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## 2021 Canada-U.S. Law Institute Distinguished Lecture – Working with the Biden Administration: What We Need To Do

Colin Robertson

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2021 CANADA-U.S. LAW INSTITUTE  
DISTINGUISHED LECTURE –  
WORKING WITH THE BIDEN ADMINISTRATION:  
WHAT WE NEED TO DO

MARCH 10, 2021

*Colin Robertson*

*Moderator: Chios Carmody*

ASSOCIATE PROFESSOR CHIOS CARMODY: Alright, well we might as well get underway. Good afternoon. For those of you I haven't met, my name is Chi Carmody, and I'm an associate professor here at Western's Faculty of Law. And since 2002, I've been the Canadian national director of the Canada-U.S. Law Institute.

The institute was founded in 1976 as a joint creation of Western Law and the Case Western Reserve University School of Law in Cleveland, Ohio, to examine issues of relevance to the Canada-U.S. bilateral context. To that end, the institute sponsors a number of activities each year, including the Canada-U.S. Law Institute Annual Conference—the 45th edition of which is taking place online April 23, on the theme of “Climate Change and the Arctic: Profound Disruption, Uncertain Impact.” And that will have free admission for students, so please stay tuned for that.

There is also publication of the *Canada-U.S. Law Journal*—which takes place once annually, and is put together by a binational panel of students on both sides of the border—and periodic Experts' Meetings, and Distinguished Lectures such as this, as well as our ever-popular Student Fora—the next two of which are going to be, first of all, on Tuesday, March 23 at 6:00 p.m. focusing on negligence in law enforcement and the differences between Canadian and U.S. law regarding the duty of care in law enforcement and, secondly, on Wednesday, March 24 at 5:00 p.m. discussing the treatment of cases challenging lockdown orders in Canada and the U.S. So, please join us for one or both of those. Details will be available shortly through the *SLS Daily* bulletin.

This, however, is the 14th Annual Canada-U.S. Law Institute Distinguished Lecture. And this year, our distinguished lecturer is Colin Robertson, who is vice president of the Canadian Global Affairs Institute, and host of its regular *The Global Exchange* podcast.

Before assuming these positions, Colin worked as a diplomatic services officer with Canada's Department of Foreign Affairs—now Global Affairs Canada. And during his very varied foreign service career, he served as first head of the Advocacy Secretariat and minister at the Canadian Embassy in Washington, as consul general of Canada in Los Angeles, and consul of Canada in Hong Kong, and in New York at our Mission to the United Nations, and the Consulate General

there. Colin was also a member of the teams that negotiated the 1988 Canada-U.S. Free Trade Agreement, and the 1994 NAFTA [North American Free Trade Agreement].

Colin now writes on foreign affairs for the *Globe and Mail*, and is a frequent contributor to other media. And he'll be speaking today to us on the subject of, "Working with the Biden Administration: What We Need to Do."

Now, before he does that, I would like to convey a few thank yous. So, I'd like to, first of all, thank the Faculty of Law—particularly our dean, Erika Chamberlain, for her continuing support of this lecture. I'd like to also thank Susanna Eayrs, the faculty's communications officer, for liaising with Colin and helping to promote and publicize this event. And to Corey Meingarten, the faculty's systems administrator, who's ensuring a smooth broadcast and recording of the Distinguished Lecture today.

I'd also like to thank students of this year's Canada-U.S. Law Institute Student Committee—particularly Victoria Ostrovsky, David Yun, and Cole Halbert, who have helped to coordinate and assist with this Distinguished Lecture.

After Colin's Distinguished Lecture, there's going to be an opportunity for questions from the audience through Zoom. So, if anyone would like to send along questions during the lecture or thereafter, this would be appreciated. So, over to you, Colin.

MR. COLIN ROBERTSON: Well, thank you very much, Chi. And my thanks to you, and to Corey and Victoria, for making this going—especially Corey, who I know is going to make sure the slides and everything come through.

Over the years, I've learned a lot from the work of your binational law institute, especially when I've attended the sessions in Cleveland. I remember talking with the inimitable Henry King about the Nuremberg Trials, and [Sidney] Sid Picker about transborder environmental issues. As I say, it's an honor to speak at a forum that has also welcomed my friends Larry Herman, Chris Sands, Janice Stein, Bruce Heyman, and the man from whom I probably learned the most about dealing with the United States, the late Allan Gotlieb.

My remarks are going to come in three parts. First, the situational awareness of the Biden challenges. Then, mindful of the new Roadmap for Canada-U.S. relations, some rules of the road on getting it done. And I'll conclude on a cautionary note because, while diplomacy is inspired by idealism, it advances through pragmatism, rooted in realism.

I became familiar with the term "situational awareness" when I visited Pacific Command at Pearl Harbor when I was consul general in Los Angeles. Hawaii was part of my parish. Situational awareness means being aware of one's surroundings and identifying potential threats in dangerous situations. It is more of a mindset than a hard skill, but it's as vital for diplomats as it is for the military. To understand how we can advance Canadian interests, we first need situational awareness of Mr. Biden's America.

