Presidential Pork and U.S. Trade Politics

Kenneth S. Lowande*
University of Virginia
lowande@virginia.edu

Jeffery A. Jenkins
University of Virginia
jajenkins@virginia.edu

Andrew J. Clarke
University of Virginia
andrewclarke@virginia.edu

September 26, 2015

Scholarship on presidential distributive politics focuses exclusively on federal domestic spending—however, since the early 20th Century, the president has had substantial discretion to adjust tariff schedules "with the stroke of a pen." We study the politics of unilateral action in the area of U.S. trade policy, investigating import adjustments in presidential directives between 1917-2012. We find that presidents—in accordance with electoral incentives—strategically allocate trade protections to industries in states that benefit their party. In general, states in which the president lacks a comfortable electoral majority are systematically more likely to receive protectionist unilateral orders. In sum, our results show that the president's distributive imperative extends into the realm of foreign affairs, an arena in which the president has substantial authority to influence public policy.

"[T]he great powers of the President, connected with his duration in office [will] lead to oppression and ruin. […] he [will] be governed by favorites and flatterers…"
    - *Cato*, Letter V (1787)

"Leadership and control must be lodged somewhere."
    - Woodrow Wilson (1908, 54)

Mounting evidence suggests that the American presidency may fall well short of a normatively appealing, nationally representative Executive, loyal only to the public interest. In particular, a burgeoning research agenda has highlighted the distributive politics of presidential power (Berry, Burden, and Howell 2010; Hudak 2014; Kriner and Reeves 2015a, 2015b). This work has shown that despite the "universalistic" dream of the Progressive Era, the modern president allocates federal largesse in ways that are a predictable outgrowth of electoral and partisan motives.

We further this line of inquiry in two ways. First, scholarship on presidential distributive politics has focused almost exclusively on federal domestic spending.[1] Yet, presidential influence on public policy extends well-beyond grant allocation. It is plausible, then, that the particularistic imperative would affect other areas of presidency-driven politics. We analyze one important case—trade politics—and, in particular, U.S. tariff schedules. Since the early 20th Century, the president has had substantial discretion to adjust tariff schedules "with the stroke of a pen" (Mayer 2001). These tariff revisions via presidential directive allow us to meaningfully extend past work by testing the logic of presidential particularism in an area of policy understudied among presidency scholars. Second, trade represents an "intermestic" political issue, in that it has direct implications for the foreign affairs of the U.S. and the prospects of American producers. Given this, the systematic evidence we present is a rare and important

---

[1] Kriner and Reeves (2015b), Chapters 2 and 3, are a notable exception.

example of the president's domestic, particularistic incentives directly affecting the foreign affairs of the United States.

We study unilateral adjustments to tariff schedules between 1917-2006, with a detailed analysis of those made between 1986-2006. This overlap in time series allows us to compare our findings with prior work on presidential distributive politics, which has been confined to a similar period. Specifically, we link protectionist tariff adjustments to the interests they directly benefited, and the corresponding political units wherein those interests operated. By connecting protectionist measures for a given commodity and top state producers, we identify which states benefited most from changes in the tariff schedule. We find that presidents, in accordance with electoral incentives, strategically adjust tariff schedules. In particular, we show that presidents provide consistent protection to states that are hotly contested—relative to states that are firmly controlled—and conditional protection (in non-presidential election years only) to states unlikely to provide support. Additionally, consistent with prior research, presidents are significantly more likely to allocate protectionist tariff revisions to politically vulnerable Senate co-partisans during presidential election years. These findings suggest that the president's distributive imperative extends beyond domestic spending, into an area of substantial executive discretion.

Presidential Particularism

Recent, provocative analyses of federal grants have demonstrated that the distribution of domestic spending reflects the partisan and electoral interests of a particularistic president (Berry, Burden, and Howell 2010; Kriner and Reeves 2015a, 2015b; Hudak 2014). Faced with strong incentives as party leaders (Galvin 2009; Milkis, Rhodes, and Charnock 2012), presidents use their influence at multiple stages of the budgetary process to aid co-partisans, sway key states in the electoral college, and reward core supporters after election day. The absolute impact of

this behavior on federal outlays is striking: Kriner and Reeves (2015b), for example, show that between 1984 and 2008, a county within a swing state saw "\$27.8 million more in federal spending than [did] a comparable county in a non-swing and non-core state" (137). Hudak (2014) finds this county-level effect meaningfully aggregates to the state-level, with swing states receiving in excess of \$1.5 billion in additional spending during election years.

Though this work has reinvigorated the study of the president's role in the American political system, it leaves unanswered some fundamental questions about presidential particularism. This limitation is mostly a function of the object of interest: federal grants. In the stylized congressional context, particularistic behavior often manifests itself in "pork barrel" spending—with national receipts reallocated for local use to the benefit of legislators' electoral interests. Presidential influence occurs as individual earmarks, and requests are aggregated to the budgetary level—and ultimately implemented by federal agencies. Identification of presidential incentives, together with the presence of strong correlations between those incentives and grant allocation, indicate that presidential influence is both operative and impactful. However, the precise mechanism by which presidential preferences are brought to bear on the distribution of federal spending is difficult to tease out.

