

Run-up to the Formation of NAFTA: Rare Consensus amidst Strong Dissension in US Foreign Policy Dynamics

Dr. Debasis Bhattacharya, Ph.D. (USA)
Amity Business School
Amity University Gurgaon

Abstract

In contemporary environment, US political system is predominantly marked by divided government, political gridlock, and polarized politics. Such conflict-ridden political environment has proved to be detrimental for efficient and effective policy-making in foreign policy domain. There are significant political factors which complicate the process of decision making and congressional-presidential relations. Partisan and ideological differences in an era of primarily divided government are rampant in the political process thereby severely hampering coalition-building not only inside Congress but also between Congress and the president. In an era in which heightened political brinkmanship has enveloped the process of US foreign policy making, continuum of consensus and dissension between the legislative and executive branches has virtually become the norm. Moreover, election exigencies and media perspectives also play significant role in complicating the process of foreign policy making. This paper analyzes politico-economic dynamics in the run-up to the formation of North American Free Trade Agreement (NAFTA) in order to explain contingencies that often lead to continuum of consensus and dissension in treaty process. The paper argues that such continuum of consensus and dissension is the cornerstone of foreign policy making in the current polarized political environment. Having said that, the findings of this paper confirms that amidst strong dissension in continuum in legislative-executive process there was a glimpse of rare consensus emerging, which eventually clinched the deal towards getting Congressional approval on this major foreign trade policy endeavor.

Introduction:

The U.S. political landscape has witnessed significant changes since the early days of 1970s. Momentous political shift began when in an unprecedented move Congress successfully passed the War Powers Resolution in 1973 by overriding a presidential veto. This extraordinary event was undoubtedly a turning point in U.S. politics and marked the resurgence of Congress. In turn such political development greatly altered the legislative-executive balance of power at the national level (Sundquist, 1981; Lindsay and Ripley, 1993; Meernik, 1993; Lindsay, 1994). The two coequal branches since then were destined to experience continuum of consensus and dissension in the political process both in foreign and domestic spheres. The intent of this paper is to investigate the prospects of such consensus and dissension in the realm of legislative-executive relations for treaty process with special reference to the North American Free Trade Agreement. Because legislative-executive relations in U.S. political system primarily determine the contours of political process such empirical investigation is expected to throw substantial insight about the nature of political activism, policymaking and power dynamics.

Identifying the policy problem:

Treaty process is an important issue area to explore the theoretical framework reflecting continuum of consensus and dissension between Capitol Hill and the White House. This issue area is politically strategic and constitutes the elite club of the “so called high politics of foreign policy” (Carter,

1986). The criteria for continuum of consensus and dissension in the realm of treaty politics are examined within the constitutional framework, which requires the U.S. Senate's "advice and consent" by a two-thirds majority of the senators present for approval of the proposed international treaty. This automatically means that the U.S. Constitution designates treaty politics to be shared power between Congress and the presidency. In fact, the constitutional provision of two-thirds majority in the Senate is intended to ensure that "treaties must reflect a broad national consensus" (U.S. Senate official website). Thus treaty process (encompassing treaty consent and ratification) is not the exclusive power of either Congress or the president. Also the Constitution does not allow the president to single-handedly negotiate and ratify a treaty. The criterion of advice and consent implies "that the Senate will have an opportunity to shape the content of a treaty"(Fisher, 1989). Thus the intent of the Framers was to make the United States Senate an equal partner in treaty making process. In this context the principle of *separation of powers* creates political constraints and contingencies. For successful treaty consent and ratification there is an urgent need for legislative-executive consensus in Washington by ensuring *sharing of powers between separated institutions* (Neustadt, 1960). The continuum of legislative-executive consensus and dissension in treaty process in turn is greatly determined by how the principle of separation of powers actually transcribes into power sharing between separated institutions. In an era of increasing presence of divided government partisan and ideological differences have dominated the treaty process. Treaty politics is a delicate political process which urgently requires joint institutional interplay of political obligations between the Hill and the administration. The enactment of North American Free Trade Agreement (NAFTA) is a classic example of such joint institutional interaction which reflected contentious politics, consensus and dissension not only inside Congress but also between Congress and the White House.

