

**Partisanship, Trump, and the Normative  
Implications of Presidential Particularism:  
A Response to Pasachoff’s *Executive Branch  
Control of Federal Grants***

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I. INTRODUCTION

Given Congress's Article I powers of the purse, political science scholarship on federal spending long focused on Capitol Hill to understand the geographic allocation of federal outlays.<sup>1</sup> More recently, theoretical arguments around presidential behavior and empirical studies of federal spending have examined the role of the executive branch in shaping federal grant spending.<sup>2</sup> In a book and series of articles, we argued that “electoral and partisan incentives combine to encourage presidents to pursue policies across a range of issues that systematically target benefits to politically valuable constituencies.”<sup>3</sup> We

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<sup>1</sup> See, e.g., Frances E. Lee, *Senate Representation and Coalition Building in Distributive Politics*, 94 AM. POL. SCI. REV. 59, 59 (2000); Steven D. Levitt & James M. Snyder, Jr., *Political Parties and the Distribution of Federal Outlays*, 39 AM. J. POL. SCI. 958, 960 (1995).

<sup>2</sup> Nolan M. McCarty, *Presidential Pork: Executive Veto Power and Distributive Politics*, 94 AM. POL. SCI. REV. 117, 117–129 (2000); Christopher R. Berry, Barry C. Burden & William G. Howell, *The President and the Distribution of Federal Spending*, 104 AM. POL. SCI. REV. 783, 785 (2010).

<sup>3</sup> DOUGLAS L. KRINER & ANDREW REEVES, THE PARTICULARISTIC PRESIDENT: EXECUTIVE BRANCH POLITICS AND POLITICAL INEQUALITY 2 (2015) [hereinafter KRINER & REEVES, PARTICULARISTIC PRESIDENT]; Douglas L. Kriner & Andrew Reeves, *Presidential Particularism in Disaster Declarations and Military Base Closures*, 45 PRESIDENTIAL STUDS. Q. 679, 696 (2015) [hereinafter Kriner & Reeves, *Disaster Declarations*]; Douglas L. Kriner & Andrew Reeves, *Presidential Particularism and Divide-the-Dollar Politics*, 109 AM. POL. SCI. REV. 155, 169 (2015) [hereinafter Kriner & Reeves, *Divide-the-Dollar Politics*]; Douglas L. Kriner & Andrew Reeves, *The Electoral College and Presidential*

referred to these forces and the resulting political inequality in policy outcomes as *presidential particularism*.<sup>4</sup> Despite a voluminous literature on presidents and executive politics, there is still substantial disagreement over the central motivations guiding presidential behavior.<sup>5</sup> Understanding the relative responsiveness of the president to politically important constituencies versus the national median voter is instructive. Awareness of the forces that shape the behavior of the institution is necessary when considering, for example, formally expanding the authority of the office.<sup>6</sup>

Pasachoff's article<sup>7</sup> moves this long-standing literature on the political forces driving distributive politics forward in several important directions. We are honored to have the opportunity to respond to her article with further thoughts on executive branch influence over distributive policy outcomes. Pasachoff's article advances the field in at least three ways. First, the article identifies and systematically traces three mechanisms through which the executive branch can influence the geographic allocation of federal grants.<sup>8</sup> Presidential policy decisions can shape who will and will not be eligible and competitive for grants.<sup>9</sup> Presidents can engage in their own form of pork-barrel politics, putting a thumb on the scale to channel federal dollars to swing and core partisan constituencies.<sup>10</sup> And at the enforcement stage, executive agencies can punish political adversaries for noncompliance, which they have broad discretion to define.<sup>11</sup> This last dynamic is particularly interesting and has largely eluded systematic empirical study.

Second, the article makes an important normative argument about the desirability of executive branch control.<sup>12</sup> While the article focuses on executive influence over the allocation of federal grants, it also addresses much larger

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*Particularism*, 94 B. U. L. REV. 741, 766 (2014) [hereinafter Kriner & Reeves, *Electoral College*]; Douglas L. Kriner & Andrew Reeves, *The Influence of Federal Spending on Presidential Elections*, 106 AM. POL. SCI. REV. 348, 364 (2012).

<sup>4</sup> See KRINER & REEVES, PARTICULARISTIC PRESIDENT, *supra* note 3, at 3; Kriner & Reeves, *Disaster Declarations*, *supra* note 3, at 680; Kriner & Reeves, *Divide-the-Dollar Politics*, *supra* note 3, at 161; Kriner & Reeves, *Electoral College*, *supra* note 3, at 764.

<sup>5</sup> See KRINER & REEVES, PARTICULARISTIC PRESIDENT, *supra* note 3, at 2; Kriner & Reeves, *Disaster Declarations*, *supra* note 3, at 680; Kriner & Reeves, *Divide-the-Dollar Politics*, *supra* note 3, at 155.

<sup>6</sup> See generally Elena Kagan, *Presidential Administration*, 114 HARV. L. REV. 2245 (examining the relationship between the President and the administrative state); WILLIAM G. HOWELL & TERRY M. MOE, PRESIDENTS, POPULISM, AND THE CRISIS OF DEMOCRACY 1–2 (2020).

<sup>7</sup> Eloise Pasachoff, *Executive Branch Control of Federal Grants: Policy, Pork, and Punishment*, 83 OHIO ST. L.J. 1113 (2022).

<sup>8</sup> *Id.* at 1117.

<sup>9</sup> *Id.* at 1121.

<sup>10</sup> *Id.* at 1145.

<sup>11</sup> *Id.* at 1173.

