
Policy Making in Divided Government Set up – Consensus and Dissension Continuum in Legislative –Executive Relations in US Foreign Policy

Dr. Debasis Bhattacharya, Ph.D. (USA)

Amity University,

Gurgaon

Abstract

The political landscape in the United States over the last four decades has been predominantly marked by formation of divided government, polarized politics and gridlock. Such contentious political environment has proved to be detrimental for efficient and effective policy-making particularly in contentious issues related to both foreign and domestic policy domains. There are significant political factors that complicate legislative-executive relations, thereby affecting the decision making process. Partisan and ideological differences under the conditions of divided government are dominant in current political process in the United States. Exigencies related to elections and dynamics of media also play critical role in complicating the process of foreign policy making. All such factors in turn affect the prospects of legislative-executive consensus and dissension in foreign policy making. In an era in which heightened political brinkmanship has emerged in divided government set up, continuum of consensus and dissension between at the legislative-executive level on strategic foreign policy issues has virtually become the norm. This paper analyzes the dynamics of legislative-executive relations for treaty process and war powers with special reference to the Comprehensive Test Ban Treaty (CTBT) as a case study. The paper argues that continuum of legislative-executive consensus and dissension is the cornerstone in the making of foreign policy during modern times. In the concluding area this paper makes an attempt to seek convergences between the United States polity (oldest democracy) and Indian political system (largest democracy) in policy making scenario and makes some recommendations.

Keywords: Legislative, Executive, Consensus, Dissension, Continuum, Policy Making

Introduction:

The U.S. political landscape has witnessed significant changes since the early days of 1970s. Momentous political shift began when in an unprecedented move Congress successfully passed the War Powers Resolution in 1973 by overriding a presidential veto. This extraordinary event was undoubtedly a turning point in U.S. politics and marked the resurgence of Congress. In turn such political development greatly altered legislative-executive balance of power at the national level (Sundquist, 1981; Lindsay and Ripley, 1993, Lindsay, 1994). Since then the two coequal branches were destined to experience continuum of consensus and dissension in the political process both in foreign and domestic spheres. The intent of this paper is to investigate the prospects of such

consensus and dissension in the realm of legislative-executive relations for treaty process and war powers with special reference to the Comprehensive Test Ban Treaty (CTBT). Because legislative-executive relations in U.S. political system primarily determine the contours of political process such empirical investigation is expected to throw greater insight on the nature of political system, policymaking and power dynamics.

Mapping out the Problem Structure:

Treaty Process: Treaty process is an important issue area to explore the theoretical framework reflecting continuum of consensus and dissension between Capitol Hill and the White House. This issue area is politically strategic and constitutes the elite club of the “so called high politics of foreign policy” (Carter, 1986, p.332). The criteria for continuum of consensus and dissension in the realm of treaty politics are examined within the constitutional framework, which requires the U.S. Senate’s “advice and consent” by a two-thirds majority of the senators present for approval of the proposed international treaty (U.S. Constitution, Article 2, Section 2). This automatically means that the U.S. Constitution designates treaty politics to be shared power between Congress and the presidency. In fact, the constitutional provision of two-thirds majority in the Senate is intended to ensure broad national in treaty making process. Thus treaty process (encompassing treaty making, advice and consent and ratification) is not the exclusive power of either Congress or the president. Also the Constitution does not allow the president to single-handedly negotiate and ratify a treaty. The criterion of advice and consent implies “that the Senate will have an opportunity to shape the content of a treaty” (Fisher, 1989). Thus the intent of the Constitution is to make the United States Senate an equal partner in treaty making process. In this context the constitutional principle of separation of powers creates political constraints and contingencies. For successful treaty consent and ratification there is an urgent need for legislative-executive consensus in Washington by ensuring sharing of powers between separated institutions (Neustadt, 1990). The continuum of legislative-executive consensus and dissension in treaty process in turn is greatly determined by how the principle of separation of powers actually transcribes into power sharing between separated institutions. In an era of increasing presence of divided government, partisan and ideological differences have dominated the treaty process. Treaty process is a delicate political dynamic which urgently requires joint institutional interplay of political obligations between the Hill and the administration. The eventual rejection of the Comprehensive Test Ban Treaty (CTBT) by the U.S. Senate is a classic example of such joint institutional interplay which basically reflects contentious politics, consensus and dissension not only inside Congress but also between Capitol Hill and the White House.

