

POLICY, PORK, AND PRIVILEGE:
PRESIDENTIAL LOBBYING FOR NAFTA

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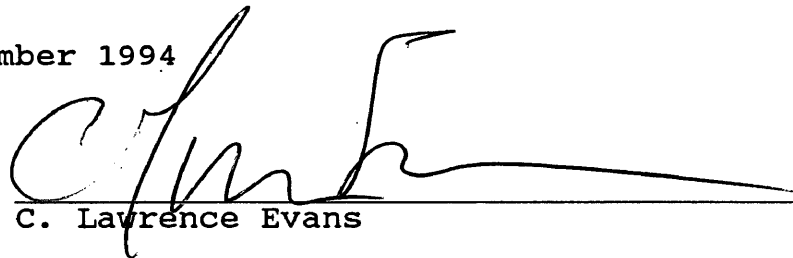
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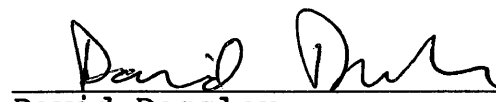


Author


Approved, December 1994



C. Lawrence Evans



David Dessler



David Leblang

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ABSTRACT

The purpose of this study is to examine and explain the Congressional vote on the North American Free Trade Agreement. It focuses on the bargaining techniques employed by the President to secure the passage of NAFTA and their ultimate effectiveness.

It seems that the president's most effective bargaining tool, when trying to pass treaty legislation, is to be flexible about the exact terms of the treaty. Although many believe side payments or "pork barrel" benefits to be the most important way presidents win support for treaties, results from empirical research in this study suggest they are less important than specific modifications in the terms of the treaty itself, especially on an emotional and divisive issue.

Additionally, an individual legislator's probability of voting for or against NAFTA is calculated by examining variables including partisan affiliation, geographic region represented, financial support from labor unions, education level of the district, district support for Perot in the 1992 election, margin of victory in the last election, number of terms served, membership in the black caucus, and finally, whether or not a representative received either "pork" and/or modification in the terms of the treaty.

Results suggest a representative from an educated republican district in the West Coast, southeast, or bordering Mexico who receives little or no money from labor unions, and won concessions from the administration on the exact terms of the treaty would be most likely to vote for NAFTA.

**POLICY, PORK, AND PRIVILEGE:
PRESIDENTIAL LOBBYING FOR NAFTA**

Although the founding fathers did not envision it, the president plays an important role in the legislative process. He is expected to formulate an agenda, coordinate policies, introduce them to Congress, and mobilize the support of the general public. Because his agenda is translated into legislation, the president cannot operate independently of Congress. He thus requires the cooperation of Congress, although he cannot always count on it. Consequently, one of the president's most important and difficult tasks is persuading Congress to support his policies.

The difficulty of this task was recently demonstrated by the Clinton administration's effort to ensure the passage of the North American Free Trade Agreement (NAFTA). The agreement is certainly one of the most controversial pieces of legislation placed before the 103rd Congress. Members of Congress and their constituents were divided; the Clinton administration sought to mobilize support for the agreement and ended up expending a great deal of political capital to secure passage of the agreement. The task was especially difficult because the president could not count on the support of Democrats in Congress. In fact, David Bonior, the majority whip, was one of the most vocal opponents of NAFTA and organized opposition to the agreement in the House of Representatives. He even claimed to have secured defeat of

the agreement well into November.¹

How, then, was President Clinton able to pass such an agreement? Conventional wisdom claims that the White House regularly "buys" votes through deals struck with members of Congress. In other words, strategically placed legislators can delay or vote against important legislation unless or until they receive distributive benefits, usually in the form of district projects. These projects are sometimes viewed as bribes. In the case of NAFTA, it seems that the president had to "buy" passage of the agreement vote by vote. What made President Clinton willing to make the deals he did? Why couldn't he rely on other traditional means to build a coalition in Congress, such as party and ideology?

This paper address these questions. It will focus on the uses of bargaining (modifications of the treaty), distributive benefits (side payments or "pork barrel") and favors (miscellaneous services and amenities) to secure the passage of NAFTA. It will examine the different bargaining methods employed and test the effectiveness of these methods on the final vote. This test will focus on undecided members of Congress who managed to win concessions from the president. I will describe the nature of these concessions and propose a probit model that will attempt to explain how important they ultimately were to the passage of NAFTA. Finally, I will

¹"The Great NAFTA Bazaar," The Economist, 13 November 1993, 32.

discuss the implications of different methods of political dealmaking on current and future trade and treaty legislation.

It seems that the president's most effective bargaining tool, when trying to pass treaty legislation, is to be flexible about the exact terms of the treaty. Flexibility implies a president's willingness or ability to compromise on policy terms in an attempt to find common ground with other policy actors. For although many believe side payments or distributive benefits to be the most important political "lubricant," the results of this study demonstrate the importance of specific modifications in the terms of the treaty itself. If a president seeks an alternative to side payments or miscellaneous favors when dealing with congress, a willingness to modify legislation seems to be an effective option.

The President and Congress

According to Richard Neustadt, the founding fathers did not create a government of separated powers. Instead, they created a government of separated institutions sharing powers.² Many of the powers of both the executive and legislative branches of government overlap. For example, the Constitution empowers the president to conduct foreign affairs, which includes trade agreements, while Congress is

²Richard Neustadt, "The Power to Persuade," in The American Presidency: Historical and Contemporary Perspectives, ed. Harry A. Bailey and Jay M. Shafritz (Chicago: The Dorsey Press, 1988), 421.

given the authority to regulate commerce with foreign nations.³

Although the evolution of the modern presidency has led many to believe the president has a broad mandate for legislative action, his constitutional powers are quite limited. Only four responsibilities and duties were written in Article 2 of the Constitution. He is to inform Congress from time to time on the state of the union. He is empowered to recommend necessary and expedient legislation. He can summon Congress into special session and adjourn it if the two houses cannot agree on adjournment. Finally, the president can exercise a qualified veto.⁴

Over the years presidents have taken prerogative powers and expanded their influence. They have used their legislative responsibilities to increase their influence in Congress. For example, today the State of the Union address is used as a tool with which the president can articulate the legislative goals of his administration, recite his accomplishments, present his agenda, and attempt to mobilize support for his programs.⁵ In much the same way, presidents have transformed their duty to recommend "necessary and

³George Grayson, "The North American Free Trade Agreement," Headline Series 299, (New York, Foreign Policy Association, 1992), 17.

⁴George C. Edwards III and Stephen J. Wayne, Presidential Leadership: Politics and Policymaking, (New York: Saint Martin's Press, 1990), 283.

⁵Ibid.

expedient" legislation into an agenda setting activity.

Presidential Power in Legislating Trade and Foreign Policy

The president is also empowered to make treaties. This power is to be executed jointly with the Senate. The president, however, does not usually involve the Senate in treaty negotiations. Since 1789, the Senate has approved without modification about seventy percent of the approximately fifteen hundred treaties presidents have historically submitted.⁶ Only sixteen that came to a vote were voted down. Other proposed treaties, however, have been withdrawn by presidents because of opposition in the Senate. Around one hundred and fifty have been withdrawn since World War II.⁷ In addition to simply approving or rejecting treaties, the Senate can approve them with reservations or amendments. Once a treaty has been amended, though, it usually must go back to the president and the other countries for consideration. These additions or deletions are not always accepted and thus many treaties have failed for this reason.

The president's authority in foreign affairs has increased a great deal in recent years. As the United States becomes increasingly involved in the international community, the public wants strong, personal leadership to direct that

⁶Ibid., 406.

⁷Ibid.

involvement.⁸ Additionally, certain negotiations cannot be handled by a large group of people (like the Senate). For this reason the president needs to acquire the power to bargain without overt Senate interference. A president can circumvent Congress by forging an executive agreement; however, if he wants his agreement to last beyond his administration he must face Congress. Congress can give presidents the authority and freedom they need to negotiate in a number of ways.

