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The End of North American Integration as We Know It

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I. North America Transformed

In a globalized world, ideally every government wants to manage pace-setting institutions like the labour market, universal education, industrial organization, and health systems that are being required to adapt to the new power dynamics triggered by the reorganization of production, new citizenship practices, and public expectations (Hollingsworth and Boyer, 1997). In a way no expert predicted, these forceful expressions of national interest and domestic priorities have reappeared as the new and authoritative agenda-setting priorities for all three NAFTA signatories.¹

Canada and Mexico are highly differentiated societies that need to come to terms with the cumulative and contradictory effects of these micro and macro changes. If, in the 1990s, the contour of North America was organized around a grand commercial project driven by neo-liberal deregulation and deep market

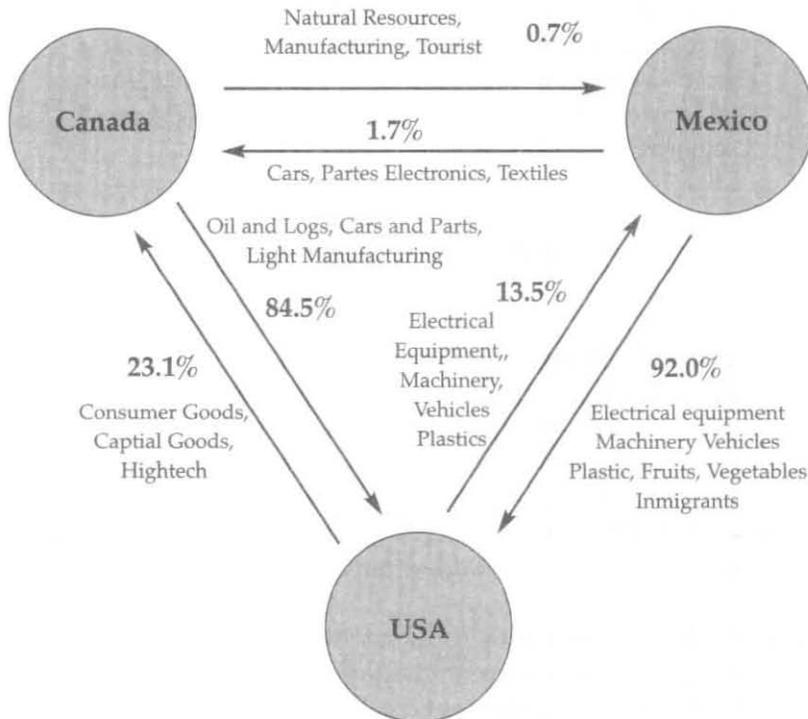
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¹ This chapter draws from my book, *Big Picture Realities: Canada and Mexico at the Crossroads*, Waterloo On: Wilfred Laurier UP, 2008. Specific details about the new phase of North American integration are drawn from the 2007 edition of my book *La Ilusión Continental: Seguridad fronteriza y la búsqueda de una identidad Norteamericana* (Mexico City: Siglo XXI).

access, in this new century, security, and immigration have overtaken the once seemingly unstoppable dynamic of NAFTA as the driver of the North American community (Randall and Konrad, 1992). Many if not all of these changes are breath taking in their consequences.

The proposition that needs to be examined critically is that fifteen years after the signing of NAFTA there is no urgent need to proceed to the next stage in integration. Increasing trade facilitation, improving the system of trade dispute panels, and reducing the transaction costs of a security-first border remain a set of generalized concerns for all three governments.

Figure 1
The Asymmetrical NAFTA Triangular Trade



Further integration projects have met with powerful opposition from the U.S. Congress. The Central American Free Trade Agreement (CAFTA) received Congressional consent by the barest majority after months of White House arm-twisting and vote-buying (Alden and Yeager 2005). The Bush and Obama

Administrations are preoccupied with Homeland Security, and as the quagmire in Iraq costs more American lives and consumes billions of tax dollars, there are few incentives for Washington to gear up for a battle with the Republican Congress to broaden and deepen North American integration. Public opinion in Mexico and Canada has expressed little enthusiasm for a big next step. There are a lot of doubts and reservations about a second round of North American integration.

Strikingly, many Canadian businesses do not see deepening NAFTA as the preferred initiative to resolve the many strategic challenges that will reshape their operations over the next five years. High costs and a rising Canadian dollar are forcing Canadian manufacturers to look inward to respond to rapidly changing supply and demand chains. In a recent survey of Canadian manufacturers and exporters, conducted by the Canadian Manufacturers and Exporters Association improved North American market access did not even make the top ten list of strategic challenges for the roughly 1000 firms surveyed (Drache, 2008a). Without a strong consensus, publics in both countries would need a huge amount of convincing and arm-twisting in order to deepen NAFTA and constrain Canadian and Mexican sovereignty in new ways.

This chapter sets out to answer the following questions: For Canada and Mexico, given these uncertainties, what is the next move in a post-NAFTA world? More integration? Integration through trade only? Or building closer ties through a new framework for economic cooperation? Will a NAFTA-plus agenda alleviate the disparities in economic development between the NAFTA countries? Does Mexico need a different economic strategy? Have most of the NAFTA effects already been captured? If this is the case, a major re-evaluation of NAFTA is needed before any new round of integration is undertaken.

By way of a conclusion, we will see that immigration and development require rethinking from the ground up. NAFTA's distributional effects have skewed its macro-benefits in favour of the U.S. Negative distributional effects have seriously compromised the competitive advantage that a handful of Mexican and Canadian industries have derived from an era of North American Free Trade. On the most critical issues of enhanced citizenship rights, poverty eradication and a return of public authority after the triumph of market fundamentalism, there is no room for ambiguity. Deepening the North American partnership remains a far-off reality short on economic and social substance.