Say a prayer for Mr. Biden—he faces the most formidable set of challenges for any president since Franklin Delano Roosevelt took power in 1932, when America was reeling under the Great Depression. In his inaugural address, Mr. Biden outlined the crisis facing America. First one, of course, is health. The

pandemic death toll is awful, with over half a million dead. More Americans have died from COVID than died during America's twentieth century wars. Biden is on track with his pledge of one hundred million vaccinations in one hundred days. In fact, there are, in some cases, three million vaccinations a day. He promises enough vaccines for everyone by the end of July.

Then there's the economic malaise caused by the pandemic, but also technological change and globalization. Jobless claims remain well above the worst levels of the Great Recession. At 100 percent debt-to-GDP, U.S. debt is higher than at any time in U. S. history, outside of World War II. By comparison, Canadian GDP debt is now about 50 percent. And in Ontario, it's about the same.

Americans, perhaps more than any other nation, believed they were an exceptional people, living in what Ronald Reagan once called "the city on [a] hill"—a new world where, if you work hard, you can succeed. But new polls tell us most Americans think their children will be worse off than themselves, for some reasons. The top 10 percent of Americans now own over 70 percent of the country's wealth. The top 1 percent controls more national income than the bottom 50 percent. Average income growth of the top 1 percent grows by 226 percent from 1979 to 2016, while working and middle-class income distribution was comparatively flat.

The economic turmoil continues to a larger social crisis complicated by race, gender, class, and culture. Racial injustice, the George Floyd trial is in today's news. But to give Black Lives Matter some wider context, if you're Black, you're twice as likely to die of COVID, and three times more likely to be hospitalized. Black unemployment rates are double those of Whites. Net worth for median Black households in the United States stands at \$20,000, compared to \$180,000 for Whites.

Then, of course, there's migration. The pressure on the southern border from those fleeing crime, corruption, and bad government—a movement that helped propel Trump to the White House on the promise of a wall to keep them out.

Then, of course, there's climate, including biodiversity and pollution, rising temperatures and freak weather, wildfires, hurricanes, tornadoes, freezes, and floods of biblical proportions. According to NASA, 2012 was the hottest year on record, followed by 2019 and then 2020.

Biden must manage all these crises against a profound political divide that, like the social crisis, is compounded by race, religion, geography, and increasingly, class. The political divide is visceral, as we witnessed in both the election, which saw a 67 percent turnout—the most since 1900—and in the impeachments. Despite the attack on the Capitol, and Senate Republican leader Mitch McConnell declaring that Trump was morally responsible, only seven Republican senators, not including McConnell, backed impeachment.

The Republican Party is still the Trump party, with half of Republicans believing that the election was, as Trump says, "stolen." A switch of 50,000 votes in three states and I'd be talking today about a second Trump administration.

Republican and Democratic voters not only disagree over plans and policies, but they also disagree on basic facts. The political challenge for Biden is not only interparty, but also intraparty, pitting the progressive wing—AOC [Alexandria

Ocasio-Cortez], who you see right behind Joe Manchin, and the AOC faction includes Bernie Sanders, Elizabeth Warren—against the moderates—of course Biden, Kamala Harris, Nancy Pelosi, and [Charles] Chuck Schumer. As Will Rogers once remarked, “I am not a member of any organized [political] party. I am a Democrat.”

Biden has set himself three overriding priorities: to revive and sustain the middle class, to fix the environment, and to restore American leadership of the free world. He and his team believe the well-being—economic, environment, health, social—is the best antidote to populism, and the way to defend democracy. But it starts at home. As Biden put it, “We have to put ourselves in a position of strength to be able to deal with the challenges we face around the world,” from the great power competition with China to nuclear proliferation with Iran and North Korea. [Quoted text should be attributed to National Security Advisor, Jake Sullivan.—Ed.]

As to restoring America to global leadership, Biden recently told the Munich Security Conference, you see here Angela Merkel watching this, “We’re at an inflection point between those who argue [that], given all the challenges we face—from the fourth industrial revolution to a global pandemic—that autocracy is the best way forward, [they argue,] and those who understand that democracy is essential—essential to meeting those challenges.”

As for China, Biden says, “We cannot and must not return to the reflexive opposition and rigid blocs of the Cold War. Competition must not lock out cooperation on issues that affect us all. For example, we must cooperate if we’re going to defeat COVID-19 everywhere.”

By the midterms, which are just two years away, Biden needs the pandemic contained, and the economy growing again—especially union jobs—and a visible reshoring of manufacturing to create jobs, as well as resiliency.

Biden’s focus must be domestic, fixing things at home by using executive orders, legislation—as we’re seeing right now with the major relief bill, to “Build Back Better”—and voting reform, immigration reform, and then regulation, especially on the environment and social justice. Internationally, he needs the allies to believe that America is back.

So, what does this all mean for Canada, and how do we get what we want done? We get it done through focus, continuous engagement, and whenever possible, rules-based institutions.

Our relationship will always be asymmetrical—that polysyllabic word that actually means an awful lot. The U.S. matters more to us than we matter to them. We level the playing field through a network of rules and agreements—at last count, well over 20,000 in institutions. Institutions, preferably binational, like NORAD [North American Aerospace Defense Command], like the IJC [International Joint Commission], and like, of course, your own law institute.

