

VOTING FREE TRADE AGREEMENT UNDER DIVIDED GOVERNMENT: THE CASE OF US-COLOMBIA¹

Acuerdo de Libre Comercio bajo un Gobierno Dividido: el caso de Estados Unidos y Colombia DOI: 10.4067/S0718-090X2023005000122

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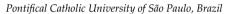
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ABSTRACT

This article analyzes the impact of partisanship under divided government on the approval process of the US-Colombia–Trade Agreement (FTA). Focusing on the case of the FTA between the United States and Colombia, this study examines how partisan and ideological dimensions in the executive and legislative branches shape trade policy decision making. Drawing on existing literature, this study explores the determinants of FTA approval under divided governments using individual and district-level characteristics. In this case, the findings indicate that party affiliation significantly influences members of Congress' voting behavior on FTAs, with Democrats generally being more skeptical and Republicans more supportive. The article also explores how changes in government positions and the presence of a divided government affected President Barack Obama's stance on the FTA, highlighting the importance of republican support in Congress. Overall, this research contributes to the understanding of the relationship between divided government and FTA approval, shedding light on the role of partisanship and ideology in shaping US trade policy.

Keywords: Decision-making Processes; Congress; Trade Policy; United States; Colombia.

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RESUMEN

Este artículo analiza el impacto del partidismo en un gobierno dividido en el proceso de aprobación del Acuerdo de Libre Comercio (ALC) entre Estados Unidos y Colombia. Centrándose en el caso del ALC entre Estados Unidos y Colombia, este estudio examina cómo las dimensiones partidistas e ideológicas en los poderes ejecutivo y legislativo moldean la toma de decisiones en política comercial. Basándose en la literatura existente, este estudio explora los determinantes de la aprobación de ALC en gobiernos divididos utilizando características a nivel individual y de distrito. En este caso, los hallazgos indican que la afiliación partidista influye significativamente en el comportamiento de voto de los miembros del Congreso en relación a los ALC, siendo los demócratas generalmente más escépticos y los republicanos más favorables. El artículo también explora cómo los cambios en las posiciones del gobierno y la presencia de un gobierno dividido afectaron la postura del Presidente Barack Obama ante el ALC, resaltando la importancia del apoyo republicano en el Congreso. En conjunto, esta investigación contribuye a la comprensión de la relación entre el gobierno dividido y la aprobación de ALC, arrojando luz sobre el papel del partidismo e ideología en la formación de la política comercial de Estados Unidos.

Palabras clave: Procesos de Toma de Decisiones; Congreso; Política Comercial; Estados Unidos; Colombia.

I. INTRODUCTION

In American politics, the approval of free trade agreements (FTAs) has emerged as a prominent and polarizing subject of deliberation (Friedrichs 2022). This article offer a comprehensive investigation into the intricate interplay of partisanship, particularly within the context of divided government, in shaping the approval process of the US-Colombia Trade Agreement (FTA). With a particular focus on this consequential FTA between the United States and Colombia, our study offers a nuanced analysis of how partisan and ideological dimensions, operating within the executive and legislative branches, exert substantial influence on the formulation of trade policy.

In February 2006, after the failure of a proposed agreement with Peru (Hernández 2014) and Ecuador, Colombia announced the proposal of a Free Trade Agreement (FTA) with the United States to consolidate and expand the benefits of the Andean Trade Promotion and Drug Eradication Act (ATPDEA). In July of the same year, President George W. Bush notified Congress of his intention to sign the agreement, and on November 22, the two countries signed the US–Colombia Trade Promotion Agreement (CTPA) (Angeles Villarreal 2007).

It was not approved by Congress until 2011, when President Barack Obama, a Democrat, was in office. Labor and environmental issues were the biggest concerns and points of resistance of the Democrats in the Capitol to consider passing this agreement (Silva 2017 p. 129). During this period, there was a divided government, with Democrats controlling the House of Representatives and Republicans controlling the Senate. However, the agreement was eventually approved with bipartisan support.

This case is important because it gathers an analysis of two different divided governments with the opposite configuration: Democratic majority and a Re-

publican Administration and a Republican Majority and a Democratic Administration. Both were close to the National elections, which tends to be a scenario with more uncertainty.

This outcome can be related to (1) a party change in the presidency; (2) Republicans won the majority in the House in 2010; (3) a link with the renewal of assistance to workers who had lost their jobs to external competition by Trade Adjustment Assistance; and (4) The FTA approval package, including Colombia, Panama, and South Korea.

Partisanship and divided government are closely related because when different political parties control different branches of government, they are likely to have different preferences and priorities, which can lead to political gridlock and difficulty passing legislation, including free trade agreements (FTAs) (Milner and Rosendorff 1997).

Partisanship plays a significant role in the voting behavior of members of the house voting on FTAs. Research suggests that members of Congress are more likely to support or oppose trade agreements based on their party affiliation than on the substance of the agreement itself (Karol 2000). For example, Democrats have been more skeptical of FTAs than Republicans, with some Democrats arguing that FTAs can lead to job losses and lower wages for American workers, whereas others have argued that FTAs can promote economic growth and job creation.

Some scholars like Milner and Rosendorff (1997 p.119) have argued that a divided government can make it more difficult to pass FTAs, as it can lead to increased partisanship and decreased cooperation between different branches of government. In the case of the US-Colombia FTA, we posit that the presence of a divided government may have contributed to delays in the approval process and increased opposition from some members of Congress.

