

Assessing Responses to Terrorism: A Canada – U. S. Comparison

Michael Zekulin
MA Candidate
University of Calgary

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Introduction

There is little doubt that there has been a tremendous upswing in Islamic terrorism attacks in the last decade. Unfortunately there seems to be little indication that this pattern will subside any time in the near future. Despite the fact that there has not been an Islamic terrorist attack on Canadian soil, representatives from both government and intelligence agencies continually warn that it is inevitable Canada will join states such as Britain, Spain, and the United States as a target. In fact, Canada's increased military role in Afghanistan seems to suggest that political leaders have acknowledged this reality and have become more involved in attempting to stabilize regions considered to be terrorist strongholds. This paper is concerned about preparedness for an attack on Canada or its nationals. In this new environment where a potential terrorist attack may be imminent, how has Canada, up to this point understood the threat and acted to address it. An in depth assessment must be made to determine Canada's resolve on this matter.

Although it is seldom mentioned, Canada is no stranger to a terrorist attack on its nationals. The 1985 Air India bombing took the lives of 329 individuals, of whom approximately 280 were Canadian citizens or had Canadian landed immigrant status. This number is indeed significant because if compared to the United States and its population, this proportion is actually close to the number of fatalities from the World Trade Center attacks which occurred on September 11th, 2001. The Air India bombing should have impacted Canadian initiatives and policies. What did Canada learn from this incident? Were new initiatives or policies designed to help minimize a new threat or repeated attack?

This paper will examine and analyze Canada's resolve in addressing incidents of terrorism, specifically how it protects its nationals and territory. This is an important project because in the face of potentially lethal terrorist attack it is crucial that any and all preparations which can be made are done in a timely manner. This paper will attempt to determine if there has been a progression or evolution to Canada's preparedness since the 1985 Air India bombing. Following the Air India bombing were current policies examined which may have demonstrated shortcomings? Was there immediate action taken to overhaul procedures deemed to be inadequate? Was the status quo maintained? In an effort to find answers to these questions, a chronological assessment, tracing policy responses introduced and initiated from the 1985 Air India bombing to the present day will be offered as a means to measure Canada's progression during this period. Even before this study begins it is evident that there was one single event that transformed how terrorism will be approached in the future. Accordingly there will be a minimum of two distinct periods of measurement; pre September 11th 2001 and post September 11th, 2001. By analyzing what has already been accomplished, it becomes much easier to assess shortcomings and weaknesses.

Methodology

In order to measure Canada's responses, it would be appropriate to compare it to a state facing similar threats and challenges. The logical choice for this comparison is the United States. On September 11th, 2001 a terrorist attack killed approximately three thousand people and became a catalyst for an extensive overhaul of United States policies in a multitude of areas. This paper will examine if the policy changes and responses

which occurred in the United States had any influence on courses of action taken by Canada. This will be done by assessing all responses post 9/11. Both Canada and the United States implemented Anti terrorism legislation and created organizations designed to streamline the efficiency of protecting their nationals. These questions will be answered in the conclusion of this paper by determining whether or not the responses are similar, and whether the American responses pre date those of Canada. In order to determine whether or not this is the case, a comparative case study designed to study both Canadian and American responses to terror attacks on their nationals will be conducted.

A comparative case study with the United States can be conducted since within a similar time frame there have been several prominent terrorist attacks on American nationals. In 1993 a fundamentalist Islamic group led by Sheik Abdul Omar Rahman bombed the World Trade Center by detonating explosives in the parking garage. Two years later, the F. Murrah Federal Building located in Oklahoma City was bombed by Timothy McVeigh, a U.S. citizen with suspected ties to extremist militias. This was followed by the non lethal but highly symbolic 1996 bombing at the Atlanta Olympic Games. Subsequently, the most recent and deadly attack, the World Trade Center bombing on 9/11, became the rallying point for the “war on terror”. There is little doubt that these events were instrumental in starting a process of re-evaluation, but it is unquestionably the events of 9/11 which have led to the unprecedented levels of policy reform seen in the last few years. I believe that studying the American responses and comparing them to the responses planned and/or already implemented by Canada, significant policy implications could emerge. It may highlight deficiencies or help

pinpoint areas which need amending. This could serve to improve the safety of all Canadians.

This study is attempting to highlight and focus on Canada. Although the comparison to the United States helps by providing a baseline, there will be far more emphasis on the Canadian content. The conclusions drawn are meant to be applicable solely to the security of Canada and its nationals.

This paper will focus on three variables: legislative responses, military responses and intelligence organization and gathering responses. For the purposes of this paper the definition of “response” will simply be the reactions and replies taken after terrorist attacks on a state’s nationals. This paper anticipates that there will be responses seen in all three areas for both the United States and Canada. Some of these responses will no doubt be very similar in their approaches. Conceding that there will be numerous responses seen in all areas after the events of September 11th 2001 emphasizes the purpose of this study: to determine if lessons were learnt following the Air India incident and to determine if responses taken at that time developed into the current responses being implemented or pursued today.

Legislative responses refer to those initiatives which were developed and implemented by the government bodies in the course of producing laws. Research indicates that this variable is easily divided into two distinct eras: pre 9/11 and post 9/11. In Canada following the Air India bombing in 1985, several pieces of existing legislation were amended. The Aeronautics Act, which contained procedures and regulations regarding air travel and the 1976 Immigration Act are both examples of legislation which were identified as having potential security connotations and re-examined. Following

9/11, Canada introduced an entirely new Anti Terrorism Act, Bill C-36, designed to provide a wide ranging set of laws with numerous aspects, all related to terrorism. All of these legislative responses will be examined in further detail in a separate section of this paper. Similarly, the United States also has two significant pieces of legislature worth discussing. In response to the 1995 Oklahoma City bombing, President Bill Clinton introduced the 1996 Anti Terrorism and Effective Death Penalty Act. In 2002, the Protection Appropriate Tools Required to Intercept and Obstruct Terrorism Act (PATRIOT ACT) was introduced by Congress in response to 9/11. In both countries these responses were designed to provide a legislative framework to counter terrorism and enhance the security of their respective nationals. This paper is interested in determining whether the legislative responses discussed above demonstrate an evolution. Did some premises of the pre 9/11 legislation carry over into the post 9/11 responses? Specifically were the responses to the earlier terrorist attacks relevant, and thus only slightly improved, or was it necessary to completely start from scratch?

Military responses are more broadly examined for this paper. Due to the overwhelming difference in military capabilities of the two states being compared, this paper will acknowledge that the United States military responses were much different from those of Canada. Here, two issues related to the military must be discussed: the financing and the organization of the military. This paper will acknowledge that the financial aspect of the military budget of the United States does not need to be discussed. It is clear that the spending patterns of the United States vis-à-vis its military and defense are more than adequate. The United States has both the ability and the will to fund its national defense, especially in a time of crisis as demonstrated by the following statement

which appears in the 2001 United States Department of Defense Quadrennial Defense Review.

