

**Does Labor Punish Democrats?  
Free Trade Agreements and Campaign Resources from PNTR to TPP**

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## **Abstract**

“Reward your friends; punish your enemies” has been the mantra characterizing organized labor’s relationship to elected officials since Samuel Gompers made this statement in 1898. After a series of contentious trade votes, labor signaled that some Democrats—long seen as friends—could now expect punishment for their pro-free-trade votes. Under a broader electoral strategy, unions may punish otherwise friendly Democrats through deterrence or incapacitation. Deterrence means reducing the amount of campaign contributions while incapacitation is replacing the disloyal incumbent with a presumably more loyal one. This article tests whether unions actually punished pro-free-trade Democrats and evaluates how they did so. We find that private sector unions engaged in deterrence punishment by withholding \$4,000 in contributions for each pro-free-trade vote and about \$11,000 from pro-free-trade Democrats in close re-elections. Yet, private sector unions did not attempt to incapacitate pro-free-trade Democrats by withholding contributions during primary challenges. Public sector unions did not consider free-trade votes when making contributions. This study demonstrates that punishment is a viable but limited strategy for interest groups to take when they prefer one party over the other. The results also demonstrate a lack of solidarity between public and private sector unions on trade.

## Introduction

Historically, “reward your friends, punish your enemies” has been the mantra of organized labor regarding their relationship to elected leaders.<sup>2</sup> Since the New Deal, Democratic candidates have been seen as friends, while Republicans are considered enemies. However, the passage of several free-trade bills since the start of the Clinton presidency with the support of significant portions of Democrats in Congress has placed strain on this relationship.

In 2000, after trade relations were normalized with China with the support of 73 House Democrats, 37 Senate Democrats, and Democratic President Bill Clinton,<sup>3</sup> labor leaders argued that unions should incorporate a punishment strategy into their electoral lobbying repertoire (Greenhouse 2000; Jackson and Engel 2003). As International Brotherhood of Teamsters President Jimmy Hoffa, Jr. explained “We can continue to do business as usual, supporting candidates who vote with us ‘most of the time,’ or we can demand accountability by giving grassroots and monetary electoral support to candidates who stand up for working families when it matters most” (Hoffa 2000).

Labor’s proclaimed new direction was especially noteworthy because it broke radically with precedent. Even after the passage of the North American Free Trade Agreement (NAFTA), AFL-CIO President Lane Kirkland stated “You never heard from these headquarters any suggestion that one vote on one issue is going to deter us from supporting a person whose general record on issues of concern to labor is good” (Victor 1994). After NAFTA, a single vote for free trade would not be sufficient for labor to abandon otherwise loyal friends. In fact, unions had followed the Kirkland doctrine for decades, contributing substantial sums to Democrats who

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<sup>2</sup> Samuel Gompers, President of the American Federation of Labor, 1898 Speech

<sup>3</sup> In fact, President Clinton was integral to the passage of NAFTA, persuading undecided members of Congress only because he won the public over first (Uslaner 1998). Clinton was a self-styled New Democrat, or a member of the Democratic Party that actively took more moderate and pro-business stances on a number of issues.

were generally supportive (Gopoian 1984; Burns, Francia, and Herrnson 2000) and in close races (Saltzman 1987). After the China vote, though, labor leaders struck a much different tone; instead of supporting acceptable Democrats, unions would use free-trade votes as litmus tests for determining how to allocate campaign resources.

The question that this paper addresses is whether labor indeed has followed through with such threats and actually punishes pro-free-trade Democrats. In considering this question, we explore whether unions engage in deterrence punishment (by making fewer contributions to pro-free trade Democrats) or incapacitation punishment (by using primary challenges as an opportunity to replace pro-free trade Democrats). Alternatively, unions could be engaging in cheap-talk by threatening punishment but instead funding Democrats based on their overall support of labor positions.

To evaluate labor's strategy, we gather the voting records of incumbent House Democrats on AFL-CIO-scored trade votes from 1999-2012, as well as the campaign contributions they received from labor unions over the same time period. We find that only private sector unions punished pro-free-trade Democrats, and did so modestly. Each pro-free-trade vote cast from 1999-2012 cost an incumbent House Democrat about \$4,000 on average compared to their previous level of contributions. These small withholdings are signals of disapproval, consistent with a deterrence punishment strategy. Private sector unions did not take advantage of primary challenges as opportunities to replace pro-free-trade Democrats. Public sector unions did not consider free-trade votes when making contribution decisions.

These findings are important for several reasons. Theoretically, the results demonstrate that punishment is a viable but limited strategy for interest groups that prefer one party over the other. These groups have been previously thought of as "captured" because their loyalty means

that their support can be taken for granted by the preferred party. A punishment strategy, though, can amplify their voice within the party without exiting to the other party. There are also several practical implications for labor union political strategy. First, by examining many trade votes over a 12-year period, the results show that labor punishes pro-free-trade votes consistently but very modestly. These results break from previous studies that examine only one high-profile trade-vote at a time. Second, the divergent behavior exhibited by private and public sector unions demonstrates a lack of solidarity on the issue of trade that 1) was assumed in previous studies and 2) troublesome for developing an effective punishment strategy.

### **Contributions as Part of Access & Electoral Strategies**

To begin, it is important to understand how interest groups strategically allocate campaign contributions and how withholding contributions fits into larger strategies. Generally, scholars have found that campaign contributions are used in pursuit of either an access or an electoral strategy. An *access strategy* is pursued when contributions are used to gain an audience with legislators (Hansen 1991) and subsidize the time they spend meeting with interest groups (Hall and Wayman 1990). The hallmark of interest groups pursuing an access strategy is that they make contributions to incumbents on both sides of the aisle in order to develop and maintain a relationship with them (Ansolabehere, Snyder, Jr., and Tripathi 2002; Brunell 2005). Interest groups pursuing an access strategy tend to give more to incumbents than challengers, to incumbents with agreeable issue positions, and to members of the majority party (Rudolph 1999; Ansolabehere, Snyder, Jr., and Tripathi 2002). Contributions meant to secure access are given strategically, meaning they are usually not large enough to affect election outcomes, or to detract resources from open seat races, but are large enough to maintain an open door with the

incumbent legislator (Brunell 2005) and signal the group's policy preferences to the legislator (Austen-Smith 1995).

When pursuing an *electoral strategy*, groups use contributions to help elect candidates that hold similar policy preferences to that of the interest group (Brunell 2005). Rather than trying to access the decision-makers already in government, these groups are trying to affect which decision-makers are in government. The calculus of giving changes when pursuing an electoral strategy. Interest groups pursuing an electoral strategy give more to their preferred party than the opposite party regardless of majority status, and dedicate substantial resources to open-seat races and incumbents facing close re-election races in order to capture the seat for their preferred party (Rudolph 1999; Brunell 2005).

Interest groups are faced with a strategic choice of whether to pursue an access strategy, an electoral strategy, or some combination of the two. In doing so, interest groups attempt to maximize their influence based on their preferences and the current political landscape. As McKay explains, an electoral strategy will be preferred to an access strategy by “1) groups that strongly favor one party over the other, and 2) groups that prefer PAC spending over lobbying” (2010, 3). Although interest groups pick a strategy meant to maximize their influence, contributions do not buy attention or votes; these effects are instead moderated by attention to issues in the media and government (Jones and Keiser, 1987; Baumgartner et al. 2009).

