

# **PRESIDENTIAL RESPONSIVENESS TO PUBLIC OPINION**

A Dissertation

by

JUSTIN SCOTT VAUGHN

Submitted to the Office of Graduate Studies of  
Texas A&M University  
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

December 2007

Major Subject: Political Science

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## **ABSTRACT**

Presidential Responsiveness to Public Opinion.

(December 2007)

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In this dissertation, I examine the determinants of presidential responsiveness to public opinion, employing a theory of context and venue that explains why presidents are more responsive at some times and in certain policy making venues than at other times and in other venues. To test this theory, I create a new direct measure of presidential responsiveness to public opinion, a measure that quantifies the ideological distance between presidential policy positions and public policy preferences. I develop versions of this measure in four important venues of the modern presidency: relations with the U.S. Congress and the U.S. Supreme Court, the unilateral administrative presidency, and the president's rhetoric. Using time-series regression techniques, I analyze the influence that factors such as political context, electoral context, institutional context, and venue visibility have on the dynamics of presidential responsiveness scores. The results indicate that although the president's policy position taking responds to public opinion dynamics, there is no clear contextual factor that conditions this responsiveness.

## **DEDICATION**

To everyone who helped

## ACKNOWLEDGEMENTS

I dedicate this dissertation to each of the many individuals that helped me complete it. I was fortunate to receive help in many different ways. I owe a tremendous intellectual debt to Dr. George Edwards, who not only shepherded me through the dissertation process with care and skill, but also taught me how to think about the presidency and why it is important. Dr. Kim Hill's thoughtful comments about argumentation and interpretation improved the project markedly, and Dr. Paul Kellstedt patiently indulged my persistent questions about elementary aspects of time-series analysis and the nuances of the public mood measure. Kurt Ritter, Ed Portis and Cary Nederman also demonstrated generous amounts of time and attention to my research efforts, which I truly appreciate. This dissertation would never have been completed without any of these individuals.

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## CHAPTER I

### INTRODUCTION

Scholars can tell a compelling and historically accurate narrative of modern civilization that emphasizes the growing philosophical endorsement of an active and meaningful role for the public in state leadership. Throughout the centuries and ranging from the signing of the Magna Carta<sup>1</sup> to the French and American revolutions to the Civil Rights Acts of the 1960s, acceptance of *vox populi* as principle and practice has continued to grow. We can particularly understand this theoretical trend by observing the intellectual evolution from the canonical works of Hobbes and Locke, who argued that political elites (e.g., monarchs and parliaments) had no obligation to lead their nations in a manner consistent with the preferences of the masses to Twentieth Century philosophers, including American pragmatist John Dewey and European philosopher Jürgen Habermas, who endorse a central role of the public in government action.

In the contemporary setting, the true test of a democracy lies in the extent to which political elites enact the preferences of the masses in policy. Despite the arguments of Schumpeter (1942) and other scholars who take a minimalist view of democracy, the presence of elections as a leadership selection mechanism does not suffice for the purposes of a vibrant democratic polity. Leadership selection alone does not provide evidence of a successful democracy; rather, we must look to the consistency of those elected elites' actions with mass preferences to determine whether democracy is

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This dissertation follows the style of *American Political Science Review*.

<sup>1</sup> We should note that the original intent of the Magna Carta, issued originally in 1215, was not to bind the monarch's actions to the populace preferences, but rather to other English elites representing approximately fifty influential families. In the 16<sup>th</sup> and 17<sup>th</sup> Centuries, however, early-modern thinkers began reinterpreting the charter as a document that supported notions of an increased popular role in government and politics.

flourishing. Stated otherwise, democracy requires not only open and sustained participation by the mass public in leadership selection, but also clear evidence that those selected leaders perform their duties in a manner consistent with the preferences of the electorate.

As a result, it is incumbent on scholars to evaluate whether political leaders represent the preferences of the public and why they do so. If we are to accept the normative trend that increased popular control of the political sphere is just and legitimate, then we should examine those factors that facilitate (or hinder) elite responsiveness to public opinion. Given the symbolic importance of the United States as the founding laboratory for the democratic experiment, it is particularly important that we understand what makes elites respond to the predilections of the average member of American society. Furthermore, given the importance of the American president, both at home and abroad, we must understand the specific factors that encourage presidential responsiveness to public opinion.

### **Design of the Dissertation**

Over the next several chapters, I address the question of why American presidents are responsive to the public policy preferences of the electorate. Chapter II critically evaluates the existing social scientific research on elite responsiveness to mass public opinion – both in general and with respect to the American presidency. Following this discussion, I build a new theory of presidential responsiveness to public opinion, one that combines the conclusions of earlier important scholarship and unique insights.

Chapter III introduces a new approach to measuring presidential responsiveness. Conceptualizing responsiveness as the extent to which the words and actions of

presidents substantively agree with public policy preferences, I introduce a new empirical measure that quantifies the ideological distance between presidential policy positions and public policy preferences. After introducing the conceptual underpinnings of this new measurement approach, I discuss the technical considerations of creating it. I also discuss the strategies employed for measuring the important contextual indicators that serve as independent variables in subsequent statistical analyses. Chapter IV examines the nature of this new presidential responsiveness measure. In this chapter, I observe how presidential responsiveness varies, examining responsiveness scores across administrations, parties, and venues. I conclude with a discussion of the implications for this variation for my theory, and then continue on to analyze the determinants of this variation.

