

Unilateral Powers, Public Opinion, and the Presidency

Andrew Reeves, Washington University in St Louis
Jon C. Rogowski, Washington University in St Louis

This article explores mass attitudes toward unilateral presidential power. We argue that mass attitudes toward presidential power reflect evaluations of the current president as well as more fundamental conceptions about the nature of the office, which are rooted in beliefs about the rule of law. In four nationally representative surveys, we find low levels of support for unilateral powers, that these attitudes are stable over time, and that they are structured both by presidential approval and beliefs in the rule of law. In a fifth survey, we show that political context conditions support for unilateral power, and in a sixth we show that these attitudes are consequential for policy evaluation. Even during the Obama presidency, when presidential power is highly politicized, voters distinguish the president from the presidency. Our results have important implications for public opinion's role in constraining the use of presidential power.

From America's colonial origins until today, legal jurists, political theorists, and social commentators have debated the proper scope of executive power. On January 3, 1848, the US House voted to censure President Polk for "unnecessarily and unconstitutionally" starting the Mexican War by provoking hostilities on American soil (Fisher 2010). Over a century later, the *Washington Post* predicted that President Truman's seizure of the steel industry in April 1952 would "go down in history as one of the most high-handed acts committed by an American president."¹ And in 2014, the House of Representatives voted to authorize Speaker John Boehner to sue President Obama for overstepping his constitutional authority in delaying the employer mandate in the Patient Protection and Affordable Care Act of 2010. The contentious nature of unilateral executive power is unsurprising given the origins of the office. The debates of the Founders revealed a stark divide between "a definition of executive power more consistent with the royal prerogative of Britain than with the republican principles of the Constitution" (Rakove 2009, 172).

Despite wide scholarly interest in the constitutional origins of unilateral authority (e.g., Bailey 2008), increases

in presidential influence during the modern era (e.g., Lowi 1986; Moe 1985) and the conditions under which presidents exercise unilateral powers (e.g., Howell 2003), we know little about the public's attitudes toward the unilateral tools of presidential power.² Debates over the use of unilateral powers have generally focused on the president's authority to take particular actions, and mass attitudes toward presidential power reflect the public's grant of authority to the president. The public's acceptance of a president's unilateral prerogatives thus indicates the legitimacy of those actions (Easton 1975).

How do Americans view presidential power? One line of argument suggests that voters are agnostic toward political processes; another suggests that attitudes toward power are subsumed by presidential approval. We argue that the first explanation is incorrect, and the second is incomplete. Building on previous research that studies public opinion toward other political institutions such as Congress (Hibbing and Theiss-Morse 1996; Smith and Park 2013) and the courts (Caldeira and Gibson 1992; Gibson and Caldeira 2009), we propose that attitudes toward presidential power are shaped both by short-term factors, including presidential popularity,

Andrew Reeves (reeves@wustl.edu; <http://www.andrewreeves.org>) is an assistant professor of political science at Washington University in St. Louis, Campus Box 1063, One Brookings Drive, St. Louis, MO 63130. Jon C. Rogowski (jrogowski@wustl.edu) is an assistant professor of political science at Washington University in St. Louis, Campus Box 1063, One Brookings Drive, St. Louis, MO 63130.

Data and supporting materials necessary to reproduce the numerical results in the article are available in the *JOP* Dataverse (<https://dataverse.harvard.edu/dataverse/jop>). An online appendix with supplementary material is available at <http://dx.doi.org/10.1086/683433>.

1. Editorial, April 10, 1952.

2. Throughout this article, we focus on the unilateral tools of presidential power, rather than a definition of power that is rooted in the president's persuasive abilities (Neustadt 1990). Our study of presidential power focuses on attitudes toward these tools.

The Journal of Politics, volume 78, number 1. Published online October 14, 2015. <http://dx.doi.org/10.1086/683433>
© 2015 by the Southern Political Science Association. All rights reserved. 0022-3816/2016/7801-0010\$10.00

137

and more enduring core democratic values including the belief in the rule of law.³ We further argue that public support for presidential power varies across the context in which it is exercised.

We present data from five nationally representative surveys conducted between 2013 and 2015 to study Americans' attitudes toward presidential power. We find that support for unilateral powers reflects respondents' evaluations of the president in office and their beliefs in the rule of law. These results are consistent across three types of unilateral powers and in five surveys despite varying levels of politicization of presidential power during this time. We also show that support for unilateral power is strongly conditioned by the context in which it is exercised, as the public is substantially more supportive in matters of national security and when Congress is unwilling to act. Finally, in a sixth nationally survey, we show that attitudes toward unilateral power influence Americans' evaluations of the policies that are achieved through their use. These findings shed new light on the authority the public vests in the presidency and how the public views the distribution of power across the branches of government.

THE PUBLIC'S SUPPORT FOR UNILATERAL POWERS

Ambivalence is a defining characteristic of attitudes toward executive power in the United States (Mansfield 1989). The public simultaneously wants their presidents to "act within the constraints of the office and duly recognize the authority" of the other branches yet at the same time "break constitutional rules and find ways to exercise their will" when confronted with pushback (Howell 2013, 106). This tension exists against the backdrop of presidents laying claim to an expanded set of tools to address the nation's issues (Lowi 1986; Moe 1985) as the public holds presidents accountable for a wide range of outcomes that occur under their watch (Achen and Bartels 2002; Cohen 1999; Gasper and Reeves 2011; Healy and Malhotra 2009; Kriner and Reeves 2012; Reeves 2011). We consider the extent to which this tension is reflected in the attitudes that citizens have toward the instruments of presidential power.

As a starting point, it is not clear that the public holds distinct and meaningful attitudes about presidential powers. Most theories of political behavior leave little room for attitudes about political processes. Citizens operate in low-

information environments and use heuristics to make decisions about issues and candidates (Popkin 1994). They are hard-pressed to identify their elected officials, much less the details of specific policies (Delli Carpini and Keeter 1996). While voters may pay passing attention to wars, presidential campaigns, or the state of their pocketbooks, it is hopeless, some argue, that they will take note of process. Summarizing this nonattitudes perspective, Smith and Park (2013) note that: "The conventional wisdom is that Americans do not care much about procedural matters. . . ." Politicians and journalists share this perspective. Former Speaker of the House Nancy Pelosi conjectured that "the American people don't care about process."⁴ Writing shortly after President Obama promised myriad unilateral actions in his 2014 State of the Union Address, political bloggers at the *Washington Post* promptly dismissed the possibility of public outcry against these actions. No popular backlash would follow from the president's promise to raise the federal minimum wage through a unilateral executive order because "executive orders are about process. It's a means of making public policy. And the public is largely unmoved by insider-y process stories despite the attention they get in DC."⁵ This perspective suggests that the public's attitudes toward presidential power are largely devoid of meaningful content.

We identify two other theoretical perspectives from which voters may form attitudes toward presidential power. The first perspective suggests that attitudes toward unilateral authority reflect the public's evaluation of the president then in office. A second perspective suggests that attitudes toward unilateral authority derive from the public's conception of the office of the presidency itself. In combination, these two perspectives suggest that both public evaluations of the current president and more foundational attitudes about the presidency as an institution affect how the public views unilateral powers.

PERSONAL SOURCES OF SUPPORT FOR UNILATERAL POWERS

While the nonattitudes perspective rejects the notion that citizens have well-formed and distinct attitudes toward the procedure of politics, attitudes toward unilateral power may reflect the public's reliance on cues such as partisanship and presidential approval (e.g., Zaller 1992). This perspective

3. In drawing a comparison between the executive branch and the legislative and judicial branches, it is important to note the uniqueness of the institution of the presidency as being led by a single prominent individual. This makes the existence of attitudes toward the institution even more notable.

4. Quoted in Smith and Park (2013).

5. Sean Sullivan and Peyton M. Craighill, "Executive Order = Political Nothing Burger," *Washington Post*, January 29, 2014, <http://www.washingtonpost.com/blogs/the-fix/wp/2014/01/29/executive-order-political-nothing-burger/> (accessed January 28, 2015).

suggests that whether a voter approves of a particular policy instrument is determined by their approval of the politician taking the action, which is in turn largely a function of partisanship. Voters use their assessment of the president to guide their decisions about whether to vote for the president's copartisans in congressional elections (Campbell 1997; Kernell 1977; Tufte 1975), support the president's policy initiatives (Page and Shapiro 1985), or approve of the president's policy accomplishments (Kriner and Reeves 2014).⁶ This perspective also helps explain why partisans often disagree about how responsible presidents are for economic outcomes (Gomez and Wilson 2003; Rudolph 2003; Tilley and Hobolt 2011), wars (Gaines et al. 2007), and responses to natural disasters (Malhotra and Kuo 2008).⁷ Given these findings, citizens who approve of the president may be more likely to support the president's use of unilateral tools.

Other research, however, presents evidence that suggests individuals have distinct attitudes about these powers themselves and are derived from how the public views the office of the presidency. For instance, scholarship on Congress (Hibbing and Theiss-Morse 1996) and the Supreme Court (Caldeira and Gibson 1992; Gibson and Caldeira 2009) shows that the public's evaluations of those institutions tend to differ from their assessments of the individuals who occupy those institutions. Thus, the public's attitudes about unilateral powers may also depend on more deeply rooted assessments about the nature of the institution of the presidency.

INSTITUTIONAL SOURCES OF SUPPORT FOR UNILATERAL POWERS

Do citizens distinguish the person who inhabits the White House from the institution of the presidency? Citizens do not simply evaluate the Supreme Court based on their impressions of Chief Justice John Roberts, nor do their attitudes about their congressional representative directly map on to their assessment of Congress as a whole. Scholarship on attitudes toward Congress and the courts advances various arguments to explain why attitudes toward individual officeholders differ from attitudes toward the office itself, but this

research agrees that the public employs different considerations when evaluating political institutions and the individuals that comprise them. According to Easton (1975), the public's support for an institution—as apart from the individuals inhabiting those institutions—is an important measure of that institution's legitimacy. In the context of presidential power, public attitudes toward those powers serve as indicator of the public's acceptance of those powers even when they are wielded to achieve policy goals the public does not personally support.

Most citizens are not experts in the president's constitutional powers. However, we argue that the public holds fundamental conceptions of the president's role in the American system of government that are structured by democratic norms and values. While voters may have little in the way of structured ideologies (Converse 1964), they do possess core beliefs that in turn structure political attitudes (Feldman 1988; Goren 2001; Jacoby 2006; McClosky 1964). As Feldman (1988, 417) argues, "People may not view the world in ideological terms but they do have political attitudes, beliefs, and preferences that need to be explained."⁸ These core values influence citizens' basic ideas about the structure of government. Even in the absence of specific knowledge about the details and mechanics of the tools of unilateral action, core values shape citizens' assessments about the acceptability of unilateral authority. Scholarship has found core democratic values such as egalitarianism, tolerance, and support for minority rights to be strong predictors of attitudes toward specific policies (Feldman 1988), political procedures (Smith and Park 2013), and political institutions such as the Supreme Court (Caldeira and Gibson 1992; Gibson and Caldeira 2009).

