

## NATIVE INTELLIGENCE

A Column By  
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This column's focus:  
**THE WTO NULLIFIES THE CONSTITUTION**

GATT, the "general agreement on trade and tariffs", is an international treaty which, by means of periodical modifications, is designed to remove tariffs and non-tariff barriers to trade across national boundaries.

The newest modification of GATT, approved as an ordinary statute by the U.S. Congress, has resulted in the setting up of what some have termed a world government, the World Trade Organization, a bureaucratic agency which has incredible power over the signatories to the treaty. The WTO is able to set aside laws adopted by cities, counties, tribes, states or provinces, and even nations, if they serve in any manner to restrict trade.

The WTO is "a world government with teeth," that is, with real authority over member states, not simply a weak sister like the United Nations (which has no real enforcement power unless backed up in the Security Council by the U.S. Russia, and all other permanent members).

GATT and the WTO pose immense constitutional problems for the peoples of the United States, Canada and other "federal" (decentralized) systems of government. GATT was based upon the assumption that all signatories are unitary states in which the central government has the absolute power to agree to a treaty which commits all of its divisions to strict adherence. But such is not the case with the United States and Canada, where states, provinces, territories and Native reservations or reserves have inherent powers and residual sovereignty.

The United States and Canada are both federal systems, with power dispersed among many levels of government. GATT does away with that historic balance of power altogether in relation to any laws affecting trade, commerce, or the movement of goods and products (including intangibles) across any and all boundaries. All environmental and pesticide control laws, for example, can eventually be swept aside under GATT.

But the WTO also threatens the Constitution of the United States in another very serious way. GATT was a treaty and the Constitution absolutely requires (no exceptions) that any international agreement which becomes part of U.S. law be ratified

by a two-thirds majority of U.S. Senators. The Clinton and Bush administrations decided to try to cram GATT down our throats as an ordinary piece of legislation, however, by pretending that an international trade agreement is somehow not a “real” treaty.

It is very significant that the White House always holds that every agreement designed to protect the rights of ordinary citizens (such as the international agreements guaranteeing human rights) are treaties requiring a two-thirds majority vote in the U.S. Senate. Why then are trade agreements to be treated differently? Why does the Biosphere Convention await a two-thirds vote and time-consuming committee hearings? Why didn't Clinton introduce the Nuclear Proliferation Agreement as an ordinary piece of legislation?

The Constitution of the United States gives to the federal government only limited, enumerated powers. The rest are left to the states, to the Indian tribes and to the people. But that democratic system is gradually being done away with by unwise agreements which consolidate the power of international bureaucratic governments whose leaders are never elected. Free trade may, on occasion, be a good thing, but protecting our constitutional rights is surely even more important.

Fundamentally, the WTO is designed to work in the interests of the richest, more aggressive corporations. There is very little doubt but that GATT will cause the mass dislocation of peasants, farmers, workers, and small business people as well as the destruction of regional and local cultures and languages.

Also, under GATT small governments lose control over their own economies, and cultures are placed at the mercy of the economic giants and of uncaring economic forces. The WTO treaty illegally amends our constitutions and threatens the very existence of democracy and self-government.

[Dec. 3, 1999; Professor Jack D. Forbes, Powhatan-Delaware, is the author of *Columbus and Other Cannibals, Africans and Native Americans* and other books.]

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