II. The Old North America of the No Longer Undefended Border

At one time, Canada boasted of having the world's longest undefended border, today, the great northern and southern borders are militarized and securitized to a degree unprecedented. In 2006, Bush authorized the stationing of more than two

thousand troops to guard the US side of the 49th parallel. On the southern border, twenty thousand US troops were put on duty on the American side of the Rio Grande. The centrepiece of the Bush administration was to create a North American security perimeter with a singular focus on protecting US sovereignty. Border security became the high-maintenance public policy cutting across the length and breadth of US government departments (Susskind, 2007). Responsibility for North American continental security lies with the super-sized US Department of Homeland Security with its budget of more than one hundred and fifty billion dollars annually and its vast and intrusive reach across the length and breadth of the US government. Support for the US security-first border transformed the institutional dynamics of the continent, arguably forever (Haglund, 2003). Its vast program for inspection of every passenger vehicle, truck, ship, and plane that enters the US has no precedent. US authority must monitor, verify, and screen the vast trans-movement of people between Canada, the US and Mexico.

With over three hundred and fifty million annual cross-border visits between the NAFTA partners, the task is daunting if not next to impossible to carry out with one hundred percent effectiveness (Canada, Auditor General's Report 2007). According to the US Government Accountability Office many of the problems undermining US security efforts are home-grown. Budget cuts have led to serious under-staffing of US border agents and poor training for border officials (Blumenthal, 2007). Seventy-five thousand Americans whose names appeared on the US no fly list were barred from boarding planes; but there have been so many errors and mistakes that in 2006 fifteen thousand people appealed to the Homeland Security Department to have their names cleared. The backlog is growing faster than the names are removed (Hall, 2007).

III. Stepping Up to the Plate

Canadian governments have not been idle or passive spectators to the world of Homeland Security. They were quick off the mark to legislate a made-in-Canada security policy after 9/11. Canada's security-first border has been transformed beyond recognition over the last seven years. Both Liberal and Conservative governments have spent more than ten billion dollars upgrading, enhancing, and securitizing Canada's intelligence and security capacity. The activity on securing the border has been intense and unprecedented (Canada, Senate Committee on National Security, 2006). Customs officials have been given new responsibilities, and for the first time in Canadian history, are armed. Passengers arriving by air, sea, and rail are required to show a valid passport. By far, the greatest change has come for Canadians and Americans who enter the other territory by car.

As of January 2008, in a dramatic reversal of policy, the old practice of 'flashing and dashing' documents to customs agents was replaced. Every

Canadian and American has to show their passport at the border (Drache, 2007). With over three hundred million border crossings annually, wait times will lengthen unless the number of border guards is increased dramatically. Existing staffing levels are inadequate to meet the new rules of transborder screening since between Windsor and Detroit wait-times are already aggravatingly long and unpredictable. By contrast, one of the busiest pre-clearance operations is at Pearson International Airport. Daily more than ten thousand passengers embark to the US, and with twenty or more US customs officials on duty for peak periods, wait times are minimal. But the highly efficient processing of a high-volume passenger airport is the exception in the world of border co-management.² Under the new rules, which came into effect in 2008, the decision whether to inspect the documents of all passengers or just the drivers' is left to the discretion of US officials. At Canadian land border crossings, wait times vary enormously, depending on the time of day, the ad hoc practice of custom's inspectors, and the volume of traffic. Travellers should count on several hours to cross, but the times will vary enormously particularly at peak periods and holidays.

Canadian governments have tightened many other related border management practices. The issuance of Canadian passports has been overhauled, and new administrative procedures have been implemented, including background security checks. The Stephen Harper government is spending millions of dollars to provide cities with security alert systems, even in urban areas that are far from the border and are not primary immigration destinations. Canada's east and west coast harbours have seen their security upgraded as the government has spent hundreds of millions of dollars installing new surveillance equipment. These are the more visible signs of the new security age.

Goods and services continue to move across the continent largely unimpeded beyond the anticipated delays at border crossings. Empirical studies reveal that ninety-five percent of all shipments cross without any inspection from US border services (Drache, 2007). Just-in-time systems of production have not been disrupted in the auto, steel and electronic industries except when the Canada-US border was shut down tight in the days following 9/11. The most authoritative study carried out for the Office Economic Analysis of Security affecting wait times found that trucks had to wait up to one and a half hours. The largest cost is financial where Canadian truckers have had to pay close to \$500 million in extra costs of US security measures. Most of the burden comes from US measures imposed by Homeland Security (Chase, 2007). American authorities are proposing new inspections of food and drug products. In effect, Canadian shippers are being charged for the new US security measures, a unique form of downloading. Only 14 percent of these border fees

² Personal discussions of the author with US border authorities, October 2007.

stem from Canadian government initiatives. Nonetheless, Canadian exporters continue to lobby for shorter wait times at the border and have learned the value of the skilled intervention of customs' brokers and other service industries, which ensure that administrative glitches are kept to the minimum. Exporters do not like the new security rules that add costs to their lean margins, but they are learning to adapt to them.

Leading Canadian business organizations continue to lobby Ottawa for exemptions but none appear to be forthcoming (Clarkson, 2003). Contrary to NAFTA provisions, the Bush administration imposed new taxes at the border requiring Canadian exporters to pay for the increased surveillance and the cost of a 'thicker border' (Chase, 2007). Intense lobbying by Canadian chief executives has not resulted in rule changes as US officials have turned a deaf ear to Canadian corporate complaints. Canadian business is largely on its own. In the last five years, no leading American CEO has publicly challenged the new rules of border security. Patriotic compliance is the norm, not public criticism.

At the political level, Canadian authorities regularly cooperate and liaise with their counterparts in homeland security on a daily basis. This newfound security focus extends to the top of the political hierarchy. There is a permanent liaison committee between the Prime Minister's office and its US counterparts. Former Prime Minister Jean Chrétien established a cabinet committee on security to coordinate the security file across the face of government. Paul Martin, his successor, gave the security file greater visibility with the appointment of Anne McLellan, a senior minister with responsibility for public safety and security.