Most of our diplomacy is bilateral or multilateral, where we sit on opposite sides of the table. But binational means, at least in theory, that our representatives operate side by side looking for the optimum results. It’s the antithesis of Mr. Trump’s winner take all.

We are deeply, deeply integrated economically—a process that began before World War II and has continued, despite bumps, ever since, beginning with the [Canada-United States] Free Trade Agreement, the NAFTA, and now the new Canada-U.S.-Mexico Agreement.

Some facts: sixty cents of every dollar we generate comes from trade. The U.S. is our main trading partner, buying 75 percent of our exports. By comparison, the European Union takes about 8 percent, and China 4 percent. The U.S. provides over half of our imports and almost half of our foreign investment.

The U.S. also provides our security blanket. We became allies before World War II, negotiating defense production sharing agreements, and then a binational alliance with NORAD in 1957 that now covers air and sea. We're also allied through NATO [North Atlantic Treaty Organization].

We share the top half of our continent. The third, often forgotten, but increasingly important piece in our institutional architecture, is our joint stewardship of the environment. The International Joint Commission—our oldest binational agency—has successfully managed our waterways for over a century, set up in 1909. These institutions represent a continuous process of continuous engagement. That's how we get it done.

The Roadmap [for a Renewed U.S.-Canada Partnership] signed off last month by Prime Minister Trudeau and President Biden is but the latest iteration in neighborly relations that is both a model and envy for others. The [six] goals enumerated in the Roadmap spell out our current shared objectives. Top of the list, of course, is COVID—Combatting COVID-19 at home and abroad. Building Back Better in a sustainable fashion, that also addresses new threats, like cyber. Accelerating Climate Ambitions, starting with a common approach between Canada and the United States on things like carbon pricing, complementary standards on emissions, sharing research and development, and innovation. Advancing Diversity and Inclusion, with a focus on the disadvantaged groups—women, visible minorities, and Indigenous peoples—in recognition that the rising tide of globalization did not lift all boats. Bolstering Security and Defense, including modernization of NORAD, especially its North Warning System. Building Global Alliances to address the threat of authoritarianism, but with burden-sharing so the U.S. doesn't pull all the load. This also means reform of rules-based order institutions, like the World Trade Organization and the World Health Organization.

To achieve progress on the Roadmap, we need to stay focused and engaged, because getting it done is always the hard part. “Getting it done” is a phrase another of my mentors, Derek Burney—who served as Brian Mulroney's chief of staff, and then as our ambassador in Washington—would remind us of often, as we strategized about high policy. Yes, situational awareness and a vision of strategy, tactics, and objectives is vital. But then we have to, as Derek would put it, “get it done.”

Over my now forty plus years of working on Canada-U.S. relations, I've learned through trial and error some useful lessons—rules of the road for engaging the United States. They're complementary to, and a companion to the ten rules enunciated by Allan Gotlieb in his *I'll be with you in a minute, Mr. Ambassador*:

*The Education of a Canadian Diplomat in Washington.* Gotlieb, of course, gave this first lecture.

Still relevant, these three of his rules are especially current. One, “The particular process by which a decision is reached in Washington is often so complex and mysterious that it defies comprehension.” Two, “Since there are so many participants in decision-making, so many special interests and pressure groups, and so many shifting alliances, a diplomat cannot design any grand or overarching strategy to further his nation’s interests. Every issue requires its own micro-strategy and every micro-strategy is unique.” Three, “No permanent solutions are within reach of the ambassador or his government, only temporary ones. Instability is the norm, alliances and coalitions are always being forged, forces and counterforces are always mounting.”

I kept a copy of Gotlieb’s book on my desk alongside the U.S. Constitution during my time in Washington. That, and subsequent experiences, helped me draft my own ten rules of the road for getting it done when dealing with Uncle Sam. And I’ll start with them, and I’ve put them up.

Get our collective act together, because Americans will always exploit our differences. Know what is our “ask” and what is our “give.” Know our facts, offer solutions not whinging, and get to the point. Save the White House for what is really important.

Second, Americans like big ideas. Be brief, be blunt, be bold. Go for gold—ask for what we really want rather than what we think they will give us. If we don’t take the initiative, then we take what is on offer.

Three, public diplomacy—and I would include here, of course, social media—is as important as closed-door diplomacy. We have, when we talk to Americans, three main messages. The first is really important: We have your back—because national security trumps everything else when you deal with the United States. Second, we are a trusted trading partner, “making things together” with our goods, services, and resources fueling “Build Back Better.” And the third message, of course, as co-tenants of the environment, we are joint stewards of our land, water, and air.

And these were the three that, when I worked Capitol Hill and deal with Americans, I would always come back to—especially that first one, “We have your back.” When I first went to Washington, worked Capitol Hill, I felt like a Fuller Brush salesman—I’d go in, make a pitch, they’d like us, and I’d go. I wasn’t getting through. So, after about three months, I had one of the officers in the Canadian Defense Liaison group put on his uniform, come up with me. It made all the difference. Keep in mind, 25 percent of Americans who serve in Congress have done uniformed service. That uniform, what that uniform represented, and what the officer could talk about—most Canadians have served with Americans—they could underline the point, we have your back. Again, vital.