We argue that attitudes toward presidential power are rooted in core values about deference to and obedience of the rule of law. According to O'Donnell (2006, 3), the rule of law "ensures political rights, civil liberties, and mechanisms of accountability which in turn affirm the political equality of all citizens and constrain potential abuses of state power." The rule of law is an especially important principle in democratic systems because, as Gibson (2007, 593) writes, "a primary function of the rule of law is to impede tyranny." In a system where authority is both shared and separated across the branches of government, increases in a president's unilateral authority reduces the authority of

6. Another possibility is that presidential approval could be responsive to the use of presidential power. Given the preeminence of partisan identification in American political behavior and the subordinate role of political process, we suspect that this is unlikely but do not specifically address the possibility in our analyses.

7. Other research on attitudes toward congressional procedures find that the public's attitudes toward the Senate filibuster are strongly associated with the partisan alignment between voters and the Senate majority party (Smith and Park 2013) and the policy for which the filibuster is used (Doherty, forthcoming).

8. This sentiment dates back much earlier in American history. For instance, Tocqueville ([1840] 1963) argued that American identity is rooted in widespread public agreement on a common set of core values, and Hartz (1955, 9) attributed "many of the most peculiar American cultural phenomena" to a "fixed, dogmatic liberalism" and "the national acceptance of the Lockian creed."

other adjoining branches.⁹ The rule of law is especially relevant for characterizing views toward unilateral powers, as scholarship on American political thought has often viewed executive prerogative “as a disturbing anomaly in a normally rule-bound system of government” (Fatovic 2004). Support for the rule of law comes into conflict with support for executive power, as individuals with strong commitments to the rule of law are likely to perceive a president’s use of unilateral authority as inconsistent with the president’s role in a democratic system. Strong beliefs in the rule of law are associated with a view that “neither citizens nor leaders are free to act in any way they please” (Gibson 2007, 594), and so these individuals may balk, despite their political predispositions, toward unilateral presidential powers. Strong believers in the rule of law are more likely to view laws as inviolable and see the exercise of unilateral executive powers as a violation of the political order.¹⁰

Though we argue that attitudes toward unilateral powers are structured by presidential approval and belief in the rule of law, support for unilateral power may also be shaped by the context in which presidents act. Presidents do not exercise their powers within a vacuum. The contextual environment (e.g., a particular policy area or actions by another actor) shapes levels of public demand for presidential action, and context may also shape the public’s support for the president’s powers.¹¹ For instance, the public may be more supportive of unilateral action in issues of national security, an area where American presidents have particular sway.¹² According to Bryce ([1888] 1995, 48–49), the authority of the president “expands with portentous speed” during war, because “immense responsibility is then thrown on one who is both the commander in chief and the head of the civil executive.” Previous research has found that wars and foreign crises often induce a “rally-around-the-flag” effect (Mueller 1973), thus exalting the president in the public’s eye.

Our argument further implies that differences in public support for unilateral powers across various contexts result from a slackening of the constraints on unilateral powers. For instance, the public could be more supportive of unilateral action in national security matters because the rule of

law is less binding in such matters. Indeed, this is an articulation offered by Locke and Hamilton in favor of vesting executives with emergency powers.¹³ For instance, Locke’s theory of executive prerogative argued that “it is fit that the laws themselves should in some cases give way to the executive power” ([1690] 2003, 375). Thus, we expect that overall support for unilateral powers and the importance of the factors that shape these attitudes vary across contexts.

MEASURING SUPPORT FOR UNILATERAL POWERS

To evaluate public attitudes toward unilateral powers we conducted four nationally representative surveys with US adult citizens in November 2013, January 2014, May 2014, and January 2015. The November 2013 survey was conducted as part of the 2013 Cooperative Congressional Election Study (CCES) and included 1,000 respondents. The January 2014, May 2014, and January 2015 surveys were conducted as part of The American Panel Study (TAPS), a monthly panel survey administered to approximately 1,700 respondents.

We measured our dependent variable with three survey instruments that capture three types of unilateral powers. In doing so, we abstracted away from the specific terminology (e.g., executive order, presidential memorandum) that accompanies these unilateral tools to avoid the framing effects found when studying attitudes toward political institutions and the power they exercise (Nicholson 2012). Instead, we presented respondents with statements that described the practical consequences of a president’s use of these tools and asked them to indicate their level of agreement with respect to “the office of the presidency and not any particular president.” The statements asked about unilateral policy making, judicial appointments, and bureaucratic implementation, and read, respectively:

- A president should have the right to enact policies without having those policies voted on by Congress.
- The president should be able to appoint judges of his choosing regardless of whether the US Senate agrees with his selections.
- A president should have the authority to decide how executive agencies will implement bills passed by Congress.

Each of these survey instruments addresses a prominent aspect of unilateral executive power and bears on a pres-

9. For an application of this view to presidential influence relative to Congress during war, see Howell, Jackman, and Rogowski (2013).

10. These are the very terms that one member of Congress has cast the debate over executive orders. J. Randy Forbes, “Executive Action and the Rule of Law” (Editorial), February 26, 2015, <http://forbes.house.gov/news/documentsingle.aspx?DocumentID=398057>.

11. A rich literature also details how public evaluations of the president are highly sensitive to context (e.g., Krosnick 1990; Tesler 2012).

12. National security is not the only context in which public support for unilateral action may vary. We discuss additional contexts below.

13. See Fatovic (2004) for a fascinating discussion of the Lockean antecedents of Hamilton’s views of executive power and their contrasts with Jefferson’s beliefs.

ident's relation with each of the three branches of government. Most scholarship and popular discussion around presidential power focuses on the issues raised by the unilateral policy-making question, which concerns a president's ability to make policy directly. Using tools such as the executive order, the courts have recognized the president's authority to create new policies that carry the force of law. Presidents influence judicial decision making primarily through the judges they appoint, and recent scholarship focuses on how presidents use recess appointments to appoint nominees that may otherwise not have received Senate confirmation (Black et al. 2007; Hogue 2004). As head of the executive branch, presidents have the opportunity to influence how policy is implemented by directing agency behavior and issuing directives and memoranda (e.g., Lowande 2014).

Table 1 presents the overall percentages of respondents in each survey who supported each unilateral tool.¹⁴ Several patterns are apparent. First, support for unilateral action in each of these surveys is limited. Only about a quarter of respondents in any of the surveys supported unilateral policy making, ranging from a low of 23.2% in the January 2014 survey to a high of 27.7% in the January 2015 survey. Support for a president's ability to issue unilateral judicial appointments is only marginally higher and ranged from 26.7% (in May 2014) to 33.2% (in November 2013). Respondents showed significantly greater support for a president's ability to direct bureaucratic implementation of policy; between 53.7% (November 2013) and 58.8% (May 2014) supported this tool. Consistent with the institutional perspective described above, the public may recognize the president as the head of the executive branch and are thus more inclined to support a president's ability to direct the bureaucracy than they are to endorse tools that bear upon other branches of government.

Second, the tables also show that support for unilateral powers is stable over time. Aggregate levels of support for each of these powers varied by no more than 4 percentage points from one survey to the next. In contrast, as the bottom row shows, presidential approval was considerably more variable. For instance, the president's approval rating increased by nearly 10 percentage points between November 2013 and January 2014 and then decreased by 7 percentage points between January 2014 and May 2014.¹⁵

In addition, attitudes toward unilateral powers are distinct from evaluations of the president. Significantly larger

percentages of respondents approved of the president's job performance compared with the percentages of respondents who supported unilateral policy formation and unilateral judicial appointments. At the same time, support for a president's power to direct bureaucratic policy implementation was much higher than presidential approval. These patterns are consistent across each of the four surveys and suggest that approval of the president is not synonymous with support for the president's powers.

Attitudes toward unilateral powers do not simply reflect differences in how respondents evaluated the president. Table 2 displays differences in support for unilateral powers among respondents who approved and disapproved of the president's performance. As the top panel indicates, while respondents who disapproved of the president were strongly opposed to unilateral policy making, in no survey did a majority of approvers express support for unilateral policy making. Similarly, majorities of respondents who approved of the president were also generally opposed to unilateral judicial appointments, with the exception of the November 2013 survey in which a small majority (54.3%) of approvers supported this power. Across these two tools of unilateral action, citizens who approved of the president's job performance provided only lukewarm support for presidential power. However, as the bottom panel of table 2 shows, both approvers and disapprovers were substantially more supportive of bureaucratic implementation powers, though approvers granted significantly higher levels of support for this power than disapprovers.

These results suggest that there is more consensus over the use of unilateral powers than there is for the president himself. Additionally, large portions of the public are skeptical about—if not outright opposed to—the president's unilateral prerogatives. We also find that attitudes toward unilateral action are quite stable over time. For instance, among TAPS panelists who participated in both the January and May waves, 75% or more provided the same response to each of our survey questions in both waves. Far from being “nonattitudes” (Converse 1964; Zaller 1992), the data collected from these surveys capture stable and meaningful attitudes toward presidential power. We now assess the correlates of these attitudes in greater detail.

THE STRUCTURE OF ATTITUDES TOWARD UNILATERAL POWERS

We model attitudes toward each measure of unilateral power, measured as a binary indicator of support, using a logistic regression model and as a function of presidential approval and beliefs in the rule of law. Presidential approval is measured with a 4-point scale that ranges from strongly

14. These data are weighted to national population parameters.

15. These aggregate approval ratings are consistent with those registered by the Gallup polls during the same time periods.

Table 1. Support for Unilateral Powers of the Presidency and Presidential Approval

	November 2013	January 2014	May 2014	January 2015
Percent supporting unilateral powers:				
Unilateral policy formation	26.5	23.2	25.1	27.7
Judicial appointments	33.2	29.3	26.7	28.5
Bureaucratic implementation	53.7	55.0	58.8	58.3
Percent approving of President	39.5	49.0	42.0	44.9

Note. Results from four nationally representative surveys, 2013 to 2015. Entries are in percentage points.

disapprove (1) to strongly approve (4). As approval increases, we expect that individuals will be more likely to support unilateral action. We measured beliefs in the rule of law with a standard five-item battery that is commonly found in the literature.¹⁶ Scaling these variables generates a measure of support for the rule of law ranging from 1 to 4 with low values indicating weak beliefs in the rule of law.¹⁷ As previous studies have found, Americans have a high appreciation for the rule of the law. Beliefs in the rule of law are also highly stable over time. Studying attitudes toward the rule of law from 1995 to 2005, Gibson (2007, 604) reports that “Americans have remained relatively steadfast in their commitments to the rule of law” even as terrorism and American engagement in war reshaped many other political priorities.¹⁸ We also find strong correlations in our measure of the rule of law when comparing responses from the same individuals collected more than a year apart.¹⁹ As we have previously described, we expect that individuals with stronger beliefs in the rule of law will be less supportive of unilateral action.

