

2003

Volume 29

Canada-United States Law Journal

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

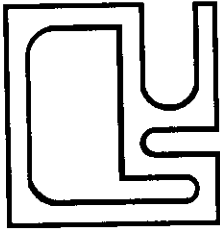
 Part of the [Transnational Law Commons](#)

Recommended Citation

Canada-United States Law Journal, *Volume 29*, 29 Can.-U.S. L.J. Iss. 1 (2003)

Available at: <https://scholarlycommons.law.case.edu/cuslj/vol29/iss1/59>

This Front Matter 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.



Canada-
United States
Law Journal

Volume Twenty-Nine
2003

Case Western Reserve University
School of Law



CASE

SCHOOL OF LAW

Judge Ben C. Green Law Library

27 460 CH 2469
MAG
11/06 00-104-06 OHIO

**Cite as:
CAN-U.S. L.J.**

The *Canada-United States Law Journal* (ISSN 0163-6391) is published by the Case Western Reserve University School of Law on behalf of the Canada-United States Law Institute. The *Canada-United States Law Journal* is an annual publication, and subscription rates are \$32.00 per volume (domestic and foreign). Subscriptions are payable in advance. Subscriptions are renewed automatically unless timely notice of cancellation is received. Back volumes may be purchased by contacting William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14290.

Although the *Canada-United States Law Journal* only publishes articles and discussions compiled from the transcripts of the Canada-United States Law Institute's annual conference, the *Case Western Reserve Journal of International Law* welcomes the submission of articles on topics in international and comparative law. Manuscripts should be submitted in duplicate and should conform to the *Chicago Manual of Style* (14th ed.). Footnotes should conform to *A Uniform System of Citation* (17th ed.). Unfortunately, unpublished manuscripts cannot be returned to the author.

The *Journal's* policy requires that, unless a claim for nonreceipt of a journal is received within three months after the mailing date, the *Journal* cannot be held responsible for supplying that issue without charge.

For all photocopy or republication requests, please contact Copyright Clearance Center, Inc. by mail: 222 Rosewood Drive, Danvers, MA 01923, by phone: (978) 646-2600, by fax: (978) 646-8600, by e-mail: infoat@copyright.com, or online: www.copyright.com.

The opinions expressed herein are those of the respective authors and do not necessarily reflect those of the *Canada-United States Law Journal*, the Canada-United States Law Institute, or Case Western Reserve University School of Law.

The *Journal* is printed by Darby Printing Company, 6215 Purdue Drive, Atlanta, Georgia 30336.

A-UNITED STATES W INSTITUTE

Canadian Director
Chios Carmody
University of Western Ontario
Faculty of Law
London, Ontario N6A 3K7
CANADA

United States Director
Henry T. King, Jr.
Case Western Reserve University
School of Law
11075 East Boulevard
Cleveland, Ohio 44106
U.S.A.

Canada-United States Law Journal
Editor in Chief
Jennifer J. Burrill

Associate Articles Editor
Matthew J. Ross
William H. Carmines
Student Publications Coordinator
Alice Simon

2003 Conference Coordinator
Julie A. Kraus

Student Conference Coordinators
Jennifer J. Burrill
Christopher M. Rassi
Donovan M. Steltzner

ADVISORY BOARD

Chairman
Sidney Picker, Jr.

Board Members

Clive V. Allen
Dirk K. Barrett, Jr.
Joseph W. Bauer
Katharine F. Braid
Angela B. Cox
Dorinda Dallmeyer
William J. Davis
Nicholas J. DeRoma
William W. Falsgraf
Paul D.K. Fraser
Jonathan T. Fried
Gerald Gherlein
W.C. Graham
Jon Groetzinger, Jr.
Richard L. Guido
C. Thomas Harvie
Lawrence L. Herman
Jon Johnson
Henry T. King, Jr.

Hamilton Loeb
Selma Lussenberg
James McIlroy
Rosemary McCarney
Simon V. Potter
Daniel M. Price
Davis Robinson
J. Michael Robinson
Gerhard Rosegger
Matthew Schaefer
Victor Siber
T. Bradbrooke Smith
Louis B. Sohn
Ken Stein
Norman Stewart
Terrance A. Sweeney
Marcella M. Szel
M. Catherine Vernon
Sanford Yosowitz

On behalf of the Canada-United States Law Institute, The Journal gratefully acknowledges a grant of support for the 2003 Conference from the Government of Canada through the Canadian Studies Grant Programs of the Department of Foreign Affairs and International Trade/International Academic Relations Division, as well as additional support from the Canadian Consulate in Detroit, Michigan.

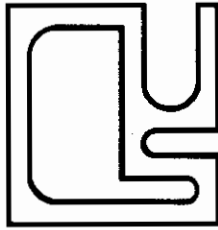
EDITOR'S NOTES

Published in this issue of the *Canada-United States Law Journal* are the proceedings of the Canada-United States Law Institute's 2003 Conference held at Case Western Reserve University School of Law. The theme of the Conference, titled *Canada-U.S. Security and the Economy in the North American Context*, stems from efforts by both nations to keep trade routes open while tightening border security in an attempt to prevent terrorist attacks like the one suffered by the United States on September 11, 2001.