Under Harper, security concerns continue to be a major priority of government. Canada's Public Safety Minister is a senior member of Cabinet responsible for all aspects of implementation of security as a crosscutting issue. The Minister, regularly interacts with his US counterpart, the serving Secretary of Homeland Security. Nothing comparable exists with Mexico, although Mexican officials would like to move up the security chain and occupy a status similar to Canada's. Finally, in this long list of initiatives, Canada and the US have signed a number of agreements in the security area. The most important is the 2005 Security and Prosperity Partnership (SPP), a framework for deepening the trilateral relationship that explicitly links prosperity to the goals and objectives of the Bush administration's commitment to security first. So far, it has acquired no policy legs, and the one-day annual meeting for the heads of state is largely a photo op for the leaders (Freeman and Curry, 2007).

IV. The Security Backlash

Despite the massive investment in the security-first border, it is uncertain where the road to North America leads, if anywhere. The idea of a North American security

perimeter has not found its legs with Canadian public opinion. When Canadians are asked to rank their most important concerns, health rises to the top of the list followed by the environment (Globe and Mail, 2007).³ By contrast, focus on homeland security and terrorism are low priority items for Canadians compared to Americans. The Pew Centre reports that the war on terrorism and immigration remain the major preoccupations of the majority of Americans surveyed followed by economic concerns and health care worries (Pew Centre, 2007).

It is not very surprising that Canadians display a persistent ambivalence to the North American security perimeter for three principle reasons. First, Canadians were apprehensive that the Bush war on terror and its doctrine of unilateral regime changes undermined Canada's commitment to international law and strong belief in multilateralism (Welsh, 2004). Within Canada's multilateral security culture, support for human rights-based international law made Canadians deeply sceptical of being drawn into the US security orbit any more than necessary. Public opinion operated as an effective break on Harper's ideological decision to be a Bush loyalist. The US Supreme Court rulings against military show trials of enemy combatants in Guantanamo and unauthorized spying on US citizens hardened Canadian public opinion's opposition to the US homeland security doctrine. Canadians are sceptics about the idea of fortress North America. The public opinion divide between the two countries has grown larger as the political situation in Iraq continues to deteriorate (Goldsmith, 2007).

Second, the homeland security doctrine has a rival in Canada's commitment to the broad policy goal of human security. Canadians have a very positive view of governmental institutions and look to government for leadership and protection of the social bond (Clark, 2007). Still, the Harper government has had to deal with the fall-out from the Maher Arar case, the Canadian citizen of Syrian origin who was kidnapped in 2002 by US authorities on a return flight to Canada and returned to Syria where he was tortured. The previous liberal government and Harper tried to contain the political consequences of this outrageous violation of human rights by US authorities but were forced to set up a commission of inquiry headed by Supreme Court Justice Dennis O'Connor (Canadian Government, Arar Inquiry Report, 2007; Leeder, 2007). Among other things, the commission focused on the complicity of the RCMP in handing Arar over to the US authorities based on the faulty, misleading information they supplied the CIA. After much hesitation, the government bowed to public opinion and apologized to Arar and his family. They were compensated with a ten million dollar settlement, the largest of its kind in Canadian history. In December 2006, the head of the RCMP, Guiliano Zaccardelli, resigned for lying to the House of Commons committee investigating the role of the RCMP in the

³ In the Strategic Counsel poll the actual breakdown is as follows: 18% identified healthcare as their top concern, 26% the environment, 6% foreign policy and political leadership, 6% terrorism, 6% economic issues, 4% unemployment, 3% taxes, 3% education, and 3% crime.

Arar rendition. He was the first commissioner in over one hundred years forced to leave his post as head of Canada's world famous police force. Another inquiry is underway for three other Canadian Muslims who were extradited and tortured in similar though quite different circumstances (Bell, 2007).

V. Torture of a Canadian Citizen Mahar Arar: US Rendition

The fallout from the Arar inquiry angers Canadians as it highlights the unfairness of US anti-terrorist laws. The Arar story acquired new legs in October 2007 when US intelligence forces leaked a story to the Canadian press that one of their unnamed informants alleged that Arar attended an Afghan training camp when he travelled to that country (Leeder, 2007). The continuing news campaign against Arar highlights the role of US intelligence services in attempting to divert public attention away from the US practice of 'legalized' torture (Susskind 2007). Arar has been given no explanation as to why he remains a security threat. Alex Neve of Amnesty International Canada stated that, "There is no Canadian whose case has been subject to more minute consideration and exhaustive review that I can think of. There is no reason to consider Mr. Arar as a danger. There has been a 2 ? year inquiry, an exhaustive, comprehensive process in Canada... We had strong assurances at the end of that process thatthere is nothing against Mr. Arar" (Leeder, 2007). So far, Arar remains on the US no-fly list and the US State Department has refused any official apology.

Equally important, in 2006, the Canadian Supreme Court struck down the government's use of security certificates to hold individuals virtually without limit and to hold secret trials at which the accused are not able to see the evidence against them and are not represented by a lawyer (CBC News World, 2007). This legislation, loosely modelled on US practice, has further reinforced the Canadian view that anti-terrorists laws are intrusive. Here too, Canadian and American public opinion diverge sharply. An international Queen's University survey, published in November 2006, found that only fifteen percent of Americans found the anti-terrorist laws to be highly intrusive, by comparison, fifty-seven percent of Canadians believed that these laws invaded their privacy (Deveau, 2006).

VI. Risk Assessment: Why Top Experts Disagree

Finally, the third critical issue polarizing Canadian public opinion is that there is no shared understanding of how to benchmark risk assessment. For Canadian and US authorities to cooperate they must have shared methodologies,

definitions, operations, goals, and objectives. Wesley Wark, one of Canada's top security experts has demonstrated that Canada and the US cannot construct a North American defence perimeter without fundamental agreement on the basic issue of risk assessment. Canada, Mexico, and the US have parallel, competing, and often contradictory practices. Constitutionally in the three jurisdictions, the rights of the accused are subject to very different legal regimes. For many, this is a healthy state of affairs and operates as a brake on easily exporting the US security doctrine to the rest of the continent. From a national sovereignty perspective, the existence of rival and competing notions of risk assessment create leverage for Canada and Mexico in facing the US "security is first" doctrine (Byers, 2005).

