

Divided Government and Presidential Unilateralism

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Abstract

Unilateral action is an important policymaking tool for contemporary presidents. Conventional theories of unilateral power emphasize the constraining effect of Congress in predicting that presidents are less likely to use unilateral power when it is controlled by the opposition party. We revisit the theoretical basis for and evidentiary foundations of this claim using data on nearly 34,000 directives issued between 1946 and 2020. In contrast with previous research, we find no evidence that divided government is associated with reduced unilateral activity. Instead, most results indicate that presidents issue greater numbers of directives during divided government. We also show that the increasing use of directives other than executive orders may explain the negative relationship documented in previous empirical research. Our findings offer a corrective to scholarship on the unilateral presidency and the separation of powers, and suggest the limits of interbranch conflict as a constraint on presidents' unilateral ambitions.

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Then-candidates Barack Obama and Donald Trump regularly discussed immigration policy during their respective campaigns in 2008 and 2016. Obama emphasized his support for comprehensive immigration reform while Trump committed to constructing a wall along the US-Mexico border. For the first two years of each president's administration, their copartisans held control of Congress. Yet neither president made legislative headway in securing their campaign promises. Instead, after each president's party lost control of the House, Obama and Trump used administrative tools to advance their immigration policies, circumventing Congress. Obama created the Deferred Action for Childhood Arrivals program in 2012 (Preston and Cushman 2012) and Trump invoked the National Emergencies Act in 2019 to fund border wall construction (Baker 2019), both among the most significant policies of their presidencies.

Both president's actions are surprising given most theoretical perspectives on unilateral action. These accounts emphasize the separation of powers as a constraint on presidential power: because Congress can pass legislation that supercedes unilateral directives, presidents are less likely to use unilateral power when the threat of reversal is greatest (e.g., Howell 2003).¹ Consistent with this expectation, empirical scholarship generally concludes that presidents issue fewer unilateral directives during periods of divided government and as fewer congressional seats are held by the president's copartisans (e.g., Bolton and Thrower 2016; Chiou and Rothenberg 2014; Howell 2003; Lowande 2014; Mayer 2001).

In this paper, we revisit the theoretical and evidentiary foundations of the relationship between unilateral action and divided government. We argue that previous scholarship has overstated divided government's constraint on presidential unilateralism. Theoretically, presidents have incentives to address public expectations (Lowi 1985), signal their issue positions (Fox and Shotts 2009) and policy priorities (Rottinghaus and Warber 2015), and demonstrate policymaking ability (Judd 2017) and expertise (Canes-Wrone, Herron, and Shotts 2001), which we expect to outweigh any potential costs of congressional retaliation. Empirical tests of the conventional

¹See Lowande and Rogowski (2021) for a summary of this literature.

wisdom, moreover, have focused almost singularly on executive orders to the exclusion of other forms of unilateral action (cf. Lowande 2021; Williams 2020). Because presidents exercise unilateral powers through numerous tools whose use varies across time, empirical findings based on analysis of a single type of directive may not generalize to the larger unilateral toolkit.

We reassess the relationship between divided government and unilateral action between 1946 and 2020 using data on nearly 34,000 directives along with machine learning-derived measures of each directive’s policy significance. We find no evidence that divided government is associated with reduced unilateral activity. In most specifications, in fact, we find that presidents issue *more* unilateral directives during divided government. This result is driven by directives other than executive orders, which have comprised a larger share of significant unilateral activity in recent decades, suggesting that the negative relationship between divided government and executive orders in previous scholarship does not generalize to the wider unilateral toolkit available to contemporary presidents. Our findings offer an important corrective to studies on the unilateral presidency and the separation of powers, and suggest the limits of interbranch conflict as a constraint on presidents’ unilateral ambitions.

Why and When Presidents Use Unilateral Power

Unilateral power is an important policymaking vehicle for contemporary presidents. Yet there are limits on when presidents can exercise these powers. While presidents can create new law through unilateral directives without involving Congress, existing accounts emphasize “the constraining effect of Congress” (Howell 2003, 70) on presidents’ willingness to issue them. This perspective posits that presidents have preferences over policy and will unilaterally move policy in their preferred direction when they anticipate that it will not be reversed by Congress (or the courts). Because reversal is damaging to the president’s policy goals and most likely to occur when the president enacts unilateral policies at odds with congressional preferences, this account

argues that interbranch disagreement constrains presidential unilateralism.

