committee-homeland.
[287]Fisher, Michael, Kevin McAleenan, and Mark Borkowski, *Measuring the Outcomes to Understand the State of Border Security* (U.S. Department of Homeland Security, 2013), https://www.dhs.gov/news/2013/03/20/written-testimony-cbp-house-homeland-security-subcommittee-border-and-maritime.
[288]Ibid.

development of partnerships with counterparts on the Canadian side, as well as local law enforcement and other governmental partners, are used to indicate success.[289]

4.3.3 Special Capacities

The aforementioned concerns of visibility along the border and the capacity to respond has been addressed primarily through an increase in personnel and technology deployed to the border. Visibility is accomplished through the "use of border surveillance technology, personnel and air and marine assets."[290] Ability to respond is supported by resources that include "personnel, tactical infrastructure and air and marine assets."[291] Since the establishment of U.S. CBP, the number of personnel deployed at the U.S.-Canada border has increased substantially. In October, 2001, there were 1,037 inspectors from the U.S. Customs Service and 498 inspectors from the INS at the ports of entry.[292] Today, there are approximately 3,600 CBPOs and 180 agriculture specialists,[293] which marks an increase of approximately 43%. Similarly, the Border Patrol has increased from 334 to approximately 2,200 BPAs in the same time span, an increase of over 650%.[294] In 2001, 3.6% of the total number of BPAs were deployed to the Northern Border, today that number has increased to 10.6% of the force.

Furthermore, the U.S. CBP's approach to the U.S.-Canada border has been dominated by an investment in infrastructure and technology. Since 2009, the U.S. CBP has invested $400

[289]Richards, Christopher. *Protecting Our Northern Border: Enhancing Collaboration and Building Local Partnerships* (U.S. Department of Homeland Security, 2013), http://www.dhs.gov/news/2013/07/12/written-testimony-cbp-senate-homeland-security-governmental-affairs-subcommittee.
[290]U.S. Customs and Border Protection, *Border Security: Frontline Perspectives on Progress and Remaining Challenges.*
[291]Fisher, McAleenan, and Borkowski, *Measuring the Outcomes to Understand the State of Border Security*.
[292]Senate Subcommittee of the Committee on Appropriations, *Northern Border Security*, 17; 20.
[293]Richards, Christopher. *Protecting Our Northern Border: Enhancing Collaboration and Building Local Partnerships.*
[294]Ibid.

million to rebuild and improve more than 30 ports of entry.[295] So far, 17 land ports of entry have been modernized to "meet current operational requirements and security standards," with an additional 14 ports scheduled to undergo similar modernization projects.[296] An unprecedented amount of technology has been deployed to the ports of entry along the U.S.-Canada border, such as radiation portal monitors and non-intrusive inspection technology, which can scan vehicles for contraband and weapons.[297] The implementation of the Western Hemisphere Travel Initiative[298] resulted in an increase in the number of individuals crossing the border with Radio Frequency Identification technology-enabled identification documents. Documents with this technology can be scanned by officers at ports of entry and their validity can be verified in real-time. The CBP touts that these documents decrease the average processing time by 20%, and increase the national law enforcement query rate, including terrorist watch lists, to more than 98%.[299] Additionally, ports of entry are now monitored by surveillance technology, which is of particular importance to remote ports which close overnight. Even the mere addition of gates at ports, many of which were previously guarded only by orange pylons, is significant.[300]

In addition to ports of entry, the addition of the Office of Air and Marine to the CBP in 2006[301] resulted in an increase in surveillance technology along the border in between ports of

[295]Ibid.
[296]U.S. Department of Homeland Security. "Border Security Results," accessed June 8, 2014, http://www.dhs.gov/border-security-results.
[297]U.S. Customs and Border Protection, *Border Security: Frontline Perspectives on Progress and Remaining Challenges.*
[298]The Western Hemisphere Travel Initiative (WHTI) was a joint Department of State and DHS plan which altered the document requirements for U.S. citizens and nonimmigrant aliens from Canada, Bermuda, and Mexico departing from or entering the United States from within the Western Hemisphere. It went into effect for air travel in January, 2007 and for sea and land ports on June 1, 2009; U.S. Customs and Border Protection, "WHTI Program Background," n.d., http://www.cbp.gov/travel/us-citizens/whti-program-background.
[299]By comparison, in 2005 CBP performed law enforcement queries in the land border environment for only 5% of travelers; U.S. Customs and Border Protection. *Border Security: Frontline Perspectives on Progress and Remaining Challenges.*
[300]U.S. CBP Official, Author Interview, May 2014.
[301]U.S. Customs and Border Protection, "2006: Air and Marine Joins CBP," *CBP.gov*, accessed March 20, 2014, http://www.cbp.gov/about/history/2006-air-and-marine-joins-cbp.

entry. There are 54 fixed-wing and rotary aircraft on the Northern border, including two Unmanned Aircraft Systems (UAS) operating out of Grand Forks Air Force Base in North Dakota. These UAS have operational airspace spreading from the Lake of the Woods region in Minnesota to the vicinity of Spokane, Washington – a distance of approximately 940 miles.[302] At the U.S.-Canada border, the U.S. has been more apt to establish cooperation and collaboration agreements with their Canadian counterparts than it has with Mexico. A number of binational initiatives have developed in the wake of 9/11, most notably the Smart Border Accord of 2001 and the more recent *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness*[303] agreement signed by Canadian Prime Minister, Stephen Harper, and U.S. President, Barack Obama, in 2011. Furthermore, Integrated Border Enforcement Teams (IBETs) have been an innovative development. Although they have their roots in pre-9/11 exercises, these teams were formally established in the Smart Border Accord.[304] They are a law enforcement partnership, mainly between the U.S. Border Patrol and RCMP,[305] which involves the sharing of intelligence and resources in order to monitor the border in between ports of entry.[306] Their success led to the establishment of a maritime version of IBETs, "Integrated Cross-border Maritime Law Enforcement Operations," commonly known as Shiprider.[307] These partnerships and agreements show that efficient border flow is important to the U.S. and that it is sensitive to

[302]Johnson, *The Secretary's Vision for the Future – Challenges and Priorities*.
[303]Commonly referred to as the "Beyond the Border Action Plans;" U.S. Department of Homeland Security, "Beyond the Border Action Plan," accessed October 22, 2013, http://www.dhs.gov/beyond-border-action-plan/.
[304]U.S. Office of Homeland Security, "Specifics of Secure and Smart Border Action Plan," January 7, 2002, White House Archives, http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020107.html.
[305]Also included in the agreement are the CBSA, ICE, U.S. CBP OFO, U.S. Coast Guard along with the periodic assistance of state/provincial, local and tribal law enforcement agencies.
[306]Canada. Royal Canadian Mounted Police. "Integrated Border Enforcement Teams (IBETs)," March 3, 2009, http://www.rcmp-grc.gc.ca/ibet-eipf/index-eng.htm. As well, a permanent U.S. CBP position was created at RCMP headquarters to serve as a liaison between the agencies.
[307]Canada. Royal Canadian Mounted Police. "Canada-U.S. Shiprider," June 25, 2010, http://www.rcmp-grc.gc.ca/ibet-eipf/shiprider-eng.htm. Shiprider teams involve a U.S. and Canadian officer onboard the same ship so that the jurisdictions of both states can be enforced seamlessly. No longer can criminals "cross the border" to escape arrest.

Canadian worries about the U.S. border being a choke point for Canadian goods. However, as stated by former U.S. Ambassador to Canada, Paul Cellucci, "for the United States, security trumps trade."[308]

4.3.4 Norms for Recruitment and Tenure of Personnel

The nature of the recruitment and training of personnel has also seen substantial changes with the creation of the U.S. CBP. The selection process for Office of Field Operations (OFO – CBP) officers has become increasingly selective. Once submitting an application online, candidates are required to take a written examination which they must pass to be considered for employment, as well as a physical fitness exam. Once hired, new employees are given a duty station, which they report to for a 3-5 weeks of initial training, and then participate in a 14-week training program at the U.S. Customs and Border Protection Academy in Georgia.[309] The CBP Field Operations Academy combines topics from the former training programs of the U.S. Customs Service, INS and U.S. Department of Agriculture, resulting in a program which encompasses all the elements of the legacy agencies and the many pieces of legislation and U.S. law they are responsible for enforcing at ports of entry currently.[310] In addition to these courses, employees are taught how to handle a firearm and are given "intermediate force" training, which includes how to handcuff, search and conduct sworn statements. The firearm training includes not only use of a handgun (which they must qualify to use), but also a shotgun and M4

[308]As quoted in Sokolsky, Joel. "Guarding the Continental Coasts: United States Homeland Security and Canada" Ejeux Publiques, Vol 6(1) March 2005: 22. http://archive.irpp.org/pm/archive/pmvol6no1.pdf. Mr. Cellucci was Ambassador to Canada from April 17, 2001 – March 18, 2005.
[309]U.S. CBP Official, Author Interview.
[310]U.S. Customs and Border Protection, "CBP Field Operations Academy," n.d., https://help.cbp.gov/app/answers/detail/a_id/1023/~/cbp-field-operations-academy.

carbine.[311] The CBP has developed into a premier law enforcement agency. Employment with the CBP is now a law enforcement covered position, meaning that retirement and other benefits are on par with any other law enforcement agency in the United States.[312]