The fact that the US Supreme Court, the country's highest legal authority struck down key components of Bush's security package had major repercussions on Canadians' thinking about continental security. It reconfirmed the view of many Canadians that Canada should avoid closer security ties with a doctrine that is regarded, in key aspects, as unconstitutional by American judges (Centre for Constitutional Rights, 2007). The Bush security doctrine faced some stunning policy reversals in the last years of his administration. The US Supreme Court ruled against Bush's special military tribunals at Guantanamo Bay where detainees were tried without proper legal counsel and due process. The spectre of show trials, where the outcome is known in advance of the trial, has triggered deep disquiet among many Americans who remember the show trials in Eastern Europe and other countries. The illegal use of wire taps on Americans also registered with Canadians. The Homeland Security Agency and Office of Independent Counsel had so much power and so little accountability that the US security doctrine appeared out of control (Susskind, 2007; Woodward, 2006)). For Harper, the Conservative leader of Canada's minority government, and Felipe Calderón, Mexico's current president, the bitterly contested debate over Bush's imperial presidency posed a huge dilemma: it was very difficult to tie their administrations too publicly to a security doctrine that had gone seriously off the rails. Both leaders had only so much political capital to expend on defending an unpopular doctrine that was a lightning rod for anti-Americanism.

Further, these events regarding the constitutionality of Bush's homeland security doctrine had special immediacy for Canadians because one of the last Western citizens still incarcerated at Guantanamo Bay is Omar Khadr a Canadian held there since 2002 (Leeder, 2007). He was captured as a fifteen year old by US troops in Afghanistan during the US operations against the Taliban. Unlike Egyptian, Australian, Saudi Arabian, and British nationals who were held in Guantanamo but have been repatriated by their countries for trial, the Canadian government has done nothing to protect Khadr who was a minor when seized (Bowker and Kay, 2007). All the opposition political parties have demanded that Ottawa have Khadr returned to Canada for a fair trial; so far, the Harper government has opposed any intervention of this kind with US

authorities. Close US allies, Britain, France, and Germany called for Guantanamo's closing but not Canada. While many Canadians have misgivings about the Khadr family and its links to Osama Bin Laden, the consensus is that Omar Khadr deserves a fair trial where his rights as an accused are respected. It disturbs Canadians profoundly that the Harper government has done so little to protect one of its own citizens.

VII. The US Courts Strike Back

While the intelligence communities in both Canada and Mexico cooperate with their American counterparts on an ad hoc basis, there is no appetite to institutionalize this cooperation. Indeed, Canadians and Mexicans had deep reservations about the legality of much of the US security doctrine for the very reasons identified earlier by Wark. For instance, the US prosecution of Muslim groups charged under the new legislation for allegedly financing terrorist organizations in the Middle East ended in mistrials or not-guilty verdicts. In October 2007, in a flagship financing case, US prosecutors failed to convince a jury to convict any of the leaders from five charities or even to reach a verdict on any of the one hundred and ninety seven counts. This decision was a stunning set back for the government (Eaton, 2007). Legal experts have questioned the government tactic of freezing the assets of charities by using secret evidence that is unavailable to the charities and denying them the opportunity to cross-examine. According to David Cole, professor of constitutional law at Georgetown University, the government really pushed beyond where the law allows them to go (Eaton, 2007).

Bush went far beyond his predecessors in promoting an expansive theory of presidential authority. The Bush-Cheney administration used signing statements to challenge more congressional laws than all previous administration; a practice, which began with Ronald Reagan who evoked his right to defy Congressional authority. The highly intrusive role of the Office of Legal Counsel was been at the forefront of the Bush presidency's expansion of powers. More than two hundred and thirty two laws asserted Bush's right to override Congress when their interpretation of the Constitution conflicted with Bush's (Goldsmith, 20007). The American public was increasingly seized by this abuse of executive privilege in the White House which permitted the detention of suspects without trial, eavesdropped on the conversations of US citizens without judicial warrant, disregarded the Geneva Convention, which former Attorney General Alberto Gonzales called "quaint," on torture, sanctioned waterboarding as a legitimate form of interrogation, and denied fundamental legal rights to detainees in Guantanamo Bay.

In the public's mind, the Bush administration's highly-skilled campaign of disinformation followed by the media's revelation about their controversial

terrorist surveillance program created much highly visible, bipartisan unease. Bush's plunge in popularity during his second mandate to the low 30s was driven, in part, by these revelations and the debate over American use of torture. Polarizing political personalities such as former Attorney General Gonzales, Vice President Dick Cheney, and Secretary of Defence Donald Rumsfeld, and Bush's refusal to explain clearly to the American public the absence of weapons of mass destruction in Iraq cast a cloud over the US surveillance program and other key dimensions of Homeland Security (Greenberg, 2007).

In October 2007, in Paris, human rights groups filed a fifth war crimes complaint against Rumsfeld who, Bob Woodward, in his bestseller *State of Denial*, holds responsible for much of the design and policy implementation of Bush's six-year war on terror.⁴ Groups such as the International Federation of Free Human Rights (FIDH), the US Centre for Constitutional Rights (CCR), the European Centre for Constitutional and Human Rights (ECCHR), and the French League of Human Rights (LHR) filed the complaint with Paris prosecutors before the Court of First Instance charging the former Secretary of Defence with ordering and authorizing torture. French courts have an obligation under the convention against torture to prosecute individuals present on French territory for acts of torture (www.fidh.org, accessed 26 October 2007). While this international coalition is unlikely to succeed for the time being, questions about the principle of impunity in the name of politics are not likely to go away as Henry Kissinger ruefully discovered. International human rights law has evolved; it acquired new legitimacy with the establishment, in 2002, of the International Criminal Court mandated to bring to trial those who commit crimes of genocide, war crimes, and crimes against humanity (Goldsmith, 2007).

