

# The USMCA “Trade Agreement” Violates Our Constitution And Sets Up Global Government

On November 30, 2018, President Trump, along with the Prime Minister of Canada and the President of Mexico, signed the United States-Mexico-Canada (USMCA) “Trade Agreement”. “Trade” is in quotes, because the document isn’t about “trade” – it’s about setting up global government. “Agreement” is in quotes because the document is a “treaty” – and that invokes the two-thirds ratification requirement of Art. II, §2, cl. 2, US Constitution.

The **USMCA Treaty (“Treaty”)** [was negotiated by U.S. Trade Representative, Robert Lighthizer](#). He is [a member of the Council on Foreign Relations](#), which works to move the United States into the North American Union (NAU).[1]

The Treaty advances *the economic and regulatory integration* of the three Parties. It is the precursor to *the political integration* the globalists seek with the NAU.[2]

## 1. Summary of objections to the Treaty

Our Constitution and Declaration of Independence are [the “organic law”](#) of our Land.[3] <sup>3</sup> Treaties, like Acts of Congress, hold a lesser status: they are part of “the supreme Law of the Land” only when they are authorized by “organic law” – our Constitution (Art. VI, cl.2).[4]

While the United States is clearly authorized by Art. I, §8, cl.3 & Art. II, §2, cl.2, US Constit., to enter into Treaties with foreign Nations addressing Commerce;[5] the United States may not lawfully transfer *to global or multi-national bodies*, powers which “WE THE PEOPLE” *delegated to our federal government* when We ratified our Constitution. But that is

what the Treaty purports to do.

Even worse, the Treaty also purports to delegate to global or multi-national bodies powers which We *never delegated to our federal government* – but reserved to the States or the people.

The Treaty establishes a bureaucratic multi-national government which is to control all aspects of commerce and to which the United States, Mexico and Canada will be subject.

The Treaty incorporates by reference many other documents. Its frequent use of new terminology requires one to constantly refer to the various definition sections spread throughout the 34 Chapters. It engages in the pernicious practice of making a statement, and then qualifying it by phrases such as, “unless otherwise provided in this Agreement” and “unless the Parties decide otherwise”. [6]

## **2. Powers We delegated to our federal government**

When the People of the United States ratified our Constitution, We “*created*” the federal government. Article I *created* the Legislative Branch and itemized its powers. Article II *created* the Executive Branch and itemized its powers. Article III *created* the Judicial Branch and itemized its powers. Each Branch of the federal government is thus a “creature” of the Constitution and is completely subject to its terms. *None of the delegated powers may lawfully be re-delegated to global or multi-national bodies.*

The Treaty violates the following provisions of our Constitution:

- At Art. I, §1, We vested *in Congress*, all legislative Powers granted by our Constitution.
- At Art. I, §8, We granted *to Congress* the powers
  - Clause 1: To lay and collect Imposts (import tariffs)
  - Clause 3: To regulate Commerce with foreign

Nations

- Clause 5: To coin Money and regulate the Value thereof
- Clause 8: To issue Patents and Copyrights
- At Art. I, §9, cl. 1: Commencing January 1, 1808, We granted *to Congress* the power to control Migration (immigration) to the United States.
- At Art. II, §2, cl. 2, We granted *to the President* the power to make Treaties, provided two thirds of the Senators present concur.
- At Art. III, §2, cl. 1, We declared that *the judicial Power* of the United States **shall** extend
  - to **all** Cases arising under Treaties made under the Authority of the United States
  - to Controversies to which the United States shall be a Party
- At Art. IV, §4, We imposed upon the United States *the duties* to:
  - guarantee to every State in this Union a Republican Form of Government; and
  - protect each of the States against Invasion.
- At Art. VI, cl. 2, We declared that our Constitution, and Acts of Congress and Treaties authorized by the Constitution, is the “supreme Law of the Land”.
- In the 10<sup>th</sup> Amendment, We declared that powers not delegated to the United States by the Constitution are reserved to the States or to the people.

### **Art. I, §8, cl. 1 – to “lay and collect Imposts”**

Our Constitution delegates *to Congress* the power to set the amounts of the tariffs on foreign imports.

The Treaty divests Congress of the power to unilaterally determine our tariffs. USMCA [Art. 2.4](#) [7] says:

“1. Unless otherwise provided in this Agreement, no

Party shall increase any existing customs duty, or adopt any new customs duty, on an originating good.

