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A case study of the American public's reaction to the expansion of NAFTA between 1993 - 1998

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Carol King

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A case study of the American public's reaction to the expansion of NAFTA between 1993 - 1998

A thesis submitted to the University of Dundee for the degree of M Phil in Politics in the School of Humanities, Department of Politics.

2010

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Abstract:

The president and executive branch of the U.S government has found that it is often subject to other domestic factors influencing its foreign policy in the 21st century and post - Cold War era. This is examined here by studying the case of NAFTA ratification and the proposal to expand NAFTA. While according to the U.S. Constitution, the Congress also has a key role in the foreign policy making arena, the examples from NAFTA and NAFTA ratification indeed illustrate that the foreign policy process had a lot more domestic influence in the period between 1993 -1998. This of course is desirable in a democratic country.

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1. Introduction

This study seeks to demonstrate that the role of public opinion in the making of American foreign policy increased in relevance in the second half of the 1990s through a case study of the American public's reaction to the ratification and expansion of the North American Free Trade Agreement (NAFTA) between 1993 - 1998. Evidence to support the public's role in the NAFTA example can be gleaned from newspaper reports detailing mass rally's and demonstrations against a range of perceived dangers. These were dangers such as competition where Mexico had an advantage due to the cheap labour and production costs found there. While the protests and demonstrations were not to the extent that America had seen over its domestic policies during the civil right demonstrations of the 1960s, or those when American lives were being sacrificed in Vietnam, it did represent a new relevance for the involvement of the public on U.S. foreign policy issues. For example, in one rally against NAFTA recorded in the Boston Globe, November 3rd 1993, it was noted that a group of more than two dozen trucks, vans and cars had set out from Charleston, North Carolina, plastered with anti-NAFTA slogans. Their aim was to stage a noisy convoy and whip up opposition to the U.S. - Canada - Mexico free trade accord. In order to help their anti-NAFTA campaign, at every stop the Charleston convoy offered members of the public free use of mobile phones to call their Congressmen and urge them to reject the NAFTA.¹

¹ This particular anti - NAFTA rally in Charleston was led by labour groups protesting against NAFTA being passed. A lot of the vehicles and phones used and given out had been donated by labour unions, this was pointed out in Mey Vailancourt, "Labour Rallies against NAFTA" Boston Globe, Nov 9th 1993.

This study thus seeks to provide evidence to support the assertion that the role of public opinion in the making of American foreign policy increased in relevance in the second half of the 1990s through a case study of the American public's reaction to the expansion of the North American Free Trade Agreement (NAFTA) between 1993 - 1998.

After the end of the Cold War and the collapse of the Soviet Union, the early years of the 1990s witnessed the U.S. foreign policy agenda entering a period featuring a number of issues from which it was difficult to make a case for excluding the public and its representatives. This agenda included but was not limited to issues on which the public always has strong views. In such cases the thesis that "the President knows best" appeared less appealing than for example during World War Two and the Cold War, when national security overrode the priority of other issues and demanded a bipartisan approach. Now issues including trade and protectionism, refugees and immigration achieved a high public and controversial profile.

These are the issues which appeared most frequently as the public's most important foreign policy concerns. Moreover, without a single overwhelming military threat to divert attention, economics increasingly came to dominate the foreign policy agenda.²

² James M Scott, After the End, Duke University Press, 1998, 359.

For example, assessments conducted in 1990, and 1994 show that protecting U.S. jobs was either the first or second most cited foreign policy goal for the public. Protecting U.S. business abroad has steadily risen as a policy goal as well : in 1986 it ranked tenth, while by 1994 it had emerged as the third most common foreign policy goal. These issues also tend to be resolved over a longer period of time, thus allowing more opportunities for the public, interest groups, the media, Congress and other domestic actors to play a significant role.

In the case of the North American Free Trade Agreement which passed in 1993 and the proposed extension to NAFTA in 1997 a large swelling of opposition emerged within American domestic opinion. This was especially due to the fear of cheaper products and production methods widely found in Mexico which could cause huge job losses, job relocations and factory closures in America. Yet despite opposition, in the case of the 1993 NAFTA the benefits of increasing the free trade area and expanding markets led to the passage of the agreement. In the case of the attempt to expand NAFTA just a few years later in 1997 however, the administration's proposal was not ratified by the Congress. This change in public and congressional attitudes is therefore well placed to provide an analysis of whether domestic factors in the U.S. were more important in the period of the second half of the 1990s. Yet for a lot of time commentators have doubted the influence and impact of domestic factors on American foreign policy. For example, since writers on this topic such as Walter Lippmann in 1922 and Gabriel Almond in the 1960s,³ scholars have not questioned the desirability

³ Walter Lippmann, Public Opinion Macmillan, 1922, Gabriel Almond, The American People and Foreign Policy, Praeger, 2nd Ed. 1960.

for the public to have an impact on the policy of a country which is a democracy. Yet, with progress towards more sophisticated techniques of measuring public attitudes and opinions through better survey techniques and more frequent polls being taken, the stability and changes in attitudes being measured allowed the issue to be considered more fully. One prominent study by Bernard Cohen in 1973 took an in depth look at the impact and influence of public opinion on the U.S. State Department, and concluded that there was very little evidence for the public making an impact on this key foreign policy making department.⁴ Yet, with the reversal of American foreign policy towards Vietnam, in light of huge protests at home, another phase of scholars illustrated how public opinion could make a huge impact on policy, and indeed how the primary emotional response of a public could sway foreign policy in a direction which was not derived from the expertise and knowledge which the foreign policy elite had and that the public at large did not.

While some commentators still highlighted the dangers of a foreign policy which is heavily influenced by an emotional response,⁵ most agree that policymakers have an understanding of the prevalent public attitudes and set their policy within the perceived acceptable limits.⁶ In line with this contention, this study aims to provide some key

⁴ Bernard Cohen, The Public's Impact on Foreign Policy, Little Brown, 1973.

⁵ This term an "emotional response" is often related to instances when the public have called for the U.S. military to take action to support peoples in trouble either from attack or famine, but then appear equally unwilling to tolerate the loss of American lives which such an action involves and then call for a policy change or reversal. The term is most associated with Realist commentators.

⁶ For example, scholars who have written a lot on this topic and those who agree with this contention are: Eugene R Wittkopf, Faces of Internationalism, Duke University Press, 1990, Ole R Holsti, Public Opinion and Foreign Policy, University of Michigan, 1996, John Mueller, Public Opinion in the Gulf War, University of Chicago Press, 1994.

evidence from the case of the NAFTA to illustrate how the foreign policy making environment of the late 1990s allowed for a plateau or platform where more domestic voices and public interest groups could make an impact on foreign policy.

As mentioned at the outset, in the case of the NAFTA, there was disagreement within the government and the population as to whether a trade agreement would open markets and opportunities for America to increase its economic wealth, or whether American companies would relocate to areas of Mexico where they could produce their goods for a lower cost. The main sources that will be used to investigate this issue in order to provide an accurate account are statistics on outputs of items like vegetables, sugar and cars, which were key goods produced in some key affected states, as well as official administration data about the way particular members of Congress voted, and what factors were likely to have influenced their votes. As a result, it is the hope that by looking at the NAFTA case in some detail, this study can add to the existing scholarly research by giving a more detailed account of how government officials' perceptions of public opinion can influence their decisions, and how other domestic groups can also have an impact. In order to provide some understanding of the U.S. foreign policy environment in the late 1990s, before coming to the analysis of NAFTA, the opening chapters will explain the background and context.

The following chapter discusses the general thesis of the “new politics of American foreign policy,” which suggests an increased role for domestic factors in U.S. foreign policy and highlights some problems and issues concerning American foreign policy.

This chapter will also outline a number of other key trends particular to the late 1990s

namely, the rise of “intermestic issues” and “global issues”. Chapter three goes on to discuss and analyse the role of the media in American foreign policy. This is a highly complex issue, but is of great importance, especially in light of technological advances in recent decades. Chapter four will then outline the basis of the NAFTA and proposal for NAFTA extension which are then analysed in the subsequent three chapters. This will enable us to understand the public’s reaction to the expansion of NAFTA between 1993-1998 and will test the general hypothesis of the “new” early post- Cold War politics of U.S. foreign policy making.

2. The New Politics of U.S. Foreign Policy: Accounting for an increased role of domestic factors in U.S. Foreign Policy

This chapter illustrates the “new politics” of American foreign policy in the post-Cold War period, and demonstrates in particular how U.S. foreign policy in this period is distinct from the Cold War era with the notable exception of the up - surge of public opinion during the latter part of the Vietnam War. The main focus is therefore to explain the “new politics” and changed nature of American foreign policy, and illustrate how domestic factors appeared to be increasingly affecting American foreign policies in the years immediately after the Cold War. It also outlines some of the generic problems and issues that arise in U.S. foreign policy making.

Problems and issues surrounding American foreign policy:

On the whole, American foreign policy can be put into three categories; crisis, strategic and structural policy. Crisis policy is the most visible though least common category of foreign policy, and can be defined as situations in which officials perceive an immediate threat to U.S. national interests and are actively considering whether to use military force. The most obvious example of this is the workings of the EXCOM for President Kennedy during the Cuban Missile Crisis. Due to the inherent and institutional advantages of his office, presidential power is at a maximum in crisis situations. That is not to say that Congress can never figure in crisis policy. In fact, as the effort to cut off funding for Vietnam during the dying days of the war and the grumbling in late 1993 over the peacekeeping effort in Somalia, Congress may become active and act as a check on the executive branch once troops are deployed.

In this respect, Louis Fisher has argued that through its prerogative to authorize programmes and appropriate funds, Congress has the authority to withhold all or part of an appropriation and may attach riders to appropriations measures to proscribe certain actions.⁷ Indeed, on several occasions in the past – 25 years, Congress has used its control of the purse strings to limit U.S. military involvement. Consider the following examples:

- In 1973, Congress used the power of the purse to end the war in Vietnam.
- That same year, the passage of the Eagleton Amendment compelled the Nixon administration to halt all U.S. military activities in Cambodia and Laos.
- The Clark Amendment of 1975 barred the U.S. from aiding any military or paramilitary operations in Angola for nearly a decade and denied any appropriated funds to finance directly or indirectly any type of military assistance to Angola.
- In a similar vein, Congress adopted the Boland Amendment in 1984 to prohibit assistance of any kind by the Reagan administration to support the Contras in Nicaragua.⁸ Though at times such as in the Iran - Contra affair the executive can take measures to avoid these Congressional restrictions: it covertly funded the Contras in Nicaragua.

Although crisis policy rivets the attentions of practitioners and scholars alike, far more foreign policy issues constitute strategic policy. At its most essential, strategic policy outlines the basic goals and tactics of foreign policy. Included in this category are the

⁷ For a further discussion see Louis Fisher, The Politics of Shared Power: Congress and the Executive, 2nd Ed, CQ Press, 1987.

⁸ Ibid.

broad policy positions of U.S. relations with other countries, such as whether the U.S. will pressure China to improve its human rights record or encourage Israel to trade land for peace, the basic mix and missions of military forces such as whether nuclear strategy should emphasize defensive systems over offensive ones; and trade policy in general.

In contrast to crisis policy, Congress exercises continuous influence upon strategic policy. Partly, due to the fact that challenging the president on strategic issues pose less threat to their electoral fortunes than on crisis policy, partly because of incentives offered by interest groups for members who champion their cause and also because many strategic decisions clearly require congressional assent.

For example, two-thirds of the Senate must consent to any treaty. As President Carter discovered with both the Panama Canal and SALT 2 treaties, the ability of senators to withhold consent gives them leverage over strategic policy, which could affect his ability to get treaties passed easily. In the case of SALT 2 their leverage prevented passage of the treaties, and though the Panama Canal treaty passed eventually Congressional leverage complicated the situation.

Congress also has a powerful tool with which to influence strategic policy in its commerce power. The Constitution specifically allocates power over foreign trade to the Congress. The manner which the Executive Branch conducts trade talks is thus determined by the Congress when and if it delegates such powers to the Executive. As we shall see this was important for NAFTA regarding what are known as “fast track” powers, of which more later. Of course, trade agreements such as NAFTA must

ultimately be approved by Congress, which gives the executive branch strong incentives to incorporate congressional views into the final agreement.

Members of Congress can also initiate trade legislation to achieve political goals abroad, with the underlying assumption being that rewards or (more commonly) punishments will force other countries to alter their behaviour. For instance, in 1986, Congress overrode President Reagan's veto and imposed trade sanctions on South Africa in an effort to pressure it into dismantling apartheid.⁹

In the area of structural policy, congressional influence over foreign policy is at its greatest and presidential influence is at its weakest. Structural policy governs how American resources will be used to achieve foreign policy goals. As such it most closely resembles decision making on domestic distributive politics. Structural policy answers questions such as which countries will receive aid and how much money will be given to international organisations.

Congress's greater influence over the structural policy also stems from the fact that in structural policy the president's inherent advantages, particularly the ability to initiate policy are often nullified. Most decisions on structural policy involve appropriations, and presidents cannot spend money that Congress refuses to appropriate. As a result, in structural policy the burden rests with the executive to persuade members to support its programmes.

⁹ Ibid, 421.

The extent to which Congress influences structural policy is clear when it comes to foreign assistance where the record is not merely one of "congressional participation but, indeed, of Congressional dominance". Members of Congress use the power of the purse to stipulate how foreign aid can be spent. The 1988 foreign aid bill for example, earmarked specific spending levels for 92% of all military aid and, 98% of all economic aid, and 49% of all development aid leaving the executive branch with relatively little discretion in how to spend foreign aid. ¹⁰

Though Congress does have a great deal of influence on foreign policy through legislation, focusing on substantive legislation misses a wide variety of other ways in which Congress influences policy indirectly.

For example, *Anticipated Reactions* whereby the mood on Capitol Hill determines what policy options are politically feasible for the executive branch.

Amendments may also influence the direction of policy, but are often used as a way of sending a signal to a particular group. In addition, Congress can use *procedural innovations* to alter the structure and processes by which decisions are made in the executive branch. For example, in 1997, Congress created the Bureau of Human Rights and Humanitarian Affairs in the State Department to ensure that greater emphasize would be given to human rights in the formulation of U.S. Foreign Policy. ¹¹

Framing opinion: by "going public" Congressmen can often get media and public

¹⁰ Charles W Kegley Eugene R Wittkopf, *American Foreign Policy*. St Martin's Press, 1995, 423.

¹¹ Louis Fisher, *The Politics of Shared Power: Congress and the Executive*, 2nd Ed, CQ Press, 1987, 26.

attention and consequently attract executive branch attention. In 1993, Congress established a deadline for troops to leave Somalia. No funds could be used for military action after 31st March 1994, unless the president requested an extension from Congress and received legislative authority.¹² Additionally, Congress also cut out funds in the mid-1990s to enforce the U.N arms embargo against Bosnia.

As these examples suggest, Congress may become active and act as a check on the executive branch once troops are deployed, especially, if the policy is unpopular with the public or not seen to be in the national interest. Furthermore, members of Congress may succeed in shaping crisis decisions before the deployment of troops if a president chooses to solicit their views or request their authorisation.

This analytical division of crisis, strategic, and structural gives a general over - view of the kinds of foreign policy made and how they are implemented, but specific time - dependent factors can have significant impact on them: for example, Cold War and post- Cold War circumstances. Thus, during the period of American foreign policy in the late 1940s -1960s when the foreign policy consensus was strongest a different trend was apparent. That is to say, when the U.S. was committed to an active responsibility in the direction of international affairs through interventionism and military might to wage the Cold War, there was a greater tendency towards executive branch (especially White House) leadership in the making of U.S. foreign policy. For example, examining the legislative - executive relationship during the fifties and sixties, Aaron Wildavsky found that presidents were much more successful in influencing foreign policy legislation than they were in affecting the outcome of domestic

¹² D.A, Desse(Ed), The New Politics of American Foreign Policy, St Martin's Press, 1994 18.

legislation.¹³

In order to highlight the president's role in foreign affairs during the Cold War however, it is helpful to note some historical features of the role played by the executive and legislative branches of government. Indeed, any study of American foreign policy must begin by recognising that in this process the president is the most important actor and the executive is the most important branch of government. By designating the President "Commander in Chief" of the Armed forces of the U.S., the Constitution creates the president's central role. Compared to Congress, he enjoys the inherent advantages of "decision, activity, secrecy and dispatch" identified by Alexander Hamilton more than 200 years ago.¹⁴ Presidents also have added institutional leverage by using the veto, and by virtue of the partisan, regional and organisational divisions in Congress. Furthermore, the constitutional, inherent and institutional advantages of the presidency have been reinforced from the combination of customs and tradition as well as judicial interpretations. For example, in the early years of the American republic, George Washington robustly carried out his constitutionally granted rights to initiate the conduct of foreign policy, to represent the U.S. in its foreign relations, to negotiate international agreements and to extend political recognition to other states.¹⁵ In a similar vein, the Supreme Court, by its rulings such as *U.S. Curtis-Wright Export Corporation* (1936), has repeatedly acquiesced to the robust exercise of broad powers by the president in foreign affairs at the expense of Congress. It goes too far however to argue that the executive branch is

¹³ James M Scott, *After the End*, Duke University Press, 1998, 13.

¹⁴ Ibid.

¹⁵ Ibid.

the only actor that matters in foreign policy. As the Constitutional division of powers suggest, Congress also matters.

In fact, the powers granted to Congress in the Constitution are technically formidable. The Constitution authorises Congress to deal with the regulation of international commerce, to define and punish piracies and felonies committed on the high seas, to provide for the common defence, and to declare wars. Article 2, Section 2 specifies that the Senate must give its advice and consent to all treaties and ambassadorial appointments.¹⁶ Furthermore, Congress's power to appropriate funds from the treasury and to tax and spend for the common defence and the general welfare continually imprint on the conduct of foreign affairs. Indeed, the first 150 years of the American republic provides ample evidence of a strong congressional role in the making of foreign policy. For example, the "war hawks" in the House of Representatives played an instrumental role in pushing a reluctant James Madison into the War of 1812. Congress's role in foreign policy grew even more markedly after the Civil War, so much so that the later half of the nineteenth century has been called an era of "congressional government" and "congressional supremacy".

At that time, Congress's say on foreign policy was exercised primarily through the Senate's treaty - making power. For example, no major treaty passed the Senate between 1871-1898, which surely must have frustrated the administrations of the day.

¹⁶ James M Lindsay, Congress and the Politics of American Foreign Policy, Baltimore, John Hopkins University, 1994 15.

¹⁷ Similarly, in the early twentieth century, the failure of the Senate to ratify the Treaty of Versailles was a fatal blow to President Wilson. Franklin Roosevelt, as well, faced a series of neutrality acts that kept him from pursuing the policies he favoured in Europe, during the years immediately before World War Two and between the outbreak of war and the U.S. entry in December 1941.

Yet, beginning in the early 1950s, members of Congress increasingly came to define their role in foreign policy as one of deferring to the wishes of the President. Now in Cold War, as had been the case in the “hot” war, bipartisan support of the government’s foreign policy in a time of national crisis was seen to be patriotically required. This is not to say that Congress slavishly followed the lead of the White House throughout the 1950s and 1960s. For example, there were heated debates over the fall of nationalist China, the Bricker Amendment and the missile gap. The Bricker Amendment for example was a series of proposed amendments to the U.S. Constitution which were considered by the U.S. Senate in the 1950s and voted on in 1953. It was proposed by Senator Bricker of Ohio and was intended to restrict the scope of treaties that the U.S. entered into with other nations and trans-national agencies. Yet, despite some debate on this issue the intervention of President Eisenhower led to it being blocked.¹⁸ This illustrates that while Congress was involved on foreign policy to the extent that it debated issues in the House and Senate, it very much played a less defining role than the executive branch. Thus, much congressional activity on foreign policy only addressed marginal issues.

¹⁷ Randall B Ripley James M Lindsay, (Eds) Congress Resurgent: Foreign and Defence Policy on Capitol Hill, Univ. of Michigan Press, 1993, 4.