Having introduced the theoretical argument and discussed the data gathering and construction processes, I move to the business of analyzing the determinants of presidential responsiveness to public opinion in the next four chapters. I begin the analysis in Chapter V by studying responsiveness scores derived from the president's stands on roll call votes in the U.S. Senate and House of Representatives. In Chapter VI, I examine responsiveness scores derived from the president's positions on cases before the U.S. Supreme Court, recorded in *amicus curiae* briefs submitted to the nation's highest court by the Solicitor General. Chapter VII examines responsiveness in the unilateral presidency, analyzing responsiveness scores derived from executive orders. In Chapter VIII, I assess the determinants of presidential rhetorical responsiveness, identifying and attempting to explain the dynamics of the distance between public policy preferences and presidential policy rhetoric. Chapter IX concludes the dissertation. In

this chapter, I summarize the support my theory receives from the analyses in Chapters V through VIII, and evaluate the implications this support has for the explanatory power of my theoretical argument. I conclude with discussions on the limitations of the current research design and a general overview of subsequent research questions that merit attention.

## **CHAPTER II**

### **A THEORY OF PRESIDENTIAL RESPONSIVENESS**

As the preceding chapter makes clear, whether the president should follow the public has been a topic of debate since the American founding.<sup>2</sup> Regardless of the normative considerations of this debate, recent decades have seen a trend of increasing (and increasingly sophisticated) presidential attempts to monitor the preferences of the public (e.g., Brace and Hinckley 1992; Eisinger 2003; Jacobs and Shapiro 2000; see also Geer 1996; Geer and Goorha 2003).<sup>3</sup> The extent to which these persistent presidential efforts to “take the public’s temperature” have shaped subsequent presidential policy activity remains an empirical question, one that has been asked and answered in several different ways.

In this chapter, I review the most relevant aspects of research focused on this linkage between presidents and the American public, extracting key conclusions and arguments. I then introduce a theoretical explanation of the nature of presidential responsiveness to public opinion, an explanation that incorporates core insights developed within this literature and that addresses and improves upon its shortcomings.

#### **Researching the Policy-Opinion Linkage**

The idea that public policy responds to public opinion has received an extraordinary amount of attention by political scientists and commentators of all stripes. Leading intellectual figures of the Twentieth Century have made the case for the

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<sup>2</sup> See Canes-Wrone (2006) for a brief and insightful discussion of the status of this debate during the time of the framing.

<sup>3</sup> Laracey (2002) offers evidence culled from archival data that interaction with the public has long been a practice of the chief executive. He does not dispute, however, that technological innovations throughout the Twentieth Century have dramatically increased the president’s ability to interact with more and more members of the American public.

normative good of the opinion-policy linkage (e.g., Dahl 1956, 1989) and the danger of it (e.g., Lippmann 1955), yielding a debate that features themes harkening back at least to the Federalist–Anti-Federalist conflict over constitutional ratification. In the modern era, social scientific theory and research complement the pre-existing normative components of the debate, yet the discord remains unresolved. Although scholars have constructed economic arguments explaining why we should expect policy responsiveness to opinion dynamics (Downs 1957), the field remains rife with contradictory theoretical arguments and empirical observations.

Numerous studies hold that American public opinion, in general, has a strong relationship with public policy (e.g., Burstein 2003; Manza and Cook 2002a, 2002b). Much of this research emphasizes the one-way impact that public opinion has on public policy (e.g., Erikson, MacKuen, and Stimson 2002a, 2002b, 2002c; Stimson, MacKuen, and Erikson 1995; see also Stimson 1999).<sup>4</sup> Research confirming this relationship has ranged from national-level analyses (Erikson, MacKuen, and Stimson 2002a; Monroe 1979, 1998; Page and Shapiro 1983; Stimson, Erikson, and MacKuen 1995; Weissberg 1976) to those conducted at the state level (Erikson 1976; Erikson, Wright and McIver 1989, 1993; Wright, Erikson, and McIver 1987) and across nations (Jacobs 1992, 1993). Furthermore, much of this research evaluates the opinion-policy linkage across numerous issues (e.g., Erikson, MacKuen, and Stimson 2002a; Monroe 1979, 1998; Page and Shapiro 1983; Stimson, MacKuen, and Erikson 1995), although a number of scholarly investigations examine specifically the linkage between public opinion and foreign policy (Hartley and Russett 1992; Hinckley 1992; Holsti 1996; Jacobs and Shapiro 2002b;

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<sup>4</sup> Not all scholarship universally proclaims the strength of this relationship; see Domhoff (1998) for a counter-example.



Nincic 1990; Russett 1990; Sobel 2001; Wlezian 1996; Wittkopf 1990; see also Bartels 1991; Monroe 1979, 1998; Page and Shapiro 1983).<sup>5</sup>

In recent years, an interesting line of inquiry has emerged within this literature that debates whether elite policy responsiveness has increased or decreased in the contemporary era. Jacobs and Shapiro (2000) provide the most comprehensive research in this vein, arguing that as the ability of political elites to gather data on mass opinion has improved, responsiveness has declined. Monroe (1998) supports this argument with empirical evidence of declining consistency between public preferences and policy outcomes over the latter part of the Twentieth Century.