However, others such as Thurber (2009) have suggested that the effect of divided governments can be more complex and may depend on a range of factors including the specific policy goals of the parties involved, the level of public support for the agreement, and the broader political context in which the agreement is considered.

Although the effect of a divided government on FTA voting is a topic of ongoing debate, it is clear that a range of factors can influence the approval process for these agreements, including political ideology, interest group lobbying, public opinion, and broader political and economic trends.

In this article, we analyze how partisan and ideological dimensions in the two branches of power in the United States – the Executive and Legislative – affect the approval of the US-Colombia FTA. We focus on the case of the American FTA with Colombia, which is relevant to the analysis of what is called a divided government, as it was initially put to the vote with a Republican presidency

and a Democratic majority in Congress, and later with a Democratic presidency under a Republican parliamentary majority. Our hypothesis is that Republicans in Congress are fundamental elements in making the agreement viable in a context that could suggest the opposite as voting against the White House.

Destler (2007) and Karol (2000) noted that the dynamics of conflict and cooperation between the two branches are an essential part of the formulation and approval of trade agreements, which involve a complex system of negotiating expenses, tariffs, and trade policies in search of consensus on decisions. In the United States, Congress regulates, while the president signs agreements and treaties to be ratified. By nature, congress is more susceptible to specific interests. The Republican party is traditionally more pro-free trade than Democrats, who usually argue for including clauses that defend trade unions and environmental standards (see Janusch 2018, 401)

To understand the approval process for the US-Colombia FTA, it is essential to consider the specific policy goals of the parties involved, the level of public support for the agreement, and the broader political context in which the agreement is considered.

We review the academic literature on decision-making and divided government and then present a quantitative analysis, where we adopt the main hypotheses from the literature on voting by the United States Congress to identify and test the main determinants of the US Colombia FTA, including individual- and district-level characteristics. Next, we conduct an in-depth analysis of the approval process, presenting qualitative evidence on the importance of the government's changed position and how divided government may have induced Obama to change his stance on FTA while retaining some Democratic preferences, such as the labor issue. It was instrumental in the agreement's approval, along with the Republican's pro-free trade aspect.

In sum, this study contributes to the ongoing debate on voting the U.S.-Colombia FTA under a divided government, and sheds light on the role of partisan and ideological dimensions in shaping US trade policy. We hope that our analysis can provide insights into the factors that influence the approval process for free trade agreements and contribute to a better understanding of the complex dynamics of trade policymaking in the United States.

II. PREVIOUS LITERATURE

The interaction of intra- and interstate actors in decision-making processes is fundamental for analyzing foreign policy formulation, including cases in which apparently contradictory guidelines are adopted, such as trade liberalization measures in combination with elements of protectionism (Milner 1997; Moravcsik 1997; Putnam 1988).

Changes in the composition of Congress or a new White House Administration have a powerful effect on shifts in the governmental agenda (Kingdon 1995, 168). New themes can emerge during policy windows, whereas interest in other agenda points can be reduced. The convergence of multiple streams (problems, policies, and politics) may generate opportunities for change in the public policy agenda.

Coleman (1999, 832) argues that a "unified government can demonstrate enhanced productivity advantages. [...] Moreover, the deep commitment to democracy, majority rule, and party responsiveness among these theorists means that any form of government should only be very active if the people so desire". The author also says that "a unified government can respond to these public demands more effectively than a divided government. Again, the data here justify such a view."

The partisan issue may present difficulties for the Executive to gain support from Congress, leading to a "divided government" (Mayhew 2005) scenario where the sitting incumbent president's party does not possess a majority in the House or Senate. As it is quoted by Coleman (1999, 821), Mayhew inspired an intense debate of divided government related to its causes and its consequences.

A divided government occurs when two institutional actors with veto power hold divergent preferences (Tsebelis 1999, 592). Tsebelis argues that this disagreement among veto players results in a dearth of significant legislative production, as observed in the literature on divided governments (Tsebelis, 1999, p. 592). Significant legislation, as defined by Tsebelis, refers to innovative laws that are non-incremental. In the United States, the divided government arises not because the three institutional veto players—the President, the House of Representatives, and the Senate—need to agree but because of the filibuster rule in the Senate, which prevents legislation without the support of both parties (Republican and Democrat) from passing (Tsebelis 1999, 2002, 157). This stems from the collective veto players' increased threshold, which requires more individual decision makers to agree to alter the *status quo*, leading to heightened political stability or continuity (Tsebelis, 2002, p. 54). In the United States, the lawmaking process is viable because the parties are not cohesive; if they are, only bipartisan bills would pass (Tsebelis, 2002, p. 85).

However, some studies present different premises, claiming that there were "divided governments" in which support for the White House was much more effective than when the same party controlled both branches. Depending on the issue, support for the President's position may be more significant to the opposition party. Therefore, with critical, popular, and high-impact legislation, it can be argued that the control of both branches is less relevant, given that the party that dominates Congress would also claim credit for approval.

