

## Why Trump's Bid to Improve U.S.-Russian Relations Backfired in Congress

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One of Donald Trump's 2016 keynote foreign policy pledges was to improve relations with Russia. Few would have predicted that after a year in office, his plan would not only stall or fizzle out, as campaign promises often do, but that it would backfire. Toward the end of July 2017, near unanimous votes in both houses of Congress forced Trump to sign legislation that reaffirmed all sanctions on Russia. Furthermore, the part of the bill titled "Russia Sanctions Review Act of 2017" made all of the Russia sanctions significantly harder for any U.S. President to modify or lift. In stunned disappointment, Trump issued a fulminating [statement](#) during the signing, berating Congress for displacing "the President's exclusive constitutional authority."

During a time of high political polarization, this Congressional convergence de facto stripped Trump of powers to use recognition of Russia's sovereignty over any previously annexed territories as a foreign policy tool. Congress essentially validated its own institutional independence as well as its capacity to have a say in U.S. foreign policymaking. Three factors are particularly relevant to the understanding of when and how Congress may become a more active and influential actor shaping foreign policy in the Trump era: issue nature, elite opinion, and executive volatility.

### **Defying Polarization and Party Realignment**

The passing of Russia sanctions into law in 2017 confounds much of the conventional wisdom about U.S. politics. Surely, the importance of getting votes to stay in office has not diminished, nor has partisan and ideological [polarization](#). But since Trump started his presidential campaign, partisan polarization has increased, particularly regarding American public views on Russia, Putin, sanctions, and election meddling:

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- In views of Russia as an adversary of the United States, Pew Research Center [surveys](#) found that Democrats and Republicans traded places after Trump's election. In January 2016, Russia was named as an adversary by 27 percent of Republicans and 20 percent of Democrats, and in January 2017 by 20 percent Republicans and 38 percent of Democrats, amounting to a 25 percent swing across party lines.
- In Gallup [polls](#), the number of self-identified Republicans who held favorable views of Russian President Vladimir Putin rose from 12 percent in February 2015 to 32 percent in February 2017. The number of self-identified Democrats who held favorable views of Putin meanwhile dropped from 15 percent to just 10 percent.
- Views of Trump's involvement with Russian officials in 2016 as "illegal" were held by 43 percent of Democrats but only by 6 percent of Republicans in an early August 2017 Gallup [poll](#). In the same survey, 69 percent of Republicans but only 4 percent of Democrats said Trump's involvement with Russia was "nothing wrong." This angle also put the Russia issue center stage on the domestic political agenda, increasing the putative significance of public opinion for policy.

Partisan polarization has also been evident on the Russia sanctions issue:

- Among respondents in an early January 2017 Gallup poll who heard allegations that Russia hacked the Clinton campaign, only 17 percent of Republicans, but 37 percent of Democrats said the U.S. response with sanctions did not go far enough. At the same time, 35 percent among Republicans, but only 7 percent among Democrats said the sanctions went too far.

Given this polarization and with the plurality in both parties (39 percent among Republicans and 51 percent among Democrats) saying that the existing sanctions were about right, public pressure or electoral expectations could hardly give the incentive for a Republican-controlled Congress to strengthen the sanctions.

Why would legislation vigorously resisted by a newly elected president win bipartisan support in Congress and be enacted into law despite enduring partisan and ideological polarization—which, if anything, Trump's rise to presidency not only signified, but also only enhanced? Though no systematic quantitative studies addressed this specific question of bipartisan *opposition* to the president on foreign policy (most research examines bipartisan *support* for the president), some analyses offer plausible insights that shed light on the 2017 Russia sanctions surprise. Three factors are particularly relevant to understanding when and how the Congress may become a more active and influential actor shaping U.S. foreign policy under Trump: issue nature, elite opinion, and executive volatility.

## For Sanctions, the “Issue” Matters

Constitutional design casts a long shadow on American politics. On foreign policy, it sets the stage for institutional cleavages prevailing over ideological and partisan ones. The U.S. Constitution confers certain powers on the president and certain powers on the House and the Senate to conduct foreign affairs. The crucial point is that there are no additional guidelines. As historian Edward Corwin [wrote](#), “Which of these organs shall have the decisive and final voice in determining the course of the American nation is left for events to resolve.” This means “the issue at stake” matters strongly, if not decisively, in the executive-legislative interactions on foreign policy.

