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**Coloso Fragmentado: The 'Intermestic' Agenda and
Latin American Foreign Policy**



Importante

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Abstract

“Intermestic” issues, including trade, migration, and drug-trafficking, dominate the contemporary panorama of U.S.-Latin American relations. It has often been noted that these issues create different dynamics within the U.S. foreign policy process, granting a greater role to the U.S. Congress. However, these issues are not only salient to Congress, they are often among the most important foreign policy issues for Latin American and Caribbean states, which have strong incentives to try to influence U.S. intermestic policies. This article asks what effects the dynamics of U.S. intermesticity have on Latin American and Caribbean foreign policymaking. Building on work by Robert Putnam, Helen Milner, and others, it argues that intermestic issues have narrower win-sets and more veto players than traditional foreign policy issues. This complicates attempts at influencing U.S. policies and demands strategies focused on altering domestic win-sets, putting Latin American and Caribbean states at a disadvantage. The article examines this argument against the illustrative case of the U.S.-Mexico dispute over cross-border trucking.

Keywords: U.S.-Latin American relations, U.S.-Mexican relations, intermestic, transnational, trucking, NAFTA, two-level games

Resumen

Temas “intermésticos,” como el comercio internacional, la migración, y el narcotráfico, dominan el panorama actual de las relaciones entre los Estados Unidos de América y América Latina. Como varios autores han mencionado, surgen dinámicas diferentes en relación con estos temas en el proceso de formación de política exterior norteamericana. El congreso estadounidense suele tener mayor protagonismo. Sin embargo, los temas intermésticos no son de importancia solamente al congreso estadounidense, sino que representan algunas de las cuestiones más importantes en la política exterior de los países de América Latina y el Caribe, los cuales tiene incentivos importantes para intentar influir en las políticas estadounidenses. Este artículo se enfoca en los efectos de las dinámicas intermésticas sobre la formación de políticas exteriores de América Latina y el Caribe. Utilizando estudios de Robert Putnam, Helen Milner y otros, el artículo argumenta que los temas intermésticos tiene “win-sets” más estrechos y proporcionan más puntos de acceso y de veto que las políticas exteriores más tradicionales, lo cual complica los esfuerzos de países latinoamericanos de conseguir políticas más cooperativas con los Estados Unidos. El artículo examina un estudio de caso ilustrativo sobre la disputa entre México y Estados Unidos sobre la operación transfronteriza de camiones.

Palabras clave: Relaciones EUA-América Latina, relaciones EUA-México, interméstico, transnacional, transporte transfronterizo, TLCAN, juegos de dos niveles

Introduction

The tragedy of U.S.-Latin American relations since the end of the Cold War is that the things Latin Americans care about most are the things that foreign-focused policymakers control least.”

Daniel Kurtz-Phelan, *Americas Quarterly*, December 2012

Since the end of the Cold War, the agenda of U.S.-Latin American relations has been dominated by transnational or “intermestic” issues, such as migration, infrastructure integration, transnational organized crime, and energy and environment.¹ Transnational issues are hardly a new feature of Western Hemispheric international relations; infamously, domestic sugar producers have long influenced U.S. tariff and trade policies with major effects on Latin American and Caribbean economies. However, tensions surrounding these issues now occupy center stage. The 2012 Summit of the Americas in Cartagena was largely derailed by growing contention over prohibitionist counternarcotics policy and region-wide criticism of the U.S. embargo against Cuba.² Though both issues have essential foreign policy elements, U.S. policies have been fundamentally shaped by domestic political interests.

The effects of U.S. intermestic policies have serious reverberations in Latin America, particularly in the Caribbean, Central American, and Mexico, where interdependence with the United States is highest. When Mexican President Felipe Calderón addressed the U.S. Congress in May 2010, he criticized the recently passed Arizona anti-immigration law and called for Congress to reinstate a ban on assault weapons. Such direct intervention on policies typically considered domestic would have been unthinkable for Mexico a few decades before. Debates on U.S. immigration laws have drawn intense interest not just from Mexico, but from countries throughout Central America and the Caribbean, some of which engaged in lobbying and public relations efforts in the United States targeted at the U.S. Congress.³ As highlighted by the recent situation of unaccompanied minors reaching the U.S.-Mexico border, intermestic issues can provoke political crises for both U.S. and Latin American leaders. U.S. President Barack Obama met the leaders of Honduras, Guatemala, and El

¹ For example, see “From Cartagena Forward, VI Summit of the Americas,” General Secretariat, Organization of American States, 2012

² While the initiation of the embargo grew from traditional foreign policy concerns, it is difficult to sustain that its longevity is based in any other than domestic political considerations.

³ “Foreign governments lobbying hard in favor of immigration reform,” *The Hill*, February 7, 2013. Online: <http://thehill.com/policy/international/281605-foreign-governments-lobby-hard-in-favor-of-immigration-reform>

Salvador in July 2014. The three Central American presidents also met U.S. Congressional leaders, and criticized the impacts U.S. policies were having on their countries.⁴

As these examples suggest, whether it is assault weapons or migration, Mexico and other Latin American countries have struggled to achieve more accommodating U.S. policies. U.S. and Latin American observers have been overwhelmingly critical of recent U.S. policies. Eminent scholar Abraham Lowenthal characterized George W. Bush's approach as a "a combination of neglect and arrogance" and Obama's early record as one of "disappointment."⁵ Writing for the Latin American Council of Social Sciences, Argentine historian Leandro Morgenfeld wrote that "for those hoping for a radical change from his successor Bush, the balance of Obama's first term in relation to Latin America could hardly be more disappointing."⁶ This failure has often been explained by the United States' distraction from the affairs of the Western Hemisphere, implying that if U.S. policymakers could find more time and resources for Latin America, they might be more effective in addressing problems. The conventional wisdom is that the United States has been too focused on Middle Eastern wars, global extremist groups, domestic economic problems, and the "pivot to Asia," to concentrate on Latin America. In March 2014, Michael Shifter, a prominent Washington observer of inter-American relations, testified before a U.S. House subcommittee on "U.S. Disengagement from Latin America," noting that "Senior officials have, understandably, been distracted from this hemisphere."⁷ A lack of attention can lead to outcomes as uncooperative as more conflictual behaviors. As Helen Milner noted in her work on the intersection of domestic and international politics, "Unilateral behavior in which actors do not take account of their effects on others as well as inactivity may also serve as alternatives to cooperation."⁸

While the United States certainly has been focused on the priorities mentioned above, that alone does not necessitate the continuation of policies that are unfavorable

⁴ "Central American Leaders Meet Barack Obama to Criticise US Border Policy," *The Guardian*, July 26, 2014

⁵ Abraham F. Lowenthal, "Obama and the Americas: Promise, Disappointment, Opportunity," *Foreign Affairs*, July/August 2010.

⁶ Leandro Morgenfeld, "Estados Unidos y América Latina: Los Dilemas del Siglo XXI," *Cuadernos del Pensamiento Crítico Latinoamericano*, No. 17, October 2014.

⁷ Michael Shifter, "U.S. Disengagement from Latin America: Compromised Security and Economic Interests," March 25, 2014, testimony before the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere.

Michael Shifter wrote in 2010 that, "Also disconcerting, if not unexpected, for many Latin Americans was the absence of a sustained, high-level focus on the region during the first year of the Obama administration. Granted, the new president was inundated from the outset, and many other issues—from the economic crisis to health reform to changing conditions in Afghanistan—understandably took precedence." Also see Abraham F. Lowenthal, Theodore J. Piccone, and Laurence Whitehead, *The Obama Administration and the Americas: Agenda for Change* (Washington, D.C.: Brookings Institution Press, 2009).

⁸ Helen V. Milner, *Interests, Institutions, and Information: Domestic Politics and International Relations* (Princeton University Press, 1997), pp. 8.

from the perspective of Latin American and Caribbean states. Decreased U.S. attention could present opportunities for Latin American countries to shape the agenda and advance new policy ideas.⁹ From the perspective of the bargaining literature, the effect of U.S. (in)attention on negotiated outcomes is similarly ambiguous. Studies of bargaining (as in studies of asymmetrical conflict) demonstrate that a less powerful, but intensely committed, state can overcome a more powerful state with diffuse priorities. Seen through this lens, Latin American states should have decent prospects for influencing U.S. policies if they maintain resolve on issues where U.S. policy preferences are less cohesive. However, there has been little change to U.S. policies on intermestic issues that affect Latin American and Caribbean countries. I argue that this is not because of U.S. power or “neglect” of the region, but because the dynamics of intermesticity significantly complicate foreign attempts to influence U.S. policies.