These next two slides are banners we had made, and we used to put on the Embassy—still do, I think—on the first week of July. That, of course, covers July 1 and July 4, underlining the point, “Friends. Neighbors. Allies.” Keeping in mind our Embassy in Washington is on Pennsylvania Avenue and, as Kamala Harris now goes up to Capitol Hill regularly to vote, she passes the Embassy on the way.

And the second one, because we didn't go into Iran—which proved to be quite clever on Mr. [Jean] Chrétien's part—but we were in Afghanistan. We got this poster made, and we put it in the Metro and judiciary and everything, to underline that we were still America's allies.

My fourth point, make it a U.S. issue and identify U.S. allies. There are always more Americans who think like Canadians than there are Canadians. Play by American rules, so use lobbyists and lawyers. Again, sometimes we think, "Oh, we shouldn't do this." But that's how it works in the States.

The administration is our entry point, but the battleground is Congress, the states, and cities. For legislators, who must fundraise daily—and they've got to fundraise about \$5,000 daily—all politics is local, and all trade is local, so we have to make it local as well. And remember, in politics, if you're not on the offense, you're playing defense.

Six, beware of noise. The American system is fundamentally different from ours, with checks and balances and separation of powers. Most proposed legislation fails. Often, I'll see in the papers in Canada, "Ah, Congress introduces this or that bill." Keep in mind that only about 2 percent of what's introduced in the American Congress gets through, as opposed to our system, where most gets done [that] comes through.

Next point: protectionism is as American as apple pie and as old as the republic. Frank McKenna, who was our ambassador, once said to me, "When did the softwood lumber dispute start?" I phoned up my friend, who was the librarian of Congress. He came back to me and said it goes to George Washington's second administration, when timber merchants in Massachusetts—which included Maine at that point—put up a tariff to keep out New Brunswick timber from being used in building ships.

This next point is also important because I know we're doing it today, and we shouldn't. Don't ask for an exemption, ask for reciprocal treatment—that's the art of the deal. We're not going to get exemptions.

Eight, Americans like us more than we like them. But business is business, and the business of America is business, so don't ever expect gratitude for what we think we did for them. The latest Gallup poll, 94 percent of Americans like Canadians, the Brits are next. And this has been remarkably consistent, for as long as Gallup has been doing polling. So, keep that in mind when you talk to Americans.

Ninth point: we can disagree without being disagreeable—this is something that Brian Mulroney practiced extremely well. No surprises, especially in issues of national security. I saw this happen a couple of times, around going into Iraq the second time, and around ballistic missile defense, when we sent mixed signals. The one area the Americans hate surprises on [is] national security.

My final rule of the road: It's a permanent campaign, requiring engagement at every level, early and often. We need a thousand points of contact—prime minister to president, premiers and governors, cabinets, legislators, mayors, business to business, labor to labor, and civil society. And it has to go on.

Get this right, and we can not only advance Canadian objectives, but we can enhance our international standing. Brian Mulroney, the prime minister who best

understands the United States, put it this way: “There is [also] a rule of global politics—Canada’s influence in the world is measured to a significant degree by the extent to which we are perceived as having real influence in Washington.”

A cautionary note: in his 1862 address to Congress, while waging the Civil War, President Lincoln said, “In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save, or meanly lose, [the] last best hope of earth.” We want the United States to succeed. We want Joe Biden to succeed. We want a united and democratic America, just like we want a united, democratic Canada. We all want to see a return to optimism and pragmatism—the can-do spirit that has been the enduring American characteristic, and one that we all admire. We can do a great deal together and, with the rules of the road in mind, get it done.

The U.S. political scientist, Ian Bremmer, recently observed the United States is a country of contradictions. It set the global standard on game-changing vaccines, while leading the world in COVID deaths and hospitalizations. Its markets were at record highs, while the Capitol Building was stormed by violent insurrectionists. It flawlessly landed the new Mars mission, while Texas suffered unprecedented power outages and no clean water. For all the innovation and growth, the politics of the United States are profoundly dysfunctional, and getting worse.

As Attorney General [Merrick Garland] said in his confirmation hearing, his priority is domestic terrorism. Whenever there’s a crisis—pandemic response, the presidential election, or Texas energy debacle—the U.S. shifts into the blame mold. That’s not the city on the hill.

Authoritarianism—whether monarchies, dictators, or oligarchies—not freedom and democracy, has been the prevailing system of government for most of recorded history. Once more, we have an authoritarian model—Xi Jinping’s China, one where their economy has done better than any democracy each year for thirty years. As democracies turn inward, authoritarianism surges, contributing to the fifteenth consecutive year of decline in global freedom, according to Freedom House’s just released annual assessment of political rights and civil liberties [*Freedom in the World 2021: Democracy under Siege*]. Xi Jinping can claim his model preserves order, while giving prosperity. Now, he’s exporting it abroad through the Belt and Road Initiative, and through reinterpreting and revisiting the rules of international organizations.

