



Written by [William F. Jasper](#) on June 22, 2015

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7 Reasons Why Trade Promotion Authority/Fast Track Must Be Defeated

In our companion article [“10 Reasons Why You Should Oppose the TPP and TTIP,”](#) we detail some of the most extreme dangers presented by President Obama’s two mammoth pseudo-free trade agreements, the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP). On May 22, the U.S. Senate approved Trade Promotion Authority legislation (TPA, also known as Fast Track), which greases the skids for passage of TPP/TTIP. Now the fight over TPA has moved to the House of Representatives. There are many reasons why Americans should demand that their congressmen vote against this legislation; we provide seven of them below.



1: TPA is essential to passage of the very dangerous TPP and TTIP.

Regarding the massive pacts the administration has been secretly hammering together with the Asia-Pacific region and the European Union, President Obama’s Trade Representative Michael Froman told the Senate Finance Committee in 2013: “None of this can happen without Trade Promotion Authority.” Similarly, President Obama, in remarks to the President’s Export Council, which includes top corporate execs, Cabinet officials, and members of Congress, said, “We’re going to need Trade Promotion Authority.”

Analysts on both sides of the issue agree that passage of TPA is critical for passage of TPP and TTIP, and, conversely, that defeating TPA is crucial for defeating these “ObamaTrade” pacts. TPA is the enabler that has made possible virtually every so-called trade agreement of the past several decades. So, if the TPP/TTIP truly represents the existential threat we detail in the accompanying [“10 Reasons Why You Should Oppose the TPP and TTIP,”](#) then it follows that all Americans committed to preserving our national sovereignty and independence should oppose TPA, since, if passed, it would all but guarantee subsequent passage of the TPP & TTIP.

2: TPA is a “bum’s rush” that ratifies a secret, corrupt process and aims to ratify a secret, corrupt product.

No lie is more apparent than the Obama administration’s continued ludicrous claims that the TPP/TTIP negotiation process is completely open and transparent. Few members of Congress have even *seen* the



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texts of the agreements, and virtually none has actually studied and dissected the complex legal documents. We, the public, have had to content ourselves with “illegal” leaked fragments of the agreement texts. And, reportedly, the TPP/TTIP texts are still being revised. Under the TPA, these agreements would be fast-tracked. Members of each house would have to vote within 45 days after the agreement is introduced in their house. They are limited to only 20 hours of debate. No Senate filibusters are allowed. No amendments are allowed. The TPP/TTIP proponents have had years to craft the texts, pack them with benefits for special interests, develop arguments and strategies to promote them, line up lobbyists and corporate cronies to push for them, amass huge war chests, and put their final campaign strategy into place. But they know they have to sucker us into signing on the dotted line before we actually read the fine print. They can’t let us actually kick the wheels, or we’ll see that this junker they’re selling as a mint-condition Rolls Royce is really a coffin on wheels. This is a repeat of the secrecy and deception surrounding ObamaCare, which culminated, recall, with the rushed vote before members of Congress and the American public had a chance to study it, because, as then-House Speaker Nancy Pelosi infamously insisted, “We have to pass it so that you can find out what’s in it.”

Apropos of that, let us not forget that long afterward, videos surfaced of Professor Jonathan Gruber, a top designer of ObamaCare, audaciously admitting that he and the Obama administration lied to get this huge government takeover of healthcare passed into law. Gruber admitted that the monstrosity was intentionally “misabeled” and written “in a tortured way to make sure the CBO [Congressional Budget Office] did not score the mandate as a tax.” Moreover, he mocked “the stupidity of the American voter” for naively buying this lie. We saw another replay of this corrupt process with the rush job that was used last December to pass the monstrous “Cromnibus” spending bill.

3: TPA is an unconscionable abdication of constitutional responsibility by Congress.

By approving TPA, Congress would be transferring an enormous grant of power to a president who has proven he lusts for power. Senate Majority Leader Mitch McConnell (R-Ky.) admitted this in a press interview. “Yeah, we’re in active discussion on TPA, trade promotion authority,” McConnell told reporters. “It’s an enormous grant of power, obviously, from a Republican Congress to a Democratic president.” But that candid slip-up by McConnell has been almost totally overshadowed by the exact opposite media spin put on TPA by the pro-ObamaTrade Republicans, who absurdly claim that the fast track gambit actually “empowers” Congress.

House Ways and Means Chairman Paul Ryan (R-Wis.), the top GOP cheerleader for TPA/TPP/TTIP in the House, has a Ways and Means webpage entitled “Empower Congress: Pass TPA.” Among other things, it makes this ludicrous statement: “TPA doesn’t give the president any authority he doesn’t already have. On the contrary, it’s Congress that gains from a strong trade promotion authority bill. Under TPA, it’s Congress in the driver’s seat. And the president must follow Congress’ lead in trade negotiations.” Representative Ryan’s “driver’s seat” metaphor reveals that he is little more than a sock puppet for the administration; he is merely repeating the same line that has been laid out by Obama spokesmen such as Trade Representative Michael Froman and Secretary of State John Kerry. Similarly, House Speaker John Boehner’s office asserts that TPA “specifically bars the president from making any changes to our laws.”