Can Latin American and Caribbean states achieve “policy coordination” on issues that require the United States to adjust intermestic policies? This paper will explore the effect of intermestic issues on the dynamics of U.S.-Latin American relations, and particularly on Mexican foreign policy. While the nature of intermestic issues, as compared to “traditional” foreign policy issues has been widely discussed since the late 1970s, almost all of this discussion has explored the context of the U.S. policymaking process—how do Congress and interest groups restrain the executive or favor certain policies. Lowenthal recently wrote: “U.S. policy toward Latin America and the Caribbean is shaped less by strategic considerations than by the continuous interplay of various domestic pressure groups in a policy process that is open to so many external influences. On issues other than imminent threats to national security, it is often easier for various groups in the United States to influence U.S. policy toward Latin America and the Caribbean than it is for the U.S. government to coordinate or control it.”¹⁰ While understanding those internal dynamics is essential, it is also important to recognize the external effects of U.S. intermestic policies. If the U.S. president and State Department struggle to formulate and implement policy, as Lowenthal suggests, this surely has effects on Latin American diplomacy. These issues often top lists of Mexican, Central American, and Caribbean foreign policy priorities, providing an important incentive for those governments to try to engage with the complex U.S. intermestic policymaking process. While U.S. foreign policy analysts have explored these dynamics, studies have largely stopped at the water’s edge. The

⁹ Christopher Darnton, “Asymmetry and Agenda-Setting in US-Latin American Relations: Rethinking the Origins of the Alliance for Progress,” *Journal of Cold War Studies* vol. 14, no. no. 4 (2012).

¹⁰ Lowenthal, “Obama and the Americas: Promise, Disappointment, Opportunity.”

literature lacks explanations of how the dynamics of intermesticity in the United States affect other countries. This paper begins to address that gap. How do Latin American and Caribbean states seek to influence U.S. policies that are intermestic in nature? How does intermesticity affect the possibilities of Latin American foreign policy success, and how does it affect the manner in which their foreign policies are carried out?

Seen through a bargaining framework, the puzzle is: Why have Latin American and Caribbean states so often failed to convert high levels of resolve into more positive, cooperative outcomes? The outcome of adjustment, or non-adjustment, of U.S. policy functions as the dependent variable. This article advances two claims. First, the difficulty of influencing intermestic issues will be even greater for Latin American and Caribbean states than influencing traditional U.S. foreign policies—a prospect regarded as unlikely given the degree of asymmetry in U.S.-Latin American relations. This owes largely to how intermesticity narrows win-sets and creates numerous access points for domestic interest groups. Secondly, if Latin American and Caribbean foreign policies are to enjoy any prospect of success, it will be through a changed approach. We should expect the countries most affected by intermestic issues to develop new forms of intermestic diplomacy. After exploring the literature on intermesticity and its relation to U.S.-Latin American relations, this article develops arguments in support of the preceding claims. It will then apply the claims against an illustrative case of Mexican foreign policy to the United States.

Understanding intermestic issues

To understand foreign attempts to influence intermestic issues, we must first look at how the dynamics of intermesticity differ from those of traditional U.S. foreign policymaking. When Bayless Manning coined the term “intermestic” in 1977, he did so in the context of U.S. executive-Congressional relations. He noted that the international agenda was growing more expansive and argued that a reorganization of the U.S. foreign policy process was needed to keep up with the changing times. Though connections between the foreign and domestic had always existed, Manning saw that those connections were growing deeper and that the effects of global interdependence were being more intensely and instantly felt at the local political level.¹¹ Subsequent work has tended to follow Manning’s focus on the U.S. domestic

¹¹ Bayless Manning, “The Congress, the Executive and Intermestic Affairs: Three Proposals,” *Foreign Affairs* 55, no. 2 (1977).

policy process, especially executive-Congressional relations. In his prominent work on the underappreciated legislative role in U.S. foreign policy, James Lindsay lists the growing profile of intermestic issues as one reason why Congress was likely to play a greater role in foreign policy in the 1990s than in previous decades. Members seek to protect their constituents and interests, “regardless of the foreign policy implications.”¹² Studies of the political dynamics of trade policies have been prominent in the literature on intermesticity. For example, Barrilleaux considered the costs and benefits of presidential leadership on intermestic issues by looking at two different trade policies.¹³ Perhaps the primary takeaway from the literature is that U.S. presidents have less latitude when dealing with intermestic issues as opposed to traditional foreign policy concerns.

“Intermestic” has frequently been applied as a label, but it has not been sufficiently developed conceptually. Resonant work on the confluence of the international and domestic, much of it building on Robert Putnam’s two-level-game framework is useful for fleshing out the concept. Though Putnam’s seminal article did not use the term “intermestic,” he notes that “Domestic politics and international relations are often somehow entangled, but our theories have not yet sorted out the puzzling tangle.”¹⁴ Putnam argued that international negotiators are, in essence, conducting two sets of negotiations. The first is with international counterparts; the second operates at a domestic level with the actors who have the power to ratify or reject a final agreement. A final accord must be acceptable at both levels, narrowing the range of possible outcomes to areas where the “win-sets” for the two levels overlap. For a deal to be possible, it must be favored by domestic interests as well as international partners, and there is a back-and-forth of pressure between the international and domestic levels.¹⁵ Putnam’s framework has been used to examine the political dynamics surrounding trade and other agreements that require formal Congressional ratification, and could be fruitfully applied to a range of other intermestic issues. The framework indicates that one of the ways for “player A” to achieve an outcome closer to her goal would be to somehow affect the win-set of her opponent. Presumably, the recognition of this fact is at least part of the reason why foreign governments have lobbied Congress on trade and other issues.

¹² James M. Lindsay, “Congress and Foreign Policy: Why the Hill Matters,” *Political Science Quarterly* 107, no. 4 (1992): pp. 627.

¹³ Ryan J. Barrilleaux, “The President, “Intermestic” Issues, and the Risks of Policy Leadership,” *Presidential Studies Quarterly* 15, no. 4 (1985).

¹⁴ Robert D. Putnam, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization* 42, no. 03 (1988); Peter B. Evans, Harold Karan Jacobson, and Robert D. Putnam, eds., *Double-Edged Diplomacy: International Bargaining and Domestic Politics* (Berkeley: University of California Press, 1993).

¹⁵ Putnam, “Diplomacy and Domestic Politics: The Logic of Two-Level Games.”

Helen V. Milner offers the most fully formulated theory of how domestic politics influence international actions. Milner argues that almost all states are characterized by a degree of polyarchy, which undermines the unitary state assumption. To understand policy decisions, including foreign policy, she argues we must take into account the interests of relevant actors (normally executive, legislative, and societal interest groups), how institutions structure decision-making, and who has access to information about the matter under consideration.¹⁶ The interaction of the three factors Milner identifies will vary not just across states but according to issue type. I would argue that intermestic issues have generalizable effects on all three as compared to traditional foreign policy issues. First, intermestic issues are likely to produce interests among domestic political actors that are both more divergent and more salient. Secondly, intermestic issues are subject to different institutional patterns—as discussed below, more access points and veto players exist. Finally, in traditional foreign policy issues, the executive will enjoy greater information asymmetry than in regards to intermestic issues, where there will be information parity.