We also allow that political ideology may influence attitudes, though we have conflicting expectations because of conservative ambivalence toward executive power (for an overview of this ambivalence see Zelizer [2008]). For ideology, we include a 7-point scale running from very conservative (1) to very liberal (7). Though ideology may capture underlying attitudes toward executive power with conservatives more positively viewing executive power than liberals, we suspect that it further measures partisan predispositions toward the president. Indeed, ideology is correlated highly with both partisanship and presidential ap-

proval.²⁰ Thus, in our main models we include presidential approval instead of partisanship, but our substantive findings are the same when we include partisanship, when including partisanship and approval and when we include partisanship and ideology. We have weighted all models to national population parameters. Because our findings are substantively the same across surveys, we present results using the November 2013 CCES. Full results from each of these surveys and substantive interpretations are included in the appendix, available online.

Table 3 presents the results of these models. There is strong evidence that views toward these executive powers are shaped by approval of the president. Individuals who approve of the president at higher levels are also more likely to support the president’s power to enact policy unilaterally, appoint judges, and direct bureaucracies without congressional assent. The influence of presidential approval is present and influential in attitudes toward presidential power during the Obama administration.

While presidential approval is an important determinant of attitudes toward unilateral power, it is not the lone determinant. Attitudes toward executive action are also structured by core beliefs toward the rule of law. As individuals come to view law as inviolable, they oppose unilateral action regardless of their approval of the president. As table 3 shows, the coefficients for the rule of law are negative and statistically significant, indicating that individuals with strong commitments to the rule of law were less supportive of unilateral powers. Views toward the rule of law are a persistent and influential force in determining attitudes toward the levers that presidents have at their disposal. Even as presidential power became increasingly politicized during the Obama administration, core values acted consistently and independently from presidential approval in shaping citizens’ views toward unilateral powers.

16. These questions are listed in the appendix.

17. The Cronbach’s alpha for this scale was high, ranging between 0.75 and 0.80.

18. See also Gibson and Nelson (2015).

19. For our TAPS panels, the mean score for belief in the rule of law is 3.8; for our CCES sample, the mean is 3.1.

20. Using the November 2013 CCES data, e.g., the correlation between ideology and a 7-point scale of party identification is 0.64, and the correlation between ideology and approval was 0.57.

Table 2. A Comparison of Support for Unilateral Powers between Presidential Approvers and Disapprovers

	November 2013	January 2014	May 2014	January 2015
Percent support for unilateral policy making:				
Approvers	41.8	37.6	43.5	46.5
Disapprovers	16.2	11.1	11.3	13.2
Percent support for judicial appointments:				
Approvers	54.3	43.0	39.3	44.6
Disapprovers	17.4	18.7	17.3	16.4
Percent support for bureaucratic implementation:				
Approvers	77.0	79.7	83.3	77.4
Disapprovers	37.5	37.2	39.8	40.0

Note. Entries are in percentage points.

Figure 1 provides substantive interpretations of the results shown in table 3 by displaying the predicted probability of supporting unilateral policy making (column 1), appointing judges (column 2), and bureaucratic implementation (column 3) as a function of increases in presidential approval (row 1) and beliefs in the rule of law (row 2).²¹ Simulated confidence intervals (CIs) are generated around each estimate. The figure shows that increased presidential approval is associated with greater support for unilateral actions, while increased commitments to the rule of law is associated with lower support. For instance, consider the relationship between presidential approval and support for unilateral policy making. Moving from strongly disapproving to somewhat approving of the president, which is equivalent to moving from one standard deviation below the mean level of presidential approval to one standard deviation above, is associated with a .28 increase (95% CI: .22 to .34) in the probability of supporting unilateral policy making. When it comes to appointing judges regardless of Senate confirmation, presidential approval is again associated with higher levels of support. Moving from strongly disapproving to somewhat approving of the president yields a .39 increase (95% CI: .32 to .45) in the probability of support. Moving again from strongly disapproving to somewhat approving yields a .41 increase (95% CI: .33 to .49) in the probability of support for directing bureaucratic implementation.

As figure 1 shows, however, increased commitment to the rule of law is associated with a significant decrease in support for unilateral powers. When the belief in the rule of law increases from one standard deviation below the mean to one standard deviation above the mean, the probability of

supporting unilateral policy making decreases by .15 (95% CI: $-.10$ to $-.20$). Stronger beliefs in the rule of law are also associated with decreased support for unilateral judicial appointments. Increasing commitment to the rule of law from a standard deviation below the mean to a standard deviation above the mean decreased the probability of supporting unilateral judicial appointments by $-.10$ (95% CI: $-.07$ to $-.17$). Finally, we find the same patterns when examining support for a president's prerogative to direct agency implementation of policy: increased commitment to the rule of law is associated with decreased support for these powers. The probability of supporting a president's ability to direct bureaucratic implementation of policy decreased by 15 percentage points (95% CI: $-.08$ to $-.22$) when commitment to the rule of law increased from one standard deviation below the mean to a standard deviation above the mean.

The findings presented above are robust to a wide range of robustness checks. For each of our three dependent variables, we estimated models that included both party identification and approval (but not ideology), party identification (but not approval or ideology), and party identification and approval (but not ideology). We also estimated models that replaced the survey weights with covariate adjustment using demographic controls including income, sex, race and ethnicity, and education. In another set of analyses, we modeled the dependent variable as a four-point scale instead of a bivariate indicator of support for unilateral powers and analyzed it using a least squares model. Using the TAPS data, we also estimated models in which we included a measure of political knowledge based on a 15-item scale (unfortunately, knowledge measures were not available for the CCES data). The results from all of these robustness checks produced substantively similar results to those presented in the main text.

21. The figures were generated using software created by Imai, King, and Lau (2009).

Table 3. A Model of Support for Unilateral Powers: Unilateral Policy Making, Bureaucratic Implementation, and Judicial Appointments

	Unilateral Policy Making	Bureaucratic Implementation	Judicial Appointments
Intercept	-.84 (.45)	-.43 (.42)	-1.98* (.45)
Belief in rule of law	-.72* (.13)	-.48* (.12)	-.41* (.13)
Presidential approval	.79* (.10)	.83* (.09)	.95* (.09)
Ideology	.03 (.06)	.09 (.05)	.09 (.06)
<i>N</i>	909	909	909
log <i>L</i>	-436.87	-530.59	-470.38

Note. Presidential approval positively and beliefs in rule of law negatively influence attitudes toward executive power. Results from a logistic regression model where the dependent variable is a binary indicator of support for a unilateral power (in each column). Cases are weighted to reflect characteristics of the general population based on census estimates. Entries are logistic regression coefficients with standard errors in parentheses.

* Indicates significance at $p < .05$.

The results shown here provide support that voters bring both a personal and institutional lens to bear when they evaluate unilateral powers. Attitudes toward the president are strongly associated with support for the power that person should wield. Citizens' core democratic commitments to the rule of law also play an important role in structuring public attitudes toward unilateral power. These results are consistent across all four surveys administered throughout 2013, 2014, and 2015.

POLITICAL CONTEXT AND ATTITUDES TOWARD UNILATERAL POWERS

We now turn to examine how support for unilateral powers varies across contexts and whether the relative constraints of beliefs toward the rule of law diminish across various contexts in which the public may have principled reasons for desiring greater unilateral actions from presidents. In addition to national security, a context we described above, we also studied how support for unilateral action varied across two other contexts. Public support for presidential power could also depend on the policy making capacities of other political actors. The public desires responsive government, and gridlock has the potential to frustrate agendas that the public supports. Gridlock in Congress tends to reduce public evaluations of that institution (Ramirez 2009), and thus the public may be more willing to support a president's use of his powers to overcome legislative inaction. Linz (1990) identifies precisely these incentives in his critique of presidentialism, arguing that gridlock leads to unilateralism, which thus circumvents normal constitutional processes. Attitudes toward unilateral action could also depend upon

the importance the president attaches to a particular issue. Previous research has found that the presidents may be able to increase the salience of and public support for the policies they prioritize (Canes-Wrone 2006; Kernell 2006), and other research on presidential mandates suggests that the public may be more supportive of unilateral action on an issue important to the president (e.g., Edwards 1989; Peterson et al. 2003).

To investigate the role of context, we embedded a survey experiment in a survey administered in September 2014 by Survey Sampling International (SSI). Each respondent was assigned to either the control group (who received the standard question prompt we asked in the four earlier surveys) or one of three treatment groups and received one of the following prompts:

- When a president feels strongly about an issue, he should have the right to enact policies without having those policies voted on by Congress.
- When Congress will not act, a president should have the right to enact policies without having those policies voted on by Congress.
- In matters of national security, a president should have the right to enact policies without having those policies voted on by Congress.

Each respondent was then asked whether they agreed with the statement.

We again use logistic regression to model support for unilateral power as a function of presidential approval, belief in the rule of law, and ideology. Additionally, we interact belief in

