

RESEARCH ARTICLE

Public Responses to Unilateral Policymaking

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Abstract

Presidents possess vast authority over policies and outcomes. Recent studies suggest the public checks this unilateralism through expressive opinions and political participation. We reevaluate this accountability link with a preregistered panel survey that incorporates a number of design and conceptual improvements over existing experimental studies. Our findings reveal a more complex relationship between presidential actions and public opinion. We find no evidence that the public reacts negatively to unilateralism – and some evidence they react positively. Respondents, however, may punish an incumbent for failing to implement the proposed policy change. While such a result suggests that the public can hold presidents accountable, we close by discussing how a lack of information likely renders this check moot.

Keywords: presidency; American politics; unilateral action; unilateralism; decree authority; executive order; executive action; accountability

Presidents possess vast authority over policies and outcomes. They can defer deportations for hundreds of thousands of young people, attack foreign countries, protect land from commercial development, and raise wages for federal employees – all without seeking prior approval. Under the dominant theoretical paradigm, the separation of powers poses only a limited constraint on this behavior (e.g., Howell 2003; Moe and Howell 1999). More recently, scholarship has suggested that presidents can be checked by the public's expressive opinions and political participation (Christenson and Kriner 2019, 2020; Reeves and Rogowski 2018, 2022a). In other words, the public sees executive action and responds negatively, which leads to presidents selecting policies the public agrees with to avoid sanctioning.

However, well-known problems can complicate the accountability mechanism between leaders and citizens. In the case of unilateral policymaking, informational asymmetries might complicate the relationship between presidents and the public. A rich theoretical literature examines accountability relationships with divergent information.¹ An important finding from this scholarship is that, under certain conditions, informational asymmetries can lead to pathological accountability

¹See Ashworth (2012) for a review.

relationships (Canes-Wrone, Herron, and Shotts 2001). If voters are unwilling to sanction politicians whose policies are revealed to be sub-optimal, or if those outcomes are unlikely to be revealed, a “public check” on leaders can actually backfire. It can motivate leaders to select policies that make voters worse off.

In this paper, we investigate these complications using a panel survey, preregistered and fielded prior to the 2020 presidential election. Most notably, our experiment assesses a question that is critical to the foregoing problems – whether presidents are punished for failing to achieve the goals announced by their policies. Studies of the public costs of acting alone for the president typically use experimental treatments that conflate the president’s position, the way it was carried out, and its results. By separating them, we can independently assess whether sanctioning over any of the three occurs.

Our study also reassesses the underlying question considered by past work – whether the public punishes presidents for acting unilaterally. Specifically, following the recommendations of Fong and Grimmer (2019), our research design is designed to capture the latent concept of unilateralism. Our treatment conditions leverage many vignettes, which vary the president ($n = 2$) and policy ($n = 15$) in question, in addition to the means of policy change. Existing surveys that examine public responses to unilateral action leverage a single president acting on a single policy or handful of policies. We also rely on treatment conditions containing *both* images and text, which more closely approximates informational exposures in typical media sources, and reduces the potential influence of respondent attention on responses.

We find no evidence that the public punishes presidents for acting unilaterally, as long as presidents get the results promised by a given policy. Under general conditions, we found no evidence in the initial wave that presidents paid a penalty for acting unilaterally, relative to working with Congress or taking a position. However, we found that viewing policymaking via executive order increased the likelihood that respondents reported a 2020 election preference for the incumbent (Donald Trump) by 3 percentage points. In the second wave, we found that respondents were 6 percentage points less likely to approve of presidents’ handling of policy when they failed to achieve the ends of their stated position, relative to those that succeeded. These effect estimates are robust to a variety of different modeling choices and were adequately powered by our design.

Our results complicate existing findings on the public’s ability to constrain the president. While presidents are not punished for the means they use to carry out policy, the public may punish presidents if promised policy changes fail to materialize. Notably, there is no *reward* or boost for success. This means that the *announcement* of a policy is treated by respondents as equivalent to achieving outcomes. In a controlled survey environment, this might be sufficient to prevent presidents from selecting policies unlikely to lead to good outcomes. In real-world conditions, however, the public likely lacks complete and impartial information about policy failures. If the public learns about a unilateral action at all, it is likely from news media coverage published at the time of signing rather than when success or failure is known. Given the highly polarized nature of U.S. news media (Guo, Ma, and Vosoughi 2022; Iyengar and Kinder 2010; D’Alonzo and Tegmark 2022), acquiring unbiased information about policy success is especially difficult. As a result, we argue, our findings cannot rule out the possibility the public check on

presidential unilateralism may make citizens worse off as presidents issue unilateral actions that they never intend to fully implement.