This perspective—the *policy reversal perspective*—generates the hypothesis that divided party government decreases presidents’ unilateral activity. As Howell (2003, 70) argues, “When Congress is controlled by the opposite party, legislative restrictions on presidential powers are greatest.” This perspective has been dominant in subsequent theoretical approaches to unilateral power (see, e.g., Bolton and Thrower 2016; Chiou and Rothenberg 2014).² Notably, its key prediction contrasts with earlier scholarship, which argued that presidents would use unilateral power to evade congressional opposition (Light 1998 [1982]; Nathan 1983). The normative stakes associated with the two perspectives are significant. While the former indicates that checks and balances constrain the unilateral presidency, the latter suggests that unilateralism undermines the separation of powers (see, e.g., Shane 2009).

We reevaluate the policy reversal perspective, whose theoretical foundations overlook or mischaracterize contemporary presidents’ incentives. Presidents are not motivated solely by policy outcomes; they are also concerned with how those policy outcomes affect their larger political objectives. As elected officials, presidents consider how their behavior affects their political standing and must attempt to meet the public’s significant expectations (Howell 2013). In service of this goal, unilateral power provides presidents an opportunity to demonstrate their policy-making ability (Judd 2017) and signal their programmatic priorities (Rottinghaus and Warber 2015). Presidents can also use unilateral action to indicate their congruence with public opinion on a particular issue (on the relevance of issue congruence for presidential evaluations, see Ansolabehere and Rogowski 2020; Groseclose and McCarty 2001). These incentives are more urgent for presidents during divided government, when major legislative accomplishments are more elusive (Howell et al. 2000) and negative attention (though, e.g., congressional oversight) increases (Kriner and Schwartz 2008). While presidents may risk policy costs in using unilateral power, these costs may pale in comparison to the political costs presidents may incur for failing

²Exceptions include Judd (2017) and Lowande (2018).

to address other aspects of public expectations. Thus, presidents must consider not only the costs of policy reversal, but they must also consider whether failing to act may be accompanied by even greater costs (see, e.g., Howell 2013).

Empirical tests of the policy reversal perspective, moreover, are incomplete. While some studies (though not all) show a negative association between unilateral action and divided government (Bolton and Thrower 2016; Chiou and Rothenberg 2014; Howell 2003), consistent with the policy reversal perspective, virtually every test is based on a single class of directives: executive orders, for which data has been most readily available. While some scholarship argues that “[its] theory is applicable to various unilateral tools such as to proclamations, memoranda, or signing statements” (Chiou and Rothenberg 2014, 666), this claim has not been scrutinized empirically. In fact, recent scholarship casts doubt that patterns of executive order use generalize to other unilateral directives; for example, Lowande (2014, Figure 1) documents an inverse correlation across time in the numbers of executive orders and memoranda. Thus, presidents choose not only whether to use unilateral power but also choose from more than two dozen directive types (Relyea 2008). If they choose directive type strategically based in part on the president’s relationship with Congress, then findings derived from a single type of directive (like executive orders) may be biased (Lowande 2021, 221).

We study the relationship between divided government and unilateral action using extensive data on unilateral directives issued since World War II. This reflects the period most commonly studied in the unilateral presidency scholarship (see, e.g., Chiou and Rothenberg 2014; Deering and Maltzman 1999; Howell 2003; Lowande 2014; Mayer 2001)³ and the period of Congress’s strongest institutional capacity (Bolton and Thrower 2016). Thus, studying the post-war era is in keeping with most research on this topic and is the context in which divided government is most likely to reduce presidents’ unilateral ambitions.

³Exceptions include Krause and Cohen (2000), Bailey and Rottinghaus (2013), Williams (2020), and Dodds (2013).

