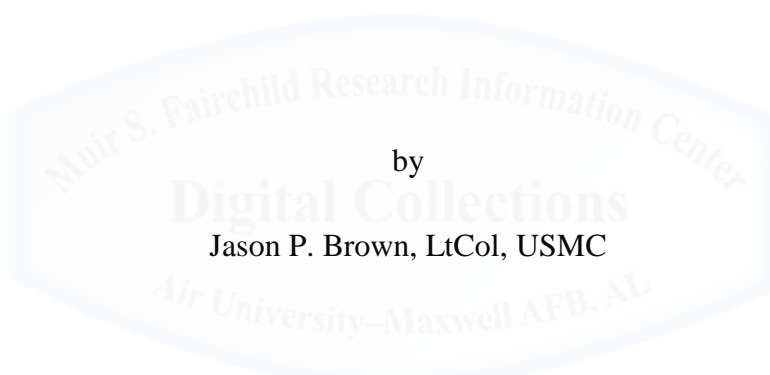


AIR WAR COLLEGE

AIR UNIVERSITY

THE NORTHERN BORDER
A FORGOTTEN NATIONAL SECURITY THREAT



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A Research Report Submitted to the Faculty

In Partial Fulfillment of the Graduation Requirements

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Biography

Lieutenant Colonel Jason P. Brown, USMC, is assigned to the Air War College, Air University, Maxwell AFB, AL. He has extensive exposure to joint, interagency, and multinational planning, fusion, and execution at the tactical, operational, and theater strategic level. Significant engagements include operational level planning, execution, and assessments with U.S. Customs and Border Protection (CBP), U.S. Mission to Mexico, the Intelligence Community, and the governments of Mexico and Canada; operational and theater strategic planning with USNORTHCOM, CBP, and other interagency partners; Security Force Assistance involvement with Combined Security Transition Command-Afghanistan; and most recently foreign program management experience with the Government of Japan. He commanded 3d Battalion, 12th Marines, 3d Marine Division located in Okinawa, Japan and most recently served as a Military Professor at the U.S. Naval War College. LtCol Brown holds a B.S. degree in Public Administration from Samford University and a Master of Art degree in National Security and Strategic Studies from the U.S. Naval War College.

Abstract

The nexus among border control, illegal immigration, homeland security, and other transnational criminal activity has been a subject of much debate in the past especially since the terrorist attacks of September 11, 2001. Because much of the immigrant population residing in the United States illegally is believed to be from Mexico, Central, and South America the focus on the border between the United States and Mexico is logical. However, the border between the United States and Canada is the largest land border between nations and represents almost 4,000 miles of poorly controlled territory and is more than twice the size of the boundary shared with Mexico. The threat is greater than the seam created by the boundary or the geography. More important, perhaps, is the potentially explosive nature of the environment created by the confluence of a myriad of issues. Concerns like the mature lines of communication (LOCs) used for trafficking and smuggling between the ports of entry (POEs), a focus on cross border economic flow at entry points, and a growing number of Syrian refugees in Canada, all come together and combine with the geography to create significant security concerns.

Introduction

The terrorist attacks against the United States on September 11, 2001 were a watershed event for America. Just nine days after the attacks, President Bush announced his plan to create a Department of Homeland Security (DHS) designed to thwart future terrorist attacks in the homeland.¹ Although not the first assault on America, the scope of the 9/11 attacks exposed a seam that rests between two ends of a violent spectrum of threats. On one end of the continuum rests predictable law enforcement activities designed to protect the peace from crimes with low relative impact to the nation. On the other end is homeland defense² focused on the explosive yet unlikely conventional threats aimed at the heartland.³ The 9/11 attacks exposed something in-between the two extremes, and this seam still exists today and continues to challenge those sworn to defend the nation.

The exposure of this seam brought border security to the forefront of the discussion because terrorists can use tried and true methods of illegal entry into the country.⁴ Even more troubling than mere entry of cells or teams is the potential proliferation of weapons of mass destruction in the hands of terrorists. This scenario, albeit unlikely, would wreak havoc on a scale larger than when the planes crashed into the World Trade Center, Pentagon, and the grassy fields of Pennsylvania.⁵ The highly publicized and arguably politicized flow of immigrants and drugs across the border with Mexico explains the focus on the southern border. However, the border between the United States and Canada—the northern border—could be equally troublesome. This border is the largest land border between nations and represents 4,000 miles of poorly controlled territory⁶ and is more than twice the size of the boundary shared with Mexico.⁷ The threat, nevertheless, is greater than the vulnerability created by the international boundary or the geography. **More importantly, the United States faces a growing and**

existential threat to homeland security because of the porous geography of its northern border with Canada combined with the tried and true transnational and criminal lines of communication, the dichotomy between economic flow and security, and a growing population in the border region of people from special interest countries.

The nature of the threat is no less complex than the contributing factors along the northern border. Various types of transnational criminal activity persist in spite of law enforcement's best efforts, but these crimes are arguably checked at an acceptable level. In other words, the danger of these activities is corrosive but does not directly threaten American way of life. Terror, on the other hand, is different. It is potentially explosive. Some disagree and cite the low number of terror related deaths since 9/11.⁸ However, the number of deaths caused by an activity is not necessarily a good measure of potential risk. For example, the United States expends considerable effort preventing the use and proliferation of nuclear weapons even though no American's have suffered death because of nuclear attack. A terror event of mass effect combined with the psychological multiplier inherent to terror could change the course of American history.⁹ As such, a commensurate level of effort should be used to secure the homeland from this growing and existential threat. The purpose of this study is not to propose the comprehensive approach necessary to advance this problem congruent with national interests. If that is the benchmark, this examination barely scratches the surface; however, this analysis aims to highlight the terror related security vulnerabilities posed by current northern border dynamics and suggest a more balanced approach compared to the overwhelming focus on the southern border.

In pursuit of this objective, the physical aspects of the northern border will first be discussed. The focus of this section will be on the expansive environment between ports of entry

(POEs),¹⁰ some jurisdictional challenges faced by law enforcement, and the mature lines of communication (LOCs)¹¹ historically exploited by criminal organizations. Second, the inquiry will shift from the space between ports onto the vulnerabilities at POEs. The emphasis of this section will be on the challenges of enabling economic flow while at the same time stopping threats from coming through the nation's POEs. Third, a brief examination of Canadian immigration and refugee trends will show an increasing settlement of persons from special interest countries¹² in Canada. These three concerns—challenges between ports, problems at ports, and worries of migration—come together at the crossroads of America's border with Canada creating conditions ripe for the transnational proliferation of radical ideology along with the operational capacity to act on the corrupted beliefs espoused by terrorist groups like the Islamic State. Last, a counterargument will suggest an intelligence driven, risk based approach with Canada is sufficient to mitigate risk on the northern border.

