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Lines and Flows: The Beginning and End of Borders

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Border Lines

The purpose and function of borders in world history has been and remains to delineate and demarcate – to differentiate – one sovereignty from another. They are the juridical lines on a map, indicating the geographical place where imperial and/or national dominion begins and where it ends. These shift over time as a result of political and military developments usually followed by legal recognition or acknowledgment expressed in one form or another. History tells the tale of these developments and shifts. Like laws, borders embody and reflect history's results with the history left out.

The spaces of borders, corresponding to their map lines, are marked by ports of entry and exit. It is here where cross-border transactions of people and goods are processed through the exercise of immigration and customs authorities. Typically, the scope of these border inspection authorities is most broad regardless of legal system. Sovereignty asserts itself aggressively at the border threshold to determine who and what has the right or privilege of entrance (inbound) and exit (outbound). The levying of customs fees and duties has generated critical revenue streams for governments since biblical times. It was no accident that one of the earliest acts of the First Congress during the Washington Administration was to establish the U.S. Customs Service in 1789.ⁱ

Borders define a homeland. They are the primary reference points for national defense strategy and homeland security policy. Throughout history, borders have been the site of fortification, intended variously to shut in or keep out people or things. China's Great Wall in the second century BCE, France's Maginot Line pre-World War II, the Soviets' Berlin Wall in the twentieth century and, America's Southwest Border fence in the twenty-first century, serve to illustrate the point. It was made more poetic and timeless by Robert Frost in his poem *Mending Wall* where he wrote: "*Good fences make good neighbors.*"ⁱⁱⁱ

So, we see, borders are lines with real result and consequence. When we walk to the riverfront in El Paso and wade into the Rio Grande, at midstream it becomes the Rio Bravo and Juarez, Mexico begins. Without more, one crosses the line ("la línea") from one of the safest cities in the Western Hemisphere (five homicides in 2010) to its most dangerous (3,400 homicides in 2010).ⁱⁱⁱ Border lines matter but rarely account by themselves for the changes they embody.

Borders as Flows

More than a generation ago, in *The Structure of Scientific Revolutions*, Thomas Kuhn introduced the notion of *paradigm* to refer to a distinctive manner of viewing the world, a characteristic sense, that is shaped by the larger forces at work in an era.^{iv} This way of seeing organizes all of the data that is around us, all surrounding sensations, into patterns that we can interpret and understand and then act on to effect. Epochal shifts in paradigm catalyze enormous alterations in how we conduct operations and do business at a particular point in time.¹ The balance of this lecture addresses the massive paradigm change that has taken place since 9/11 in how we view

¹ In Kuhn's context these changes mark the transition from a Ptolemaic (pretentious) way of seeing (the earth anchors the universe) to the (materially more modest) Copernican one (the sun centers the solar system) and so on through a mechanical Newtonian model to the uncertainties inherent in the relativist paradigm captured by Einstein.

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borders not only as lines but as movements -- flows of people and goods on a global scale both legally and illegally.

It is not that global flows are new. These have occurred since ancient times and are chronicled in the ages of discovery and exploration as seafaring matters and much earlier in the movement of goods and people along the Silk and Tea Horse Roads into China and the caravan paths across Arabia.^v

Nor is the contemporary scale of the flows by itself a distinguishing factor. These have increased exponentially century after century, spurred by colonial empires and trading companies, activities multiplied throughout by the growing logic of comparative advantage. The intensity, volume and speed of commercial and migratory flows accelerated mightily with the Industrial Revolution^{vi} and then massively again more recently by the invention of the jet engine and the Internet. The cumulative effect of these trends is what we refer to as globalization – extraordinary cross-border flows of capital, goods, people, ideas and images occurring routinely on a daily basis, facilitated by a digitalization of data that has created the reality of instantaneous communication and transaction.

Security as the Organizing Principle: The Searing Impact of 9/11

The vast volumes and growing speed in the movement of people and goods toward and across U.S. border lines from a globalized world is staggering. Each day, everyday, in 2010, in the United States alone, an average of 965,167 passengers and pedestrians, 64,414 truck, rail and sea containers and 257,990 privately-owned vehicles entered this country.^{vii} Roughly \$2.2 trillion in imports and \$1.8 trillion in exports crossed our borders that same year.^{viii}

The trauma of 9/11 inflicted by al Qaida on the world through the United States assured that we would never view cross border movements in quite the same way. Transnational terrorism exploited the relative openness of our borders and laxness of our border regulatory regimes to invade the continental United States for the first time since the British burned government buildings in Washington during the War of 1812.^{ix} In one fell vicious swoop, that was actual and deadly, not the potential threat we had grown accustomed to during the Cold War, America's view of security was altered forever.