2. Unless otherwise provided in this Agreement, each Party shall apply a customs duty on an originating good in accordance with its Schedule to Annex 2-B (Tariff Commitments)".

### **Art. I, §8, cl. 5 – to coin Money and regulate the Value thereof**

Our Constitution delegates *to Congress* the power to control our money.[8]

But with the Federal Reserve Act of 1913, Congress and Woodrow Wilson unlawfully transferred power over our money to an international cabal of privately owned banks – the “Federal Reserve”.

Shortly after WWII, the United States joined the World Bank and the International Monetary Fund (IMF).[9] James Perloff’s article, [Council On Foreign Relations – Influencing American Government](#), speaks of how the World Bank and IMF act as

“...a loan-guarantee scheme for multinational banks. When a loan to a foreign country goes awry, the World Bank and IMF step in with taxpayer money, ensuring that the private banks continue to receive interest payments. Furthermore, the World Bank and IMF dictate conditions to the countries receiving bailouts, thus giving the bankers a measure of political control over indebted nations.”

The Treaty surrenders the United States’ power over money and our economy to the IMF. USMCA [Art. 33.1](#) defines “Article IV Staff Report” as the report prepared by the IMF respecting a country’s adherence to [Art. IV, Section 3 \(b\) of the IMF Articles of Agreement](#). **Section 3** provides that the IMF *shall* oversee the compliance of each member with its obligations under **Section 1** of Article IV. **Section 1** *requires* each member

to “direct its economic and financial policies toward the objective of fostering orderly economic growth with reasonable price stability”, and to foster “orderly underlying economic and financial conditions and a monetary system that does not tend to produce erratic disruptions” [i.e., our economy is to be planned by the IMF].

Article IV, §3 (b) of the IMF Articles of Agreement states that the IMF “shall exercise firm surveillance over the exchange rate policies of members”, and “shall adopt specific principles for the guidance of all members with respect to those policies”. USMCA Art. 33.4 confirms that the three Countries are “bound under the IMF Articles of Agreement to avoid manipulating exchange rates or the international monetary system”; but private manipulators (George Soros) don’t seem to be bound by that restriction.

USMCA Art. 33.6 establishes a Macroeconomic Committee which “shall monitor the implementation of this Chapter *and its further elaboration.*” Paragraph 5 of Art. 33.6 empowers the Committee to amend and issue “interpretations” of Chapter 33; and declares that such interpretations “**shall be deemed to be an interpretation issued pursuant to a decision by consensus of the Commission.**” USMCA [Art. 1.4](#) defines “Commission” as “the Free Trade Commission” established under USMCA [Art. 30.1](#).

### **Art. I, §8, cl. 8 – to issue Patents and Copyrights**

The purpose of delegating the power to issue Patents and Copyrights *to Congress* is to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”.

The Treaty subordinates these property rights to the collective. USMCA [Art. 20.2](#) states:

“The protection and enforcement of intellectual property rights should contribute to the promotion of technological

innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations.”

Article 20.3 prohibits the Parties from making any laws or regulations inconsistent with Chapter 20; and

requires that any measures to protect property rights be “*consistent with the provisions of this Chapter*”. The Parties are “*to prevent the abuse of intellectual property rights by right holders*”. Article 20.5 requires each Party to ensure “*that measures to enforce intellectual property rights do not themselves become barriers to legitimate trade*” or “*contravene this Chapter*”.

Article 20.7 requires the Parties to ratify or accede to a long list of international “agreements” including the [World Intellectual Property Organization’s](#) (WIPO) Patent Law Treaty. The WIPO is an agency of [the United Nations](#).

The 64 pages of Chapter 20 have nothing to do with protection of property rights in Inventors. Instead, Chapter 20 subordinates ownership of those rights to the collective; and establishes the framework for global government of patents and copyrights.[10]

**Art. I, §9, cl.1 grants to Congress power over Migration;**

**Art. IV, §4 requires the United States to protect each of the States against Invasion;**

**and Art. I, §8, cl. 15 authorizes the use of the Militia to repel invasions**

Our Framers understood that *control over who enters our Country* is an essential element of sovereignty.

