



Canada-United States Law Journal

Volume 34 | Issue 2

Article 4

January 2010

Welcoming Remarks and the Canada - United States Relationship - The Common Cause Agenda

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Recommended Citation

Daniel D. Ujcz and Robert Nobel, *Welcoming Remarks and the Canada - United States Relationship - The Common Cause Agenda*, 34 *Can.-U.S. L.J.* 1 (2008)

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WELCOMING REMARKS AND THE CANADA-UNITED STATES RELATIONSHIP – THE COMMON CAUSE AGENDA

Speaker – Daniel D. Ujczco
Canadian Speaker – Robert Noble

INTRODUCTION

Daniel D. Ujczco

MR. UJCZO: Good evening, I am Dan Ujczco, the Managing Director of the Canada-United States Law Institute.¹ Just to answer two preliminary questions, first, there were some flight difficulties for individuals flying in from the East Coast due to a storm, so a number of our colleagues are not here this evening. Second, and perhaps of greatest significance, is our legendary chairman, Dr. Henry King Jr., the innovator of this conference, is not able to join us this evening and will not be able to join any part of the conference proceedings this weekend.²

As many of you are aware, Henry, during the fall of this past year, while in the midst of the most active schedule that I ever saw him keep, encountered a health difficulty. You may imagine there is a little bit of frustration in the King household that he could not participate in the 25th conference that he created.³ Nevertheless, Henry extends his warmest welcome to all of you. Also, he commented that if you have not paid your dues,⁴ he wanted to remind you to do so, which I responded, "well, Henry, I mentioned that ear-

¹ See Canada-United States Law Institute, Executive Committee and Advisory Board, http://cusli.org/about/advisory_board.html (last visited Nov. 10, 2009).

² See CAN.-U.S. LAW INST., GATEWAY OR THE WORLD'S LONGEST UNDEFENDED CHECKPOINT? 15 (2008), http://cusli.org/conferences/annual/annual_2008/doc_apr_2008/2008Conf_Program.pdf (providing biographical information about Henry King, Jr. and describing his extensive role in the development of the Canada-United States Law Institute Annual Conference).

³ See Canada-United States Law Institute, *supra* note 1.

⁴ See generally Canada-United States Law Institute, Membership Information, http://cusli.org/forms/membership_registration.html (last visited Jan. 2, 2009).

lier to all of our members," and he said, in typical Henry format, "well, remind the new members that they have to pay their dues, too."

My charge this evening is to extend a warm welcome on behalf of the Canada-United States Law Institute and our two founding institutions, Case Western Reserve University School of Law,⁵ represented this evening by our associate Dean Jon Entin,⁶ and our United States Director Jon Groetzinger;⁷ The University of Western Ontario Faculty of Law,⁸ represented this evening by our Canadian Director Chi Carmody;⁹ the members of our Executive Committee, represented this evening on the Canadian side by Selma Lussenburg,¹⁰ Michael Robinson at Faskens¹¹ and Jim McIlroy of McIlroy and McIlroy,¹² as well as, on the United States side by Dick Cunningham of Steptoe & Johnson,¹³ Rick Newcomb of DLA Piper Rudnick, LLP, United States,¹⁴ and Don Cameron of Troutman Sanders,¹⁵ and also, the members of our Advisory Board, who are strategically placed throughout the room this evening.

I extend a particularly warm welcome to the new members of our Advisory Board, including Bill Benos of Williams Mullen, Richmond, Virginia, who serves as the Honorary Consul of the Government of Canada in Richmond;¹⁶ Jim Graham of Cleveland Cliffs;¹⁷ Paul Meyer of the Watson Wyatt out of Arlington, Virginia;¹⁸ Daniel Desjardins of Bombardier, Inc.;¹⁹ and we are extremely privileged to have as a member of our Honorary Advisory Board, Judge Randolph Baxter of the United States Bankruptcy Court for the Northern District of Ohio.²⁰ I extend our heartfelt appreciation to the many speakers, panelists, and session chairs that are joining us this evening. Likewise, I want to welcome the many public servants here representing the

⁵ See generally Canada-United States Law Institute, <http://cusli.org> (last visited Sept. 26, 2009) (describing the founding of the Institute).

⁶ See Case Western Reserve University School of Law, Faculty, http://www.law.case.edu/faculty/faculty_detail.asp?adj=0&id=101 (last visited Sept 26, 2009).

⁷ See Canada-United States Law Institute, *supra* note 1.

⁸ See Canada-United States Law Institute, *supra* note 5.

⁹ See Canada-United States Law Institute, *supra* note 1.

¹⁰ See *id.*

¹¹ See *id.*

¹² See *id.*

¹³ See *id.*

¹⁴ See *id.*

¹⁵ See *id.*

¹⁶ See Williams Mullen, Professionals, <http://www.williamsmullen.com/bbenos> (last visited Sept. 26, 2009) (noting Mr. Benos' position as Honorary Consul of Canada).

¹⁷ See Canada-United States Law Institute, *supra* note 1.

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ See *id.*

United States Department of Commerce,²¹ Department of State,²² the Department of Foreign Affairs and International Trade,²³ Canada Agriculture,²⁴ Agri-Food Canada,²⁵ Industry Canada,²⁶ and the United States Department of Homeland Security²⁷ as well as the United States Coast Guard.²⁸

The Canada-United States Law Institute possesses a very special relationship with the United States Coast Guard.²⁹ Our students are referred legal issues from the United States Coast Guard Judge Advocate General each spring semester.³⁰ Our students perform legal research and prepare written memorandum. Two thirds of the questions involve Canada-United States issues.

Finally, I would like to thank Consul General Robert Noble, the Consulate General in Detroit,³¹ which has been a long-time supporter of the Canada-United States Law Institute and this Annual Conference.³² As many of you know, I wear a few hats. I would never speak for Henry King, but I thought back today as we were celebrating the twenty-fifth anniversary to a conversation he and I had back in 1999.³³ We were on a flight to Vancouver, and he was telling me about the magic formula for the Canada-United States

²¹ See United States Department of Commerce, <http://www.commerce.gov> (last visited Sept. 26, 2009).

²² See The United States Department of State, <http://www.state.gov> (last visited Sept. 26, 2009).

