



Written by [William F. Jasper](#) on February 16, 2015

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## How to Pass Disastrous Trade Agreements

*“We need to work together on tools like bipartisan trade promotion authority.”*

— President Barack Obama, State of the Union Address, January 20, 2015

*“The president made very clear last night that TPA [Trade Promotion Authority] and TPP is now a top presidential priority and now is the time to get it done.”*

— top White House aide Evan Medeiros, in remarks at the Brookings Institution, January 21, 2015



The big push is on. The “ObamaTrade Express” is taking off. With the help of Republicans as well as Democrats, Obama is bound and determined to pass the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), both of which are officially termed “free trade agreements,” though they do not propose merely to set uniform low tariffs and allow trade to happen.

Opponents of these two agreements often refer to them as “NAFTA on steroids,” which is an appropriate moniker in several ways. One, like the North American Free Trade Agreement, they are likely to devastate employment and wages in the United States and exacerbate bad environmental outcomes in the name of free trade. Two, like NAFTA, participating congressmen and international corporations will put a full-court press on reticent Americans and politicians to pass these agreements on the “fast track.”

That means getting Congress to pass Trade Promotion Authority (TPA). That’s the new name for what used to be called fast track authority, which had to be discarded because it had become associated in too many minds with the sleazy and underhanded campaigns that had been employed to get NAFTA, CAFTA, and other massive trade agreements rammed through Congress without debate and examination. “Fast track” smacked too much of a hustle — which aptly describes what it was.

Under TPA fast track rules, the executive branch would be allowed to work out all the details of the trade deals — in secret, on subjects as varied as energy, global warming, foreign aid, immigration, and homeland security, NATO/UN “peacekeeping,” and Internet control — before the deals would be sent to Congress for passage. If we go by past TPA experience, the House and Senate would then each be required to vote on the agreements within 15 days after being reported out of committee. Only 20 hours of debate would be allowed in each House. Twenty hours — for a detailed, complex document that may be hundreds or thousands of pages long, written in legalese! And no deletions or amendments are permitted. In the Senate, no filibuster of objectionable text is allowed. All while the corporations that actually wrote the bill work out under-the-table agreements with any congressman who proves amenable. Passage of TPA virtually ensures passage of TPP and TTIP.

Not surprising, there is a large coterie of congressmen willing to give such authority to the president despite the limitations TPA puts on Congress to object to any bad or unjust proposals. What those congressmen call expediting a “free trade agreement,” most people would likely deem “enabling



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corruption and economic suicide.”

Consider the small window of time that Congress has to peruse the deals before it must vote on them, in relation to other things Congress does. In 2005, the House Committee on Government Oversight and Reform investigated steroid abuse in Major League Baseball, though the sport does not fall under the jurisdiction of the committee, or even the responsibilities of Congress as delineated in the U.S. Constitution. In 2008, Congress held a second hearing on the same subject, a hearing that was pushed back for nearly a month, according to *Time* magazine, in order “to give Congress more time to prepare by, among other things, deposing the players under oath.” Congress needed a month for this, yet some of its members propose to thoroughly investigate legal contracts containing thousands of rules, which affect more thousands of industries and businesses, in half the time. Smart?

Is there any justification for such reckless gullibility?

Consider a somewhat different, but functionally similar, context and scenario. A “modeling agent” spots your teenage daughter on Facebook and offers her a contract for a once-in-a-lifetime opportunity: Come to Hollywood, California, and my agency will make you fabulously rich and famous — you’ll be the next Kardashian. Teen daughter is starry-eyed ecstatic: visions of Vogue covers, Ferraris, Academy Awards, and duets with Justin Bieber and Josh Groban. You’re not so sure. Search engines don’t turn up anything on this “agent” or his “famous agency.” Moreover, the modeling agency has no telephone number with a live voice, only an online representative who consistently assures you via e-mail that you have nothing to worry about, while rebuffing any serious inquiries. No, we cannot divulge where she will be living: privileged information. No, you may not review her photos/video/film: privileged information. No, we cannot provide references: privileged information. A modeling contract is sent via e-mail: over a hundred pages of legalese, which you have 15 hours to review before you must sign it and put your minor daughter on a plane to Los Angeles International Airport, where she will be picked up by the agency’s limousine, unaccompanied by you or any adult in whom you trust. And according to the contract, if after the contract is in place you change your mind or find the conditions of the contract unworkable, you can only appeal to a board made up of unaccountable members of the agency’s industry. Otherwise, you are stuck with the deal.

Even the most invincibly clueless bumpkin would recognize these dodges as “clues” of a scam. So, do you send your daughter on the plane? Of course not; you call the cops.

## **Forced Trade Agreements**

The TPP and TTIP consist of thousands upon thousands of international rules — rules that large international corporations were allowed to draft to their own benefit. The agreements — if they are passed by Congress — would be more accurately described as *forced* trade agreements because all entities and countries will have to abide by the rules that the corporations created, and if there is a perceived breach of the rules, an unaccountable international panel will decide who is in the right.