This view of declining responsiveness, however, is not universally accepted. Geer (1996), for example, contends that the same technological advancements decried by Jacobs and Shapiro (2000) have increased the likelihood of responsiveness. Jacobs (1992, 213) similarly notes the shift towards responsiveness in his comparative study of health policy making in the United States and Great Britain, arguing “the public opinion apparatus has encouraged government responsiveness, which in turn provides the public with an apparent confirmation of the political system’s openness.” This conclusion is supported by Quirk and Hinchliffe’s (1998) study of policy responsiveness, which holds that responsiveness has increased since the late 1960s/early 1970s (see also Altschuler 1986; Jacobs 1992; Jacobs and Shapiro 1995). Burstein (2003) takes the middle ground between these two camps and avoids proclamations of increased or decreased

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<sup>5</sup> Typically, this literature demonstrates a strong role for public opinion in foreign policy formation. Recently, however, Jacobs and Page (2005) have provided compelling evidence that the public’s position may not be so strong, as compared to other pertinent actors such as the international business community, think tanks, organized labor, and educators.

responsiveness, contending instead that the relationship between public opinion and public policy has remained stable.

### **Alternative Explanations**

Although much of the literature on the opinion-policy linkage posits and demonstrates a unidirectional causal relationship where opinion drives elite policy behavior, a smaller, albeit important, literature stresses the efforts of political elites to manipulate, rather than follow, opinion (e.g., Jacobs and Shapiro 1996, 1997, 2000, 2002a; see also Domhoff 1998; Edwards 1982; Zaller 1992).<sup>6</sup> Though some research notes the weak evidence that policy shapes opinion (e.g., Stimson, MacKuen, and Erikson 1995, 559), other work indicates a reciprocal relationship (Hill and Hinton-Andersson 1995; Hill and Hurley 1999; Jacobs and Shapiro 1994a; Kuklinski and Segura 1995; see also Hill 1998). This line of research primarily draws out theoretical expectations for when elites respond to the public, when the public responds to the elites, and when the two shape one another's behavior (see especially Hill and Hurley 1999; Hurley and Hill 2003).<sup>7</sup>

Research in this vein that is explicitly presidency-centered, however, provides less compelling evidence that presidents possess the ability to shape public opinion.

Although there is little doubt that modern presidents expend tremendous energy and resources in their attempts to lead the public (Ceaser et al. 1981; Kernell 1997; Tulis

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<sup>6</sup> Indeed, the difficulty in teasing out the various nuances of the policy-opinion linkage is partly responsible for the sheer volume of research on the topic. According to Page (1994, 26), "From the beginning, the study of relationships between public opinion and policy has been vexed by knotty, frustrating problems of causal inference. When opinion and policy correspond, it is extremely difficult to sort out whether public opinion has influenced policy, or policy has influenced opinion, or there has been some mixture of reciprocal processes; or, indeed, whether an outside factor, by affecting both, has produced a spurious relationship."

<sup>7</sup> In fact, the development of contingent expectations in this relationship seems to provide the most fruitful and realistic path for future research (see Manza and Cook 2002b).

1987), only a modest amount of research exists demonstrating that these efforts to exploit the bully pulpit work. Beyond some evidence that presidents can increase issue salience in the short term on issues they discuss in State of the Union addresses (Cohen 1995; see also Lawrence 2002, 2004), stronger cases have been made that the president's ability to lead public opinion is quite limited. Edwards (2003), for example, has shown that presidents rarely succeed in their bids to change the public's mind. Similarly, Canes-Wrone (2001b) finds that presidential appeals usually translate into subsequent successful legislative support only when the public *already* agrees with the president's position. Furthermore, Young and Perkins (2005) demonstrate that presidential ability to lead the public has decreased over the past half-century.

### **Presidential Responsiveness to Public Opinion**

A more extensive body of research examines the impact of public opinion on presidential policy activity. Nearly every study on this phenomenon begins by addressing presidential incentives for responsiveness. Generally, these studies contend that presidents have an incentive to appear responsive so as to elicit public support, which they can use for policy gain, but not be so responsive that it curtails their ability to achieve the policy goals they personally want (see especially Cohen 1999 and Edwards 1983). Moving on from this general argument, these studies then attempt to identify the existence of presidential responsiveness to public opinion and the nature of this linkage.

Similar to the broader opinion-policy linkage literature, much of this work concerns whether presidential behavior responds to public preferences. Unsurprisingly, the findings of the research concerning presidential responsiveness are as mixed as the broader literature. Indeed, some of the knowledge we possess on presidential

responsiveness comes from the research on the general policy-linkage literature, described above. For example, Page and Shapiro (1983, 183) find that presidents are quite responsive to the public, at a rate of 63-65%; this rate is virtually indistinct from the responsiveness rates of Congress and the federal courts. In another general study of the policy-opinion linkage, Stimson, MacKuen, and Erikson (1995) argue that public policy preferences dominate presidential behavior, and demonstrate that presidents react mostly to the public opinion of the previous year and nearly entirely to the public opinion of the past four years.<sup>8</sup>

Research that has been more explicitly presidency-centered provides a more nuanced set of findings. In fact, few studies clearly delineate an unqualified relationship. Geer (1996) represents one such study. Geer analyzes the technological evolution of the public opinion apparatus, and concludes that the increased sophistication over time has enabled more recent presidents to become more responsive than their predecessors.<sup>9</sup> On the other hand, Jacobs and Shapiro (2000) argue that the concept of presidential responsiveness is a misnomer. Instead, they contend that presidents exploit advancements in polling technology to use information on public opinion for the purposes of crafting compelling, if not deceptive, rhetorical packaging for policy initiatives that would be otherwise unpopular with the masses. Perhaps bolstering this argument, Wood (2006) examines a comprehensive sample of presidential rhetoric in the modern era and finds no clear evidence of responsiveness between what the public prefers and what the chief executive says.