4.3.5 Organizational Traditions and Symbols

An important element to analyze are the symbols and traditions that are chosen by an organization to represent it to outsiders and also to create a culture and identity for its members. The U.S. Border Patrol has a sustained a distinct organizational culture since its creation. This is encapsulated in a number of ceremonies and traditions, including the change-of-command ceremony that occurs when a new chief patrol agents takes command of a Border Patrol sector.[313] As a part of the ceremony, the new chief assumes formal command of the sector by saying, "Sir, I assume command." The ceremony concludes with the passing of the guidon - a swallow-tailed flag that identifies a company, troop, or organization. Green and gold streamers on the flag represent each of the 20 operational sectors of the Border Patrol.[314] The U.S. CBP OFO has been developing its own, unique branding and organizational culture since its creation following the example of the Border Patrol. Drill and ceremony has been introduced in the training at the Academy, and the slogan "OFO Proud," is also utilized to instill organizational pride.[315] Another ceremony, the "Valor Memorial and Wreath Laying Ceremony," is for the

[311]An M4 Carbine is a family of high powered assault rifles with various configurations and settings. It is also used by the US military.
[312]Kopp, Emily. "CBP Officers Begin to Earn Greater Retirement Benefits," *Federal News Radio*, July 19, 2011, http://www.federalnewsradio.com/520/2461442/CBP-officers-begin-to-earn-greater-retirement-benefits.
[313]U.S. Customs and Border Protection, "U.S. Border Patrol Change of Command Ceremony."
[314]Of the 20 sectors, 8 are located along the U.S.-Canada border. See U.S. Customs and Border Protection. "Border Patrol Sectors." http://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors.
[315]U.S. CBP Official, Author Interview.

entire CBP. The ceremony honors agents and officers of the CBP and its legacy organizations who have died.[316]

The U.S. CBP OFO seal is the same as the DHS seal, with the words "U.S. Customs and Border Protection" on the top with "Field Operations" on the bottom surrounded on both sides by three stars. The centre of the DHS seal contains an eagle, holding an olive branch with 13 leaves and 13 seeds on the left talon and 13 arrows on the right (in the tradition of the United States seal). The eagle's wings break through the outer circle "to suggest that the Department of Homeland Security will break through traditional bureaucracy and perform government functions differently."[317]

Figure 4.1. Department of Homeland Security and U.S. Border Patrol logos.[318]



Centered on the eagle's breast is a shield divided into three sections containing elements that represent air, land and sea – the American homeland. The top element, the sky, contains 22 stars

[316]U.S. Customs and Border Protection, "Valor Memorial and Wreath Laying Ceremony Honors Fallen Heroes," May 14, 014, http://www.cbp.gov/newsroom/spotlights/2014-05-14-000000/valor-memorial-and-wreath-laying-ceremony-honors-fallen-heroes.
[317]U.S. Department of Homeland Security, "Department of Homeland Security Seal," accessed June 26, 2014, http://www.dhs.gov/department-homeland-security-seal.
[318]U.S. Department of Homeland Security, *U.S. Department of Homeland Security Seal*, n.d., http://www.dhs.gov/department-homeland-security-seal; U.S. Department of Homeland Security, *Logo of the United States Border Patrol*, http://en.wikipedia.org/w/index.php?title=United_States_Border_Patrol&oldid=614790330. Both images are in the public domain.

to represent the 22 legacy organizations of the department.[319] U.S. Border Patrol Agents also wear patches containing the DHS seal (on the right sleeve of the uniform), but have a Border Patrol logo on the left sleeve as well. This logo is a blue circle containing an outline of the continental U.S. and the words "U.S. Border Patrol" in yellow. The fact that CBP uses the same seal as DHS demonstrates how closely tied the border is with overall homeland security. The eagle's protection of the homeland is consistent with the CBP's role as a law enforcement organization. The seal signifies the stopping of threats from the "outside" getting "in," and that the nation is defended at the border. The U.S. Border Patrol logo, overlapping the outline of the nation, also connotes the notion of protecting the nation from an outside threat, which would lie outside the outlined border on the logo. It is also notable that they have kept this logo throughout the organization's history despite becoming part of DHS in 2003. The Border Patrol is thus maintaining their identity, rooted in their history, suggesting that even the institutional reorganization after 9/11 has not disrupted the organizational culture as captured via the logo, which will continue to be perpetuated within the organization and to successors.

4.4 The Creation of Public Safety Canada and the Canada Border Services Agency

9/11 was shocking for Canada given the close ties Canada had with the U.S. Like the U.S., the narrative in Canada regarding the border also changed, with an increased focus on security from customs. As the narrative turned more towards national security and anti-terrorism within Canada, so did the conversations regarding the structure of the management of the border. Members of Parliament called for a substantial increase in resources for customs officers and, in some cases, for border management to be moved to a new or different ministry altogether. In an 1 April 2003 House of Commons Debate, the opposition leader for the Canadian Alliance,

[319]Ibid.

Rahim Jaffer, stated that "it is evident that [the then] CCRA is a department focused on streamlining accounting systems and collecting revenues. It is not focused on security. The logical question is why the government continues to treat our border guards, Canada's first line of defence, as bean-counters."[320] He went on to refer to customs officers as "basically police without the formal title. They are police without protection of the law."[321] Without a doubt, leaders within the Federal Liberal Party, the majority party in government at the time, were thinking along the same lines. On 12 December 2003, when Canadian Prime Minister, Jean Chrétien, resigned as Prime Minister and Paul Martin took over for the Liberal Party, a major bureaucratic overhaul was announced. This included the creation of a Minister of Public Safety and Emergency Preparedness as well as a Canada Border Services Agency.[322] Also, under the portfolio of Public Safety and Emergency Preparedness (now Public Safety Canada), the RCMP, CSIS, the Correctional Service of Canada and the Parole Board of Canada were added.[323] Former Justice Minister, Anne McLellan, who had introduced the *Anti-Terrorism Act* in 2001,[324] took responsibility for Public Safety. Alain Jolicoeur, formerly Deputy Minister of Indian Affairs and Northern Development, became President of the CBSA.[325]

The creation of Public Safety Canada was viewed by many as another attempt by Canada to harmonize security priorities with their southern neighbor. The mandate of the new department, to "keep Canadians safe from a range of risks, such as natural disasters, crime and

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[320]Canada. Parliament. House of Commons. *Debates*, 37th Parliament, 2nd session, vol.138, No.82, 1 April 2003 (4978). http://www.parl.gc.ca/content/hoc/House/372/Debates/082/HAN082-E.PDF.
[321]Ibid., 4979.
[322]Canada. Prime Minister of Canada. "Changing Government," *Office of the Prime Minster*, December 12, 2003, http://epe.lac-bac.gc.ca/100/205/301/prime_minister-ef/paul_martin/06-02-03/www.pm.gc.ca/eng/news.asp@id=2.
[323]Public Safety Canada, "About Public Safety Canada," see Appendix E.
[324]Campbell, Clark and Steven Chase. "Budget to Launch Antiterrorism Action," *The Globe and Mail*, November 24, 2001, ProQuest Historical Newspapers.
[325]Canada. Prime Minister of Canada, "Changes in the Senior Ranks of the Public Service and Other Appointments," *Office of the Prime Minster*, December 12, 2003, http://epe.lac-bac.gc.ca/100/205/301/prime_minister-ef/paul_martin/06-02-03/www.pm.gc.ca/eng/news.asp@id=7.

terrorism," (see Appendix E) was in some respects quite similar to that of the Department of Homeland Security but with a reverse order of risks (terrorism in the U.S. being the main concern). As *The Globe and Mail* reported, "immigration and refugee policy… will remain in a separate department as the new government feels it would send a negative message to immigrants to combine those functions with policing."[326] However, some aspects of CIC were incorporated into the CBSA. Canadian leaders did not want to be viewed as following the American example, and knew the sensitivities that would be associated with combining concepts of immigration and national security, and so were quick to defend the new organization in this light.

The CBSA brought together Customs Services from the CCRA, most of the Intelligence and Enforcement Programs of CIC, and the CFIA's Import Inspection at Ports of Entry program.[327] An interim transition team was created with representation from all three of the originating organizations. This team facilitated the transfer of resources from all the legacy organizations which oversaw the transition of resources and set priorities for the new organization.[328] On 1 April 2004, CBSA had an operating budget of approximately $1 billion with a combined workforce of approximately 10,400. The new organization saw its role as one of risk management, along a continuum; facilitating the movement of low-risk people and goods at one end and taking as strong action as necessary (including force) against high-risk goods and people.[329] One of the challenges the CBSA faced was the amalgamation of employees from three different departments under a new mandate and organizational culture. Thus the importance of

[326]Campbell, Clark, Drew Fagan, and Hugh Winsor, "Martin Government to Unveil Public-Safety Department," *The Globe and Mail*, December 12, 2003, ProQuest Historical Newspapers.
[327]Canada. Treasury Board of Canada Secretariat. "Departmental Performance Report 2003-2004: Canada Border Services Agency," October 28, 2004, http://www.collectionscanada.gc.ca/webarchives/20060120080445/http://www.tbs-sct.gc.ca/rma/dpr/03-04/bsa-asf/bsa-asfd3401_e.asp#Minister.
[328]Ibid.
[329]Ibid. See also Appendix F.

"hav[ing] employees integrated in one HR regime with one corporate culture" and "make[ing] progress towards integrating Customs, CFIA and CIC staff" was self-identified in a 2004-05 performance report as a key goal.[330] Diminishing the appearance of the legacy organizations within the CBSA, especially the strong association to revenue and tax collection, was one of the first challenges it faced and continues to face.