One way Congress can give presidents more freedom and credibility in the negotiations of foreign and trade policy is by a mechanism called "fast track," which was created out of the Trade Act of 1974. This mechanism allows presidential representatives to negotiate a trade deal with one or more foreign governments. Congress must then accept or reject the deal these representatives have forged without change.⁹ The Omnibus Trade and Competitiveness Act of 1988 further stated that "fast track authority could be extended for two years if the president so requested, provided, of course, that neither a key committee nor either legislative chamber passed a disallowing resolution within 90 days of the White House request."¹⁰ With Congressional approval, fast track procedural protection applies to any trade agreement submitted

⁸Ibid., 415.

⁹Grayson, 18.

¹⁰Ibid.

90 days before the expiration of the expedited authority. As part of the fast track process, the president should provide at least sixty days notice to the House Ways and Means and the Senate Finance Committees of his intention to begin trade negotiations. After an agreement has been reached, the president submits an implementing bill drafted with Congressional leaders, a statement of administrative action suggested to implement the accord, and detailed supporting information that explains how the agreement meets U.S. trade and negotiating objectives to both houses of Congress.¹¹ On May 23, 1991, President Bush secured fast track approval to negotiate NAFTA.¹² "Fast tracking" is important because it allows the president more freedom in his negotiations. It is, however, a double edged sword. Congress may let the president negotiate the treaty without interference but members are more likely to demand favors and concessions to pass the agreement when it comes to a final vote. Congress can thus still affect the final provisions of the bill.

Sources of Conflict: Congress and the President

Because Congress and the executive have overlapping responsibilities and different constituencies and perspectives, conflicts between the two are bound to arise. According to James Madison in "The Federalist No. 46:"

¹¹Ibid., 18-9.

¹²David S. Cloud, "The History of the Deal," Congressional Quarterly (20 November 1993) 3180.

The members of the federal legislature will likely attach themselves too much to local objects. . . Measures will too often be decided according to their probable effect, not on the national prosperity and happiness, but on the prejudices, interests, and pursuits of the governments and the people of the individual states.¹³

Because the president is elected by the nation as a whole, he must appeal to a broader electoral coalition than members of Congress. He represents the larger national interest. Consequently, "the whole that the president represents is different from the sum of the parts that each legislator represents."¹⁴

The different internal structures of the two branches of government can also cause conflict between Congress and the president. The executive branch is hierarchically organized. This structure helps the president view trade offs between various policies.¹⁵ He weighs and balances the various interests. Congress, on the other hand, is highly decentralized. Neither parties nor committees especially unify Congress. One consequence of this decentralization is the specialization of members of Congress in certain policy areas. Congress usually considers policies without reference to other policies. The structure of Congress ensures that a diversity of opinions will be heard but it does not mean that each member will hear all views. After leaving the White

¹³James Madison, "The Federalist No. 46," in The Federalist (New York: Modern Library, 1937), 307.

¹⁴Edwards and Wayne, 285.

¹⁵Ibid.

House Gerald Ford wrote:

It seemed to me that Congress was beginning to disintegrate as an organized legislative body. It wasn't answering the nation's challenges domestically because it was too fragmented. It responded too often to single-issue special interest groups and it therefore wound up dealing with minutiae instead of attacking serious problems in a coherent way.¹⁶

Similarly, the president must also consider the influence of these interest groups when he tries to build a coalition.

Conflict: Presidential Policies and Party Support

"I learned the hard way that there was no party loyalty or discipline when a complicated or controversial issue was at stake- none."¹⁷ -Jimmy Carter

Unfortunately for them, presidents cannot simply assume support from members of their party in Congress. Conventional wisdom holds that members of their own party in Congress provide presidents with a base upon which to build majority coalitions. Party members should be predisposed to support the president because they must satisfy similar electoral coalitions, they must run in part on the record of the president, they are members of the same "political family," and finally, the president has the use of political resources

¹⁶Ibid.

¹⁷Jimmy Carter, Keeping Faith: Memoirs of a President (New York: Bantam, 1982), 80.

to reward and punish members of Congress.¹⁸ According to Richard Neustadt, though, "what the Constitution separates our political parties do not combine."¹⁹

Recent literature and evidence in Congress refute this conventional wisdom. Compared to other Western democracies, American parties are weaker and less disciplined. According to Edwards and Wayne, "The primary obstacle to party cohesion in support of the president is the lack of consensus among his party's members on policies. . . This diversity of views often reflects the diversity of constituencies represented by party members."²⁰ If constituency opinion conflicts with presidential opinion, members of Congress are most likely to vote with their constituencies because they seek reelection. Gerald Ford lamented the changes in Congress which resulted in "loss of clout" and the absence of teamwork and team spirit. He writes:

The main reason for this change is the erosion of the leadership in the Congress. Party leaders have lost the power to tell their troops that something is really significant and get them to respond accordingly. The days of Sam Rayburn, Lyndon Johnson and Everett Dirksen are gone. That has adversely affected the Congress's ability to do things even in very difficult circumstances involving the national interest.²¹

¹⁸Jon R. Bond and Richard Fleisher, The President in the Legislative Arena, (Chicago: The University of Chicago Press, 1990), 15-6.

¹⁹Neustadt, 421.

²⁰Edwards and Wayne, 293.

²¹Ibid., 291

Similarly, the president cannot rely on party floor leaders, committee chairs and ranking members of Congress. One reason for this is the increased dispersion of power in Congress. Committee chairs must be responsive to subcommittee members, who have gained more power in recent years. Additionally, the president's program is subject to more cross-cutting demands within Congress because of split and joint committee referrals for some legislation. Other reforms like the increased number of roll call votes and the subsequent traceability of representative's voting behavior has placed more pressure on House members to abandon party loyalty. Finally, with the high turnover of representatives in recent years, new members have brought new approaches to legislating. They are less likely to adopt the norms of apprenticeship and specialization; instead, they have taken an active role in all legislation and place emphasis on individualism rather than party regularity.²² For these reasons, it has become more difficult presidents to pass legislation if they rely solely on party support. Presidents must now seek complementary or alternative ways to build a coalition.

Coalition Building

What recourse does a president have when his party fails to support him? What tools does a president have to build a supportive coalition? Christopher Deering writes that

²²Ibid., 292

coalitions in Congress today are "fluid, with their dependability tied to the particular set of issues in play."²³ Current literature also suggests popularity and public support, Congressional liaisons and consultation, services and amenities, and pressure and bargaining.

Lyndon Johnson believed "Presidential popularity is a major source of strength in gaining cooperation from Congress."²⁴ Presidential popularity suggests broad public support. The public's evaluations of the president must be taken into account by members of Congress because they wish to increase their chances of reelection and perhaps believe they must reflect constituency opinion. Bond and Fleisher found that empirical evidence presented by researchers trying to demonstrate a strong relationship between approval and support in Congress have been mixed.²⁵ They suggest other considerations such as the different behaviors exhibited by popular and unpopular presidents in their dealings with Congress. They also suggest opposition members have little to gain by supporting the president because they will perhaps help reelect the opposition's administration.

Presidents also rely on a Congressional liaison staff to facilitate support. The Congressional liaison is a bridge

²³Healy and Moore, 3181.

²⁴Lyndon B. Johnson, The Vantage Point: Perspective of the Presidency, 1963-1969 (New York: Popular Library, 1971) 443.

²⁵Bond and Fleisher, 25.

between Congress and the president. The staff actually serves the needs of both the executive and legislative branches. For Congress, it helps integrate the views of Congress into executive policy making, forces the president to state his views, serves constituency needs, and provides channels for making compromises. For the president, it allows him to gain a legislative perspective, to communicate his view to Congress, mobilize support, and overcome obstacles.²⁶

The other recourses suggested are all specific legislative techniques a president must usually employ to win support for his proposals. According to Richard Neustadt, "When the chips are down, there is no substitute for the President's own footwork, his personal negotiation, his direct appeal, his voice and no other on the telephone."²⁷ Usually presidents become intensely involved only after a long process of winning votes is almost over and their personal attentions are needed to swing an important vote. Presidents tend to focus on key members of Congress, who will serve as cues to other members, and members who are undecided or weak in their preferences. Despite their prestige and persuasiveness, though, presidents often fail in their personal appeals.

Another possible method is the granting of services and amenities to promote "good will" and ultimately support.

²⁶Edwards and Wayne, 303.

²⁷Neustadt, 423.