To successfully address the key issues it was crucial business professionals and lawyers working in both private and public international law were involved in the discussion. Canada-United States Law Institute's U.S. Director, Henry T. King, Jr. skillfully coordinated an unprecedented group of leaders representing a number of vital areas to address issues emerging as our nations struggle to strike a delicate balance between trade, security, and individual rights. His expertise in this in both private and public international law is only surpassed by his patience during the process of passing his wisdom on to students like me. I have and will continue to be thankful for his wisdom and support during the process of editing this Volume. Additionally, this Volume would have not been possible without the tireless efforts and support of Julie Kraus, Dan Ujcz, Andy Dorchak, Libby Reichard, Matt Ross, Will Carmines, Gary Schumpert, and the many professionals from both sides of our vast northern border who participate annually in the Conference and share their thoughts with those of us who are fortunate enough to have the opportunity to learn from them.

The articles and discussions printed here have been compiled from transcripts of the Conference and papers submitted by the speakers. Our editing process attempts to strike a balance between retaining the spirit of the Conference and maintaining the *Journal's* overall readability. Questions regarding factual assertions in the text should be addressed to the authors.

Jennifer J. Burrill
Editor-In-Chief



Canada-
United States
Law Journal

VOLUME 29

2003

PROCEEDINGS OF THE CANADA-UNITED STATES
LAW INSTITUTE CONFERENCE
on
CANADA-U.S. SECURITY AND THE ECONOMY
IN THE NORTH AMERICAN CONTEXT

Cleveland, Ohio
April 11-13, 2003

Canada-United States Law Institute Directors	vii
Conference Speakers	ix
List of Conference Participants	xix
Conference Introduction and Welcome <i>Henry T. King, Jr.</i>	1
The New Reality in Canada/U.S. Relations: Reconciling Security and Economic Interests and the “Smart Border Declaration” <i>Introduction - Henry T. King, Jr.</i>	7
The New Reality in Canada/U.S. Relations: Reconciling Security and Economic Interests and the “Smart Border Declaration” <i>Stephen E. Flynn</i>	9

The New Reality in Canada/U.S. Relations: Reconciling Security and Economic Interests and the “Smart Border Declaration”
Robert Hage 21

Discussion Following the Remarks of Mr. Flynn and Mr. Hage..... 29

The Canada/U.S. Economic Relationship: From FTA to NAFTA to What???
Introduction – James P. McIlroy 39

The Canada/U.S. Economic Relationship: From FTA to NAFTA to What???
Derek H. Burney..... 43

Security and the Economy in the North American Context: The Road Ahead for NAFTA
Gary C. Hufbauer and Yee Wong..... 53

Discussion Following the Remarks of Mr. Hufbauer and Mr. Burney..... 71

The Economy, Security, and Sovereignty in a North American Context
Introduction - Henry T. King, Jr. 79

The Economy, Security, and Sovereignty in a North American Context
The Hon. William C. Graham 81

Discussion Following the Remarks of Mr. Graham 95

The Smart Border: Movement of People - Immigration, Refugee/Asylum and Other Aspects
Introduction – Isabelle Dongier 103

Recent Developments in U.S. Immigration Laws Affecting the Entry of Canadians into the United States
Ellen G. Yost 105

The Smart Border: Movement of People – Immigration and Refugee/Asylum and Other Aspects <i>Charlotte M. Janssen</i>	127
Discussion Following the Remarks of Ms. Yost and Ms. Janssen	133
The Smart Border: Movement of Goods - Transportation and Customs Aspects	
<i>Introduction – Jon Groetzing, Jr.</i>	139
The Smart Border: Movement of Goods - Transportation and Customs Aspects <i>Allan J. Cocksedge</i>	141
The Smart Border: Movement of Goods - Transportation and Customs Aspects <i>Douglas M. Browning</i>	151
Discussion Following the Remarks of Mr. Cocksedge and Mr. Browning	161
Perceptions and Realities of North America: What the Polls Say About Canadians and Americans Regarding Security and the Economy	
<i>Introduction - David Crane</i>	167
Perceptions and Realities of North America: What the Polls Say About Canadians and Americans Regarding Security and the Economy <i>Michael Colledge</i>	169
Perceptions and Realities of North America: What the Polls Say About Canadians and Americans Regarding Security and the Economy <i>Thomas Riehle</i>	177
Discussion Following the Remarks of Mr. Colledge and Mr. Riehle	185
The Smart Border: Food Safety and Bioterrorism	
<i>Introduction – Ronald L. Doering</i>	193

The Smart Border: Food Safety and Bioterrorism <i>Berry Kellman</i>	197
The Smart Border: Food Safety and Bioterrorism <i>John D. McNamara</i>	205
Discussion Following the Remarks of Mr. Kellman and Mr. McNamara	215
Security and the Economy: The North American Computer and Communication Infrastructure <i>Introduction – Chios C. Carmody</i>	223
Security and the Economy: The North American Computer and Communication Infrastructure <i>Theodore C. Theofrastous</i>	225
Security and the Economy: The North American Computer and Communication Infrastructure <i>Selma M. Lussenburg</i>	237
Discussion Following the Remarks of Mr. Theofrastous and Ms. Lussenburg	245
The Defense of North America: NORAD and NORTHCOM <i>Introduction – Henry T. King, Jr.</i>	253
The Defense of North America: NORAD and NORTHCOM <i>Jack David</i>	255
Discussion Following the Remarks of Mr. David	269
Preserving the Integrity of Financial Markets in North America <i>Introduction – J. Michael Robinson</i>	277
Preserving the Integrity of Financial Markets in North America <i>John F.M. Crean</i>	281
Preserving the Integrity of Financial Markets in North America <i>Michael E. Mann</i>	291