### **Labor's Electoral Strategy**

Labor unions predominantly pursue an electoral strategy. In a typical election cycle, labor unions award about 90% of their campaign contributions to Democratic candidates (Francia 2006), as well as provide many of the volunteers that help Democratic candidates with voter mobilization (Delaney, Masters, Schwochau 1990; Radcliff 2001). Unions consistently

contribute to Democrats whether or not they hold the majority in Congress (Rudolph 1999). Further, union spending on contributions is much greater than union lobbying expenditures, which is evidence that they favor affecting election outcomes over gaining access (Ansoloabehere, Snyder, Jr., and Tripathi 2002). Corporations and trade associations, in contrast, generally pursue an access strategy by giving to incumbent members of both parties while reserving resources to give to their preferred candidate in open-seat races (Lowery and Brasher 2004; Brunell 2005).

Yet, labor unions do not give equally to all Democrats. Instead, labor gives more to Democrats who vote with labor's positions on key bills (Gopoian 1984; Burns, Francia, and Herrnson 2000) and are running in close races (Saltzman 1987). Unions give significantly to quality Democratic candidates facing weak Republican incumbents (Wilhite and Thielman 1986). But, labor unions also tend to rationally conserve resources by withholding contributions for Democrats who are running for another office, retiring, or weak incumbents likely to lose (Wilhite and Thielman 1986; Bronars and Lott 1997) in order to meet the "demand" of candidates in open-seat races (Wilhite and Theilman 1986).<sup>4</sup>

From the 1970s to late 1990s, labor increased its campaign contributions to attempt to match corporate contributions dollar for dollar, only to lose more influence over policy generally and Democratic incumbents particularly (Francia 2006; Witko 2014).<sup>5</sup> Yet, labor's most valuable electoral resources is the mobilization of members to vote and volunteer.<sup>6</sup> When labor makes

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<sup>4</sup> In fact, candidates who are facing incumbents can only expect to receive 1/5 of what other candidates can expect to receive. (Wilhite and Theilman, 1986, 182).

<sup>5</sup> This period of time coincided with the leadership of AFL-CIO President Lane Kirkland (1979-1995) and the increased mobilization of business interests in American politics (Hacker and Pierson 2010).

<sup>6</sup> We study campaign contributions because getting quantitative data on union mobilization efforts is notoriously difficult. Given the growth of contributions by labor unions, and the increased solicitation of contributions by incumbents, we believe contributions are an important metric for evaluating punishment.

endorsements and puts its resources toward getting out the vote, it is able to mobilize members and non-members (Radcliff 2001). One study of effectiveness showed impressive results: for every \$100,000 donated, Burns and Francia and Herrnson (2000) found that there is 5% more turnout by voters. While some studies find that members are highly likely to vote for the endorsed candidate (Delaney, Masters, Schwochau 1990), others find that it is union members who are already more supportive of labor's political goals that are more likely to vote for the labor-endorsed candidate (Clark and Masters 2001). Nonetheless, congressional Democrats respond to these grassroots efforts by being more supportive of labor on key votes than if they had just received campaign contributions (Burns, Francia, and Herrnson 2000).

### **Punishment as an Alternate Electoral Strategy**

In the face of losses on key trade votes, labor leaders proposed altering their electoral strategy by rewarding loyalty *and punishing defection* on key votes. Punishment can be pursued with two different goals in mind. One goal is incapacitation, or replacing the disloyal incumbent with a presumably loyal one (Engel and Jackson 1998; Jackson and Engel 2003). Another goal is deterrence, or signaling disapproval in order to prevent deviations in the future (Engel and Jackson 1998; Jackson and Engel 2003).

Incapacitation and deterrence punishment strategies were first studied by Engel and Jackson (1998) in the context of labor union punishment of Democrats who supported NAFTA. Engel and Jackson (1998) found that labor unions withheld campaign funds from pro-NAFTA Democrats, and found similar results after the PNTR vote (Jackson and Engel 2003). Specifically, Jackson and Engel (2003) found that a vote for PNTR cost a Democratic incumbent \$13,257 and vulnerable Democratic incumbents \$36,635 in contributions, all else being equal. Democrats, however, still received large contributions from labor compared to Republicans. The



authors concluded that labor engaged primarily in a deterrence strategy, explaining “labor may have been indicating that they wanted the members to win re-election but get back in line when they returned to Congress” (Jackson and Engel 2003: 446). Punishment, after all, is a high-risk derivative of the electoral strategy. The goal is to maintain maximum support in Congress, but doing so by withholding key campaign resources.

### **Limitations of Previous Studies of Labor Punishment**

Though Engel and Jackson (1998; Jackson and Engel 2003) pioneered the study of interest group punishment, and its application to trade votes, their framework is limited in three important ways. First, they measure punishment as the change in contributions from all unions from one election cycle to another. But, for some unions, trade is not a high enough priority to pursue punishment. For private sector unions, trade policy is extremely important. If trade bills lower the barriers that insulate industries from international competition, then the jobs organized by private sector unions may be directly threatened.<sup>7</sup> Public sector unions and their members, however, are not directly affected by trade. Thus, it is unlikely they will take action to punish free-trade Democrats.

A second limitation is that trade votes were examined individually and not part of a larger trend over time. Jackson and Engel (2003) examined the effect of a pro-PNTR vote on contributions from labor unions in the 1999-2000 election cycle. But, there were three other significant trade votes taken by the House in 1999, including a bill banning tariff-free steel dumping by foreign manufacturers (H.R. 975), a bill lowering trade barriers with sub-Saharan

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<sup>7</sup> It should be noted that service sector jobs in the private sector are not trade-vulnerable. Recognizing that private sector unions are differentially affected by trade, we ran versions of the models presented below for each private sector union individually. The results showed that service sector unions engaged in punishment strategies like transportation, building, and industrial unions. Public sector unions stood alone as not engaging in punishment. In this light, we treat all private sector unions the same though they are affected differently by free trade. We assume that they act in concert out of solidarity and concern for management garnering too many advantages in the workplace vis-à-vis organized labor.

Africa (H.R. 434), and an initial vote that would have prevented the extension of PNTR to China (H.J. Res. 57). A majority of Democrats voted against the prohibition of PNTR for China, paving the way for its extension later in the session. Each of these votes were included in the AFL-CIO's annual congressional scorecard.

Finally, previous studies did not test for an incapacitation approach to punishment. As free-trade bills have been increasingly approved by Congress with the support of Democrats, it is possible that the labor movement would seek more drastic punishments like incapacitation. Jackson and Engel (2003) note that punishment via incapacitation is likely to take the form of primary challenges, saying "It is possible that if organized labor were really interested in eliminating the Democrats mentioned above, they could opt to find and finance Democrats to challenge them in the...primaries" (Jackson and Engel 2003: 446).<sup>8</sup> Primaries are a means of challenging wayward Democrats by replacing them on the ballot with more pro-labor candidates, but still withholding support from Republican candidates.

