

Kelly Brownell:

Hello, and welcome to Policy 360. I'm Kelly Brownell, Dean of the Sanford School of Public Policy at Duke University. President Donald Trump has picked general John F. Kelly to lead the Department of Homeland Security. At his confirmation hearing, the general had this to say about his future boss's plan to build a wall along the U S Mexican border. He said a physical barrier in and of itself will not do the job General Kelly added that the real problem is not illegal immigration, but the flow of drugs, gangs and possibly terrorist across the border General Kelly then suggested something that might be found surprising by some people, greater cooperation between law enforcement agencies in both countries, rather than bricks and mortar or barbed wire would be helpful. My guest today, a different Kelly, but no less expert. Stephen R. Kelly says that we already have such a model for cooperation, but not on our Southern border with Mexico.

Rather, the model is an operation on our Northern border with Canada. Welcome to the program, Steve.

Stephen Kelly:

Thank you, Kelly.

Kelly Brownell:

Prior to joining the faculty here at the Sanford School, Steve spent 28 years in the foreign service. At one point, he was deputy chief of mission at the U S mission to Mexico. One of the largest U S diplomatic establishments in the world where he focused on border issues with Mexico. Earlier in his career, he served in a similar capacity in Canada. Currently, Steve is visiting professor of the practice at Duke Sanford School of Public Policy. Steve, you wrote recently about securing the border in an op-ed in the New York Times. Describe what the Canadian system looks like and how it might apply to what we're doing with Mexico.

Stephen Kelly:

Our border with Canada is 5,525 miles long. The longest border between two countries in the world. We have a long, not just tradition, but a practice of managing it together, which frankly has become even more important since 9/11. Canada is our largest trading partner in the world. It's the largest bilateral trading relationship in the world. Most of those goods move by truck or a train across that border, so both we and the Canadians recognize that you have to have a border that functions properly. You want it to stop bad guys and bad stuff, but you can't close it. If you close it, you're cutting off your nose to spite your face. After 9/11, I was serving in Ottawa on 9/11, and my boss at the time was a Paul Saluche, Who had been governor of Massachusetts before coming to Ottawa.

As a New England governor, he understood how important trade with Canada was to Massachusetts, to New England, to the United States for 38 U S states, Canada is their largest foreign trading partner. So the question is how can you have a safe and secure border that also facilitates legitimate travel and trade? And that's what we worked on in Ottawa during my assignment there, something called the smart border. So, can you have measures that allow you to screen out or detect drugs, terrorists, other illicit activity without shutting the whole thing down? Does security have to Trump trade? And the answer is no, if you're doing this right, you can have both. And one example of that is if you've ever traveled to Canada, there's a card you can get called a nexus card. This is issued by both governments and to get it, you pay your 50 bucks, but you also have to go throughout a background check by both governments and they both have to approve you.

Once you get that card, when you get to the border or especially if you're coming through Toronto airport, which is kind of a mad house in the morning, when people are traveling to the U.S. Instead of having to talk to a human being, you put your eyes down on an Iris scanner, you insert your card. It detects that that card goes with you. And unless there's something that's come up, you're considered a trusted traveler because you've been through this vetting process. And boom, you go in without having to wait in a long line to show your passport, et cetera. So, that's a system that says let's not waste valuable time and resources screening people who we're pretty sure are not threats. And let's take those scarce resources and spend more time. Looking at that stream of traffic about which we know nothing, people that we want to give a closer look to.

So that's an example where you actually enhance security, because you take those scarce resources and deploy them in a more intelligent way, but you're also facilitating legitimate travel. And there's a counterpart to that for trucks, that's called the fast program in a similar vetting of the driver and electronic manifest of the cargo. So, by the time that truck pulls up at the border, the customs agent already has on his screen what's in the truck. He knows the supply chain is secure. He knows who the driver is, and he doesn't have to waste as much time his time and the driver's time. So in Toronto, in particular, when you travel by air, you probably go through something called pre-clearance. So we actually have us customs and border protection officials working in the airport in Toronto. So, effectively the border of the United States starts at the Toronto airport.

This has existed for a long time, but one reason I wrote my op-ed is that the Canadians have agreed to enhance the powers that these US officials exercise on Canadian soil for them, they are giving up a key part of their sovereignty by allowing foreign uniformed and armed customs agents. That's the new wrinkle is that US customs officials will be able to carry guns in more situations than they were before. Screening traffic, coming to the United States, and for the border class that I teach here and General Kelly and his testimony referred to this same concept. What you're doing is you're pushing the border out. If you have to wait until somebody gets to the actual land border to do the screening, you're already way behind the game. Because there's a lot of traffic at the border. You can't screen everybody effectively. If you can push that back and do more of it away from the border, you stopped somebody at the airport in Toronto who's a potential threat. That's a huge gain for us because they're not going to get into the United States. They're not going to slip in, they're stopped there.

Kelly Brownell:

I'm imagining some people listening might be saying, "Well, Hey, wait a minute. Mexico is a lot different than Canada." And the purpose of the president Trump's purpose. I can't read his mind, but I'm assuming this is not necessarily to stop the legitimate truck traffic or people flying in from airports. So how would you address that issue?

Stephen Kelly:

A lot of Americans don't look at the Mexican border, the same as the Canadian border. And indeed it's not, we don't have several hundred thousand people trying to sneak across the Canadian border every year. They don't have to sneak, they just drive in actually Canadian snowbirds are a significant portion of the overstate population in the United States. But clearly the problem with Mexico is different, the level of the two economies is different. When NAFTA was passed, one of the revolutionary things about the North American Free Trade Agreement was it was the first time a third world developing country. And a first world country were aligned together in a trade pack. So a lot of people have attitudes about the Southern border, but not based on very much knowledge. What I ask people to consider is that the only way the United States can secure its border is with the act of cooperation of our neighbors.