So, I conclude by saying we’ve enjoyed what historian Margaret MacMillan describes as a “Long Peace,” and the triumph of democracy, or what scholar [Francis] Fukuyama once called “The End of History.” But to quote that Nobel Laureate, Bob Dylan, “the times they are a-changin’.”

Study history, and you realize that neither that Long Peace nor democracy is guaranteed. Study history, and you know that the good guys don’t always come first. While posted in New York City in the late seventies, I got to know the legendary BBC journalist Alistair Cooke. For half a century, he read listeners a weekly *Letter from America*. Cooke told me, “America is a country in which I see the most persistent idealism and the blindest of cynicism, and race is on between its vitality and its decadence.”

So, I repeat what I said at the beginning: Say a prayer for Joe Biden. Thank you.

ASSOC. PROF. CARMODY: Thank you very much. That was great.

I wanted to follow up with a couple of points that you made during your remarks. You've mentioned that we're entering into, or we've entered into, a very turbulent time politically. This has been building now for several years, and it seems to be a sort of confluence of a lot of different factors that are playing out in U.S. politics and, to some extent, abroad as well. These include things like climate change, and they include things like unfinished work of the civil rights movement, and they include things like industrial decline, and the shift to a new economy, or lack thereof. At this particular juncture, given what you've said, Colin, what should we be thinking about as our "ask," and what's our "give" at the moment?

MR. ROBERTSON: What we want, and what is vital for us, is access to the American market. And, from that, everything else sort of follows.

What the Americans want from us is a reliable ally, and I think that's been the traditional compromise. This goes back to, really, the beginning of modern Canada-U.S. relations. That was set in place by Franklin Roosevelt, who I think was the president that best understood Canada. Remember he used to summer in Canada—Campobello, and that's where he caught polio.

And [William Lyon] Mackenzie King, who I think realized, as World War II was approaching, that Britain may not be as reliable a pillar as it had been from 1867 on. We had to have a relationship with the United States because, you go back in Mackenzie King's heritage, you know, his grandfather had been around when the Americans, not that long after we had fought the War of 1812, 1814 with the United States. So, for his generation, there was still this threat that the United States had only recently become a friend. And what he set out to do, and succeeded, was to make the United States an ally. And basically, the compromise that he and Franklin Roosevelt reached was access for Canada to the U.S. market—something we had tried to do since even before confederation. We had a reciprocity trade agreement from 1854 to 1866, but it exploded with the Civil War, when the Brits were seen to back the South rather than the North.

And then [John A.] Macdonald tried, but failed, and came up with the National Policy. And then we made subsequent efforts—[Wilfred] Laurier in 1911, and Mackenzie King was offered it by Roosevelt, 1945. But I think he looked in his crystal ball and said, "No, it's too big a leap, politically." And it took Brian Mulroney to do this, about another forty years later.

So, the trade-off for us has always been, be a reliable ally. In return, we get access to the U.S. market. And what the U.S. is going to push us on now—and this will hold true for Biden just as it did for Trump—will be to do more up in the North, where they are concerned [with] what's going on and, in particular, the North Warning System and modernization of NORAD. That's going to be expensive, but it will allow us to reach a larger goal, and that's the NATO target of spending 2 percent of GDP on defense—something we did just as a matter of course for many, many, many years. But, in the dividends of the Cold War, we dropped down to a little less than 1 percent, and today we're about 1.1 percent.

ASSOC. PROF. CARMODY: So, following up on that then, and on what you said, I think a lot of people who look at the United States today from the outside—as Canadians often do, and people around the world still do—there’s a sense that America is a nation beset, preoccupied with its own problems. And that is maybe nowhere better exhibited than in the snowstorm last month in Texas where, you know, conditions were evident in the media that made the United States look like, you know, a developing country. In the midst of all this, what’s the big idea? What is it that, you know, the United States can champion, and that we can join with them in championing?

MR. ROBERTSON: Well, the big idea to me is kind of a restoration of democracy. And I think Biden implicitly gets this, and I think Trudeau. And I do think this is something that goes across the political spectrum, because I do think the big challenge today is between open systems and closed systems. So, when Biden talks about a “league of democracies,” somehow democracy has to get its mojo back, because I think democracy is also the best way to provide for a sharing of the wealth. I think we also got away from that in the last twenty years with the, sort of, embrace of freer trade and the triumph of the market and things. But it’s not what democracy—you go back to the Greeks—was sort of built upon. And so, I think that—you know, I talked about Lincoln—I do think that’s something that we have to get back to in democracies.

And I do think that Biden is absolutely right when he says the best antidote to populism—which is really the road to authoritarianism—is a reform and revitalization of democratic institutions, and a more equitable sharing of the wealth. It’s not socialism, but it is what we enjoyed during what many people saw as that golden period of American and Western history, from really the Second World War to really about the late seventies, when the oil shocks began to change things. And it was things like the GI Bill [Servicemen’s Readjustment Act of 1944]. Citizens were much more engaged, our voting was much higher, and people felt that the government was there to defend them. I remember, Ronald Reagan says, “government is the problem.” Bill Clinton says smaller government. But, I think we’ve learned in the last few years, particularly around COVID, that government’s essential.