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<sup>8</sup> See also Erikson, MacKuen, and Stimson (2002a, 2002b, 2002c).

<sup>9</sup> See also Eisinger (2003) and Geer and Goorha (2003) concerning the evolution and impact of the presidential polling apparatus.

Other research produces considerably more nuanced results. For example, Hill (1998) demonstrates that presidents are generally responsive to the public on economic and foreign policy, though this relationship does not hold for civil rights. In the most systematic examination of presidential responsiveness to date, Cohen (1999) demonstrates that the responsiveness of presidential rhetoric in State of the Union addresses is greater for symbolic actions, which occur largely at the early stages of the policy making process, than substantive actions, which occur later in the policy making process. For example, responsiveness diminishes when the rhetoric becomes more substantive (i.e., moves from problem identification to position taking).<sup>10</sup> Canes-Wrone (2006) demonstrates that although presidential responsiveness to public opinion occurs, the nature of this responsiveness is dependent upon a host of contextual factors.<sup>11</sup> Indeed, the vast majority of the research designed to investigate the linkage between public opinion and presidential behavior takes a conditional approach.

### **Conditional Factors of Presidential Responsiveness**

As scholars of the presidency moved the focus of their inquiry concerning presidential responsiveness from questions of whether responsiveness occurs to questions of what the contingencies of responsiveness are, they have hypothesized a number of relevant factors. Chief among these suggested factors have been the role of presidential popularity and the president's electoral context.<sup>12</sup>

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<sup>10</sup> Cohen (1999) identifies four successive stages of the policy making process: problem identification in agenda setting, position taking in agenda setting, policy formulation, and policy legitimization. At each stage, presidential action becomes less symbolic and more substantive. Hence, the opportunities for symbolic responsiveness decline at each successive stage.

<sup>11</sup> See Canes-Wrone and Shotts (2004) and Rottinghaus (2006) for recent research teasing out the contingent aspects of presidential responsiveness to public opinion.

<sup>12</sup> Though popularity and electoral context have received the largest amount of scholarly attention, other conditional factors have been occasionally examined. For example, issue salience has been suggested as a conditioning factor of presidential responsiveness (Canes-Wrone and Shotts 2004; Rottinghaus 2004),

## Popularity

Presidency scholars have long extolled the importance of the president's standing with the public as a key presidential resource. Neustadt (1990) argued that the president's success in dealing with the Washington community was in large part dependent on the perception of the executive's standing with the public. Numerous studies have built upon Neustadt's foundation, investigating the link between presidential popularity and the president's success in mobilizing the public to support his plebiscitary plans (e.g., Kernell 1997; Polsby 1978) and achieving his policy agenda in Congress (e.g., Bond and Fleisher 1980, 1990; Canes-Wrone and DeMarchi 2002; Cohen et al. 2000; Collier and Sullivan 1995; Edwards 1976, 1980, 1989; Fleisher and Bond 1984; Ostrom and Simon 1985; Rivers and Rose 1985).

Moreover, public approval not only determines the outcomes of presidential efforts, it also often drives the very actions themselves. Brace and Hinckley (1992) describe how popularity shapes virtually every facet of presidential behavior, from the president's travel schedule to his speechmaking patterns. They contend that the quest for public approval places a set of constraints on presidents, eliciting particular responses and affecting the substance and timing of different policies. In sum, presidents respond to changes in their public standing by changing elements of their own behavior. Brace and Hinckley's argument, however, is not universally accepted. For example, Cohen (1999) and Wood (2006) have offered evidence that approval plays no role in presidential speechmaking.

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though no meaningful analysis of this linkage has yet to be produced. Other factors that suggested, though not examined, include visibility and ideology. I examine these factors in detail later in this dissertation.

Recently, scholars have taken to teasing out the nuances that explain how presidential behavior responds to approval dynamics. As usual, we see a variety of explanations. Manza and Cook (2002a) have posited an inverse relationship between presidential approval and presidential behavior. That is, as presidential approval declines, presidents respond by taking positions more congruent with public preferences in the hopes that pandering will curry favor with the masses (see also Brace and Hinckley 1992; Hibbs 1987). Conversely, Towle (2004) – in a study that employs archival evidence of presidential interpretation of disintegrating popular support in the Truman, Johnson, and Carter administrations – contends that as presidents see their approval ratings decline, they increasingly *ignore* the divergent preferences of the mass public.

Perhaps the most interesting recent approach to disentangling the relationship between presidential prestige and performance posits a non-monotonic relationship. That is, there is neither a simply positive or negative relationship, but rather one that depends on the context surrounding the president. The research of Canes-Wrone (2001a, 2004, 2006; Canes-Wrone, Herron, and Shotts 2001; Canes-Wrone and Shotts 2004; see also Rottinghaus 2006) drives this particular approach. In several studies, Canes-Wrone and others argue that “a president will be most likely to endorse a popular policy when his public standing is such that the decision may be pivotal to his chances for reelection” (Canes-Wrone, Herron, and Shotts 2001, 691). Thus, presidents who have average approval levels, neither high nor low, are more likely to exhibit poll-driven policy behavior than presidents with more definitive public standing.

