

Environmental Issue Linkage as an Electoral Advantage: The Case of NAFTA

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Abstract

Why would some legislators alter their votes on trade agreements in return for environmental side agreements that may be hard to enforce? While numerous studies have examined the effects of side agreements, few have evaluated their impact on legislators' position on a trade agreement over time. This paper examines the effects of the environmental side deal attached to NAFTA, with novel time-series survey data that captures the evolution of House members' positions on NAFTA during discussion and finalization of the environmental side of the free trade agreement. I find that pro-environmental legislators in safe districts tended to withdraw their support for NAFTA once the side deal was agreed upon, whereas those in competitive districts stood their ground and increased their support in the final stage of voting. Contrary to the conventional wisdom, I find little evidence that the side deal assuaged legislators in import-competing districts. This article shows how the effectiveness of international institutions is moderated in important ways by electoral considerations.

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How exactly do side deals on labor and the environment facilitate trade agreements? The economic benefits of successfully concluded major trade agreements often amount to billions of dollars. Most observers agree that governments increasingly link non-trade issues (i.e. labor and the environment) to trade agreements in the form of side agreements in order to promote support for consequential trade deals.¹ However, despite a voluminous literature on issue linkage,² we know little about exactly how non-trade issue linkage affects trade negotiations, and in particular, how it helps governments obtain legislative support for trade deals. Some studies argue that non-trade linkage assuages such economically-motivated opponents as import-competing industries that expect to be able to use non-trade clauses as non-tariff barriers.³ Others contend that activists on these non-trade issues use the trade agreements to strengthen environmental, labor, and human rights standards.⁴

I evaluate the effect of issue linkage on the legislative progression of the North American Free Trade Agreement (NAFTA), the first trade agreement with an enforceable environmental side agreement. I use novel survey data that reveal how legislators' attitudes on NAFTA changed over time as the environmental side agreement was negotiated and attached to the NAFTA Implementation Act in November 1993. The time-series survey provides a rare opportunity to test whether legislators changed their positions on NAFTA as the executive negotiated the environmental side agreement. Exploiting the temporal variation before and after the side agreement, I find that pro-environmental legislators responded to Clinton's environmental side agreement by increasing their support for NAFTA, but only if they were in competitive electoral districts that required them to broaden their base of support to remain in office. In contrast, I find little evidence that issue linkage swayed legislators representing import-competing industries.

¹Lechner 2016; Spilker and Böhmelt 2013; Hafner-Burton 2011; Kim 2012; Davis 2004; Ruggie 1982.

²Keohane and Nye 1977; Tollison and Willett 1979; Haas 1980; Sebenius 1983; Oye 1993; Lohmann 1997; Moravcsik 1998; Koremenos et al. 2001; Davis 2004, 2009; Hafner-Burton 2005, 2011; McKibben 2010, 2013; Poast 2013; Lechner 2016; Postnikov and Bastiaens 2014; Bastiaens and Postnikov 2017; Mikulaschek 2018; Farrell and Newman 2018.

³Lechner 2016; Kim 2012; Bhagwati 1995.

⁴Bechtel et al. 2012; Ehrlich 2010; DeSombre 2000.

This article makes several contributions. First, it stands as the first study to investigate how individual legislators’ attitudes on a trade agreement change dynamically in response to issue linkage. Ratification represents as an important stage at which the executive dynamically modifies the contents of trade agreements to broaden legislative coalitions. However, it has been difficult to study the dynamic effects of issue linkage on legislative attitudes on international agreements due to the lack of data on legislators’ behavior. Using time-varying elite survey data, this article examines the important question, “does issue linkage work?”

Second, building on a growing literature on non-trade standards in trade agreements,⁵ I show how linkage of environmental issues broadens trade coalitions in the U.S. House of Representatives, a strong legislative veto player to trade liberalization.⁶ Starting in the 1990s, U.S. presidents from Clinton to Bush to Obama considered environmental side deals as a means to gain pro-trade support from House Democrats.⁷ Yet, studies on American political institutions often suggest that environmental and human rights side agreements may not be suitable for placating House members facing geographically constricted constituencies. According to these studies, legislators prefer to trade their votes on a policy for concessions that would exclusively benefit their local constituencies: because the benefits of localized concessions are geographically concentrated, legislators who “bring home the bacon” might be better able to claim credit and gain the leeway they need to vote their conscience on trade deals.⁸ Environmental issue linkages are far from the kind of targeted benefits those legislators seek. Because the benefit of environmental protection is geographically diffuse, House members with geographically constricted constituencies may not have strong incentives to support trade agreements simply because of environmental side deals.⁹ This article

⁵Lechner 2016; Bastiaens and Postnikov 2017; Kim 2012.

⁶Baker 1995; Rogowski 1987.

⁷Destler 2007. In particular, the Bush administration negotiated the most extensive environmental side agreements starting in 2007 as the House was dominated by congressional Democrats.

⁸See Ferejohn 1974, Chapter 3. Lizzeri and Persico 2001; Howell 2013; Kriner and Reeves 2015. For a more comprehensive analysis of the relationship between presidents and legislators in the realm of international trade, see Milner and Tingley 2015.

⁹Environmental issues have been typically non-salient during legislative elections, especially at subnational levels. For example, when the Clinton administration attached an environmental side agreement to the North American Free Trade Agreement (NAFTA) to gain support from House Democrats, only 2% of the

analyzes this gap between theory and the political reality and examines how linking an issue with public welfare implications promotes support for international trade agreements among legislators with strong incentives to cater to sub-national concessions.

Side Deals: Substitutes for Protection or Moral Complements?

Are environmental side agreements substitutes for traditional protectionist measures? Or, do they represent a manifestation of sincere moral concerns about trade liberalization? The existing literature on the subject can be divided into two camps. One group of scholars treats environmental standards as non-tariff barriers due to their restrictive effect on trade flows. As international trade laws make it difficult to use traditional tariff measures to protect non-competitive industries, environmental clauses, like labor standards, have been argued to protect the losers of globalization.¹⁰ Alternatively, others view environmental standards as a genuine moral complement for the negative impact of trade liberalization on the environment. These studies provide evidence showing that individual citizens' environmental attitudes play a significant role in shaping their trade preferences, and the environmental dimension of protectionism is distinct from economic protectionism.¹¹

While these perspectives provide a useful analytical platform, we know little about how environmental linkages help the executive boost support for trade among legislators. Contrary to the predictions of the protectionist perspective, those traditionally disadvantaged by trade openness such as import-competing industries have not historically been vocal on en-

American voters listed environmental issues as the most decisive factor in the 1992 House election. See "The American National Election Studies, 1992 Time Series Study." VAR 900228: Did you tend to prefer one of the House of Representatives candidates because of this issue?