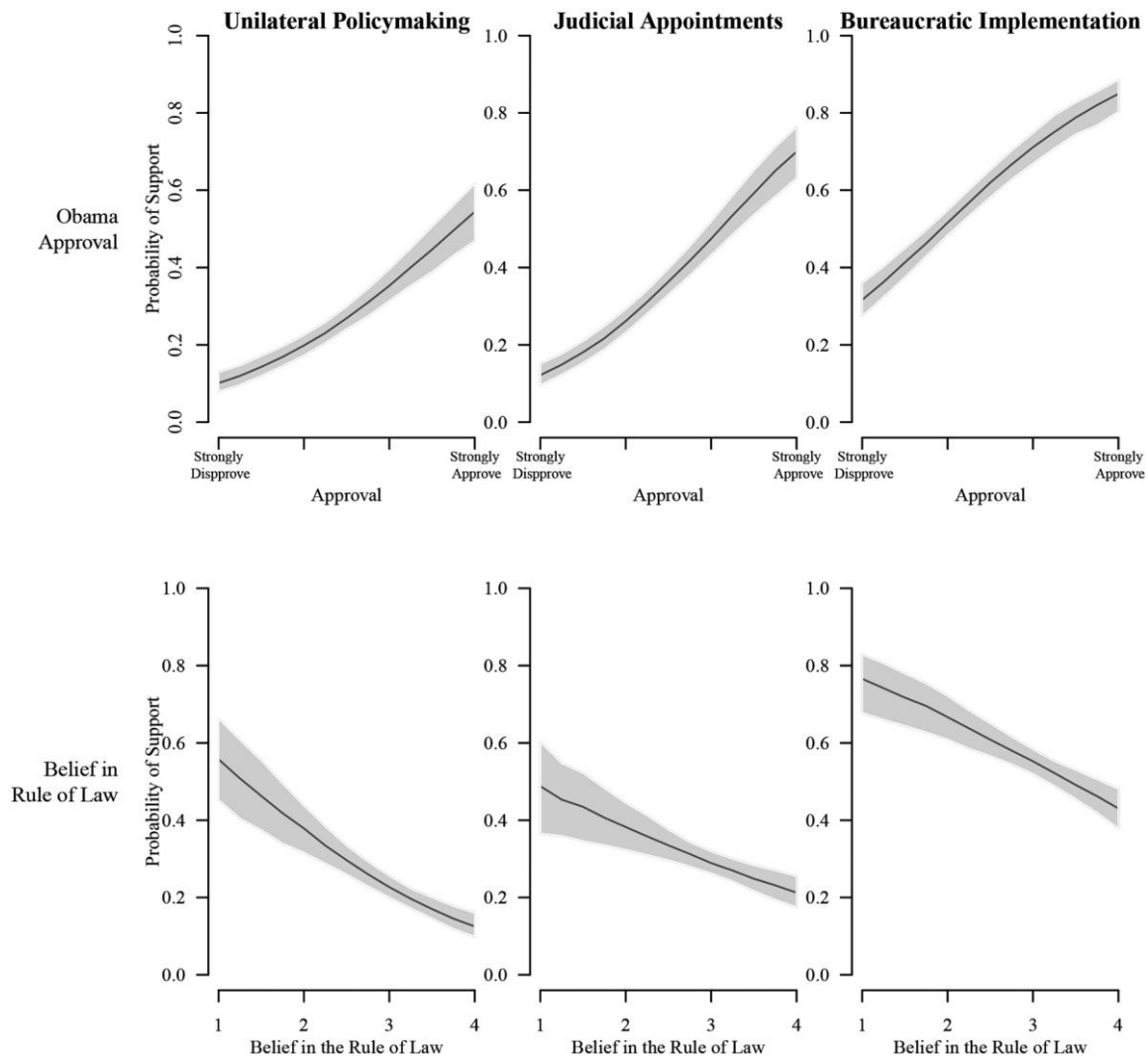


Figure 1. Presidential approval, beliefs in the rule of law, and support for unilateral powers. The effect of increasing presidential approval (*top row*) and belief in the rule of law (*bottom row*) on support for unilateral policy making (*left column*), appointing judges without Senate confirmation (*center column*), and bureaucratic implementation (*right column*). Probabilities and confidence intervals are simulated over observed range of values in the data set based on the results presented in table 3. All other values are held at their means or medians. Presidential approval is associated with increased support for unilateral action while stronger beliefs in the rule of law are associated with lower support for unilateral action.

the rule of law with each of the treatments to assess the extent to which the effect of core values depends on the context. To make the constituent terms more easily understandable, we standardized the rule of law measure so that it has a mean of zero and a standard deviation of one. The results are shown in table 4. To examine how support for unilateral action varies across conditions, we included indicators for each of the three treatment groups. To the extent the public is more supportive of unilateral action under these contexts, we expect these coefficients to be positive. Consistent with the earlier models, we again find that presidential approval and belief in the rule of law are significantly related to support for unilateral power across all conditions.

We also find that respondents granted stronger support for unilateral power in some contexts than in others. The

coefficients for the different treatments in table 4 show that both congressional inaction and matters of national security allow for higher levels of approval of unilateral actions. Figure 2 presents the substantive interpretations of these coefficients. The plot shows the predicted probability of support for unilateral action in each context, while all other independent variables are held constant. The points represent the predicted probabilities, and the vertical lines are the simulated 95% confidence intervals. We find that when presidents justify their unilateral actions based on “feeling strongly” about an issue, the public is unmoved when compared to the control condition. While the probability of supporting unilateral action in the control condition is .29 (95% CI: .24 to .34), it was .28 (95% CI: .24 to .34) in the condition where the president felt strongly about the issue.

Table 4. Model of Support for Unilateral Executive Action in Different Contexts: Evidence from a Survey Experiment

Independent Variables	Coefficients
Intercept	-3.32* (.21)
President feels strongly	-.06 (.17)
Congress won't act	.85* (.17)
National security at issue	1.04* (.17)
Belief in rule of law (centered)	-.95* (.14)
Presidential approval	.82* (.06)
Ideology	.18* (.04)
President feels strongly × Belief in rule of law	.04 (.19)
Congress won't act × Belief in rule of law	.51* (.18)
National security at issue × Belief in rule of law	.35* (.18)
N	1,956
logL	-899.68

Note. Dependent variable is support for unilateral policy making and results are from a logit regression model. For ease of interpretation, we standardize the measure of beliefs in the rule of law by centering it. Standard errors in parentheses.

* Indicates significance at $p < .05$.

But in contexts where presidents exercise power because “Congress won’t act,” respondents are more supportive of unilateral action with approval increasing to .49 (95% CI: .44 to .55). Likewise, when the unilateral action was related to national security, approval similarly increased to .54 (95% CI: .49 to .59). Both of these conditions showed significant increases over the control suggesting that context is an important determinant of how the public perceives unilateral action.

Finally, table 4 allows us to explore a potential explanation for these findings; namely, that checks on presidential power slacken and tighten depending on the particular context. The terms exploring the interactions between attitudes toward the rule of law and the treatments in table 4 suggest precisely this. While across treatments the rule of law lessens support of unilateral action, the effect of beliefs in the rule of law is attenuated in the case when Congress won’t act and when national security is at stake. Thus, these results provide further evidence for the centrality of Americans’ core demo-

cratic values in shaping their beliefs about the proper distribution of power across the political system and, at the same time, suggest that the importance of these values varies across the context in which power is exercised.

ATTITUDES TOWARD UNILATERAL POWERS AND EVALUATIONS OF POLICY

Does an individual’s attitude toward unilateral power influence how that person evaluates the specific policies achieved through those means? We have so far established that public attitudes toward executive power are shaped by beliefs in core democratic values and the context in which power is exercised in addition to views toward the president currently in office. The political importance of these attitudes is greater still if the public’s evaluations of policies implemented through unilateral means are shaped by their views toward presidential power. To examine this question, we consider how attitudes toward presidential power shape approval of two unilateral actions taken by President Obama in the areas of immigration and gun control.

We analyze data from an Economist/YouGov survey of 1,000 respondents that was fielded from February 1 to 3, 2015. This survey asked respondents their approval of two high-profile executive actions by President Obama on politically salient topics. The first was a presidential memorandum that directed the Centers for Disaster Control and Prevention (CDC) to research the causes and prevention of gun violence and was one of the 23 executive actions Obama

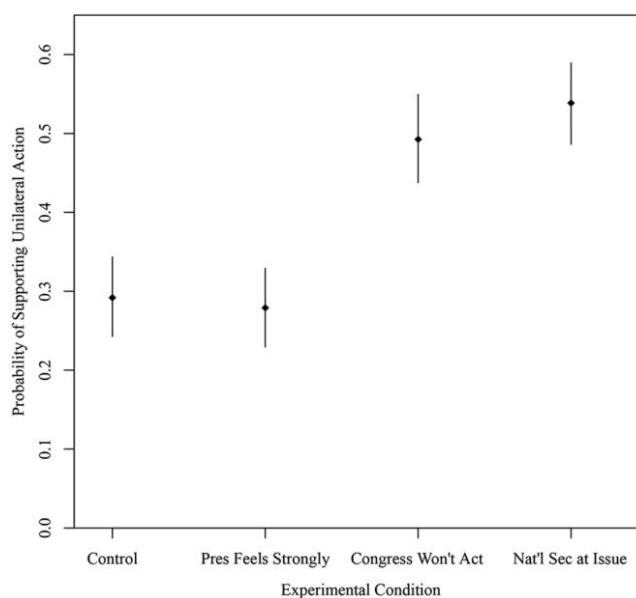


Figure 2. Effect of context on approval of unilateral policy making. Evidence from a nationally representative survey experiment conducted in September 2014 by Survey Sampling International (SSI). Respondents have higher levels of approval when unilateral actions are taken in a context where Congress will not act or when national security is at issue.

initiated on gun issues in January 2013 in the aftermath of the Sandy Hook school shooting.²² The second was a directive issued by Obama in 2012 to the Secretary of the Department of Homeland Security, instructing the department to initiate the Deferred Action for Childhood Arrivals (DACA) program.²³

Respondents' binary evaluations of these executive actions are our dependent variable. Specifically, respondents were asked: Do you approve or disapprove of the executive order that ...²⁴

- Directed the Centers for Disease Control to research the causes and prevention of gun violence.
- Deferred deportation hearings for illegal immigrants who were brought into this country before they were 16 years old, have lived in the United States for at least 5 years, must be younger than 30, and have graduated from high school in the United States or served in the US military.

We examine whether respondents' evaluations of these executive actions are influenced by both their approval of Obama and attitudes toward presidential power. Presidential approval is measured using a 4-point scale ranging from strongly disapprove (1) to strongly approve (4). We measure attitudes toward presidential power examining whether respondents "approve or disapprove Presidents using executive orders." This question refers to presidents generally as opposed to 'the President' or 'President Obama' and is measured on a 4-point scale with higher values indicating greater opposition to the use of executive orders. Though the

22. Barack Obama, "Presidential Memorandum—Engaging in Public Health Research on the Causes and Prevention of Gun Violence," The White House, Office of the Press Secretary, January 16 2013, <https://www.whitehouse.gov/the-press-office/2013/01/16/presidential-memorandum-engaging-public-health-research-causes-and-pre-0>. See also Peter Baker and Michael D. Shearjan, "Obama to 'Put Everything I've Got' into Gun Control," *New York Times*, January 16, 2013, <http://www.nytimes.com/2013/01/17/us/politics/obama-to-ask-congress-to-toughen-gun-laws.html>.

23. Janet Napolitano, "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children" (Memorandum), Department of Homeland Security, June 15, 2012, <http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>. See also Julian Preston and John H. Cushman, "Obama to Permit Young Migrants to Remain in U.S.," *New York Times*, June 12, 2012, <http://www.nytimes.com/2012/06/16/us/us-to-stop-deporting-some-illegal-immigrants.html>.

24. As the discussion above indicates, these actions were actually not technically executive orders but rather executive actions more broadly. Given the tendency for politicians and the media to conflate executive orders with other forms of executive action, this mischaracterization is unlikely to have affected survey responses.

language of this question differs from the question we asked about unilateral power on the CCES, TAPS, and SSI surveys, it measures the same underlying concept.²⁵ If attitudes toward presidential power affect how citizens evaluate policies that are achieved through the use of unilateral action, we expect the coefficient for this variable to be negative. Though some respondents may be uncertain about what executive orders are, this is likely to introduce measurement error so that it would be more difficult to identify the true relationship.