Discussion Following the Remarks of Mr. Crean and Mr. Mann	299
Securing the Energy Supply in North America	
<i>Introduction – Jacqueline Lipton</i>	305
Securing the Energy Supply in North America	
<i>F. Michael Cleland and David J. Manning</i>	307
Discussion Following the Remarks of Mr. Cleland and Mr. Manning	323
Security and Freedom - Are the Governments' Efforts to Deal with Terrorism Violative of Our Freedoms?	
<i>Introduction – Michael P. Scharf</i>	329
Security and Freedom - Are the Governments' Efforts to Deal with Terrorism Violative of Our Freedoms?	
<i>Michael Power</i>	331
Security and Freedom - Are the Governments' Efforts to Deal with Terrorism Violative of Our Freedoms?	
<i>David D. Cole</i>	339
Discussion Following the Remarks of Mr. Power and Mr. Cole	351
Comparing the Southern Border to the Northern Border and the Issues To Be Dealt With At Each	
<i>Introduction – T. Bradbrooke Smith</i>	361
Comparing the Southern Border to the Northern Border and the Issues To Be Dealt With At Each	
<i>David A. Gantz</i>	363
Comparing the Southern Border to the Northern Border and the Issues To Be Dealt With At Each	
<i>Marcella M. Szel.</i>	373

Comparing the Southern Border to the Northern Border and the
Issues To Be Dealt With At Each
Aurielano González Baz 383

Discussion Following the Remarks of Mr. Gantz, Ms. Szel
and Mr. González Baz 391

Closing Remarks: Where Do We Go From Here?
Henry T. King, Jr. 397

Copyright ©2003 Canada-United States Law Journal

DIRECTORS OF THE CANADA-UNITED STATES LAW INSTITUTE

Henry T. King, Jr., the United States Director of the Canada-United States Law Institute, is a graduate of Yale College and Yale Law School. A former United States Prosecutor at the Nuremberg Trials, a former General Counsel of the United States Foreign Economic Aid Program, as well as a former Chairman of the Section of International Law and Practice of the American Bar Association, Mr. King is United States Chairman of the Joint ABA (American Bar Association) CBA (Canadian Bar Association) Barra Mexicana Working Group on the Settlement of International Dispute. He has held the position of Chief Corporate International Counsel of TRW, was a founder of the Greater Cleveland International Lawyers Group, and is a former president of the Cleveland World Trade Association. He has published over seventy articles on international legal subjects, including international business transactions, international arbitration, and Nuremberg related topics. He is currently Of Counsel to the law firm Squire, Sanders & Dempsey and Professor of Law at Case Western Reserve University. He has written a book, entitled *The Two Worlds of Albert Speer: Reflections of a Nuremberg Prosecutor*. Mr. King is a former Chairman and long time member of the Northern Ohio District Export Council. In June 2002, Mr. King was awarded an honorary degree of Doctor of Civil Laws by The University of Western Ontario.

Chios C. Carmody is the Canadian Director of the Canada-United States Law Institute. He is an Assistant Professor of Law at the University of Western Ontario Faculty of Law, a position he has held since 1999. He received an Honours B.A. from the University of Toronto in 1986; another B.A. from the University of California in 1989; an LL.B. from the University of Ottawa, where he was editor-in-chief of the *Ottawa Law Review*. He was subsequently called to the Bars of Ontario (1994) and New York (1995). He later received an LL.M. from the University of Michigan in 1997, and an SJD from Georgetown University in 2000. Professor Carmody clerked with the Court of Appeal for Ontario and was in private practice for two years before pursuing his graduate studies. He was also an editor of *The Employment Bulletin*, published by Canada Law Book. Currently, Professor Carmody teaches in the areas of Contracts, International Trade Law and International Business Transactions.

SPEAKERS AT THE 29TH ANNUAL CANADA-UNITED
STATES LAW INSTITUTE CONFERENCE

on

CANADA-U.S. SECURITY AND THE ECONOMY
IN THE NORTH AMERICAN CONTEXT

Douglas M. Browning is the Deputy Commissioner of the U.S. Customs Service. He has served on several national and international committees and task forces. Prior to this recent appointment, he was the acting Assistant Commissioner for the Office of Regulations and Rulings. In 1994, Mr. Browning was appointed Assistant Commissioner for the Office of International Affairs. He began his career with U.S. Customs in 1977 when he joined the Office of Regulations and Rulings as a staff attorney, later transferring to the Office of the Chief Counsel, where he served as Assistant Regional Counsel in New Orleans and in Baltimore. Mr. Browning has also served as Senior Counsel for International Enforcement in Washington, D.C. Mr. Browning received his B.A. from the University of Pittsburgh, his J.D. from Hofstra University, and is also a graduate of the Senior Executive Fellows program at the JFK School of Government at Harvard University.

Derek H. Burney, O.C., is President and Chief Executive Officer of CAE Inc., a position he has held since 1999. Prior to joining CAE, Mr. Burney was Chairman and CEO of Bell Canada International. From 1989 to 1993, Mr. Burney was Canada's Ambassador to the United States. From 1987 to 1989, Mr. Burney served as Chief of Staff to the Prime Minister. He was directly involved in the negotiation of the Canada-U.S. Free Trade Agreement. He was the Prime Minister's personal representative in the preparations for the G-7 Economic Summits of 1990, 1991 and 1992. In February 1992, Mr. Burney was awarded the Public Service of Canada's Outstanding achievement Award, and in July 1992, he was named Officer of the Order of Canada. Mr. Burney received both his B.A. (Hons.) and M.A. degrees from Queen's University.