In US trade policy studies, it is widely accepted that post-war presidents have generally supported trade liberalization, while Congress is considered

more protectionist. However, in the 1990s, Mayhew's (1991) finding that divided government had little impact on political production was challenged by Lohmann and O'Halloran (1994). According to Lohmann and O'Halloran (1994), divided government in the United States tends to promote protectionist policies because the opposition party in Congress can limit the President's delegated authority. In other words, when the Executive and legislative branches are controlled by different parties, it becomes more difficult for the President to implement free trade policies. These authors suggest that the delegation of trade policy by Congress to the Executive is affected by whether the government is divided. If divided, the resident prioritizes the interests of their own party, leading to greater restrictions imposed by the majority party in Congress. This would force the President to consider protectionist pressures, resulting in less-comprehensive trade agreements. Conversely, in a unified government, the President has greater powers of delegation and negotiates more extensive trade agreements. As a result, Lohmann and O'Halloran argued that divided governments tend to be more protectionist.

According to Sherman (2002), divided governments lead to lower tariffs, according to Sherman (2002). When the government is divided, Congressional and Executive preferences are more similar. Sherman found that Democratic Party presidents are less protectionist than Republican Party presidents, while the Democratic Party is more protectionist in the Congress. Congress delegates less power when the Executive's preferences are more divergent from their own. Sherman also concluded that Republican Congress was less protectionist than Democratic-controlled Congress. Therefore, the delegation of power to liberalize trade policy may be greater under a divided government.

Karol (2000) argues that the notion that the divided government affects US trade policy is not accurate due to "presidential liberalism" in the postwar period. In other words, political parties differ only in their level of support for trade liberalization, and presidents have generally favored free trade, leading to greater trade liberalization with delegated powers. Karol found that even the most protectionist party (Democrats) could win with a divided government by gaining opposition support in liberalizing trade, while the more liberal party (Republicans) could lose with a divided government. Essentially, presidents align themselves with the pro-free-trade party, even if they are in opposition. Karol concludes that a divided government will not prevent trade liberalization, but may only preserve or moderate existing policies.

Milner and Rosendorff (1997) examined how divided governments and periodic elections impact trade openness. They argue that if there are elections between the conclusion of an international agreement and the ratification process, the treaty may fail. This is because periodic elections force an executive to negotiate an agreement that will be accepted at the time of ratification, which can be uncertain. A divided government leads to greater protectionism because the need for ratification by Congress means that negotiations are

closer to the ideal point of Congress, which is assumed to be more protectionist than the President.

Competition for popular recognition means that approval of specific laws is achieved, which might not occur when both branches of power resort under the same party's control (Mayhew, 1991 p.108). Mayhew (1991, p. 118) argues that divided governments can be more productive than unified governments in passing legislation. Furthermore, he points out that the second term lost momentum, especially in the last two years. Thurber (2009) stressed that control of the White House and Congress by the same party does not guarantee that these two powers will always be aligned, nor that control over Congress by the President's party is efficient.

However, Thurber (2009, p. 7) observed that Presidents Obama, Clinton, as well as Bush Sr. and Jr., despite their willingness and intention to pursue a bipartisan coalition, did not always succeed, regardless of whether the respective governments were divided or unified. The last two years of Bush Jr.'s terms, 2007 and 2008, when both legislative houses were under Democrat control, marked the lowest level of presidential victories in congressional votes (38.3 % and 26.3 %).

Obama began his term with a Democrat-controlled Congress, winning 96.7% in his first year in 2009 and 85.8% in 2010. When he lost a majority in Congress, the rate dropped to 57.1% in 2011, and 53.6% in 2012. The approval of the FTA with Colombia in 2011 countered this trend, as discussed below (Congressional Quarterly Weekly Report, apud Vital Statistics on Congress).

The difficulty in passing laws during a divided government can be determined by a number of explanations, such as the number of seats in the House and Senate, the ideological composition of the Congress, and the level of internal agreement in the party (FINE, 2008). Thurber (2009, p. 18) added a stable congressional commission system, party leadership organizations, seniority, individuality, reciprocal behaviors, and party discipline to this list. Moreover, dialogue with minority leaders is important (Andres and Griffin 2009).

Milner e Rosendorff (1997, p.119 and 120) added that "periodic elections require the executive to make a prediction about the composition of the legislature when ratification times come" and in this sense "the probability of failure to ratify increases as divisions in government increase". For these authors, this scenario of election generates imperfect information, and this leads to uncertainty (p.132).

Other actors also influenced this process. corporations, unions, and civil society organizations continually press the government's agenda through Members of Congress or through direct contact with the United States Trade Representative (USTR) and other official organizations (Barfield 2009). Congress tends to blame the negative effects of trade agreements on the influence of pro-free trade groups, whereas the presidency does the opposite by pointing out that

protectionist groups are responsible for the failure or lack of progress in such agreements (Cohen 2019).

The duality of power and the complexity of interests involved in formulating US trade policy allows for the coexistence of liberal and protectionist orientations. For this reason, one of the Executive's strategies is to seek approval from the Trade Promotion Authority (TPA, formerly fast-track), in which Congress can ratify trade agreements without amending them. The TPA generates two immediate effects: (i) it reduces the pressure of specific interests in the negotiation process and (ii) it allows for an increase in the credibility of negotiations from other countries' viewpoints, given that there will be no posterior changes to what has already been agreed upon.

The compatibility of the trade agenda and the relative convergence of preferences (ideological and partisan) of a Democrat Executive and a Republican-dominated Legislature in a specific policy are decisive in achieving the desired result, either through regular channels or via the TPA. In this sense, it is crucial to understand the two moments of FTA negotiations between the US and Colombia. First, with a Republican presidency and a Democrat Congress, ratification was not possible. However, when this situation reversed during the Obama presidency, the bilateral treaty agenda was pushed forward.