Exploration of Existing Theoretical Work:

This paper explores the various factors which influence the dynamics of the continuum of consensus and dissension in treaty consent process. Such factors are as outlined: (1) Divided and unified government; (2) Degree of partisanship between Congress and the presidency; (3) Ideological dimensions in congressional-presidential relations; (4) Public opinion and constituency preference; (5) Electoral concerns of the members of Congress and the president seeking re-election; (6) Role of media; and (7) Extensiveness of debate in Congress. All these factors are used in developing the theoretical framework of continuum of consensus and dissension in congressional approval of North American Free Trade Agreement (NAFTA).

Divided and Unified Government: Formation of divided and/or unified government is a critical factor affecting legislative-executive relations at the national level. Divided government exists when there is split party control of legislative and executive branches. In contrast, unified government is formed when legislative and executive branches are controlled by the same party (Clarke, 1998). Split party control of one or both chambers of Congress and the White House also represents divided government (Auerswald and Campbell, 2012). Conventional scholarship suggests that divided government results in gridlock or dissension and unified government causes cooperation or consensus (Sundquist, 1980; 1988; Cox and Kernell, 1991; Conley, 2003; Binder, 1999; Cooper, 2005; Krutz and Peake, 2009; Coleman, 1999). On the other hand, revisionist theory suggests that the presence of divided or unified government does not matter in delineating legislative success and legislative-executive consensus (Mayhew, 1991; Peterson, 1990; Jones, 1994; Krehbiel, 1998).

In the treaty process, when there is the presence of divided government with the opposition party in control of the U.S. Senate, there is generally confrontational politics between the Senate and the president. Based on conventional understanding of the effects of partisanship on foreign policy during divided government, it is generally observed that the SFRC chairman tends to block and frustrate

presidential treaty-making efforts (Krutz and Peake, 2009; McCormick and Wittkopf, 1990). Congressional oversight of treaty-making also increases during the presence of divided government (Krutz and Peake, 2009). There is evidence that divided government diminishes the president's ability to liberalize trade at the time of negotiating trade-related treaties (Milner, 1997).

Proponents of revisionist argument on foreign policy claim that congressional-executive cooperation or gridlock does not necessarily depend on divided or unified government. Auerswald and Maltzman show an insignificant probability of divided government on the imposition of reservations in the treaty ratification process (Auerswald and Maltzman, 2003). The ideological preference of the pivotal institutional players triumphs in treaty consent process regardless of divided or unified government (Krehbiel, 1998). Also treaty characteristics often drive the treaty consent process, regardless of whether divided or unified government is in existence. For instance treaties belonging to "high politics" (i.e. sovereignty and security issues) are more likely to draw reservations and delay in consent than treaties belonging to "low politics" (i.e. economic, legal, or normative issues) regardless of divided or unified government (Auerswald and Campbell, 2012). Gibson asserts that in policy areas of trade, foreign aid, and agriculture, congressional support largely remains unaffected by divided government (Gibson, 1995).

In essence, theoretical foundation on treaty consent and ratification process of historically significant international treaties reflects a combination of elements of both conventional and revisionist arguments in determining the outcome of the political process. Empirical evidence leading to successful passage of the North American Free Trade Agreement NAFTA broadly conforms to such assertion. The reason for such interpretation with regard to significant international treaties is ingrained in the procedure and complexity of the political process, regardless of divided and unified government. Such assertion is also logically consistent with the theoretical framework of a continuum of consensus and dissension.

Partisan difference between Congress and the president: In the treaty process, partisan differences significantly influence the political dynamics, with variations in decision outcome. It is argued that majority party leaders from the opposite side of the aisle more often are less likely to defer to the minority administrations (Ripley and Lindsay, 1993; Peake, 2002). Here the conventional understanding is that when the president garners support from more co-partisans in the Senate, his policies including treaties, are less likely to face partisan obstacles (Krutz and Peake, 2009). As legislators play a strategic role in setting policy priorities, particularly at the committee level, their partisan preferences become critically important in the overall political process (Cox and McCubbins, 1993). Also legislative procedures and priorities, delay tactics, imposition of reservations and amendments are greatly influenced by partisan fault lines in the United States Senate (Lindsay, 1994; Auerswald and Maltzman, 2003; Auerswald, 2006).