## Electoral Context

A second conditioning factor that receives considerable attention by presidency scholars is the electoral context of the president. The basis for this attention is simple and quite understandable: elections force politicians to pay attention to the members of the public who choose whether to return them to office (Stimson 2004; see also Canes-Wrone, Herron and Shotts 2001; Stimson, MacKuen, and Erikson 1995; Wright and Berkman 1986).<sup>13</sup> Rottinghaus (2006) shows that presidential responsiveness depends strongly on whether the president is eligible for reelection (i.e., whether a president is in his first or second term) and how early or late in a term a presidential behavior occurs.<sup>14</sup> These findings resemble closely an earlier literature on the relationship between congressional responsiveness and electoral context (e.g., Elling 1982; Kuklinski 1978; see also Arnold 1990; Fenno 1978; Mayhew 1974).

Additional scholarly attention has focused on the relationship between electoral proximity and presidential responsiveness. In a recent article, Yates and Whitford (2005) probe the relationship between the electoral circumstances of the president and the extent to which he pays attention to public opinion on crime-related issues.<sup>15</sup> The underlying theoretical argument of this research holds that “the president’s responsiveness in setting his agenda to the electorate should depend on [the electoral] cycle.” Controlling for the

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<sup>13</sup> Increased responsiveness to public preferences on policy issues is only one way in which scholars contend electoral cycles influence presidential behavior. Other suggested relationships include the existence of a political-business cycle (Lohman 1999; Rogoff and Sibert 1988; Spiliotes 2002) and an electoral cycle of war (Gaubatz 1991).

<sup>14</sup> Interestingly, Rottinghaus (2006, 729) finds that the end of a president’s second term sees levels of responsiveness similar to those in their first term. Whether the sitting president’s concern over his historical legacy or the desire to affect the election of his successor drives this renewed responsiveness remains an academic question.

<sup>15</sup> Yates and Whitford (2005) measure presidential responsiveness by determining the percentage of sentences in the president’s State of the Union address (1956-1994) dedicated to criminal justice issues and determining the relationship between this percentage and the proportion of the electorate that declares crime the most important problem facing the nation.



influence of other institutional actors and objective conditions (i.e., economic conditions, foreign policy, and the rate of serious crime), Yates and Whitford demonstrate that executive attention to public attitudes toward crime as a political issue is indeed dependent on the president's electoral circumstances.

Other studies have taken an approach less explicitly concerned with the impact of electoral context, but have found similar evidence. Numerous aggregate studies indicate that congruence becomes more likely between presidential positions and public preferences as elections near (Canes-Wrone 2006; Canes-Wrone, Herron, and Shotts 2001; Canes-Wrone and Shotts 2004; Hibbs 1987; Hicks 1984; Jacobs and Shapiro 2000; Rottinghaus 2006). This evidence is supported by case studies of individual presidents, such as Kennedy (Jacobs and Shapiro 1994b) and Johnson (Jacobs and Shapiro 1993). Once again, however, no consensus exists on this topic. Cohen (1999) and Wood (2006) provide evidence that the electoral context of the president bears no impact on the level of responsiveness in presidential rhetoric.

### **The Incoherent State of the Debate**

If the preceding literature review makes anything clear, it is that a consensus has yet to emerge concerning the conditional nature of presidential responsiveness to public opinion. The scholars responsible for the research discussed above do not seem to agree upon anything, except that presidential responsiveness to public opinion is an important topic of scholarly interest. In this sentiment, I concur.

Further, it is my belief that the confusion over the nature of presidential responsiveness to public opinion arises not because there is no clear answer to be found, but because of two important shortcomings in the scholarly examinations of the topic.

First, students of the public presidency have yet to compose a comprehensive theory of presidential responsiveness. Much of what scholars suggest influences presidential responsiveness is wise and well reasoned; however, few studies integrate more than one of the key explanatory factors into their theoretical arguments and empirical models.<sup>16</sup> For example, Towle (2004) examines the influence of popularity on presidential interpretation of public opinion data, but fails to incorporate considerations of electoral context. Yates and Whitford (2005), on the other hand, examine the relationship between presidential responsiveness and electoral context, but fail to include presidential approval in their statistical analysis.

Second, those studies that do incorporate comprehensive theoretical arguments fail to apply them broadly enough. For example, although Cohen (1999) and Canes-Wrone (2006) each employ complex and comprehensive theoretical arguments, the data upon which they evaluate these theories is insufficient to the task. Cohen (1999), following a much trod path, examines State of the Union rhetoric for evidence of the impact of popularity and electoral context. State of the Union addresses are highly individualistic events, occurring only annually, thus restricting the generalizability of the conclusions. Canes-Wrone's (2006) selection of observations is broader, evaluating presidential rhetoric in all non-obligatory televised addresses. Presidential televised speeches are not routine, nor are they consistently scheduled. Indeed, recent presidents have gone from one State of the Union address to another without delivering a single

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<sup>16</sup> The research of Brandice Canes-Wrone (2001a, 2004, 2006; Canes-Wrone, Herron, and Shotts 2001; Canes-Wrone and Shotts 2004) is the most notable exception to this criticism.

additional televised addresses (Reagan 1988-1989, Clinton 1996, 1997, 2000); in other years as many as ten televised addresses may be scheduled (Reagan 1986).<sup>17</sup>