But the Treaty *subordinates* the United States’ sovereign power

over immigration to global and multi-national bodies. USMCA [Art. 16.2](#) declares:

*“3. Nothing in this Agreement prevents a Party from applying measures to regulate the entry of natural persons of another Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that those measures are not applied in a manner as to nullify or impair the benefits accruing to any Party under this Chapter.”* [italics added]

[Article 16.8](#) declares:

*“Except for this Chapter, Chapter 1 (Initial Provisions and General Definitions), Chapter 30 (Administrative and Institutional Provisions), Chapter 31 (Dispute Settlement), Chapter 34 (Final Provisions), Article 29.2 (Publication), and Article 29.3 (Administrative Proceedings), this Agreement does not impose an obligation on a Party regarding its immigration measures.”* [italics added] [11]

USMCA [Art. 23.1](#) cites the International Labor Organization’s (ILO) [“Declaration on Fundamental Principles and Rights at Work”](#) (1998), as guiding the treatment of labor issues under the Treaty. The ILO is an agency of the United Nations (UN); and part of [the ILO’s “social justice” agenda](#) is to formulate *“fair migration schemes in regional integration processes”*.

*So this is how the UN is to dictate immigration policy for the “regional integration” of Canada, the United States and Mexico.*

**Art. II, §2, cl. 2, grants to the President the power to make Treaties, provided two-thirds of the Senators present concur**

[Chapter 30](#) of the Treaty establishes the Free Trade Commission. It is the governing body of the bureaucracy which is created by the Treaty. Among other powers, the Commission

supervises the work of all committees and other subsidiary bodies established under the Treaty; has the power to merge or dissolve committees and other subsidiary bodies; and has the power to “consider” proposals to amend or modify the Treaty. While Art. 30.2, 2. (c) lists six areas where modifications of the Treaty are subject to completion of “applicable legal procedures by each Party”, *it does not require that other types of modifications of the Treaty be subject to such approval of the Parties.*

And while USMCA [Art. 34.3, 1.](#) provides, “The Parties may agree, in writing, to amend this Agreement”, *it doesn't say that is **the exclusive means** of amendment.* Accordingly, we must consider Art. 34.3 as providing an *additional* means of amendment.

USMCA Article 30.2, 2. (f) grants to the Commission power to “issue interpretations” of the Treaty; and the footnote thereto says that *its interpretations “are binding for tribunals and panels established under Chapter 14 (Investment) and Chapter 31 (Dispute Settlement).”*

And since, as noted above, the “interpretations” of Ch. 33 issued by the Macroeconomic Committee are considered as “interpretations” issued by the Free Trade Commission, *the “interpretations” of the Macroeconomic Committee **will also be binding on the tribunals deciding disputes between the Parties.***

*We thus permit the “creature” of the Treaty to modify the document under which it holds its existence! [12]*

**Art. III, §2, cl. 1, grants to U.S. Courts the Power to decide all Cases arising under Treaties & all Controversies to which the United States is a Party.**

*In violation of our Constitution, the Treaty restricts the Parties to the dispute settlement procedures laid out in the Treaty.*



Chapter 31 of the Treaty addresses resolution of disputes involving violations of the Treaty or “interpretations” of the Treaty issued (or “deemed to be issued”) by the Free Trade Commission. Disputes are heard by a panel of five drawn from a roster of up to 30 individuals appointed by the Parties. The panel is to make findings of fact and determinations and issue a report. If the disputing Parties don’t agree on the report, the complaining Party may suspend various benefits held by the responding Party under the Treaty.

Article 31.3 limits the Parties’ choice of a forum for dispute resolution to that set forth in the Treaty or in another international trade agreement to which the disputing Parties are signatories.

Article 31.20 permits a Party to *intervene* in proceedings already pending in a domestic judicial or administrative forum which involve the interpretation or application of the Treaty. The purpose of such intervention is to inform the domestic tribunal of the “interpretations” of the Treaty issued (or “deemed to be issued”) by the Free Trade Commission. *Thus, the “interpretations” of the Treaty issued by the “creature” of the Treaty are to be foisted on our domestic courts and administrative law judges!*

**Note that** Art. 31.21 expressly forbids a Party from *making a law which grants a right of action against another Party* on the ground that a measure of the other Party is inconsistent with the Treaty.