Vulnerabilities between Ports of Entry

According to U.S. Customs and Border Protection (CBP),¹³ securing the border between the contiguous 48 states and Canada is uniquely challenging because of the vast and varied environment that stretches from the Atlantic coast to the Pacific Northwest (see figure 1).¹⁴ As such, security operations between the POEs on the northern border takes a different approach compared to the south and presents vulnerabilities exploited by three distinct threats¹⁵—terrorism, trafficking of drugs and other contraband, and illegal immigration.¹⁶ This section will highlight specific vulnerabilities between the POEs by first examining the land and waterscape making apparent the challenges created by porous geography. Second, a quick look at jurisdictional concerns enumerate gaps and overlaps in the security effort along the border. Last

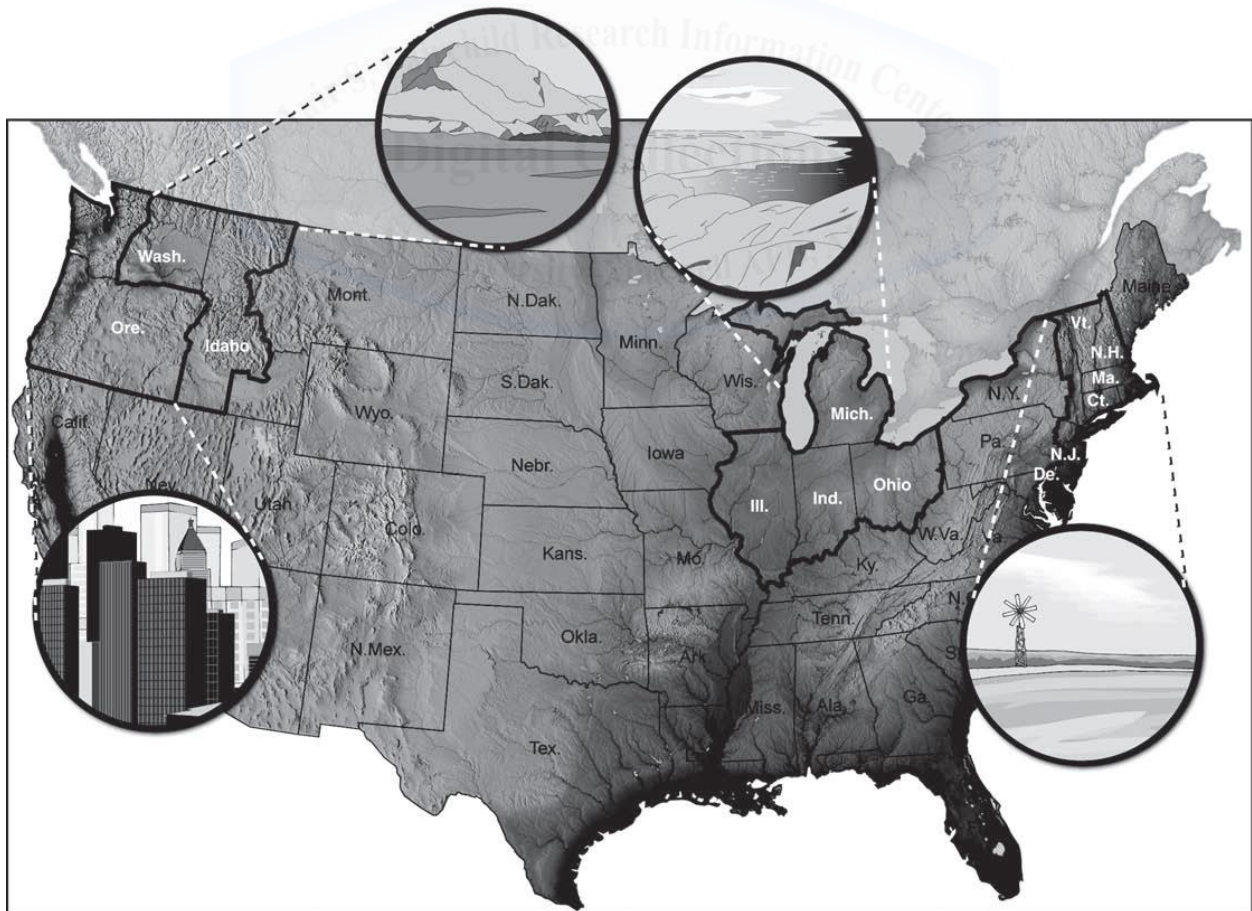


Figure 1: US-Canada Map

Source GAO-11-97

and perhaps most troublesome, an analysis of the mature LOCs will show growing potential for expanded nexus between terrorists and criminal organizations.

The Landscape

This immense area that spans the distance between the POEs is the responsibility of the Office of Border Patrol (OBP),¹⁷ but also involves the efforts of a myriad of federal, state, local, and tribal law enforcement agencies.¹⁸ Their mission is to detect and interdict illegal activity crossing the border and is made difficult because of the remote areas vulnerable to exploitation.¹⁹ According to Chief Patrol Agent Henry Rolon, “Agents are often forced to drive great distances from their stations to patrol large expanse of the border due to lack of inhabitable areas.”²⁰ The OBP sectors of Houlton and Swanton are prime examples of the challenging landscape. These two sectors contain approximately 1,162 miles of border across the states of Maine, New Hampshire, Vermont and the eastern part of upstate New York. Of that expanse, about 353 miles of the border is covered with water.²¹ The challenge of the remote landscape is exacerbated by the lack of staffing²² relative to the size of territory. For example, these two sectors were staffed at a total of 478 agents last year causing at best a ratio of 1 officer per every seven miles assuming 3 shifts a day and consistent 100% duty status. More specific examples of topographical challenges are found in the rugged timberland of Maine and Vermont. The lack of infrastructure like roads running east and west in close proximity to the border²³ isolate agents from potential and historic crossing points. As a result, agents are forced to rely on transportation by helicopter, snowmobile, or all-terrain vehicles (ATVs).²⁴ These techniques drive cost up, reduce persistent surveillance, and decrease overall domain awareness.²⁵

On the other side of the nation, the Inland and Pacific Northwest regions are guarded by Spokane and Blaine sectors and face similar problems created by remote, mountainous terrain.²⁶

These sectors combined represent over 380 miles of land border varying from "...wilderness areas, desert, agricultural land, and cities all adjacent to the border."²⁷ Like the Northeast, much of the area is not accessible by patrol vehicle, even those equipped with four wheel drive.²⁸ The rugged terrain reduces line of sight, dropping reliability of radio and cell phone communication, and the unpredictable and often harsh weather adds to the challenge and increases vulnerability in this area.²⁹ The middle of the country, although less populated, is surprisingly not benign to illicit southbound activity. Most of the landscape there is less rugged compared to the Northeast and West, but it is more remote with less population on either side of the border and certainly less urban areas. Therefore, the remote nature of the terrain is exploited by threats expecting to avoid detection.³⁰