Despite the fact that the U.S. Constitution assigns to Congress the power “to regulate Commerce with foreign Nations” — not the president — the executive branch is devising this trade scheme with business elites from a few hundred corporations. The businesses’ representatives have free access to see and comment on the wording of proposed trade provisions, while congressmen are kept in the dark. Non-profit companies have been locked out as well. Even Democrats have been unsuccessful in begging



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the Obama administration to see what is in the works. Senators Sherrod Brown (Ohio), Jeff Merkley (Ore.), Ron Wyden (Ore.), and Robert Menendez (N.J.) have petitioned the administration because the “process has excluded both Members of Congress and key stakeholders.”

Consider, for example, the situation of Senator Ron Wyden. In 2012, while he was chairman of the Senate Finance Committee’s Subcommittee on International Trade, Customs, and Global Competitiveness, he requested copies of the TPP draft documents from the United States Trade Representative (USTR). He was stonewalled. When Senator Wyden threatened to force transparency on the process with legislation, the administration conceded to allowing the senator to take a peek at the documents. But that permission was only for the senator himself; his staff was not permitted to view the documents, nor was he permitted to make copies. Which means that this limited peek was a sham, little better than the USTR’s normal practice of total secrecy and exclusion of Congress with regard to the negotiations. Complicated legal documents such as these must be studied — word by word, clause by clause — not merely peeked at. Which means that congressional staff must have complete access, since it is they who must wade through and decipher the verbiage and clue their bosses in to potentially troublesome text.

“I would point out how insulting it is for them to argue that members of Congress are to personally go over to USTR to view the trade documents,” Wyden’s spokeswoman Jennifer Hoelzer told the *Huffington Post*. But, she pointed out, “An advisor at Halliburton or the MPAA [Motion Picture Association of America] is given a password that allows him or her to go on the USTR website and view the TPP agreement anytime he or she wants.”

Senator Richard Burr (R-N.C.) received the same ignominious treatment. “When our staff requested to review the TPP on behalf of the senator, even staff with what we consider to be appropriate clearance were denied access,” Burr spokesman David Ward told the *Huffington Post*. Again, that was in 2012. As we have reported in *The New American* previously, the Obama administration has responded, repeatedly, with incredible claims that it is being completely “transparent” in the TPP-TTIP process.

However, here it is nearly three years later and nothing has changed; the text of the TPP still has not been released by the administration. The only real peek that members of Congress and the American public have had is of portions of the TPP text that have been leaked. On January 5, 2015, Senator Bernie Sanders (I-Vt.) penned a letter to U.S. Trade Representative Michael Froman decrying the administration’s “incomprehensible” secrecy in this matter. “I have been very concerned that up to this date the text of this agreement has not been made public. The only text I am aware of that has been made public so far has been through leaked documents, and I find what I read to be very troubling,” Senator Sanders wrote.

“It is incomprehensible to me that the leaders of major corporate interests who stand to gain enormous financial benefits from this agreement are actively involved in the writing of the TPP while, at the same time, the elected officials of this country, representing the American people, have little or no knowledge as to what is in it,” Senator Sanders continued. “Members of Congress must have the opportunity to read what is in the TPP and closely analyze the potential impact this free trade agreement would have on the American people long before the Senate votes to give the President fast track trade promotion authority.”

This is a repeat of the NAFTA charade, where, for instance, giant agribusiness corporations such as



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ConAgra, Cargill, and Archer Daniels Midland (ADM) lobbied furiously for the agreement and profited immensely from it, while tens of thousands of small family farms have gone under, due, in large measure, to the flood of imported cattle, meat products, grains, and produce from corporate farms in Mexico and Canada, which are not subject to the same oppressive regulations and taxes imposed on American ranchers and farmers.

Because there is large-scale opposition to both the TPP and TTIP from across the entire political spectrum — with liberal Democrats, conservative Republicans, Tea Partiers, constitutionalists, and libertarians all being galvanized to action as outrageous details of the agreements have leaked out — these agreements are not going anywhere unless they can get on the “fast track.”

Is this for real? Unfortunately, yes. And far too many people are falling for this obvious hustle, largely because a “bipartisan” lineup that includes President Obama, top Republicans, and “respected” business leaders is assuring us that this is the path to more jobs and prosperity.

## **GOP Gone Astray**

Many folks who should know better are totally clueless and blind to the obvious scam being perpetrated with the TPA-TTIP-TPP hustle — or they are benefiting personally. Top congressional Republicans have jumped on board the “ObamaTrade Express” and are gung-ho to give the president “fast track” Trade Promotion Authority (TPA) to push through the transoceanic “partnership” mergers. A vote on TPA is likely to come up in March, as Mitch McConnell, John Boehner, Paul Ryan, Orrin Hatch, and other GOP big-wigs join the White House and Wall Street lobbyists in lining up Republican votes.