²³ See Foreign Affairs and International Trade Canada, <http://www.dfait-maeci.gc.ca> (last visited Sept. 26, 2009).

²⁴ See Agriculture and Agri-Food Canada, <http://www.agr.gc.ca> (last visited Sept. 26, 2009).

²⁵ See *id.*

²⁶ See Industry Canada, http://www.ic.gc.ca/ic_wp-pa.htm (last visited Sept. 26, 2009).

²⁷ See The United States Department of Homeland Security, <http://www.dhs.gov/index.shtml> (last visited Sept. 26, 2009).

²⁸ See The United States Coast Guard, <http://www.uscg.mil> (last visited Sept. 26, 2009).

²⁹ See *id.*; see also Canada-United States Law Institute, Upcoming Conferences & Events, http://cusli.org/conferences/conferences_events.html (last visited Sept. 27, 2009) (noting the Institute's past and future events, some of which are with the United States Coast Guard).

³⁰ See generally Canada-United States Law Institute, Curriculum and Exchange Program, http://cusli.org/curriculum/index.html#curriculum_case (last visited Oct. 9, 2009) (listing the Department of Homeland Security/United States Coast Guard Lab where students work on legal issues referred by the United States Coast Guard Judge Advocate General).

³¹ See Government of Canada, Biography of Consul General Robert Noble, http://www.canadainternational.gc.ca/detroit/offices-bureaux/bio.aspx?lang=eng&menu_id=260&menu=L (last visited Sept. 27, 2009).

³² See Canada-United States Law Institute, *supra* note 29; see also Canada-United States Law Institute, 2009 CUSLI Annual Conference, <http://www.cusli.org/conferences/annual/index.html> (last visited Sept. 27, 2009).

³³ See generally Sidney Picker, Jr., THE IMPACT OF TECHNOLOGICAL CHANGE IN THE CANADA/U.S. CONTEXT: PURPOSE OF THE CANADA/U.S. LAW INSTITUTE, 25 CAN.-U.S. L.J. 1 (1999) (opening remarks at the Canada-United States Law Institute's 1999 Annual Conference).

Law Institute's Annual Conference. He said "Dan, this all started in 1984.³⁴ I was fairly new to the law school,³⁵ and I came from TRW with a network of professional and personal connections.³⁶ At the time President Reagan and the Prime Minister got along fairly well,³⁷ so I called Jon Fried, who was then a young officer at the Department of Foreign Affairs and International Trade,³⁸ and said 'what can we do at Case Western to help the Canada-United States relationship?'"

From that dialogue, it was decided that the conference needed to focus on the next big idea in the Canada-United States relationship, and Henry told me, "Do not ever forget that the conference is always 'forward looking.' That is the first element. You do not come here to hear about what is happening or what has happened in the Canada-United States relationship. It is what the next step is." Secondly, it was a place where federal, state, provincial and local government officials, could meet with their counterparts on the other side of the border and also interact with industry leaders, legal practitioners, scholars, non-governmental organizations, and the media.³⁹ He made me promise that we would never have a conference that was a room full of lawyers, or worse, law professors. Finally, during that conversation and one that he has repeated several times after is the development of personal and professional relationships with other attendees. Henry has always been quite proud of the relationships that he has fostered through this conference, both professional and personal.

This conference not only has created professional networks but personal and long standing friendships. In fact, many of you have been here for twenty-four years. Michael Robinson is here for his 24th Annual Conference. We could not find anybody that was here for all twenty-five years, so Mi-

³⁴ See Canada-United States Law Institute, About the Institute, <http://cusli.org/about/history.html> (last visited Sept. 27, 2009) (outlining the establishment of the Institute's Annual Conferences).

³⁵ See Obituaries, *Henry T King Jr.*, THE TELEGRAPH, May 18, 2009, (describing Henry King's tenure as a professor at Case Western Reserve University School of Law), available at <http://www.telegraph.co.uk/news/obituaries/law-obituaries/5345772/Henry-T-King-Jr.html>.

³⁶ See Sydney Picker Jr., *Proceedings Of The Canada-United States Law Institute Conference On Understanding Each Other Across The Largest Undefended Border In History*, 31 CAN.-U.S. L.J. 1, 4 (2005) (mentioning Henry King's prior experience).

³⁷ See The Ronald Reagan Presidential Foundation & Library, *President Reagan's Foreign Policy: Making the World Over Again*, <http://www.reaganfoundation.org> (click on the "Ronald Reagan" tab; select "The Presidency"; then follow "Foreign Policy") (last visited Sept. 29, 2009) (describing President Reagan's relationship with Prime Minister Brian Mulroney).

³⁸ See Foreign Affairs and International Trade Canada, *Appointments to Board of Directors of Export Development Corporation*, August 30, 2001, http://w01.international.gc.ca/minpub/Publication.aspx?lang=eng&publication_id=378653&docusum=126 (last visited Sept. 29, 2009) (noting Jonathan Fried's position).

³⁹ See Canada-United States Law Institute, *supra* note 1.

chael gets the longest consecutive attendance award. So with that, we will be doing a number of activities throughout the weekend to let Henry know that he is in both our minds and in our hearts, but without further ado, I turn it over to my colleague, United States Director Jon Groetzinger of Case Western Reserve.⁴⁰

MR. GROETZINGER: Thank you, Dan. I am very fortunate tonight to be able to introduce one of Canada's most distinguished diplomats and a great supporter of the Institute, Robert Noble.⁴¹ As Consul General in Detroit, he represents Canada's interests in the environment, industry, trade, investment, passports, and immigration.⁴²

He represents a large area, including Michigan, Ohio, Kentucky, and Indiana.⁴³ He was previously Deputy General Consul in New York and Boston,⁴⁴ and had a distinguished career as the Ambassador of Canada to Gabon, Congo; and Sierra Leone, El Salvador.⁴⁵ He graduated in 1970 of the University of Toronto.⁴⁶ He is often in the news; in fact I was reading one of his interviews with Jack Lessenberry on Michigan radio the other day regarding the President's meeting with the Prime Minister.⁴⁷ Without further ado, allow me to introduce Robert Noble.

⁴⁰ See Canada-United States Law Institute, *supra* note 1.

⁴¹ See Government of Canada, *supra* note 31.