“The loss of life and damage to our economy from the attack of September 11, 2001 should give us a new perspective on the question of what this country can afford for its defense. It would be reckless to press our luck with false economies or gamble with our children’s future. This nation can afford to spend what is needed to deter the adversaries of tomorrow and to underpin our prosperity. Those costs do not begin to compare with the cost in human lives and resources if we fail to do so.” (2001)

This fact was demonstrated by the ease with which the initial military exercises in Afghanistan and Iraq were carried out under the auspices of the “the war on terror”. However, the United States has recently been experimenting with new objectives and organizational attributes. It will be considered whether or not this re-organization focusing on rapid and mobile deployment (Quadrennial Defense Review 2001; The National Military Strategy of the United States, 2004) was fuelled by a need to fight a new enemy, terrorists, or was already under consideration prior to the “war on terror”.

Conversely, the Canadian armed forces face far more substantial financial restraints. An examination of national defense spending during the period in question will demonstrate Canada’s challenge in this area. In terms of a re-organization, the Canadian armed forces seem to be in a constant state of flux. This paper will determine whether or not there has been a “new” mission statement and when this may have occurred. From a Canadian perspective, this variable - military responses - should provide an interesting contrast from pre 9/11 to post 9/11. Recent increases in the Canadian military budget, the redefining of some of the military’s core objectives, and the military exercises currently underway in Afghanistan are excellent examples of military responses Canada is now

employing. However, it does remain to be seen whether or not the Canadian military can successfully sustain these responses for the long term.

The last attribute, intelligence gathering and organization are commonly understood as the means by which the legislative and military domains obtain information on which decisions can be based. Each state has agencies responsible for monitoring and assessing possible threats to the security of its nationals. In Canada the Royal Canadian Mounted Police (RCMP) and Canadian Security and Intelligence Service (CSIS) fulfill this mandate. The United States relies on the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA) and to a limited degree the National Security Association (NSA). This paper is not attempting to discuss and analyze every aspect of each of these agencies. The focus of this section will be on how these agencies fulfill their mandates. After the attacks on September 11th, both the United States and Canada created new organizations to monitor and coordinate the activities of these agencies. In Canada, the Ministry of Public Safety and Emergency Preparedness (PSEPC) and in the United States the Department of Homeland Security (DHS) were created to serve this purpose. The mere fact that these organizations were created assumes that at some level there was a lack of satisfaction with the existing structures. This will be briefly examined in a subsequent section since these organizations, are now designed to be cooperative as opposed to competitive.

The methodology section above offers a brief explanation of some of the issues which will be examined. At this point it should become fairly clear that most of the specifics to be discussed in this paper are indeed recent, and that earlier events may not have played as significant a role as 9/11. It would appear that for both Canada and the

United States 9/11 was a tragic but “necessary” catalyst for the responses recently observed.

Legislative Responses

Legislative responses are designed to provide rules, regulations and laws to protect a state from terrorist attacks. The events of September 11th 2001 saw both Canada and the United States passing Anti terrorism Laws and both of these will be discussed. However, the purpose of this paper is to analyze responses to terror over a much broader period: from 1985 for Canada and from the mid 1990’s for the United States. Research has produced evidence that legislative activity did occur following these earlier terrorist attacks. A thorough examination of The House of Commons Debates will provide an analysis of the responses Canada employed following the Air India attack on June 23rd 1985. Similarly, the United States also provided a legislative response to terrorist events. According to Charles Doyle (1996), the Antiterrorism and Effective Death Penalty Act of 1996 was the product of legislative efforts stretching back over a decade and stimulated to passage in part by the tragedies in Oklahoma City and the World Trade Center.¹ Following a brief discussion of these earlier responses, this section will examine the legislative responses seen in both countries as a retort to the attacks on September 11th, 2001. Bill C-36, the Anti Terrorism Act and the U.S. PATRIOT (Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) ACT, are both extremely long, and detailed pieces of legislature. They are also both critically denounced by many opponents as infringements and impediments to civil liberties. These criticisms are

¹ This was of course written prior to the 2001 attacks, therefore when the author refers to the World Trade Center attacks, he is referring to the 1993 attack.

beyond the scope of this paper, and as such only general references will be provided which explain the basic components of these documents. It is also difficult to offer any opinion as to the success of these later legislative responses since they are relatively recent. It is only fair to wait for some concrete results or failures before passing judgment.

In order to determine Canada's legislative responses to the Air India incident, parliamentary debates were studied. This was the method of examination for the sole reason that there was no designated terrorism bill passed by the legislation as a result of the Air India bombing. This is not to say that no legislative action was taken, but it was focused on the Aeronautics Act, under the jurisdiction of the Transport Minister.

On June 27th 1985, only two days following the event, strong words were uttered by the government. Erik Nielsen, the Deputy Prime Minister and Minister of National Defense stated:

“The Government has taken steps to prevent a recurrence of these tragic episodes. Yesterday, the Prime Minister (Mr. Mulroney) ordered a review of airport security. Security measures have been intensified at all Canadian airports with an emphasis on the scrutiny of baggage. I want to inform the House that we have begun a major investigation, to determine whether indeed the two tragedies are the work of terrorists and whether there is a link between the two episodes. If that proves to be the case, every effort will be made to identify and bring the guilty parties to justice. We will not allow this country to become a killing ground for international terrorism” (Commons Debate, 1985, 6136).

The government of course came under heavy scrutiny in the House of Commons, but followed through with several improvements to airport security fairly quickly. On November 27th 1985, Don Mazankowski, Minister of Transport, answering a question, discussed the improvements made:

“Mr. Speaker, the Hon. Member knows very well that security in our airports has been beefed up considerably. An additional \$6 million has been allocated. Some 27 new X-ray machines have been put in place to check baggage. Some 26 explosive vapor detectors are either in service or on order. We are really trying to reverse the concerted effort of the previous Government to reduce the amount of moneys spent on safety and security at our airports which occurred over the last five or six years” (Commons Debate, 1985, 8864).

The above responses dealt specifically with airport security. Airport security falls under the jurisdiction of the Transport Minister and is regulated by the Aeronautics Act which not only applies to security issues but any kind of airport or airline specific issues such as noise regulations, air traffic controllers, etc. Suffice to say, further responses were felt necessary and critics in the House of Commons were finally silenced on March 11th 1986 by the announcement that a permanent special emergency task force would be formed to counter terrorism in Canada (Commons debate, 1986, 11411).