F. Michael Cleland is the Senior Vice President, Government Affairs, for the Canadian Electricity Association (CEA). Prior to joining CEA, he was Assistant Deputy Minister (ADM), Energy Sector in the Department of Natural Resources Canada (formerly Energy, Mines and Resources). Prior to his appointment as the ADM, he was Director General of the Energy Policy Branch. From 1987 to January 1990, he was Assistant Director, Resource Policy Division in the Department of Finance. Before joining the federal government in 1987, he worked in Nova Scotia where he was a principal at the firm of Cleland, Dunsmuir Consulting Ltd.; was a lecturer in business/government relations at the School of Public Administration at

Dalhousie University; and served as the academic editor of *Plan Canada*, the journal of the Canadian Institute of Planners. Mr. Cleland received his B.A. from the University of British Columbia and an M.P.L. from Queen's University.

Allan J. Cocksedge is an Associate Consultant for Global Public Affairs, where he provides policy advice and representation in the areas of revenue and customs administration, trade administration, and regulatory issues related to transportation policy. He is the former executive vice president and COO of Vista, an information services and business management consulting firm. From 1993 to 1998, Mr. Cocksedge was Assistant Deputy Minister for Customs Operations/Border Services/Trade Administration for Revenue Canada. Prior to his service at Revenue Canada, he served for six years as the Assistant Deputy Minister of Tourism in the Department of Industry, Science and Technology Canada, served for three years as the Secretary General of the Canadian Human Rights Commission, and for two years as Director General of Canadian Employment and Immigration Commission over B.C. and Yukon Territory. Mr. Cocksedge received his Bachelor of Arts (Hons.) degree from the University of Toronto.

David D. Cole is a professor at Georgetown University Law Center, a volunteer staff attorney for the Center for Constitutional Rights, the legal affairs correspondent for *The Nation* and a periodic commentator on National Public Radio's *All Things Considered*. He has litigated many First Amendment cases, including *U.S. v. Eichman*, which extended First Amendment protection to flagburning. The *American Lawyer* named him one of the top 45 public sector lawyers in the country under the age of 45. He is the author of several books, including *No Equal Justice: Race and Class in the American Criminal Justice System* (1999), which was named the Best Non-Fiction Book of 1999 by the Boston Book Review, the best book on an issue of national policy in 1999 by the American Political Science Association, and was awarded the Alpha Sigma Nu prize from the Jesuit Honor Society in 2001. Professor Cole received both his undergraduate and law degrees from Yale University.

Michael Colledge is Senior Vice President Public Affairs and Managing Director of Ipsos-Reid Ottawa Office, where he has served since 1998. Subsequently, he worked in both social and economic portfolios of the federal government. Prior to joining Ipsos-Reid, Mr. Colledge worked as Special Communications Advisor to the Minister of Industry, writing speeches and providing communications and public opinion research advice to the Minister, has held positions of Senior Communications Advisor at Industry Canada and Account Executive at Human Resources Development Canada. From 1986 to 1994, he was responsible for managing public opinion

research studies and evaluation studies, the analysis of public opinion data and media coverage and the development of communication strategies at Human Resources Development Canada and the Department of Supply and Services.

John F. M. Crean is the Senior Executive Vice President for Credit and Risk Management at The Bank of Nova Scotia. He is responsible for centralized risk control function within the Bank. Prior to his current appointment, Mr. Crean has held a number of appointments in the Bank, including those of an Executive Vice President, Corporate Banking for the central regions of North America, and Vice President and General Manager of the Toronto Suburban Region, and between 1975 and 1979, he was General Manager, Systems. Prior to joining the Bank, he was an associate professor of economics at Laval University in Quebec. Dr. Crean holds a Ph.D. in economics from the London School of Economics, University of London.

Jack David is the United States Chairman of the Permanent Joint Board of Defense, Canada-U.S. Prior to his appointment he ran a highly successful litigation and regulatory practice in New York City, where he served as chairman of the board for the Association of the Bar for the city of New York. Mr. David career also includes a number of key activities in the area of human rights. He has served as a delegate to a working group of the U.N. Human Rights Commission, was the director for the International League of Human Rights, and is a co-founder of the Lawyers Committee for Human Rights. He holds a bachelor's degree from Rutgers University and a law degree from Columbia University.

Stephen E. Flynn is the Jeane J. Kirkpatrick Senior Fellow, National Security Studies at the Council on Foreign Relations. Dr. Flynn, the author of numerous publications, has served as a consultant on homeland security for the Hart-Rudman Commission; was director of the Office of Global Issues at the National Security Council; spent five years, from 1994 to 1999, as an associate professor at the U.S. Coast Guard Academy; and served for three years as a Guest Scholar and a Visiting Fellow at the Brookings Institution. In 2002, Dr. Flynn was appointed to the National Academy of Sciences Panel on Science and Technology for Countering Terrorism in Transportation and Distribution Systems. He is the recipient of many honors and fellowships, including the Legion of Merit, the Coast Guard Academy Distinguished Alumni Achievement Award, and an International Affairs Fellowship from the Council on Foreign Relations. Dr. Flynn received his bachelor's degree from the U.S. Coast Guard Academy, and M.A.L.D. and Ph.D. from Tufts University.