The list of possible means of achieving presidential particularism in federal grant allocation is long. As Berry, Burden, and Howell (2010) argue, presidents have both "*ex ante*" and "*ex post*" means of influencing policy. They are first-movers in the budgetary process and hold formal legislative powers in the presidential veto (Cameron 2000; McCarty 2000). With congressional approval, they may transfer or reprogram funds. They can construct new bureaus and agencies by directive (Howell and Lewis 2002; Lewis 2003), politicize agencies (Lewis 2008), and centralize decision-making within the White House and Executive Office (Dickinson

1997; Rudalevige 2002). By highlighting these mechanisms, scholars have argued that their empirical findings are the result of a deliberate, systematic effort on the part of presidents and their administrations. However, the critical task of adjudicating between which mechanisms are more or less important is difficult. Each operates at a different stage of the policy-making process and is subject to its own limitations. Of recent work on presidential particularism, only Hudak (2014) investigates these avenues of influence directly, uncovering suggestive evidence that an increase in the number of political appointees within an agency renders them more responsive to the president's electoral interests.

The difficulty associated with analyzing the means of presidential particularism stands in sharp contrast to studies of distributive politics in the legislative realm. For members of Congress (MCs), the mechanism is quite clear: produce a law. Legislation produced can be traced to authors, sponsors, and ultimately "yeas" and "nays." For the president, the distribution of federal spending carries no clear lineage. Federal grant awards do not bear the president's signature. They are not awarded from the oval office. Ultimately, the multiplicity of mechanisms limits what researchers can argue about hypothetical attempts to limit particularistic allocation on the part of the president. That is, if the institutional design of the Progressive Era contains a particularistic side effect, it is not clear what remedy scholars could prescribe.

Mounting evidence of presidential particularism in the distribution of federal spending also suggests that investigating other possible areas of influence may be necessary. If the electoral incentives of presidents are powerful enough to merit harnessing the aforementioned tools, we should expect those incentives to extend beyond domestic spending. Presidents are not merely stewards of federal largesse, they supervise (however indirectly) the implementation of all public policy. Many of these areas of policy carry equal weight in terms of economic impact.

Kriner and Reeves (2015b), for example, highlight particularistic trends in military base closings, disaster declarations, and trade. In our view, the latter provides an opportunity to address the concerns laid out above. In most cases, presidents have been statutorily required to "proclaim" tariff revisions. Though the authorization (and reauthorization) of the Reciprocal Trade Agreement Act (RTAA) and other trade agreements reflects congressional preferences, tariff revisions via presidential directive represent the revealed preferences of the sitting president. In this way, they offer the same direct linkage afforded by pork-barrel legislation. They also side step many of the potential concerns associated with isolated analyses of federal grants, since agency problems associated with implementation of tariff rates are comparatively minimal.

Moreover, the political salience of trade policies during the latter half of the 20th Century is low, especially compared to the height of tariff battles in Congress between 1870 and 1930. Public information on this issue is limited, and its economic impact—though substantial—is often delayed. Thus, it is unlikely the average (or even attentive) voter would be capable of directly connecting marginal changes in the tariff schedule to changes in the prices of commodities. Moreover, scholarship has shown that Congress and the Judiciary contest presidential preferences in foreign affairs systematically less often. While this is most apparent in military (Howell, Jackman, and Rogowski 2014) and intelligence (Zegart 2011) affairs, presidents' preeminence in foreign policy provides them with the opportunity to act on particularistic incentives. In short, trade is an ideal place to look for evidence of particularism because the president has direct and observable influence, and opposing political forces in Congress, the Judiciary, and the mass public may be less likely to contest direct action.

Presidential Particularism and Tariffs: A Short History

For the Nation's first century, determining policy in the area of international trade had been solely the domain of Congress. Beginning in 1816, with the passage of the first protective tariff, Congress began adjusting tariff rates and schedules as a way to help (or hurt) various agricultural and manufacturing interests in their districts or states. Trade policy, therefore, became a prime area of distributive politics in the 19th Century, and trade deals often involved intricate logrolls, usually within the majority party and sometimes across parties. These logrolls became increasingly difficult to devise over time, as interests became more numerous and complex and MCs and parties faced more and more demands. As Epstein and O'Halloran (1999, 223) note: "The process of building trade legislation item by item can thus lead to a collective dilemma of over-logrolling, similar to the much discussed tragedy of the commons. The end result is that all legislators are made worse off than before."

A complete solution to this dilemma—delegation of tariff-setting authority to the president—was not resolved until the early New Deal years, but MCs recognized the problem early on and increasingly so after the Civil War. Thus, Congress first began taking steps in the direction of delegated authority during the Gilded Age, with the passage of the McKinley Tariff in 1890.[2] In that Act, the president was provided with the discretion to enter into limited reciprocal trade agreements with countries that produced certain items, as a way to secure favorable trade concessions for the United States. The reciprocity clause was eliminated in 1892 by the Wilson-Gorman Tariff Act, but reinstated and expanded to include other eligible items in 1897 by the Dingley Tariff. In addition, the Dingley Tariff also provided the president with the ability to enter into agreements that reduced duties in existing statutes. A change was made

---

[2] The tariff history in this section is based on Wolman (1992), Goldstein (1993), O'Halloran (1994), and Irwin (2011).

again in 1909, with the Payne-Aldrich Tariff Act, in which Congress established maximum and minimum tariff rates and delegated administration (and application) of the appropriate rates to the president. The president was also allowed to create the Tariff Board, to improve his informational capacity. In 1913, with the Underwood Tariff Act, the president was provided with another grant of authority, this time to negotiate comprehensive trade agreements, not just pacts over a limited set of specified items.