Data and Methods

We use data on unilateral directives issued between 1946 and 2020 obtained from the *CIS Index to Presidential Executive Orders & Proclamations 1987 (CIS)* and extended through 2020 by *ProQuest Legislative & Executive Publications*.⁴ Each document is either a presidential directive or a presidential message which contains evidence of presidential action. The documents represent a diversity of unilateral tools, including memoranda, public land orders, executive agreements, and agency directives in addition to executive orders and proclamations.⁵

Not all unilateral directives meaningfully affect policy outcomes, and thus we limit our analysis to the more significant directives in our data. The estimates of document significance extend the approaches from Chiou and Rothenberg (2014) and Howell (2003) and reflect the use of text analysis and supervised learning to estimate the significance of each document. In brief, they are based on estimates of the significance of executive orders issued between 1947 and 2003 (from Chiou and Rothenberg 2014) along with handcoding of a selection of other directives. The model learns the relationship between the text of these directives and their estimated significance and then estimates the significance of the remaining, unlabeled directives based on their text. The intuition is that a directive whose text is similar to an executive order in the Chiou and Rothenberg (2014) data will have a similar significance estimate. For each directive, this procedure provides an estimate between zero and one, where larger values indicate greater significance. We distinguish significant unilateral actions as those whose scores are greater than 0.355, which identifies the top 18 percent of significant directives in the data.⁶

Figure 1 displays the annual number of significant directives as measured above. The shaded points indicate years of divided party control, when at least one chamber of Congress was controlled by the party opposite the president's party, and the lighter points indicate years of unified

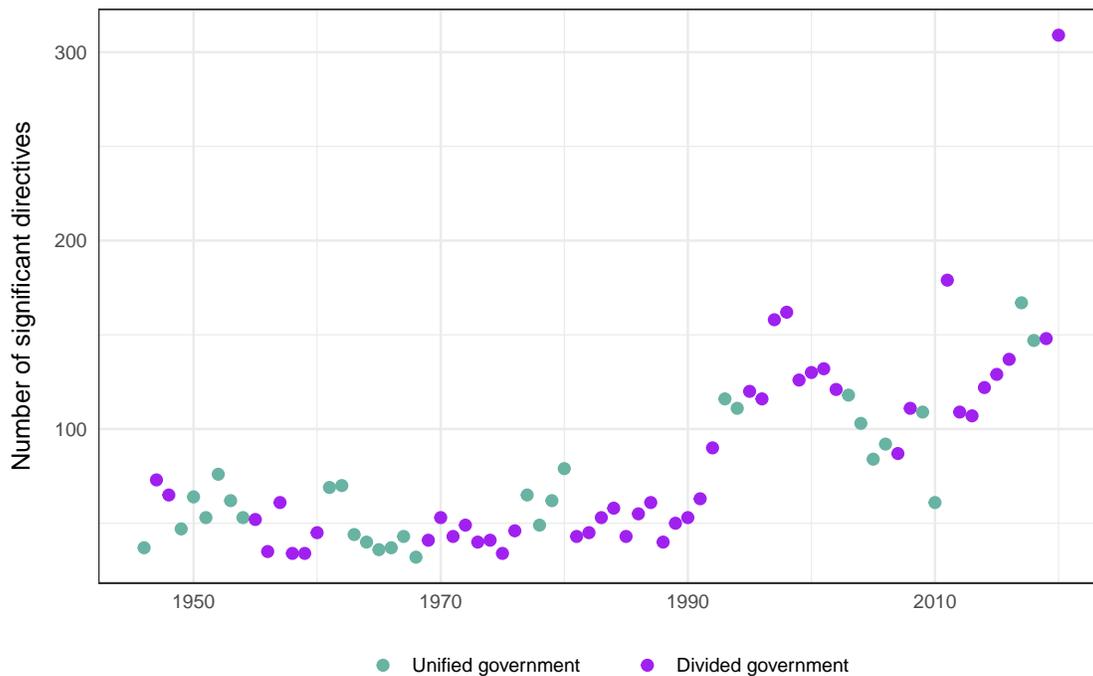
⁴Data and measures come from Kaufman and Rogowski (2021).

⁵See Appendix A for details about the directive data and measures of significance.

⁶Below, we report results when using different thresholds to identify significant directives.

government. Overall, presidents issued an average of 80 significant directives per year, though there is considerable variation around this figure as the number ranged from 32 (in 1968) to 309 (in 2020). Consistent with other research (Howell 2003), the figure also shows evidence of a secular increase. Prior to 1990, for instance, presidents issued an average of 50 significant directives per year; since then, the annual average more than doubled to about 123. Across the postwar period, presidents issued an average of 73 directives during unified government compared with 85 directives during divided government. This difference is not distinguishable from zero ($p = .26$), but this initial inspection does not support the policy reversal perspective.