In-depth case studies further and strongly suggest that international sanctions are exactly an issue that makes U.S. lawmakers see their institutional affiliation as more important than their party affiliation. In this sense, the 2017 Russia sanctions legislation is not new and it is consistent with the Congressional dynamics on, for example, China currency sanctions, Iran non-proliferation sanctions, and Russia human rights sanctions. Political scientist Jordan Tama, drawing on an analysis of *Congressional Quarterly Weekly* articles that mentioned the word “sanctions” as well as on other records, [presented](#) the following findings in 2015:

- A significant common denominator in all cases was “a common Congressional worldview that is distinct from the president’s” (p. 6). This is specifically in regard to the institutional incentives that makes Congress emphasize punitive actions while the president emphasizes diplomacy.
- Looking at the Congressional-executive politics on Iran and China sanctions during the Clinton and George W. Bush administrations, institutional cleavage between U.S. government branches is crucial “regardless of who occupies the White House or which party holds a Congressional majority” (p. 28).
- Interest groups also mattered, particularly in the case of sanctions vis-a-vis corporations that stood to incur economic losses. However, corporate influence was conditional on the degree of economic interdependence with the country targeted by the sanctions. Thus, corporate lobbying influenced decisions on China sanctions, but not on Iran and Russia.

Given these findings, Trump’s proposed pivot from acting through international institutions to bilateral deals as a basis for foreign policy signaled that, if successful, such an approach would undermine the institutional advantages of Congress on foreign policy. And Trump’s positive views of Putin and insistence that improving relations with Russia would be a good thing implied that such improvement, which would entail a review of sanctions, would threaten Congressional authority on foreign policy. In other words, Trump’s arrival in power meant not just a change in political

conversations, but a potential reassessment of the role Congress has as an institution. These developments set the stage for the convergence of partisan elite views on Russia, with the sanctions issue becoming a battleground where those elites could not only assert their views, but defend their institutional turf.

### **Elite Opinion: The Shifting “Water’s Edge”**

Systematically examining roll calls in Congress from 1975 to 1996, political scientists Mark Souva and David Rohde [found](#) the convergence of views among partisan elites to be a stronger predictor of bipartisan voting on foreign policy than perception of international-level threats and presidential priorities. This was particularly the case following the Vietnam War and the end of the Cold War (although the balance again shifted in the president’s favor after 9/11). These findings undermined realist arguments that politics ended “at water’s edge” and that Congress would putatively support presidents almost unconditionally on key foreign policy issues, particularly those dealing with national security. However, they did not necessarily suggest that the elites would not use security arguments to build bipartisan consensus.

The convergence of elite Congressional opinion across party lines indeed paved the way for the passage of the late July 2017 Congressional Countering America’s Adversaries Through Sanctions [Act](#) (Senate: 98-2, House: 419-3), and it was putatively reinforced by the growing sense of national security threats posed by Russia. Yet, it is also clear that it was not the external threat somehow affecting all members of Congress in a uniform fashion, but the merging of the threat issue with the imperative to present a united institutional position vis-à-vis the new administration. In important ways, this elite convergence was “intermestic,” with the Republican elites asserting their traditionally more hawkish and Russia-wary views on international security and with the Democrats energized into action by the sense that Russia could have played a role in the stunning defeat of their presidential candidate. The institutional turf defense on the sanctions issue offered a common platform for these views.

Senior Republicans, such as Senator John McCain, Senator Mitch McConnell, Speaker Paul Ryan, and former presidential candidate Mitt Romney, upheld the assessment of Russia as the main geopolitical threat to the United States. Ryan [said](#) in early January 2017, “I agree with your basic assessment of Russia. I think Russia is a global menace led by a man who is menacing. Vladimir Putin does not share our interests, he frustrates our interests.” Showing the limitations of corporate lobbying, he dismissed concerns that Russia sanctions could harm U.S. energy companies, [saying](#), “There are some policy issues with respect to making sure that we don't actually inadvertently help Russian oligarchs and oil firms.” He [added](#), “There's no secret here – Russia tried to meddle with our elections. This is why I'm a fan of the sanctions. This is why I'm a Russia hawk and a Russia skeptic.”

Democrat and Senate minority leader Chuck Schumer agreed to allow Republicans to take credit for his proposal requiring any easing of sanctions on Russia to undergo Congressional review. Schumer collaborated behind the scenes with key Republican senators (McCain, Graham, McConnell) to craft bipartisan legislation that could win broad approval among legislators and which would not be “tainted” by perceived collaboration with leading Democrats. He [eschewed](#) interactions with the White House. Meanwhile, in numerous statements, Democrat lawmakers combined appeals for Congressional unity with references to Russia’s interference in the 2016 election and the question of whether Trump and/or his staff illegally colluded with Russia. For example, Senator Chris Van Hollen [argued](#) that Russia’s cyberattacks on the United States threatened to “undermine public faith in the democratic process” and therefore it was necessary to work “across the aisle” and “put patriotism over partisanship.” Representative Jackson Lee, serving since 1995, linked reports of Trump’s advisor and son-in-law Jared Kushner’s previously undisclosed meetings with Russian officials with the [call](#) to: “Sanction the KGB, sanction Mr. Putin, sanction Russia. They are, in fact, here to demolish the democracy of this Nation.”