These include social contact with the president, rides on Air Force One, birthday greetings, theater tickets for the presidential box and any number of other favors.²⁸ Favors can also include assisting members of Congress cater to their constituents. These favors consist of meeting constituents, dispensing presidential photos and memorabilia, and promising other favors. Campaign aid is one important favor the president can offer a member of Congress. This aid comes in various forms, including campaign speeches by the president for Congressional candidates, funds and advice from party national committees, presidential endorsements and letters of appreciation from the president.²⁹ Presidents can also pressure members of Congress by denying them favors. A president can make himself unavailable to certain members of Congress, exclude a member from White House social events, or deny routine requests for White House tour tickets. These "sanctions," though, are used less frequently than favors.

Finally, an administration can bargain with members of Congress to gain support. This is usually considered "buying votes" by granting special concessions, trading support on two or more policies, or distributing pork. David Stockman, Reagan's budget director, claimed that on the 1981 tax cut, "the last ten or twenty percent of the votes needed for a

²⁸Ibid., 306.

²⁹Ibid.

majority in both houses had to be bought, period."³⁰ Broadly defined, pork is "spending in circumvention of established budgetary procedures, or the use of federal money for projects of only local interest."³¹

The President is limited in his ability to distribute concessions for a number of reasons. First, his resources are limited. There are only a certain number of appointive jobs available and the federal budget is limited. Second, public works funding is controlled by Congress. Third, if a President strikes too many direct deals, "word will rapidly spread, and everyone will want to trade, and persuasive efforts will fail."³² Traditionally, though, this type of dealing lacks a certain respectability.

Logrolling and Coalition Building

Although few have formally recognized it, distributive logrolling helps legislative leaders form coalitions in order to pass general interest legislation with broad national effects. This is accomplished by attaching a set of distributive benefits onto the legislation with the intention of winning the votes of necessary members of Congress. Ideally, benefits are conferred upon a constituency small enough to allow a single representative to be recognized as

³⁰Edwards and Wayne, 304.

³¹"1994 Congressional Pig Book Summary," Citizens Against Government Waste, 1.

³²Ibid.

the benefactor. Moreover, constituents should believe that the representative was responsible for the allocation. Finally, the costs resulting from the project should be widely diffused or somehow obscured from taxpayer notice. The use of this strategy ensures the coalition leaders achieve their original policy goal and individual legislators reap electoral benefits in the future. One condition to the success of this strategy is an asymmetry of interest intensity. The distributive benefits offered to individual legislators must be more important to them than their opposition to the proposed policy.

Additionally, the use of "side payments" can help limit the amount of negotiations and compromises necessary to pass legislation. Coalition leaders need not make a number of substantive changes in their bill and can thus more effectively achieve their original policy goal. From this perspective, "the real value of pork projects ultimately lies in their ability to induce rational legislators into taking electorally risky actions for the sake of the public good."³³ Unfortunately, however, distributive benefits usually increase the overall cost of the bill.

Logrolling In Congress: Policy Goals and Pork

Members of Congress have been criticized for catering to their constituencies while ignoring greater national

³³John W. Ellwood and Eric M. Patashnik, "In Praise of Pork," The Public Interest 110 (Winter 1993): 32.

interests. In other words, they protect their electoral interests by securing distributive benefits for their districts at great public expense while ignoring general interest legislation.³⁴ (Distributive policy refers to policy that targets discrete benefits to one specific population so that the amounts for one beneficiary can be changed without affecting the amounts given to others while costs are spread across the general population.)³⁵ The distributive policy product and process are frequently termed pork barrel policy. Morris Fiorina claims that constituents depend upon their representatives to provide these distributive benefits to a greater extent than ever before.³⁶ A study of the House Public Works Committee discovered members highly valued the "tangible political consequences of delivering for the district."³⁷ As David Mayhew points out, members of Congress rely on constituent gratitude to contribute to their continued electoral security. Because reelection is a legislator's predominant goal, their

³⁴David R. Mayhew, Congress: The Electoral Connection New Haven: Yale University Press, 1974.

³⁵Melissa Collie, "The Legislature and Distributive Policy Making in Formal Perspective," Legislative Studies Quarterly 13: 427-458.

³⁶Morris P. Fiorina, Congress: Keystone to the Washington Establishment. (New Haven: Yale University Press), 1977.

³⁷James T. Murphy, "Political Parties and Pork Barrel: Party Conflict and Cooperation in the House Public Works Committee Decision Making," American Political Science Review. 68: p.171.

voting decisions are made in large part by calculating which alternative contributes more to their chances for reelection.³⁸

Members of Congress are motivated by any number of personal goals. Studies have revealed these goals to be primarily reelection, good public policy, and influence within the Congress.³⁹ Other goals include personal power and the ability to "leave a mark" in a certain policy area. A great deal of recent literature stresses the primacy of the reelection goal; certainly this is because unless a member is elected to office, he or she cannot pursue their other goals. In any case, political actors who control benefits that effect members' electoral chances wield a great deal of power.

Empirical studies have documented the power and advantages of certain members of Congress who occupy strategic Congressional positions which give them the ability to bring projects to their districts. For example, Bruce Ray writes, "jurisdictional elites, who have the power to shape national policy, also occupy the influential institutional positions whose powers may be used to dictate the distribution of specific program benefits. . . .they maximize federal

³⁸R. Douglas Arnold, The Logic of Congressional Action. New Haven: Yale University Press, 1990, 7.

³⁹Richard F. Fenno, Jr., Congressmen in Committees (Boston: Little, Brown, 1973).

spending within their constituencies."⁴⁰

Along the same vein, R. Douglas Arnold argued that executive agencies allocate district projects so as to maintain supporting coalitions in Congress for the agencies' programs.⁴¹ Many of these programs contain general benefits; thus, there is evidence that distributive benefits play an important role in general interest legislation. Ferejohn argues that strategically placed legislators, as members of a "formable minimal winning coalition" can delay even general interest legislation unless or until they receive bribes, usually in the form of district projects.

However, another type of "bribe" is available; specific parts of the bill can be modified to attract the support of certain legislators. This type of delay could be seen in the 1986 effort to reform the tax code. This broad general interest legislation certainly removed a number of tax breaks for special interests; however, in order to pass the bill the chairs of the House Ways and Means Committee and the Senate Finance Committee had to append a set of "transition rules" which included nearly 700 "exceptions" with a five year cost of eleven million dollars.⁴²

⁴⁰Bruce A. Ray, "Congressional Promotion of District Interests: Does Power on the Hill Really Make a Difference?" in Political Benefits, ed. Barry S. Rundquist, Lexington: Lexington Books, 1980.

⁴¹R. Douglas Arnold, Congress and the Bureaucracy (New Haven: Yale University Press, 1979).

⁴²Arnold, The Logic of Congressional Action, 218.

Empirical Study of the Effect of Bargaining

Matthew R. Kerbel tries to test the common thesis that presidential power is the power to persuade. He examines persuasion as function of presidential bargaining and finds that "bargaining plays a central role in the domestic policy outcomes achieved by recent presidents."⁴³

Kerbel believes the president has two resources with which to bargain: personal flexibility and the use of favors. Personal flexibility addresses a president's willingness or ability to compromise or change course in an attempt to find common ground with other policy actors and the ability to bend with changing events. Favors are the tangible perks available to the president by virtue of his position; they run the gamut from small personal mementoes to active presidential support for valued projects in certain states or Congressional districts. Kerbel conducts an empirical study examining the effect of personal flexibility and the use of favors on the policy outcomes a president attains. Kerbel found great variation in the way past presidents employed favors. In his analysis of presidents Carter and Reagan he found that in their policy successes, both presidents were perceived to rely consistently on favors (Carter 70% of the time, Reagan 96% of the time.)⁴⁴ This is in marked contrast to failed policies,

⁴³Matthew R. Kerbel, "An Empirical Test of the Role of Persuasion in the Exercise of Presidential Power," Presidential Studies Quarterly 2 (Spring 1993), 355.

⁴⁴Ibid.

where the emphasis in the records was on the absence of favors.