⁴² See *id.*

⁴³ See *id.*

⁴⁴ See *id.*

⁴⁵ See *id.*

⁴⁶ See *id.*

⁴⁷ See Jack Lessenberry, Interview: Robert Noble - 2.23.09, <http://jackshow.blogs.com/jack/2009/02/interview-robert-noble-22009.html> (last visited Sept. 29, 2009).

CANADIAN SPEAKER

*Robert Noble**

MR. NOBLE: Thank you, Jon. Good evening, ladies and gentlemen, it is a very great privilege to be speaking to you tonight. As an initial matter, I note that we come together this evening in celebration of many important anniversaries for the Canada-United States relationship. This conference is being held just a few months short of the 100th anniversary of the Boundary Waters Treaty of 1909,⁴⁸ and by extension, the International Joint Commission.⁴⁹ Similarly, this year marks fifty years of our bi-national effort in the Saint Lawrence Seaway.⁵⁰

I do not need to you that it has been twenty years since the adoption of our two nations' Free Trade Agreement⁵¹ and fifteen years since the ratification of the North American Free Trade Agreement.⁵² It is also the twenty-fifth anniversary of the Canada-United States Law Institute's Annual Conference.⁵³ Further, I had the great pleasure to join the Northeast Ohio Interna-

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Robert Noble is the Consul General of Canada based in Detroit, representing Canada in Michigan, Ohio, Indiana and Kentucky. Mr. Noble has served as Consul General in Detroit from September 2006 to present. Prior to his service in Detroit, Mr. Noble has served in numerous capacities since beginning his career in the Canadian Foreign Service in 1974, notably in Mexico City (twice), Dakar, Senegal and Madrid and most recently as Deputy Consul General of Canada in New York, NY from 2004–2006, Deputy Consul General and Senior Trade Commissioner of Canada in Boston, MA from 2000–2004, Canadian Ambassador to Gabon, Congo, Equatorial Guinea and Sao Tome and Principe Libreville, Gabon from 1997–2000, and Director, Central Europe Division, Department of Foreign Affairs and International Trade, Ottawa from 1995–1997.

⁴⁸ See Government of Canada, *Made to Last: Celebrating a Century of the Canada-U.S. Boundary Waters Treaty (1909–2009)*, http://www.canadainternational.gc.ca/can-am/bilat_can/boundary-limitrophes.aspx (last visited Sept. 27, 2009) (marking the 100th Anniversary on January 11, 1909).

⁴⁹ See *id.*

⁵⁰ See Collister Johnson, Jr., *St. Lawrence Seaway 50th Anniversary Celebration Grunt Club Kick-Off*, <http://www.seaway.dot.gov/Compass/Fall08.pdf> (last visited Sept. 29, 2009) (noting the 50th anniversary of the Saint Lawrence Seaway).

⁵¹ See Government of Canada, *1989-Free-Trade Agreement*, <http://www.canadianeconomy.gc.ca/English/economy/1989economic.html> (last visited Sept 29, 2009) (describing the history of the agreement).

⁵² See United States Department of Agriculture, *North American Free Trade Agreement*, <http://www.fas.usda.gov/itp/Policy/NAFTA/nafta.asp> (last visited Sept. 29, 2009) (listing the implementation date of the agreement).

⁵³ See Canada-United States law Institute, *supra* note 1.

tional Business Network several months ago in celebrating Henry King's sixty-five years of public service.⁵⁴

I want to recognize another important anniversary that is coming in just a few weeks: Henry's ninetieth birthday. While Henry is regrettably not here with us tonight, I feel his spirit is with us in the room. He has touched us all in so many ways and so deeply. Personally, I am extremely honored to have Henry as a colleague. Most of you know that Henry is our Honoree Consul for Canada in Northeastern Ohio.⁵⁵ I have personally benefited enormously from his insight and his contacts.

Here is a little story about Henry. My mother, who is a youngster compared to Henry, as she is only eighty-eight years old, served in Hanover from 1945 to 1947.⁵⁶ So, when I told her that I was going to the sixty-fifth anniversary of Henry's service in public life,⁵⁷ she said, "Did you tell me he was a Nuremberg prosecutor?" I said "yes." Then she delved back into some boxes, which all mothers have filled with ancient pieces of papers and magazines, and she pulls out a copy of the *London Illustrated News* from October 9, 1947. How did she still have that, I do not know. She told me my grandmother sent it to her when she was in Hanover, and she said, "look, it has all these articles on the Nuremberg trials, and here is Robert Jackson and all those people, and I am sure your Henry King is somewhere in those photographs." So I said, "Okay, I do not recognize him, but I am going to this event, and I will take it along anyway." At the event, I was sitting beside Henry, and I pulled out the *London Illustrated News*. It was almost falling apart, but the photographs were in good shape, and I showed it to Henry. I said, "where are you here?" Henry was a part of the prosecution. Henry looks at all the photographs. He said, "no, no. I am not there." I said, "but Henry, you were twenty-six. You were at Nuremberg. You must be in the photographs.

He said "No, no. I am up there in the balcony, you see, behind here." He knew exactly where he sat, and he could point out all the Americans and the British. His mind was right on top of it. He was back in 1947. It was one of

⁵⁴ See Northeast Ohio International Business Network, <http://www.neoibn.org/> (last visited Oct. 1, 2009) (homepage of the Northeast Ohio International Business Network); see also Case Western Reserve University, News Center, <http://blog.case.edu/case-news/2009/05/11/henryking> (last visited Oct. 1, 2009) (noting an event honoring Professor King's sixty-five years of public service).

⁵⁵ See Cleveland Council on World Affairs, Case International Law Center & Canada-United States Law Institute: Henry T. King Jr. Honoring His Legacy, <http://www.ccwa.org/calendar/view.aspx?newsid=101> (last visited Sept. 29, 2009) (honoring Professor King's achievements).

⁵⁶ See generally MANFRED MALZAHN, *GERMANY 1945-1949: A SOURCEBOOK* 37 (1991) (noting the presence of Allied troops in the German province of Hanover at the end of World War II).

⁵⁷ See Case Western Reserve University, *supra* note 54.

the more interesting moments and spiritual moments of my life because it brought a connection not only between Henry and myself, which he is so capable of doing, but brought a family connection as well, a great memory for me. I thought given that Henry was not going to be here I tried to bring a little bit of that spirit of Henry into the room. So I want to wish Henry an early, as we say in Canada, Bonne fête, and we will wish him many more years to come as the founder of this great event.