Because respondents' underlying levels of support for particular policies may confound the relationship between our key independent variables and the outcome, we also include a measure of respondents' policy views. We measure respondents' views toward immigration policies using their responses to the question: "Do you support or oppose creating a path to US citizenship for illegal immigrant children who are brought into the country through no fault of their own?" Responses are measured on a 4-point scale, ranging from "strongly oppose" to "strongly support." While we do not have a measure of respondents' attitudes on gun control, we proxy this with ideology, which is measured on a 5-point scale that ranges from "very conservative" (1) to "very liberal" (5). Gun control policies have been highly salient in recent years, with conservatives [liberals] generally opposing [supporting] policies that limit access to guns, and thus we expect that more conservative respondents would be less likely to support researching gun violence. By including these indicators for policy preferences and ideology, we examine how respondents' general orientation toward unilateral power affects their evaluations of the policies that Obama created through unilateral action even while controlling for respondents' underlying views on these policy areas.

Table 5 presents a model of approval of Obama's executive actions as a function of presidential approval, attitudes toward executive power, and ideology. Results are from logistic regressions, and the data are weighted to national population parameters. The results are consistent across both issues. Support for Obama's actions on gun violence and immigration are positively associated with presidential approval, but greater opposition to executive orders reduced respondents' evaluations of these actions. These coefficients are statistically significant in both models. In the case of the immigration executive action, we find these results even when

25. In the previous analyses, we demonstrated that attitudes toward unilateral powers were a function of core beliefs about the rule of law. While we lack a measure of rule of law in the YouGov sample, our previous analyses justifies its use while controlling for presidential approval.

Table 5. Evaluations of Obama Executive Actions as a Function of Presidential Approval, Ideology (5-Point Scale), and Attitudes toward Executive Orders

	Research Gun Violence	Defer Deportations
Intercept	.15 (.56)	-3.17* (.75)
Obama approval	.52* (.12)	.56* (.15)
Ideology	.27* (.10)	.23 (.13)
Opposition to executive orders	-.68* (.12)	-.38* (.15)
Approval of pathway to citizenship		1.18* (.11)
N	733	723
logL	-341.56	-243.60

Note. Standard errors in parentheses.

* Indicates significance at $p < .05$.

controlling for both ideology and respondents' attitudes toward a path to citizenship. This finding supports the notion that attitudes toward presidential power shape attitudes toward specific policies that presidents enact.

Figure 3 presents the predicted probability of supporting Obama's immigration policy across the range of values for presidential approval (top) and attitudes toward executive power (bottom) for the immigration (left) and research on gun violence (right) executive actions. For the immigration executive action, moving from strongly disapproving to somewhat approving of the president, approximately a standard deviation below the mean to a standard deviation above the mean level of Obama approval, yields a .25 increase in the probability of supporting action to defer deportations for some illegal immigrants (95% CI: .12 to .37). Shown in the bottom left panel of figure 3, moving from somewhat approving to strongly disapproving of executive orders yields a .17 decrease in support of the executive action (95% CI: -.04 to -.30). The findings are substantively similar for the executive action calling for the CDC to study gun violence. Moving from strongly disapprove to somewhat approve of Obama increases support for the executive action by .25 (95% CI: .14 to .36) while the same change in views toward presidential power decreases support by .33 (95% CI: -.21 to -.43).

The results presented in this section demonstrate that the public's general attitudes toward presidential power have

important consequences for how they evaluate the policies presidents achieve through unilateral means. Not only do citizens have views toward executive power that are largely distinct from their evaluations of presidents themselves, but citizens also bring these attitudes to bear when evaluating the specific actions taken by presidents.

DISCUSSION

In this article, we have investigated the structure of the public's attitudes toward unilateral presidential powers. Building on previous work that describes public opinion toward other political institutions, such as the Supreme Court (e.g., Caldeira and Gibson 1992) and Congress (e.g., Hibbing and Theiss-Morse 1996) but in contrast with a large literature on public approval of the president, we evaluate the public's level of support for the presidency.

We generate several novel conclusions. First, while evaluations of the president are associated with greater support for the powers of the presidency, they are also structured by citizens' commitment to core democratic values. Second, public support for direct unilateral power is low but substantially conditioned by context. For instance, support for unilateral action is approximately 20 percentage points higher under conditions of congressional gridlock and in matters of national security. Third, these attitudes have important consequences for how the public evaluates policies presidents pursue through the use of unilateral prerogatives.

These results have important implications for research on public opinion, the presidency, and democratic accountability. First, in contrast to what many public opinion scholars argue (Converse 1964; Zaller 1992), the public has well-defined views about presidential power that are not shaped strictly by partisanship or their evaluations of the president. Despite the influence of political elites over the mass public, citizens have deeply rooted attitudes about the presidency.

One important limitation is that our surveys are all conducted during the term of the Democratic president. We are left to speculate, for example, about how the relationship between context, ideology, and the rule of law might vary under a Republican president. While our study focuses on the Obama administration from 2013 to 2015, this period sees increasing levels of scrutiny and discussion in the public arena and provides a hard test of attitudes toward executive power as being distinct from partisanship or presidential approval. Yet we show that even as executive power crystallizes as a partisan issues, citizens bring distinct considerations to how presidents exercise power. Our findings complement those of Aberbach, Peterson, and Quirk (2007), which studies attitudes toward presidential power during the

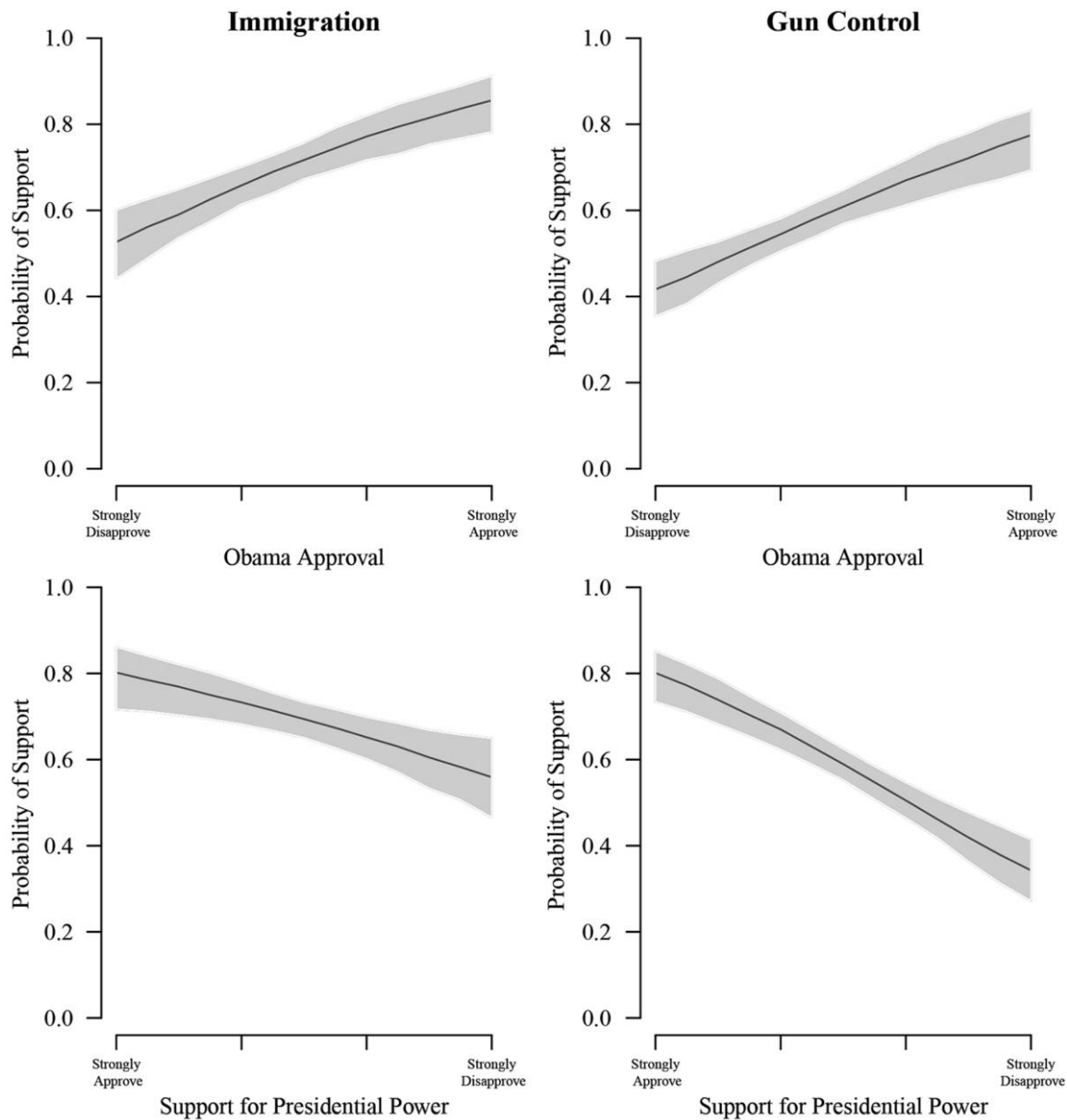


Figure 3. Presidential approval, attitudes toward executive power, and evaluations of Obama executive action on immigration and gun violence research. Predicted probabilities estimated from table 5.

George W. Bush presidency and finds that the public is skeptical of unilateral action but that the president’s copartisans are substantially more supportive compared with members of the opposite party.

At the same time, we provide empirical support for critics of presidentialism and those who worry about the potential for demagoguery. Citizens who approve of the president provide greater support for presidential power. The findings suggest that, despite a public hesitant to endorse unilateral powers, presidents with high approval ratings would have strong support from the public for the use of presidential power. This is precisely the concern that Linz (1990) expresses about presidential systems, in which presidents have

incentives to translate popular support into unilateral power. In this vein, our results provide support for arguments advanced by Lowi (1986) and Neustadt (1990) about the expansion of presidential power during the Franklin Roosevelt administration. In national emergencies and in instances where Congress is loath to act, the public more strongly supports the concentration of power in the presidency.

Though we find that beliefs toward the rule of law endure in different contexts and even structure approval of policy outcomes, some of our analyses are based on relatively generic conceptions of unilateral powers. We prompt respondents by invoking matters of national security, but this is likely a weak approximation for a president pro-

posing a specific military intervention with or without the approval of Congress. Indeed, we encourage scholars to further consider the role of context when it comes to constraining (or not) unilateral powers of the presidency.

While we focused on beliefs in the rule of law, we do not rule out the possibility that other core values could also shape attitudes toward the presidency and other political institutions. For instance, the public's views about the relative importance of state and local governance versus national governance could also shape their willingness to support powers exercised by national figures. Future research could do more to explore when and how other core values affect public opinion about political institutions.