Their rationale for backing these schemes comes down to the fact that they are called “free trade” deals. A January 15 article in *Time* magazine entitled “Why Republicans Want to Give President Obama More Power” provided this gem from Representative Paul Ryan, chairman of the House Ways and Means Committee: “By and large the vast majority of our members are in favor of getting these kinds of trade agreements because they know it’s good for business,” said Ryan. “The question that obviously you hear about is should we give this president TPA? TPA is asserting congressional prerogatives early in the process. So it’s a good thing no matter who the president is ... and to make sure we get the best deal.”

Please explain the pretzel logic, Chairman Ryan, how Congress can vote to be kept out of the treaty-making process and not give itself time to thoroughly examine the forced-trade treaties before voting on them, yet the Congress is “asserting congressional prerogatives early in the process ... to make sure we get the best deal.”

Senator Orrin Hatch (R-Utah), now president pro tem of the Senate, as well as chairman of the powerful Senate Finance Committee, is keen to help new Senate Majority Leader Mitch McConnell (R-Ky.) deliver this victory to President Obama and the corporate globalists. *Congressional Quarterly* reported on January 6 that a Finance Committee aide “said Hatch plans to move forward on a revival of trade promotion authority, calling the return of fast track authority to negotiate trade deals a ‘top priority’ in the new Congress.”

Unfortunately for Chairman Ryan and other TPA apologists, the Senate’s top Republican, Mitch McConnell, has thrown a monkey wrench into their narrative that TPA fast track is no big thing to make a fuss over, and in no way should be considered a transfer of power to Obama. During a January 6 press



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conference, Senator McConnell committed the sin of candor and acknowledged what all sensible observers already knew to be the fact, that TPA is “an enormous grant of power, obviously, from a Republican Congress to a Democratic president.”

“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’s how much we believe in trade as an important part of America’s economy.”

Not surprisingly, the U.S. Chamber of Commerce is a prime player on Team Obama’s trade offensive, with the organization once again toadying for its internationalist corporate elites, while the hundreds of thousands of mom-and-pop, small, medium, and independent businesses that form the core of its membership, once again, get the shaft.

## “Gruberized” ObamaTrade

How can this possibly fly so soon after “Grubergate,” where millions of Americans were stunned and outraged at the recent exposure of videos of Professor Jonathan Gruber, a top designer of ObamaCare, audaciously admitting that he and the Obama administration lied to get the massive government takeover of healthcare passed into law. He acknowledged that the huge plan was “mislabeled” and written “in a tortured way to make sure the CBO did not score the mandate as a tax.” He mocked “the stupidity of the American voter” for buying their con job. Of course it passed, remember, because then-Speaker Nancy Pelosi put it on fast track, with her infamous declaration: “We have to pass [ObamaCare] so that you can find out what’s in it.”

Trade Promotion Authority has a chance, despite Grubergate, because the proponents of the TPP and TTIP constitute a massive lobby of multinational corporations, international banks, state-owned enterprises, governments, and their high-powered law firms, public relations firms, and major media allies. As we have seen in previous fast track votes, the “free trade agenda” lobby is given a huge advantage, with advanced copies of the texts (which they have helped write) and expensive, sophisticated PR campaigns that opponents do not have the time or financial resources to match. On top of which, the White House, congressional leaders, and Wall Street lobbyists go all out in a no-holds-barred offensive with promises, bribes, and threats to get the simple majority of votes they need in each House.

Fortunately, opposition to TPA, TPP, and TTIP is growing all across the entire political spectrum as the merger pacts move from the shadows to the center stage.

Americans for Limited Government President Richard Manning called on Congress to “not cede any additional authority to a President who has spent the past six years shredding the constitutional separation of powers.”

Niger Innis, executive director of TheTeaParty.net, said President Obama “has shown outright contempt for the separation of powers,” and “there can be no worse lesson for the White House than for this Congress to voluntarily cede authority to it.”

Also participating in a news conference were spokesmen for the Center for Security Policy, Eagle Forum, the American Family Association, and Tea Party Nation. These and other leaders signed a letter to the Members of the 114th Congress urging them “to publicly oppose granting President Obama Fast Track Authority on the TransPacific Partnership or any other Treaty in the next two years.”



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One hundred fifty-one House Democrats led by Representatives Rosa DeLauro (D-Conn.) and George Miller (D-Calif.) have sent President Obama a letter announcing that “we will oppose ‘Fast Track’ Trade Promotion Authority or any other mechanism delegating Congress’ constitutional authority over trade policy that continues to exclude us from having a meaningful role in the formative stages of trade agreements and throughout negotiating and approval processes.” But note that much of the Democrat opposition could literally disappear overnight if unions and big environmental non-profit groups who back Democrats are given a seat at the treaty negotiating tables.

U.S. Chamber of Commerce President Tom Donohue is publicly confident of TPA passage, claiming “there are plenty, plenty of votes to get this done.” However, he has been wrong before. If a sufficient number of Americans are alerted and activated in time, fast track and the TPP/TTIP ObamaTrade Express can be derailed.



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