¹⁸ www.wikipedia.org/Bricker_Amendment

Even rarer still were attempts to challenge the president's overall authority in foreign affairs or to demand a decisive say for Congress. Nowhere was the decline of congressional influence more visible than in the case of the war power. For example, between 1955-1965 Congress passed "area resolutions" granting presidents broad authority to deal with conflict in the Middle East, Berlin, Cuba, the China straits and Vietnam as they alone saw fit. Thus, for the most part of the 1950s and 1960s, members of Congress were content merely to legitimate decisions made by the White House.¹⁹

The era of Congressional deference came to a crashing halt however, with the souring of opinion on the Vietnam War. As the prospects for victory in Vietnam became dimmer and dimmer, and as it became increasingly clear that successive administrations had misled Congress and the American public on key points about U.S. involvement in Southeast Asia more questions were raised about the administration's policies. Suddenly there was disagreement not only over what threats faced the U.S., but also over whether giving the executive branch most authority in these matters was wise. With the ends and means of foreign policy once again legitimate topics for debate, a

¹⁹ James M Lindsay, Congress and the Politics of American Foreign Policy, Baltimore, John Hopkins University, 1994 Lindsay, 24. Moreover, a leading scholar, Arthur Schlesinger Jr has argued that this eventually led to presidents acquiring powers beyond the limits of the Constitution. According to Schlesinger, the daily accountability of the President to the Congress, the courts, the press and the people has been replaced by an accountability of once every four years during an election. These changes occurred slowly over the centuries so that which appears normal differs from what was the original state of America. Arthur M Schlesinger Jr, "The Imperial Presidency," Houghton Mifflin Company 1973, <http://books.google.co.uk/books.id=the+imperial+presidency>

resurgence of congressional activism was inevitable. Indeed, beginning in the 1970s, Congress started to reassert its authority on foreign policy with the passing of legislation such as the War Powers Resolution and the Hughes - Ryan amendment which sought to curtail the dominance of the presidency.²⁰

However, Cold War and thus national security priorities still made Congress reluctant to challenge the President unless there was a specific high profile issue such as the high body count in Vietnam or suggestions of wrong - doing as in the Iran - Contra affair. With the end of the Cold War restraints on Congress weakened. At this point, new circumstances arose to affect the model of foreign policy decision - making : crisis, strategic and structural. Three examples noted by Ripley and Lindsay illustrate the more involved congressional role in foreign policy that now developed. First, on November 4th 1991, the Wall St Journal reported that “struggling to define the Pentagon’s role in a rapidly changing world, House and Senate negotiators hammered out a \$291 billion defence bill that rejects many of President Bush’s long - standing military assumptions”.²¹ The strategic disagreement between Congress and President resulted in a halt to the acquisition of more B-2 Stealth bombers, cuts in research and

²⁰ Of all the issues in foreign policy, none better illustrates the transition from bipartisan deference to the president to Congressional assertiveness that the annual authorisation bills. From 1961-1968, only once were there more than fifteen votes against final passage. By comparison, in 1986, conflict over defence authorisation was much more widespread, and members of Congress launched a full - scale assault on Reagan’s defence policies. For example, five significant amendments that changed various specific policies were adopted, and the House passed an additional amendment that reduced spending 11% below Reagan’s proposed budget. David W Rodhe, “Partisan Leadership and Congressional Assertiveness in Foreign and Defence Policy” in D,A, Desse (Ed) The New Politics of American Foreign Policy, St Martin’s Press, 1994, 90-91. After the end of the Cold War, Congress became even more assertive.

²¹ Wall St Journal, 4th November 1991.

development on a space - based missile - defence system and the provision of funds to maintain the F-117 Stealth fighter and the V-22 Osprey aircraft programs.²² The president set the agenda debated in Congress but the final outcome bore clear congressional imprints.

Second, in late 1991, Congressman Les Aspin (Democrat-Wisconsin) and Senator Sam Nunn (Democrat-Georgia) proposed taking \$1 billion from the defence budget to provide economic aid to the former Soviet Union. The effort initially collapsed when the White House shied away from the plan as part of its response to the politically telling charge that the president was paying too much attention to foreign affairs and not enough to domestic matters. Concerned that America's national security interests were being jeopardised by the vagaries of domestic politics, a bipartisan group of senators succeed, in late November, in securing passage of a plan to provide \$500 million in aid. Then in January 1992, President Bush threw his support behind the idea of assisting the former Soviet republics and proposed an additional \$645 million in aid.

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Thirdly, in January 1992, the government and rebels in El Salvador signed a peace treaty ending more than a decade of civil war. Congress played a pivotal role in making the treaty possible. Over the objections of the Bush administration, Congress in 1990 slashed U.S. military aid to El Salvador with the choice of negotiating with the rebels or losing U.S. aid. The government chose to negotiate. At the same time,

²² Randall B Ripley James M Lindsay, (Eds) Congress Resurgent: Foreign and Defence Policy on Capitol Hill, Univ. of Michigan Press, 1993, 5.

²³ Ibid.

Congressman Joseph Moakley (D-Mass) the chair of the House Rules Committee and a leader in the fight to terminate aid to El Salvador, helped to convince rebel leaders to take the peace talks seriously. In June 1991, Moakley and U.S. Ambassador William Walker met with rebel leaders inside rebel held territory. Rebel leaders later told U.S. officials that Moakley's trip marked the turning point in their approach to the peace talks.²⁴

Yet there remains a number of roles for the White House that continue to place the President in a key position even if he is more challenged by Congress. As J.M Scott points out for example, the White House play a vital role in foreign policy agenda - setting, that is: the process of identifying problems, setting priorities and so on.²⁵

A second principal element of presidential influence in the post - cold war world as well as in other periods, stems from the ability to initiate action, a function of the chief executive, chief diplomat and commander in chief, all roles assigned to the president. Although it is closely related to the agenda - setting power possessed by the White House, this capability to take action gives the White House the ability to force other actors in the policy making process to respond. However, as Rosati and Twing explain, while the President has numerous opportunities and advantages in the foreign policy making arena there are also important constraints. For instance, the factors mentioned earlier, such as Congress's reassertion of activism on foreign policy, new problems and issues in the post-Cold War world and the increasing importance of

²⁴ C Madison, "At last peace in El Salvador," National Journal 24: p185.

²⁵ James M Scott, After the End, Duke University Press, 1998, 392.

interdependence, globalism and economic issues, has led to a more widely diffused involvement of actors on foreign policy. This includes involvement by bureaucratic agencies, members of Congress, non-governmental actors, interest groups and the public.

Turning then to the issue of the public, public opinion's influence on foreign policy is well illustrated on questions over the use of force. Public opinion towards the use of U.S. troops abroad, particularly when it is largely formed and articulated by the visual media can often quickly change. For example, in the three cases where the U.N. has used force to protect innocent victims of civil conflict (the creation of safe havens for the Iraqi Kurds; in Somalia; and in the former Yugoslavia), the American public has generally forced its often reluctant government to support international intervention. But it is also public opinion and the media's coverage of returning body bags which has prompted U.S. politicians to limit their involvement.

Yet, without a single, overwhelming military threat to divert attention, economics increasingly headed the foreign policy agenda after the end of the Cold War and prior to 9/11. For example, assessments conducted in 1986, 1990 and 1994 show that protecting U.S. jobs was either the first or second most cited foreign policy goal for the public. Protecting U.S. business abroad has steadily risen as a policy goal as well: in 1986 it ranked tenth while by 1994 it had emerged as the third most common foreign policy goal. It is within this context that changes in the domestic and international environment occurred and discussing them below will help the reader understand the unique situation of American foreign policy in the 1990s.

Changes in the international environment:

Throughout the Cold War, U.S. foreign policy was based on the three principles of globalism, anti-communism and containment. The U.S. committed itself to an active responsibility in the direction of international affairs, and used interventionism, military might and nuclear deterrence to combat the spread of communism and contain Soviet expansionism and influence, which in Washington eyes represented a supremely dangerous threat.

The end of the Cold War and demise of the Soviet Union robbed the U.S. of more than an enemy, it deprived Washington of a clearly defined role and of a coherent conceptual framework for approaching foreign policy in the 1990's. In fact there was a large amount of debate among scholars at the end of the Cold War about which strategy or doctrine would be most appropriate for the U.S. in this new era. For example, some experts such as Michael Doyle and Francis Fukuyama spoke of a peace dividend, where liberal democracies had emerged as the best government system in the Cold War and could look forward to a relatively peaceful existence among democratic nations.²⁶ Other strategists such as Henry Kissinger were not as quick to dismiss struggle and conflict and spoke of an international system where geopolitics would be at the forefront, with a more multi-polar structure where economic and military power were more diffuse.²⁷ For others such as Samuel P Huntington, the new era would rather be best defined as a system with deepening divisions among the many different cultural zones - such as Muslim, Hindu, Confucian and Western, and thus raised the

²⁶ See Francis Fukuyama, *The End of History and the Last Man*, Free Press, 1992, and Michael W Doyle, *Ways of War and Peace*, W, W, Norton and Co, 1997.

²⁷ Henry Kissinger, *Diplomacy*, Simon and Schluster 1994.

risk of a “clash of civilisations”²⁸ While scholars like Robert D Kaplan and Jessica T Mathews feared the new era would bring more weapons of mass destruction and environmental disasters and demographic changes that could bring famines and mass migrations.²⁹ These different potential futures all held merits but none emerged to dominate U.S. strategic thinking and to have such a strong policy guide as the previous containment strategy had had.

Indeed, throughout the Cold War, American leadership was founded on a comprehensive power base that was unmatched by any other single power, including the USSR. Its seemingly boundless economic capabilities, and nuclear and conventional military power, gave the U.S. a capacity for global intervention that was both unprecedented and unsurpassed. Ironically though, American influence depended not only on American capabilities, but also on Soviet capabilities; the more the USSR tried to equal or exceed the military strength of the U.S., the more it frightened other states, making them even more reliant on Washington for protection, and reluctant to do anything that might encourage U.S. disengagement or abandonment. This inhibited challenges to American policy preferences. Although, this is not meant to suggest that allies such as France were acquiescent or that alliances were always harmonious. It is simply to argue that as a result there were limits to dissent and ultimate dependence on the U.S. gave Washington a considerable reservoir of influence over allies and clients.

²⁸ Samuel P Huntington, The Clash of Civilisations, Simon and Schluster 1992.

²⁹ For these viewpoints see Robert D Kaplan, The Coming Anarchy and the Nation-State Under Siege, U.S. Institute of Peace, 1995.

Jessica T Mathews, “Redefining Security” Foreign Affairs 68 Spring 1989.

That reservoir has been seriously depleted by the demise of the USSR. Military power that was used to protect against the enemy rather than for the coercion of allies cannot easily retain its relevance when there is no longer a need for protection. Although the U.S. may have residual influence because of the reluctance of some allies to break the psychological habit of dependence that developed during the Cold War. This is a rapidly declining asset, and perhaps most obvious in relation to Germany. For example, with the end of the Cold War and subsequent unification, Germany has engaged in security co-operation with France to a degree that was inconceivable when Bonn was concerned about Washington's reactions to exclusively European security initiatives.

The end of the Cold War also ushered in a period of prolonged transition toward an unknown destination. Whereas the Cold War created stability in the world's division into two hostile blocs, and contained many conflicts because of their potential for spreading to additional countries or escalating to superpower confrontation, the end of the Cold War has seen the world become less stable, less predictable, and more violent as ethnic and tribal clashes which the Cold War suppressed have consequently been brought to the surface. In any case, it has become more difficult for the U.S. or any other country to control events. And instead of using force the U.S. is reliant more on bargaining, persuasion and multilateral institutions in order to get other countries to do what it wants them to do.

Instead of one overriding east-west conflict, the order in the early post-Cold War era was based on mixed interests where countries found themselves allied on some issues and opposed on others. For example, the U.S and Russia have a mutual interest in preserving the military balance in Europe. Moreover, U.S. foreign policy has been

conducted generally on a short term basis due to the immediacy of foreign policy crises such as Bosnia, Somalia, Iraq and Afghanistan, and being more subject to the influence of domestic politics. America, in short has been unable to develop and plan a long-term foreign policy, in the post-Cold War era. The U.S. had not only lost a role as a superpower leader and protector, and a considerable amount of influence that went with the role, but also lacked a framework of widely accepted judgements and assumptions to guide its policy in the 1990s.³⁰

Changes in the domestic political environment:

It was not the only the world that had changed. It was also the foreign policy process in the U.S. itself. This brings us to the second set of reasons why foreign policy has become more political, namely, changes in the U.S. domestic political environment.

The overall picture is one of an erosion of consensus, a fragmentation of responsibility, and a competition for influence. The result, is a more open and political, but consequently less manageable foreign policy process.

The three main changes in the domestic political environment to be illustrated here as having changed the U.S. foreign policy environment are the erosion of the consensus which had previously glued American opinion together for the pursuit of its foreign policy aims, the rise of intermestic issues and changes in the international environment, that have impact with the U.S.A.

³⁰ See for example in Charles W Kegley Eugene R Wittkopf, American Foreign Policy, St Martin's Press, 5th Ed, 1995, chapter 2.

From the early 1950s to the mid - 1970s, a widespread domestic consensus on foreign policy existed in America, whereby the executive branch, Congress , and the public overwhelmingly agreed that the U.S. and its allies faced a grave threat from hostile expansionist states and that U.S. interests would be best served if the president had a maximum discretion in foreign affairs, For example, Wittkopf and others have suggested that around 80% of the public constantly agreed with Cold War foreign policy based on anti-communism and the Congress generally delegated authority to the president in this early Cold War period.

However, as the prospects for victory in Vietnam became dimmer and dimmer, and as it became increasingly clear that the successive administrations had misled Congress and the American public on key points about U.S. involvement in South east Asia – along with revelations of executive branch abuse of power – such as Watergate, the domestic foreign policy consensus broke down. Suddenly there was disagreement not only over what threats faced the U.S. but also over whether giving the executive branch most authority in these matters was wise.

Consequently, foreign policy became subject to increased partisan debate, with domestic actors such as the media, the Congress, interest groups and the public seeking to influence and have a say in the direction of foreign policy. Thus, challenges to executive branch authority became more frequent and the executive cannot pursue a foreign policy without domestic support.³¹ At the same time however, Cold War

³¹ See chapter by John T Tierney, “Congressional Activism in Foreign Policy: Its Varied Forms and Stimuli” in D A Desse, (Ed) The New Politics of American Foreign Policy, St Martin’s 1994.

national security priorities still acted as powerful constraints on both congressmen and on the public in general. Without specific issues such as the death toll in Vietnam or the wrong-doings in the Iran - Contra Affair, there was still a very strong tendency to defer to the President on foreign policy issues. That tendency diminished distinctly once the Cold War ended.

In the environment of the 1970s and 1980s when the West was submerged in economic crises, more and more people across America were affected by, and began to protest against, the increasing vulnerability to international economic and political forces such as high oil prices and Japanese imports. This also contributed to foreign policy becoming more "domesticated". As Paarlberg, observed "policymakers began to talk about "intermestic" affairs, those issues (such as trade, finance and pollution, energy, terrorism, human rights and drug trafficking) which overlapped the foreign and domestic boundaries.³²

Foreign policy making too, took on a more open and democratic character as the policymaking arena expanded to embrace the political and economic interests of a diverse range of domestic constituencies and groups whom these "intermestic" issues affected.

For example, the amount and range of interest groups greatly expanded, as has

³² Paarlberg was referred to in Thomas G Weiss Davis P Forsythe Rodger A Coate, The United Nations and Changing World Politics, Westview Press, 1994, 286. but also see Ryan J Barilleaux "The President, Intermestic Issues and the Risks of Policy Leadership" Presidential Studies Quarterly, 1985.

Congressional action on behalf of both interest groups and constituents, on such intermestic issues.

As changes in the international system highlighted above have illustrated, following the end of the Cold War, the U.S. lacked what James Schlesinger described as " the magnetic north for calibrating its foreign policy," and seemed to be hopping from issue to issue without a clear sense of direction.

This placed foreign policy more at the mercy of domestic politics: with Congressional sentiment, the public mood, the sensationalism of the media, and interest groups becoming more intrusive than ever before.

Moreover, with the basic threat of America's post-war containment strategy becoming largely redundant, in the 1990s the U.S. was confronted by powerful domestic pressures to restructure its foreign policy in order to devote more resources to domestic programmes and problems. Thus, in post-Cold War era, foreign policy is very different from before.

The changes leading to an increased role of domestic actors can be illustrated by considering the part played by the Congress. In marked contrast to the deference Capitol Hill frequently accorded presidents in the 1950s and 1960s, Congress in the 1990s involved itself in a dizzying array of foreign policy issues. Some sense of the extent of Congressional activism can be gleaned from a simple statistic about legislation on foreign policy. Whereas the 1960 edition of "Legislation on Foreign Relations" ran to 519 pages, the 1990 edition ran to 5438 pages and spanned 4

volumes.³³ Furthermore, in his work on the restructuring of Los Angeles in the post - Cold War era, Michael Oden highlighted some of the local consequences that the shift from competition with the former Soviet Union meant for the city of Los Angeles. In one instance for example, Los Angeles had been home to the largest aerospace and electronics complexes in the world from the 1940s until the mid-1990s, and for the city, this meant that hundreds of thousands of its residents had jobs in industries producing bombs, missiles or surveillance satellites. Indeed, large companies like McDonnell Douglas, Lockheed and Rockwell all had their headquarters in the city. While these industries were not portrayed in the popular “Hollywood“ and “movie-making capital” which Los Angeles is famous for, the Cold War did play a huge part in providing a lot of industries and jobs in the city. As is to be expected then, from the late 1980s, Los Angeles experienced a huge economic reversal with the decline and closure of many of these industries. Indeed, some figures provided from Oden illustrate this trend with 45000 or 47% of aircraft manufacturing jobs being lost between 1988 and 1996, and around 41000 or 69% in missile and space vehicle production.³⁴ Among other things, it was these kinds of economic consequences of the end of the Cold War that raised issues from the traditional domestic domain into the foreign policy domain. They did so because of the fear of foreign competition causing even further job losses.

The end of the Cold War eased world tensions, diminished the importance of foreign

³³ James M Lindsay, Congress and the Politics of American Foreign Policy, Baltimore, John Hopkins University, 1994, 19.

³⁴ Michael Oden, “When the movie’s over: the post - cold war restructuring of Los Angeles” in Jeffrey Engel, Local Consequences of the Cold War, Stanford U P 2008, 130.

policy crisis management and injected a renewed political partisanship into the making of foreign policy making. In both categories of strategic and structural policy - making the voices of members of Congress, interest groups, corporations, the media and the public spoke more loudly. As they did so intermestic issues came to more prominence, particularly driven by economic concerns about global competitiveness and domestic economic disruptions caused by the down-sizing of the military industrial complex, for example, in Southern California.

All of this highlighted the massive change the end of the Cold War meant for many areas in the United States and how economic well - being then emerged as a key priority for the public and government alike. In fact, while it is not the contention here that the public was not important in affecting government officials foreign policy decisions before the end of the Cold War; it is a contention that we can see more evidence of public and domestic groups affecting a greater variety of issues in the foreign policy domain which were important to them. That is to say for example, while it has been clear that the American public got involved by demonstrating their support or protest over the Vietnam War, there are a greater number of issues that they are concerned about in the period of the late 1990s, due to the end of the Cold War and the rise of issues such as those mentioned above.

This study aims to test the general hypothesis that the influence of public opinion and other internal factors in America has increased in the post-Cold War U.S. foreign policy environment, through a case study of the American public's reaction to the expansion NAFTA between 1993 – 1998. It is within this context that the issue of NAFTA became a passionate and highly debated issue in the U.S., and one in which

the previous trends of domestic activism on foreign policy seem to be less applicable. Indeed, as the later analysis in this work will illustrate, domestic actors and opinion were much more important and influential than they had been in the Cold War years.

3. The role of the American Media in U.S. Foreign Policy

Following on from the analysis in the previous chapter, illustrating the increasing

impact of domestic politics on foreign policy since the end of the Vietnam War and even more since the end of the Cold War, this chapter sets out to show how the media, (focusing primarily on television news and print media), is an influential factor in the way it operates in the foreign policy domain. In line with the argument here that the public and Congressional opinion have an impact on U.S. policymakers and increasingly so since the end of the Cold War, we now need to assess whether they actually determine foreign policy. This chapter aims to investigate what role the media plays in this realm. Accordingly, the aim here is to investigate the media's role and to determine the possible implications for the North Atlantic Free Trade Agreement.

Commentators, most notably Realists such as Kissinger and Kennan have raised concerns about the modern media and particularly the overwhelming ability of television news to pull the U.S. Government in and out of particular actions. This is often seen in regard to media images such as those of dead American servicemen returning home which can arouse the public to make calls for policy changes. This chapter will illustrate how such a line of argument vastly overstates the media's actual influence as the government does not just follow media stories. Instead, what will emerge is that the role of the media is a complex factor which affects the process of policy making more than actual policy though it does have a variety of roles and potential areas of influence. For example, media may have the power to set the foreign policy agenda, and bring the public's views to the government's attention, this however falls far short of having the power to make foreign policy decisions. In fact, the following discussion will show, government decisions are not taken *without* consideration of domestic opinion, Congressional opinion or without considering how the proposed action will play out in the media. This however, does not mean that they

determine policies and this is so even though the following discussion will also attempt to illustrate how the role of the media has been enhanced due to the nature of the post- Cold War era, as well as discussing the most prominent effects of such developments. Here it will be argued that the media have changed the process of policy-making, but have not, as Realists contend, acquired the ability to determine policy. As Ted Koppel the anchor and managing editor of Nightline on ABC News has noted, “We in the media do not focus on the national interest but on what interests the nation. It is the policy-makers who must keep the national interest clear”.³⁵

In order to illustrate these points, this chapter will cover four areas of discussion, with the following purposes. The first area will consider the concerns of Realists who highlight the necessity of expertise, clarity, power and national interest rather than public emotion affecting foreign policy. The second area will discuss changes in the post-Cold War period and their consequent effect on today’s media. The third area analyses the role played by the U.S. Media in the 1990s, illustrating how it does not seem to hold as much influence as Realists contend, as well as how it affects the process of policy-making more than actual policy outcomes. The final section will discuss the role of the media, as it pertains to the NAFTA agreement.