¹⁰See Lechner 2016; Bhagwati and Hudec 1996; Kim 2012.

¹¹Using survey data, for example, Erlich shows that citizens supporting environmental and labor standards in trade agreements are distinct from those who support economic protectionism. See Ehrlich 2010. Similar views can be found in Bechtel et al. 2012. In the context of human rights standards, see Mosley and Tello 2015; Hafner-Burton 2011.

environmental issues during trade negotiations.¹² Would legislators be willing to lend support to trade deals when their import-competing constituencies might not consider environmental linkages as a credible means of preserving their incomes? Similarly, the moral perspective fails to address an important missing link. If concentration of interests facilitates collective action and incentivizes politicians to respond to interest groups' demands, as the traditional collective action theory suggests,¹³ how is the linking of diffuse environmental interests instrumental to swaying legislators who are sensitive to the power of concentrated interests? In general, these views tend to overlook the political process through which legislators aggregate their constituencies' demands regarding issue linkage—be those constituencies economic protectionists or environmental activists.

Building on the literature, I discuss those competing hypotheses to examine how environmental side agreements sway legislators, and I then develop an original argument that underscores the electoral incentives of legislators.

Economic Protection Hypothesis

A body of literature views social provisions as non-tariff barriers. Accordingly, those studies understand the motivation to include these provisions as originating from protectionist lobbies.¹⁴ Because protectionist lobbies (i.e. labor, import-competing industries) could use social provisions to protect their incomes from downward pressures on wages, the inclusion of those provisions would boost support for a trade deal among protectionist lobbies. Most notably, Esty argues that environmental linkage processes are often captured by protectionist interest groups, because “the political difficulty of attacking environmental regulations makes them attractive as a tool for preserving a special place in the marketplace.”¹⁵ Par-

¹²See the Appendix. Also, Mosley and Tello (2015) find that most lobbying efforts regarding labor activism are cast in terms of material claims or a combination of material and moral concerns, but rarely based on purely moral terms. Extrapolating from their findings, import-competing industries might be less likely to demand environmental linkages as their best preferred protection measures because they may find it difficult to quantify and materialize their environmental demands during the negotiation phase.

¹³Olson 1965

¹⁴Bhagwati 1995.

¹⁵Esty et al. 1994.

tially in line with this reasoning, Lechner shows that issue linkage is more likely when there is a large difference in wage levels between home and negotiating countries.¹⁶ If this line of reasoning is valid, we could expect legislators representing districts with a heavy presence of import-competing industries to increase their support for trade deals in exchange for environmental issue linkages.

Economic protection hypothesis: Environmental issue linkage boosts support for trade agreements from legislators representing import-competing industries.

Moral Complements Hypothesis

A different perspective suggests that social clauses in trade agreements boost pro-trade support from activists on linked social issues in developed democracies. In other words, issue linkages in trade agreements help broker coalitions between activists and pro-trade groups.¹⁷ Most notably, Hafner-Burton argues that pro-trade governments strategically link human rights issues to trade negotiations to gain support from pro-human rights legislators.¹⁸ Other researchers focus on citizen preferences for social protection. Using individual-level survey data, Ehrlich shows that a significant portion of constituencies would support trade deals in exchange for social protection clauses, and that they are distinct from people who support economic protectionism.¹⁹

Applying this logic to legislators, we might expect that environmental issue linkages could encourage legislators who genuinely care about environmental issues to strategically support trade deals and form coalitions with pro-trade legislators.

Moral complements hypothesis: Environmental issue linkage boosts support for trade agreements from pro-environmental legislators.

¹⁶Lechner 2016.

¹⁷Yandle 1983; DeSombre 2000.

¹⁸Hafner-Burton 2011.

¹⁹Ehrlich 2010.

Electoral Advantage Hypothesis

Finally, it is possible that pro-environmental legislators respond differently to issue linkage depending on their electoral calculus. I argue that pro-environmental legislators are more likely to support trade deals in exchange for an environmental agreement if they face electoral challenge. The logic hinges on the effects of electoral competition, which can change the dynamics around trade deal support in two ways: first, by increasing the leverage of environmental groups vis-à-vis legislators, and second, by incentivizing legislators facing competitive elections to diversify their base of support by appealing to more voters, including pro-trade groups.

First, environmental groups tend to have stronger leverage towards legislators who face electoral challenge. Why is this important? Environmental groups are typically skeptical about trade liberalization, because trade transactions may have adverse effects on the environment.²⁰ In addition, they tend to be cautious about environmental side deals because the enforcement of those deals is not guaranteed in the post-ratification period once the government does not depend as critically on environmentalists' support for trade.²¹ Environmental groups can overcome the fear of enforcement failure and support side deals only when they have strong leverage to influence legislators who can demand enforcement on their behalf. Studies show that politicians are more responsive to secondary issues such as the environment when they face electoral challenge. Corroborating this reasoning, List and Sturm's study finds that politicians (i.e. governors) tend to implement pro-environmental policies when their electoral sensitivity to environmental voters increases due to electoral competition.²² Similarly, pro-environmental legislators in competitive districts may be better able to make credible commitments to environmental groups regarding enforcement compared to those in safer districts, due to their electoral weakness.

Second, legislators facing electoral challenge have stronger incentives to diversify their

²⁰Bechtel et al. 2012.

²¹Audley 1997.

²²List and Sturm 2006; Bouton et al. N.P.

base of support, relative to those in safer districts. In safer districts, pro-environmental legislators have the electoral leeway to discount pro-trade groups and promote a coherent progressive platform by opposing trade agreements and satisfying environmental groups. However, those in competitive districts do not have the luxury to completely discount pro-trade groups in their districts solely for environmental reasons. In this circumstance, an environmental side deal allows them to support trade deals while satisfying both environmental and pro-trade groups, whose preferences on trade are often at odds. Taken together, to the extent that electoral competition enhances legislators' ability to gain support from environmental groups and pro-trade groups, they may be more likely to support trade deals in return for environmental linkages.

Electoral advantage hypothesis: Environmental issue linkage boosts support for trade deals from pro-environmental legislators in competitive electoral districts.

