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RECENT DEVELOPMENTS IN NAFTA

Melissa Long

I. INTRODUCTION

THE overriding theme in the current state of NAFTA centers on whether or not renegotiation of the free trade agreement should happen in the near future. This paper will address a few of the prominent issues facing NAFTA right now. First, U.S. lawmakers and unions are currently challenging the U.S. pilot program allowing for Mexican trucks on U.S. highways. Second, farmers in the United States and Mexico are questioning the agreement generally, and the sugar industry of both nations is specifically concerned. The issue was discussed at the summit of North American leaders in New Orleans in April 2008. Finally, this issue will examine the future of NAFTA, as it seems to be in great peril due to anti-NAFTA stances being taken by both of the democratic presidential candidates in the United States.

II. U.S. LAWMAKERS CHALLENGE PILOT TRUCK PROGRAM

In September 2007, the U.S. Department of Transportation (DOT) launched a program “aimed at complying with NAFTA cross-border trucking provisions” that had been previously delayed due to some safety concerns.¹ The program allows for Mexican trucking companies to carry cargo farther into the United States than the twenty-five mile zone along the U.S. border to which they were previously confined.² This decision was partially a result of a 2001 NAFTA dispute resolution panel holding that the United States’ “blanket exclusion of Mexican trucks violated U.S. commitments under NAFTA.”³

Currently, the Teamsters have a pending lawsuit in the Court of Appeals for the Ninth Circuit that challenges the legality of the program by alleging that Mexican trucks are being allowed to break federal highway safety laws that require vehicle manufacturers to certify that their vehicles are in compliance with all U.S. safety standards.⁴ The Teamsters’ President, James Hoffa, claims that U.S. DOT Secretary Mary Peters vio-

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1. Rossella Brevetti, *NAFTA: DOT Secretary Warns Halting Mexican Trucks Would Hurt Economy*, 25 INT’L TRADE REP. 391, (2008) [hereinafter *Halting Trucks*].
 2. John Hughes, *Transportation Chief Must Go, Union Says: Expanding Pilot Trucking Program with Mexico Called Violation of Law*, HOUSTON CHRONICLE, Feb. 7, 2008 at 6 (Bus.).
 3. *Halting Trucks*, *supra* note 1.
 4. *Sierra Club v. Dep’t of Transp.*, No. 07-73415 (9th Cir. 2008).

lated a federal law by establishing the pilot program for Mexican trucks.⁵ Opponents of the program are asking the court to issue an injunction to stop the program immediately, before the borders are opened up completely based on this "flawed pilot program."⁶

The participants of the program currently include only twelve carriers and forty-two trucks, leading many to accuse the pilot program of being a "sham" and to urge the Ninth Circuit to shut it down.⁷ The program was originally designed to include participation of up to 100 carriers from Mexico, but with only twelve carriers participating, many are hesitant to accept the results as an accurate indication of how an open border with Mexican trucks would really work.⁸ A report released by the U.S. Inspector General's office indicated that the number of trucks participating in the program is "not adequate to make statistically reliable projections or estimates of some important characteristics."⁹ Additionally, U.S. Inspector General Calvin Scovel explained that he could not claim that all of the trucks in the program are being inspected 100 percent of the time, leaving other safety concerns at issue.¹⁰

Secretary Peters warned Congress that halting the trucking provision would harm the U.S. economy. She explained, "[t]his is no time to let the politics of pessimism dim the promise of prosperity for hundreds of thousands of American drivers, growers and manufacturers."¹¹ Defending the program, she urged that the pilot program is necessary in order for the United States to comply with NAFTA.¹² She also pointed out that Mexico would have the right, under NAFTA, to require fees or tariffs to be paid by the United States if the pilot program was ended by the U.S. Congress.¹³ But legal counsel for the Owner-Operator Independent Drivers Association (OOIDA), Paul Cullen, claims that the pilot program is not authorized or required by the United States' commitment to NAFTA.¹⁴ Cullen also backed up the assertion of Senator Byron Dorgan (D-N.D.), who claimed that NAFTA does not require that the United States "let Mexican trucks in if they are not safe."¹⁵