Recent journalistic accounts demonstrate that labor has been exploring opportunities to challenge pro-free trade Democrats in primary elections. In 2015, the AFL-CIO verbalized support of primary challengers to 28 incumbent House Democrats that voted for "fast track" trade promotion authority (Dovere 2016). The "fast track" bill authorized President Barack Obama to negotiate and seek simple-majority approval of the Trans Pacific Partnership (TPP). The AFL-CIO specifically targeted Representative Ami Bera (D-CA), who was perceived as

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<sup>8</sup> However, the very late date of the vote on PNTR (May 24th, 2000) prevented unions from identifying and bankrolling primary challengers for the 2000 election.

getting tremendous aid from unions during his initial bid for election, but then voted to fast-track TPP (Dovere 2016).<sup>9</sup>

### **The Punishment Strategy: Why and How**

Punishment is a variant of the electoral strategy that is particularly amenable to interest groups who prefer one party over the other but are not satisfied with their preferred party's record on a given issue. Absent punishment, office holders may take the interest group's support for granted given the interest group cannot credibly provide support to the other party. The logic of the Exit, Voice, Loyalty model (Hirschman 1970) is useful here. Hirschman (1970) argues that when actors experience a decline in the utility they receive from institutions, switching loyalties (also known as "exiting" or "voting with your feet") is a rational response. If exit is not an option because the alternate institution still provides lower utility than the current institution, then voicing opposition to decline is a rational response. When voicing opposition, actors may send signals of desired change or work to re-shape the institution through political means. Remaining loyal, or doing nothing in the face of decline, is unlikely to result in change.

Labor unions find themselves in a similar situation with the Democratic party and its decline in support for trade protectionist policies. Labor unions cannot credibly exit and swing their support to the Republican Party because 1) the Republican Party is a pro-free-trade party while the Democratic Party remains divided on the issue and 2) the Republican Party is less supportive of labor's positions on a number of other issues. Yet, remaining loyal in the face of decline is unlikely to result in change; indeed, it was the blanket loyalty for Democrats that Hoffa and other leaders were seeking to end circa 2000.

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<sup>9</sup> Labor may be taking a cue from the success of Tea Party groups in challenging moderate Republicans in primary elections. While the Tea Party hurt the Republicans' chances at the majority, especially in the Senate, primary challenges effectively 1) changed the status quo political narrative away from economic recovery and reinvestment to one of government debt and the proper role of government and 2) reshaped the Republican party to prioritize opposition to nearly all new government programs and taxes (Skocpol and Williamson, 2012).

Thus, labor unions are left with voice as a tactic for improving the party's record on trade. The question is, then, how to voice the need for change on the issue. There are two ways in which labor unions can voice their frustration through their allocation of campaign resources. The first is to strategically withhold campaign resources<sup>10</sup> from pro-free-trade Democrats in order to send a signal that they should change their votes in order to receive campaign support. This strategy, as discussed above, is called *deterrence*.

Labor unions, and interest groups more generally, could signal disapproval more forcefully by withholding resources from candidates in dire electoral situations. This strategy is called *incapacitation*, as it may lead to the replacement of the incumbent through the withholding resources. This is an effective way of punishing disloyalty because incumbents are first and foremost concerned with re-election and often "run scared" even if their seats are not really in jeopardy (e.g., Fenno 1973). Incapacitation sends a stronger signal of desired loyalty on a given issue, though one that is risky, as it could lead to the opposing party gaining the seat. Thus, incapacitation is likely to take place during the primary process. The primaries provide an opportunity to replace an incumbent with a member of the preferred party rather than risk the punishment. Although there is risk in hurting your preferred party's chances at taking the majority by nominating a weaker candidate, engaging in incapacitation increases the probability that a given issue is taken more seriously by the party's office holders. Then, when the preferred party does manage to take a majority, the payoffs are much greater for the interest group. In the case of labor and trade, incapacitation would take the form of reductions in resources from Democrats facing primary challenges.

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<sup>10</sup> Again, we look specifically at campaign contributions, but the logic extends to withholding GOTV efforts or endorsements as well.

In applying this framework to labor unions and trade, it is important to note that the issue has to be sufficiently important to engage in punishment since punishment is a potentially risky version of the traditional electoral strategy. Trade is likely not a sufficient enough issue for public sector unions to attempt to punish wayward Democrats. Instead, they are likely to allocate resources according to other factors; according to the literature those factors are Democrats facing close re-election campaigns, on key committees, and who are generally supportive of labor's positions (e.g., Evans 1996). Relatedly, it is possible that private sector unions are simply engaging in cheap talk. That is, they threaten punishment as a means of shoring up support among Democrats for trade-protectionism. A looming punishment, though unlikely, may be enough of a signal to pro-free-trade Democrats. In this case, private sector unions would—like public sector unions—be more likely rely on general voting record than on free-trade litmus tests when making contribution decision. Thus, we propose an alternative hypothesis that public and private sector unions do not engage in punishment and instead pursue a more traditional electoral strategy that rewards general loyalty.

From the theoretical framework above, we are able to develop three hypotheses. These hypotheses take into account the different priorities of public and private sector unions as well as the logic of why and how to punish.

- Deterrence Hypothesis: Private sector unions are more likely to punish Democrats who vote for free-trade bills by withholding funds than public sector unions, all else equal.
- Incapacitation Hypothesis: Private sector unions are more likely to punish Democrats who vote for free-trade bills by withholding funds during primary challenges than public sector unions, all else equal.
- Alternate Hypothesis: Private and public sector unions will contribute more to Democrats who are supportive of labor's positions overall (measured by lifetime COPE scores) than to Democrats who are less supportive, all else equal.

## Data & Model Overview

To evaluate our hypotheses, we collected data on trade votes made by incumbent House Democrats from 1999-2012. We also collected labor union campaign contribution data over this same time period. Thus, the dataset includes every incumbent Democratic member of the House of Representatives, how much they raised from labor unions during a given election cycle, and how they voted on trade bills in the corresponding session of Congress.

The data is time-series cross-sectional since many House Democrats appear in the dataset for multiple cycles. An appropriate model must take into account the repeated measurement of legislators over time. To do this, we use a random-effects generalized least-squares regression model with dummy variables for each cycle and a lagged dependent variable. Random effects are used to control for clustering in the data by legislator. Dummy variables for each cycle help control for autocorrelation by year, which could happen if unions systematically change their general contribution strategy for a given election cycle. In such cases, we control for over time changes while still estimating differences among individual legislators due to their behavior. A lagged dependent variable is standard approach in pooled time-series cross-section data, and has the added benefit of controlling for the “baseline” fundraising for each candidate. This allows us to directly measure how much an incumbent was punished (or not) for their free-trade record relative to what they received from labor unions in the previous election cycle.<sup>11</sup>

### Primary Dependent & Independent Variables

We use this modelling strategy on two different dependent variables: *private sector union contributions* and *public sector union contributions*. The private sector union contributions

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<sup>11</sup> The election cycles included are 2000, 2002, 2004, 2006, 2008, and 2012. There were no free-trade votes from 2009-2010, so the 2010 election cycle is not included. There are 290 different incumbent House Democrats over that time period for which data could be collected on all of the variables. The total number of observations is 1030.

variable is measured as the sum of contributions from transportation, industrial, building, and service unions.<sup>12</sup> The measurement is in dollars and is taken for each incumbent House Democrat for each term they are in the House. Public sector union contributions are similarly measured, but include only contributions from unions organizing workers in the public sector.<sup>13</sup> The data for these measures comes from the Center for Responsive Politics (2016). Both measures will help differentiate behavior by union type and provide clear leverage on our hypotheses.

The primary independent variable of interest is a member's *free-trade voting record*. The variable is simply a measure of the number of times a representative voted against the AFL-CIO position on key trade bills in a given session of Congress. The trade bills and how each member voted are obtained from AFL-CIO Committee on Public Education (COPE) legislative scorecards for 1999-2012 (AFL-CIO 2016).