Milner notes that when actors with “dovish” preferences have greater decision-making authority, cooperative outcomes are more likely to result. While interests will vary depending on the case, intermesticity will tend to weaken the decision-making authority of those actors whose preferences derive from traditional foreign policy concerns. Intermesticity also affects institutions and information. Intermestic issues fragment authority between the executive branch and Congress; they also are likely to fragment authority within those two branches. Many intermestic matters are outside the expertise and purview of the State Department, a fact recognized by the heavy representation of myriad agencies at U.S. embassies throughout the world; lines of communication and authority have in practice been somewhat muddled. A host of agencies, depending on the issue, play a role in making and implementing intermestic policies; the State Department will often be at the table, but rarely will it be the sole or dominant voice. In Congress, the committees that oversee these agencies also become involved in foreign affairs—sidelining the House Foreign Affairs and Senate Foreign Relations committees. The scandal over “Fast and Furious,” a gun-tracking plan gone awry, involved a central concern of U.S.-Mexican foreign relations, but had the Justice Department, the House Oversight and Government Reform Committee, and the Senate Judiciary Committee as central actors in a partisan drama. In other cases of

¹⁶ Milner.

intermestic issues, particularly economic ones, local concerns may trump party affiliation in Congress, as voters and special interests feel they are more directly affected and let their representatives know.¹⁷

The dynamics of the intermestic agenda are crucial to Latin American and Caribbean countries in two respects. First, these issues will be intensely felt due to the effects of interdependence. Classic works on the effects of interdependence, starting with Keohane and Nye, indicate that the effects of interdependence are usually felt even more strongly in the smaller partner in an asymmetrical dyad.¹⁸ While drugs, migration, and trade have significant impacts in the United States, they are usually distributed (albeit unevenly) across a large U.S. geography and economy. The same issues are more strongly felt in smaller countries. For example, while Salvadoran migration has had a significant impact on the United States, adding hundreds of thousands of people to certain metropolitan regions, that effect is small compared to how it is felt socially and economically in El Salvador, where those migrants represent one-quarter to one-third of the population—and whose remittances made up 17 percent of Salvador GDP in 2010.¹⁹ The Salvadoran public and policymakers are more attentive and care more deeply about the issue of Salvadoran migration to the United States than U.S. policymakers.

Secondly, the fragmentation of U.S. foreign policy authority, nowhere more prevalent than on intermestic issues, creates a complicated tableau for foreign leaders and diplomats, who must consider the positions and power of a broader range of actors. Policy will be divided between foreign and domestic policymakers, creating a bedeviling array departments and agencies sometimes averse to interagency cooperation, which in the U.S. government tends to require high-level involvement. However, many intermestic problems might not merit frequent presidential or National Security Council attention, particularly if that means wrestling with members of Congress who are concerned about local effects. Intermestic issues can be subject to periods of drift, though the asymmetrical effects can be hugely important for a small country. Intermestic issues are likely to produce significant effects and different dynamics on both sides of a bilateral relationship. Just as they present a challenge for the U.S. executive branch, trying to influence U.S. policies on intermestic issues demands a different foreign policy approach. Given the prominence of these issues on

¹⁷ On trade and domestic political dynamics, see Ronald Rogowski, "Commerce and Coalitions: How Trade Affects Domestic Political Alignments," *Princeton, NJ*, (1989).

¹⁸ Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little, Brown, 1977).

¹⁹ Julian Pecquet, "Foreign governments lobbying hard in favor of immigration reform," February 7, 2013, *The Hill*. Online: <http://thehill.com/blogs/global-affairs/americas/281605-foreign-governments-lobby-hard-in-favor-of-immigration-reform>

the U.S.-Latin American agenda, figuring out how to address the fragmented U.S. approach to intermestic issues will be particularly important for Latin American leaders.

U.S.-Latin American relations and the intermestic agenda

Abraham Lowenthal was one of the first scholars to discuss the rising profile of intermestic issues in U.S.-Latin American relations. In his 1987 edition of *Partners in Conflict*, Lowenthal questioned the continued relevance of the traditional U.S. security agenda in Latin America, but argued the region's importance would grow because of trade, migration, "narcotics, terrorism, environmental degradation," and respect for human rights. Without using the word, Lowenthal correctly indicated the coming predominance of the intermestic agenda. Intermestic issues initially seemed to spur more intense U.S. engagement with Latin America shortly after the end of the Cold War, with heightened attention to trade and economics, counternarcotics, and democracy promotion. The United States' level of attention declined precipitously with the attacks on September 11, 2001, and has remained low.

During the Clinton administration, David Dent highlighted the role of interest groups in the formation of U.S. policy toward Latin America. "[T]he policymaking environment will become increasingly fragmented and easier to penetrate to affect Latin American policy issues."²⁰ The policies generated as a result of this politicking affected Latin American countries in ways both intended and unintended. Brenner et. al. have highlighted the role of domestic interest groups in shaping U.S. policy toward Cuba.²¹ Griffin argued that Caribbean countries are victims of domestic U.S. anti-crime politics, which provoked strict deportation policies. Deportees have, at least in public perception, driven a crime wave in the receiving Caribbean states.²² Central American gangs, or *maras*, maybe have been another unintended consequence of U.S. crime and deportation policies. It has also been suggested that U.S. domestic politics could provoke more direct U.S. interventions in the hemisphere. LeoGrande saw a bureaucratic reason for George W. Bush policies that redefined social and political issues as security threats: drugs, crime, health, and "the 'threat' of 'radical populism.'" As a result of bureaucratic politics, U.S. and Latin American militaries have led

²⁰ David W. Dent, *U.S.-Latin American Policymaking : a Reference Handbook* (Westport, Conn.: Greenwood Press, 1995), pp. 130.

²¹ Philip Brenner, Patrick J. Haney, and Walter Vanderbush, "The Confluence of Domestic and International Interests: U.S. Policy toward Cuba, 1998-2001," *International Studies Perspectives* 3, no. 2 (2002).

²² Clifford E. Griffin, "Criminal Deportation," *Caribbean Studies*

responses to these issues.²³ Crandall argued that “hot-button intermestic issues” are likely to spark conservative, interventionist U.S. policies, shaking the United States from a policy of “benign neglect.”²⁴ In Crandall’s telling, the central question of intermestic issues is how they drive U.S. actions in the region, leaving aside the question of how Latin Americans might respond.

Only a handful of studies have asked whether Latin American or other states can influence U.S. policy on intermestic issues, mostly on the questions of trade and migration. Marc Rosenblum notes, “Neither the literature on U.S. immigration policy nor that on U.S.-Latin American relations emphasizes a Latin American role in migration policymaking.”²⁵ Until recently, few sending states seemed interested in engaging with U.S. migration debates; Mexico long preferred a policy of having no policy toward Mexicans who migrated to the United States. Instead, U.S. immigration policy had been influenced by business interest groups interested in maintaining flows of undocumented workers in order to hire low-wage labor, with nativist reversals during periods of high unemployment.²⁶ In Rosenblum’s study, Mexican and Central American policymakers indicated that the current state of migration policy, with high levels of undocumented immigration through the first decade of the 21st century, was far from their optimal preference. Many of these policymakers listed migration as the top bilateral issue and believed they were able to influence U.S. migration policies to some extent (though the surveys were done before Sept. 11, 2001, which thoroughly changed the migration policy debate). Mexican policymakers felt they had a significantly greater ability to influence U.S. executive migration policy than Congressional policy, and even less influence on the positions taken by non-governmental groups. During the 1980s, Rosenblum notes that Mexico would deal with questions of migration exclusively through the executive branch, and declined an invitation to testify in the Senate or take part in public relations campaigns—reflecting an aversion to involvement in domestic affairs.

The second area where there has been some attention to Latin American policies toward the U.S. on intermestic issues regards trade negotiations, which have been identified since E.E. Schattschneider’s 1935 *Politics, Pressure, and the Tariff* as a central point of contention between international trading partners and domestic

²³ W. M. LeoGrande, “From the Red Menace to Radical Populism: U.S. Insecurity in Latin America,” *World Policy Journal* 22, no. 4 (2005).

²⁴ Russell Crandall, *Driven by Drugs: US Policy toward Colombia* (Boulder, Colo.: Lynne Rienner Publishers, 2008), pp. 8-10.

²⁵ Marc R. Rosenblum, “Moving Beyond the Policy of No Policy: Emigration from Mexico and Central America,” *Latin American Politics and Society* 46, no. 4 (2004).