Ideological Dimensions and Congressional-Presidential Relations: With respect to politics of treaty consent, ideological distance along the liberal-conservative continuum is a dominant factor in the treaty consent process. Traditionally, conservatives have shown greater distrust to international treaties and agreements than their liberal counterparts (Auerswald 2006). More often, "conservatives have traditionally had a greater distrust for international agreements than their more liberal colleagues" leading to the expectation that "[treaty] ratification reservations will be more likely when the Senate is tilted toward the conservative side of the ideological spectrum" (Auerswald and Maltzman, 2003). In their study, DaLaet and Scott argue that both during and after the Cold War era, ideology had a statistically significant relationship with the congressional vote on arms control treaties (DaLaet and Scott, 2006).

Public Opinion and Constituency Preferences: With regard to the issue area of treaty process, constituency interest and preference play a dominant role in determining not only congressional voting patterns, but also the timing of lawmakers' position taking. The stronger constituency pressure on legislators' positions in Congress reflected the effect of NAFTA on Democratic Party constituents and the growing regional divide among the Republican Party on issues related to free trade. Constituency pressure is critical in motivating individual members of Congress to oppose presidential foreign policy initiatives such as international treaties in the case of NAFTA approval process.

Electoral Imperatives: During the treaty consent process, treaty approval gets delayed in the SFRC, as well as in floor-level deliberations in the Senate. Such procedural delays are because of the conflict in the ideological policy preferences of pivotal senators and can be significantly connected to electoral prospects in their respective states (Krutz and Peake, 2009). Electoral pressures raise congressional-presidential competition to resolve urgent foreign policy issues (Conley, 2000). For instance, in the congressional approval process for NAFTA, the dynamics of stiff opposition and an unconventional cross-party coalition in Congress backing President Clinton's efforts can be largely connected to the electoral incentives in states and districts (Mayhew, 2005). Because of such constitutional empowerment and greater electoral incentives, the Senate can directly intervene in the treaty process by attaching amendments, reservations, understandings, and policy declarations to the treaty's original document as part of ratification.

Role of Media: The extent of media attention is reflected in media coverage by print newspapers like the *New York Times*, *Washington Post*, etc., popular cable television network coverage such as CNN, CBS, NBC, Fox News, etc., occasionally various late-night talk shows, and others. In general, when international agreements are more salient in the media, the executive branch is inclined to complete them as treaties (Krutz and Peake, 2009). Media attention can make treaty or agreement consent process extremely contentious. For instance, the media's attention to NAFTA, because of Ross Perot's opposition to it and the negativity he aroused in the mind of the public, greatly influenced the political dynamics in Congress. Such media salience in turn forced President Clinton to revisit negotiations with Mexico and make various concessions to the members of Congress in order to get the treaty passed. Krepon and Caldwell argue that "Without strenuous efforts by the executive branch, critics can establish the terms of debate, particularly through sophisticated media campaigns that drive up negative perceptions of the treaty in question" (Krepon and Caldwell, 1991). For instance, in the Chemical Weapons Convention (CWC) consent process, the Clinton administration took an aggressive media management strategy.

Extensiveness of Debate in Congress: Profound ideological-gap and partisan polarization at the inter-branch and intra-branch level in Washington greatly contribute to lengthy treaty debate proceedings and policy gridlock (Binder, 1999.) In high politics foreign policy issue areas such as treaty process, lengthy debates in Congress can create political impediments in the treaty ratification process, particularly with regard to arms control treaties (Auerswald and Campbell, 2012). The Senate uses the debate proceedings to delay and often derail presidential efforts to get the treaty approved. This was clearly the case with respect to the non-approval of SALT II (1979). At the same time, inadequate debate in the Senate because of partisan, ideological, and procedural hindrances led to the rejection of CTBT (1999) in the Senate (Evans and Oleszek, 2003). Also, by stretching the duration of debate proceedings, the Senate can directly intervene in the treaty process by attaching amendments, reservations, understandings, and policy declarations to the treaty's original document as part of ratification. Once such modifications are inserted by the Senate, it becomes very difficult for the president to reject them (Auerswald, 2003).