<sup>12</sup> See *id.* at 1117.

questions about presidential representation.<sup>13</sup> Our own prior work<sup>14</sup> cast serious doubt on claims advanced by presidents and scholars alike about presidential “universalism”<sup>15</sup>—that by virtue of their national constituency, presidents are incentivized to pursue unbiased national interests rather than the parochial interests of narrow geographic constituencies. Pasachoff’s article advances this debate by asking whether it is normatively good to reduce executive influence over grant-making to counter presidential particularism.<sup>16</sup> She answers in the negative by considering the costs of the alternatives.<sup>17</sup>

Finally, Pasachoff’s article examines the question in the context of the Trump presidency.<sup>18</sup> It poses a critical question: to what extent was Trump’s use of these levers of influence over grants exceptional compared to past presidents?<sup>19</sup> Relatedly, to what extent were perceived differences primarily symbolic and stylistic?<sup>20</sup> The article does not definitively answer these questions. However, in terms of the policy and pork mechanisms, the article seems to lean toward the former, while with respect to punishment, it leans toward the latter.<sup>21</sup>

In this brief response, we offer a few thoughts on both the important normative questions Pasachoff’s article raises and on the question of President Trump and the extent to which his embrace of particularism was exceptional. One crucial factor in the normative debate is whether changes in our polity increasingly incentivize presidents to be particularistic. In the following section, we briefly discuss three factors—rising partisan polarization, heightened electoral competition, and partisan geographic sorting—that might further incentivize presidential particularism and exacerbate political inequality in policy outcomes. We then take up the question of Trump somewhat indirectly by arguing that there are reasons to think Republican presidents generally have both greater incentives and capacity to engage in particularistic targeting of grants than Democrats. Updating and extending some of our earlier empirical analyses, we find significant empirical evidence of a partisan difference. While future research is needed to consider Trump’s record directly, the greater particularism of Republican presidents offers a better baseline against which to compare Trump than his immediate predecessor and successor. We conclude by questioning whether strong presidential influence over distributive outcomes is normatively desirable, both intrinsically and when compared to the alternatives.

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<sup>13</sup> See Pasachoff, *supra* note 7, at 1150–53.

<sup>14</sup> Kriner & Reeves, *Divide-the-Dollar Politics*, *supra* note 3, at 155.

<sup>15</sup> Jide Nzelibe, *The Fable of the Nationalist President and Parochial Congress*, 53 UCLA L. Rev. 1217, 1217 (2006).

<sup>16</sup> See Pasachoff, *supra* note 7, at 1150–53.

<sup>17</sup> *Id.* at 1153–54.

<sup>18</sup> *Id.* at 1118.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 1118, 1121.

<sup>21</sup> See Pasachoff, *supra* note 7, at 1130–45, 1157–66, 1178–90.

## II. POLARIZATION, POPULISM, AND PRESIDENTIAL PARTICULARISM

One focus of Pasachoff's article is the extent to which presidential particularism is an enduring force in American politics.<sup>22</sup> In the next section, we discuss presidential particularism in light of Trumpian exceptionalism. Before we address Trump, we consider how the dramatic changes in our polity over the last thirty years have affected presidential incentives when exercising delegated authority and administering grant programs.

The polarization of the American public has major implications for the nature of presidential representation.<sup>23</sup> Over the past several decades, Americans have sorted themselves into increasingly ideologically homogenous political parties.<sup>24</sup> At the elite level, Congress is more polarized than it has ever been.<sup>25</sup> Voters themselves have become increasingly tribal, identifying strongly with their political party and demonstrating an antipathy for the other.<sup>26</sup> Along with this individual-level polarization, we have seen a similar geographic sorting of voters, with urban areas becoming ever more Democratic and rural areas even more solidly Republican.<sup>27</sup>

One consequence of these developments is that presidential electoral margins have narrowed considerably. From 1948 through 1996, the average margin of victory in the Electoral College was 287 votes.<sup>28</sup> In the six elections since, it was just 85 votes, a 70% decrease.<sup>29</sup> This dramatic change could significantly heighten presidential incentives to target federal benefits to electorally valuable constituencies. Consider a pair of examples. In 1980 and 1984, Ronald Reagan won 91% and 98% of the Electoral College vote, respectively.<sup>30</sup> When Electoral College margins are overwhelming, pivotal swing states all but cease to exist, and so the capacity and incentives to geographically target benefits for electoral gain are minimized. By contrast, in

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<sup>22</sup> See *id.* at 1150–53.

<sup>23</sup> E.g., Charles M. Cameron, *Studying the Polarized Presidency*, 32 PRESIDENTIAL STUDS. Q. 647, 654–59 (2002).

<sup>24</sup> See, e.g., LILLIANA MASON, UNCIVIL AGREEMENT: HOW POLITICS BECAME OUR IDENTITY 3 (2018).

<sup>25</sup> Drew DeSilver, *The Polarization in Today's Congress Has Roots That Go Back Decades*, PEW RSCH. CTR. (Mar. 10, 2022), <https://www.pewresearch.org/fact-tank/2022/03/10/the-polarization-in-todays-congress-has-roots-that-go-back-decades/> [https://perma.cc/LBS9-QYRY]; NOLAN McCARTY, KEITH T. POOLE, & HOWARD ROSENTHAL, POLARIZED AMERICA: THE DANCE OF IDEOLOGY AND UNEQUAL RICHES (2d ed. 2016).

<sup>26</sup> See, e.g., MASON, *supra* note 24, at 3.

<sup>27</sup> James G. Gimpel, Nathan Lovin, Bryant Moy & Andrew Reeves, *The Urban–Rural Gulf in American Political Behavior*, 42 POL. BEHAV. 1343, 1344 (2020).

<sup>28</sup> See Electoral College Results, NAT'L ARCHIVES, <https://www.archives.gov/electoral-college/results> (last updated Aug. 26, 2020) (calculations by the authors, on file with Ohio State Law Journal).

<sup>29</sup> *Id.*

<sup>30</sup> Kriner & Reeves, *Electoral College*, *supra* note 3, at 765.