These results also raise new questions about how public beliefs about unilateral power shape incentives for presidential action. For instance, how might public opinion about presidential action constrain or incentivize a president's behavior? Additional research could study the trade-offs that presidents face in accomplishing their policy goals through unilateral action but at the risk of losing public support for the policy. Are similar relationships found when studying other tools of presidential power, such as vetoes? More foundationally, how do these attitudes shape the incentives for the configurations of actors in the separation of powers system? Finally, what do these attitudes reveal about citizens' preferences for democratic processes and policy outcomes: might citizens have more favorable evaluations of policies obtained, for instance, through cooperation between Congress and the president as opposed to unilateral action by presidents? These are important questions for further research.

ACKNOWLEDGMENTS

We would like to thank the Weidenbaum Center for the Economy, Government, and Public Policy at Washington University in St. Louis for generously supporting this project. We thank Delia Bailey, Kyle Dropp, and Joe Williams for providing some of the data used in this project. We thank Steve Smith for his support of the project and Charles Cameron, Brandice Canes-Wrone, Jeff Cohen, David Doherty, Justin Fox, Jim Gibson, Doug Kriner, Kenny Lowande, Terry Moe, Sharece Thrower, and audiences at the University of Houston and Washington University for helpful comments.

REFERENCES

- Aberbach, Joel D., Mark A. Peterson, and Paul J. Quirk. 2007. "Who Wants Presidential Supremacy? Findings from the Institutions of American Democracy Project." *Presidential Studies Quarterly* 37:515–30.
- Achen, Christopher H., and Larry M. Bartels. 2002. "Blind Retrospection: Electoral Responses to Drought, Flu, and Shark Attacks." Presented at the Annual Meeting of the American Political Science Association, Washington, DC.
- Bailey, Jeremy D. 2008. "The New Unitary Executive and Democratic Theory: The Problem of Alexander Hamilton." *American Political Science Review* 102:453–65.
- Black, Ryan C., Anthony J. Madonna, Ryan J. Owens, and Michael S. Lynch. 2007. "Adding Recess Appointments to the President's 'Tool Chest' of Unilateral Powers." *Political Research Quarterly* 60:645–54.
- Bryce, James. (1888) 1995. *The American Commonwealth*. Indianapolis: Liberty Fund.
- Caldeira, Gregory A., and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36:635–64.
- Campbell, James E. 1997. *The Presidential Pulse of Congressional Elections*. Lexington: University Press of Kentucky.
- Canes-Wrone, Brandice. 2006. *Who's Leading Whom?* Chicago: University of Chicago Press.
- Cohen, Jeffery E. 1999. *Presidential Responsiveness and Public Policy-Making*. Ann Arbor: University of Michigan Press.
- Converse, Philip E. 1964. "The Nature of Belief Systems in Mass Publics." In David E. Apter, ed., *Ideology and Discontent*. Ann Arbor: University of Michigan Press.
- Delli Carpini, Michael X., and Scott Keeter. 1996. *What Americans Know about Politics and Why It Matters*. New Haven, CT: Yale University Press.
- Doherty, David. Forthcoming. "How Policy and Procedure Shape Citizens' Evaluations of Senators." *Legislative Studies Quarterly*.
- Easton, David. 1975. "A Re-assessment of the Concept of Political Support." *British Journal of Political Science* 5:435–57.
- Edwards, George C. III. 1989. *At the Margins: Presidential Leadership of Congress*. New Haven, CT: Yale University Press.
- Fatovic, Clement. 2004. "Constitutionalism and Presidential Prerogative: Jeffersonian and Hamiltonian Perspectives." *American Journal of Political Science* 48:429–44.
- Feldman, Stanley. 1988. "Structure and Consistency in Public Opinion: The Role of Core Beliefs and Values." *American Journal of Political Science* 32:416–40.
- Fisher, Louis. 2010. "When Wars Begin: Misleading Statements by Presidents." *Presidential Studies Quarterly* 40:171–84.
- Gaines, Brian J., James H. Kuklinski, Paul J. Quirk, Buddy Peyton, and Jay Verkuilen. 2007. "Same Facts, Different Interpretations: Partisan Motivation and Opinion on Iraq." *Journal of Politics* 69:957–74.
- Gasper, John T., and Andrew Reeves. 2011. "Make It Rain? Retrospection and the Attentive Electorate in the Context of Natural Disasters." *American Journal of Political Science* 55:340–55.
- Gibson, James L. 2007. "Changes in American Veneration for the Rule of Law." *DePaul Law Review* 56:593–614.
- Gibson, James L., and Gregory A. Caldeira. 2009. *Citizens, Courts, and Confirmations: Positivity Theory and the Judgments of the American People*. Princeton, NJ: Princeton University Press.
- Gibson, James L., and Michael J. Nelson. 2015. "Is the U.S. Supreme Court's Legitimacy Grounded in Performance Satisfaction and Ideology?" *American Journal of Political Science* 59:162–74.
- Gomez, Brad T., and J. Matthew Wilson. 2003. "Causal Attribution and Economic Voting in American Congressional Elections." *Political Research Quarterly* 56:271–82.
- Goren, Paul. 2001. "Core Principles and Policy Reasoning in Mass Publics: A Test of Two Theories." *British Journal of Political Science* 31:159–77.
- Hartz, Louis. 1955. *The Liberal Tradition in America*. New York: Harcourt, Brace.
- Healy, Andrew, and Neil Malhotra. 2009. "Myopic Voters and Natural Disaster Policy." *American Political Science Review* 103:387–406.

- Hibbing, John R., and Elizabeth Theiss-Morse. 1996. *Congress as Public Enemy*. Cambridge: Cambridge University Press.
- Hogue, Henry B. 2004. "Recess Appointments to Article III Courts." *Presidential Studies Quarterly* 34:656-73.
- Howell, William G. 2003. *Power without Persuasion: The Politics of Direct Presidential Action*. Princeton, NJ: Princeton University Press.
- Howell, William G. 2013. *Thinking about the Presidency*. Princeton, NJ: Princeton University Press.
- Howell, William G., Saul P. Jackman, and Jon C. Rogowski. 2013. *The Wartime President*. Chicago: University of Chicago Press.
- Imai, Kosuke, Gary King, and Olivia Lau. 2009. "Zelig: Everyone's Statistical Software." <http://GKing.Harvard.Edu/zelig>, version 3.4-3.
- Jacoby, William G. 2006. "Value Choices and American Public Opinion." *American Journal of Political Science* 50:706-23.
- Kernell, Samuel. 1977. "Presidential Popularity and Negative Voting: An Alternative Explanation of the Midterm Congressional Decline of the President's Party." *American Political Science Review* 71:44-66.
- Kernell, Samuel. 2006. *Going Public: New Strategies of Presidential Leadership*. Washington, DC: CQ Press.
- Kriner, Douglas L., and Andrew Reeves. 2012. "The Influence of Federal Spending on Presidential Elections." *American Political Science Review* 106:348-66.
- Kriner, Douglas L., and Andrew Reeves. 2014. "Responsive Partisanship: Public Support for the Clinton and Obama Health Care Plans." *Journal of Health Politics, Policy, and Law* 39:717-49.
- Krosnick, Jon A. 1990. "Americans' Perceptions of Presidential Candidates: A Test of the Projection Hypothesis." *Journal of Social Issues* 42 (2): 159-82.
- Linz, Juan J. 1990. "The Perils of Presidentialism." *Journal of Democracy* 1:51-69.
- Locke, John. (1690) 2003. *Two Treatises of Government*. Cambridge: Cambridge University Press.
- Lowande, Kenneth S. 2014. "After the Orders: Presidential Memoranda and Unilateral Action." *Presidential Studies Quarterly* 44:724-41.
- Lowi, Theodore J. 1986. *The Personal President: Power Invested, Promise Unfulfilled*. Ithaca, NY: Cornell University Press.
- Malhotra, Neil, and Alexander G. Kuo. 2008. "Attributing Blame: The Public's Response to Hurricane Katrina." *Journal of Politics* 70:120-35.
- Mansfield, Harvey C. 1989. *Taming the Prince: The Ambivalence of Modern Executive Power*. New York: Free Press.
- McClosky, Herbert. 1964. "Consensus and Ideology in American Politics." *American Political Science Review* 58:361-81.
- Moe, Terry M. 1985. "The Politicized Presidency." In Paul E. Peterson and John B. Chubb, eds., *The New Direction in American Politics*. Washington, DC: Brookings Institution Press.
- Mueller, John. 1973. *War, Presidents and Public Opinion*. New York: Wiley.
- Neustadt, Richard E. 1990. *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan*. New York: Wiley.
- Nicholson, Stephen P. 2012. "Polarizing Cues." *American Journal of Political Science* 56:52-66.
- O'Donnell, Guillermo. 2006. "Why the Rule of Law Matters." In Larry Diamond, and Leonardo Morlino, eds., *Assessing the Quality of Democracy*. Baltimore: Johns Hopkins University Press.
- Page, Benjamin I., and Robert Y. Shapiro. 1985. "Presidential Leadership through Public Opinion." In G. C. Edwards III, S. A. Shull, and N. C. Thomas, eds., *The Presidency and Public Policy Making*. Pittsburgh: University of Pittsburgh Press.
- Peterson, David A. M., Lawrence J. Grossback, James A. Stimson, and Amy Gangl. 2003. "Congressional Response to Mandate Elections." *American Journal of Political Science* 47:411-26.
- Popkin, Samuel L. 1994. *The Reasoning Voter: Communication and Persuasion in Presidential Campaigns*. 2nd ed. Chicago: University of Chicago Press.
- Rakove, Jack N., ed. 2009. *The Annotated U.S. Constitution and Declaration of Independence*. Cambridge, MA: Harvard University Press.
- Ramirez, Mark D. 2009. "The Dynamics of Partisan Conflict on Congressional Approval." *American Journal of Political Science* 53:681-94.
- Reeves, Andrew. 2011. "Political Disaster: Unilateral Powers, Electoral Incentives, and Presidential Disaster Declarations." *Journal of Politics* 73:1142-51.
- Rudolph, Thomas. 2003. "Institutional Context and the Assignment of Political Responsibility." *Journal of Politics* 65:190-215.
- Smith, Steven S., and Hong Min Park. 2013. "Americans' Attitudes about the Senate Filibuster." *American Politics Research* 41:735-60.
- Tesler, Michael. 2012. "The Spillover of Racialization into Health Care: How President Obama Polarized Public Opinion by Racial Attitudes and Race." *American Journal of Political Science* 56:690-704.
- Tilley, James, and Sara B. Hobolt. 2011. "Is the Government to Blame? An Experimental Test of How Partisanship Shapes Perceptions of Performance and Responsibility." *Journal of Politics* 73:316-30.
- Tocqueville, Alexis de. (1840) 1963. *Democracy in America*. New York: Knopf.
- Tufte, Edward R. 1975. "Determinants of the Outcomes of Midterm Congressional Elections." *American Political Science Review* 69:812-26.
- Zaller, John R. 1992. *The Nature and Origins of Mass Opinion*. New York: Cambridge University Press.
- Zelizer, Julian. 2008. "The Conservative Embrace of Presidential Power." *Boston University Law Review* 88:499-503.