4.5 The Canada Border Services Agency: An Organizational Analysis

4.5.1 Organizational Mission

The CBSA's mandate is to "provid[e] integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation." Its mission statement is "to ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada."[331] The past context of Canada Customs has combined with contemporary security concerns to fashion the CBSA as an organization of dual priorities. One is the facilitation of legal trade and travel in order to maintain access to U.S. markets and networks, given the vital importance of this access to the Canadian economy. In the post-9/11 context, however, they also have a priority of reducing the risks of terrorist incidents into the U.S. and into Canada.[332]

The creation of the CBSA marks a more significant policy change for Canada than the creation of the CBP did for the United States. Unlike the United States – but similar to both the

[330]Canada. Treasury Board of Canada Secretariat. "Departmental Performance Report 2004-2005: Canada Border Services Agency," October 31, 2005, http://www.collectionscanada.gc.ca/webarchives/20060120065554/http://www.tbs-sct.gc.ca/rma/dpr1/04-05/bsa-asf/bsa-asfd4501_e.asp#minister.
[331]Canada Border Services Agency. "Our Charter," see Appendix F.
[332]Hale, Geoffrey "Multiple Borders, Multiple Challenges: Canadian Borders, Security and Immigration in Perspective" (presented at the CCUSB Workshop on Security, Immigration and the Cultures of the Canada-U.S. Border, Niagara, NY, May 31, 2014).

United Kingdom and Australia – Canada had not consolidated domestic security agencies under a single department until 12 December 2003.[333] The Government of Canada released its first comprehensive national security policy in April 2004, of which border security and the CBSA was a facet.[334] While the border in the United States had often been perceived in the context of national security, as demonstrated with the immigration issues of the late nineteenth and early twentieth century and the War on Drugs, the creation of the CBSA and the arming of their officers in 2006 marked a significant turn in Canadian border management, putting the border in a national security context more so than it had previously.

4.5.2 Operational Objectives

Within the CBSA there are seven branches. The largest of these is the operations' branch, which operates at all of Canada's ports of entry, similar to the U.S. CBP OFO. It employs approximately 5,400 Border Service Officers (BSOs).[335] The CBSA also enforces laws inside Canada. Inland Enforcement officers investigate those within Canada who may be inadmissible, working closely with the RCMP, local law enforcement and other agencies.[336] Essentially, the border is pushed outward and inward thus contributing to the "thickening" of the border.

Central to the CBSA modi operandi has been a risk-based approach to border security. "Risk management" has become the buzz word for the organization, with an approach that

[333]Canada. Office of the Auditor General. "National Security in Canada – The 2001 Anti-Terrorism Initiative." [Ottawa], March 2004. Accessed May 3, 2014. http://www.oag-bvg.gc.ca/internet/docs/20040303ce.pdf.
[334]Canada. Privy Council Office, *Securing an Open Society : Canada's National Security Policy.* (Ottawa: Privy Council Office, 2004).
[335]Canada. Office of the Auditor General. "Keeping the Border Open and Secure – Canada Border Services Agency." [Ottawa], October 2007. Accessed May 3, 2014. http://www.oag-bvg.gc.ca/internet/docs/20071005c_e.pdf.
[336] Canada. Canada Border Services Agency. "Immigration Investigations and Admissibility Hearings," March 11, 2004, http://www.cbsa-asfc.gc.ca/media/facts-faits/032-eng.html.

involves targeting passengers and goods before they arrive at a Canadian port of entry.[337] This is reflective of the dual mandate of the organization: a need to quickly process those travelers and goods that are beneficial to the Canadian economy while, at the same time, maintaining the security and safety of Canada its citizens and its ally, the U.S. Measures of success for the CBSA often include the number of passengers and vehicles processed in a year, including the value of goods that crossed the border.[338] Seizures of firearms and other weapons, drugs, tobacco and currency are also touted by the organization as indicators of success.[339] At the same time, the three highest risks that have been identified by the organization are: terrorism, irregular migration and immigration enforcement which highlights the impact 9/11 has had on the organization.[340]

Central to the CBSA's "risk management" approach to the border has been various trusted traveler and trader programs as well as binational initiatives in conjunction with the United States. Among these are NEXUS, Customs Self-Assessment and Free and Secure Trade (FAST), the National Targeting Centre, IBETs, pre-clearance facilities at many airports across the country and pre-arrival security screening for both persons and goods.[341] These were created with the intention of "pushing borders out". These programs and initiatives are of equal, if not greater, importance to Canadian border enforcement compared to the U.S. These programs tie in with the CBSA approach of risk management; identifying potential harms early on and, through these programs, spending less time on those travelers and goods who/which are low-risk and frequently cross the border.

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[337]Office of the Auditor General. "Keeping the Border Open and Secure – Canada Border Services Agency."
[338] Canada. Canada Border Services Agency. "CBSA Statistics - 2013 - Annual Statistics (January 1 to December 31)," June 2, 2014, http://www.cbsa-asfc.gc.ca/agency-agence/stats/2013/2013-ann-eng.html.
[339]Ibid.
[340]Canada. Canada Border Service Agency. "Departmental Performance Report 2012-13 Estimates," November 5, 2013, http://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/dpr-rmr/2012-2013/index-eng.html.
[341]Canada Border Services Agency. Author Correspondence, May 2014.

4.5.3 Special Capacities

The CBSA, similar to the U.S. CBP, has seen a substantial increase in resources in the past decade. Since its inception in 2003 and initial budget of $1 billion and workforce of 10,400,[342] the CBSA, as of 2012-2013, had a budget of approximately $1.8 billion and 14,600 employees[343] - a 45% increase in personnel in almost a decade. The Agency has invested $70 million in equipment, most significantly in Vehicle and Cargo Inspection System (VACIS) units that use gamma-ray imaging to inspect the contents of containers and vehicles.[344]

CBSA officers were armed for the first time in 2006.[345] By comparison, both immigration and customs officers in the United States were armed even prior to the creation of U.S. CBP. Included in the arming initiative was a screening process to ensure officers are "physically and psychologically suited to carry a duty firearm" as well as recognizing that "not every officer will qualify to carry a duty firearm. The CBSA is committed to making every reasonable effort to accommodate those officers."[346] The weapon the CBSA chose for its officers was the Beretta Px4 9mm – a semi-automatic handgun.[347] This arming of CBSA officers in 2006 resulted in some domestic criticism and a conversation regarding the nature of Canada's border. A letter to the Prime Minister from the President of the Canadian Council of Refugees argued that "An officer carrying a gun conveys an immediate contrary message of suspicion and hostility that will disappoint and unnerve many people. We do not want immigrants arriving to

[342]Treasury Board of Canada Secretariat, "Departmental Performance Report 2003-2004: Canada Border Services Agency."
[343]Canada Border Service Agency. "Departmental Performance Report 2012-13 Estimates."
[344]Office of the Auditor General. "Keeping the Border Open and Secure – Canada Border Services Agency."
[345]Canada. Canada Border Services Agency. "Improving Border Security: The CBSA's Arming Initiative." August 31, 2006, http://www.cbsa-asfc.gc.ca/agency-agence/security-securite/menu-eng.html.
[346]Canada Border Services Agency, "Improving Border Security: The CBSA's Arming Initiative."
[347]Ibid.

start their new lives in Canada to have an official carrying a gun as their first impression of the country."[348]

As the U.S. has many more resources in terms of technology and equipment, collaboration can be incredibly beneficial for Canadian border enforcement. For instance, the Red River IBET has worked to align sensor technology along the border in order to eliminate duplicates being placed by each country and to eliminate excess costs. These collaborative efforts have been done on a case-by-case basis but they certainly serve as a model as to how monitoring remote borders can be made more cost-effective and thorough, especially given budget constraints of each federal government.[349]

4.5.4 Norms for Recruitment and Tenure of Personnel

A significant accomplishment for the CBSA was establishing a new classification standard and integrated training. The classification "Frontière/Border (FB)" was created for standard border operations, with generic position descriptions that covered the duties performed by the three legacy organizations.[350] The new training occurs in three stages: an initial online component, a nine-week residential course at the CBSA college in Rigaud, Québèc that is graded pass/fail, and further specialized training in the field depending on work assignements.[351] Training at the CBSA College includes training in primary and secondary inspections with a focus on immigration, customs/excise, food, plant and animal and basic customs' operations. They also receive training on communication and client service skills and use of force including

[348]McWeeny, Elizabeth. October 26, 2006, https://ccrweb.ca/armingCBSA.html.
[349]Kimlinger, Alison. "A Transnational Approach to Border Control: Security Cooperation and U.S.-Canada Integrated Border Enforcement" (presented at the 2013 ACSUS Biennial Conference "Canada in the Hemisphere," Tampa, FL, November 21, 2013).
[350]Office of the Auditor General. "Keeping the Border Open and Secure – Canada Border Services Agency."
[351]Canada. Canada Border Services Agency. "Become a CBSA Officer - After You Apply," February 25, 2011, http://www.cbsa-asfc.gc.ca/job-emploi/bso-asf/training-formation-eng.html.

firearm certification. Of importance in the development of new training has been consistency across the country. The training program is based on national legislation, policy and procedures, and all employees hoping to be a BSO must undergo the same training.[352] The eligibility requirements for employment with the CBSA includes completion of a secondary school education, completion and maintence of a Standard First Aid Certification, a valid driver's licence, and completion of the Canadian Fireams Safety Course and the Canadian Restricted Fireams Safety Course (offered by the RCMP). They must also be willing to accept an assigned posting anywhere in Canada.[353]

The amalgamation of different agencies has proved a challenge for the organization. Since the current training is only for incoming officers, cross-training modules were devloped to establish national standards for both new trainees and also those hired prior to the creation of the CBSA. These modules provide customs training to former CFIA and CIC employees and food, plant and animal training to former Customs and CIC employees. As of 31 May 2007, 1,435 had been cross-trained. However, an audit found that training was uneven. Some regions were actively pursuing cross-training more actively than others. In general, the 2007 Auditor General's Report found that "the identity and culture of the three legacy organizations remain strong and visible. The Agency's ability to retain core competencies in immigration and food inspection is under stress" and also that "The Agency is a large and decentralized organization with significant learning needs… reponsibility for training is spread across the organization without consistent oversight."[354] The same audit declared that organizational transformations of this type would typically take up to five years.