²⁶ Ibid; Alexandra Delano, *Mexico and Its Diaspora in the United States: Policies of Emigration since 1848* (New York: Cambridge University Press, 2011).

interest groups.²⁷ The North American Free Trade Agreement has been closely studied as a case of confluence between U.S. foreign and domestic policies, including by Milner. Both the process of negotiating NAFTA and its effects led to the formation of a very different Mexican approach to foreign policymaking.²⁸

Questions

Instead of looking at how intermesticity affects U.S. foreign policymaking, this article seeks to turn the tables, asking how Latin American countries approach issues that affect them as deeply as any foreign policy issue, but which U.S. policymakers rarely consider foreign policy. How do the dynamics of intermesticity affect Latin American diplomacy to the United States? Can Latin American countries move U.S. intermestic policies toward positions of greater coordination and more positive outcomes, from those states' perspectives? How do their attempts—and their possibilities of success—differ from on other foreign policy issues?

According to much of the scholarship on U.S.-Latin American relations, the answer to these questions would be a simple one: We should not expect Latin American influence because U.S. power dictates hemispheric relations. However, recent work on inter-American relations has cast significant doubts about this approach, emphasizing the importance of understanding the actions of both sides.²⁹ While an explanation based on U.S. preponderance might be sufficient for issues of central interest to U.S. policymakers, it is clearly less satisfactory in the contemporary context of hemispheric relations in which U.S. inattention seems every bit as important as the possibility of U.S. coercion. Furthermore, literature on international bargaining, often focused on conflict, indicates that power, while important, is not everything.³⁰ Agenda-setting, resolve, preference cohesion, and win-sets also affect outcomes. This suggests that a weaker party is not necessarily condemned to negative outcomes; in

²⁷ Robert A. Pastor, *Congress and the Politics of U.S. Foreign Economic Policy, 1929-1976* (Berkeley: University of California Press, 1980); Arie Marcelo Kacowicz, *The Impact of Norms in International Society: The Latin American Experience, 1881-2001* (Notre Dame, Ind.: Univ. of Notre Dame Pr., 2005).

²⁸ Rodolfo O. De la Garza and Jesús Velasco, eds., *Bridging the Border: Transforming Mexico-U.S. Relations* (Lanham, Md.: Rowman & Littlefield, 1997).

²⁹ Max Paul Friedman, "Retiring the Puppets, Bringing Latin America Back In: Recent Scholarship on United States-Latin American Relations," *Diplomatic History* 27, no. 5 (2003); Hal Brands, *Latin America's Cold War: An International History* (Cambridge: Harvard University Press, 2010); Robert A. Pastor and Tom Long, "The Cold War and Its Aftermath in the Americas: The Search for a Synthetic Interpretation of U.S. Policy," *Latin American Research Review* 45, no. 3 (2010); Christopher Darnton, "After Decentering: The Politics of Agency and Hegemony in Hemispheric Relations," *Latin American Research Review* 48, no. 3 (2013).

³⁰ For a review focused on conflict but addressing other applications, see Robert Powell, "Bargaining Theory and International Conflict," *Annual Review of Political Science* 5, no. 1 (2002). Regarding bargaining in complex interdependence, which is relevant in this context, see Keohane and Nye.

situations where bargaining could but understood as cooperative or positive sum, the picture should be even brighter. Indeed, Latin American states have exercised meaningful influence on U.S. policies through some of these approaches.³¹ A greater exploration of the universe of Latin American attempts to influence U.S. intermestic policies is needed. It seems plausible that these attempts have been less successful, and that this lack of success in influencing high-priority, intermestic policies has added to the sense of frustration that has characterized the diplomacy and analysis of U.S.-Latin American relations during the past decade.

Departing from the assumption that, given their outsized importance, at least some Latin American states have high resolve around at least some intermestic issues, it becomes puzzling that they have had so little success in shaping the policies of an inattentive United States. The prolonged prominence of intermestic issues should cause Latin American leaders to shift resources to influence the broader range of actors in the U.S. policy process who make decisions regarding intermestic issues. This will likely spur growing attention to Congress and to a range of executive branch agencies. Because these agencies and the Congress are more closely connected to interest groups, business, and non-governmental organizations than State Department diplomats, a successful strategy of intermestic influence would demand that Latin American leaders identify and engage a broader segment of U.S. society.

The explanation of these dynamics, from the perspective of a foreign government, focuses on two related aspects: win-sets and access points for domestic interests. Adapting Putnam's two-level game framework, I argue that from the perspective of foreign governments, intermestic issues present narrower win sets than traditional foreign policy issues. Putnam presents his win sets in terms of relatively fixed ranges of preferences. There is flexibility within a range of acceptable outcomes, but that range is pre-determined, particularly for the domestic actors with whom an international negotiator must simultaneously contend. In practice, the range of preferences might be malleable, with foreign and domestic actors seeking to shape it, and Putnam notes that the cost of "no-agreement" will affect win-set size.³² The second part of the explanation focuses on the number of access points to the policy process. Intermestic issues, by their nature, are somewhat removed from the dominion of the State Department. They involve hosts of departments and agencies.

³¹ Darnton, "Asymmetry and Agenda-Setting in US-Latin American Relations; Tom Long, "Putting the Canal on the Map: Panamanian Agenda-Setting and the 1973 Security Council Meetings," *Diplomatic History* 38, no. 2 (2014). Tom Long, *Convincing the Colossus* (forthcoming)

³² Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," pp. 442.

Though these agencies are formally part of the executive branch, research on bureaucratic politics and executive-Congressional relations has demonstrated that they are often more responsive to the members of Congressional oversight and appropriations committees who shape their budgets and operations for decades instead of presidential terms. This dynamic opens more access points, which are readily taken advantage of by interest groups. Defining access points as relevant, independent policymakers susceptible to lobbying, Sean D. Ehrlich argues that as the number of access points increases in a democracy, the level of protectionism increases.³³ The same might hold for other domestically oriented policies with international effects. Access points provide not just an opportunity for influence, but give many more actors—primarily members of Congress—de facto vetoes.³⁴ Unless foreign actors can overcome domestic interests, then the greater number of access points that characterize intermestic issues will narrow the win set, giving the executive less wiggle room even in cases where he/she would like to accommodate the interests of a foreign ally. With the executive more constrained, foreign ministry and presidential diplomacy will decline in effectiveness.

Because the dynamics of intermestic issues vary from those of traditional foreign policy issues, they require a different type of diplomacy. To influence intermestic policies, Latin American governments will have to engage in the rough-and-tumble contestation of trying to expand domestic win-sets and neutralize veto players. In theory, greater access points also open doors for foreign governments—who have at times been enthusiastic contractors of lobbying and PR firms.³⁵ While this does present an option for foreign governments seeking access to the U.S. policy process, it is not always easily accessed; foreign governments face legal, political, and financial obstacles to playing that game. It is a difficult proposition for any foreign government to compete with domestic interests, which might represent groups of voters and have greater legal freedom to lobby and make campaign contributions. However, for many Latin American and Caribbean states, this will be an even taller order. First, many of these states are quite small and not particularly wealthy. Intermestic diplomacy demands greater resources, both in the form of cash for hiring lobbyists and lawyers well-versed in the U.S. process, and in terms of substantial diplomatic staffs. The states of the Caribbean littoral face another challenge—though perhaps one that is fading in

³³ On access points and trade policy, see Sean D. Ehrlich, "Access to Protection," *International Organization*, (Summer 2007). More generally, Sydney Tarrow and Charles Tilly discuss the importance of access points for social movements seeking policy change.

³⁴ On veto players, see Tsebelis 2002.

³⁵ Newhouse

recent years. As a response to U.S. interventions, many Latin American and Caribbean states developed diplomatic and international legal traditions focused on non-intervention and non-interference in foreign affairs. In part, these traditions could produce reluctance to get deeply involved; even if that is dismissed, they have produced diplomatic corps with less experience in managing the “inside baseball” that dominates Washington politics. These states, too, face domestic political situations that affect their foreign policy efforts.

