

# Public Opinion and Presidents' Unilateral Policy Agendas

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## **Abstract**

Unilateral power is an increasingly important source of policy change for contemporary presidents. In contrast with scholarship that examines the institutional constraints on presidents' exercise of unilateral authority, I consider presidents' unilateral behavior in a framework of political accountability. I argue that presidents have incentives to incorporate the public's policy priorities in their unilateral agendas. I examine this account using panel data on executive orders and public opinion across issue areas from 1953 to 2018. Across a variety of model specifications and estimation strategies, I find evidence that patterns of executive action reflect the public's policy priorities. Presidents issue greater numbers of unilateral directives on issues that gain public salience, particularly on issues that are more familiar to the public and among more policy-significant directives. These findings suggest that accountability mechanisms structure how presidents exercise unilateral power and have normative implications for considering presidential unilateralism in a separation-of-powers system.

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Presidents have been increasingly important sources of policy change through the use of unilateral powers. Upon issuing new unilateral directives, presidents often justify them on the basis of their relationship with the public. For example, after being sworn into office in 2021 during the COVID-19 pandemic, President Biden’s administration issued “a historic number of actions to deliver immediate relief for families across America... [to] begin the work of following through on [the President’s] promises to the American people.”<sup>1</sup> Likewise, in the midst of congressional gridlock in 2012, President Obama justified his “We Can’t Wait” campaign by arguing that “when Congress refuses to act... I’ve got an obligation to act on behalf of the American people.”<sup>2</sup>

In this paper, I study the relationship between public opinion and presidents’ unilateral policy agendas. I argue that presidents have electoral and political incentives to incorporate the public’s policy views in their unilateral agendas. The public expects its presidents to do “something about everything” (Neustadt 1990, 7) and unilateral action provides an opportunity for presidents to demonstrate their efforts to meet these expectations. To the degree that presidents incur decreases in popularity or electoral sanctions for being perceived as out of touch with the public’s issue priorities or policy preferences (Ansolabehere and Rogowski 2020; Cohen 1997), presidents have incentives to use unilateral powers in ways that reflect the public’s concerns. In contrast with perspectives that view unilateral power as a means of evading public opinion (see discussion in Mayer 2002, 9), my account highlights the contributions of public opinion to

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<sup>1</sup>“Fact Sheet: President-elect Biden’s Day One Executive Actions Deliver Relief for Families Across America Amid Converging Crises,” The White House, January 20, 2021; <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-elect-bidens-day-one-executive-actions-deliver-relief-for-families-across-america-amid-converging-crises/> (accessed April 7, 2021).

<sup>2</sup>Remarks at Shaker Heights High School in Shaker Heights, Ohio, January 4, 2012; <https://www.govinfo.gov/content/pkg/DCPD-201200003/html/DCPD-201200003.htm> (accessed April 7, 2021).

the president's unilateral policy agenda. My argument is also consistent with scholarship that links public opinion and policymaking among other officials, including legislators and judges, and governing institutions writ large (e.g., Canes-Wrone 2015; Erikson, MacKuen, and Stimson 2002; Jones and Baumgartner 2005; Jones, Larsen-Price, and Wilkerson 2009). Further, my focus on unilateral power extends scholarship on presidents' responsiveness to public opinion through their rhetoric, legislative agendas, and budgetary proposals (e.g., Canes-Wrone 2006; Cohen 1997; Eshbaugh-Soha and Rottinghaus 2013; Rottinghaus 2006; Whitford and Yates 2009; Wood 2009).

My focus on the links between public opinion and unilateral power contrasts with existing empirical scholarship, virtually all of which focus on the institutional factors associated with unilateral action (e.g., Bolton and Thrower 2021; Howell 2003; Rudalevige 2021). To the extent previous scholarship evaluates the relationship between public opinion and presidential unilateralism, it do so mostly with measures of presidential popularity (e.g., Christenson and Kriner 2020; Deering and Maltzman 1999; Ponder 2017). No existing research evaluates how the public's issue priorities are reflected in presidents' use of executive authority. This omission is notable given the president's ability to set the policy agenda through unilateral power (Howell 2003, 14) and theoretical scholarship that models unilateral action as a function of presidents' efforts to solicit support from public audiences (e.g., Judd 2017; Kang 2020; Noble Forthcoming).

Using panel data on executive orders and public opinion across issue areas from 1953 to 2018, I study the association between the public's issue priorities and patterns of unilateral action. I find evidence that presidential policymaking through executive action reflects the public's policy priorities, as presidents issue greater numbers of unilateral directives on issues that gain public salience. These results are robust across model specifications, estimation strategies, and measurements of key variables. These patterns are stronger for issues that are more familiar to the public and among more policy-significant directives. These patterns are not significantly moderated by the electoral calendar or presidential popularity, but rather are relatively consistent across presidents' terms in office. Finally, I explore how patterns of unilateral action reflect the public's issue

preferences. Overall, the results provide evidence that public opinion is reflected in presidents' unilateral strategies, suggest that accountability mechanisms structure how presidents exercise unilateral power, and have normative implications for considering presidential unilateralism in a separation of powers system.

## **Politics of Unilateral Action**

Unilateral power holds great appeal for contemporary presidents. By acting on their own, presidents can recast national political agendas and reshape the nation's public policies. According to Moe and Howell (1999, 851), the capacity for unilateral action "virtually defines what is distinctively modern about the modern American presidency." Its potential for policy influence runs both deep and wide. As Cooper (2002, ix) observes, "There is virtually no significant policy area in which presidents operate that has not been shaped to one degree or another by the use or abuse of [unilateral] tools."

Most theoretical accounts of unilateral power emphasize how the separation of powers affects presidential unilateralism. For instance, Congress may pass legislation which supersedes presidential directives, courts may strike them down, and recalcitrant bureaucrats may refuse to implement them. Strategic presidents may anticipate these institutional responses and issue unilateral directives when they are likely to be sustained (e.g., Howell 2003; Moe and Howell 1999). Accordingly, most empirical scholarship examines how unilateral activity is associated with factors such as divided government, the size of the congressional majority party, legislative fragmentation, and the composition of the Supreme Court (e.g., Bolton and Thrower 2021; Chiou and Rothenberg 2014; Deering and Maltzman 1999; Howell 2003; Lowande 2014; Mayer 2002).

Existing scholarship has paid less attention to how presidents' electoral and popular incentives affect their use of unilateral powers. Among the empirical research that has considered the role of public opinion in unilateral policymaking, it has done mostly with a focus on the presi-

dent's public approval ratings (Christenson and Kriner 2020; Deering and Maltzman 1999; Mayer 2002; Ponder 2017).<sup>3</sup> While this scholarship provides insight about how public attitudes about the president are associated with unilateral activity, it does not evaluate the links between unilateral action and public policy priorities or preferences.

Unilateral action is an appealing context in which to study the relationship between presidents and the public, for at least two important reasons. First, unilateral powers enable presidents to make new policy on their own without the involvement of other institutions of government. Previous scholarship evaluates how presidents craft legislative proposals or take public positions on pending legislation in ways that reflect public preferences (Canes-Wrone and Shotts 2004; Erikson, MacKuen, and Stimson 2002; Stimson, MacKuen, and Erikson 1995), but it is unclear whether public opinion is associated with the president's policy activity when those policies are fashioned in the White House rather than in conjunction with Congress.

Second, policies implemented via unilateral directives are clearly attributable to the president who issued them. Accountability is strengthened when policies are "traceable" to the officeholders responsible for them (Arnold 1990). Because presidents cannot deny responsibility for unilateral directives they have issued themselves, this context is an especially appropriate case for evaluating whether presidents perceive incentives to advance public opinion.

## **Public Priorities and Unilateral Action**

I argue that presidents have incentives to advance the public's issue priorities through unilateral action. These incentives arise from several sources. First, elections provide incentives for

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<sup>3</sup>Rottinghaus and Warber (2015) are an important exception, who study presidents' unilateral actions as means of constituency outreach.

presidents to behave in ways that secure their continued service in office.<sup>4</sup> Voters prefer presidents of a certain type on the basis of, for instance, policy expertise (Canes-Wrone 2006), policy congruence (Noble Forthcoming), or policy skill (Judd 2017). Presidents convey information about their types through their actions and thus have incentives to use unilateral action to affect voter evaluations in the next election. Second, even with relatively infrequent presidential elections, the strategic use of unilateral action can confer political benefits to presidents in the near term. By deploying unilateral power to achieve goals shared by the public, presidents may bolster their popular standing, in turn increasing support for their legislative agendas (Cohen 2013).