5. Hughes, *supra* note 2.

6. Paul M. Krawzak, *Two Sides Argue Mexican Truck Program in Court*, COPLEYP NEWS SERVICE, Feb. 12, 2008.

7. *Id.*; Joyce E. Cutler, *NAFTA: Ninth Circuit Considers Injunction for Mexican Truck Pilot Program*, 25 INT'L TRADE REP. (BNA) 317 (2008).

8. Krawzak, *supra* note 6.

9. *Peters Defends Disregarding Federal Law to Stop Cross-Border Pilot*, HAZMAT TRANSPORT NEWS, Mar. 29, 2008, at 1 [hereinafter *Stop Cross-Border Pilot*].

10. *Id.*

11. *Halting Trucks*, *supra* note 1.

12. *Stop Cross-Border Pilot*, *supra* note 9.

13. *Id.*

14. *Id.*

15. *Id.*

III. RENEGOTIATING NAFTA FOR THE FARMERS

A. CORN AND BEAN TARIFFS

Mexican President Felipe Calderon has faced pressure within Mexico to reinstall the tariffs on corn and beans that Mexico collected before NAFTA.¹⁶ The opposition claims that the U.S. imports are destroying the local farmers in Mexico,¹⁷ but both the U.S. Commerce Secretary Carlos Gutierrez and the Mexican Economy Secretary Eduardo Sojo agree that renegotiating NAFTA is not the proper course of action.¹⁸ Gutierrez emphasized that “NAFTA is more powerful and successful,” driving the incentive for the nations to continue to work together under an agreement that “has made all our countries more competitive.”¹⁹ Furthermore, Gutierrez urged that the agreement could be changed through administrative decisions, which would improve the processes, rather than attempting to renegotiate the treaty entirely, which would require approval from the Congress of each nation involved.²⁰

In defense of NAFTA and the U.S. imports, Gutierrez also reassured the Mexican farmers that the corn being imported to Mexico is not the white corn that the Mexicans grow to produce their tortillas, but rather the yellow corn that is used to feed livestock.²¹ According to government estimates, there are about 3.5 million corn farmers in Mexico who farm plots of land less than twelve acres, often with donkeys or mules rather than machines.²²

B. U.S. AND MEXICAN SUGAR INDUSTRIES' RECOMMENDATIONS

On January 1, 2008, the duties on the trade in sugar between the United States and Mexico were eliminated under NAFTA, removing all barriers that once existed between the sugar industries in the United States and Mexico.²³ It was not until that date that “the 15-year objective under NAFTA to remove sugar tariffs . . . was finally reached.”²⁴ This elimination of duties and restrictions led the American Sugar Alliance (ASA) to claim that “downward prices spirals will result on both sides of the border absent the recommendations” asserted by the Mexican and

16. Ioan Grillo, *NAFTA: Commerce Ministers Defend NAFTA, Outline Joint Energy, Food Initiatives*, 25 INT'L TRADE REP. (BNA) 347 (2008) [hereinafter *Commerce Ministers*].

17. *Id.*

18. *Id.*

19. *Id.*

20. Ioan Grillo, *NAFTA: Commerce Secretary Gutierrez Rules out Renegotiating NAFTA to Aid Mexican Farmers*, 25 INT'L TRADE REP. (BNA) 348 (2008).

21. *Id.*

22. *Id.*

23. Rossella Brevetti, *NAFTA: Business Groups Oppose NAFTA Proposal Put Forward by U.S., Mexico Sugar Industries*, 25 INT'L TRADE REP. 202 (2008) [hereinafter *Business Groups*]; Matt McKinney, *Looking to Add Some Sugar to Fuel Tanks*, STAR TRIBUNE-MINNEAPOLIS, Apr. 13, 2008, at 1D (Bus.).