War Powers: The War Powers Resolution (1973) as a major policy intervention has affected U.S. foreign policy in a significant manner. It marks the resurgence of Congress in terms of heightened levels of congressional assertiveness in the foreign policy process. The issue area of war powers explores the full range of legislative-executive relations in which the United States Congress, including the House of Representatives and the Senate, are involved in the political process along with the president. During the Vietnam War era prior to 1973, the extent of presidential war powers climbed to such heights, and with questionable consequences, that Congress felt compelled to intervene in an unprecedented manner and enacted the War Powers Resolution by overriding presidential veto of President Nixon (Fisher, 1994-95). This was intended to “rein in a presidency

run amok and to reassert congressional prerogatives over foreign policy making” (Howell and Pevehouse, 2007). In turn the Act established “parameters for desired presidential behavior and subsequent congressional action. With a few exceptions, presidents have significantly limited the duration of foreign interventions to conform to the limits set forth in the Act”(Auerswald and Cowhey, 1995, p.506). Since then, a more assertive Congress has led to its having a greater confrontational position with the president (Meernik, 1995).

The issue area of war powers based on the provisions of the War Powers Resolution is important because it tends to carve out a trajectory of dissension and consensus between Capitol Hill and the White House on military policy. Ever since the inception of the Act in 1973, there has been policy contestation between Congress and the president on troop deployment into hostilities abroad. Variation in government typology (divided and unified) and differential policy preferences between the Hill and the administration have often been responsible for conflict and cooperation when it comes to enforcement of the Act. Subsequently, the dynamics of legislative-executive interactions on sensitive foreign policy issue like troop deployment into hostilities abroad based on the constitutional provisions of the War Powers Resolution significantly helps to map out a continuum of legislative-executive consensus and dissension. One of the key conditions responsible for the continuum of legislative-executive consensus and dissension in war powers is formation of divided and/or unified government. Divided government is more likely to result in dissension. Formation of divided government leads to hyper-partisanship and heightened levels of political disagreement as to how military operations should be conducted. Such political dynamic in turn affects the prospects of congressional-presidential consensus and dissension on the conduct of war. we can observe that the foreign policy issue area of war powers is fertile land to examine continuum of legislative-executive consensus and dissension, based on the provisions of the War Powers Resolution. Variations in political process and outcome across time and space are commonly experienced on matters of military interventions because of the constitutional provisions imposed by the War Powers Resolution.

Review of Literature:

Divided Government: Formation of divided and/or unified government is a critical factor affecting legislative-executive relations at the national level. Divided government exists when there is split party control of legislative and executive branches. In contrast, unified government is formed when legislative and executive branches are controlled by the same party (Clarke, 1998). Split party control of one or both chambers of Congress and the White House also represents divided government (Auerswald and Campbell, 2012). Conventional scholarship suggests that divided government results in gridlock or dissension and unified government causes cooperation or consensus (Sundquist, 1980, 1988-89; Cox and Kernell, 1991; Binder, 1999; Coleman, 1999; Krutz and Peake, 2009). On the other hand, revisionist theory suggests that the presence of divided or unified government does not matter in delineating legislative success and legislative-executive consensus (Mayhew, 2005; Peterson, 1990; Krehbiel, 1998).

In the treaty process, when there is the presence of divided government with the opposition party in control of the U.S. Senate, there is generally confrontational politics between the Senate and the president. Based on conventional understanding of the effects of partisanship on foreign policy during divided government, it is generally observed that the SFRC chairman tends to block and frustrate presidential treaty-making efforts (Krutz and Peake, 2009; McCormick and Whitkopf, 1990). Congressional oversight of treaty-making also increases during the presence of divided government (Krutz and Peake, 2009). There is evidence that divided government diminishes the president's ability to liberalize trade at the time of negotiating trade-related treaties (Lohmann and O'Halloran 1994; Milner, 1997). Proponents of revisionist argument on foreign policy claim that congressional-executive cooperation or gridlock does not necessarily depend on divided or unified government. Auerswald and Maltzman show an insignificant probability of divided government on the imposition of reservations in the treaty ratification process (Auerswald and Maltzman, 2003). The ideological preference of the pivotal institutional players triumphs in treaty consent process regardless of divided or unified government (Krehbiel, 1998). Also treaty characteristics often drive the treaty consent process, regardless of whether divided or unified government is in existence. For instance, treaties belonging to "high politics" (i.e. sovereignty and security issues) are more likely to draw reservations and delay in consent than treaties belonging to "low politics" (i.e. economic, legal, or normative issues) regardless of divided or unified government (Auerswald and Campbell, 2012).