Only one year later, the Canadian government was confident that it had responded positively to the Air India incident. Don Mazankowski, Minister of Transport recapped the legislative responses and announced more funding to improve security:

“With respect to air, passage of the amendments to the Aeronautics Act last summer was a fundamental step toward improving aviation safety. It gives Canada its most effective aviation safety legislation in sixty years... we have strengthened considerably airport security and screening procedures. We have established a task force which has now reported to determine how best to strengthen training programs for airline security personnel. We have acquired state of the art screening equipment and technology in this fiscal year. We have increased the frequency of monitoring and testing airport security procedures to perfect crisis management techniques and responses. We have instituted, with other security agencies of the Government, security threat and risk analysis procedures to determine adequate levels of security protection in air, as well as in other transportation modes. Today I am announcing a further commitment of an additional \$34 million this year and \$26 million over the next two years to further improve physical security at airports” (Commons Debate, 1986, 14057).

Therefore, the legislative responses implemented by the Canadian government focused on improving the security of the airlines, and the creation of a counter terrorism task force. Although this was done fairly quickly it appears that at least on the surface some effort was made to address the Air India incident. This may be seen a weak response, focusing solely on one means of committing a terrorist act (air) and that Canada was fortunate to avoid suffering a similar terrorist attack any time after this event. Some may also argue that the events of September 11th, 2001, although tragic, allowed Canada a second opportunity to provide legislative responses without suffering its own catastrophic attack on its nationals.

Canada's legislative response to 9/11 was C-36: the Anti Terrorism Act and as the name suggests, its sole focus was terrorism in its broadest form. The government describes the Anti terrorism Act as:

“an omnibus piece of legislation containing major enactments or amendments to a number of federal statutes, including the Criminal Code, the Security of Information Act (amending and renaming the Official Secrets Act), the Canada Evidence Act, the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, the Charities Registration (Security Information) Act, and the National Defense Act”. (Department of Justice Canada, 2005).

While this is an in depth and legal explanation, the Anti terrorism Act is designed to fulfill several simple criteria which encompass financial, surveillance, and criminal elements. It is designed to deter and disable terrorist organizations, provide investigative tools to surveillance and intelligence agencies, meet International standards for combating terrorism, ensure the preservation of Canadian values through stronger laws against hate crimes and propaganda (Department of Justice Canada, 2005).

Aside from the obvious contribution that the events of September 11th had in ensuring a legislative response specifically designated towards terrorism, the government asserted that there were other reasons for an Anti terrorism Act. They stated that one of the main catalysts for C-36 was that the core responsibility of the Government of Canada is to provide for the security of Canadians. Routine evaluations of the existing state of the federal legislation to achieve this objective were felt to need improvement (Department of Justice Canada, 2005). Whether or not this was actively occurring before the events of September 11th is a matter of debate.

Unfortunately, discussing every aspect of the Anti terrorism Act would be a paper on its own. Ultimately each piece of legislature amended by the Anti Terrorism Act could be discussed at tremendous lengths, but for the purposes of this paper it is clear that this was indeed a legislative response specifically designed to address all aspects of terrorism. However, on December 18th, 2001 when Bill C-36 received Royal Assent and was passed into law, this marked a clear break from the legislative response to the Air India incident. As mentioned above, legislative responses pre 9/11 were not addressed as “terrorism” responses, but as a means to improve air safety (one aspect). This can hardly be considered a pre cursor, nor can the Anti terrorism Act of 2001 be considered an evolution or progression from these earlier legislative responses.

This provides a point of comparison between Canada and the United States. Once again, there was a clear and far reaching legislative response to the events of September 11th 2001 passed by the U.S. Government. But, as opposed to Canada, the United States had what could be considered a legitimate pre cursor to the PATRIOT Act. The 1996 Anti terrorism and Effective Death Penalty Act was a legislative response which was

applicable across a wide spectrum but focused specifically on terrorism. Again, an extensive analysis of this document would be a momentous task. As such it will be presented in a very abstract form, highlighting the most important aspects and clearly demonstrating how it can be considered a legislative response dealing specifically with terrorism.

The Antiterrorism and Effective Death Penalty Act of 1996 is a construction of approximately five “titles” or sections. It was designed to address many aspects of terrorism, both amending existing laws and creating new ones. Considering this law was passed in 1996, and was most likely crafted and debated earlier than this, it provides very ambitious laws and regulations which when now examined, provides a clear understanding of where the blueprint for the PATRIOT came from. This Act was constructed as follows:

“TITLE II: recasts federal law concerning restitution, it expands the circumstances under which foreign governments that support terrorism may be sued for resulting injuries, and increases the assistance and compensation available to the victims of terrorism” (Doyle, 1996).

“TITLE III: crafted to help sever international terrorists from their sources of financial and material support. It authorizes the regulation of fundraising by foreign organizations associated with terrorist activities” (Doyle, 1996).

“TITLE IV: addresses immigration-related terrorism issues. It establishes and adjusts mechanisms to bar alien terrorists from the U.S., to remove from the U.S. any who are here, and to expedite deportation of criminal aliens” (Doyle, 1996).

“TITLE V: Adjusts the restrictions on possession and use of materials capable of producing catastrophic damage in the hands of terrorists” (Doyle, 1996).

“TITLE VI: implements the treaty requiring the countries of the world to limit plastic explosives to those with pre-explosive detection devices implanted within them” (Doyle, 1996).

It is clear that numerous aspects of terrorism are covered in this document, and that there is an emphasis on materials used to make bombs. There is however, one glaring omission from this document that will be seen in the 2001 PATRIOT Act as well as discussed in the next section of this paper. There seems to be a lack of direction, or enhancement pertaining to the issue of domestic surveillance and intelligence gathering methods.

Despite criticisms that the PATRIOT Act is a rash response to the events of September 11th, 2001, and as such a threat to civil liberties and freedoms, it is again, an excellent example of a legislative response directly applicable to terrorism. This paper will not be addressing the former statement and does not intend to pass judgment on the legality of certain clauses found within the PATRIOT Act. Instead, it is only concerned in briefly summarizing some of the key sections and analyzing if this is an extension of the earlier U.S. legislative response; The Antiterrorism and Effective Death Penalty Act of 1996.

As with its predecessor, the PATRIOT Act is divided into 10 “titles” or sections. These sections go into an inordinate amount of detail², but will briefly be summarized here:

“TITLE I: Enhancing Domestic Security Against Terrorism”: This section creates a counterterrorism fund, increases funding for the technical support center at the F.B.I., and expands the National Electronic Crime Task Force Initiative (H.R. 3162: PATRIOT Act, 2001)

“TITLE II: Enhanced Surveillance Procedures”: This section creates and grants new powers of acquiring information, including school records, emails, library rentals, procedures for securing wiretaps, etc (H.R. 3162: PATRIOT Act, 2001).