**[Table 1 about here]**

Table 1 provides a summary of the votes, including the AFL-CIO's position and the number of Democrats voting with and against the AFL-CIO position. There were 14 trade bills from 1999-2012; no trade votes were taken during the 2009-10 cycle. Six of the trade bills implemented bilateral free-trade agreements. Three bills addressed Trade Promotion Authority (TPA), often referred to as "fast track" authority. Two bills dealt with extending PNTR status to China. PNTR status, formerly Most Favored Nation (MFN) status, allows trade with a foreign nation to be facilitated by the same low-tariff access to the American market as other trading

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<sup>12</sup> Each category includes a number of different unions. The most prominent are listed here. Building unions include Carpenters & Joiners Union and Laborers International Union of North America. Industrial unions include the United Auto Workers, United Mine Workers, and United Steelworkers of America. Transportation unions include the American Maritime Officers Union and the Teamsters Union. Service unions include the United Food and Commercial Workers Union, Hotel/Restaurant Employees International, and the American Federation of Musicians. These categories are defined by The Center for Responsive Politics.

<sup>13</sup> Prominent public sector unions include American Federation of State, County, and Municipal Employees, American Federation of Teachers, and the American Postal Workers Union.

partners (CQ Researcher 2011).<sup>14</sup> Two bills addressed with the lowering of trade barriers with particular regions, one being the approval of CAFTA, which expanded NAFTA to include Guatemala, Dominican Republic, Honduras, Costa Rica, El Salvador, and Nicaragua, and the other being the 1999 vote to lower trade barriers with sub-Saharan African countries. Finally, one bill in 1999 dealt with the limitation of tariff-free steel dumping through reductions in steel imports and tougher monitoring rules.

TPA is an often overlooked but important free-trade mechanism. TPA refers to a process that enables the legislature to approve and implement international trade agreements under expedited procedures (Fergusson and Beth 2015). Congress may periodically extend TPA by delegating it to the president. If a trade agreement negotiated by the president meets the guidelines established by Congress under TPA, then the implementing bill can pass by a simple majority with no amendments. (Fergusson and Beth 2015). TPA was voted on in 2001, 2002, and 2008; in 2001 and 2002, the AFL-CIO opposed the passage of TPA because it would grant the president the ability to submit trade agreements to Congress without being subject to changes in workers' rights and environmental protection provisions. In the opinion of the AFL-CIO, fast-track would strip the ability of Congress to improve proposed trade agreements because Congress it had to vote 'yes' or 'no' on the trade package as a whole. For similar reasons, in 2008, the AFL-CIO supported a bill that would remove fast-track authority for the U.S.-Colombia Free Trade Agreement.

Figure 1 depicts the relationship between free trade votes and campaign contributions for each cycle included in the data, without controlling for any other factors. The blue bars represent the total contributions by private sector unions while the orange bars represent the total

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<sup>14</sup> The bill included safeguards against dumping, surges in textile imports, countervailing duty procedures, and established a commission to monitor human rights in China (Cooper 2013).



contributions by public sector unions. Each is arrayed by the number of pro-free-trade votes taken in a given cycle. For example, in 2000, some incumbent Democrats voted with the AFL-CIO every time (they received a 0 on their free-trade voting record) while others voted against the AFL-CIO as many as 4 times. As the number of pro-free-trade votes increased, the amount of contributions from private sector unions decreased. This pattern holds for every cycle except 2004, where Democrats who cast one free-trade vote actually received more contributions than those who cast none, though those who cast two received fewer campaign contributions. There is no consistent pattern with public sector union contributions.

**[Figure 1 about here]**

### **Additional Variables**

While Figure 1 demonstrates a consistent and negative relationship between private sector contributions and pro-free-trade votes, this relationship does not take into account other factors. It could be the case that general support for labor positions is a moderating factor, and that if a Democrat casts a pro-free-trade vote but is otherwise supportive of labor that unions would take this into account when making contribution decisions. Therefore, we collected each incumbent House Democrat's *lifetime COPE score*. The AFL-CIO COPE calculates a lifetime score for each member of Congress by grading their votes on bills that are important to the labor movement. This score is commonly referred to as the COPE score; we use this score as an indicator of overall support and to test whether unions are more responsive to COPE or high-profile trade votes. Specifically, we use a member's lifetime COPE score, which is an aggregation of yearly labor voting scores for each representative. COPE is simply the percentage of votes made by the legislator that were in congruence with labor's preference.<sup>15</sup> The highest

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<sup>15</sup> COPE, the AFL-CIO Committee on Political Education, was formed in December 1955 to serve as the political education arm of organized labor. Labor calculates a COPE score for each member of Congress, by reviewing

COPE rating possible is 100% and the lowest is 0%, although there may not be a legislator who scores that high or that low in any one Congress.

We also include two variables on each House Democrat's electoral situation. The first is *close election*. The variable is measured dichotomously, with one indicating that the incumbent received between 45% and 55% in the general election, and a zero indicating otherwise. The second variable is *primary challenge*. This variable is also measured dichotomously, with one indicating that the incumbent faced an opponent in the primary election, and a zero indicating no opponent. Data for both measures comes from election return data maintained by the Federal Election Commission (Federal Election Commission 2016). In the models presented below, we interact primary challenge with an incumbent's free-trade record in order to test whether unions attempt an incapacitation form of punishment. If a member with one or more pro-free-trade votes faced a primary challenge, unions have the opportunity to withhold contributions from the incumbent when the incumbent needed them the most. This would not only send a strong signal to the incumbent if they survived the primary challenge, but would serve to replace—or incapacitate—the incumbent if they lost the primary or general. Thus, we expect the coefficient estimate to be negative and significant if unions are indeed pursuing incapacitation.

We also collect data on a number of other important factors that may affect how unions distribute campaign contributions among Democrats. First, we measure *seniority*, which is how many terms the incumbent House Democrat has served. The authors hypothesize that the seniority of the congressperson will have a positive effect on labor's contribution to the congressperson. Second, we measure *leadership*, which is a dichotomous variable denoting whether the member held a leadership position for the given session of Congress. The authors

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voting records of Members of Congress. When reading COPE scores, an “R” indicates the member voted “right” (or with the AFL-CIO) and a “W” indicates the member voted “wrong” (CQ Almanac 1968).

hypothesize that holding a leadership position will also have a positive effect on labor's contribution to the congressperson. A leadership position consists of the major party leaders in the House, including Speaker of the House, Majority Leader, Democratic Whip, and Democratic Caucus Chair. The leadership data comes from the House of Representatives historical archive (U.S. House of Representatives 2016). Third, we denote whether the member served on the House Committee on Education and the Workforce for a given session of Congress with the variable *Workforce Committee Member*. This is the substantive committee that has jurisdiction over labor. The variable is measured dichotomously; a member received a one if they served on the committee and a zero otherwise. The data was collected from committee membership documents maintained by the Clerk of the House (U.S. House of Representatives 2016).