[352]Canada Border Services Agency. Author Correspondence, May 2014.
[353]Canada. Canada Border Services Agency. "Become a CBSA Officer - Before You Apply," April 30, 2008, http://www.cbsa-asfc.gc.ca/job-emploi/bso-asf/hiring-embauche-eng.html#a4.
[354]Office of the Auditor General. "Keeping the Border Open and Secure – Canada Border Services Agency."

Although the arming initiative was done in order to protect Canada's border service officers (especially those who are posted at remote ports of entry far from police assistance), the arming initiative and new standards that it entails has resulted in concern from many officers regarding the security of their employment. It has become an issue for the Customs and Immigration Union, which represents CBSA employees. A union representative was quoted in the *Windsor Star* in October, 2013, stating that union leaders worry that, as officers age, it might become more difficult for them to achieve the standards now required by the CBSA.[355] Union issues as well as the budget cuts are ongoing concerns for the CBSA, resulting in some observing an "attitude problem" among CBSA officers.[356] U.S. CBP officers are also unionized[357], but the requirement to carry a weapon has rarely been an issue, as INS and Customs Service officers were armed prior to 9/11. Outlining what conduct counts as "prejudicial" to the government has been a more common issue of concern for U.S. CBP's union.[358]

4.5.5 Organizational Traditions and Symbols

For the CBSA, the creation of an organizational symbol has been a central piece of building an organizational culture and establishing itself within Canadian society. Before the creation of the CBSA, the basic insignia for Canada Customs was historically a portcullis under a crown on a gold maple leaf. Under the portcullis is "Canada" and under that "Customs-Douanes." A portcullis is a large gate with spiked bars that can be raised and lowered to control access to castles, and it was said that customs inspectors "guard our frontiers to control access to

[355]Pearson, Craig. "Customs Officers Rally in Windsor for New Contract," *Windsorstar.com*, October 10, 2013, http://blogs.windsorstar.com/2013/10/10/customs-officers-rally-in-windsor-for-new-contract/.
[356]Hale, "Multiple Borders, Multiple Challenges: Canadian Borders, Security and Immigration in Perspective."
[357]The National Treasury Employees Union (NTEU), see http://www.nteu.org/cbp/cbp.aspx.
[358]See CPB Standards of Conduct 51735-013A, Section 6 – Conduct. Found at http://www.cbp.gov/sites/default/files/documents/std_of_conduct_3.pdf.

the 'castle.'" The connection between the portcullis and Customs dates from 1604 when a London merchant sued King James I for increasing customs duties without Parliamentary consent. The merchant lost as the judges decided that "seaports are the king's gates, which he may open and shut to whom he pleases."[359]

The CBSA, after its creation, created its own coat of arms and heraldic badge, which were approved in December 2008 by the Chief Herald of Canada. To the organization, "the development of the armorial bearings is a way to formally recognize the CBSA, its legacy and the valuable contributions it makes to the protection and prosperity of Canada and its citizens."[360] The coat of arms contains a shield, gold tressure (the heraldic term for the narrow inner border), sparrow hawk, two supporting griffins and the CSBA motto. The shield has three pairs of blue and silver segments to indicate the three legacy organizations. The tressure is meant to represent the agency's focus on "protecting Canada's security and prosperity." A portcullis is also on the crest, and it appears with the Royal Crown. The sparrow hawk is a symbol of keen eyesight and a brave warrior, while the griffins are guardians of treasure and a symbol of watchfulness. The heraldic badge is similar. The three legacy organizations are represented by three pairs of blue and silver segments, a gold tressure with maple leaves (thirteen, to represent the thirteen jurisdictions in which the agency operates) surrounds it and a portcullis is found in the center. It is topped by the Royal Crown. [361]

This creation of a heraldry demonstrates the importance to the CBSA of creating a unified organizational culture and pride. The route the organization took to develop this symbol

[359]Troche, Harry. *Canada Customs Uniforms and Insignia*, 1997, found at http://members.shaw.ca/customs/History/, accessed June 26, 2014.
[360]Canada. Canada Border Services Agency, "CBSA Heraldry Fact Sheet," July 6, 2010, http://www.cbsa-asfc.gc.ca/media/facts-faits/087-eng.html.
[361]Ibid.

– going to the Canadian Heraldic Authority[362] – and its use of the Royal Crown demonstrates the CBSA's desire to brand itself as a traditional Canadian institution. The animals chosen, griffins and sparrow hawk, are caretakers but not aggressors. The portcullis suggests that access to Canada is possible for outsiders, as long as they pass through those that guard the gate.

4.6 Conclusion

While the creation of the U.S. CBP under DHS and the CBSA under Public Safety Canada were both precipitated by the same event, there are striking differences between the two organizations and how they articulate their responsibilities and priorities. The mission statement of the Department of Homeland Security specifically mentions "terrorism and other hazards,"[363] whereas Public Safety Canada refers to "a range of risks such as natural disasters, crime and terrorism."[364] The events of 9/11 were much more significant for the U.S. Thus CBP, as an organization of DHS, prioritizes terrorism. It identifies itself as "one of the world's largest law enforcement agencies" and says it is "charged with keeping terrorists and their weapons out of the U.S."[365] The CBSA, conversely, "works to ensure Canada's security and prosperity by managing the access and people and goods to and from Canada."[366] Both organizations highlight the fact that border management is now streamlined and that they are responsible for a large variety of legislation and laws. However, the U.S. is much more certain about its chief responsibility. The U.S. CBP core values includes a statement that "the American people have

[362]The Canadian Heraldic Authority is headed by the Canadian Governor General, the Canadian representative for the Monarch, Queen Elizabeth II. See Canada. Governor General of Canada. http://www.gg.ca/document.aspx?id=81, accessed June 29, 2014.
[363]U.S. Department of Homeland Security, "About DHS," accessed June 17, 2014, http://www.dhs.gov/about-dhs, see Appendix B.
[364]Public Safety Canada, "About Public Safety Canada," see Appendix E.
[365]U.S. Customs and Border Protection, "CBP Mission Statement and Core Values," see Appendix C.
[366]Canada Border Services Agency, "Our Charter," see Appendix F.

entrusted us to protect the homeland and defend liberty."[367] Conversely, the CBSA states that they "take pride in knowing the work we do makes a difference in the lives of Canadians while contributing to global security and commerce."[368] The U.S. CBP is very specific on the task at hand (security), while the CBSA implies a dual mandate – both security and trade.

The traditions and symbols of each organization also reveal important characteristics of the U.S. CBP and CBSA. For the U.S., organizational culture is expressed more in the ceremonies and the practice of drill and ceremony – similar to the military - whereas in Canada, the importance was in developing the heraldic badge – more reminiscent of knights and royalty and service to the crown. In their organizational symbols, both point to the legacy organizations – DHS with 22 stars in the sky and CBSA with three blue and silver pairs. This nod to the past helps validate each organization by reinforcing that, despite being new organizations, they have long histories of service in their countries. The CBSA's use of the portcullis represents it as acting as a "filter" – a gate that can open and close as it chooses. This reflects how the CBSA is open to letting those into the "castle" that are low-risk and may contribute to Canada's prosperity. It is notable that they kept this particular symbol from the old Canada Customs crest to the new one, indicating once more that path dependency is at work. The U.S. seal, however, depicts symbols to defend the border from threats which originate from outside. The eagle guarding the American homeland almost dares those who wish to enter. This reinforces the notion of the U.S. CBP as occupied with protection and ensuring the safety of American citizens.

Both institutions stress professionalism – a reminder that these organizations provide a service and interact with the public on a daily basis. Ultimately, U.S. CBP and the CBSA want both – prosperity and security, and include both in their mission statements. But the wording of

[367]U.S. Customs and Border Protection, "CBP Mission Statement and Core Values."
[368]Canada Border Services Agency, "Our Charter."

these and the symbols they have chosen reflect national predilections. For the U.S., it is security for the citizens, in particular from those people who intend to do harm. For Canada, it is management that supports security – which for Canada is both physical as well as economic.