This theoretical perspective suggests a link between public opinion and unilateral activity. Previous scholarship offers some support for this expectation. For example, presidents' incentives to cultivate positive public impressions affect their behavior in related domains. When developing their legislative agendas, Cohen (1997, 1) argues that "[presidents'] need for public support constrains them." Similarly, Light (1985, 92) reports that presidents "actively cultivate issues from the public" when fashioning their domestic policy programs. Other work shows that the public evaluates presidents on the basis of the policy content of their unilateral powers, with individuals who support the policies implemented via unilateral power providing more favorable evaluations of the president (Ansolabehere and Rogowski 2020; Christenson and Kriner 2020). This research provides evidence that presidents anticipate how voters will respond to unilateral action and that voters behave in ways that are consistent with accountability mechanisms.

While the account described above is applicable to multiple dimensions of public opinion, I focus on the relationship between policy salience and presidents' unilateral policy agendas. My primary claim is that presidents use unilateral action to attend to issues of public concern. Not all issues command the same level of public attention, and salient issues play outsized roles in voter decision making (RePass 1971). Previous research shows that presidential approval rat-

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<sup>4</sup>These incentives could operate similarly for term-limited presidents who desire to be succeeded by a copartisan.

ings are more closely linked to presidential performance on issues that are more salient to the public (Cavari 2019; Edwards, Mitchell, and Welch 1995). These findings suggest that presidents have increased incentives to address issues that consume the public's attention, as failing to meet expectations on these issues may undermine the president's public standing. Interviews with presidential staff reported in Light (1985, chapter 3) are consistent with this account, which revealed how presidents' electoral incentives lead them to prioritize issues that were important to the public. And in the work most closely related to my inquiry, Jones, Larsen-Price, and Wilkerson (2009, Table 5) report bivariate correlations between public salience and the number of executive orders in each issue area from 1956 to 2002. They find a modestly positive correlation but do not examine the relationship with a statistical model that accounts for a wider range of potential influences on unilateral activity. On the whole, this body of research provides support for my hypothesis that increases in issue salience are associated with more frequent unilateral actions in that issue area.

## **Potential Sources of Variation in Presidential Responsiveness to Public Priorities**

Previous theory and empirical findings point to several factors that may condition the relationship between public priorities and unilateral action. First, public opinion may be strongly associated with presidential action on some issue domains than others. Issue areas vary in complexity, and the public may have better-developed preferences on "doorstep" or "easy" issues (e.g., Canes-Wrone, Brady, and Cogan 2002; Carmines and Stimson 1980; Zaller and Feldman 1992). To the degree that more familiar issues weigh more heavily in the public's evaluation of political leaders, presidents may have particular incentives to incorporate public priorities with unilateral action on doorstep issues.

Second, public opinion may be more strongly associated with presidential action on direc-

tives that are likely to attract public attention. Many unilateral directives concern routine administrative affairs or are purely symbolic (Howell 2003; Warber 2006) and do not receive much media coverage or public scrutiny. Directives with more sweeping implications for public policy, however, are more likely to be the subject of press coverage. Media attention can facilitate accountability (Snyder and Strömberg 2010), as high-profile directives are more likely used by the public in evaluating the president (see Ansolabehere and Rogowski 2020). This scholarship suggests that presidents have greater incentives to be responsive to public opinion when issuing more “significant” directives.

Third, the association between public opinion and unilateral action may vary across presidents’ electoral cycles. If voters are myopic and presidents anticipate or respond to public opinion when contemplating unilateral action, public opinion may be more strongly associated with unilateral action when presidents are in their first terms and elections are more proximate. Some research finds support for this expectation in other settings (Canes-Wrone and Shotts 2004; Jacobs and Shapiro 2000), although Rottinghaus (2006) finds similar levels of rhetorical responsiveness in presidents’ first and second terms.

Fourth, and finally, the president’s public standing may condition the association between unilateral action and public opinion. To the extent that presidents with marginal approval ratings are electorally vulnerable, they may have especially strong incentives to address the public’s issue concerns. As the public see the president implementing policies that address their issue concerns, the president’s approval rating may increase—and their future electoral fortunes along with it, as even modest changes in their public standing could have consequential electoral implications. Yet as presidents are increasingly popular (or unpopular), the potential marginal benefit to the president of responding to public opinion is less electorally meaningful. Thus, public opinion may be especially associated with unilateral action among presidents with middling approval ratings, but less strongly associated as presidents are increasingly popular or unpopular (see, e.g., Canes-Wrone and Shotts 2004).



## Implications for the Study of the Presidency

The perspective described above makes three primary contributions. First, it posits public opinion as a potential incentive for unilateral power. This hypothesis contrasts with accounts that depict administrative action as a “shadowy subterranean world” (Cook 2018, 34) that eludes popular accountability. It also contrasts with scholarship that laments the perceived weakening of institutional checks on presidential power (e.g., Shane 2009). Instead, and consistent with the perspective advanced by Posner and Vermeule (2011), my argument implicates popularity incentives for patterns of unilateral behavior. Though testing this possibility extends beyond the scope of this paper, this implication suggests the possibility that election-seeking behavior by presidents leads to more unilateral activity than we would observe otherwise.

Second, my focus on public priorities across issue areas helps resolve ambiguity in the literature about the relationship between unilateral action and public opinion. As Lowande (2014, 729) summarizes the findings from this scholarship, “No consensus exists on the role of public opinion in unilateral action.” My account links the public’s views of political issues with the incentives for presidential behavior.<sup>5</sup> Moreover, my focus on public opinion across issue areas follows recommendations from Druckman and Jacobs (2006), who point out that “if a president tracks issue-specific opinions, then an empirical analysis looking only at aggregate trends may lead to faulty conclusions about responsiveness.” By studying presidential activity across policy areas, I refine the aggregate approach used by Erikson, MacKuen, and Stimson (2002).

Third, as I describe below, I examine presidential attention to individual issue areas across more than six decades of unilateral action. This provides a complementary, and more expansive,

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<sup>5</sup>Recent research documents public opposition to unilateral power (Reeves and Rogowski 2016) and decreased approval of presidents who exercise it (Reeves and Rogowski 2018). These accounts suggest that presidents may issue fewer unilateral directives than they might otherwise, but do not make predictions about the distribution of directives across issue areas.

approach relative to studies of presidential action and public opinion in other contexts. For example, Canes-Wrone and Shotts (2004) evaluate presidential responsiveness to public spending priorities on eleven policy areas for most years between 1972 and 1999. Stimson, MacKuen, and Erikson (1995) study annual presidential responsiveness, measured using presidents' positions on legislation, to aggregate public mood. Eshbaugh-Soha and Rottinghaus (2013) track responsiveness using 95 policies proposed by presidents between 1989 and 2008, and Rottinghaus (2006) links 585 presidential public statements to polling on those issues between 1953 to 2001. Several other studies measure presidential liberalism from the text of their public remarks, aggregated at the annual (Cohen 1997) or quarterly levels (Wood 2009). These studies do not evaluate executive action, however, and with a few exceptions (e.g., Canes-Wrone and Shotts 2004; Rottinghaus 2006) they do not disaggregate public opinion across issue areas. In contrast, I study the relationship between public priorities and presidential behavior using a comprehensive set of directives and policy domains over an extended time period.

## Data and Measures

I evaluate the relationship between public opinion and presidential policymaking using panel data on the public's issue priorities and the volume of unilateral activity from 1953 to 2018. This time frame corresponds to the years for which issue-specific public opinion measures (described below) are available. The data draw from The Policy Agendas Project (2021; 2021; 2021). The dependent variable is the number of executive orders that address issue  $i$  in year  $t$ . Executive orders are generally the most prominent and publicly salient form of unilateral directive issued by presidents.<sup>6</sup> Executive orders are commonly scrutinized by legislators and media and are readily

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<sup>6</sup>While scholarship on unilateral politics focuses largely on executive orders, presidents also make policy with other unilateral directives. Unfortunately, comprehensive data on directives beyond executive orders and their associated issue areas are not currently available across the time pe-

accessible to actors inside or outside the government who wish to call attention to a president's unilateral activity. Therefore, if public opinion is not associated with unilateral activity through executive orders, it may be even less likely to do so with unilateral directives that are more hidden from public view.<sup>7</sup>

Overall, the data include 2,604 executive orders across 17 issue areas between 1953 and 2018.<sup>8</sup> The issue categories comprise a comprehensive range of policy domains to which orders were addressed and for which public opinion measures were available.<sup>9</sup> These policy areas range from domestic regulatory policies, such as banking and finance, to social policies, such as welfare and civil rights, to national security and foreign policies, such as defense and international affairs. Summary statistics on executive orders by issue area are shown in Table 1. On average, presidents issued the fewest annual executive orders on labor, education, social welfare, immigration, and housing policies, and issued directives at the highest annual rates to address defense, foreign affairs, and government operations.

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riod under study.