### **Punishment by Withholding Contributions**

The coefficient estimates and confidence intervals for each model covariate are depicted in Figure 2. A full table of coefficient estimates is provided in the Appendix. The model results show that private sector unions withheld an average \$4,000 from Democrats per pro-free-trade vote from 1999-2012. This is a very small punishment, but robust to the other variables in the model and consistent over time. There was little evidence of punishment by incapacitation.<sup>16</sup> Private sector unions did punish Democrats facing close elections more substantially, by withholding an average of \$11,000 per pro-free-trade vote. But, this is a very small percentage of total contributions and not likely to affect election outcomes, instead conforming more to a deterrence strategy of signaling disapproval. Evidence of incapacitation did not show up where it was expected—by private sector unions withholding contributions during primary challenges. There is no evidence, according to the model, that public sector unions engaged in punishment

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<sup>16</sup> Labor cannot entirely dictate incapacitation as there may be no viable primary candidate

by deterrence or incapacitation. Public sector unions did not withhold contributions from pro-free-trade Democrats under normal circumstances, when they faced a close re-election, or a primary challenge. Instead, public sector unions directed contributions toward Democrats in leadership, Democrats on the Education and Workforce Committee, and Democrats facing close re-election campaigns.

**[Figure 2 about here]**

Looking at Figure 2, we see that the coefficient estimate on free-trade record is negative and statistically significant for private sector union model, but neither negative or significant in the public sector union model. What this means is that, controlling for the other variables in the model, private sector unions withheld contributions from incumbent House Democrats who voted for free-trade agreements but public sector unions did not. The coefficient estimates can be interpreted as the difference in campaign contributions compared to what they received from labor in the previous election cycle for each free-trade vote cast, since we included a lagged dependent variable in the model. Thus, we can say that a pro-free-trade vote cost an incumbent House Democrat about \$4,000 in contributions from private sector unions relative to the previous cycle.

We can get a better idea of the scale of the punishment by calculating how much \$4,000 represents in terms of a percentage reduction from previous contribution levels. Figure 3 shows the average change in contributions per pro-free-trade vote taken by House Democrats from 1999-2012. There are two bars—one for private sector unions and the other for public sector unions—and a 95% confidence interval around each bar. The \$4,000 withholding represents about a 3.5% reduction in contributions from the previous cycle. This is a rather modest punishment. In essence, an incumbent House Democrat who votes for a major free-trade

agreement can expect to receive about 97% of what they received previously from private sector unions. Further, private sector unions stand on their own in punishment as public sector unions registered no statistically distinguishable punishment of House Democrats due to their free-trade voting record. This result makes sense as public sector jobs are not vulnerable to free trade.

While the punishment is small, it holds even when controlling for general support for labor positions, as measured by the member's lifetime COPE score. The coefficient estimate for lifetime COPE score is positive and significant and indicates that, on average, a 1% increase in support for labor leads to an increase of \$512 in contributions from private sector unions. The coefficient estimate for public sector unions is similarly positive, but not distinguishable from zero. Public sector unions may be either disregarding congressional scorecards as a way of determining contribution levels or taking cues from a different organization than the AFL-CIO. Although the AFL-CIO is perceived as the peak labor federation in the United States, its emphasis on trade votes and congressional scorecards as determinants of contributions appears to be followed by private sector unions and ignored by public sector unions.

**[Figure 3 about here]**

Three variables do seem to matter a great deal to public sector unions when deciding how to allocate campaign funds. The first factor is whether or not the representative is a member of the House Democratic leadership. Moving into leadership, a Democrat can expect \$16,843 more in contributions from public sector unions than previously accrued according to model estimates. A similar relationship held for private sector unions, but at a much higher figure (\$41,608) due to the fact that private sector unions spend more on contributions in absolute dollars than public sector unions. Second, public sector unions contributed about \$5,242 more to Education and Workforce Committee members than non-members relative to previous contributions levels.

This relationship is statistically significant, while the relationship between private sector union contributions and Workforce Committee membership is not. Finally, public sector unions gave generously to vulnerable Democrats. Democrats facing a close re-election campaign received \$27,632 more than safe Democrats relative to the previous cycle. Private sector unions behaved similarly, giving \$65,847 more to vulnerable Democrats than safe Democrats controlling for the other variables in the model.

The evidence supports the hypothesis that private sector unions pursue a deterrence strategy with House Democrats who vote for free-trade. House Democrats who vote against the AFL-CIO position on trade bills (i.e. the pro free-trade position) can expect a very modest, but consistent, 3% reduction in funds compared to the previous cycle. This relationship takes into account greater giving to members who are generally supportive of labor's positions (lifetime COPE score), their position in the House (seniority, leadership, committee assignment) and electoral circumstances (facing a close election or not). Public sector unions do not engage in deterrence, and instead rely on leadership status, Education and Workforce Committee membership, and election vulnerability to allocate campaign contributions among Democrats.

### **Punishment of Free-Trade Democrats Facing Primaries and Close Elections**

We also interact an incumbent's free trade record with the close election and primary challenge indicators. The coefficients on these interaction terms indicate how unions allocated funds to pro-free-trade Democrats that were vulnerable in the primary or general election. If the coefficients are large, negative, and statistically significant, this would be evidence that unions pursue an incapacitation strategy by withholding funds from the pro-free trade Democrats most in need of campaign resources. Depriving them of funds would 1) send a greater message to

House Democrats not to defect on trade votes and 2) increase their probability of losing the primary or general, and thus incapacitating the incumbent.

Looking again at the coefficient plots in Figure 2, we see that the only potential evidence of incapacitation is that private sector unions withheld money from pro-free-trade Democrats in close re-election campaigns. The punishment is estimated to be roughly \$11,285 per free-trade vote. This punishment is very small—a 9% reduction in funds from the previous election cycle. Thus, it is likely that it is meant to send a louder message than the very modest withholding per free-trade vote for Democrats not facing a close re-election campaign, but not to actually imperil Democrats facing close re-election campaigns.

Figure 4 shows the marginal effect of free-trade votes on union contributions, differentiated by Democrats in close elections or not. With no pro-free-trade votes, Democrats facing close elections are expected to get about \$50,000 more in campaign funds. This gap shrinks as pro-free-trade votes increase. There is a steep drop between vulnerable Democrats with one pro-free-trade vote and those with two. At two pro-free-trade votes, a vulnerable incumbent Democrat can expect roughly the same funds in absolute dollars as a safe incumbent Democrat with two pro-free-trade votes. On average, though, vulnerable incumbent Democrats receive more campaign funds in absolute dollars than safe incumbent Democrats.

**[Figure 4 about here]**

We can learn more about the tendency to punish vulnerable Democrats by looking at particular cases in the data. Lois Capps (D-CA) voted against the AFL-CIO position on three of the four trade bills scored by the labor federation in the 1999-2000 session of Congress. In the 1998 election cycle, she had received \$293,300 from private sector unions and faced a tough re-election battle in 2000. Yet, private sector unions only contributed \$146,500 to her campaign;

still a substantial amount but only about half of the previous cycle. From 2001-2004, she voted against the AFL-CIO position two more times and her contributions fell to \$113,000 in the 2004 election cycle. From 2006-2012, she cast no pro-free-trade votes and faced a close re-election in 2012. Her contributions from private sector unions recovered to \$180,500 that cycle. Baron Hill (D-IN), on the other hand, developed a steady record of pro-free-trade votes which were unevenly punished by private sector unions. From 2000-2004, Hill faced three close campaigns for re-election. In that same time period, he cast seven pro-free-trade votes on eight bills. His contributions from private sector unions, however, bounced from \$159,740 to \$131,500 to \$185,800 over the three election cycles. These examples show that on average vulnerable pro-free-trade Democrats saw reductions in campaign contributions from private sector unions, but the punishments were small, not large enough to actually jeopardize an incumbent, and inconsistently applied.