2000, George W. Bush clinched the presidency with a victory in Florida of 537 votes.<sup>31</sup> An electorally minded president could quickly identify Florida as a place to target resources to win favor with an essential constituency for reelection. Ubiquitous polling and tight margins make identifying swing states easy, and the incentives to target federal resources disproportionately toward them should be stronger.

Additionally, the geographic sorting of partisans makes it increasingly easy for presidents to target their partisan base. Urban counties, which are few in number but contain a majority of voters, vote Democrat.<sup>32</sup> Rural counties, which are numerous but sparsely populated, vote Republican.<sup>33</sup> For example, in 2020, Biden won in just over 17% of counties, a historically narrow margin.<sup>34</sup> As partisans become geographically concentrated, it may be easier to pick policies that disproportionately benefit specific types of constituents. Though President Biden has tweeted that “[t]here are no Democratic roads or Republican bridges,”<sup>35</sup> it is increasingly the case that a road or bridge will be built in a solidly Democratic or Republican town. This, coupled with rising tribalism and individual-level polarization, may have further strengthened presidential incentives to target federal resources to their partisan base.

The normative implications of presidential influence over distributive politics may depend on whether and how these recent developments have exacerbated presidential particularistic impulses. Ultimately, this is an empirical question. Unfortunately, serious inconsistencies in available grant data after 2010 complicate such comparisons. The most comprehensive data set on the geographic allocation of federal spending, the Consolidated Federal Funds Report, was discontinued pursuant to the Digital Accountability and Transparency Act of 2013.<sup>36</sup> In an effort allegedly to enhance transparency, all spending data is now submitted and available through the USAspending.gov portal.<sup>37</sup> However, USAspending.gov does not include many sources of spending previously included in the CFFR; and where they do overlap,

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<sup>31</sup> Doyle McManus, Bob Drogin & Richard O’Reilly, *Bush Wins, Gore Wins,— Depending on How Ballots Are Added Up*, CHI. TRIBUNE (Nov. 13, 2001), <https://www.chicagotribune.com/news/sns-ballots-story.html>; see also *President*, FED. ELECTION COMM’N., <https://www.fec.gov/introduction-campaign-finance/election-and-voting-information/federal-elections-2000/president2000/> [<https://perma.cc/2ZN8-ZBPP>].

<sup>32</sup> See Gimpel, Lovin, Moy & Reeves, *supra* note 27, at 1344.

<sup>33</sup> See *id.*

<sup>34</sup> James G. Gimpel, Andrew Reeves & Sean Trende, *Reconsidering Bellwether Locations in U.S. Presidential Elections*, 52 PRESIDENTIAL STUD. Q. 509, 512 (2022).

<sup>35</sup> Joe Biden (@Potus), TWITTER, (July 27, 2021, 1:15 PM), [https://twitter.com/potus/status/1420070360154877952?s=21&t=VPfIYcoqpGLcY6PDY\\_bYqA](https://twitter.com/potus/status/1420070360154877952?s=21&t=VPfIYcoqpGLcY6PDY_bYqA) [<https://perma.cc/N8Z3-X4PZ>].

<sup>36</sup> Nick Schwellenbach, *Federal Spending Needs More Transparency: The DATA Act and Reform*, CTR. FOR EFFECTIVE GOV’T (May 21, 2013), <https://www.foreffectivegov.org/federal-spending-needs-more-transparency-data-act-and-reform> [<https://perma.cc/N2ZL-RBBA>].

<sup>37</sup> *Id.*

USAspending.gov data shows omissions and missing data.<sup>38</sup> Future research is needed to better integrate these data sets as feasible. For example, one possible alternative is to match data across the data sets by program to identify a subset of the data that is comparable across the entire period, which would allow a more comprehensive assessment of changes in particularism over time. This is an important ground for future empirical research. Though we speculate here about the changing nature of presidential particularism, we emphasize that it is best understood through an empirical examination.

### III. PUTTING TRUMP IN CONTEXT

Despite claims that the president's national constituency incentivizes presidents to pursue national, not parochial, interests, the Electoral College and the realities of partisan political competition ensure that presidents also have strong incentives to pursue policies that maximize their own electoral benefits and the interests of their fellow partisans.<sup>39</sup> Empirical research has documented how presidents, driven by these incentives, have systematically used the levers of influence over the allocation of federal grants described by Pasachoff to skew the distribution of grant dollars across the country.<sup>40</sup> They disproportionately reward voters in swing states,<sup>41</sup> core states,<sup>42</sup> and districts represented by co-partisans in the House.<sup>43</sup> More broadly, a wealth of scholarship has found evidence of presidential particularism across the gamut of distributive policies

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<sup>38</sup> *Id.*

<sup>39</sup> Kevin M. Stack, *Partisan Administration*, 2 (Ctr. For the Stud. Of the Admin. St., Working Paper 21–45, 2021). For example, see Becky Sweger & Mattea Kramer, *Can the DATA Act Restore Medicare "Cuts?"*, NAT'L PRIORITIES PROJ., (May 2, 2013) <https://www.nationalpriorities.org/blog/2013/05/02/medicare-cuts-usaspendinggov/> [<https://perma.cc/76CF-52K6>], and *Federal Spending Transparency on the Decline?* SUNLIGHT FOUNDATION (May 2, 2012), <https://sunlightfoundation.com/2012/05/02/federal-spending-transparency-on-the-decline/> [<https://perma.cc/N423-RTW8>].

<sup>40</sup> See, e.g., JOHN HUDAK, *PRESIDENTIAL PORK: WHITE HOUSE INFLUENCE OVER THE DISTRIBUTION OF FEDERAL GRANTS* 2 (2014).

<sup>41</sup> See Kriner & Reeves, *Divide-the-Dollar Politics*, *supra* note 3, at 158.

<sup>42</sup> *Id.* at 163; see also KRINER & REEVES, *PARTICULARISTIC PRESIDENT*, *supra* note 3, at 3.