Partisan difference between Congress and the president: In the treaty process, partisan differences significantly influence the political dynamics, with variations in decision outcome. It is argued that majority party leaders from the opposite side of the aisle more often are less likely to defer to the minority administrations (Ripley and Lindsay, 1993; Peake, 2002). Here the conventional understanding is that when the president garners support from more co-partisans in the Senate, his policies including treaties, are less likely to face partisan obstacles (Krutz and Peake, 2009). As legislators play a strategic role in setting policy priorities, particularly at the committee level, their partisan preferences become critically important in the overall political process (Cox and McCubbins, 1993). Partisan conflict between the Chairman of the Senate Foreign Relations Committee, the President, and the Treaty pivot (i.e. the particular senator deciding the crucial two-thirds vote on the Senate floor) is critical in determining the fate of the treaty (Krutz and Peake, 2009). Also legislative procedures and priorities, delay tactics, imposition of reservations and amendments are greatly governed by partisan fault lines in the United States Senate (Lindsay, 1994; Auerswald and Maltzman, 2003; Auerswald, 2006). For instance, as explained later in this paper, partisan differences between the Republican Senate and the Clinton White House played major role in determining the fate of CTBT.

Ideological dimensions and congressional-presidential relations: With respect to politics of treaty consent, ideological distance along the liberal-conservative continuum is a dominant factor in the treaty consent process. Traditionally, conservatives have shown greater distrust to international treaties and agreements than their liberal counterparts (Auerswald, 2006). The ideological distance between the pivotal institutional players, especially the SFRC chairman and the president is of paramount importance in deciding the fate of the treaty (Krutz and Peake, 2009). Traditionally "conservatives have had a greater distrust for international agreements than their more liberal

colleagues” leading to the expectation that “[treaty] ratification reservations will be more likely when the Senate is tilted toward the conservative side of the ideological spectrum” (Auerswald and Maltzman, 2003, p. 1101). In their study, DaLaet and Scott argue that both during and after the Cold War era, ideology had a statistically significant relationship with the congressional vote on arms control treaties (DaLaet and Scott. 2006). For instance with regard to arms control treaties like the Comprehensive Test Ban Treaty ideological factors greatly influence Senate voting pattern, thereby reflecting the trend that hawks support strong defense while doves support reduced spending on defense-related policy issues (Bernstein and Anthony, 1974; McCormick, James M. and Michael Black. 1983; Wayman, Frank Whelon 1985).

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

Role of Media: The extent of media attention is reflected in media coverage by print newspapers like the New York Times, Washington Post, etc., popular cable television network coverage such as CNN, CBS, NBC, Fox News, etc., occasionally various late-night talk shows, and others. In general, when international agreements are more salient in the media, the executive branch is inclined to complete them as treaties (Glen Krutz and Jeffrey Peake. 2009). Media attention can make treaty or agreement consent process extremely contentious. Krepon and Caldwell argue that “Without strenuous efforts by the executive branch, critics can establish the terms of debate, particularly through sophisticated media campaigns that drive up negative perceptions of the treaty in question” (Krepon, Michael and Dan Caldwell. 1991). For instance, in the case of Comprehensive Test Ban Treaty the Clinton administration’s media strategy was poorly planned and that damaged the prospects of the treaty ratification outcome.

Public Opinion and Electoral Imperatives: With regard to the issue area of treaty process, constituency interest and preference play a dominant role in determining not only congressional voting patterns, but also the timing of lawmakers’ position taking. During the treaty consent process, treaty approval gets delayed in the Senate Foreign Relations Committee, as well as in floor-level deliberations in the U.S. Senate. Such procedural delays are because of the conflict in the ideological policy preferences of pivotal senators and can be significantly connected to electoral prospects in their respective states (Krutz and Peake, 2009). Electoral pressures raise congressional-presidential competition to resolve urgent foreign policy issues (Conley, 2000). Because of such constitutional

empowerment and greater electoral incentives, the Senate can directly intervene in the treaty process by attaching amendments, reservations, understandings, and policy declarations to the treaty's original document as part of ratification (Auerswald, 2003).

Hypotheses Formulation and Testing:

The theoretical overview in the previous section helps in hypotheses formulation and testing. Each of the following hypotheses incorporates the causal factors that are assumed to affect the CTBT ratification process and thereby reflects the contours of congressional-presidential consensus and dissension. The hypotheses are outlined below:

Hypothesis 1: Unified government facilitates consensus in the treaty making process while divided government does not.

Hypothesis 2: Ideological differences and partisan fault lines influence the treaty consent process.

Hypothesis 3: Extensiveness of debate influences continuum of consensus and dissension in treaty consent process.

Hypothesis 4: High salience and resulting coverage in the media is a significant condition in depicting consensus and dissension in treaty consent process.

Hypothesis 5: Electoral imperatives and public opinion influence treaty consent process.