David A. Gantz is Professor and Director of the International Trade Law Program at the University of Arizona, James E. Rogers College of Law, where he served since 1993. He is also Associate Director of the National Law Center for Inter-American Free Trade. Prior to joining the faculty of the College of Law, he spent two years with the U.S. Agency for International Development law reform project in Costa Rica; a year as a law clerk with Judge Charles M. Merrill of the U.S. Court of Appeals for the 9th Circuit; spent seven years with the U.S. Department of State as the chief lawyer responsible for Inter-American affairs, and has practiced international trade and corporate law in Washington, D.C. From 1981-93, Professor Gantz was also an adjunct professor of law at the Georgetown University Law Center. He has served as a binational panelist under the trade dispute resolution provisions of Chapters 19 and 20 of NAFTA and is currently serving on a Chapter 11 panel. Professor Gantz received an A.B. from Harvard College and a J.D. and J.S.M from Stanford University.

The Hon. William C. Graham is the Canadian Minister of Foreign Affairs, appointed to that position in January 2002. From 1995 to 2002, Mr. Graham served as Chairman of the House of Commons Standing Committee on Foreign Affairs and International Trade. He has served as Vice-President and Treasurer of the Parliamentary Association of the Organization for Security and Cooperation in Europe, and as Treasurer of Liberal International. Before being elected as an MP for Toronto Centre-Rosedale in 1993, Mr. Graham practiced law at Fasken & Calvin in Toronto, and served on the boards of directors of various public and private Canadian corporations. Subsequently, he taught International Trade Law, Public International Law, and the Law of the European Community at the University of Toronto Faculty of Law. Mr. Graham is also past president of the Alliance française of Toronto, and has been honored by numerous organizations for his contributions to French language and culture. Mr. Graham received his Honours B.A. and LL.B. degrees from the University of Toronto and a Doctorate in Law from the University of Paris.

Aureliano González Baz is a partner in the Mexican law firm of Bryan, González Vargas y González Baz. Mr. González Baz coordinated the firm team advising Canada in the negotiations of the NAFTA; advising Indonesia (in a team with Harvard Law School) in drafting laws for its financial system; and most recently, advising Paraguay in drafting statutes to promote its export industry. He has served as Special Assistant to the Director General of the National Border Program, counsel on international matters to the mayor of Juarez, and has served as director of the Foreign Trade Association and Trustee of the Technological Institute of Monterrey, and chairman of the Mexican section of the El Paso Industrial Development Council. Mr.

González Baz received a Ph.B. from the Instituto Patria, an LL.M. from the Universidad Iberoamericana, and a P.I.L. from Harvard University.

Robert Hage is Director for the European Union in the Department of Foreign Affairs and International Trade (Canada) and served in Canadian Embassies in Washington, Lagos, Paris and as Deputy Head of Mission in the Canadian Mission to the European Union in Brussels. With the Department in Ottawa, Mr. Hage has been Director of Legal Operations, Director of International Financial and Investment Affairs and, Director for Southern Europe. He was also Principal Counsel for the Canada-US Free Trade Agreement and Alternate Representative for Canada to the United Nations Conference on the Law of the Sea.

Gary C. Hufbauer resumed his position as Reginald Jones Senior Fellow at the Institute for International Economics (IIE) in 1998, a position he held between 1992 and 1997. From 1997 to 1998, he was the Maurice R. Greenberg Chair and Director of Studies at the Council on Foreign Relations in New York. Before joining IIE, he was the Marcus Wallenberg Professor of International and Financial Diplomacy at Georgetown University. From 1977 to 1980, Dr. Hufbauer served in the Treasury Department as Deputy Assistant Secretary, responsible for trade and investment policy during the Tokyo Round and the Director of the International Tax Staff. His many publications include *World Capital Markets* (co-author, 2001), *NAFTA and the Environment* (co-author, 2000), and *Fundamental Tax Reform and Border Tax Adjustments* (1996). Dr. Hufbauer holds an A.B. from Harvard College, a Ph.D. in economics from King's College, University of Cambridge, and a J.D. from Georgetown University.

Charlotte M. Janssen is the principal of Janssen & Associates, an international law practice in Canada specializing in a full range of corporate commercial legal services, including immigration and real estate. Her firm, established in 1996, is headquartered in Toronto with operations in Syria and Brazil, and is active in international immigration cases, particularly from the Middle East, Eastern Europe, and China. Prior to the formation of her current practice, she practiced as an associate with Baker & McKenzie, the world's largest law firm, out of both their Toronto and London, UK, offices. In 1992, Ms. Janssen formed a solo practice in Toronto, later becoming the managing partner of Baker & Janssen in 1992. Ms. Janssen received an Honours B.A. from the University of Manitoba, an M.A. from Carleton University, and an LL.B. from the University of Toronto.

Barry Kellman is a Professor of Law and serves as Director of the International Weapons Control Center at the DePaul University College of Law. A prolific author on issues relating to national security, weapons proliferation and terrorism, he served as legal adviser to the National Commission on Terrorism in 2000. He chairs the ABA Committee on Law and International Security and is Chair of the Arms Control Section of the American Society of International Law. Professor Kellman has been a leader in the international campaign to criminalize the misuse of biology. In addition to his work on bioterrorism, he is a legal authority on the Chemical Weapons Convention as lead author of the *Manual for National Implementation of the Chemical Weapons Convention*, and has served as consultant to the Department of Defense on issues relating to the legal implementation of the Convention, the Strategic Arms Reduction Treaty, and the Nuclear Non-Proliferation Treaty. Professor Kellman received his B.A. from the University of Chicago and a J.D. from Yale University.