With the passage of the Revenue Act of 1916, tariff politics entered a new phase. The Revenue Act established the Nation's first permanent federal income tax, which led to a substantial decline over time in the percentage of federal revenues attributable to custom duties. It also included an anti-dumping provision, to protect domestic industries, and created a Tariff Commission to help establish "objective" tariff rates. In 1922, in the Fordney-McCumber Tariff Act, the anti-dumping and anti-discrimination parameters of the 1916 Act were expanded, but perhaps more importantly, the president was provided with the discretion to raise or lower duties (by as much as 50%) that were fixed in statute by proclamation (upon an equalization-of-cost-of-production recommendation by the Tariff Commission). The highly-protectionist Smoot-Hawley Tariff Act of 1930 carried over the "flexible tariff provision" of the 1922 Act, thus maintaining the president's proclamatory power to adjust rates fixed in statute, once again per the recommendations of the Tariff Commission.

Finally, in 1934, with the Reciprocal Trade Agreement Act (RTAA), congressional delegation of trade authority to the president was effectively complete. The new Democratic majority took aim on the overly-protectionist features of Smoot-Hawley and sought to solve the collective dilemma of over-logrolling once and for all. As O'Halloran (1994, 85-86) writes: "Instead of giving the president limited authority to increase or decrease certain tariffs set by

Congress either through reciprocal trade concessions or through objective criteria, the president could now enter into commercial agreements and change any rate by proclamation." Moreover, he could do this on his own, without relying on the actions or attention of an external agent (like the Tariff Commission).

In delegating authority for international trade to the president, the Congress also stipulated that such delegation would be renewed regularly. And RTAA extensions were frequent (every 2-4 years) and sometimes contentious events for the next three decades. The politics of these extensions usually involved Congress working to ensure that domestic industries had input in decision-making processes and that oversight mechanisms were created such that information from the executive was readily reported and shared. In 1962, Congress passed the Trade Expansion Act, which broadened the president's trade authority by allowing him to negotiate multilateral (as well as bilateral) agreements, while also including additional safeguards to protect domestic industry. Finally, in 1974, Congress passed the Trade Reform Act, which provided the president with the authority to negotiate arrangements to reduce both tariff and nontariff trade barriers. However, in exchange for this delegation that would essentially allow the president to alter various domestic codes, Congress required that such international agreements (going forward) receive legislative approval, and set up a new institutional system—known as "fast track"—that would allow the new presidential-congressional system to work. Such a system included (among other things) a pre-negotiation period, which would allow interested parties to provide input; further protections and safeguards for domestic industries; and a short window by which Congress could act on a presidential agreement (and only by an up-or-down vote).

The "modern" era of trade agreements, then, was first marked by the RTAA in 1934 and more recently by the Trade Reform Act of 1974. In the former, the president was provided with wide proclamatory discretion regarding the adjustment of tariff rates and schedules. In the latter, Congress further expanded the president's authority in the realm of trade, but also provided itself with a formal role in the monitoring of executive action. More recent trade laws have largely been adjustments vis-à-vis the 1974 Act, based on changing world conditions.

Understanding Presidential Tariff Authority

How might we understand the president's authority to revise tariff rates/schedules as a particularistic tool? Because tariffs are linked to a range of domestic industries, they are often broad in scope—and even a particular tariff provision, which targets a specific industry, will likely affect producers beyond self-contained geographic units (districts and even states). Thus, relative to grants, which can be specifically targeted (relatively speaking), tariffs are blunt instruments. Grants are less unilateral in orientation, however, and require greater cross-institutional collaboration. Thus, in exchange for unilateral discretion, the president in using tariffs wields a less precise instrument. To enter the world of metaphors, grants might be thought of as "sniper rifles," whereas tariffs are closer to "shotguns."

Because grants and tariffs are different kinds of instruments, we suspect that presidents do not consider them as substitutes. That is, presidents will likely use the two instruments differently. For example, we might expect presidents to use tariffs (i.e., protectionist revisions) for broader particularistic benefits, such as to improve their own electoral-college count and to help electorally vulnerable senators. Tariffs are likely too imprecise in their particularistic targeting to help electorally vulnerably House members. Grants might be more appropriate instruments for narrowly defined geographic areas like House districts.

There is also likely a temporal aspect to presidents' proclamatory authority over tariffs. If presidents indeed use such authority for electoral benefit—theirs and their party's senators—we would expect that tariff alterations will align with presidential election cycles. That is, we should be more likely to observe protectionist revisions during presidential election years, as those years provide the clearest opportunity for satisfying presidents' assumed electoral goals.

Protectionism in Unilateral Orders

The study of presidential particularism in the area of trade policy offers a unique opportunity to identify politically motivated changes. Unlike the allocation of federal grants, modifications to tariff schedules bear the president's signature—as such, they are comparatively "unilateral."[3] Moreover, though there is some variance in the type of directive used to effectuate these changes, presidents have been statutorily required to publish changes in the *Federal Register*.[4] For this reason, they can be analyzed across a long time series—whereas analyses based on grant allocations and the Federal Assistance Award Data System (FAADS) are typically restricted to the 1970s and beyond. Our dataset contains 345 presidential directives issued between 1917 and 2006.

The event of theoretical interest is a unilateral change in trade policy made by a president. This is most commonly achieved by proclamation, but in the data collection process, we discovered a handful of executive orders (3) and memoranda (16) that produced similar changes. We use Rottinghaus and Lim's (2009) database of presidential proclamations, executive orders available at Wooley and Peter's *American Presidency Project* website, and presidential

---

[3] This is not to say that they are *completely* unilateral. Most of the directives contained in the dataset that follows describe some recommendation or investigation process undertaken by an administrative agency.
[4] For example, the Trade Act of 1974 (P.L. 93-618) provided that the President may "proclaim" modifications, which must—like executive orders—be catalogued and published (Mayer 2001).

memoranda collected by Lowande (2014).[5] For our purposes, we imposed a few additional

criteria for inclusion. First, many of these trade-related directives do not prescribe tariff changes

in detail; instead, they delegate policymaking authority to a bureaucratic agent. Since these

directives do not contain the changes themselves, they are not included in the analysis.[6] Second,

many other directives are country-specific, rather than industry-specific. That is, they are direct

responses to tariff rates enacted by other nations. We omit these directives for two reasons.