Hypotheses Formulation and Testing:

The broad based exploration of the existing theoretical work helps in hypotheses formulation and testing. Each of the following hypotheses incorporates the causal factors that are assumed to affect the passage of NAFTA and thereby reflects the contours of congressional-presidential consensus and dissension. The hypotheses are outlined below:

- **Hypothesis 1:** Unified government facilitates consensus in the treaty making process while divided government does not.
- **Hypothesis 2:** Intra-party disagreement based on ideological and constituency pressure potentially causes conflict and failure in the treaty making and ratification process.
- **Hypothesis 3:** Effects of intra-party squabble is mitigated by comparatively higher degree of bipartisanship – a perfect condition of consensus and dissension based on partisan lines.
- **Hypothesis 4:** Extensiveness of debate influences continuum of consensus and dissension in treaty making and ratification process.
- **Hypothesis 5:** High salience and resulting coverage in the media is a significant condition in depicting consensus and dissension in the treaty making and ratification process.

North American Free Trade Agreement (NAFTA)

Background information and run up to political contestation: The North American Free Trade Agreement (NAFTA) was signed by President George H.W. Bush on December 17, 1992 (Congressional Research Service Issue Brief Number IB 93049). In 1991 Congress granted “Fast Track” authority to President Bush to negotiate NAFTA with Canada and Mexico. Such congressional measure helped in negotiating and ultimately signing of NAFTA by the Bush administration. NAFTA was later supported by President Bill Clinton who in turn submitted the agreement to Congress for approval on November 3, 1993. Although the agreement had a bipartisan initiative from the White House point of view, it witnessed one of the most contentious political contestations ever happening in modern legislative-executive relations. Despite NAFTA being submitted to Congress by President Clinton under the political structure of unified government, it created an insurmountable political dissension inside his own Democratic Party. Interestingly, the ratification of the agreement in Congress was finally possible with the help of the support of the Republican Party. The United States House of Representatives passed the NAFTA bill on November 17, 1993 after a contentious debate and a lot of political maneuvering from the White House (Congressional Record – House, November 17, 1993). That was followed by the United States Senate on November 20, 1993 (Congressional Record – Senate, November 20, 1993). Interestingly, NAFTA had a unique distinction of acquiring unconventional and somewhat convoluted alliance at the inter-branch level – (1) between Capitol Hill and the White House; and (2) between the like-minded Democrats and Republicans in Congress - despite the presence of a unified government political arrangement at the institutional level. The run up to the congressional approval of NAFTA portrayed continuum of consensus and dissension inside Congress as well as at the congressional-presidential level.

Hypothesis 1: Unified government facilitates consensus-building in the treaty making process, while divided government does not: In the case of the Congressional approval of the NAFTA, the agreement was successful in the ratification process by 234-200 margin in its favor in the U.S. House of Representatives, and 61-38 margin in its favor in the U.S. Senate (Congressional Record – House, November 17, 1993; Congressional Record – Senate, November 20, 1993). Hence from the bigger political perspective unified government in the 103rd Congress (1993-1994) can be claimed to be the causal factor for approval of NAFTA. But the dynamics of political contestation depict a very different story of political process in which unusual political alliance had to be built and political maneuvering needed to be pursued primarily by the effort of the White House in order to get congressional approval for NAFTA. President Clinton had to use a lot of political capital to help build such unconventional bipartisan alliance in which like-minded Democrats and Republicans came together in building a viable consensus for the safe passage of NAFTA. In the end the House approved the North American Free Trade Agreement by a comfortable margin of 234 to 200 votes, providing President Clinton with a highly sought after victory after a spell of lengthy contentious debate that “crisscrossed party and ideological lines.... A bipartisan coalition of 132 Republicans and 102 Democrats prevailed over the opposition of 156 Democrats and, 43 Republicans, and one independent.” (The Washington Post, November 18, 1993). In every step of the political process there was consensus and dissension within each chamber of Congress and between the House and the Senate. Such political dynamic spilled over to congressional-presidential consensus effort too.