Online Supporting Information for “Unilateral Powers, Public Opinion, and the Presidency”

Andrew Reeves*
Washington University in St. Louis

Jon C. Rogowski†
Washington University in St. Louis

August 5, 2015

Contents

A	Questions used to construct the rule of law measure	2
B	A Model of Support for Unilateral Powers: Unilateral Policymaking, Bureaucratic Implementation, and Judicial Appointments (all surveys)	3
B.1	Unilateral Policymaking	3
B.2	Judicial Appointments	4
B.3	Bureaucratic Implementation	5
C	Substantive Interpretation of Models of Support for Unilateral Powers (all surveys)	6
D	Support for Unilateral Executive Action in Different Contexts: Does Context condition the influence of presidential approval?	8
E	Support for Unilateral Powers Controlling for Political Knowledge	10
F	Support for Immigration and Gun Research Executive Actions by Approvers and Disapprovers	12

* Assistant Professor, Department of Political Science, Campus Box 1063, One Brookings Drive, St. Louis, MO 63130; reeves@wustl.edu.

† Assistant Professor, Department of Political Science, Campus Box 1063, One Brookings Drive, St. Louis, MO 63130; jrogowski@wustl.edu.

A Questions used to construct the rule of law measure

Respondents were asked to indicate whether they strongly disagreed, disagreed, agreed, or strongly agreed with the following statements:

- It is not necessary to obey a law you consider unjust.
- Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution.
- It is not necessary to obey the laws of a government I did not vote for.
- The government should have some ability to bend the law in order to solve pressing social and political problems.
- When it comes right down to it, law is not all that important; what's important is that our government solves society's problems and make us all better off.

B A Model of Support for Unilateral Powers: Unilateral Policymaking, Bureaucratic Implementation, and Judicial Appointments (all surveys)

In the main text, we present a model of support for unilateral powers (unilateral policy, bureaucratic implementation, and judicial appointments) for only the November 2013 CCES survey. This is because the substantive effects are the same in the three other surveys that we fielded. In this appendix, we present the models from TAPS for January 2014, May 2014, and January 2015. As can be seen in the tables in this section, the presidential approval and beliefs in the rule of law are statistically significant predictors of unilateral actions. Higher levels of approval for President Obama are positively associated with approval of unilateral actions while stronger belief in the rule of law is negatively associated with approval of unilateral actions.

B.1 Unilateral Policymaking

	Nov 13	Jan 14	May 14	Jan 15
Intercept	-0.84 (0.45)	-1.26* (0.56)	-1.30* (0.50)	-0.76 (0.52)
Belief in rule of law	-0.72* (0.13)	-0.51* (0.13)	-0.68* (0.12)	-0.59* (0.12)
Presidential Approval	0.79* (0.10)	1.07* (0.12)	0.77* (0.09)	0.67* (0.09)
Ideology	0.03 (0.06)	-0.20* (0.07)	0.21* (0.06)	0.11* (0.06)
<i>N</i>	909	966	1110	1009
AIC	905.74	657.79	838.35	794.58
BIC	982.73	735.76	918.54	873.25
log <i>L</i>	-436.87	-312.90	-403.17	-381.29

Standard errors in parentheses

* indicates significance at $p < 0.05$

Table B.1: **A Model of Support for Unilateral Policymaking.** Each column shows results from a different survey sample. Both presidential approval and beliefs in rule of law are significantly related to attitudes toward executive action. The dependent variable is whether a respondent agrees or disagrees that, “a president should have the right to enact policies without having those policies voted on by Congress.”

B.2 Judicial Appointments

	Nov 13	Jan 14	May 14	Jan 15
Intercept	-1.98*	-2.17*	-1.36*	-1.79*
	(0.45)	(0.52)	(0.47)	(0.53)
Belief in rule of law	-0.41*	-0.22	-0.32*	-0.24*
	(0.13)	(0.12)	(0.11)	(0.12)
Presidential Approval	0.95*	0.53*	0.51*	0.51*
	(0.09)	(0.09)	(0.08)	(0.09)
Ideology	0.09	0.17*	0.08	0.12*
	(0.06)	(0.06)	(0.06)	(0.06)
<i>N</i>	909	949	1100	950
AIC	972.76	793.60	998.85	805.88
BIC	1049.76	871.28	1078.90	883.58
log <i>L</i>	-470.38	-380.80	-483.43	-386.94

Standard errors in parentheses

* indicates significance at $p < 0.05$

Table B.2: **A Model of Support for Unilateral Judicial Appointments.** Each column shows results from a different survey sample. Both presidential approval and beliefs in rule of law are significantly related to attitudes toward executive action. The dependent variable is whether a respondent agrees that, “the president should be able to appoint judges of his choosing regardless of whether the U.S. Senate agrees with his selections.”

B.3 Bureaucratic Implementation

	Nov 13	Jan 14	May 14	Jan 15
Intercept	-0.43 (0.42)	-0.88 (0.50)	-0.88 (0.48)	-0.67 (0.50)
Belief in rule of law	-0.48* (0.12)	-0.29* (0.11)	-0.30* (0.11)	-0.21 (0.11)
Presidential Approval	0.83* (0.09)	0.68* (0.09)	0.88* (0.09)	0.67* (0.09)
Ideology	0.09 (0.05)	0.20* (0.06)	0.18* (0.06)	0.10 (0.06)
<i>N</i>	909	888	1053	931
AIC	1093.19	835.81	996.01	874.90
BIC	1170.18	912.44	1075.36	952.28
log <i>L</i>	-530.59	-401.91	-482.01	-421.45

Standard errors in parentheses

* indicates significance at $p < 0.05$

Table B.3: **A Model of Support for Unilateral Bureaucratic Implementation.** Each column shows results from a different survey sample. Both presidential approval and beliefs in rule of law are significantly related to attitudes toward executive action. The dependent variable is whether a respondent agrees that, “a president should have the authority to decide how executive agencies will implement bills passed by Congress.”

C Substantive Interpretation of Models of Support for Unilateral Powers (all surveys)

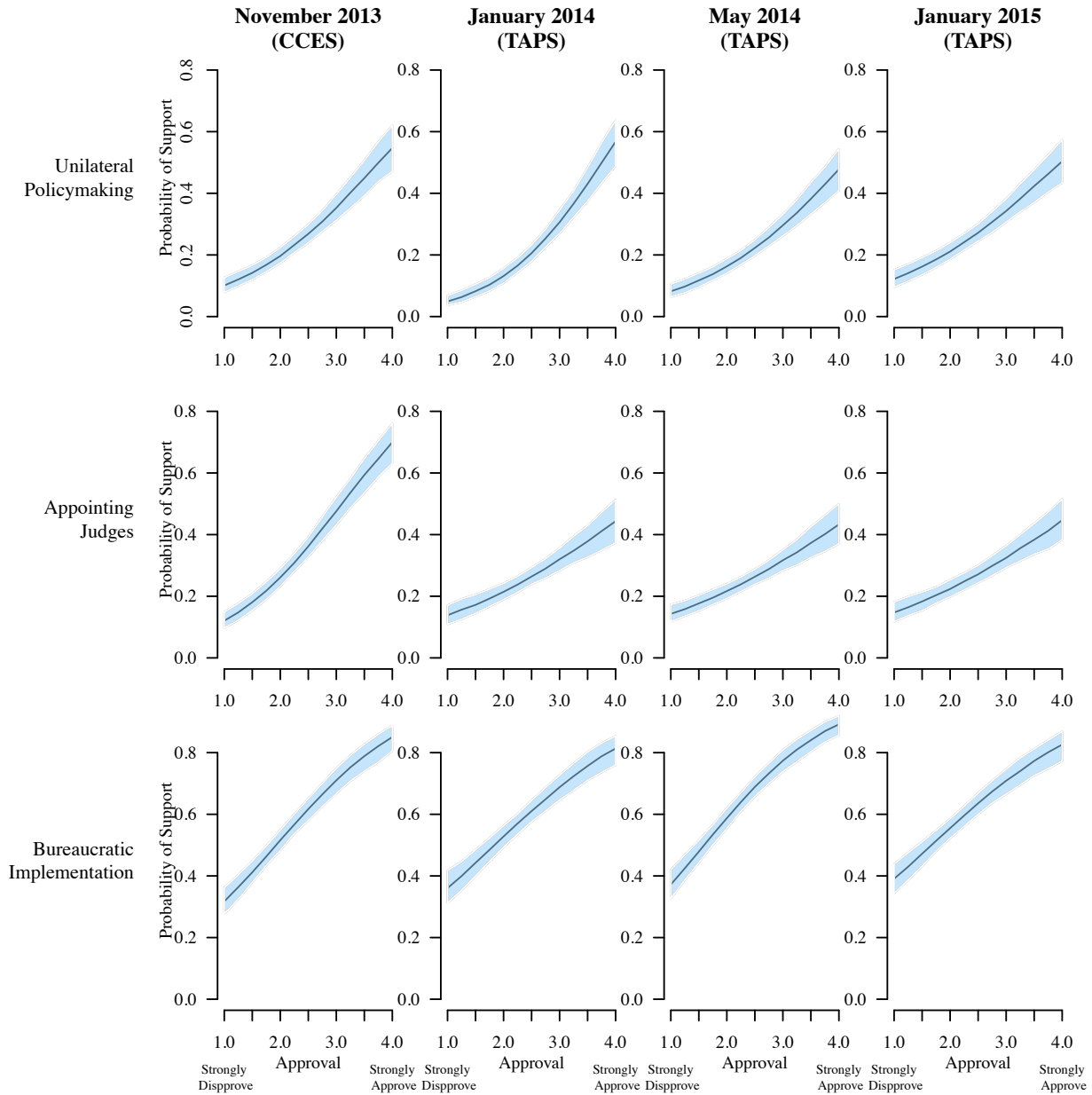


Figure C.1: **Presidential Approval and Support for Unilateral Powers.** The effect of increasing presidential approval on support for unilateral policy making (row 1), appointing judges without Senate confirmation (row 2), and bureaucratic implementation (row 3). Stronger approval of the president increases support for unilateral action. Probabilities and confidence are simulated over observed range of values in the dataset based on the results presented in Tables B.1, B.2, and B.3. All other values are held at their means or medians.