Waterscape

In stark contrast to the landscape described thus far, the area around the Great Lakes and other inland waters represent over a thousand miles of the northern border covered with water.³¹ Exclusive of the small amount of maritime approaches between the states of Washington, Maine, and Canada; most of the border covered by water cannot be called maritime border in the traditional sense.³² It is more realistically described as land border covered by lakes, streams, and rivers creating thousands of miles of loosely controlled interior coastline. Although the waterscape does present a natural obstacle to cross border illicit activity, it also creates opportunity for criminal and foreign terrorist organizations.³³ A good example is the approximately 12 mile wide Lake Champlain consisting of 70 islands and over 500 miles of coastline between New York, Vermont, and Quebec Canada.³⁴ Although the area is patrolled by law enforcement and a check point, there are no active barriers and those crossing on boats are expected to self-report.³⁵ As such, there have been historic cases of human smuggling and drug

trafficking since the attacks on 9/11.³⁶

The Great Lakes arguably present a greater security challenge than the smaller lakes and rivers present in the Northeast. According to the Government Accountability Office (GAO), the Great Lakes are "...vulnerable to use of small vessels as a conduit for potential exploitation by terrorists, alien smuggling, trafficking of illicit drugs and other contraband and illegal activity."³⁷

An Army Corps of Engineers study showed approximately 800 thousand boats registered on the U.S. side of Great Lakes alone.³⁸ Most are small, 40 feet or less, and used for pleasure boating.

These combined with larger boats and commercial ships create a proverbial needle in the hay stack scenario for the agents responsible for interdicting illicit activity.³⁹ The small boats that cross the border on the Great Lakes do not have to announce arrival in advance like air traffic, and in most cases small boats are not required to make landfall at a designated POE.⁴⁰

Procedurally, there are no active barriers and reporting is left mostly to an honor system requiring boaters report to an inspection station or videophone after touching foreign soil or interacting with a foreign vessel.⁴¹ This environment combined with these procedures create obvious vulnerability because illicit traffic can wittingly blend in with legal traffic during the busy summer boating season.⁴² Conversely, much of the larger bodies of water freeze making small boat traffic impossible during the winter months; however, rivers and waterways like the St. Clair River connecting Lake St. Clair with Lake Huron create frozen pathways for illicit foot and snowmobile traffic.⁴³

Jurisdictional Concerns

According to Chief Rolon, jurisdictional concerns combine with the geography and mature LOCs used by transnational criminal syndicates to further complicate the security environment between the ports of entry.⁴⁴ The concerns are twofold—seams and overlaps. First,

jurisdictional seams are created by the department's decentralized approach, and the fact that a jurisdictional boundary exist between American and Canadian agencies makes matters worse. For example, DHS has primary jurisdiction for securing the border from the American side; however, they decentralize the execution through four subordinate agencies.⁴⁵ The CBP is lead under DHS and is charged with stopping all things bad from entering while also enabling the efficient flow of legitimate goods, services, and people. In other words, they are playing defense and the border is the demarcation line. The OBP is oriented north facing the Canadian border and attempts to stop all traffic between the POEs since, for the most part, it is illegal to cross without doing so at a POE. OBP's success is measured primarily by the ability to detect and interdict. The Office of Field Operations (OFO), alternatively, operates the POEs and is charged with stopping illicit activity from passing through the ports. OFO also has the responsibility of enabling the efficient flow of legal goods, services, and people into the United States. They are measured not only on their ability to detect and interdict at POEs but also on wait times at ports. The longer the wait, generally the poorer the performance. Likewise, the Office of Air and Marine (OAM) use aircraft and boats to directly support the interdiction mission of OBP and OFO while also providing general support to CBP as a whole. Although these three offices are integrated under CBP, the GAO found some coordination issues among them. These problems generally were manifested when an office would combine efforts with another agency without fully coordinating with their adjacent, CBP colleagues.⁴⁶ For example, OFO combining efforts with Immigration and Customs Enforcement (ICE) can create jurisdictional problems for several reasons. First, ICE has an investigative role compared to OFOs interdiction role. Second, ICE's jurisdiction to investigate illegal immigration can be focused either at a port, between ports, or in most cases both. So, inefficiencies within CBP are realized when a specific CBP office (in this

case OFO) works with ICE without integrating the other offices that make up CBP (like OBP and OAM). This not only creates practical issues on the ground, but creates animosity reducing trust among the offices of CBP and ICE.⁴⁷

Next, cross border coordination also creates seams. Similar to the Americans, the Canadian government uses the Royal Canadian Mounted Police (RCMP) to secure the area between POEs while the Canada Border Services Agency (CBSA) secures land, sea, and air ports on their side of the border.⁴⁸ This structure, on the surface, appears to be conducive to coordination since the RCMP's mission syncs with the OBP and the CBSA's mission is the same as the OFO. What's more, a number of multiagency and binational initiatives like the Integrated Border Enforcement Teams (IBET) and Border Enforcement Security Task Forces (BEST) along with joint and binational operations have facilitated a significant increase in collaboration since 9/11.⁴⁹ However, the IBET and BEST are best described as forums that lack the brick and mortar resourcing necessary to be comprehensive. As a result, most agencies were challenged to resource them in spite of the good results.⁵⁰ Moreover, pressure to collaborate in these forums increases the challenges of the smaller stations to handle the additional workload.⁵¹

In addition to seams, overlaps also occur. One reason these overlaps occur is because 25% of the northern border (1,106 miles) is federal land (see figure 2).⁵² Another reason for overlap is the multilayered approach used by the OBP allowing their agents to operate up to 100 miles inward from the international border.⁵³ Consequently, "...officials from other federal, state, local, and tribal law enforcement agencies may patrol in the same geographic area and pursue the same persons or criminal organizations who violate laws underpinning each agency's respective mission. Another reason for overlap is that agencies have separate responsibility for investigating crimes that are conducted by the same criminals or organizations."⁵⁴

