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Unilateral Inaction: Congressional Gridlock, Interbranch Conflict, and Public Evaluations of Executive Power

Presidents routinely overpromise and underdeliver, especially amid partisan polarization, narrow congressional majorities, and persistent gridlock. As Congress routinely stymies their legislative agendas, presidents consider alternative courses of action. We study public reactions to unilateral power in the context of congressional inaction. While some research suggests that presidents cannot afford to pass up opportunities to act, more recent scholarship indicates that the public holds negative views of unilateral power and disapproves of its use. Survey experiments conducted with a national sample of Americans provide evidence of the costs of unilateral power. Across three policy areas and between- and within-respondent analyses, the public responds negatively when presidents exercise unilateral power rather than accept the status quo, even among individuals who share the president's policy views. Our results suggest that while legislative gridlock may increase the appeal of unilateral power, its use may come at a public cost.

New presidential administrations take office with robust legislative agendas that seek to advance the president's policy priorities (Bond and Fleisher 1990; Chamberlain 1946; Cohen 2012; Lee 2008; Sinclair 2003). Drawing upon both formal and informal bargaining tools (Beckmann 2010, 2016; Cameron 2000), presidents attempt to shape the contents of legislative enactments while meeting voters' expectations that they "do something about everything" (Neustadt 1990, 7). In the contemporary era, however, Congress has been characterized by growing polarization (McCarty, Poole, and Rosenthal 2006) and governed by increasingly narrow partisan majorities (Lee 2016). Similarly, increased opposition of out-party legislators to the president's agenda (Lee 2008) limits presidents' ability to secure bipartisan supermajorities

often needed to advance new legislation (Krehbiel 1998). These conditions have contributed to increased gridlock (see, e.g., Binder 2015) and present challenges for presidents attempting to secure their policy objectives through the legislative process. As the pace of legislation slows, administrative strategies, including the use of unilateral power, may hold increased appeal as a means for presidents to advance their goals (e.g., Barber, Bolton, and Thrower 2019; Howell 2003).

In this article, we study how the public evaluates presidential policymaking in contexts of legislative gridlock and opposition. Some existing scholarship argues that the public demands presidential action despite congressional opposition or incapacity. According to these arguments, presidential action is presidential leadership. Howell argues that, “opting not to act—indeed, merely being perceived as not acting—comes at a great political cost” (2013, 125). This argument suggests that the reason to act unilaterally is obvious for any president who cares about the esteem of the public. Yet other research finds that the public holds negative views of unilateral power (Reeves and Rogowski 2015, 2016) and, in at least some circumstances, disapproves of presidents who enact policies via unilateral means rather than through the legislative process (Christenson and Kriner 2017b; Lowande and Gray 2017). These findings suggest that presidents have public incentives to pursue legislation over unilateralism as a means of demonstrating action.

In a context of congressional gridlock and opposition, it is not clear whether the public prefers that presidents make use of unilateral power when the alternative is no policy change. This is precisely the context in which theories of unilateral action predict it can contribute most strongly to presidential power (Howell 2003). It is also the context in which recent presidents have most clearly threatened Congress with the use of unilateral power. We introduce public opinion to this scenario and seek to characterize how public audiences structure incentives for presidential unilateralism. Existing studies do not directly address public reactions to unilateral action when policy change would otherwise not occur without it. Addressing this question is essential, however, for understanding presidents’ incentives for using unilateral power when congressional gridlock makes legislative action unlikely, a context increasingly familiar for recent presidents. Just as Congress may accrue electoral benefits from passing “dead-on-arrival” bills (Gelman 2017) and can force presidents to veto popular policies

(Groseclose and McCarty 2001), presidential approval may be affected by the president's decision to accept the status quo or act unilaterally when faced with congressional inaction.

We present evidence from survey experiments with a nationally representative sample of Americans. We elicited evaluations of presidents who were unable to achieve their policy goals through the legislative process. Crucially, our experiments varied whether the presidents subsequently used unilateral power to enact their preferred outcome. This design allows us to examine whether the public evaluates presidents solely based on their issue positions or whether presidents are also evaluated on the basis of whether they act unilaterally to advance them. Across three policy areas, we find that the public responds negatively when presidents exercise unilateral power rather than accept the status quo. We further find that while the negative effects of unilateral action are largest among individuals who oppose the president's policy views, the effects are also generally negative even among individuals who share the president's positions. Consistent with research that emphasizes the role of democratic values in structuring attitudes toward presidential power, the negative effects of unilateral action also were larger among respondents who expressed stronger commitments to the rule of law.

Our results provide evidence that while legislative gridlock may increase the appeal for presidents to exercise unilateral powers, the costs for doing so may outweigh the benefits of following through on their policy pledges. This finding suggests that the political incentives for presidents to advocate for policies that have popular support do not extend to the president's use of power to implement them via direct action. Moreover, while presidents may experience greater legislative success for policy initiatives with public support (Canes-Wrone 2006; Marshall and Prins 2007), public support for a policy does not translate into greater acceptance of the president's use of power to implement it. More speculatively, our results suggest that presidents may have incentives to attempt negotiating major policy initiatives with Congress even when the chances of success appear low.

Evaluating Presidential Words and Deeds

In democratic societies, elections mitigate problems associated with moral hazard and adverse selection. Existing scholarship mostly studies these functions of presidential elections in parallel

tracks. Theories of democratic representation posit that voters penalize officeholders who advance policies they oppose and reward those who promote policies they support. Through this accountability mechanism, elections enable voters to select politicians who share their views and ensure some level of political responsiveness (e.g., Fearon 1999; Stimson, MacKuen, and Erikson 1995). Theoretical models posit that presidents have electoral incentives to respond to public opinion (Canes-Wrone, Herron, and Shotts 2001). Empirical research provides support for the general claim, showing that issue congruence is associated with vote choice in presidential elections (Jessee 2009, 2010), presidents are responsive to public opinion when proposing budgets and signing legislation (Canes-Wrone and Shotts 2004; Erikson, MacKuen, and Stimson 2002), and voters evaluate presidents on the basis of voters' agreement with the policy content of the president's unilateral directives (Ansolabehere and Rogowski 2020). Ideological congruence is an important component of voters' presidential evaluations, which creates electoral incentives for presidents to advocate for policies with popular support (see also Rogowski 2019).