24. Jeff Carter, *U.S. Sugar Industry Wants Free Trade Capped*, ONTARIO FARMER, Apr. 1, 2008, at B1.

U.S. sugar industries.²⁵ The ASA pitched recommendations it hoped Congress would add into the annual farm bill, fearing both losses of jobs and profits in the industry if the recommendations were not included.²⁶ Juan Cortina Gallardo, president of the Mexican Sugar Chamber, took his recommendations to the Mexican ministries of agriculture and economy as well.²⁷ Cortina urged that the recommendations be adopted by both Mexico and the United States in order for the nations to enjoy a "NAFTA that works."²⁸

The previous controls on the market were preventing the cheaper imported sugar from causing a collapse in the U.S. sugar market.²⁹ No one knows to what degree the Mexican farmers will take advantage of the removal of trade barriers into the United States, but the opportunity to do so has caused concern in the U.S. sugar industry.³⁰ Compared to other developed nations that use subsidies and tariffs to control the prices, the sugar prices in the United States "compare favorably."³¹ But critics of the U.S. sugar program argue that "it props up sugar prices at rates higher than the world price," the costs of which are passed along to consumers.³²

Among other things, the recommendations would allow Mexico to "develop an allocation for export to the United States taking into account the amount of Mexican sugar displaced by high fructose corn syrup sales to Mexico."³³ But these recommendations do not ask that a limit be placed on the syrup exports from the United States into Mexico.³⁴ The Mexicans are concerned with the potential U.S. competition in the trade of high fructose corn sweetener that is cheaper than sugar cane and can be substituted for many uses.³⁵ Another recommendation would allow for the United States to increase its allotment of sugar to be provided to Mexico when Mexico has a shortage of sugar for human consumption.³⁶ After the quotas on sugar trade expire this year, "Mexican and U.S. sugar producers agreed to a plan under which American growers pledged not to sell surplus sugar to Mexico unless there was a shortage."³⁷ Additionally,

25. Rossella Brevetti, *USTR, USDA Reject NAFTA Proposals by U.S., Mexican Industry for Sugar Trade*, 25 INT'L TRADE REP. 236 (2008) [hereinafter *USTR, USDA Reject*].

26. Aaron Nelsen, *Sugar Industry's Policy Proposals Snubbed by Bush Administration*, THE BROWNSVILLE HERALD, Feb. 9, 2008.

27. *Id.*

28. *Id.*

29. McKinney, *supra* note 23.

30. *Id.*

31. *Id.*

32. *Id.*

33. *USTR, USDA Reject, supra* note 25.

34. *Id.*

35. Carter, *supra* note 24.

36. Rossella Brevetti, *NAFTA: Agriculture Groups Urge Rejection of Sugar Industry NAFTA Proposal*, 25 INT'L TRADE REP. 237 (2008) [hereinafter *Agriculture Groups*].

37. *TRADE: Sugar Industry Plan Turned Down*, HOUSTON CHRON., Feb. 9, 2008, at 3 (Bus.).

both nations requested that a ban be placed on domestic sugar being replaced by sugar grown in third-party countries.³⁸ The Mexican and U.S. sugar industries are hoping that a new agreement will be negotiated that will include the provisions in the recommendations.³⁹ Some believe it is the sugar industry of the United States that stands to be hurt more by the free trade agreement, “especially if Mexico’s cane-sugar industry increases its competitive edge.”⁴⁰ Also argued by some is the idea that “the U.S. sugar industry can protect itself” with an “anti-dumping trade action [enforced] against Mexico.”⁴¹