Comprehensive Test Ban Treaty (CTBT)

Background: The Comprehensive Test Ban Treaty (CTBT) was a major international arms control treaty that was signed by President Bill Clinton. This Treaty was intended to ban underground nuclear weapons testing worldwide. It was a key step toward complying with the obligations of Article VI of the Nuclear Non-proliferation Treaty (Congressional Research Service. Report Number RL33865). The strategic significance of the Treaty made it highly controversial in Washington because of its direct implications on national security and arms control. Partisan conflict between the Democratic White House and the Republican Senate were profound resulting in full-scale legislative-executive contestation. CTBT was signed by President Clinton on September 24, 1996 (Krutz and Peake, 2009). He submitted the Treaty to the United States Senate for advice and consent one year later on September 22, 1997 (Congressional Research Service. Report Number IB92099). As a classic case portraying conditions of divided government and polarized politics the Treaty was expected to encounter contentious ratification process. In the end the United States Senate rejected CTBT on October 13, 1999 by a vote of 48 to 51 with 1 present (Congressional Record –Senate, October 13, 1999, p.25143). Analysis of CTBT ratification process reveals the potential difficulties of finding common grounds to forge bipartisan consensus especially in a divided government setting dominated by partisan politics (Bond and Fleisher, 2000). Long term political ramifications of the Treaty's demise were far-reaching for arms control. This case reinforces the assertion that constitutional provisions entail treaty process to be a contentious foreign policy issue area which is often marked by continuum of consensus and dissension in modern era.

Hypothesis 1: Unified government facilitates consensus-building in the treaty making process, while divided government does not. When the Comprehensive Test Ban Treaty was submitted to the United States Senate under the conditions of divided government, political tension on partisan lines between the Republican Senate and the Democratic White House was at the all-time high. As a result the clash of titans between Congress and the president was almost a certainty. Also domestic political environment was conducive for partisan conflict. President Clinton was in the last two years of his second term, the so called lame duck session, and the country was bracing a tough presidential election cycle. Republicans were desperate to regain control of the White House after 8 years. Amidst such political tension the prospects of finding common ground at the congressional-presidential level were exponentially slim. However, there was also an extraordinary situation unique to the political environment of 106th Congress (1999-2001) and that further enhanced political complications. In the Senate, where CTBT was expected to come up for advice and consent in due course of time, the year witnessed intense divisive politics because of Senate trial of President Clinton following his impeachment by the House of Representatives (Evans and Oleszek 2003). Prevailing high level of partisan animosity under the conditions of divided government worsened the dynamics of the already contentious CTBT ratification process. Continuum of consensus and dissension in legislative-executive relations was overwhelmingly discernible during Treaty consent process.

From the outset the CTBT received cold treatment in the Senate. The typology of divided government was critical in setting the political stage for contentious political process. The Treaty was held strategically flawed by the political opponents. Notwithstanding significant differences between the Democratic White House and Republican Senate, in his letter of transmittal President Clinton asked the Senate for speedy consent and approval. In this letter the president pointed out the various safety and security measures of CTBT with regard to verification and monitoring of nuclear weapons and their sites. He also assured the Senate about the effectiveness of the Stockpile Stewardship Program (SSP) and provisions of strict enforceability of the Treaty in the international community. Nevertheless, each one of these features became contentious and source of heated debate in Senate proceedings during the ratification process. Majority of the Republican senators were in complete denial of the accuracy of the claims that the president made. Differences between Senate Republicans and the president reflected partisan divide across Pennsylvania Avenue. This was evidential when Senator Jesse Helms (R-N.C.), Chairman of the powerful Senate Foreign Relations Committee, expressed his reservation for committee consideration of CTBT (Congressional Research Service Number IB92099). The battle-line between the Republican Senate and the Democratic White House was drawn based on the contours of divided government. Legislative-executive dissension got further intense because of deficit of trust between Senate Republicans and the president regarding the controversial provisions of CTBT. Also the administration did a poor job in aggressively lobbying and consulting with pivotal Republican leaders about how the Treaty would be implemented (Evans and Oleszek 2003). Such “tactical blunders” by President Clinton and Senate Democrats to seek common ground put prominent “internationalist” Republicans such as John W. Warner of Virginia (Chairman, Senate Armed Services Committee), Pete V. Domenici of New Mexico, Richard G. Lugar of Indiana and Ted Stevens of Alaska in the camp of other isolationist GOP colleagues (Congressional Quarterly Weekly Report, October 16, 1999. p.2435-38).

In addition tension between Republican Senate and Clinton White House took an unexpected downhill turn in the wake of Clinton's impeachment and trial procedures on Capitol Hill in the winter of 1998 (The Washington Post, October 8, 1999, p.A24). Subsequently, the Senate tried in every way to block CTBT and deprive President Clinton from attaining the coveted "legacy trip" in ensuring a major foreign policy triumph just 15 months before the completion of his second term in office. Eventually CTBT became a scapegoat of political gamesmanship in which the two opposing parties, in a divided government set up, were fully committed toward intense contestation.