Realists and the CNN effect:

Writing in his diary on the day American troops landed on the camera - clogged beaches of Somalia, George Kennan wondered what explained this sudden and, for him

³⁵ Charles W Kegley Eugene R Wittkopf, American Foreign Policy, St Martin’s Press, 5th Ed, 1995, 294.

troubling undertaking. Equally perplexing was the easy acceptance of the mission by Congress and the public with practically no “preparation”, as Kennan put it. He concluded that the news media, particularly television offered the best explanation.³⁶ There can be no question that the reason for this acceptance lies primarily with the exposure of the Somalia situation by the American media, above all, television. The reaction would have been unthinkable without this exposure. The reaction was an emotional one occasioned by the sight of the suffering of the starving people in question.³⁷

Similarly, in the case of the debate over the NAFTA treaty ratification the U.S. public reacted with strong emotions to media coverage that highlighted the substantial consequences in terms of job losses. Consider for example, the frequent references and coverage given by the media to Ross Perot and his warnings about NAFTA, such as the “giant sucking sound” he said would result as U.S. jobs headed south to Mexico in the wake of a NAFTA ratification. Similarly, at rallies led by Perot against NAFTA, he told crowds “if NAFTA’s passed I’ll move to Mexico cause that’s where all the money will be”.³⁸ Yet as a poll cited by the Detroit Free Press in August 1993 showed, while 65% of Americans opposed the NAFTA treaty, nearly half of Americans were unaware of the treaty’s basic provisions and goals.³⁹ Thus, with easy to remember media cues such as Perot’s “giant sucking sound”, many citizens seem to have reacted

³⁶ George Kennan, “If T.V. drives foreign policy, we’re in trouble” New York Times, October 1993.

³⁷ George Kennan, “Somalia through a dark glass” New York Times, September 1993.

³⁸ Charlyne Berens, Amplifying the Giant Sucking Sound,: Ross Perot and the Media in NAFTA negotiations, Newspaper Research Journal, Gale Group, 22nd March 1999, 4.

³⁹ *Ibid*, 5.

emotionally to the NAFTA proposal without even understanding on what it was based.

American involvement in these cases was an example of what has come to be known as the CNN effect. The “CNN effect” according to expert on government and media relations, Professor Livingston, can be in some instances, an acceleration of policy. In other instances, it is a dialogue between warring parties.⁴⁰ In short, whereas in the past a president had days in which to weigh a response to a foreign crisis, today a stirring T.V. image can create a demand for an instantaneous reply. As the former chief diplomatic correspondent for CBS and ABC, Marvin Kalb also pointed out in a speech delivered at Harvard University : “Time was always a natural ally of politicians or the president, as time meant there was a moment to reflect.” Now with the “CNN effect” issues can appear in a matter of instant seconds. It is there. The world today is a wired world, everything is connected, and there is an obligation on the part of people to respond.⁴¹ Put another way, as Dan Rather, a reporter with over 40 years experience pointed out during an interview: “whereas previously it was commonplace for White House reporters to be told by the President’s press secretary “that’s all for today fellows, go on home””. This kind of remark just does not happen with the advent of 24 hour news cycles.⁴²

By comparison, foreign policy analysts, particularly those who espouse the dominant post - World War Two Realist approach attempt to minimise the role of emotion and moralism in the formulation of policy, stressing instead the role of expertise,

⁴⁰ The “CNN Effect” :TV and Foreign Policy, Transcript, pronounced May 7 1995, [CNN.com](http://www.cnn.com), p,2

⁴¹ *ibid*, p,2

⁴² CNN interview with Anchorman Dan Rather, 3rd February 2006, Transcript at [CNN.com](http://www.cnn.com).

rationality, and dispassionate analysis of international affairs, all in the pursuit of national interests defined in terms of power. Yet, for a variety of technological and commercial reasons, contemporary journalism places a premium on dramatic, breaking stories. Foreign affairs coverage in particular tends to highlight the sort of profound human suffering found in wars, famine and natural disasters. Some argue that even print journalism is now more disposed to this sort of coverage, modifying its content and style to "intensify emotional and on-the-spot depiction's, at times at the expense of analysis". "If it bleeds, it leads".⁴³

In addition, most journalists recognise several factors that define what is news. As Doris Graber notes, proximity, timeliness and prominence are frequently mentioned.⁴⁴ Proximity means the closer a story is to readers in geographical space or personal impact, the more likely it is to be covered. Timeliness concerns an issues' current relevance. While prominence refers to the presence of prominent people in potential stories, that is, the more prominent the actor, the more likely it is they will appear in the news.⁴⁵ For most of the mass media, one other factor also influences what is news: whether a situation involves conflict.⁴⁶ Indeed, the media of the late 20th and early 21st century frequently focus on conflict; controversy and the strategy of those involved in conflict.

With selection criteria of this sort, Realist argue, news content cannot serve as a basis for a well-conceived foreign policy, for news stories are "fleeting, disjointed glimpses

⁴³ Steven Livingston Todd Eachus, "Humanitarian Crises and U.S. Foreign Policy: Somalia and CNN effect Reconsidered, Political Communications 12 1995, 414.

⁴⁴ Doris Graber, Mass Media and American Politics, Congressional Quarterly Press, 1993, 116.

⁴⁵ Ibid.

⁴⁶ CNN interview with Anchorman Ted Koppel, 3rd February 2006.

of reality." Flickering on and off the screen, here today and gone tomorrow.⁴⁷

Policy formulated in the faint blue glow of the television becomes a never-ending chase of media-induced challenge and response. Effective crisis management is rewarded, while time for careful analysis and reflection is lost. For example, historian Michael Beschloss has argued that because of television, modern policy-makers are no longer afforded the luxury of careful policy deliberation, such as the two weeks the Kennedy administration had during the Cuban Missile Crisis.⁴⁸ The results suggested Beschloss, could be catastrophic. In this view, real-time media serve as catalysts, accelerating policy-making time to dangerously short and reckless intervals. Furthermore, in the view of some, the end of the Cold War has exacerbated this tendency. With a multitude of trouble spots and new transnational issues competing for the attention and resources of the public and policy-makers alike, the country is without a clear guiding principle. As James Schlesinger has remarked: "In the absence of established guideposts our policies will be determined by impulse and image. In this age image means television, and policies seem increasingly subject, especially in democracies, to the images flickering across the television screen".⁴⁹

Conversely, the CNN effect has been seen as an impediment to good policy implementation, in that it does not allow adequate time for consultation and

⁴⁷ George Kennan, "If T.V. drives foreign policy, we're in trouble" New York Times, October 1993, 6.

⁴⁸ see Michael Beschloss, Presidents, Television, and Foreign Crisis, Washington D.C. 1993.

⁴⁹ In Steven Livingston Todd Eachus, "Humanitarian Crises and U.S. Foreign Policy: Somalia and CNN Effect Reconsidered, Political Communications 12, 1995.

consideration. For example, when Soviet nuclear missiles were shipped to Cuba in October 1962, President Kennedy and his advisers deliberated for two weeks about how to respond, and Secretary McNamara did not turn on his television once.⁵⁰ In fact, it is often suggested that because of the nature of the instantaneous global media, with satellite imagery being made available to television networks, that if the Cuban Missile crisis had occurred today the president would be forced to respond with a 24 hour news cycle or less to deflect allegations of not exercising his discretion correctly in meeting the challenge from the Soviet Union. This, according to a suggestion by Admiral Jack Shanahan, director of the Centre for Defence Information could have led to nuclear war.⁵¹ On the other hand, the glare of today's media spotlight might have focused attention on the problem before it reached crisis proportions, leading to an earlier diplomatic solution.

Effects of the end of the Cold War and advances in technology on the media today:

By contrast with the post – Cold War era, for journalists, the Cold War had all the elements of a great story. It had tension, conflict and immediacy – the fear of nuclear Armageddon. It had good hard facts, such as defence budget numbers, Soviet weapons specifications and superpower arms control measures. Moreover, for over forty years, it played out in new ways nearly every day, from summit meetings to proxy wars from Afghanistan to El Salvador. By its very nature, the Cold War had powerful effects on the relationship between U.S. foreign policy-makers, Congress, the news media and the

⁵⁰ CNN Transcript Article “The CNN effect” [CNN.com](http://www.cnn.com), 17th May 1995,3.

⁵¹ Ibid, 1.

American public, as for reasons of national security, these institutions largely deferred to the president in setting their agendas on foreign affairs. Similar to the actions of other domestic players during the Cold War, media criticism focused on government tactics rather than policy goals.

From the late 1960's however, the media's power increased. Like the increasing importance of other domestic factors, (noted earlier), this can be attributed to the crumbling consensus about the world interests of the United States. For example, the outbreak of more frequent elite debates and congressional opposition to presidential foreign policy initiatives provided journalists with reportable opposition views. In a similar manner, the rise of a broader range of American foreign policy issues, such as, trade, environment, and human rights, gave more groups of people an interest in foreign policy.

Thus, the end of the Cold War freed the U.S. news media to a significant extent from the agenda of the White House and the State Department, allowing reporters editors and producers to pursue stories more unambiguously based on what the audience is thought to be interested in. For television especially, this pursuit has led to a reassertion of its own agenda and notions of what is news. War, conflict and human tragedy, all of which make good pictures and can be found abundantly in the post – Cold War period, dominate, the televised picture of the world that most Americans receive.

For example, while there were an estimated 25 crises around the globe in 1993, cameras were not following each one, of course. Yet, increasingly, where the camera is

and what it captures determine whether a crisis or issue is on the official agenda and the public's collective foreign policy concerns. Other conflicts and other tragedies no less costly in human life are ignored. It takes a major effort of political will and communication by officials to put these events before the public eye. This paradox is captured in the observation that Sudan's brutal civil war is "Somalia without CNN". A reporter for another U.S. T.V. network put it another way: "If 68 people are killed when a mortar shell explodes in a Sarajevo marketplace (as they were in February 1994), it gets attention because cameras were there to record it. But, if a thousand people are killed off-camera in Huambo, Angola, the same day, it has absolutely no impact on anybody's thought processes whatever".⁵²

Similarly, in the case of the NAFTA it appears that the media devoted a substantial amount of coverage to this issue as it was a more attractive issue to cover from the media's perspective. That is, in terms of proximity, prominence and timeliness and containing elements of conflict and controversy NAFTA was more appealing for the media to cover than the transformation of the GATT into the WTO – an issue which was similar in type to NAFTA. Thus, if a story has the potential to engage the audience more than news editors are more likely to give that story more coverage than one which would not engage the audience as much. This is because death, conflict, fear and the danger of job losses can be exploited by the media, and there is a temptation to run with such stories especially if they are close to home like NAFTA or can be graphically illustrated. That is to say, if it can be shown to be bleeding then it should be leading. With regard to NAFTA the "bleeding" would have meant job

⁵² Data found in Warren Strobel, Late- Breaking Foreign Policy, U.S.Institute of Peace, 1997.

losses, as this was close to home, and Perot provided the high profile personality.

For example, in the debate over GATT, the General Agreement on Tariffs and Trade in 1994 leading to the World Trade Organisation, there was far less reported conflict in Congress than when the NAFTA treaty was being considered for approval. GATT, although it did not sail through Congress unopposed, raised far fewer hackles among either the citizenry or members of Congress. Consequently, GATT also received far less attention in the media.⁵³ It was just not close enough to home and did not seem to threaten jobs in the same way and did not have a champion to oppose it like Ross Perot.

In fact, no prominent figure arose to lead the opposition to GATT until late in the game when Senator Ernest Hollings, a Democrat from South Carolina, vowed on September 28, 1994, to prevent the GATT ratification proposal from reaching a vote. In October 1994, Bob Dole, leader of the Republicans in the Senate, also raised some opposition to GATT but later gave the agreement his blessing. Neither Hollings nor Dole however had the high profile in 1994 that Ross Perot had in 1993. As a result, the media gave less attention to Hollings and Dole's opposition to GATT than they had devoted to the NAFTA battle.⁵⁴ Indeed, the fact that the NAFTA ratification process was cast as a true political battle over domestic jobs was the primary reason it received more coverage than GATT did.

⁵³ Charlyne Berens, Amplifying the Giant Sucking Sound: Ross Perot and the Media in the NAFTA negotiations, Newspaper Research Journal, Gale Group, 22nd March 1999, 3.

⁵⁴ *Ibid*, 4.

As the media frequently use conflict to frame information, they also found Ross Perot to churn up plenty of conflict over NAFTA during most of 1993. For example, he had announced his opposition to NAFTA before a congressional committee in March. Then, by the end of May he had purchased t.v. time to denounce the “giant sucking sound” he said would result as U.S jobs headed south to Mexico, and challenged President Clinton to a televised debate on the treaty. Eventually, vice – president Al Gore accepted the challenge and he and Ross Perot faced off in a televised debate on the treaty watched in 11.2. million homes. All of this was rather ironic as one of the main reasons for Clinton’s triumph over Bush in 1992 was the fact that he emphasised the importance of the economy, jobs and domestic renewal.

Media attention to the NAFTA built as the battle grew and the final days of negotiation leading up to the November 17 and November 20 passage in the House and Senate respectively. Indeed, an examination of 26 news outlets sampled shows more than three times as many articles that included references to NAFTA in 1993 as to GATT in 1994.⁵⁵ Similarly, the stories, commentaries, editorials and letters to the editor in the sample of news outlets examined referred to NAFTA a total of 12095 times and GATT a total of 3935 times. CNN referred to NAFTA in 1013 pieces during 1993, the highest total for the 26 news outlets examined, but recorded only 86 pieces with reference to GATT in 1994.⁵⁶

⁵⁵ Ibid.

⁵⁶ This figure is from a study by Charlene Berens where data was gathered from the on-line archives of twenty - three major Daily Newspapers, two Television Networks, and National Public Radio, counting the number of pieces in which key words such as NAFTA or North Atlantic Free Trade Agreement and GATT or General Agreement on Trade and Tariffs appeared during the time frame

Television's newly found powerful agenda-setting ability accounts for a large portion of the complaints by Realists, foreign ministers and other senior government officials about the impact of today's news media. The intensity of coverage that television devotes to a particular country or crisis may bear little or no relation to its importance to the national interest, at least as seen by officials. Official priorities may receive far less coverage, particularly if they cannot live up to television's picture-driven, story telling needs. Traditionally, however, it is the foreign policy makers who have seen themselves as setting the nation's overseas agenda, rather than having it set for them.

Thus, the absence of the old bipolar agenda, fundamentally altered the way the U.S. news media reported on foreign affairs and their impact on those charged with making

specified. Charlyne Berens, *Amplifying the Giant Sucking Sound: Ross Perot and the Media in the NAFTA negotiations*, Newspaper Research Journal, Gale Group, 22nd March 1999, 4.

The Media Outlets searched were ABC TV, CNN TV, National Public Radio. The Newspapers were Arizona Republic, Atlanta Journal Constitution, Baltimore Sun, Boston Globe, Charlotte Observer, Chicago Tribune, Detroit Free Press, Kanas City Star, Los Angeles Time, Miami Herald, Minneapolis Star Tribune, New York/Newsday, New York Times, Philadelphia Inquirer, Rocky Mountain News, San Diego Union Tribune, San Francisco Chronicle, San Jose Mercury News, St Louis Post - Dispatch, St Paul Pioneer Press, Seattle Post - Intelligencer, Washington Post, USA Today.

foreign policy. Those changes were magnified a few years before the end of the Cold War by the appearance of new technologies that have transformed how news is gathered and reported to public audiences around the world. For example, in a speech on September 21, 1993, National Security Advisor Anthony Lake stated that "the pulse of the planet has accelerated dramatically, and with it, the pace of change in human events. Computer, faxes, fibre optic cables and satellites all speed up the flow of information around the globe."⁵⁷ As a CNN correspondent Mr Arnett, also pointed out, "today you can take a briefcase –size satellite phone anywhere in the world, from the middle of any action and make a report."⁵⁸ It means that there is far more opportunity for reporters to get access to action areas and to come up with insightful, accurate reports and commentaries.

As noted earlier, these developments virtually obliterated the factor of time from diplomacy and foreign affairs. Television correspondents now are just expected to report the latest developments, (or just report in) constantly. For policy-makers, global television news services such as CNN and its growing number of competitors are a double-edged sword. That is to say, while the President can make his policy more rapidly known to the U.S. public and leaders around the world, opponents and allies can respond just as quickly. Officials feel pressure to react to televised images far more quickly than they would like. The public can vicariously experience war, diplomacy, and even the death of a famine victim as they happen. When the intermestic issue of NAFTA came to prominence and was seized on by the media largely because of the

⁵⁷ CNN Transcript, 7th May 1995, 3.

⁵⁸ Ibid.

controversy over possible job losses publicised by Ross Perot this made the crafting of foreign policy regarding NAFTA more difficult and complex. These developments, taken together point to a new leverage on the part of the news media over policy makers, but a number of factors limit the extent to which such leverage can be effective.

Firstly, journalists' agenda setting power is hardly new. The press "may not be successful much of the time in telling people what to think", Bernard Cohen wrote in "The Press and Foreign Policy" in 1963, but it is stunningly successful in telling people what to think about.⁵⁹ The daily briefing at the State Department illustrates how the news media for decades have helped set the agenda and force foreign policy decisions. Throughout the morning hours of almost every working day, public affairs representatives in each of the department's bureau's develop "press guidance", approved statements of policy used by the spokesperson at the briefing, based on anticipated questions from reporters. These policy statements are often drafted in response to events world wide, but just as often they are reactions to stories in the morning newspapers or the network newscasts the night before. Thus, agenda and actions are influenced, and sometimes policy is made in the process. On particularly sensitive issues, the Secretary of State's senior staff or the Secretary personally oversees the preparation of press guidance. The process works in the negative, too: if reporters pepper the spokesperson with questions that he or she is not prepared for, that issue rapidly makes it on to the department's agenda. What has changed since the time of Cohen's study is television's ability to bring these foreign policy problems to

⁵⁹ Bernard Cohen, The Press and Foreign Policy, Little Brown, 1963, 53.

the attention of senior policy makers much more rapidly and graphically. This, in turn, begins a snowball effect, as editors and reporters from other major and minor news outlets drop what they are doing and latch on to the new story, pushing it higher up the agenda for all concerned. T.V. can thus reinforce the type of pack journalism that has been widely criticised in the past.⁶⁰ Moreover, as many print journalists lament, television has an impact in a way that they never can. Printed stories of atrocities, casualties and so forth can almost always be denied, disputed or downplayed; video cannot be so easily dismissed, even if it lacks the context and background of a newspaper report.

Secondly, one has to clearly distinguish between the power to set an agenda and the power to make policy decisions. Deciding what is and is not a priority may be a formidable power, but, it is not the same as deciding what action to take on a particular problem or actually taking that action. Thus, there are things that the news media for all their intrinsic power to bring attention to an issue, cannot do. As many senior Western diplomats complain, the print and broadcast media can urge action without being responsible for the consequences. Inevitably, the details and execution (and by extension their consequences) are almost always left up to policy-makers, diplomats and military planners.⁶¹

Thirdly, the president, the Secretary of State, and other foreign policy officials retain formidable agenda setting powers of their own. When the president chooses to

⁶⁰ See Warren Strobel, Late-breaking Foreign Policy, U.S. Institute of Peace, 1997, 15 for a further discussion.

⁶¹ Ibid, 67.

highlight a foreign policy problem or makes a decision on relations with another state, the news media are compelled to report it – the print media almost always, television less so. The problem is that, given the current state of U.S. foreign policy, such actions now often seem without context. The superpower conflict helped presidents explain their policies through the news media and helped the news media in turn report them to the public. So far, no satisfactory replacement has been devised for the doctrine of containment as a guiding principle for U.S. foreign policy. Thus, what has changed is not so much the media's behaviour as their opportunities for pursuing their own agenda. The lack of an overarching guide to foreign policy during the 1990s and the availability of new technologies have granted T.V. and the rest of the news media an independence from officialdom not enjoyed during the Cold War, or, arguably post 9/11.

Finally, it must be emphasised that the media's role in the foreign policy arena is sharply limited by a relative inattention to foreign affairs. Few reporters are paid to cover international affairs, and television programming is overwhelmingly oriented towards domestic news. For example, Doris Graber reports that major Chicago newspapers devote about 6% of their space to international news and that television networks give about 20%.⁶² In part, this is due to the absence of a mass market for foreign policy news in the face of industry efforts to boost profits. An exception to the comparatively scant attention other media give to foreign policy, is the coverage it receives in the so-called "prestige press". One study for example, showed that the New

⁶² Doris Graber, Mass Media and American Politics, Congressional Quarterly Press, 1993, 84.

York Times allotted over 40% of its total coverage to foreign news.⁶³ Yet, how many people consume that coverage remains problematic, as the circulation of the Times constitutes but a fraction of the nation's newspaper subscribers. In a similar vein, the 24-hour Cable Network News Network may provide coverage of world news around the clock, but its audience is relatively minuscule unless there is a crisis or other galvanising event. In fact, the 21st century has seen a further shift still to an interactive media where the consumer can select the outlets and topics from which they receive news and information updates, such as through internet blogs, or other social networks like twitter, or news channel updates or specific issues. This type of shift make things like high audience numbers ratings less likely as well.

While there is no doubt that in the post – Cold War period, the media puts intense pressure on officials to respond rapidly, increasing the difficulty of policy-making. It is now simply harder for officials to make policy in a vacuum, ensuring at least a modicum of transparency and pluralism in the government decision-making process. Thus, recent changes in the international arena and technology have lead to today's media affecting agenda - setting and the **process** of policy-making. Its affects on **policy itself** and its implementation however, is far less and these claims will be demonstrated in the case study of NAFTA.

⁶³ Charles W Kegley Eugene R Wittkopf, American Foreign Policy, St Martin's Press, 5th Ed, 1995, 328.