A second body of research studies how voters hold presidents accountable for their performance in office. This literature is concerned mostly with how elections reduce the adverse-selection problem by enabling voters to reelect presidents who perform well ("good types") and replace those who do not. Empirical research shows that presidential approval and electoral results are responsive to economic outcomes, the state of war and peace, the distribution of federal funds, and the like (e.g., Baum and Potter 2015; de Benedictis-Kessner and Warshaw 2020; Karol and Miguel 2007; Mueller 1970). The implication is that voters are responsive both to actions taken by presidents and the effect of those actions on the country.¹

In this article, we study the link between these two bodies of research: policy congruence and performance. Is policy congruence sufficient for presidents to maintain their public support, or must they also deliver on those issues? Specifically, how does the public respond when a president uses unilateral action to advance policy views that already are publicly known? In light of research that suggests that citizens dislike unilateral policymaking (Christenson and Kriner 2017b),² might voters even prefer an unrealized policy position over a unilateral enactment? Unilateral action provides a unique opportunity to evaluate this possible connection, as these directives are clearly attributable to the president who issued them.

When Congress Frustrates a President's Agenda

Contemporary presidents campaign for office while promising to advance wide-ranging policy agendas. Once they reach Washington, they confront decisions about how to pursue their policy goals. Though presidents and presidential candidates often reference unilateral action as a preferred method of policy enactment (Allen 2015; Kopan 2019; Siders 2019), they may ultimately prefer to implement policies via legislation.³ While unilateral actions can be revoked or rescinded by future presidents (Thrower 2017), undoing congressional statutes requires supermajorities to pass new or amended legislation (Ragusa and Birkhead 2020).⁴

Contemporary presidents, however, may infrequently confront trade-offs between legislation and unilateral action. As illustrated by President Obama's embrace of unilateral power as a response to persistent congressional obstruction, the alternative to unilateral action often is no policy change at all. The contemporary legislative process is marked by polarization and razor-thin majorities, with Congress often blocking presidents' agendas. Under these conditions, executive action takes on a substantively different role (Cameron 2002). As Howell and Moe observe, "a big reason presidents have favored executive orders and other unilateral actions is that, with Congress such an institutional disaster, the legislative process is all but unavailable for solving problems" (2017). From the first day of their administrations, presidents face an uphill battle in enacting their priorities through legislation. And when the legislative route narrows as a means for presidents to advance their priorities, presidents must decide whether to pursue their policy goals through unilateral means or accept the status quo. In some instances, presidents may even prioritize executive action over the legislative process.

Given the context of legislative gridlock and opposition, unilateral action becomes an attractive option. Presidents may pursue unilateral approaches only after exhausting the possibility of securing legislation. Such was the case with President Obama's initiatives to reform immigration. In other cases, presidents may eschew the legislative process when the prospects for success appear dim and instead devise a strategy for the use of unilateral powers. The more general point is that presidents do not formulate legislative approaches for all of their policy agendas but instead assess the relative costs and benefits from avoiding or engaging Congress (for discussion of these strategic considerations, see Rudalevige 2002,

especially Chap. 8). These costs and benefits may account for the likelihood that Congress will retaliate against the president for issuing a unilateral directive. As Barber, Bolton, and Thrower (2019) show in the context of state politics, executives may have the greatest leeway to act without fear of retaliation when legislative polarization is high and the majority party governs with a narrow margin, as characterizes recent congressional terms.

Public Response to Unilateral Power: Action versus Inaction

Despite a robust debate over the implications of attitudes toward presidential power, existing studies do not evaluate what is arguably the most important context in which presidents use unilateral powers: to achieve a new policy outcome that they could otherwise not achieve through legislative action. According to Howell, the “unilateral creation of a policy that otherwise would not exist at all” (2003, 54) is the key contributor of unilateral action to presidential power. Research on whether presidents incur costs for acting unilaterally rather than seeking legislation does not reveal whether voters react negatively when presidents use unilateral action to generate a new policy outcome when the alternative would result in the absence of policy change of any kind.

Existing research suggests several diverging hypotheses about the public reaction to presidential unilateralism in a context of legislative inaction. First, the public’s expectations for presidential leadership may increase evaluations of presidents who exercise unilateral power relative to choosing inaction (Cohen 2015; Howell 2013). If the demonstration of vigorous presidential leadership increases presidents’ public standing, then Americans may reward presidents for exercising unilateral powers to break through congressional gridlock or opposition and achieve a new policy outcome. Second, if the public’s distaste for unilateral power in the abstract is associated with decreases in presidential evaluations following its use (Reeves and Rogowski 2016, 2018), this decrease in presidential evaluations may persist even when unilateral action is compared against a counterfactual scenario of no policy change. In this scenario, the public’s principled dislike of unilateral power would dominate its desire for presidents to advance policy change via unilateral means. Testing these competing hypotheses strikes at the core of understanding how the public views unilateral action as a way for presidents to make good on their policy promises and meet expectations for presidential performance.

Unilateral action could also have limited or more conditional effects when its use is contrasted with a scenario in which no policy change occurs. For instance, unilateral action may have no effect on the president's public standing when the president's policy views are already known—as they likely would be once presidents have failed to achieve a policy goal through the legislative process. Presidents campaign for office while emphasizing their policy goals and priorities, and during their administrations, they regularly make public statements and receive media coverage related to their work advancing those goals. Thus, the public is likely to already know about the president's policy preferences when the president issues a unilateral directive to implement them. If the public responds to presidential behavior based on the information it reveals about the president's issue positions, there may be reason to believe that unilateral directives would generate no public response because they provide no new information about the president's views.