III. CONTEXT

George W. Bush took office in 2001 with an ambitious trade liberalization agenda and a shift from a multilateral perspective to a bilateral perspective (Wroe & Herbert, 2009), following the logic of "competition in liberalization (Cooper, 2011, p. 4). The quest for trade agreements has historically been supported almost exclusively by Republicans (Ikenson & Lincicome, 2009), so in order to make this strategy viable, it was necessary to obtain TPA approval in Congress in 2002, primarily endorsed by the Senate (64–34 votes) but by a narrow margin in the House (215–212 votes).

At this time, Republicans dominated the legislature, but the numbers in the House vote revealed a substantial division on the issue. However, after obtaining the TPA, both Congress and the Presidency accelerated negotiations for free trade agreements (Cooper, 2014), and in 2004, the Executive implemented the agreements with Chile and Singapore.

The presidency made arrangements with Australia (2005) and Bahrain and Morocco (2006),; the administration ratified the CAFTA-DR agreement (2005) with Oman (2006) and Peru (2007), and FTAs were signed with Colombia (2006), Panama, and South Korea (2007) (Lima 2009) (Lima, 2009). In 2006, Democrats won both legislative chambers, and there was a bipartisan trade policy agreement between Democrats and the Bush administration in May 2007 and the non-renewal of the TPA after July 2007 (Barfield, 2009).

During Bush's second term (2005-2008), the administration was dedicated to convincing Congress to pass an already-signed agreement before the TPA expired in 2007 (Janusch 2018). Bush pressured Congress, arguing that the agreement with Colombia, in addition to commercial and economic gains, would bring national security gains since Bogotá would help the US oppose neighboring Venezuela's populist government. Congress refused to vote on trade agreements before the elections, and Bush hoped to secure passage through a "lame-duck session" before the new President's inauguration.

Bush's difficulties in implementing these trade guidelines stemmed mainly from the polarization that prevented him from building a broad bipartisan coalition on this agenda at the end of his term. The priorities of the lame-duck sessions were linked to the aggravated 2008 financial crisis (Zissis 2008).

At the beginning of the Obama administration, the economic crisis was high on the agenda alongside health legislation and wars in Afghanistan and Iraq. Obama's stance was a consequence of the exhaustion of the search for a minimum consensus on the direction of trade policy and the need to formulate a trade policy strategy that encompasses so-called trade-related issues (Lima 2009). As a senator and as a presidential candidate, Obama questioned Bush's free trade policy, arguing that the agreements did not include adequate protection for US workers (Alessi and McMahon 2012).

Speaking at the annual convention of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) in 2008, Obama said he would oppose the deal with Colombia "because the violence against unions in Colombia would make a mockery of the very labor protections that we have insisted on being included in these kinds of agreements" (apud United Steelworkers, 2009).

Many criticisms have been made of Obama's handling of trade issues, especially during the 2010 midterm elections. Barfield and Levy (2009) claim that trade policy was not a priority. Republicans and business interest groups claimed that Obama had failed to advance trade agreements, while some Democrats and labor unions opposed the approval of the pending agreements, arguing that they gave advantages to foreign companies and were unable to protect US workers (Wolverson 2010).

Obama inherited a somewhat frayed relationship between the Executive and the legislature. The Bush administration's trade deal negotiations pushed the Democrats aside, strengthening the demand for more transparency in the negotiations. For Barfield and Levy (2009), the choices made by Obama were shaped by processes that went back many years, such as the Democratic Party's internal division of trade and globalization. The impression of apathy in Obama's early trade policy development was reinforced by the standstill of the Doha Round and a delay in the approval of pending agreements (Lima 2010). However, given the lack of political consensus on a more proactive trade policy,

Obama's strategy followed the goal of capitalizing on the United States Trade Representative (USTR), which offered the possibility of achieving concrete results more quickly through a policy of reduced international ambitions.

In the face of slow economic recovery, Obama broadened his strategy by associating economic growth with trade liberalization and employment. Among the proposed strategies was the National Export Initiative, launched in March 2010, to create jobs and double exports in five years, support small- and medium-sized companies, and increase the willingness to discuss bilateral and regional agreements. At this point, synergy with the Republican trade agenda began to emerge.

In a September 2010 report, pending agreements with Panama, Colombia, and South Korea were marked as relevant to the competitiveness of US exporters (White House, 2010). Furthermore, Colombia, Indonesia, Saudi Arabia, South Africa, Turkey, and Vietnam have been highlighted as relatively stable and fast-growing markets with significant commercial opportunities.

Highlighted among the pending agreements was the FTA with South Korea, which gathered more significant support from businesspeople and was expected to increase US exports by US\$ 11 billion, 85% of the US\$ 13 billion projected for the three agreements (Hakim 2011). It was also aimed at arousing the interest of other Asian countries in dealing with the US, thus counterbalancing the expansion of China. In 2012, US exports to South Korea totaled US\$ 42 billion, making it the eighth largest buyer (USDC, 2014). The most important action towards Asia was the announcement in November 2009 of discussions on the Trans-Pacific Partnership (TPP), a mega-agreement between several Asian and American countries.

IV. DATA AND METHODS

The analysis of the FTA approval process between the United States and Colombia is conducted in two parts. In the first part, the main hypotheses of the literature on voting in the United States Congress are used to identify and test the quantitative determinants of FTA voting with Colombia. An in-depth analysis of the ratification process is then carried out, presenting contextual evidence on the importance of changes in the government's position and how these were decisive for the treaty's approval.