A letter from the Emergency Committee for American Trade (ECAT) to congressional leadership and officials in the Bush administration urged that adoption of the sugar industries’ proposals will harm exports leaving the United States.⁴² They urged that U.S. “trading partners will be reluctant to enter into agreements, if they see the U.S. Congress passing legislation that invalidates key provisions of one of [the United States’] most important trade agreements.”⁴³ U.S. Trade Representative Susan Schwab and Agriculture Secretary Ed Schafer issued a joint statement that rejected any such proposed changes to NAFTA.⁴⁴ The two officials pointed to the \$7.3 billion in trade that has been produced since NAFTA was first enacted fifteen years ago.⁴⁵ The Bush administration continues to reject the recommendations, stating that “reopening [NAFTA] would . . . put at risk other U.S. exporters of goods and services” and “[f]or that reason, the Administration has been and will continue to be clear and consistent in strongly opposing requests to reopen this agreement.”⁴⁶ The managed trade proposal would essentially amend NAFTA by placing restraints on both imports and exports between the two nations.⁴⁷ In February 2008, the ASA announced that “it would no longer pursue the farm bill language meant to pave the way for the implementation of the recommendations developed by the U.S. and Mexican industries.”⁴⁸

But the Mexican sugar cane farmers are backing the proposal according to Carlos Blackaller, the president of the Union Nacional de Caneros.⁴⁹ Blackaller pointed to the fact that Mexican farmers are currently dealing with low prices that are expected to decrease further by ten

38. *Id.*

39. *Agriculture Groups, supra* note 36.

40. Carter, *supra* note 24.

41. *Id.*

42. *Business Groups, supra* note 23.

43. *Id.*

44. *With Administration Opposition, Sugar Industry Drops New NAFTA Rules*, 26 IN-SIDE U.S. TRADE 7, Feb. 15, 2008 [hereinafter *Administration Opposition*].

45. Nelsen, *supra* note 26.

46. *Trade Representative Schwab, Agriculture Secretary Schafer Issues Statement Regarding Bush Administration’s Position on Recently Proposed Farm Bill Amendments*, U.S. FED. NEWS, Feb. 8, 2008.

47. *Agriculture Groups, supra* note 36.

48. *Administration Opposition, supra* note 44.

49. *Business Groups, supra* note 23.

to fifteen percent by the end of 2008.⁵⁰ Without government intervention, he believes the NAFTA market is susceptible to crumbling, which would in turn leave the consumers of all member nations without reliable suppliers.⁵¹

IV. NAFTA AT THE NORTH AMERICAN SUMMIT

On April 21-22, 2008, leaders from the United States, Canada, and Mexico strongly defended NAFTA against the recent attacks by the Democratic candidates for the presidency of the United States “under the auspices of the Security and Prosperity Partnership (SPP) in New Orleans.”⁵² The leaders of the three nations agreed that “NAFTA is key to maintaining North America’s competitive edge in an increasingly complex, fast-paced and connected global marketplace.”⁵³ President Bush continues to urge that trade barriers worldwide need to be reduced, which will not be accomplished if the nations attempt to renegotiate NAFTA or abandon it completely.⁵⁴

V. NAFTA IN POSSIBLE PERIL FROM U.S. PRESIDENTIAL ELECTION

Both U.S. Democratic presidential candidates, Senators Clinton and Obama, have made known their belief that the United States should “opt out” of NAFTA if the leaders of the international agreement do not renegotiate it “to include tougher provisions on environmental standards and workers’ rights.”⁵⁵ Both Clinton and Obama believe that the possibility of the United States abandoning the NAFTA agreement should be used as leverage against Mexico and Canada to ensure that the renegotiations regarding labor and environmental standards happen.⁵⁶ While they disagree on other issues, both candidates for the Democratic nomination strongly believe that NAFTA needs to be renegotiated in order to “strengthen labor and environmental standards.”⁵⁷ Many of the American unions are demanding this renegotiation because factory owners are moving to Mexico in favor of the lower wages and less stringent environmental laws, leaving Americans without jobs.⁵⁸ But NAFTA supporters

50. *Id.*

51. *Id.*

52. Rossella Brevetti, *NAFTA: Leaders of U.S., Canada, Mexico Defend NAFTA at North American Summit*, 25 INT’L TRADE REP. 611 (2008) [hereinafter *North American Summit*]; Rossella Brevetti, *NAFTA: NAFTA Leaders’ Priorities at Summit Include Food, Safety, Secure Borders*, 25 INT’L TRADE REP. 612 (2008).