In conclusion, Kerbel writes:

Perhaps the most striking thing about bargaining is the extent to which it is related to the outcomes recent presidents have achieved. Carter and Reagan serve as good illustrations. By and large, when they were flexible and served up the perks of their office, they subsequently achieved their policy ends. When they were unyielding and did not employ favors, they realized less fortunate results. . . .A president who knows how to use these tools will be able to increase his persuasive power.⁴⁵

In a final point, Kerbel states that no president uses his bargaining resources to their fullest extent all the time. Willingness to bargain varies with the situation at hand. Sometimes presidents are strongly committed to certain ideas and are subsequently less inclined to compromise and bargain. Circumstance and necessity seem to play a large role in the decision to use bargaining. Resources, as discussed before, are limited. "To throw favors at policy actors every time something important comes along is to devalue the resource."⁴⁶ Knowing what will work and knowing how and when to use what will work is part of the skill of politics.

Edwards and Wayne claim bargaining "occurs less often and plays a less critical role in the creation of presidential coalition in Congress than one might think."⁴⁷ Public

⁴⁵Ibid, 358.

⁴⁶Ibid., 359.

⁴⁷Edwards and Wayne, 305.

Citizen, a non-profit organization representing consumer interests, claimed that the political dealmaking used to pass NAFTA "was anything but business as usual."⁴⁸ It seems that these claims are false. Perhaps the dealmaking itself was more obvious and explicit but it did indeed seem to be "business as usual." Given the emotional level of the proponents and opponents of the agreement, in addition to extensive media coverage, and it appears that deals were often portrayed as pacts with the devil. Rep. Tom Lewis (R-FL) said, "It looks like you're selling your soul."⁴⁹

Congress and NAFTA

This paper will now discuss the North American Free Trade Agreement and its travels through Congress. As an international trade agreement, NAFTA had to be negotiated between Mexico, Canada, and the United States. These negotiations had to be accepted by Congress in their entirety because of "fast track" power given to the president. However, in order to build a supportive coalition to pass NAFTA, the president had to modify the agreement. For example, in order to win support from legislators whose states produced sugar, the administration extracted a commitment created to prevent Mexico from exporting sugar to the U.S. in

⁴⁸Gabriel Boyer, Lori Wallach and Nancy Watzman, "NAFTA's Bizarre Bazaar: The Deal Making that Bought Congressional Votes on the North American Free Trade Agreement," Public Citizen (December 1993), i.

⁴⁹Ibid., 1.

the indefinite future. Mexico agreed to these terms under a last minute deal negotiated by U.S. Trade Representative Mickey Kantor. Similarly, the administration agreed to reinstate tariffs on certain Mexican vegetables in an expedited procedure designed specifically for perishable foods in case of a sudden flood of imports. Additionally, the administration agreed to work out a system under which the price of orange juice concentrate would be tracked on the New York Stock Exchange. If it fell below a certain level, tariffs could be reinstated on Mexican imports.

These compromises were important because they made the trade agreement more attractive to members of Congress. However, the purpose of fast track authority is to allow the president more freedom to negotiate a trade deal without the direct influence of Congress. Often, side payments or distributive benefits are used to win the votes of legislators instead of modifying the terms of a treaty. If Congress continues to amend the treaty, it must go back to the president and the other countries for consideration. This makes it difficult to turn the treaty into law.

In the case of NAFTA, it is clear that the president had to modify the terms of the treaty to garner support in Congress. If NAFTA is any example for future legislation, it seems that the president must understand the wishes of legislators before he begins negotiations, even if he secures fast track authority. In fact, the data at hand suggest that

modifications are even more important to members of Congress than side payments or distributive benefits. If a president does not consider the wishes of Congress, he will either not be able to pass the treaty or he will be forced to renegotiate the terms at the risk of appearing indecisive, weak or whimsical. By understanding the what bargaining tactics to employ, presidents can negotiate treaties which are more likely to pass Congress, while expending the least amount of political capital and enhancing the president's reputation.

President Clinton relied on flexibility, side payments and favors to pass NAFTA. These methods fall under a larger heading: presidential powers of persuasion. Flexibility I define as willingness to amend the agreement, side payments are defined as any particularistic benefit conferred, and favors include any miscellaneous non-financial promise made, ranging from social invitations to promised campaign support to the guarantee to extradite an accused rapist. Although a comprehensive list of favors has not yet been compiled, newspapers, magazines and interest groups provide an impressive record of these deals. I will discuss some of the deals and concessions the Clinton administration made to various members of Congress. Because passage of the agreement seemed relatively secure in the Senate, I will focus my attentions on the House. Finally, I will suggest a probit model to test my hypothesis because the dependent variable, the vote on NAFTA, is dichotomous. My dependent variable is

a vote for or against the president. My independent variables include changes in the terms of the agreement (flexibility), financial deals unrelated to the agreement (side payments or pork) and miscellaneous favors provided by the administration.

Clinton, Congress, and NAFTA

President Clinton inherited an already negotiated NAFTA from his predecessor, George Bush. Clinton promised to support the agreement but he also declared that the agreement needed some modifications through side deals to improve worker rights and environmental protection. This apparently was the president's way of trying to defuse opposition from the Democratic Party, the environmental community and organized labor.⁵⁰ As a political strategy, it backfired. It contributed to the idea that there was something wrong with the agreement, raised expectations that these "problems" could be fixed, and mobilized opponents.

Because he lacked Democratic support in Congress, Clinton had to find another way to build a coalition. Every district had different interests and the issue became an emotional one. According to Congressional Quarterly:

NAFTA is a tough challenge for the art of Congressional arm twisting. Proponents are trying to sell a policy with global economic implications to lawmakers for whom all politics are local. This is not the kind of issue that can be won by appealing to voting blocs. Every vote is being won and lost by intense person-by-person

⁵⁰Cloud, 2791.

persuasion.⁵¹

This person by person persuasion was made even more difficult because Majority Whip David E. Bonior of Michigan was opposed to the pact and organized opposition in the House. Thus pro-NAFTA Democrats had to create their own ad hoc whip organization. This was set up by the administration, U.S. Trade Representative Mickey Cantor and special advisor William R. Daley. Reps. Bill Richardson (D-NM), one of four chief deputy whips, and Robert Matsui (D-CA), a member of the Ways and Means Committee, coordinated efforts for NAFTA in the House.⁵² Republicans organized their own whip operation, but the leadership structures of the two parties worked together and shared responsibility for the pact. Each party had to muster around 110 votes to add up to the 218 needed to approve NAFTA.

Because the issue was so emotional and divisive the president could not rely on his popularity or public support to win votes. In fact, many democratic voters felt betrayed by President Clinton because of his support for NAFTA. Moreover, popularity is usually only a marginal factor in gaining support for the president's policies and the emotional responses to the issue overrode any influence popularity might have had on legislators.

⁵¹Janet Hook, "The Uphill Battle for Votes Produces A Whirl of Wooing and Wheedling," Congressional Quarterly (6 November, 1993), 3014.

⁵²Ibid.

NAFTA supporters primarily focused their efforts on persuading pivotal members of Congress who would serve as cue givers to undecided members. These representatives included Henry A. Waxman of California, a senior member influential among liberals and environmentalists. He "gave cover" to about ten other environmentalists who claimed to be undecided because of him.⁵³ Additionally, NAFTA supporters hoped some wavering Illinois Democrats would support the agreement after the state's Democratic senators announced their support. Supporters also tried to sway Illinois Democrat George E. Sangmeister, along with eighteen other House members by taking them on a trip to Mexico the weekend of October 23, 1993.⁵⁴ Administration officials worked hard to win the vote of Rep. Esteban E. Torres (D-CA) because they thought he would help win more Hispanic votes as well. The administration promised the creation of a development bank on the Mexican border (for which Torres would be given credit) in addition to millions of extra dollars to help poor communities hurt by NAFTA. Unfortunately for the administration, "when NAFTA advocates have reeled in members regarded as big fish, they sometimes have been disappointed with the haul."⁵⁵

As November 17th grew closer, President Clinton began

⁵³Ibid.

⁵⁴Phil Duncan, "Undecideds Are Final Target in Battle Over Trade Pact," Congressional Quarterly, 6 November 1993, 3014.