For the past twenty-five years, the Institute's Annual Conference has been held in the magnificent city of Cleveland, Ohio.⁵⁸ I have held the privilege these last three years of representing the Government of Canada in Cleveland, as well as Ohio, Michigan, Kentucky, and Indiana,⁵⁹ and I offer my deep appreciation to the mayor of this great city, Mayor Frank Jackson,⁶⁰ who has been steadfast in his efforts to enhance the Cleveland-Canada relationship.⁶¹

Another little story: the mayor had a memorable helicopter landing on HMCS Charlottetown, which was in the Port of Cleveland September 11th, 2008.⁶² During that event, our naval forces joined the United States Coast Guard, the United States Armed Services stationed in Cleveland, and Cleveland's First Responders to remember that tragic day of September 11, 2001 as well as perform volunteer service throughout Greater Cleveland.⁶³ Additionally, Cleveland hosted the Great Lakes Manufacturing Council Conference this past summer.⁶⁴ The event drew more than three hundred industry leaders from throughout the Great Lakes states and provinces to discuss op-

⁵⁸ See Canada-United States law Institute, *supra* note 2; see also Canada-United States Law Institute, *supra* note 34.

⁵⁹ See Government of Canada, *supra* note 31.

⁶⁰ See City of Cleveland, Mayor Frank G. Jackson: A Biographical Profile, <http://www.cleveland-oh.gov/CityofCleveland/Home/Government//MayorsOffice/Biography> (last visited Sept. 29, 2009).

⁶¹ See generally Port of Cleveland: Mayor Jackson Leads A Delegation to Halifax, Nova Scotia, <http://www.portofcleveland.com/assets/attachments/file/7-13-09%20Halifax%20trip.pdf> (last visited Sept. 29, 2009) (describing Mayor Jackson's desire to develop the Cleveland-Canada connection).

⁶² See generally Canadian Navy, News and Events, http://www.navy.forces.gc.ca/charlottetown/2/2-s_eng.asp?category=268&title=1929 (last visited Oct. 1, 2009) (noting the HMCS Charlottetown's visit to Cleveland September 10-12, 2008).

⁶³ See United States Coast Guard, HMCS Charlottetown Arrives in Cleveland, <http://www.piersystem.com/go/doc/443/226579/> (last visited Oct. 8, 2009) (describing the events surrounding the Charlottetown's arrival in Cleveland).

⁶⁴ See The Greater Cleveland Partnership, Greater Cleveland Partnership welcomes the Great Lakes Manufacturing Council, <http://www.gcpartnership.com/News/2008/Greater-Cleveland-Partnership-welcomes-the-Great-Lakes-Manufacturing-Council.aspx> (last visited Oct. 1, 2009) (noting the Great Lakes Manufacturing Council's 2008 annual forum held in Cleveland).

portunities presented by our shared manufacturing processes and innovation, technology and work force.⁶⁵

Moreover, I just concluded a series of Cleveland-Canada engagement events with a number of Northeastern Ohio's leaders, many of whom are in the room and will be with us throughout the rest of the conference. We need to move forward in strengthening our infrastructure and address energy innovation,⁶⁶ which was actually one of the topics I have been discussing with industry leaders here. Also, next week I will be accompanied by an honor guard from the Department of National Defense, Canadian Forces, at the opening day festivities at Progressive Field, where the Cleveland Indians will take on the visiting Toronto Blue Jays.⁶⁷ I was initially offered the opportunity to throw out the first pitch, but I had to decline due to the fact that my right arm rotator cuff is pitched out. Instead, I will be standing to attention, and somebody else will be throwing out the pitch. Plus, as many of my colleagues, including John Tennet,⁶⁸ will attest, throwing a pitch from the pitcher's mound across the plate in professional baseball is not easy, so I am glad I have been spared of that particular privilege. As a part of these festivities, the mayor of the City of Cleveland will again hoist the Canadian flag above City Hall,⁶⁹ and this is great recognition of the hospitality of Cleveland,⁷⁰ a place that we consider part of Canada's south shore.

I would like to extend my appreciation to the administration, faculty, and students at Case Western Reserve University Law School. I particularly want to thank President Barbara Snyder⁷¹ in absentia this evening, as well as, the dean of the law school, Bob Rawson⁷² who you will hear from tomorrow evening. Case Western Reserve University is one of the continent's leading

⁶⁵ *See id.*

⁶⁶ *See generally* Government of Canada, Canada-United States Energy Relations, http://www.canadainternational.gc.ca/detroit/bilat_can/energy-energie.aspx?lang=eng (last visited Oct. 9, 2009) (detailing the energy relationship between Canada and the United States).

⁶⁷ *See, e.g.,* The Cleveland Indians, Schedule, http://mlb.mlb.com/schedule/index.jsp?c_id=cle&m=5&y=2009 (last visited Oct. 2, 2009) (the Cleveland Indian's 2009 schedule).

⁶⁸ *See generally* W²N², John Tennant, <http://www.w2n2.ca/about> (last visited Oct. 8, 2009) (describing John Tennant's professional achievements).

⁶⁹ *See generally* City of Cleveland, Office of Government Affairs, http://portal.cleveland-oh.gov/CityofCleveland/Home/Government/MayorsOffice/Office_of_Government_Affairs (last visited Oct 8, 2009) (describing the Office of Government Affairs duties to foster interaction between Cleveland and other governments).

⁷⁰ *See generally* City of Cleveland, <http://www.city.cleveland.oh.us/CityofCleveland/Home> (last visited Oct 2, 2009) (homepage of the City of Cleveland).

⁷¹ *See* Case Western Reserve University, Office of the President, <http://www.case.edu/president/about/> (last visited Oct. 2, 2009).