Data

To test these hypotheses, I draw from surveys of legislators' attitudes on NAFTA. A survey of elites—commissioned by the biggest pro-NAFTA business coalition (USA*NAFTA)—was conducted monthly throughout the year of 1993 in the run up to the final votes for the NAFTA Implementation Act in November 1993. Canvassers for the survey called or visited individual members to conduct face-to-face interviews with the members themselves or their staff. The survey's estimates rank each legislator's attitude toward NAFTA on a scale from zero to one (0 = oppose, 0.25 = leaning against, 0.5 = uncommitted, 0.75 = leaning in favor, 1 = support).

I investigated three sources for the data: trade journals, presidential records, and media coverage. First, a membership-based trade journal, *Inside U.S. Trade*, featured two sur-

veys of legislative attitudes on NAFTA conducted in March and September.²³ Because the USA*NAFTA coalition treated the survey as confidential, they published the results only sparingly. Second, I retrieved survey results dated June 16 through archival research of the Clinton Presidential Records; in June, the coalition had shared its survey results with the Clinton Administration. Third, I investigated the media coverage of NAFTA, recovering two sets of media-led surveys of legislative attitudes on NAFTA. Taken together, I retrieved five waves of congressional survey on NAFTA.²⁴ Taken together, I retrieved five waves of the congressional surveys on NAFTA.

I used legislators' attitudes on NAFTA in surveys conducted at two time points: the first on June 16 (pre-linkage) and the second on September 20 (post-linkage). I then subtracted the June estimates from the September estimates to measure the degree to which individual legislators increased their support for NAFTA from June 16 to September 20.

The choice to use the June and September surveys was made in the interest of prioritizing causal leverage. On May 21, NAFTA parties circulated the first draft text of environmental and labor side agreements.²⁵ The Composite Draft of the environmental agreement shows that the negotiating parties had divergent preferences regarding enforcement: the U.S. proposed that the dispute settlement mechanism in the NAFTA agreement should be used to resolve environmental disputes (e.g., trade sanctions as an enforcement tool), whereas Canada and Mexico were opposed. As such, the June 16 survey captures legislators' baseline attitudes on NAFTA, assuming that the environmental side agreement would lack any meaningful enforcement mechanism. On September 13, the NAFTA parties signed an environmental side agreement with strong enforcement provisions preferred by the U.S. The final agreement allows for monetary fines and the suspension of trade benefits as enforcement tools. As such, the September 20 survey captures the legislators' updated attitudes

²³See Cinar and Gulotty N.P. for the September survey.

²⁴For a more detailed explanation, see Lee et al. N.P..

²⁵See Special Report on NAFTA, Inside U.S. Trade, June 11, 1993. S.6-S.7.

on NAFTA, after the Clinton administration delivered a stronger environmental agreement than they had expected on June 16.

Results

The main focus of the current analysis is to test three competing hypotheses regarding whether and how issue linkage sways legislators. First, I test whether environmental issue linkages increase pro-trade support from legislators representing import-competing industries (*Economic protection hypothesis*). To do so, I rely on the Herfindahl-Hirschman index for import-competing industries in the year of 1993.²⁶ If this theory is valid, I should find a positive correlation between the concentration of import-competing industries in a district and the change in legislators' support for NAFTA.

Second, I test whether issue linkage boosts pro-trade support from pro-environmental legislators. In order to measure legislators' commitment to environmental issues, I use the annual scorecard indicators by the League of Conservation Voters.²⁷ The scores are based on a scale that ranges from 0 to 1, and are "calculated by dividing the number of pro-environment votes cast by the total number of votes scored." The League selects which votes to include in the indicators based on "the consensus of experts from about 20 respected environmental and conservation organizations." The indicator usually includes environmental issues such as energy, global warming, public health, public lands and wildlife conservation, and spending for environmental programs. I use legislators' lifetime scores measured in 1992, rather than the annual scores, because the cumulative data better capture their genuine commitment to, and hence reputations regarding, environmental protection among environmental groups. If the *moral complements* hypothesis is valid, I expect to find a positive correlation between the environmental scores and the effects of linking the environmental side deal to NAFTA, as this theory argues that issue linkage facilitates logrolling between environmental groups

²⁶The U.S. Census.

²⁷See the League of Conservation Voters website: scorecard.lcv.org.

and pro-trade businesses. If environmental groups tended to become more positive about NAFTA because of the environmental side deal, pro-environmental legislators representing those groups must have increased their support for NAFTA accordingly.

Third, I test whether pro-environmental legislators increased their support for NAFTA because of the side agreement only if they faced electoral competition. To test this hypothesis, I interact the League of Conservation Voters' environmental scores with another variable that captures electoral competition in each district. I call this variable *Competition*. *Competition* a binary variable that measures the competitiveness of the most recent past election in which legislators ran. For the House of Representatives, the most recent election at the time was held in 1992. I code congressional districts as safe if the winning candidate gained more than 60% of the total vote, and competitive otherwise. My theoretical expectation is that pro-environmental legislators tend to increase their support for NAFTA in return for environmental linkages if they are facing competitive elections. Thus, if this theory is valid, I would expect the interaction of Environmental commitment and Competition to show a positive sign. I also conduct a set of robustness checks by varying the threshold for competitive elections in the Appendix.

Finally, I include labor donations to control for the effect of the labor side agreement that was negotiated in the same time period. For legislators highly dependent on labor contributions, labor's support was the most important consideration in their decision on NAFTA. In general, I expect this variable to be negatively correlated with the outcome variable, because labor groups strategically changed their contribution plans closer to the NAFTA vote. However, if the labor side accord negotiated by the Clinton administration convinced some pro-labor legislators to support NAFTA despite labor's lobbying efforts, the correlation may not be as strong as expected. I also include a variable for *Democrats* to control for the effect of partisanship. Studies suggest a strong positive correlation between the representation of left-wing parties and pro-environmental policies.²⁸ If this is the case, congressional

²⁸Neumayer 2004, 2003.

Democrats should be more likely to change their positions and support NAFTA after the finalization of the environmental side agreement.

I estimate the models using OLS regressions. Table 1 reports the results of the OLS models in which the dependent variable is the extent to which legislators changed their positions on NAFTA one week after the conclusion of the environmental agreement.