Those on North America's political right and many in the security and intelligence community want to ratchet up the rhetoric and increase surveillance behind and at the border. They want tougher laws, a thick border, and a vigilant intelligence community working closely with US authorities. They are advocates of Washington's 'security is first' doctrine and do not see a conflict when security needs trump privacy rights, national regulatory standards, national sovereignty, and other fundamental public policy concerns. However, experience demonstrates that security regulation and control, and the screening of millions of licit cross-border visitors are most effective when border control practices are domestically organized and implemented. Experience also teaches that parallel policies between the NAFTA partners are preferable to a single coordinated one from Washington since neither Canada nor Mexico have any standing or effective input into Washington's public policy making process. Bluntly put, Canada and Mexico are on separate policy trajectories and tight policy coordination is not in the cards.

⁴ Two previous complaints were filed in Germany; one was filed in Spain and one in Argentina.

VIII. The 2006 US Secure Fence Act and the Lou Dobbs Effect

For Mexico, border security has been a permanent reality defining much of Mexican political life for decades before 9/11 changed the security face of North America (Serrano, 2007). The two thousand-mile long, twenty-foot high wall symbolizes the big picture reality for Mexico. Congress authorized the wall with the Secure Fence Act of 2006 to prevent Mexican illegal immigration. Each year American border authorities remove close to one million Mexicans from the US, but these draconian measures have not stemmed the tide of poor Mexicans trekking northward for a better life (Drache, 2007).

It is estimated that three hundred thousand to five hundred thousand Mexicans enter the US illegally, but no one really knows that exact number. Mexican economists and sociologists see the vast exodus of poor campesinos as a tragic 'NAFTA effect'. American competitiveness has been an ecological human disaster for Mexico's poor farmers. American farmers are unequalled in their productivity and have captured an even larger share of the Mexican market for corn to make tortillas, a staple of the Mexican diet. The very success of NAFTA has driven more than two million Mexican peasants off their land. A never-ending army of displaced persons treks north to be hired as cheap labour for the service, construction and commercial industries of the American southwest and beyond (Gambrill, 2006).

With the collapse of the US housing and construction industry, the number of undocumented immigrants has decreased, and according to recent reports, the amount of money sent to Mexico by Mexicans working in the US has tapered off. The year-to-year growth has flattened in 2007. Arizona recently passed a law to sanction employers who hire illegal workers. If caught doing so an employer can lose his/her licence to operate and be shut down. This may further discourage employers from hiring on the grey market, but it is too early to know whether the law will be effective. It faces opposition from employer's organizations and human rights groups. In 1971, then California Governor Ronald Reagan enacted a law to sanction employers, but it was abandoned as ineffective and politically too costly (Calavita, 1982).

The law could have a chilling affect on employers as well as immigrants. In the past, when faced with organized hostility from sections of the American public, like the anti-Irish antagonism at the end of the nineteenth century or the enmity against Mexican labourers in the 1920s, the fear factor gave immigrants a strong incentive to stay put. Certainly, the conditions for cheap labour have slackened recently, but the reasons why hundreds of thousands of Mexicans annually immigrate have not changed in the least. Sue Ann Goodman, the executive director of Humane Borders, put it this way: "Illegal immigrants aren't avoiding the border but crossing more remote stretches of desert" (Holstege, 2007). The increased pressure at the border forces migrants to take more risks. In the same article, police report that two hundred and two

undocumented immigrants died in Arizona deserts between October 1, 2006 and April 31, 2007. The Tucson-based Humane Borders puts the number of dead at two hundred and forty six immigrants up from one hundred and ninety nine deaths the previous year. Along the entire border, the US Border patrol reports that four hundred people died while entering the US from Mexico in 2007, a decrease from the worst year of four hundred and ninety four deaths in 2005. More than half the deaths occurred in Arizona, the busiest entry point for illegal migration into the US (Associated Press, 2007).

To understand the powerful presence of the US border in American life, it is sobering to watch the Lou Dobbs show on CNN. Dobbs is a popular host with one of the largest audiences on the network. Most Mexicans do not know who Lou Dobbs is, but he ignited a growing anti-Mexican sentiment in the US that killed any further interest in the US Congress for deepening and broadening NAFTA. Dobbs and the US right believe that US sovereignty is being compromised by NAFTA and that illegal immigration is a threat to the American polity's self-image as a nation of hard working Americans. Mexicans are seen as illegal spongers who drain tax dollars but do not pay taxes. Yet when The Wall Street Journal surveyed economists on whether illegal immigration proved to be a gain or loss to the US economy, forty-four out of forty-six said there was a net benefit. (The Wall Street Journal, 2006) So there is no squaring of the circle and Mexican immigration remains in the cross-hairs of the Republican Right.

Despite a blizzard of counter arguments and mass demonstrations at the grass-roots level in support of immigration reform, this stereotype has incited a vitriol of racism that has inflamed the conservative blogosphere at the grass roots level.ⁱ Dobbs has become a lightning rod leading a nightly crusade against Mexicans and illegal immigration. His venting against illegal Mexican workers, who are likened to an "army of invaders...threatening the health of many Americans," has demonized NAFTA in the public mind. When New York governor Eliot Spitzer proposed to allow illegal immigrants to apply for driver's licences, Dobb's program was bombarded with angry emails from around the country. One such message read, "we will derail the illegal gravy train from within." Guests and interviewees are typically opposed to any legislative change that would make it easier for illegal immigrants to become legal residents in the US (Confessore, 2007; Archibold, 2007).