Case selection

Using this approach, this paper examines an illustrative case involving U.S.-Mexican relations. U.S.-Mexican relations are not a representative case of U.S.-Latin American relations more broadly. As the largest country of the Caribbean littoral, Mexico is able to deploy much greater diplomatic and financial resources to support its foreign policy objectives—as evidenced by the amount it spent in the early 1990s to lobby for the passage of the North American Free Trade Agreement.³⁶ Additionally, Mexico shares a border and an immense commercial relationship with the United States. Work on complex interdependence suggests this should give Mexico greater salience on the U.S. agenda and greater access to bureaucrats and members of Congress.³⁷ On the other side, the article focuses on the United States. In part, this reflects the literature on intermesticity. Given its relatively open, pluralistic, and divided policy process, the United States’ system provides a great number of access points and contains numerous veto players. It is not clear how generalizable this argument is to other democratic countries—though it has been suggested that the European Union and many of its member states similarly provide myriad access points.³⁸ It would seem to be less applicable to non-democracies, where the dynamics of intermesticity would seem to be very different.³⁹

Despite its lack of representiveness, U.S.-Mexican relations provides useful cases for testing and refining the above argument according to two accepted case-study research designs. Cases from U.S.-Mexican relations provide the case-study researcher with “extreme values” that help explore causation and causal mechanisms against competing explanations. U.S.-Mexican relations are characterized by extreme intermesticity in which economies, societies, and security are intertwined. Within U.S.-Mexican relations, I examine the bilateral dispute over Mexican trucking inside the

³⁶ \$35 million is often mentioned, but debated by both supporters and opponents.

³⁷ Keohane and Nye; Peter H. Smith and Andrew D. Selee, *Mexico & the United States : The Politics of Partnership* (Boulder: Lynne Rienner Publishers, 2013).

³⁸ Ehrlich, Bouwen 2004; Jeremy John Richardson 2006, “Interest Groups and EU Policymaking”

³⁹ Milner does argue that even autocracies include elements of polyarchy.

United States, which was agreed to in a NAFTA provision. When the provision was due to go into force, the United States delayed implementation. On the U.S. side, the case drew in Congress and a host of interest groups; it also sparked a strong reaction from Mexico. Mexican and U.S. foreign policy goals were opposed for much of this case, which is a necessary precondition to examine Mexican attempts to alter U.S. foreign policy. The case spans from 1995 to 2011, covering several presidential periods in both countries. Longitudinal, with-in case comparisons allow for an examination of different factors, exploring more than the correlation of intermesticity with outcomes.⁴⁰ A case study allows for the examination of causal mechanisms, as well as the preferences and interactions of the myriad actors involved—*how* in addition to *why*.

Intermestic foreign policy: NAFTA Trucking Dispute

On March 16, 2009, in the midst of a recession, the Mexican government announced tariffs on 89 U.S. exports, accounting for about \$2.4 billion worth of trade.⁴¹ The immediate provocation for the retaliatory tariffs was a Congressional decision to eliminate funding for a pilot cross-border trucking program. The tariffs had been authorized by a trade-dispute panel nine years prior. The action was the nadir of a 15-year dispute on trade and trucking between Mexico and the United States. The disagreement about whether Mexican trucking companies would be allowed to operate within the United States created disputes between business organizations, labor unions, lobbyists, various federal agencies, and the Mexican government.⁴² This segment of the 16-year feud lasted more than two years before the Obama administration, the U.S. Congress, and the Mexican government forged a deal.⁴³ The question was significant for national Mexican leaders, both on its own and as a symbol of U.S. compliance with its NAFTA obligations, and they pressed the United States for

⁴⁰ For this, various cases with different outcomes on the dependent variable would be required; this is desirable, but not possible here due to space restrictions.

⁴¹ For a list of the products affected, see “Mexico Retaliation: NAFTA Trucking Dispute,” U.S. Department of Commerce. Available online:

http://www.trade.gov/mas/ian/static/MX%20Retaliation%20Summary_FINAL_public%20version_Latest_tg_ian_002692.pdf; Jonathan Levin and Mark Drejem, “Mexico Retaliates with Tariffs after U.S. Bans Trucks,” *Bloomberg News*, March 16, 2009. Available online: <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aVcgSFr2c7OM>

⁴² C. MacDonald, “NAFTA Cross-Border Trucking: Mexico Retaliates after Congress Stops Mexican Trucks at the Border,” *VANDERBILT JOURNAL OF TRANSNATIONAL LAW* 42, no. 5 (2009): 1637-1641.

⁴³ Presidents Calderón and Obama announced a deal in March 2011 under which Mexico would lift half the retaliatory tariffs while the U.S. began registering Mexican trucks. The rest of the tariffs would be lifted when the first Mexican company began operating across the border. Registration began in mid-July and the first carrier, Transportes Olympic, began operating in October 2011.

compliance. However, U.S. diplomatic institutions appeared powerless against Congress, parochial executive agencies, and a swarm of interest groups.

In 1980, President Jimmy Carter signed a package of deregulation known as the Motor Carrier Act, which allowed Canadian and Mexican trucking companies to operate within U.S. borders. Just five Mexican carriers registered to do so, and Mexico did not allow U.S. truckers. In 1982, Congress passed a moratorium on allowing foreign trucks, though the act allowed the president to waive the ban. Though Reagan allowed Canadian trucks to continue to operate, extensions of the moratorium kept Mexican truckers out through the mid-1990s; American truckers were likewise banned from Mexico.⁴⁴ The North American Free Trade Agreement dramatically altered the legal context. In negotiations in 1992, the George H.W. Bush administration specifically pushed for the inclusion of trucking in NAFTA. Though much of the agreement went into force in 1994, the trucking provisions were set to begin in December 1995. Though the United States had originally sought to include trucking, the U.S. Teamsters sued to block the agreement's implementation. Initially, the U.S. and Mexican governments coordinated to delay the first phase of implementation, which would have allowed trucks to operate in U.S. and Mexican border states. U.S. officials cited concerns about safety, environmental soundness, and drug trafficking, while Mexico feared its trucking industry was ill-prepared to face American competition.⁴⁵ In an eleventh-hour postponement, Clinton extended the moratorium, arguing that the delay was needed to ensure road safety. Instead of being able to operate more freely, U.S. officials stepped up inspections of Mexican trucks at the border; the increased inspections responded to union concerns, not to U.S.-Mexican policy coordination.⁴⁶ Trucks were restricted to operating within 25 miles of the border.⁴⁷ The decision upset some U.S. trucking companies that had been planning to expand into Mexico, but placated an important Democratic constituency. While the initial delay was coordinated bilaterally, Mexico chafed at the unilateral inspections and almost immediately filed a protest under NAFTA's Chapter XX dispute settlement provision;⁴⁸ Mexico's SECOFI Secretary Herminio Blanco warned that a failure to implement would constitute a violation of the treaty. The first stage of that process is for consultations, and for nearly three years, Mexico undertook Chapter XX

⁴⁴ MacDonald, "NAFTA Cross-Border Trucking: Mexico Retaliates after Congress Stops Mexican Trucks at the Border," 1638.

⁴⁵ Ibid; David E. Sanger, "Dilemma for Clinton on Nafta Truck Rule," *New York Times*, December 17 1995.

⁴⁶ David E. Sanger, "U.S. And Mexico Postpone Nafta Truck Crossings," *New York Times*, December 19 1995; Sam Dillon, "Truckers Face Safety Crackdown on Day Border Was to Open," *New York Times*, December 19 1995.

⁴⁷ Robert J Carbaugh, "NAFTA and the US-Mexican Trucking Dispute."

⁴⁸ Kevin Hall, "Mexico Protests Border Action, NAFTA Complaint Takes U.S. By Surprise," *Journal of Commerce*, December 20 1995.

consultations with the U.S. executive branch, involving Mexican economy and transportation officials and their U.S. homologues at U.S. DOT. However, starting from a tense meeting on January 19, 1996, those consultations failed to produce an agreement despite a number of false starts from the U.S. Department of Transportation.⁴⁹ After nearly three years, Mexico requested the formation of an arbitration panel under NAFTA's Free Trade Commission, which found in favor of Mexico and set a new deadline and conditions for opening to Mexican trucks.⁵⁰ When the U.S. House proposed steep fines for Mexican trucks that passed the allowed zone of operations, Mexican officials boycotted meetings on the subject.⁵¹ Despite pressure from Mexico directly and through the arbitration finding, the Clinton administration flouted the January 2000 deadline, which "delighted the powerful Teamsters union at a time when Vice President Al Gore is vigorously seeking its endorsement." It also drew increasingly vociferous protests from Mexican officials, who cited the clear U.S. violation of the trade accord. Republicans protested the action—primarily complaining that the administration was making decisions to boost Gore's standing.⁵² Some Congressional Democrats cited union concerns in support of the administration.⁵³ The U.S. decision owed heavily to domestic political factors, which significantly narrowed the Clinton administration's win-set, to the point where it did not seem to overlap with Mexico's. The Mexican position largely reflected major exporters' preferences.⁵⁴ Clinton's stalling allowed Democrats to ignore Mexican protests and push the issue off the table for the rest of the term.