Public response to unilateral action

Unilateral action theory has dramatically changed the way scholars understand the presidency (Moe and Howell 1999; Howell 2003). In contrast to the “textbook” understanding of policymaking in American politics, unilateralism contends that presidents are first-movers comparatively free of collective action and agency problems faced by other policymakers. The primary obstacle is the potential for countervailing action from Congress or the Judiciary. In both theory and practice, however, these checks appear relatively weak.²

Most critical responses to this approach contend that the president’s power has been overestimated. Christenson and Kriner (2020) pose the relative *infrequency* of unilateral action as a puzzle. If the separation of powers is the primary limiting mechanism, and it is frail, then unilateral action should be far more regular and successful than it is in practice. So, perhaps, other veto players in American politics challenge the president and reduce the utility of this way of policymaking. Some argue that political parties in Congress (Chiou and Rothenberg 2017), bureaucratic actors (e.g. Lowande 2018; Rudalevige 2021), or successors (Thrower 2017) moderate the president’s actions.

Other work though emphasizes the role of the public. In a series of studies, Reeves and Rogowski (2016, 2018, 2022a, 2022b) and Christenson and Kriner (2017a, 2017b, 2019, 2020) investigate individual-level determinants of public support for unilateralism. There is an emerging consensus that the public checks presidential unilateralism. Christenson and Kriner argue that “legacy-minded presidents [...] rationally defer taking executive action [...] if they believe that the long-term political costs of pursuing an unpopular policy exceed the benefits of doing so” (2020: 7). Reeves and Rogowski write that “public support is no blank check on unilateral presidential powers” and that “Americans hold presidents accountable not only for what they accomplish but also for how they wield power” (2022a: 21). The primary dispute is not over whether the public checks the president, but why. For Christenson and Kriner, partisan loyalties and policy preferences determine whether the public punishes the president. Reeves and Rogowski argue that in addition to these factors, the public penalizes presidents for taking unilateral action because of underlying beliefs about the rule of law and the separation of powers.

These stories are complicated, we argue, by a large theoretical literature that probes the implications of the information asymmetries that mark the relationship between leaders and citizens (Ashworth 2012). Put simply, presidents have private information. They know the types of actions that would shore up support with key constituencies and gain favor among the voting public. Presidents also possess better information about the likely implementation and impact of various policies.

In contrast, the public is at an informational disadvantage. It is well-known that the American public does not pay much attention to politics (Carpini and Keeter 1997); and in the case of unilateral policymaking, the news media does not provide

²This literature is too vast to summarize here. For a recent review, see Lowande and Rogowski (2021).

much help. The New York Times, for instance, only mentioned 15 unilateral actions per year from 2001 to 2018 (Christenson and Kriner 2020). Moreover, partisan biases among the public and the news media provide filters on the quantity and quality of information on unilateral policymaking, skewing the public's views on the president's activities and their impacts on real-world policies.

These asymmetries have important ramifications for presidents' incentives for unilateral action. If the public is unlikely to learn the true policy impact of a unilateral action, presidents might be incentivized to issue politically popular actions with no intention of actually changing policy (Canes-Wrone, Herron, and Shotts 2001). For example, presidents might publicly sign a directive to enforce limits on foreign aid for abortions, and actually increase the number of abortions in recipient countries (Brooks, Bendavid, and Miller 2019). Alternatively, they might form a blue ribbon commission that studies the issue and circulates the president's position in media coverage but does not change the policy. In these cases, presidents are using their ability to act unilaterally to "show off" or "pander" rather than do what is in voters' best interests (Canes-Wrone, Herron, and Shotts 2001; Judd 2017).

