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Why Are Republicans Talking Like Elizabeth Warren?

By Zach Carter
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WASHINGTON -- Senate Minority Leader Mitch McConnell (R-Ky.) will have to expand the scope of President Barack Obama's executive powers if he wants Congress to approve a major free trade agreement currently being negotiated by the administration. And that's making elements of the tea party angry.

"I think it's insane to give Obama some power to negotiate an important treaty in secret without any supervision, not have to account to Congress or the Senate," said Phyllis Schlafly, a social conservative who first came to prominence in the 1970s as a vocal opponent of the Equal Rights Amendment. "It just blows my mind why Republicans would be willing to do that. We've been yapping for months about his executive actions and his executive amnesty and taking unconstitutional positions."

The turmoil over [the Trans-Pacific Partnership](#), or TPP -- a proposed trade pact that would represent the most significant deal of its kind since 1994's North American Free Trade Agreement -- marks a new chapter in the power struggle between the Republican Party's corporate wing and its burgeoning populist base. McConnell, House Speaker John Boehner (R-Ohio) and the U.S. Chamber of Commerce are all strong supporters of TPP and whatever procedural tools it needs to pass. But some conservative activists are tapping into tea party skepticism of executive power and "crony capitalist" favors delivered by Washington to preferred businesses. And their trade policy arguments sound a lot like what liberal Democrats have been saying for decades.

"From what I hear, Wall Street, pharmaceuticals, telecom, big polluters and outsourcers are all salivating at the chance to rig the deal in the upcoming trade talks. So the question is, Why are the trade talks secret?" Sen. Elizabeth Warren (D-Mass.) [said in a speech](#) earlier this year. "I actually have had supporters of the deal say to me, 'They have to be secret, because if the American people knew what was actually in them, they would be opposed.'"

Twelve nations are involved in the TPP talks, including the three NAFTA nations of Canada, Mexico and the U.S. Also included is Japan, the world's third-largest economy. Most TPP proponents -- [including](#) the Chamber of Commerce, the foremost corporate lobbying

organization in the U.S. -- believe that Obama will need additional executive powers to enact the trade pact. Under a policy known as Trade Promotion Authority or "fast-track" authority, Congress would be unable to amend or filibuster any deal Obama reaches, with the process instead being restricted to an up-or-down vote.

Supporters of fast-track argue that allowing amendments on a broad, complex trade pact would inevitably cause any deal to become mired in congressional squabbling. The Constitution grants Congress the power "[to regulate commerce with foreign nations](#)," and gives the Senate the power to ratify treaties with a two-thirds majority.

Fast-track was developed during the Nixon administration and renewed as a matter of course until 1998, when Democrats and dozens of House Republicans voted against granting the authority to President Bill Clinton, who did not even support the legislation. The policy was reinstated under President George W. Bush, clearing the House [by a single vote](#), but it expired with the passage of three free trade deals in the fall of 2011.

In the years since, most of the opposition to fast-track has come from Democrats and liberal groups who are worried the TPP deal will [exacerbate economic inequality](#) and prevent the government from enacting important regulations. Since the administration has conducted its talks on TPP in secret, the public only knows about its contents from [leaked documents](#), which have largely confirmed liberal anxieties.

But with the GOP poised to control both houses of Congress next year, TPP is now largely in Republican hands. The last three NAFTA-style trade deals passed a Democratic-controlled Senate in 2011 with 66, 77 and 83 votes, respectively, which suggests it's unlikely that Democratic opponents would be able to successfully filibuster a fast-track TPP bill. And while 151 House Democrats signed a letter to Obama last year opposing the use of fast-track, the party will be deep in the minority come 2015.

There has been some criticism of TPP from the Republican side. Thirteen GOP lawmakers signed [a letter to Obama](#) this summer that highlighted human rights abuses in Vietnam, one of the nations involved in the talks, and Rep. Ileana Ros-Lehtinen (R-Fla.) [signed](#) another such letter on Brunei. Still, free-trade ideology is deeply ingrained in the GOP, and NAFTA-style agreements typically carry huge Republican majorities. Only 19 Republicans voted against the 2011 Korea Free Trade Agreement, and even fewer on similar pacts with Colombia and Panama.

Conservative activists are trying to change that. Last year, 28 Republicans signed [letters opposing](#) the use of fast-track. There's an [Obamatrade](#) website that draws explicit parallels between the Affordable Care Act and the proposal to fast-track the Trans-Pacific Partnership. This Tuesday, Schlafly joined Tea Party Nation founder [Judson Phillips](#) and former Reagan administration official Alan Keyes for a conference call where they blasted fast-track. The next day, Schlafly held a press conference with Rep. Walter Jones (N.C.), a populist Republican who votes consistently against free trade deals (and against efforts to roll back the 2010 Dodd-Frank financial reform law).

"I like to tell people I'm a recovering free-trader," Phillips told The Huffington Post. "They turn out to be not free trade, but more like special-interest trade."

But the populist coalition remains a minority within the GOP. Schlafly, Keyes and kindred spirits like [Pat Buchanan](#) are fringe figures in today's Republican Party. The most effective intraparty attacks on the GOP business establishment have involved the Club for Growth and Heritage Action, both of which are robust free-trade proponents and are expected to back TPP and fast-track, although each group says its support will depend on the details of each bill.

A handful of more mainstream conservative supporters of free trade have spoken out against some aspects of TPP, and these objections may have more resonance with Republican laissez-faire instincts. In March, for example, Daniel J. Ikenson of the libertarian Cato Institute [took issue](#) with the trade deal's enforcement mechanism, which grants foreign corporations the political power to challenge domestic rules and regulations before an international tribunal. Ikenson argued that the process would unfairly subsidize outsourcing and put domestic firms at a legal disadvantage.

[Sen. Sherrod Brown \(D-Ohio\)](#), as it happens, has been making the same argument for [years](#).

Any fast-track bill would likely include at least a few provisions that the Obama administration would be required to meet in order for TPP to qualify. Sen. Tammy Baldwin (D-Wis.) sent Obama a letter last week urging him to address currency manipulation in the trade pact (a major issue for U.S. relations with Japan), and some Senate Republicans have supported legislation targeting currency manipulation [in the past](#).

The Obama administration will still need to complete TPP negotiations if a fast-track bill ultimately passes. A host of key issues remain unresolved, and New Zealand Prime Minister John Key [said](#) at a recent summit that international negotiators have only until the summer to finalize a treaty before political concerns are likely to overwhelm the talks for several more years.

But any fast-track approval, however conditioned, would ultimately strengthen the Obama administration's ability to secure its preferred provisions, since it assures other nations that U.S. negotiators won't have their positions altered by Congress. And that's where the populists think they can make inroads.

"Why should Republicans let him get away with it?" said Schlafly.