The resulting sense of insecurity stemmed from the fact that our borders had been violated. The reflexive response was to hunker down behind traditional concepts of borders as lines of defense. All planes were grounded and our maritime as well as aviation borders were closed in the immediate aftermath of 9/11. Similarly, our land borders virtually shut down as each entering vehicle from Mexico and Canada was inspected thoroughly. In other less visible ways America closed its borders. As Edward Alden has documented many of these restrictions – pertaining particularly to the grant of visas – persist today.^x

But all the emergency measures taken immediately after 9/11 collided head-on with the realities of global travel and commerce through transit zones and supply chains. They also challenged directly our self-image as an open, free and welcoming society. The unacceptable economic and political consequences of shutting down the border coupled with the new security imperative forced a fundamental shift in our perspective. We began to understand that our borders begin not

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where our ports of entry are located but rather where passengers board air carriers and freight is loaded on maritime vessels bound for those ports of entry. In order to forge practical arrangements to take both travel and trade security into account, borders needed to be viewed and managed as flows of people and goods as much as lines in the sand or on the water or through the air.

In the 10 years since 9/11, there have been three terrorist plots involving cross border movements of people or goods.² Each makes the case powerfully for the new border paradigm that links jurisdictional lines to flows toward them.

The first involved the so-called underwear bomber, Nigerian citizen Umar Farouk Abdulmuttalab who boarded a plane in the Netherlands intending to ignite PETN explosive material and blow up a Northwest Airlines flight over Detroit.^{xi} Based on targeting capabilities we have in Customs and Border Protection, Abdulmuttalab had been identified as a person of interest. When the plane arrived in the United States and he presented himself for admission, he would have been referred to secondary inspection for significant interrogation. This obviously would have been too late, because had he succeeded, he would have blown up the plane before it landed. Border security in this context requires that Abdulmuttalab be prevented from boarding the plane in the first place. For these purposes, the border was Schipol Airport in Amsterdam and the goal changed so as to identify and preempt the high risk individual in the flow of passengers that day from that place toward the United States.

The second case was Faisal Shahzad, the Times Square Bomber, a naturalized U.S. citizen born in Pakistan who went abroad to receive training from the Taliban in the tribal borderlands between Afghanistan and Pakistan.^{xii} Shahzad received support and resources in the New York metropolitan area from abroad to construct an explosive device he intended to detonate in Times Square. Foiled by an alert guard, Shahzad attempted to flee the country on board an Emirates Airlines plane. Advance passenger manifest information received by CBP regarding the outbound flight, coupled with significant travel history data available concerning Shahzad, facilitated his identification and apprehension on the tarmac at JFK seconds before take-off.

The third terrorist plot was the shipment of parcel bombs by al Qaida operatives in the Arabian Peninsula via UPS and Federal Express.^{xiii} Sent from Yemen, addressed to locations in Chicago, the improvised explosive devices were concealed in printer cartridges, passed through airports in London and Dubai and timed to detonate over the United States. As a result of intelligence-sharing by Saudi authorities, we were able to deploy public- and private-sector resources to locate the packages before they reached their intended destination. As in the other cases, the key lay in the collection, analysis and sharing of data regarding the transnational origin, route and flow, in this instance, of express carrier packages.

We understand our mission at U.S. Customs and Border Protection within the Department of Homeland Security from this perspective: keeping dangerous people and dangerous things away from the American homeland. We strive to accomplish this mission by exercising our authorities

² In addition, of course, we have been subject to “home-grown” terrorist events such as that carried out at Fort Hood by Maj. Nidal Hasan, the attack on the New York subway system planned by Najibullah Zazi, and the murder of a military recruiter in Arkansas.

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and utilizing our resources in a way that enlists both time and space as allies. The earlier that we can identify, intercept and neutralize threats to the homeland, the safer our people will be. The further away geographically from the physical line that we can achieve these ends, the safer our country will be. Our job in Customs and Border Protection, in short, is to secure flows of people and goods intending to enter and moving toward the United States. This altered paradigm regarding our mission has fundamental implications for CBP's strategic and tactical approach to organization and function as well as to relationships with other agencies within and outside the government.

