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Closing Remarks and Discussion

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CLOSING REMARKS AND DISCUSSION

Henry T. King, Jr.

In our final session, I wanted to discuss the question of future programs, which is always an issue that is very important because that is where we build the future of the Institute. There are a couple of topics that have been raised. Larry Herman, at our Advisory Board meeting, raised the question of the impact of telecommunications developments on the Canada/U.S. relationship.

Another issue that comes up from time to time is the question of sovereignty. There you get into extra-territoriality, which is a hot issue with Helms-Burton, and also the sanctions against other countries.

Another possible topic would be a look at the future as Canada and the United States enter the 21st Century, providing updates in some critical areas, such as competition, environmental regulation, taxes, dispute resolution, and trade regulation. These are some of the topics. What we seek is an umbrella topic, but with a Canada/U.S. flavor. That is the formula we have used and, hopefully, we can continue it.

We also would like to have some press people here. We would like to have presentations by the press on both sides of the border perhaps at our dinner meeting of the first night. For example, we could have a session on the evening of the first night wherein the press looks at the state of Canada/U.S. relations or the North American political environment of the future. We could get people from the *Toronto Globe & Mail* or the *Toronto Star*, *Los Angeles Times*, or *Cleveland Plain Dealer*.

I am receptive to any other suggestions. If anybody has any, I would certainly like to have them now or in the future. Does anybody have any particular suggestions that might be possibilities?

COMMENT, MS. EDEN: Have you done anything on culture? It sure seemed to have been the hot-button issue here this weekend. It could be broad enough to include intellectual property rights. If you want to bring media people, why not have something on book publishing and newspapers? The cross-border transmission of television rights that is going through now, that bill may have been passed. We have the split decision, of course, on *Sports Illustrated*. It seems to me you could

do it fairly broadly.

COMMENT, PROFESSOR KING: Culturalism is part of the sovereignty issue. I suspect that, overall, sovereignty somehow has to be tied in because as we get closer together, we want to respect each other's sovereignty. We have integrated economically, but we also want to respect each other's sovereignty. In Helms-Burton, it seems as though Canada was the target, and it was the one case where it was enforced. So, cultural identity is part of that sovereignty issue. But cross-border economic relations would be good. We could point to some very good examples of cooperation, or the lack of it, in the antitrust area.

Dirk Barrett gave me a title: *The World Economy in the 21st Century: Challenges to Sovereignty and Economic Security*. What we would be trying to do, basically, is to balance sovereignty with security, but we always have to give it a Canada/U.S. flavor. I suspect sovereignty is a good subject. On the other hand, there are certain aspects of life where we would not want to give up sovereignty. The world would be a very dull place if there were no differences among people.

COMMENT, MR. KERESTER: I found the participation of the representative from Mexico extremely interesting. One possibility would be the relationship of both Canada and the United States to, say, Latin American countries or the Far East. That might add to the meeting. But it certainly was extremely interesting to hear somebody from a different culture give a different perspective.

COMMENT, MR. KING: Yes. We are all looking through Pat Murphy's lenses that he spoke of early yesterday morning, and that cultural lens is very important. The liveliest discussion at the conference was Ragosta's operation where he sounded off on that and certainly got a very vivid response from one or more of our people here. So that is one of the issues that fits in with getting some participation by the press.

One thing we also have to keep in mind is we always want bread-and-butter issues because that enables people to come to a conference. We have combined bread-and-butter, journeymen issues with mind expansion, and that is what the success is.

COMMENT, MR. KIRBY: As a non-lawyer and at the risk of bringing the wrath of the assembled lawyers down on my head, I suggest that we ought to include some very knowledgeable people from Mexico, Canada, and the United States from the chamber movement who really do not look at this necessarily in lawyer-ese views, but who can comment on how the business community looks upon this whole area of dispute resolution and panels. Get some people in from Mexico City, Ottawa, and Washington who are experts at dealing with the issues

that industry deals with and that business deals with. I think that would add a dimension that would also get you some of the outreach you want.

COMMENT, MR. KING: That is a good suggestion. In other words, get some business people at some of these sessions so that we get the business viewpoint. Certainly, in many cases, we get it through the attorneys, but it is also good to try to get a business point of view.

COMMENT, MR. KIRBY: I think, for example, Mr. Kelly, who spoke last night, gave a dimension of a different opinion, and both of those gentlemen, Mr. Kelly and Mr. Winfield, responded well to the question that they dealt with, inflexible labor markets and those kinds of issues.

COMMENT, MR. KING: I have always tried to get business people here on one of the evening sessions. We have had considerable success in getting people from Northern Telecom, Ford, and from other companies, such as Dow. We had the chairman of Dow here one year. That is another constituency that we have to consider.

COMMENT, MR. LANGMACK: I feel privileged to have participated in many of these conferences. I am not a lawyer, although I did receive some legal education at Georgetown University. But I see an opportunity here in one of your evening meetings, your dinner meeting, to begin to get out to the international business community.

As many of you know, Northern Ohio has more international businesses than any other sector in all of the United States. I think that maybe we should have a dinner meeting which would expand the audience and get out to the forefront what you are doing here at Case Western Reserve and also in Canada. It is fine to get the media here. One way to get the media attention is to bring in the international business leaders of our community; from this whole area. Maybe instead of having a dinner for a hundred of us, have a dinner for 500 of us. It would be easy to do. Well, I would not say easy, but it certainly would attract the audience.

We have our product in some forty countries around the world. We have our products in every continent in the world except one. Do you know which one? Antarctica.

COMMENT, PROFESSOR KING: I think now is the time when we come to close this thirteenth session of these type of conferences, which the Institute has pursued. I want to thank our speaker Sidney Picker for a wonderful presentation this morning and also our other speakers.

This conference owes much of its success to a number of people. I did want to thank Jon Fried, although he is not here, for helping me identify speakers and also for working with me on the program. John is

well-known to certainly all of our Canadian friends. I always get a Canadian angle on these programs because it is important that we keep them in the Canada/U.S. context so that always there is a Canadian presence as well as a U.S. presence. John was very important on the programming.

Also, Jackie Hlivak, who is our administrative coordinator, did a wonderful job of administering the conference. She is new, but she did a very good job.

I also, above all, wanted to say something about John Barrett who had so ably edited the proceedings of the last conference and who also has been our institutional memory that continued us on to our new proceedings for this conference, which will, hopefully, be out sometime in the early or mid-fall. So, John, thank you very much. Thanks also to Joshua Silverman and Jon Weinberg. Joshua and Jon have been with me every minute of the conference. When we heard that there were fire alarms going to be run during Friday's session, which would disrupt everything and our operation for recording the transcripts, it was Joshua Silverman who got the fire alarms postponed. So if you want to hear a fire alarm, you could wait until Monday.

Anyway, we have had great help. I think this is a good setting. I had resisted coming to the law school, but I think it has been a wonderful setting. The Glidden House accommodations have been very good, and it helps that the law school is right across the street. It is a lovely setting. It is a cultural setting. And so we have come home to Cleveland.

Also, I wanted to thank our court reporter, Barbara Oser. She has done a very wonderful job.

So without further ado, unless anybody else has anything to say, I declare the conference —

COMMENT, MR. LANGMACK: I think we should do one more thing. We should all stand up and give Henry a standing ovation.