ASSOC. PROF. CARMODY: Yeah. Yeah, certainly. And, you know, much has been made of the difference between the Trump and Biden administrations’ approaches, and their efforts to curtail the coronavirus pandemic. How much of the change in administration has affected the approach to combating the coronavirus pandemic here in Canada? Do you think that we are going to benefit in any way from what the Biden administration has done? Or do you think they’ll continue to be preoccupied with combating the pandemic domestically?

MR. ROBERTSON: Well, I think Biden, politically, first has to get the COVID under control. This is the test for him. Remember, he’s facing an election in two years. As I pointed out earlier, the margins in the House and the Senate—the Senate is 50-50, in the House the Democrats lost seats in the last election. To succeed, he has to win and hold the Senate and the House in the next election. And he will be judged by the voters on how he deals, first, with the COVID crisis and,

of course, inextricably linked to that is where are we in terms of the economy? And the economy means a restoration of jobs.

From a Canadian perspective, we've got to hope and pray that he succeeds, because our own economy is—again, I tried to point out—so linked to that of the United States. American recovery means Canadian recovery. If Americans aren't buying, then we're not selling. And then, despite our best efforts to diversify—which is something I strongly believe in—but still, the easiest market for . . . this government's putting, I think rightly, emphasis on those small, medium-sized enterprises, women, Indigenous groups, others to get involved. The easiest market—we've done polling on this—tells us for them to get involved, to access is still the United States.

ASSOC. PROF. CARMODY: Yeah, and I mean, just as sort of, you know, a box score, what would you give Biden in his first, well, we're coming up on two months in office.

MR. ROBERTSON: Well, I look at the opinion polls and he's enjoying favorability over 50 percent. You know, I look at RealClearPolitics every day to just, sort of, see where things are at. And he is where he wants to be, but now he has to deliver on this—what I would call getting it done. He's got the same problem that we have in Canada-U.S. relations, he has to get it done.

The rhetoric is there, although he's not Olympian like Obama. But he is a gifted legislator. When I met him, he was chair of the Senate [Committee on Foreign Relations], and when I met him, could this be 2004, well he'd been elected in 1973 as a senator. So, he's very experienced. He is very much a creature of the U.S. Senate, where he served for thirty plus years, before serving as vice president for eight years.

ASSOC. PROF. CARMODY: Yeah. So, an old hand and a good hand . . .

MR. ROBERTSON: Old hand, and also a people person. You know, I worked Capitol Hill, and I used to say there were two types of politicians: there's the talkers and then there's the listeners, and the talkers outnumber the listeners about nine to one. Biden's a talker. When I first met him, I mentioned that my grandmother was born in Scranton. Well, he just took right off then, "Oh, where, what was she doing?" This and that. When I saw him thereafter—and I didn't see him very often because he's a busy guy—but I would, these were often informal things, because I would go up and just try and see people because it was very tough to get access. He was always engaged and engaging. He likes people. You see this. This comes through, and I think that's important.

Barack Obama, by comparison, was a listener. I knew where the senator smoked—he was quite famous already, by then he'd given his great speech—and I would go up to him, I'd make my pitch, he'd listen, nod, and go away. The only time I ever got him to talk was when I talked about an environmental issue and he said, "Ah," he, sort of, piped up and said, "I'd been a state senator in Illinois," and he'd put through legislation which prevented water from being pulled from the Great Lakes down to California and he got talking. I could see in his eyes this guy was green.

I always wished Stephen Harper read that dispatch back, because remember we made a big deal of Keystone and it just didn't work out for us. We made it the

litmus test of the relationship, big mistake. Never make litmus tests with the Americans because, first of all, they don't think that much of us. But, if we go in with a big demand that doesn't, isn't going to go anywhere, nothing happens. And our relationship is so complex that we really have to be pushing on all fronts at all times, and don't make any one big project the end all be all. I would, you know, with the exception of, say, the Canada-U.S. renegotiation of the trade agreement—that involved everything. But still we were working on other fronts, including the environment, including on defense, at the same time.

ASSOC. PROF. CARMODY: Do you think, later this year, we're going to see some domestic vaccine production in Canada? Do you think we're going to get American assistance with that? Do you think in the interim, the new administration is in any position to facilitate the export of U.S.-made vaccines to Canada?

MR. ROBERTSON: I don't think that's . . . Well, to back up, yes, I think we're going to see the restoration of domestic vaccine production in Canada. I think they're talking about doing it just outside of Montreal where we used to, you know, we tried to make pharmaceuticals, but the natural market forces meant that it just didn't work, and stuff pulled away.

And we made a mistake, as other countries did as well. I think we've learned through the pandemic that resiliency, particularly when it comes to health, is really, really important and when it comes down to pandemics and things, borders will close, so you have to have domestic capacity. This is going to be as important as maintaining a military. And so, I think we do that for our own purposes.