Even if the aggregate effects of unilateral action are negligible, to the degree the public evaluates presidential activity based on their agreement with the associated policy outcomes (Christenson and Kriner 2017a), we would expect heterogeneous effects based on individuals' policy beliefs. In particular, we would expect that unilateral action would have positive effects among individuals who share the president's policy views—a “cheerleading” effect—but negative effects among individuals who disagree with the policy. Alternatively, constitutional considerations rather than policy agreement may influence how individuals evaluate unilateral power. According to Reeves and Rogowski (2016), Americans' beliefs in the rule of law explain variation in support for presidential unilateralism. If this argument is correct, individuals with stronger commitments to the principle of the rule of law may impose greater penalties on presidents for unilateral powers.

We study the hypotheses outlined above to evaluate whether a president's public standing is affected by exercising unilateral power when policy outcomes would not otherwise change without its use. Identifying whether unilateral action provides public benefits for the president, and among which voters, helps to characterize the president's electoral incentives during persistent congressional gridlock and dysfunction—thereby illuminating the politics that accompany a key aspect of the “polarized presidency” (Cameron 2002).

Data and Methods

We evaluated the hypotheses described above by embedding three experimental vignettes in a survey we conducted in March 2018. The survey was administered by YouGov with a sample of approximately 4000 respondents designed to be representative of the US population. Full demographic characteristics are shown in Table A1 in the online supporting information. The vignettes concerned salient political issues, including health care, international sanctions, and immigration, which address domestic, foreign, and “intermestic”⁵ policies, respectively, and on which Americans may have varying views about the desirability of unilateral action.

The vignettes are displayed in Table 1. Each of them presented all respondents with identical information about the president’s policy goals, informed them that the president was unable to achieve these goals with legislation, and reported that the president criticized Congress for its inaction. This design ensures that all respondents were aware of the president’s political views and his disagreements with Congress. For each vignette, respondents were randomly assigned to one of two conditions. In the first, respondents were told that the status quo remained unchanged (presidential inaction condition). In the second, respondents were told that the president issued a unilateral directive to advance his policy goal (unilateral action condition).

After each vignette, we measured respondents’ evaluations of the president’s handling of the issue and job performance.⁶ These dependent variables allow us to evaluate whether unilateral action affects respondents’ evaluations of presidents in the context of a specific issue area and also extends to more general assessments of job performance. For simplicity, we collapsed the dependent variables into binary indicators for whether the respondent provided a positive evaluation of the president.⁷ Using these measures, we compared levels of support for the president across the two conditions. If the public prefers presidents to take direct action to achieve their goals rather than accept congressional inaction, we would expect to observe more positive presidential evaluations from respondents in the unilateral action condition. On the other hand, if the public’s opposition to unilateral power looms larger for respondents than the president’s failure to achieve a policy goal, presidential evaluations would be more positive from the presidential inaction condition. Alternatively, if the public evaluates presidents primarily based on their policy views and not on

TABLE 1
Vignette Wording

Issue	Presidential Inaction Condition	Unilateral Action Condition
Immigration	<p>Suppose a president would like to change policy to allow undocumented immigrants to become U.S. citizens</p> <p>Congress, however, is unwilling to take action on the president's proposal. In response to the stalemate, the president has harshly criticized the Congress's inaction. U.S. immigration policy remains unchanged</p>	<p>Suppose a president would like to change policy to allow undocumented immigrants to become U.S. citizens</p> <p>Congress, however, is unwilling to take action on the president's proposal. In response to the stalemate, the president has harshly criticized the Congress's inaction and acted unilaterally to allow some undocumented immigrants to become citizens if they meet certain criteria. U.S. immigration policy is now changed</p>
Health care	<p>A president would like to reform health care to reduce costs for small businesses. Congress has failed to pass legislation to make health insurance more competitive</p> <p>In response, the president has complained about Congress's failure to make it more affordable for small businesses to provide health care. Health care policy remains unchanged</p>	<p>A president would like to reform health care to reduce costs for small businesses. Congress has failed to pass legislation to make health insurance more competitive</p> <p>In response, the president has complained about Congress's failure to make it more affordable for small businesses to provide health care. Instead, the president has acted without Congress and issued an executive order to loosen regulations on the insurance industry which would lower health care costs for small businesses. Health care policy is now changed</p>
Sanctions	<p>A president has asked Congress to impose economic sanctions against a foreign nation known to be a state sponsor of terrorism, but Congress has refused to do so. In response to this stalemate, the president has angrily criticized Congress for their failure to act. There remain no sanctions against the foreign nation</p>	<p>A president has asked Congress to impose economic sanctions against a foreign nation known to be a state sponsor of terrorism, but Congress has refused to do so. In response to this stalemate, the president has angrily criticized Congress for their failure to act. Additionally, the president has acted without Congress and used his unilateral powers to sanction the country. There are now sanctions against the foreign nation</p>

the basis of whether presidents successfully achieve outcomes that reflect those views, we would expect to observe no difference between conditions. Finally, as we discuss below, we also compare presidential evaluations based on respondents' agreement with the president's ideological position, as ideological congruence could moderate the effects of the treatment vignettes. Survey weights are used in all analyses, but the sample-average treatment effects are substantively similar to the population-average treatment effects (see Appendix A4 in the online supporting information).

As an interpretative matter, we note two important sources of contextual variation across the wording used in the vignettes. The first concerns how the president's action is described. In the immigration and sanctions issues, presidents in the unilateral action condition are described as "act[ing] unilaterally," while presidents in the health-care issue are described as "issu[ing] an executive order." Other scholarship shows that public opinion is only mildly responsive, if at all, to the specific descriptions used to characterize unilateral action (Lowande and Gray 2017). Therefore, we have little reason to suspect that these differences in vignette wording will affect the pattern of results.