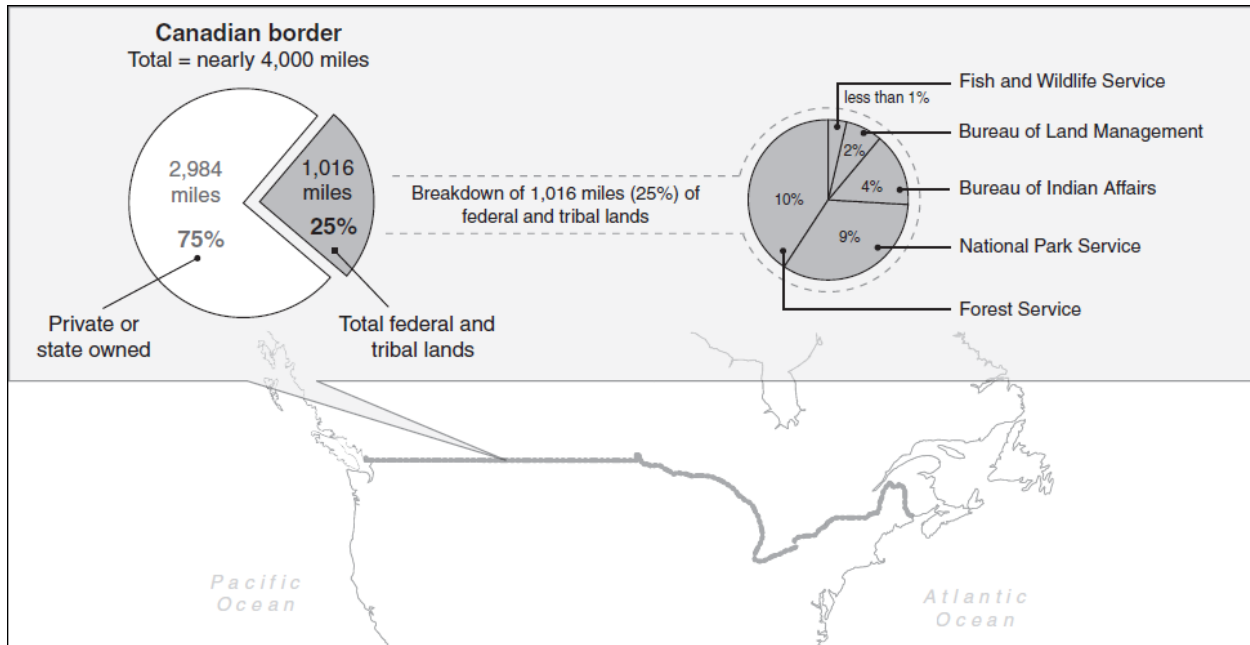


Figure 2: Federal Lands

Source: GAO 11-97

The relationship between the OBP and ICE is a good example of unproductive overlap. According to the GAO, "...disagreements surrounded the interpretation and separation of 'intelligence-gathering' activities to support [OBPs] interdiction mission and 'investigative' activities that fall under the purview of ICE, as well as the timing and circumstance surrounding...investigative support" create coordination problems.⁵⁵ The GAO also concluded jurisdictional disagreements between OBP and The Forest Service have resulted in a decline of information and intelligence sharing, tactical coordination, and in one case an "overall breakdown" in trust between the two organizations.⁵⁶ Jurisdictional disputes between ICE and the Drug Enforcement Agency (DEA) are borderline comical. The DEA blames ICE's misinterpretation of their memorandums of agreement while ICE blames the DEA for unilaterally signing separate agreements with the OBP and Canadian authorities. What is more, both the DEA and ICE agree there is competition between their units because they have "overlapping missions,"⁵⁷ and this organizational competition is counterproductive to the collaboration.

The Lines of Communication (LOCs)

In military parlance LOCs connect a force to its base of operations.⁵⁸ LOCs are tethers of sorts allowing the force to leverage the functions of the base—communications, logistics, protection, etc.⁵⁹ For criminals, LOCs are less linear and more aptly described as a decentralized web of modes, means, and methods used to facilitate and protect transnational criminal activity.⁶⁰ According to the Obama administration, transnational criminal organizations may utilize the following lines of communication:

- In at least part of their activities they commit violence or other acts which are likely to intimidate, or make actual or implicit threats to do so;
- They exploit differences between countries to further their objectives, enriching their organization, expanding its power, and/or avoiding detection/apprehension;
- They attempt to gain influence in government, politics, and commerce through corrupt as well as legitimate means;
- They have economic gain as their primary goal, not only from patently illegal activities but also from investment in legitimate businesses; and
- They attempt to insulate both their leadership and membership from detection, sanction, and/ or prosecution through their organizational structure.⁶¹

These lines are exemplified by the narcotics and human smuggling operations in the northern border region and, perhaps counterintuitively, controlled mostly by the Mexican cartels and Outlaw Motorcycle Gangs (OMGs).⁶² It is important to note these two groups are not mutually exclusive. They choose to work together in a loose syndicate motivated by “...geographic convenience, profit-making opportunity, and business efficiency.”⁶³ Understanding how the Mexican cartels and others use these LOCs is important to understanding the vulnerability of the northern border and the narco-terror nexus.⁶⁴

Outlaw Motorcycle Gangs (OMGs) are notorious for using violence, threats, and intimidation to achieve their criminal objective. According to Chief Rolon, “Groups such as Hells Angels and the Bandidos have extensive Canadian and American roots and members

frequently traffic weapons and narcotics across, and along, the international border.”⁶⁵ He also says gang leadership has constructed an effective transnational criminal business specializing in “...murder, extortion, and cross border weapons and narcotics smuggling...” because members from both sides of the border are well connected, plan together, and conduct cross border coordination.⁶⁶ For example, the Canadian OMG Bacchus is reported to be a “puppet club” of the Hells Angels, and is used as a surrogate to facilitate illegal cross border activity protecting the central organization.⁶⁷ What is more, the Federal Bureau of Investigation’s (FBI) reports on gang activity cite a growing number of OMG members working for white collar businesses like medical offices. Members also own blue collar establishments like bars, tattoo parlors, bike shops, and others and in some cases use their profession or business to conduct illegal activity. Additionally, gangs throughout the country and specifically OMGs in the northern border region have and continue to increase influence in government by gaining employment in the military, law enforcement, corrections, and the judiciary.⁶⁸

Mexican cartels⁶⁹ on the other hand “...remain the greatest criminal drug threat to the United States...” according to the Acting Deputy Director of the DEA, Jack Riley.⁷⁰ However, they have been seen recently expanding their physical and permanent presence in Canada. In 2015 Canadian press cited the Vancouver Police Superintendent as confirming the presence of Mexican Cartels in British Columbia and other parts of Canada.⁷¹ These cartels are extraordinarily well resourced with money, personnel, intelligence and equipment including paid scouts, surveillance equipment, and remotely piloted aircraft as demonstrated by their operations on the southern border.⁷² The presence in Canada is not incidental, but part of a “new business model.”⁷³ Additionally, Mexican cartel presence is likely to increase due in part to the recent relaxing of travel and trade rules between Mexico and Canada. According to a partial Canadian