Shortly after George W. Bush's inauguration, the NAFTA arbitration panel ruled against the United States. A former Texas governor who promised to enhance ties with Mexico, Bush owed little to the Teamsters or other cross-border-trucking opponents. The NAFTA panel's decision, made official in February 6, 2001, said the U.S. Department of Transportation must judge shipping company applications on merit, not nationality. It allowed Mexico to assess damages and retaliatory tariffs

⁴⁹ Oscar Armando Rico Galeana, *La Integración del Autotransporte de Carga en el Marco del Tratado de Libre Comercio de América del Norte* ([Mexico]; Sanfandila, Qro.: Secretaría de Comunicaciones y Transportes ; Instituto Mexicano del Transporte, 2001), pp. 20-21.

⁵⁰ "World Watch: Mexico Seeks NAFTA Panel on Truckers," *Wall Street Journal*, September 24 1998.

⁵¹ Jessica Espinosa, "Rechazan transporte mexicano," October 23, 1999, *El Universal*

⁵² Steven Greenhouse, "U.S. Delays Opening Border to Trucks from Mexico," *New York Times* (2000).

<http://www.nytimes.com/2000/01/08/us/us-delays-opening-border-to-trucks-from-mexico.html>; John Burgess, "Battle at the Border" *Washington Post*, March 26, 2000 2000.

⁵³ Daniel Lipinski, "American and Mexican Truck Drivers Are Casualties of NAFTA," in *Congressional Record* (Washington, D.C.: GPO Access, 2000).

⁵⁴ Interestingly, several major Mexican trucking groups welcomed Clinton's decision and continued to oppose the opening at least through 2001, but the Mexican government pressed ahead with the case during both PRI and PAN governments. Rico Galeana, pp. 36-38.

should the United States refuse to comply. Before making an official visit to Mexico, Bush announced that the U.S. would comply with the ruling. Seemingly, the Bush administration's win-set aligned closely with Mexico's. However, at this point, the second part of the above explanation comes into play: intermesticity created numerous access points and empowered veto players. Following Bush's announcement, the issue gained increased attention in Congress. With their interests no longer represented by the White House, opponents including the Teamsters turned their attention to Congress.⁵⁵ Mexico, at least initially, did not.

Given the trade issue's implications for domestic interest groups, and the need to appropriate funds to certify Mexican trucks, the Democrat-controlled Senate held important cards. The debate surfaced in the 2002 transportation appropriations bill. The House adopted a strong-armed amendment that "none of the funds from this act may be used to process applications by Mexico-dominated motor carriers" to operate outside the immediate border region.⁵⁶ The House Subcommittee on Highways and Transit examined the arbitration finding in a hearing on July 18. In his testimony, Transportation Secretary Norman Mineta said that recent Congressional votes "have sent a very clear message. That is, that Congress will insist the United States have a vigorous, effective safety program in place prior to implementing the truck and bus accession provisions of NAFTA." Mineta vowed to work with Congress and asked the House to restore funding to implement NAFTA obligations by the start of 2002, reflecting as much concern with Congress as with Bush's stated policy.⁵⁷ Senator Patty Murray, chair of the transportation appropriations subcommittee, took aim at the House approach of blocking traffic and at the president's approach of open borders.

I think we have done a very good job of not doing what the House did, which was to absolutely prohibit any truck from coming across the border, and not do what the President has asked, which was to simply open up the borders and let trucks come through at will, but to put together a comprehensive piece of legislation which I believe will clearly mean we will be able to have a bill that is passed that assures constituents, whether they live in Washington State or constituents

⁵⁵ Brendan M. Case, "Mexican Trucks Win NAFTA Ruling," *Dallas Morning News*, December 1 2000; Steven Greenhouse, "Bush to Open Country to Mexican Truckers," *New York Times*, February 7 2001.

⁵⁶ Martin Sabo, "Amendment Offered by Mr. Sabo," in *Congressional Record* (Washington, D.C.: GPO Access, 2001).

⁵⁷ "NAFTA Arbitration Panel Decision and Opening the Border to Mexican Motor Carriers," in *Subcommittee on Highways and Transit*, U.S. House of Representatives (Washington, D.C.: GPO Access, 2001).

living in border States, when they see a truck with a Mexican license plate, they will know that truck has been inspected, that its driver has a good record, that it is safe to be on our highways, as we now require of Canadian trucks and American trucks.⁵⁸

Murray's plan, co-sponsored by Alabama Republican Richard Shelby, called for compliance reviews for Mexican companies performed by the Department of Transportation. Mexican truckers would have to pass a 22-item checklist of standards, drastically delaying full implementation of the ruling. In a letter to appropriations chair Senator Robert Byrd of West Virginia, President Bush threatened to veto the giant transportation bill if it banned Mexican trucks. The bill drew threats of retaliation from Mexican President Vicente Fox.⁵⁹ The dynamic set up an inter-branch showdown in which the U.S. executive favored policy coordination with Mexico. The Teamsters intensified lobbying in July, focusing on alleged public safety implications of allowing Mexican trucks. Union leader Hoffa made several trips to the Hill. The appeal to public safety, along with GOP efforts to court segments of the Teamsters, led some Congressional Republicans to distance themselves from Bush's policy.⁶⁰ Congress ignored Bush's veto threat and passed an appropriations bill, P.L. 107-87, with the Senate's safety checklist.⁶¹

With the House's blanket prohibition out of the final bill, the White House and Congress compromised in the conference bill. Bush backed away from his veto threat. In the wake of the September 11, 2001 attacks, the administration could scarcely reject additional screening at the borders.⁶² A year after the bill went into effect, Secretary Mineta declared that all the Congressional stipulations had been met and that the department would begin to process Mexican applications. The specious certification was challenged by an Inspector General report in 2005, which concluded that only eight of the conditions had been fulfilled. The plan was quickly halted by a court challenge requesting an environmental review; the decision was overturned 18

⁵⁸ Patty Murray, "Department of Transportation and Related Agencies Appropriations Acts of 2002," in *Congressional Record* (Washington, D.C.: GPO Access, 2001).

⁵⁹ Tim Weiner, "Mexico Vows to Retaliate against U.S. On Trucking," *New York Times*, August 3, 2001 2001.

⁶⁰ Philip Shenon, "Teamsters May Stall Bush Goals for Mexican Trucks and Trade," *New York Times*, July 30, 2001 2001; Helene Cooper, "Bush Wants to Reverse House Attempt to Keep Mexican Trucks Off U.S. Roads," *Wall Street Journal*, June 28, 2001 2001; Jim Landers and Christopher Lee, "Senate in Path of Truck Fight," *Dallas Morning News*, July 12, 2001 2001.

⁶¹ "An Act Making Appropriations for the Department of Transportation and Related Agencies for the Fiscal Year Ending September 30, 2002, and for Other Purposes," (United States of America: 2001); John Fritelli, *North American Free Trade Agreement (NAFTA) Implementation: The Future of Commercial Trucking across the Mexican Border* (Washington, D.C.: Congressional Research Service, 2010).

⁶² Lizette Alvarez, "Senate Votes to Let Mexican Trucks in U.S.," *New York Times*, December 5, 2001 2001.

months later, but during that time, implementation was effectively halted.⁶³ The courts provided another effective veto point that rarely affects presidential decisions on traditional foreign policy issues.