<sup>7</sup>I include all executive orders. While executive orders are not equally policy-significant (e.g., Chiou and Rothenberg 2014; Howell 2003), presidents may use relatively inconsequential directives to symbolically respond to public opinion. As I report below, however, I also estimated additional models that exclude ceremonial orders (following Bolton and Thrower 2016) and that use continuous measures of directive significance (see Chiou and Rothenberg 2014) to distinguish more important directives.

<sup>8</sup>This figure, and the data shown in Table 1 and Figure 1, includes only those years and issue categories for which public opinion data were also available. Executive orders on agriculture and trade are thus excluded. I also excluded executive orders that addressed science and technology, as public opinion data were available for only a small number of years.

<sup>9</sup>The issue categories are described in detail at The Policy Agendas Project: <https://www.comparativeagendas.net/pages/master-codebook>.

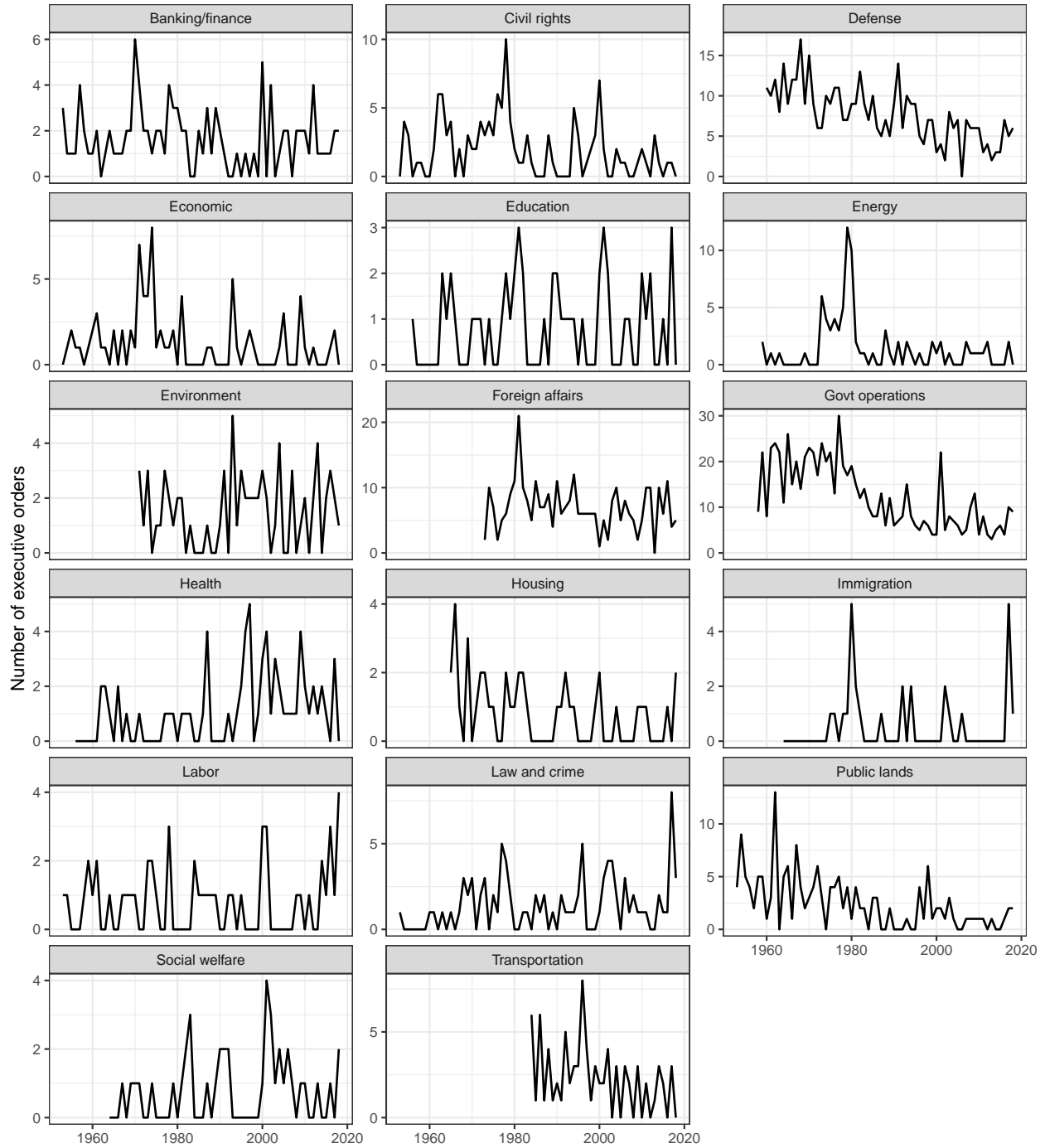
**Table 1:** Summary Statistics: Executive Orders by Issue Area, 1953–2018

Issue area	Mean	(SD)	Min	Max
Macroeconomics	1.20	1.67	0	8
Civil rights	1.92	2.09	0	10
Health	1.06	1.26	0	5
Labor	0.77	0.96	0	4
Education	0.79	0.90	0	3
Environment	1.50	1.30	0	5
Energy	1.38	2.26	0	12
Immigration	0.49	1.07	0	5
Transportation	2.31	1.94	0	8
Law and crime	1.38	1.55	0	8
Social welfare	0.75	0.95	0	4
Housing	0.78	0.92	0	4
Domestic commerce	1.65	1.29	0	6
Defense	7.68	3.44	0	17
Foreign affairs	6.98	3.62	0	21
Government operations	12.26	7.11	3	30
Public lands	2.45	2.49	0	13

As Figure 1 shows, unilateral activity varied across both time and issue area. Executive orders on civil rights policies, for example, were relatively more frequent in the early 1960s, late 1970s, and late 1990s than in most other years. Likewise, presidents used unilateral power to address law and crime issues more frequently in the late 1970s, late 1990s, and early 2000s than in other periods. Issue and temporal variation in presidential policymaking suggests that factors that are constant within fixed periods of time, such as the relationship between the president and Congress or a president’s policy priorities, may not fully characterize the political considerations that are associated with unilateral activity.

The primary independent variable characterizes dimensions of public opinion on each of the 17 issue areas noted above. This variable, *Public salience*, measures public concern on each issue area. For each year between 1953 and 2018, I include the percentage of respondents who identify each issue in the dataset as the “most important problem” using measures created by Heffington,

**Figure 1: Executive Orders across Issue Area, 1953–2018**



*Note:* Figures show the annual number of executive orders in each issue area.

Park, and Williams (2019).<sup>10</sup> As one may expect, the economy often was the issue of greatest

salience, as an average of 30 percent of Americans identified it as the “most important problem” across the entire time period. Most other issues were relatively salient for a portion of this time period, however; at least 10 percent of Americans identified civil rights, health, education, energy, law and crime, social welfare, international affairs, and government operations as the most important problem in one or more years. More generally, there is substantial variation in salience over time within each issue area, as the variance within each issue area in the level of salience is nearly equivalent to the variance between issue areas.

## Empirical Strategy

I leverage the variation within issue areas to evaluate the association between public priorities and unilateral activity. Specifically, I estimate the following model:

$$y_{it} = \beta_0 + \alpha_i + \delta_p + \beta_1 \text{Public salience}_{it} + \mathbf{X}\Omega_{it} + \epsilon_{it}, \quad (1)$$

where the dependent variable is the number of executive orders in issue area  $i$  in year  $t$ . The main independent variable, *Public salience*, is the measure described above and the estimate of  $\beta_1$  is the main quantity of interest. If presidents use unilateral power more frequently to address issues of public concern, respectively, I expect to observe a positive estimate for this parameters.

The specification described by equation (1) improves upon models used in previous research

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<sup>10</sup>While the measure of *Public salience* characterizes the issue priorities of the entire nation, some scholarship argues that presidents primarily advocate for partisan goals rather than national goals (Eshbaugh-Soha and Rottinghaus 2013; Wood 2009). These accounts would predict that presidents would privilege the priorities of their copartisans. While measures of issue salience across partisan groups do not currently exist, Heffington, Park, and Williams (2019) find minimal differences in issue priorities between Democrats and Republicans. This partisan consensus limits the opportunity to empirically study the partisan hypothesis in this context.

on patterns of unilateral behavior. These models generally predict the number of unilateral directives in a given year or congress based on characteristics of the political environment in that year or congress. This approach is particularly vulnerable to omitted variable bias given the many other features of the political environment that change across time. Equation (1) leverages two sources of variation for studying the relationship between public opinion and presidential policymaking. I include issue fixed effects ( $\alpha_i$ ) to control for time-invariant attributes that contribute to baseline differences in the volume of unilateral activity across issue areas. I also include president fixed effects ( $\delta_p$ ) to account for differences across presidents in the use of unilateral power. Given the specification represented by equation (1), estimates of  $\beta_1$  are identified on the basis of changes in an issue area's salience within presidential administrations.