Joint Border Management

The jihadist invasion of 9/11 gave rise to a preoccupation with the safety of the American homeland. The concept of homeland itself was novel, even uncomfortable for many in the U.S. context. It differed strikingly from our earlier emphasis on new frontiers in Frederick Jackson Turner's thesis,^{xiv} or the "manifest destiny" that drove an aggressive expansion of both northern and southern borders in the United States during the 19th century.^{xv}

This new focus generated creation of the Department of Homeland Security, a merger by legislative fiat in 2003, of twenty-two agencies spread previously across the landscape of American government.^{xvi} Customs and Border Protection itself was formed through the merger of four separate organizations from three separate cabinet departments into one new agency: the U.S. Border Patrol and Immigration and Naturalization Service from the Department of Justice, dealing with people seeking to enter the country legally and illegally; the U.S. Customs Service from the Treasury Department, dealing with cargo and goods; and the Agriculture Inspection Service from the Department of Agriculture, dealing with agricultural pests and potential infestation of our crop lands.^{xvii}

Our previous scheme of divided border management, in place since the 19th Century, was not efficient to say the least. But it was responsive to history. As John Barth, borrowing a bit from Oliver Wendell Holmes, noted in *The End of the Road*: "*There is no reason in the long run why Italy shouldn't be shaped like a sausage instead of a boot, but that doesn't happen to be the case. The world is everything that is the case, and what the case is is not a matter of logic.*"^{xviii} I learned this first hand in the 1990s as the U.S. Attorney for the Southern District of California. Appointed the so-called Border Czar in the Clinton Administration, tasked to "coordinate" federal law enforcement from southern California to South Texas, success was limited by the existing structure of separate stove pipes zealously maintained by bureaucratic rivalry and an unending competition for resources.

These tensions were swept aside in the crucible of 9/11 and unified border management was created for the first time in American history and, it happens, for the first time across the globe in the world's history. Immigration, customs and agricultural inspection authorities³ exercised by the same officer working for a single agency defined by an overarching security mission, invented the institution of joint border management and the science and art of modern border

³ CBP also serves as the single executive agent for 40 other federal agencies charged with one or another administrative or regulatory duties regarding incoming and outgoing people and things. These include, notably, the Food and Drug Administration, the Environmental Protection Agency, the Consumer Products Safety Commission, and the Department of Transportation.

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protection. It sounds so sensible and in practice has turned out to be so. But it would not have come to pass in the absence of crisis and we remain virtually alone in implementing it comprehensively.⁴ I venture to project that over the next generation all nations will turn to joint border management and wonder in retrospect, as we do, how they could have functioned otherwise. As Arthur Schopenhauer, the philosopher, aptly noted: *“Every truth passes through three stages. First, it is ridiculed; Second, it is violently opposed; and Third, it is regarded as self-evident.”*^{xix}

Toward An Integrated National and Homeland Security Enterprise

The Homeland Security Act of 2002, establishing DHS, involved the largest reorganization of executive branch operations since the National Military Establishment was created in 1947 and renamed the Department of Defense (DOD) in 1949.^{xx} Composed of 230,000 employees,^{xxi} DHS is the third largest cabinet agency after DOD and the Department of Veterans Affairs. Although the corporate mergers within DHS and CBP have been accomplished, the development and realization of an integrated mission – in terms both of homeland security and border protection – remain very much a work in process. The experience of DOD is instructive.

Established after World War II, the Department of Defense was formed by breaking the Army/Air Force into separate components, then combining them with the Navy and Marines, and affiliating the Coast Guard, at that time in the Treasury Department.^{xxii} While the Office of the Secretary of Defense worked from the outset toward new mechanisms of coordination, the proud legacies of the individual branches were retained, even fiercely maintained, and the process was slow-going. The lack of a genuinely integrated mission with corresponding joint operations was conspicuous by its absence. When the centrifugal forces at work became tragically apparent in the abortive Iranian hostage rescue mission in 1980 (and the fractured and uneven operation in Grenada to protect U.S. citizens a few years later), Congress stepped in and enacted the Goldwater-Nichols Act, requiring purposeful integration and joint-ness in operational planning and execution.^{xxiii} DOD has been working the issue ever since with impressive military results. The latest evidence to convince remaining doubters, not few and far between among some admirals and generals, was the flawless, U.S. casualty-free, operation in Abbottabad, Pakistan, to eliminate Osama bin Laden.