4. Outline of NAFTA

As international relations commentators such as Kenneth Waltz, Robert Jervis and Robert Goldel have pointed out, there are often four levels of analysis that can be identified in trying to understand the creation of U.S. foreign policy, be that with regard to crisis, strategic or structural policy making : system, state, bureaucracy and individuals.⁶⁴ While each American foreign policy will be influenced to varying degrees by factors from any of these levels, competition with the Soviet Union provided a dominant context or paradigm that affected system, state, bureaucracy and individual in-puts and thus guided much of U.S. foreign policy during the Cold War era. For example, while there were sound economic reasons for assisting in the reconstruction and redevelopment of western Europe and Japan after World War 2, there was also a very important security rationale: the U.S. would not only create strong markets for goods and trading partners in these countries, but their economic vitality would help them resist communism and assist the U.S. in countering the Soviet Union.

As we have noted from the earlier discussion with the demise of that dominant paradigm, in the early to mid-1990s, the overriding goals and priorities of U.S. Foreign Policy became more diffuse and numerous. For example, humanitarian relief, peacekeeping, economic goals, promoting democracy and the environment were and

⁶⁴ See Kenneth Waltz, Man, the State and War, Columbia University Press, 1959, Robert Jervis, Perception and Misperception in International Politics, Princeton University Press, 1976, and M.Chambers, R.Goldel, Beyond the Waters Edge, White House Studies, Nova Science Publisher Inc, 1st January 2004, for a further discussion.

are issues of concern to both the public and policymakers. Indeed, in the immediate post – Cold War era, scholars debated the merits of various potential strategies that might replace containment.⁶⁵ U.S. foreign policy meanwhile, continued on an ad hoc basis. While it is still debatable whether the "War on Terror" has emerged as a sufficient guiding post for American foreign policy in the post- 9/11 era, there are a number of trends evident in American foreign policy during the period 1993 - 1998 that strongly influenced the character of U.S. foreign policy. Two of these key trends include:

- 1 – The economy was accorded greater priority compared to Cold War emphasis on military and security issues.
- 2 – A greater involvement of domestic actors and constituencies in U.S. foreign policy.

In order to further investigate these trends and test the hypothesis of a greater involvement of domestic actors and economic issues in the U.S. foreign policy process in the post – Cold War era, this study now turns to consider the public reaction to the NAFTA ratification and NAFTA expansion. This chapter considers how the public and domestic factors played a large role in the case of the NAFTA ratification, and as a result affected the substance and content of the agreement that was negotiated and passed.⁶⁶ This is not to say that public opinion decided the policy outcome, but, to a greater extent than in the Cold War era, it was able to affect the process and the

⁶⁵ For example, a number of books such as Lester Thurow's Head to Head the Coming Economic Battle among Japan, Europe and America, Warner Books Inc, 1992, and Clyde Prestowitz's Powernomics: Economic and Strategy after the Cold War, University Press of America, 1991 argued that international economic issues had supplanted the military security concerns of the Cold War era.

⁶⁶ This stands in contrast to previous conventional wisdom about the role and effect of public opinion and other domestic actors in U.S. Foreign Policy.

agenda. With regard to NAFTA however, they did not determine the outcome in 1993, though arguably they did in 1998.

Summary of NAFTA provisions:

The aim of NAFTA was ambitious: to eliminate the barriers to trade for all goods and services between the U.S., Mexico, and Canada; to eliminate barriers to investment and provide greater security for investors; and to establish new rules for government procurement, intellectual property and dispute settlement.⁶⁷ It would not be easy to reach these goals, as no trade agreement so sweeping had ever been negotiated among countries at such different levels of economic development. Moreover, the negotiators would engage three different political systems, three different societies with cultural differences. In each country, the negotiators had to consult with committees from government agencies, advisory committees from the private sectors as well as legislators.⁶⁸ The internal process was particularly intense in the United States, where the negotiations would be conducted in an atmosphere of much greater public scrutiny than any previous trade negotiation. Further, the treaty would still have to go before Congress for its approval.

Yet, in the main, NAFTA achieved its goals. At its most basic, NAFTA added Mexico to the Free Trade agreement that had been negotiated between Canada and the United States in 1988 but also broadened the scope of that agreement.⁶⁹ The key features of

⁶⁷ Frederick W Mayer, Interpreting NAFTA, Columbia University Press, 1998, 109.

⁶⁸ Ibid.

⁶⁹ R E Baldwin C S Magee, Congressional Trade Votes From Nafta Approval to Fast Track Defeat, Institute for International Economics, 2000, 5.

NAFTA are the elimination of tariffs and most non-tariff barriers to trade among the three countries over a 10 –year period (15 –years for some import sensitive products). The agreement also features the requirement that the U.S., Canadian and Mexican investors be treated as well as domestic investors and as favourably as any other foreign investors (the so-called national treatment and most favoured nation provisions).⁷⁰ Specifically, the NAFTA establishes free trade in agricultural products between the United States and Mexico. Tariff rate quotas were also introduced to allow the different markets time to adjust, so, for example, Mexico was not initially allowed to export all of its sugar produce to the U.S. as this could severely hurt U.S. producers. So quota tariffs were introduced which would allow Mexico to export a certain percentage of a particular good until all the quotas could be phased out over a 15 year period and thus give American producers time to adjust and compete with the influx of Mexican produce in their market.⁷¹

On the whole, NAFTA was a success and did much of what the negotiators set out to do, but if the text had simply aimed to free trade it could have been far shorter. What required the 2000 pages and most negotiating were matters concerning how far and fast each country would move to free investment, and what "rules of origin" would determine if a product qualified for free trade, and matters such as what procedures would be used to settle disputes.⁷² For this and other reasons it is not just the fact but

⁷⁰ Ibid.

⁷¹ Safeguard measures were also written into the agreement that would temporarily restore tariff protection if employment in an industry was badly hit by increases in imports. Joseph A McKinnley, Created From NAFTA, M. E. Sharpe Inc., 2000, 11.

⁷² Louis Hamilton, Why The President Needs the Help of Congress to Make Foreign Policy, National

also the form of the agreement that is of interest. This point will be investigated later in this chapter by looking at the deals and agreements made in order to secure passage of NAFTA with other domestic actors in the U.S. policy making arena.

Factors influencing how members of Congress vote:

When Harry Truman was President he was asked who made U.S. foreign policy. His reply was simply: "I do". For observers of 21st Century U.S. foreign policy, no president could make that claim today. In fact, according to Professor Lee Hamilton, not since John F. Kennedy was President has foreign policy been the preserve of even a few policy makers let alone just one. As the U.S. engages the world with renewed vigour and interest in the wake of the September 11th attacks and the war in Afghanistan, this is a point worth keeping in mind. The Congress is also an important player in foreign policy. While this fact may seem inconvenient in times of crisis, it actually benefits the country in many ways. For example, by linking constituents and ordinary citizens to the policy making process, Congress can help deliver a more participatory and democratic policy process. Similarly, the Congress can add to the foreign process through its committee roles and oversight functions.

In fact, the question of the extent to which members of Congress concern themselves with the preferences of their constituents has occupied many scholars of Congress. Logically we would expect members to be most concerned with voter preferences

when those preferences are likely to affect their prospects for re-election.⁷³ Most of the time, however, the majority of voters are unaware of the issues, let alone how their member votes. Nevertheless, strong anecdotal evidence indicates that members do concern themselves with voters, even when voter interest is small. This can be illustrated by considering factors influencing how members of Congress vote.⁷⁴

How a member decides to vote depends upon a changing matrix of factors. Before a major vote, Members are often overwhelmed with differing opinions, sometimes sent months, weeks, and even minutes prior to voting. Congressional offices receive mailbags full of letters, emails, faxes, and phone calls from constituents, all expressing a wide array of conflicting opinion. Members receive statements from expert witnesses testifying before congressional hearings. Special interest groups send them background material. Congressional agencies provide reports and studies. In short, there is ample material on both sides of any issue placed before the Congress. Making the important decision of how to vote however, involves a complex process of interaction between Members and a variety of influences. It is not easy to categorize the process of making that decision as it is an individual one. According to Lee Hamilton, usually, the following five factors are present in the process:

- Information Gathering
- Constituency Interests
- Expert Opinion
- Political Ramifications

⁷³ Frederick W Mayer, Interpreting NAFTA, Columbia University Press, 1998, 322.

⁷⁴ Ibid.

- Personal Judgement⁷⁵

In the process of information gathering Members of Congress become familiar with the arguments given by the various sides surrounding a policy issue. Members of Congress also have access to neutral, objective research and analysis on issue proposals from the Congressional Research Service. In addition, committee reports, newspaper articles, editorials, statements from the Administration, and letters from other Members also give them a sense of the arguments surrounding an issue. When reviewing this material, Members also pay attention to factors such as cost to the taxpayer, benefit to society overall, and perceived consequences for the future.

A closely allied factor to gathering information on the issue is gathering information on the views of constituents. Members spend a great deal of time seeking an accurate idea of how a majority of their constituents feel about specific legislative proposals. They do not rely exclusively on the correspondence or calls received by their office, for they understand that many constituents will not take the initiative to contact them. They are also fully aware that those constituents and groups with passionate views on a subject will organise mass mailings or a barrage of phone calls or visits that may not accurately reflect the wider electorate.

⁷⁵ Voting is one of the most important responsibilities held by a member of Congress. Members are called on hundreds of times a year to vote on a vast amount of bills, motions and amendments. For example, in the 1997 -98 Congress, Senators cast 612 floor votes and House members cast 1187. Louis Hamilton, Why The President Needs the Help of Congress to Make Foreign Policy, National Public Radio Transcript, 28th October 2004, 2.

Rather than rely only on the voices of those constituents who volunteer their opinion, most Members engage actively in outreach to a broader spectrum of the electorate. Virtually every Member of Congress goes home several times a month to meet with constituents, holds open office hours and meetings in community centres. They closely follow public opinion surveys, and often undertake polling of their own constituents. Members are aware that they have a responsibility to reflect the viewpoint of a majority of their constituents, and that if they fail to read the pulse of public opinion, a majority of the voters in that area will find someone else in the next election who does.

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According to Kegley and Wittkopf, it often helps members to become informed about the views of respected outside experts and known authorities in an issue area.

Members also rely on the recommendations of experts and known authorities in an issue area. They also rely on the recommendations of experts and colleagues within Congress, whose judgement and specialisation in particular issues are respected – especially senior colleagues with experience such as committee chairmen.

While members depend heavily on outside groups and experts for policy analysis, they also turn to each other for an understanding of the broader political ramifications of a vote. For example, senior members may solicit votes and point out the political rewards – committee assignments or congressional committee campaign contributions – that might be received by those who help pass an item.⁷⁷

⁷⁶ Ibid, 2.

⁷⁷ Ibid.

Finally, members of Congress do not arrive as blank slates, awaiting only the directives of others. Their own personal histories and key beliefs definitely influence their voting decisions. In the end, every member has issues where their personal judgement overrides other arguments, so Member's core beliefs and personal identities do matter when they decide how to vote.⁷⁸ For example, in his memoirs "*All the Best: My Life in Letters and Other Writings*" President George Bush Senior noted how his own military service impacted on any decisions he made about using U.S. force.⁷⁹

Indeed, through some interviews with Ike Skelton, Mickey Edwards and Bill Richardson who were Congress members in the 1980s, Richard Strobel found that at times Congress members use their own offices and contacts to gain expertise and knowledge in order to make decisions or fight for a particular point of view on an issue.⁸⁰ Moreover, and with regard to public opinion, as each member of Congress votes they know that they will be held accountable for the decision they are about to make. Indeed, while traditionally scholars of public opinion argued that there are a number of weaknesses in the proposition that the public would influence foreign policy

⁷⁸ Ibid.

⁷⁹ G. Bush, *All the Best: My Life in Letters and Other Writings*, Scriber, New York 1999, 52 and 506.

⁸⁰ The interviews were taken at a conference at the Woodrow Wilson School, Princeton University in 1989 and I personally spoke to Richard Sobel about them. The transcripts and details of them can also be found in Richard Sobel, *Public Opinion and Foreign Policy: The Controversy over Contra Aid*, Rowan and Littlefield Publishers Inc., 1994, and Richard Sobel *The Impact of Public Opinion on U.S. Foreign Policy since Vietnam*, Oxford University Press, 2001.

by choosing whose policies they most preferred, they overlooked the better way that public opinion can and does exert influence or control in elections is not prospectively but retrospectively.⁸¹ That is to say it provides a deterrent effect for unpopular and/or dangerous policies: the people responsible will not be re-elected. Therefore a better way in which public opinion can and does exercise effective influence or control in elections is not prospectively but retrospectively. V. O. Key argues that elections are referendums on performance, and policy - makers are held accountable by the electorate if their policies foreign as well as domestic fail. Consequently, although public opinion offers very little guidance for policy - makers on what the details of policies should be, Damocles' sword of punishment is always overhead. As one member of Congress said of his constituent, "you have to be as smart in prospect as they are in retrospect".⁸²

⁸¹ For example, while the most obvious way for the public to influence foreign policy would be through elections, there are some problems with this suggestion. Firstly, elections are dependent overwhelmingly on a candidate's domestic policies. In fact, the historical record shows that even during periods of international crises elections remain focused on domestic politics. According to R. Barnet for example, "there has never been a national election that was a clear plebiscite on an issue of foreign policy there are too many other issues invariably involved", for example in both the 1964 and 1968 elections during the peak of the Vietnam War there were many domestic issues involved. This is not to say that Vietnam was not also an important issue, though, even when there is an overriding public concern about a foreign policy, as during Vietnam, the candidates have not presented a clear choice on the issue of war and peace. This leads to the second point; that party differences are few on foreign policy. For example, at the height of the Vietnam War in 1968, both major presidential candidates - Humphrey and Nixon, endorsed the policies of gradual de - escalation that most Americans favoured. Benjamin Page Mark Petracca, The American Presidency McGraw Hill Book Company, 1983, 363.

⁸² William Leogrande, "Did the Public Matter? The Impact of Opinion on Congressional Support for Ronald Reagan's Nicaragua Policy" in Richard Sobel, The Controversy of Contra Aid, Rowan and Littlefield Publishers inc, 1994, 168.

As we have seen, foreign policy issues with the exception of key ones where the public perceive their interests to be involved, pass by with the public taking little notice. But, as a different member of Congress claimed, “you have to be very careful and try to judge which issues will blow up into key issues”.⁸³ To avoid touching off a negative reaction from the electorate then, members of Congress and the executive branch are more likely to modify their positions incrementally. The result being a conception of policy change that closely resembles Key’s conception of opinion dikes. Public opinion rarely if ever dictates policies Key argued, but instead it establishes the outer limits of acceptable government action, bulwarks marking the margins of public tolerance (but only on issues that are salient to the public).⁸⁴

Thus the opinion context fixes or sets general limits themselves subject to change within which action may be taken. By studying the way policy - makers observe and evaluate external opinion and the affects these may have on their policy - making behaviour, Cohen also concludes that, policy - makers perceive in the environment outside of their political orbit, encouragements or limitations that facilitate or modify their preferred behaviour. As Former Secretary of State Dean Rusk stated:

“Throughout my long years in government, I have found that the American people expect their government to travel on a broad highway of policy which responds to their own simple and decent purposes and that when government wanders over toward the soft shoulders on either side of the road the people have a dozen ways to nudge the

⁸³ Ibid.

⁸⁴ V, O, Key, Public Opinion and American Democracy, Knopf, 1961, 552 - 553.

public vehicle back on to the hard surface.”⁸⁵

Anecdotes abound of policy decisions that were affected by the fear of adverse public reaction. For example, President L B Johnson was said to have worried initially that disengagement from Vietnam would provoke a popular backlash on the right, subjecting the nation to a trauma like the bitter debate in the 1950s over “Who Lost China” to communism. Examples, also show that in elections the electorate will punish presidents for foreign policy failures. Consider for example, President Carter’s electoral fate. The public generally gave Carter high marks on personal attributes (e.g. integrity) but low marks on performance. Public evaluations of his foreign policy performance were especially critical and generally parallel his overall decline in popularity. Following the seizure of the American embassy personnel in Tehran, the president’s inability to secure their release seemed to have fuelled public dissatisfaction with the president’s overall performance. For example, between September 1979 and September 1980 the percentage of people who thought Carter was handling foreign affairs well declined from 77% to 23%. Similarly, between October 1979 and August 1980 the percentage of Americans who approved of Carter’s performance fell from 60% to 21%.⁸⁶ It follows then that the fear of electoral consequences enables the prevailing “climate of opinion” to influence foreign policy.

Indeed, a number of studies working on the premise of re - election being the main motivation for members of Congress’ voting decisions which can be applied to the vote

⁸⁵ Bernard Cohen, The public’s impact of Foreign Policy, Little Brown, 1973, 18.

⁸⁶ Figures supplied by Gallup in Charles W Kegley Eugene R Wittkopf, American Foreign Policy, St Martin’s Press, 5th Ed, 1995, 280.

on NAFTA. For example, in an investigation of how factors most influence Congressmen's vote, Cherryholmes and Shapiro found that a member would first assess his opinion, this would include taking account of their delegation, region, constituency, ideological, committee and leadership influences.⁸⁷ If after making this assessment they found themselves to have a strong pre-disposition then this would rule their decision. If not, then Cherryholmes and Shapiro suggest that the member is now entering a second phase where they will seek out more information from other colleagues and indeed the president.⁸⁸

This conception by Cherryholmes and Shapiro seems plausible and can be used as a way to understand how a member of Congress can prioritise the most important influences on his decision. For example, by taking this further and introducing the issue of "timing" Box - Steffenmeier and Arnold, used statements by all 435 members of Congress on NAFTA to assess when they likely made their decision to definitely support or oppose NAFTA.⁸⁹ This was done by using a statement the Congressman had made indicating themselves to be undecided in comparison to a subsequent statement declaring their position to be either in support or opposing the agreement.

In doing this, Box - Steffenmeier and Arnold found the largest two variables influencing a member and compelling him to have a clear and early position were

⁸⁷ Cleo H Cherryholmes Michael Shapiro, Representatives and Roll Calls, Bobbs Merrill Company, 1969, 37.

⁸⁸ Ibid, 69.

⁸⁹ Janet M Box - Steffensmeier Laura W Arnold Christopher J Zorn, "Strategic Position Taking and the Timing of Voting Decisions in Congress - A Study of the North American Free Trade Agreement." Department of Political Science, Ohio State University, 1995, 9.

socioeconomic. Such as districts with lower household incomes tending to produce members who were clearly less supportive of NAFTA due to the threat of job losses. Or districts with a high level of union membership also opposing NAFTA more of the time.⁹⁰

The investigation into using timing as a variable also found that members with leadership and ‘cue - giving’ or senior positions declared their positions significantly earlier.⁹¹ While other scholars investigating this topic, such as Sullivan and Uslander illustrated that lobbying by the President can also switch votes some of the time.⁹² As Uslander shows, by being active, meeting and talking to members of Congress on NAFTA, Clinton’s efforts had the intended effect with legislators who were lobbied by the President being more likely to back NAFTA.⁹³ Thus, in conclusion the factors that influence a Member’s voting decision are not a matter of science but of individual

⁹⁰ Ibid 15-16.

Box - Steffenmeier and Arnold plan to use their findings on the timings about members reaching a decision in future research along with data on which members were contacted, when, and by whom - such as leaders or interest groups, in order to further examine influences on voting. Ibid, 11.

⁹¹ Ibid, 29.

Note: ‘Cue - givers’ refers to government members who serve in leadership positions and give endorsements which help others learn about the issue and then decide to either oppose or support the measure. Q Monson L A Murray K D Patterson “Dominant Cue givers and voting on Ballot propositions” paper presented at Western Political Science Association, California, 17th March 2009, www.allacademic.com/meta.

⁹² See Terry Sullivan, “The Bank Account Presidency: A New Measure and Evidence on the Temporal Path of Presidential Influence,” American Journal of Political Science, 35, 1991, 686 -723 and Eric M Uslander, “Trade Winds: NAFTA, the Rational Public, and the Responsive Congress”, University of Maryland of College Park, Manuscript 1995, for a further discussion on this.

⁹³ Eric M Uslander, “Trade Winds: NAFTA, the Rational Public, and the Responsive Congress”, University of Maryland of College Park, Manuscript 1995, 15.

According to Uslander, members that were lobbied by the president were 44% more likely to back NAFTA than those who were not. Ibid, 349.

and varied circumstances. Moreover, as each member votes they know that in the U.S. democracy they alone will be held accountable for the decision they are about to make.

Illustrations of Congress affecting changes in law on foreign policy:

As mentioned in the previous chapter, the post-Cold War era altered the pitch on which U.S. foreign policy is played, and saw increased access and influence by several domestic actors. With the end of the Cold War, the strong influence of international – system level factors on U.S. foreign policy - such as the power of the Soviet Union relative to that of the U.S. largely disappeared. This allowed a greater role for domestic level factors to shape American policy. As a result, the period from the early 1990s to mid – 1990s being considered in this study has played witness to Congress taking a greater role in trying to shape U.S. foreign policy.

Consider for example a number of initiatives stemming from members of Congress that became important facets of U.S. foreign policy. For example, efforts of members of the Senate and House of Representatives to revamp the finances of the United Nations, and holding back U.S. dues to the U.N. to cut funding of international agencies that might in turn fund abortions in other countries. Similarly, Congress also forced the President to accept automatic sanctions against foreign countries such as India and Pakistan for violations of the 1994 Nuclear Proliferation Prevention Act.⁹⁴ Indeed, as the following examples from the late 1990s and the early 21st Century will testify the role played by the Congress in American foreign policy is more significant and at times

⁹⁴ M Chambers R Goldel, Beyond the Waters Edge, White House Studies, Nova Science Publisher Inc, 1st January 2004, 2.

results in changes to the law.