² The PATRIOT Act passed by the 107th Congress and signed by the President on October 26th, 2001 is 342 pages in length.

“TITLE III: International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001”: This section deals with preventing funds being raised for terrorist activities, procedures for seizing and freezing assets of organizations with suspected links to terrorists, and counterfeiting currency and/or documents (H.R. 3162: PATRIOT Act, 2001).

“TITLE IV: Protecting The Border; including Immigration provisions”: This section deals with border personnel, training, immigration provisions regarding visa and passport security (H.R. 3162: PATRIOT Act, 2001).

“TITLE V: Removing Obstacles to Investigating Terrorism”: This section redefines the powers of the U.S. Attorney General, expands the jurisdiction of the secret service and coordination among law enforcement agencies (H.R. 3162: PATRIOT Act, 2001).

“TITLE VI: Providing for Victims of Terrorism, Public Safety Officers, and Their Families”: This section discusses pay benefits, pay increases and “heroic” pay reward for first responders to terrorist attacks (H.R. 3162: PATRIOT Act, 2001).

“TITLE VII: Increased Information Sharing for Critical Infrastructure Protection: This section discussion expansion of regional information sharing system to facilitate Federal-State-Local law enforcement response to terrorist attacks” (H.R. 3162: PATRIOT Act, 2001).

“TITLE VIII: Strengthening the Criminal Laws Against Terrorism” this section offers definitions, statute of limitation clauses and penalties (H.R. 3162: PATRIOT Act, 2001).

“TITLE IX: Improved Intelligence”: This section discusses the new responsibilities of the Director of the C.I.A., information sharing and oversight by Congress, the training of government officials about using foreign intelligence and the establishment of a foreign terrorist asset Tracking Center (H.R. 3162: PATRIOT Act, 2001).

“TITLE X: Miscellaneous”: This section covers any other important information which did not fall specifically under any other clause including such things as reviews of critical infrastructure protection (H.R. 3162: PATRIOT Act, 2001).

This document thoroughly expands on numerous aspects of the 1996 Act and contributes some new additions, specifically in the areas of intelligence organization, and

surveillance. One of the most powerful clauses of the PATRIOT Act is Section 314 (a), which applies to asset seizure.

“These regulations enable federal law enforcement agencies through The Financial Crimes Enforcement Network Department of the Treasury, to reach out to 42, 000 points of contact at more than 24, 000 financial institutions to locate accounts and transactions of persons that may be involved in terrorism or money laundering” (FinCEN’s 314(a) Fact sheet, 2005).

To sum up the general government attitude towards the PATRIOT Act, and most likely directed towards dissenters of the Act is this quote from The United States Department of Justice which offers support for the legislation:

“The government’s success in preventing another catastrophic attack on the American homeland since September 11th, 2001, would have been much more difficult, if not impossible, without the USA PATRIOT Act. The authorities Congress provided have substantially enhanced our ability to prevent, investigate, and prosecute acts of terror...Congress simply took existing legal principles and retrofitted them to preserve the life and liberty of the American people from the challenges posed by a global terrorist network” (United States Department of Justice, 2005).

It is indisputable that the PATRIOT Act is indeed an excellent example of a legislative response. The discussion provided above demonstrates that the primary function of this Act is to address terrorism and provide rules and regulations to engage terrorism both in the United States and around the globe. There is also a clear distinction between the overall legislative responses seen in Canada and those seen in the United States. The United States’ two legislative responses are definitely linked since one is an extension or evolution of the other. While the time frame between the American responses is much shorter, 1996 – 2001, than that of the Canadian experience, it can still be argued that the Canadian responses are not linked; they do not “flow” or evolve from one event to the next, there seems to be no connection between the responses to Air India,

and those implemented following 9/11. In fact, the legislative responses to the Air India bombing in 1985 were not necessarily directed towards terrorism, but towards ensuring the overall safety of Canadian airplanes and airports. It may also be of consequence that in the approximately 15 years between Air India and September 11th, Canada made no significant legislative responses directed towards terrorism. Is this proof that Canada requires an attack in order to respond?

Military Responses

This section is dedicated to determining how the Armed forces of each state has evolved over the time period discussed. It will focus on the following areas: the organization of the Canadian military, the organization of the American military and the Canadian defense budget. Notably absent is an in depth discussion of the United States military budget, but as mentioned above the United States Armed Forces seem to receive the funding necessary to achieve their objectives from year to year. These areas are important because the time frame discussed, from approximately 1985 to the present day, saw the end of the Cold War, and as such one would expect that a re-organization and re-definition would occur based on this alone. This section will be utilizing Annual Defense Reports from various years to highlight changes which occurred. However, reports will not be analyzed from year to year, instead only the years where dramatic shifts can be seen will be mentioned. It is also important to remember that the end of the Cold War had much more of a direct impact on the United States, and it remains to be seen whether the re-organization of United States forces reflects this fact, and whether terrorism shaped how this re-organization would take place.

Despite the fact that Canada was not in direct conflict with the Soviet Union³, “The direction of defense is to retain and strengthen Canada’s military presence in Europe and to continue with the collective security arrangements that Canada has with NATO and NORAD” (Defense 1986, 1986, p. xi), the organization of the Canadian defense policies still reflected the Cold War planning mentality. This statement is also clearly supported by the Canadian Department of National Defense statement in 1987.

“The principal direct threat to Canada is a nuclear attack on North America by the Soviet Union; Canada has no nuclear weapons and no intention of acquiring them. To deter Soviet nuclear attacks on Canada, we rely on United States retaliatory force.” (Defense 1987, 1987, p. 5)

The first significant discussions of re-organization post Cold War were discussed in the 1994 White Paper on Defense. Essentially this paper focuses on the fact that the security environment has changed and that the Canadian Armed Forces will adjust to meet the new challenges which might arise. “The way ahead-an effective, realistic and affordable policy, one that calls for multi purpose, combat capable armed forces able to meet the challenges to Canada’s security both at home and abroad.” (The 1994 White Paper on Defense, 1994). This however seems to a very broad analysis which does not highlight any one issue as being more relevant than any other. In fact this report pinpoints the future of threats to Canada as: arms proliferation; the spread of nuclear technology to more states, and state failure; specifically the inability of the former Soviet satellite states to create institutions and legislation designed to ensure control over their territories (The 1994 White Paper on Defense, 1994). The issue of terrorism is not a priority, let alone significantly addressed in this document.

³ By direct conflict, the author is referring to the fact that Canada played a support role to the United States and its allies and did not directly engage the Soviet Union in any capacity.