Chapter Five: Conclusion – Joining Theory and Practice

5.0 Summary

This thesis examined the institutional changes (i.e. the creation of new departments and the concomitant policies and training) and the extent to which they impacted the management of the U.S.-Canada border after 9/11. The main question asked was: do national management predilections remain constant before and after 9/11? The question was anchored in the ideas coming from two theories – path dependency and the Organizational Behavior Model – which were outlined in Chapter Two. Together, they suggest that organizations, like U.S. Customs and Border Protection (CBP) and the Canada Border Services Agency (CBSA), are influenced by the events and ideas surrounding their formation which set the organization on a path that is difficult to reverse or change, especially as organizational cultures, as outlined by the Organizational Behaviour Model, develop and standards are created which become engrained in the organization. This path and culture will remain, even when a shocking event like 9/11 occurs. Indeed, these two theories help explain why an organization would respond in a particular way to such an event. In the case of this thesis, it was predicted that due to path dependency and the Organizational Behavior Model, national predilections would remain in the U.S. CBP and CBSA despite 9/11 and the restructuring of the border management institutions in response to this "critical juncture".

Chapter Three outlined the histories of each organization in depth, with particular focus on the ideas entrenched in the political system and in society at the time. In the US, key to the development of the legacy border management organization – namely, the U.S. CBP - were the immigration issues facing the U.S. from 1880 to 1920. The birth of anti-immigration sentiment, particularly aimed at the Chinese and "new" immigrants of Eastern and Southern Europe,

embedded in the U.S. border institutions a need to weed out the undesired and inadmissible individuals entering the United States. This narrative is thus seen in the corresponding procedures and documents of the Immigration and Naturalization Service (INS) and Border Patrol, in particular. The U.S. Customs Service, although not primarily focused on this anti-immigration goal, developed alongside these organizations (immigration and customs officers worked alongside each other at ports of entry) and thus its personnel were also exposed to these ideas and the procedures and policies of the INS and Border Patrol.

In Canada, Customs was the first organization at the border and its narrative influenced border management in Canada. Collection of customs and excise taxes was essential to Canada's national revenue in its early years as a nation, making the border essential to the national economy. Customs officers were the first to manage the border, and customs houses constituted the first infrastructure along it. Prior to 9/11, immigration was not a major component of border management. Immigration inspectors were only used in secondary inspections after a customs officer had deemed a particular traveler in need of immigration services. The focus of Customs, therefore, was more on the proper assessment of goods to ensure the necessary excise and taxes were collected. While there was pressure on Canada to pay closer attention to immigration (given U.S. concerns about "lax", Canadian rules) and to enforce liquor control laws during the time of prohibition, Canada was able to navigate a compromise. The border was managed to ensure that the U.S. was satisfied with the level of protection afforded it but that the Canadian revenue priority was preserved.

Chapter Four outlined the aftermath of 9/11 and the creation of the U.S. CBP under the U.S. Department of Homeland Security (DHS) and the CBSA under Public Safety Canada. The framework of analysis shifted from the application of path dependency to an analysis of what

these contemporary organizations look like through the eyes of the Organizational Behavior Model. The U.S. CBP has become a law enforcement agency that has invested heavily in both human resources as well as new technologies at the border. Counterterrorism has become a key priority for the organization. Training, policy and the culture the organization breeds are all reflective of this new priority. However, old priorities – namely the interdiction of illegal immigrants and the interdiction of narcotics – remain present representing the echo of the original organizations. The CBSA, too, has seen changes – namely, the arming of CBSA officers in 2006. They have also increased personnel and created a standard, nationalized training program. Overall, the change in Canada has been a shift from the border being manned chiefly by customs officers and understood in the context of the Canadian economy to being managed as a facet of overall Canadian national security. What remains a constant is the cooperation, negotiations and compromises with the U.S. to ensure national border caveats prevail (and the U.S. does not shut down the border) while ensuring border protection.

5.1 Path Dependency, the U.S. CBP and CBSA

The answer to the question "do national predilections remain after 9/11?" is not quite as clear-cut as I expected when I began my analysis. The answer is more nuanced. Yes national predilections seem to prevail meaning the U.S. tends to focus more attention on people and Canada on goods. However, there are signs, especially given more recent concerns about "home grown" forms of terrorism and asymmetric threats that both states are shifting from border management to homeland security with concomitant changes to training, policies and priorities. This change is more pronounced for Canada than it is for the U.S. – a state that began focusing on homeland protection earlier in its history.

Per path dependency, "critical junctures," highlighted in section 2.1, are defined as moments when substantial institutional change takes place whereby the creation of a "branching point" can mean movement onto a new path.[369] 9/11 may have served as a "critical juncture" for both the U.S. and Canada in some respects with more recent events reinforcing this need to shift border management in new directions. The U.S. response in amalgamating the organizations does demonstrate a sizeable institutional change. The consolidation of Immigration, Customs and agriculture aspects into one organization demonstrates an outside event having a strong enough effect to change the structure of the organization and suggests that 9/11 was, indeed, a critical juncture. Path dependency holds that this shift can be a natural process in the life of an organization. The U.S. response to the events of 9/11 at the border was similar to how it had responded to other issues at the border (for example, the threat of the illegal immigration or the drug and alcohol smuggling) but on a much larger scale that involved multiple government agencies – indeed states around the world – a more than just border protection (the war on terror and NATO operations in Afghanistan representing one example).

As U.S. border institutions were established and received the majority of their resources to interdict individuals (largely because of illegal or undesirable immigration), future events and issues faced by the organizations were addressed and framed by this focus on interdiction. For instance, the War on Drugs was a major event surrounding border enforcement in the United States. However, the enforcement of the War on Drugs was inextricably linked to the illegal immigration of Latin Americans across the U.S.-Mexico border. In the face of the threat of terrorism after 9/11,[370] the U.S. increased human resources at the border, just as they had done in the early 1900s in the face of immigration issues and in the 1990s for the War on Drugs. They

[369]Hall and Taylor, "Political Science and the Three New Institutionalisms*," 942.
[370]Of course terrorism was a concern before 9/11 but now the U.S. had a government wide "war" on terrorism.

also responded with an increased investment in technology, consistent with U.S. approaches throughout history, such as the efforts during Prohibition that included the deployment of armed speedboats to the Great Lakes.[371] This is also a reflection of the general U.S. predisposition to utilize technology.[372]

Guy Peters holds that institutions are capable of change through learning from experience along their own path or from the experiences of other institutions.[373] 9/11, although a tragedy, ultimately provided an opportunity for enhanced efforts at the border. Political and public sentiment moved in favor of providing the border with more resources. The creation of the U.S. CBP, in many ways, was the remedy to a problem; an act to fix inadequacies in the current organizational structure which is a natural event in the life of an institution. It can also help explain why Canada, too, chose to create a new border institution, as they learned from the experience of their neighbour and wanted to ensure the U.S. did not take precipitous steps to further thicken the border. Thus, both the creation of DHS and Public Safety Canada were "a means of institutional adjustment to changing demands and to inadequacies of the initial design."[374]

The events of 9/11 and subsequent institutional change in Canada represents a substantial shift in Canadian border management. Whereas the U.S. was said to become 'more of itself' post-9/11, Canada made the shift from border management to the border as a subject of national security (so serious, officers were now armed) in a very short period of time. Immigration concerns are coming to the fore and the interdiction of inadmissible individuals has become a

[371]Siener, William H. "'A Barricade of Ships, Guns, Airplanes and Men': Arming the Niagara Border, 1920–1930," *American Review of Canadian Studies* 38, no. 4 (2008): 429–50, doi:10.1080/02722010809481723.
[372]American culture is deeply entrenched with pro-technological attitudes. For more on this cultural trend, see Adamsky, Dima. *The Culture of Military Innovation: The Impact of Cultural Factors on the Revolution in Military Affairs in Russia, the US, and Israel (*Stanford: Stanford Security Studies Press, 2010).
[373]Peters, *Institutional Theory in Political Science*, 69-70. See Section 2.1, page 14.
[374]Ibid.

focus for the CBSA and the federal government.[375] Additionally, the CBSA now relies heavily on background checks to weed out inadmissible individuals.[376] While this newfound focus may see like a change from the previous national predilection to focus on goods towards a focus on individuals, it is also a reflection of pressures placed by the U.S. on Canada to tighten its border. As we have seen throughout history, Canada's economy relies on securing the trust of U.S. officials that Canada does not pose a security risk to the U.S. so that the border remains as open as possible to U.S.-Canada trade. It also remains that immigration policy is a sensitive topic for Canadian citizens. For Canadians, multiculturalism and maintaining a society open to immigration is a key part of the national identity. The contentiousness surrounding the arming of CBSA officers illustrates the Canadian discomfort with the hardening of the border.

The CBSA and its legacy organizations do demonstrate path dependent processes. The best evidence of this is the concept of risk management, which has become so central to CBSA policy. This concept of risk management was initially introduced in the "Customs 2000" blueprint paper produced a decade before 9/11.[377] The risk management approach was thus not newly developed with the CBSA but continued from the legacy organization. Additionally, we see that goods are still an issue, in particular alcohol, tobacco and firearms and of course many travelers to Canada have heard the famous question: "do you have anything to declare"?

[375]Canada. Office of the Auditor General. "Preventing Illegal Entry Into Canada." [Ottawa], November 2013. Accessed May 3, 2014. http://www.oag-bvg.gc.ca/internet/docs/parl_oag_201311_05_e.pdf.
[376]For instance, many U.S. travelers convicted for Driving under the Influence (DUI) are inadmissible to Canada. See Canada. Citizenship and Immigration Canada. "Overcome Criminal Convictions," July 9, 2010, http://www.cic.gc.ca/english/information/inadmissibility/conviction.asp and U.S. Customs and Border Protection. "Entering the U.S. and Canada with DUI Offenses," April 2, 2014, https://help.cbp.gov/app/answers/detail/a_id/402/~/entering-the-u.s.-and-canada-with-dui-offenses.
[377]Introduced in March of 1990. Office of the Auditor General, "Canada Customs and Revenue Agency – Travelers to Canada: Managing Risks at Ports of Entry."

