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A Congressional threat to the TPP

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Trade votes in the US Congress follow a familiar pattern: in order to pass the House and Senate, liberalisation measures rely on a sizeable minority of Democratic legislators joining forces with all but a handful of Republicans. The free trade agreement with South Korea, for example, won the support of 31 per cent of House Democrats and 88 per cent of the GOP caucus.

In June, a similarly weighted coalition of Republicans and pro-trade Democrats in both houses gave Obama fast track authority, a greenlight to negotiate the TPP that also surrenders Congress' right to amend or delay it.

Optimists in the White House are banking that the pro-trade bias in the House and Senate will hold one last time before they hand over the keys to the next occupant. They may be dreaming.

There are several complicating factors that threaten to derail Obama's treasured trade pact.

First, the overwhelming GOP support evident with previous trade deals is by no means a given in this case. The party is torn between a desire, on the one hand, to deny Obama a landmark achievement and, on the other, the obligation to deliver for powerful backers like the fiercely pro-trade US Chamber of Commerce.

In recent contentious trade votes, fealty to the Republican establishment has prevailed, but its sway over legislators tends to evaporate as elections draw near. With Tea Party conservatives and evangelical Christians in Silly Season ascendancy, it came as no surprise to see Donald Trump, currently leading the pack for the GOP nomination, launch a scathing attack on 'Obamatrade' which he characterised, somewhat inexplicably, as an "attack on American business". Several other GOP presidential hopefuls are also expressing scepticism or outright opposition.

Meanwhile, Senate majority leader Mitch McConnell and finance chair Orrin Hatch -- both ardent free-traders in the normal course of events -- are expressing doubts about the merits of the proposed deal. Citing the carve-out that prevents tobacco companies from suing foreign governments, Hatch will have caused palpitations in the White House when he declared he is leaning against voting for the deal.

If a Senator like Hatch, who enjoys a perfect rating on trade issues from the libertarian Cato Institute, is ready to abandon support for the TPP, it's hard to see where 51 yes votes in the Senate come might come from.

On the Democratic side, winning support for the TPP has gone from uphill battle to hiding to nothing after Hillary Clinton announced she is opposed to the deal. It is considerably easier for Democratic lawmakers to resist pressure from the White House to support the President on an issue where the party's likely next standard-bearer takes the opposing view.

Nobody should be surprised by Hillary's move. Support for free trade is an article of faith among the 'New Democrats' pioneered and personified by Clinton's former President husband, but Hillary isn't constrained by Bill's legacy, and nor is she by the fact that, as Obama's secretary of state, she played a pivotal role in negotiating the TPP (CNN has compiled 45 instances of Hillary expressing support for the deal).

She has displayed characteristic flexibility on trade in the past, strongly backing the North American Free Trade Agreement in the '90s, but speaking out forcefully against FTAs with Colombia, Panama and South Korea during her failed 2008 presidential bid. Policy positions are often crafted from expediency, and conditions at the moment are ideal for Hillary to give voice to her inner-protectionist.

The General Election is more than a year away, so Clinton is currently in the hunt for votes among Democratic primary and caucus voters. The activists who dominate these contests tend to be free trade sceptics. While Pew Research found in June that 51 per cent of self-identified Democrats regard the TPP as a "good thing", the 29 per cent who don't are greatly more vocal, way better organised and far more likely to consider Hillary's stance on trade as a litmus test.

By coming out against the deal, she shores up votes to her left without risking much leakage among centrist Democrats who, in any event, are less likely to see it as a make-or-break issue. If Joe Biden makes a credible late entry into the Democratic race (a genuine 50-50 proposition), he offers pro-trade Democrats an alternative. But, once again, it is opponents of trade liberalisation, not its supporters, who care enough about the issue for it to determine their vote.

With ticks next to health reform, marriage equality, an impressive economic and jobs recovery, a revolution in domestic energy production, and the Iran nuclear deal, Obama is already, by any fair measure, a president of consequence. And yet, the Trans-Pacific Partnership stands out prominently on the to-do list. Whether he secures enough votes on both sides of the aisle to ratify the TPP comes down to whether Republicans are nihilistic enough to set aside longstanding support for trade liberalisation in order to deprive Obama another victory, and whether Democrats are fearful enough of their protectionist base to join them in doing so.