Linking presidential directives to elections requires identifying beneficiaries—a task muddied by

country-specific responses. On the one hand, all competing domestic producers may benefit

from trade barriers such as these, but there may be some "target" beneficiary that motivated the

change. Since this suggests that some cases of particularism will be concealed, we believe this

biases our analysis toward null findings. Moreover, it is likely that a separate data generating

process governs these observations. That is, the president's discretion in this area is constrained

by the actions of foreign political actors, who enact the tariffs that precipitate a reciprocal

response. Thus, our dataset contains proclamations, executive orders, and memoranda that

explicitly amend tariffs by targeting specific industries—either to protect domestic producers or

promote trade liberalization.

As an initial descriptive exercise, we code whether or not these orders were protectionist

(1) or universalistic (0), to investigate whether their content varies in a way consistent with

presidential particularism. Recall that we expect presidents to strategically allocate particular

benefits to aid their electoral fortunes and those of their Senate co-partisans. Tariff increases

artificially inflate the prices of goods, allowing domestically produced commodities to remain

competitive in the U.S. market. In effect, they provide a localized benefit to those producers,

---

[5] *The American Presidency Project*: http://www.presidency.ucsb.edu/
[6] Though the changes made after these delegations are more difficult to track, they may provide an interesting
avenue for future work on presidential control of bureaucratic agencies.

with a collective cost (higher prices) diffused at the national level. Therefore, we might expect to see particularistic directives to be concentrated in election years.

In *Table 1*, we estimate whether an order was protectionist on an indicator variable for presidential election years.[7] The unit of analysis is a unilateral directive issued between 1917-2006. To account for the possibility that the result may be a function of the non-random distribution of directives, we include divided government (coded "1" if either chamber of Congress is controlled by the opposition), unemployment rate[8], an indicator for war years[9], and presidential fixed-effects. In addition, since the Reciprocal Trade Agreement Act of 1934 (RTAA) and Trade Act of 1974 substantially adjusted the president's discretion to alter tariff schedules, we include appropriate indicator variables—the first, coded "1" for all years post-1934, the second, coded "1" for all years post 1974. To explore whether these dramatic statutory shifts influenced patterns in presidential protectionism, we also interact these indicators with presidential election years. Note that while we present the results of linear probability models (i.e., OLS on a dichotomous dependent variable, with robust standard errors) for ease of interpretation, results from a logit model are virtually identical—especially for the parameter of interest.

[Table 1 about here]

In keeping with our general expectations, directives are more likely to be protectionist in presidential election years. Roughly 55 percent of the directives in our data set are protectionist; however, in general, those issued during presidential election years are more likely to be

---

[7] An alternative approach might be to use to the proportion of orders that were protectionist in any given year as a dependent variable. In general, replication of the results in Table 1 produces coefficients that are less precisely estimated (given the reduction in statistical power), however, in the full interactive model, the presidential election year result remains substantively and statistically significant.
[8] Source: U.S. Department of Labor, Bureau of Labor Statistics. For missing years early in the time series, we assume missing values follow a linear trend to next available observation.
[9] Coded "1" in years in which the United States was engaged in World War I or World War II.

protectionist. In column 1 of *Table 1*, a presidential election year results in a 17 percentage-point increase in the probability of a protectionist order. This result is robust to models that condition for dramatic statutory changes in the president's authority: the magnitude of the effect remains stable after accounting for the RTAA and Trade Reform Act of 1974 (column 2), and there is no evidence that these changes altered the effect of presidential election years on the propensity toward protectionism (column 3). Note, however, that there is some evidence that orders are less likely to be protectionist under divided government. This suggests that an opposition-controlled Congress may constrain the president's ability to enact revisions.

These results provide some initial indication that particularistic trends among trade orders warrant further investigation. If, as others have argued (e.g., Karol 2007), presidents have incentives to promote free trade, there are few plausible alternative explanations for why they would concentrate protectionist actions during election years. However, to investigate this further, we must shift our empirical focus to state-level benefits derived from unilateral changes in tariff policy. If presidents use trade protection as a "particularistic" tool, it is not enough to observe that these orders tend to be concentrated near election years—we must determine whether their allocation of benefits follows the electoral incentives of the president.

State Level Analysis: Data and Empirical Strategy

Presidents appear to systematically enact more protectionist trade adjustments in election years, but to this point, we have not identified the characteristics of states that invite unilateral presidential favor. To accomplish this, we run a pair of fixed-effects linear probability models with state-level data from 1986 – 2006. Following, Kriner and Reeves (2015), we are primarily interested in detecting electoral calculations that may affect the decision to enact federal trade adjustments. Consequently, we test whether or not presidents use their discretion to benefit [1]

13

presidential "swing" states, [2] presidential "hostile" states, [3] states with vulnerable senators of the president's party, and [4] states with a large proportion of vulnerable House members from the president's party. Finally, we consider the conditioning effect of presidential election years on each of these explanatory variables. Below we discuss the extensive data and conditional empirical strategy employed to test these expectations.