The second source of variation concerns the description of the context in which the president used unilateral power. In the immigration and sanctions vignettes, the president and Congress are described as being in "stalemate" which resulted in the president's criticism of the legislative branch. These descriptions specifically invoke interbranch conflict. In the health-care vignette, by contrast, the vignette notes simply that Congress "fail[ed]" to take action. This vignette may invoke political conflict less than a general absence of congressional activity. As a theoretical matter, presidents' use of unilateral action may sometimes come with the tacit assent of Congress. If respondents evaluate unilateral action based on the context in which it is issued, we may expect variation in responses patterns for the health-care vignette relative to the other two issue areas. At the same time, we would be reluctant to attribute any observed differences to vignette wording rather than, for example, dimensions of public opinion that are specific to health-care policy. As a more general point, to the extent we find consistent results across each issue area would suggest that respondents may be less concerned with the contextual details that accompanied the use of unilateral power and are more concerned about whether the president created a new policy through unilateral action that otherwise would not have existed.

While our experiment offers significant advantages for the purposes of internal validity, we note that our experiment was conducted during the presidency of Donald Trump, for whom unilateral action appeared to be a particularly salient governing strategy. It is possible that respondents' evaluations of unilateral power in our experiment were conditioned by this contemporary political context. While this context does not threaten our interpretation of the causal effects from our vignettes, it suggests some caution when generalizing the findings to other presidencies and time periods.⁸

Results

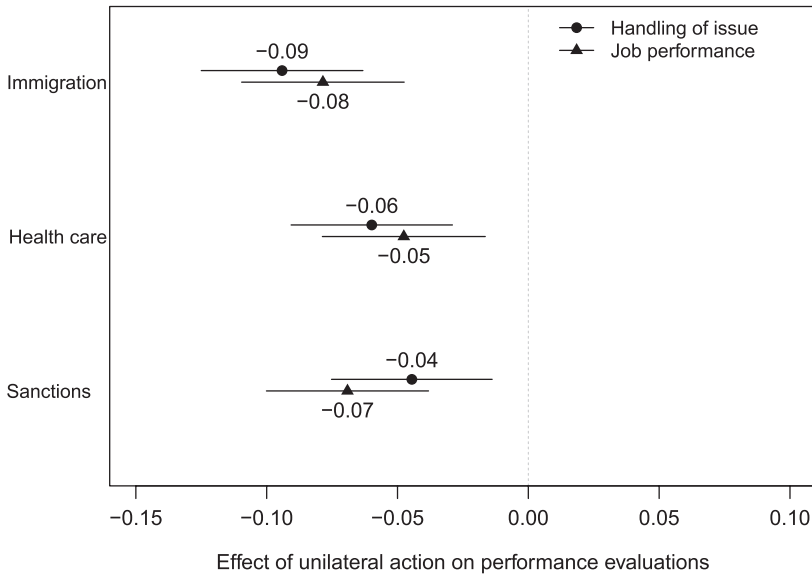
Figure 1 shows the results across both dependent variables and each issue area. The points indicate the difference in the proportion of respondents who provided positive evaluations, where negative values indicate that presidential evaluations were lower among respondents in the unilateral condition.

Across the three survey experiments, we find that the public responds negatively when presidents pursue unilateral action compared to accepting a status quo the president had previously expressed interest in changing. Consider first the results for the immigration issue shown at the top of Figure 1. Overall, 52% of respondents in the inaction condition approved of the president's handling of this issue, compared with 43% of respondents in the unilateral condition. This difference of 9 percentage points is statistically significant ($p < 0.001$). Though the president expressed identical policy views in both conditions, respondents evaluated the president more negatively when exercising unilateral power to achieve those policy goals rather than accepting the status quo. We find the same pattern across the other two issue areas, where evaluations of the president's handling were 6 percentage points ($p < 0.001$) and 4 percentage points ($p < 0.01$) lower in the unilateral action condition compared to the inaction condition for immigration and economic sanctions, respectively.

As Figure 1 shows, we find similar differences when evaluating approval of the president's job performance. Across each issue, we find that the president's approval rating is lower among respondents in the unilateral condition. The differences range from 5 to 8 percentage points, and each is statistically significant ($p < 0.01$). These results provide striking and consistent evidence that presidents incur aggregate reductions in public evaluations

FIGURE 1

The Effect of Unilateral Action vis-à-vis Inaction on Evaluations of the President. Points represent the differences in aggregate evaluations based on whether the president exercises unilateral power to change existing policy or instead observes the status quo. The plotted points show the differences in mean support, where negative values indicate public penalties for unilateral action. The horizontal lines represent the 95 percent confidence intervals



for drawing upon unilateral action rather than retaining the status quo, even when respondents are informed about the president's underlying policy preferences in both scenarios.

Policy Agreement and the Effects of Unilateral Action

The results presented above provide support for the hypothesis that presidents' public evaluations fall following the use of unilateral action to advance their policy goals, even when policy outcomes would not otherwise change. We now evaluate how these treatment effects vary based on whether respondents support or oppose each of the president's policy positions. To do so, we

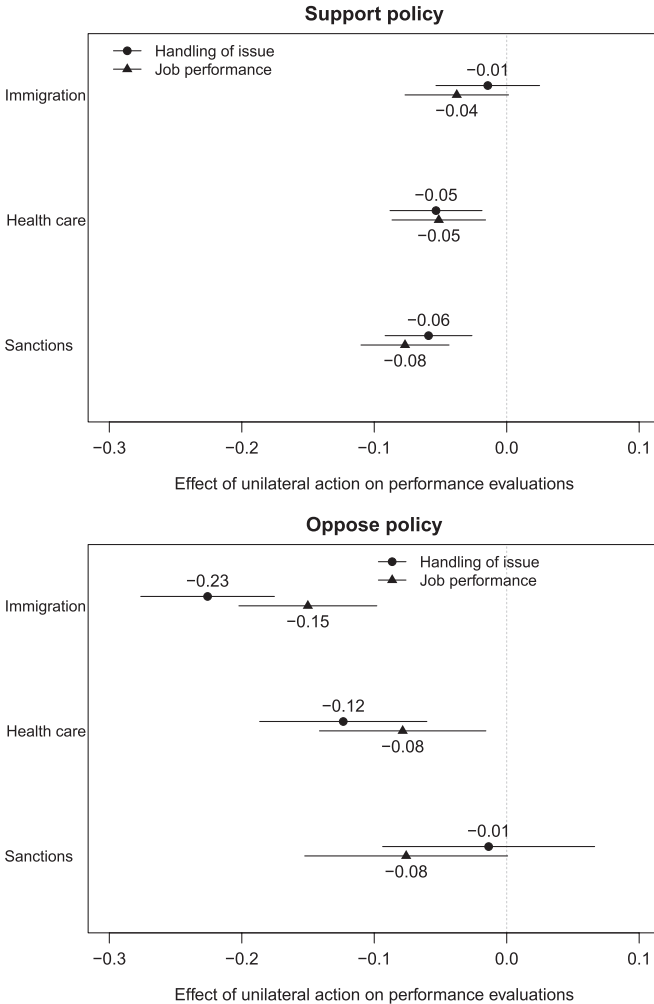
estimated the treatment effects of the unilateral condition among respondents who expressed support for each of the president's policy goals and among respondents who opposed them.