security document attained by the Canadian press, Canadian officials believe Mexican cartels will "...focus large scale smuggling efforts on commercial cargo in the maritime, air and land modes...[and] increasing trade ties [between Canada and Mexico] will create additional opportunities for Mexican drug cartels to smuggle inside legitimate shipments."⁷⁴ According to a separate investigative report by the same reporter, no less than "six full-patch Hells Angels...are active members of the International Longshore and Warehouse Union." Additionally, she states this union and the Hells Angels are active at the largest sea ports in Canada.⁷⁵ The connection is apparent. Mexican Cartels are increasing their business in Canada and using the OMGs to help facilitate flow of drugs into and through ports. Although the apparent flow of drugs north into Canada stress the enforcement activities on their side of the border, the LOCs are "a two way street" according to Canadian law enforcement.⁷⁶ Drugs go north and the proceeds resulting from the sale of those drugs must flow south.⁷⁷ Canadian organized crime, according to the RCMP, helps the cartels to launder money so it can be easily repatriated south into Mexico.⁷⁸ Cartels are also buying and functioning legitimate mining, oil, and production businesses⁷⁹ likely to help launder and shelter the massive profits made by their illegal activities. This money laundering capability is lucrative to terrorist organizations looking to raise and hide money from the authorities.⁸⁰ Here in lies the narco-terror nexus. In fact, the "DOJ [Department of Justice] reports 29 of the 63 organizations... which includes the most significant international drug trafficking organizations (DTOs) threatening the United States, were associated with terrorist groups."⁸¹

This analysis makes clear the Mexican cartel-OMG syndicate is on the move and expanding their operation in the northern border region. They are growing and diversifying along LOCs outlined by the Obama Administration's *Strategy to Combat Transnational*

Organized Crime. First, it is clear this syndicate uses violence to intimidate. Second, they are apparently exploiting the recent differences in trade and immigration enforcement between the United States, Canada, and Mexico to expand power inside of Canada. Third, they are infiltrating government institutions and continue to leverage corruption on both sides of the border.⁸² Fourth, they use legitimate businesses and affiliations to function illegal activity and launder money so it can be repatriated back to the sanctuary of Mexico where leaders enjoy relative freedom of action. These recent developments combined with the narco-terror nexus reported by the DOJ, the porous nature of the northern border geography, and the jurisdictional challenges faced by law enforcement in the region underscore the importance of increased security on the northern border.

Problems at Ports of Entry

The third strategic goal outlined in the *CBP Vision Strategy 2020* is to “enhance U.S. economic competitiveness by enabling lawful trade and travel” while also accomplishing the number one goal of countering terrorist and transnational criminals.⁸³ So, on the one hand OFO is supposed to efficiently enable the flow of prosperity, while on the other hand, preventing the flow of terrorist and criminal activity. This is a tall order indeed given the complexity of the mission and the evolving threat.⁸⁴ The OFO does not have to contend with the vast and rugged expanse of the northern border geography like the OBP. In fact, the relative space of the 122 northern border land POEs can be measured by the width of the roads coming south into the United States from Canada. However, the vast complexities focused on these crossings can be realized by understanding the massive volume of flow through these narrow check points.

Lawful trade and travel occurs around the clock at the nation's 328 land, air, and sea POEs (see figure 3),⁸⁵ and the volume at these POEs is mindboggling to say the least.

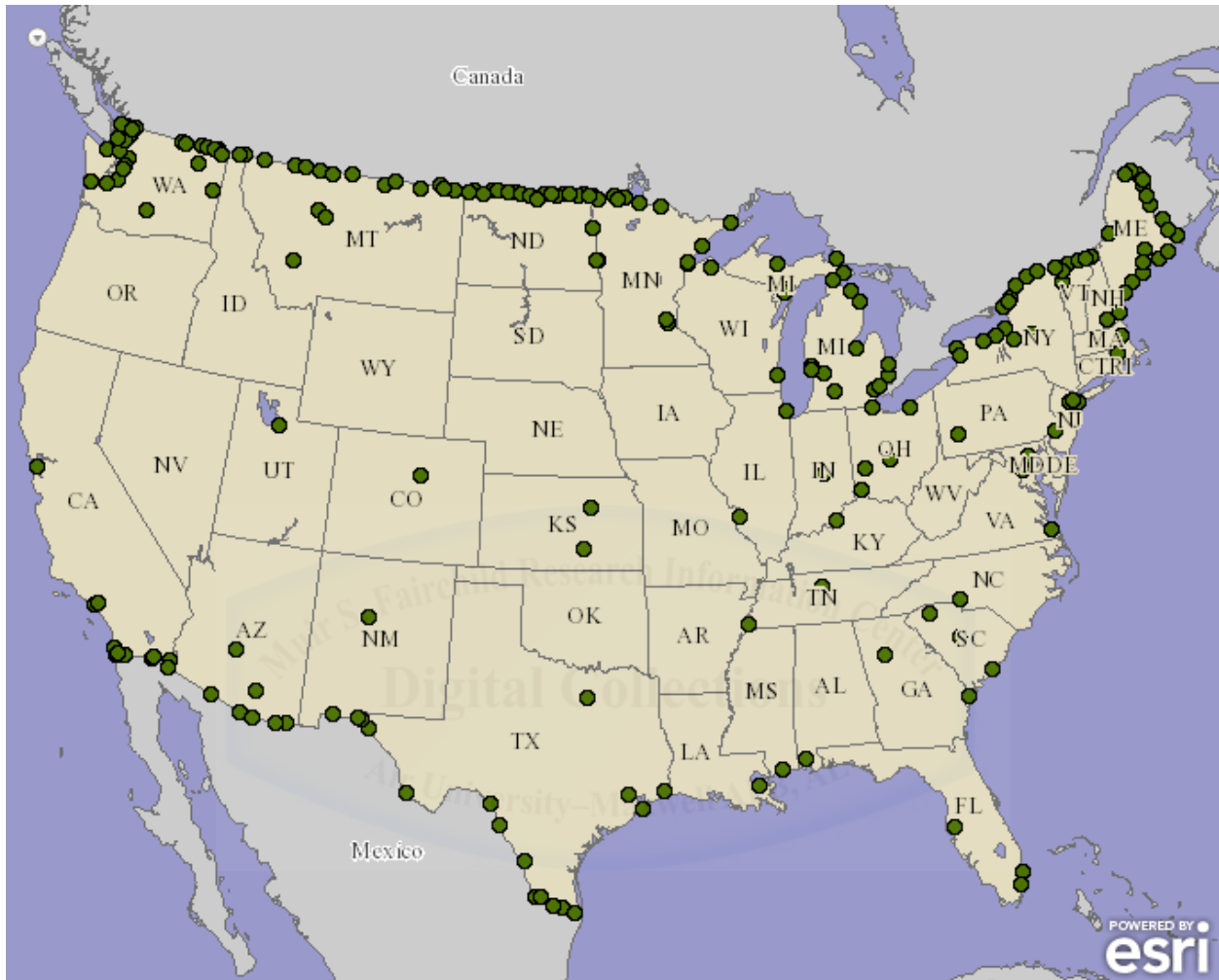


Figure 3: POE Map

Source: Bureau of Transportation Statistics

For example, a typical day in FY 2016 included the processing of over 1 million passengers and pedestrians (over 64% crossed at land POEs), almost 300 thousand privately owned vehicles, and over 74 thousand trucks, trains and containers all totaling about \$6.3 billion a day of imported goods.⁸⁶