Existing work typically treats the issuance and outcome of an action as one and the same. However, the successful implementation of an action is not inevitable. President Truman, for example, nationalized the steel industry due to an imminent strike, but the order was overturned by the Supreme Court. More recently, President Obama directed the Bureau of Alcohol, Tobacco, and Firearms to conduct more extensive background checks and issued a directive closing the detention camp at Guantanamo Bay – neither were carried out.

What is the upshot of this for studying the public check? In our view, without understanding both whether presidents, in general, have something to gain from unilateral action (relative to no action) – and if they pay a cost for failed actions – we have an incomplete picture of how their incentives impact citizens' welfare. Consequently, studying the public check requires understanding how the public reacts to two distinct, latent concepts: unilateral action and policy success or failure. This is what we designed our experiment to do.

Measuring public evaluations of unilateralism

We examine public responses to presidential power by fielding a two-wave panel survey prior to the 2020 presidential election.³ In the first wave, subjects were randomly assigned to view a president taking a policy position, lobbying for passage of a bill in Congress, or signing an executive order. In the second wave, subjects were told whether the stated policy objective of the president succeeded or failed.

Presidential accountability depends both on whether the public punishes the president for (1) policies that it disagrees with and (2) dissonant outcomes. Our setup examines several potential manifestations of these dynamics. First, if the public holds general skepticism toward unilateralism relative to other policymaking

³Before participating, respondents were told they were taking part in a study and were asked for their consent. Some of our experimental treatments involved fictional scenarios that did not in fact occur. After completion, we debriefed respondents about presidents' actual positions on the issues mentioned in the study. Respondents were compensated based on terms set by the survey vendor.

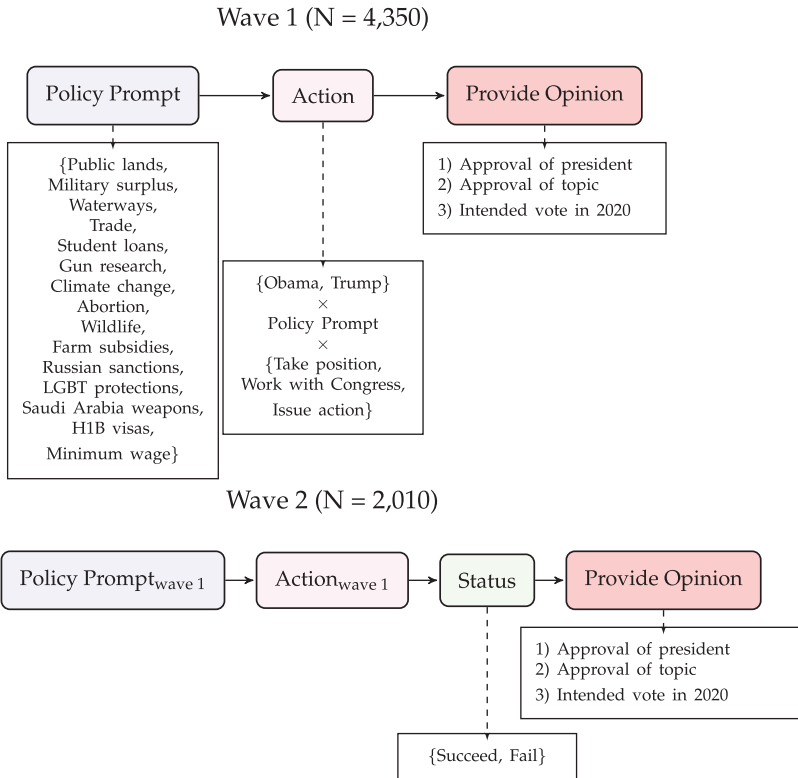


Figure 1. Unilateral action and policy outcomes survey design. For informational conditions and associated images by topic, president, and outcome, see Tables 1, 2, A.1, and A.2.

means, per Reeves and Rogowski (2022a), they should punish presidents who go it alone over working with Congress or taking a position. Second, when the action then leads to a failure, the public could punish the president. Either would discourage a president from taking action they did not believe would benefit constituents.

The panel design helps us distinguish voters' beliefs about executive action with and without uncertainty about its outcome. As we have argued, the vignette experiments in past work typically approximate a news release at the announcement of some presidential initiative. But like any government action, presidential unilateralism takes place over time, often in discernible stages. Policies are formulated, announced, implemented, and evaluated. By recontacting respondents to reveal the outcome of the policymaking activity, we can gauge how the public evaluates the announcement of actions with an uncertain outcome, relative to the outcome itself. We summarize our approach in Figure 1 but leave most technical details for the SI.