Heated deliberations between Senate Democrats and Republicans during the hearing proceedings at the Senate Armed Services and Foreign Relations Committees were reflections of intra-party consensus in conjunction with partisan divide leading to legislative-executive dissension under the conditions of divided government. The political climate in the 106th Congress in turn was marked by extreme rhetoric and animosity that was explicit throughout the entire CTBT ratification debate. It significantly diminished the chances of any compromise. The Senate and the president in divided government set up kept hanging on with their respective positions in such a manner that in turn enhanced the political gridlock. Dissension in the political process during CTBT ratification debate was the consequence of the presence of divided government. Political passion and partisan politics in the divided government set up carried the day. Ideological, procedural, and substantive differences between the Republican Congress and Democratic White House remained at a very high level and were further reinforced by the politics of divided government. Democrats and Republicans were not able to come out with compromises for consensus building, primarily because of the polarization of politics in a divided government. Political passion was so high that the members of the Senate on both sides of the aisle were not even willing to properly accommodate each other's' viewpoints on the merits of the arguments and testimonies – a classic situation of political gridlock primarily fomented by deep cleavages in a situation of divided government politics. Empirical evidence shows that the main causal factor for such insurmountable political gridlock was the presence of a deeply divided government during the 106th Congress (1999-2001). The political cleavage was at its highest level with partisan passions, emotions, and animosities were flying high.

Hypothesis 2: Ideological differences and partisan fault lines influence the treaty consent process. Senate ratification process of CTBT bears significant evidence of the presence of deep partisan fault lines between the Republican Senate and the Democratic White House. Exigencies of partisan divide resulted in legislative-executive dissension and in turn offset all efforts taken. From the very outset Senator Jesse Helms (R-N.C.), Chairman of the Senate Foreign Relations Committee, made it clear that CTBT was not a priority for his committee to consider in near future.⁹³ Also very little time was allotted by the Republican Senate to debate the Treaty in a comprehensive manner on the Senate floor. Minority Leader Tom Daschle (D-S.D.) and another influential Democratic Senator Robert Byrd (D-W.Va.) blamed partisan divide for such inadequate opportunity for congressional deliberations (Congressional Record – Senate, 106th Congress, October 13, 1999. p.S12507; p. S12523). The Democrats miscalculated the tactical move camouflaged by hyper-partisan dimensions of the Senate Majority Leader Trent Lott (R-Miss.). What the Senate Democrats failed to realize was that Lott had already amassed enough Republican votes to reject the Treaty. Since the spring of 1999 a small group of influential Republican senators, under the leadership of John Kyl (R-Ariz.) and Paul Coverdell (R-

Ga.) had been working to garner adequate Republican votes against CTBT (Evans and Oleszek, 2003). What Senator Lott was doing was to wait until a propitious time for roll call vote to take place and the Senate Democrats inadvertently fell into the hyper-partisan trap. Hence it was evident that ideological distance between the far-right and moderate conservatives within the Republican Party also was in play in the final vote count. But overall the congressional approval process was overwhelmingly dominated by hyper-partisan dimensions which created difficult parliamentary and procedural obstacles leading to the ultimate demise of the Treaty. In the final analysis it can be inferred that the implications of partisan and ideological dimensions in varying intensity determined the contours of consensus and dissension at various stages during CTBT consent process.

Hypothesis 3: Extensiveness of debate influences treaty consent process. During CTBT consent process there was insufficient debate time allotted by the Senate Republicans. The Treaty was always a low priority for the Republican senators who in turn “offered the Democrats only ten hours of Senate debate on the treaty” (Deibel, 2002, p. 149). Senate proceedings make it evident that little time was allotted by the Senate Republicans, perhaps due to tactical reasons, for Senate consideration of the Treaty. Senate Democrats such as Minority Leader Tom Daschle (D-S.D.) and Robert Byrd (D-W.Va.) blamed the controlling Republican Party for that matter (Congressional Record –Senate, 106th Congress, p.12507; p. 12523). Whatever amount of hearings and deliberations that took place they generally inflamed the rhetoric and intensity of partisan politics. Instead of bridging the gap between the Senate Democrats and Senate Republicans the nominal amount of deliberations were characterized by polarized politics. The contentious issues like verification, monitoring, national security, and stockpile stewardship program were interpreted purely from the perspective of partisan politics. These specimens of the debate procedures further accentuated the political partisanship in a divided government set up during the ratification process of the CTBT. From the empirical investigations outlined in the previous hypotheses this study gets a sense that during the ratification debate of the CTBT the complexities associated actually deepened the already existing dissension between the Senate Republicans and their Democratic counterparts. Insufficient time for debate proceedings also denied any chances for amendments and reservations are normally help finding some kind of common ground to facilitate consensus building between Congress and the president. Hence, it can be concluded that the given hypothesis is meaningful in this case under the conditions that inadequate debate proceedings facilitated inter-party dissension and thereby greatly reduced the probability of arriving at a consensus.