While we expect that individuals who opposed the president's policy goals provide the strongest negative reaction to the use of unilateral power, we are particularly interested in the effects among respondents who support the president's policy views. For these respondents, their support of the policy objectives pursued by presidents may conflict with any principled opposition to the use of unilateral power. The reactions among these respondents, therefore, is critical for characterizing the potential political costs of unilateral power. If individuals cast aside their views on presidential power when the president uses power to achieve policy ends they support, we would expect to observe positive treatment effects from the unilateral action condition. In this case, presidents hoping to maintain or increase their popular standing need only use unilateral actions to advance initiatives supported by the broader public. Alternatively, if individuals' views on power are at least as important in their evaluations of the president as their support for the president's policy accomplishments, we would expect to observe null or negative effects of the unilateral power condition. Should this be the case, the results would suggest that presidents can expect to incur a loss of political support among the public even when pursuing popular policy goals. This loss of political support could thus factor into presidents' decisions to exercise unilateral power in this context.

Figure 2 displays the treatment effects of the unilateral action condition separately for respondents who supported and opposed each of the president's policy beliefs. Treatment effects of unilateral action among respondents who supported the president's policy goals are shown in the top plot; effects among respondents who opposed the president's policy goals are shown in the bottom plot. As the top plot shows, we find no evidence that unilateral action had positive effects on presidential evaluations among respondents who shared the president's policy beliefs. In the immigration vignette, for example, 51% of individuals who supported the president's position approved of the president's handling of the issue in the inaction condition, compared to 50% among respondents in the unilateral condition. Therefore, the exercise of unilateral power reduced the proportion of respondents who provided positive evaluations of the president by .01. We find similar patterns for evaluations of the president's job performance. About

FIGURE 2

The Moderating Effect of Policy Preferences on Evaluations of Unilateral Action vis-à-vis Inaction. Points represent the differences in aggregate evaluations based on whether the president exercises unilateral power to change existing policy or instead observes the status quo. The top plot shows effects among respondents who share the president’s policy views and the bottom plot shows effects among respondents who oppose the president’s policy views. The plotted points show the differences in mean support, where negative values indicate public penalties for unilateral action. The horizontal lines represent the 95 percent confidence intervals



48% of the president's policy supporters approved of the president's performance in the inaction condition compared to 44% of respondents in the unilateral condition. Neither of these differences is statistically distinguishable from zero. More importantly, these findings provide no evidence that individuals who agree with the president's policy position express greater support for presidents who use unilateral power to implement it.

Among individuals who agree with the president's policy position, the results are more strongly negative for the other two policy issues. In the context of health care, the proportion of respondents who provided positive evaluations of the president was significantly lower in the unilateral condition. The unilateral condition reduced the proportion of respondents who approved of the president's handling of health care by 0.05 and reduced the proportion of respondents who approved of the president's job performance by a similar margin. For the economic-sanctions issue, the results are slightly larger in magnitude, where the unilateral condition reduced the proportion of respondents who approved of the president's handling by 0.06 and who approved of the president's job performance by 0.08. Overall, the evidence presented in the top plot indicates that individuals who agree with the president's policy positions do not provide any additional support for presidents who achieve them through unilateral power—in fact, using unilateral power may even decrease evaluations of the president despite their agreement with his policy views.

As the bottom plot shows, we find that respondents who opposed the president's policy goals reacted consistently negatively to the use of unilateral power. The magnitude of the effects varied somewhat across policy areas. For example, the proportion of respondents who approved of the president's handling of the immigration issue was 0.23 lower and approval of the president's job performance was 0.15 lower among respondents in the unilateral condition. The unilateral action condition also had consistently negative effects in the context of health care, though the magnitudes were about half as large as the effects for the immigration issue. Finally, the results were a bit more mixed for the economic sanctions issue. The proportion of respondents who approved of the president's handling of the issue was 0.01 lower in the unilateral condition, although this result is not statistically distinguishable from zero. The results were stronger for the job-performance dependent variable, where the proportion of respondents who approved of the president's job performance was 0.08 lower in the

unilateral condition. For the most part, respondents who opposed the president's policy views reported lower evaluations when the president achieves his policy goals through unilateral action.

We use linear probability models to more formally test whether the effects of unilateral action were moderated by respondents' policy beliefs.⁹ We modeled the dependent variables as a function of whether respondents were in the unilateral treatment condition, their support for the president's policy view, and the interaction between them. If the effect of the unilateral condition varied systematically with respondents' agreement with the president's policy views, the coefficient on the interaction term would be statistically distinguishable from zero. In particular, if the penalty for unilateral policy change is smaller among individuals who agree with the president's position, we would expect the interaction terms to be positively signed.

Table 2 shows the results. The interaction terms are statistically significant and positive in two of the six models, both concerning immigration policy. This provides some evidence that respondents' policy views conditioned the effects of the unilateral action treatment, with respondents who support the president's policy goals reacting less strongly to the use of unilateral power than respondents who oppose that policy. The other four coefficients for the interaction terms are smaller in magnitude and vary in sign, and none are statistically distinguishable from zero. Moreover, in no model do the results show that supporters of the president's policy views provided more positive assessments of the president for using unilateral action rather than accepting the status quo. Across all policy areas and both dependent variables, respondents who opposed the president's policy position penalized the president for unilateral action, and, strikingly, we find no evidence that the use of unilateral action relative to the status quo improved evaluations of the president among respondents who supported the president's policy views.

