

October 22, 2015

The Honorable Michael Froman
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Re: Request for Transparency in Trade Negotiations

Dear Ambassador Froman:

As U.S. organizations and academics interested in issues related to good governance and transparency, we write to urge you to match the level of openness embarked upon by your counterpart from the European Union and make publicly available U.S. proposals for trade and investment agreements currently under negotiation, in particular, the Trans-Atlantic Trade and Investment Partnership (known as the “TTIP”). We believe that the public release of U.S. and European Union (EU) proposals must be a step toward achieving full transparency, which would be achieved by releasing consolidated draft texts after each negotiating round.¹

As you know, on January 7, 2015, the European Commission published the “actual language and binding commitments” it has proposed for the TTIP, including eight EU textual proposals on “competition, food safety and animal and plant health, customs issues, technical barriers to trade, small and medium-sized enterprises (SMEs), and government-to-government dispute settlement (GGDS, not to be confused with ISDS).”² Additionally, the EU press release noted, “[i]n line with its determination to make EU trade policy more transparent, the Commission intends to publish further texts and proposals in the course of the negotiations, as they become available.”³ We see this as an important step toward transparency and urge you to, at a minimum, reciprocate in kind as soon as possible. As American businesses, non-governmental organizations, and citizens, we strongly believe the U.S. should be the leader in transparency, without which a democracy cannot function effectively.

The TTIP, by the admission of both the U.S. and the EU, is about much more than tariff reduction. It is about promoting foreign investment, reducing “non-tariff barriers” to trade, and harmonizing standards. The TTIP is likely to set standards that will place restrictions on the ways Congress, state legislatures and local governments can create, amend and enforce laws to respond to constituents’ needs, making it particularly distressing that TTIP commitments are being made behind closed doors and without sufficient public participation or scrutiny.

Despite the expansive coverage of the TTIP across a host of policy areas (including but not limited to labor, the environment, healthcare, intellectual property, food safety, financial services regulation,

¹ The World Intellectual Property Organization and even the World Trade Organization have a history of making draft texts public.

² “European Commission publishes TTIP legal texts as part of transparency initiative,” European Commission Press Release, Jan. 7, 2015, available at: http://europa.eu/rapid/press-release_IP-15-2980_en.htm.

³ *Id.*

public services, professional licensure, investment, and competition policy), the U.S. government has thus far failed to make its textual proposals or negotiating texts public. This undue secrecy demeans the role of citizens—in many ways treating us more like “subjects” than the source of legitimate governmental power that we are.

This secrecy is not only inconsistent with democratic principles, it has been devastating for America’s communities. Past expansive trade agreements negotiated in this manner have weakened “Buy American” laws, suppressed wages, undermined environmental protections, expanded the power of global corporations at the expense of small businesses and farms, and put a variety of consumer protections and other public interest measures at risk.

The USTR website defends this misguided approach as a necessary relationship builder with foreign negotiators: “In order to reach agreements that each participating government can fully embrace, negotiators need to communicate with each other with a **high degree of candor, creativity, and mutual trust**”⁴ (emphasis added). However, this defense fails to even mention the importance of candor and trust with one’s own citizens. Secrecy breeds suspicion and uncertainty—not the trust that is essential in a democracy.

The disproportionate voice of a relatively few large, global corporations in the formulation of U.S. trade policy has unfortunately led to trade deals becoming an instrument for the back-door enactment of a destructive economic agenda. That agenda has resulted in a stagnant economy in which too many hard-working families believe their children’s future will prove to be worse than the present. The middle class engine of the American economy has become stalled even as corporate profits continue to climb to record highs. As a nation, we cannot continue to implement the same trade policies over and over and hope for different outcomes—we must review and correct the mistakes of the past. The best way to achieve the creative new ideas you seek is to open trade policy-making so that all Americans, not just a select few, can see it as it develops and have a chance to provide meaningful input.

If the EU is willing to publish its textual proposals, there is no reason why the U.S. cannot immediately release its own textual proposals as well. This significant change from present practice would be a major step toward the release of composite draft texts after each round. It would also help produce trade negotiations guided by the principles of democracy, transparency, and political accountability.

We look forward to hearing from you.

Sincerely,

Organizations:

AFL-CIO
 Alianza Nacional de Campesinas
 Alliance for a Just Society
 Alliance for Retired Americans
 American Federation of Government Employees

⁴ USTR, “FACT SHEET: Transparency and the Trans-Pacific Partnership,” June 2012, available at: <http://www.ustr.gov/about-us/press-office/fact-sheets/2012/june/transparency-and-the-tpp>.

American Federation of State, County and Municipal Employees
American Federation of Teachers
American Library Association
ARTICLE 19, Inc.
Association of Research Libraries
BlueGreen Alliance
Campaign for America's Future
Center for Biological Diversity
Center for Effective Government
Center for Family Farm Development, Inc.
Center for Food Safety (CFS)
Center for International Environmental Law
Center for Science and Democracy at the Union of Concerned Scientists
Citizens Trade Campaign
Communications Workers of America
Community Research
Consumer Federation of America
Consumers Union
Corporate Accountability International
Earthjustice
Economic Policy Institute
Electronic Frontier Foundation
Essential Information
Farmworker Association of Florida, Inc.
Fight for the Future
Flush The TPP
Food & Water Watch
Friends of the Earth
Green America
Greenpeace USA
Institute for Agriculture and Trade Policy
Institute for Policy Studies, Global Economy Program
International Association of Machinists and Aerospace Workers
International Brotherhood of Boilermakers
International Labor Rights Forum
Knowledge Ecology International
Land Stewardship Project
Liberty Coalition
Main Street Alliance
Maryknoll Office for Global Concerns
Medical Mission Sisters, Alliance for Justice
MoveOn
National Association of Letter Carriers
National Family Farm Coalition
National Farmers Union
National Nurses United

Natural Resources Defense Council
NETWORK, A National Catholic Social Justice Lobby
Northeast Sustainable Agriculture Working Group (NESAWG)
OpenTheGovernment.org
People Demanding Action
Pesticide Action Network
Popular Resistance
Public Citizen
Public Knowledge
R-CALF USA
Rootstrikers
Rural Coalition
Service Employees International Union (SEIU)
Sierra Club
SumOfUs
Sunlight Foundation
SustainUS
Taos County Economic Development Corporation (TCEDC)
Transport Workers Union
UNITE HERE
United Brotherhood of Carpenters
United Church of Christ Justice and Witness Ministries
United Food and Commercial Workers Union
United Steelworkers (USW)
US Business and Industry Council

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Professor Robin Broad, American University
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Professor Srividhya Ragavan, Texas A & M School of Law
Professor Susan Sell, The George Washington University