<sup>43</sup> Berry, Burden & Howell, *supra* note 2, at 797.

from disaster declarations;<sup>44</sup> to military base closures<sup>45</sup> to trade policy,<sup>46</sup> and even to the allocation of post offices in the 19<sup>th</sup> century.<sup>47</sup>

This research makes clear that President Trump was far from the first president to channel federal dollars disproportionately to electorally valuable swing and core constituencies. However, in many respects the 45th President appears to have engaged in presidential particularism at a heightened level. In early 2018, President Trump lifted the federal moratorium on offshore drilling, opening almost all of America's coastal waters to energy development.<sup>48</sup> Many state officials sharply criticized the move and asked the administration to exempt their coastlines from the order;<sup>49</sup> however, the Trump administration almost immediately granted only a single exception: to the critical swing state of Florida.<sup>50</sup> The decision prompted an outcry from other states who demanded the same treatment, prompting the administration to dispatch Interior Secretary Ryan Zinke to the Hill in a feeble effort to justify why Florida was “different”—apart from its obvious electoral importance to the president.<sup>51</sup>

One of President Trump's signature legislative accomplishments—the 2019 corporate tax cut—concentrated the pain of raising some offsetting revenues in blue states of little importance to the president: by capping the state and local tax deduction whose benefits are concentrated in blue states with higher state and local income tax rates.<sup>52</sup> An analysis of the bill described Trump's *coup de grace* as “a \$35 billion political giveaway to those who are ‘loyal.’”<sup>53</sup> It concluded that states that voted for Trump would get the majority of the tax cuts,

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<sup>44</sup> See Andrew Reeves, *Political Disaster: Unilateral Powers, Electoral Incentives, and Presidential Disaster Declarations*, 73 J. POL. 1142, 1149; John T. Gasper & Andrew Reeves, *Make It Rain? Retrospection and the Attentive Electorate in the Context of Natural Disasters*, 55 AM. J. POL. SCI. 340, 349–50 (2011); KRINER & REEVES, PARTICULARISTIC PRESIDENT, *supra* note 3 at 82–109.

<sup>45</sup> See generally Kriner & Reeves, *Disaster Declarations*, *supra* note 3 (finding evidence of electoral and partisan particularism in the closing of military bases).

<sup>46</sup> KRINER & REEVES, PARTICULARISTIC PRESIDENT, *supra* note 3, at 66; Andrew J. Clarke, Jeffery A. Jenkins & Kenneth S. Lowande, *Tariff Politics and Congressional Elections: Exploring the Cannon Thesis*, 29 J. THEORETICAL POL. 382, 406 (2016).

<sup>47</sup> Jon C. Rogowski, *Presidential Influence in an Era of Congressional Dominance*, 110 AM. POL. SCI. REV. 325, 334 (2016).

<sup>48</sup> Lisa Friedman, *Trump Moves to Open Nearly All Offshore Waters to Drilling*, N.Y. TIMES (Jan. 4, 2018), <https://www.nytimes.com/2018/01/04/climate/trump-offshore-drilling.html> [<https://perma.cc/69R9-9EP9>].

<sup>49</sup> *Id.*

<sup>50</sup> Miranda Green, *Zinke Defends Florida Offshore Drilling Exemption*, THE HILL (Mar. 13, 2018) <https://thehill.com/policy/energy-environment/378157-zinke-defends-florida-offshore-drilling-exemption-calling-the-state> [<https://perma.cc/K2RX-7JHT>].

<sup>51</sup> *Id.*

<sup>52</sup> See Brett Arends, *Trump's Tax Cuts Are Punishing States That Voted for Clinton*, DATA SUGGEST, MARKETWATCH (Mar. 8, 2019), <https://www.marketwatch.com/story/trumps-tax-cuts-are-punishing-states-that-voted-for-clinton-data-suggests-2019-03-07> [<https://perma.cc/YJG2-55MA>].

<sup>53</sup> *Id.*

even though they pay only a minority of all federal taxes.<sup>54</sup> Similarly and echoing research documenting the influence of presidential particularistic impulses on trade policy, amid a punishing trade war with China, former National Security Advisor John Bolton alleged that President Trump begged Chinese President Xi Jinping to buy more agricultural imports to help his reelection bid, given the centrality of farm states to his electoral coalition.<sup>55</sup> Helping American economic interests need not be particularistic. Still, Trump's actions show how he prioritized the needs of an electorally valuable constituency over those of other Americans hurt by his administration's policies.

Finally, while we do not yet know whether Trump has systematically skewed federal grant dollars to critical constituencies, Pasachoff's article rightly notes that Trump has shown little caution in giving the impression that he is personally targeting federal money toward his most important voters.<sup>56</sup> For example, in a series of presidential tweets in July 2020, Trump announced federal Department of Transportation grant awards to Ohio, Florida, and Pennsylvania—three of the most pivotal swing states.<sup>57</sup> In two tweets, Trump personally claimed credit for making the awards.<sup>58</sup> The *New York Times's* Jonathan Martin described Trump's brazen promotion as a “sort of Santa Claus politics.”<sup>59</sup>

As Pasachoff's article notes, a critically important question is whether Trump's particularistic impulses are different in substance or primarily in terms of style.<sup>60</sup> The straightforward way to answer this question is to update existing time series analyses of the allocation of grant spending to examine whether any politically advantageous imbalances in the geographic distribution of grants are substantively different during the Trump presidency. However, as discussed previously, temporal inconsistencies in the available data currently preclude this approach.

Given these limitations, this brief article takes a different tack and focuses on the proper comparison for Trump. In an important sense, the very structure of our electoral system ensures that all presidents have incentives to engage in particularistic behavior. However, some presidents may have stronger motivations and greater capacity to do so than others.