In the case of the Foreign Sales Corporation (FSC) the European Union challenged United States legislation that provided special tax treatment for the export sales of U.S. firms carried out through Foreign Sales Corporations. (Foreign Sales Corporations are subsidiaries based outside the U.S., often in tax havens, and through which export sales were often diverted). Since part of the income made by these sales was not subject to corporate income tax, the European Union argued that Foreign Sales Corporation's were providing a subsidy to American firms which violated agreements made by the World Trade Organisation.

Subsequently, a World Trade Organisation panel found that the FSC arrangement did represent a subsidy. Attempting to address this the U.S. Congress passed legislation in 2000 altering the scheme. Yet, the W.T.O panel again found that this legislation did not comply with World Trade Organisation agreements.⁹⁵ As a consequence, the European Union was authorised to put trade sanctions on the United States up to \$4043 million a year which represented 2.5% of total U.S. exports to the European Union.⁹⁶ When this amount progressively increased to 5% the U.S. Congress changed tax laws to eliminate the illegal subsidy provided by the Foreign Sales Corporations provisions.

A second case involved the Continued Dumping and Subsidy Offset Act of 2000 (the

⁹⁵ Breuss, F "W.T.O. Dispute Settlement: An Economic Analysis of four E.U. – U.S. Mini Trade Wars: A Survey, Journal of Industry Competition and Trade 4 , 2004, 275-315, 285.

⁹⁶ Ibid, 288.

so-called Byrd Amendment) which was added to an appropriations bill by Senator Robert Byrd of West Virginia. This Act stated that monies collected from the antidumping penalties and countervailing duties would be paid to the firms that had filed the trade remedy petitions rather than being applied to the federal budget as it has been previously. This act was of great concern to the major trading partners of the United States. Thus, the European Union along with ten other countries challenged the Byrd Amendment and called for a W.T.O. panel to rule on whether or not it was compatible with U.S. obligations as a member of the W.T.O. The panel ruled that it was not and ordered that it be changed.⁹⁷ On May 1st 2005, the European Union and Canada began putting retaliatory duties on United States products and Japan followed in doing the same.⁹⁸

Although the U.S. Congress strongly opposed repealing the Act, as Senator Byrd was a very distinguished and respected senator, the retaliatory trade actions eventually resulted in appeal. While not directly from the period being considered in this study this case again nevertheless represents an instance where Congress exerted formidable sway on U.S foreign policy. This kind of new found Congressional confidence in foreign policy making had to be managed by the Executive in passing and then trying to expand NAFTA.

⁹⁷ Ibid, 311.

⁹⁸ Ibid.

Fast Track procedures used for Congress' approval of the NAFTA

agreement:

With regard to the ratification of NAFTA the stage was set for the involvement of domestic factors from the request for a fast – track authority. For Mexico and Canada, once President Salinas (Mexican President) and Prime Minister Mulroney (Canadian Prime Minister) made their respective commitments to NAFTA, the decision was made to go ahead with negotiations. In the United States however, the situation was not as straightforward, as the U.S. Constitution divides power among the branches of government, and Congress not the President regulates foreign trade. Thus, to stand any chance of successfully negotiating the NAFTA, President Bush would first need to obtain "fast track" negotiating authority from Congress.⁹⁹

Fast track refers to the process by which Congress assigns responsibility to the president to negotiate on its behalf and it subsequently only involves itself in limited debate (hence "fast track") and to an up – down vote, without amendment, on the agreement that the president has reached.¹⁰⁰ Consider for example when Congress

⁹⁹ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 67.

¹⁰⁰ Although the president can initiate new trade negotiations without fast - track authority, most trade experts believe that other countries will not be forthcoming with significant trade - liberating offers without legislation in place to prevent Congress from blocking or modifying U.S. concessions by amending the legislation. R E Baldwin C S Magee, Congressional Trade Votes From Nafta Approval to Fast Track Defeat, Institute for International Economics, Washington D.C. 2000, 2. The benefit of fast track is that it enables the executive to enjoy the necessary leeway and credibility to negotiate trade agreements (or agreements) without legislators making amendments that could delay and even cripple controversial bills. Thus, fast track allows a trade deal to be negotiated and then Congress must accept or reject it with no changes made. I M Destler, American Trade Politics, The Twentieth Century Fund, 2nd Ed, 1994, 77.

gave the president fast track authority for free trade negotiations with Israel and Canada, as well as for the Uruguay Round of GATT. With regard to the NAFTA negotiation, the previous 1988 Trade Act had authorised the fast track for three years, with a provision that gave the president two more years if he requested it. So, as long as there was no veto by a majority of either the Senate or the House of Congress, President Bush could ask for an extension of fast track in 1991 that would last until 1993.

When Bush asked for an extension in March 1991 however, a remarkably diverse collection of interest groups with stakes in NAFTA had mobilised to oppose fast track or insist on conditions that be attached to its approval.¹⁰¹ This was to prove a major complication in the Administration's foreign economic policy making.

Indeed, Bush faced opposition from industries which previously had not been involved in trade politics. These were mainly producers who felt that cheap Mexican goods being imported could harm their business, such as manufacturers of glass, apparel, brooms or other labour intensive industries and farmers of certain products like warm winter vegetables, citrus fruit and sugar cane. Similarly, the perception for huge competition from Mexican workers who worked for only a fraction of the cost of their U.S. counterparts led to organised labour groups opposing any extension of fast track for fear it would enable the passage of NAFTA.¹⁰² Indeed, the main interest groups opposing the fast track was the AFL - CIO who were concerned that U.S. companies

¹⁰¹ Ibid.

¹⁰² Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 68.

would relocate to Mexico causing a loss of jobs in the U.S., especially unionised jobs. Other interest groups included food safety, workers, human rights groups, and environmental groups.

Even though a large number of industries such as banks and other financial institutions, and the major automakers supported the fast - track extension and NAFTA, the opposition began gaining enough support to make getting an extension problematic. For example, as Mac Arthur noted, there was soon over 60 groups formed in opposition, and their movement was gaining even more support, particularly with some help from Richard Gephardt, the Democratic Majority leader of the House of Representatives and Michael Wessel, Gephardt's long - time advisor on trade. Gephardt's influence lay in the fact that he could attract more opponents to NAFTA and in particular influence some House Democrats who could be seen to hold swing votes.¹⁰³ In addition, members of Congress had also learned from the Canada - U.S. Free Trade Agreement (CUFTA) that the fast - track was the key point in a trade agreement where they could have an impact or influence, as once the fast - track was passed their concerns would be neglected. This was learned from the CUFTA in that, granting fast -track for the CUFTA had no sizeable opposition, however, unions and other opponents discovered during the final agreement debates that their chance to affect or influence the terms of the agreement had been more or less taken from them by the passage of fast track.¹⁰⁴

¹⁰³ John R Mac Arthur, The Selling of Free Trade" NAFTA, Washington and the Subversion of American Democracy, Hill and Wang, 2000, 113.

¹⁰⁴ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 98.

To illustrate how the new groups getting involved in the debate over fast - track brought a host of new issues and domestic actors into the realm of trade policy it is helpful to consider the actions by the Bush administration to secure an extension to fast track which was vital to pursuing the NAFTA. Particularly, in order to gain enough Congressional votes to renew the fast - track due to expire in June 1991, the Bush administration led a full campaign to gain the needed support. Along with two of his political allies, Nick Calio and Josh Bolton, the Bush administration strategy was simply to put peer pressure on Gephardt from other Democrat's and somehow lessen their potential to increase opposition to fast track. As they were sure that Gephardt would not like to be portrayed as against trade per se, as trade was generally seen as the key to increasing U.S. economic activity, they worked two main angles. First, they gained support of other large democratic figures such as Treasury Secretary Lloyd Bentsen, the House Ways and Means Committee Chairman Daniel Rostenkowski and Bill Richardson - a formidable popular Democrat who Gephardt would find difficult to handle. Secondly, they exploited the uncertainties he had about fully supporting Labour's position against fast - track. For example, Labour's position and that of the AFL - CIO was that "fast-track extension leading to NAFTA would ultimately lead to a situation where a sovereign nation seeks to negotiate an agreement that is certain to destroy the jobs of tens of thousands of its citizens." They added that "the effort circumscribes the role of Congress" and "the proposal is harmful to American workers."¹⁰⁵ For Gephardt however, this view was too much, he noted for example, that "I count on a lot of support from union members in my districts," but in his view

¹⁰⁵ John R Mac Arthur, The Selling of Free Trade" NAFTA, Washington and the Subversion of American Democracy, Hill and Wang, 2000, 116.

the U.S. was already trading with Mexico and the average U.S. tariff was 4% and Mexico about 10% so to look at expanding your export market you would want their tariffs to come down, to create labour rights and environmental equity so that downward pressure on U.S. wages is reduced. Hopefully, as Mexican productivity, quality and wages rise, you can create new consumer markets for U.S. trade. According to Gephardt that was ultimately the direction you want trade to go in.¹⁰⁶

As a result of this view, and the Bush administration's NAFTA aim, a compromise was worked out which made a deal for labour and environmental issues but also gave more support for fast-track and NAFTA from Gephardt and others. The main details of the compromise included an "escape clause that could act as a stop-gap measure to stem the loss of jobs and businesses in any one sector." There was a "strict standard for rules of origin, to ensure Mexico did not just turn into a cheap-labour export platform for Asian companies selling into the U.S." They also wanted to slowly phase in the agreement in order to keep pressure on Mexico to treat its own people better. In a similar manner Gephardt urged that the wage disparity between the U.S.A. and Mexico be addressed and that environmental safeguards be supported that would protect against U.S. companies taking advantage of the more lax environmental law enforcement in Mexico. With a compromise worked out, fast track extension became a reality for the Bush administration. Some opposition did continue though, mainly from Labour and environmental groups like Global Trade Watch. Bush was however successful in his campaign to extend fast track with 231 to 192 in favour of granting

¹⁰⁶ Gephardt, cited in John R Mac Arthur, The Selling of Free Trade NAFTA, Washington and the Subversion of American Democracy, Hill and Wang, 2000, 116 - 117. Note that John R Mac Arthur interviewed Gephardt and other administration officials in his book on their views on NAFTA.

the president his extension. President Bush now had fast track negotiating authority for two years.¹⁰⁷

Thus by bringing new issues into the trade agenda during the fast track debate, Bush's critics and opponents brought forward issues that the Bush administration may not have considered otherwise. As Mayer pointed out, in doing this they transformed the domestic politics of NAFTA, and impacted on the direction of the negotiation itself. For supportive evidence of these claims, we shall briefly examine three examples.

Domestic Intrusions into NAFTA:

The following section investigates the involvement of domestic players and factors in the passage of the North American Free Trade Agreement. It will be illustrated that by negotiating agreements and deals the Clinton administration was able to overcome opposition to NAFTA's passage, and therefore conclude an agreement that was more satisfactory to domestic players, and gave them a greater involvement than for example in Cold War policies.

First the environmental factor will be considered. Bill Clinton, was elected in November 1992, and a new round of negotiations for the NAFTA between Canada, the U.S. and Mexico began in 1993. Building on the previous efforts by President Bush, in September 1993 President Clinton began negotiating additional agreements on the environment and labour in order to overcome formidable congressional opposition and address some areas which were deemed to be deficient in the proposed NAFTA.

¹⁰⁷ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 93.

It was during this period that Clinton and his administration embarked on their strategy to promote and increase support for NAFTA, while other leading voices in the Congress debated, discussed and held hearings on NAFTA and the related side agreement that Clinton proposed. For instance, Senator Patrick Moyihan, Chairman of the Senate Finance Committee announced that the committee would hold a series of hearings on NAFTA to properly assess and discuss among themselves the merits of the treaty and proposed side agreements.¹⁰⁸ As Moyihan stated, “this initial hearing will give the Clinton administration the opportunity to make the case for the NAFTA,... and I look forward to hearing from Secretary Christopher, Secretary Bentsen and Ambassador Kantor concerning how this agreement advances our economic interests, while also addressing labour, environmental and related concerns.”¹⁰⁹

In committing himself to making these additional agreements for NAFTA, Clinton and his administration increased the likelihood of NAFTA gaining enough votes to pass into legislation and tackle head on a lot of the concerns made by senior government players. For example, in the area of the environment, a lot of prominent Democrat

¹⁰⁸ NAFTA and related side agreements : hearing before the Committee on Finance, U.S. Senate 103rd Congress first session on labour, business, agriculture, and environmental issues relating to NAFTA, 15th 21st 28th September 1993, at www.archive.org/stream/naftarelatedside00unit/

In the U.S. Congress, committees are permanent standing legislative panels who consider bills, issues, and make recommendations accordingly. They also have oversight responsibilities. For example, the Committee on Finance has extensive oversight powers. It has authority to investigate, review and evaluate existing laws and concerns itself with matters relating to trade, tax, and health.
http://en.wikipedia.org/wiki/United_States_Senate_Committee_on_Finance.

¹⁰⁹ NAFTA and related side agreements : hearing before the Committee on Finance, U.S. Senate 103rd Congress first session on labour, business, agriculture, and environmental issues relating to NAFTA, 15th 21st 28th September 1993, at www.archive.org/stream/naftarelatedside00unit/, 1.

senators and 'cue - givers' warned Clinton and his administration that NAFTA would need to address the environmental concerns of Congress in order to stand a chance of passage.¹¹⁰ It is also worth pointing out that of the Democrats supporting NAFTA there were two contending sides, those who considered NAFTA as good and the side agreements as a bonus, such as Treasury Secretary Lloyd Bentsen. Or those who saw NAFTA as flawed and the side agreements as necessary fixes led by the U.S. Trade Representative Mickey Kantor.¹¹¹ Some fears by those taking Kantor's view were that more lax environmental standards in Mexico would allow Mexican producers to have lower production costs and potentially undercut U.S. producers.

For example, companies in America are bound to certain standards over issues like vehicle emissions, tracking and disposal of hazardous waste and adhering to standards to minimize the risk of chemical accidents, to name a few, which are the result of the U.S. being a highly developed industrial country. For a country with a lower standard of development such as Mexico however, such operating directives were not very developed and not widely applied, so setting up and operating a company and its necessary infrastructure along with lower workforce costs was overall much cheaper in Mexico than the U.S.¹¹² Consider the fact for example that when NAFTA was initially proposed, DDT - a toxic compound formerly widely used as an insecticide was banned in the U.S. but in use by Mexican farmers. U.S. farmers by comparison had to meet

¹¹⁰ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 134.

See also for example, Martin Crutsinger who points out that a lot of Congressmen were holding back from making a decision on NAFTA until side agreements were negotiated, in Martin Crutsinger, "Clinton began NAFTA lobbying " Washington Herald Journal 14th September 1993.

¹¹¹ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 183.

¹¹² The Trade Forum Website - www.tradefroum.org

the higher costs of developing insecticides which were safer than DDT.

Similarly, to illustrate the lower cost of producing goods in Mexico, John MacArthur produced a comparative report of the Swingline stapler factory in Long Island New York, which announced in 1997 it was closing to relocate to Nogales, just South of the U.S. border in Mexico. In his comparison MacArthur interviewed workers at the old New York factory and new workers at the Nogales plant. The main point that he finds of interest is that on the main factory site there was an absence of a large parking area full of cars typical of a U.S. factory. Most workers arrived on one of the five buses which transported the workers, and that there was no obvious relationship between factory and town like as so often was the case in the U.S. ¹¹³

While interviewing one of the Mexican workers called Maria del Refugio Harrandez, he found out she was age 16 and in violation of the company's minimum age of 18 due to lying about her age when taken on. When asked for proof she simply said she had none to provide and signed a form stating she was 18. Committing a fraud was not a deterrent to Maria as with the exception of signing her name she was completely illiterate, Maria had only gone to the first Grade for a few months and stated that they did not ask such questions when they needed people to work. Other anecdotes abound over the conditions such as she had no holiday in 14 months, no knowledge of sick pay entitlement, replying that if someone was off they did not get paid. While by comparison to the factory that closed in Long Island where staplers were produced by

¹¹³ John R Mac Arthur, The Selling of Free Trade" NAFTA, Washington and the Subversion of American Democracy, Hill and Wang, 2000, 346.

automated assembly line machines, MacArthur found that the same staplers in Nogales were put together by hand.¹¹⁴

There was therefore a danger that due to production methods and conditions in Mexico U.S producers would be hurt by lower cost Mexican goods. This along with a need to raise environmental standards meant that in the case of the side agreement made on the environment prior to the NAFTA vote, the Clinton administration not only consulted environmental organisations, but encouraged them to submit suggestions on key issues. The groups that participated ranged from the National Wildlife Federation to the World Wildlife Fund, who had approved much of the originally proposed NAFTA text. These groups had agreed on a number of objectives:

- 1 – First, establishing a tri-national environmental commission with broad authority and an independent secretariat;
- 2 – Second, preserving the integrity of federal and subfederal environmental laws, ensuring transparency and public participation in dispute settlement and other activities;
- 3 – Third, earmarking adequate funds for environmental cleanup, such as through a regional development bank allowing access to domestic courts so that private parties could seek compensation from individuals and companies rather than governments;
- 4 – Finally, imposing trade remedies if inadequate enforcement gave rise to a competition of the global commons.¹¹⁵

¹¹⁴ Ibid, 354.

¹¹⁵ G W Grayson, The North American Free Trade Agreement, University Press of American Inc, 1995, 135.

Environmentalists presented their ideas through multiple channels, which indicated the increased access and involvement of such groups. For example, they regularly lobbied through the Office of the vice-President; the State Department, especially through Richard Smith, Counselor Timothy Wirth, the White House's Office of Environment Policy, headed by Katie McGinty, EPA Administrator Carol M. Browner; the National Security Council, the USTR; the Office of Senator Max Baucus and other lawmakers.

¹¹⁶ The result was that following negotiating sessions in Washington in July 1993, the Mexicans accepted the U.S. proposal and there was agreement on a fairly detailed environmental side deal. This deal established a relatively strong Environmental Secretariat for the NAFTA, an active role for Non-governmental Organisations, the ability of non public entities to file complaints, and while largely symbolic, trade sanctions were to be introduced as an ultimate penalty for environmental violations. ¹¹⁷

U.S. Democratic Majority leader – Gephardt reportedly stated that sanctions for

¹¹⁶ Ibid, 137.

¹¹⁷ In the unlikely event that the subject of a complaint fails to pay its fine or still refuses to enforce its environmental law, other remedies will be available. For example, in a dispute between Mexico and the U.S. the complaining party or parties can suspend NAFTA benefits based on the amount of the assessment. Most likely the sanction would involve “snapping back” tariffs to the pre- NAFTA levels. In the case of Canada however, the Commission for Environmental Cooperation at the request of the complainant - collects the fine and enforces an action plan in summary proceedings, before a Canadian Court of competent jurisdiction. The dispute settlement procedure also differs between Canada and Mexico as Canada would not agree to sanctions in the negotiations enforced by the CEC - Cooperation for Environmental Cooperation, but rather fines that would be enforced by the Canadian Courts.

G W Grayson, The North American Free Trade Agreement, University Press of American Inc, 1995, 143.

environmental violations were a 'sine qua non' for approval of the agreement.¹¹⁸ Moreover, in March 1992, the Washington journal *Inside U.S. Trade* published a leaked copy of the NAFTA negotiating text. For the first time the environmental community that had been outside of the negotiations could see what was going on inside.¹¹⁹ John Audley from the Sierra Club stated the view of many in the community: "Its pure and simple, the document does not pay any attention to anything but expanding trade. The best you get is meaningless language or no mention of the environment. Yet on the sections about environment and health, you get language to protect economic activity from environmental standards".¹²⁰ For example, the leaked NAFTA text created a knock - on effect as environmentalists united across the spectrum to demand changes in the text that require that environmental standards be maintained or raised.

The environmental groups enlisted the support of Max Baucus, chair of the International Trade Subcommittee of the Senate Finance Committee. In letters to Carla Hills and Environmental Protection Agency administrator William Reilly on June 3rd, he pressed the environmental groups' agenda and made clear his determination that they be addressed. In the House, Bill Richardson (Democrat –New Mexico) one of the leaders of the effort to pass fast track, warned that the agreement would "go down the tubes" unless Congressional environmental concerns were met.¹²¹ For example,

¹¹⁸ *Inside U.S. Trade*, Aug 13th 1993, 18.

¹¹⁹ Frederick W Mayer *Interpreting NAFTA*, Columbia University Press, 1998, 133.

¹²⁰ *Ibid.*

¹²¹ *BNA International Environment Daily*, Environmental Issues to Decide the Fate of the NAFTA , Representative Richardson Predicts, 29th June 1992.

various Congressional groups were concerned to prevent Mexico's lower environmental standards giving its manufacturers an "unfair" advantage over U.S. producers which is a form of protectionism. At the same time, there were also real lower standards which needed to be raised, and putting production costs in Mexico on a similar playing field to the U.S. would be the preferred outcome.

The messages from members of Congress such as Senator Baucus and environmental groups got the administration's attention, as, over the next two months, U.S. negotiators would insist on reopening portions of the text to address some of the environmentalists' concerns. For example, the negotiators modified NAFTA's language to shift the burden of proof from demonstrating that a regulation was least trade restrictive to demonstrating that there was some legitimate environmental reason for the standard. Similarly, in the investment chapter of NAFTA the negotiators added in language stating that no country may lower its environmental, health and safety standards to attract investment.