There are several important features of this setup that distinguish it from past work. First and foremost, we designed the experiment to examine the effects of unilateralism and policy success, in general. Our informational vignettes vary in the

topic addressed, along with the president addressing it. We see presidential unilateralism as a latent treatment, with the potential for many unmeasured confounders. So, following Fong and Grimmer (2019), we randomly varied the vignettes presented to respondents. Specifically, we selected 15 topics (e.g., national monuments on public lands, foreign trade barriers, and public funding of abortion). These policy areas include foreign and domestic policy, and those the president has some legal discretion to change.⁴

Because of the likelihood of moderating effects by co-partisanship of respondent, the action or position could have been taken by President Trump or Obama. This ensures that the effects of co-partisanship and party identification can be distinguished. For example, for the endangered species condition, the vignettes read

President Obama (Trump) supported strengthening (weakening) protections for endangered wildlife. He wanted to strengthen (end) protections for some animals and add (prevent) new protections.

with the working with Congress condition adding

He endorsed a bill and worked with Congress. The bill would strengthen (end) protections for some animals and add (prevent) new protections.

and the executive order condition instead adding







He acted alone by signing an executive order. The order would strengthen (end) protections for some animals and add (prevent) new protections.

To ensure our treatments were read and received, we also included companion images for each vignette treatment (Table 1). When the public learns about executive action, it is usually accompanied by an image of the president. Imagery appears to play an important role in the public's understanding of the presidency, especially in media reports (Howell, Porter and Wood 2020). Howell, Porter, and Wood (2017), for example, write their findings "attest to the importance of visual images in public presentations. Not only were the photo and text conditions far more powerful than the text-only conditions [...] the photo condition [...] was consistently able to overcome the tone of the text" (28). More generally, online survey respondents are known to rely on visual cues. We expect that the topic-specific images will limit the outcome variation attributable to the passage of time between waves, and reduce the chances of null findings attributable to a weak treatment.

In addition, by assigning some subjects to view only the position of the president, our study distinguishes between the signal about the president's policy preferences sent by an action and the action itself. Most prior research compares public evaluations of backing legislation to taking unilateral action (e.g., Christenson and Kriner 2020). However, separating the action from the substance of the policy is

⁴Note, our design was not adequately powered to measure attitudes toward unilateralism by topic area. Our aim with including a variety of policy areas in our analyses is not to measure differential effects across topics but instead capture views toward the latent concept of unilateralism.

Table 1. Photos for the position, congress, and executive order interventions in Wave 1, by President

President	Position photo	Congress photo	Executive order photo
Obama			
Trump			

critical for determining differences in public evaluations of the *means* of policymaking, relative to support for the policy position itself. This also matters for presidents' incentives. For example, presidents may be rewarded for appearing to take charge of an issue by acting. Alternatively, if acting and position-taking are treated *equivalently* by respondents, presidents may be able to shirk from policymaking and focus their attention on signaling their support for politically advantageous policies.

Finally, separating these actions from the results of policy allows us to address the underlying questions posed by theories of accountability. In Wave 2, the treatments inform respondents that the policy change the president supported or acted upon occurred or did not occur. Like the treatment conditions in the first wave, the second wave's success and failure conditions include companion images (Table 2). We define failure as the status quo policy remaining unchanged, or the absence of the desired liberal or conservative movement. For example, in the endangered species condition, the failure prompt reads


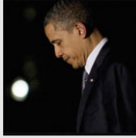

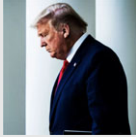
Despite this, during his time in office, most endangered wildlife protections stayed the same. The president was not able to get the result he wanted.

while the success prompt reads

Because of this, during his time in office, many endangered wildlife protections were strengthened (weakened). The president got the result he wanted.

To measure public evaluations, we used three primary outcomes: respondents' assessment of handling of the policy, respondents' overall assessment of the president, and respondent vote preference for the 2020 presidential election. For the subsequent analyses, the third outcome is whether the respondent indicated they

Table 2. Photos for the success and failure conditions in Wave 2, by President

President	Success Photo	Failure Photo
Obama		
Trump		

would vote for Donald Trump. In the SI, we also report same-party vote, which is the intention to vote for the 2020 presidential candidate that shared the party of the president shown in the treatment condition. In the following section, we note when these two specifications differ substantively.