We remain at a very early stage of institutional evolution within DHS and CBP to this end of integrated operations. It likely will take a generation to achieve as it has in DOD. Hopefully, history will spare us many devastating precipitating and accelerating events.

There remains a second compelling requirement for mission integration within the realm of border protection and homeland security. I refer to the larger relationship between the military and law enforcement. The intellectual (largely legal) engineering necessary to create a revised theory that properly aligns these functions and clearly delineates homeland security as a species

⁴ Canada, the United Kingdom and Australia, among a handful of countries, have taken steps, large and small, toward unification. Each, however, has stopped short of a full merger of responsibilities. The Canadian Border Services Agency (CBSA), for example, regulates the ports of entry while the Royal Canadian Mounted Police (RCMP), separately governed, acts between the ports of entry as elsewhere through the interior of the country. The Australian Customs and Border Protection Services (ACBP) shares border-related responsibilities with the Department of Immigration and Citizenship (DIAC). The United Kingdom Border Agency (UKBA), authorized to enforce immigration laws and collect customs duties, is not charged with counter-terrorist responsibilities.

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of national security remains in its infancy. The consequences show up in a variety of places. We struggle to determine whether to try terrorists as criminals in federal court or before military tribunals.^{xxiv} We cling to *posse comitatus* as a constitutional bulwark at the same time many fear it may be an anachronism in an environment of transnational crime and terror.

The old dichotomies, and our historic American reconciliation of them, in short no longer serve unquestionably as certain stars by which we can reliably navigate. The current military activities in Afghanistan seem less connected with obtaining classical geopolitical advantage than with assuring that country, or any other country, will not provide a base from which dangerous people and dangerous things can be launched against the United States. Although means and methods differ, this focus is identical to our border protection mission of securing flows of people and goods toward the homeland. There are distinctions here with a real difference to be sure. However, I submit, they need to be re-examined and re-analyzed carefully in a borderless world marked by continuums and flows rather than bright lines alone.

Making Data Into Useable Information

If borders are flows of people and goods, then those charged with securing and regulating those flows must confront the reality that 97-98 percent of the traffic is composed of lawful and compliant trade and travel. The goal to identify and interdict dangerous passengers and cargo from among this otherwise legitimate mass generates a requirement to distinguish between high-risk and low-risk subjects.

Risk assessment thereby emerges as the keystone of border management. And information in turn becomes central to the evaluation of risk while data are the building blocks of timely and actionable information.

To fulfill its mission CBP has developed the U.S. government's largest collection, storage and dissemination functions with respect to unclassified data. On a typical day, 1.35 billion electronic messages are exchanged between CBP and other government agencies, transportation carriers, customs brokers and the plethora of additional participants in global travel networks and supply chains. These analytical communications are managed by CBP's National Targeting Centers for Passengers and Cargo, located in Virginia. They permit access, respectively, to records of each traveler and every cargo shipment—land, sea and air—that have crossed a U.S. border during the past eight years, legally or illegally. Sophisticated rule searches, utilizing complex algorithms, scan this data for both known and unknown threats based on potential risks identified by the intelligence community. Targeting in this fashion enhances our capacity to find the dangerous people and dangerous things for which we are on the look-out at the border. Each border-related transaction is scrutinized in this way.

The logic in this environment of information data sharing and access is highlighted. In the modern age what we learned as children remains true as ever: Information is Power. However, the traditional moral of the story has been upended entirely. Those who hoard information today expecting their power to grow by forcing others to ask for it, soon find themselves isolated and over time ignored. The abundance of data and the proliferation online of alternative sources of information place a premium on sharing; one's information becomes more valuable, i.e., useful

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and actionable, by leveraging it off other information and data embodying and reflecting additional reference points that facilitate a connecting of dots.

The implications for bureaucracy are significant as are the tensions with conventional “silo” or “stove-piped” organizational arrangements. As Lawrence Wright makes clear in *The Looming Tower*, the CIA and the FBI discovered in the immediate aftermath of 9/11 that information unshared in their separate files contained much of what, had it been combined, would have revealed the al Qaida conspiracy.^{xxv} To the credit of these agencies, the data and information sharing between them while not perfect, has increased exponentially during the past decade. This shared counter-terrorist intelligence and information, together with foreign travel-related data supplied by CBP, has proven its worth to homeland security time and time again.⁵

The obstacles to this happening quickly elsewhere away from the counter-terrorist context should not be underestimated. On the international front, border-related data sharing, even among the closest of allies, remains in a primitive stage. Old-fashioned limited views of national interest and reflexive notions of privacy and civil liberties restrict willingness to share and reinforce parochial and myopic concerns of long duration.