There was also a regional dimension in the built up of such rare political alliance. For that purpose President Clinton had to find support in the Centrist and Sun Belt House districts (Congressional Quarterly Weekly Report, November 20, 1993). The Senate also witnessed political alliance on similar regional lines that ultimately resulted in the safe passage of NAFTA by a comfortable margin of 61-38 (The New York Times, November 21, 1993). Here too the bipartisan coalition of 34 Republicans and 27 Democrats prevailed over the opposition of 28 Democrats and 10 Republicans to facilitate safe passage of NAFTA. Importantly, from analytical point of view, safe passage of NAFTA in Congress was a unique case where mere presence of unified government was not a sufficient causal factor. Partisan and ideological dimensions were seriously in play in mapping out the contours of consensus and dissension in the political process. Ultimately positive outcome of political compromise between like-minded Democrats and Republicans prevailed in offsetting the negative implications of intra-party cleavage.

The ratification process of NAFTA in Congress in November 1993 qualifies the given hypothesis in a more refined manner. No doubt there was a unified government political configuration. However, unusual political consensus crisscrossing party and ideological lines, as witnessed in this case, was facilitated by the innovative political process initiated not only by President Clinton under the political configuration of unified government, but also by senior leaders in Congress at their own level. In such political dynamic defection of a group of Democrats was not strong enough to block the passage of NAFTA. Moreover, and most importantly Clinton was able to garner support from 132 House Republican Party members of Congress. The presence of unified government played a suboptimal role in gaining support from 102 House Democrats. However, the real test of political maneuvering was to be observed as to how the President, under the political conditions of unified government, would be in a position of garnering adequate House Republican support to get over the magic number of 218 votes required for the safe passage of NAFTA. In this effort President Clinton proved to be highly enterprising in forging a rare bipartisan support with like-minded Republicans.

Analyzing empirical conditions under which NAFTA was approved in Congress it can be argued that the presence of unified government empowered the president with sufficient political capital to garner unusual bipartisan support and build consensus crisscrossing ideological and partisan lines. However, the political process was contentious enough to portray continuum of consensus and

dissension inside Congress and also between the Hill and the White House. Overall the given hypothesis stating “unified government facilitates consensus building in treaty making while divided government does not” holds true for the approval of NAFTA.

Hypothesis 2: Intra-party cleavage potentially causes conflict and failure: The approval of NAFTA experienced a formidable opposition inside the Democratic Party. At the forefront of the Democratic Party internal rift were two prominent Democratic congressmen - House Majority Leader Richard A. Gephardt and Whip David E. Bonior. Their opposition to NAFTA did reflect how intense the concern within the House Democratic Caucus that NAFTA would result in massive job loss to Mexico and the congressmen who voted for this would be held accountable in their respective constituencies (Congressional Quarterly Weekly Report, September 11, 1993). David Bonier (D-Michigan) who was a pro-labor liberal had been persistently working for months to round up votes to defeat NAFTA. Richard Gephardt from St. Louis shared the same views and was very likely to be a defector as well. However, within the powerful top Democratic leadership in the U.S. House of Representatives, Speaker Thomas S. Foley (D-Wash.) supported NAFTA. Thus it was evident that there was a significant split within the top leadership of the Democratic Party in the House. Such political dynamic explains the nature of dissension and consensus based on intra-party ideological difference and constituency pressure. Incidentally it spilled over the two chambers of Congress simultaneously with political ramifications at the inter-branch level.

The organized labor and the environmental community too were up against the proposed NAFTA bill (Congressional Quarterly Weekly Report, October 16, 1993). Opposition from organized labor and environmental groups further propelled intra-party cleavage inside the Democratic Party. The rift with the labor was particularly more daunting than what the administration had earlier expected. Within the Democratic Party, opposition came primarily from pro-labor states such as those that are situated along the country’s northern border, the industrial Northeast and Midwest, and the inner cities (Congressional Quarterly Weekly Report, November 20, 1993). In fact, 59 percent of lawmakers from the seven Great Lakes states ultimately voted against NAFTA (The Washington Post, November 18, 1993). Organized labor feared about loss of jobs and lowering down of wages and benefits because of NAFTA.