Figure 1: Annual Rates of Significant Unilateral Activity, 1946–2020



The annual number of significant unilateral actions is the dependent variable in our analysis. We estimate its relationship with divided government using the model specification from Bolton and Thrower (2016). We regress the number of significant annual directives on an indicator for *Divided government* and a series of control variables, including the annual inflation rate, annual federal spending as a percentage of gross domestic product, and indicators for US involvement in

major wars, the last year of an eight-year term, and the first year of a new administration from a different party than its predecessor.⁷ We also include a linear time trend and presidential fixed effects. With this specification, the coefficient for divided government is identified using changes in party control of Congress that occur within a given presidential administration. Because the dependent variable is a count, we estimate negative binomial regressions. Standard errors are clustered on each Congress, the level at which the values of divided government are assigned.

Results

Table 1 shows the results. The first column reports results when regressing the annual number of directives on divided government and president fixed effects. The second column adds the control variables described above. In both models, we find positive and statistically significant coefficient estimates for divided government. These results contrast with the conclusions from previous research that uses similar modeling approaches. Not only do we not find evidence of a negative relationship between divided government, but our findings indicate that presidents make greater use of unilateral powers under divided government than they do during unified government. Based on the coefficients in column (2), presidents issue approximately 26 percent more significant directives during divided government than unified government.⁸ These results provide no evidence for the policy reversal perspective in which congressional opposition constrains presidential unilateralism.

The substantive conclusions from Table 1 are robust to considerations related to measurement, specification, and the time period under investigation. First, we estimate models that substitute a continuous measure of interbranch conflict for the dichotomous measure of divided government. Using NOMINATE scores, we calculate the ideological distance between the pres-

⁷The Bolton and Thrower (2016) analysis goes through 2013, so we extend the values of these variables through 2020.

⁸The model predicts that presidents issue 70 directives during unified government and 88 directives during divided government.

Table 1: Divided Government and Significant Unilateral Action, 1946–2020

	(1)	(2)
Divided government	0.17* (0.08)	0.23* (0.07)
Inflation		-0.01 (0.01)
Spending as % GDP		0.02 (0.02)
War		0.16 (0.09)
Lame duck		-0.05 (0.09)
Administration change		0.09 (0.07)
Time trend		0.01 (0.02)
President Fixed Effects	Yes	Yes
Observations	75	75

Dependent variable is the annual number of executive orders. Estimates are negative binomial regression coefficients with standard errors clustered on Congress shown in parentheses.

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

ident and the median member of each chamber where larger values indicate greater divergence between the president and Congress. Whether focusing on the House, the Senate, or the average of the two, we continue to find statistically significant evidence that presidents issue more directives as preference divergence with Congress increases.⁹

Second, we account for other dimensions of legislative fragmentation linked to unilateral action in previous scholarship (see Bolton and Thrower 2016; Howell 2003). We include the share of seats held by the majority party and the ideological polarization between Republicans and Democrats. We continue to find a positive and statistically significant relationship between divided government and unilateral action when including these measures for each chamber separately or when averaging the two.¹⁰

Third, we omit directives issued in the waning days of a president's term. While a new president does not take office until January 20, the new Congress is sworn in several weeks earlier and the outgoing president typically issues a series of directives during the new Congress. Previous research has handled this issue inconsistently; thus, we omit directives from outgoing presidents issued in January of the year they left office. The results are nearly identical to those in Table 1.¹¹

Fourth, we exclude 2020 given the large number of directives issued that year (nearly double the next highest figure). The coefficients for *Divided government* continue to be positive although they are not statistically significant ($p < .12$ and $p < .06$ for models 1 and 2, respectively).¹² We also show that the differences between our results and those from other research (e.g., Bolton and Thrower 2016) do not reflect the somewhat more extended time period in our analysis. We estimated models for the 1946-2013 period, as Bolton and Thrower (2016) study. These results confirm those above; the coefficients for *Divided government* are consistently positive and occasionally statistically significant.¹³

⁹See Table B.1.

¹⁰See Tables B.2 and B.3.

¹¹See Table B.4.

¹²See Table B.5.

¹³See Table B.6.