53. *North American Summit*, *supra* note 52.

54. *Id.*

55. *Commerce Ministers*, *supra* note 16.

56. Diego Cevallos, *Mexico-U.S.: NAFTA Renegotiation - Promise or Mirage?* INTER PRESS SERVICE NEWS AGENCY, Apr. 11, 2008; Gary G. Yerkey, *NAFTA: Clinton, Obama Vow to ‘Opt Out’ of NAFTA Unless Mexico, Canada Agree to Renegotiate*, 25 INT’L TRADE REP. 349 (2008) [hereinafter *Vow to Opt Out*].

57. *How Clinton, Obama Differ*, THE CAPITAL (Annapolis, Md.), Apr. 12, 2008.

58. Cevallos, *supra* note 56.

point to the statistics showing manufacturing jobs declining fifteen years before NAFTA was enacted and claim that the free trade agreement is allowing for the substitution of “better jobs for worse jobs.”⁵⁹

This stance against NAFTA’s current status is good news to trade unions and left-wing activists in Mexico who have claimed that they will attempt to withdraw Mexico from the agreement as well unless a renegotiation is held.⁶⁰ Despite these demands for renegotiation, Commerce Secretary Carlos Gutierrez continues to assert that if the United States abandoned NAFTA it “would spark economic shock waves, with the damage starting in the U.S. economy.”⁶¹ Mexican officials also argue that the U.S. and Mexican economies are so interconnected that an abandonment or renegotiation of NAFTA will cause a tremendous amount of problems for both nations.⁶² But unions and social organizations in the United States claim that NAFTA has resulted in domestic job losses while Mexican organizations have similar complaints that NAFTA has damaged their country as well.⁶³

A. SENATOR HILLARY CLINTON

Senator Clinton has referred to NAFTA as a “mistake” that would require the agreement to be dramatically strengthened in terms of its labor and environmental provisions as well as a change in the investment provisions in order to be acceptable.⁶⁴ In a speech, Clinton claimed that the United States needed “solutions to fix our trade laws.”⁶⁵ The Senator described the current agreement as needing to be renegotiated into something that is enforceable, which she currently does not believe it to be.⁶⁶ She also believes that the agreement should be reviewed regularly in order to determine whether U.S. “workers and communities are reaping benefits, ensure that labor and environmental standards are improving, and allow us to assess whether the agreement requires additional changes going forward.”⁶⁷ Additionally, Senator Clinton would attempt to renegotiate the investment provisions in NAFTA which give rights to foreign companies to avoid going to the courts and go straight to the tribunals.⁶⁸

59. Bruce Stokes, *Bashing NAFTA*, PITTSBURGH POST-GAZETTE, Mar. 30, 2008.

60. Cevallos, *supra* note 56.

61. Rossella Brevetti, *NAFTA: Gutierrez Says U.S. Economy Would Suffer if NAFTA Abandoned*, 25 INT’L TRADE REPORTER 392 (2008) [hereinafter *U.S. Economy*].

62. Cevallos, *supra* note 56.

63. *Id.*

64. Gary G. Yerkey, *Trade Policy: Obama Opposes Clinton Call for ‘Time Out’ on New Trade Deals; Both Would ‘Fix’ NAFTA*, 25 INT’L TRADE REP. 334 (2008) [hereinafter *Time Out*].

65. Mark Tran, *Clinton Courts Working Classes with Protectionist Stance*, GUARDIAN, Apr. 14, 2008.

66. *Vow to Opt Out*, *supra* note 56.

67. *Time Out*, *supra* note 64.