IX. The Fallout from Bush's 2007 Immigration Bill

The failure of the US Congress to pass Bush's immigration reform bill in June 2007 represents part of the 'new normality' on Capitol Hill that so far Obama has not rethought. The Bush immigration bill included fines, removals, work permits, and an extremely complex process that would allow some Mexicans working in the US without papers to eventually become citizens. Guest workers

would have to return home for twelve months every two years. There was no provision for any kind of amnesty. The bill's promise of legalization was so restrictive that only a tiny percentage of families would have qualified. There was nothing in the Senate version that would give Mexican immigrants permanent, family-based status; too many provisions were anti-family and anti-worker. At its core, the bill provided for a temporary employment system, but not full legalization for the millions of undocumented Mexicans. Many immigrant groups as well as civil rights advocates believed that Bush's compromise, which penalized hundreds of thousands of Mexicans and would lead to increased enforcement and raids, deserved its fate when the compromise bill failed to pass (Rutenberg and Hulse, 2007). Immigration has become so polarized in the US few Americans see NAFTA as representing the beginning of a new American-Mexican partnership.

What is the most important issue facing the US?

Q: Which of these issues do you think should be a priority for the federal government to address?

The war in Iraq	46%
Health care	34
Jobs and economy	27
Illegal immigration	24
Terrorism	23

Note: Figures are combined responses of first and second priorities, based on telephone poll of 1,509 adults conducted Nov. 1-5; margin of error +/- 2.5 percentage points.

The Wall Street Journal, 16 November 2007

Equally disturbing is the view held by a significant number of American senators that they are not obliged to enforce key NAFTA provisions with respect to Mexico. Under NAFTA, Mexican truckers were guaranteed access to US highways, but the Republican Senator of Nebraska, Chuck Hagel, told an American audience on Lou Dobbs on 12 September 2007 that Mexican trucks were unsafe, its drivers a security risk, and that he did not care if the US Senate broke the law by ignoring its legal obligations under NAFTA. What mattered to him, he declared, was jobs for millions of Americans and protecting US national interests. Evidently, the US Senate and Congress do not regard the southern border with Mexico to be a nineteenth-century anachronism. They understand fully the importance of borders as a strategic instrument of US foreign policy. The US continues to play hardball with Mexico, and, so far, Mexico, like Canada, has had to bite its tongue publicly on this and other trade disputes. Mexico does not have much leverage because leverage is a matter of political will not entitlement

(Vega, 2005). So even if Mexico is entitled under the legal rules of NAFTA, it does not have the leverage to deal with congressional disregard of international obligations. In the beltway, is there anyone who will champion a revitalized North American community? Are there any supporters in the inner circle of power? Who is waiting in the wings to lead the charge? So far Mexico has no US political champion willing to put themselves and their career on the line.

X. The Canada-Mexico-US Strategic Partnership

In his Memoirs 1939-1993, Brian Mulroney, Canada's former Prime Minister and champion of the 1984 Canada-US free trade agreement, recounts how little enthusiasm there was in the higher echelons of Ronald Reagan's administration for the dramatic step of signing the Canadian-US Free Trade Agreement, the big idea of Canadian conservatives at that time, which would open the road to NAFTA five years later. Up to the very end of the two years of difficult negotiations, Mulroney believed that the Canada-US free trade agreement would fail. In his account, he says that no one in Washington really cared. North American integration had no champion in the inner circles of the George H.W. Bush administration and US negotiators operated in political silos (Mulroney, 2007).

In the US, Reagan had to ask the Senate Finance Committee for a green light before beginning negotiations. The vote was tied twelve to twelve; under the committee's rules, this gave the Reagan administration the right to proceed. As late as 2 October 1984, in the final hours before the legal deadline to conclude the Agreement, Mulroney told his cabinet that without a number of small concessions on the binding dispute resolution mechanism, he had instructed Canada's chief negotiator, Simon Reisman to walk away from the deal. Mulroney muses that it was easier for the US to reach an agreement with its Cold War enemy, the Soviet Union, on limiting the number of strategic missiles than to negotiate free trade with its 'best friend and eternal neighbour.' Puzzled by his own government's lack of traction, he argues that no one in the Reagan administration seemed to care very much if negotiations succeeded. It was a huge risk for Mulroney's newly minted government to propose free trade with Canada's powerful neighbour, and the conservatives were pummelled daily in parliament by the Opposition. None of the high drama registered on Reagan's radar screen. Most curiously, Reagan's inner circle did not regard Canada as a strategic partner, a status that Britain enjoyed. The evidence here contradicts the idea that Canada has a special relationship forged by geography, social values, and language. The first giant step towards North American free trade was largely a non-event hardly registering in the inner circles of the White House and Congress (Mulroney, 2007).

Mulroney's autobiography should be read sceptically, as he would like the reader to believe that the only reason a free trade debacle was avoided was due to his considerable diplomatic skills and wire pulling with Bush Sr. and his

carefully cultivated personal relationship with Reagan. Scholars and the public must interrogate the absence of a strong geopolitical imperative at work. Scholars remind us that the negotiations and final agreement were in fact driven by the more powerful logic of self-interest and opportunism on both sides. A big picture story? The historical record does not support such a grand assumption.

On the other hand, the NAFTA deal with Mexico involved a ferocious fight in the US Senate and Congress led in part by billionaire Ross Perot, an enormously talented and savvy right-wing populist who warned against the sucking sound of hundreds of thousands of US jobs being lost to the maquiladora industries. He was wrong about his most publicized claim but right about the negative impact of NAFTA depressing US working-class salaries for those who did not lose their jobs to outsourcing. Fast-forward to 2007, the same arguments were still much in evidence. Economists and experts failed to document, to anyone's satisfaction, the number of jobs lost or gained because of, or despite, belonging to the exclusive NAFTA club.