The Ryan/Boehner promises are about as trustworthy as a Federal Reserve note. Are we supposed to



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believe that the statement of negotiating objectives written into TPA will provide a “limiting” mechanism on a president who has repeatedly shown (and publicly boasted) that he believes he can disregard Congress and rule by executive orders? And are we supposed to believe that the GOP “opposition” led by McConnell and Boehner — who have rolled over repeatedly on issues dear to conservatives — will provide reliable protection against abuse? With Representatives Boehner and Ryan and Senators McConnell and Orrin Hatch (R-Utah) all firmly in the pockets of the same TPP/TTIP lobby as Obama, only a fool would count on them to oppose anything President Obama stuffs into TPP/TTIP that violates any “objectives” laid out by Congress in TPA. Finally, the Froman/Ryan “empowerment” argument is ludicrous on the face of it, since the TPA is being introduced only at the very tail end of the negotiations. The TPP/TTIP negotiations have been ongoing for years and are near completion, so it is ridiculous to claim that “the president must follow Congress’ lead.” Does anyone really believe that President Obama will renegotiate the agreements to meet any “objectives” laid down by Congress?

4: TPA not only hands power to Obama, but to his successor as well.

Since the TPA bill would extend fast track authority for six years, it will go beyond President Obama’s term of office to include the first term of whoever is elected to the White House in 2016, whether Democrat or Republican, be it Hillary Clinton, Jeb Bush, Bernie Sanders — or whoever. It is also important to keep in mind that TPA would not only apply to TPP/TTIP, but could be applied as well to many more far-reaching treaties disguised as trade agreements — either by President Obama or his - successor.

5: TPA is another giant step in the unconstitutional transfer of congressional authority to the president.

Article I, Section 8, Clause 3 of the Constitution grants *Congress* the power “to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” The Constitution does not allow Congress to transfer or delegate this power — or *any* of its powers — to the executive or judicial branches of the federal government. Unfortunately, Congress has been doing that for many years — and we, the People, have been allowing them to do it. With regard to trade agreements, this has been going on since FDR’s radical New Deal when Congress passed and President Franklin Roosevelt signed the Reciprocal Trade Agreement Act (RTAA) of 1934. This was further developed with the Trade Act of 1974, signed into law by President Gerald Ford. The fact that this process has been repeated many times does not change the fact that the Constitution — which every member of Congress has sworn to defend — requires Congress to be in charge of regulating trade, not merely serve as a rubber stamp for the president and the trade lobby.

6: TPA also challenges the Constitution by violating the requirement that treaties be ratified by a super-majority vote of two-thirds of the U.S. Senate.

The TPP and TTIP are hybrid creatures that deal with many issues beyond normal trade issues such as tariffs and subsidies. It is not for nothing that both the TPP and TTIP are formally referred to as



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“partnerships.” They envision vast political and economic “integration” and “harmonization” schemes affecting all areas of citizens’ lives. They are *treaties* by any sensible definition, and, no doubt will be treated as such by U.S. federal courts, as well as international courts and tribunals when adjudicating conflicts. It matters not that our politicians refer to them now as “agreements” rather than “treaties.” Some of our TPP “partners” refer to them as treaties. The Australian government, for example, says: “Across the globe, there is an expanding network of free trade agreements (FTAs)... An FTA is an international treaty.” As such, the TPP and TTIP must, according to our Constitution, be approved by a two-thirds majority in the Senate.

7: The TPA will speed the transfer of immense power to federal and international judges to eviscerate the Constitution; to strike down federal, state, and local laws; and to legislate from the bench.

The breadth and depth of the matters covered under both the TPP and TTIP (judging by what has been leaked, reported, released, and/or admitted thus far) are truly astounding. There is, undoubtedly, much more hidden that is even worse. Plus, as we have pointed out previously, the authors of both pacts claim that these are “living” agreements that will “evolve,” meaning they will continue to grow and claim new powers not in the printed documents as they currently exist. This means that judges will determine what they mean. Over the past century, a false and subversive doctrine has gained dominance in our courts and among legal scholars that holds treaties are superior to the Constitution and can be used to strike down our laws, reorder society, and change our form of government.

Our Founding Fathers certainly did not intend the treaty-making power to qualify as a suicide instrument. Thomas Jefferson stated, “I say the same as to the opinion of those who consider the grant of the treaty making power as boundless. If it is, then we have no Constitution.” Yet, if we allow passage of TPA, we will soon be fighting to stop an all-out rush to pass TPP and TTIP. And if those pass, we will be thrown into endless fights to save the Constitution, and the freedoms it protects, against a continuous onslaught by enemies of every sort — aided by activist judges.

Photo of President Obama with House Speaker John Boehner and Senate Majority Leader Mitch McConnell: AP Images





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