### **3. Powers reserved by the States or the People which the Treaty transfers to global organizations**

Our Constitution is one of enumerated powers only. Most of the powers delegated to the federal government over the Country at large are listed within Art. I, §8. [See this Chart.](#)

#### **Labor**

*We did not delegate to our federal government power over labor issues. However, beginning in the early 1900s, we permitted our federal government to exercise, by usurpation, powers over labor issues.*[13] As a result, we got the federal Department of Labor, a host of Acts of Congress addressing labor issues, and a plethora of Rules issued by the Department and published in [Title 29](#) of the Code of Federal Regulations. The Department, its Rules, and the Acts of Congress are unconstitutional as outside the scope of powers delegated. The Rules are also unconstitutional as in violation of Art. I, §1, US Constit.

[Chapter 23](#) of the Treaty transfers those usurped powers to the **United Nation's** [International Labor Organization \(ILO\)](#).

Article 23.1 defines “labor laws” as the statutes and regulations of a Party that are directly related to “internationally recognized labor rights” such as the “right” to collective bargaining; and which *require* Parties to make laws to provide wage-related benefits payments for workers such as profit sharing, bonuses, retirement, and healthcare.

Here are some of the dictates set forth in the Treaty with which US laws and agency rules must comply:

- At Art. 23.2, the Parties affirm their obligations stated in the ILO's [Declaration on Rights at Work](#) and [Declaration on Social Justice for a Fair Globalization](#) (2008).
- Article 23.3 dictates that “Each Party *shall* adopt and maintain in its statutes and regulations, and practices thereunder,” various rights, as stated in the ILO's Declaration on Rights at Work; and “Each Party *shall* adopt and maintain statutes and regulations, and practices thereunder, governing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.”
- Article 23.5 *requires* each Party to “effectively enforce

its labor laws”.

- Article 23.9 *requires* each Party to implement policies to protect workers against employment discrimination on the basis of sex, pregnancy, sexual orientation, *gender identity*, and caregiving responsibilities; and to provide job-protected leave for birth or adoption of a child and care of family members; and to protect against wage discrimination.[14]

### **Additional Reserved Powers transferred to global or multi-national bodies**

The USMCA Treaty is long and complex: see the [Table of Contents](#). Here are brief comments on some of the other *powers reserved by the States or the People* which are unlawfully transferred by the Treaty:

- [Chapter 19](#) addresses digital trade. Article 19.5 *requires* each Party to maintain a legal framework governing electronic transactions consistent with the principles of the [UNCITRAL Model Law on Electronic Commerce 1996](#). That model law is a product of the United Nations Commission on International Trade Law.
- [Chapter 21](#) addresses competition policy. Article 21.1 *requires* each Party to maintain and enforce “national competition laws” which proscribe “anticompetitive business conduct”. The Parties are to apply those laws to “*all commercial activities in its territory.*” Article 21.4 *requires* each Party to adopt or maintain national consumer protection laws or regulations that proscribe fraudulent and deceptive commercial activities.
- [Chapter 24](#) addresses environmental laws. Article 24.3 *requires* each Party to ensure that its laws provide for high levels of environmental protection. Article 24.4 *requires* each Party to enforce its environmental laws. Article 24.9 *requires* each Party to control the production and use of substances which deplete or change

the ozone layer [and on & on for 30 pages].

#### **4. The Death of the Republican Form of Government**

In a “[republic](#)”, the sovereign power is exercised by representatives elected by the People.

*Article IV, §4, US Constit., requires the United States to guarantee to every State in this Union a Republican Form of Government.*

But the USMCA Treaty, time after time, delegates the exercise of sovereign power to various panels, Committees, Commissions, UN organizations, and others – not one of which is elected by the People.

#### **5. Don't fall for the carrot dangled in your face!**

The Treaty reportedly contains some tariff benefits to various industries in the United States such as the auto and dairy industries. Their profits (at least for a while) should increase as a result of the Treaty. And for that, We are to surrender our sovereignty to the *globalists*?!

#### **6. The 1815 Free Trade Treaty between the United States and Great Britain**

On Dec. 6, 1815, President James Madison sent [this treaty](#) to the Senate for ratification. It is two pages long. Unlike the USMCA Treaty, it doesn't set up a government over the United States and Great Britain—thus proving that trade treaties need not surrender our sovereignty. And Madison's treaty doesn't require a lawyer skilled in sniffing out dirty tricks to understand what it does.

#### **7. Conclusion**

In [Federalist No. 22](#) (last para), Alexander Hamilton said that one of the problems with the Articles of Confederation (AOC), our *first* Constitution, was that it was never ratified by the

PEOPLE. Because the only foundation for the AOC was the consent of state legislatures, questions had arisen concerning its validity.