Private sector unions also did not take advantage of primary challenges as an opportunity to incapacitate pro-free-trade Democrats. Democrats facing primary challenges who voted against the AFL-CIO position on trade bills received statistically the same contributions as those who voted against free-trade bills. This is a curious result, as one may assume that withholding funds from pro-free-trade Democrats in the primary would be an efficient means of potentially replacing them with another, more supportive Democrat. There was no evidence of public sector unions using primary or close general elections as opportunities to punish pro-free-trade Democrats.

Taken together, the results show that private sector unions did not pursue an incapacitation strategy from 1999-2012. Instead, punishments are made strategically made to send a message to Democrats, and deter them, but not eliminate them. Their withholdings are



sufficiently large to signal disapproval, but sufficiently small to not endanger individual Democrats and the ability of the party to take a majority.

Compared to the Jackson and Engel studies (1998; 2003), we find much smaller punishments. This is likely due to the fact that Jackson and Engel analyzed the two largest trade votes in history (NAFTA and PNTR with China) separate from one another and without controlling for contemporaneous free trade votes. These results indicate that deterrence is a consistent but weakly applied punishment strategy. Further, Jackson and Engel could make no claim about types of unions; we find that only private sector unions value trade policy enough to pursue a punishment strategy although their strategy is limited to deterrence.

## **Conclusion**

This study refines theories as to why, when, and whom labor unions punish among members of Congress due to their having voted yes on free trade bills. This punishment, called deterrence, is designed to send a message to incumbents by reducing the amount of labor's contribution to his or her campaign chest. The idea is that they will understand the message before the next free trade vote and with labor's position next time, at least if it values labor's campaign contribution. This strategy contrasts with the more radical strategy of incapacitation, which working to replace an incumbent with a more supportive candidate in the next primary. Our study shows that the deterrence strategy is used by labor, but incapacitation is not. Even controlling for the members' life-long COPE rating, labor still engages in the deterrence strategy for those who vote yes on free trade bills. Being in a close election is a strong predictor of labor's campaign contribution as well; House Democrats in close elections can enjoy an average increase in contributions of \$50,000, all other things being equal. Overall, the evidence suggests a strategic, rather than high-principled, approach to this reward-punishment exercise.

Another notable finding is that not all unions behave the same. When we disaggregate unions into private sector and public sector, we find that public sector unions do not engage in deterrence. Even among the private sector unions, we found that the magnitude of the deterrence punishment is not large; on average about a 3.5% decrease in contributions from the prior election.

This study, like most, has its limits. We only examine the years 1999 to 2012. Although this covers many trade votes (14 in all), and is a significantly broader scope than previous studies, it does not include NAFTA which was one of the very most salient deals. Also, the study tells us whether labor spoke, but not whether the incumbent was listening, e.g., whether the incumbent modified their behavior after labor punished them, by reducing the campaign contributions. In other words, this is an examination of use of deterrence, not effectiveness of deterrence.

This study invites further research. One question implied by it is: Is deterrence effective, given the small magnitude of average punishment? For example, one reason incumbent Democrats may not react to labor's message in the predicted way (by voting against free trade next time) is that there may be another pro-free-trade interest group which makes up the deficit in contributions that labor created. To study this, we need to collect data on contributions from all sorts of interest groups and map its effect over time. Additionally, it may not be the deterrence punishment, but constituency demand that drives members of Congress' votes on the next trade bill. With income inequality on the rise, and middle class jobs scarce in rural America, there may be more home district pressure on the incumbent to vote against trade regardless of what strategies labor unions pursue.

Further, modeling punishment sector by sector may continue to provide leverage on the question of interest group punishment strategies. For example, craft unions, who are known to behave differently politically as they are more Republican leaning, may punish less than industrial unions. This could be due to 1) craft jobs can be less easily exported, particularly in the construction industry and 2) craft unions have a more viable exit option with Republican candidates and may not be looking to voice their concerns over trade to the Democratic party.

The implications of these results provide insight into labor's past strategy and potential strategies going forward. Yet, the election of Donald Trump may create an exit option for labor unions on the issue of trade. Trump took a strong stance against trade, saying he would rescind NAFTA and work to unravel the Trans Pacific Partnership (TPP). It would be worthwhile to watch whether labor begins to exit the Democratic party by backing anti-free trade Republicans instead of a pro-free trade Democrats with high COPE scores. We doubt that labor unions will defect in mass to Republican candidates, since the ideology and the overall (lifetime) COPE scores of most Republicans are probably not be sufficiently pro-labor. Whatever happens in the next administration regarding trade, this study begins a new field of inquiry by documenting that deterrence is used and that it is smaller in amount than previously thought and that there is diversity within the labor movement in terms of individual unions' interests.