⁷² *See generally* Jones Day, News/Press, http://www.jonesday.com/news/news_detail.aspx?newsID=S1524 (last visited Oct. 2, 2009) (describing Bob Rawson's appointment as Interim Dean of Case Western Reserve University School of Law).

universities,⁷³ and we take great pride in our collaborations with the Law School,⁷⁴ Medical School,⁷⁵ and the School of Engineering,⁷⁶ in particular, the recently established Great Lakes Institute for Energy Innovation.⁷⁷ I would likewise like to recognize one of Canada's leading educational institutions, The University of Western Ontario,⁷⁸ for their tremendous research, scholarship, and training programs.⁷⁹ We are privileged for the opportunity to participate in the work of Case Western Reserve University and The University of Western Ontario through the Canada-United States Law Institute,⁸⁰ and I consider the bedrock of our program to be here in Northeastern Ohio and beyond. I might add to ensure transparency that my foregoing laudatory comments regarding Western Ontario have nothing to do with the fact that my sister-in-law, Michelle Noble, is the chair of the board of governors of that institution.⁸¹

I would like to extend a warm greeting as well to our friends representing Senators Voinovich⁸² and Brown,⁸³ United States Representatives Fudge,⁸⁴ Kucinich,⁸⁵ LaTourette,⁸⁶ Sutton,⁸⁷ the United States Department of Homel-

⁷³ See Case Western Reserve University, <http://www.case.edu/> (last visited Oct. 2, 2009).

⁷⁴ See generally Case Western Reserve University, School of Law, <http://law.case.edu/> (last visited Oct. 2, 2009) (homepage of the Case Western Reserve University School of Law).

⁷⁵ See generally Case Western Reserve University, School of Medicine, <http://casemed.case.edu> (last visited Oct. 2, 2009) (homepage of the Case Western Reserve University School of Medicine).

⁷⁶ See generally Case Western Reserve University, School of Engineering, <http://www.engineering.case.edu> (last visited Oct. 2, 2009) (homepage of the Case Western Reserve University School of Engineering).

⁷⁷ See generally Case Western Reserve University, Great Lakes Energy Institute, <http://energy.case.edu> (last visited Oct. 2, 2009) (describing the formation and mission of the Institute).

⁷⁸ See generally The University of Western Ontario, <http://www.uwo.ca> (last visited Oct. 2, 2009) (homepage of the University of Western Ontario).

⁷⁹ See *id.*; see also The University of Western Ontario, Research Western, <http://www.uwo.ca/research> (last visited Oct. 2, 2009) (noting the University's research culture); see also The University of Western Ontario, Student Financial Services, <http://www.registrar.uwo.ca/FinancialServices/index.cfm> (last visited Oct. 2, 2009) (describing the University's attendance guarantee).

⁸⁰ See Canada-United States Law Institute, *supra* note 5.

⁸¹ See The University of Western Ontario, President's Report 2005: Board of Governors, http://www.uwo.ca/pvp/president_reports/president2005/boardlistings.html (last visited Oct. 5, 2009) (listing Michelle Noble's various roles on the Board of Governors).

⁸² See Senator George Voinovich, <http://voinovich.senate.gov/public/index.cfm> (last visited Oct. 5, 2009) (homepage for George Voinovich, United States Senator for Ohio).

⁸³ See Senator Sherrod Brown, <http://brown.senate.gov/> (last visited Oct. 5, 2009) (homepage for Sherrod Brown, United States Senator for Ohio).

⁸⁴ See Marcia L. Fudge, <http://fudge.house.gov/index.html> (last visited Oct. 5, 2009) (homepage for Marcia Fudge, United States Representative for the 11th District of Ohio).

⁸⁵ See Dennis Kucinich, <http://kucinich.house.gov> (last visited Oct. 5, 2009) (homepage for Dennis Kucinich, United States Representative for the 10th District of Ohio).

and Security,⁸⁸ the United States Coast Guard,⁸⁹ the United States Department of Commerce,⁹⁰ members and staff from the Ohio General Assembly,⁹¹ and the officials of the Ohio Department of Development.⁹² I also want to welcome my colleagues from the Consulate, especially from the Consulate Generals of Canada in Buffalo,⁹³ Chicago, Dallas, and Minneapolis.⁹⁴ Tomorrow we will also have officials present from Agriculture and Agri-Food Canada,⁹⁵ Natural Resources Canada and Industry Canada.⁹⁶

Well, we are here to examine over the next two days the common cause agenda between our two countries.⁹⁷ The Canada-United States relationship is one between allies, partners, neighbors, and the closest of friends.⁹⁸ It is a relationship built on our shared values of freedom, democracy, and equality

⁸⁶ See Steven C. LaTourette, <http://latourette.house.gov> (last visited Oct. 5, 2009) (homepage for Steven LaTourette, United States Representative for the 14th District of Ohio).

⁸⁷ See Betty Sutton, <http://sutton.house.gov/main> (last visited Oct. 5, 2009) (homepage for Betty Sutton, United States Representative for the 13th District of Ohio).

⁸⁸ See The United States Department of Homeland Security, *supra* note 27.

⁸⁹ See The United States Coast Guard, *supra* note 28.

⁹⁰ See United States Department of Commerce, *supra* note 23.

⁹¹ See The 128th General Assembly of the State of Ohio, <http://www.legislature.state.oh.us> (last visited Oct. 5, 2009) (the Ohio General Assembly's homepage).

⁹² See Ohio Department of Development, <http://www.odod.state.oh.us> (last visited Jan. 5, 2009).

⁹³ See Government of Canada, Biography of Consul General Robert Noble, *supra* note 31; see also Consulate General of Canada in Buffalo, <http://www.canadainternational.gc.ca/buffalo/index.aspx?lang=eng> (last visited Oct. 5, 2009) (homepage of the Buffalo Canadian Consulate General).

⁹⁴ See Government of Canada, Consulate General of Canada in Chicago, <http://www.canadainternational.gc.ca/chicago/index.aspx> (last visited Oct. 5, 2009) (homepage of the Consulate General of Canada in Chicago); see also Government of Canada, Consulate General of Canada in Dallas, <http://www.canadainternational.gc.ca/dallas/index.aspx?lang=eng> (last visited Oct. 5, 2009) (homepage of the Consulate General of Canada in Dallas); see also Government of Canada, Consulate General of Canada in Minneapolis, <http://www.canadainternational.gc.ca/minneapolis/index.aspx> (last visited Oct. 5, 2009) (homepage of the Consulate General of Canada in Minneapolis).

⁹⁵ See Agriculture and Agri-Food Canada, *supra* note 24.

⁹⁶ See Natural Resources Canada, <http://www.nrcan-rncan.gc.ca/com/index-eng.php> (last visited Oct. 5, 2009) (homepage of Natural Resources Canada); see also Industry Canada, *supra* note 28.