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<sup>54</sup> *Id.*

<sup>55</sup> See Josh Dawsey, *Trump Asked China's Xi to Help Him Win Reelection, According to Bolton Book*, WASH. POST (June 18, 2020), [https://www.washingtonpost.com/politics/trump-asked-chinas-xi-to-help-him-win-reelection-according-to-bolton-book/2020/06/17/d4ea601c-ad7a-11ea-868b-93d63cd833b2\\_story.html](https://www.washingtonpost.com/politics/trump-asked-chinas-xi-to-help-him-win-reelection-according-to-bolton-book/2020/06/17/d4ea601c-ad7a-11ea-868b-93d63cd833b2_story.html) [<https://perma.cc/2YJC-NZYB>].

<sup>56</sup> See Pasachoff, *supra* note 7, at 1159–61.

<sup>57</sup> Donald Trump (@realDonaldTrump), TWITTER (July 29, 2020, 3:53 PM), <https://www.presidency.ucsb.edu/documents/tweets-july-29-2020> [<https://perma.cc/DFM9-3AT6>]. For a discussion of Ohio, Florida, and Pennsylvania as pivotal swing states, see Kriner & Reeves, *Electoral College*, *supra* note 3, at 753, 756.

<sup>58</sup> Trump, *supra* note 57.

<sup>59</sup> Jonathan Martin (@jmartNYT), TWITTER, (July 29, 2020, 12:39 PM), <https://twitter.com/jmartNYT/status/1288514547788263424> [<https://perma.cc/CU22-VRWV>].

<sup>60</sup> See Pasachoff, *supra* note 7, at 1118.



### A. Differences in Particularism Across Parties

Republican presidents may have more compelling incentives to engage in electoral targeting than Democrats and a greater capacity to engage in core constituency targeting. While our electoral system incentivizes all presidents to channel federal benefits to electorally key constituencies, this strategy may pay greater dividends for Republican presidents. Prior research has speculated and found empirical evidence that conservative voters are less responsive to increased localized spending than are liberal voters, as such spending is inconsistent with their partisan priors.<sup>61</sup> In prior research analyzing whether and how voters reward presidents for localized spending, we found evidence for this dynamic in both observational and survey data.<sup>62</sup>

This finding may suggest that Democrats gain more from particularistic spending than Republicans, as liberals are more likely to reward the incumbent president or his would-be co-partisan successor for localized spending. However, Democrats are already poised to win most liberal voters even without targeted spending.<sup>63</sup> This suggests a ceiling effect in which particularistic spending has little room to bolster their electoral margins further. By contrast, particularistic spending may help Republican presidents win over some likely Democratic voters because they are starting from a low base level of support. While they are unlikely to flip more liberal areas red, there is a greater potential to siphon off some votes from the Democratic candidate with targeted spending. A Democratic president could try to capture votes in a more conservative area within a swing state by channeling additional federal policy benefits its way—but these constituencies are less responsive to targeted spending.<sup>64</sup> By contrast, Republican presidents already enjoy strong support in the constituencies least likely to be swayed by particularistic spending.<sup>65</sup> This leads to our first hypothesis: Republican presidents should engage in more swing state targeting than Democratic presidents.

As partisan leaders, all presidents also have strong incentives to pursue policies that address the needs of their core constituencies. However, the realities of partisan political geography coupled with a difference in the two parties' capacity to pursue their policy preferences in ways that disproportionately benefit their core voters may render Republicans better

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<sup>61</sup> Jeffrey Lazarus & Shauna Reilly, *The Electoral Benefits of Distributive Spending*, 63 POL. RSCH. Q. 343, 352 (2010); Jake Haselswerdt & Brandon L. Bartels, *Public Opinion, Policy Tools, and the Status Quo: Evidence from a Survey Experiment*, 68 POL. RSCH. Q. 607, 607–621 (2015); Andrew Sidman & Maxwell Mak, *Pork, Awareness, and Ideological Consistency: The Effects of Distributive Benefits on Vote Choice Decision-Making by Three Judge District Court Panels in VRA Cases View Project*, at 3, 24 (Midwest Political Science Association Annual Meeting, 2006).

<sup>62</sup> Kriner & Reeves, *Influence Federal*, *supra* note 3, at 348–66.

<sup>63</sup> See Gimpel, Lovin, Moy & Reeves, *supra* note 27, at 1344.

<sup>64</sup> See Kriner & Reeves, *Influence Federal*, *supra* note 3, at 362–63.

<sup>65</sup> See *id.* at 364.

positioned to engage in core constituency targeting. Geographically, the core Democratic constituency is very narrow. In 2020, Joe Biden won only 551 counties versus the 2,588 counties that voted for Donald Trump.<sup>66</sup> Pursuing policies that target benefits to a narrow and disproportionately urban slice of constituencies is politically tricky. It violates strong norms favoring breadth of geographic allocation.<sup>67</sup> It fuels (mistaken) concerns that government policies disproportionately benefit urban areas at the expense of the rural backbone of America.<sup>68</sup> Finally, many Democratic policy priorities—for example, combatting child poverty—benefit both core Republican and Democratic constituencies. Consider the contrast between President Trump’s signature legislative accomplishment, the 2019 corporate tax cut, and President Biden’s first major legislative accomplishment, the 2021 American Rescue Plan. The former concentrated much of the pain in Democratic constituencies by raising offsetting revenues with a cap on the state and local tax deduction that overwhelmingly affected residents of solidly blue states.<sup>69</sup> The latter pursued a range of Democratic policy priorities, many of its provisions disproportionately benefitted voters in Republican constituencies.<sup>70</sup> Similarly, early evidence suggests that many of the benefits of the Inflation Reduction Act, the biggest legislative accomplishment of President Biden’s second year in office, are also flowing disproportionately to red states. Under the bill’s provisions to combat climate change, \$2.8 billion of grants for manufacturing batteries and electric vehicles have already been awarded to companies in 12 states, 8 of which voted for President Trump.<sup>71</sup> This suggests a second hypothesis: Republican

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<sup>66</sup> See William H. Frey, *Biden-Won Counties Are Home to 67 Million More Americans Than Trump-Won Counties*, BROOKINGS: THE AVENUE (Jan. 21, 2021), <https://www.brookings.edu/blog/the-avenue/2021/01/21/a-demographic-contrast-biden-won-551-counties-home-to-67-million-more-americans-than-trumps-2588-counties/> [https://perma.cc/35JV-MUX3].