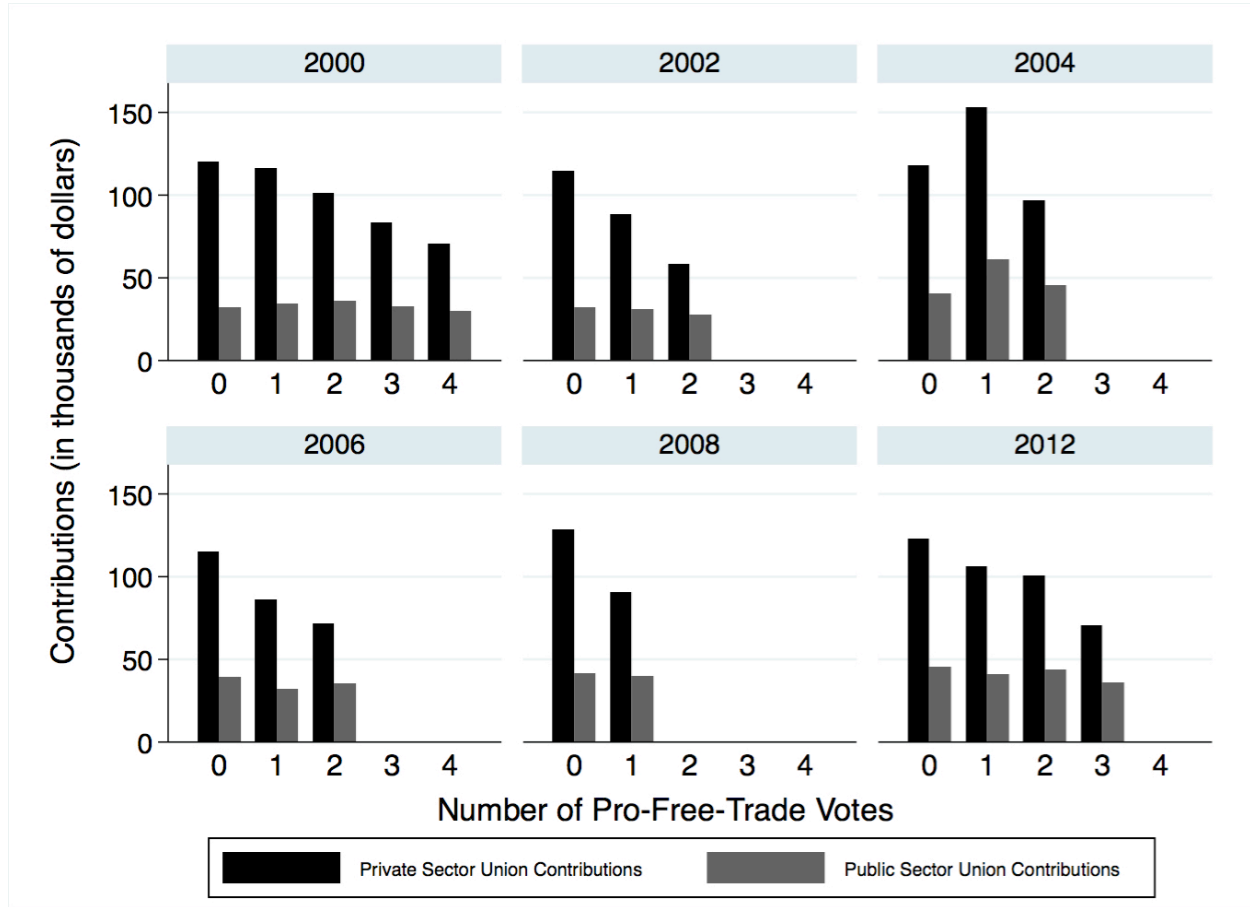
**Tables and Figures:**

**Table 1: Key Trade Votes, 1999-2012**

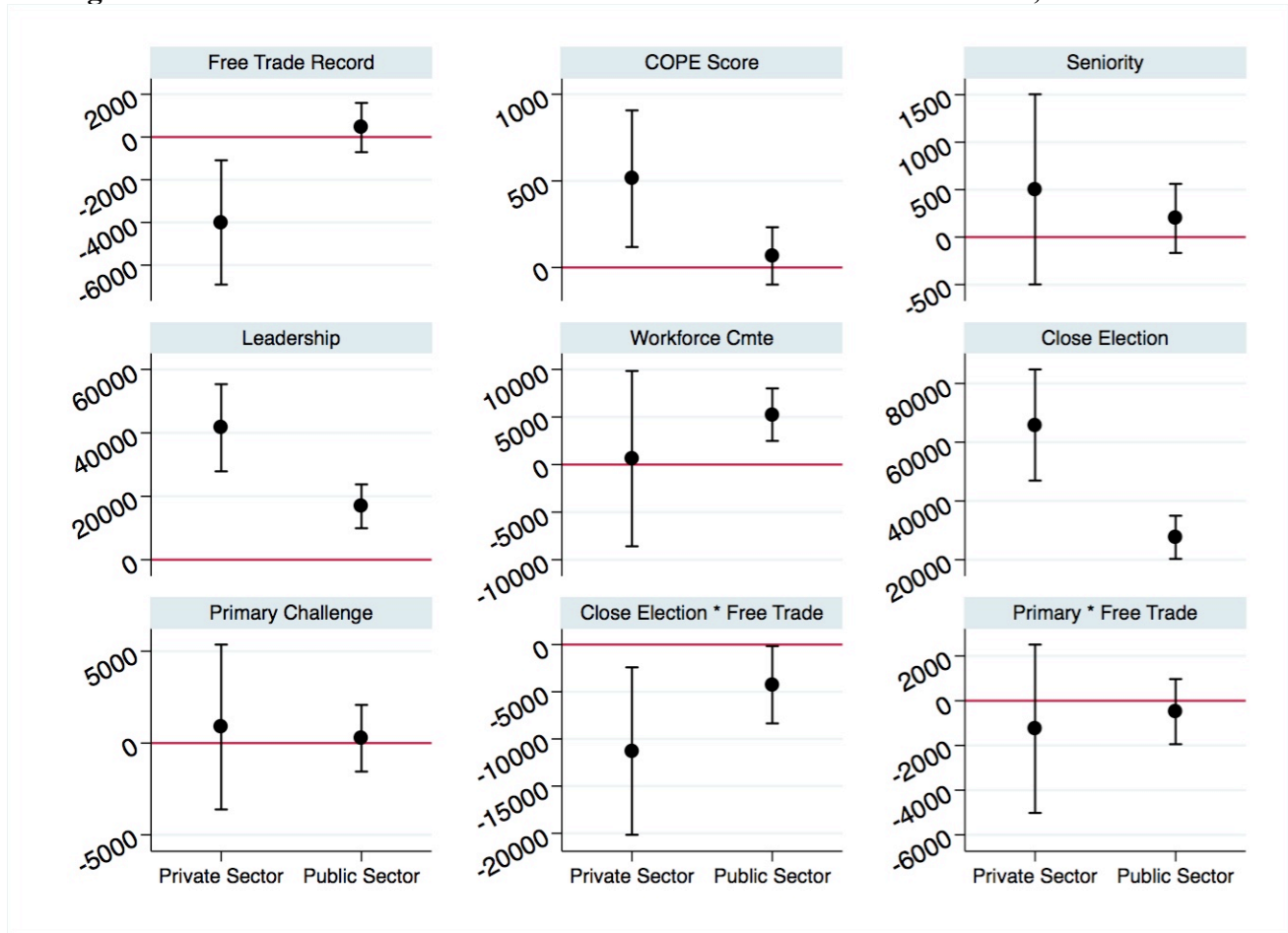
Votes	AFL-CIO Position	Number of Democrats Voting For AFL-CIO Position	Number of Democrats Voting Against AFL-CIO Position
1999 Steel Dumping (HR 975)	Yay	197	13
1999 Sub-Saharan Africa (HR 434)	Nay	98	99
1999 Ban on PNTR with China (H.J. Res. 57)	Yay	98	110
2000 PNTR with China (HR 4444)	Nay	138	73
2001 Fast Track (HR 3005)	Nay	185	21
2002 Fast Track (HR 3009)	Nay	180	25
2003 Singapore FTA (H.R. 2739)	Nay	125	72
2003 Chile FTA (H.R. 2738)	Nay	126	72
2005 CAFTA (H.R. 3045)*	Nay	182	16
2006 Oman FTA (H.R. 5694)	Nay	173	21
2008 Fast Track for Colombia FTA (H. Res. 1092)	Yay	211	8
2011 Colombia FTA (H.R. 3078)	Nay	152	28
2011 Panama FTA (H.R. 3079)	Nay	118	62
2011 Korean FTA (H.R. 3080)	Nay	124	56

\* CAFTA is an agreement between the United States and the following countries: Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua

**Figure 1: Free Trade Votes and Campaign Contributions by Cycle**



**Figure 2: Coefficients and Confidence Intervals for Union Contributions, 1999-2012**



Note: Full model results are available in the Appendix.

