
January 2003

Discussion Following the Remarks of Mr. David

Discussion

Follow this and additional works at: <https://scholarlycommons.law.case.edu/cuslj>

Recommended Citation

Discussion, *Discussion Following the Remarks of Mr. David*, 29 Can.-U.S. L.J. 269 (2003)

Available at: <https://scholarlycommons.law.case.edu/cuslj/vol29/iss1/40>

This Speech is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Canada-United States Law Journal by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

DISCUSSION FOLLOWING THE REMARKS OF MR. DAVID

MR. KING: Thanks very much, Jack. I wanted to put everybody's mind at ease on one historic fact. On Hitler's plans for invading North America, Albert Speer, who I wrote a book on, told me personally that Hitler did have plans for an invasion of North America.¹ So, at least I will settle that historical question at this moment. This is firsthand from the man who knew; who would have to provide the logistics for the invasion. Now, I had a question here to start off the discussion, you outlined all this integration and defense coordination. What about a situation, such as Iraq, where Canada has not joined with us in this Iraq operation? Does that put strains and tensions on your work and the work of people who are engaged in, as you say, coordination?

MR. DAVID: It does not stop the work. The work is too important. The issues are too important to the people of both countries, but it does affect the atmosphere. I took two of the top people on my Board and my counterpart from Canada, and two of the top people on the Canadian side to dinner on the night before our meeting in March. It was actually the night before the war started. It was the 18th of March. It was right after Chrétien made that speech and the question and answer period the 17th of March, at the Parliament. We were all good friends and we could talk, but there was a lot of focus on it. It is there. People know it.

MR. KING: So when you do planning, you have to anticipate divergences in policies?

MR. DAVID: Sure, there are always divergences in policies. Frankly, we find ourselves very congenially situated with DND people. They have a hard time getting the kind of support from the Canadian government that I think they deserve.

MR. KING: Has there ever been a movement for integration?

MR. DAVID: That is a word we stay away from with Canada.

MR. KING: I will stay away from it. I did not mention it. Strike that.

MR. DAVID: Coordination was one of the first things I learned on the job.

MS. McCUAIG-JOHNSTON: Margaret McQuaig-Johnston with the Department of Finance in Canada. Needless to say, I was quite interested in your remarks. I think there has been comment in Canada by individuals in organizations outside the government that there should be increased funding for a Department of National Defense, over a billion dollars a year. The

¹ Henry T. King, Jr., *The Two Worlds of Albert Speer: Reflections of a Nuremberg Prosecutor* (1997).

Department of National Defense and the Minister have known what they need to operate the Department and the military commitments. They indicated at the time of the budget they needed \$800 million, which was what they were given. In addition to that, they were given additional funding for the continuation of the operation in Afghanistan. You mentioned that the Princess Patricia's came back after six months. That was a six-month mission, and so the replacement troops that went over.

MR. DAVID: There were no replacement troops that went over.

MS. McCUAIG-JOHNSTON: There have been some; not at a full level. Since then there has been the commitment to send more troops to Afghanistan, in the order of 1,200 to 1,500. The numbers are still to be determined later in this year, which again will get increased funding.

I do not think it is fair to cast it that there has been minimal or inadequate funding. In terms of airlift, there are very few countries in the world that have full air lift; most of them lease. So, that is another consideration. That is something that the DND will have to look at in the longer term.

MR. DAVID: I do not want to be argumentative with you, but if you go through the whole array of people that are competent in the defense associations in Canada, the other defense groups, and if you go inside the Department of National Defense, you will not find much support for your view that \$800 million was adequate. Mr. McCallum does a great job for the Department of National Defense, but the Minister is part of the cabinet, as well. If you go along the array, you had the expeditionary force that was announced by the government to be 1,500 to 1,600. It has gone down now. There are serious logistical problems, people problems, and national problems that draw that whole thing into some question and may be partly related to the reduction of the numbers.

MS. McCUAIG-JOHNSTON: It will be funded. It will be fully funded.

MR. GARBER: Lt. Rick Garber, Commanding Officer of the Brockville Rifles in the Canadian Forces. I am the Commanding Officer for a Regiment in the Canadian Forces Reserve. The Canadian Forces is one of the few military organizations of the world that has a reserve component that is significantly smaller than its regular component. Can I ask you to comment on, in the North American evolving security scenario that we are in, on the value of having an enhanced focus on reserve soldiers located throughout the continent?

MR. DAVID: I cannot comment in detail because I really do not regard myself as very knowledgeable on that area, but I do know some things about what we are doing with ours. We have used our reserves increasingly in our current operations. There has been an increasing controversy over the extent to which we have used our reserves. Our reserves are very capable people, as you know because yours are.

There has been a lot of controversy about using them because they did not sign on for two-year missions abroad or sequential missions abroad. We are using them more and more because we are finding there is a greater need for them. They play an invaluable role in peacekeeping and in war fighting. Certainly the reserves are doing some of those 29,000 combat patrols that I talked about that we have done over North America since September 11th.