Finally, the positive relationship between divided government and unilateral action is robust to alternative designations of significant directives. While the analysis above included unilateral actions with significance estimates in the top 18 percent of all directives, we also estimated models that used varying thresholds of directive significance. Figure 2 displays coefficients for *Divided government* from models that used increasingly limited deciles to identify significant directives.¹⁴ For instance, the coefficient for “All” directives on the left side of the plot shows the results when including all 33,954 unilateral directives. The next coefficient to its right shows the results for directives whose significance estimates ranked in the top 90%, followed by the 80%, 70%, and so on. Across all ten models, the coefficient for *Divided government* is positive and statistically significant. When studying either the universe of unilateral actions—which includes a large number of directives with little substantive significance—or the most significant directives in the data, we find no evidence that divided party control of government is associated with decreases in presidential unilateralism.¹⁵ To the contrary, the available evidence suggests that presidents issue greater numbers of unilateral directives in divided government than during unified government.

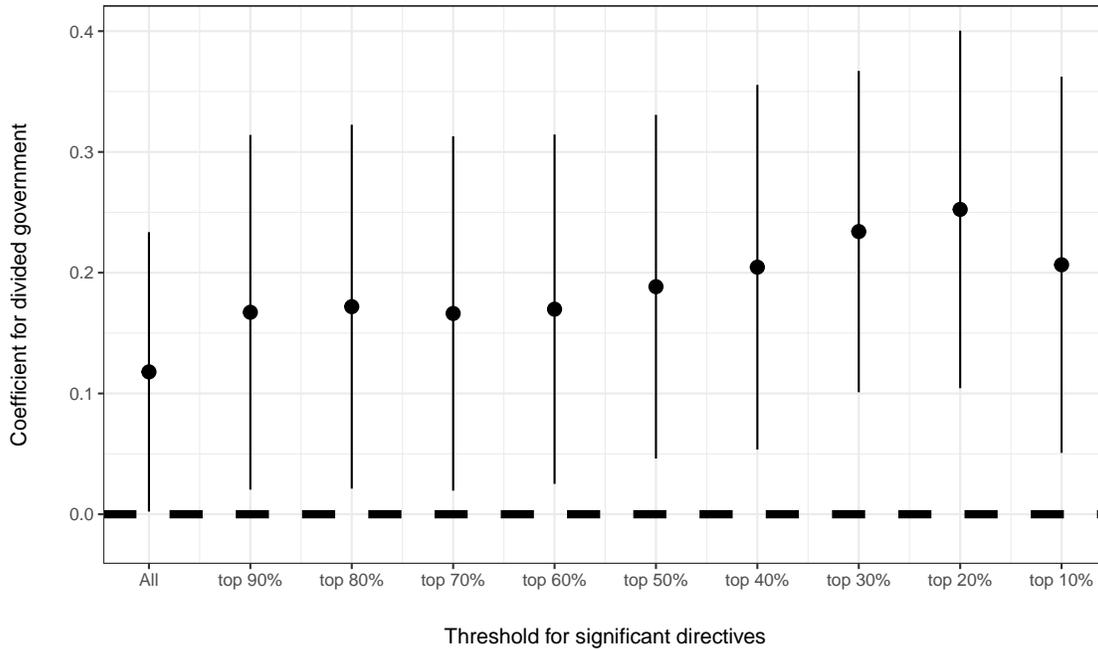
Instead, we offer some preliminary evidence about how the nearly singular focus on executive orders in existing scholarship affected conclusions about the relationship between divided government and unilateral action. As Lowande (2014, 725) points out, “[p]residents have increasingly used memoranda rather than executive orders to effect similar ends.” Our data reflects this pattern more generally, as Figure C.1 shows in the Appendix. Since the 1980s, the number of significant unilateral actions issued as directives other than executive orders has increased at a significantly greater rate relative to the number of significant executive orders.

Table 2 shows results when estimating our primary model specification separately for significant executive orders and other significant directives. Consistent with previous scholarship, the coefficient for divided government is negatively signed for executive orders, though it is not sta-

¹⁴We estimated the full model specification from column (2) in Table 1 for the period 1946–2020.

¹⁵We also characterized the dependent variable as the number of directives weighted by their estimated significance. These results are similar to those in Table 1. See Table B.7.