Thus far, the period from 1985 to 1995 seems to downplay the risk of terrorism as a threat to Canada. Despite the downing of Air India in June of 1985 it seems that Canada either saw this as an isolated incident, or was too pre-occupied with the Cold War. However, with the Cold War ending in approximately 1989, a re-organization or acknowledgement of this threat could have been justified. At the time that the 1994 White Paper on Defense was published, there stills appears to be a lack of recognition that terrorism might be an increasing phenomenon.

The first direct reference to terrorism as a threat to Canada or its interests occurs in 1999. The document *Canadian Defense Beyond 2010: The Way Ahead* (1999) begins to discuss the concept of “asymmetric threats” as being as important a concern as traditional security problems⁴, and thus worthy of planning considerations. It defines these asymmetrical threats as non-state security threats and considers such issues as: international organized crime, environmental degradation, epidemic health problems, famines and population displacements and evolving terrorist organizations and agendas⁵ (RMA Operational Working Group, 1999, p. 2). This demonstrates that perhaps Canada’s re-organization of its defense policy is starting to find some direction. In fact this document also demonstrates an incredible forethought on how to address these new asymmetric threats, one which will actually be implemented post 9/11. The document states:

“The area of asymmetric threats requires consideration, and there are a number of subordinate recommendations that deal with this. A national infrastructure vulnerability centre should be established to co-ordinate Canada’s response to domestic asymmetric threats. Interested organizations would include Department of National Defense/Canadian

⁴ Traditional security concerns refer to the rise of regional hegemons and the threats of local interstate conflicts (RMA Working Group, “Canadian Defense Beyond 2010”, May 1999, p.2).

⁵ Authors italics

Forces, other government departments, police organizations, non-government organizations, industry and institutions (such as banks). Coordination with our allies should also be explored” (RMA Operational Working Group, 1999, p. vii).

It would actually appear that to this point, there have been no military responses to terrorism; there has not been any significant re-organization of the Canadian Forces per se. However, what has occurred in this time frame is a re-definition of the overall Canadian Defense Policy. This is of course a necessary and logical prerequisite to military re-organization. Changes would begin from this point on.

Another consideration which deserves mentioning is that in the late 1990’s, Canadian forces participated in numerous peacekeeping missions around the globe. Events in the former Yugoslavia as well as numerous African crises saw the Canadian Forces called upon with increased regularity. These requirements coupled with an ability to address new asymmetrical threats would lead to a significant re-definition and re-organization of the Canadian military.

“Canadian Forces have been employed more extensively than in the past both in Canada and abroad. While there is no conventional military threat to Canada for the foreseeable future, there are numerous other issues that threaten, or could threaten, Canadian security” (Department of National Defense, 2000).

The vision statement of this document also addresses how Canada will cope with this realization:

“The Defense Team will generate, employ and sustain high quality, combat capable, interoperable and rapidly deployable task-tailored forces. We will exploit leading edge doctrine and technologies to accomplish our domestic and international roles in the battle space of the 21st century (Department of National Defense, 2000).

These statements now allow for some preliminary assumptions about military responses to acts of terrorism. Although there is an emphasis on peacekeeping as one

reason for the re-organization of the Canadian Forces, there is some credible evidence to suggest that asymmetrical threats, specifically terrorism were also a factor.

These reports are also essentially the dividing point between pre 9/11 and post 9/11. The next Defense Report would follow the events of September 11th, 2001. It is at this point that terrorism and the ability to respond to it becomes a high priority for the Canadian government and the Canadian military. The Department of National Defense document for 2001-2002 titled “At a Crossroads” emphasizes this point and talks about how to “modernize” the Canadian forces to accomplish success in this new era. This document discusses two main points. First, how the events of September 11th demonstrated the importance of having well trained, combat ready troops who can deploy rapidly in response to unpredictable results (Department of National Defense, 2001-2001). Second, new means would be required to ensure that Canada could accomplish the above goal. This document places emphasis modernizing and purchasing Canadian military equipment to both serve abroad - the delivery of the Coyote reconnaissance vehicle, LAV III armored personnel carriers and new battlefield protective clothing, and on protecting Canadian territory - the acquisition of four Victoria class submarines and investing in modernizing the CF-18 fighter planes (Department of National Defense, 2001-2002). These modernizations were designed to accompany deployment of 800 troops to Khandahar to work with the U.S. forces.

It is clear that Canada’s military responses in this report seem to be a direct answer to the events which occurred on 9/11. This trend would continue as demonstrated by the 2003-2004 document which continued to emphasize the threat of terrorism and how it was necessary for Canada to continue to plan for this contingency. This report

highlights the mission in Afghanistan, Operation ATHENA as the type of role that Canada's military will be playing in the future.

“Operation ATHENA in Afghanistan is a prime example of the type of mission the Canadian Forces will be called upon to perform in the future, involving a high degree of interoperability and joint ness, extensive use of new technologies. As such, Operation Athena is an excellent example of a transformational mission” (Department of National Defense, 2004).

This document also admits the “shortcomings” of some of the Department's previous assessments about future threats to Canada. Commenting on the 1994 White Paper, this document states:

“The 1994 Defense White Paper did not anticipate either the frequency and intensity of violence on the International scene, or to the extent that the Canadian Forces would be deployed. This new security environment calls for forces that are not only modern, flexible and combat capable, but also ready, deployable and adaptable” Department of National Defense, 2004).

Considering that Operation ATHENA is directly related to terrorism, it appears that terrorism is motivating the design and direction of the Canadian military. In direct relation to this is the discussion of enhancing military detachments, Joint task Force 2 and the Joint Nuclear, Biological and Chemical Defense Company, which are responsible for counterterrorism activities. They were receive increased training, funding and equipment so they would be able to respond both domestically and abroad (Department of National Defense, 2004).

It becomes clear from the documents discussed above that Canada has recognized the shift in the security environment and re-oriented its defense policies and military approaches. The lack of emphasis on terrorism after the Air India incident in June 1985 until the events of September 11th suggests that Canada's military responses were indeed lacking. No lessons were learnt and the status quo was maintained. However, responses

post 9/11 clearly indicate an about face and demonstrate that military responses are occurring and that they are directly related to an act of terrorism (9/11), albeit not one on Canadian nationals or soil.

Further evidence which supports this claim can be found by examining the defense budget of Canada from 1985 until the present year. These numbers will not be analyzed in much depth, this paper stipulates that there are many variables which affect yearly budgets and how the government decides to spend. However there are several important points which must be mentioned. A historical and comparative overview of Canadian defense spending does show some interesting trends. Prepared by the Department of National Defense (1999), they observe:

“Canadian defense spending has declined steadily since the height of the Cold War in the 1960’s. With the end of the Cold War, defense spending has been cut even more deeply. From \$12 billion in 1993-1994 to \$9.38 billion in 1998-1999 represents a reduction by 23% (adjusted). The 1999 federal budget marks the first time since the early 1990’s that the Canadian defense Budget has increased” (Department of National Defense, 1999).