Hypothesis 4: High salience and media coverage influence treaty consent process. Despite its rejection by the Senate, CTBT was regarded a major international treaty of epic proportion. It generated high level of publicity in the media. Media attention in New York Times for the time period from January 01, 1979 to December 31, 1999 was substantial. This is evident from the following statistics: (1) Total number of times CTBT was mentioned in any document type in New York Times - 545; (2) Total number of front-page stories - 81; and (3) Total number of editorial articles - 57 (ProQuest Historical Newspapers The New York Times (1851 – 2007). 9 High level of media attention influenced treaty consent process in the Senate and also revealed the extent of partisan animosity in the political process. While the New York Times recorded 127 documents of all types from January 1 to December 31 of 1999, Washington Post recorded 134 documents for the same period about the

Treaty. For each of these premier newspapers the coverage remained at the highest level for the month of October 1999 because of ensuing congressional debate and roll-call voting schedule. High level of media coverage shaped the dynamics of congressional deliberations to a significant extent. The October 6, 1999 edition of the New York Times reported that 32 Nobel laureates in physics urged the U.S. Senate to ratify CTBT as it was “central to future efforts to halt the spread of nuclear weapons” and that United States approval was “imperative” in advancing such global policy (The New York Times, October 6, 1999, p. A12). Apart from influencing domestic politics, media power was successful in generating foreign pressure during CTBT ratification debate. In a major opinion piece in the New York Times (dated October 8, 1999) three influential heads of government – French President Jacques Chirac, British Prime Minister Tony Blair, and German Chancellor Gerhard Schroeder – urged the U.S. Senate to approve the Treaty (The New York Times, October 8, 1999, p. A27). Mainstream media campaign in support of the Treaty prompted action from Senate Majority Leader Trent Lott (R-Miss.). However, such action proved to be a double-edged sword which would have hardly pleased CTBT supporters while simultaneously making the Treaty opponents (mainly Republican base) satisfied. This was a classic situation of overlapping consensus and dissension in the political process. Despite mainstream media’s strong campaign in support of the measure the Senate proceeded with the planned schedule and rejected CTBT. Nevertheless, high level of media salience and attention played dominant role all through influencing the dynamics of the treaty consent process.

Hypothesis 5: Electoral imperatives and public opinion influence treaty consent process. Public opinion with regard to CTBT was initially slow to pick up. With the intensification of media coverage toward the closing months opinion polls showed consistent trend of public approval for the Treaty. Surprisingly even then a good percentage of the American people were not adequately aware of the CTBT issue. One Gallup poll showed that only two-thirds of the population only heard about the Treaty, and only 25 percent were aware of its defeat in the Senate. Overall, only 8 percent of the population closely followed the congressional approval proceedings and another 30 percent somewhat closely (Gallup News Service, November 5, 1999). However, among those who were keeping track of the CTBT ratification debate in Congress, a growing percentage was in favor of the Senate to ratify the Treaty. According to the Gallup poll conducted between October 21 and 24, 1999, just about a week after the Treaty was rejected, 59 percent of respondents said that the Senate should have voted to ratify the Treaty as against 29 percent who opposed it (The Gallup Public Opinion Poll. Survey # G0907190. 1999). About 45 days prior to the Senate roll call vote the New York Times reported on August 30, 1999 that CTBT had overwhelming backing of public opinion in addition to support of scientific community, military commanders, and arms control groups (The New York Times, August 30, 1999. Section A; Page 1; Column 6). About a month prior to the roll call vote Senator Byron Dorgan (D-N.D.) and Senator Arlen Specter (R-PA) wrote in USA Today that a new bipartisan opinion poll commissioned by the Coalition to Reduce Nuclear Dangers found that a whopping 82 percent of American people wanted the Senate to ratify CTBT as against 14 percent who opposed it (USA Today, September 13. 1999, p. 27A). Evidence showed that apart from favorable domestic public opinion, in the international sphere too there was high approval for the Treaty. For instance, following the defeat of CTBT the Australia reported that despite 80 percent of the American population backing the nuclear deal and America’s key European allies like Britain, France, and

Germany supporting the deal, the U.S. Senate did not ratify the Treaty (The Australia. October 15, 1999. Page 11). However, such favorable public opinion fell flat in front of the hyper-partisan environment in the Senate. Electoral imperatives were also in play. Because of the Clinton impeachment proceedings in Congress and lack of political capital of the president following such incident, Senate Republicans were fully geared up to work against the legacy of the embattled president for electoral benefit in the next election cycle. Such election dominated political exigencies on the part of Senate Republicans were constantly in conflict with favorable public opinion throughout treaty consent process. Such political complications also influenced the trajectory of legislative-executive consensus and dissension during the ratification debate. Therefore, conclusions can be drawn here that public opinion and electoral imperatives were operational in tandem to complicate the dynamics of treaty consent process. Because of the uniqueness of the prevailing political conditions the given hypothesis stands accepted for the CTBT case study.