<sup>67</sup> See Pasachoff, *supra* note 7, at 1162–63 (“The goal of furthering geographic distribution is a standard one.”); see also David Glick & Maxwell Palmer, *County Over Party: How Governors Prioritized Geography Not Particularism in the Distribution of Opportunity Zones*, 52 BRIT. J. POL. SCI. 1902, 1903 (2021).

<sup>68</sup> See generally KATHERINE CRAMER, *THE POLITICS OF RESENTMENT: RURAL CONSCIOUSNESS IN WISCONSIN AND THE RISE OF SCOTT WALKER* (2016) (examining Scott Walker and Wisconsin politics to illuminate the details of rural place-based identities).

<sup>69</sup> See Arends, *supra* note 52.

<sup>70</sup> Jason Lange & Chris Kahn, *Biden’s Child Tax Credit Pays Big in Republican States, Popular with Voters*, REUTERS (Sept. 15, 2021), <https://www.reuters.com/world/us/bidens-child-tax-credit-pays-big-republican-states-popular-with-voters-2021-09-15/> [https://perma.cc/447L-Q2MZ]; Andy Sullivan & Jason Lange, *Analysis: Despite Republican Opposition, Red States Fare Well in Biden’s COVID-19 Bill*, REUTERS (Mar. 10, 2021), <https://www.reuters.com/article/us-health-coronavirus-usa-states-analysis/analysis-despite-republican-opposition-red-states-fare-well-in-bidens-covid-19-bill-idUSKBN2B22J0> [https://perma.cc/GBX7-J9QL].

<sup>71</sup> Jack Ewing, *E.V. Bananza Flows to Red States That Denounce Biden Climate Policies*, N.Y. TIMES (Oct. 19, 2022), <https://www.nytimes.com/2022/10/19/business/electric-vehicles-republicans-investment-south.html> [https://perma.cc/9AZG-2P6B].

presidents should be more successful in engaging in core constituency targeting than Democratic presidents.

### *B. Searching for Evidence of Partisan Differences*

To test our hypotheses, we extended our prior analysis through 2010 with the last remaining years in the CFFR time series.<sup>72</sup> As a result, we now have 27 years of spending data, 10 of which are from Democratic presidents (8 under Clinton; 2 under Obama) and 17 from Republican presidents.

The first model in Table 1 replicates the base model specification from our previous work, but with two additional years of data extending the time series through 2010.<sup>73</sup> The results closely mirror those reported previously. We find significant evidence of particularistic behavior, with presidents systematically targeting disproportionate shares of federal dollars to counties in swing states and core states, and to counties represented by co-partisans in Congress. Model 2 of Table 1 interacts the swing state and core state particularism measures with a dummy variable identifying years in which a Democrat sat in the Oval Office.

Consistent with our first hypothesis, we find that all presidents appear to court voters in swing states with federal dollars. However, the effect is significantly stronger for Republican presidents. As shown in Figure 1, counties in a swing state received a 5.4% boost in grant spending under a Republican president, versus a 1.5% increase under a Democratic president, all else being equal. Under a Republican president, the population-weighted median county in a swing state received an estimated \$26 million boost in grant spending, solely by virtue of being electorally competitive. Under a Democratic president, this county received a significantly smaller boost of just under \$8 million. This evidence is consistent with our hypothesis that Democratic presidents have less to gain electorally given their strong *ex ante* advantage with the more liberal constituencies that are most responsive to federal spending.

We also find strong empirical support for our second hypothesis that Democratic presidents are less able (or willing; we cannot distinguish between the two) to engage in core state targeting than are Republican presidents. Core

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<sup>72</sup> The mismatch of fiscal years and elections, and the possibility for both *ex post* and *ex ante* influence on spending allocations complicates matters around election years. For example, FY 2009 begins in 2008 under President George W. Bush. The appropriations bills were signed in 2008 under the 110th Congress. But most of the money was allocated during the Obama presidency. There are no clear answers for how best, then, to code the political characteristics that should guide FY 2009 spending. In our research, we have followed Berry, Burden, and Howell *The President and the Distribution of Federal Spending* (2010) and coded the presidential co-partisanship variable based on the characteristics of the enacting Congress. See Berry, Burden & Howell, *supra* note 2, at 790; Kriner & Reeves, *Divide-the-Dollar Politics*, *supra* note 3, at 160. We coded our swing and core state variables based on the partisanship of the president in power during the bulk of the allocation process, given the president's significant *ex post* influence through the bureaucracy. However, all of our results are robust to omitting the years following presidential elections.

<sup>73</sup> Kriner & Reeves, *Divide-the-Dollar Politics*, *supra* note 3, at 163.

Republican constituencies benefitted greatly under a Republican president, securing an estimated 9% boost in grant spending, all else being equal. For the median population-weighted county, this translates into an infusion of \$44 million. By contrast, core Democratic constituencies under a Democratic president did not receive any benefit at all, and the estimated difference in grants is actually negative.

Additional empirical research is needed to explore partisan differences in presidential particularism further. However, these results put recent history under President Trump in a different light. Republican presidents may simply have greater incentives and greater capacity to target federal grant dollars to swing and core constituencies than Democratic presidents do. While Pasachoff's article notes examples of presidential pork engaged in by Democratic presidents as well,<sup>74</sup> the Trump cases seem more egregious in scale and scope. However, when Trump's particularistic record is assessed in the aggregate and compared to other Republican presidents, the biggest differences may be more a matter of style than of substance.