Our dependent variable, *State Protected*, is an indicator variable that identifies which states were the most affected by a protectionist trade adjustment.[10] To generate this variable, we first code the direction of each unilateral trade adjustment between 1986 and 2006. Presidential actions were coded either as protectionist or not-protectionist, where protectionist actions reduced the capacity for foreign imports while non-protectionist actions generally liberalized trade arrangements. Next, we identified the industry (or industries) affected by a given unilateral action, and code the *five* states most likely to be affected by protectionist trade policy for that specific industry.[11] In general, we relied upon official government resources to code the top five states affected by a presidential trade adjustment. Because these coding decisions are specific to a particular industry in a particular year, we relegate additional information on the construction of this variable to the Appendix—which provides a full list of data sources used to identify the states most affected by individual trade adjustments.[12] The final product of these data efforts is a

---

[10] We restrict our analysis to protectionist orders as a first step at investigating this understudied area, but it is important to note that those that lower tariff barriers can also produce "particularistic" outcomes. In December 2003, for example, President Bush lowered tariffs on steel as export industries in Florida and Michigan were threatened by tariff retaliation from the European Union (Stevenson and Becker 2003). As a first cut, we believe protectionism provides the clearest case of "particularism" – but future work might tie "universalistic" orders to the set of states that may directly benefit from them.

[11] This measure typically takes production quantity as an indication of economic interest. We use the top five states because the values used to identify those states most affected by a particular industry tend to be clustered among a handful of states (*i.e.*, the fourth most affected state was not very different from the second), but as a robustness check, we construct a variable for the top ten states affected and rerun our statistical models. Our results remain robust to this alternative specification.

[12] Note that the data in the Appendix include both protectionist and non-protectionist actions. In general, no industry receives more than a handful of protectionist orders in our time-series, alleviating possible outlier effects.

dichotomous variable, which is coded "1" if a state is among the top five affected by a unilaterally implemented protectionist tariff adjustment in a given year and "0" otherwise.

The most obvious place we might detect particularism in trade politics is among the most competitive states in presidential electoral politics. Our first electoral predictor of interest is thus *Swing States*, a binary indicator for states that were highly contested in recent presidential elections. If we believe that presidents target the mass public with trade adjustments, swing states provide opportunities to shore up their vote share. Following Kriner and Reeves (2015), we identify swing states as those states in which the losing candidate averaged 45% or more of the two-party vote over the past there presidential election cycles. These data were obtained from *The American Presidency Project*.

By contrast, presidents may be unlikely to provide particularistic benefits to *Hostile States,* as these states are unlikely to provide electoral support to the president's party. We again follow Kriner and Reeves (2015) by defining "hostile" states as those states that the president's party received, on average, less than 45% of the two-party presidential vote share in the previous three election cycles. Coupled with the *Swing State* variable, our *Hostile State* variable creates a third, mutually exclusive baseline category: "core" states in which the president's party received, on average, more than 55% of the two-party vote over the last three contests.

To advance his agenda, we expect the president will adjust tariff policy to benefit congressional co-partisans. This requires the construction of two additional variables. First, we use the Database on Ideology, Money in Politics, and Elections (DIME) to create a *Senate Co-Partisan Vulnerability* measure (Bonica 2013). This is a dichotomous measure of whether or not an incumbent senator from the president's party received up to 55% of the two-party vote in the most recent election cycle. Second, we use Gary Jacobson's House election data to construct the

proportion of vulnerable presidential co-partisans in each state, where vulnerability is measured as winning in the most recent congressional election cycle with no more than 55% of the two-party vote share.[13] This provides our *House Co-Partisan Vulnerability* variable, which is bounded between 0 and 1.

Finally, we control for potentially confounding "substitution effects" of federal grant allocations to these states. To avoid biasing the inferences drawn from our electoral variables, we use data from Kriner and Reeves (2015) for the logged amount of federal dollars each state received in each year for the duration of our time series. These data were originally compiled using Consolidated Federal Funds Reports on each federal program.[14] As we have argued, there is good reason to believe that these tools may not be simple substitutes, but it is important to test this empirically.

If electoral calculations are in fact driving these presidential actions, we might expect the effect of these variables to be particularly pronounced in crucial moments throughout the general election campaign. To capture this electoral conditioning effect, we interact each of our explanatory variables with a dichotomous indicator for presidential election years.

We estimate the electoral influence of presidential trade revisions with a linear probability model, specified below. Because our data takes state-year as the unit of analysis, our estimates include year fixed effects and robust standard errors clustered on states.[15] By including year fixed-effects in our model, we account for both observed and unobserved events that may

---

[13] These data were generously provided, with permission, by Jamie Carson.
[14] We thank Douglas Kriner and Andrew Reeves for aggregating and providing these data.
[15] We use time fixed effects, rather than unit fixed effects, because we are theoretically interested in a between analysis of *which* states receive protection. As a robustness check, we also include state fixed effects. Our results remain substantively the same, although our senate vulnerability interaction term is less statistically significant (p<.10, one-tailed test).

influence president's decision to unilaterally adjust the status quo in trade policy.[16] By

accounting for temporal shocks in this fashion, we can focus on the features of the *states* that

predict presidential action. We begin with a limited model of only presidential electoral

variables, and include our congressional variables in our full model.