Data – Roll call votes and their determinants

Roll calls or nominal voting can be treated as a function of two sets of independent variables. The first includes individual-level variables, such as legislators' attitudes and identifications (e.g., partisanship or ideological orientation), which are expected to be related to roll-call voting in general. The second set

includes the characteristics of each legislator's political context, which may create tendencies of support or opposition to a particular agenda in the Congress. In general, these factors refer to demands from the legislator's constituency, citizens, and the organized interests of the represented district.

The dependent variable of interest is nominal support for the FTA, coded as 1 for House members who voted in favor and 0 for those who opposed it. The Appendix provides a brief description of the independent variables as well as a description of each of the proposed bills.

Main Independent Variables

Partisanship

Partisanship is commonly identified as the main motivator in the voting of US representatives and senators (Cox and McCubbins 2007; Kingdon 1989). On many issues, radical differences between Democratic and Republican positions have resulted in a tendency to vote along party lines. This trend intensifies when there is additional pressure from the party leadership (Kingdon 1977) or the President if he belongs to the same party. While the House Democrat leadership and President Bush were split in the FTA, Republican leaders supported its adoption. Based on the merits of the cases presented, the content of the debate suggests that party affiliation may have been an important factor, especially for those who were pressured by their leaders or were undecided at the time of voting.

Members of Congress' ideological positions, personal beliefs, and political preferences are expected to affect their voting patterns (Kingdon 1989), and lawmakers place themselves and propose legislation on a single ideological continuum (Poole and Rosenthal 1984) or on continuums that differ across thematic domains (Kingdon, 1977). Although ideology and partisanship are distinct concepts that are expected to produce independent effects, they usually overlap.

Support for free trade is often associated with conservative members of parliament, and many liberals have declared their opposition to FTAs on the grounds that they would harm the interests of their core constituencies, many of whom were aligned with traditional liberalism. The unit of analysis is the individual legislator in a given roll call on the passage. If Congress members behave according to expectations, Republicans, more than Democrats, are expected to support the FTA.

Contextual Variables

The characteristics of the populations represented by members of Congress also have an important influence on their behavior in roll-call votes (Kingdon 1977).

Democratic theory is based in part on the notion that representatives consider their constituents' wishes when voting in the legislature (Miller and Stokes 1963). Although legislators cannot adequately measure voting district opinions on a wide range of issues and do not consult public opinion in every vote, they can obtain a reasonably accurate idea about the predominant opinion on important issues in their respective constituencies and will often vote accordingly (Kingdon 1989). Legislators may also opt to vote with the known wishes of key subgroups within the district rather than evaluating and following the general trend. Regardless of how constituency is defined, representatives and senators must pay attention to politically active individuals and groups in their districts (Becher, Stegmueller, and Käppner 2018; Fenno 1977) and home states (Poole and Rosenthal 1984).

Unionization. Regardless of whether they form part of the representative's "electoral circle" (Becher, Stegmueller, and Käppner 2018), organized interest groups can also have a significant impact on voting behavior. Organized labor unions strongly opposed FTAs, citing the potential export of jobs to low-wage countries. Congress members from districts with a significant labor union presence would have been subjected to intense pressure to oppose the FTA. Data on the concentration of unionized workers in each district were included. Therefore, the likelihood of congressmen supporting an FTA is inversely related to the relative strength of the unions in their state.

We follow Becher et al. (2018) and included a measure of "median family income, racial composition (percentage white), and level of education (percentage with BA degree or higher)" and "for the share of a district's workforce employed in the service sector, as this sector has been more resistant to unionization, the share of agricultural employment, and a district's degree of urbanization."

Table 1 shows the descriptive statistics. Our models contains 11 variables related to the voting behavior of House members and the characteristics of their districts. The first variable is "Vote," which measures the proportion of House members who voted on the FTA.

The second variable is "Party (Republicans)," which indicate if a House member is a Republican. The third variable is "W-Nominate Dim 2 scores," which measures the ideological position of House members on a liberal-conservative continuum.

The fourth variable is "Median HH income [10,000\$]," which measures the median household income in thousands of dollars of the districts represented by the House members.

The fifth variable is "Share white [0-1]," which measures the proportion of the population in the districts represented by the House members that identify as White. The variable has a mean of 0.619 and a standard deviation of 0.23. The minimum value is 0.02, indicating that some districts have very low propor-

tions of the White population, while the maximum value is 0.96, indicating that some districts have very high proportions of the White population.

The remaining six variables are "Share BA or higher [0-1]," "Share service sector empl. [0-1]," "Share agriculture empl. [0-1]," "Number of Firms [10,000s]," "Share of urban households [0-1]," and "Union members [log]" which measure the proportion of the population in the districts represented by the House members that have a Bachelor's degree or higher, work in the service sector or agriculture, number of firms, live in urban areas, and are union members, respectively

Table 1. Descriptive statistics

	Mean	SD	Min	Max
Vote	0.616	0.48	0	1
Party (Republicans)	0.562	0.49	0	1
W-Nominate Dim 1 scores	0.007	0.28	75	0.94
Median HH income [10,000\$]	5.190	1.41	2.35	10.68
Share white [0-1]	0.619	0.23	0.02	0.96
Share BA or higher [0-1]	0.280	0.09	0.08	0.66
Share service sector empl. [0-1]	0.186	0.03	0.11	0.40
Share agriculture empl. [0-1]	0.610	0.10	0.26	0.93
Number of Firms [10,000s]	16.633	3.52	8.11	42.68
Share of urban households [0-1]	0.807	0.18	0.23	1
Union members [log]	9.614	1.16	4.58	13.72
Union concentration	0.588	0.19	0.18	1
N	386		_	_

The data for vote and party are from Poole and Rosenthal (1997), http://www.voteview.com/, and all other variables are from Becher et al. (2018).