Furthermore, each of the aforementioned studies fails to extend its analyses to forms of behavior beyond rhetoric. Although an increasingly important tool at the disposal of presidents (Kernell 1997; Tulis 1987), presidential rhetoric is not the only behavior from which to cull evidence of presidential position taking and responsiveness. Stimson, MacKuen, and Erikson (1995; see also Erikson, MacKuen, and Stimson 2002a) develop measures of presidential position taking vis-à-vis Congress and the Supreme Court, and subsequently provide evidence that dynamics in public policy attitudes drive the liberalism of subsequent executive activities in those policy domains. Indeed, they profess it impossible to measure direct presidential action, relying instead on presidential interactions with the other federal branches to provide evidence of presidential behavior.<sup>18</sup>

In this dissertation, I take the position that such measurement is indeed possible. Moreover, by examining presidential position taking across multiple types of behavior, we can increase the reliability of our generalizations concerning presidential responsiveness and examine unconsidered aspects of presidential responsiveness. Such an analysis may clarify currently confused scholarly debate. In the next section, I introduce a theoretical explanation of presidential responsiveness to public opinion that

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<sup>17</sup> Data gathered from Edwards (2003, 140-142).

<sup>18</sup> According to Stimson, Erikson, and MacKuen (1995, 550), “The beginning point of dealing with the presidency is noting the near impossibility of direct measures of presidential liberalism from what presidents say and do. While we have an intuition about various acts and speeches, any attempt to quantify that intuition, to extract acts from the content of actions, quickly becomes hopelessly subjective. The alternative is to look instead at presidents through their quantifiable records of interacting with the legislature and judiciary.”

incorporates multiple types of presidential behavior, visibility, and the existing contending explanatory factors discussed earlier in this chapter.

### **A New Theory of Presidential Responsiveness**

Any theory of presidential performance must start with the basic premise that presidents are political actors who possess policy and political goals. The individuals who have sought this office have done so in the hope that they can use the office's power to achieve those goals. However, once in office, presidents quickly realize that unilateral action cannot always, or even often, achieve these goals. Though much recent research has elaborated the various presidential prerogatives of unilateral action (i.e., Cooper 2002; Howell 2003, 2005; Howell and Mayer 2005; Krause and Cohen 1997; Krause and Cohen 2000; Mayer 1999, 2001; Mayer and Price 2002; Moe and Howell 1999a, 1999b), the fact remains that presidents operate in a system in which they do not possess the power to command (e.g., Neustadt 1990).

Because of the separated nature of the American political system, presidents have long regarded public support as a crucial resource with which to accomplish their policy and political goals.<sup>19</sup> Indeed, the balancing act between governing and gaining public support is a dominant characteristic of the modern presidency. Brace and Hinckley (1992, 1) referred to this trait of the office as the "public relations presidency," defined as "a presidency concerned primarily with maintaining and increasing public support." Edwards (2003) also notes the crucial aspect of public support for presidents. According

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<sup>19</sup> Edwards (2003) has concisely and cogently commented on this subject. "Why do presidents see themselves as dependent upon public support to accomplish their goals, especially in Congress, and devote so much time, energy, and resources to obtaining it? The answer is straightforward: presidents know that without the public's backing in most instances they lack the influence to persuade Congress to support their legislative proposals and to reject congressional initiatives that the president opposes. Moreover, presidents believe that Congress responds to public opinion (Edwards 2003, 8).

to Edwards (2003, 3), “It is difficult for others who hold power to deny the legitimate demands of a president with popular support. A president who lacks the public’s support is likely to face frustration and perhaps humiliation at the hands of his opponents.”

When the president’s preferences align with those of the public, he succeeds on two counts: he can pursue his goals without risking the alienation of the public and he can claim credit for being responsive to the public. It is when the president’s preferences diverge from those of the public that the balancing act of the “public relations presidency” becomes important.<sup>20</sup> When taking policy action in this context, presidents must balance the rewards of pursuing their favored policy resolution with the risks of nonresponsiveness. These risks include potential declines in approval, being denied a second term in office, and even harming the electoral fortunes of fellow partisans in the Congress during midterm elections.

The risk of incurring the wrath of the public is not constant. Clearly, presidents do not need to fear being denied a second term when they are already in it. Similarly, the risk of punishment at the polls during a reelection campaign is greater when the election is only a few *months* away than when it is a few *years* away. Moreover, a president fears a loss of a few percentage points in his approval rating when his approval is low or even moderate than when he is riding high in the polls.<sup>21</sup>

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<sup>20</sup> Canes-Wrone, Herron, and Shotts (2001) identify three possible responses presidents can have when their policy preferences diverge from those of the public: true leadership, fake leadership, and pandering. True leadership involves presidents ignoring public preferences when they believe it to be in the best interest of the public and fake leadership involves president ignoring public preferences and pursuing a policy that neither he nor the public believes is the correct solution. Pandering refers to instances when the president follows the public’s preferences, despite his own. This dissertation focuses upon this last dimension, though I refer to the concept as responsiveness, rather than the unnecessarily pejorative term “pandering.”

<sup>21</sup> See Canes-Wrone (2006, CH. V-VI) for an extended discussion on the relationship between presidential responsiveness and popular approval at different levels of popularity.