Canadians continue to be obsessed with how things work in government and how much policy autonomy they have with the US. In their 2007 book, *Unexpected War, Canada in Kandahar*, Janice Gross Stein and Eugene Lang take to task the senior officials who were feeding politicians their best policy counsel about Canada's combat role in Afghanistan. Like Mulroney, who was obsessed with the Americans, officials in the Prime Minister's Office convinced themselves that if Canada turned down the Bush administration on Afghanistan "catastrophic" consequences would ensue. None of this doom-laden mindset proved correct. The Americans hardly remembered that Canada did not send troops to Iraq and turned down participation in Bush's ballistic missile defence program. As Lang writes, "We grossly overstate our importance in Washington. They really don't care that much about us. But the advice our politicians get is that they care deeply. It's self-absorbed. It's not a realistic view of Canada's role in the world and our relationship with the US" (Wente, 2007).

XI. The Geo-Political Lessons Learned

The lesson learned is that the North American community ideal is a very fragile construction. Neither Canada nor Mexico has significant leverage in the corridors of power in Washington. Both countries remain neighbours rather than partners in the US public policy world. It is often lamented by policy elites in both countries that they never receive the "face time" they merit. It is surely a bitter pill for the Mexican political class to swallow that Mexico's influence with Washington in key policy areas is markedly less today than it was when Vicente Fox became president in 2000. It is also sobering to note that Brazil has overtaken Mexico as the most influential geopolitical country in Latin America.

Many experts are of the view that with fifteen years of economic integration under its belt Mexico made the wrong choice with NAFTA. By focusing so exclusively on gaining access to the US market, Mexico's commercial and foreign policy is dangerously unbalanced with respect to the rest of Latin American and the EU. No one could have predicted that Mexican industry would be mauled by China's rise to pre-eminence in the global economy. Equally, Mexicans can only be ambivalent at best about exporting hundreds of thousands of both skilled and unskilled citizens to seek employment opportunities abroad. The out migration of Mexicans has to be regarded as a human stain on Mexico's present and future. Many scholars, such as Dani Rodrick, have underlined the fact that Mexico's growth rate post-NAFTA is actually lower in 2006 than before the Mexican political class signed on to the NAFTA train (Rodrik et al., 2005). While it is unlikely that [Mexico can easily sever its structural relationship of enormous complexity it can downsized and redirected. It is only a matter of time before Mexico rediscovers the need for a very different kind of developmental trajectory.

The planned exodus of social and human capital comes at a huge cost to Mexico's self-esteem and a more robust economic performance. There is now an emerging consensus that Mexico's paltry three percent annual GDP growth rate needs to be doubled or tripled if it expects to support a vigorous attack on poverty eradication and give the forty percent of the population living at or below the poverty line new life opportunities (Drache and Froese, 2005). Despite more access to US markets than any other southern economy, Mexico's performance can only be described as sub-standard. It has yet to address many difficult, urgent domestic priorities. Belonging to NAFTA has become a crutch for a badly performing economy, not a solution to moving forward. The singular focus on the American market with NAFTA has created significant structural rigidities and with Mexico's benefits from NAFTA winding down, the pressures to address domestic problems can only increase in the coming years.

The three NAFTA partners face very different futures from their relations with the global south and the seismic changes unleashed by China and India. Mexico has lost hundreds of thousands of jobs to China as production has shifted out of the maquiladoras to cheap assembly zones in China. With the strong Canadian dollar, Ontario manufacturing has been clobbered, losing over 300,000 manufacturing jobs in the last two years. Strategically, China has the full attention of Washington and has replaced Canada as the US's largest trading partner. This has had immediate effects for both NAFTA partners (Arthurs, 2000). In the US, new evidence links the negative impact of global free trade to the policy-induced inequality experienced by a large proportion of the population whose jobs cannot be off-shored. Many economists estimate that US wages have persistently fallen over the NAFTA decade, depressed by highly competitive and fragmented union-free labour market practices (Bivens, 2007).

XII. Shrinking Governments: Competing National Agendas

As North Americans look to the future, North American state-market relations are more anchored than ever in the competing and conflicting big picture realities of each of the NAFTA partners. Quite independently, the Bush and Harper administrations busily shrank their government tax base by cutting tax rates for the wealthy and corporations. Paul Krugman and many others documented the Bush's administrations corporate largesse to the top one percent of American income earners. The top two percent of Americans own eighteen percent of US wealth. This concentration of wealth is unprecedented creating more millionaires and billionaires than at any other time. According to Forbes, thirty-nine US billionaires represent 4.5% of the US GDP (Wolf, 2007). In 2007, the Harper government reduced the GST, one of the government's largest sources of revenue; corporate income tax is scheduled to fall from twenty-one percent to fifteen percent by 2010 and will be the lowest in the G-7 (Chase, 2007). What is significant is that in taking these dramatic initiatives, both governments sent a clear message that the governance capacity of future administrations will be much reduced until they had to confront the devastating global crisis in 2008. Since then investing in infrastructure, bailouts and extending employment benefits have become the new normality of governments as they abandon the neo-liberal practices of the last twenty years.

Strikingly, the Calderón presidency has passed a very modest tax reform bill to hike taxes to pay for badly needed social reforms in health and education, but it is unclear to many observers whether the funds will find their way to these critically important areas of public life. Taxation revenue is, at all times, critical for promoting social solidarity and investing in human capital, although tax reform is constantly a wedge issue for politicians and voters.

Compared to a decade ago, North America is entering a period of uncertainty and volatility. In the US, the growing backlash against the Bush administration has resulted in a Democratic majority in the Senate and Congress. The theory of a massive electoral change in US voting patterns with Democrats and Republicans crossing party lines was tested in the 2008 election. Under Obama, optimists believe that the US is heading towards a major course correction. It had become isolated from its allies and global public opinion, and this was worrisome to the US political class. Obama has set out to mend fences. New policy directions are needed but North America is not a priority for this Administration as it needs to navigate a war zone stretching between Afghanistan, Iraq, and Pakistan.