V. RESULTS

We estimated two models for the behavior of legislators in FTA votes regarding the FTA with Colombia, with special emphasis on the two votes in the Colombian case. The models are based on the characteristics of being or not government and adequate controls.

Our dependent variable indicates whether the members of Congress voted in favor (=1) or against (=0) of each proposal.

Table 2 presents the results of the logistic regression for voting on the House. Column (1) presents the results of the attempt to exclude the FTA with Colombia on the voting agenda of the House of Representatives. As expected, Republicans opposed the suspension of negotiations with the country (negative and significant coefficients). The regression results show that being a Republican

is negatively associated with the decision to not include the FTA with Colombia on the voting. Specifically, Republicans are less likely to include compared to non-Republicans, and this effect is statistically significant at the 0.001 level. Additionally, median household income is negatively associated and this effect is statistically significant at the 0.05 level. Share of white population, share of service sector employees, share of agriculture employees, number of firms, share of urban households, union members, and union concentration are not significantly associated with voting for the dependent variable.

Table 2. Determinants of voting in Free Trade Agreements – House of Representatives

	(1)		(2)	
	b (SE)		b (SE)	
Republican	-9.525	***	7.570	***
	(1.56)		(1.22)	
W-Nominate Dim 1 scores	-3.244		3.841	***
	(2.31)		(1.10)	
Median HH income [10,000\$]	-0.757	**	0.238	
	(0.32)		(0.40)	
Share white [0-1]	-4.767		-8.903	**
	(5.19)		(4.02)	
Share BA or higher [0-1]	14.923	*	26.590	**
	(7.72)		(11.09)	
Share service sector empl. [0-1]	-3.202		-13.028	
	(10.27)		(13.88)	
Share agriculture empl. [0-1]	12.196		16.270	*
	(8.41)		(8.48)	
Number of Firms [10,000s]	-0.210	*	-0.121	
	(0.11)		(0.09)	
Share of urban households [0-1]	-2.725		-6.390	**
	(3.60)		(3.07)	
Union members [log]	-0.142		-0.650	**
	(0.39)		(0.32)	
Union concentration	-2.101		0.922	
	(2.34)		(1.40)	
Constant	9.065		-3.267	
	(16.21)		(12.64)	
Pseudo R2	0.8534		0.7168	
No. of obs.	382		386	

Estimates from the logistic regression model explaining voting for not proceeding with an FTA (Model 1) and for fixed effects for parliamentary states were included in all models. The state-clustered standard errors are shown in parentheses. The significance levels are * p < 0.05, ** p < 0.01, *** p < 0.001

As can be seen for all FTA cases with Colombia in Table 2, Republicans are consistently in favor of FTA approval, regardless of whether they are in government or in opposition

Our findings for the second model indicate that being a Republican significantly increases the odds of voting in favor of the FTA (p < 0.01). Additionally, members with higher W-Nominate Dim 1 scores, indicating a more conservative ideology relative to their party, have greater odds of voting in favor of the FTA (p < 0.05).

District-level characteristics also have a significant impact on FTA voting behavior. For instance, the share of white residents in a district is negatively associated with the odds of voting in favor of the FTA (p < 0.01), while the share of residents with a bachelor's degree or higher has a positive effect (p < 0.01). The share of service sector employment in a district has a negative effect, while the share of agriculture employment has a positive effect (p < 0.05).

Union membership is also found to have a significant negative impact on the odds of voting in favor of the FTA (p < 0.05), while union concentration has a positive effect (p > 0.05). The number of firms in a district and the share of urban households are not found to be statistically significant predictors of support for the FTA.

Overall, our model performs well in explaining the variation in FTA voting behavior among House members. These findings provide important insights into

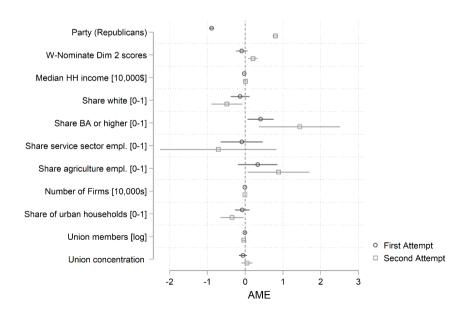


Figure 1. Average marginal effect (based on models 1 and 2 from Table 2)

Estimates are average marginal effects. 95% confidence intervals are reported. Estimates obtained from Models 1 and 2 in Table 2.

the factors that influence legislators' positions on international trade agreements, highlighting the role of district-level characteristics and party affiliation.

By way of summary, Figure 1 shows the average marginal effect of the independent variables on support for exclude the FTA on voting (Model 1) and support on passage (based on Model 2).

Table 3 presents the results for senate votes. It is important to highlight that the first vote was not mentioned in this table. This is due to the fact that the House rejected putting the Colombian FTA vote on the agenda at the first attempt (Model 1, Table 2), so the bill did not make it to the Senate.