These findings provide new evidence about how accountability mechanisms operate. Americans do not simply evaluate politicians based on whether those officials share the public's policy views. If that were the case, we would expect no difference in presidential evaluations between the unilateral and inaction conditions; after all, both conditions provided identical information to respondents about the president's policy views. Instead, our results indicate that the public—particularly those members of the public who disagree with the president—also penalizes presidents for

TABLE 2
Policy Attitudes and Evaluations of Presidential Action

	Approve of Handling			Approve of Job Performance		
	Health Care	Immigration	Sanctions	Health Care	Immigration	Sanctions
Unilateral Action	-0.12*	-0.23*	-0.01	-0.08*	-0.15*	-0.08*
	(0.03)	(0.03)	(0.04)	(0.03)	(0.03)	(0.04)
Policy Agreement	0.21*	-0.03	0.30*	0.23*	-0.11*	0.31*
	(0.02)	(0.02)	(0.03)	(0.03)	(0.02)	(0.03)
Unilateral Action × Policy Agreement	0.07	0.21*	-0.05	0.03	0.11*	0.00
	(0.04)	(0.03)	(0.04)	(0.04)	(0.03)	(0.04)
Observations	3903	3916	3905	3874	3891	3884

Note: Dependent variable is shown at the top of each column. Estimates are linear regression coefficients with standard errors in parentheses. Data are weighted to national population parameters.

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

taking action to advance their policy views. The respondents in our survey experiment do not simply evaluate presidents based on whether they share their issue positions; they also evaluate how presidents use power to achieve their policy preferences.

The results in [Table 2](#) provide a contrast with the findings from Reeves and Rogowski (2018). In that work, respondents evaluated the choice between congressional legislation and presidential unilateralism. The results showed that even individuals who agreed with the president's policy position penalized the president for acting unilaterally rather than passing legislation through Congress. The findings above show how accounting for the counterfactual to unilateralism affects how the public evaluates its use. Among supporters of the president's policy beliefs, legislation is preferable to unilateral action; yet these penalties are less severe when no policy change would occur absent the use of unilateral power.

Within-Respondent Results

The results shown above present between-respondent estimates in which we compared respondents' evaluations for each issue area based on whether they were assigned to the unilateral action or inaction conditions. Within-respondent estimates continue to support our general conclusions. Because respondents' treatment assignments were randomized for each of the three issues, we can also evaluate the effect of the unilateral action treatment using a within-respondent analysis. Clifford, Sheagley, and Piston (Forthcoming) show that within-subject analyses provide greater precision in estimating treatment effects relative to between-subject comparisons.

We estimated linear regressions of our dependent variables on indicators for treatment assignment along with respondent and vignette fixed effects. This specification accounts for respondent- and vignette-specific factors that may affect respondents' evaluations of the president. Using this approach, our model identifies the effect of the unilateral action condition using within-respondent variation in treatment assignment.¹⁰ In contrast with the between-respondent analysis, we estimate the effect of the unilateral condition by aggregating across issues rather than evaluating the effects separately for each of them.

[Table 3](#) shows the results of the within-respondent analyses. The left two columns focus on the overall effects of the unilateral condition. The coefficients for both dependent variables are

TABLE 3
Costs of Unilateral Action vis-à-vis Inaction: Within-Respondent Estimates

	Handling	Approval	Handling	Approval
Unilateral Condition	-0.07* (0.01)	-0.06* (0.01)	-0.13* (0.03)	-0.09* (0.02)
Policy Agreement			0.16* (0.02)	0.14* (0.02)
Unilateral Condition × Policy Agreement			0.08* (0.03)	0.04 (0.02)
Individual Fixed Effects	Yes	Yes	Yes	Yes
Issue Fixed Effects	Yes	Yes	Yes	Yes
Observations	11,936	11,858	11,724	11,649
Respondents	3999	3997	3964	3961

Note: Dependent variables listed at the top of each column. Entries are linear regression coefficients with robust standard errors clustered on respondent in parentheses. Data are weighted to national population parameters.

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

negatively signed, statistically significant, and similar in magnitude. These results indicate that the unilateral condition reduced the probability that a respondent approved of the president's handling and the president's job performance by an average of 6 to 7 percentage points.

The results in the right two columns of [Table 3](#) show how these effects are moderated by respondents' policy views. Policy agreement is a binary indicator for whether respondents support the policy in the relevant issue area. The coefficients for the unilateral condition show the results for individuals who oppose the president's policy position and indicate that unilateral action reduced the probability of approving of the president's handling by about 13 percentage points and approving of the president's job performance by about 9 percentage points. The coefficient for policy agreement shows how agreeing with the president's policy position affected respondents' presidential evaluations. On average, respondents were 16 percentage points more supportive of the president's handling of the issue and 14 percentage points more supportive of the president's job performance. The interaction terms, however, are both positive. Consistent with the between-respondent analyses, we find that the unilateral condition had a smaller effect on evaluations of the president's issue handling among individuals who agreed with the president's policy views. However, the magnitude of the interaction term was smaller than the magnitude of the constituent term for the unilateral condition, indicating that policy agreement is not sufficient to overcome the penalties imposed on presidents for the use of unilateral action. The results for evaluations of the president's job performance are similar. Although the interaction term falls short of conventional levels of statistical significance, it is positively signed yet smaller in magnitude than the constituent term for unilateral action.

The results of these experiments contextualize the findings from previous research on the public cost of unilateral action and challenge accounts that argue that presidents have electoral incentives to push their agenda at all costs. Not only might presidents experience negative public reactions when pursuing unilateral action rather than legislation, but these negative public reactions are also found when the alternative to unilateral action is no policy change at all. Instead, our results suggest that the public does not view presidents as "policymakers-in-chief" but instead prefers them to respect traditional limits on the president's use of formal power.