What can be said with certainty is that the political electoral cycle in all three countries is responding to a new constellation of forces after a decade of commercial-driven integration. North America has become ungovernable as a coherent entity without a workable consensus about goals and outcomes. This hypothesis can be tested against the fast-moving set of domestic pressures and competing forces between the NAFTA partners. With so much pressure from below and above, where does this leave the Canada-Mexico relationship?

XIII. The Prospects of a Canada-Mexico Partnership?

Economically, Canada and Mexico are very modest trading partners. Over the past ten-year period, Canadian exports to Mexico grew from .42 percent to .78 percent, hardly a blistering pace. Mexican exports to Canada are equally modest hovering around the two percent mark. What is undeniable is that, however disappointing the Canada-Mexico bilateral economic relationship is, on the larger screen the two countries register on each other's diplomatic radar with an unprecedented degree of importance. Hundreds of thousands of Canadian tourists vacation in Mexico. More significantly, forty thousand Mexican students come to Canada to study. Canadian and Mexican NGOs regularly meet to discuss the "Canada-Mexico relationship," and Canadian business organization like Council of Chief Executives frequently coordinate public policy interventions with their Mexican counterparts (Drache, 2007).

Still, the Harper government has shifted policy priorities and made building Canada's relationship with Brazil its number one foreign policy objective in Latin American. There have been missed opportunities, particularly in response to human rights violations in Latin America as well as on the environment. The high point in the Canada-Mexico relationship occurred at the UN in 2003 when both countries worked closely together to bridge the divisions between the Bush administration's unilateral action to invade Iraq and the UN system of multilateralism. Typically perhaps, this singular occasion for Canada and Mexico to cooperate closely came and went without establishing any further basis for diplomatic cooperation.

If there is a final lesson to be learned, it is that despite the billions of dollars in trade and energy flows, our instinctive North American community is only partially anchored in security and commerce. The need for the tri-management of North American public policy did not begin with the signing of NAFTA in 1994 (Cameron and Tomlin, 2000). Citizenship rights, state regulation, and security co-operation lie outside its complex mandate. In these critical areas, inter-state co-operation is essential and unavoidable. It is also a curious omission of the narrow focus on economic integration that the strategic institution of the border and the government agencies responsible for setting the key policy goals for the cross-border management of the continent has been all but ignored

Canada and Mexico are two very different societies attempting to come to terms with the cumulative and contradictory effects of these micro and macro changes. Public opinion research and new studies on social values call for a strengthening of popular sovereignty, not its dilution (Adams, 2005). In the latest of a series of public opinion polls commissioned by Decima, one of Canada's largest polling firms, seventy percent of Canadians said that they want government to do more to limit foreign takeovers. Even among conservative respondents, sixty-six percent called on the government to be

proactive. Significantly, seventy-one percent regarded a laissez-faire approach to the free movement of capital a bad thing (Deveau, 2006).

XIV. A Final Lesson Learned: Soft Power and Sceptical Publics Across a Networked Continent

The North American idea has been part of the policy arsenal of Washington, Mexico City, and Ottawa ever since Frederick Jackson Turner wrote his celebrated American frontier thesis at the turn of the twentieth century (Drache, 2004). System and structure link Canada and Mexico irreversibly to the North American economy, but there are other policy competitors to the security and commerce view of North America. The most powerful and evocative is to envision North America through the lens of diversity and multiculturalism. Some years ago the great Mexican author and poet, Octavio Paz correctly characterized the North American experience as a labyrinth of solitudes. He was referring to the experience of the Mexican migrant living in the barrios of Los Angeles (Paz, 1985). While for some the labyrinth may be negative, in fact it speaks to the multi-level complexity of North America as a prototypical diverse social space encompassing the linguistic and cultural diversity of three distinct societies. The three countries have a need to address what they share in common – from human security to development to human rights to the environment. North American diversity is our common destiny and we should accept the need to be “friends at a distance.” Thoreau’s gentle words represent the best way for national communities to co-exist and thrive.

Throughout Latin America, there is now a vigorous, well-organized and articulate civil society although the exact nature of civic engagement remains imprecise and highly fluid. Alexis de Tocqueville is one of the fundamental thinkers with respect to citizen group activities and the core ideas behind interest, promotion, and engagement that is voluntary and self-organizing. These dense networks of secondary associations increasingly contribute to social collaboration that is autonomous from the state and bound by a legal order and set of common assumption about the rules. In an information age, there is nothing surprising in the newly empowered citizen/civil society actor acquiring a voice and presence throughout Latin American society. The increasing contention between a growing individualism and a renewed interest in equality rather than liberty now is part of reframing the public agenda.

At one time it was thought that the growth in formal and informal association would improve at the same speed as equal conditions spread. In fact, UNDP studies on the development of inequality suggest the reverse to be true. Inequality has grown as civil society has become stronger and more

autonomous from the state in many countries. Still the growing importance of civil society to the deepening of democracy is undisputed.

So the question are when Canadian and Mexican macro-strategies and US policies go their separate ways, will Mexico and Canada acquire the will-power and conceptual tools to become effective conflict managers of North American integration?

Kissinger (1973) was prescient when he wrote that 'foreign policy is domestic policy,' and if this is true for the US, it doubly applies to Canada and Mexico – countries in which social diversity and multiculturalism define the national identity. They need to nurture and protect their strategic interests.

If Ottawa expects to be a more effective actor globally, it needs to connect with the Canadian public in ways that it has not chosen to do. Today, what Joseph Nye has called 'the soft power of public opinion' is more critical than ever to Canadian and Mexican foreign policy goals and practices. (Nye, 2004) If these NAFTA 'twins' expect to chart their own course in the age of the smart citizen and critical, informed counter-publics, public opinion has to be kept on side, consulted, and mobilized.ⁱⁱ Ottawa and Mexico could not change the path of the Bush revolution in foreign policy but, in the Obama era, they will need to build leverage and acquire voice on missile defence, peace-keeping, human rights, agricultural subsidies at the WTO, and global governance.

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