⁵⁵Ibid.

bargaining in earnest. His bargains included changes in the agreement, "pork" and miscellaneous favors dispensed to undecided members of Congress. I have compiled a list of these bargains and separated them into the aforementioned three categories. Records of these deals were taken from the press (Congressional Quarterly, The Nation, The Economist) and from groups like Public Citizen and the Committee for Responsive Politics. This list is appended to the paper. I use a probit model to test the effectiveness of these deals. A probit analysis is analogous to a multivariate regression analysis when the dependent variable is dichotomous. Both a logit and a probit analysis were executed.⁵⁶ The results were almost identical; for simplicity only the probit model is included in the final paper. Support for NAFTA by members of Congress should be determined by the following factors: side payments, modifications to the treaty, miscellaneous favors, geography, labor money, Perot support, margin of victory in the last election, party affiliation, membership in the Congressional Black Caucus, educational level of individual districts, and seniority of members of Congress measured by numbers of terms served.

The variable particularistic benefits refers to side payments obtained by members of Congress. The representatives receiving them are listed in "NAFTA Deals," appended to the

⁵⁶Both logit and probit are designed for dichotomous independent variables. The only difference between the two is in the angle of the 'z' shaped curve.

paper. Members receiving them would be assigned a value of one; members who did not would be assigned a value of zero. Side payments do not include members of Congress who asked for favors but did not receive them. For example, the North Carolina delegation asked president Clinton for a reduction in a proposed cigarette tax but their request was denied. This variable focuses only on members who received side payments. I hypothesize that members who received benefits would be more inclined to support NAFTA.

The variable modifications refers to changes made in the trade agreement itself in order to win votes. Members of Congress who won or benefitted from modifications would be assigned a value of one, other members would receive a coding of zero.

Miscellaneous favors refer to non-financial favors unrelated to NAFTA used to secure the votes five representatives. These favors included help with campaign fundraising, the promise of prison transfers, and the extradition of an accused rapist. Members receiving these favors would be assigned a score of one. Because there are only four such favors recorded it is almost impossible to test the efficacy of this approach. It is not included in the final probit model.

The variable Geography divides the nation into five different areas. The first, coded as a one, is comprised of states that border Mexico. The second, coded two, is composed

of the west coast states. The third geographical grouping is composed of states that define the southeast. The fourth is made up of states that border Canada. Finally, the industrial northeast and the "rustbelt" states make up the last grouping. I hypothesize that the states that border Mexico and the southeast would be more likely to support NAFTA because they are parts of the U.S. that are growing. The northeast and the rustbelt states have recently experienced a decline in productivity and population. Industries and workers in these areas felt most threatened by NAFTA. I therefore hypothesize that they would be predisposed to oppose the agreement.

The variable labor describes the amount of campaign support a member received from labor unions and members. Using figures that include both PAC and individual contributions of \$200 or more, the dollar amount is recorded in thousands of dollars, rounded off to the nearest thousand. I hypothesize that members who receive large contributions from labor unions would be more likely to oppose NAFTA because labor unions were so hostile to NAFTA and saw it as a threat to their livelihood.

The Perot support variable includes districts where Perot did best in his bid for the presidency in 1992. In these seventy three districts Perot won between thirty three and twenty five percent of the vote. Because of Perot's vocal opposition to the treaty, it will be interesting to see how these districts voted, especially those in the southeast,

which by geography seem predisposed to support the treaty.

Additionally, I look at the percent margin won by a member of Congress in the last election. Called margin, these percentages should help define who has a relatively secure seat in Congress. I hypothesize that members who are more secure would be more willing to vote for an unpopular treaty among their constituents because they have more political security and capital. Similarly, I look at the number of terms served by individual members of Congress. Terms help define who has seniority in Congress. I hypothesize that senior members of Congress can have a great deal of influence on junior members, especially on controversial votes. Although this trend seems to be waning, they are still in many cases cue-givers to other members. Moreover, I believe that senior members have more electoral security which could contribute to their taking a more risky position with fewer electoral repercussions.

I also look at members of the Congressional Black Caucus. The Caucus is a legislative service organization dedicated to improving the conditions of African-Americans through the legislative process. I hope to learn whether this minority had any predisposition for or against NAFTA. I look at this group because in many cases, districts represented by African-Americans contain large numbers of blue collar wage workers who would be predisposed to dislike the treaty. Additionally, I believe that this variable will also help measure the

disposition of urban districts. (In many cases, black members of Congress represent largely urban populations.) Many urban areas have been in economic decline in recent years and would thus fear the emigration of businesses.

The education of a district is measured here by the percent of the district that is college educated. I hypothesize that districts that are more educated are more inclined to support NAFTA, both because of the educational level and the degree of wealth that usually accompanies education. More educated districts would be more likely to see the longer term benefits of the treaty. Additionally, people with higher levels of education tend to be professionals (as opposed to blue collar wage workers) and thus would feel less threatened by the agreement.

Finally, the role of partisanship is examined. I hope to learn what if any influence party affiliation had on the vote. The treaty was drafted under a republican administration and its terms seemed at first to appeal largely to classic republican interests.

The interaction of these aforementioned variables would in large part determine a member's probability of supporting NAFTA. More crucial to this study, though, will be tests addressing the effectiveness of the various types of bargaining employed by the president on his ability to pass NAFTA.

TABLE 1

Variables in Model

VARIABLE		DEFINITION	EXPECTED VALUE (+) OR (-)
"PARTIC"	(+)	Particularistic benefits or side payments	
"MODS"	(-)	Modifications or amendments to the treaty	
"PARTY"	(+)	Partisan affiliation: democrat or republican	
"GEOG"	(-)	Which state legislator represents, divided into five categories: West Coast, states bordering Mexico, the southeast, states bordering Canada, and the industrial northeast and rustbelt states.	
"LABOR"	(-)	Amount, in thousands of dollars, a representative received from labor unions and union members.	
"EDUC"	(+)	Educational level of individual districts, measured by percent college educated	
"BLACK"	(-)	Member of the Congressional Black Caucus	
=====			
====*The variables below were removed from the probit equation after they proved insignificant ($p > .05$) in determining vote.			
"FAVORS"	(+)	Miscellaneous non-financial favors	
"PEROT"	(-)	Districts where Perot won the greatest number of votes in his 1992 bid for the presidency.	
"MARGIN"	(+)	Percent margin won by member of Congress in the last election.	
"TERMS"	(+)	Number of terms served by individual legislators	

Data Analysis

According to the data, sixty-one members of Congress won concessions from the president in the form of modifications. These members represent 14.1 percent of the House of Representatives. Of these sixty-one people, forty seven voted in favor of NAFTA (10.8 percent of the House and 70.7 percent of everyone offered modifications respectively). In other words, of the two hundred thirty-four votes that passed NAFTA, forty-seven of them came from members who won modifications. However, of the two hundred members who voted against the treaty, fourteen of them were also offered modifications.

FIGURE 1

MODIFICATIONS			
VOTE	NONE RECEIVED	MODIFICATIONS	ROW TOTAL
NO	186	14	200 46.1%
YES	187	47	234 53.9%
COL. TOTAL	373 85.9%	61 14.1%	434 100%

<u>Statistic</u>	<u>Value</u>	<u>A p p r o x .</u>
<u>Significance</u>		
Phi	.18767	.00009 *1
Cramer's V	.18767	.00009 *1

In order to learn whether the two variables are independent of each other the Pearson chi-square is examined. In this case the Pearson chi-square value is 15.3 with one degree of freedom.⁵⁷ If vote and modifications were independent, the probability that a random sample would result in a chi-square value of that magnitude is .00009. Thus the assumption that these two variables are independent can be rejected.⁵⁸ Thus, we can assume that modifications to the treaty explain some of the yes votes.

⁵⁷This statistic is calculated by summing over all cells the squared residuals (observed minus expected frequencies) divided by the expected frequencies. The calculated chi-square is then compared to the critical points of the theoretical chi-square distribution to produce an estimate of how likely the calculated value is if the variables are truly independent.

⁵⁸In a two by two table, the phi coefficient (Pearson chi-square divided by the sample size and subsequently square rooted) is equal to the Pearson correlation coefficient. In this case, a Phi of .188 suggests that although the variables are obviously linked, modifications to the treaty are not an especially great explanatory factor. This is perhaps because of the number of people who received modifications and voted yes relative to the number of people who did not receive modifications and also voted yes. The yes votes of the latter group must be explained by other factors. This problem, demonstrated in the modifications crosstabs are also evident when vote and particularistic benefits are crosstabulated. For this reason, a probit analysis was executed.