Selma M. Lussenburg is Chief Regional Counsel for Canada and Vice President, Legal Affairs and General Counsel for AT&T's Canadian operations, a position she has held since 1998. She joined AT&T Canada Enterprises Company as Corporate Counsel in 1997. Prior to joining AT&T, Ms. Lussenburg practiced with the Toronto law firms of Borden & Elliott, Fasken Martineau DuMoulin and the Sydney office of the Australian law firm of Allend, Arthur, Robinson. Ms. Lussenburg is a Canadian representative to the Trade Ministers' NAFTA Advisory Committee on the Resolution of Private International Commercial Disputes. She is also a member of the Advisory Board of the Canada-United States Law Institute. Ms. Lussenburg received a Certificate of Private and Public International Law from the Hague Academy of International Law in The Netherlands, an LL.M. from the Australian National University in Canberra, Australia, a graduate level Diploma in International Co-operation and Development from the Institute for International Development and Co-operation, as well as LL.B., *cum laude*, and B.S. degrees from the University of Ottawa.

Michael E. Mann is a partner in the law firm of Richard Spears Kibbe & Orbe, a position he has held since 1996. Prior to entering private practice, Mr. Mann served for seven years as the first Director of the Office of International Affairs at the U.S. Securities and Exchange Commission (SEC). During his tenure, he was the principal SEC official responsible for initiating and coordinating the SEC's international capital markets program. Prior to becoming Director of the Office of International Affairs, Mr. Mann served as Associate Director in the SEC's Division of Enforcement, acting as counsel for the Commission in such cases as *SEC v. Levine*, *SEC v. Winans* (the "Wall Street Journal" case), among others. Mr. Mann has been the recipient of such honors as the Manual F. Cohen Outstanding SEC Younger Lawyer

Award from the Federal Bar Association, Securities Law Committee three years out of law school, and the Chairman's Award for Excellence. A Member of the Council on Foreign Relations, Mr. Mann received a B. A. from Hampshire College and a J.D. from Antioch School of Law.

David J. Manning is the Senior Vice President of Corporate Affairs of KeySpan, with responsibility for public affairs, government relations, internal and external communications, and environmental policy. Prior to joining KeySpan, Mr. Manning was president of the Canadian Association of Petroleum Producers from 1995 to 1999, Deputy Minister of Energy for the Province of Alberta, Canada from 1993 to 1995; before then he was the Senior International Trade Counsel for the Government of Alberta, based in New York City. Previously, he was in the private practice of law. Mr. Manning is Chairman of the Brooklyn Chamber of Commerce, and is a member of the Long Island Housing Partnership. Mr. Manning received his B.A. and LL.B. degrees from the University of Alberta.

John D. McNamara is president and founder of McNamara and Associates, a consulting firm that practices in the areas of finance, market development, strategic planning and communications. He served as president of the Archer Daniels Midland Company (ADM), the world's largest agriculture company, from 1999 to 2002. Prior to being elected President of ADM, he spent sixteen years with ADM providing leadership to its Canadian operations as President of ADM Agri-Industries, followed by his promotion to Group Vice President of ADM and President, North American Oilseed Processing Division. Mr. McNamara has served as Director of the National Oilseed Processors Association, Chairman of the Canadian Oilseed Processors Association, and Director of the Canola Council of Canada and the Canadian Institute of Edible Oils. Mr. McNamara completed his formal education in Chemical Engineering at Ryerson University in Toronto, Ontario.

Michael Power is a partner at the Ottawa law office of Gowlings Lafleur Henderson LLP, practicing in the areas of privacy, authentication, security, electronic government and Internet law. During his career with the federal government, Mr. Power provided legal and policy advice to the Department of Foreign Affairs and International Trade, Investment Canada, Industry Canada, the Department of Justice and Treasury Board of Canada Secretariat on matters pertaining to information technology, electronic commerce, trade and investment issues. He speaks extensively on privacy and security subjects and has spoken to audiences at events such as the annual meetings of the American Bar Association, the Canadian Bar Association, the American Society for Industrial Security, and the Canadian Information Technology Law Association.

Mr. Power received an LL.B. and an M.B.A. from Dalhousie University.

Thomas Riehle is the President and COO of Ipsos U.S. Public Affairs. He has been a pollster for over fifteen years in Washington and, prior to his current appointment, has served on several Democratic political campaigns, including those of Michael Dukakis and Alan Cranston, and as primary pollster for such diverse groups as Time-Warner, MCI, Microsoft, the Cousteau Society, and the National Cattlemen's Beef Association. Mr. Riehle started his career as an associate editor for *Politics Today* and as an assistant editor at *Harper's* magazine. From 1980 to 1984, he held various positions, including serving as the Editor in Chief of *Opinion Outlook* and as the Political Research Director for the *Los Angeles Times*. In 1985, he was a senior staff member for Representative Howard Berman of California, and from 1986 to 1987, he served as Senior Analyst at Cambridge Survey Research. Mr. Riehle received his bachelor's degree from Yale University.