Evaluating the Role of Constitutional Considerations

Our experimental results offer compelling evidence that Americans apply their negative attitudes toward unilateral power when evaluating presidents who exercise it and the policy outcomes that are achieved through its use. Even individuals who support the president's policy goals would sometimes prefer for the status quo to remain in place rather than for the president to create policy change with the stroke of a pen.

These findings weigh against the claim that the public evaluates unilateral action only through the same political criteria they evaluate other officeholders and outcomes (Christenson and Kriner 2017a). Rather, considerations other than policy agreement appear to influence how respondents evaluated the presidents in our survey experiments for using unilateral power. Here, we examine the evidence for the mechanism posited by Reeves and Rogowski (2016). If Americans' commitments to constitutional principles drive their skepticism toward executive power, then we would expect to find that respondents' beliefs in the rule of law will moderate the negative effects of the unilateral condition. In other words, this account would predict that the negative effects of unilateral action would be largest among individuals with the strongest commitments to the rule of law.

Before respondents received the experimental vignettes, we measured their support for the rule of law using a battery similar to that reported in other research (Caldeira and Gibson 1992). Following Gibson, Caldeira, and Spence (2005), respondents answered four items that evaluate preferences for legal universalism along a 4-point scale that ranged from "strongly disagree" to "strongly agree."¹¹ These items were scaled to create an index of support for the rule of law, which ranged from 0 to 3.¹² Larger values of this variable indicate respondents with stronger commitments to the rule of law. The mean value was 2.16, and the median was 2.25.

We evaluated whether the rule of law moderated the treatment effects of the unilateral condition using our within-respondent analyses. This analysis allows us to evaluate the overall relationship between the rule of law and our treatment effects for each dependent variable. We again use linear regression to model each dependent variable as a function of an indicator for assignment to the unilateral condition and its interaction with respondents' support for the rule of law. Recall that the respondent-level fixed

effects account for attributes of individuals—such as ideology and education—that may also be associated with evaluations of presidential power. Like these characteristics, our measure of the rule of law varies between individuals but not between vignettes. Therefore, we do not estimate a constituent term for the rule-of-law variable. Instead, the regressions estimate whether the average effect of assignment to the unilateral condition varies based on respondents' support for the rule of law. We test whether the coefficients for the interaction terms are negative, which would indicate that the effects are increasingly negative among individuals with stronger commitments to the rule of law.

Table 4 shows the results from these models. The first column shows the results for respondents' approval of the president's handling of the policy area. The coefficient for assignment to the unilateral condition is positive yet not statistically significant, indicating that the unilateral action may have increased evaluations of the president among respondents with the least support for the rule of law, although the coefficient is not reliably estimated. More importantly, the coefficient for the interaction term, is negative and statistically significant. This finding indicates that the treatment effects of the unilateral condition among respondents with higher values on the rule-of-law scale were increasingly negative. Given the magnitude of the interaction term, the results suggest

TABLE 4
How Attitudes toward the Rule of Law Moderate the Effect of
Unilateral Action

	Handling	Approval
Unilateral Condition	0.07 (0.04)	0.05 (0.04)
Unilateral Condition × Rule of Law	-0.07* (0.02)	-0.05* (0.02)
Individual Fixed Effects	Yes	Yes
Issue Fixed Effects	Yes	Yes
Observations	11,884	11,809
Respondents	3981	3979

Note: Dependent variables listed at the top of each column. Entries are linear regression coefficients with robust standard errors clustered on respondent in parentheses. Data are weighted to national population parameters.

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

that the treatment effect was approximately 0 among people with a value of 1 on the rule-of-law scale (which applies to about 4% of respondents) and was negative among the 60% of respondents with values on the rule-of-law scale greater than that.

The results for the approval dependent variable are similar. The magnitude of the effect of the unilateral condition was increasingly negative among respondents with stronger commitments to the rule of law.¹³ Consistent with perspectives that link attitudes toward unilateral power to core values (Reeves and Rogowski 2016), we find that Americans' commitments to the rule of law affect how they evaluate exercises of presidential power. Individuals with stronger commitments react more negatively to the use of power, while these effects attenuate among individuals who feel less strongly that the rule of law is inviolable. This pattern provides powerful evidence that Americans do not merely fall back on their partisan, ideological, or policy commitments when evaluating presidential power. Constitutional commitments may also shape how they view the institution of the presidency and the power it wields.

Conclusion

Accounts of the modern presidency assert an imperative for presidents to exercise leadership and to take decisive action. Leading scholarship indicates that the public expects presidents to attend to all issues (Neustadt 1990) because the political costs of failing to do so are too great (Howell 2013). Extending recent studies of public evaluations of unilateral power, we show that there may also be costs associated with presidents' use of prerogative powers to respond to these incentives. While legislative gridlock may offer opportunities for strategic presidents to advance their policy interests, our evidence demonstrates that presidents risk incurring a public cost for doing so. These results persist even among individuals who support the president's position.

Our results provide a more complete account of the public's preferences regarding the use of legislation and executive powers to advance their policy priorities. Together with the findings from previous scholarship (Reeves and Rogowski 2018), our results show that Americans who support the president's policy goals prefer those policies are implemented via legislation, but otherwise they would then support the continuance of the status quo rather than the use of unilateral power to advance those views. While

it is important to the public for presidents to share their policy views, it is not necessary—and may even be detrimental—for presidents to take direct action to advance them. The public may instead prefer that a president exercise forbearance (e.g., Levitsky and Ziblatt 2018) and forgo the use of unilateral power to enact policy. Americans who disagree with the president's policy views react less negatively when those policies are implemented via legislation compared to unilateral directives. In the context of interbranch conflict, however, the public penalty for unilateral action is especially severe among individuals who oppose the president's policy objectives.