Additionally, I estimate models that include other covariates ( $\mathbf{X}_{it}$ ) that may also be related to unilateral activity and could serve as potential confounders. First, I account for contextual factors that may affect the president's incentives for unilateral action. I include an indicator for *Divided government*, which describes congresses when at least one chamber is controlled by the party opposite the White House, as some previous research indicates that presidents use unilateral powers less frequently during these periods (e.g., Bolton and Thrower 2016; Howell 2003). I also include an indicator (*War*) for years in which the U.S. was involved in a major war<sup>11</sup> and the *Unemployment rate* in percentage points,<sup>12</sup> as periods of war and worsening economic conditions may require greater presidential action. Second, I estimate models that characterize the president's electoral incentives. Following Canes-Wrone and Shotts (2004), I include indicators to distinguish *First-term* presidents and *Presidential election years*. I also include a measure of the president's annual approval rating to account for differences in presidential popularity that may be associated with variation in unilateral activity (see Christenson and Kriner 2020). The vector

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<sup>11</sup>This coding scheme follows Howell and Jackman (2013).

<sup>12</sup>These data were obtained from [https://data.bls.gov/timeseries/LNU04000000?years\\_option=all\\_years&periods\\_option=specific\\_periods&periods=Annual+Data](https://data.bls.gov/timeseries/LNU04000000?years_option=all_years&periods_option=specific_periods&periods=Annual+Data) on April 10, 2021.

of coefficient estimates corresponding to these covariates is represented by  $\Omega_{it}$ .

Finally,  $\beta_0$  is a constant term and  $\epsilon_{it}$  is a random error term, clustered on issue area.<sup>13</sup> However, because there are only 17 issue areas, the standard errors are likely to be biased downward given the small number of clusters (i.e., fewer than fifty; see Cameron and Miller 2015). This bias may lead researchers to inappropriately reject the null hypothesis.<sup>14</sup> Based on the procedure developed by Roodman et al. (2019), I address these challenges to inference by calculating test statistics via the wild bootstrap. Following Canay, Santos, and Shaikh (2019, 24), I use Rademacher weights and report  $p$ -values associated with the test statistics rather than wild bootstrap-based standard errors. I use a count model given the nature of the dependent variable and estimate equation (1) via negative binomial regression. As I discuss below, however, the substantive findings are consistent across a range of modeling strategies.

## Results

Table 2 presents the coefficient estimates from the model described above. Column (1) shows results from a model specification when unilateral activity is regressed on *Public salience* in addition to issue and president fixed effects. The model in column (2) accounts for *Divided government*, *War* and the *Unemployment* rate. Column (3) reports results when adding indicators for *First term* presidents and *Presidential election year* along with the president's average annual

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<sup>13</sup>The substantive inferences do not change when clustering on congress rather than issue areas. See Table A.1.

<sup>14</sup>While research in this area has become more attuned to clustering standard errors at the appropriate level, it has remained common for presidency scholarship to report standard errors that are likely incorrect due to the presence of relatively few clusters. For example, Howell (2003) and Bolton and Thrower (2016) cluster on a small number of presidents, Lewis (2005) clusters on a small number of years, and Krause and Cook (2015) cluster on a small number of agencies.



*Approval rating.*

The results are consistent across each model. In each, the coefficient for *Public salience* is positive and statistically significant at conventional levels, indicating that presidents issue greater numbers of unilateral directives on issues that are more publicly salient. Aggregating across the issue areas in the data, the findings from Table 2 provide evidence of a connection between the public's issue priorities and presidential attentiveness to those policy areas through executive orders. Using the estimates from model (3), a seven percentage point increase in the public salience measure (which corresponds to a one standard deviation increase) is predicted to increase the number of unilateral directives by about eight percent.<sup>15</sup> To contextualize the magnitude of this finding, consider that Bolton and Thrower (2016, 547) report that “a shift from unified to divided government [between 1945 and 2013] is associated with a 10% decrease in the number of executive orders.” Thus, a one standard deviation increase in public attentiveness to an issue is associated with an increase in unilateral activity similar in magnitude to factors implicated by leading theories of unilateral action (e.g., Howell 2003).

The results for the other covariates are also of substantive interest. In models (2) and (3), the coefficient for *Divided government* is negative, but it is not statistically significant in either.<sup>16</sup> Column (2) shows that presidents issued greater numbers of executive orders during major wars, but the coefficient is not statistically significant in column (3). I also find little evidence that economic conditions, measured by the unemployment rate, are associated with rates of unilateral activity, nor does the number of executive orders differ between presidents' first and second terms

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<sup>15</sup>I follow Mummolo and Peterson (2019) in using the within-unit variation to characterize the substantive effect estimates from equation (1). This is calculated by comparing the predicted number of unilateral directives when salience is at its mean level (1.59 directives) to the predicted number at one standard deviation above the mean (1.72).

<sup>16</sup>In model (2), the coefficient is statistically significant when clustered standard errors are estimated conventionally rather than with the wild bootstrap.

or between election years and non-election years. Finally, the coefficient for *Approval rating* is small in magnitude and not distinguishable from zero, suggesting that presidential popularity is not systematically associated with unilateral activity.

**Table 2:** Issue Salience and Executive Action, 1953-2018

	(1)	(2)	(3)
Public salience	1.092*	1.105*	1.090*
	(.039)	(.030)	(.027)
Divided government		-0.121	-0.072
		(.101)	(.319)
War		0.230*	0.133
		(.042)	(.295)
Unemployment		0.042	0.012
		(.182)	(.700)
First term			.165
			(.075)
Presidential election year			-0.036
			(.757)
Approval rating			0.025
			(.953)
(Intercept)	-0.417	-0.690*	-0.664
	(.136)	(.005)	(.087)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	995	995	995

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

The results shown in Table 2 are robust across a wide range of additional analyses. In the interest of space, I describe the results of these analyses here and report the full results in the Supplementary Appendix. First, the results in Table 2 are robust to choice of regression models.

In additional models, I calculated the logged (plus one) number of annual executive orders in each issue area and estimated equation (1) via linear regression. I also estimated Poisson models rather than negative binomial regression. The results from these models are substantively similar to those reported above.<sup>17</sup>

Second, I find results consistent with those reported above when using alternative characterizations of key variables. While the results in Table 2 measure unilateral activity using all executive orders between 1953 and 2018, I also followed the approach used by Bolton and Thrower (2016) and modeled only non-commemorative executive orders.<sup>18</sup> As an alternative measurement strategy, I created a dependent variable that characterizes the proportion of executive orders in a given year that address each issue, where larger values indicate issues to which presidents dedicated larger shares of executive orders.<sup>19</sup> I also estimated models where I omitted observations for which measures of *Public salience* were not available, rather than assuming that the values of this variable were equal to zero. This reduces the sample size by 12 issue-year observations.<sup>20</sup> Finally, rather than use a contemporaneous measure of *Public salience*, I included its lagged value. This is consistent with the strategy used to evaluate presidential responsiveness by Erikson, MacKuen, and Stimson (2002).<sup>21</sup> Each of these alternative measurement approaches provides evidence consistent with Table 2.

Third, I find no evidence that the patterns in Table 2 reflect the entry and exit of specific issues from the data. The panel of issues and years reported above is unbalanced due to lack of data on public opinion for some issues and years. Therefore, I estimated the models using a balanced panel containing only the subset of issues for which full data are available for the entire 66 year

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<sup>17</sup>See Tables A.2 and A.3.

<sup>18</sup>See Table A.4.

<sup>19</sup>See Table A.5.

<sup>20</sup>See Table A.6.

<sup>21</sup>See Table A.7.

period. Despite the reduced sample size, I continue to find that *Public salience* is associated with increased unilateral activity.<sup>22</sup>

Fourth, the results reported in Table 2 are not disproportionately driven by a particular issue area or president. I re-estimated the model shown in column (3) while excluding one issue area at a time and while excluding one president at a time. While the coefficient estimates for *Public salience* occasionally fall short of statistical significance, the vast majority are distinguishable from zero and the substantive patterns are consistent with those reported above.<sup>23</sup>

Fifth, and finally, I estimated models that accounted for the possibility of presidential influence on public perceptions of salient issues. Previous research shows that a president's attentiveness to an issue can increase public concern about that policy area (e.g., Cohen 1995). Thus, I followed Cohen (1997) and calculated the share of sentences that presidents' annual State of the Union addresses dedicated to each issue area and included this measure as an additional covariate.<sup>24</sup> While I do find evidence that presidents issue greater numbers of executive orders on issues they discussed at greater length in the State of the Union, the coefficient for *Public salience* continues to be positive and statistically significant.