Similar influences operate in the domestic sphere where deep-seated bureaucratic divisions persist. This is particularly true when different perspectives on mission are brought to a crime scene. For investigators, guided by the criminal justice model, information is maintained on close hold in case files and evaluated for its potential as “admissible evidence” in a prosecution. For the cop on the beat, this same information may be crucial intelligence key to crime prevention activity at the moment. Failure to act on the information in deference to its subsequent use in the courtroom is the current rule rather than the exception. Over time this cultural habit of mind will give way to the logic and compelling benefits of intelligence and information sharing. Hopefully, again, catastrophic consequence need not be the mid-wife of inevitable change.

Expediting Legitimate Trade and Travel as a Security Regime

The long-held view posits that security and trade are independent variables competing in a zero sum game. According to conventional wisdom, trade facilitation, the expedited movement of commerce, and security, ensuring the safety of that commerce, must be balanced to an optimal equilibrium. The concept of “so much security” in exchange for “so much delay” in the processing of trade has governed port of entry operations for generations. Risk management, however, comprehensively applied, leaves this notion not only theoretically false but practically also counter-productive and self-defeating.

Short of examining every piece of straw separately, there are only two ways one can find the proverbial needle in a haystack. The first is to have very specific intelligence about where the needle is so that you can reach into the middle of the haystack and pluck it out. Every once in a

⁵ Two notable cases involve the arrest and conviction of U.S. lawful permanent resident Najibullah Zazi and U.S. born citizen David Coleman Headley formerly known as Daood Syed Gilani. Zazi was recruited by al Qaeda to conduct suicide attacks using explosives against the New York City subway system. Headley helped plan the November 2008 attacks in Mumbai in concert with al Qaeda and Pakistan-based terrorist organization Lashkar-e-Taiba.

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while, but with increasing frequency, we have access to that kind of granulated intelligence. That is what occurred in the case of the UPS and FedEx parcels from Yemen. We received very concrete information and were able to reach into the global flow of millions of packages then in transit and ferret out the precise two laden with explosives.

But we cannot always count on that kind of actionable intelligence. So the only other way to find the needle in the haystack is to make the haystack smaller. And the way to make the stack smaller is to differentiate routinely between high- and low-risk subjects and expedite movement of the latter through the global system.

In fact, segmenting traffic flows according to risk is a necessary condition of heightening border security at any given level of resource allocation. We expedite lawful trade and travel through border controls so that we may focus our scarce regulatory and inspectional resources on that traffic about which we have derogatory information or about which we lack sufficient information to make a sound judgment regarding its legitimacy. Moving ordinary travelers and regular cargo quickly through ports of entry, therefore, not only is good for the economy, it is essential, given the volumes we confront, to the security function itself.

Expediting trade and heightened security, accordingly, are neither antithetical to one another nor are they mutually exclusive matters requiring balance. To the contrary they are part and parcel of a single process. This approach to managing flows has become the cornerstone of our system of border management in the United States.

We are re-engineering our internal trade functions and field inspection protocols at CBP to embody this regulatory model. Trusted Traveler and Trusted Shipper initiatives are central elements key to the strategy. *Global Entry* is a security program that extends expedited clearance to pre-approved low-risk air travelers into the United States. The *NEXUS* and *SENTRI* programs operate similarly to expedite passage through our land border crossings with Canada and Mexico respectively. Comparable benefits in the cargo context are conferred on members of the *Customs/Trade Partnership Against Terrorism (C-TPAT)* program.

These *trusted partner* programs offer the same “grand bargain”: in exchange for sharing information with the government that permits it to vet the security status and background of participating persons and entities, the government commits itself to two reciprocal obligations.^{xxvi} First it will maintain the information received in confidence and utilize it solely for the purpose it was given, and second the traveler, importer or shipper, once vetted and deemed trusted, will receive the benefit of expedited movement into the country.