Will the U.S. be helpful? Well, we may get some U.S. investment. One thing we do really well in Canada is we do clinical trials. They often use Canada as a kind of test bed for new drugs because we're a good demographic portrait of the United States, with a couple of exceptions—they've got more Latinos, we have more Asians—but you can do a portrait. And because of our big university hospitals, and I think our national health system does help things, Americans do clinical trials up here. So, I think that you can make a business case as to why you might want to do this. The relationship between our [Public Health Agency of Canada] in Winnipeg and the Atlanta CDC [Centers for Disease Control and Prevention], there's a lot of things that that we have in common. And I do think that there's going to be much more emphasis now on health as a consequence of COVID in all governments. And yes, that will involve, probably, more collaboration.

ASSOC. PROF. CARMODY: So, one of the questions that has been forwarded to me from a member of the audience is the shifting, or the potential for a shifting political landscape here in Canada. We've seen concerns raised over the WE Charity scandal, and the prorogation of Parliament last September. And they've led to whispers of a potential federal election following—possibly, later this year. Barring any sort of access to a crystal ball that you might have, how do you think a change in leadership in Canada is going to impact Canada-U.S. relations and efforts to work with the Biden administration?

MR. ROBERTSON: Well, my presumption would be, if there's a change in leadership, it's probably going to be a conservative leader. And my observation would be that the last great battle on how we approached the U.S. was the election

of 1988, on free trade. And, of course, it was ironic, because the Liberals had been the free trade party until 1984—or almost '88, because even then I think [John] Turner, himself, was somewhat conflicted—whereas the Tories had been, traditionally, the anti-free trade party. But we fought that election.

It's worth reminding ourselves that, while Mulroney won the election, it's because of the vagaries of our system. And we sometimes criticize the American system, but he won with 40 percent. I'm glad he did, I was working on the free trade negotiations. But he only carried Alberta and Québec, but had enough of a majority in Parliament that he was able to get the Free Trade Agreement through. And, despite all the critics concerned that we were going to lose our sovereignty, in fact we didn't, we became much richer as a consequence. And that allowed us to invest in the programs that I think make us Canadian—things like Medicare, and education, and the rest.

But what it did, when [Jean] Chrétien came to power in 1993—and this was really important—he set aside, as did Bill Clinton, the criticism of freer trade. And with the sleight of hand of a couple of environmental and labor accords—important in their own right, but not nearly as important as they would later become—basically bought into free trade.

But in terms of the relationship, overall relationship, my observation would be that the Conservatives are just as inclined to get along. They recognize, as Brian Mulroney did, that the most important relationship any prime minister has is with the president of the United States. And so, an Erin O'Toole would be, as would Andrew Scheer, as would any other putative . . . as would Peter MacKay, any other Conservative leader, I think would do the same.

Not so sure about the NDP [New Democratic Party], but I also think the discipline of power, if they ever achieve power, would exert itself to change things. I certainly saw this with provincial premiers. And you see this with Mr. [John] Horgan, I saw it certainly with Gary Doer, NDP premier from Manitoba, Darrell Dexter, the only NDP premier in Nova Scotia. They all recognized that their economies depended on their access to the United States. That's the great attitudinal shift I've seen since 1988. Whereas in 1988, eight of the premiers opposed freer trade. Today, you wouldn't get a premier across Canada—socialist, separatist, Liberal, or Conservative or NDP—who wouldn't favor closer relations, especially economic relations, with the United States, because they recognize that's what generates revenue for their economies.

ASSOC. PROF. CARMODY: So, I've had a further question from our audience as to what it is that Canada should be looking at in terms of its foreign policy beyond the United States, and how we might work both to advance our own interests but also to dovetail with the agenda of the Biden administration. What maybe are, sort of, three areas that Canada should be looking at and working towards in terms of its broader foreign policy that might assist and, at the same time, promote our own interests?

MR. ROBERTSON: Well, Chi it comes down, to me, to basically just one. And that's what your institute's all about, and that's rules-based order. Whether we're dealing [on] a bilateral basis with the United States or multilateral, that's how Canada swings its weight internationally. And I think Canadians, because we

are people of the world, our identity is, in part, how we're seen abroad. So, I think the efforts that this government is making—as would a Conservative government and, I think, an NDP would do the same thing—in terms of bolstering the multilateral system.

Multilateralism, which is really a new concept—really, post-war. Prior to that it was concerts of power and spheres of influence. And in that world, which endured for centuries, it's big versus small. And we're middle power, but we get lumped into the small and, as Thucydides put it, *The History of the Peloponnesian War*, when it's big versus small, small get dictated to.

What we've created, in kind of rules-based order—which is the greatest act of generosity and the American idea of Franklin Roosevelt and then subsequent American presidents all the way from Truman to Obama, not Trump, but Biden shares this—is create this multilateral system with rules-based order. That's how we advance our interests. It doesn't matter what we're talking about, whether we're talking about climate—which is critically important today—or the economy. It's doing it in a rules-based system that we invest in, is vital.