Finally, to solidify their common institutional stand, party leaders in Congress agreed to combine in one bill sanctions involving different issue areas: Russia (involving Ukraine, Syria, and the U.S. 2016 election) plus Iran and North Korea. This geographic and issue consolidation made the legislation—and with it the Congressional authority on sanctions in general—harder for the White House to challenge.

### **The Great Power of Risk Aversion: Confronting Executive Volatility**

The volatility of Trump’s views on issues and governing, as evidenced by his pre-dawn Twittering and frequent arguments with Republican Party leaders and notables, introduced a significant incentive for Congressional leaders of both parties to mobilize around the sanctions issue. Two considerations appear of paramount importance.

First, Trump’s volatility—and particularly his ideas diverging from those of the dominant neoconservatives—undermined the incentives for Republicans to stake out positions closer to their party’s ideological center. (The latter, earlier studies showed, has been a strong driver of polarization, reducing incentives to seek common ideological positions with the other party). The arrival of Trump made it less clear what that center meant. In terms of foreign policy, Trump’s vehemently articulated preferences for executive flexibility and for deal making on a case-by-case basis meant that he discounted consistent ideological stances. Where would then a party member hang his or her ideological hat?

Second, the arrival of Trump in office made Congressional leaders realize that their institutional authority on sanctions could be challenged in two ways. On the one hand, Trump signaled he may relax Russia sanctions as part of his deal making. On the other

hand, Trump's key foreign policy appointees, the Secretaries of State and Defense, suggested in their Congressional testimony that not only did they take a harder line than Trump on Russia, but that they favored the increasing use of military power over economic sanctions as a foreign policy tool. Both Defense Secretary James Mattis and Secretary of State Rex Tillerson supported providing lethal weapons to Ukraine as a more effective tool to stave off Russian intervention than economic sanctions. Either the growing use of deal-making diplomacy or military power projection, would undermine the usefulness of sanctions as a policy tool, and with it an important source of Congressional influence on foreign policy.

As Tama's research showed in relation to the Magnitsky Act, when Congress considers enacting sanctions into law, external threats of retaliation (from the White House, but particularly from other countries) only cements their resolve and encourages bipartisanship.

### **Conclusion**

The Trump–Congress battle over the 2017 Russia sanctions act has implications that go beyond conventional interpretations of foreign policy dynamics in Washington. There is more to the passing of the sanctions law than preventing, as Transatlantico.info founder Andrew Spannaus [wrote](#), “an apparently bumbling, self-absorbed and ineffective president” from “implementing a major change in U.S. foreign policy.” Rather, both parties saw risks and took action. Some felt that the president might actually turn out to be more effective than they would like. Many saw the loss of policymaking turf through Trump's use of diplomacy and/or bolder projection of U.S. military power. In short, the 2017 sanctions can be seen as a “Goldilocks” solution—neither too hard, nor too soft—that appealed to Congressional opinion leaders across the aisle. From the broader view, the emergent big picture is that the post-9/11 anti-terrorism consensus in Washington is wearing thin. It indicates that U.S. presidents will be finding it increasingly hard to push their foreign policy agenda through Congress by claiming that it would help in the “war on terrorism”—including against militant Islamist terrorism, which was Trump's key stated rationale for improving U.S.-Russian relations.

One should not interpret Congressional support for Russia sanctions as a side effect of the multi-faceted Russiagate scandal. As we have seen, public opinion polarization about Putin, Russia, election meddling, and the sanctions produced no additional action on the part of Republicans (who dominate Congress). If Russiagate contributed to anti-Trump bipartisanship on sanctions it was through the incentivizing of Democrats—who in fact had generally been softer on Russia than the Republicans prior to the 2016 elections—to toughen their stand and to combine it with the drive to thoroughly investigate Russia's putative role in Trump's victory. Still, Congress showed it could turn around politics “beyond the water's edge” and perform a check on presidential authority. It has also shown that despite the fragmentation of news consumption along

ideological divides, U.S. legislators are capable of forming consistent positions on national security threats and finding the inputs of the U.S. intelligence officers valuable. Above and beyond, the ongoing executive-legislative sagas demonstrate that the U.S. Constitution is alive and well and that Congressional decision-making implications are worth analyzing thoroughly if the course of U.S. foreign policy is to be assessed presciently.

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