Thus the example of the environmental agreement illustrates the involvement and influence of several domestic interest groups and other figures in the legislature, as well as illustrating the need for the U.S. executive to negotiate a deal that would be acceptable with Congress. Furthermore, the U.S. decision to demand side agreements on the environment and the parallel agreement in agriculture is best understood in terms of both the configuration of interests and the operation of political institutions in the U.S. domestic arena. Hence the influence of domestic actors in the U.S. foreign

policy making process.¹²²

A second domestic factor was the issue of “rule of origin” of automobiles. A lot of the negotiations for NAFTA concentrated on the rules of origin that established how much of a good needed to be made in North America for it to be considered "North American". That is, how much needed to be made in North America for it to qualify for preferential tariff treatment. In these negotiations it is difficult to explain them as an international – level bargain, as to a large extent domestic politics does not only constrain the national interest and thus the stance taken by administration officials but in many instances it actually defines the national interest. For example, Mayer points this out in his book "Interpreting NAFTA" by considering how the negotiation that took place over the automobile rule of origin illustrate this dynamic.¹²³ In this instance the issue was what percentage of a car would need to be North American before the car was declared North American.

For example, 62.5% was the eventual decision reached on the percentage of a car that needed to be made in North America to be considered North American. This could be seen as somewhat reflective of the U.S, Mexican and Canadian preferences for 65%, 60% and 60% respectively.¹²⁴ By taking a closer analysis however, it appears that positions taken by the negotiators in the international arena were largely determined by

¹²² To put more simply, if the U.S. was just following its national interest in negotiating a side agreement it would surely have done this prior to 1993. Rather it appears that the influence of domestic factors in the U.S. policy making process pressed for changes to make the NAFTA proposal more acceptable.

¹²³ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 155.

¹²⁴ Ibid

powerful factions within the domestic arena. That is to say, the U.S. position can be explained as the outcome of a domestic –level bargain among strong domestic interests. Most salient among these were those of the "Big Three" automakers, - General Motors, Ford and Chrysler – and the domestic autoparts makers. All three automakers had an interest in a reasonably high rule of origin to make it more difficult for European and Japanese competitors to locate assembly plants in Canada and Mexico and thus ship finished automobiles to the U.S. duty free.¹²⁵

There were differences between the U.S. domestic interests. General Motors differed from Ford and Chrysler, in that, due to its joint venture with Izuzu in Canada, General Motors favoured a lower rule of origin – around 60%. Whereas, due to their own production patterns Ford and Chrysler preferred a higher rule of around 70%. That is to say because the Ford and Chrysler's production was based in the U.S. and they were keen to gain better access to the Mexican market they were also concerned that by phasing out the restrictions too quickly, European and Japanese competitors such as Izuzu with manufacturing plants in Canada might get an easy way into the market. The makers of autoparts also differed, and strove for as high a percentage as possible since high percentages protected them from foreign competitors. Together these different domestic interests agreed to make 65% the U.S. bargaining position. For Mexico and Canada however, 60% was the position favoured by both. At the end of the negotiations Mexico appeared willing to accept 65% but Canada would not budge, so in an attempt to complete the negotiations and make a compromise the halfway

¹²⁵ David Everett, "NAFTA Combatants Roll Out the Big Guns" [Knight Ridder/Tribune News Service](#) 5th May 1993, 10.

figure of 62.5% was agreed upon.¹²⁶ Thus, the Auto rule of origin case highlights the effect of U.S. private industries in the U.S. policy making process and ultimately affecting the international outcome.

The third and final example of the influence of domestic factors in affecting the substance of the NAFTA treaty to allow for its passage in the U.S. Congress is the changes in the terms of agreement for sugar. In the run up to the final vote on NAFTA ratification in the U.S. Congress it was still unclear whether the Clinton administration would have enough votes to ratify the agreement. One of the biggest blocks of undecided legislators identified by the President and his administration were from Florida and Louisiana. In these states approximately 10 Democrats and over 10 Republicans were holding back on committing themselves either for or against the NAFTA agreement depending on whether changes could be made in the terms of NAFTA on issues of concern to them: namely, sugar, citrus fruits and vegetables which they could not produce easily in winter.

In fact, sugar producers such as Charles Melancon from Louisiana had never been happy with NAFTA's sugar provisions.¹²⁷ As Mr Melancon noted, "without the sugar problem fixed I think we can kill NAFTA".¹²⁸ Other observers concurred. For example, Louisiana Democrats William Jefferson and Billy Tauzin were claiming that 15 – 17 votes in the House depended on the sugar deal.¹²⁹ Consequently, in response

¹²⁶ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 156.

¹²⁷ Ibid, 316.

¹²⁸ Ibid, 317.

¹²⁹ Ibid.

to the need to secure the votes of people like Jefferson and Tauzin, the United States reopened talks on the terms of the sugar agreement in late October 1993 and also began talking about citrus fruit.¹³⁰

Although the Mexican government had said publicly that it would not re-negotiate these issues, the political necessity of more votes being needed by the U.S. to pass the NAFTA agreement led to Mexico making some concessions and agreeing to modest changes in the sugar, citrus and vegetable deals. For example, in the case of sugar, corn sweeteners were to be included in the calculation of Mexican sugar consumption, thus making it less likely that Mexico could become a net exporter of sugar. As the U.S. Trade Representative Mickey Kantor later pointed out, the sugar, citrus and vegetable deals were of great importance as they probably helped the Clinton administration secure around 26 votes in the Florida, Louisiana and Southern regions.

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Conclusion:

These, and other aspects of domestic intrusion into the NAFTA foreign - policy making process will be revisited in more detail in later chapters. In the meantime we can conclude from the initial evidence provided in this chapter that it is clear, that in the case of the ratification of the NAFTA agreement, we must look beyond a international system - level explanation as a determinant of U.S. policy. At various stages in the process from the influence on a Congressperson's voting behaviour, to

¹³⁰ Ibid.

¹³¹ Mickey Kantor quoted in K,Cooper, "NAFTA Splits Parties, Crossed Political Lines," Washington Post, 18th November 1993, A1.

the request for fast – track negotiating authority and the side agreements and deals made on issues such as sugar and the environment, the involvement and influence of domestic actors in the process is substantial. Indeed, the effect of environmental groups and members of Congress acting on behalf of their district’s contributed to changes in the actual text of the agreement that was voted in by Congress. This evidence is investigated further in the subsequent chapters.

5. Investigation of NAFTA

Up until now, this study has considered and examined the various theories and stances relating to the role of public opinion in American foreign policy. It has considered the general issue of the role of domestic politics in foreign policy, looked at the way

separate factors such as the media, the Congress and public opinion have made an impact upon foreign policy. In addition it has considered the marked difference between foreign policy making in the post - cold war to the pre - 9/11 era and that of the earlier cold war years. The findings have thus far indicated that the role of public opinion may be more significant than a number of studies would suggest, and that in the particular circumstances of the 1994 - 1997 period U.S. foreign policy experienced a situation where it was more open and accessible to public opinion.

While many studies consider public opinion in relation to policy and whether or not public opinion corresponds with the policy, by looking more in depth we can find in the case of NAFTA that policy often results from a Congressman's perceived perception of how public opinion rating will fall as a result of a policy, as well as responding by making changes to the policy in order to win the support of various constituencies through the way policy would affect them, this makes foreign policy making more like domestic policy making. The relationship between policy and opinion has long been thought of as a top - down process, with public attitudes easily manipulated by elites. In fact, however, the American people maintain coherent if very general foreign policy beliefs which affect their evaluations of policies and policy - makers alike and undermine the leader - driven, top - down process. "The nexus between policy and opinion is therefore better conceptualized as reciprocal".¹³² Furthermore, the fact that an overwhelming proportion of foreign policy officials accept the desirability or necessity of shaping and responding to the public opinion environment tells us that external opinion is a matter of continuing concern to officials.

¹³² Eugene R Wittkopf , Faces of internationalism, Duke University Press, 1990, 99.

So how does the case of the ratification of NAFTA and NAFTA expansion lend itself to the hypothesis that during the period 1991 - 1997 public opinion in America played a more pronounced and somewhat involved influence on U.S. foreign policy? We have already seen some impact when considering the need for side deals, now we shall discuss the case of NAFTA ratification in more detail and among other things, detail and assess the impact of these side deals. The case of NAFTA expansion will be considered in the following chapter.

In the early to mid -1990s, with the end of the Cold War, the overriding goals and priorities of U.S. foreign policy became more diffuse and numerous. Many parts of the U.S. economy were sensitive to change after the post-Cold War disruption and the ever - looming threat of cheaper goods flooding the country and destroying U.S. jobs. As mentioned previously, there was opposition to NAFTA from industries that would lose in free competition with low cost Mexican producers, such as manufacturers of glass and brooms and farmers threatened by cheap imports. Similarly, organised labour, who felt threatened by potential competition from cheaper Mexican labour opposed extension of fast track.¹³³ Opposition also emerged from groups and organisations who were newcomers to the politics of trade, such as those concerned about the environment, food safety, workers rights, and human rights. All these groups contributed to a new kind of involvement by domestic actors on a trade agreement, and led to the unnerving of a number of Congressional members who became anxious about how the issue of NAFTA would be received by their

¹³³ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 68.

constituents.¹³⁴

So how did the public's reaction and views on NAFTA affect the votes and stances of members of Congress on the ratification of NAFTA? This question is answered below with reference to first of all the changing stances of various congressmen on the NAFTA vote and the factors they give as being the most important considerations affecting their vote. The second and concluding batch of evidence provided in response to this question centres on illustrating how by negotiating agreements and deals, the Clinton administration was able to overcome opposition to NAFTA's passage, and therefore conclude an agreement that was more satisfactory to domestic players. In addition, in the concluding chapter of this study additional evidence will be tied in to show how these actions and ways of getting involved gave domestic actors more say in foreign policy making that they had had during the Cold War. This can especially be highlighted by making comparisons with the earlier agreements on trade between the U.S. and Canada and the U.S. and Caribbean nations in the 1980s.

Factors affecting Congressmen's votes on NAFTA:

When considering the ways in which public opinion impacted on the ratification of NAFTA and the debate that had preceded this vote, it is helpful to outline and understand the contours of where the public's views lay on this issue. With the vote on the NAFTA agreement scheduled for November 17th 1993, in August 1993 President Clinton embarked on a serious campaign effort to increase support for

¹³⁴ Indeed, this ties in with the trend where economic and foreign economic policy is becoming a more salient domestic issue - with trends such as globalisation.

NAFTA. Clinton's pro - NAFTA strategy began in earnest in August 1993 and was headed by Bill Daley, son of the former Chicago Mayor Richard Daley. For the NAFTA strategists, the first task was to assess the situation in Congress after the August recess. In doing this, the administrations pro - NAFTA strategists found that the ultimate problem was not really in Congress, rather it lay with the tremendous pressure Congress members were feeling from outside political forces.¹³⁵

As Representative David L Hobson (a Republican from Ohio) pointed out, "people came back to Washington saying they had received a tremendous amount of anti - NAFTA sentiment, with mail in every Congressional office running strongly against the agreement."¹³⁶ For example, Labour Unions, who were the largest campaign contributors for many Democrats were angrily opposed. The forty - member Black caucus had taken a formal stand against NAFTA. Similarly, other Democrats had had problems, especially those with strong agricultural constituencies such as Florida, Louisiana and California, where sugar, citrus and vegetable growers were likely to face competition from Mexican imports. For a lot of constituencies in America fears about NAFTA surrounded the issues highlighted by Ross Perot. That is, jobs would be lost as production moved to Mexico which had lower labour and environmental costs and where companies would therefore be able to increase their profits.

Indeed, general public opinion in America on the NAFTA issue had also appeared to have swung strongly to an anti - NAFTA stance. This was evident from a number of

¹³⁵ Frederick W Mayer Interpreting NAFTA, Columbia University Press, 1998, 273.

¹³⁶ Ibid, 283.

polls taken in the Autumn of 1993. For example, the NBC - Wall Street Journal poll in September showed that only 25% of the American public favoured NAFTA whereas 36% opposed it. Similarly, in a Gallup, CNN, USA Today poll a month earlier in August 1993, the findings again indicated that only 26% of Americans favoured the NAFTA agreement with 64% opposed.¹³⁷

Moreover, news agencies such as the Tribune News Service also found that in town meetings in Californian and rallies in Michigan and in T.V. call -in shows, the American public was overwhelmingly becoming involved in the North American Free Trade Agreement and turning it into a populist issue “argued by voters and politicians with as much fervour as health care reform and deficit reduction.”¹³⁸

In fact, a poll in October 1993 by the Times Mirror Centre for the People and the Press found that half of all Americans had followed the debate about NAFTA “very or fairly closely.”¹³⁹ In essence, with events such as the shutting down of five auto parts companies factories and then the laying off of half of the workforce of Toledo’s biggest glassmaker, and the relocation of these jobs to Mexico, Americans understood that trade affects their jobs and standards of living. Indeed, the closure of the Swingline plant in Long Island New York was also keenly felt in that community. Later, Department of Labour statistics estimated that around 214 000 lay offs in U.S.

¹³⁷ AEI Studies in Public Opinion, Polls on NAFTA: A 10 year Review, Released December 2003, compiled by Karlyn H Bowman, Todd J Weiner, Krista Schmitt and Elena Lipson,. The report was on the American Enterprise Institute Website, December 2003, p.3.

¹³⁸ Knight Ridder Tribune News Service, 12th November 1993.

¹³⁹ Knight Ridder Tribune News Service 14th September 1993.

factories were due to jobs transferred to Mexico between 1994 - 1998. Yet, while jobs were also created in the U.S. as a result of NAFTA, factory closures have a large impact in a community and can impact on the public opinion of that region.¹⁴⁰ For example, opponents pointed out that while a lot of the workers of displaced jobs were reallocated to other jobs in different sectors, a lot of these were in the service industry which pays wages that are only four - fifths of that of a job in the manufacturing sector.¹⁴¹ Of similar importance, every member of Congress understood that all 435 districts are affected by trade.¹⁴²

This increased involvement and recognition of the need to engage with the NAFTA issue by the U.S. public and Congress members fits with the finding in the previous chapter that according to democratic theory the administration's foreign policy should consider the views of the people, but does it also meet the further finding that public opinion should set the outer limits of what it views as an acceptable policy? Indeed the hypothesis put forward here, and the evidence from NAFTA ratification suggests that it does.

Firstly, in order for NAFTA to pass, the administration needed to garner enough support in Congress and in order to do this members of Congress had to vote in a

¹⁴⁰ See Juan Gonzalez, Harvest of Empire: A History of Latinos in America Viking Penguin, 2000, 244. See also John R Mac Arthur, The Selling of Free Trade" NAFTA, Washington and the Subversion of American Democracy, Hill and Wang, 2000, 19.

¹⁴¹ Robert E Scott, The High Price of Free Trade, Economic Policy Institute Briefing Paper 17th November 2003, 147 www.epi.org.

¹⁴² Timothy Bennett, former trade official quoted in Knight Ridder News Service, 14th September 1993.

manner consistent with their constituents. In order to illustrate this, it is proposed here that with the negotiation of side agreements the Clinton administration in August 1993 and its subsequent campaign to highlight the benefits associated with the NAFTA as a result of the side agreements, struck a balance for NAFTA that was more acceptable to the public and thus garnered more support. As a result members of Congress who had previously opposed NAFTA were able to come out in support. This was evident from the statements presented in Congress by an unusually large number - 293 members - in which they outlined the reasons for their votes. For example, in a Senate press conference on September 20th 1993, two previously undecided Senators, Jeff Bingham (Democrat - New Mexico) and Harlan Matthews (Democrat - Tennessee), publicly announced their endorsement of NAFTA. Senator Bingham for one, stated that “the NAFTA process provides us with an excellent opportunity to identify resources for addressing the state of the Rio Grande and other pressing environmental and health issues along the border.”¹⁴³ Senator Matthews also called NAFTA “an opportunity to become more prosperous and secure by becoming more productive and competitive.”¹⁴⁴

Similarly, in a special lengthened op-ed article in the Washington Post on September 19th 1993, on NAFTA, subtitled “How I Overcame my Doubts and Learned to Like the Pact,” the former Reagan Administration trade official Clyde Prestowitz reversed his position, writing that at one time he had great concerns, “I believe the time has now come for Congress to ratify NAFTA.” “Under the terms of NAFTA,” Prestowitz

¹⁴³ NAFTA Notes, Monday 20th September 1993, www.ibiblio.org.

¹⁴⁴ Ibid.

wrote, “we are giving away very little. The barriers being removed are mostly on the Mexican side. Ironically, their removal may actually reduce incentives for U.S. firms to move South.”¹⁴⁵

Again, in a House press conference on September 21st 1993, the House Speaker Thomas Foley was joined by members Vic Fazio (Democrat - California), Vice - Chair of the House Democratic Caucus and Chair of the Democratic Congressional Campaign Committee, and Freshman Rep. Jay Inslee (Democrat - Wyoming) to publicly endorse NAFTA. In voicing his support Fazio said, “California stands to gain 30,000 to 40,000 jobs over the next two years, and the country gains 200,000 jobs after the enactment of NAFTA.”¹⁴⁶ Arguing that NAFTA was a “unique” opportunity for the U.S., Fazio said, “if we don’t take it, if we allow others like the Japanese and Europeans to perhaps gain more economic growth opportunities they will be able to cement their own trading blocks together, we should support NAFTA and give ourselves an opportunity for the long haul, for the future.”¹⁴⁷ Even Rep. Richard Gephardt who opposed NAFTA conceded that the administration had made “important progress” in certain areas such as having minimum wages, child labour, and health and safety covered under the dispute settlement system, as well as Mexico’s unilateral pledge to tie minimum wages to productivity.”¹⁴⁸

These statements go some way to illustrate the intense feelings raised by the issue of

¹⁴⁵ Ibid.

¹⁴⁶ NAFTA Notes, Tuesday 21st September 1993, www.ibiblio.org

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

NAFTA between August - November 1993 and were part of a large movement by a huge number of Congressmen to make statements justifying why they were either voting for or against the agreement. In fact, when related to the public's feelings from the opinion polls between August - November 1993 the shift in Congress support correlates well with the public. For example, the public were initially more opposed to NAFTA but moved to being more evenly divided and then more supportive by November 1993. The shift can be documented by some polls, such as the Wall Street Journal/NBC poll from September 1993 which showed that those opposing NAFTA outnumbered those supporting NAFTA by 36% -25%.¹⁴⁹ After President Clinton had announced in late September that he was to sign the side agreements however, support for NAFTA increased to 42%.¹⁵⁰ Similarly, in the Congress the division in opinion shifted from having a majority opposed to NAFTA, then moving to be more evenly split, to eventually gathering enough support to pass the agreement.

In addition, as an example of how the interests and views of constituents were affecting Congress members, Representative Howard Berman (Democrat - California) made the following statement in support of NAFTA: "I have concluded that passing NAFTA is in the best interest of advancing my intense commitment to creating new, high - wage manufacturing jobs in Southern California."¹⁵¹ He further pointed out that manufacturing jobs "have been the engine of upward mobility for hundreds of millions of Americans, and I am convinced NAFTA is the route to restoring manufacturing jobs

¹⁴⁹ NAFTA Notes, Friday 1st October 1993, www.ibiblio.org/whitehouse-papers.

¹⁵⁰ R E Baldwin C S Magee, Congressional Trade Votes From Nafta Approval to Fast Track Defeat, Institute for International Economics, Washington D.C. 2000, 9.

¹⁵¹ NAFTA Notes, Friday 1st October 1993, www.ibiblio.org.

in my state.”¹⁵²

As a penultimate example of the impact constituents had on members of Congress in the NAFTA debate, it was mentioned above that 293 House members presented brief statements on the floor before the final vote in which they outlined the reasons for their votes. In doing so, the main reason given by the 177 members planning to vote for and the 116 members planning to vote against approval of NAFTA, was the perceived impact of NAFTA on jobs and wages.¹⁵³ Again, this highlights the importance the NAFTA issue and its perceived impact in a particular district had in affecting a Congressman’s vote.

Finally, in the case of the Congressional delegate from Florida, the impact of constituents concerns and jobs seemed to impact Clinton’s decision to make a deal about tomato production, and as a result win Florida’s 25 congressional votes. Indeed, tomato growing farmers had been putting pressure on the Clinton administration to set a quota for the amount of tomato’s that could be imported into the U.S. to prevent tomato’s being “dumped” in the U.S. at less than their cost of production and thus threatening the welfare of U.S. tomato growers.¹⁵⁴ To make this deal, Clinton’s NAFTA campaign director Bill Daley, his U.S. Trade Representative Mickey Kantor, his Director of Congressional Affairs Howard Pastor, U.S.T.R.’s Congressional Affairs liason Nancy Leamond, Kantor’s Chief of Staff’s Tom Nides and the deputy Director

¹⁵² Ibid.

¹⁵³ R E Baldwin C S Magee, Congressional Trade Votes From Nafta Approval to Fast Track Defeat, Institute for International Economics, Washington D.C. 2000, 9.

¹⁵⁴ The U.S. relies on tomato imports in the winter months when they are not easily produced at home.

of Congressional Affairs Susan Brophy, arranged meetings, phonecalls, lunches, dinners and general contact between the president and congressional lawmakers. This was to make sure the President could try and gain their support, communicate his intentions and respond to the concerns of Congressmen. Moreover, Clinton's team of advisors made sure Clinton knew the points to emphasise and the themes of concern when he spoke with a particular Congressman or Senator.