What can be seen in Table 2 is that once more, Republicans systematically voted in favor of the approval of bilateral trade agreements with Latin American countries, regardless of whether the Chief Executive belonged to the same party.

Table 3. Determinants of voting in Free Trade Agreements – Senate

	(1)
	Colombia
Republican	0.5226***
	(0.0791)
Constant	0.4340***
	(0.0539)
Pseudo R2	0.3105
N	99

Standard errors are in parentheses* p < 0.05, ** p < 0.01, *** p < 0.001.

The results of our multivariate logistic regressions analysis provide valuable insights into the determinants of House members' voting behavior on the Free Trade Agreement (FTA) with Colombia during the Obama presidency under a divided government. Our analysis shows that the probability of supporting the FTA was significantly higher among Republican members of Congress compared to their Democratic counterparts. This finding is in line with previous studies that have shown a partisan divide on trade policy, with Republicans generally being more supportive of free trade agreements than Democrats.

Furthermore, our analysis indicates that a higher share of white constituents and a higher share of agriculture sector employees in a member's district were positively associated with supporting the FTA, while a higher share of service sector employees and urban households were negatively associated with supporting the agreement. This suggests that economic interests and regional factors play a crucial role in shaping members' trade policy preferences.

Interestingly, we found that a higher share of constituents with a Bachelor's degree or higher was positively associated with supporting the FTA, contrary to expectations based on previous research that has suggested that highly educated voters are more likely to be skeptical of trade liberalization. This result could be due to the fact that the FTA with Colombia included provisions on labor and environmental standards, which may have appealed to members with highly educated constituents.

Our analysis also reveals that the number of firms in a member's district and the concentration of union members were not significant predictors of support for the FTA, contradicting some expectations based on traditional economic and political theories

It is worth noting that the FTA with Colombia was supported by both Republicans and the Obama administration, which represents an unusual alignment of interests in a divided government. Despite this, our findings show that the partisan divide was still a crucial determinant of voting behavior. It is possible that members of Congress prioritized their party's stance on the agreement over their alignment with the President.

In conclusion, our analysis highlights the importance of considering partisan and regional factors in understanding House members' trade policy preferences. Furthermore, our findings underscore the complex interplay between economic interests, educational attainment, and labor and environmental standards in shaping members' voting behavior on trade agreements. Finally, our study suggests that the dynamics of divided government can play a significant role in shaping trade policy outcomes, even in cases where there is an alignment of interests between the President and Congress.

Contextual Evidence

If, in an FTA with Colombia, Republicans in general vote in favor of trade agreements, on the other hand, some Democrats change their initial position and vote in favor because there is a president of the Democratic Party.

In 2007, a bipartisan agreement between the Bush administration and the Democrat leadership in Congress (Bipartisan Trade Deal) established that all trade agreements, both pending and future, should include labor and environmental standards, as well as investment and intellectual property clauses, which were the reasons for disagreement between the two parties. Because of the new rules, in June, the US agreed with Colombia on the necessary amendments regarding labor and environmental laws and other items provided for in the bipartisan agreement.

Bush referred to legislation for the FTA with Colombia to Congress for approval in April 2008. The agreement had been negotiated under the TPA rules,

and Congress was supposed to vote on it without amendments, but the House opposition claimed that the President had sent the FTA proposal to Congress without carrying out the permanent consultation process provided for in the TPA (H.Res 1092). The Democrats, represented by Speaker of the House Nancy Pelosi, did not seek to eliminate the agreement but resumed the narrative of labor rights and alleged that they were not consulted according to the official protocol. In defense, US trade representatives Susan Schwab and Republicans claimed that there had been 400 extensive consultations with the legislature.

In 2009, under the Obama administration, Rep. Henry Cuellar (D-TX) founded the bipartisan pro-free trade Caucus to reinforce the call to ratify stalled trade agreements. "Exports remain one of the few strong sectors of our economy, and the Caucus will focus on pushing forward pending trade agreements left from the 110th Congress with Colombia, Panama, and South Korea, in addition to developing and supporting legislation that will assist those affected by past and future trade agreements."

However, the fundamental shift in the ratification process came as a result of the 2010 midterm elections, in which the Republican Party won 63 seats in the House and regained a majority. The Democrats retained a majority in the Senate, but the Republicans gained six seats, increasing the importance of the minority.

Obama worked to get the deal approved, but most of the opposition came from his own party, and the House's Republican control made it easier to pass the deal, confirming the hypothesis that a divided government did not stifle progress on the trade agenda.

However, this marked a pivotal turning point in Obama's strategy, as he effectively garnered support from other influential members of the labor movement, most notably the United Auto Workers and the United Food and Commercial Workers. Notably, these unions typically advocate for the interests of workers in industries poised to benefit from the proposed trade agreement (Goldfarb and Montgomery 2011).

On the presidential side, as mentioned earlier, there was a change in Obama's position on the approval of the agreement derived from exogenous factors. In the context of the economic crisis, even with a reduction of the US trade deficit in current transactions from its record US\$ 835.7 billion in 2006 to just over US\$ 645.9 billion in 2010 (USITC, 2012), there was no reduction in pressure on the government. The unemployment caused by the crisis and the challenges posed by the advancement of large exporters, such as China and India, contributed to these pressures.