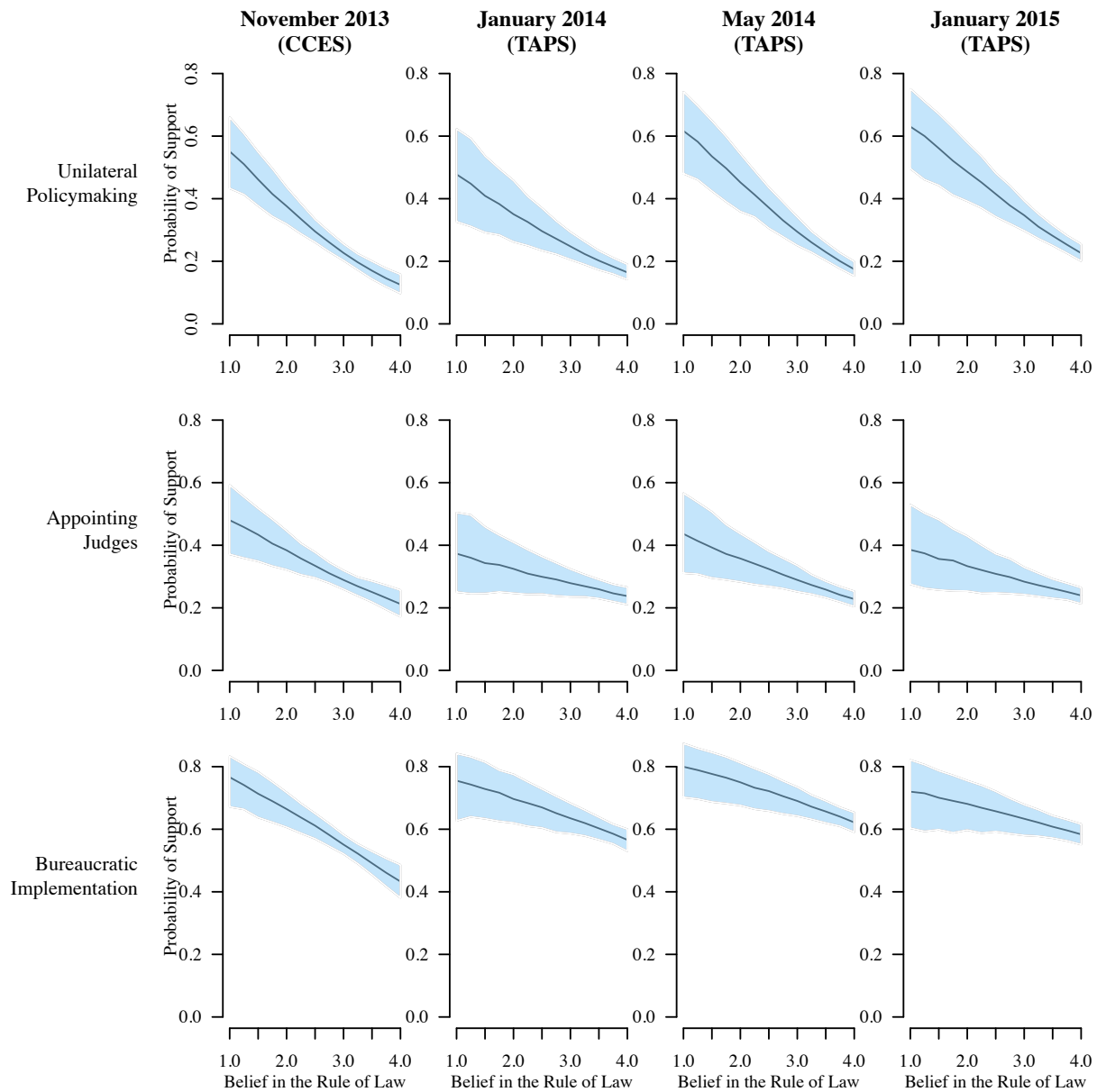


Figure C.2: **Commitment to the Rule of Law and Support for Unilateral Powers.** The effect of increasing belief in the rule of law on support for unilateral policy making (row 1), appointing judges without Senate confirmation (row 2), and bureaucratic implementation (row 3). Stronger belief in the rule of law weakens support for unilateral action. Probabilities and confidence are simulated over observed range of values in the dataset based on the results presented in Tables B.1, B.2, and B.3. All other values are held at their means or medians.

D Support for Unilateral Executive Action in Different Contexts: Does Context condition the influence of presidential approval?

In Table 4 in the article, we consider how the influence of the rule of law is weakened or strengthened depending on the context in which the unilateral power is exercised. In Table [D.4](#) we consider how presidential approval changes across context by including interactions between the approval and the three different treatments. In order to more easily interpret the constituent terms of the interactions, we center the approval variable by subtracting the mean and dividing by the standard deviation for each respondent in the survey. The results replicate the base findings of those presented in the text of the article and show that context does not significantly condition approval.

Intercept	-1.47*
	(0.19)
President feels strongly	-0.01
	(0.17)
Congress won't act	0.86*
	(0.17)
National Security at issue	0.97*
	(0.16)
Belief in rule of law (centered)	-0.71*
	(0.06)
Presidential Approval (centered)	0.95*
	(0.13)
Ideology	0.17*
	(0.04)
President feels strongly × Approval	-0.21
	(0.17)
Congress won't act × Approval	0.27
	(0.19)
National Security at issue × Approval	-0.24
	(0.17)
<i>N</i>	1956
AIC	1880.87
BIC	2104.02
log <i>L</i>	-900.43

Standard errors in parentheses

* indicates significance at $p < 0.05$

Table D.4: **A Model of Support for Unilateral Executive Action in Different Contexts: Evidence from a Survey Experiment.** Dependent variable is support for unilateral policymaking, and results are from a logit regression model. For ease of interpretation, we standardize the measure of presidential approval by centering it.

E Support for Unilateral Powers Controlling for Political Knowledge

Table E.5 considers the role of political knowledge in mitigating the relationship between belief in the rule of law, presidential approval, and attitudes toward unilateral policymaking (columns 1 through 3), judicial appointments (columns 4 through 6), and bureaucratic implementation (columns 7 through 9). We construct political knowledge from fifteen factual questions asked of TAPS respondents. We code these responses as correct or incorrect and create a scale using these items. These items are shown below. The knowledge scale has a Cronbach's alpha of 0.83.

- Which party holds a majority of seats in the U.S. House of Representatives in Washington?
- How many votes are required in Congress to override a presidential veto?
- How long is one term for a member of the U.S. Senate?
- The ability of a minority of Senators to prevent a vote on a bill is known as what?
- Who is the Vice President of the United States?
- A president may serve [choose number of] terms.
- Members of the U.S. Supreme Court serve [choose number of] terms.
- Who is Chief Justice of the United States Supreme Court?
- Social Security is [choose what kind of program].
- On which of the following federal programs is the most money spent each year?
- A system of government in which power is divided between the central government
- In modern American politics, which of the following groups generally wants lower taxes:
- The Secretary of Defense is appointed by the:
- President Obama is affiliated with what political party?
- Which of the following describes the Office of Management and Budget?

There is no consistent relationship between political knowledge and attitudes toward unilateral power. Depending on the model, political knowledge is a significant negative predictor (e.g., attitudes toward unilateral judicial appointments in January 2014), a significant positive predictor (e.g., attitudes toward bureaucratic implementation in January 2014), or, four out of nine models, an insignificant predictor.

As Table E.5 shows, the substantive results presented in the main manuscript hold. Controlling for political knowledge, beliefs in the rule of law are always negatively related to attitudes toward unilateral action and presidential approval is always positively related. Across our nine models, the coefficients are always negative and larger than their standard errors. In two cases, the coefficients fail to reach conventional levels of statistical significance

	Unilateral Policymaking			Judicial Appointments			Bureaucratic Implementation		
	Jan 14	May 14	Jan 15	Jan 14	May 14	Jan 15	Jan 14	May 14	Jan 15
Intercept	-1.00 [†] (0.59)	-1.48** (0.53)	-1.10* (0.55)	-1.69** (0.55)	-1.00* (0.50)	-1.18* (0.57)	-1.47** (0.53)	-0.64 (0.50)	-0.81 (0.53)
Belief in rule of law	-0.46*** (0.14)	-0.71*** (0.12)	-0.63*** (0.12)	-0.14 (0.12)	-0.27* (0.11)	-0.17 (0.12)	-0.41*** (0.12)	-0.27* (0.11)	-0.23* (0.12)
Presidential Approval	1.06*** (0.12)	0.77*** (0.09)	0.68*** (0.09)	0.53*** (0.09)	0.51*** (0.08)	0.49*** (0.09)	0.71*** (0.10)	0.88*** (0.09)	0.68*** (0.09)
Ideology	-0.19** (0.07)	0.20*** (0.06)	0.10 [†] (0.06)	0.18** (0.06)	0.09 (0.06)	0.14* (0.06)	0.20** (0.06)	0.18** (0.06)	0.09 [†] (0.06)
Political Knowledge	-0.70 (0.46)	0.47 (0.42)	0.79 [†] (0.43)	-1.25** (0.43)	-0.85* (0.38)	-1.32** (0.43)	1.50*** (0.43)	-0.56 (0.39)	0.32 (0.41)
<i>N</i>	966	1110	1009	949	1100	950	888	1053	931
AIC	656.29	839.49	793.44	785.57	994.76	798.54	822.37	995.75	875.83
BIC	753.75	939.74	891.78	882.67	1094.82	895.67	918.15	1094.94	972.56
log <i>L</i>	-308.14	-399.75	-376.72	-372.78	-477.38	-379.27	-391.19	-477.87	-417.92

Standard errors in parentheses

[†] significant at $p < .10$; * $p < .05$; ** $p < .01$; *** $p < .001$

Table E.5: **The Role of Political Knowledge in Models of Support for Unilateral Policymaking, Judicial Appointments, and Bureaucratic Implementation.** Evidence from the American Panel Survey (TAPS) waves from January 2014, May 2014, and January 2015.

F Support for Immigration and Gun Research Executive Actions by Approvers and Disapprovers

	Approvers		Disapprovers	
	Research Guns Violence	Defer Deportations	Research Gun Violence	Defer Deportations
Intercept	0.42 (1.40)	-0.70 (2.23)	-0.38 (0.76)	-3.57*** (0.97)
Obama Approval	0.32 (0.34)	0.35 (0.51)	1.00*** (0.29)	0.42 (0.33)
Ideology	0.32* (0.16)	-0.41 [†] (0.24)	0.22 (0.14)	0.50** (0.15)
Opposition to Executive Orders	-0.60** (0.23)	-0.57 [†] (0.31)	-0.66*** (0.15)	-0.34 [†] (0.17)
Approval of Pathway to Citizenship		1.47*** (0.23)		1.09*** (0.13)
<i>N</i>	332	330	401	393
AIC	281.44	154.74	437.47	367.67
BIC	342.33	230.72	501.38	447.15
log <i>L</i>	-124.72	-57.37	-202.74	-163.84

Standard errors in parentheses

[†] significant at $p < .10$; * $p < .05$; ** $p < .01$; *** $p < .001$

Table F.6: Evaluations of Obama executive actions as a function of presidential approval, ideology, and attitudes toward executive orders by Obama approvers and disapprovers.