Pastor, the President's Director for Congressional Affairs also made sure that the President would focus on Congressmen who would more likely support NAFTA if they could be given some extra assurance or assistance with matters of concern in their districts. In fact, it is estimated by Grayson that Kantor, (also part of Clinton's team) met with "dozens of legislators" and at least 50 undecided Democrats to discuss concerns about the proposed NAFTA, and the types of assurance, like the tomato deal noted above, which could secure their support.¹⁵⁵ Governor Lawton Chiles along with 23 of the Florida delegates for example, made it clear that they would be more supportive of NAFTA so long as more protection was given to the important citrus and sugar industries in Florida.¹⁵⁶ This was evident from data at the National Governors Association Winter meeting from Jan 31st - Feb 2nd 1993 which was attended by 50 governors as well as committee members and other guests including President Bill Clinton, Senate majority leader George Mitchell and the minority leader Bob Dole. A number of subjects were discussed at the meeting and as a result policy

¹⁵⁵ G W Grayson, The North American Free Trade Agreement, University Press of American Inc, 1995, 202.

¹⁵⁶ G W Grayson, The North American Free Trade Agreement, University Press of American Inc, 1995, 203.

positions were adopted, one of which was “continuing support for the NAFTA so long as environmental concerns and job security were addressed.”¹⁵⁷

NAFTA ratification:

In the aftermath of the NAFTA however, many commentators claimed that public opinion was disregarded in favour of big business and commercial interests who aimed to bring about more favourable trading conditions. For U.S. producers of minivans for example, prior to NAFTA, it was most logical for them to export the excess production of their Mexican plants back to the U.S. With passage of NAFTA however, U.S. minivan producers could shift their minivan production back to more efficient U.S. plants.¹⁵⁸ Yet in many cases it was claimed that NAFTA would favour business while costing the U.S. public jobs.

For example, one of the most vocal critics of the Clinton administration’s NAFTA proposal in disregarding the welfare and views of Americans was Ross Perot. For Perot, the core problem with NAFTA, and one which many American workers were aware of, was that by implementing NAFTA an agreement with Mexico “where they pay people \$1 an hour, have no health care, no retirement, no pollution controls etc, you are going to hear a giant sucking sound of jobs being pulled out of this country.”¹⁵⁹ Yet by looking at much polling data from various sources such as Gallup, CBS, Cable News Network News and the prestigious American newspapers it is apparent that public opinion and points the public highlighted as important were taken into

¹⁵⁷ www.nga.org/portal/site/nga

¹⁵⁸ *NAFTA Notes*, White House Papers, www.ibiblio.org 20th September 1993, 1.

¹⁵⁹ Frederick W Mayer *Interpreting NAFTA*, Columbia University Press, 1998, 228.

consideration in the final version of NAFTA passed by Congress.

Firstly, with regard to trade, polling questions posed between 1992 - 2003 indicated a two - mindedness by Americans on the issue of trade. For example, a question asked by Yankelovich, Time and CNN in March 1993 found 76% agreeing that past international trade agreements had caused a loss of jobs in the U.S..¹⁶⁰ While another question posed by Princeton Survey Research Associates and Newsweek interviewers in the Summer of 1993 found an identical 76% saying that international trade is a good thing for the U.S.. This indicates that Americans want to protect the jobs of workers but at the same time believe that free trade creates more choices, cheaper goods and makes American industry more competitive. This two - mindedness was evident in polls regarding American's opinions on NAFTA, and was also reflected in the subsequent debate. It is also apparent though, that with regard to claims that the Clinton administration was disregarding public views in favour of those of businesses, there was a larger majority of Americans in support compared to those opposed even up to two years before the public debate in 1993.

For example a December 1991 Roper Poll asking respondents whether they were generally in favour of or opposed to a North American Free Trade Agreement involving the U.S., Canada and Mexico, recorded 47% generally in favour 12% opposed and 25% responding 'don't know'.¹⁶¹ Similarly, in polls recorded by Yankelovich/Time/CNN in July and August 1992, the percentage of respondents

¹⁶⁰ See figures at www.ropercenter.edu.

¹⁶¹ Figures available at www.ropercenter.edu.

favouring the free trade agreement between the U.S., Mexico and Canada that would eliminate all trade barriers were 45% in favour, 39% opposed 16% not sure and 45% in favour, 38% opposed and 17% not sure respectively. ¹⁶²

Another poll by the Princeton Survey Research Associates and Times - Mirror organization also indicated larger amounts of the public favouring NAFTA in September and December 1993 where 42% were in support, 37% opposed, 21% responding 'don't know' and 52% in favour, 33% opposed and 15% responding 'don't know' respectively. ¹⁶³

Secondly, the side agreements negotiated by President Clinton prior to the approval of NAFTA by the U.S. Congress also point to the influence of the public. For example, side agreements such as those on the environment, agriculture and automobile industries discussed in Chapter Four were arranged to minimise the effect of NAFTA on various domestic producers, to address environmental concerns and to minimise the discrepancies in conditions between the U.S. and Mexico. As a result, during the negotiation of the side agreements and the public debate surrounding N.A.F.T.A. in August - September 1993, the public shifted their support to more than 50%. For example, in polls taken in December 1993 from three separate organisation, NBC, Harris and Gallup, the public gave 53%, 51% and 53% in support of NAFTA. This indicates that as the Clinton administration addressed public concerns regarding the loss of jobs and other concerns and the public in turn responded by being more

¹⁶² Polls available at cnn.com.

¹⁶³ See www.princeton.edu for polling evidence.

supportive.

Thus, in the case of the ratification of NAFTA, the effect of public opinion falls in line with the evidence presented earlier by indicating that the limits set by the public was that a majority supported a NAFTA but there were issues of concern to them which President Clinton heeded as he negotiated the side agreements. In addition, again indicating the influence of the public and their constituents in the NAFTA debate, an unusually large number of House members - 293 - presented brief statements on the floor prior to the vote outlining the reasons for their votes. With the perceived impact of NAFTA on jobs and wages being the main consideration influencing the voting behaviour of both members voting for and of members voting against the bill.

Thus from the evidence presented here, the study of the NAFTA agreement case appears to support the hypothesis of the important role played by public opinion in the foreign policy process in the period after the end of the Cold War. That is, where public opinion sets the permissible limits or opinion “dikes” of salient policies, and policy - makers are typically respectful of the prevailing climate of opinion as they want to avert electoral punishment and declining popularity. Although it is not the contention here that public opinion was the sole determinant of the NAFTA ratification policy it did have significant impact.¹⁶⁴ The case of NAFTA expansion will be considered in the following Chapter.

¹⁶⁴ For example, external economic influences in Mexico were also important.

6. The Case of NAFTA Expansion and the Fast Track Proposal

Turning to the case of NAFTA expansion in 1997, public opinion was also significant in at least three ways. Firstly, it constrained the administration from pursuing an ambitious expansion plan for NAFTA, instead it argued for expansion which would only have moderate impact (as that was more likely to be acceptable with the public). Secondly, it illustrates how the lack of public support impacted on the votes of

Congress, which did not pass the fast - track which was required by the administration to pursue the expansion of NAFTA. Thirdly, as was the case with the NAFTA ratification vote, the proposed expansion of NAFTA also involved a wide spectrum of domestic interests and actors, pointing to an increased involvement for domestic groups. This also led to a greater level of involvement by Congress and both reflected and stimulated the increased public awareness over this foreign policy issue. As a result, the foreign policy process proved difficult for President Clinton to control.

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Indeed, according to a study by Baldwin and Magee, the most important explanation for the very different outcome of the 1998 vote in the House of Representatives for the granting of the fast -track necessary for NAFTA expansion compared to the 1993 vote on NAFTA seemed to be the concerns of Congressmen. More specifically, Baldwin and Magee provide data to indicate the factors which members of Congress claimed affected their vote on the fast - track. Of most concern were the adverse economic effects of trade liberalisation on constituents who are less educated and who are employed in net import industries.¹⁶⁶ Since the desire to be re - elected makes legislators sensitive to voter preference, this increased concern is presumably a response to political pressures from these groups of constituents and others who share their views.¹⁶⁷

¹⁶⁵ James M Scott, After the End, Duke University Press, 1998, 358.

¹⁶⁶ R E Baldwin C S Magee, Congressional Trade Votes From Nafta Approval to Fast Track Defeat, Institute for International Economics, Washington D.C. 2000, 39.

¹⁶⁷ Ibid, 38.

Again, in this case it appears that the public set the limits of an acceptable policy, in terms that it was not supportive of an expansion of NAFTA due to concerns over the economic effects, similar to those highlighted in the debate over NAFTA in 1993. As a result, with the failure of Congress to pass the fast-track bill required to move ahead with the expansion policy, President Clinton decided to put off the proposed expansion. How this came about we must now consider in more detail.

So, this chapter continues with the themes put forward in this study, relating to the role of public opinion in American foreign policy. To restate the case thus far, the findings here have illustrated that the role of public opinion may be more significant than in previous periods of American foreign policy, and that in the particular circumstances of the 1991-1997 period, U.S. foreign policy experienced a situation where it was more open and accessible to public opinion. In the previous Chapter, it was shown how in the case of NAFTA, the role and influence of the public and other domestic actors was greater than in the Cold War, and was also positive in support of NAFTA. For the case of the 1997/98 Fast-Track proposal examined in this Chapter, it will be illustrated that there is also a greater involvement by domestic constituencies, but in this case the influence is negative and did not support the fast-track policy. In both cases public and congressional opinion appear to set parameters of possibility rather than dictate final policy outcomes.

Thus, in order to illustrate the effect of domestic factors in U.S. foreign policy in the case of the attempt to secure fast-track and an expansion of the NAFTA to include Chile, it is necessary to, describe the background and provide an explanation of the fast-track proposal in 1997/1998. Secondly, discuss how the attempt to pass fast-track

in 1997 was postponed due to the lack of sufficient support from domestic actors and ultimately a majority of Congress members. And, thirdly explain how the second attempt to pass fast - track in 1998 was again thwarted by members of Congress. This will enable a determination of the effect and influence of domestic factors in this case.

In order to facilitate this discussion, it might be as well to re-visit the fast - track provision and explain why it is important? Up until the Trade Act of 1974 was passed, any trade agreements that America made with other countries concerning the reduction of tariffs, did not require congressional approval before becoming legally binding. The 1934 Reciprocal Trade Agreements Act and its various extensions delegated powers to the Executive Branch to negotiate tariff reductions within limits set by Congress without the need for Congressional ratification on the individual agreements. With the 1974 Trade Act however, the rules changed and Congressional approval was now required for all agreements. It was required that Congress vote on an up - or - down basis, without the possibility of amendments and within 60 days of the president submitting the implementing bill. This requirement was known as 'fast - track,' and fast track authority was continually granted to U.S. Presidents from 1974 - 1993. Fast track involves three elements, (1) consultation and coordination with Congress during the negotiation process, (2) a vote on implementing legislation within a fixed period of time, and (3) a vote on the entire bill with no amendments.¹⁶⁸ In addition, fast track enables the President to negotiate a trade agreement confident that the agreement will be voted on as a whole without amendments relating to specific items. Thus, the other country would not have to negotiate with 535 people in addition to the person with

¹⁶⁸ "What is fast track?" www.whitehouse.gov/Initiatives/FastTrack

whom they made the agreement.¹⁶⁹

During the 19 years between 1974 - 1993 when U.S. presidents enjoyed having a fast-track negotiating authority, major agreements such as the NAFTA and CUFTA were passed, and allowed America to reduce barriers to trade. The Clinton administration was granted a 10-month extension to fast-track in 1993, but was unable to get any further extension.¹⁷⁰ Securing a fast-track extension was deemed by Clinton as necessary to explore the possibility of making further trade agreements, such as expanding NAFTA to include Chile, or other countries. As it was his aim to negotiate more trade deals and open more markets for American goods and services Clinton asked Congress to grant him fast-track.

As mentioned, by being granted 'fast track' authority the president would be free to negotiate trade without fear that Congress would re-open those agreements later and make amendments. According to officials from the Clinton administration, fast-track authority was needed so that they could have the credibility and flexibility they need to succeed at the negotiating table. Indeed, President Clinton himself stated that without fast-track authority there will be more scope for competitors to break down trade barriers for their own products at America's expense. To illustrate this, Clinton pointed out that since 1992, America's competitors in Latin America and Asia alone,

¹⁶⁹ From the President's remarks at AFL-CIO Convention, "What is Fast Track?"

www.whitehouse.gov/Initiatives/FastTrack

¹⁷⁰ C Dougherty, "Tough Fight Seen for 'Fast - Track' Trade" The Washington Post, 22nd September 2000, 4.

have negotiated over 20 agreements that did not include the U.S.¹⁷¹

According to Representative Jim Kolbe (Republican) Arizona, the President can negotiate without fast - track authority, but what happens is that a proposal gets picked apart in Congress with amendments and so forth until there is no agreement.¹⁷² Those who make agreement with the U.S. want to know that when the deal is done it is either approved or not approved by Congress and not subject to Congressional amendment. So the President needs to have fast - track authority, or there is a danger that other countries will not enter into serious trade negotiations with the U.S.

However, like the NAFTA agreement, Clinton's proposal for an extension of fast - track was met with opposition from groups such as those concerned with labour or the environment. These groups mainly opposed Clinton on the grounds that agreements such as NAFTA and other trade agreements neglected to raise both wages and environmental safeguards of other countries to levels more in line with the U.S.¹⁷³ So in the case of the 1997/1998 proposal for fast track and NAFTA expansion, how did it turn out that President Clinton's proposals for fast - track authority were defeated? Moreover, and of most significance in this study, what was the effect of domestic actors on the fast track request?

¹⁷¹ Ibid.

¹⁷² J Barrett, J Ostroff, "Clinton presents fast - track request to Congress" [Knight - Ridder Tribune News Service](#), 17th September 1997, 1.

¹⁷³ J Lobe, "Clinton Faces Uphill Battle for Fast Track Approval", [U S Trade](#), 4th December 1997, 11.

Despite the successful adoption of NAFTA as a result of Clinton mounting a huge publicity campaign and negotiating deals and other arrangements with a host of domestic actors, success was not repeated in the case of the fast - track of 1997-1998. To set the scene, President Clinton first sent a request for fast - track in 1997, but shortly following his proposal the legislation was withdrawn on November 10th as Clinton had failed to get enough support in Congress. House Republican leaders such as Newt Gingrich along with President Clinton agreed to postpone a vote on the fast track issue until 1998. At this time the House of Representatives was controlled by the Republican Party, yet the main opposition to approving fast - track came from President Clinton's own Democratic Party.¹⁷⁴

To show how factors opposing fast - track and the influence of domestic factors prevented it from getting passed, consideration here is given firstly, to the role of members of Congress and the influence of their constituencies. Second, to the role of public opinion. And, third to the part played by special interest groups such as those representing labour and the environment.

The role of Congress and constituency influence:

Taking first, the role of Congressional members and constituency influence. In this realm Clinton faced some serious obstacles. For example, the new composition of Congress was such that it became a factor in putting a lot of Congressional members in opposition to fast track. Indeed, one study conducted by Baldwin and Magee illustrates that if the split in Congress had been the same as it was during the 1993

¹⁷⁴ Associated Press, Press Release, November 10th 1997, www.ap.org.

NAFTA vote, fast - track would not have met such serious opposition.¹⁷⁵ The change in composition however, led to Congress becoming a major factor against the fast - track vote.

For example, the make - up of the political parties elected into Congress changed substantially between the NAFTA vote in 1993 and the fast - track vote in 1998. The Republican party was now in control of the House and this stood in contrast to the Democratic administration. As Baldwin and Magee show in their analysis of Congressional votes during this period, while only 40% of House members were Republican at the time of the NAFTA vote, 52% were Republicans when the 1998 fast - track vote was taken.¹⁷⁶ Since a higher proportion of Republicans (75%) than Democrats (40%) voted for NAFTA in 1993, the 1998 fast - track bill would have passed with relative ease if these voting proportions had remained constant as the House shifted to a Republican majority. The proportion of Republicans voting for fast - track in 1998 however slipped to 68% and the proportion of Democrats favouring the bill dropped to 14%. Consequently, only 41% of House members voted to give fast track authority to the president in 1998.¹⁷⁷

In this respect, some studies have even contended that the 1998 vote for the fast - track necessary for the expansion of NAFTA compared to the 1993 vote on NAFTA came down to the stance taken by Congressmen.¹⁷⁸ Or indeed, the concerns of

¹⁷⁵ J Barrett, J Ostroff, "Clinton presents fast - track request to Congress" *Knight - Ridder Tribune News Service*, 17th September 1997, 2.

¹⁷⁶ R E Baldwin C S Magee, *Congressional Trade Votes From Nafta Approval to Fast Track Defeat*, Institute for International Economics, Washington D.C. 2000, 33.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid, 38.

members of Congress in the House of Representatives. For example, several have since claimed that the way they voted on the fast - track was impinged upon by the adverse economic effects of the trade deal for their constituents, such as those who are less educated and employed in net import industries.¹⁷⁹ As such, Congressmen tend to be sensitive to voters preferences and views due to the need for their own re - election.

This increased concern by Congressmen is presumably a response to political pressures from these groups of constituents and others. For example, Congress member Charlene Barshefsky pointed out that she thought that in the case of the 1998 fast - track debate members indeed tended to vote on the basis of districts and concerns in their districts.¹⁸⁰ Charlene Barshefsky highlighted that it is often local politics that are determinative of a vote, and in this case that was acutely so due to the underlying sense of anxiety and insecurity among workers. As she pointed out, at the end of the day members tried to do their best to assess the feelings and the pulse of their districts.¹⁸¹ In fact, in the Queens district of New York where the Swingline staple factory shut down and had a large amount of unemployment as a result, the Representative for that district - Gregory Meeks no doubt had constituents interests as a priority when he voted against fast - track in 1997.¹⁸²

The sense of anxiety and insecurity mentioned by Barshefsky alludes to anti - NAFTA

¹⁷⁹ Ibid.

¹⁸⁰ J Lobe, "Clinton Faces Uphill Battle for Fast Track Approval", U S Trade, 4th December 1997, 14.

¹⁸¹ Ibid.

¹⁸² www.congressmangregorymeeks.com Gregory Meeks voted "no" to establish negotiating objectives for trade agreements between the U.S. and other countries and to renew "fast track" authority for the President on 25th September 1998.

sentiment which was evident in 1997 among a number of Congress members who had voted for NAFTA but had not yet seen what they were promised by the administration. In fact, a substantial number of Congress members were not supportive of extending fast - track due to a general unhappiness with the earlier 1993 NAFTA agreement.¹⁸³ Consider for example one of the most frequently recounted illustrations of the 1993 NAFTA agreement which had reduced the number of tomato growers in the state of Florida notwithstanding the special arrangements Clinton had negotiated, from 200 in 1993 to around 85 in 1998.¹⁸⁴ This had come about primarily from cheap Mexican tomatoes crowding the Florida growers out of the market while the Clinton administration was negligent in making provisions in reaction to this. For example, Lori Wallach, director of the interest group Public Citizen Global Trade Watch noted that even farmers in parts of the country further away such as Idaho knew about the situation of “tomatos in Florida” and the large number of tomato growers who had been wiped out of business there.¹⁸⁵

In addition, seven out of the ten Democratic members of Congress for the State of Michigan said they opposed fast - track due to their concern about the potential loss of jobs in the United States and looser food standards in other countries that may have contributed to tainted strawberries that sickened nearly 200 Michigan School Children.

¹⁸³ J Lobe, “Clinton Faces Uphill Battle for Fast Track Approval”, U S Trade, 4th December 1997, 15.

¹⁸⁴ D Kucinich, “News Conference Announcing Bipartisan Coalition opposed to Fast Track Trade Authority” Washington Transcript Service, 22nd October 1997, 5.

¹⁸⁵ P Baker, J F Harris, “Clinton neglected to sell “fast track” to U.S. Public”, The Washington Post, 12th November 1997, 20.

¹⁸⁶ In general, Democrats in the House of Representatives were agreeing with the argument put forward by the House Minority leader Richard Gephardt that the fast-track policy ties Congress' hands when it comes to ensuring that other countries are following acceptable labour and environmental standards. As a result, they contended that fast-track would give a competitive advantage to countries with low wage workers and government controlled salaries and work rules. Indeed, according to Representative Kilpatrick from Detroit, "I am concerned Fast-track would eliminate the power of Congress to make amendments to trade agreements that would affect the people we are elected to serve."¹⁸⁷

Thus the fiercest obstacle Clinton faced in trying to gain support for a fast track authority was a growing popular disillusionment with NAFTA. According to the head of AFL - CIO John Sweeney, America's largest labour federation, there were a number of members of Congress who voted for NAFTA but had not seen what they were promised by the administration.¹⁸⁸ NAFTA critics point out the extremely high trade deficits that the U.S. suffered as a consequence of the North American Free Trade Agreement. According to political commentator Jim Lobe, and using figures from the U.S. Commerce Department, he estimates that approximately 600 000 jobs were lost in the U.S. during 1996 as a consequence of NAFTA.¹⁸⁹ Moreover, according to Robert Scott, an analyst at the Economic Policy Institute, many of those jobs were

¹⁸⁶ M Eversley, "Michigan Congressmen line up against Fast - Track for Trade Agreements", [Knight - Ridder Tribune News Service](#), 6th October 1997, 1.

¹⁸⁷ Ibid, 2.