5.2 Organizational Behavior, the U.S. CBP and CBSA

The Organizational Behavior Model also reveals insights. The U.S. Border Patrol has a strong identity and organizational culture and has been the least disrupted in terms of changes to its mandate and organization. It saw little change throughout its history and has, despite being under the management of the INS (in its many forms throughout history), maintained considerable autonomy. It has maintained this identity even in its current placement under the jurisdiction of the U.S. CBP. The U.S. CBP Office of Field Operations (OFO) has also been successful in developing an organizational culture following the example of the U.S. Border Patrol. Training as been central to this by including improved law enforcement training and the introduction of drill and ceremony in the CBP Academy curriculum. The CBSA, conversely, has struggled more in this regard. The organizational analysis of the CBSA in Chapter Four outlined some difficulties with the amalgamation of immigration and customs aspects for the CSBA. While this type of challenge is expected with any major institutional change, it is an evidence of the cultures of the legacy organizations clashing because, as path dependency predicts, the cultures would natural perpetuate the old way of doing business including the unspoken norms and expected behaviours. While these differences between the legacy organizations are expected to fade as new employees are trained and older ones retire, there are additional issues that could potentially disrupt the formation of a solid organizational culture. These issues have been raised through the union representing the CBSA, one being the arming imitative highlighted in section 4.6.4. Additionally, while U.S. CBP officers are subject to the same retirement benefits as others in law enforcement in the U.S., employees with the CBSA do not receive retirement benefits on

par with other law enforcement agencies in Canada.[378] How negotiations play out regarding these issues will influence the future of the CBSA and should be watched carefully.

5.3 Research Limitations

One challenge in the research process was acquiring valuable information outside of pre-approved documents for the public, particularly from the CBSA. Furthermore, in-depth analysis of interview data was not possible given confidentiality and security concerns. Constraints of time and access also meant a larger sample of interviews could not be conducted. However, the interviews conducted contributed substantially to this thesis because it provided valuable context to the public documents. Visiting ports of entry and observing day-to-day operations guided the research process by demonstrating what technologies and approaches were utilized. Conversations with border management officials aided research by providing context. For instance, for U.S. CBP at the Pembina, North Dakota port of entry, the increase in resources such as radiation portal monitors and more x-ray scanners has been substantial. This sentiment expressed by officials and observed at the port augmented and confirmed what was expressed in the primary documents and other literature. Furthermore, the opportunity to observe port of entry operations greatly contributed to an overall understanding of the terminology used and challenges faced for both organizations.

5.4 Policy Implications

The management of an international border is an immense balancing act. U.S. CBP enforces customs laws related to tariff and revenue protection, immigration laws related to the

[378]"FB Team Prepares Key Issues for Coming Round of Bargaining," *Public Service Alliance of Canada*, May 21, 2014, http://psacunion.ca/fb-team-prepares-key-issues-coming-round-bargaining.

admission of individuals and the mandate to enforce all U.S. federal laws, including drug, export control, money laundering and agriculture laws.[379] Similarly, The CBSA is responsible for over 90 Canadian acts, regulations and international agreements on behalf of other Canadian federal departments and agencies, the provinces and territories.[380] Each organization balances these many responsibilities based on government priorities, laws and public expectations. This thesis is not attempting to argue that either ignores certain responsibilities in favor of another. Nevertheless, the training, questions and structures seem to preference the predilections of the nascent organizations. Each is affected by their legacy organizations and path dependency, along with ideas about the staying power of culture as per the Organizational Behavior Model. Of course, these two theories cannot fully explain national predilections. Other factors, such as politics, the location of the personnel, recent events, national laws, precedents and even geopolitical positioning, are also at play.

Some of the implications of these different foci have wider security ramifications. Based on the cooperation between the two states, they seem likely to benefit from working together, especially as both have begun to stress the pushing of the border "out." The concept of perimeter security, which was introduced first immediately following 9/11, embodies this. It calls for pushing defenses beyond a nation's border in order to enhance security (especially by collecting and analyzing information on travelers and cargo to the respective countries well in advance of the arrival dates). The perimeter security concept alludes to a threat "out there" that needs to be prevented from reaching "in here."[381] After 9/11, there were calls from both scholars and

[379]Fisher, McAleenan, and Borkowski, *Measuring the Outcomes to Understand the State of Border Security*.
[380]Canada. Canada Border Services Agency. "Acts, Regulations and Other Regulatory Information," May 30, 2008, http://www.cbsa-asfc.gc.ca/agency-agence/actreg-loireg/legislation-eng.html.
[381]Kilroy, Richard Jr., Abelardo Rodríguez Sumano and Todd Hataley, "Toward a New Trilateral Strategic Security Relationship: United States, Canada, and Mexico," *Journal of Strategic Security* 3, no. 1 (March 1, 2010), doi:http://dx.doi.org/10.5038/1944-0472.3.1.5.

politicians to create "North American" perimeter security. However, this concept was rejected by both John Manley, Canadian Minister of Foreign Affairs, and the Bush Administration, in order to maintain the sovereignty of each country.[382] Nevertheless, the *Beyond the Border Action Plan* contains the word "perimeter security," suggesting a resurgence of this concept. Additionally, many of the new U.S.-Canada border programs and initiatives have focused on pre-screening and pre-clearance, such as the NEXUS[383] and Free and Secure Trade (FAST)[384] programs.

This concept of perimeter security is precarious as it can be seen by some politicians and policy makers as threatening the authority of each country and limiting their ability to make autonomous decisions regarding their own borders. Instead, a common denominator is used that may not apply equally or fairly to both states. Whether or not we see this concept put into action will depend on the governments in power in the U.S. and Canada. Furthermore, an incident occurring outside of North America that is viewed by both the American and Canadian governments as an increased security threat may persuade both to establish this North American security perimeter. However, another major event on the soil of either the United States or Canada has the potential to alter and/or entrench the priorities of DHS and Public Safety Canada and also affect the security relationship between the two states. A direct attack on Canada emanating from another country may be an event which would cause Canada to focus more on

[382]Barry, Donald. "Managing Canada-U.S. Relations in the Post–9/11 Era: Do We Need a Big Idea?," *Policy Paper on the Americas* 14, no. 11 (November 2003), Center for International and Strategic Studies. http://csis.org/files/media/csis/pubs/pp0311barry[1].pdf. This ironic given that NORAD's mandate is for the defence of North America.

[383]Canada. Canada Border Services Agency. "Travel Often? Apply for NEXUS," February 2, 2004, http://www.cbsa-asfc.gc.ca/prog/nexus/menu-eng.html. NEXUS is a pre-clearance programs for citizens of the U.S. and Canada. Once part of the program, you are considered a "low-risk" traveler and are given a card which may expedite inspection and ports of entry and at some times special lanes are designated for NEXUS members. To become eligible, an individual must go through an interview with both a U.S. CBP and CBSA official and provide their fingerprints and an iris scan.

[384]Canada. Canada Border Services Agency, "The Free and Secure Trade (FAST) Program," February 2, 2004, http://www.cbsa-asfc.gc.ca/prog/fast-expres/menu-eng.html. Similar to NEXUS, the FAST program is a pre-clearance program for commercial trade.

immigration issues, perhaps even changing immigration policy further and also "thickening" the border on the Canadian side similar to the impact of the 9/11 attacks on the U.S.

In the United Sates, counterterrorism will persist as a priority. It is reasonable to suggest that cross-border cooperation will continue between the U.S. and Canada, embodied in initiatives such as the *Beyond the Border Action Plans*. However, if another event were to portray Canada as a security vulnerability in the eyes of U.S. officials, this cooperation could deteriorate and the U.S. border could become more difficult for Canadian travelers and businesses to navigate. This would be disastrous for the Canadian economy. Canada will continue therefore to spend time, energy and resources on demonstrating to the U.S. it is an asset to U.S. security, not a vulnerability. Canada is also seeking new trade deals to ensure it is less dependent on cross-border trade with the U.S.

The threat of "homegrown" terrorism has been creeping into the psyche of American and Canadian officials. In May of 2014, a man from Florida was found to have committed a suicide attack in Syria alongside Syrian insurgents.[385] Similarly, in June 2014, it was discovered a Somali man from Calgary, Alberta had gone overseas to fight with the Islamic State of Iraq and Syria, burning his Canadian passport and uttering threats on film.[386] Given this, we may see a rebirth of the perimeter security concept. Additionally, exit information from ports of entry may become increasingly important if this type of activity persists. Indeed, Canadians and Americans may need to create a national customs department/redeploy customs personnel to interview those exiting the state as well an entering. For example, under the *Beyond the Border Action Plan*, an exit/entry program initiative was established between the CBSA and DHS. This includes the

[385]Mazzetti, Mark, Michael S. Schmidt, and Eric Schmitt, "Suicide Bomber Is Identified as a Florida Man," *The New York Times*, May 30, 2014, http://www.nytimes.com/2014/05/31/world/middleeast/american-suicide-bomber-in-syria.html.
[386]Arsenault, Adrienne and Nazim Baksh, "Farah Mohamed Shirdon of Calgary Fighting for Islamic State of Iraq and Syria," *CBC News*, June 18, 2014, http://www.cbc.ca/1.2680206.

exchange of data on "third-country nationals (those who are neither citizens of Canada nor of the U.S.), permanent residents of Canada who are not U.S. citizens, and lawful permanent residents of the U.S. who are not Canadian citizens, at all automated land ports of entry along the common border, including all major land border crossings."[387] Initiatives like this may expand in the future and we may see an increased interest by U.S. and/or Canadian officials in those leaving their countries as well as entering.