FIGURE 2

PARTICULARISTIC BENEFIT

<u>VOTE</u>	NONE	BENEFIT	ROW TOTAL
YES	194	40	234
NO	200	0	200
COLUMN TOTAL	394	40	434
	90.8%	9.2%	100%

<u>Statistic</u>	<u>Value</u>	<u>Approx. Significance</u>
Phi	.29457	.00000 *1
Cramer's V	.29457	.00000 *1

In Figure 2.1 we can see that forty members of Congress received side payments and all of them voted yes to NAFTA. It seems at first impressive that there were no votes in this group against the treaty; however, all the "side payments yes voters" only account for 9.2 percent of the entire affirmative vote. Not all of those who voted yes received particularistic benefits and not all of those who voted no did so because they

did not receive any benefits. In any case, the Pearson's chi-square coefficient reveals that the variables are not independent and that the Phi (strength of association) is somewhat stronger at .295.

Preliminary crosstabulations of vote and party affiliation reveal that a majority of Democrats voted against NAFTA while a majority of Republicans voted for it. Of the 234 votes for the treaty, 75.4 percent came from Republicans while only 39.4 percent came from Democrats.

FIGURE 3

PARTISANSHIP

VOTE	DEMOCRAT	REPUBLICAN	ROW TOTAL
YES	102	132	234 53.9%
NO	157	43	200 46.1%
COLUMN TOTAL	259 59.7	175 40.3	434 100%

Examination of the geography variable yields results similar to those expected. Half of all votes in support of NAFTA came from states that border Mexico, west coast states and the southeast. In individual areas, 76.1 percent of the districts in states bordering Mexico voted yes, 58.1 percent of west coast districts voted yes while 54.9 percent of southeastern state districts voted yes. States bordering Canada and the industrial northeast were responsible for almost half (47 percent) of the no votes. Somewhat surprisingly, 37.7 percent of the industrial northeast and rustbelt voted for the treaty.

FIGURE 4

VOTE	GEOGRAPHIC REGION						ROW TOT.
	OTHER	BORDER MEXICO	WEST COAST	SOUTH- EAST	BORDER CANADA	NOR.EAST RUSTBELT	
YES	63 14.5	54 12.4	18 4.1	45 10.4	8 1.8	46 10.6	234 53.9
NO	39 9.0	17 3.9	13 3.0	37 8.5	18 4.1	76 17.5	200 46.1
COLUMN	102	71	31	82	26	122	434
TOTAL	23.5	16.4	7.1	18.9	6.0	28.1	100%

StatisticValueApprox. Significance

Phi

.28516

.00000 *1

Cramer's V

.28516

.00000 *1

The variable describing labor support was broken down into categories to facilitate crosstab analysis. The six categories include labor support to legislators in the amounts of zero dollars to fifty thousand, fifty-one thousand to one hundred thousand, one hundred one thousand to one hundred fifty thousand, continuing up by increments of fifty thousand dollars until four hundred thousand. (Row totals of 196 "no" votes and 232 "yes" votes are the result of missing data. Data was unavailable on six House members.) An analysis of existing data, though, suggests that labor support is an important variable, given the Phi value of .430.

FIGURE 5

LABOR CATEGORIES							
VOTE	\$0-50K	\$51- 100K	\$101- 150K	\$151- 200K	\$201- 300K	\$301- 400K	ROW TOTAL
YES	178 41.6%	33 7.7%	10 2.3%	8 1.9%	3 .7%	1 .2%	232 54.2%
NO	68 15.9%	71 16.6%	35 8.2%	13 3.0%	8 1.9%	0	196 45.8%
COL.	246	104	45	21	11	1	428
TOTAL	57.5%	24.3%	10.5%	4.9%	2.6%	.2%	100%

StatisticValueA p p r o x .Significance

Phi	.42950	.00000 *1
Cramer's V	.42950	.00000 *1

It is interesting to note that an overwhelming majority of yes votes came from members of Congress who received the least support from labor unions and their members. (178 of the 232 yes votes recorded.) Legislators in this category were twice as likely to vote in support of the treaty and members receiving one hundred fifty one thousand dollars or more were twice as likely to oppose it.

To illustrate the role of race, the variable "Black" (members of the Congressional Black Caucus) was crosstabulated with the vote in Figure 6.1. The tables reveal that an overwhelming majority of members (77.8 percent) voted against the treaty. It is hard to know whether this is a result of the urban nature of most of these districts or because of a race related issue. In my judgement, the former offers the best explanation because many urban districts have experienced a decline in productivity and would worry about losing businesses because of increased competition and relocation.

FIGURE 6

MEMBERS OF BLACK CAUCUS			
VOTE	NON MEMBER	MEMBER	ROW TOTAL
YES	226	8	234 53.9%
NO	172	28	200 46.1
COLUMN	398	36	434
TOTAL	91.7%	8.3%	100%

Analysis of a crosstabulation of vote with Perot support offers some interesting insights. It appears that constituencies that supported Perot were no less likely to oppose the treaty. In fact, 64.4 percent of Perot's strongest districts voted for NAFTA. (See Figure 7.1) This can perhaps be explained by geography. Many of the districts that supported him were in the south (Florida Texas) and Rocky Mountain regions (Utah, Nevada, Colorado), areas that are growing and stand to benefit from NAFTA. It would seem that Perot, despite his 1992 popularity in these districts, appealed only to districts that were predisposed to dislike the treaty.

FIGURE 7

PEROT			
VOTE	OTHERS	PEROT DISTRICT	ROW TOTAL
YES	187	47	234 53.9%
NO	174	26	200 46.1%
COLUMN	361	73	434
TOTAL	83.2%	16.8%	100%

A regression analysis assumes homogeneous variance, variable independence, and linearity. Because the dependent variable, the vote on NAFTA, is a dichotomous variable, standard OLS residuals will exhibit nonconstant variance and the model will not have random errors above and below the regression line nor will the errors be normally distributed. A probit analysis is the appropriate non-linear regression model.

Preliminary logit and probit analyses revealed that only six of the original eleven variables are significant. The variable "FAVORS" had too few cases, while "PEROT," "MARGIN," and "TERMS" were not significant at the .05 level. The variable PARTIC posed unique problems because of the small number of people receiving side payments and voting yes relative to all the members of Congress who voted yes for other reasons. This problem is exacerbated by the fact that there is no variation in the "vote" variable among members who got side payments. It is thus difficult to discern the actual significance of particularistic benefits. According to the results in Figure 8.1, though, it appears that the variable is not statistically significant.

In the final model, statistically significant variables include modifications, party affiliation, educational level of the district, labor support, geographical area, and membership in the Congressional Black Caucus. (See Figure 8.1)

FIGURE 8

PROBIT MODEL
 MAXIMUM LIKELIHOOD ESTIMATES
 LOG-LIKELIHOOD..... -210.4976
 RESTRICTED (SLOPES = 0) LOG L... -299.4927
 CHI SQUARED (7)..... 177.9902
 SIGNIFICANCE LEVEL..... 0.000000
 N[0,1] USED FOR SIGNIFICANCE LEVELS

VARIABLE	COEFFICIENT	STD. ERROR	T-RATIO	PROB\T\X	STD.DEVX
BLACK	-1.0674	0.3461	-3.084	0.00204	0.27612
EDUC	0.21185E-01	0.6749E-02	3.139	0.000169	11.071
LABOR	-0.49787E-02	0.5179E-02	-3.153	0.00162	60.975
GEOG	-0.15747	0.3670E-01	-4.291	0.00002	1.9499
MODS	0.64503	0.2187	2.949	0.00319	0.34796
PARTY	0.58782	0.1850	3.178	0.00148	0.49111
PARTIC	6.0124	42.55	.141	0.88762	0.28959
Constant	-0.56325	0.3368	-1.673	0.09441	

Frequencies of actual and predicted outcomes
 Predicted outcome has maximum probability.