Concluding Remarks:

In this paper efforts have been made to explore the various strategic factors which are largely responsible to explain the contours of legislative-executive consensus and dissension in high politics foreign policy issue areas such as treaty powers and war powers. The paper specifically selects the issue area of treaty powers and analyzes a treaty case study to illustrate the theoretical foundation of continuum of congressional-presidential consensus and dissension in foreign policy. All factors as explained in the theoretical overview and case analysis have profound implications on treaty process and outcome in the context of separated institutions sharing power (Neustadt, 1990). The theoretical framework has been applied to the congressional ratification process of Comprehensive Test Ban Treaty (CTBT). Empirical analysis suggests that all explanatory variables discussed in the case study play a significant role in tandem and reinforce each other. Broadly speaking congressional rejection of the CTBT was the result of the implications of divided government and polarized politics. Such complex political dynamic in recent years has a cascading effect across congressional-presidential war power prerogatives too. It appears that continuum of legislative-executive consensus and dissension in foreign policy is the new normal in contemporary Washington politics.

When we compare the legislative-executive politics of India and the United States, we find similar dynamics in the recent years. Over the last three decades coalition government has been generally forming in India at the centre. Coalition government itself is the manifestation of divided government in a classic multi-party parliamentary system such as India. Whenever there is formation of coalition government or a divided government in Indian polity, it has been generally observed that there has been policy paralysis and lesser amount of legislative-executive convergences. Even today when there is an absolute majority government present at the centre where the central government has majority in the Lok Sabha, it does not have majority in the Rajya Sabha. This is also a nomenclature of divided government in parliamentary set up in India just like the divided government set up in the United States. It is evident that despite having absolute majority in the Lok Sabha, the current central government had to face tremendous opposition in the Rajya Sabha to pass major bills such as Central Goods & Services Tax Bill. In a way it is observed that the very dynamics of divided government are very much prevalent in large democracies – both in India, the largest democracy in the world and the United States, the oldest democracy in the world. It can, therefore, be concluded that legislative-

executive convergences between parliamentary democratic set up such as India and separated system such as the United States can be meaningfully identified. Such reflections can also be found by the enhancement of strategic partnership between the two countries.

Reference:

Auerswald, David P. and Peter F. Cowhey., (1995). *Ballotbox diplomacy: The War Powers Resolution and the Use of Force*. *International Studies Quarterly*, Vol. 41; No. 3 (September); pp. 505-28.

Auerswald, David. (2003). *Advice and Consent: The Forgotten Power.* In *Congress and the politics of foreign policy*, (eds.) Colton C. Campbell, Nicole C. Rae, and John F. Strack, Jr. New Jersey: Prentice Hall.

Auerswald, David and Forrest Maltzman, (2003). "Policymaking through Advice and Consent: Treaty Consideration by the United States Senate." *The Journal of Politics*, Vol. 65; No. 4; (November); p. 1097-1110.

Auerswald, David. (2006). "Senate Reservations to Security Treaties." *Foreign Policy Analysis*, Vol. 2; Issue 1; p. 83-100.

Auerswald, David and Colton Campbell. (2012). *Congress and the politics of national security*. Cambridge; New York: Cambridge University Press.

Bernstein, Robert A. and William W. Anthony. (1974). "The ABM Issue in the Senate, 1968-70: The Importance of Ideology." *The American Political Science Review*, Vol.68; No.3; (September); p. 1198-1206.

Binder, Sarah. A. (1999). "The Dynamics of Legislative Gridlock, 1947-96." *American Political Science Review*, Vol. 93; No. 3; (September); p. 519-33.

Bond, Jon R. and Richard Fleisher (eds). (2000). *Polarized Politics: Congress and the President in a partisan era*. Washington, D.C.: CQ Press.

Carter, Ralph G. (1986). "Congressional Foreign Policy Behavior: Persistent Patterns of the Postwar Period." *Presidential Studies Quarterly*, Vol. 16; No. 2; (Spring); p. 329-59.

Clarke, Wes. (1998). "Divided Government and Budget Conflict in the U. S. States." *Legislative Studies Quarterly*, Vol. 23; No. 1; (February); p. 5-22.

Coleman, John J. (1999). "Unified Government, Divided Government, and Party Responsiveness." *American Political Science Review*, Vol. 93; No. 4; (December); p. 821-35.

