

ORIGINAL ARTICLE

Presidential policymaking, 1877–2020

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Abstract

While presidents frequently create new policies through unilateral power, empirical scholarship generally focuses on executive orders and overlooks other categories of directives. We introduce data on more than 50,000 unilateral directives issued between 1877 and 2020 and use machine learning techniques to characterize their substantive importance and issue areas. Our measures reveal significant increases in unilateral activity over time, driven largely by increases in foreign affairs and through the substitution of memoranda for executive orders. We use our measures to formally evaluate the historical development of the unilateral presidency and reassess theoretical claims about public opinion and unilateral power. Our research provides new evidence about variation in the use of presidential authority and opens new avenues for empirical inquiry.

Keywords: administrative presidency; American political development; executive orders; machine learning; presidential power; text analysis; unilateral action

Modern US presidents play more active and central roles in policymaking relative to their 19th century predecessors. Not only do contemporary presidents seek to influence legislation passed by Congress, but they also use unilateral authority and other administrative measures to make policies without involving Congress (e.g., Moe, 1985; Howell, 2003). Moreover, as gridlock and dysfunction hinder the legislative process in Congress (Binder, 2015), presidential policymaking gains salience as a means of national policy production. The use of unilateral directives has generated debate about executive power and its implications for democracy in the US and elsewhere (e.g., Shane, 2009; Slater and Arugay, 2018).

The capacity for presidents to make policy through unilateral directives raises important measurement questions: how much policy do presidents create through unilateral power, through which instruments, and in what domains? Previous research often draws from a single category of unilateral directives—executive orders—issued primarily in the period after World War II (e.g., Mayer and Price, 2002; Howell, 2003). While this research has made foundational contributions to our understanding of presidential power, more complete measures of unilateral activity that span longer periods of time would enrich what we can learn about the development and use of unilateral power.

We introduce new data and measurement strategies to make such progress. First, we compile more than 50,000 presidential directives across nearly 50 unilateral instruments issued between 1877 and 2020. Second, we use machine learning techniques to measure each directive's importance and issue domain. Third, we document temporal variation in unilateral tools, indicating that presidents have exercised unilateral authority through different instruments across time. Fourth, we formally evaluate qualitative accounts of historical change in presidents' use of unilateral

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