The results presented above provide new evidence about the relationship between public opinion and unilateral action. Unilateral activity reflects the issues that weigh on the public's mind. Presidents issue greater numbers of executive orders in a given policy domain as the public pays greater attention to it. While unilateral action is associated with positive and normative concerns about the separation of powers, the results shown above also suggest that presidents' use of unilateral power is not divorced from issues that are salient to their public audience.

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<sup>22</sup>See Table A.8.

<sup>23</sup>See Tables A.9 and A.10.

<sup>24</sup>See Table A.11.

## Variation across Issue Types

I now examine how patterns of presidential attentiveness to public priorities varies across issue areas. I evaluated this possibility by distinguishing “doorstep issues” from the other issues contained in the data (Zaller and Feldman 1992). Doorstep issues represent the policy domains that citizens are more likely to encounter in their daily lives; while other issues may momentarily capture public attention, presidents may have stronger incentives to address public priorities on issues with which the public may be more familiar.<sup>25</sup> Following the issues studied in Canes-Wrone and Shotts (2004), I classified policies on the economy, health, labor, education, law and crime, social welfare, and housing as doorstep issues. I then estimated the model specifications shown in Table 2 separately for these issues and the others (which includes civil rights, the environment, energy, immigration, transportation, domestic commerce, defense, foreign affairs, government operations, and public lands).<sup>26</sup>

Table 3 shows the results. The first three columns of estimates show the findings for doorstep issues. In each model, the coefficient for *Public salience* is positive and statistically significant, indicating that public attentiveness is associated with increased numbers of executive orders on those issues. As the right three columns of Table 3 show, however, I find less evidence that public opinion is associated with the use of unilateral power on other issues. The coefficients for *Public salience* and *Aligned president* are all positively signed but they are relatively small in magnitude and none is statistically distinguishable from zero at conventional levels.<sup>27</sup>

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<sup>25</sup>On average, doorstep issues are more salient than other issues; the within-issue variance is also somewhat higher for doorstep issues.

<sup>26</sup>Because Carmines and Stimson (1980) classify racial desegregation as an “easy” issue, I also estimated models that classify civil rights as a doorstep issue. I continue to find strong evidence of an association between *Public salience* and executive orders on doorstep steps and but no evidence of such a relationship for other issues. See Table A.12.

<sup>27</sup>In additional analyses, I find evidence of a non-linearity in the relationship between *Public*

**Table 3:** Public Opinion and Executive Action across Issue Areas, 1953-2018

	Doorstep issues			Not doorstep issues		
Public salience	1.424*	1.317*	1.341*	0.683	0.734	0.678
	(.031)	(.031)	(.049)	(.432)	(.369)	(.405)
Divided government		-0.128	-0.070		-0.128	-0.074
		(.547)	(.734)		(.125)	(.294)
War		0.470	0.381		0.142	0.036
		(.109)	(.234)		(.268)	(.768)
Unemployment		0.049	0.005		0.034	0.001
		(.344)	(.922)		(.340)	(.989)
First term			0.220			0.174
			(.344)			(.166)
Presidential election year			-0.054			-0.049
			(.625)			(.850)
Approval rating			-0.282			0.027
			(.703)			(.967)
(Intercept)	-0.372	-0.771*	-0.543	0.260	0.100	0.127
	(.469)	(.031)	(.375)	(.336)	(.690)	(.799)
President Fixed Effects	✓	✓	✓	✓	✓	✓
Issue Fixed Effects	✓	✓	✓	✓	✓	✓
Observations	433	433	433	562	562	562

Doorstep issues include economic issues, health, labor, education, law and crime, social welfare, and housing.

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses. \*  $p < 0.05$  (two-tailed tests).

The results shown in Table 3 provide particularly strong evidence of presidential attentiveness to public priorities on more familiar “doorstep” issues. These findings suggest that presidents are especially attentive to public concerns on issues for which citizens likely have greater knowledge and stable preferences. These may be the issues by which the public more critically evaluates presidential performance. Moreover, these findings are generally consistent with Canes-Wrone and Shotts (2004), in which presidents were more responsive to the public’s spending preferences on doorstep issues.

### **Variation across Order Significance**

I further examined whether the association between public opinion and unilateral activity varied with the policy significance of the executive orders. To do so, I used scores developed by Chiou and Rothenberg (2014) to characterize the significance of executive orders. The scores are based on the amount of coverage that executive orders received from major newspapers, historical reports, news magazines, and legal publications (following Mayhew 1991). This measurement strategy produces continuous estimates of executive order significance which range approximately from -1 to 3. Following Chiou and Rothenberg (2014), I use multiple thresholds to distinguish less significant from more significant executive orders. My primary interest is in evaluating whether the measures of public opinion are more strongly associated with patterns of unilateral activity on more significant directives.

Table 4 shows results from this analysis. The Chiou and Rothenberg (2014) data span the period 1947 to 2003; thus, the analysis includes executive order and public opinion data from salience and executive orders to address doorstep issues. Increased salience is associated with more executive orders for relatively low levels of salience, but this relationship attenuates for higher levels of salience. This finding suggests that the greater familiarity for doorstep issues is responsible for the stronger association between *Public salience* and presidential activity rather than the greater average salience of those issues. See Table A.13.

1953 (when the public opinion measures begin) to 2003. To begin, I estimate model (3) from Table 2, using all executive orders from 1953 to 2003. I do this to first establish that the main findings reported above are obtained for the specific time period during which the significance scores are available. These results are shown in the first column (“All”) and are consistent with Table 2. The coefficient for *Public salience* is positive and statistically significant, indicating that presidents issue more directives as the salience increases within an issue area. The patterns reported above thus apply to the time period for which the Chiou and Rothenberg (2014) scores are used.

The second column of results includes patterns of unilateral action for the least significant executive orders in the data set. Here, I used zero as an upper threshold for distinguishing insignificant directives. About 55 percent of the executive orders in the Chiou and Rothenberg (2014) have scores lower than zero. I study the annual number of executive orders in each issue area using this subset of executive orders. Strikingly, the coefficient for *Public salience* is small in magnitude and indistinguishable from zero, providing no evidence that the volume of executive orders with low levels of policy significance is responsive to the public’s issue attentiveness.

In contrast, the results in the third and fourth columns show that *Public salience* is strongly associated with the rates at which presidents issue significant directives. About 45 percent of the directives in the Chiou and Rothenberg (2014) data have significance estimates greater than zero, and the annual number of these directives in each issue area is the dependent variable in the third column. About 15 percent of directives have significance estimates greater than one, and the annual number per issue area is the dependent variable in the fourth column. In both, *Public salience* is positive and statistically significant. The results in the third column indicate that a one standard deviation increase in *Public salience* is associated with a 13 percent increase in unilateral action; limiting to the most significant directives in the fourth column, a one standard deviation increase in salience is associated with a 19 percent increase in significant executive orders.

Overall, Table 4 demonstrates that while the public’s issue priorities are strongly associated with the use of significant unilateral directives, the relationship is considerably weaker, if not



**Table 4:** Public Opinion and Significant Executive Action, 1953-2003

	All	Not significant (score < 0)	Significant (score > 0)	Significant (score > 1)
Public salience	1.077* (.002)	-0.013 (.982)	1.651* (.010)	2.316* (.024)
Divided government	-0.048 (.704)	-0.224 (.124)	0.042 (.786)	-0.035 (.925)
War	0.013 (.932)	0.025 (.888)	-0.028 (.916)	-0.165 (.769)
Unemployment	0.011 (.754)	0.056 (.269)	-0.025 (.510)	-0.055 (.513)
First term	0.128 (.137)	0.117 (.091)	0.138 (.225)	0.212 (.164)
Presidential election year	-0.104 (.411)	-0.132 (.502)	-0.109 (.406)	-0.267 (.132)
Approval rating	-0.260 (.560)	-0.201 (.707)	-0.130 (.801)	-0.365 (.680)
(Intercept)	-0.398 (.226)	-1.087 (.086)	-1.067* (.023)	-1.355* (.024)
President Fixed Effects	✓	✓	✓	✓
Issue Fixed Effects	✓	✓	✓	✓
Observations	740	740	740	740

Dependent variable is the annual number of executive orders in each issue area.

Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses. \*  $p < 0.05$  (two-tailed tests).

absent, for directives of less policy consequence. I do not wish to overstate the results given questions about strategies for measuring significant orders and interpreting their meaning. Nevertheless, significant executive orders are more likely to garner public attention (in fact, that is the basis of the measurement strategy), and the results of this analysis reveal that presidents use these higher-profile directives in ways that are responsive to issues to which the public is more attentive.