State Level Analysis: Results

Our results suggest that the use of unilateral tariff adjustments is conditioned by

presidential election cycles. Presidential election years alter the baseline effects of hostile states

and states with vulnerable Senate co-partisans. Conversely, we find no evidence that

protectionist trade adjustments have been used strategically to assist co-partisans in the House or

interrupt the advantages flowing to swing states in non-election years. Our full results are

provided in Table 2 and specific results are discussed below.[17]

[Table 2 about here]

In non-presidential election years, we find that hostile states are *more* likely to receive

protectionist trade adjustment, relative to presidents' core states. The effect is relatively small—

a 5 percentage increase in the probability that these states are affected—but achieves high levels

of statistical significance ($p<.001$). In the event that a core state no longer supports the

president's party, these results predict a small, statistically significant increase in the probability

of receiving protectionist action. If protectionist efforts are a boon to local industries, states that

oppose the president's party are typically not harmed by their voting behavior.

The conditional effect of the presidential election year virtually wipes out this advantage.

The probability that a hostile state receives protectionist trade adjustments *decreases* by 5

---

[16] Note that only events common to all fifty states are absorbed by these variables.

[17] We have also run these analyses using a logistic regression with time fixed effects and standard errors clustered on states. Unfortunately, several fixed effects drop out due to perfect prediction in the model. We maintain the linear probability model for ease of interpretation, but our results are otherwise substantively and statistically identical.

percentage points during presidential election years. This effect appears to completely negate the advantaged position of these states in non-election years.[18] These results provide preliminary evidence of electoral effects at the state-level. During presidential election years, presidents are significantly less likely to issue unilateral protectionist orders that benefit states firmly in the opposing party's camp.

By contrast, the most hotly contested states receive a more constant level of presidential attention than those states securely voting for the president's party. Swing states are 5 percentage points more likely to receive protectionist policy changes in off-election years, and these effects are resistant to the effects of the presidential campaign cycle seen among hostile states. Put simply, presidential support for swing states is relatively unconditional.

Similarly, we find that vulnerability in the House, measured as the proportion of vulnerable co-partisan representatives from a state, has no discernable impact on the probability of being protected by unilateral tariff adjustments. Here, too, the heightened time of politicization that accompanies the end of a presidential election has no conditional effect. This may be a product of the relatively broad strokes of presidential unilateral action in this domain. While grants and earmarks provide a surgical level of precision, the effect of presidential trade adjustments may provide a scattershot effect not conducive to the narrowly defined geographic constituencies of the House.

Results for our *Senate Co-Partisan Vulnerability* variable are consistent with this story. In non-presidential election years, states with vulnerable senators from the president's party are about 4 percentage points *less* likely to receive unilateral actions that protect top local industries, and this result is statistically significant (p<.05). The fortunes of these states significantly

---

[18] The interpretation of the core state effect, conditioned by presidential years, is $\beta_1 + \beta_2$ in the model specification provided in the previous section. Strictly speaking, "hostile states" receive a net benefit of 0.0007. See Brambor, Clark, and Golder (2005) for additional information on interaction effects.

improve during presidential election years; states with vulnerable Senate co-partisans become 5 percentage points *more* likely to receive an impactful, protectionist action. Taken together, these states are 1 percentage point more likely to be affected by trade adjustments than states controlled by the other party. While the net effect is small in terms of magnitude, the stronger, conditional effect provides additional evidence that presidents use their discretion in this policy domain in a political fashion.

While the coefficient on presidential election years appears to be strong and in the opposite direction of our descriptive, aggregate results, we caution readers from interpreting these results. Our empirical focus is to estimate the conditioning effect of presidential years on state-level characteristics. The isolated interpretation of this coefficient quickly becomes unintelligible; the coefficient applies only to states that [1] are not swing states, [2] are not hostile states, [3] have no vulnerable House members of the president's party, *and* [4] have no vulnerable Senators of the president's party. This is a very small and unusual pool of states. Finally, we find no substitution effects for federal grant allocation in our models. This may suggest that grant allocations and tariff adjustments are tools used for distinct political goals, but we hesitate to interpret these null findings further.

Our results suggest that presidential particularism is a conditional phenomenon. We have found that election years appear to politicize presidential unilateralism. In general, presidents appear to be less likely to provide protectionist policies for states that vote against their party and more likely to assist vulnerable co-partisans in the Senate during presidential election years. A presidential election systematically shifts tariff adjustment patterns, even after controlling for the

possibility of large economic and political shocks affecting all states.[19] We find this to be

compelling, if preliminary, evidence of the political nature of unilateral tariff adjustments.

Conclusion

In the American political system, the president's influence touches nearly all areas of

public policy. In the pursuit of electoral gain it is conceivable that presidents would use this

influence to strategically distribute government benefits. This basic point is as old as the

American system itself, but recent work has found that it may explain variation in federal

spending. There is no reason to believe, however, that the particularistic imperative should be

confined to this area. We have found preliminary—but no less compelling—evidence that

presidents use protectionist tariff revisions to systematically benefit their party during election

cycles. This suggests that presidents' electoral incentives extend into other areas of policy.

Moreover, it shows that an important area of international relations may be determined, in part,

by the domestic politics of election cycles.

While we find tariff revision may follow a particularistic imperative, it is important to

underscore the differences (in both impact and otherwise) between it and federal grants. First,

unlike federal grants, the institutional steps of the policymaking process for tariff revision are

clear and relatively unilateral. That is, the mediating effects associated with agency problems in

the bureaucracy, as well as the continued influence of Congress in a multi-stage institutional

process, means that the empirical relationship between presidential preferences and grant

allocations may be far more complicated than the correlations uncovered by past work. Tariff

revision directives side step those agency problems somewhat, by bearing presidents' signature

(and thus, representing their revealed preferences). Moreover, tariff adjustments may be a

---

[19] Here we refer to incidents common to all 50 states that vary over time, accounted for in the model by year fixed effects.

categorically different distributive benefit. They are far less targeted, in that they affect entire industries—which are not confined to states, let alone congressional districts. Their impact provides a different kind of material benefit, with indirect benefits to the larger political units affected. Put simply, tariffs are a more blunt tool, despite the fact that they are often at the direct discretion of the president.