As the results from Model 1 indicate, I find no evidence that legislators representing import-competing industries become more supportive of NAFTA after the conclusion of the environmental side agreement. While the coefficient on *Import-competing industries* is positive as the *Economic Protection* theory hypothesizes, it is not statistically significant. Similarly, I do not find evidence in support of the *Moral Complements* hypothesis. The results from Model 2 suggest that legislators' environmental scores are in no way correlated with their support for NAFTA after the conclusion of the side agreement.

Alternatively, I find support for the *Electoral Advantage* hypothesis. The sign on the interaction term in Model 3 is positive and significant, consistent with the hypothesis. Substantively, the results indicate that a legislator with the highest environmental score running in a safe district is expected to decrease her support for NAFTA by 15.3 percentage points in September from her baseline support in June. In competitive districts, a legislator with the highest environmental commitment score is expected to decrease her support for NAFTA by only 5.9 percentage points compared to her position in June. The results are robust to the inclusion of a set of control variables such as partisanship, ideology, labor lobbies, and education.²⁹ According to the results, if legislators in safe districts are strongly committed to environmental issues, we can expect to see a significant drop in their support for trade deals even if environmental safeguards are attached. By contrast, pro-environmental legislators in competitive districts are expected to stand their ground.

Altogether, the results suggest that the conclusion of the environmental side agreement did not boost pro-NAFTA support from either pro-environmental or pro-protection

²⁹See the Appendix.

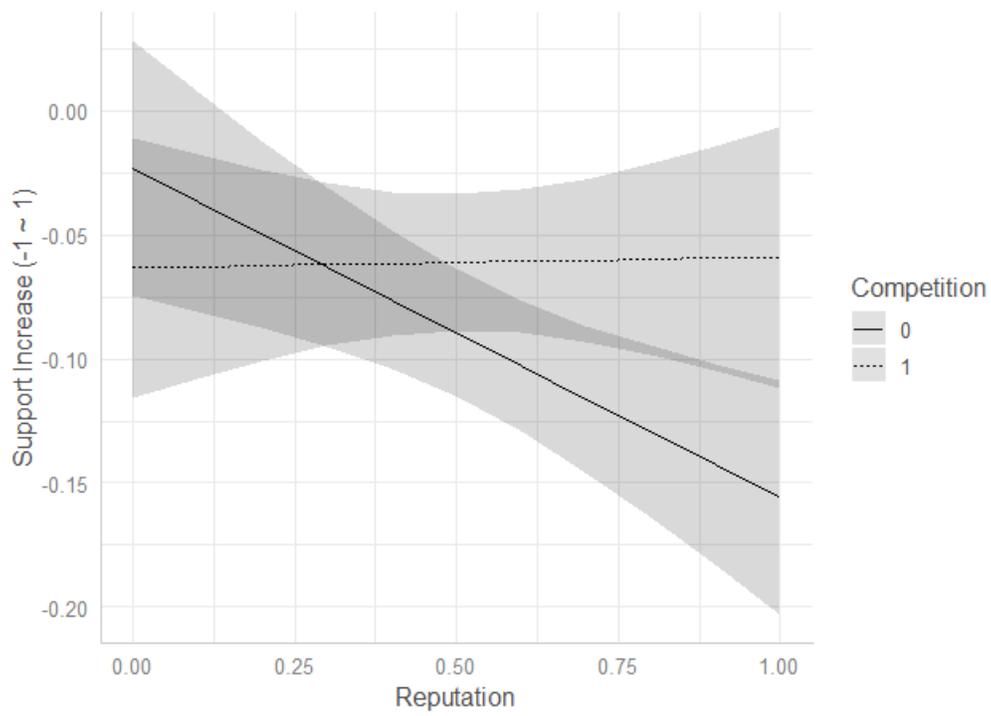


Figure 1 – Marginal Effects of Environmental Scores on Support Increases by Electoral Conditions

legislators. If anything, pro-environmental legislators tended to increase their opposition to NAFTA in September 1993 despite the conclusion of the side agreement. That said, some pro-environmental legislators were less negative about NAFTA and remained uncommitted to any position in the post-linkage period so long as they represented competitive districts and felt the need to diversify their bases of support.

The above findings reveal that pro-environmental and pro-protection legislators did not boost their support for NAFTA immediately after the conclusion of the side agreement. One important remaining question is whether these patterns lasted. Given the high stakes of the trade agreement, some legislators might have strategically delayed committing to a position until the final voting date. To investigate this possibility, I study whether the environmental side agreement boosted legislators' support for the NAFTA Implementation Act. The NAFTA Implementation Act (H.R. 3450) was passed in the House on November 17, 1993, approximately two months after the September survey. I thus test whether the moderating effect of electoral competition is still borne out in the final votes.

Table 1 – Relationship between Legislator Characteristics and Increases in Support for NAFTA after the Finalization of the Environmental Side Agreement (OLS Regressions)

	Linkage Effects		
	(1.Protection)	(2.Moral)	(3.Election)
IMPORT-COMPETING	0.09 (0.15)		
ENVIRONMENT		-0.05 (0.05)	-0.11** (0.05)
COMPETITION			-0.04 (0.04)
ENVIRONMENT:COMPETITION			0.14** (0.06)
LABORPAC	-0.001 (0.003)	0.0003 (0.003)	-0.001 (0.003)
DEMOCRAT	-0.03 (0.02)	-0.02 (0.03)	-0.02 (0.03)
CONSTANT	-0.06* (0.03)	-0.04 (0.03)	-0.02 (0.04)
<i>Observations</i>	388	387	387
<i>R-squared</i>	0.01	0.01	0.03
<i>Adjusted R-squared</i>	0.004	0.01	0.02
<i>Residual standard error</i>	0.19 (df = 384)	0.19 (df = 383)	0.19 (df = 381)
<i>F statistic</i>	1.50 (df = 3; 384)	1.82 (df = 3; 383)	2.57** (df = 5; 381)
<i>Notes:</i>	***p < .01; **p < .05; *p < .1		

In this case, I use logistic regression models to estimate legislators' final votes. My goal is to estimate individual legislators' tendency to change their positions at the final voting stage given their baseline attitudes on NAFTA in the pre-linkage period. I again include the estimates of individual legislators' positions collected in June of 1993 in order to capture their baseline attitudes.