The results have implications for democratic accountability with respect to the presidency and suggest that the exercise of unilateral power strengthens the extent to which public evaluations are responsive to the president's policy beliefs (see, especially, Table 3). Conditional on the president's expressed policy goals, the public's evaluations of the president more strongly reflect their ideological agreement with the president when unilateral action is used to achieve those goals. This finding is all the more important given the clear attribution of unilateral directives to the president and suggests at least two important implications. First, strategic presidents have incentives to consider public opinion when issuing unilateral directives. The results of our experiment suggest that unilateral action strongly links presidents to their policy views in the minds of the public. The president's public standing suffers when unilateral action is used to advance unpopular policy views. Second, our respondents were provided with full information about the president's use (or not) of unilateral power. If voters were uninformed about the use of unilateral action, we expect accountability would be degraded compared with a fully informed electorate. Therefore, presidents have strategic incentives to obfuscate about the use of unilateral power depending on their expectations about the public response.

Beyond characterizing public opinion on presidential power, our findings have implications for understanding congressional strategies and interbranch bargaining. Recent presidents have routinely threatened Congress with executive action should the legislative branch fail to take action on a presidential agenda item. Much like the insights from the model of interbranch bargaining proposed by Groseclose and McCarty (2001), our results suggest that—measured by presidential job approval ratings—congressional inaction may lure presidents into a trap. Even when

presidents justify unilateral measures with reference to the hopelessly gridlocked Congress, they may have little to gain in the public's eye. They may even suffer for it. Just as members of Congress may reap electoral benefits from considering infeasible legislation (Gelman 2017) or forcing the president to veto popular veto legislation (Groseclose and McCarty 2001), legislative gridlock in a given policy domain may tempt presidents into exercising unilateral powers that undercut their public standing.

Our results also offer a point of contrast with related work on Americans' process preferences as they relate to legislative politics. According to Hibbing and Theiss-Morse (2002, 34), for example, Americans' dissatisfaction with Congress often stems from their dislike of congressional procedures. Yet other research finds little support for this argument. For instance, Harbridge, Malhotra, and Harrison (2014) study public preferences for legislative bipartisanship and find little evidence that the public values bipartisanship at the expense of their political or policy goals. Similarly, Smith and Park (2013) evaluate Americans' attitudes toward the filibuster and find that they are structured largely by partisanship and ideology. Our study suggests that presidential procedures may evoke more consistent reactions from the American public, perhaps because unilateral action is more politically salient, easier to understand, and evokes more fundamental principles.

Our findings have several limitations and suggest opportunities for additional research. First, while we designed our survey experiment to simulate the circumstances under which presidents may contemplate unilateral action, we acknowledge its artificiality. Further research should evaluate the public's response to presidents' decisions on matters of unilateral power in the real world, when partisanship and the public's familiarity with actual presidents may influence their attitudes. It is possible that these preexisting commitments could be brought to bear more strongly on evaluations of presidential action outside of the experimental context. Second, other aspects of the context in which legislative gridlock occurs may moderate public appetite for unilateral action. Popular presidents and issues may enjoy greater leeway from the public for using unilateral action when Congress does not act. Third, presidents are more attentive to some constituencies than others. While our findings demonstrate the consequences of unilateral action for aggregate public opinion, presidents may use unilateral action to curry favor with key constituencies. These political benefits may reduce or eliminate any potential cost in the form

of aggregate opinion, particularly if the findings shown above endure for relatively short periods of time. Fourth, our experiments invoked relatively salient and politically controversial issues. It is less clear how our results apply to less salient issues. The public could respond more negatively to the use of power on unfamiliar issues, but it is also possible that the public is more accepting of presidential action on less salient topics. Finally, the empirical findings offered here suggest the opportunity to revisit theoretical models of unilateral power (see also Lowande and Rogowski 2021). Incorporating presidents' anticipation of the potential public response to the use of power would provide a fuller understanding of how presidents are responsive to Americans' procedural attitudes.

Conflict of Interest

None.

Data Availability Statement

Replication data are available at: Reeves, Andrew, and Jon C. Rogowski. 2021. Replication Data for: Unilateral Inaction: Congressional Gridlock, Interbranch Conflict and Public Evaluations of Executive Power. Version 1. Distributed by Cambridge, MA: Harvard Dataverse. <https://doi.org/10.7910/DVN/N7JN5X>.

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NOTES

1. Not every national political outcome is strictly a function of a president's actions. To the extent voters believe that presidents can affect economic and other outcomes, though, suggests presidents have incentives to demonstrate that they have.

2. However, see Christenson and Kriner (2017a, 347) for an argument that unilateral actions matter little since, “Americans evaluate unilateral action through the same partisan cues and policy preferences that they use to make other political judgments.”

3. In some circumstances, however, presidents issue unilateral directives to supplement legislation and in conjunction with congressional delegation (Belco and Rottinghaus 2017; Lowande 2018).

4. Recent failures of congressional Republicans to overturn the Affordable Care Act offer a case in point.

5. Intermestic policies involve both domestic and international issues (Manning 1976).

6. See Appendix A2 in the online supporting information for question wording.

7. Appendix A3 in the online supporting information shows results when using the full 4-point scales.

8. For more on this point, see Lowande and Rogowski (2021).

9. We use a linear model rather than logistic regression following guidance from Gomila (2021), which is especially relevant for our interest in estimating the interaction between binary independent variables (Woolridge 2002).

10. Overall, treatment assignments varied across vignettes for 76% of respondents.

11. See Appendix A5 in the online supporting information for question wording.

12. The Cronbach’s alpha was 0.74.

13. Table A5 omits respondent-level fixed effects to estimate the constituent term for rule of law. We find that while respondents in the inaction condition evaluate the president more favorably as they have stronger commitments to the rule of law, unilateralism has a more negative effect on presidential evaluations among respondents with stronger beliefs in the rule of law.

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Supporting Information

Additional Supporting Information may be found in the online version of this article at the publisher's web site:

Appendix 1. Descriptive Statistics

Appendix 2. Question Wording

Appendix 3. Using a Four-Point Dependent Variable

Appendix 4. Unweighted Analyses

Appendix 5. Rule of Law Question Wording