This is why Art. VII of our *second* Constitution (the one we have now) provides for its ratification by *Conventions* held in each of the States. In support of the ratification method set forth in Art. VII, Hamilton wrote:

“...The fabric of American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority.” [caps are Hamilton’s].

This is why our Constitution begins with, “WE THE PEOPLE”. WE consented to it.

But the USMCA Treaty sets up global government over the economic issues covered by the Treaty. *It is NOT to be submitted to THE PEOPLE for their consent.* The globalists who infest our Legislative and Executive Branches (the latter of which, as the Perloff article points out, has been dominated by the Council on Foreign Relations for over 70 years) want the Treaty ratified by a simple majority vote in Congress.[15]

The USMCA Treaty is illegitimate; and the global government it imposes is tyrannical.

© 2019 Publius Huldah – All Rights Reserved

E-Mail Publius Huldah: [publiushuldah@gmail.com](mailto:publiushuldah@gmail.com)

### **Endnotes:**

<sup>1</sup> [Here](#) is the Council on Foreign Relations’ Task Force Report on the NAU.

<sup>2</sup> The US Constitution is unique. It is (1) *a written* Constitution (2) which *created the federal government*; (3)

**listed the handful of powers granted** to the federal government; and (4) has as its Foundation **the Consent of The People**. As our “Organic Law”, it is the standard by which the lawfulness of legislative Acts and Treaties is measured. **Its existence undermines the political integration of Canada, Mexico, and the United States.** That’s why the globalists want an Article V convention – to get a new constitution for the US which won’t stymie their plans.

<sup>3</sup> [“Organic law”](#) is “the fundamental law, or constitution, of a state or nation...”

<sup>4</sup> On the lesser status of treaties in relation to our Constitution: The objects on which the United States may enter into treaties are restricted to the enumerated powers delegated to the federal government – see authorities cited in [this paper](#). On the lesser status of Acts of Congress: [Federalist No. 78](#) (11<sup>th</sup> & 12<sup>th</sup> paras) says that when an Act of Congress violates the Constitution, “the Constitution ought to be preferred to the statute”; judges “ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental.”

<sup>5</sup> See authorities quoted [here](#).

<sup>6</sup> The treaty is long, intricate, and tricky. This paper addresses only parts of it. We are insane to allow treaties “... so voluminous that they cannot be read, or so incoherent that they cannot be understood...” [Federalist No. 62](#) (4<sup>th</sup> para from end).

<sup>7</sup> To get an idea of the extent of the regulations on custom duties, skim all 72 pages of [Chapter 2](#).

<sup>8</sup> And our money is to be based on gold & silver (Art. I, §10, cl. 1). [In Federalist No. 10](#) (next to last para), Madison

warns against “A rage for paper money...or for any other improper or wicked project...”.

<sup>9</sup> Perloff says the initial planning for the World Bank & IMF was by the Council on Foreign Relations.

<sup>10</sup> Ayn Rand warned 60 years ago in [Atlas Shrugged](#) that if we didn't change course, our Inventors and Authors would lose their property rights.

<sup>11</sup> They left out [Chapter 17](#), which addresses cross-border financial services. Art. 17.5, 1. (d) (iv) declares:

“No Party shall adopt or maintain... a measure that...imposes a limitation on... the total number of natural persons ... that a ... cross-border financial service supplier may employ and who are necessary for, and directly related to, the supply of a specific financial service...”

<sup>12</sup> To allow the “creature” of a treaty to modify the treaty under which it holds its existence *violates the Fundamental Principle of free government*. See [this paper](#) under subheading 1 and its endnotes.

<sup>13</sup> Our Framers said that if we want the fed. gov't to have a power the Constitution doesn't grant, we should amend the Constitution to delegate the additional power – *we must not permit it to exercise the power by usurpation*. See [this paper](#) under the subheading, “Washington's Farewell Address”.

<sup>14</sup> The footnote to USMCA Art. 23.9 says the United States' existing policies regarding the hiring of federal workers is sufficient to fulfill the obligations set forth in Art. 23.9. We can be sure that the requirements of Art. 23.9 will later be extended to all employment in the United States.

<sup>15</sup> Twelve Republican US Senators, by [letter of Nov. 20, 2018](#),

urged Trump to send the "Agreement" right away so it could be passed by the lame duck session of Congress *by a simple majority vote.*