Figure 2: Divided Government and Unilateral Activity across Varying Thresholds of Directive Significance



tistically distinguishable from zero.¹⁶ For other directives, the coefficient for divided government is positive and statistically significant. Column (3) aggregates the observations from columns (1) and (2) to formally test whether divided government has a different association with executive orders than with other directives.¹⁷ The positive and statistically significant coefficient for the interaction term provides evidence that divided government has a different relationship with presidents’ use of executive orders than with other forms of unilateral power.

Table 2 illustrates how studying unilateral directives beyond executive orders leads to a different conclusion about the relationship between divided government and unilateral action compared with previous scholarship. Instead, presidents’ increased use of directives other than executive orders more than offsets the negative association between divided government and executive orders. By including these alternative tools for unilateral policymaking, our analysis uncovers

¹⁶All covariates from Table 1 are also included in the models; their coefficients are omitted for the purposes of space.

¹⁷The specification in column (3) includes an indicator for “other directives”, which we interact with all other covariates so that it follows models (1) and (2).

Table 2: Divided Government and Significant Unilateral Action across Directive Type, 1946–2020

	Executive orders	Other directives	All
Divided government	−0.05 (0.11)	0.31* (0.10)	−0.05 (0.11)
Divided government × Other directives			0.36* (0.14)
President Fixed Effects	Yes	Yes	Yes
Controls	Yes	Yes	Yes
Controls × Directive type	Yes	Yes	Yes
Observations	75	75	150

Dependent variable is the annual number of unilateral directives. Estimates are negative binomial regression coefficients with standard errors clustered on Congress shown in parentheses.

The unit of analysis in column (3) is the directive-year; thus, the interaction term characterizes the difference in the relationship between divided government and unilateral action for directives other than executive orders. All other covariates in model (3) are also interacted with the indicator for Other directives. * $p < 0.05$ (two-tailed tests).

new evidence about the relationship between interbranch conflict and presidential unilateralism.

Conclusion

Presidential unilateralism is an increasingly important source of policymaking in the contemporary United States. Identifying when presidents use unilateral powers has both positive and normative implications for the separation of powers. In contrast with scholarship that emphasizes Congress as a source of constraint on executive action, our perspective highlights the incentives for presidents to issue unilateral directives on the basis of electoral and valence considerations. Using the most comprehensive dataset to date on presidential unilateralism since World War II, we find no evidence for the policy reversal perspective. Instead, our findings indicate that interbranch conflict is an accelerant on, rather than a deterrent of, unilateral action.

Our reassessment of the relationship between divided government and unilateral action com-

plements other efforts to investigate the empirical veracity of the policy reversal perspective. In related scholarship, Lowande (2021) studies whether presidents use unilateral power to revise status quo policies in ways predicted by the policy reversal perspective. This work finds little evidence that the conventional view predicts which policies presidents target with unilateral power. Notably, it also shows that presidents routinely take action on status quo policies on which the standard view predicts they should be constrained by Congress. Our findings are consistent with this work in that they show that presidents are more aggressive when using unilateral power than the policy reversal perspective predicts. These results suggest that a more expansive view of presidents' incentives beyond their individual policy preferences is likely to be a fruitful approach for understanding how and when presidents exercise unilateral power.

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ONLINE APPENDIX

Supporting Information for Divided Government and Presidential Unilateralism

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A Directive Data and Estimation

Our data and measures come from Kaufman and Rogowski (2021). That paper reports data on presidential directives from 1877 to 2020 and describes a text analytic approach to estimating the policy significance of each directive. Based on the data from that paper, we study directives issued between 1946 and 2020 along with their associated significance estimates. Here, we briefly describe the data and methods from Kaufman and Rogowski (2021) that are relevant for the measures used in this paper.

A.1 Data source and descriptive patterns

Data on presidential directives were obtained from the “Legislative and Executive Publications” section of the ProQuest Congressional database. The dataset includes either an original document announcing a presidential action or a message from the president containing evidence of presidential action. The *CIS Index to Presidential Executive Orders and Proclamations* (1987) inspected documents to ensure there was no duplication. Documents that did not have policy consequences or did not reflect unilateral action (such as pardons, nominations, Statements of Administration Policy, etc.) were excluded. The remaining directives included executive orders, proclamations, memoranda, public land orders, treaty proclamations, administrative directives, presidential policy directives, and the like. The complete dataset thus accounts for salient presidential actions ranging from important executive orders to, for example, the Deferred Action for Childhood Arrivals program implemented by President Obama’s administration via Homeland Security Memorandum and referenced in the introduction to this paper. This provided 33,954 directives issued by presidents between 1946 and 2020 (inclusive). Figure A.1 displays the annual number of directives in the raw data. This includes 4,179 executive orders and 7,779 proclamations. The remaining 21,996 directives are memoranda, department or administrative directives, and the like.