From this document, it can be argued that defense spending was not a priority for Canada. Obviously, there is a direct relationship between resources available (in monies) and what can be contributed to military spending and re-organization. It is important to note that in approximately 1999 the budget increased, and this seems to be about the time Canada was redefining its defense and military policies. Post 9/11 has seen continuing increases in Defense budgets: 2001; \$11.4 billion, 2002: \$11.5 billion, 2003; \$12.2 billion, 2004; \$13.3 billion (Military Balance⁶, 2001; 2002; 2003; 2004). Can this increased funding be understood as a lesson learnt by Canada: an understanding that in

⁶ The Military Balance is an annual publication by The International Institute for Strategic Studies which chronicles defense budgets and capabilities for every country in the world.

order to address the issue of terrorism, financial sacrifices must be made? Will these trends continue in the long term?

The United States was also forced to undertake a significant analysis of their defense policy post Cold War. Again, this paper will not attempt to apply the same level of analysis to U.S. policy as it did Canadian policy, but it will be clear from the evidence presented, the United States, especially post 9/11 have redesigned their military to include fighting “the war on terror”. A restructuring of their military has started post Cold War: “from 1989 to 1997, the Department reduced total active duty military end strength by 32 percent, a figure that will grow to 36 percent by 2003” (The United States Department of Defense, 1997). The further reduction did not take place due to the “re-organization of the re-organization” which took place post 9/11 under the auspices of George W. Bush.

Arguably, the United States did learn lessons from the rash of terrorist attacks on their nationals from 1993 onwards. This may also have been due to the fact that the United States was also victim to numerous attacks in foreign countries. The United States Department of Defense in their 1997 Quadrennial Defense Review clearly acknowledges terrorism will be an issue of contention in the future, and that this will require an examination of capabilities:

“The United States must maintain ready and versatile forces capable of conducting a wide range of military activities and operations-from deterring and defeating large scale aggression, to participating in smaller scale contingencies and dealing with asymmetrical threats like terrorism” (U.S. Department of Defense, 1997).

The Department of Defense also stresses in this document that it is committed to improving “sensitive counterterrorism training and technologies - those used to deter,

defeat, and respond vigorously to terrorist attacks over the next decade.” (U.S. Department of Defense, 1997). These two facts offer evidence that terrorism was considered to be a factor in the United States’ re-organization of its military to meet the new post Cold War security environment, and that a re-organization was already occurring before 9/11.

Consequently, the events of 9/11 only served as a catalyst to drive this reorganization. Paul Wolfowitz, the Deputy Secretary of Defense made the following statements to the House and Senate Arms Committee on October 3rd and 4th, 2001:

“The September 11th attacks have awakened us to a fundamental reality: the 21st Century security environment will be different from the one we faced in the 20th Century-but just as dangerous. To meet the challenges over the horizon, we must transform our Armed Forces more rapidly, more creatively, and even more radically than we had previously planned” (Wolfowitz, 2001).

This demonstrates that although the United States military was already undergoing a significant reorganization, the events of September 11th considerably affected this plan. One major area of importance, discussed for the first time in the U.S. Department of Defense 2001 Quadrennial Defense Review is an emphasis on the concept of “deter forward” (U.S. Department of Defense, 2001). This is the concept which is currently employed in both Iraq and Afghanistan which is akin to “pre-emptive strikes”, the notion of taking the battle to your enemy rather than fighting it at home.

Arguably, the most significant reorganization to occur is highlighted in the U.S. Department of Defense 2004 document. In this report details are offered about the future construction of the United States military which emphasizes force structure, size, and deployment.

“The NDS directs a force sized to defend the homeland, deter forward in and from four regions, and conduct two, overlapping “swift defeat” campaigns. This “1-4-2-1” force sizing construct places a premium on increasingly innovative and efficient methods to achieve objectives....The United States will conduct operations in widely diverse locations-from densely populated urban areas located in littoral regions to remote, inhospitable and austere locations. Military operations in this complex environment may be dramatically different than the high intensity combat missions for which U.S. forces routinely train” (U.S. Department of Defense, 2004).

This seems to support the notion that the United States, especially post 9/11 will be fighting on numerous fronts against a stateless adversary, and will have to be alert about terrorist attacks on their soil (protecting the homeland).

This section has examined the military responses of both Canada and the United States in an effort to determine what role terrorism may have had in influencing reorganization of these departments. It becomes very clear that Canada did not really have a military response to its earlier terrorist attack, Air India 1985, but did respond after the 2001 World Trade Center attacks. Conversely, it seems that the United States recognized the threat of terrorism before Canada did and was in the process of reorganizing their military, or at least parts of it, to efficiently address this new challenge. The events of September 11th only galvanized the U.S. resolve in this regard.

Intelligence Gathering Responses

This section will discuss the means by which governments acquire their information. In the era of terrorism, this function has been increasingly scrutinized and faces new challenges. The Canadian Government briefly discusses some of these challenges in a 2004 National Security document:

“The nature of intelligence is that we rarely, if ever, have complete information. Rather, intelligence reporting and assessments are based on fragmented and sometimes contradictory information. It is therefore essential to bring together information on threats from all available sources and properly assess it in order to provide as accurate and complete a picture as possible. It is also critically important that the resulting product be conveyed in a timely, accurate and usable manner whose actions or decisions depend on it” (PSEPC⁷, 2004).

Without question, intelligence gathering is very important in the post 9/11 security environment. There has been a tremendous effort to reorganize and revolutionize this aspect. This paper will once again acknowledge that great strides were made post 9/11, and that both the United States and Canada provided a response to this problem. It does however become necessary to examine intelligence agencies, prior to the events of September 11th, 2001 and perhaps highlight why new over-seeing organizations, were necessary to help restructure the intelligence agencies to ensure they were working efficiently. In Canada, the Public Safety and Emergency Preparedness Department was introduced. Conversely, there will only be a brief discussion of the United States intelligence agencies prior to 9/11. It is clear, as determined by The House Permanent Select Committee on Intelligence (July 2002) that there were significant shortcomings in intelligence in the months, even years leading up to 9/11:

Prophetically, Intelligence Community leadership concluded at a high level offsite on September 11th, 1998 that “failure to improve operations management, resource allocation, and other key issues within the Intelligence Community, including making substantial and sweeping changes in the way the nation collects, analyzes, and produces intelligence, will likely result in a catastrophic systemic intelligence failure” (House Committee on Intelligence, 2002).