### **Variation with Presidents' Electoral Incentives**

I also considered whether presidents' attentiveness to public priorities was moderated by several other electoral and political factors. Based on the scholarship discussed above, I examined whether the association between public attentiveness to an issue and unilateral activity to address that issue varied across the presidential election cycle. For example, presidents may be particularly responsive during their first terms and/or in election years as a means of demonstrating their commitment to the public's issue priorities. Therefore, I interacted *Public salience* with indicators for *First term* and *Election year*. If presidents place particular priority on the public's issue concerns during these periods, perhaps as a means of securing re-election, I expect the interaction terms to be positive.<sup>28</sup>

I also considered whether public priorities are conditioned by various indicators of the president's popularity. More popular presidents could have fewer incentives to respond to public opinion while less popular presidents have greater incentives in efforts to bolster their public

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<sup>28</sup>It is also possible that presidents use unilateral power for different purposes between their terms.

In their first, they could be attempting to showcase their ability (Judd 2017) while pursuing their own interests in their second terms. This account requires a different set of measures for empirical testing, however, and has ambiguous implications for the coefficient for *Public salience*.

standing. To evaluate this possibility, I interacted *Public salience* with a measure of the president's average *Approval rating* in that year. Alternatively, the incentives for presidents to address the public's issue priorities may be greatest when their approval ratings are middling, as every increase or decrease in approval may change their prospects for holding onto office, and lower as their approval is increasingly high or low. Thus, I interacted *Public salience* with the absolute difference between the president's approval rating and the 50 percent mark, such that larger values of this variable characterized presidents with approval ratings that are increasingly positive or negative.

Table 5 provides results to evaluate each of these possibilities. Using the measures described above, I find no evidence that presidents are systematically more responsive to the public's issue priorities based on the electoral calendar or presidents' public standing. None of the four interaction terms is statistically distinguishable from zero, and in many cases they run counter to the expectations described above. On the basis of the results in Tables 2 and 5, it appears that patterns of unilateral activity are generally quite responsive to the public's issue priorities. These patterns are not confined only to opportune electoral moments, nor do they depend on the presence of a sufficiently popular (or unpopular) president. Presidents appear to have incentives to address the public's issue priorities on a relatively constant basis.

## **Executive Orders and the Varieties of Presidential Responsiveness to Public Opinion**

The analyses above rely on one particular measure of public opinion: issue salience. While it may be normatively desirable for officeholders to address their constituents' issue *priorities*, theories of democratic governance also emphasize the importance for officeholders to address their constituents' issue *preferences*. In the context of unilateral action, for example, we may wish to know whether the policy content of presidential directives is responsive to, or congruent with, the

**Table 5: Public Opinion and Executive Action, 1953-2018: Potential Moderators**

	(1)	(2)	(3)	(4)
Public salience	1.290 (.078)	1.140* (.034)	2.278 (.114)	1.188 (.151)
Public Salience × First term	-0.380 (.574)			
Public Salience × Election year		-0.236 (.756)		
Public Salience × Approval			-3.304 (.268)	
Public Salience ×   Approval-0.50				-0.011 (.819)
Divided government	-0.071 (.322)	-0.072 (.320)	-0.071 (.335)	-0.079 (.312)
War	0.129 (.303)	0.134 (.289)	0.125 (.336)	0.125 (.256)
Unemployment	0.012 (.692)	0.012 (.693)	0.013 (.682)	-0.010 (.720)
First term	0.188 (.074)	0.165 (.077)	0.169 (.071)	0.169 (.069)
Presidential election year	-0.035 (.749)	-0.035 (.854)	-0.035 (.752)	-0.035 (.754)
Approval rating	0.046 (.911)	0.026 (.949)	0.242 (.652)	
Approval-0.50				0.002 (.795)
(Intercept)	-0.690 (.072)	-0.670 (.087)	-0.808 (.079)	-0.668* (.021)
President Fixed Effects	✓	✓	✓	✓
Issue Fixed Effects	✓	✓	✓	✓
Observations	995	995	995	995

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses. \*  $p < 0.05$  (two-tailed tests).

public's preferences on a given issue. Contemporary presidents dedicate significant resources to identifying and understanding public opinion (Jacobs and Shapiro 2000) and, as Stimson, MacKuen, and Erikson (1995, 545) argue: "Elected politicians . . . sense the mood of the moment, assess its trend, and anticipate its consequence for future elections. . . . When politicians perceive public opinion change, they adapt their behavior to please their constituency."

Evaluating ideological responsiveness or policy congruence in the context of executive action introduces significant data challenges, however. One approach might be to measure the public's preferences across a range of specific policies and evaluate whether presidents implement those policies through unilateral directives in ways that are consistent with the public's issue preferences. An alternative strategy might be to compare the ideological content of unilateral directives with the public's ideological orientation. Unfortunately, existing measures do not permit either approach to be implemented in a systematic way.

As a next-best approach, I explored the relationship between the public's ideological orientation in a given issue area and the volume of unilateral activity to address that policy domain. In the interest of space, I report the results in Table A.14 in the Appendix but briefly describe the analyses and results here. I use the public mood measures developed by Stimson (1991) and elaborated in Atkinson et al. (Forthcoming). The mood measure characterizes public liberalism (Erikson, MacKuen, and Stimson 2002, 25), conceptualized as the demand for more liberal or more conservative government action. This measure is available for each of the issue areas described above and varies between 0 and 1, where larger values indicate a more liberal public mood.

For each issue area, there may be theoretical reasons to expect two kinds of associations between policy mood and the volume of unilateral activity. First, to the extent that mood characterizes demand for government intervention, presidents may have incentives to issue more directives in an issue area as the public adopts an increasingly activist or liberal orientation. To examine this possibility, I estimated models similar to those in Table 2 but included the measure of public mood. Second, the relationship between mood and unilateral action may be conditional

in nature, as mood may be associated with executive action when the president's ideological orientation is aligned with the public's.<sup>29</sup> I evaluate this by recoding the mood measure so that it indicates whether the president's ideological orientation was consistent with the public's mood on a particular issue.<sup>30</sup>

The results from this exercise provide suggestive, but not dispositive, evidence of a relationship between the public's ideological orientation and the volume of executive orders. When including the measure of public mood as a covariate in the model described above, the coefficient is positive yet it does not reach conventional levels of statistical significance ( $p < .20$ , two-tailed). Similarly, when including measure of presidential alignment with public mood, the coefficient is also positive but it too is indistinguishable from zero ( $p < .07$ ). While these findings suggest a link between public opinion and unilateral activity, they do not permit strong conclusions given the inability to reject the null hypothesis and the limitations of the measurement approach described above.

Still, there are good reasons to suspect that presidents' use of unilateral power is responsive to public opinion in a variety of ways. Previous accounts have detailed how presidents' unilateral initiatives developed in response to issues of increased public concern; consider, for example, Nixon's use of executive orders and other administrative actions to address environmental issues

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<sup>29</sup>This requires the assumption that Democratic (Republican) presidents are more likely to issue directives with liberal (conservative) policy content. NOMINATE scores are broadly consistent with this assumption, as they reveal Republican presidents to be clustered together on the conservative side of the ideological space with Democratic presidents clustered on the liberal side of the space.

<sup>30</sup>When Democratic presidents were in office, I simply use the values of the mood as provided. When Republican presidents were in office, I recalculate the measure as  $1 - mood$ . Given this construction of the measure of *Aligned president*, larger values indicate issues on which public preferences are more aligned with the ideological perspective of the president in office.

as public concern over pollution grew during the first years of his term (see, e.g., Flippen 2000). Presidents also appear to have incentives to issue directives that implement policies that are popular with the public; for instance, during Biden's first weeks in office, the available survey data indicated that his initiatives were supported by pluralities and often large majorities (Bacon 2021). To be clear, this evidence is suggestive, but it is also consistent with theories of presidential behavior in other domains (Canes-Wrone 2006). Additional research to evaluate these patterns more systematically would advance our understanding about how unilateral action contributes to democratic responsiveness within federal policymaking institutions.

## Conclusion

Unilateral action is arguably more politically salient and controversial than it ever has been. While some political debates about unilateral powers invoke the president's legal and statutory authority, others reference the president's accountability to voters. The results in this paper contribute to these debates by examining how public opinion is associated with patterns of unilateral activity. Across a number of analyses, I find consistent evidence that presidents issue greater numbers of executive orders as the public's attentiveness increases to that policy area. I also provide suggestive evidence that presidents use unilateral powers more frequently when they share the public's issue preferences. Together, these findings establish a link between the mass public and presidents' use of unilateral power.

The results in this paper have several implications for scholarship on presidential behavior, accountability, and the separation of powers. While the findings do not allow me to distinguish the *quality* of presidential decision making, they do indicate that presidents perceive incentives to respond to national public opinion when issuing unilateral directives. Just as other political officials, including legislators and judges, consider public opinion when contemplating their behavior, so too do presidents. Whether this situation is welfare-enhancing for voters depends, at

least in part, on to what presidents are responding. We may reach different conclusions about the normative appeal of presidential responsiveness depending on presidents' policy choices given public opinion and their private information (see, e.g., Canes-Wrone and Shotts 2004).