The results reported in Table 2 are largely consistent with the above findings. While the coefficients on *Import-competing* and *Environment* are positively correlated with legislators' tendency to increase support for the NAFTA Implementation Act (Models 1 and 2), they are not statistically significant at any conventional levels. However, the results from Model 3 lend strong support to the *Electoral Advantage* hypothesis: legislators' environmental scores and their post-linkage support for NAFTA are positively associated only for those in competitive electoral districts, not those representing safe districts. Substantively, a pro-environmental legislator with the highest environmental score has a 44.3% predicted probability of supporting NAFTA if she is in a safe seat. The model predicts that a similar legislator with a strong environmental reputation would have a 65.3% likelihood of supporting NAFTA if she is in a competitive seat. To sum up, pro-environmental legislators in competitive electoral districts are 21 percentage points more likely to increase support for the trade deal than those in safe districts once the environmental side agreement is concluded.

Issue Linkage as Means to Diversify Support

The findings support the conclusion that issue linkage works conditionally. Contrary to the conventional wisdom, environmental issue linkage does not boost support from economically-motivated protectionists. Neither does it sway pro-environmental legislators altogether. Instead, the results show that issue linkage divides pro-environmental legislators into pro-linkage and anti-linkage factions depending on the electoral worthiness of the linkage.

Regarding the mechanism behind this electoral account, pro-environmental legislators in

Table 2 – Relationship between Legislator Characteristics and Support for NAFTA in the Final Roll Call Votes

	Final Votes		
	(1.Protection)	(2.Moral)	(3.Election)
IMPORT-COMPETING	2.22 (2.01)		
ENVIRONMENT		0.15 (0.65)	-0.90 (0.78)
COMPETITION			-1.55*** (0.59)
ENVIRONMENT:COMPETITION			2.46*** (0.94)
LABORPAC	-0.06 (0.04)	-0.04 (0.04)	-0.06 (0.04)
DEMOCRAT	-0.41 (0.33)	-0.51 (0.42)	-0.48 (0.42)
PRE-LINKAGE ATTITUDES	4.37*** (0.48)	4.42*** (0.48)	4.66*** (0.51)
CONSTANT	-1.78*** (0.54)	-1.65*** (0.51)	-0.92 (0.58)
<i>Observations</i>	388	387	387
<i>Log likelihood</i>	-179.52	-178.88	-175.11
<i>Akaike information criterion</i>	369.03	367.77	364.23

Notes: ***p < .01; **p < .05; *p < .1

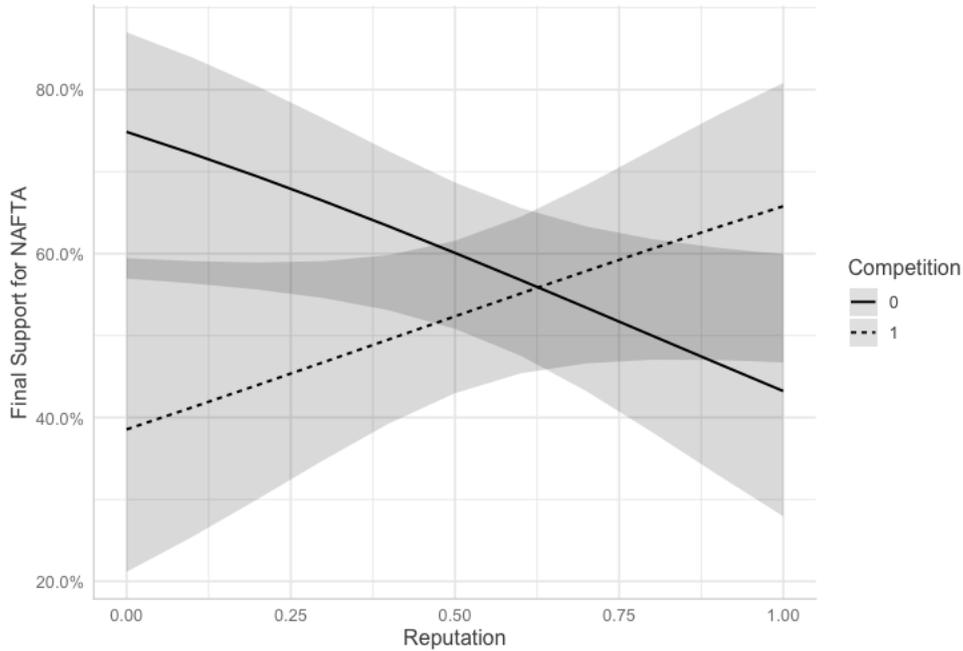


Figure 2 – Predicted Probabilities of Supporting NAFTA

competitive districts face an electoral dilemma when major trade agreements are negotiated. On the one hand, they can oppose trade agreements and preserve support from environmental groups. However, this may not be the best strategy, as it may cost them support from pro-trade groups. Alternatively, they may choose to placate pro-trade groups by supporting trade deals; doing so, however, may antagonize environmental groups who tend to lean against trade liberalization. Either way, the risk of choosing one side is higher in competitive districts, because losing support from the other side can have decisive effects on the upcoming election. Qualitative evidence provides support for this line of reasoning. Jim Bacchus's Florida district was one of the districts where environmental issues would play a key role in the 1994 election according to an environmental media organization.³⁰ In an interview on October 18, 1993, Bacchus's press secretary (FL-15) said on record that NAFTA would open up markets for the aerospace and high-tech industries in his district. When the journalist asked what they would tell Bacchus's other anti-NAFTA constituents, recalling the narrow margin of victory in his last election, the aide said that they would have to "balance" that. In this interview, another congressional staff member confirmed that many legislators were facing an electoral dilemma between pro-trade and environmental groups.³¹ He said:

There's no real grass-roots support for this thing. In talking to some of the business community, they say they'll support it and send a letter. But is it a defining moment? No. But you've got a lot of environmentalists, who are the most vocal, and labor too. They see blood on the water. They're like sharks.

In this circumstance, if legislators can convince environmental groups of the strategic worthiness of the side agreement and earn environmentalists' support for NAFTA, they can minimize the risk of losing environmental groups' support on the ballot and preserve support from pro-trade groups. To sum up, when the level of electoral sensitivity increases, legislators have stronger incentives to support the issue linkage strategy and diversify their

³⁰Greenwire 1993.

³¹Gerstenzang 1993.

support base.

