

IN THE MATTER OF:

The Loewen Group, Inc. and
Raymond L. Loewen, Claimants/Investors

v.

The United States of America, Respondent/Party.

ICSID Case No. ARB(AF)/98/3

DECLARATION OF GLENN MILLEN .

I, Glenn Millen, hereby declare as follows:

1. I served as the foreman of the jury in the case of O'Keefe v. The Loewen Group, Inc., in the fall of 1995. I am a retired electrical engineer, having worked for twenty years as a supervisor for development test engineering at Siemens Corporation, an international company based in Germany that develops and manufactures electrical and electronic systems. I received my Bachelor of Science degree from Jackson State University, following several years of study at the University of California. I retired from Siemens in September 1994, one year before the O'Keefe trial began. I understand that The Loewen Group has filed a claim under NAFTA against the United States in connection with the O'Keefe trial, in which it alleges that I "hate" Canadians.

2. The suggestion that I "hate" Canadians or am, or have ever been, motivated in any way by an "anti-Canadian" sentiment is completely ridiculous. In fact, when I was informed of Loewen's allegation, I laughed out loud at its sheer absurdity.

3. I was born in Hamilton, Ontario in 1932 and lived there until 1960, when I moved to the United States. Before moving to the United States, I proudly served for three years as an electrical technician in the Royal Canadian Air Force. My wife of fifty years is and has always been a Canadian national, my brothers and other members of my family still live in Canada, and I visit my hometown in Canada regularly, at least once a year.

4. For more than twenty years (from roughly 1975-1997), I served with several Canadians – as well as individuals from other countries – as a member of an international standards committee of the Institute of Electrical and Electronics Engineers ("IEEE"), a technical professional association with members in some 150 countries. I maintained a close and very positive working relationship with each of my Canadian (and other) colleagues during my many years on that committee. In fact, in addition to my professional relationships, I have a personal friendship with two of those Canadian colleagues from the IEEE.

5. I also traveled frequently to Canada for my work while at Siemens, and had an excellent relationship with my Canadian colleagues there as well. For example, between roughly 1978 and 1986, I traveled regularly to Quebec to conduct testing at L'Institut de Recherche d'Hydro-Québec ("IREQ"), the largest electrical test lab in North America, owned by Quebec Hydro. In my last two years at Siemens, I also traveled regularly to BC Hydro in Vancouver, British Columbia.

6. I decided to become a United States citizen in 1965 largely for reasons of education and employment. When I moved to the United States, there was no electrical engineering night-school degree program in Canada, but there were some in the United States. I therefore moved to California to study at night toward a university degree in electrical engineering. Around the

same time, I began working at Leach Relay Company, Inc., which was then doing electrical work in connection with the United States' space program. Because this work involved matters of the United States' national security, my Canadian citizenship limited the range of professional possibilities in my position at Leach Relay. It is for this reason – and not out of any dislike of Canada or Canadians – that I decided to become a United States citizen in 1965.

7. Although I am now a United States citizen, I have no bias or bad feelings toward Canada or Canadians, nor have I ever had such feelings. In fact, in my many years of living and working in the United States, I have never experienced or witnessed such a thing as “anti-Canadian” hostility.

8. It is true that, after the trial was over, I was quoted by the newspapers as having said that Mr. Loewen was “a rich, dumb Canadian politician who thought he could come down here and pull the wool over the eyes of a good ole’ Mississippi boy.” This was not to disparage Canadians, but was instead to convey what I assumed was Mr. Loewen’s mistaken impression of what people in Mississippi were like. It appeared to me that Mr. Loewen had incorrectly assumed that Mr. O’Keefe was just a “good ole’ boy,” an unsophisticated, small-town businessman of whom Mr. Loewen could easily take advantage. My point was only to make clear that, in my view, Mr. Loewen was very wrong in his assessment and very out of touch with the reality of Mr. O’Keefe and his businesses.

9. The United States has suggested that, because of ethical considerations, this declaration not discuss the deliberations of the O’Keefe jury. I have therefore limited my comments only to Loewen’s allegations that I am biased against Canadians. I have not been paid or received anything of value for providing this declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed in
Clinton, Mississippi, July 17, 2001.


Glenn Millen