This position in favor of FTAs coincided with the preferences of the Republican House majority. Nonetheless, the Democrat's demands remained: prior to sending the FTA for congressional approval, Colombia would have to meet targets related to workers' rights. These demands were formally accepted by

Colombian President Juan Manuel Santos in April, 2011. The points of greatest concern raised by the US included violence against Colombian union members, inadequate efforts to bring those involved to justice, and insufficient protection of labor rights. Therefore, the two governments decided to implement the Colombian Action Plan Related to Labor Rights, which included the approval and implementation of a series of changes in Colombian labor standards as well as measures to prevent violence against unions.

In July 2011, the Ways and Means Committee and the Finance Committee approved the Colombian FTA in a mock markup session, during which a simulated vote took place. The Finance Committee chairman Max Baucus (D-Montana) said that the Obama administration managed to address the treaty's main concerns. The Ways and Means Committee chairman, Dave Camp (R-Michigan), expressed his interest in approving an FTA with Colombia as soon as possible:

"Today's successful non-markup sends an important signal to the Obama Administration that the House of Representatives is prepared to move forward with these job-creating trade agreements. These agreements will spur economic growth, create 250,000 U.S. jobs and increase exports by \$13 billion. The time to move forward is now" (apud Wyant, 2011).

The strategy was linked with the approval of the extension of the Trade Adjustment Assistance (TAA), which was placed as a precondition for sending FTAs to Congress. Since 1962, the TAA has aimed to protect workers who have lost their jobs to foreign competition due to trade liberalization. In 2009, during the Obama administration, Congress increased the programme's reach, seeking to reduce the impact of the economic crisis. The renewal and scope of the TAA was another point of contention between Democrats and Republicans; the former advocated continued review and expansion of the TAA, whereas the latter expressed strong opposition to the program or supported a different set of measures, criticizing the program for its low effectiveness and high costs (Hornbeck 2013). This impasse further delayed the submission of FTA treaties for House approval, and it was only in September 2011 that the extension of the TAA until 2013 was approved.

Finally, on October 12, 2011, almost five years after it was signed, the FTA between the US and Colombia was approved by Congress (HR 3078) in agreement with South Korea and Panama, making it the largest US trade liberalization since NAFTA. After the vote, the President highlighted the bipartisan support and opening of markets that the agreements would bring, saying that US exports could double (Goldfarb and Montgomery 2011). The roll-call survey of the agreement's ratification vote revealed that among all new Republicans elected in 2010, only one voted against it.

On the day of the vote Obama declared: "Tonight's vote, with bipartisan support, will significantly boost exports that bear the proud label 'Made in America,' support tens of thousands of good-paying American jobs and protect labor

rights, the environment and intellectual property" (Goldfarb and Montgomery 2011). On October 21, 2011, the President signed an agreement into law, which started the legal implementation phase. In April 2012, it was announced that the US-Colombia FTA would come into effect on May 15, 2012.

VI. CONCLUSIONS

Based on an in-depth case study analysis of US trade agreements with Colombia, it was possible to investigate the influence of voting for FTAs under divided governments. The main result underlines the importance of conservative republican logic in the approval of such agreements. Second, the convergence of preferences between Executive and the Legislative branches became evident.

Our analysis accentuates the significance of accounting for both partisan affiliations and regional influences when delving into the trade policy inclinations of House members. Moreover, our discoveries shed light on the intricate nexus of economic considerations, educational backgrounds, and the imperatives of labor and environmental standards, all of which collectively mold the voting behavior of lawmakers in the context of trade agreements. Lastly, our study hints at the substantial impact that the dynamics of divided government can exert on shaping trade policy results, even when interests align between the executive and legislative branches.

At the beginning of the FTA negotiations with Colombia in 2006, during the Bush administration, the proposal had almost exclusive support from the Republicans. There was a substantial degree of political polarization with regard to the trade agenda, which hindered the formation of bipartisan support. This situation was further aggravated after the 2006 elections when Democrats took control of the Congress.

Democrats wanted to include labor and environmental issues in trade agreements. There was also disagreement regarding how the agreement with Colombia was negotiated under the terms of application of the Trade Promotion Authority (TPA). Approval was pending at the inauguration of Obama, who initially did not prioritize foreign trade. Moreover, the relationship between the Executive and Legislative parties on trade issues was frayed at the time, partly due to a deepening division within the Democrat party over trade and the effects of globalization.

However, the slow recovery from the economic crisis led the White House to associate trade liberalization with jobs. The approval of the FTA with Colombia in 2011 also resulted in the compatibility of preferences arising from the change in the Obama administration's position on the FTAs, which came to be seen as instruments for expanding job creation in response to the economic crisis.

The significant element in gaining congressional support and increasing the chances of passing the pending FTAs was the Republican victory in the 2010 midterm elections, when they received a majority in the House and increased their benches in the Senate.

In addition, the White House took two initiatives that facilitated the formation of coalitions in favor of the FTA, partially neutralizing the opposition from sectors of the Democrat party: the agreement with Bogotá for the implementation of the Colombia Action Plan Related to Labor Rights, as well as the association between the extension of the TAA and approval of the agreements. Another initiative that contributed to the approval of the FTA in Congress was the joint presentation of the three pending FTAs, bearing in mind that the agreement with South Korea was seen, even among Democrats, as promising for the expansion of US exports and its strategic impact on China. The agreement was the first American FTA with an important Asian economy and the USA's largest trade agreement after NAFTA.

As pointed out, the presidential strategies developed throughout the period show a process of gathering support for the Colombian FTA agenda, which had not been able to advance during the Bush administration with a Democrat-dominated congress but succeeded under Obama with a Republican majority House.

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