Instead of being constant, presidential decisions to adopt responsive policy positions depend on political and institutional conditions, conditions that are themselves dynamic. In a recent article, Canes-Wrone and Shotts (2004) identify most of the key conditional factors that determine presidential responsiveness to public opinion. These factors include presidential approval and the presidential electoral cycle (see also Canes-Wrone 2006; Rottinghaus 2006; Yates and Whitford 2005).

In this dissertation, I build upon this research, incorporating the core concepts of Canes-Wrone and Shott's theoretical argument with an additional focus that has been heretofore unexamined: the differential visibility of presidential actions.<sup>22</sup> A key component of the theoretical argument in this dissertation holds that the president's desire to maintain popularity – for the purposes of achieving his policy agenda, securing reelection, and aiding his fellow partisans' electoral fortunes during midterm elections – drives his responsiveness to public opinion.

As noted throughout this chapter, popular approval is a key resource, if not the key resource, for modern presidents. Modern presidents seek to build and maintain approval as zealously as they seek any important policy goal, if not more so. As Brace and Hinckley (1992, 7) note, "Facing Congress, for example, presidents can do more and can implement more of their policies when they have public support. Hence, presidents with ambitious agendas scorn polls at their peril." Indeed, research has shown that

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<sup>22</sup> It should be emphasized that I incorporate the core concepts of Canes-Wrone and Shotts (2004) study, not their measures. Canes-Wrone and Shotts, drawing on previous research co-authored with Michael Herron (Canes-Wrone, Herron, and Shotts 2001), conceptualize the relationship between public approval and presidential responsiveness in a non-monotonic manner. Though clever and potentially theoretically meaningful, I believe there are problems with the application of this measure that overwhelm the benefits of its cunning construction. This decision is further justified in the data chapter.

presidents act more ambitiously when they are more popular (Brace and Hinckley 1992; Rivers and Rose 1985).

To avoid such peril, presidents dedicate extraordinary expense and effort to learning how the public feels about them and what they can do to improve this sentiment (Eisinger 2003; Geer 1996; Geer and Goorha 2003). Furthermore, presidents base their political activity upon this quest for approval, scheduling speeches (Ragsdale 1984) and travel based upon it (Brace and Hinckley 1992, 1993). Indeed, strategically tailoring their activities for public consumption has become a dominant component of contemporary presidential leadership (Kernell 1997). Presidents believe that their efforts to communicate with the public strongly determine the public's approval of them, and when they face public disapproval, they think it due to their own failure as communicators (Edwards 2003). Although empirical examinations of the ability of presidents to shape their own approval are scant (Edwards 2003), some research suggests that the way presidents relate to the public shapes the public's response to them (Cohen and Powell 2005; Druckman and Holmes 2004; Ragsdale 1987).

Unsurprisingly, scholars often also argue that public approval conditions presidential responsiveness to public opinion (e.g., Canes-Wrone 2006; Canes-Wrone and Shotts 2004; Hibbs 1987; Manza and Cook 2002a; Rottinghaus 2006). Specifically, presidents attempt to placate public sentiment by increasing their representation of the public's issue preferences. Though the empirical examinations of these arguments have produced mixed results, the logic behind the expectations comports with the theoretical argument offered in this dissertation. In essence, presidents seek to maintain, if not increase, their level of public approval. When they fail to do so, as all presidents do (e.g.,

Edwards 1990), they adapt their political and policy activities to more closely resemble what the public desires. Accordingly, I hypothesize that:

*H1: Presidents will be more responsive to public opinion when their popular approval decreases.*

Not only do presidents desire to remain popular, they also strive to remain in office. As a result, their attention never strays far from thoughts of the impact of current decision making and position taking on the next election. Yates and Whitford (2005, 577) examine this relationship directly, attempting “to reconcile the president’s responsiveness to public opinion ... with his institutionalized electoral cycle.”<sup>23</sup> Their argument, and the corresponding empirical evidence, suggests that presidents, much like their colleagues in Congress, operate according to an electoral incentive (Mayhew 1974). This evidence is consistent with expectations derived from the theoretical argument offered in this dissertation. As a result, I hypothesize that:

*H2: Presidents will be more responsive to public opinion in presidential reelection years than in non-presidential reelection years.*

Unlike the members of the legislative branch, however, the U.S. Constitution limits presidential opportunities for reelection to one. As a result, presidents fortunate enough to earn a second term no longer possess an electoral incentive to behave in a responsive manner. Presidents do still possess other incentives to take policy positions congruent with the public’s preferences, such as maintaining popularity and improving the midterm election fortunes of their fellow partisans in Congress. Despite the

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<sup>23</sup> According to Yates and Whitford (2005, 577), “The president’s choice to respond to the electorate is not like that of a prime minister in a parliamentary system where votes of no confidence can force elections, or prime ministers with strong support can call snap elections. The president’s problem is one of acting as an elected leader facing a structured electoral cycle, and our claim is that the president’s responsiveness in setting his agenda to the electorate should depend on this cycle.”



continuing importance of these factors, one of the strongest determinants of presidential performance is suddenly absent. As a result, the president is no longer *as* constrained in his policy behavior choices, though some constraints remain. Thus, it is reasonable to expect presidential responsiveness to decline, though not disappear, in a second term. Accordingly, I hypothesize that:

*H3: Presidents in their first term will be more responsive than presidents in their second term.*

In addition to the president's electoral context and popularity, it is essential to consider the nature of his relations with Congress when attempting to understand the determinants of presidential responsiveness to public opinion. Under divided government, party competition aggravates the intrinsic tendency towards institutional rivalry, decreasing the president's chances of success with Congress (Kernell 1991; Sundquist 1988, 1992; see also Cox and Kernell 1991; Fiorina 2002; Hoffman and Howard 2006; Jones 1994; Kelly 1993; Mayhew 1991). This rivalry is further exacerbated by the partisan polarization that has characterized presidential-congressional relations in recent years (Bond and Fleisher 2000; Cameron 2002; Fleisher and Bond 2004).