Our findings raise additional questions and further avenues of research. Firstly, our analysis considered a relatively recent period in the history of U.S. trade, during which liberalization was the dominant paradigm. The president's discretion over tariffs dates to the end of the 19th Century, suggesting that a historical extension of this analysis could provide more precise and intriguing estimates of the president's particularism in the areas of trade. Secondly, though we found evidence of particularism, our results do not merely replicate the findings of past work in a new policy area. Importantly, we do not find that presidents use tariff schedules to reward core states, and the conditioning effects of presidential election year appear to be somewhat muted. This suggests that different "particularistic tools" of policy may be more or less appropriately allocated in order to redound to the benefit of the president. Moreover, as a first step, we focused on "unilateral" orders that were protectionist in nature – opening up at least two more directions for future study. First, one could analyze orders that delegated tariff revision authority to bureaucratic agents. This would provide a window into the way bureaucratic preferences mediate presidential particularism. Second, one might tie "universalistic" orders to states that may have directly benefited from them. Both possibilities highlight the importance of trade policy in understanding the scope of the particularistic president.

References

Berry, Christopher, Barry Burden, and William Howell. 2010. "The President and the Distribution of Federal Spending," *The American Political Science Review* 104(4): 783-799.

Bonica, Adam. 2013. Database on Ideology, Money in Politics, and Elections: Public version 1.0 [Computer file]. Stanford, CA: Stanford University Libraries. ‹http://data.stanford.edu/dime›.

Brambor, Thomas, William Roberts Clark, and Matt Golder. 2006. "Understanding Interaction Models: Improving Empirical Analyses." *Political Analysis* 14(1): 63-82.

Cameron, Charles. 2000. *Veto Bargaining: Presidents and the Politics of Negative Power*. Cambridge: Cambridge University Press.

Dickinson, Matthew. 1997. *Bitter Harvest: FDR, the New Deal, and the Expansion of the Presidential Branch*. Cambridge: Cambridge University Press.

Epstein, David, and Sharyn O'Hallaron. 1999. *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers*. Cambridge: Cambridge University Press.

Galvin, Daniel. 2010. *Presidential Party Building: Dwight D. Eisenhower to George W. Bush*. Princeton: Princeton University Press.

Goldstein, Judith. 1993. *Ideas, Interests, and American Trade Policy*. Ithaca: Cornell University Press.

Howell, William, Saul P. Jackman, and Jon C. Rogowski. 2013. *The Wartime President: Executive Influence and the Nationalizing Politics of Threat.* Chicago: University of Chicago Press.

Howell, William, and David E. Lewis. 2002. "Agencies by Presidential Design," *The Journal of Politics* 64(4): 1095-1114.

Hudak, John. 2014. *Presidential Pork: White House Influence over the Distribution of Federal Grants*. Brookings Institution Press.

Irwin, Douglas A. 2011. *Peddling Protectionism: Smoot-Hawley and the Great Depression*. Princeton: Princeton University Press.

Karol, David. 2007. "Does Constituency Size Affect Elected Officials' Trade Policy Preferences?" *The Journal of Politics* 69(2): 483-494.

Kriner, Douglas, and Andrew Reeves. 2015a. "Presidential Particularism and Divide-the-Dollar Politics," *The American Political Science Review* 109(1): 155-171.

Kriner, Douglas, and Andrew Reeves. 2015b. *The Particularistic President: Executive Branch Politics and Political Inequality*. Cambridge: Cambridge University Press.

Lewis, David E. 2003. *Presidents and the Politics of Agency Design*. Stanford: Stanford University Press.

Lewis, David E. 2008. *The Politics of Presidential Appointments*. Princeton: Princeton University Press.

Lowande, Kenneth. 2014. "After the Orders: Presidential Memoranda and Unilateral Action," *Presidential Studies Quarterly* 44(4): 724-741.

McCarty, Nolan. 2000. "Presidential Pork: Executive Veto Power and Distributive Politics," *The American Political Science Review* 94(1): 117-129.

Milkis, Sidney, Jesse Rhodes, and Emily Charnock. 2012. "What Happened to Post-Partisanship? Barack Obama and the New American Party System," *Perspectives on Politics* 10(1): 57-76.

O'Hallaron, Sharyn. 1994. *Politics, Process, and American Trade Policy*. Ann Arbor: University of Michigan Press.

Rottinghaus, Brandon, and Elvin Lim. 2009. "Proclaiming Trade Policy: 'Delegated Unilateral Powers' and the Limits on Presidential Unilateral Enactment of Trade Policy," *American Politics Research* 37(6): 1003-1023.

Rudalevige, Andrew. 2002. *Managing the President's Program: Presidential Leadership and Legislative Policy Formulation*. Princeton: Princeton University Press.

Stevenson, Richard W. and Elizabeth Becker. "After 21 Months, Bush Lifts Tariff on Steel Imports," *New York Times*, December 5, 2003. Accessed via: http://www.nytimes.com/2003/12/05/us/after-21-months-bush-lifts-tariff-on-steel-imports.html

Wilson, Woodrow. 1908. *Constitutional Government in the United States*. New York: Columbia University Press.

Wolman, Paul. 1992. *Most Favored Nation: The Republican Revisionists and U.S. Tariff Policy, 1897-1912*. Chapel Hill: University of North Carolina Press.