Figure A.1: Unilateral Directives, 1946–2020



A.2 Measuring directive significance

Kaufman and Rogowski (2021) measure the significance of each directive based on their text. First, they extracted the full text of each of the directives in the data. Then, they use significance estimates from Chiou and Rothenberg (2014)¹⁸ along with hand-coded significance measures for a sample of directives to recover the relationship between words and phrases in the text and the estimated significance of the documents; these documents comprise the training set (10,576 of the directives). Finally, they use standard machine learning techniques to model the relationship between the text of the remaining 23,378 documents and evaluate its performance using k -fold cross validation. Based on this procedures, two directives will have similar significance estimates to the extent they contain similar lexical features.

¹⁸Chiou and Rothenberg (2014) use an item-response model to estimate the significance of executive orders from 1947 to 2002 based on their appearance in media outlets and historical accounts, along with a set of exogenous variables.

The resulting estimates of directive significance range between zero and one, and they distinguish significant directives as those whose significance scores are greater than 0.355. This value equalizes the false-negative and false-positive rates, which means that even though document significance is measured with error, the error is unlikely to be systematically biased in either the positive or negative direction. Using this threshold, about 18 percent of the directives are identified as significant for our purposes. This choice of threshold identifies a similar proportion of directives as significant relative to other research that characterizes the significance of executive orders Chiou and Rothenberg (2014); Howell (2003); Mayer (2001). As Figure 2 shows in the main text, however, our results from Table 1 are robust to using a different choice of threshold (either more relaxed or more stringent) for distinguishing significant directives.

B Robustness Checks for Table 1

B.1 Alternative Measures of Independent Variables and Additional Covariates

Table B.1: Interbranch Conflict and Significant Unilateral Action, 1946–2020 (substituting ideological distance for divided government)

	(1)	(2)	(3)
Ideological distance (House)	0.78* (0.27)		
Ideological distance (Senate)		0.69* (0.32)	
Ideological distance (average)			1.13* (0.33)
Inflation	-0.01 (0.01)	0.00 (0.01)	-0.01 (0.01)
Spending as % GDP	0.01 (0.02)	0.02 (0.03)	0.02 (0.02)
War	0.15 (0.09)	0.13 (0.10)	0.13 (0.09)
Lame duck	-0.06 (0.10)	-0.12 (0.12)	-0.11 (0.10)
Administration change	0.10 (0.08)	0.04 (0.07)	0.08 (0.07)
Time trend	0.00 (0.02)	0.01 (0.02)	0.00 (0.02)
President Fixed Effects	Yes	Yes	Yes
Observations	75	75	75

Dependent variable is the annual number of unilateral directives. Estimates are negative binomial regression coefficients with standard errors clustered on Congress shown in parentheses. *Ideological distance* is the difference in NOMINATE scores between the president and the chamber median.

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

Table B.2: Divided Government and Significant Unilateral Action, 1946–2020 (accounting for party majority size)

	(1)	(2)	(3)
Divided government	0.21*	0.20*	0.19*
	(0.07)	(0.07)	(0.07)
Majority size (House)	-1.25		
	(0.89)		
Majority size (Senate)		-1.37	
		(0.72)	
Majority size (average)			-2.18*
			(0.80)
Inflation	-0.01	-0.01	-0.01
	(0.01)	(0.01)	(0.01)
Spending as % GDP	0.02	0.03	0.02
	(0.02)	(0.02)	(0.02)
War	0.12	0.13	0.11
	(0.09)	(0.09)	(0.09)
Lame duck	-0.04	-0.04	-0.03
	(0.10)	(0.09)	(0.09)
Administration change	0.10	0.12	0.11
	(0.07)	(0.08)	(0.08)
Time trend	0.01	0.02	0.02
	(0.02)	(0.02)	(0.02)
President Fixed Effects	Yes	Yes	Yes
Observations	75	75	75

Dependent variable is the annual number of unilateral directives. Estimates are negative binomial regression coefficients with standard errors clustered on Congress shown in parentheses.