The American response to this problem was the creation of The Department of Homeland Security designed to provide organization and structure to the post 9/11 world.

⁷ Public Safety and Emergency Preparedness Canada.

This organization along with provisions found within the PATRIOT Act provides American intelligence agencies a new mandate to counter terrorism.

The Canadian Security and Intelligence Service (CSIS) was created in 1984 to provide Canada with a domestic intelligence gathering organization. This task had previously been the responsibility of the Royal Canadian Mounted Police (RCMP), who retained primary responsibility for security related law enforcement. The functions assigned to CSIS and the RCMP were distinct but complementary (Commons Debate, 1992, 8471). CSIS was immediately faced with the Air India bombing only one year into its mandate and according to critics never fully got on track. This quote by Svend Robinson in the House of Common on September 14th, 1987 highlights complaints about CSIS's handling of Air India, and CSIS itself:

“Mr. Speaker, given the history of CSIS, it is a security agency which is clearly in a state of crisis and disarray. There have been problems with civilianization, with bilingualism, and the bungled investigations in the case of the Sikh situation (Air India)... There has been serious criticism by SIRC⁸” (Commons Debate, 1987, 8908).

A continuous point of contention often mentioned was that it seemed CSIS and the RCMP had overlapping mandates. In the years following Air India, it became apparent that both agencies were conducting investigations, but that not only were these investigations uncoordinated, but that an intelligence “turf war” had broken out. According to John Nicol (2000) it was reported that one CSIS agent destroyed 150 hours of taped interviews with informants rather than hand the tapes over to the RCMP and compromise his sources.⁹ Stories such as these whether accurate or exaggerations do not

⁸ SIRC: Security Intelligence Review Committee; a body which examines the activities of CSIS.

⁹ CSIS vehemently denies this event ever occurred (Nicol, 2000).

convey a productive, or cooperative relationship between the agencies designated to protect the national security of Canadians and warn the government of potential threats.

There is however one aspect which has yet to be discussed. It can be argued that infighting between agencies can not necessarily be controlled by the government. Due to the secrecy of these agencies, the government may be unaware of serious disagreements until well after the fact. One area where the government can demonstrate support and consciously make a contribution to the effectiveness of these agencies is to provide adequate funding. This paper examined the monies spent by CSIS from its inception in 1984 until its amalgamation with other agencies in the post 9/11 departmental shuffle. This paper did not scrutinize the resources of the RCMP because it has numerous other policing duties along side its intelligence gathering and counterterrorism responsibilities and as such any analysis would be unlikely to provide any answers specifically addressing the governments support for terrorism related activities or lack thereof. Instead of studying the amount of money budgeted to intelligence gathering, this paper decided to examine what the agency spent each fiscal year in carrying out its duties. It was revealed that CSIS spending diminished dramatically from 1995 to 1997; \$205.8 million in 1995, \$184.2 million in 1996 and \$165.5 million in 1997 (Public Accounts of Canada¹⁰, 1995, 1996, 1997). The 1997 number saw approximate increase of \$5 million per year until 2001 (Public Accounts Canada, 1998, 1999, 2000), and an \$18 million increase in 2001 (Public Accounts Canada, 2001). In 2002, the first fiscal spending since the September 11th attacks saw a \$50 million increase (Public Accounts Canada, 2002). It is unclear what conclusions may be drawn from these numbers. One interpretation could be that intelligence

¹⁰ These numbers are found specifically under the Department of the Solicitor General.

gathering was not a priority for the government in the mid 1990's¹¹. What is however clear is that post 9/11, the amount of money spent by CSIS in pursuit of its mandate increased nearly twenty-five percent. It was at this time that the Canadian government decided to reassess not only the resources available to intelligence agencies but also the way which they coordinate and investigate possible terrorist threats.

On October 8th, 2004, the government introduced its plans to establish the Department of Public Safety and Emergency Preparedness. While this Department has a very broad mandate – including responses to epidemics and natural disasters, it set its focus on enhancing responses to terrorist activities (Public Safety and Emergency Preparedness Canada, 2005). The main analysis of this Department will occur from the perspective of how this affects intelligence agencies.

Aside from the immediate budget increases discussed above, the intelligence agencies were reorganized by the establishment of this Department. First, a new “Integrated Threat Assessment Centre” (ITAC) began operation in October 2004. It is the coordination of staffs from CSIS, the RCMP, DND¹², CSE¹³, Foreign Affairs, Transport Canada and the Privy Council Office. “The primary objective of the ITAC is to produce comprehensive threat assessments, which are distributed within the intelligence community, to policy makers and to relevant first line responders. Such assessments allow the Government to more effectively coordinate activities in response to potential threats” (PSEPC: Securing an open society; one year later, 2005).

Second, a new position was to be created designated as National Security Advisor to the Prime Minister, to be responsible for inter agency integration and cooperation on

¹¹ Again, this could be related to other economic issues beyond the scope of this paper.

¹² Department of National Defense.

¹³ Communications Security Establishment.

matters relating to intelligence and threat assessment (PSEPC: Information Backgrounder, 2004).

One last response needs to be mentioned in this section. Although it does not fall directly under the jurisdiction of PSEPC, it was implemented with terrorism specifically in mind. In fact, numerous aspects of this next response should seem very familiar from earlier discussions pertaining to the Air India incident of 1985. The Canadian Air Transport Security Authority (CATSA) was created on March 28th, 2002. According to the PSEPC Backgrounder (2004):

“It is responsible for providing several key aviation security services in Canada. These services include placing armed undercover police officers on Canadian aircraft and enhancing policing at airports; providing better trained personnel to screen passengers and baggage; and providing new state-of-the-art explosives detection systems at Canadian airports.”

This Authority seems to “extend” the amendments seen post Air India, but places them under a new jurisdiction. Again it becomes completely subjective whether or not these measures, are similar enough to the ones implemented in 1985-86 in response to Air India to be considered an evolution or progression.

It is once again clear that there were changes in intelligence organization and gathering responses post 9/11, and that these changes were a marked improvement from those responses of the late 1980’s and early 1990’s. For what ever reason, intelligence agencies during this era suffered severe shortcomings in coordination and in funding. Although it appears that this had been addressed post 9/11, it remains to be seen if it has been remedied.

In order to understand how the Canadian PSEPC is constructed, it is important to quickly analyze its American counterpart: The Department of Homeland Security (DHS). It will be clear that many of the premises are the same.

The events of 9/11, according to Douglas Porch and James Wirtz (September 2002) represented the most significant intelligence failure since Pearl Harbor, and they attribute this failure to the fact that American intelligence agencies (much like those in Canada) have overlapping mandates, are competitive and therefore fail to share and analyze information and they may even be in competition for resources.