68. James Oliphant & Christi Parsons, *Obama Appeals to Working Class Voters*, CHI. TRIB., Apr. 15, 2008; Gary G. Yerkey, *Bilateral Agreements: Sen. McCain Calls for Free Trade Pact with EU, Reiterates Support for NAFTA*, 25 INT’L TRADE REP. 487 (2008) [hereinafter *McCain Reiterates Support*].

Many opponents of NAFTA are looking to the current state of the leadership in the United States in hopes that the end of NAFTA is near.⁶⁹ NAFTA was strongly supported through both terms of Bill Clinton's presidency from 1993-2001 and has continued to be supported through both terms of George W. Bush's presidency as well; but the two democratic presidential hopefuls are proposing a departure from past free trade policy.⁷⁰ It is interesting that Senator Clinton would take such a strong stand against NAFTA since it was championed and pushed through Congress by her husband, Bill Clinton, in the early years of his presidency after it was signed by President George H.W. Bush in 1992.⁷¹

B. SENATOR BARACK OBAMA

In March 2008, Obama rejected Senator Clinton's recommendation of a "time-out" for NAFTA deals during a review of all of the U.S. trade agreements.⁷² Obama urged that such a pause would be detrimental to the United States, claiming "China's not pausing; India's not pausing."⁷³ Furthermore, Obama has expressed his view that he has never supported NAFTA and would not support any "NAFTA-style" agreements proposed in the future.⁷⁴ He claims that "[w]hile NAFTA gave broad rights to investors, it paid only lip service to the rights of labor and the importance of environmental protection."⁷⁵ He believes that NAFTA needs to be amended to ensure that the regulations which were intended to protect the citizens in the member nations "cannot be overridden simply at the request of foreign investors."⁷⁶ Obama claims that he opposes "trade deals that put the interests of Wall Street ahead of the interests of American workers" and that is why he opposes NAFTA.⁷⁷

Both Obama and Clinton would put the obligations for the enforcement of environmental standards and labor rights in the actual body of the NAFTA agreement rather than their current position as side letters to NAFTA.⁷⁸ Putting these provisions in the actual agreement would allow for nations in violation of these parts of the agreement to be subject to retaliation through trade sanctions.⁷⁹ However, this approach, also used in the Jordan and Peru free-trade agreements has not yet been proven to work.⁸⁰

69. Cevallos, *supra* note 56.

70. *Id.*

71. *Vow to Opt Out*, *supra* note 56.

72. *Time Out*, *supra* note 64.

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

77. Beth Gorham, *Democrats Spar on NAFTA in Replay of Debate over Canadian Memo*, PORTAGE DAILY GRAPHIC, Apr. 3, 2008, at 1.

78. Stokes, *supra* note 59.

79. *Id.*

80. *Id.*

C. SENATOR JOHN MCCAIN

In sharp contrast to both the Democratic candidates, Republican candidate John McCain has urged that he “will not, after entering into solemn agreements, go and say that [he] will abrogate those agreements.”⁸¹ Senator McCain has referred to himself as an “unabashed defender of NAFTA” who has constantly supported free trade since he was first elected to the Senate.⁸² Senator McCain claims that “free trade should be the continuing principle that guide’s this nation’s economy.”⁸³ Senator McCain not only supports the NAFTA agreement but also goes further in his support of free trade by proposing to “strengthen the treaty and move ahead with free trade agreements with other countries.”⁸⁴