Conley, Richard S. (2000). "The Electoral and Policy Context of Divided Government and Presidential Support in Congress: Nixon and Bush Compared." *Polity*, Vol. 32; No. 4; (Summer); p. 595-621.

Cox, Gary and Samuel Kernell. (1991). "Governing a Divided Era." In *The Politics of Divided Government*, (eds.) Cox, Gary and Samuel Kernell. Boulder, Colorado: Westview Press.

Cox, Gary and Mathew McCubbins. (1993). *Legislative Leviathan: Party Government in the House*. Berkeley and Los Angeles: University of California Press.

Deibel, Terry L. (2002). "The Death of Treaty." *Foreign Affairs*, Vol.81; No. 5 (September-October); pp. 142-61.

Deibel, Terry L. (2005). "Intraparty Factionalism on Key Foreign Policy Issues: Congress versus Clinton, 1995-2000." In *Divided Power: The Presidency, Congress, and the Formation of American Foreign Policy*, (ed.) Donald R. Kelly. Fayetteville: University of Arkansas Press.

DeLaet, C. James and James M. Scott. (2006). "Treaty-Making and Partisan Politics: Arms Control and the U.S. Senate, 1960-2001." *Foreign Policy Analysis*, Vol. 2; Issue 2; p. 177-200.

Evans, Lawrence and Walter Oleszek. (2003). "A tale of two treaties: the practical politics of treaty ratification in the U.S. Senate." In *Congress and the politics of foreign policy*, (eds.)

Fisher, Louis. (1994-5). Congressional checks on military initiatives. *Political Science Quarterly*, Vol. 109;N. 5 (Winter); pp. 739-62.

Fisher, Louis. (1995). *Presidential war power*. Lawrence, Kan.: University of Kansas Press.

Howell, William G., and Jon C. Pevehouse. (2007). *While dangers gather: congressional checks on presidential war powers*. Princeton: Princeton University Press.

Krehbiel, Keith. (1998). *Pivotal politics: A theory of U.S. lawmaking*. Chicago: University of Chicago Press.

Krepon, Michael and Dan Caldwell. (1991). *The Politics of arms control treaty ratification*. New York: St. Martin's Press in association with the Henry L. Stimson Center.

Krutz, Glen S. and Jeffrey S. Peake. (2009). *Treaty politics and the rise of executive agreements: international commitments in a system of shared powers*. Ann Arbor: University of Michigan Press.

Lindsay, James and Randall Ripley. (1993). *Congress resurgent: foreign and defense policy on Capitol Hill*. Ann Arbor: University of Michigan Press.

Lindsay, James. 1994. *Congress and the politics of U.S. foreign policy*. Baltimore: Johns Hopkins University Press.

Lohmann, Susanne and Sharyn O'Halloran. (1994). "Divided Government and U.S. Trade Policy: Theory and Evidence." *International Organization*, Vol. 48; No. 4; (Autumn); p. 595-632.

Mayhew, David R. (2005). *Divided we govern: party control, lawmaking and investigations, 1946-2002*. New Haven: Yale University Press.

McCormick, James M. and Michael Black. (1983). "Ideology and Senate Voting on the Panama Canal Treaties." *Legislative Studies Quarterly*, Vol. 8; No.1; (February); p.45-63.

McCormick, James M. and Eugene R. Wittkopf. (1990). "Bipartisanship, partisanship, and ideology in congressional-executive foreign policy relations, 1947-1988." *Journal of Politics*, Vol. 52; No. 4; (November); p. 1077-1100.

Meernik, James. (1995). *Congress, the President, and the Commitment of the U.S. Military*. *Legislative Studies Quarterly*, Vol. 20; No. 3; (August); pp. 377-92.

Milner, Helen. (1997). *Interests, institutions, and information: domestic politics and international relations*. Princeton, N.J.: Princeton University Press.

Neustadt, Richard E. (1990). *Presidential power: The politics of leadership from FDR to Carter*. New York: Free Press.

Sundquist, James L. (1980). "The Crisis of Competence in our National Government." *Political Science Quarterly*, Vol.95; No.2; (Summer); p.183-208.

Sundquist, James L. (1981). *The decline and resurgence of Congress*. Washington, D.C.: Brookings Institution.

Sundquist, James L.(1988-89). "Needed: A Political Theory for the New Era of Coalition Government in the United States." *Political Science Quarterly*, Vol. 103; No. 4; (Winter); p. 613-35.

Wayman, Frank Whelon. (1985). "Arms Control and Strategic Arms Voting in the U.S. Senate: Patterns of Change, 1967-83." *The Journal of Conflict Resolution*, Vol. 29; No.2; (June); p.225-51.