Just like labor the environmental community was also against NAFTA. Three powerful environment and consumer groups - the Sierra Club, Friends of the Earth, and Public Citizen – were influential in making an internal rift inside the Democratic caucus (Congressional Quarterly Weekly Report, July 3, 1993). In order to satisfy their demand, President Clinton reopened negotiations with Mexico to improve environmental protections and workers’ safeguards. The negotiations with Mexico to strengthen the environmental pact were intended, in part, to mollify Democrats in Congress, many of whom campaigned against NAFTA, arguing that it would cost jobs and induce companies to relocate to Mexico to take advantage of looser enforcement of environmental laws. Such negotiations were also intended to mitigate the Ross Perot effect from any chances of creating a further rift inside the cleavage-ridden Democratic Party.

The internal cleavage in the Democratic Party in the run up to the NAFTA voting in Congress divided the votes of Democratic lawmakers both in the House and the Senate. In the House while 102 Democrats supported, 156 Democrats opposed (The Washington Post, November 18, 1993). In the Senate while 27 Democrats supported NAFTA, 28 Democrats opposed (The New York Times, November 21, 1993). There was also split within the Republican Party on the issue of NAFTA. But that was relatively insignificant and technically less obvious compared to the Democratic Party split because that was the time of unified government in Washington under the control of the Democratic Party. The extent of internal dissension/split inside the Democratic Party was undoubtedly significant to bring NAFTA down. But the administration was fortunate enough to make an unusual political alliance and garner adequate

support from the Republican Party. Such unusual alliances are rare in politics. Had that (unusual/abnormal alliances) not been happening, NAFTA was destined to be a failure.

Overall purely from the perspective of normal politics this study asserts that Hypothesis 2 holds true in the case of NAFTA approval, with a bit of qualification that an unusually strong abnormal alliance helped saved the day for the Clinton administration. Not all administrations are that lucky all the time. However, the dynamics of internal rift (Democratic and Republican Party) and President Clinton making rare alliance in Congress with opposition Republican Party explicitly portray the nature of continuum of consensus and dissension in the political process of NAFTA approval from the perspective of intra-party cleavage and its consequences.

Hypothesis 3: Effects of intra-party cleavage is mitigated by higher degree of bipartisanship: The approval of NAFTA by Congress was a classic illustration to test this hypothesis. From the previous section (Hypothesis 2) it was observable that there was significant amount of rift inside the Democratic Caucus in terms of the long term implications of NAFTA on US economy. However, massive initiative undertaken by President Clinton to garner widespread bipartisan support mitigated the problem of internal split within the ruling Democratic Party. Clinton prudently recognized the ensuing split in his own party due to massive resistance by organized labor and environmental protection groups against NAFTA. This dramatic political development prompted the President to take quick action in order to forge unusual political alliance with the Republican Party. In a sharp twist of political event, House Minority Whip Newt Gingrich (R-Ga.), normally a confrontational leader, appealed to House Republicans to support NAFTA. Gingrich, who later became Speaker of the U.S. House of Representatives in 1995, claimed, "This is a vote for history, larger than politics, larger than reelection, larger than personal ego" (The Washington Post, November 18, 1993). Moreover, the president himself threw himself into action to garner stable bipartisan support by building strong consensus with the Republican Party starting in late September 1993. In order to build consensus through bipartisan support in favor of NAFTA in the House of Representatives amidst dissension within his own party, President Clinton in an unprecedented tactical move recruited a respected former Republican congressman, William Frenzel, of Minnesota to help in getting votes from the Republican lawmakers. Such political dynamic distinctly reflected the continuum of consensus and dissension during NAFTA ratification in which intra-party split was successfully dispelled by inter-party cooperation.

In order to seek alliance with pro-NAFTA business executives, President Clinton met with Lee Iacocca, the former President of Chrysler. The alliance with corporate America proved helpful in gaining wider support for NAFTA. Proponents of NAFTA were also supported by the Chamber of Commerce, accountant community, trade consultants, etc. (The New York Times, November 18, 1993). On November 9, just 8 days before NAFTA vote in the House, Vice President Gore debated NAFTA opponent Ross Perot on national television in popular CNN talk show "Larry King Live". This debate was widely viewed across the political spectrum in the country and helped generate public opinion that ultimately helped the administration in getting support for NAFTA.