So take Mexico, those drug traffickers, moving cocaine from Colombia and Central America into the United States through, through Mexico. If Mexico did a better job of stopping them in Mexico, that would alleviate a lot of our problem. If Mexico could slow down immigrants, illegal immigrants, unauthorized immigrants who are headed to the United States instead of us having to do it with a wall at the border, isn't that a smarter solution. Just think if we had a border with a country like North Korea or Russia, the fact that we've got two friendly countries, we only have two land borders and they're with countries with whom we share a history and an approach to things, a north American outlook.

We all have a big stake in this too, because of the trade for Mexico, 80% of their exports come to the United States. The last thing Mexico wants to happen is to have a terrorist successfully cross the U S border and commit an attack in the United States. This is stuff that they lie awake at night worrying about because they know what we'd do, we tighten up that border. And when 80% of your exports go to one country, you can't afford to have a border that closes down. Same thing for the Canadians.

Kelly Brownell:

So does this argue, I'm assuming it does for a more collaborative approach with Mexico rather than a confrontational one.

Stephen Kelly:

Not only does it argue for that, but there's a lot of evidence that it already exists. So we have programs with Mexico and we actually could have more, when I served in Mexico, which was after my service in Canada, I took all those things I've learned in Canada and tried to apply them in Mexico. Pre-clearance was one of them, the Canadians, I mean, the Mexicans really wanted to have one of these air pre-clearance facilities in Cancun. Something like 2 million Americans fly out of Cancun back to the United States every year. And to pre-clear them in Cancun would mean they wouldn't have to fly into JFK or O'Hare Atlanta because they've already gone through customs and immigration. They could go anywhere they wanted, but at the time customs and border protection said, "Nah, we're not going to do that. It's too expensive. It's customs light."

The Mexicans wouldn't allow them to carry their weapons or give them a rest powers. They recently, Jay Johnson, former secretary of Homeland Security negotiated an agreement with the Mexicans in 2015, that set up a couple of pilot programs to screen cargo coming north. One of these was in Tijuana where Mexican and U S customs and border protection agents work together on Mexican soil, screening trucks, carrying fresh produce, something like 60% of our fresh produce in the winter time comes from Mexico. So screening these trucks before they got to the border, doing it again at a distance, but we said, we won't do it unless our people can carry their weapons. You might recall that we invaded Mexico in 1846 and in the treaty that ended the war in 1848, we actually took half of Mexico's territory. What they'd had at independence from Spain in 1810.

So to say that Mexicans are a little sensitive to the idea of uniformed Americans with guns, working in Mexico would be an understatement, but the Mexican Congress actually amended the national firearms law to allow these U S officials to carry their weapons, to make this pre-clearance agreement work. So, I'm not pretending that the Canadian example would transfer lock stock and barrel to Mexico. I am saying that the way to move forward on these things is to engage the Mexicans more, to get more concessions from Mexicans on things we want and who knows maybe the fact that President Trump has threatened to build a wall, will give them more incentive to make more concessions in the ways we'd like to see.

Kelly Brownell:

Now you've written about a program that shows promise called Ship Writer.

Stephen Kelly:

Ship Writer is a maritime program. And in the Canadian case, it has Canadian oil, Canadian mounted police who actually have the maritime mission along the lakes and rivers that make up actually 40% of our border with Canada is water and smugglers have taken advantage of that for a long time with these cigar boats, speed boats along the St Lawrence river and the great lakes to smuggle cigarettes, illegal aliens, drugs, guns, guns go north, cigarettes go north because the taxes are a lot higher in Canada. If they get changed, they just zip across the international boundary. And what can you do? You can't the coast guard can't continue to pursue into Canadian waters and vice-versa. What Ship Writer did was we now exchange officers. So, RCMP officers with the rest powers right on coast guard vessels and vice-versa. So now when they're in that hot pursuit, instead of having to stop at the maritime boundary, they've got the RCMP guy takes over and they keep going.

And if they need to arrest somebody, the U S coast guard personnel may be doing the arrest and they're uniformed and wearing their guns again. But it's under the authority of the RCMP officer and the same thing going the other way. That's to me, the poster child for the kind of cooperation we have in Canada, that directly attacks a criminal element, potential terrorists, et cetera. It only works because of this level of cooperation. Now our border with Mexico is actually 60% of it is water. Most of it's the Rio Grande. So whether you can get the same kind of program at work there, it would be different. I've actually written the Rio Grande river with border patrol agents, and you can see illicit activity occurring on the Mexican bank. And sometimes they actually have these little shovels where, coyotes are smuggling illegal immigrants across the border and rafts.

And if they scoot back to their side of the river, there's nothing you can do about it. So it's not far fetched to say, if we could have a similar level of cooperation with Mexican authorities where the border patrol had somebody aboard their river vessel, that was a Mexican law enforcement officer and vice-versa that you might be able to attack these problems. But if you build a wall, you're much less likely to get the kind of cooperation that would be necessary to accomplish that goal. Again, we're only going to secure that border with the active cooperation of Mexico, 19 foot walls produced 20 foot ladders. It's going to, walls have a proven history of not working.

Kelly Brownell:

Well. It's very interesting point you make, learning from our Northern border lessons that might be applied to our Southern border. So, thank you very much for joining us and sharing this insight.

Stephen Kelly:

My pleasure.

Kelly Brownell:

So Stephen R. Kelly retired from the U S foreign service at the end of 2010. He is now a visiting professor of the practice at the Sanford School of Public Policy. We'll have a link to the op-ed Steve wrote on this subject in the New York times. You can find that at our website that's [policy360.org](http://policy360.org). Until next time I'm Kelly Brownell.