**Figure 3: Average Change in Public versus Private Union Contributions Per Free Trade Vote**

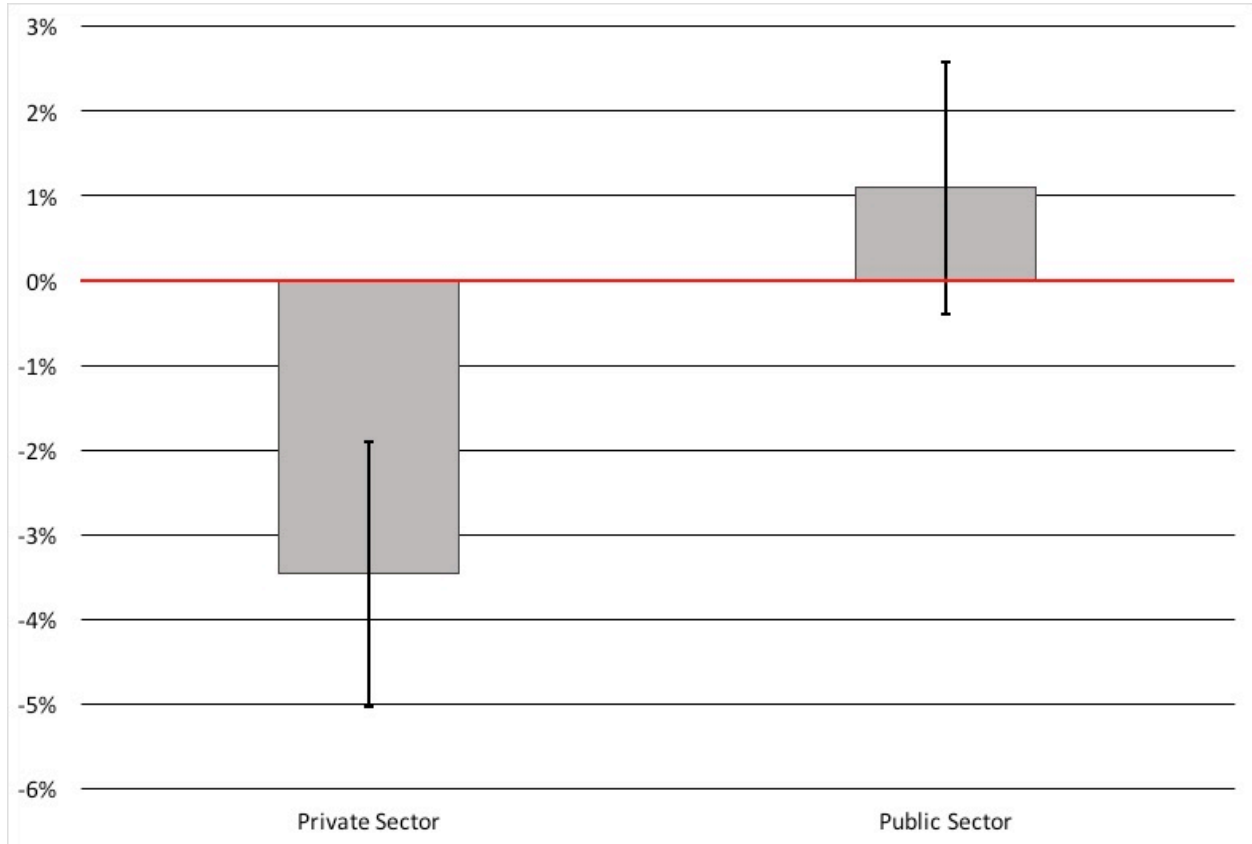
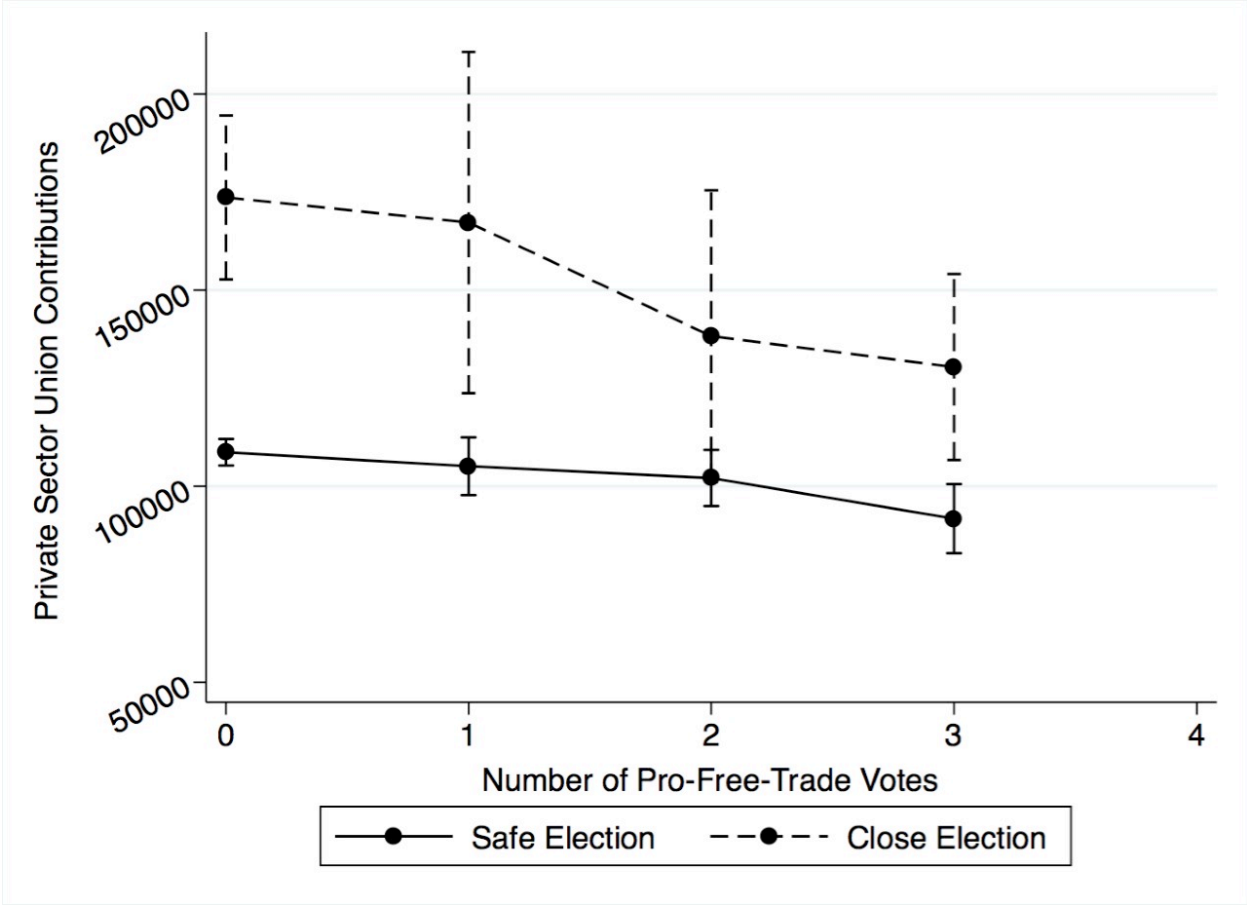


Figure 4: Marginal Effect of Free Trade Votes on Private Sector Union Contribution by Election Situation





## Appendix

**Table A1: The Effect of Trade Votes on Union Campaign Contributions, 1999-2012**

	Private Sector Union Contributions	Public Sector Union Contributions
Lagged dependent variable	0.510*** (0.0412)	0.415*** (0.0417)
Free Trade Record	-4000.5* (1811.4)	443.4 (604.9)
COPE Lifetime Score	512.7* (210.2)	67.02 (76.20)
Seniority	503.0 (470.0)	197.3 (156.1)
Leadership	41608.6*** (7254.1)	16843.2*** (4559.7)
Workforce Committee Member	624.3 (5033.3)	5242.7*** (1161.5)
Close Election	65847.9*** (9271.6)	27632.1*** (3936.1)
Close Election * Free Trade Record	-11285.2* (5092.8)	-4258.4 (2278.0)
Primary Challenge	872.6 (2199.7)	261.2 (1032.5)
Primary Challenge * Free Trade Record	-1253.9 (2114.8)	-487.7 (965.9)
<i>N</i> <sub>observations</sub>	1030	1030
<i>N</i> <sub>legislators</sub>	280	280
<i>R</i> <sup>2</sup>	0.630	0.534

Note: Cell entries are GLS coefficient estimates with bootstrapped standard errors in parentheses. Both models estimated with dummy variable for each election cycle and random effects for legislators. \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$ .

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