The dynamic here highlights the crucial importance of genuine partnerships with the public and private sectors as well as with other countries. What is required here is not only the intensification of partnership but a change in the quality and nature of the interaction. Today’s prevailing mode—government mandate and private sector compliance—must give way to the model of a *co-created* regulatory regime that embodies the “grand bargain” from the outset in reacting to evolving terrorist/transnational crime threats. The joint public-private response in the aftermath of the Yemen cargo plots, *Air Cargo Advance Screening (ACAS)*, captures the requirement and best illustrates the optimal way forward. Through advance information and

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early decision-making by all participants in the air cargo supply chain, to include CBP, TSA, air carriers, freight forwarders and international postal administrations, we are able to co-create a process to reduce the "haystack" and take action on the "needles" as early in the process as possible. Ultimately, the goal is to establish global requirements for advance information and ensure that high risk cargo identified by ACAS is physically screened under the appropriate regulatory framework and protocols.

Absent authentic collaboration of this kind we cannot surmount the challenge of *scaling* up these programs of trust and confidence such that they will yield at once satisfactory material effect on both our security profile and our economic competitiveness.⁶ Less is not more here; and Malcolm Gladwell's "*tipping point*" is the goal.^{xxvii}

U.S., Mexico and Canada: An Intermestic North America

The new border paradigm has special implications—and holds out special promise—for our land border neighbors to the north and south.

The situation is unique, first because of the physical proximity of our geography. We share 1900 border miles with Mexico and 5400 miles of border with Canada (including those between Alaska and the Yukon). A second dimension of uniqueness stems from history. Following armed conflicts with each of our neighbors in the nineteenth century, treaties and subsequent, peaceful territorial adjustments have blessed us with the longest demilitarized land borders in the world.⁷

These developments in space and over time have created a relationship between the United States and each of Mexico and Canada that is equally unique. It is a relationship that is neither international in the classical sense nor is it domestic, of course, given the existence of separate sovereignties. Instead, to use a phrase coined by Bayless Manning in the 1970's, the relationship is *intermestic*.^{xxviii}

Notwithstanding all of this, the fact remains that our borders with Mexico and Canada have been and remain largely inefficient from the standpoint of managing flows of people and cargo. The reason for this is the asymmetry between us and our neighbors.⁸ Only at the border line are we equal as a matter of juridical power as nowhere else in the bilateral relationship. The prerogatives of sovereignty have been guarded jealously at the border by our neighbors to

⁶ Commencing in December 2010, CBP has integrated its trusted traveler programs by extending Global Entry benefits to NEXUS and SENTRI members and vice-versa. Nearly one million persons presently participate. More than ten thousand companies are validated in the C-TPAT Cargo security program. On the international front, CBP has developed and continues to strengthen supply chain security through "mutual recognition agreements" with trusted partners in cargo to include New Zealand, Canada, Jordan, Japan, and Korea. Negotiations are ongoing with the EU. CBP has non-binding trusted traveler agreements with Canada, Mexico, the Netherlands, the United Kingdom, Korea, and Germany.

⁷ The Rush-Bagot Treaty in 1817 with Canada (through Britain following the War of 1812) and the Treaty of Guadalupe Hidalgo in 1848, concluding the U.S.-Mexico War, established lasting peace. Additional boundary agreements were reached amicably: with Canada (British North America) through the Webster-Ashburton Treaty (1842) and the Oregon Treaty (1846), and with Mexico through the Gadsden Purchase (1853).

⁸ The populations of the United States, Canada, and Mexico are 313 million, 34 million and 113 million, respectively. Economically, their gross domestic products are \$14.66 trillion (U.S.), \$1.33 trillion (Canada), and \$1.567 trillion (Mexico).

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reinforce their national pride and identity and to avoid political, economic and cultural domination by the “colossus” on their threshold. Porfirio Diaz, Mexico’s ruler between 1877 through 1880 and again between 1884 through 1911, summarized the sentiment: “*Poor Mexico, so far from God and so close to the United States.*”^{xxix} Particularly pronounced in Mexico, the same sense has existed among Canadians, albeit expressed on different issues and in different ways. Reimagining and then reinventing our borders with Mexico and Canada in the context of trade flows and the flows of people has become crucial on both security and economic grounds.

Regarding commerce, the emergence of global trading blocs highlights the imperative of viewing U.S. economic prosperity increasingly from the perspective of enhancing North American competitiveness. To compete successfully over the next half century with East Asia, the Indian subcontinent and Brazil, we must take the North American Free Trade Agreement (NAFTA) to the next level.⁹ The critical path to this end is increasing significantly the efficiency of our borders in order to reduce current cross-border transactional costs by 10 to 20 percent or more on the *NAFTA Highway*.