D. CURRENT PRESIDENT GEORGE W. BUSH

President Bush also continues to support NAFTA, claiming that the “agreement has meant prosperity on both sides of our borders, north and south.”⁸⁵ He highlighted the fact that the United States exports about \$380 billion in goods to Mexico and Canada each year, meaning that there are many Americans who are benefiting from the agreement.⁸⁶ Gross domestic product has been growing since the implementation of NAFTA, growing 54 percent in the United States, 58 percent in Canada, and 51 percent in Mexico.⁸⁷ Additionally, Mexico is now reaping the benefits of being the top exporter of fruits and vegetables to the United States thanks to the free trade agreement.⁸⁸ Exports from Mexico to the United State have multiplied 5.3 times, while exports from the United States to Mexico have multiplied 3.3 times since NAFTA was enacted.⁸⁹ Commerce Secretary Gutierrez also emphasizes that protectionism, historically, has not protected the United States, citing the 1930 Smoot-Hawley Act which likely extended the Great Depression.⁹⁰ However, NAFTA opponents point to the facts that the Bush administration does not tout, such as the trade deficit with Canada and Mexico that has increased from \$12 billion in 1994 to \$138 billion in 2007.⁹¹

E. EFFECTS OF U.S. LEADERSHIP POSITIONS ON NAFTA

Many analysts allege that the threats to “opt out of NAFTA” are merely “campaign rhetoric, intended to draw the votes of unionised [sic]

81. *Time Out*, *supra* note 64.

82. *McCain Reiterates Support*, *supra* note 68.

83. *Time Out*, *supra* note 64.

84. Cevallos, *supra* note 56.

85. Gary G. Yerkey, *NAFTA: President Bush Says Clinton, Obama Seeking Political Gain in Blasting NAFTA*, 25 INT’L TRADE REP. 349 (2008).

86. *Id.*

87. *U.S. Economy*, *supra* note 61.

88. Cevallos, *supra* note 56.

89. *Id.*

90. *U.S. Economy*, *supra* note 61.

91. Stokes, *supra* note 59.

workers and progressive voters” and will not likely happen if either of the Democratic candidates wins the office.⁹² The former President of Mexico, Ernesto Zedillo, explained “it is hard to accept that politicians of the intellectual stature (of Clinton and Obama) truly believe what they have said about the effects of existing U.S. trade policies on the wellbeing of the American people.”⁹³ He continued, saying: “[c]herry-picked anecdotal evidence is not enough to validate the protectionist oratory of the otherwise brilliant candidates.”⁹⁴

Both Clinton and Obama’s threats to renegotiate NAFTA have some in Canada worried and viewing Canada as “getting caught in the crossfire once more”.⁹⁵ A memo casting doubt on Obama’s sincerity regarding his NAFTA stance written by a Canadian official who had met with an Obama advisor was leaked, causing great uproar in the presidential campaign in March.⁹⁶ While Canadian officials have apologized for the report, many Canadians continue to warn that a renegotiation would hurt the U.S. economy as well as potentially damage the preferential access the United States currently enjoys to Canadian oil.⁹⁷ If the agreement were to be reopened, interest groups in all three nations will be asking for changes, which could include Canada asking for limits on its obligation to sell oil to the United States. Canadian Prime Minister Stephen Harper expressed his view that Canada would renegotiate NAFTA if the other nations wished to but that the Canadian government was not looking to renegotiate NAFTA otherwise.⁹⁸ His preference would be not to renegotiate the past, but to work towards the future.⁹⁹

Although the “NAFTA debate is more justified than NAFTA defenders will admit, it is also more complicated than NAFTA critics contend.”¹⁰⁰ The future of NAFTA hangs in the balance during this coming presidential election in the United States. A vote for John McCain will be a vote for the expansion of free trade, while a vote for Democratic hopefuls Obama and Clinton seems to be a vote for a shift away from the current free trade policies in the United States.

92. Cevallos, *supra* note 56.

93. *Id.*

94. *Id.*

95. Gorham, *supra* note 77; *Democrats Shun Free Trade Deals in Bid for Blue-Collar Votes*, SUDAN NEWS AGENCY BULL., Apr. 11, 2008 [hereinafter *Democrats Shun Free Trade*].

96. Gorham, *supra* note 77.

97. Gorham, *supra* note 77; *Democrats Shun Free Trade*, *supra* note 95.

98. *North American Summit*, *supra* note 52.

99. *Id.*

100. Stokes, *supra* note 59.

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