Marcella M. Szel, Q.C., is Vice President, Strategy and Law, Corporate Secretary and Member of the Executive Committee for Canadian Pacific Railway, a position she has held since 1993. Ms. Szel leads the Company's strategic planning in the areas of law and corporate governance for the railway's North American operations. The author of numerous papers, she has more than 20 years of direct legal experience with CPR in litigation and administrative law with a focus on transportation. Ms. Szel served as Alberta general and regional counsel for the railway and for other Canadian Pacific companies until she was appointed to the position of Assistant Vice President, Quality Support. Ms. Szel has also served as Chair of the Canadian Chamber of Commerce, and currently serves on the boards of the Council for Canadian Unity, the British Columbia Business Council and the Esther Honens Foundation. Ms. Szel earned bachelor's and LL.B. degrees from the University of Alberta.

Theodore C. Theofrastous is Chief Commercialization Counsel for The Cleveland Clinic Foundation. Prior to joining the Foundation, Mr. Theofrastous was an associate with the law firm of Squire, Sanders & Dempsey, L.L.P., where his practice focus included high tech and intellectual property law, specifically in the areas of e-commerce, technology transfer, licensing, corporate finance and business counseling in the information technology and life sciences fields. Before entering the practice of law, he spent more than ten years working as a professional in the field of information technology and data communications. He is also member of the adjunct faculty at the Case Western Reserve University School of Law, where he teaches Conflict of Laws (including Internet Conflicts) and Advanced International and Foreign Legal Research. Mr. Theofrastous

received his B.A. from Marlboro College and a J.D. from Case Western Reserve University.

Ellen G. Yost is a partner at the immigration law firm of Fragomen, Del Rey, Bernsen & Loewy, P.C. Ms. Yost initially practiced corporate law, but since 1991 she has concentrated her practice on business immigration law focusing on the port-of-entry adjudication available to citizens of Canada under NAFTA and on Canadian and European companies sending employees to work in the United States. For the past seven years, Ms. Yost has been the Liaison between the Western New York Chapter of the American Immigration Lawyers Association and the Buffalo District Office of the U.S. Immigration and Naturalization Service. A Fellow of the ABA, Ms. Yost is a member of the Council of the Section of International Law and Practice of the ABA and was Program Chair of the Section. She has also chaired both the Immigration and Nationality and the Canadian Law Committees of the Section. Ms. Yost earned a B.A. from Mount Holyoke College, and a J.D. from SUNY-Buffalo School of Law.

CANADA-UNITED STATES LAW INSTITUTE CONFERENCE
on
CANADA-U.S. SECURITY IN THE NORTH AMERICAN CONTEXT

April 11-13, 2003

LIST OF PARTICIPANTS

Robert Abrahams	U.S. Dept. of Commerce	Toledo, OH
Nasser Abuhaimed		Riyadh, Saudi Arabia
Maaria Ashraf	CWRU School of Law	Austin, TX
Joseph W. Bauer	Lubrizol Corporation	Wickliffe, OH
Mary Lynn Becker	Canadian Consulate General	Detroit, MI
Lillian V. Blageff	Business Laws, Inc.	Chesterland, OH
Rebecca J. Bodnar	Marconi Communications	High Bridge, NJ
Stephen de Boer	Ministry of Enterprise, Opportunity & Innovation	Toronto, ON
Feleke Bogale	NAFTA Secretariat – Canadian Section	Ottawa, ON
Douglas M. Browning**	U.S. Customs Service	Washington, DC
Derek H. Burney**	CAE, Inc.	Toronto, ON
Jennifer J. Burrill	CWRU School of Law	Cleveland Hts, OH
Chios Carmody*	University of Western Ontario Faculty of Law	London, ON

Phakawat Chanyasuthiwong	CWRU School of Law	Cleveland, OH
Cyndee Todgham Cherniak	Goodman's LLP	Toronto, ON
F. Michael Cleland**	Canadian Electricity Association	Ottawa, ON
Allan J. Cocksedge**	Global Public Affairs	Ottawa, ON
David D. Cole**	Georgetown University Law Center	Washington, DC
Michael Colledge**	Ipsos-Reid	Ottawa, ON
George Costaris	Canadian Consulate General	Detroit, MI
Angela B. Cox	Minute Maid Company	Houston, TX
David Crane*	Toronto Star	Toronto, ON
John F. M. Crean**	Bank of Nova Scotia	Toronto, ON
Richard O. Cunningham	Step toe & Johnson, LLP	Washington, DC
Jack David**	Permanent Joint Board on Defense, Canada/U.S.	New Hartford, CT
Rocco Delvecchio	Canadian Counsulate General	Detroit, MI
Nicholas J. DeRoma	Nortel Networks	Brampton, ON
Clay Diamond	U.S. Coast Guard	Cleveland, OH
Ronald L. Doering	Gowling LaFleur Henderson LLP	Ottawa, ON