But, one thing I think we learned over the last four years, despite our best efforts—remember the Germans and the French created an alliance of multilateralism, but it wasn't enough to sustain the system, and the system is still on its back foot. It does need to be rebuilt. And so, it's still an open question, which is why this idea of the democracies coming together, I do think, is really important. And I think anything we can do to contribute to that—as we're doing incrementally with the World Trade Organization through the Ottawa Group, as we're doing in the Lima Group to help Venezuela, as we're going to probably be asked to do in Central America to be helpful—that's what we should be doing because, first of all, it wins us influence in Washington. And, bluntly, in terms of Canadian place in the world, if we have access in Washington, then the rest of the world—which is always befuddled by what the Americans are doing, particularly in a Republican administration—they turn to us and ask us to interpret for them.

You know, my friends in Trudeau's office tell me in the first year in office, he was reaching out—as he should, brand new leader. But, the day that Trump was elected, the phone calls started coming the other way from London, and Paris, and Berlin saying, “Explain to us what just happened.”

Which leads me to another point, and which is something your institution is doing but we don't do enough of in Canada. We're the best placed country in the world to understand the United States, and help interpret that. But we don't put nearly the weight, in that interpretive fashion, at our universities and research centers, on understanding the United States, which is critically important, particularly for fellow democracies.

And the Chinese are also fascinated by what's going on in the United States. Conversations I have with the Chinese ambassador are as much about what's going on in the United States as they are about what's going on in Canada.

ASSOC. PROF. CARMODY: So, just one further question that I've received from our audience. I'm wondering if you could give both a recap of some of the most pertinent, and yet overlooked, changes since Biden took office, and perhaps

also provide a projection of how Canada's relationship with the States will look post-lockdown and, potentially, post-pandemic.

MR. ROBERTSON: Well, I think the most significant change with Biden is what I would call—and it's a phrase they use in Congress—return to regular order. The system works on order. Again, the law institute understands this, the rules-based system. And Biden is very much of that, and that is what he is restoring, and I think successfully. It may not be as exciting as Trump, but gosh it certainly works a lot better. So, that's pertinent, and often overlooked.

Where we'll be, well, we've got a Roadmap. And, again, full credit to Biden who reached out because he wants to prove . . . And Canada is actually—this is important—we're the demonstration project for the rest of the alliance. He's sending off [Antony] Blinken, and I think a couple of other secretaries are heading off to Tokyo, and probably Canberra this week. And he's had conversations with those in Berlin, and Paris, and London. But, I'm told they chose us as kind of the closest, nearest ally—and probably the easiest one to come up with. Let's show the alliance that we truly mean business and that we are going to take them seriously.

And the Roadmap was very much a Canadian creation. We came up with the headings, but then the Biden folks shrewdly and smartly filled in the gaps. So, for example, when you get to “Bolstering Security [and Defence/Defense]”—which we included, the fact that probably got pulled out, two bits there—the reference to the 2 percent commitment at the Wales Summit in 2014, to do more in defense spending, the burden-sharing, which is something every American president including Trump has made, is there. And that was inserted by the Americans, but the rest of it was basically our, sort of, agenda. And smart work on our part.

And I do give the Trudeau government credit for getting the one big thing they had to get right right, and that was the U.S. relationship. Trudeau, remember he remade his cabinet, he dispatched [Stéphane] Dion off to Berlin and he brought in Chrystia Freeland—who, of his cabinet ministers, proved as trade minister she understood the relationship best. And Trudeau, despite the slapping around he got from Trump, did his best effort to create a relationship with Trump. It had been a bromance with Obama, but he did his best, and he's now doing his best with Biden. Took a risk early on by making the first call to congratulate him. Biden makes the first call back, and now we're enjoying the dividends.

But now we have to deliver. You know, getting it done is really important, because we've got this Roadmap, it's up to us to actually keep the Americans on point because, as I pointed out, he's got so many challenges. First, all the domestic ones, and then the rest of the world. So, for us to succeed, it really is up to us. But, we are blessed with a Roadmap, and a commitment by an administration that wants it to succeed, because of its demonstration effect to the rest of the alliance.

ASSOC. PROF. CARMODY: Alright. Well, I wanted to take a moment to ask if there are any further questions in the audience. We've had a few.

Alright. Well, I wanted to invite Victoria Ostrovsky to say a few concluding words.

MS. VICTORIA OSTROVSKY: Hi. Good afternoon. Yes, I would like to thank you, on behalf of the Canada-U.S. Law Institute and Western University, for

taking the time to speak to us this afternoon about the relationship between the Canadian and U.S. governments, and particularly the future of this relationship in light of both the new Biden administration and COVID-19. So, thank you.

MR. ROBERTSON: Thank you.

ASSOC. PROF. CARMODY: Thank you, Victoria. I just wanted to thank Colin on behalf of the institute for some very insightful comments today. And normally, at this point you'd be receiving a few little presents from us. Those will be following in the mail. But, in the meantime, we wanted to thank you and just to let you know that we'll continue to be watching your very insightful commentary in the media. Whenever there's a column by Colin Robertson, I'm sure to look it up, as I'm sure many people are, both here and elsewhere, as we continue to watch what's going on in our great southern neighbor.

But, thank you again. And thank you to everybody, all of our attendees, and have a great day. Thank you.

MR. ROBERTSON: Thank you.