



Written by [Joe Wolverton, II, J.D.](#) on June 15, 2012

TPP Secret Trade Agreement Puts International Tribunal Above U.S. Law

Wednesday morning [a document was leaked](#) that reveals President Obama's plans to surrender American sovereignty to international tribunals. This is one of several frightening provisions of the [Trans-Pacific Strategic Economic Partnership](#) (also known as the Trans-Pacific Partnership, or TPP) being negotiated in secret by American trade representatives.



In the now-public document, 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 confirms the fears of many who have opposed this trade agreement from the beginning. Several groups from the Left and the Right have decried the shroud of secrecy covering the TPP negotiations and are now vindicated by Wednesday's revelations.

One of these valiant organizations defending the sovereignty of the United States is [Americans for Limited Government](#) (ALG). On Thursday, ALG released a statement drawing attention to the leaked TPP agreement, as well as ably pointing out some of the most noxious aspects of it.

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. *The U.S. cannot be allowed to enter a treaty that would abrogate our Constitution.*

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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.* [Emphases in original.]

In an interview with *The New American*, ALG President Bill Wilson further explained what Americans have to fear should the United States enter the TPP and why 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.”

“As for the secrecy, if folks on the ground find out what’s going on ahead of time, they might get upset. We tend to think of populations of the Asian nations as being more compliant, but they are not. If they thought for a minute that American corporations could ignore their local laws and customs, they’d be angry, so the multinational corporations that are pushing this thing have to do so in secret,” he continued.

Wilson also recognizes another problem for the internationalists in the provenance of the leaked document. The information revealed in the portion of the proposed agreement leaked on Wednesday was posted by [Public Citizen](#), a Texas-based consumer rights advocacy group founded by Ralph Nader — hardly a member of the right-wing conspiracy. Wilson sees this as instructive.

“There is a great coming together of the minds here,” Wilson said. “The Left doesn’t want an international tribunal coming in and doing away with their environmental regulations and we conservatives don’t want anything destroying our sovereignty and independence. That is a powerful confluence of interests and that’s why they [the international corporations] want to keep it secret.”

Wilson’s identification of large corporate interests as being the engine that is driving this vehicle for the eradication of American sovereignty is borne out by the experience of some of our own elected officials who have tried to pierce the veil of secrecy protecting the TPP negotiations.

Zach Carter of the [Huffington Post reports](#) that Senator Ron Wyden (D-Ore.), the chairman of the Senate Finance Committee’s subcommittee on International Trade, Customs and Global Competitiveness, was stonewalled by the [Office of 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 HuffPost that such accommodations were “better than



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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.”

That’s right. 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 by a password by the USTR that grants them a priori 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.

ALG’s Bill Wilson perceives real harm in the USTR’s grant of such a powerful corporate prerogative.

“We are elevating private businesses up to the level of sovereign governments,” Wilson said. “Under NAFTA we gave companies the power to sue governments and the TPP does this as well. In this trade pact, we agree that our government can be sued by these foreign corporations who will be treated as sovereign nations. This is submerging the idea of sovereignty into a sea of regulatory bodies and international agencies and our freedom is drowning it it.”

“It is self-evident that the erosion of the right of citizens to control their own lives is progressing at a rate that we are little more than wage slaves to an oppressive government and its cadre of corporate backers that consider our lives and our liberties of little or no consequence,” he stated.

When it comes to TPP and its surreptitious assault on freedom, Bill Wilson hit the nail squarely on the head. Unfortunately, if the American people do not rise up in firm opposition to TPP and other globalist ventures, it may be the final nail in the coffin containing the remains of our sovereignty.

Photo: President Barack Obama, third right, stands with Prime Minister Julia Gillard of Australia, left, President Sebastian Pinera of Chile, second left, Prime Minister Lee Hsien Loong of Singapore, third left, Prime Minister John Key of New Zealand, second right, and Sultan Hassanal Bolkiah of Brunei, right, as they take part in the Trans-Pacific Partnership meeting at the

APEC summit in Yokohama, Japan, Nov. 14, 2011.: AP Images



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