James Doherty	Alberta International and Intergovernmental Relations	Edmonton, AB
Isabel Dongier	Fasken, Martineau	Montréal, QC
Andrew Dorchak	CWRU School of Law	Cleveland, OH
John D. Drinko	Baker & Hostetler, LLP	Cleveland, OH
Jonathan Entin	CWRU School of Law	Cleveland, OH
Asim Erdilek	CWRU School of Law	Cleveland, OH
Stephen E. Flynn**	Council on Foreign Relations	New York, NY
Ted R. Fowles	U.S. Coast Guard	Cleveland, OH
David A. Gantz**	University of Arizona	Tucson, AZ
Richard S. Garber	Natural Resources Canada	Ottawa, ON
Martin Gelfand	Office of Congressman Dennis J. Kucinich	Lakewood, OH
Aurielano González-Baz**	Bryan, González, Vargas & González Baz	México, D.F.
William C. Graham**	Government of Canada	Ottawa, ON
Jon Groetzinger, Jr.*	American Greetings Corporation	Cleveland, OH
Robert Hage**	Government of Canada	Ottawa, ON
Billy Hewett	Canadian Food Inspection Agency	Ottawa, ON
Mark Higgins	U.S. Coast Guard	Cleveland, OH

Ian Holloway	University of Western Ontario Faculty of Law	London, ON
Gary C. Hufbauer**	Institute for International Economics	Washington, DC
Charlotte Janssen**	Janssen & Associates	Toronto, ON
Erik Jensen	CWRU School of Law	Cleveland, OH
Mark J. Kasoff	Bowling Green State University	Bowling Green, OH
Svetlana Katz		Toronto, ON
Barry Kellman**	DePaul University College of Law	Chicago, IL
Charles J. Kerester		Shaker Heights, OH
Henry T. King, Jr.*	CWRU School of Law	Cleveland, OH
James Kloos		Cleveland, OH
Gerald Korngold*	CWRU School of Law	Cleveland, OH
Clemons J. von Koschembahr	U.S. Department of Commerce	Cleveland, OH
Julie A. Kraus	CWRU School of Law	Cleveland, OH
Gordon Taylor Lee	Industry Canada	Toronto, ON
Jacqueline Lipton*	CWRU School of Law	Cleveland, OH
Philip Lupul	Canadian Consulate General	Detroit, MI
Selma M. Lussenburg**	AT&T Canada Enterprises	Thornhill, ON

Michael D. Mann**	Richards Spears Kibbe & Orbe	Washington, DC
David J. Manning**	Keyspan Energy Corporation	Brooklyn, NY
Laura Martinezc Massie	CWRU School of Law	Cleveland, OH
Margaret McCuaig- Johnston	Finance Canada	Ottawa, ON
James P. McIlroy*	McIlroy & McIlroy, Inc.	Toronto, ON
Simon McInnes	Public Works and Government Services Canada	Ottawa, ON
John McNamara**	MacNamara and Associates	Toronto, ON
James Micciulla		Columbus, OH
Michael Miller	U.S. Dept. of Commerce	Cleveland, OH
Harrison Moon	Government of Ontario	Toronto, ON
Audrey Morris	WCPM Ideastream	Cleveland, OH
S. Richard Petry, II	Eaton Corporation	Cleveland, OH
E. Michael Power**	Gowling LeFleur Henderson LLP	Ottawa, ON
Brenda D. Pulley	Alcan Aluminum Corporation	Cleveland, OH
Bechara Rassi	Amir Foods, Inc.	South Euclid, OH
Christopher M. Rassi	CWRU School of Law	Pepper Pike, OH

Vivian Rassi	Amir Foods, Inc.	South Euclid, OH
Thomas Riehle**	Ipsos-Reid, USA Public Affairs	Washington, DC
Davis R. Robinson*	LeBoeuf, Lamb, Greene & MacRae, L.L.P.	Washington, DC
J. Michael Robinson *	Fasken Martineau DuMoulin, L.L.P.	Toronto, ON
Gerhard Rosegger	CWRU School of Law	Shaker Heights, OH
Guyline Roy	Transport Canada	Ottawa, ON
John K. Ryans	Kent State University	Kent, OH
Karen Schaefer	WCPN Ideastream	Cleveland, OH
Matthew Schaefer**	University of Nebraska College of Law	Lincoln, NE
Michael P. Scharf*	CWRU School of Law	Cleveland, OH
Morris Shanker	CWRU School of Law	Cleveland, OH
Mark Sills	Fasken Martineau DuMoulin LLP	Toronto, ON
Thomas V. Silvia	State Bar of Michigan	Ann Arbor, MI
T. Bradbrooke Smith*	Stikeman Elliott	Ottawa, ON
Donovan M. Steltzner	CWRU School of Law	Cleveland Hts., OH
Terrance A. Sweeney	Borden Ladner Gervais	West Toronto, ON
Marcella M. Szel**	Canadian Pacific Railway	Calgary, AB
Theodore C. Theofrastous**	Cleveland Clinic Foundation	Cleveland, OH

Ian Thomson	Agriculture and Agri-Food Canada	Ottawa, ON
Daniel D. Ujcz	U.S. District Court	Youngstown, OH
Lynda D. Vaughn	CWRU School of Law	Cleveland Hts., OH
Michael Vechsler	International Joint Commission	Ottawa, ON
Emmy Verдум	Department of Finance	Ottawa, ON
M. Catherine Vernon	Philips Medical Systems	Highland Hts, OH
Jonathon Vita	Ministry of Enterprise, Opportunity & Innovation	Toronto, ON
Christopher Waddell	Carlton University	Ottawa, ON
Susan Wagner		Pepper Pike, OH
Lisa Wood	CWRU School of Law	Cleveland, OH
Julianna Herrick Yee	Thompson Hine	Cleveland, OH
Ellen G. Yost**	Fragomen, Del Rey, Bernsen & Loewy, P.C.	Buffalo, NY

* - Session Moderator ** - Session Speaker