To contextualize the results, I closely examine whether pro-environmental legislators who supported NAFTA were motivated by the need to diversify their support base. In October 1993, the *Greenwire*, an online news organization covering energy and environmental policies, selected fifteen House districts where environmental issues were expected to play a key role in the upcoming 1994 election. Among those districts, thirteen legislators won the 1992 election by less than 10 percentage points. The upper plot in Figure 3 illustrates how those legislators changed their positions on NAFTA as the Clinton administration finalized the environmental agreement in September. It is notable that Daniel Hamburg (CA-1) was the only legislator who continued to express his firm opposition to NAFTA since March, while most of those legislators changed or maintained ambiguous positions until September and October, around the time the environmental side agreement was finalized in mid-September. Among them, five legislators ended up supporting NAFTA.

Did the legislators who supported the side agreement consider the need to diversify their support base? The lower plot in Figure 3 shows the proportion of campaign contributions these legislators gained from individual voters affiliated with a pro-NAFTA corporation in 1993 and 1994.³² Although the plot does not reveal any causal relationship, it shows that the legislators who supported NAFTA after the environmental side deal typically gained more support from pro-NAFTA voters during and after the discussion on the NAFTA bill than those who ended up opposing NAFTA.

Simultaneously, environmental groups did not punish legislators for their pro-NAFTA vote. For example, the League of Conservation Voters, a group of environmental experts from major NGOs, did not include the NAFTA vote as part of the key environmental votes on which they assessed legislators' commitment to environmental protection in 1993. This may be partly due to the fact that environmentalists themselves were divided on the credibility of the environmental side agreement. In 1993, major environmental NGOs such as

³²Campaign finance data from the Federal Election Commission at www.fec.gov. I identified pro-NAFTA companies based on membership information regarding the USA*NAFTA coalition. Also see Osgood 2017.

the Sierra Club and Friends of Earth formed an adversarial coalition with anti-NAFTA economic interest groups such as Mobilization on Development, Trade, Labor, and the Environment (MODTLE) and Citizen's Trade Watch Campaign (CTWC). These activists demanded that the government make the agreement more enforceable by granting the North American Commission for the Environment (NACE) the mandate to use trade sanctions without the NAFTA parties' approval. Against the adversarial coalition of environmental activists, there emerged a coalition of accommodating NGOs: the National Audubon Society, the National Wildlife Federation, the Natural Resources Defense Council, the Environmental Defense Fund, the World Wildlife Fund, and Conservation International formally announced their support for NAFTA and constituted the crux of the accommodating coalition.³³ Those NGOs, both anti-linkage and pro-linkage, together make up the expert panel that assesses legislators' environmental commitment through the League of Conservation Voters initiative. As a result of the division within the environmental community, pro-environmental legislators who supported the NAFTA bill could avoid compromising their environmental reputations. Thus, pro-environmental legislators who supported the side agreement were able to gain an electoral advantage by attracting pro-trade support, while also using the side deal as political cover to justify their pro-NAFTA votes to environmental groups.

A second important consideration regarding mechanisms is the following: why is there little evidence in support of the *Economic Protection* theory? The finding is puzzling given that studies find evidence that environmental and health standards in trade deals can serve as barriers to foreign products, hence, protecting domestic import-competing industries. Despite the protectionist effects of environmental linkages, legislators representing import-competing industries did not boost their support for NAFTA after the inclusion of the environmental side agreement.

It is possible that import-competing industries found the enforcement of environmental linkages non-credible *ex ante*. Although environmental linkages could be used as barriers to

³³Audley 1997.

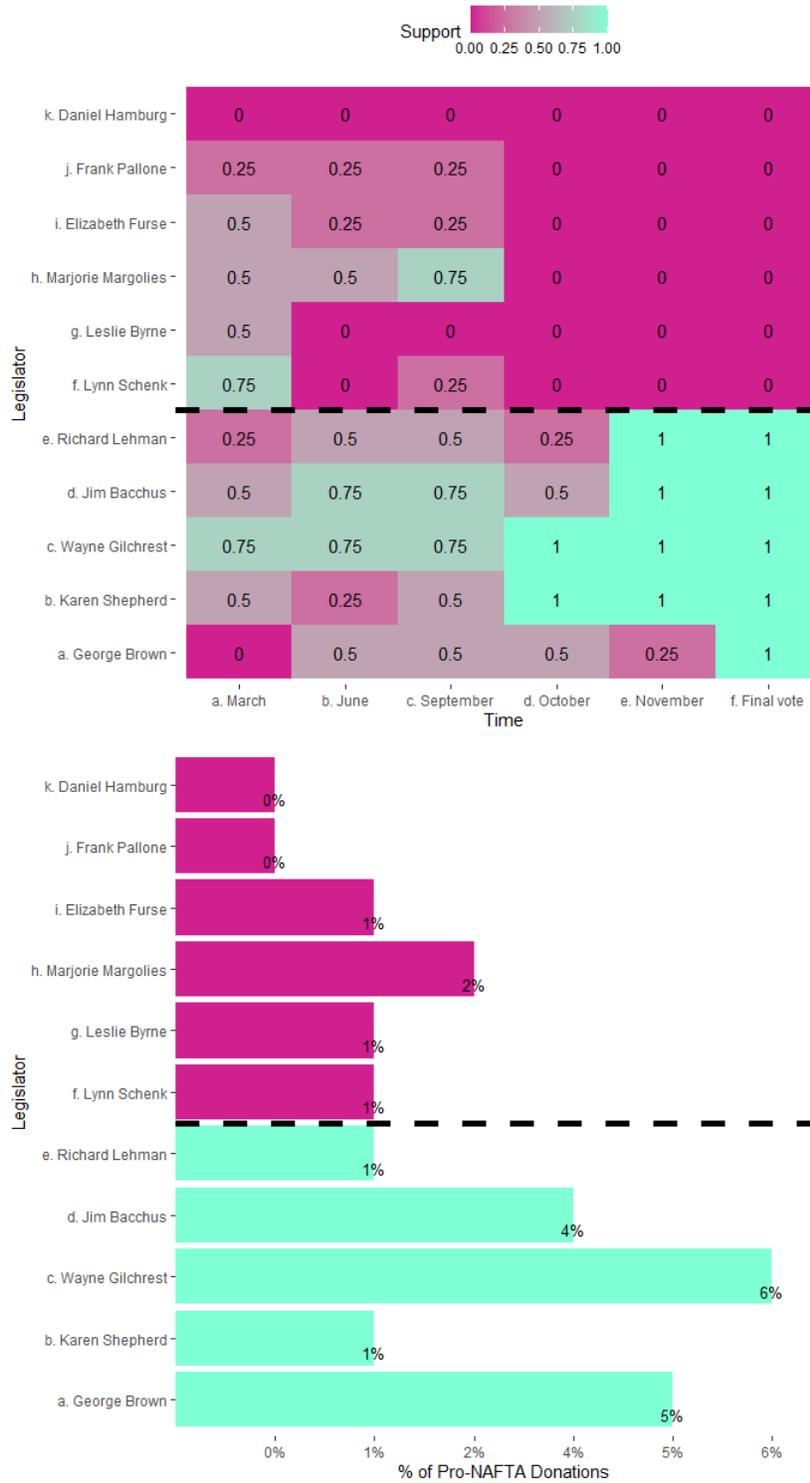


Figure 3 – Temporal Trends of Pro-environmental Legislators’ Attitudes on NAFTA in Competitive Districts & Pro-NAFTA Donations