The dispute simmered quietly until 2007, when a new transportation secretary announced a “demonstration program” to allow a hundred Mexican carriers to operate in the U.S. within 60 days. However, as compared to 2001, when Republicans controlled the House and Democrats held the Senate by the narrowest of margins, Congress now included many Democrats recently elected on anti-Bush platforms. In her confirmation hearings, senators had asked Transportation nominee Mary Peters, if the department “is considering a pilot program to allow some long-haul Mexico-domiciled motor carriers to operate throughout the United States.” Peters answered there were no immediate plans for a pilot program.⁶⁴ When the pilot program was announced months later, Congress expressed its displeasure. The program had been jointly developed by the U.S. and Mexican transportation departments, and was announced by U.S. Ambassador to Mexico Tony Garza.⁶⁵ Before the program could begin, Congress attached a provision to an omnibus appropriations act that stipulated additional conditions regarding safety and public comment for the pilot program. The legislation mandated a review by the Inspector General; the day the IG report was released, the Department of Transportation sent a letter to Congress stating that the issues had been addressed. The program began immediately, on September 6, 2007.⁶⁶ The fight continued. In cooperation with U.S. officials, Mexican Transportation and Communications Secretary Luis Téllez traveled to Washington in October to press for the program’s continuation; meanwhile opposing U.S. domestic interests continued to pressure Congress.⁶⁷ A December 2007 appropriations bill again barred the use of funds for the demonstration program. DOT authorized a two-year extension of the program anyway. The amendment in the appropriations bill had precluded funds from being used to “establish” a program, so the administration announced the law did not apply because the program was already in operation—disregarding Congressional intent and handing Mexico a brief pyrrhic victory. The

⁶³ Fritelli, 2-3.

⁶⁴ The question came from Arkansas Senator Mark Pryor. "Nomination of Mary E. Peters to Be Secretary of Transportation," in *Committee on Commerce, Science, and Transportation*, U.S. Senate (Washington, D.C.: GPO Access, 2006).

⁶⁵ In Mexico, new President Felipe Calderón supported the initiative, which was led by transport Secretary Luis Téllez Kuenzler. "Ingresarán transportistas mexicanos a EU," February 23, 2007, *El Universal*.

⁶⁶ Gretel C. Kovach, "For Mexican Trucks, a Road into U.S.," *New York Times* (2007). <http://www.nytimes.com/2007/09/09/us/09truck.html>; Fritelli; "Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act," (United States of America: 2007).

⁶⁷ This appears to be the first high-level Mexican visit to Congress regarding the issue. "Piden mantener fondos para plan camionero en EU," October 18, 2007, *El Universal*.

Teamsters, along with some consumer safety and environmental groups continued to protest the program. "Congress tried but was unable to stop the demonstration project during the Bush administration."⁶⁸

The political landscape changed with the election of Barack Obama to the White House and broad Democratic majorities to both houses of Congress, all with strong union support. Correcting the ambiguity in the previous legislative language, Congress stated:

None of the funds appropriated or otherwise made available under this Act may be used, directly or indirectly, to establish, implement, continue, promote, or in any way permit a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act.⁶⁹

The Obama administration had little interest in saving the program and provoking unions or its allies in Congress. The president's win-set aligned with the interest groups and members of Congress who had managed to veto and stall Bush's attempts at policy coordination. Obama signed the bill, calming the inter-branch dispute that had boiled over during the Bush administration. Trimming his sails to the domestic winds, Obama soon faced an international storm. Angered by a decade of stalling and another indefinite suspension, Mexico applied punitive tariffs to U.S. products with an estimated value of \$2.4 billion. The Mexican government had long avoided the option, for fear that it would spill over into the larger trading relationship and hurt the Mexican economy. In response to Mexico's gambit, Obama spokesman Robert Gibbs announced the administration would collaborate with Mexico and Congress to propose new legislation to create a trucking project.⁷⁰ Mexico's selection of products, most subjected to moderate 10 to 20 percent tariffs, was aimed at the states and districts of powerful members of Congress and immediately spurred reactions from various trade groups. Transportation Secretary Ray LaHood planned meetings with

⁶⁸ MacDonald, "NAFTA Cross-Border Trucking: Mexico Retaliates after Congress Stops Mexican Trucks at the Border," 1649.

⁶⁹ "Omnibus Appropriations Act," U.S. House of Representatives (2009).

⁷⁰ Anthony Boadle, "Mexico Slaps Tariffs on U.S. Goods in Truck Feud," *Reuters* (2009).
<http://www.reuters.com/article/idUSTRE52F7KN20090317?pageNumber=1>.

members of Congress.⁷¹ Mexico added duties on Christmas trees and other significant exports from Oregon, taking aim at Senator Murray, who chaired the relevant subcommittee, and Representative Peter DeFazio, who had for years highlighted his safety worries about Mexican trucks.⁷²

A week after the tariffs took effect, LaHood went to the Hill and met with lawmakers. The White House hoped to have an agreement for Obama to take to his April meeting with Mexican President Calderón. However, two key Democrats were ill-disposed to any program that allowed Mexican truckers into the United States.⁷³ The tariffs fractured Congress's approach to the issue, creating a stalemate for the remainder of the term. Despite promises from the administration to both Mexico and Congress that a new plan was forthcoming, no replacement program emerged. LaHood was reported to have proposed a plan to cabinet officials in March 2010, but it was never made public, suggesting bureaucratic stagnation on the issue.⁷⁴

The tariffs inspired a change of heart from Senator Murray, who introduced appropriations language in July 2010 to re-start the demonstration program. In May 2010, Murray met with the Mexican ambassador and sent a letter to President Obama demanding a solution to the problem. Murray included language in the transportation appropriations bill directing the secretary of transportation to resolve the dispute by October.⁷⁵ Her wording did not make the version passed by the House, however, and was replaced with a restriction that any cross-border plan meet previous Senate requirements.⁷⁶ Fifty-four representatives wrote LaHood and U.S. Trade Representative Ron Kirk on March 1, 2010, to "implore you to work quickly to implement a solution that ensures safety and normalizes trade" and asking for improved communication.⁷⁷ Mexico's tariffs raised the costs of "no-agreement" and broadened domestic win-sets, though some opponents remained stalwart. Congressional opponents asked not for an end to the dispute, but that the

⁷¹ Christopher Conkey, José de Cordoba, and Jim Carlton, "Mexico Issues Tariff List in U.S. Trucking Dispute," *Wall Street Journal* (2009). <http://online.wsj.com/article/SB123739445919172781.html>.

⁷² Robbie DiMessio, "Mexico's New Tariffs Could Cost Oregon Millions," *The Oregonian* (2009). http://www.oregonlive.com/business/index.ssf/2009/03/mexican_tariffs_will_cost_oreg.html.

⁷³ Christopher Conkey, "LaHood Pitches Mexico Truck Plan to Skeptical Lawmakers," *Wall Street Journal* (2009). <http://online.wsj.com/article/SB123790519596325581.html>.

⁷⁴ "LaHood Floats Proposal Aimed at Resolving Mexican Trucking Dispute," *Inside U.S. Trade Online* (2010). <http://insidetrade.com/Inside-US-Trade/Inside-U.S.-Trade-03/19/2010/lahood-floats-proposal-aimed-at-resolving-mexican-trucking-dispute/menu-id-710.html>.

⁷⁵ Patty Murray, "Mexican Trucks: Murray Includes Language in Bill Urging Administration to Protect Washington State Farmers," (2010). http://murray.senate.gov/public/index.cfm?p=NewsReleases&ContentRecord_id=181225f4-196e-4197-84bc-64e22e3c1ba4&ContentType_id=0b98dclb-dd08-4df2-adac-21f6ae03beed.

⁷⁶ "Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act", U.S. House of Representatives (2010).

⁷⁷ Dennis Cardoza, ed. Ray LaHood and Ron Kirk (Washington, D.C.: 2010).

administration renegotiate the relevant section of NAFTA. DeFazio argued it would be “difficult, if not impossible, to receive Congressional support” for any new trucking plan. His letter invoked the Mexican drug war, arguing that U.S. trucks could not operate in Mexico because they would be hijacking targets.⁷⁸ Asked about the dispute during an unrelated hearing on May 6, LaHood said a plan was “closer than soon,” referring to a promise made during a previous visit to the Hill that a plan was on the way.⁷⁹ After more than a year of inaction, Mexico expanded its retaliatory tariffs on August 16, 2010, citing the lack of progress.⁸⁰ The divisions in Congress—and amongst Congressional Democrats—stymied any administration hopes of addressing the situation during the 111th Congress. Despite its promises to provide a new plan, the administration appeared ambivalent, caught between Mexican and international pressure and shifting domestic policy preferences. Even as win-sets appeared to move closer to an alignment that could permit policy coordination, veto players like DeFazio remained important actors. Key Congressional Democrats used their positions first to kill the demonstration project and then to maintain the status quo.