Wendy Haynes (2004, 369), discusses how the events of September 11th and the subsequent intelligence failures played an instrumental role in the creation of the Department of Homeland security. It has been hailed as “the most significant transformation of the U.S. government since 1947 when Harry Truman merged the various branches of the Armed Forces into the Department of Defense as a better means of coordinating the nation’s defense against military threats.” On November 25th, 2002, President George W. Bush signed H.R. 5005; the Homeland Security Act created by the 107th Congress 2nd Session. According to White House documents this had a tremendous effect for preventing terrorism. A brief summary is provided here:

“For the first time, the President has made countering and investigating terrorist activity the number one priority for both law enforcement and intelligence agencies. This will be the most thorough reorganization of the intelligence community in more than a half century. The President supports the creation of a National Security Director to serve as his principal intelligence advisor; The President has also announced the creation of the Terrorist Threat Integration Center (TTIC) to synthesize the information collected and the Terrorist Screening Center (TSC), designed to consolidate terrorist watch lists” (White House, 2003).

The Act itself consists of seventeen “titles” or sections which define and outline various aspects which are all related to protecting the homeland from terrorist attacks. Once again it would be beyond the scope of this paper to attempt anything more than a brief discussion focusing on aspects which improve the capabilities of American intelligence gathering, but it is evident that this response to a terrorist attack, 9/11, places a significant emphasis on this task.

Intelligence gathering should be the first line of defense for a state since it is better to deter than it is to react. Arguably both Canada and the United States recognized this fact after September 11th and acted accordingly. The Canadian PSEPC, created after the Department of Homeland Security, does seem to share many similarities, especially in attempting to provide communication and coordination amongst agencies. Although there has been recent negative press in both Canada and the United States pertaining to intelligence agencies and their activities, this paper will not offer an opinion on whether these problems are indicative of the process as a whole or are isolated incidents which will be remedied. Events such as the deportation of Arar to Syria and the continual fluctuation of the U.S. terrorist level threat on what sometimes seems to be a daily basis demonstrates that intelligence agencies may require a substantial “learning curve”.

Conclusion

This paper has discussed three variables: legislative responses, military responses and intelligence organization and gathering responses as they pertain to terrorism. The introduction of this paper posed numerous questions about whether lessons were learnt from earlier experiences with terrorism, Air India for Canada, and the 1993 World Trade

Center, 1996 Oklahoma City, 1996 Atlanta Olympic attacks for the United States. It also sought to determine if the responses in all three areas post 9/11 could be seen as progressions from those implemented earlier; did these experiences matter? Lastly, focusing on Canada, this paper wished to ascertain if the responses pursued post September 11th by the Canadian government were influenced by the responses taken by the United States. The evidence and subsequent analysis presented above now allows these questions to be answered. Of course, the answers offered by this paper are subjective and others may draw different conclusions. A secondary purpose of this paper was to chronicle how Canada, and to a lesser extent the United States responded to terrorist attacks on their nationals. This objective has been fulfilled, but the question remains: has there been a clear progression?

To answer the latter question, it is clear that legislative, military and intelligence responses post 9/11 have been implemented. For the United States it appears that the actions taken in 1996 addressing the earlier terrorist attacks were a starting point for the responses taken after September 11th. With the exception of the intelligence organization responses, the legislative and military responses post 9/11 are clearly similar to those pre 9/11 and for the most part are only expanded in the later versions. This arguably supports the conclusion that a progression or evolution occurred in these variables and that the United States recognized the threat of terrorism much earlier than Canada did. Despite the fact it can be argued that this is inconsequential since Canada was never as much of a target as the United States, the change in the global security environment should have made Canada more conscious of this threat and made it a priority.

In Canada a progression is not as clearly seen. Although the terrorist attack on Canadian nationals occurred much earlier, 1985, than those seen in the United States, it is clear that the legislative responses implemented after Air India focused on air safety (Aeronautics Act) and not specifically terrorism. It is also clear that these responses were initiated quickly and then forgotten. Between approximately 1987 and 1997, there were no legislative responses to terrorism discussed, introduced or implemented. Not even after the United States passed the 1996 Antiterrorism and Effective Death Penalty Act did Canada publicly announce a re-assessment or study of its policies. Consequently, with the exception of the CATSA initiative re-introducing the legislative responses of Air India under the jurisdiction of PSEPC, Bill C-36: The Anti-Terrorism Act, is a completely new document. It is not a progression, nor an evolution from earlier legislation.

Also during this period, the Canadian government made significant cuts to both the resources of the military and intelligence agencies. Considering the amount of emphasis Canada is now placing on intelligence agencies as a necessary means of identifying potential threats, this only highlights the potential risks Canada faced during that era of budget cuts.

By examining the Canadian legislative, military and intelligence gathering responses it appears that post 9/11, the Canadian government has made an effort to increase the protection it can offer its Canadian nationals. It now takes the threat of terrorism very seriously. Unfortunately, this study also seems to demonstrate that the legislative, military and intelligence gathering responses which occurred post Air India and pre September 11th, 2001 left much to be desired. By de-aggregating each variable

and examining them independently of the others it is easier to observe what actions or more precisely inactions Canada took. Canada's legislative response was to amend the Aeronautics Act to increase the safety of air travel for Canadians, no further analysis was done, or improvements made to guard against any other potential terrorist activities. There were no responses to intelligence gathering despite rumors of infighting. In fact the spending of CSIS, Canada's domestic intelligence agency was repeatedly slashed. The military budget also remained stagnant during this time with minimal investment in equipment or training. Not only were the responses inadequate but in some cases they were counterproductive and potentially heightened the risk to Canadians.

This paper acknowledges that post 9/11 the Canadian responses have been rapid, efficient and productive in all three areas. Unfortunately a terrorist attack may still occur despite these efforts and demonstrate that weaknesses still exist. The overall conclusion of this paper is that the tragic and deadly attack which occurred on September 11th, 2001 in the United States motivated Canada to make pertinent changes to their policies. Whether it was the lack of responses after the Air India incident in 1985, the lack of responses during the 1990's even after the United States' realization and subsequent enacting of an Anti terrorism Act in 1996, or the lack of response after Ahmed Ressam was caught trying to cross into the United States to bomb LAX¹⁴, Canada seemingly showed little concern for terrorism prior to 9/11. Therefore it appears Canada learnt no lessons from its own experience with terrorism and was very fortunate to escape a repeat incident. It was only the misfortune of another state which finally woke Canada to this potential threat and forced them to examine the issue as it relates to Canada and its citizens.

¹⁴ Ressam allegedly was part of a terrorist cell headquartered in Montreal.

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¹⁵ All relevant numbers can be found under the heading of Solicitor General, however, the section number changes year to year.

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