We obtained a large national survey sample from the online vendor Lucid. In general, the sample of 4,350 U.S. citizens of voting age reflects the partisan identification, region, age, gender, and ethnicity of the United States (Section A.4 in the SI). Wave 1 was fielded September 7–9, 2020, while Wave 2 was fielded September 16–18. About half of the respondents could be recontacted after the first wave. We found that recontact was not associated with treatment condition or political party (Section A.4 in the SI). Prior to fielding, we preregistered our hypotheses and conducted simulations to ensure the experiments were adequately powered to detect substantively meaningful effects (Section A.2 in the SI).⁵

How the public responds to actions

Overall, we find that public evaluations of presidential actions were mostly predicted by the set of demographic variables that form policy-related fault lines in American politics (e.g., partisan identification, age, race, and sex). Since we chose to vary contextual factors (i.e., president and topic) along with our treatment conditions of interest, we rely on parametric, linear models that include all informational treatments and demographic covariates to predict evaluations. Because the results are not sensitive to modeling decisions, we summarize our findings with estimates based on logistic regressions and binary versions of the dependent variables in

⁵We closely followed the preregistration analysis plan, although the share of respondents we were able to successfully recontact between waves (45.4%) was less than expected (60%). Deviations between our preregistered hypotheses and results are described in footnotes below.

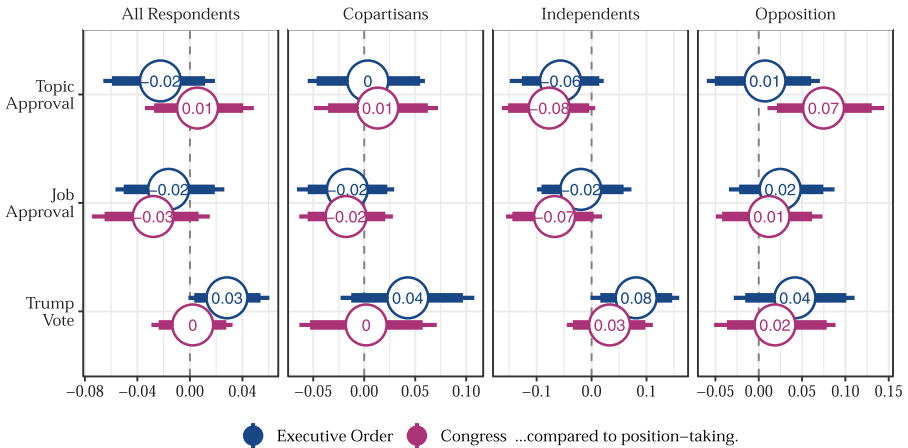


Figure 2. The public is mostly indifferent to the way policy is made. Plots simulated marginal effect estimates, based on logistic regressions that include demographic controls; error bars indicate conventional and Bonferroni-adjusted CIs; see Tables A.9 and A.10 for full results.

Figures 2, A.3, 3, and A.6, and Tables A.9, A.10, A.13, and A.14. We report additional tabular results with alternative model specifications in the SI.⁶

Figure 2 plots marginal effect estimates for policymaking via Congress and unilateral action – relative to position-taking – simulated based on an observed case approach (Hanmer and Ozan Kalkan 2013). There is little evidence of backlash against unilateralism, and perhaps some evidence that it may be beneficial for the incumbent. Specifically, neither overall approval of the president nor approval of the president’s handling of the topic was associated with the means of policymaking. Nonetheless, respondents appeared to identify the treatment. Consistent with Reeves and Rogowski (2022a), the executive order condition was associated with reduced beliefs that the president respected the rule of law and worked with Congress (Figure A.3). Those beliefs simply did not weigh heavily into overall assessments of presidential performance. Opponents of the president, defined as those that identify with the other major party, tended to rate the president’s handling of the topic about 7 percentage points higher if they worked with Congress, relative to position-taking. But these evaluations were not distinguishable from acting alone, and did not generalize to independents or copartisans.