With respect to security, the focus must shift from an exclusive one on land border lines, north and south, to take into account the necessity for *continental perimeter security*. This approach would have Canada, the United States and Mexico jointly identifying and intercepting dangerous people and things as they move in global flows toward the North American continent. The length of our land borders, coupled with the economic need to avoid “thickening” them (in the Canadian phrase), commends this course. The model here is the North American Air Defense (NORAD) command that enables Canada and the United States jointly to track and defend the northern continental airspace from aviation threats to it.¹⁰

Under President Obama’s leadership, there is considerable progress to report on both the economic and security fronts with both Mexico and Canada. In May 2010 the President, together with President Felipe Calderon, issued the *Twenty-First Century Border Management* declaration. Substantially recasting the strategic relationship, the declaration decisively moved the bilateral relationship away from the accusatory conversations of the past over migration and narcotics. Acknowledging the U.S. national security stake in Mexico’s historic struggle against organized crime, the two presidents adopted a doctrine of *co-responsibility* for both legal and illegal flows across the border. Viewing drugs and alien smuggling coming north and guns and bulk cash going south as a single vicious cycle of criminality has created the conditions for binational law enforcement cooperation that was unthinkable even five years ago.

The *Beyond the Border: A Shared Vision of Perimeter Security and Economic Competitiveness* declaration in February 2011 by the President and Prime Minister Stephen Harper represents an equally stunning departure in the context of U.S.-Canadian relations. Building upon a longer standing and deeper foundation of trust, the *Beyond the Border* declaration has generated a

⁹ Known as *Tratado de Libre Comercio (TLC)* in Mexico, NAFTA dramatically has expanded annual U.S. trade flows (imports and exports) with Canada (\$525.3 billion in 2010) and Mexico (\$393 billion in 2010) making them our first and third largest commercial partners. The second, fourth and fifth rankings belong respectively, to China (\$456.8 billion in 2010), Japan (\$180.9 billion in 2010) and Germany (\$130.9 billion in 2010).

¹⁰ Canadian and U.S. military forces rotate NORAD command responsibilities. On 9/11, for example, General Ralph Eberhart of the USAF was the military officer in charge of leading NORAD’s response to the terrorist attack and his Deputy Commander was Lieutenant-General Kenneth Pennie of the Canadian Forces Air Command.

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staggeringly ambitious action plan that encompasses the entire breadth of the U.S./Canada security and economic competitiveness agendas. It forthrightly addresses matters that had been deferred politely in the past, ranging from information sharing to the pre-inspection of cargo and the reciprocal carrying of weapons by law enforcement personnel stationed in each other's country.

These course corrections and strides in U.S. policy have been navigated in parallel process with our neighbors, respecting sensitivities of sovereignty on both ends as well as the differences and the difficulties inherent in the negotiations. Nonetheless, the stage has been set for an increasingly trilateral discussion over the next generation that holds out enormous promise for the three countries and the North America they share.

Conclusion

The French poet Paul Valéry has observed: "*The [challenge of] our times is that the future is not what it used to be.*" The themes explored here will remain the subjects of security and economic developments over the next decades as we experience their domestic, international and intermestic effects. Through the lens of lines and flows, we see both an old end and the new beginning of borders.

ⁱ The U.S. Customs Service was established by the 5th Act of the First Congress on July 31, 1789. U.S. Department of Treasury. "Chronology of Events 1600-1799." Last modified November 13, 2010.

<http://www.treasury.gov/about/history/Pages/1600-1799.aspx>

ⁱⁱ Frost, Robert. "Mending Wall." In *The Poetry of Robert Frost: The Collected Poems, Complete and Unabridged*, edited by Edward Connery Lathem, page 33-34. New York: Henry Holt and Co, 1969.

ⁱⁱⁱ Uribe, Monica Ortiz. "El Paso, San Diego Among Safest Cities." *KPBS, San Diego State University*. November 22, 2010. Accessed September 15, 2011. <http://www.kpbs.org/news/2010/nov/22/el-paso-san-diego-among-safest-cities/>

^{iv} Kuhn, Thomas. *The Structure of Scientific Revolutions*. Chicago: The University of Chicago Press, 1962.

^v Jenkins, Mark. "The Forgotten Road." *National Geographic*. May 2010. Accessed September 15, 2011.