ACTUAL	PREDICTED		TOTAL
	0	1	
0	142	58	200
1	51	183	234
TOTAL	193	241	434

The significance of the education variable is perhaps a result of greater education making people more predisposed to support NAFTA or perhaps a result of other socio-economic variables correlated with education (higher socio-economic status). It is also possible that these variables are related to partisanship. If wealthier districts tend to be more republican, it is possible that the variables PARTY and EDUC are somewhat collinear if education and wealth of the district are related. Unfortunately, it is impossible to tell from the data available.

The entire model has a Chi-squared value of 177.9902, suggesting that it has explanatory value. Substantively, this means that the vote on NAFTA can be explained in large part by the socio-economic variables such as educational level, type of job (measured by LABOR variable), race (which, it must be noted, also reflects other socio-economic or demographic characteristics), partisanship, as well as geographical region and finally, modifications made to the treaty. Of all of these variables, the only one the president can control is modifications to the treaty. As expected, the more money a member of Congress received from labor PACs and unions, the less likely he or she was to vote for the treaty, demonstrated in the negative coefficient value. Similarly, the more educated a district was (higher levels of college graduates), the more likely the representative was to support NAFTA. It is possible that the education variable is actually measuring

the relative wealth of a district because of the higher incomes which accompany greater education.

The model predicted 193 "no" votes and 241 "yes" votes. This is very close to the actual vote count of 200 "no" votes and 232 "yes" votes. This is another indication that the has some predictive value.

Conclusions

A general overview of the data suggests if we simply subtract the votes of representatives who received any of the three types of benefits, it appears that NAFTA would have failed to pass. NAFTA passed, though, by a margin of 234 to 200.⁵⁹ It appears Clinton found support "in the centrist and Sun Belt House districts that had given him little comfort in the past."⁶⁰ This is where he found the vast majority of Democratic votes for NAFTA.

NAFTA actually fared worst in House districts where Clinton won the most votes in November 1992. Clinton's political base in the presidential election was quite different from his NAFTA coalition. He won nineteen states in the election that he did not carry in the NAFTA debate.⁶¹ In fact, Democrats who voted against NAFTA came from districts

⁵⁹"House Votes," Congressional Quarterly, (20 November, 1993) p. 3225.

⁶⁰Jon Healey and Thomas H. Moore, "Clinton Forms New Coalition to Win NAFTA's Approval," Congressional Quarterly, (20 November, 1993) p. 3181.

⁶¹Ibid.

that, on average, gave Clinton more than fifty percent of the vote last November. In the election, Clinton won electoral support in inner-city or black majority districts, most of whom voted overwhelmingly against NAFTA. Districts where Clinton fared worst in the election provided more than half the votes for NAFTA. This is perhaps because NAFTA was originally a Republican initiative.

Anti-NAFTA Republicans tended to come from import sensitive or high immigration areas and regions with high levels of blue collar workers.⁶² In general, very few votes came from the northern border, the industrial Midwest and Northeast and the inner cities. Yes votes tended to come from the nation's western and southern borders, the Rocky Mountain districts, wheat producing central states and the Southeast. NAFTA was also the first vote where Clinton had to seek substantial Republican support. Interestingly, Democrats who supported NAFTA tended to come from areas where Republican influence is growing.⁶³

This seems to suggest that Clinton was able to patch together a diverse coalition based more on socio-economic variables than on party or popularity. He bargained to win the votes of undecided representatives who would possibly have supported him anyway because of certain socio-economic characteristics in their districts. He did, however, win over

⁶²Ibid., 3183

⁶³Ibid.

some representatives who did not share the characteristic variables mentioned above. In sum, this evidence seems to suggest that in order to form a winning coalition in Congress now, Presidents must cultivate the support of whomever they can. They cannot rely on party discipline or even pork when dealing with an emotional and controversial issue. Although Clinton's other initiatives during this administration were supported overwhelmingly by Democrats, support for controversial pieces of legislation will depend largely on other variables. It is on these pieces of legislation that the president must do most of his bargaining. Indeed, far from being an anomaly, the dealmaking during NAFTA was business as usual, simply more explicit and publicized.

What conclusions can be drawn from the data available? What insight can it offer a president who wants to pass a future treaty agreement (i.e. GATT)? First of all, it seems that side payments, so reviled by the press and so seemingly important to the passage of the agreement, were not as important as the modifications to the agreement. Although this seems to contradict conventional wisdom, these modifications were more significant to the final passage of the bill.

Members of Congress, it seems, cannot simply accept pork barrel and expect their constituents to accept the terms of an agreement they find unacceptable. In order to placate their constituencies, members of Congress have historically brought

pork barrel projects home to their districts. In cases of highly emotional and divisive issues, however, this tactic does little to placate angry districts. Legislators must listen and respond to their constituents. District projects, while appreciated, do not draw attention away from the larger issue. A member of Congress who expected to avoid any political backlash for supporting a treaty unpopular with the majority of his district by providing pork would be politically vulnerable at the next election. A legislator whose primary goal is reelection would not want to be associated with an unpopular law or treaty.

Trade agreements like NAFTA are negotiated by presidents with fast track authority. In order to make up for legislators' inability to influence the provisions of the treaty presidents are usually subject to more demands for favors and side payments when the agreement comes to a final vote. The analysis in this paper suggests that a president would expend less political capital if he considers the wishes of Congress before and during negotiations, despite fast track authority. In this way a president could defuse some opposition early and save side payments to persuade members of Congress to support him on parts of the treaty they oppose and he is unwilling to compromise on. Pork will be doled out more judiciously and the president will save money, political capital, and his reputation. He will be able to pass legislation without looking as though he is scrambling for

votes and bribing legislators. Because Congress and the president have different constituencies they will have different perspectives and goals in treaty negotiations. Because they both share responsibility for treaties an element of compromise is necessary. A president, who ultimately has less power because of his inability to make treaties law, should compromise on the exact terms of the treaty so that it will pass in Congress. These compromises would be more effective and less expensive than most side payments, and they would facilitate smooth passage of the treaty. This would enhance the reputation of the president. A president who can balance compromise and integrity by the use of modifications and side payments will probably be able to negotiate the best treaties for Congress, the president, and, most importantly, the interests of the general public.

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NAFTA DEALS

It is estimated that the deals made could cost taxpayers as much as \$50 billion.¹

Particularistic Benefits

1. **The Highway Deal:** Transportation Secretary Frederico Pena made a private commitment to link the Golden State and Antelope Valley Freeways.

Target Vote: Howard P. McKeon (R-CA)

2. **The Plutonium Project Deal:** Energy Secretary Hazel O'Leary announced his intention to place a government funded laboratory dedicated to exploring "the positive side of plutonium" in Texas.

Target Vote: Bill Sarpalius (D-TX)

3. **The Shipyard Deal:** The administration promised to support for a \$1.2 billion maritime subsidy program which would direct government funding into a shipyard in Quincy, MA.

Target Vote: Gerry Studds (D-MA)

4. **The Manufacturing Technology Center Deal:** President Clinton pledged that Rep. Payne's district would get "top level consideration" for a manufacturing technology center.

Target Vote: Lewis F. Payne (D-VA)

5. **The Community Development Deal:** President Clinton gave a "philosophical commitment" to Rep. Flake's Queens district for a Small business Administration lending program.

Target Vote: Floyd Flake (D-NY)

6. **The Dredging Deal:** NAFTA supporter Peter King learned the week before the vote that the Army Corps of Engineers was blocking a dredging project at Jones Beach in his Long Island district. He called the White House to complain and the administration quickly responded with a letter informing him that the project would go forward.

Target Vote: Peter King (D-NY)

7. **The Plane Deal:** The administration promised two additional C-17 military cargo planes to be built in Rep. E.B. Johnson's district.

Target Vote: E.B. Johnson (D-TX)

8. **The White House promised to sit the 10 million dollar Center for the Study of Trade in the Western Hemisphere in Rep. Pickle's district.**

Target Vote: J.J. Pickle (D-TX)

¹Sarah Anderson and Ken Silverstein, "Oink, Oink," The Nation (20 November, 1993), p. 752.

9. Two international air routes to London awarded to American Airlines, which serves major cities in the states of the target votes.