foreign trade *ex post*, their economic effects may not have been clear to import-competing industries and labor groups during the negotiation phase. Supporting this line of reasoning, qualitative evidence suggests that protectionist groups invested their resources to lobby the government to gain exclusive protectionist measures that were more credible to them and largely deferred to environmental groups when it came to the environmental agreement. Specifically, I analyzed the news articles featured in *Inside U.S. Trade*, a trade journal, from January to September 1993. This organization exhaustively covered the negotiations of the environmental side agreement and featured various interest groups' demands regarding the side deal. As reported in the Appendix, protectionist groups were largely silent on the design of the environmental side deal, whereas they proactively engaged in discussions on the labor side agreement. With the exception of one broad statement by the AFL-CIO, the letters and statements regarding the environmental side deal were mostly from environmental groups demanding stronger enforcement clauses and from pro-trade business groups such as the Business Roundtable and the U.S. Chamber of Commerce, which called for weaker enforcement.³⁴

Discussion

Side agreements are known to enhance the prospects for international cooperation, especially when negotiating parties have differential preferences on a set of issues.³⁵ In the context of trade negotiations such as NAFTA, the NAFTA parties expected that the environmental side agreement would be essential to satisfy House Democrats, one of the most important veto players to the ratification of NAFTA. Since NAFTA, the U.S. government has continued to negotiate labor and environmental side agreements to attract pro-trade support from environmentally conscious legislators and enhance the chances of ratification.³⁶ Despite

³⁴See Appendix for the list of statements and letters.

³⁵McKibben 2010; Tollison and Willett 1979; Sebenius 1983.

³⁶The linkage practice was widely adopted by President Bush and President Obama. President George W. Bush kept environmental provisions in the U.S.-Jordan Free Trade Agreement in 2001, despite his

important economic and environmental consequences of those side deals, there have been no rigorous tests of the claim that the issue linkage successfully boosts support for the trade agreements.

Using novel survey data, this study advances our understanding of how side agreements promote strategic coalitions between pro-trade businesses and environmental groups in the cauldron of domestic politics. Scholars have assumed that issue linkages facilitate the formation of strange coalitions between Baptists and Bootleggers.³⁷ The results of this study show that such strange coalitions successfully form only when politicians with connections to strategic allies (i.e. environmentalists) have the electoral incentive to join the coalition.

I also tested the validity of a set of existing arguments regarding the effectiveness of issue linkage. Most importantly, I find little evidence that legislators representing protectionist districts promote environmental linkages during the negotiation stage. Of course, this does not necessarily mean that import-competing industries refrain from using environmental clauses to protect their businesses once those clauses are in effect. Instead, the results suggest that environmental issue linkages are not sufficient to ease economically-motivated opponents' grievances during the negotiation stage.

There are a few important scope conditions for this argument. First, issue linkage may operate differently in other countries with different types of legislatures. For example, the electoral account may be less relevant in legislatures with strong party discipline. When political parties can discipline their members on important issues such as trade, individual legislators may not have the leeway to deviate from their party lines despite side agreements. The European Commission, for instance, may have to negotiate a very strong environmental side deal that can satisfy European legislators affiliated with ecological parties because those parties, not individual legislators, typically exercise more influence in election campaigns than in the U.S. Second, the findings may be less generalizable to legislative behavior

campaign pledge to readjust those clauses negotiated by the Clinton administration. See "Bush Says Trade Agreement With Jordan Is A Top Priority." *The Bulletin's Frontrunner*. April 11, 2001.
³⁷Yandle 1983.

in developing democracies and authoritarian countries, where environmental groups find it difficult to exercise influence on legislators. The findings on electoral competition are predicated on the idea that legislators have the incentive to cater to two constituencies, pro-trade groups and environmental groups, if doing so helps them win close elections. Therefore, even if individual citizens in developing countries view environmental linkages in a positive light, as Bernauer and Nguyen's study suggests,³⁸ additional research is needed to determine whether pro-environmental politicians in those countries would support trade deals if environmental groups do not have the same level of electoral influence that their American counterparts had in 1993.

That said, this article has important implications for our understanding of how issue linkage promotes trade liberalization among legislators. Although scholars have studied the benefits of inter-state logrolling, this line of studies has left unanswered how issue linkages reshape domestic cleavages on trade liberalization in legislatures. This article has addressed this question by examining the case of NAFTA. In doing so, it shows that the effect of international institutions can be better understood by analyzing the incentives of domestic political agents.

³⁸Bernauer and Nguyen 2015.

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Appendices

1. *How Competitive Should Future Elections Be?* I consider electoral pressure to be relatively high, if a member’s previous vote share did not exceed 60%. I conduct additional tests by lowering the threshold of electoral competition to 51%. As the results in Table 3 show, the signs of the baseline variables and the interaction term are consistent with the general theory throughout the models. Overall, the coefficients are statistically significant except for the 51% threshold.

