



Written by [Joe Wolverton, II, J.D.](#) on November 13, 2013

## Trans-Pacific Partnership Ready for Christmas Delivery?

As the end of 2013 approaches, so does [President Obama's deadline](#) for approving the Trans-Pacific Partnership (TPP).

The TPP is a direct and deadly attack on sovereignty and representative government masquerading as a Pacific Rim trade pact.

Currently, there are 12 countries negotiating in secret to create this regional trade agreement that some have called [NAFTA on steroids](#). The number of participants could rise to a baker's dozen should China be welcomed on board by the United States ([President Obama has signaled](#) that he would recognize the Chinese communist government's partnership in the bloc).



President Obama's fascination with intertwining the economic welfare of the United States with China is perhaps one reason a recent commentator called the TPP "another disaster from a proven liar."

Writing in [an op-ed for the Washington Times](#), Judson Phillips lists several of the principal criticisms of the TPP:

Barack Obama is asking for fast track authority for the Trans Pacific Partnership. Consider that to be another version of "you have to pass this to see what is in it." With fast track authority, there will be no hearings on this treaty. It will be negotiated then sent to the Senate for a simple up or down vote. The Senate will not be able to provide advice and consent because they cannot offer amendments under fast track.

Less than one fifth of the Trans Pacific Partnership deals with trade. The remainder of the treaty governs a myriad of things, including regulating the price of medicines. A few months ago, a mix of conservative and liberal groups stopped the "Stop Online Piracy Act" or SOPA. Most of the provisions of SOPA are included in the Trans Pacific Partnership.

Under the proposals of the TPP, American sovereignty would be eroded. American courts would be inferior to foreign trade courts and disputes between American citizens and foreign corporations would not be litigated in American courts but in these trade tribunals.

The TPP is guilty of each of those charges, and the evidence is overwhelming.

Perhaps the most disturbing aspect of all the roster of frightening things about the TPP is the secrecy surrounding the details of the agreement.

A few federal lawmakers have tried in vain to bring into the light the frightening compromises being made by our trade representatives at the TPP negotiations.

Zach Carter of the online Huffington Post reported that Senator Ron Wyden (D-Ore.), the chairman of the Senate Finance Committee's Subcommittee on International Trade, Customs and Global



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Competitiveness, was stonewalled by the Office of the U.S. Trade Representative (USTR) when he attempted to see any of the draft documents related to the governance of the TPP.

In response to this rebuff, Wyden proposed a measure in the Senate that would force transparency on the process, and that was enough to convince the USTR to grant the senator a peek at the documents, though his staff was not permitted to peruse them.

Wyden spokeswoman Jennifer Hoelzer told the Huffington Post that such accommodations were “better than nothing” but not ideal in light of the well-known fact that on Capitol Hill the real work of drafting and evaluating legislation is performed by the representatives’ staff members who are often experts in particular areas of domestic and foreign policy.

“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,” Hoelzer said. “An advisor at Halliburton or the MPAA 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.”

It is instructive that a duly elected senator of the United States has to beg and plead and threaten legislation in order to see the TPP trade agreement negotiations, but corporate interests are given a password by the USTR that grants them full, unrestricted access to those same documents.

U.S. Senator Sherrod Brown (D-Ohio) issued a statement criticizing the Obama administration for the lack of oversight into an agreement with devastating potential:

After more than a decade of broken promises from NAFTA, CAFTA, and normalized trade relations with China, we can now add a credibility deficit to the trade deficits we’ve seen. The leaked documents surfacing today only underscore the secrecy surrounding TPP negotiations and confirm worst suspicions about the direction trade negotiations are heading. It’s telling that it is easier for the CEO of a major corporation to access information about the negotiations than the American people’s elected representatives.

The negotiations must involve more transparency and bring more voices to the table.

Apart from the secrecy, a few drafts of key provisions of the TPP have been leaked to the Internet. One thing all the leaks reveal is that large corporations would be allowed to assume powers that constitutionally belong to Congress and to the states.

Notably, in both statements announcing the hemispheric enlargement of the trade bloc, former U.S. Trade Representative Kirk places the approval of “domestic stakeholders” (read: large corporations) on a level with that of Congress. It is precisely this exalting of big business, as well as the as-yet-impenetrable wall of secrecy surrounding the drafting of the TPP treaty, that has troubled many of the people’s representatives in Congress.

Although the treaty negotiations are being kept under a thick veil of secrecy, a draft document leaked to the Internet discloses that as part of its membership in the TPP, the United States would agree to exempt foreign corporations from our laws and regulations, placing the resolution of any disputes as to the applicability of those matters to foreign business in the hands of an international arbitration tribunal overseen by the secretary-general of the United Nations.

The leaked information also confirms the fears of many who from the beginning have opposed the entry of the United States into this trade agreement. The alarms sounded by several groups on the Left and the Right warning of the wholesale damage that the TPP could cause to commerce, copyrights, and the



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Constitution now seem vindicated.