Second, the results suggest that public opinion plays an important role in presidents' unilateral decision making. Previous scholarship argues and presents evidence that presidents strategically consider the institutional environment when contemplating unilateral action (e.g., Howell 2003). These accounts argue that the separation of powers is the primary constraint on presidential unilateralism. Yet this scholarship overlooks the politics of accountability and the role of mass publics. More speculatively, the results are consistent with research that argues that the incentives for presidential action may come from politics rather than from formal and legal institutions (Christenson and Kriner 2020; Posner and Vermeule 2011).

Third, and more suggestively, the findings on offer add nuance to a growing literature on the public's evaluations of unilateral power. Several recent studies show that the public tends to oppose unilateral action in the abstract (Reeves and Rogowski 2015, 2016) and may penalize presidents for its use (Christenson and Kriner 2020; Reeves and Rogowski 2018). Presidents may be able to avoid the potential negative reaction to the use of unilateral power, however, by strategically exercising it to address issues favored or perceived as important by the public. Not only may the public be more supportive of unilateral action when it advances their policy priorities, but it may also decrease the political incentives for members of Congress and potential litigants (Christenson and Kriner 2020) to challenge the president's action. In this way, presidents may be able to overcome the potential constraining effects of divided government identified in previous scholarship (Bolton and Thrower 2021; Howell 2003). Public opinion may thus incentivize (or alternatively, constrain) presidents' unilateral behavior through the politics of accountability.

By design, however, the findings in this paper have several important limitations and present opportunities for future research. First, the dependent variable measures the frequency of executive policymaking but does not characterize the ideological nature of presidential action, which



limits the ability to study the links between individual presidential actions and the public's policy opinion. Future research could measure the ideological content of presidential directives and evaluate whether individual directives are responsive to and consistent with public attitudes. Second, existing scholarship on other aspects of presidential behavior indicates that presidents are more responsive to partisan constituencies than to other groups (Kriner and Reeves 2015; Wood 2009). Future research could develop party-specific measures of public opinion to explore variation in presidential responsiveness across constituencies and issues. Third, and finally, future theoretical research could model potential tradeoffs in how presidents pursue their political priorities and the public's issue preferences in the shadow of elections and action by adjoining branches of government. Such research could provide a richer characterization of unilateral action in separation of powers systems and inform normative debates over its use.

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***ONLINE APPENDIX***

Additional Information for  
*Public Opinion and Presidents' Unilateral Policy Agendas*

# Contents

<b>A</b>	<b>Robustness Checks and Extensions for Online Publication</b>	<b>1</b>
A.1	Standard errors clustered on congress . . . . .	1
A.2	Alternative regression models . . . . .	2
A.3	Alternative measures . . . . .	4
A.4	Subsample estimates . . . . .	8
A.5	Presidential Agenda-Setting . . . . .	11
A.6	Additional Models for Doorstep Issues . . . . .	12
A.7	Public Mood and Executive Action . . . . .	14
<b>R</b>	<b>Additional Tables for Reviewers</b>	<b>15</b>

# A Robustness Checks and Extensions for Online Publication

## A.1 Standard errors clustered on congress

**Table A.1:** Issue Salience and Executive Action, 1953-2018

	(1)	(2)	(3)
Public salience	1.092* (.018)	1.105* (.017)	1.090* (.017)
Divided government		-0.121 (.164)	-0.072 (.308)
War		0.230 (.060)	0.133 (.178)
Unemployment		0.042* (.018)	0.012 (.553)
First term			.165 (.052)
Presidential election year			-0.036 (.644)
Approval rating			0.025 (.911)
(Intercept)	-0.417 (.070)	-0.690* (.022)	-0.664* (.042)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	995	995	995

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each congress shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

## A.2 Alternative regression models

**Table A.2:** Issue Salience and Executive Action, 1953-2018 (Linear regression)

	(1)	(2)	(3)
Public salience	0.721* (.014)	0.719* (.011)	0.716* (.011)
Divided government		-0.083 (.040)	-0.043 (.354)
War		0.114 (.058)	0.034 (.725)
Unemployment		0.023 (.099)	-0.002 (.892)
First term			.127* (.019)
Presidential election year			-0.043 (.205)
Approval rating			-0.015 (.962)
(Intercept)	0.247 (.256)	0.124 (.613)	0.174* (.552)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	995	995	995

Dependent variable is the logged annual number of executive orders (plus one) in each issue area. Estimates are negative binomial regression coefficients.

*P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

**Table A.3: Issue Saliency and Executive Action, 1953-2018**

	(1)	(2)	(3)
Public saliency	0.680 (.171)	0.730 (.132)	0.716 (.113)
Divided government		-0.133 (.052)	-0.076 (.242)
War		0.220* (.021)	0.107 (.267)
Unemployment		0.046 (.088)	0.019 (.586)
First term			.155 (.044)
Presidential election year			-0.082 (.655)
Approval rating			0.007 (.985)
(Intercept)	-0.268 (.298)	-0.564* (.025)	-0.525 (.176)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	995	995	995

Dependent variable is the annual number of executive orders in each issue area. Estimates are Poisson regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

### A.3 Alternative measures

**Table A.4:** Public Opinion and Executive Action, 1953-2018 (Non-commemorative executive orders)

	(1)	(2)	(3)
Public salience	1.111*	1.126*	1.111*
	(.034)	(.028)	(.024)
Divided government		-0.116	-0.067
		(.101)	(.340)
War		0.249*	0.151
		(.036)	(.243)
Unemployment		0.045	0.016
		(.181)	(.621)
First term			0.158
			(.080)
Presidential election year			-0.044
			(.671)
Approval rating			0.013
			(.974)
(Intercept)	-0.460	-0.769*	-0.731
	(.101)	(.004)	(.068)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	995	995	995

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses. \*  $p < 0.05$  (two-tailed tests).

**Table A.5:** Issue Saliency and Executive Action, 1953-2018 (DV=share of annual executive orders)

	(1)	(2)	(3)
Public saliency	0.732 (.091)	0.075 (.095)	0.074 (.101)
Divided government		-0.010 (.109)	-0.005 (.314)
War		0.006 (.377)	-0.002 (.851)
Unemployment		-0.003 (.292)	-0.005 (.125)
First term			.014 (.035)
Presidential election year			-0.005 (.467)
Approval rating			-0.006 (.814)
(Intercept)	-0.005 (.704)	0.018 (.356)	0.026 (.261)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	995	995	995

Dependent variable is the proportion of annual executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

**Table A.6:** Issue Salience and Executive Action, 1953-2018 (Alternative measure of salience)

	(1)	(2)	(3)
Public salience	1.090*	1.097*	1.069*
	(.047)	(.039)	(.039)
Divided government		-0.136	-0.094
		(.136)	(.288)
War		0.246	0.169
		(.023)	(.154)
Unemployment		0.040	0.007
		(.199)	(.819)
First term			.163
			(.103)
Presidential election year			-0.028
			(.826)
Approval rating			-0.020
			(.963)
(Intercept)	-0.420	-0.674*	-0.602
	(.144)	(.006)	(.117)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	983	983	983

Dependent variable is the proportion of annual executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).



**Table A.7:** Issue Salience and Executive Action, 1953-2018

	(1)	(2)	(3)
Public salience (lagged)	1.014*	1.029*	1.019*
	(.025)	(.022)	(.011)
Divided government		-0.143	-0.097
		(.108)	(.254)
War		0.249*	0.161
		(.020)	(.173)
Unemployment		0.037	0.002
		(.282)	(.955)
First term			.175*
			(.050)
Presidential election year			-0.046
			(.672)
Approval rating			-0.038
			(.931)
(Intercept)	-0.370	-0.601*	-0.517
	(.082)	(.015)	(.204)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	978	978	978

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

## A.4 Subsample estimates

**Table A.8:** Public Opinion and Executive Action, 1953-2018 (Balanced panel)

	(1)	(2)	(3)
Public salience	1.216*	1.222*	1.283*
	(.000)	(.000)	(.000)
Divided government		-0.191	-0.240
		(.313)	(.156)
War		0.059	-0.119
		(.844)	(.688)
Unemployment		-0.024	-0.003
		(.625)	(.938)
First term			-0.087
			(.344)
Presidential election year			-0.035
			(.719)
Approval rating			1.541
			(.094)
(Intercept)	-1.118	-0.811	-1.660*
	(.000)	(.156)	(.031)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	396	396	396

Data include the six issues (economy, civil rights, labor, law and crime, domestic commerce, and public lands) for which public opinion measures are available in each year between 1953 and 2018. Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values corresponding to the test statistic calculated via the wild bootstrap with 100,000 simulations shown in parentheses. \*  $p < 0.05$  (two-tailed tests).