¹⁸⁸ D Hess, M Recio, "Clinton Vows Fast Track 'not dead'", [Knight - Ridder Tribune News Service](#), 10th November 1997, 4.

¹⁸⁹ J Lobe, "Clinton Faces Uphill Battle for Fast Track Approval", [U S Trade](#), 4th December 1997, 1.

higher - paying positions in the automobile and other manufacturing industries. In addition, he stressed that NAFTA is contributing to widening the gap between rich and poor in the United States.¹⁹⁰

Anti-NAFTA sentiment was also fuelled by negative news coverage about Mexican corruption and drug trafficking, as well as the incident in early April 1997 with the Mexican strawberries. Such stories dealt a “harsh blow to NAFTA expansion and the Clinton administration’s task of enlarging free trade in Latin America.”¹⁹¹

In considering the fast - track proposal a number of Congressmen were also uncomfortable voting for fast - track as it was asking Congress to give up some of its national power and would further the role of the World Trade Organisation as a body with more authority over American concerns than the U.S. government and thus unelected and unaccountable trade experts would be given the authority to overrule U.S. national state and local laws. Therefore, having an effect on issues such as job creation legislation, consumer health and safety protections and environmental protections. For example, two Congress members who stated that they opposed fast - track, - Congressman Kucinich and Congressman LoBiondo both pointed out that a major disadvantage of the fast - track proposal was that several important state and federal laws were singled out by U.S. trade partners as infringements to trade, and as a result targeted for elimination.¹⁹² Among these laws were small business set asides,

¹⁹⁰ Ibid, 3.

¹⁹¹ P Baker, J F Harris, “Clinton neglected to sell “fast track” to U.S. Public”, The Washington Post, 12th November 1997, 1.

¹⁹² D Kucinich, “News Conference Announcing Bipartisan Coalition opposed to Fast Track Trade

health and safety standards, consumer protection such as nutrition labelling, and state bidding preferences for companies who invest back into the state. Congressman Kucinich for instance, pointed out that if some protective measures such as the Barry Amendment which protected many Textile workers in his state by guaranteeing U.S. military orders for uniforms were repealed due to trade agreements made under a fast-track consideration that could potentially threaten the jobs of thousands of workers both in his State and nationally.¹⁹³

Another Congressman, Allen Boyd of Florida also pointed out some issues of concern in Congress in weighing up the advantages and disadvantages of approving the extension of fast-track.¹⁹⁴ One of the main concerns to Congressman Boyd was that if the president had fast-track authority and agreements like the Multi-lateral Agreement on investment were passed then various state laws could be challenged and overruled. These could include laws such as those regarding land use, community reinvestment rules, and state established business licenses.¹⁹⁵ For example, Boyd mentioned some laws which an agreement on investment could overturn such as statutes in Virginia and Pennsylvania designed to protect the Chesapeake Bay.¹⁹⁶ While

Authority' Washington Transcript Service, 22nd October 1997, 1.

¹⁹³ Ibid.

¹⁹⁴ Ibid, 7.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

The Chesapeake Bay is the oldest estuary in the U.S. it is approximately 200 miles long and 150 rivers and streams drain into the river. The Chesapeake Bay program is a regional partnership that has directed and conducted the restoration of the Chesapeake Bay and its living resources such as fin fish, shell fish, bay grasses and other aquatic life since 1983. The partnership is led by a Executive Council which includes the governors of Maryland, Virginia and Pennsylvania and meets each year to

the U.S. courts had given the states the power to restrict development and limit damage to the precious wetlands here, the consequence of a multi-lateral investment agreement could see these powers overruled as an impediment to international investment. Congressman Boyd highlighted several additional examples which could see state laws overruled or thrown out due to new international standards which could result under an agreement passed under fast-track. Another one of these was the procurement preferences given for recycling done in Texas, California and Michigan which could be threatened as giving unfair advantages to factories located in the state.

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At the same time, Clinton and his administration did successfully gain support from a number of Congress members, though this was often a result of meeting their requests. For example, the Democratic Representative from North Dakota Earl Pomeroy who was concerned over market access for North Dakota's wheat and beef producers agreed to vote for fast-track after the administration promised to "respond forcefully" to Canadian pricing practices on durum wheat that unfairly disrupt the market for U.S. farmers.¹⁹⁸ Overall though, opposition to fast-track trade authority was seen by many members as payback for NAFTA as there was not a lot of trust left for the Clinton

establish the direction for the Bay program, and their authority could be threatened by NAFTA laws which supercede state agreements. Source "Case study for the Chesapeake Bay"

www.chesbay.state.va.us

¹⁹⁷ D Kucinich, "News Conference Announcing Bipartisan Coalition opposed to Fast Track Trade Authority" Washington Transcript Service, 22nd October 1997, 3.

¹⁹⁸ C Dougherty, "Tough Fight Seen for "Fast Track" trade" The Washington Post, 22nd September, 2000, 3.

administration.¹⁹⁹

Overall, the sway of constituency interests suggests that members of Congress were more willing during the late 1990s to vote against measures that would liberalise trade in line with the type of workers, income distribution patterns and industries predominant in their state.²⁰⁰

Public Opinion:

The second source of opposition to Clinton's proposal for fast track investigated is public opinion. While the above discussion has illustrated how the public influenced the votes of Congress members via their impact at the local constituency level, the general public mood in the country is also important. Here Clinton was also faced with difficulties. For example, as polls from August 1997 indicated, only 44% of the public favoured the fast - track proposal whereas 52% opposed it. Moreover, as the Washington Post reported at the time, the debate over fast -track trade authority scarcely engaged the general public at all. Even Clinton's statement on 10th November which announced that due to the lack of support the fast track vote would be

¹⁹⁹ Further, according to Baldwin and Magee's study, the 1998 fast - track vote also reflected a concern by legislators about the adverse effects of further trade liberalisation on less- educated groups than during the NAFTA vote. Indeed, the in - depth study produced by Baldwin and Magee on the voting patterns of Congress members during this period, indicated that variables such as having 'no high school diploma' and unionisation tended to result in representatives who had a high proportion of these individuals in their districts to vote against the fast - track policy.

R E Baldwin C S Magee, Congressional Trade Votes From Nafta Approval to Fast Track Defeat, Institute for International Economics, Washington D.C. 2000, 33.

²⁰⁰ In this regard, concern for the potentially harmful economic effects of increasingly competitive trading competition was highest in districts with lower skilled and more vulnerable workers.

postponed until 1998 got only a little coverage on two of the three major American broadcast Network news shows, while the third channel - NBC - completely ignored the story.

President Clinton also did not do very much to help sell and educate the public about the fast - track issue. He only made two appearances outside Washington on the topic, and did little else to raise the profile or explain a policy which he maintained was critical to America's standing in the world and negotiating new trade agreements. As such, several official commentators maintained that the fast - track issue was not well understood by the public. One such person was the U.S. trade representative from the first Bush administration, Carla Hills, who pointed out that Clinton did not talk about the benefits of trade. She further contended that that would be necessary as the people who fear that their protected position will be in jeopardy usually have louder voices than the many who do not realise the benefits that they gain from.²⁰¹

In addition, following an examination by administration officials after the fast - track vote into what had gone wrong in failing to get enough support, staff members concluded that one of the biggest problems was the fact that fast - track involved no specific country or industry and therefore had no natural allies with it. While, by comparison, during the debate over NAFTA, and also China's most favoured - nation trading status debate, companies and communities knew far more explicitly what they stood to gain with Mexico, Canada and China.²⁰²

²⁰¹ R Farnier, "Fast Track Trade" The Columbian, 10th September, 1997, 1.

²⁰² P Baker, J F Harris, "Clinton neglected to sell "fast track" to U.S. Public", The Washington Post, 12th November, 1997, 12.

The role of domestic and interest groups:

With regard to the influence of domestic groups and interest groups on the fast - track vote, the most significant groups making an influence were labour unions and environmental groups. Both groups argued that fast - track would result in U.S. jobs being lost, food safety standards being lowered and environmental damage which could come about if U.S. companies opened factories and plants and invested in poorer countries to take advantage of weak labour and environmental laws.²⁰³

For example, Congressman Bonior stressed during a statement he made in Congress against approving fast - track that in Texas, factories paying workers \$6 an hour have closed and moved to Mexico where they could hire labour for 10 times less. He went on to state that it would seem ludicrous to expand a policy that already has such large failings.²⁰⁴ Another example he cited was that of a Mexican worker called Rosa Maria Gonzalez whom he visited, and who worked in a top class modern factory making circuit boards, yet lives in a cardboard shack next to a sewage canal. She only earned 59 cents an hour, which was not even enough to buy milk for her family. According to Bonior, the industrial area where she worked housed some of the top businesses in the world, such as Ford, General Motors and General Electric. At the same time however, her cardboard make - shift home highlights the unfulfilled promises of NAFTA - lower

²⁰³ For example, head of the AFL - CIO Labour group, John Sweeny, said he wanted to write new legislation “that includes protection for people as well as property... and that incorporates workers’ rights and environmental standards.” See D Hess, M Recio, “Clinton Vows Fast Track ‘not dead’”, [Knight - Ridder Tribune News Service](#), 10th November, 1997.

²⁰⁴ D Bonior, “News Conference with Senator Dorgan and Rep Bonior, Fast Track Trade Authority,” [Washington Transcript Service](#), 24th October 1997, 11.

wages, a dirtier environment and not much in the way of benefits for anyone except the economic elites.

Thus, for Bonior and others opposing fast - track, if America wants other countries to buy its goods, then trade agreements with the U.S. must contain basic labour rights that pay people more than 59 cents an hour. Further, for the U.S. to be confident when shopping for groceries without being in fear of catching Hepatitis or ingesting DDT, trade agreements with the U.S. must address food safety.²⁰⁵

These points were further put to the Clinton administration by the heavy campaigning of labour groups. In one instance nearly 2000 members of the Steelworkers union (USWA) rallied on the steps of the Capitol Building in Washington D.C. demanding that Congress defeat Republican efforts to force the measure through Congress before adjournment. Many demonstrators waved signs and chanted “No more NAFTAs”. Becker called Fast - track an “inherently unfair and anti - democratic process that is fatally flawed. “This fight is a class struggle between Wall St and Main St,” he added. Another campaigner, Jackie Sebans, who makes Bic pens in Milford, Connecticut, and was one of the 15 members of the USWA from her district who had come to Washington said she was fighting for the administration to “stop taking away our jobs.” Similarly, Betty Allen who had travelled from Buffalo N.Y. was holding up a sign reading “North America’s Future Traded Away”. As one of the 39 members of the USWA in Buffalo, N.Y. Betty Allen summed up her reason for coming to

²⁰⁵ Ibid, 12.

Washington in five words: “We gotta stop Fast Track.”²⁰⁶

Highlighting the sentiment of such campaigners, Baldwin and Magee’s study found that both labour groups and environmental groups were significant explanatory variables in the fast - track vote. As mentioned earlier, according to Baldwin and Magee, in the NAFTA vote, the greater labour contributions were for a member of Congress the greater the probability that that representative opposed NAFTA, this was also the case with those opposing fast - track.²⁰⁷ Although they admit that the effect of labour groups would not have been large enough to change the outcome on the fast track bill, it does illustrate the effect and influence of such groups.

The other major group which opposed the Clinton administration proposal for fast - track to be extended was the environmental lobby.²⁰⁸ In the run up to the fast - track vote, the National Wildlife Federation (NWF) tried to build a consensus among other environmental groups to enter into a process of negotiating environmental demands with the Clinton administration in return for their support for fast - track negotiating

²⁰⁶ M Eisenscher, “U S Green Groups reject NWF Plan to Negotiate Fast Track Demands” Inside U S Trade, Vol 1536, 5th September, 1997, 17.

²⁰⁷ R E Baldwin C S Magee, Congressional Trade Votes From Nafta Approval to Fast Track Defeat, Institute for International Economics, Washington D.C. 2000, 33.

²⁰⁸ As indications of U.S. inattention with regard to NAFTA they noted the absence of Environmental Protection Agency Administration Carol Browner at the last meeting of the environment side accords main policy - making body. The Environmental lobby also criticised the slow pace of the new NAFTA -related border institutions, the Border Environment Cooperation Council (BECC) and the NAD Bank in approving border clean up projects.

M Eisenscher, “U S Green Groups reject NWF Plan to Negotiate Fast Track Demands” Inside U S Trade, Vol 1536, 5th September, 1997, 17.

authority.²⁰⁹ Under a proposal advanced by the National Wildlife Federation, not all environmental demands would have had to be addressed in the fast - track legislation, and instead could have been satisfied in part by other Administration actions. The other environmental groups however, told the National Wildlife Federation during a 2nd Sept 1997 phone conference that they would not join in making specific environmental demands on the Administration because they did not trust it to deliver on its promises unless they were included in the fast - track bill itself.²¹⁰

Several other groups which joined NWF in backing NAFTA in 1993 were now intent on joining anti - NAFTA environmental forces in opposing fast - track if, as they expected, the administration declined to place environmental objectives in the fast - track legislation.

Thus, it is clear from the above discussion that several of the major environmental groups set tough standards for the administration to meet on fast - track. Among the demands made was a call for incorporating a “formal green trade negotiating objective which signals the pro - environment trade policies are indeed a must.”²¹¹ The environmental groups stated that they would not sway from their stance that the administration seek commitments inside a fast - track bill to advance environmental protection. If the administration pushed for a fast - track that did not meet up with the Environmental groups standards then all of the U.S. environmental groups, including several former NAFTA backers such as the Defenders of Wildlife, World Wildlife Fund

²⁰⁹ Ibid, 19.

²¹⁰ Ibid.

²¹¹ Ibid.

and National Audubon Society, would act to try to defeat fast - track. According to environmental sources, this would send the Administration a message that its failure to pro - actively implement a trade agenda sensitive to environmental concerns is untenable.²¹² As such, the final vote of the fast - track trade proposal was opposed by every major environmental organisation.

In conclusion, to have the fast - track authority successfully re - instated Clinton needed 218 “yes” votes in the House of Representative, which has a total of 435 seats. Clinton had already been promised the votes of 165 of the 228 Republican members, and needed 55 of the 206 Democrats vote to ensure the fast - track would pass. Unfortunately, Clinton fell about 10 votes short of his target, and could not get the necessary votes to pass the bill. As a result, Clinton withdrew the bill and those opposing him considered themselves to have secured victory.²¹³ By refusing to give the president a blank cheque to negotiate international trade agreements, the House of Representatives lived up to its role as the people’s chamber in Congress. Thus, this case again illustrates the power and influence of domestic groups and opinion on U.S. foreign policy during the period under study here. A power that seems far more formidable than during other periods of U.S. foreign policy.

²¹² Ibid, 17.

²¹³ J Lobe, “Clinton to Try Again on Fast Track”, Inter Press Service English News Wire, 11th November 1997, 1.

7. Conclusion

In conclusion, this study set out to investigate the public reaction to the expansion of NAFTA between 1993 - 1998 and to test the hypothesis that domestic concerns had more affect on foreign policy in the 1990s than during the Cold War. By giving consideration to various theories and previous work on the topic of American foreign policy, we learned that there is a large amount of trends that make the period of 1993 - 1998 distinct from both previous and subsequent periods of American foreign policy. That is to say, it was illustrated that changes in the international and domestic political

environment gave rise to a greater role for domestic groups, public opinion, and the Congress on foreign policy. For example, whereas during the Cold War the country and government were rallied together against their commonly perceived enemy, when this threat was gone, more varied voices had something to say about how U.S. efforts abroad would be best involved.

For example, while some continued to emphasise security, a large amount now emphasised the economy. One consistent element in this period though, was that all constituencies whether they were regular citizens, congressmen or interest groups were likely to have a greater opportunity to be heard and air their views due to the end of the anti-communist foreign policy stance. Indeed, the findings in this study illustrate that Congress indeed became more involved in foreign policy in the 1990s. This stands in opposition to earlier stages in U.S. history where the U.S. Congress merely followed the executive branch on foreign policy.

In fact, at the start of this study it was shown that there was a period during the 1950s - 1960s when it looked like there was the emergence of what Arthur Schlesinger termed an “imperial presidency,” when the executive branch took a greater say in foreign policy than had even been granted by the Constitution. This was not to say that Congress did not become involved during this time, but rather that it operated on the margins of policy and followed the executive branch a lot of the time. As the evidence presented here showed however, there was a definite increase in Congressional activism after the Vietnam War shattered the foreign policy consensus. This was increased to an even greater extent after the end of the Cold War as illustrated in chapter 2 here.

Moreover, as pointed out earlier, the increased involvement of Congress on foreign policy after the Cold War was also accompanied by the increased involvement of other U.S. domestic groups in this realm. This was illustrated in the case of NAFTA and the NAFTA expansion proposal, with activism by constituents, labour and environmental groups highlighted in this study. Other examples abound to show activism in foreign affairs, such as the International Campaign to Ban Landmines (ICBL), which has a network of more than 1400 groups in over 90 countries that work locally, nationally and internationally, to garner support for the eradication of anti - personnel land mines. This has included lobbying the U.S. government, and from time to time, ICBL ambassadors testify before the Congress. One ambassador, Jesus Martinez for example, testified before the U.S. Congress on the need for victim assistance in post-conflict countries, and some other of his fellow ambassadors provide members of Congress with information sheets that helped to mold their views.²¹⁴ Thus, U.S. foreign policy in the period between 1994 - 1997 was subject to much more influence by a wide spectrum of groups such as business, environmental and ethnic groups and other pressures from the public, constituency groups and the media seeking to influence foreign policy.

This study has also shown that in the post - Cold War era, economics became the priority issue for Americans and that new issues emerged that were global and affected all nations. These issues included things like trade and the environment, and were of

²¹⁴ See www.analyst-network.com, and www.icbl.org/index.php/icbl, for Jesus Martinez's speech to Congress.

greater concern with the increasing number of players in U.S. foreign policy reflecting this. For example, the intermestic issues described in Chapter two which crossed borders and were global, also contributed to the increasing number of players becoming involved in the U.S. foreign policy arena, as mentioned above. It was also highlighted in this study how there had indeed been a shift to more focus on economic well-being in the post - Cold War era with the illustration of the large gap in employment in California where the defence industries dramatically cut back the number of people it employed. All this fed into fears for jobs and job security.

It was also noted how the role of the media was different in the period between 1993 - 1998. The main difference being like that of the public and other domestic factors, the media while by no means determining foreign policy is an influential factor. It was also noted that importantly in the period studied here the media has benefited from technological changes and advances which have changed the way the government can operate and make policy. This makes it less likely that they are able to make decisions that are not subject to some media scrutiny, yet the power of making decisions does remain with government officials. Some of the influence which the media was illustrated as having was, the power to bring the public's views to the government's attention, at times to highlight issues and put them on the foreign policy agenda - such as through pictures of famine or disaster victims, and its role in scrutinising government responses.

The final important trend noted was how the previous literature on public opinion and foreign policy was not applicable to the sensible views and opinions that the public have on foreign policy, and how their views *were* relevant to which policies were

pursued through their influence on members of Congress. It was shown that while public and congressional opinion did not fully determine policy by any means, it tended to set parameters of the possible. In the fast track episode in 1997 they were able to wield an effective veto, partly because foreign trade under the constitution gives the Congress primary responsibility in this area, and partly due to the more involved role it came to play in this period.

Indeed, on both of the cases examined here, the NAFTA legislation passed in 1993, and the proposed expansion to NAFTA in 1997/1998, we found that the public, Congress and other domestic players made a marked impact on the outcome of these policies. For example, on the NAFTA legislation, the Clinton administration had to adjust the treaty to meet conditions that were often a response to members of Congress' concerns about industries in their district that might feel repercussions from the agreement. This was illustrated by a number of examples such as that of negotiating the "rules of origin" that established how much of a good needed to be made in North America for it to be considered "North American." The "Big Three" auto makers in America - Ford, Chrysler and General Motors all had a fairly large interest in a high rule of origin to make it more difficult for Japanese and European car makers located in Canada to ship finished cars to the U.S. duty free. Hence, the U.S. negotiators duly strove for high percentage to govern in rules of origin. Thus, the rule of origin case showed how U.S. private industries could have an influence and impact the U.S. policy making process.

In another case, the constituents in Florida and Louisiana whose livelihood depended on the farming and production of sugar, citrus fruits and vegetables were important

factors of consideration for members of Congress for these states, and determining whether the negotiated terms were satisfactory enough for them to support NAFTA. As this study in fact pointed out, at the 1993 National Governors Associations Winter Meeting, fifty U.S. governors agreed to support NAFTA but only as long as “environmental concerns and job security were addressed.”²¹⁵ Which they were through Clinton’s side deals.

Yet, on the case of the proposal for the expansion of NAFTA, the influence of public opinion and domestic constituencies was strong enough that it resulted in the Clinton administration not being able to get the fast - track it needed to pursue expansion of NAFTA. In this case it was illustrated how the public’s general ambivalence about the expansion, largely because of disappointment with the original NAFTA prevented Clinton from securing the required votes in Congress to carry out his expansion plan. From this case and the other cases presented here we can get a better picture of the way groups interact to affect America’s foreign policy, and how in the period between 1993 -1998 the trends suggest that a lot more accommodation and revisions were made to policies in order to reflect the views of players who had previously not held so much sway on America’s foreign policy. Again, these cases pointed out the increased role and relevance of public opinion on American foreign policy making in between 1993 - 1998.

²¹⁵ www.nga.org/portal/sit/nga.

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