An organization actively protecting the sovereignty of the United States is Americans for Limited Government (ALG). In June 2012, ALG released a statement drawing attention to critical provisions of the leaked TPP agreement, as well as ably pointing out some of the most noxious aspects of the proposed agreement:

These new trade agreements will place domestic U.S. firms that do not do business overseas at a competitive disadvantage. Based on these leaked documents, foreign firms under this trade pact could conceivably appeal federal regulatory and court rulings against them to an international tribunal with the apparent authority to overrule our sovereignty. If foreign companies want to do business in America, they should have to follow the same rules as everyone else. No special favors.

It is telling that the only apparent way these Pacific nations will enter a free trade agreement with the U.S. is if they are exempt from our onerous environmental and financial regulations that make it cost-ineffective to do business here. Instead of making these foreign firms exempt from these burdensome rules, they should just repeal the regulations and make it cheaper to do business here.

This poses an even wider problem, though. Obama is negotiating a trade pact that would constitute a judicial authority higher than even the U.S. Supreme Court that could overrule federal court rulings applying U.S. law to foreign companies. That is unconstitutional....

This tribunal needs to be removed from this agreement, and no foreign company doing business on our soil should have a competitive advantage, created by some dumb agreement, over American companies. What is Obama thinking? He is placing international organizations above the interests of our own country.

Just days after the proposed provisions of the TPP appeared online, *The New American* interviewed ALG President Bill Wilson. Wilson was asked what he believes Americans have to fear should the United States enter the TPP and why he thinks the negotiations have been conducted in secret.

“These trade pacts, starting with NAFTA and before [GATT], strike at the heart of national sovereignty, ours and that of the other member nations,” Wilson warned. “At their core they diminish the prerogatives and powers of a specific country and surrender them to international bodies or corporations.”

Other observers agree. In fact, an organization calling itself “Just Foreign Policy” has created a crowd-sourced bounty on the TPP agreement. On the group’s website, individuals interested in exposing the secret TPP agreement and the pro-corporate corruption included in it can donate money to increase the potential reward for the pact’s revelation. [The project explains:](#)

At this very moment, the Trans-Pacific Partnership agreement (TPP) — a trade agreement that could affect the health and welfare of billions of people worldwide — is being negotiated behind closed doors. While 600 corporate lobbyists have access to the text, the press, the public, and even members of the US Congress are being kept in the dark.

But we don’t have to stand meekly by as corporate cronies decide our futures. Concerned citizens from around the world are pooling together their resources as a reward to WikiLeaks if it makes the negotiating text of the TPP public. Our pledge, as individuals, is to donate this money to WikiLeaks should it leak the document we seek.

As WikiLeaks likes to say, information wants to be free. The negotiating text for the TPP wants to



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be free. Someone just needs to release it.

Unfortunately, the balance seems to be tipping in favor of finishing the TPP in time for Christmas. In a November 5 editorial, the *New York Times* [came out in favor](#) of the secret surrender of sovereignty, describing the agreement as “a trade agreement ... that could help all of our economies and strengthen relations between the United States and several important Asian allies.”

Leading opponent of the TPP, the Electronic Frontier Foundation (EFF), senses a couple of sinister explanations for the Old Gray Lady’s support of the secret attempt at economic integration of a dozen economies. [EFF’s Maira Sutton writes](#):

That raises two distressing possibilities: either in an act of extraordinary subservience, the *Times* has endorsed an agreement that neither the public nor its editors have the ability to read. Or, in an act of extraordinary cowardice, it has obtained a copy of the secret text and hasn’t fulfilled its duty to the public interest to publish it.

Regardless, President Obama is determined to get approval from Congress to fast-track the TPP negotiations. Not surprisingly, senators from both major parties are ready to make it a Merry Christmas for the president. [The Hill reports](#):

Senate Finance Committee leaders called on Wednesday for Congress to pass fast-track legislation aimed at smoothing the passage of any future trade deals.

Panel Chairman Max Baucus (D-Mont.) and ranking member Orrin Hatch (R-Utah) said during a trade hearing that they are working on crafting trade promotion authority (TPA) legislation and are expecting the Obama administration to work with them toward gaining its approval in Congress.

Baucus said it is time to “pass TPA and do it soon.”

There is still time for Americans to contact their senators and encourage them to refuse to ratify any agreement that is worked out in secret, grants corporations lawmaking power that the Constitution gives exclusively to Congress, and ties the future financial well-being of the United States to countries ruled by communists, dictators, and with economies that will adversely affect nearly every aspect of American manufacturing and agriculture.

*Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, and the surveillance state. He is the host of The New American Review radio show that is simulcast on YouTube every Monday. Follow him on Twitter @TNAJoeWolverton and he can be reached at [jwolverton@thenewamerican.com](mailto:jwolverton@thenewamerican.com)*



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