Most strikingly, viewing the executive order signing is associated with a roughly 3 percentage point *increase* in the probability of reporting a vote preference for President Trump. Curiously, this effect is driven both by those who saw Obama and Trump vignettes. Figure A.4 shows that the executive order treatment did not increase the likelihood the respondent would vote for the party of the president they saw in 2020. That is, those who saw Obama did not become more likely to say they would vote for Biden.

⁶See Table A.8 for simple means and standard deviations of the outcome variables by experimental condition and wave.

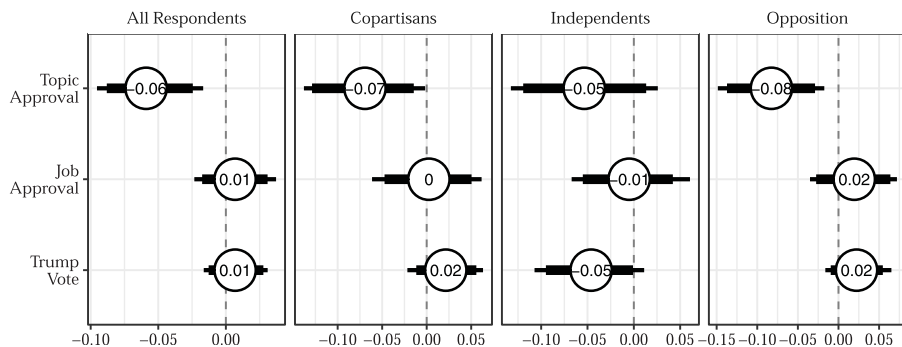


Figure 3. The public punishes presidents for failing. Plots simulated marginal effect of estimates of failure relative to success; see Tables A.13 and A.10 for full results. Figure A.5 shows that failure did not have a discernible effect on respondents' support for the 2020 presidential candidate from the same party.

In short, however, there is little evidence from the initial panel that respondents systematically punish presidents for taking unilateral action. Assessments of performance were either unmoved, improved, or driven mostly by respondents' priors. These findings also suggest that, in the absence of information about outcomes, the public tends to treat unilateral action equivalently with position-taking.⁷

How the public responds to outcomes

In contrast to our initial findings, the second wave demonstrates that the public can punish presidents for failing to produce. We estimate respondent assessments as a function of our treatment conditions and controls, while conditioning on Wave 1 outcome values. We condition on Wave 1 values in order to isolate the effect of learning about the outcome of the policy from respondents' initial assessments of the policy change. In pre-analysis simulations, we found that two other approaches – namely, predicting a change score as a function of Wave 2 treatments, or predicting Wave 2 outcome without conditioning on Wave 1 – resulted in less power. Figure 3 shows that respondents' evaluations of the president's handling of the topic took a significant hit when it was revealed that the stated objective of the president's policy did not occur. Specifically, respondents were about 6 percentage points less likely to approve of the president's handling of the topic, which is large, relative to the baseline probability of approval of 52.4%.

Interestingly, there is no evidence of heterogeneous effects by partisan identification. Members of the opposition, along with copartisans and independents, all tended to have lower approval ratings of presidential performance. This is notable because the symmetric partisan identification of the president in question. Republicans and Democrats may have been assigned to Trump or Obama, but in both instances, they tended to punish the president for failing to get a win. The

⁷The findings from wave 1 run counter to our preregistered hypotheses. Following the large literature on unilateralism, we expected respondents to penalize (reward) presidents for acting unilaterally (working with Congress), especially among independents or members of the opposition party.

additional outcomes suggest a mechanism. As Figure A.6 demonstrates, failure led the public to rate presidents' ability to "get things done" lower by 4 percentage points. The public punished the president for failing to achieve a stated objective, regardless of their party or the means they used to do it.⁸

Importantly, the finding leaves open an avenue for presidential accountability. Respondents' assessments of presidential performance under the first wave and the second wave success condition are indistinguishable – which suggests that the initial announcement of unilateral action is treated as a "win" by default. Follow-up information on outcomes, however, can alter public assessments.

There are two important caveats. First, the penalty was limited to one question – topic handling – which may or may not be sufficient to inform the president's thinking. The strongest argument that it is sufficient is that job approval and voting outcomes may be the aggregation of many such "handling" questions for many different topics. Repeated failure to implement policies, therefore, could mean reduced overall job approval ratings and less support at the ballot box. It is rare for any single issue to move something as entrenched as job approval or vote choice.