With the election of a more Republican Congress in the 2010 midterms, prospects for a new plan improved. In March 2011, the executive assembled its plan, with Mexican President Calderón’s state visit creating a deadline. The two presidents announced a plan to create a program similar to the one nixed in early 2009. The final agreement was offered in June 2011, after Congressional review and public comment. Both Mexican and American trucks would have to face requirements, stricter than those in NAFTA, to operate across the border. Though trucks can make cross-border hauls, they are prohibited from shipping cargo within the other country. Despite the restrictions, the Teamsters and other unions continued to attack the proposal as killing jobs, depressing wages, and inviting greater drug violence.⁸¹ However, pressure from supportive interest groups had grown significantly because of the Mexican tariffs, adding the support of U.S. farmers and meat exporters to the backing from pro-business groups and the truck-line lobby American Trucking Associations. The second round of tariffs had targeted a range of agriculture, and pork producers were being

⁷⁸ Peter DeFazio, “Defazio Leads Bipartisan Letter Urging Repeal of Mexican Truck Program and Addresses Retaliatory Tariffs,” (2010). http://www.defazio.house.gov/index.php?option=com_content&task=view&id=573 (accessed February 6, 2012).

⁷⁹ “Hearing on Fy 2011 Budget Proposals to Support the Interagency Partnership for Sustainable Communities,” in *Subcommittee on Transportation, Housing and Urban Development, and Related Agencies*, U.S. Senate (Washington, D.C.: 2010).

⁸⁰ David Hendricks, “Mexico’s Tariff List May Ding Texas,” *Houston Chronicle* (2010). <http://www.chron.com/disp/story.mpl/business/7159326.html>.

⁸¹ Elizabeth Williamson, “U.S., Mexico Agree to Settle Trucking Feud,” *Wall Street Journal* (2011).

<http://www.marketwatch.com/story/us-mexico-set-deal-to-end-trucking-dispute-2011-03-03>; Elizabeth Aguilera, “U.S., Mexico Reach Truck Deal,” *San Diego Union-Tribune* (2011). <http://www.utsandiego.com/news/2011/mar/03/us-mexico-reach-truck-deal/>.

hurt in an important foreign market.⁸² Unlike the previous, rancorous periods when administrations sought to implement the NAFTA provision, the three months of comment were largely silent on Capitol Hill. Teamsters President Jim Hoffa continued to rail against the program in the press, but the tariffs had turned powerful interests like the U.S. Chamber of Commerce, not a major force on the issue earlier, into vocal backers of the deal. Eventually, through a fairly high-stakes move, Mexico had deployed aspects of the interdependent relationship to shift the domestic politics of this intermestic issue. To be sure, DeFazio—transportation unions were his campaign's top backer—and a few others remained adamantly opposed.⁸³ After the deal was officially signed in July, DeFazio protested to Secretary LaHood and introduced a bill (H.R. 2407) to try to prohibit funding for the required electronic onboard recorders for Mexican trucks.⁸⁴ Now in the minority, however, the bill was stuck in committee and failed to gain traction in the Senate. On October 21, 2011, the first truck admitted under the program, based in Monterrey, Mexico, crossed the border at Laredo, Tex.⁸⁵ The Mexican government lifted the tariffs, ending the dispute—at least for the time being. For nearly 16 years, the dynamics of intermestic politics—namely, narrow win-sets and access points that empowered veto players—had overcome Mexican efforts to gain compliance with a trade treaty first the same president who had signed it, then from the supportive son of the president who negotiated it. Even the final solution remains tentative—a demonstration program—and falls short of the opening detailed by NAFTA.

It is important to briefly consider alternative explanations for the case. The most common explanation, both from Realism and from the main schools of thought on U.S.-Latin American relations would point to U.S. power as the explanation for Mexico's ineffectiveness in pursuing the implementation of the NAFTA provision. Power was not absent, but it does not provide a satisfactory explanation. U.S. President George W. Bush sought to effect policy coordination with Mexico, but he failed to do so because of Congressional opposition and bureaucratic stagnation. Institutionalists might point to NAFTA as an international agreement that would help realize joint gains, monitor implementation, and compel compliance through

⁸² José Enrique Arrijo, "Mexico to Cut 50% of U.S. Tariffs as Truck Border Dispute Ends," *Bloomberg* (2011). <http://www.businessweek.com/news/2011-03-06/mexico-to-cut-50-of-u-s-tariffs-as-truck-border-dispute-ends.html>; Martin Rojas, "Re: Docket No. Fmcsa-2011-0097," ed. Department of Transportation (Washington, D.C.: American Trucking Associations, 2011).

⁸³ "Opensecrets.Org", Center for Responsive Politics (2012); Benjamin Appelbaum, "U.S. And Mexico Sign Trucking Deal," *New York Times*, July 6, 2011 2011.

⁸⁴ Peter DeFazio, "Defazio Fights Cross-Border Trucking "Pilot" Program " (2011) (accessed February 7, 2011).

⁸⁵ David Hendricks, "Mexican Truck Is Making Historic Delivery in U.S.," *Houston Chronicle* (2011). <http://www.chron.com/business/article/Mexican-truck-is-making-a-historic-delivery-in-2230817.php> (accessed February 7, 2011).

international arbitration. However, the United States ignored the decisions of international panels. Liberal scholars focused on interdependence come closer to the mark in explaining Mexico's final, partially successful gambit of levying tariffs aimed at particular members of Congress. However, while interdependence offered useful tools, the fact of interdependence preceded the implementation of the pilot trucking program. Instead, to understand both the decade of non-cooperation and the conclusion of partial U.S. compliance, we need to look at how the dynamics of intermesticity affect the confluence between U.S.-Mexican bilateral relations and U.S. domestic politics.

Conclusions

Can Latin American countries influence U.S. intermestic policies? The case of Mexican trucking offers an emphatic “sometimes,” along with warnings about the difficulties. To return to Milner’s framework, intermestic issues produce specific dynamics of interests, institutions, and information. Because trucking was thoroughly intermestic, the divergent interests of numerous actors were salient. Most clearly, the interests of foreign policy-oriented policymakers who might have sought smooth relations with Mexico and compliance with international agreements, were very different from numerous legislators and the societal interests, like the Teamsters, who backed them. Intermesticity multiplied access points and allowed for the emergence of veto players. Institutions granted the legislature numerous manners to shape, limit, and even cancel executive plans for meeting NAFTA obligations. Finally, the executive had no appreciable information advantage, especially given the close relationship between the relevant U.S. agencies and related legislative committees. Though greater comparison between traditional foreign policy and intermestic cases is needed, this logic suggests that influencing intermestic issues is actually more difficult than influencing traditional foreign policy matters, though Mexico had access to tools, in the form of international panels and “tools of interdependence” that few other states do.

How do the dynamics of intermesticity affect Latin American diplomacy to the United States? The uneasy resolution of the case suggests that effectively influencing these issues requires a different approach, with greater engagement with the U.S. Congress and interest groups. Late in the case, Mexican officials began to engage directly with Congress, before finally using tariffs to apply pressure and shift domestic win-sets. This sort of diplomacy is more resource intensive, and of the countries around the Caribbean littoral, Mexico is almost certainly best equipped to engage in intermestic diplomacy. Central American and Caribbean states will face greater hurdles—and might need to seek other alternatives, such as Antigua and Barbuda’s attempt to use the WTO to pressure the United States over gambling. An Antiguan attempt to use tariffs, as Mexico did, would be unlikely to succeed given the massive difference in market size.

In conclusion, this paper has emphasized the importance of examining the confluence of the domestic and international to understand U.S.-Latin American relations. It suggests that issues that are intermestic from a U.S. perspective will present different challenges for Latin American countries that seek to influence U.S. policies. This is important from both scholarly and policy perspectives given the widely noted salience of intermestic challenges. Both scholars and practitioners have emphasized the need for greater policy coordination to address transnational challenges including trade, energy and environmental, pandemics, and migration.

Intermestic policies will present particular problems for policy coordination, and from the perspective of Latin American and Caribbean policy, will require dramatically different foreign policies.

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