**Table A.9:** Public Opinion and Executive Action, 1953-2018: Omitting one issue at a time

Omitted issue category	<i>Public salience</i>	<i>N</i>
Economic	1.198 (.110)	929
Civil rights	1.111* (.041)	929
Health	0.932 (.063)	932
Labor	1.072* (.023)	929
Education	1.065* (.034)	932
Environment	1.075* (.023)	947
Energy	0.735 (.082)	935
Immigration	1.041* (.034)	940
Transportation	1.077* (.033)	960
Law and crime	1.000 (.056)	929
Social welfare	1.079* (.032)	940
Housing	1.110* (.027)	941
Banking/finance	1.089* (.023)	929
Defense	1.453* (.014)	936
Foreign affairs	1.129* (.022)	949
Government operations	1.473* (.006)	934
Public lands	1.070* (.047)	929

*Note:* Coefficients and *p*-values reflect results from model (3) of Table 2 when excluding each of the issues one-at-a-time listed in the leftmost column.

**Table A.10:** Public Opinion and Executive Action, 1953-2018: Omitting one president at a time

Omitted president	<i>Public salience</i>	<i>N</i>
Eisenhower	1.000 (.052)	931
Kennedy	1.051* (.047)	962
Johnson	0.934 (.056)	926
Nixon	1.060 (.660)	905
Ford	1.139* (.026)	963
Carter	0.930 (.053)	931
Reagan	1.258* (.031)	862
H.W. Bush	1.232* (.036)	927
Clinton	1.257* (.012)	859
W. Bush	1.036* (.046)	859
Obama	1.081* (.007)	859
Trump	1.056* (.021)	961

*Note:* Coefficients and *p*-values reflect results from model (3) of Table 2 when excluding each of the presidents one-at-a-time listed in the leftmost column.

## A.5 Presidential Agenda-Setting

**Table A.11:** Issue Saliency and Executive Action, 1953-2018 (Accounting for presidential agenda-setting)

	(1)	(2)	(3)
Public saliency	0.808* (.049)	0.825* (.034)	0.801* (.006)
Presidential attentiveness	1.224* (.008)	1.195* (.012)	1.231* (.023)
Divided government		-0.117 (.109)	-0.064 (.356)
War		0.222 (.058)	0.113 (.354)
Unemployment		0.043 (.151)	0.011 (.717)
First term			0.176 (.062)
Presidential election year			-0.040 (.616)
Approval rating			0.049 (.906)
(Intercept)	-0.577 (.066)	-0.852* (.005)	-0.843 (.062)
President Fixed Effects	✓	✓	✓
Issue Fixed Effects	✓	✓	✓
Observations	995	995	995

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

## A.6 Additional Models for Doorstep Issues

**Table A.12:** Public Opinion and Executive Action across Issue Areas, 1953-2018 (Classifying civil rights as doorstep issue)

	Doorstep issues			Not doorstep issues		
Public salience	1.415*	1.359*	1.306*	0.576	0.643	0.631
	(.000)	(.000)	(.023)	(.570)	(.539)	(.539)
Divided government		-0.173	-0.109		-0.121	-0.067
		(.273)	(.508)		(.219)	(.398)
War		0.312	0.128		0.197	0.114
		(.250)	(.664)		(.090)	(.307)
Unemployment		0.029	-0.005		0.039	0.001
		(.539)	(.883)		(.250)	(.981)
First term			0.201			0.190
			(.281)			(.152)
Presidential election year			-0.076			-0.048
			(.398)			(.875)
Approval rating			0.252			-0.140
			(.656)			(.801)
(Intercept)	-0.555	-0.712*	-0.777	0.268	0.038	0.181
	(.250)	(.031)	(.137)	(.289)	(.871)	(.684)
President Fixed Effects	✓	✓	✓	✓	✓	✓
Issue Fixed Effects	✓	✓	✓	✓	✓	✓
Observations	499	499	499	496	496	496

Doorstep issues include economic issues, health, labor, education, law and crime, social welfare, civil rights, and housing. Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses. \*  $p < 0.05$  (two-tailed tests).

**Table A.13:** Public Opinion and Executive Action across Issue Areas, 1953-2018 (Accounting for potential nonlinearities)

	Doorstep issues	Not doorstep issues
Public salience	4.621* (.016)	0.680 (.813)
Public salience <sup>2</sup>	-5.269* (.016)	-0.006 (.998)
Divided government	-0.055 (.813)	-0.074 (.285)
War	0.368 (.250)	0.036 (.773)
Unemployment	0.014 (.672)	0.001 (.986)
First term	0.257 (.281)	0.174 (.135)
Presidential election year	-0.071 (.531)	-0.049 (.842)
Approval rating	-0.428 (.563)	0.026 (.961)
(Intercept)	-0.934 (.109)	0.127 (.807)
President Fixed Effects	✓	✓
Issue Fixed Effects	✓	✓
Observations	433	562

Doorstep issues include economic issues, health, labor, education, law and crime, social welfare, and housing. Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

## A.7 Public Mood and Executive Action

**Table A.14:** Public Mood and Patterns of Unilateral Action

	(1)	(2)		
Public mood	1.266 (.156)	1.217 (.192)		
Aligned president			0.284 (.065)	0.287 (.056)
Public salience		1.046* (.025)		1.090* (.024)
Divided government	-0.065 (.356)	-0.066 (.343)	-0.071 (.332)	-0.071 (.318)
War	0.157 (.241)	0.155 (.238)	0.132 (.308)	0.131 (.301)
Unemployment	0.007 (.816)	0.010 (.723)	0.006 (.837)	0.010 (.748)
First term	0.186 (.056)	0.181 (.065)	0.172 (.067)	0.166 (.078)
Presidential election year	-0.036 (.739)	-0.035 (.756)	-0.036 (.736)	-0.034 (.757)
Approval rating	-0.060 (.888)	-0.013 (.977)	-0.034 (.936)	0.014 (.973)
(Intercept)	-1.089 (.112)	-1.420* (.035)	-0.397 (.347)	-0.773 (.059)
President Fixed Effects	✓	✓	✓	✓
Issue Fixed Effects	✓	✓	✓	✓
Observations	995	995		

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses. \*  $p < 0.05$  (two-tailed tests).



## R Additional Tables for Reviewers

**Table R.1:** Issue Saliency and Executive Action, 1953-2018 (Distinguishing foreign and domestic issues)

	(1)
Public saliency (domestic)	1.511* (.001)
Public saliency × foreign	-1.074 (.221)
Divided government	-0.075 (.300)
War	0.132 (.291)
Unemployment	0.009 (.766)
First term	0.165 (.080)
Presidential election year	-0.036 (.750)
Approval rating	0.029 (.944)
(Intercept)	-0.801* (.048)
President Fixed Effects	✓
Issue Fixed Effects	✓
Observations	995

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on issue area shown in parentheses.

\*  $p < 0.05$  (two-tailed tests).

**Table R.2:** Divided Government and Unilateral Action (using data from Bolton and Thrower 2016)

	1945-2013	1953-2013
Divided government	-0.113 (.061)	-0.063 (.376)
Inflation	0.026* (.044)	0.024 (.215)
Spending (% GDP)	0.011* (.013)	0.046 (.169)
War	0.140* (.015)	0.126 (.122)
Lame duck president	0.107 (.096)	0.059 (.466)
Administration change	-0.071 (.445)	-0.087 (.395)
Time trend	-0.031* (.031)	-0.029 (.088)
(Intercept)	6.518* (.002)	5.555* (.006)
President Fixed Effects	✓	✓
Observations	69	61

Dependent variable is the annual number of executive orders.  
 Estimates are negative binomial regression coefficients.  
*P*-values calculated via the Wild cluster bootstrap  
 to account for clustered standard errors on president  
 are shown in parentheses. \*  $p < 0.05$  (two-tailed tests).

**Table R.3: Divided Government and Unilateral Action**

	1953-2018	1953-2013
Public salience		1.078* (.013)
Divided government	-0.071 (.333)	-0.070 (.316)
War	0.134 (.302)	0.113 (.353)
Unemployment	0.008 (.790)	0.021 (.582)
First term	0.170 (.065)	0.180 (.063)
Presidential election year	-0.037 (.726)	-0.065 (.540)
Approval rating	-0.024 (.955)	0.021 (.958)
(Intercept)	-0.288 (.476)	-0.701 (.071)
President Fixed Effects	✓	✓
Issue Fixed Effects	✓	✓
Observations	995	910

Dependent variable is the annual number of executive orders in each issue area. Estimates are negative binomial regression coefficients. *P*-values calculated via the Wild cluster bootstrap to account for clustered standard errors on each issue area shown in parentheses. \*  $p < 0.05$  (two-tailed tests).