Overall, the active initiative taken by President Clinton to wrap up bipartisan support in Congress greatly helped in the successful passage of NAFTA. The strength of the bipartisanship was significantly greater than the intra-party cleavage inside the Democratic Party. In the end NAFTA was passed by the House (November 17, 1993) by 234-200 votes in its favor and in the Senate (November 20, 1993) by 61-38 votes in its favor. Hence, hypothesis 3 holds true for the case of approval of NAFTA. Overall in the success story of NAFTA approval there was a strong underpinning of continuum of consensus and dissension at intra-party, inter-party, intra-branch and inter-branch levels in national politics. Political ramifications of such consensus and dissension continuity were also replicated within the electorate, constituency, lobbyists, business community and national media.

Hypothesis 4: Extensiveness of debate influences continuum of consensus and dissension: It is generally perceived that the amount of debate and associated hearings in Congress during the passage of any treaty represents the extent of significance of the issue at stake. The entire process of approval of NAFTA in Congress witnessed extensive debate and hearing procedure. From the very beginning NAFTA proved to be a highly challenging and tormenting proposal across the socio-political spectrum of America. The virtual split inside the Democratic Party coupled with stiff opposition by organized labor and environmental community made the debate over the passage of NAFTA extremely contentious. NAFTA was introduced in Congress on November 4, 1993 and it became public law on December 8, 1993 (The Library of Congress Thomas). However, the actual span of debate continued for weeks and months together. In the process of approval heated exchanges did take place particularly in the floor of the House where emotions and passion were extremely high. The extensiveness of debate for approval of NAFTA became all the more contentious when there were allegations and counter allegations that got further intensified by the formidable split inside the Democratic Caucus. While House Speaker Thomas S. Foley (D-Wash.), Caucus Chairman Steny H. Hoyer (D-Md.) and Vice Chairman Vic Fazio (D-Calif.) supported the agreement, Majority Whip David E. Bonior (D-Mich.) and Majority Leader Richard A. Gephardt (D-Mo.) opposed President Clinton on the issue (The Washington Post, November 18, 1993). However, the extensiveness and complexities associated in the debate also led to consensus building on a bipartisan basis. The heated arguments and exchanges helped clarify the positions of the members in Congress, both the House and the Senate, and strengthen bipartisan support for NAFTA. Extensive debate thus helped in projecting continuum of consensus and dissension across party lines inside Congress with ramifications at the congressional-presidential level too. Very importantly, as a mark of bipartisan support, House Minority Leader Newt Gingrich (R-Ga.) influenced House Republicans to support NAFTA. In the Senate there was higher degree of consensus among the Republicans and the Democrats when the Majority Leader George J. Mitchell (D-Maine) and Minority Leader Robert J. Dole (R-Kan.) expressed confidence on the successful passage of NAFTA.

The nature and extent of lengthy debate procedure in Congress propelled the broader theoretical framework of a strong underpinning of continuum of consensus and dissension in the political process leading to approval of NAFTA. External factors such as Gore-Perot debate in CNN's "Larry King Live" also helped to generate favorable public opinion that had implications on the nature of debate and ultimately attaining rare bipartisan support in Congress. For instance while Mr. Perot distorted the facts and figures associated with NAFTA more than that by Gore, Vice President Gore was more articulate in analyzing them and directly alleging Perot on his vested interest against NAFTA (The New York Times, November 10, 1993). Overall extensive debate in Congress enabled the proponents and opponents of NAFTA in deliberating their respective policy positions and thereby portraying vividly the trajectory of continuum of consensus and dissension in the NAFTA political process. Thus hypothesis 4 holds true in the approval process of NAFTA.