Table 3 – Relationship between Legislator Characteristics and Increases in Support for NAFTA at Different Levels of Electoral Competition (OLS Regressions)

	Linkage Effect by Vote Share					
	(<58%)	(<57%)	(<56%)	(<55%)	(<52%)	(<51%)
ENVIRONMENT	−0.13*** (0.04)	−0.12*** (0.04)	−0.12*** (0.04)	−0.11*** (0.04)	−0.09** (0.04)	−0.08** (0.04)
COMPETITION	−0.06 (0.04)	−0.07* (0.04)	−0.08* (0.04)	−0.07* (0.04)	−0.11** (0.05)	−0.09 (0.05)
REPUTATION:COMPETITION	0.17*** (0.06)	0.17*** (0.07)	0.19*** (0.07)	0.16** (0.07)	0.16** (0.08)	0.09 (0.09)
LABORPAC	−0.001 (0.003)	−0.002 (0.003)	−0.002 (0.003)	−0.002 (0.003)	−0.001 (0.003)	−0.001 (0.003)
CONSTANT	−0.01 (0.03)	−0.01 (0.03)	−0.01 (0.03)	−0.01 (0.03)	−0.01 (0.03)	−0.03 (0.03)
<i>Observations</i>	387	387	387	387	387	387
<i>R-squared</i>	0.04	0.03	0.04	0.03	0.03	0.02
<i>Adjusted R-squared</i>	0.03	0.02	0.03	0.02	0.01	0.01
<i>Residual standard error</i> (df = 382)	0.19	0.19	0.19	0.19	0.19	0.19
<i>F statistic</i> (df = 4; 382)	3.56***	3.36**	3.62***	2.53**	2.47**	2.01*

Notes: ***p < .01; **p < .05; *p < .1

2. *Other Controls: How Robust Are the Results?* In addition to the controls in the main analysis, I include two other control variables, *Education* and *Ideology* scores. As for

education, I include the proportion of the population over the age of 25 holding a B.A. degree. I draw from Conconi et al.’s data based on the U.S. Census.³⁹ Typically, *Education* is expected to be positively correlated with support for trade liberalization. That said, it is not clear whether *Education* plays an equally important role in explaining the “change” in legislative support for trade deals. Because voter make-up is a relatively static factor, legislators representing highly educated districts may have already taken their constituents’ trade preferences into account in June. If this were the case, the relationship between *Education* and an increase in support for NAFTA is expected to be positive yet weak at best. Confirming this line of reasoning, the coefficients on *Education* are positive yet not significant.

One might argue that legislators’ ideology scores could weaken the results, as their ideological positions might affect their chances of being elected in competitive districts to begin with. However, including the economic ideological score does not change the results.⁴⁰

Table 4 – Relationship Legislator Characteristics and Increases in Support for NAFTA After the Finalization of the Environmental Side Agreement (OLS Regressions)

	Linkage Effects		
	(1)	(2)	(3)
ENVIRONMENT	-0.11** (0.05)	-0.12** (0.06)	-0.12* (0.07)
COMPETITION	-0.04 (0.04)	-0.04 (0.04)	-0.04 (0.04)
ENVIRONMENT:COMPETITION	0.14** (0.06)	0.14** (0.06)	0.14** (0.06)
LABORPAC	-0.001 (0.003)	-0.001 (0.003)	-0.001 (0.003)
DEMOCRAT	-0.02 (0.03)	-0.01 (0.03)	-0.01 (0.05)
EDUCATION		0.09 (0.13)	0.09 (0.14)
IDEOLOGY (DW-NOM1)			0.003 (0.08)
CONSTANT	-0.02 (0.04)	-0.03 (0.04)	-0.03 (0.06)
<i>Observations</i>	387	387	387
<i>R-squared</i>	0.03	0.03	0.03
<i>Adjusted R-squared</i>	0.02	0.02	0.02
<i>Residual standard error</i>	0.19 (df = 381)	0.19 (df = 380)	0.19 (df = 379)
<i>F statistic</i>	2.57** (df = 5; 381)	2.22** (df = 6; 380)	1.89* (df = 7; 379)

Notes: ***p < .01; **p < .05; *p < .1

3. Media Coverage on the Environmental Side Agreement (January - September 1993)

The following is the list of news articles on the NAFTA environmental side agreement

³⁹See the data replication materials of Conconi et al. 2014.

⁴⁰See Lewis et al. 2020.

featured in *Inside U.S. Trade* from January to September 1993, during the negotiation of the side deal.

Table 5 – Media Coverage of Stakeholders’ Demands on the NAFTA Environmental Side Deal (Jan - Sep 1993)

Date	Type	Actor	Title
January 29	News report	The National Association of Manufacturers	NAM Proposes Narrow Scope for NAFTA Side Deal on Safeguards
Feb 5	News report	Wildlife Federation	Wildlife Federation Lays Out Proposals on NAFTA Environmental Commission
February 12	News report	Environmental Groups	Environmentalists Agree NAFTA Side Pact Should Address Process Standards
February 19	Statement	Labor groups	AFL-CIO NAFTA Statement
March 5	News report	Environmental Groups	Green Groups Press Kantor for Powerful NAFTA Environmental Commission
March 19	News report	Trade Groups	Pro-NAFTA Groups Slaps Comparisons of Green Enforcement, NAFTA Dispute Rules
April 2	News report	Hispanic Groups	Hispanic Groups Prepared to Trade NAFTA Support for Regional Bank
April 9	News report	Environmental Groups	Green Groups Push Common Agenda of Basic Elements for NAFTA Side Accord
April 9	News report	Trade Groups	Business Coalition Urges Monies for Environmental Services, Not Clean-up
April 16	News report	The National Association of Manufacturers	NAM Opposes Tax on Trade, Investment To Finance Costs of NAFTA Side Deals
April 20	News report	Environmental Groups	Green Groups to Tell Kantor They Can Back NAFTA If Minimum Goals Are Met
April 30	News report	Environmental Groups	Environmental Groups Press for Dolphin Mortality Ban as Condition for NAFTA
May 7	Memorandum	Environmental Groups	TEXT: Green Groups’ Position on NAFTA Environment Pact
May 21	Letter	Environmental Groups	TEXT: Green Group Letter on NAFTA Environment Accord
June 4	News Report	Trade Groups	Major Business Groups Signal Opposition to U.S. Drafts on NAFTA Side Pacts
June 4	Letter	Trade Groups	Industry Letter to Kantor on NAFTA Side Accords
July 6	News report	Conservation Groups	Conservation Group Urges Environmental Assessment of NAFTA
July 9	Letter	Border Groups	Border Groups’ Letter on NAFTA Environment Accord
July 16	News report	Business Groups	Trade Groups to Support Government in NAFTA Environment Appeal
July 16	News report	Business Groups	Business Groups Urge Assessments to Enforce NAFTA Side Pacts
July 23	News report	Environmental Groups	Green Groups Signal Discontent with U.S. NAFTA Environment Stance
September 3	News report	Border environmental groups	Border Green Groups Voice Criticism of NAFTA Environmental Pact
September 17	News report	Environmental groups	Six Environmental Organizations Back NAFTA, Denounce Opponents