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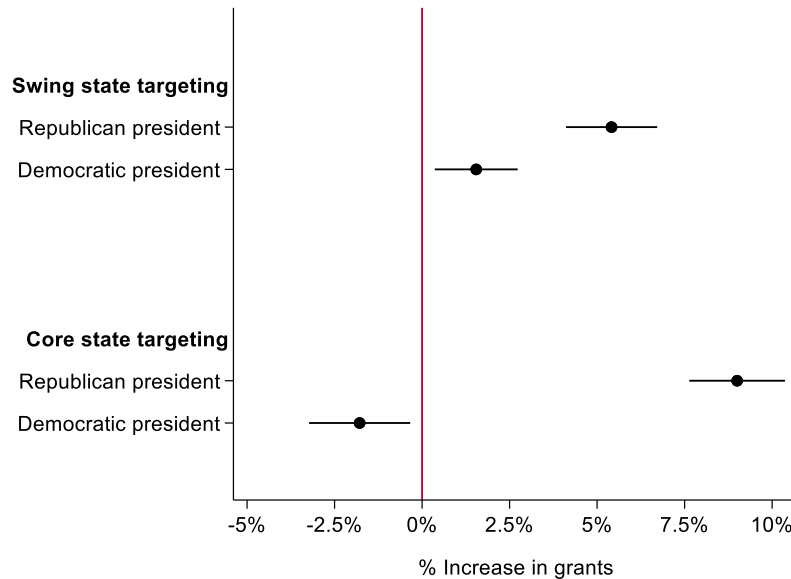
<sup>74</sup> See Pasachoff, *supra* note 7, at 1161 (“GAO included the Obama administration in its critique of the Department of Transportation’s grant processes”).

*Table 1: Presidential Particularism and the Allocation of Federal Grants, 1984–2010, by Party*

	(1)	(2)
Swing state	0.038 (0.005)	0.054 (0.007)
Swing state x Democratic president		-0.039 (0.008)
Core state	0.056 (0.005)	0.090 (0.007)
Core state x Democratic president		-0.108 (0.011)
MC from president's party	0.019 (0.003)	0.019 (0.003)
MC from majority party	0.023 (0.003)	0.021 (0.003)
MC chair	-0.020 (0.009)	-0.019 (0.009)
Member of Appropriations or Ways and Means	-0.011 (0.005)	-0.011 (0.005)
County population (logged)	0.237 (0.029)	0.238 (0.029)
Poverty rate	0.003 (0.001)	0.004 (0.001)
Per capita income	-0.000 (0.000)	-0.000 (0.000)
Constant	15.238 (0.295)	15.243 (0.296)
Observations	83,089	83,089
R-squared	0.641	0.641
Number of counties	3,083	3,083

*Note:* Robust standard errors clustered on county in parentheses. Least-squared models with fixed effects for counties and years. Dependent variable is the natural log of federal grant spending in each county in a given year.

Figure 1: Swing and Core State Particularism by Presidential Partisanship



*Note:* Each marker indicates the percentage increase a county receives by virtue of being in a swing or core state under a Democratic or Republican president. Horizontal bars represent the degree of uncertainty (95% confidence intervals) around each point estimate.

#### IV. CONCLUSION

It is a privilege to engage with Pasachoff's excellent article, which advances the understanding of presidential particularism in American politics in multiple ways. Though the article squarely focuses on the control of federal grants, it also speaks more broadly to the importance of understanding the representational underpinnings of the American presidency. Perhaps the best single distillation of presidential behavior is that they are seekers of power.<sup>75</sup> Pasachoff's article makes significant inroads into understanding what presidents do with that power. Do presidents pursue the national interest, as they oft proclaim, or do they serve other more specific partisan or electoral interests? The answer to this question has profound implications for public policy and even the endurance of democracy. Executive aggrandizement is an existential threat to democracy and can occur by virtue of bolstering the power and authority of the president.<sup>76</sup> Making decisions about delegating powers to the executive branch without a

<sup>75</sup> See generally WILLIAM G. HOWELL, THINKING ABOUT THE PRESIDENCY: THE PRIMACY OF POWER (2013) (examining the primary aspects of presidential power).

<sup>76</sup> For an overview, see generally Andrew Reeves & Jon C. Rogowski, *Democratic Values and Support for Executive Power*, PRESIDENTIAL STUD. Q. (forthcoming).

clear-eyed answer to fundamental questions about representation and accountability is a dangerous enterprise.<sup>77</sup>

Pasachoff's article rightly pushes us to think about the normative implications of presidential particularism and concludes that "robust executive branch control over federal grants is good . . . both normatively good in the abstract and better than the alternatives."<sup>78</sup> While we find much to agree with, three concerns give us pause. First, we are unconvinced that robust executive control over distributive policy outcomes is intrinsically good. Pasachoff articulates a narrow view of what types of particularism are normatively troubling: the pursuit of "private goals that advance no realistic conception of the public interest."<sup>79</sup> By contrast, the article argues "there is nothing wrong with presidents trying to implement the policy agendas on which they ran for office through the legal opportunities that are available to them" and "even deeply ideologically contested, partisan-aligned policy agendas can be structurally acceptable as the natural consequence of elections."<sup>80</sup> We agree with this characterization of presidential motives; indeed, it nicely echoes our critiques of presidential "universalist" narratives. However, just because presidential actions are legally valid and consistent with one view of democratic representation<sup>81</sup> does not mean that presidents wielding disproportionate impact on policy and the resulting distributive outcomes is normatively good.