⁹⁷ See CANADA-UNITED STATES LAW INSTITUTE, AN EXAMPLE OF COOPERATION AND COMMON CAUSE: ENHANCING CANADA-U.S SECURITY AND PROSPERITY THROUGH THE GREAT LAKES AND NORTH AMERICAN TRADE 3 (2009), available at http://www.cusli.org/conferences/annual/annual_2009/documentation/2009_CUSLI_Conference_Program.pdf (describing the conference proceedings).

⁹⁸ See The American Presidency Project, Barack Obama, <http://www.presidency.ucsb.edu/ws/index.php?pid=85789> (last visited Oct. 5, 2009) (transcribing Canadian Prime Minister Stephen Harper and United States President Barack Obama's remarks during a joint news conference on February 19, 2009).

of opportunity.⁹⁹ Canada was deeply honored when President Barack Obama chose Canada for his first foreign visit after taking office.¹⁰⁰ While the visit was definitely memorable for the Ottawa shopkeepers, who sold T-shirts, key chains, post cards and the beavertail, one of Ottawa's delicacies,¹⁰¹ the visit was especially memorable for targeting three important priorities for our two countries.¹⁰²

First, Canada and the United States share a commitment to international peace and security,¹⁰³ particularly our joint commitment to stability and progress in Afghanistan.¹⁰⁴ At this moment, our most precious resource, in the words of President Obama,¹⁰⁵ the women and men in uniform, are serving shoulder to shoulder in places such as Kandahar.¹⁰⁶ Canada's largest foreign aid recipient is Afghanistan.¹⁰⁷ The principal goal of this military engagement now is the training of the Afghan Army so that the Afghans can be responsible for their day-to-day security.¹⁰⁸

The common commitment to international peace and security is a long-standing feature of our relationship.¹⁰⁹ For example, in 1940, Prime Minister MacKenzie King and President Roosevelt established the Permanent Joint Board of Defense to provide policy level consultation on bilateral defense matters.¹¹⁰ Its members consist of Canadian and American military and civilians.¹¹¹ Another example is when concern over the growing threat of long-range Soviet bombs led Canada and the United States to create the North American Aerospace Defense Command in 1958, to provide aerospace warning and defense for our two countries.¹¹² The latest example is the security

⁹⁹ *See id.*

¹⁰⁰ *See id.*

¹⁰¹ *See* BILL CASSELMAN, CANADIAN FOOD WORDS (1998) (describing Canadian Food recipes and euphemisms), available at http://www.billcasselmann.com/canadian_food_words/cfw_five.htm.

¹⁰² *See* The American Presidency Project, *supra* note 98.

¹⁰³ *See id.*

¹⁰⁴ *See id.*

¹⁰⁵ *See id.*

¹⁰⁶ *See id.*

¹⁰⁷ *See id.*

¹⁰⁸ *See id.*

¹⁰⁹ *See id.*

¹¹⁰ *See* The Embassy of the United States of America in Ottawa, Comments by Terry Breese, May 22, 2009, http://ottawa.usembassy.gov/content/content.asp?section=can_usa&document=borderissues_whitJune09_DCM_comments (last visited Oct. 5, 2009) (describing the founding of the Ogdensburg Declaration).

¹¹¹ *See* the American Presidency Project, Franklin Roosevelt, <http://www.presidency.ucsb.edu/ws/index.php?pid=15991> (last visited Oct. 5, 2009) (noting the members on the Joint Board of Defense will be mostly from the services).

¹¹² *See generally* North American Aerospace Defense Command, About NORAD, <http://www.norad.mil/about/agreement.html> (last visited Oct. 5, 2009) (describing the history

on the Great Lakes following September 11, 2001, which became a target of our mutual efforts.¹¹³

In 2005 and 2007, Canada and the United States piloted what is called the Shiprider program, authorizing the Royal Canadian Mounted Police and the United States Coast Guard officers to patrol shared waterways and to enforce the laws of both countries.¹¹⁴ The bi-national Great Lakes law enforcement teamwork apprehended drug and cigarette smugglers,¹¹⁵ rescued stranded boaters,¹¹⁶ and gathered intelligence prompting officials in both countries to declare the program a success and begin working toward a permanent vision.¹¹⁷ I would like to point out that the Shiprider program has become a higher priority between our two countries,¹¹⁸ and we are hopeful that we can sign a bilateral agreement on the Shiprider program.¹¹⁹ Admiral Peter Neffenger, Commander of the Ninth District Coast Guard based here in Cleveland,¹²⁰ will join us on Saturday and perhaps tomorrow evening. He is a great leader, and he ensures that there is a great and seamless relationship between the Coast Guard and the law enforcement institutions of Canada here in the Great Lakes.¹²¹

Second, Prime Minister Harper and President Obama emphasized the need to work closely to counter the global economic recession by implementing mutually beneficial stimulus measures and supporting efforts to strengthen the international financial system.¹²² I think those of you who have access to radio, television, or any form of media over the past twenty-four hours have seen the effects of that collaboration.¹²³ They agreed on the need for immediate concerted action to restore economic growth and to protect

of NORAD).

¹¹³ See Canada-United States law Institute, *supra* note 1.

¹¹⁴ See Brad Kieserman, *Cross Boarder Policing and the "Shiprider" Program*, THE GAZETTE, Vol. 70 No. 1 (2008) (detailing the foundation and purpose of the Shiprider program), available at <http://www.rcmp-grc.gc.ca/gazette/vol70n1/partnr-eng.htm>.

¹¹⁵ See *id.*

¹¹⁶ See *id.*

¹¹⁷ See *id.*

¹¹⁸ See Jacob Goodwin, *United States and Canada make 'Shiprider' Cross-Border Law Enforcement Program More Permanent*, GOVERNMENT SECURITY NEWS, May 27, 2009, available at <http://www.gsnmagazine.com/cms/features/news-analysis/2064.html> (noting the implementation of the Shiprider program on May 26, 2009).

¹¹⁹ See *id.*

¹²⁰ See generally United States Coast Guard, Rear Admiral Peter V. Neffenger, <http://www.uscg.mil/flag/d9.asp> (last visited Oct. 7, 2009) (the biography of Peter Neffenger).