Second, this accountability mechanism is conditional on the informational environment the public encounters when evaluating presidential performance. In other words, it is not enough that the public punishes the president for dissonant outcomes under idealized experimental conditions, there must be a plausible case that these dissonant outcomes are observable in practice. We discuss this latter point in the next section.

Discussion

A recent literature argues that the public constrains presidential unilateralism. Whether because of elite cues, beliefs about the rule of law, or inherent antipathy, the public is supposed to react negatively to policies implemented without Congressional approval. This is proposed as a mechanism for accountability. We have argued that this mechanism is complicated by informational concerns. For leaders to act in their citizens interest, the public needs to react to policies and the results they generate. Though our study found robust evidence that the public does not react negatively to executive action itself, we found the public – both copartisans and opposition – penalized presidents for failing to achieve the goals of their actions.

The lack of inherent skepticism toward executive power is notable, in that it runs counter to some existing research on unilateralism. We operationalized unilateralism as a latent concept, marginalizing over a number of different president and policy combinations. The divergence between our results and prior studies suggests that the penalties found in past surveys are context-dependent. That is, some other factor (e.g., policy salience, popularity, etc.) must interact with beliefs about executive power to matter.

⁸Wave 2 results partially support our preregistered hypotheses. We expected respondents to penalize presidents for failing to implement policies. However, given the power of partisan bias in American politics, we expected copartisan respondents to punish presidents less harshly than members of the opposing party or independents.

Most importantly, the second key finding suggests a possible means by which the public can hold presidents accountable. However, for such a check to materialize, the public must learn about not only presidential actions but their consequent outcomes. In a survey experiment, respondents enjoy complete information about the outcomes of unilateral actions. In reality, partisan media spin and filter political news for the general public, making it difficult to access unbiased information on unilateral actions (D'Alonzo and Tegmark 2022; Guo, Ma and Vosoughi 2022; Iyengar and Kinder 2010).

Perhaps even more problematic is the well-known lack of coverage of unilateral actions. There is no dispute that most unilateral actions are not covered by news outlets. Christenson and Kriner (2020) find, for example, that the *New York Times* mentioned about 15 directives per year from 2001 to 2018. Consequently, even if the public could check presidential power, it is unlikely that they would be able to glean the types of information to judge whether or not a president succeeded in implementing a given policy. This raises one future direction for observational research, which is better measurement of the information available to respondents. Stylized facts about the content, timing, and reach of news about the presidency would help scholars gauge the applicability of healthy and pathological accountability mechanisms.

There are also opportunities for scholars to build on our findings with other survey experiments. One limitation of our study is that we do not interact the type of action and policy success.⁹ It might be the case, for instance, that the public is more willing to penalize presidents for failing to implement unilateral actions than unsuccessfully working with Congress. Experimentalists should also test how the public responds to different types of failures. Presidents can fail to change the status quo due to Congressional intervention, bureaucratic intransigence, the Supreme Court, or a lack of effort on the part of the White House. Some of these reasons for failure might be viewed more harshly in the eyes of the public.

Supplementary material. To view supplementary material for this article, please visit <https://doi.org/10.1017/XPS.2024.3>

Data availability. Support for this research was provided by the Center for Political Studies, Institute for Social Research at the University of Michigan. The data, code, and any additional materials required to replicate all analyses in this article are available at the Journal of Experimental Political Science Dataverse within the Harvard Dataverse Network, at: <https://doi.org/10.7910/DVN/VXH3BK>.

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Competing interests. The authors report no conflicts of interest.

⁹We describe such a test in our preanalysis plan but decided to not conduct it due to power concerns.

Ethics statement. This study was granted an exemption by the institutional review board of the University of Michigan (ID# HUM00186307). Research adheres to APSA's Principles and Guidance for Human Subjects Research. Before participating, respondents were told they were taking part in a study and were asked for their consent. Some of our experimental treatments involved fictional scenarios that did not occur. After completion, we debriefed respondents about presidents' actual positions on the issues mentioned in the study. Respondents were compensated based on terms set by the survey vendor.

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