5.5 Future Research

A key area to explore further which would strengthen and enhance this research is the public's perception and experiences (i.e. individual travelers and importers/exporters) at the border. This thesis has looked predominantly at primary documents issued by the institutions themselves and the perspectives given by their employees. Sometimes institutions are blind to their own tendencies. For example, typical questions asked by a U.S. CBP officer at a port of entry are "where are you going?" and "how long are you staying?" as well as questions pertaining to the occupation of the individual. The CBSA almost always asks if the traveler has any alcohol, tobacco and firearms or other goods purchased, especially over the allowable limit per the tax guidelines (i.e. "have you anything to declare?"). A survey of border crossers would also uncover the less common questions asked of travelers and importers. Services at the border are a two-way process; U.S CBP and the CBSA both interact with the public on a daily basis (the Manitoba/North Dakota border is a prime example), especially given the nature of the U.S.-

[387]Canada. Canada Border Services Agency. "Perimeter Security and Economic Competitiveness - Entry/Exit Initiative: Enhancing Border Security and the Integrity of Immigration Programs," June 28, 2013. http://www.cbsa-asfc.gc.ca/btb-pdf/ebsiip-asfipi-eng.html; Canada. Canada Border Services Agency. "Canada Set to Launch Phase II of Entry/Exit Initiative," June 28, 2013, http://www.cbsa-asfc.gc.ca/media/release-communique/2013/2013-06-28-eng.html

Canada border as a frequently crossed boundary. Traveler experiences may reflect national predilections as well as the nature of the organizations themselves.

Additionally, as mentioned, there was some difficulty in acquiring information on the contemporary CBSA and how it has developed in the past decade since it was created. Unlike U.S. CPB, Canadian officials were very difficult to reach and very reluctant to provide any information that wasn't taken directly from their public documents. More extensive research into the contemporary national security apparatus of Canada and the CBSA's role within it would be beneficial to understand more thoroughly the context of border security in Canada today. This would require more interviews with officials across the country, in particular with both new trainees and those who have been employed by the CBSA's legacy agencies and ideally would include spending time in Rigaud at the CBSA training centre and shadowing a variety of officers on duty.

Finally, regional comparisons of the U.S.-Canada border and its management would represent a contribution beneficial to the literature on the U.S.-Canada border management. Most articles and data tend to focus on one particular area or port of entry. For instance, the Ontario/New York and Ontario/Michigan regions are used in many studies as they are heavily populated areas that see a substantial amount of commercial traffic, particularly of manufacturing industries, between the U.S. and Canada. Similarly, the border between British Columbia and Washington has been studied as it is also heavily populated and sees a substantial amount of drug smuggling. The U.S.-Canada border is 8890 km and is as diverse as the regions it encompasses. The challenges faced are just as diverse. Both countries have nationally-based approaches to border management, and understanding how these standard procedures and policy

approaches are manifested across this diverse border would be beneficial to understanding their effectiveness as well as the varying nature of the border itself.

Despite the many changes that have occurred over the past century, the U.S-Canada border poses a concern for each country that has remained largely the same. The U.S. is concerned with the illegal immigrant; the individual who poses a threat to the homeland, while Canada is concerned with maintaining the integrity of its economy by assuring proper taxes are collected. This difference and the tension created by prioritizing people or cigarettes, will continue to influence how each state manages the border.

Appendix A. University of Manitoba Research and Ethics Compliance Approval Certificate

UNIVERSITY OF MANITOBA | Research Ethics and Compliance
Office of the Vice-President (Research and International)

Human Ethics
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APPROVAL CERTIFICATE

June 16, 2014

TO: **Alison Kimlinger** (Advisor A. Charron)
Principal Investigator

FROM: **Susan Frohlick, Chair**
Joint-Faculty Research Ethics Board (JFREB)

Re: **Protocol #J2014:085**
"People and Cigarettes": Organizational Culture and the Management of the U.S.-Canada Border"

Please be advised that your above-referenced protocol has received human ethics approval by the **Joint-Faculty Research Ethics Board**, which is organized and operates according to the Tri-Council Policy Statement (2). **This approval is valid for one year only**.

Any significant changes of the protocol and/or informed consent form should be reported to the Human Ethics Secretariat in advance of implementation of such changes.

Please note:

- **If you have funds pending human ethics approval, please mail/e-mail/fax (261-0325) a copy of this Approval (identifying the related UM Project Number) to the Research Grants Officer in ORS in order to initiate fund setup. (How to find your UM Project Number: http://umanitoba.ca/research/ors/mrt-faq.html#pr0)**

- **if you have received multi-year funding for this research, responsibility lies with you to apply for and obtain Renewal Approval at the expiry of the initial one-year approval; otherwise the account will be locked.**

The Research Quality Management Office may request to review research documentation from this project to demonstrate compliance with this approved protocol and the University of Manitoba *Ethics of Research Involving Humans*.

The Research Ethics Board requests a final report for your study (available at: http://umanitoba.ca/research/orec/ethics/human_ethics_REB_forms_guidelines.html) **in order to be in compliance with Tri-Council Guidelines.**

Appendix B. Department of Homeland Security Mission[388]

Our Mission

Overview

The vision of homeland security is to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards.

Three key concepts form the foundation of our national homeland security strategy designed to achieve this vision:

- Security,
- Resilience, and
- Customs and Exchange.

In turn, these key concepts drive broad areas of activity that the Quadrennial Homeland Security Review (QHSR) process defines as homeland security missions. These missions are enterprise-wide, and not limited to the Department of Homeland Security. These missions and their associated goals and objectives tell us in detail what it means to prevent, to protect, to respond, and to recover, as well as to build in security, to ensure resilience, and to facilitate customs and exchange.

Hundreds of thousands of people from across the federal government, state, local, tribal, and territorial governments, the private sector, and other nongovernmental organizations are responsible for executing these missions. These are the people who regularly interact with the public, who are responsible for public safety and security, who own and operate our nation's critical infrastructures and services, who perform research and develop technology, and who keep watch, prepare for, and respond to emerging threats and disasters. These homeland security professionals must have a clear sense of what it takes to achieve the overarching vision articulated above.

The Core Missions

There are five homeland security missions:

1. Prevent terrorism and enhancing security;
2. Secure and manage our borders;
3. Enforce and administer our immigration laws;
4. Safeguard and secure cyberspace;
5. Ensure resilience to disasters;

In addition, we must specifically focus on maturing and strengthening the homeland security enterprise itself.

[388]U.S. Department of Homeland Security, "About DHS."

Appendix C. U.S. Customs and Border Protection Mission[389]

About CBP

With more than 60,000 employees, CBP is one of the world's largest law enforcement organizations and is charged with keeping terrorists and their weapons out of the U.S. while facilitating lawful international travel and trade.

As the world's first full-service border entity, CBP takes a comprehensive approach to border management and control, combining customs, immigration, border security, and agricultural protection into one coordinated and supportive activity.

The men and women of CBP are responsible for enforcing hundreds of U.S. laws and regulations. On a typical day, CBP welcomes nearly 1 million visitors, screens more than 67,000 cargo containers, arrests more than 1,100 individuals and seizes nearly 6 tons of illicit drugs.

MISSION

We are the guardians of our nation's borders.
We are America's frontline.
We safeguard the American homeland at and beyond our borders.
We protect the American public against terrorists and the instruments of terror.
We steadfastly enforce the laws of the United States while fostering our nation's economic security through lawful international trade and travel.
We serve the American public with vigilance, integrity and professionalism.