Target Vote: David Price (D-NC)
Tim Valentine (D-NC)
Bob Clement (D-TN)

10. Administration caved in on a plan to raise grazing fees on federal lands.

Target Vote: Bob Smith (R-OR)
Joel Hefley (R-CO)
Wayne Allard (R-CO)
Bob Stump (R-AZ)

11. Administration pressured Mexico to hasten tariff reduction on appliances to benefit Iowa based firms.

Target Vote: Ted Grandy (R-Ia)
Neal Smith (R-Ia)

12. \$16 million to complete an agricultural research center in Ft. Pierce, Florida.

Target Vote: Porter Goss (R-FL)
Dan Miller (R-FL)
Tom Lewis (R-FL)
Harry Johnston (D-FL)
Jim Bacchus (D-FL)
Carrie Meek (D-FL)
Alcee Hastings (D-FL)
Earl Hutto (D-FL)
Tillie Fowler (R-FL)
William Jefferson (D-LA)
James Hayes (D-LA)
Jim McCrery (R-LA)

13. Clinton agreed to reduce proposed new taxes on airline and cruise ship passenger fares that were to fund retraining for workers displaced by NAFTA.

Target Vote: Thomas Ewing (R-IL)
Jennifer Dunn (R-WA)
Ron Packard (R-CA)
Sam Johnson ((R-TX)
Dennis Hastert (R-IL)
Wayne Allard (R-CO)

14. Clinton' agreed to reverse his earlier recommendation to cut \$47 million in helium subsidies.

Target Vote: Bill Sarpalius (D-TX)

15. Administration promises to protect Michigan asparagus growers.

Target Vote: Peter Hoekstra (R-MI)

16. Administration promises to pressure Canadian government to diminish subsidies for a Quebec chemical plant.

Target Vote: Benjamin L. Cardin (D-MD)
Modifications to the Agreement

1. Textile and Apparel Deals: The Administration promised a number of concessions to the textile industry in a letter to Congressional Textile Caucus Chairman John Spratt (D-SC). These included additional funding of \$15 million for U.S. Customs to enforce laws on textile imports. The administration also pledged to push for five additional years of protection for U.S. textiles at the GATT talks.

Target Vote: W.G. Hefner (D-NC)
Howard Coble (R-NC)
John S. Tanner (D-TN)
Blanche Lambert (D-AR)
Marilyn Lloyd (D-TN)
J. Roy Rowland (D-GA)
Herbert H. Bateman (R-VA)
Don Johnson (D-GA)
Nathan Deal (D-GA)
John Spratt (D-SC)
George Darden (D-GA)
Lewis F. Payne (D-VA)

2. The Methyl Bromide Deal: To win the votes of Florida Representatives, U.S. Trade Representative Mickey Kantor wrote a letter to Florida fruit and vegetable growers assuring them they could continue to use the pesticide methyl bromide until at least the year 2000.

Target Vote: The Florida Delegation
Hutto (D)
Peterson (D)
Brown (D)
Fowler (R)
Thurman (D)
Stearns (R)
Mica (R)
McCollum (R)
Bilirakis (R)
Young (R)
Gibbons (D)
Canady (R)
Miller (R)
Goss (R)
Bacchus (D)
Lewis (R)
Meek (D)
Ros-Lehtinen (R)
Johnston (D)
Deutch (D)
Diaz-Balart (R)
Shaw (R)
Hastings (D)

3. The Peanut Butter and Paste Deal: In a letter to Glenn English President Clinton promised that the International Trade Commission would investigate whether peanut imports are damaging domestic industry.

Target Vote: Glenn English (D-OK)
Bill Sarpalius (D-TX)

4. The administration agreed to negotiate limits on peanut butter imports from Canada.

Target Vote: Roy Rowland (D-GA)

4. The Flat Glass Deal: The White House secured a promise from Mexico to meet to discuss accelerated tariff reductions on flat glass.

Target Vote: Martin Frost (D-TX)
David Hobson (R-OH)

5. The California Wine Deal: The administration secured a promise by the Mexican government for future discussions of tariff reductions on wine.

Target Vote: Anna Eshoo (D-CA)
Bill Baker (R-CA)
George Brown (D-CA)
Richard Lehman (D-CA)
Norman Mineta (D-CA)

6. The Tomatoes and Peppers Deal: The administration required the International Trade Commission to monitor imports of tomatoes and peppers until 2009. This provision is designed to enable quick enforcement of the "snap back" provision.

Target Vote: The Florida Delegation, see 2.

7. The Durum Wheat Deal: Clinton promised the government would investigate transportation and other subsidies used by Canadian growers of durum wheat.

Target Vote: William Sarpalius (D-TX)
Glenn English (D-OK)

8. The Broomcorn Brooms Deal: The administration promised an executive branch review of any adverse impact the broomcorn industry may bear as a result of NAFTA

Target Vote: Dave Hobson (R-OH)

9. The Cut Flower Industry Deal: The White House put a provision in the NAFTA implementing legislation which requires the Secretary of Agriculture to collect information "if reasonably available" on cut flower production, import, and export data.

Target Vote: Norman Mineta (D-CA)

10. The Energy Deal: Clinton promised that there would be no renegotiations of energy provisions. This was to assure that New England would be guaranteed continued access to Canadian

energy.

Target Vote: Edward Markey (D-MA)

11. The Beef, Peanut, and Wheat Transshipment Deal: Customs Commissioner George J. Weise wrote a letter promising that the agency would take enforcement actions to prevent other countries from using Canada and Mexico as export platforms for beef, wheat, and peanuts.

Target Vote: Glenn English (D-OH)

12. The Sugar Deal: To win support in the Louisiana delegation, the administration cut a deal with Mexico to protect U.S. markets from being flooded with Mexican sugar imports.

Target Vote: Benjamin L. Cardin (D-MD)
The Louisiana Delegation:
Livingston (R)
Jefferson (D)
Tauzin (D)
Fields (D)
McCrery (R)
Baker (R)
Hayes (D)

13. The Bank Deal: The administration promised the creation of a development bank for the Mexican American border and promised millions of extra dollars to help poor communities hurt by NAFTA.

Target Vote: Esteban Torres (D-CA)
Xavier Becerra (D-CA)
Nancy Pelosi (D-CA)
Lucille Roybal-Allard (D-CA)
Ed Pastor (D-AZ)
John Bryant (D-TX)

Other Hispanic Votes Targeted:

Ortiz (D-TX)
Martinez (D-CA)
Ros-Lehtinen (R-FL)
Roybal (D-CA)
Richardson (D-NM)
Serrano (D-NY)
de la Garza (D-TX)

14. The administration devised a worker retaining program.

Target Vote: Members worried about unemployment.

Favors

1. Fundraising: Vice President Gore attended a Boston fundraising event for Marty T. Meehan.

Target Vote: Marty T. Meehan (D-MA)

2. Fundraising: White House Chief of Staff Mac McLarty appeared at a Chicago fundraiser for Mel Reynolds. Mr.

Reynolds also was appointed to a special position with the Democratic Nation Committee.

Target Vote: Mel Reynolds (D-IL)

3. To win the vote of Clay Shaw, the administration secured a promise from the Mexican attorney General Jorge Carpiso to extradite an accused rapist if he is caught "and found to be extraditable by Mexican judicial authorities." The accused rapist allegedly abducted and raped Shaw's secretary's niece.

Target Vote: Clay Shaw (R-FL)

4. Prisoner Transfer: The Justice Department made a commitment to deport Mexican immigrants serving in U.S. prisons.

Target Votes: Jay Kim (R-CA)
Carlos Moorhead (R-CA)

Rebuffs:

1. Lawmakers from North Carolina tried to win a reduction in the proposed 75 cent tax on cigarettes that the administration wanted to finance health care. Clinton did not budge. In the end, eight out of the twelve North Carolina members supported NAFTA.

VITA

Alison Heather Felter

Born in Dover, New Jersey, August 4, 1971. Graduated from Sparta High School in that city, June 1989, B.A., Gettysburg College, 1993, with dual majors of Political Science and French Language. M.A. candidate, College of William and Mary, Department of Government. The course requirements for this degree have been completed, but not the thesis: Policy, Pork, and Privileges: Presidential Lobbying for NAFTA.

In August 1993, the author entered the College of William and Mary as a graduate assistant in the Department of Government.