MR. SCHAEFER: Matt Schaefer with the University of Nebraska. This is a concern the U.S. has not only with Canada, but some other European allies. What role can the U.S. play, if any, in the public debates over defense spending in other countries? In other words, is it better for the U.S. just to basically use diplomatic channels, formal advisory boards? Would it be productive getting more involved in a public education effort? Should we be quieter or more active?

MR. DAVID: I think it is fair to say that we encourage our friends and allies to provide themselves and us collectively, with strong defenses and to spend more money. That money has to be spent to upgrade personnel and equipment and to adequately pay personnel. We do that not only at the diplomatic level, but military to military conversations also occur. We do it on a regular basis. Undoubtedly, there are bounds. I do not know whether we have had any success or not. The only two European countries that have recently increased their defense budgets, I believe are France and the U.K.

MR. CRANE: I think you managed to touch on an issue that is being quite hotly debated over in Canada, as I am sure you well know. It seems to me there are two issues. One is what should Canada do and then secondly, having to find what it should do to finance it properly so it can actually do it. There seems to be confusion on the first point and inadequate support on the second. There is not much debate in Canada over the generalities. In other words, that the role of our military should be to conduct proper surveillance of our borders, to be available as an aid to a civil power, and to play a role in the defense of North America.

There is some confusion on what our proper role should be in the defense of North America and recognition that the Canadian military cannot simply be the U.S. military in miniature. It has to have specialized functions. I wondered in the discussions that you have at the Joint Board and on the basis of your own experience, what you think the areas of Canadian specialization should be moving beyond the broader issues of surveillance of borders and aid to the civil power?

MR. DAVID: That is a very good question. It is not that the question about what Canada should do is not really discussed at the PJBD. What is discussed is what we can do together when Canada wants to do something and has the resources to do something. It is inherently a Canadian decision to decide what you want to do. In my personal views, you cannot be the U.S. in miniature because we are too big. We are 280 million people with a budget

that is huge. We have also taken on the world responsibilities at the request of Asia and Europe and in a lot of places for 60 years. That is not something that you can do.

I think Canada would like to play a politically larger role than that it can do. You have the 1994 Defense White Paper from which I quoted fairly, that calls for a very robust, mid level power role. But at the same time you have an unwillingness to finance that role. In my view as I expressed here, it would be great for Canada to decide we want to do this. We want to do the other thing. We want to integrate with the U.S. on a collaborative effort so that we take care of this and we take care of that and the U.S. will take care of the other things. We will trust one another as we do on a lot of areas right now; the intelligence area and reconnaissance area. U.S. and Canada are closer than I will even talk about, but that is the sort of thing that needs to be done. Then when the government has a reasonable defense policy adjusted with its foreign policy, fund it. Fund it to do the kinds of things that you do terrifically.

MR. HOLLOWAY: Ian Holloway of the University of Western Ontario. One thing that you did not talk about is the emasculation of the military ethos within the higher echelons of the Canadian military. You would have no reason to know this, but in the 1960's, there was a huge bloodletting, figuratively speaking, amongst the senior ranks of Canada's three services. Within the space of a three-week period; something like a dozen Admirals and Generals were dismissed summarily by the Minister of Defense. It is widely believed in the Canadian forces and the lower levels of the Canadian forces that their interests are not properly represented by the higher-ups in uniform; that a culture of promotionitis, as it is known, has infected the senior ranks of the Canadian forces.

If any real constructive change is going to take place, somehow the Canadians themselves are going to have to reinstill what seemed like terribly anachronistic notions, like honor and duty to recreate a warrior culture in the sea, which does not exist now. Three weeks ago, we had as a guest at our law school, the Officer who commanded the Patricia's in Afghanistan. It was really quite enlightening when he told us that for virtually everything he did, he had to ring Ottawa and get permission, unlike his American counterparts who had authority to make decisions on the ground. He literally, not figuratively, had to call Ottawa and ask permission. If it was after hours and there was no one around, then he could not do anything. It seems to me that one of the best things that people like you can do is to encourage Canadians to consider the importance of the warrior ethos in the 21st Century.

MR. DAVID: Thank you.

MR. MICCIULLA: Correct me if I am wrong, but the chronology seems to be in 1949, we had a shared perception of threat and we did NATO. In 1958, we had a shared perception of threat and we did Soviet bombers. But

then when the missiles came on the scene, Canada appears to have balked on that one. You mentioned the 1968 renewal.

MR. DAVID: Canada insisted on there being an exception to the 1968 renewal to make it clear that Canada would have no part of missile research development or deployment.

MR. MICCIULLA: It sounds to me as if the 1949 and 1958 evolution started to take a turn in 1968. For most Canadians, we know that that was an election year, and we know who was elected that year. My question to you is simply that NORAD is only air, then it was moving into aerospace, and Canada is not really there.