CORE VALUES

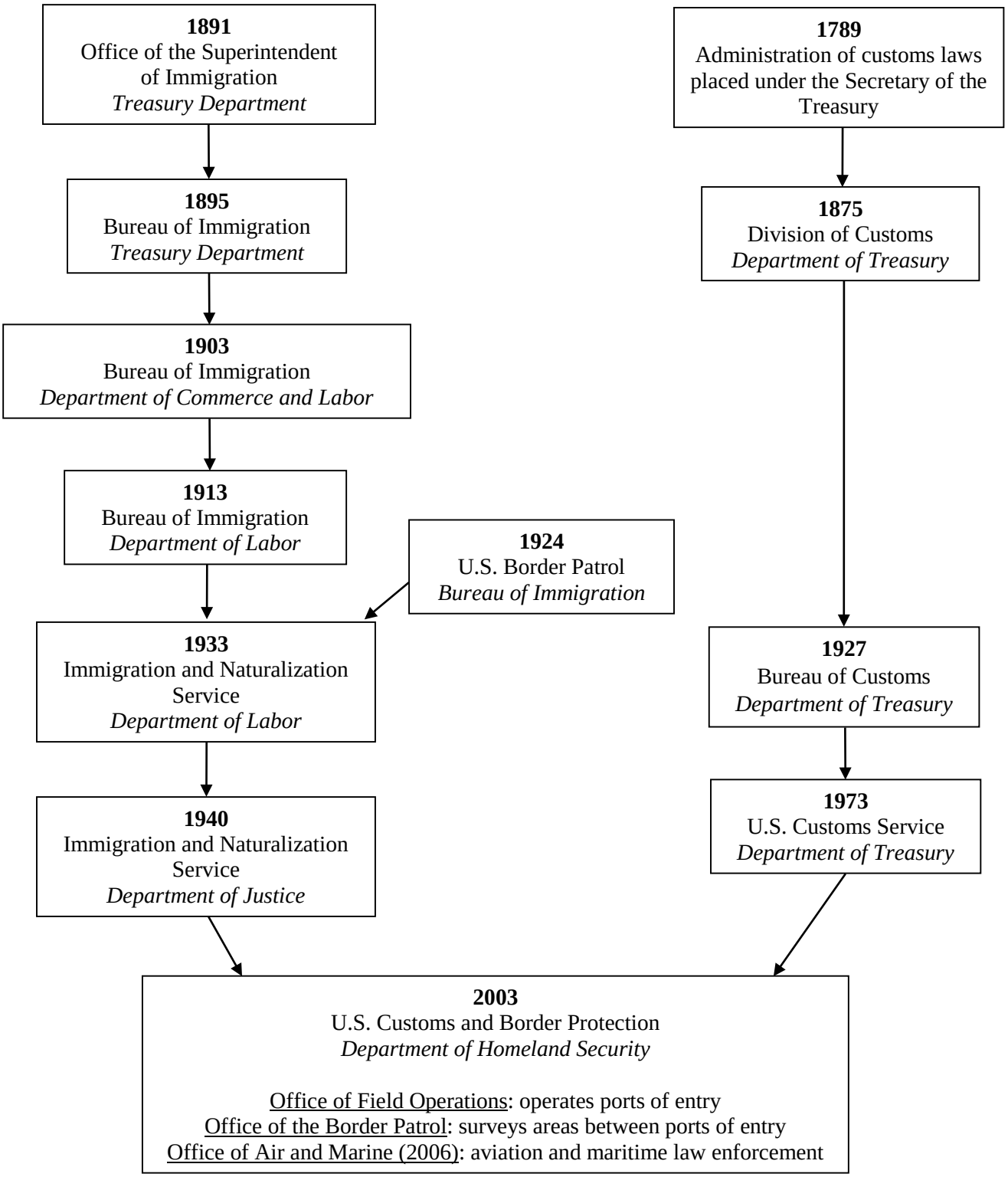
Vigilance is how we ensure the safety of all Americans. We are continuously watchful and alert to deter, detect and prevent threats to our nation. We demonstrate courage and valor in the protection of our nation.

Service to Country is embodied in the work we do. We are dedicated to defending and upholding the Constitution of the United States. The American people have entrusted us to protect the homeland and defend liberty.

Integrity is our cornerstone. We are guided by the highest ethical and moral principles. Our actions bring honor to ourselves and our agency.

[389]U.S. Customs and Border Protection, "CBP Mission Statement and Core Values."

Appendix D. History of U.S. Customs and Border Protection and Legacy Organizations[390]



[390]U.S. Customs and Border Protection, "1789: First Congress Provides for Customs Administration," "1891: Immigration Inspection Expands," "1924: Border Patrol Established," and "2006: Air and Marine Joins CBP."

Appendix E. Public Safety Canada Mandate[391]

Public Safety Canada was created in 2003 to ensure coordination across all federal departments and agencies responsible for national security and the safety of Canadians.

Our mandate is to keep Canadians safe from a range of risks such as natural disasters, crime and terrorism.

Public Safety Canada works with five agencies and three review bodies, united in a single portfolio and all reporting to the same minister.

We also work with other levels of government, first responders, community groups, the private sector and other nations, on national security, border strategies, countering crime and emergency management issues and other safety and security initiatives, such as the National Information Exchange Model.

This ensures that the government approach to Canada's safety is highly organized and prepared to confront threats to national security. Public Safety coordinates an integrated approach to emergency management, law enforcement, corrections, crime prevention and border security.

Public Safety Canada has five Regional Offices representing the Atlantic, Quebec, Ontario, the Prairies and British Columbia and the North. Our regional offices are the primary point of contact for the Department at the regional level

[391]Public Safety Canada, “About Public Safety Canada.”

Appendix F. Canada Border Services Agency Charter[392]

Our Charter

Our Mission

The Canada Border Services Agency works to ensure Canada's security and prosperity by managing the access of people and goods to and from Canada.

Our Vision

An integrated border agency that is recognized for service excellence in ensuring Canada's security and prosperity.

Our Workforce

We work with vigilance at the border, within Canada and abroad, providing the services necessary to help keep our nation safe and prosperous.

Born of the rich history that is our legacy, we are proud to protect and serve Canadians and confident in our ability to meet new challenges.

We are united in our resolve to carry out our diverse mandate and enforce the laws of Canada with impartiality and fairness.

As leaders and innovators in border management, we value our strong domestic and international partnerships and are dedicated to working together on critical safety, security and trade issues.

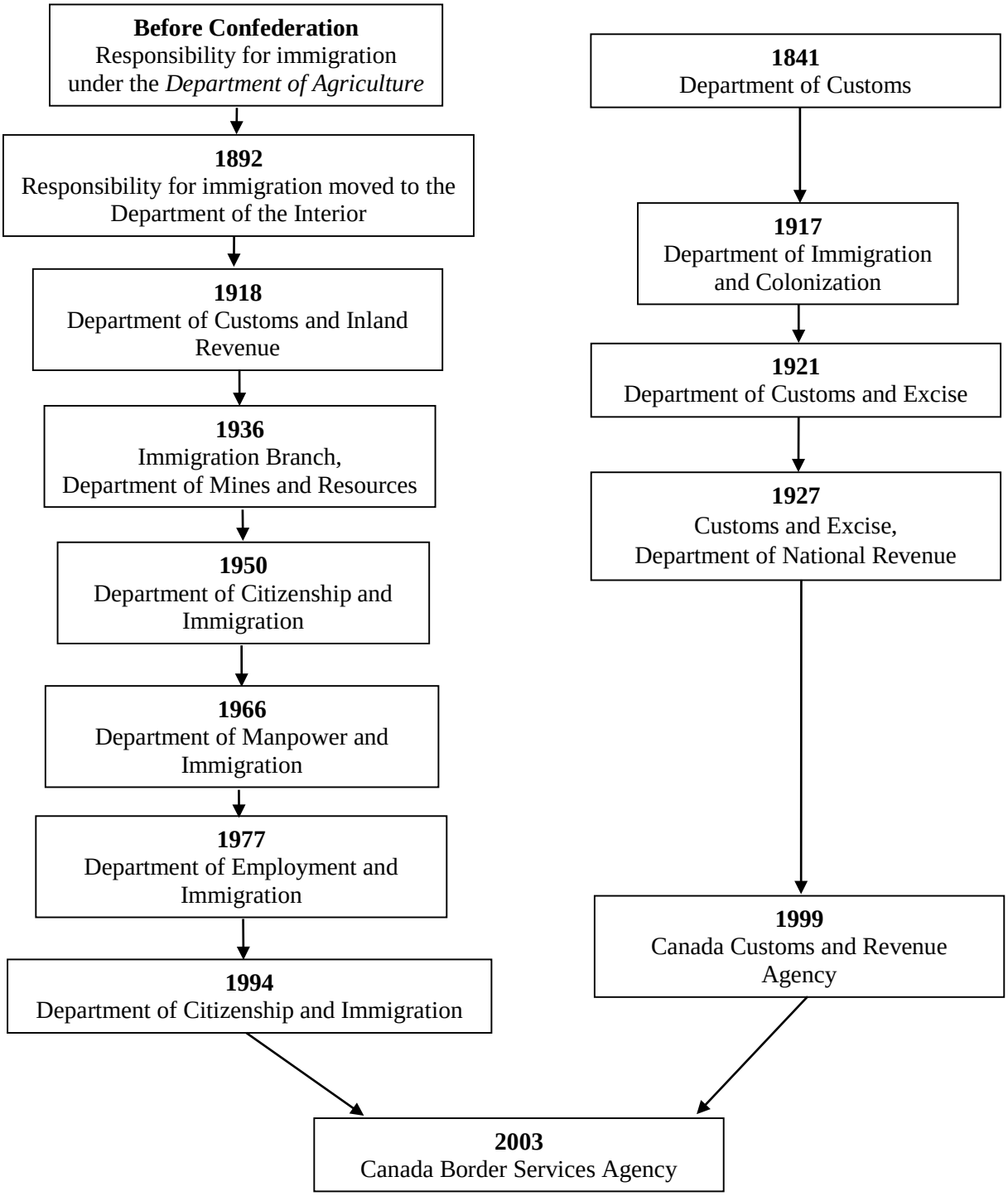
We rise to the challenges we face each day, and take pride in knowing that the work we do makes a difference in the lives of Canadians while contributing to global security and commerce.

Our Commitment to Service Excellence

- Respect and courtesy
- Bilingual service
- Fair application of the law
- Accurate information
- Privacy and confidentiality
- Review of our actions and decisions

[392]Canada Border Services Agency, “Our Charter.”

Appendix G. History of the Canada Border Services Agency and Legacy Organizations[393]



[393]McIntosh, *The Collectors* and Kelley, *The Making of the Mosaic*.

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