Zegart, Amy. 2011. "The Domestic Politics of Irrational Intelligence Oversight," *Political Science Quarterly* 126(1): 1-25.

Table 1: Protectionism in Unilateral Directives, 1917-2006

Variable	DV: Protectionist Order (0, 1)		
Presidential Election Year	0.17*** (0.07)	0.16** (0.07)	0.35*** (0.10)
Divided Government	-0.18* (0.10)	-0.19* (0.10)	-0.18* (0.10)
Unemployment	0.01 (0.01)	-0.01 (0.01)	-0.01 (0.01)
War	-0.50*** (0.16)	-0.52*** (0.16)	-0.54*** (0.16)
Post-RTAA		0.28 (0.27)	0.22 (0.27)
Post-RTAA X Election Year			-0.16 (0.14)
Post-1974 Act		-0.27*** (0.10)	-0.13 (0.15)
Post-1974 Act X Election Year			-0.20 (0.17)
Constant	0.59* (0.32)	0.57* (0.33)	0.61*** (0.12)
R^2	0.20	0.21	0.22
N	345	345	345

Least squares point estimates with robust standard errors in parentheses, presidential fixed-effects omitted from table.
*$p<0.1$, **$p<0.05$, ***$p<0.01$

Table 2: State Analysis Results, 1986-2006

Variable	DV: State Protected by Unilateral Directive (0, 1)	
Hostile State	0.05**	0.05***
	(0.02)	(0.02)
Pres. Election Year X Hostile State	-0.05**	-0.05**
	(0.02)	(0.02)
Swing State	0.05**	0.05**
	(0.02)	(0.02)
Pres. Election Year X Swing State	-0.03	-0.03
	(0.03)	(0.03)
Senate Co-Partisan Vulnerable		-0.04**
		(0.02)
Senate Co-Partisan Vulnerable X Pres. Election Year		0.05*
		(0.03)
House Co-Partisans Vulnerable		0.01
		(0.04)
House Co-Partisans Vulnerable X Pres. Election Year		0.10
		(0.08)
Pres. Election Year	-0.07	-0.12**
	(0.04)	(0.05)
Federal Grants (logged)	0.01	0.01
	(0.01)	(0.01)
Constant	-0.05	-0.08
	(0.3)	(0.3)
R^2	0.08	0.09
N	1050	1050

Linear probability models with robust standard errors, clustered by state, in parentheses. Year fixed-effects omitted from table.
*$p<0.1$, **$p<0.05$, ***$p<0.01$

Appendix

Data Sources for *State Protected* Variable (1986-2006)

Industry	Year	Source
Pharm	2006	NSF Survey of Industrial Research and Development
Steel	2003	Economic Census 2002: Manufacturing Reports: Iron and Steel Mills
Steel	2002	Economic Census 2002: Manufacturing Reports: Iron and Steel Mills
Textile	2002	Economic Census 2002: Manufacturing Reports: Textile and Fabric Finishing
Steel	2001	Economic Census 2002: Manufacturing Reports: Iron and Steel Mills
Lamb	2001	USDA Census of Agriculture 2002: State Level Data: Table 16
Lamb	1999	USDA Census of Agriculture 1999: State Level Data: Table 16
Sugar	1999	USDA Census of Agriculture 1997: Table 27
Peanuts	1999	USDA Census of Agriculture 1997: Table 27
Dairy	1999	USDA Census of Agriculture 1999: Rankings of States and Counties: Table 27
Cotton	1999	USDA Census of Agriculture 1997: Table 27
Wheat	1998	USDA Census of Agriculture 1997: Rankings of States and Counties: Table 57
Pharmaceuticals	1997	EPA Sector Notebook 1997: Figure 3 (page 10)
Crude Oil	1996	Explicitly about Alaskan oil
Broom Corn	1996	USDA Census of Agriculture 1997: State Level Data: Table 26
Cotton	1996	USDA Census of Agriculture 1997: Rankings of States and Counties: Table 64
Wheat	1994	USDA Census of Agriculture 1997: Rankings of States and Counties: Table 57
Dairy	1993	USDA Census of Agriculture 1999: Rankings of States and Counties: Table 27
Plywood	1992	Economic Census 1992: Manufacturers--Industry Series: Table 2
Peanuts	1991	USDA Census of Agriculture 1992: Rankings of States and Counties: Table 64
Cotton	1991	USDA Census of Agriculture 1992: Rankings of States and Counties: Table 64
Sugar	1990	USDA Census of Agriculture 1992: Agricultural Atlas
Tobacco	1989	USDA Census of Agriculture 1987: Ranking of States and Counties: Table 59
Watches	1989	USDA Census of Manufacturers - Industry Series (39A-8): Table 2
Dairy	1988	USDA Census of Agriculture 1987: Ranking of States and Counties: Table 21
Red Cedar	1988	US Census of Manufacturers 1992: Wholesale Trade - Geographic Area Series (US-35) Table 4
Motorcycles	1987	US Census of Manufacturers 1992: Motor Vehicles and Equipment: Table 2
Tennis Balls	1987	US Census 1992: Manufacturers- Industry Series: Table 2 (39B-9)
Steel	1987	US Census of Manufacturers 1992: Table 2
Cotton	1987	USDA Census of Agriculture 1987: Ranking of States and Counties: Table 58
Lumber	1986	US Census of Manufacturers 1992: Wholesale Trade - Geographic Area Series (US-35) Table 4
Computer Software	1986	US Census of Manufacturers 1992: Wholesale Trade - Geographic Area Series (US-38) Table 4
Tobacco	1986	USDA Census of Agriculture 1987: Ranking of States and Counties: Table 59