MR. DAVID: NORAD is space only in the respect that it tracks all ballistic missile launches worldwide and all objects circulating in space.

MR. MICCIULLA: Tracks, but then once you have tracked it, then what happens?

MR. DAVID: Passes the information off.

MR. MICCIULLA: I guess all I am saying is that we are moving into a situation where we are post cold war, we are into asymmetrical threats, not state driven threats, but terrorist threats, and the United States has clearly made a decision that your homeland land and sea is threatened. I read an extremely interesting document in the conference materials, which was the testimony given on May 6, 2002, by Lieutenant General George McDonald to Parliament. He was saying, listen guys, in October, NORTHCOM is coming up, and they are going to be dealing with land and sea, where are we on land and sea? I am wondering if Canada has made any decisions or given any indication as to how we are going to handle land and sea?

MR. DAVID: Yes. Canada and the United States in December of 2002, six months after his testimony, signed an agreement to create a planning group within NORAD. The planning group is to be staffed by Americans and Canadians and to devise plans for the coordination of maritime and land defense, and also for military support of civilian agencies in both countries in times of a calamity or catastrophe. The planning group is not up and working yet. People have to move their families. It takes time, but it is well under way. That is the group of which General Pennie is.

If you look, Lieutenant General McDonald gave very interesting testimony two years earlier. In February of 2000, he testified before a Parliamentary Committee about missile defense. They grilled him. It was like 30 pages of testimony; kept grilling him and asking him why do they not ask us to be in. Finally, he was pushed and pushed and pushed, and I do not remember which Parliamentarian finally nailed him. He said you know when somebody thinks you are going to say no, they do not ask you the question.

There seems to be some progress along those lines, too. We are hopeful that the Canadian government will shortly be reconsidering its position on

missile defense. There have been articles in the press in January about a group of high level Canadians who came down to Washington.

MR. ROBINSON: Michael Robinson from Toronto. Apropos of looking for a role for Canadian forces since they obviously cannot be the U.S. forces in miniature, we have not yet touched on the peacekeeping concept. I know at one time there was kicked around the idea of the U.N. or some international organization striking a permanent peacekeeping force. Canada's always punched above its weight in peacekeeping, notwithstanding Lewis McKenzie having trashed Canada's reputation as peacekeepers recently in David's paper. Is this not an entirely appropriate role for Canada to do and continue to punch above its weight in cooperation with the U.S.?

MR. DAVID: Peacekeeping is just fine, but it is not defending. It is not defending the homeland and it is not defense. It is important. I would not quarrel with it at all. Canada has played a very important role in peacekeeping on several continents. The group joining the International Stabilization Force soon for two tours of Canadian troops doing that. It will be important in Afghanistan.

MR. ROBINSON: But you say we need both?

MR. DAVID: We are talking from my point of view. I think that the United States clearly shares this view. We are under threat. This is, to use the word that Prime Minister King and President Roosevelt used in their memorandum. They were coming to meet about the safety, the safety of Canadians and Americans. We think our safety is in jeopardy. That is different than peacekeeping. Safety means getting the weapons out of the hands of those people abroad who would bring them here, use them here, or have others do so for them by diplomatic means if at all possible. If that does not succeed, the military is involved.

MR. HIGGINS: Mark Higgins with the United States Coast Guard. Sir, there has been a large reorganization with the United States to deal with Homeland Security and specifically in response to terrorism. Nonetheless, you described the attacks of 9-11 as essentially a military attack. Would you distinguish between the role for Homeland Security Organizations as opposed to homeland defense type organizations and how exactly those roles should be coordinated with the Canadians in terms of is this a defense role or a law enforcement side bar security role?

MR. DAVID: The distinction between the Homeland Security and defense is not exactly seamless. I do not know of anybody who has written a wonderful definition for us. With that said, my view is that most of the agencies that help us with their Homeland Security are agencies that operate under mostly domestic rules. You go grab somebody who is doing something bad, you read them their rights, and then you prosecute them if it is warranted. You convict them and punish them if it is warranted and if the procedures all work out. That is Homeland Security. There are constraints.

Military means when the risks are so great and the possibility of loss is so great, you have got to shoot the plane out of the sky because you are not willing to suffer the risk of thousands or a million dying. The way I look at the PJBD is that one of the things that we do with the militaries of the two countries is to try to give the President and the Prime Minister a military option should the President or the Prime Minister feel that that option is appropriate. In doing that the U.S. military has a domestic role, which is not military unless it is in the situation I just described and would support civilian agencies. When the U.S. military is called in to support the FBI or Immigration or whoever, they operate under the direction of that agency. That agency, in turn, operates under domestic rules. That is the best that I can do. It is not seamless. This planning group will be operating very closely with Canadian and U.S. civilian agencies. As I was saying to you earlier yesterday, it is inconceivable to me that the Coast Guard would not be involved in the discussions.

MR. KING: Well, thank you very much. You certainly stirred up a lot of controversy.