Hypothesis 5: High-publicity in the media is a significant condition in depicting consensus and dissension:

In highly controversial treaties such as NAFTA, publicity in the media is always a major factor. For the approval of NAFTA, there was good amount of media publicity. The amount of media attention that NAFTA attracted in the pages of New York Times was overwhelming. In fact, NAFTA generated highest level of media attention as compared to all other treaties considered in this study. This is evident by the statistics: (1) Total number of times NAFTA was mentioned in any document type - 2193; (2) Total number of front-page stories - 292; and (3) Total number of editorial articles - 165 (ProQuest Historical Newspapers The New York Times, 1851 - 2007). This staggering amount of media attention for NAFTA in association with respective constituency pressure created compelling grounds for legislators to make their policy positions clear in Congress and thereby forging an unprecedented non-conventional

bipartisan consensus that was able to override the split within the Democratic Caucus. Ultimately, this non-conventional consensus on a bipartisan basis amidst severe internal dissension mainly within Democratic Party helped the Clinton administration get done safe passage of NAFTA. Also high media publicity helped the proponents of NAFTA more in generating public opinion as compared to the opponents. Opponents such as Democratic defectors, organized labor groups and environmental community – all had difficulty in convincing the frontline media about the negative effects of NAFTA. By and large all major newspapers in the country editorialized in favor of NAFTA. In most of the major national dailies editorial writers wrote about the desirability of free and open markets as proposed by NAFTA. For instance, the Washington Post editorials and op-ed write ups were favorable of NAFTA by an almost six-to-one ratio. The New York Times quoted three NAFTA supporters for every one opponent in its news coverage. Thus it is evident that major newspapers were quite favorable to the prospects of NAFTA. All these newspaper stories were extremely significant in shaping the dynamics of political process of continuum of consensus and dissension, but ultimately helping the bipartisan coalition to prevail. Thus ultimately high media publicity of such a major contentious treaty such as NAFTA had been helpful in forging strategic yet unusual political alliance that ultimately led to the successful passage of NAFTA in Congress. At the same time, the favorable media coverage of NAFTA also helped the proceedings of the discussions in Congress because congressmen were able to make their speeches based on the depth of analysis of media coverage. In terms of favorability of news coverage in the media, this hypothesis holds true.

Another positive implication of high media publicity for NAFTA had been with regard to shaping public opinion that would also be a factor for consensus building in the Beltway. In 1991 Gallup polls found support for NAFTA to be significantly high at over 70%. This figure fell dramatically by the fall of 1992. In September 1992 Gallup poll only 54% of the population favored NAFTA (The Program on International Policy Attitudes (PIPA)). At the time of the passage of NAFTA, public opinion was virtually evenly split. That created more pressure on Congressional lawmakers in taking their respective position in the long and arduous debate in Congress. A preview of public opinion polls is as follows: (1) In early November 1993 Time/CNN poll found that while 41% of population supported NAFTA, 39% opposed it and 20% were undecided; (2) In early November 1993 found virtual split in the issue of NAFTA as 42% supported and again 42% opposed it; (3) In November 1993, CBS/New York Times poll found 37% in favor and 41% against (The Program on International Policy Attitudes (PIPA)). On the whole, the tremendously high amount of media attention coupled with a stable and nearly proportionate public opinion helped shape the political process in Congress. Such political dynamic was instrumental in achieving a non-conventional coalition on a bipartisan basis in the two chambers of Congress thereby offsetting the ramifications of any dissension within the respective political parties. This ultimately resulted in the approval of NAFTA. Overall hypothesis 5 holds true for NAFTA.

Concluding Remarks:

In this paper efforts have been made to explore the various strategic factors which are largely responsible to define the contours of legislative-executive consensus and dissension in treaty process which is commonly regarded as a high politics foreign policy issue area. Such factors have profound implications in overall policy process in the context of separated institutions sharing power (Neustadt, 1990). The theoretical framework has been applied to the congressional approval process for North American Free Trade Agreement (NAFTA). Empirical analysis suggests that all the factors discussed in this paper play a significant role in tandem and reinforce each other. It is quite explicit from the analysis that congressional approval of NAFTA was ultimately possible because of unconventional bipartisan consensus in Congress amidst serious dissension at the intra-party level even in the presence of unified government. Such unique political dynamic had a cascading effect across not only the two chambers of Congress but also congressional-presidential level. Continuum of consensus and dissension in

legislative-executive domain was distinctly embedded throughout in the political process of NAFTA approval.

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