<http://ngm.nationalgeographic.com/2010/05/tea-horse-road/jenkins-text>

^{vi} Hirschman, Charles and Mogford, Elizabeth. "Immigration and the American industrial revolution from 1880 to 1920." *Social Science Research* 38 (2009): pages 897-920. Accessed September 15, 2011.

^{vii} U.S. Customs and Border Protection Statistics, FY2010 Year-in-Review

^{viii} U.S. Customs and Border Protection Statistics FY2010 Year-in-Review

^{ix} American territory, of course, was invaded in 1941 by Japan's sneak attack at Pearl Harbor.

^x Alden, Edward. "Visa delays 'hamper US business'." *The Financial Times*, January 28, 2003; Alden, Edward, *The Closing of the American Border*. New York: Harper Collins Publishers, 2008.

^{xi} Chang, Kenneth. "Explosive on Flight 253 Is Among Most Powerful." *The New York Times*. December 27, 2009. Accessed September 15, 2011. <http://www.nytimes.com/2009/12/28/us/28explosives.html>

^{xii} Mazzetti, Mark, and Shane, Scott. "Evidence Mounts for Taliban Role in Bomb Plot." *The New York Times*. May 5, 2010. Accessed September 15, 2011. <http://www.nytimes.com/2010/05/06/nyregion/06bomb.html>

^{xiii} Solomon, Erika, and Stewart, Phil. "Al Qaeda Yemen wing claims parcel plot," UPS crash. Reuters. Published 5 November 2010. Accessed 15 September 2011. <http://www.reuters.com/article/2010/11/05/us-usa-yemen-bomb-idUSTRE6A44PU20101105>

^{xiv} Turner, Frederick Jackson. "The Significance of the Frontier in American History," in Martin Ridge, ed., *Frederick Jackson Turner: Wisconsin's Historian of the Frontier*. Madison: State Historical Society of Wisconsin, 1986.

^{xv} Weinberg, Albert Katz. *Manifest Destiny: A Study of Nationalist Expansionism in American History*. Baltimore: The Johns Hopkins Press. 1935.

^{xvi} U.S. Department of Homeland Security Website. Accessed September 15, 2011.

http://www.dhs.gov/xabout/history/editorial_0133.shtm

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- ^{xvii} “The Future is Now” *U.S. Customs Today*. February 2003. Accessed September 15, 2011.
<http://www.cbp.gov/xp/CustomsToday/2003/February/future.xml>
- ^{xviii} Barth, John. *The End of the Road*. Garden City, New York: Doubleday & Company. 1969.
- ^{xix} Fitzhenry, Robert I. *The Harper Book of Quotations, 3rd Edition* (New York: Collins Reference, 1993), 451
- ^{xx} U.S. Department of Defense. About the Department of Defense (DOD). Accessed September 15, 2011.
<http://www.defense.gov/about/>
- ^{xxi} U.S. Department of Homeland Security. September 13, 2011. Accessed September 15, 2011.
<http://www.dhs.gov/xabout/>
- ^{xxii} U.S. Department of Defense. About the Department of Defense (DOD). Accessed September 15, 2011.
<http://www.defense.gov/about/>. The Coast Guard became part of the Department of Homeland Security in 2003.
- ^{xxiii} Berkowitz, Bruce. “Intelligence Reform: Less is More.” *Hoover Digest* 2004 No. 2. April 30, 2004. Accessed September 15, 2011. <http://www.hoover.org/publications/hoover-digest/article/6809>
- ^{xxiv} Associated Press. “Civilian, military trials prosecute terrorism suspects differently.” *USA Today* November 22, 2009. Accessed September 15, 2011. http://www.usatoday.com/news/washington/2009-11-22-civilian-vs-military-trials_N.htm
- ^{xxv} Wright, Lawrence. *The Looming Tower: Al-Qaeda and the Road to 9/11*. Random House: New York, 2006.
- ^{xxvi} Kulisch, Eric. Show me the Data! *American Shipper*. Vol. 53, No.1, Howard Publications, January 2011.
- ^{xxvii} Gladwell, Malcolm. *The Tipping Point*. New York: Little Brown & Company, 2000.
- ^{xxviii} Manning, Bayless. “The Congress, the Executive and Intermestic Affairs: Three Proposals.” *Foreign Affairs*, 1977.
- ^{xxix} Fitzhenry, Robert I. *The Harper Book of Quotations, 3rd Edition* (New York: Collins Reference, 1993), 31