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

Table B.3: Divided Government and Significant Unilateral Action, 1946–2020 (accounting for polarization)

	(1)	(2)	(3)
Divided government	0.23*	0.25*	0.24*
	(0.07)	(0.07)	(0.07)
Polarization (House)	-0.35		
	(2.93)		
Polarization (Senate)		-1.59	
		(2.23)	
Polarization (average)			-1.50
			(3.94)
Inflation	-0.01	-0.01	-0.01
	(0.01)	(0.01)	(0.01)
Spending as % GDP	0.02	0.02	0.02
	(0.02)	(0.02)	(0.02)
War	0.16	0.14	0.16
	(0.09)	(0.09)	(0.09)
Lame duck	-0.06	-0.05	-0.06
	(0.10)	(0.10)	(0.10)
Administration change	0.09	0.11	0.10
	(0.07)	(0.07)	(0.07)
Time trend	0.02	0.02	0.02
	(0.03)	(0.02)	(0.03)
President Fixed Effects	Yes	Yes	Yes
Observations	75	75	75

Dependent variable is the annual number of unilateral directives. Estimates are negative binomial regression coefficients with standard errors clustered on Congress shown in parentheses. *Polarization* is the ideological distance between the median Democrat and median Republican. * $p < 0.05$ (two-tailed tests).

B.2 Composition of Directives and Years

Table B.4: Divided Government and Significant Unilateral Action, 1946–2020 (Omitting “mid-night directives”)

	(1)	(2)
Divided government	0.20*	0.19*
	(0.08)	(0.08)
Inflation		-0.01
		(0.01)
Spending as % GDP		0.02
		(0.02)
War		0.18
		(0.10)
Lame duck		-0.06
		(0.10)
Administration change		-0.14
		(0.10)
Time trend		0.02
		(0.02)
President Fixed Effects	Yes	Yes
Observations	75	75

Dependent variable is the annual number of executive orders. Estimates are negative binomial regression coefficients with standard errors clustered on Congress shown in parentheses.

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

Table B.5: Divided Government and Significant Unilateral Action, 1946–2019

	(1)	(2)
Divided government	0.13 (0.08)	0.16 (0.08)
Inflation		-0.01 (0.01)
Spending as % GDP		0.00 (0.02)
War		0.13 (0.08)
Lame duck		0.01 (0.11)
Administration change		0.09 (0.07)
Time trend		0.00 (0.02)
President Fixed Effects	Yes	Yes
Observations	75	75

Dependent variable is the annual number of executive orders.
Estimates are negative binomial regression coefficients with
standard errors clustered on Congress shown in parentheses.
* $p < 0.05$ (two-tailed tests).

Table B.6: Divided Government and Significant Unilateral Action, 1946–2013

	(1)	(2)
Divided government	0.14 (0.09)	0.18* (0.09)
Inflation		-0.01 (0.01)
Spending as % GDP		0.00 (0.02)
War		0.14 (0.08)
Lame duck		-0.02 (0.13)
Administration change		0.07 (0.08)
Time trend		0.00 (0.02)
President Fixed Effects	Yes	Yes
Observations	75	75

Dependent variable is the annual number of executive orders.
Estimates are negative binomial regression coefficients with
standard errors clustered on Congress shown in parentheses.

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

B.3 Alternative Measure of Dependent Variable

Table B.7: Divided Government and Significant Unilateral Action, 1946–2020 (directives weighted by significance)

	(1)	(2)
Divided government	0.15* (0.06)	0.20* (0.07)
Inflation		0.00 (0.01)
Spending as % GDP		0.02 (0.01)
War		0.10 (0.08)
Lame duck		0.02 (0.07)
Administration change		0.10 (0.08)
Time trend		0.00 (0.01)
President Fixed Effects	Yes	Yes
Observations	75	75

Dependent variable is the annual number of executive orders, weighted by directive significance. Estimates are negative binomial regression coefficients with standard errors clustered on Congress in parentheses. * $p < 0.05$ (two-tailed tests).

C Additional Analyses

Figure C.1: Annual Rates of Significant Unilateral Activity by Directive Type, 1946–2020