These impressive statistics are for the country as a whole, but the northern border is surprisingly busy because Canada is the number one trading partner for the United States.⁸⁷ For example, the aggregate total merchandise trade across the northern border ranks second only to

the flows coming in via the Atlantic coast. The Mexican border, by comparison, ranks last behind the Pacific and Gulf coast.⁸⁸ Another example can be found in the northern border POEs ranked as some of the busiest in the country. The POE located in Detroit, for example, was ranked second for processing almost as many trucks as the busiest truck POE located in Laredo, TX.⁸⁹ Even more surprising, perhaps, is the fact more commercial trucks cross from the northern border into the United States than crosses the southern border from Mexico.⁹⁰ Yet another example, the Buffalo-Niagara Falls POE, compared to the rest of the nation, was ranked number one for processing the most privately owned vehicles.⁹¹

Although the numbers describing the flow of trade are enormous, the statistics relating to interdiction of potentially harmful things at POEs is less substantial. For example, CBP reports an average of 22 arrests of wanted criminals and approximately 700 daily refusals at POEs (about half a percent of total passenger volume).⁹² In terms of cargo, an average of 8,000 pounds of drugs are seized daily at POEs⁹³ totaling less weight and volume required to fill one of the more than 74,000 containers that flow daily across the borders. One potential argument suggests the low number of interdictions compared to legitimate flow is an indicator of low overall illicit activity. However, this myth can be debunked using cocaine as an example. The Office of National Drug Control Policy (ONDCP) conservatively estimates far less than half of Andes region cocaine production is removed by the worldwide legal enterprise before it reaches the end user.⁹⁴ So, a more reasoned conclusion is the large volume of economic flow at POEs creates vulnerability. In other words, not every person, vehicle, or container can be physically searched to ensure legal compliance and security without restricting trade to unacceptable levels. This notion is recognized by the OFO as evidenced by their “risk segmentation approach” designed to enable the efficient flow of people, goods, and services while attempting to minimize risk of

illicit flow.⁹⁵ Although a prudent measure to reduce risk, the OFO faces significant challenges in allocating resources to counter the evolving threat while enabling the increases in passenger volume and cargo flow.⁹⁶ Therefore it stands to reason criminals will continue to exploit, as they have in the past, the dichotomy of OFO missions in spite of the best efforts of law enforcement.

Worries of migration into Canada

The relatively new migration crisis resulting from the wars in the Middle East has yet to yield significant data to back up the rhetoric by both sides of the political and ideological spectrum. Some fear unchecked migration from special interest countries will lead to terrorist attacks in the homeland similar to recent attacks directed by the Islamic State in Paris and Brussels.⁹⁷ Others believe the threat from migration is exaggerated and fear policy action incongruent with American ideals. The purpose of this section is not to take sides. As a matter of fact, chances of dying at the hands of a terrorist in the United States are remote even when compared to lightning strikes given the small number of attacks since 9/11.⁹⁸ Then again, ensuring refugees entering North America are not criminals or potentially dangerous is without question the responsibility of the government. If migration poses a threat of terrorism it will likely manifest in two forms. First, a terrorists could infiltrate legitimate migrant flow—the wolf in sheep’s clothing scenario. Second, home grown terror through post-migration recruitment and radicalization. This section will briefly examine the potentiality of these two circumstances.

The infiltration scenario is a “huge concern” to James Clapper, former Director of National Intelligence, and other members of the intelligence community.⁹⁹ President Obama’s lead man at the Central Intelligence Agency (CIA), Director John Brennan, testified before congress in June of 2016 saying the Islamic State “...is probably exploring a variety of means for

infiltrating operatives into the West, including refugee flows, smuggling routes, and legitimate methods of travel.”¹⁰⁰ He goes on to comment on the resiliency of the Islamic State and suggests the military efforts in Syria, while effective on the front lines, have done little to degrade the terrorist group’s global reach. Moreover, he suggests the Islamic State may focus more on attacks outside the Levant to maintain momentum since the military has been locally successful in the Middle East.¹⁰¹ This assessment is particularly worrisome given Canada’s refugee policy and relatively lax immigration laws compared to the United States.

According to the World Bank’s analysis, Canada has consistently allowed well over 100,000 refugees a year since 9/11 peaking at 175,741 in 2007 and down slightly to 135,888 in 2015.¹⁰² Between November 4, 2015 and January 29, 2017, Canada has admitted 40,081 refugees from Syria alone.¹⁰³ Moreover, Canada plans to increase the number from Syria and other parts of the world.¹⁰⁴ The threat is not necessarily in the numbers. For example, the United States admitted twice the number of refugees compared to Canada.¹⁰⁵ The increased risk, however, of infiltration in Canada is due to their weak immigration laws and procedures. The most striking example, according to legal expert Adam Centner, “is their reluctance to detain refugee applicants pending adjudication.”¹⁰⁶ He says, the law does allow them to detain high risk refugees; however, most entering Canada are not believed to pose a threat,¹⁰⁷ so rarely is anyone detained. In his article, he quoted Fred McMahon of the Fraser Institute as saying, “Illegitimate refugees—or terrorists—can destroy their identification papers on a flight to Canada, arrive at customs without papers, claim refugee status, and be out on the streets a few hours later.”¹⁰⁸ In addition to Canada’s laws being of concern, illegal flow from the United States is on the rise¹⁰⁹ and will potentially stress border security if it increases commensurate with the Trump administration’s crackdown on illegal immigration. According to NPR,

Canadian law enforcement is waiting on their side of the border, warning refugees not to cross from the United States, then arresting them only to turn them over for immigration processing and almost immediate release on their own recognizance without being charged with a crime.¹¹⁰ These types of crossings normally happen 50 or 60 times a year according to Canadian officials, but in January 2017 alone Canadian officers have seen at least 40 cases.¹¹¹ The Islamic State's apparent desire to infiltrate migrant flows coupled with Canada's refugee policy, their weak immigration law, and the lack of intelligence suitable for vetting refugees¹¹² certainly increases the likelihood of infiltration.

Infiltration, however, is not the only concern. The U.S. House of Representatives, Homeland Security Committee released a study in November of 2015 confirming the Islamic State's desire to exploit migrant flows, but the report also suggested the Islamic State was recruiting migrants for terror attacks and trying to radicalize already settled refugee populations. According to the committee's interviews of European officials, dozens of accounts exist where Islamic State operatives are actively recruiting from newly arrived migrants. The report also confirms European fears over the inability to integrate "...increasing the odds of potential radicalization."¹¹³ Furthermore, the study concludes many European countries "lose track" of the refugees because they lack security infrastructure.¹¹⁴ Although the study sampled the opinions of European leaders and focused on the problems with migrants in Europe, the report essentially concluded the same issues could occur in the United States and Canada.