Second, it is not clear to us that presidential control is necessarily superior to the alternatives. Executive branch influence does not take place in a vacuum. It acts and reacts in response to and in anticipation of other political forces. Forces such as malapportionment in the U.S. Senate or seniority in the House of Representatives also drive the distribution of federal resources.<sup>82</sup> If Congress was compelled to take a stronger role, these forces would produce their own set of political inequalities. But would the resulting inequalities be steeper, representation more skewed, and democratic legitimacy weakened? For all its institutional dysfunction, Congress does play an important aggregating role. As Frances Lee has argued, Congress' super-majoritarian requirements, which

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<sup>77</sup> For defenses of presidential power and calls for its expansion in important respects, see generally JOHN YOO, *DEFENDER IN CHIEF: DONALD TRUMP'S FIGHT FOR PRESIDENTIAL POWER* (2006) (arguing that Donald Trump has acted in the original vision of presidential power); see also William G. Howell & Terry Moe, *RELIC: HOW OUR CONSTITUTION UNDERLINES EFFECTIVE GOVERNMENT AND WHY WE NEED A MORE POWERFUL PRESIDENCY* 14 (2006). For a theoretical argument outlining the disadvantages of systems with strong executives, see generally Gleason Judd & Lawrence S. Rothenberg, *Flexibility or Stability? Analyzing Proposals to Reform the Separation of Powers*, 64 AM. J. POL. SCI. 2 (2020); see also STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* 3, 7 (2018).

<sup>78</sup> See Pasachoff, *supra* note 7, at 1117–18.

<sup>79</sup> See *id.* at 1127.

<sup>80</sup> See *id.*

<sup>81</sup> Rebecca L. Brown, *The Logic of Majority Rule*, 9 U. PA. J. CONST. L. 23, 40 (2006) (discussing presidential actions that are consistent with the idea of deliberative democracy).

<sup>82</sup> See FRANCES E. LEE & BRUCE I. OPPENHEIMER, *SIZING UP THE SENATE: THE UNEQUAL CONSEQUENCES OF EQUAL REPRESENTATION* 3 (1999).

often frustrate its critics, routinely force Congress “to assemble big bipartisan coalitions” and bridge factional divides to pass policies.<sup>83</sup> In so doing, Congress may be better positioned to devise policies that are “politically acceptable” across the ideological spectrum. Perhaps even more importantly, Lee argues that Congress “legitimizes when it approves of government actions” while presidents “are not nearly so good” at doing so because their “claims to representation rest on a narrower base.”<sup>84</sup> A single executive might make coherent decisions, but that control may come at the cost of both democratic legitimacy and democratic politics.<sup>85</sup>

Finally, whether strong presidential influence over distributive outcomes is normatively good depends in large part on whether there are sufficient checks on abuse and aggrandizement. With respect to the policy mechanism, Pasachoff argues that courts and norms “are well equipped to cabin such abuses.”<sup>86</sup> However, the article concedes that both courts and norms offer a much weaker check on the pork and punishment levers of influence.<sup>87</sup> Perhaps the actions of the Trump administration emboldened the courts, but there is substantial evidence that the courts are highly partisan and frequently lack the fortitude to stand up to executive power.<sup>88</sup> And Pasachoff argues that changes to doctrine that might strengthen the court’s capacity to cabin abuse could have serious unintended consequences.<sup>89</sup> Instead, the article emphasizes important reforms that would strengthen procedural requirements ensuring fairness and transparency in grant-making and closing loopholes that open the door for abuse.<sup>90</sup> While greater procedural requirements may help combat abuse in the specific context of grant-making, they may be much less effective in checking presidents’ use of other tools at their disposal to act on their particularistic incentives. Future studies might also explore the constraining power of public opinion, which recent research has argued can—in certain conditions—serve as a check on presidential unilateral authority broadly defined.<sup>91</sup> Pasachoff’s

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<sup>83</sup> Frances E. Lee, *Relic: How Our Constitution Undermines Effective Government and Why We Need a More Powerful Presidency*, 79 J. POL. e78, e82–e83 (2017).

<sup>84</sup> See *id.* at e82.

<sup>85</sup> See *id.*

<sup>86</sup> See Pasachoff, *supra* note 7, at 1140.

<sup>87</sup> See *id.* at 1166, 1190.

<sup>88</sup> See Terry M. Moe & William G. Howell, *The Presidential Power of Unilateral Action*, 15 J. L. ECON. & ORG. 132, 132–179 (1999); see also ADAM BONICA & MAYA SEN, *THE JUDICIAL TUG OF WAR: HOW LAWYERS, POLITICIANS, AND IDEOLOGICAL INCENTIVES SHAPE THE AMERICAN JUDICIARY* 3 (2021).

<sup>89</sup> See Pasachoff, *supra* note 7, at 1196–98.

<sup>90</sup> See *id.* at 1198–1200.

<sup>91</sup> See generally DINO P. CHRISTENSON & DOUGLAS L. KRINER, *THE MYTH OF THE IMPERIAL PRESIDENCY: HOW PUBLIC OPINION CHECKS THE UNILATERAL EXECUTIVE* (2020) (highlighting the great extent to which presidential power is constrained by public opinion); ANDREW REEVES & JON C. ROGOWSKI, *NO BLANK CHECK: THE ORIGINS AND CONSEQUENCES OF PUBLIC ANTI-PATHY TOWARDS PRESIDENTIAL POWER* (2022)



article discusses how public opinion might recoil against particularistic policies, “even if there were justifiable reasons for the decisions.”<sup>92</sup> Can such reactions, and presidential anticipation of them, deter executive abuses? Or have intense levels of partisan polarization and tribalism in the contemporary polity muted any popular check? Here, again, Pasachoff’s article points scholars toward important and fruitful grounds for future research.

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(demonstrating the public’s concern with democracy and capacity to tame the unilateral impulses of presidents).

<sup>92</sup> See Pasachoff, *supra* note 7, at 1163.