¹²¹ See Robert L. Smith, *Admiral Takes Up A Cherished Command*, PLAIN DEALER, Jul. 25, 2009, at A1.

¹²² See The American Presidency Project, *supra* note 98.

¹²³ See Canada's Economic Action Plan, <http://www.actionplan.gc.ca/eng/media.asp?id=1396> (last visited Oct. 7, 2009) (noting the first step of Canada's Economic Action Plan will begin at the beginning of April 2009).

workers and families hit hardest by the recession by lowering taxes, ensuring access to credit, and unleashing spending that sustains and stimulates economic activity.¹²⁴

Canada's economic action plan cuts red tape and ensures that the targeted stimulus spending hits the economy quickly.¹²⁵ It supports workers and taxpayers to stimulate spending.¹²⁶ It helps support the housing sector by helping first time homebuyers and homeowners with renovations.¹²⁷ It puts Canadians to work building bridges, roads and other external infrastructure.¹²⁸ It supports businesses and particularly hard hit communities and has important measures to ensure access to finance and credit for Canadian businesses.¹²⁹

Third, in addition to the domestic initiatives, the President and the Prime Minister stressed the importance of our integrated economies.¹³⁰ For example, Canada and the United States enjoy the world's largest trading relationship.¹³¹ Ohio's largest foreign trade partner and export destination is Canada.¹³² In fact, Ohio enjoys a surplus in its trade with Canada.¹³³ More than a quarter million Ohio jobs depend on trade with Canada,¹³⁴ and in order to assure the efficient function of our trade relationship and the existence and expansion of jobs, we must continue to keep our border secure, yet open to commerce and social interaction.¹³⁵ Since 9/11, Canada has made significant investments in security along the border.¹³⁶

The Canadian government's view is unequivocal. Threats to the United States are threats to Canada.¹³⁷ Canadians have every incentive to be as cooperative and alarmed about the threats that exist to the North American con-

¹²⁴ See The American Presidency Project, *supra* note 98.

¹²⁵ See Stephen Harper, Office of the Prime Minister, Accelerating Canada's Economic Plan: Cutting Red Tape, March 10, 2009, <http://www.pm.gc.ca/eng/media.asp?id=2460> (last visited Oct. 7, 2009) (describing the benefits of Canada's Economic Action Plan).

¹²⁶ See *id.*

¹²⁷ See *id.*

¹²⁸ See *id.*

¹²⁹ See *id.*

¹³⁰ See The American Presidency Project, *supra* note 98.

¹³¹ See *id.*

¹³² See Government of Canada, Ohio, http://www.canadainternational.gc.ca/washington/commerce_can/2008/oh.aspx?lang=eng (last visited Oct. 5, 2009) (listing facts regarding the Ohio-Canada relationship).

¹³³ See Michael Wilson, *Remarks from Canadian Ambassador Wilson*, 34 CAN.-U.S. L.J. 67, 74 (2008) (describing Ohio's economic relations with Canada).

¹³⁴ See Government of Canada, *supra* note 132.

¹³⁵ See generally Government of Canada, Border Cooperation, http://www.canadainternational.gc.ca/new_york/bilat_can/border_frontiere.aspx?lang=eng (last visited Oct 9, 2009) (describing the similar objectives between the United States and Canada in keeping the border well protected).

¹³⁶ See *id.*

¹³⁷ See The American Presidency Project, *supra* note 98.

continent in the modern age, as do the government and the people of the United States.¹³⁸ Our shared commitment to economic prosperity and border security is an underlying principle of the Detroit River International Crossing (DRIC),¹³⁹ which is considering the long-term border transportation needs of the region.¹⁴⁰

Just a few weeks ago, I brought officials from Transport Canada to Cleveland to discuss the DRIC and its benefits to Northeastern Ohio.¹⁴¹ Careful technical study and significant public input guided the partners to achieve an environmentally responsible solution that meets the needs of communities on both sides of the Detroit River.¹⁴²

Both Canada and the United States have announced their preferred plaza locations for the new border crossing,¹⁴³ and construction on this great project is slated to begin in 2010.¹⁴⁴ Additionally, trade agreements have been nothing but beneficial to two countries.¹⁴⁵ Canada and the United States recognized the shared benefits of free trade early when they signed the Auto Pact in 1965,¹⁴⁶ which removed tariffs on vehicles and auto parts between our two countries.¹⁴⁷ Automotive trade doubled within a year, and the industry quickly surpassed pulp and paper to become Canada's most important industry.¹⁴⁸

¹³⁸ See *id.*

¹³⁹ See Michigan Department of Transportation, Detroit River International Crossing Study Frequently Asked Questions 4, http://www.michigan.gov/documents/mdot/MDOT_DRIC_FAQ_208129_7.pdf (last visited Oct. 9, 2009) (explaining the purpose behind DRIC).

¹⁴⁰ See *id.*

¹⁴¹ See generally Sean O'Dell, Detroit River International Crossing Study, http://cusli.org/conferences/annual/annual_2008/presentations_2008.html (select David O'Dell's PowerPoint presentation) (last visited Oct 9, 2009) (outlining the benefits of the Detroit Crossing to Northeastern Ohio).

¹⁴² See *id.*

¹⁴³ See Sean O'Dell, *Enhancing the Canada-United States Gateways and Corridors: East, West and Within*, 34 CAN.-U.S. L. J. 269, 275 (2008).

¹⁴⁴ See Detroit River International Crossing Study, Public Forum: Introduction of Project to the Private Sector, <http://www.partnershipborderstudy.com/pdf/2009-04-23DRICRODForumPresentationFinal.pdf> (last visited Oct 13, 2009) (noting the beginning of construction in 2010).

¹⁴⁵ See The American Presidency Project, *supra* note 98.

¹⁴⁶ Agreement Concerning Automotive Products, U.S.-Can., Jan. 16, 1965, 17 U.S.T. 1372; see also Government of Canada, Key Economic Events, http://www.canadianeconomy.gc.ca/english/economy/1965canada_us_auto_pact.html (last visited Oct. 9, 2009) (describing the results of the Auto Pact of 1965).

¹⁴⁷ See *id.*

¹⁴⁸ See Canada's Rights Movement: A History, The Sixties, <http://www.historyofrights.com/sixties.html> (last visited Oct. 12, 2009) (describing the effects of the Auto Pact).