Refugee integration into society and overall assimilation of the host nation values are perhaps key in thwarting the Islamic State's recruitment and radicalization efforts; however, a 2011 report supported by the Study of Terrorism and Response to Terrorism (START) entitled "Tracking the War of Ideas: A poll of Ottawa Muslims" suggests otherwise. This study sampled

502 Muslims or Arab Christians in Ottawa and used data from 1000 Jordanians to discover their opinions on the United States, the West, and the struggle against Islamists. Surprisingly, the data reveals no apparent correlation of opinions between the United States and Islamic militants.¹¹⁵ For example, “Ottawa Muslims more approving of the U.S. are not less approving of Al-Qaeda, Hezbollah, Hamas, or the government of Iran. Some Ottawa Muslims disapprove of the U.S. and its allies—and equally disapprove the Muslim groups that challenge the West. Other Ottawa Muslims approve of the U.S. and its allies—and equally approve of the militant groups that challenge the U.S. [Consequently,] knowing an individual’s opinion of the U.S. tells us nothing about that individual’s opinion of the groups that challenge the U.S.”¹¹⁶ Another scientific study conducted in 2006 looked at the data of 373 Islamic terrorist focused on attacking targets inside the United States. It revealed “...a close link between immigration and terrorism. Eighty-seven percent of our terrorists [those used for the study] are immigrants. Though most immigrants are not terrorist, most terrorists are immigrants.”¹¹⁷ If the assertions of these two studies are correct and apply more broadly than just the samples, then assimilation or the perceived results from accommodation may prove inadequate to prevent radicalization.¹¹⁸ So, opportunities for recruitment and radicalization in the near and over the long term will likely be an issue for Canada and the United States.

Counterargument

The missions of the DHS, CPB, and their subordinate elements are border neutral; however, the homeland security enterprise believes the most significant threat is found at the boundary between the United States and Mexico. To substantiate this claim, one only has to look at the resources expended in the south compared to the north. For example, of the 19,828 OBP agents employed last year, 85% were assigned to sectors on the southwest border.¹¹⁹ For

the DEA, their largest contingent outside the United States is in Mexico with 11 offices compared to one in Canada.¹²⁰ Although the legitimate economic flow from Canada is greater than Mexico, the illegal flow of drugs and people into the United States from Mexico is strong evidence to suggest the overwhelming focus on the southern border is correct. The seizure and apprehension comparison, for example, is striking. In FY 2016 the OBP seized almost 1.3 million pounds of Marijuana, 4,184 pounds of cocaine, and apprehended over 400,000 people all resulting in over 74,000 accepted prosecutions. The northern border seizures pale by comparison and resulted in 1,232 pounds of marijuana, 1,288 pounds of cocaine, and 3,623 apprehensions for only 263 accepted prosecutions.¹²¹

Another reason to focus less on the northern border compared to the south is the unique and enduring partnership between the United States and Canada outlined in the DHS *Northern Border Strategy*. This unique relationship is characterized by shared language, culture, and infrastructure. Not to mention the many border communities "...with commuters who cross the border every day to go to and from work, schools, hospitals, and sporting events."¹²² The relationship is productive compared to the connection with Mexico. According to Chief Rolon, the Canadian partnership "...is rooted in similarity of organizational structure, shared views on smuggling threat, and commonalities in resources...."¹²³ The effectiveness of Mexico, on the other hand, is "...fractured by their military, state and local response to corruption."¹²⁴ As such, an intelligence driven, threat based approach on the northern border has largely mitigated risk associated with the small presence of force. Because that same approach is less effective with Mexico it has been necessary to maintain the lopsided physical presence in the south.

Unfortunately, the success of the past may not be effective in the future due to considerable changes in the operational environment. The current U.S. administration is

cracking down on illegal immigration and building a wall on the southern border. As a consequence, criminal and terrorist organizations will shift to take advantage of the vulnerabilities inherent on the northern border. The near term threat is infiltration and the northern border makes for a more lucrative target especially once the pressure south is increased by a wall and stricter enforcement. Contributing factors to this threat are increased criminal flow—illegal immigration and drug smuggling—using Canada as an intermediate base and transit zone instead of Mexico. Once in Canada, the threat can seize the opportunity presented by the porous border and leverage distribution hubs like Buffalo, Chicago, Detroit, and Seattle. Moreover, as the Islamic State continues to suffer losses overseas the movement will expand globally west and target the heartland to seek asymmetric advantage by radicalizing newly settled populations in Canada and recruiting among them.¹²⁵ The intelligence driven, threat based approach currently employed on the northern border will be insufficient because of the stress created by increased flow from Canada and the lack of actionable intelligence coming out of Syria and Europe.¹²⁶

Conclusion

The United States of America is faced with a myriad of dangers from across the spectrum of conflict and disaster.¹²⁷ Arguably, the most likely threat to American way of life is terror at the hands of radical extremists especially if fanatics can obtain and employ a weapon of mass effect inside the homeland. This extreme hazard is more likely to occur if the government fails to adequately protect the United States from those trying to infiltrate. Vulnerabilities exist throughout the country at air and sea ports as well as the land borders; however, the dynamic environment in the northern border region is increasingly challenging for several reasons. First, the area is expansive as it is remote in most cases. It is tough to physically control an area so

large with only 15% of the total OPB effort.¹²⁸ Second, about one-third of the land is covered by water creating an even larger breadth when considering the islands and coastline. Likewise, the lakes and rivers create a natural avenue to exploit because persistent surveillance is near impossible. Third, the organization of the security effort is complex requiring information and intelligence sharing; however, jurisdictional barriers and bureaucratic concerns inhibit teamwork. Fourth, over the years smuggling activity has developed multifarious LOCs, and the many arms of the transnational syndicate opportunistically team to circumvent law enforcement. Moreover, terrorist organizations use these LOCs to finance operations verifying a narco-terror nexus. Fifth, the dichotomy of mission—enable legitimate flow while stopping illegal—combines with the massive amount of cross border activity to create a needle in the haystack scenario for officers operating the POEs. Sixth, migration of refugees from special interest countries continue with no end in sight increasing the risk of infiltration and recruitment of radicalized settlers just north of the American border in Canada. These circumstances have become overlooked because of the needed focus on the southern border and the relative success of mitigating actions in the north. However, operational imperatives spurred by the focus on the south require a new, more balanced approach.

Notes

¹ Jane A. Bullock, George D. Haddow, and Damon P. Coppola, *Homeland Security: The Essentials* (Waltham, MA: Butterworth -Heinemann, 2013), 2.

² JP 3-27 defines Homeland Defense (HD) as “The protection of United States sovereignty, territory, domestic population, and critical infrastructure against external threats and aggression or other threats as directed by the President. Joint Publication 3-27, *Homeland Defense*, 29 July 2013, I-1.

³ TSC 6502-2: “Homeland Defense (HD) and Defense Support of Civil Authorities (DSCA),” Seminar #7 class sides, 9 February 2017.

⁴ Chad W. Harris, “U.S. Land Border Security: The Strength of the Physical Protection System along the U.S.-Canadian Border,” *The Homeland Security Review* 6, no. 3 (Fall 2012): 221.

⁵ Bob Woodward, *Obama's Wars* (New York, NY: Simon and Schuster, 2010), 363.

⁶ United States Government Accountability Office, *Northern Border Security: DHS's Report Could Better Inform Congress by Identifying Actions, Resources, and Time Frames Needed to Address Vulnerabilities*, GAO-09-93, (Washington, DC: GAO 2008), highlights section and Harris, "U.S. Land Border Security," 224.

⁷ Bullock, Haddow, and Coppola, *Homeland Security*, 119.

⁸ National Consortium for the Study of Terrorism and Response to Terrorism, "American Deaths in Terrorist Attacks Fact Sheet," <http://www.start.umd.edu/> (accessed 7 February 2017).

⁹ Woodward, *Obama's Wars*, 363.

¹⁰ A Port of Entry (POE) is the official location used to enter the country. Land, air, or sea these ports are maned by Customs and Border Protection (CBP) agents of the Office of Field Operations (OFO).

¹¹ Milan Vego, *Joint Operational Warfare: Theory and Practice*, (Newport, RI: U.S. Naval War College, 2009), IV-72-IV-73.

¹² A special interest country or SIC is a country designated by a government agency to be of more significant interest than others. It is a way to prioritize.

¹³ "With more than 60,000 employees, U.S. Customs and Border Protection, 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 United States' first unified 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 one million visitors, screens more than 67,000 cargo containers, arrests more than 1,100 individuals, and seizes nearly 6 tons of illicit drugs. Annually, CBP facilitates an average of more than \$3 trillion in legitimate trade while enforcing U.S. trade laws." U.S. Customs and Border Protection, "About CBP," <https://www.cbp.gov/about> (accessed 5 April 2017).

¹⁴ Institute for Defense and Government Advancement, "4000.miles: Situational Awareness Compromised," <http://www.idga.org/communications-engineering-and-it/articles/4000-miles-situational-awareness-compromised> (accessed 7 February) and U.S. Customs and Border Protection, *Report to Congress on Ongoing DHS Initiatives to Improve Security along the U.S. Northern Border*, (Washington D.C.: CBP), 5.

¹⁵ U.S. Customs and Border Protection, *Report to Congress on Ongoing DHS Initiatives*, 5-6 and Office of Border Patrol, *2102-2016 Border Patrol Strategic Plan: The Mission to Protect America*, (Washington D.C.: OPB, 2011), goals and objectives section.

¹⁶ U.S. Customs and Border Protection, *Report to Congress on Ongoing DHS Initiatives*, 5-6.

¹⁷ Office of Border Patrol, *2102-2016 Border Patrol Strategic Plan*, 8.

¹⁸ U.S. Customs and Border Protection, *Report to Congress on Ongoing DHS Initiatives*, 3.

¹⁹ Henry Rolon, Chief Patrol Agent, Spokane Sector, Office of Border Patrol, email dtd 16 Feb 2017.

²⁰ Ibid.

²¹ U.S. Customs and Border Protection, “OPB Sector and Station profiles,” <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors> (accessed 10 February 2017).

²² Henry Rolon email dtd 16 Feb 2017.

²³ Ibid.

²⁴ U.S. Customs and Border Protection, “OPB Sector and Station profiles” and Henry Rolon email dtd 16 Feb 2017.

²⁵ In 2014 a Lebanese national was apprehended in vicinity of the border crossing close to Rangeley Station, Maine while pushing a dirt bike down a dirt road. Institute for Defense and Government Advancement, “4000.miles and U.S. Customs and Border Protection, *Report to Congress on Ongoing DHS Initiatives*, 11. Examples of recent illegal activity according to U.S. Customs and Border Protection, “News,” <https://www.cbp.gov/newsroom/local-media-release/2-arrested-uscanada-border-fined-10k-illegally-entering-us> (accessed 7 February 2017). Also, according to a *Mena* report, Two Albanians were apprehended in 2016 after crossing on foot in a rural area near Champlain, New York. *Mena* report, “United States: Border Patrol in New York arrests 2 Albanian Nationals for Illegal Entry into U.S.,” <https://search-proquest-com.usnwc.idm.oclc.org/docview/1840596351?accountid=322> (accessed 7 February 2017).

²⁶ Henry Rolon email dtd 16 Feb 2017.

²⁷ U.S. Customs and Border Protection, “OPB Sector and Station profiles.”

²⁸ Henry Rolon email dtd 16 Feb 2017.

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³¹ U.S. Customs and Border Protection, “OPB Sector and Station profiles.”

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⁴⁰ Written Testimony of CBP for House Homeland Security Subcommittee on Border and Maritime Security Hearing, "Securing the Maritime Boarder: The Future of CBP Air and Marine," (Lanham: Federal Information and News Dispatch, Inc, 2015), <https://search-proquest-com.usnwc.idm.oclc.org/docview/1696283174?accountid=322> (accessed 5 February 2017), 2.

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⁴³ U.S. Customs and Border Protection, "OPB Sector and Station profiles," and United States Government Accountability Office, *Enhanced DHS Oversight and Assessment of Interagency*, 8. In 2000, New York Times reporter Robyn Meredith interviewed Border Patrol Agents from this area and reported a spike in human smuggling because the Walpole Indians were facilitating a smuggling route across the frozen St. Clair River onto the American side through native lands on the Canadian side. Robyn Meredith, "Illegal Immigrants Find Danger and Appeal in Northern Route," *New York Times*, 27 February 2000, <http://www.nytimes.com/2000/02/27/us/illegal-immigrants-find-danger-and-appeal-in-northern-route.html>.

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⁴⁵ United States Government Accountability Office, *Northern Border Security: DHS's Report Could Better*, 5-6.

⁴⁶ United States Government Accountability Office, *Enhanced DHS Oversight and Assessment of Interagency*, 22-23.

⁴⁷ *Ibid.*, 28.

⁴⁸ *Ibid.*, 9-10.

⁴⁹ *Ibid.*, 6, 14-21.

⁵⁰ *Ibid.*, 21.

⁵¹ *Ibid.*, 21-22.

⁵² Henry Rolon email dtd 16 Feb 2017 and United States Government Accountability Office, *Enhanced DHS Oversight and Assessment of Interagency*, 10-11.

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