The early success of the Auto Pact led to the 1989 Canada-United States Free Trade Agreement¹⁴⁹ and the North American Free Trade Agreement five years later.¹⁵⁰ These agreements led to the proliferation of similar arrangements, which, in turn, gave us growth in the global economy.¹⁵¹ While some aspects of trade invariably cause political concerns, it is undeniable that trade between Canada and the United States is mutually beneficial.¹⁵²

The trade challenges we face are common trade challenges and not problems between our two countries.¹⁵³ This conference will examine these important issues, and I look forward to hearing your expertise and experiences in this regard. Beyond our bilateral arrangements, Canada and the United States are also committed to developing effective responses to the economic crisis through the G-8 and G-20 processes.¹⁵⁴

Finally, President Obama and Prime Minister Harper agreed that environmental protection and the development of clean energy are inextricably linked and announced plans to work together to build a new energy economy as a key element of broader economic recovery and reinvestment efforts.¹⁵⁵ Specifically, they announced a senior level United States-Canada Clean Energy dialogue that will cooperate on several critical energy science and technology issues, including expanding clean energy, research and development, developing and deploying clean energy technology, and building a more efficient electricity grid based on clean and renewable generation.¹⁵⁶

As we look to this future initiative, I pause to reflect on the past and the present. As I indicated at the beginning of my remarks, we come together to mark a truly significant milestone, the hundredth anniversary of the Boundary Waters Treaty,¹⁵⁷ an agreement that laid a foundation of collaborative governance to protect our most precious shared water resources.¹⁵⁸ It created the International Joint Commission to assume the task of implementation, presentation of proofs, and resolution of boundary water disputes between our two great nations.¹⁵⁹

¹⁴⁹ Canada Vehicle Manufacturer's Association, Automotive Trade, <http://www.cvma.ca/eng/issues/autotrade.asp> (last visited Oct. 12, 2009) (describing the origin of the 1989 Canada-United States Free Trade Agreement after the Auto Pact).

¹⁵⁰ See United States Department of Agriculture, *supra* note 56.

¹⁵¹ See The American Presidency Project, *supra* note 98.

¹⁵² See *id.*

¹⁵³ See *id.*

¹⁵⁴ See *id.*

¹⁵⁵ See *id.*

¹⁵⁶ See *id.*

¹⁵⁷ See Government of Canada, *supra* note 51.

¹⁵⁸ See *id.*

¹⁵⁹ See *id.*

In the words of Canadian Foreign Affairs Minister Lawrence Cannon, “decades ahead of its time and three quarters of a century before the World Commission on Environment and Development raised awareness of the concept of sustainable development, the treaty and International Joint Commission created an impartial regime for environmental stewardship. This regime is based on the principle that precious natural resources should be managed for the benefit of all.”¹⁶⁰ This principle has flourished in other bi-national environmental agreements and organizations, including the Great Lakes Fishery Commission,¹⁶¹ the Great Lakes Water Quality Agreement,¹⁶² the Canada-United States Air Quality Agreement¹⁶³ and, more recently, the Great Lakes Compact.¹⁶⁴

Our countries have been strengthened by the tradition of collaboration and consensus fostered by the treaty. It is, as the title of this conference suggests, an example of cooperation.¹⁶⁵ I look forward to sharing this weekend with you in the spirit of that agreement. Thank you.

MR. UJCZO: Thank you, Consul General. I know it has been a long day for everyone, especially those who have been traveling, however, I just need to quickly cover a few housekeeping items.

First, for those of you staying at the Intercontinental Hotel, your shuttle will be outside in just a few moments and will leave at nine o'clock. For those of you staying at the Glidden House, it is a beautiful Cleveland night, so please feel free to walk back. On your way out this evening, you will see our students and staff with red bags for you. One of the things that I want to note for those of you that are frequent attendees for the Canada-United States Law Institute Annual Conference, we eliminated the large background material, printed materials that you used to have to lug back with you. Instead, we put the background materials on flash drives. For those of you that are attempting to secure CLE credit for the Supreme Court of Ohio, it remains pending. We will take all of your information, bar code numbers, and all of those types of things.

¹⁶⁰ See Boundary Waters Treaty, Statement by Minister Cannon Marking the 100th Anniversary of Boundary Water Treaty (Jan. 9, 2009), available at <http://bwt.ijc.org/index.php?page=statement-by-minister-cannon&hl=eng> (last visited Oct. 9, 2009) (noting Prime Minister Cannon's remarks on the impact of the Boundary Water Treaty).

¹⁶¹ See Great Lakes Fishery Commission, <http://www.glfcc.org/> (last visited Oct. 9, 2009) (homepage of the Great Lakes Fishery Commission).

¹⁶² See International Joint Commission, About the Great Lakes Water Quality Agreement, <http://www.ijc.org/rel/agree/quality.html> (last visited Oct. 9, 2009).

¹⁶³ See Environment Canada, Canada-United States Air Quality Agreement, http://www.ec.gc.ca/cleanair-airpur/Canada_US_Air_Quality_Agreement-WS83930AC3-1_En.htm (last visited Oct. 9, 2009).

¹⁶⁴ See Great Lakes Environmental Law Center, Great Lakes Compact, <http://www.greatlakeslaw.org/glelc/great-lakes-compact.html> (last visited Oct. 9, 2009).

¹⁶⁵ See Canada United States Law Institute, *supra* note 1.

For those of you staying at the Glidden House, tomorrow we expect another sunny day, at least in the morning, so you will be able to walk over. Our proceedings will start at 9:00 A.M. For those of you at the Intercontinental Hotel, the shuttle will leave at 8:15 A.M. For those of you that are self-parking, there is a parking lot right here at the Western Reserve Historical Society. This weekend is also Cleveland's Rock and Roll Hall of Fame Induction Ceremony.¹⁶⁶ So for those of you that are self-parking, please come back here to the Western Reserve Historical Society, and we will take care of the rest of the parking that way. If there are any questions, please do not hesitate to ask me or Deborah Turner. Thank you.

¹⁶⁶ See Rock and Roll Hall of Fame, Induction 2009 Cleveland, <http://www.rockhall.com/induction2009/> (last visited Dec. 15, 2009) (describing the April Induction Ceremony).