As the prospects for institutional bargaining diminish, presidents adapt their behavior. Conley (2003, 217) notes that the weakening of electoral ties between the president and the opposition party in Congress during divided government decreases executive sway over voting decisions by partisan opponents in the legislature. As a result, presidents shift their energies toward gaining support from the public (Conley

2003).<sup>24</sup> A key way presidents attempt to gain this support is by increasing the congruence of their policy positions with those of the public.

Clearly, whether government is divided or united matters greatly in presidential policy decisions. Though presidents generally succeed in placing their initiatives on the congressional agenda, Edwards and Barrett (2000) have demonstrated that whether government is divided or unified strongly influences the extent to which presidential initiatives comprise that agenda, as well as the likelihood of getting these initiatives passed. Additionally, party control of government bears on whether presidents oppose significant legislation, with decisions to oppose increasing significantly during times of divided government (Edwards, Barrett, and Peake 1997). Numerous studies have also identified the impact that divided government has on presidential decisions to issue executive orders (Howell 2003; Krause and Cohen 1997; Marshall and Pacelle 2005; Mayer 1999, 2001; Warber 2006). Furthermore, given the difficulty in building meaningful governing coalitions (e.g., Edwards 2000; see also Edwards 1989), especially during divided government, presidents have little choice in turning to the public in order to achieve success.<sup>25</sup> Stated otherwise, when operating under conditions of divided government, presidents have a stronger incentive to align themselves with the preferences of the public. Accordingly, I derive the following hypothesis:

*H4: Presidents will be more responsive to public opinion during times of divided government than during times of unified government.*

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<sup>24</sup> As Conley notes (2003, 217), “Presidents have sought to put the breaks on the cycle, using vetoes and threats to place boundaries on the range of acceptable outcomes to reassert control over policy outcomes. Their need to fend off the majority’s agenda and recast the national policy debate places a greater emphasis on rhetorical skills and manipulation of the levers of the public presidency, even as high public job approval scarcely aids legislative support in the opposition majority.”

<sup>25</sup> Indeed, Eshbaugh-Soha (2003) demonstrates the impact of divided government upon presidential decisions to hold press conferences (see also Hager and Sullivan 1994).

Obviously, presidents would rather deal with a legislative branch controlled by members of their own party than one controlled by their partisan opponents. Presidents, however, possess few opportunities to influence the composition of the House of Representatives and Senate. One opportunity that presidents have exploited to affect the composition of Congress is the midterm election, in which they campaign zealously for candidates who have and will continue to support their policy agendas (e.g., Cohen, Krassa, and Hamman 1991; Hoddie and Routh 2004; Vaughn 2004). To increase the public's support for their administration and those members of Congress who support it, presidents avoid taking positions certain to alienate the public soon before their congressional supporters face the electorate. Accordingly, I derive the following hypothesis:

*H5: Presidents will be more responsive to public opinion during midterm election years than years when there are no congressional elections.*

Finally, the type of presidential behavior shapes the extent to which presidents are responsive to public opinion. Not all presidential actions garner the same amount of public attention. Instead, presidents are more responsive to public opinion in some policy venues than other venues.<sup>26</sup> For example, key presidential speeches, such as the State of the Union addresses and prime-time press conferences are the most visible of all types of presidential behavior. For decades, presidents have made significant efforts to locate public preferences on an issue and then speak in language that is acceptable to the people (e.g., Eisinger 2003; Geer 1996; Geer and Goorha 2003; Jacobs 1992; Jacobs and Shapiro

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<sup>26</sup> In a recent conference paper, Jones, Larsen-Price, and Wilkerson (2006) have identified the visibility of a policy action – they refer to the concept as transparency – as a key determinant of the extent to which American governing institutions represent the preferences of the public.

1995). Thus, when the president speaks, he frequently employs language chosen carefully to be compatible with public preferences (e.g., Jacobs and Shapiro 2000). The likelihood of strategically crafted rhetoric is even greater when the president speaks on television in a specific attempt to communicate directly with the public.

Conversely, when the president issues an executive order or takes a position on a case before the Supreme Court, the action is less visible to the American public. Major media outlets, as well as the president, make only limited efforts to keep the public apprised of such developments. Because the public is ordinarily unaware of the president's actions in these venues, there is less political risk for presidents in being unresponsive. The visibility of presidential interactions with Congress falls between that of the public presidency and that of the judicial or unilateral presidencies. Although less visible than rhetorical messages crafted for public consumption, the legislative aspects of the presidency are still more visible than the unilateral and judicial aspects. The president and media both make greater efforts to communicate to the public the president's position on a congressional vote.

It is thus logical and consistent with the theoretical argument of this dissertation that presidents will be more responsive in those types of behavior that are more visible to the public than those behaviors that are less visible. Accordingly, I hypothesize that

*H6: Presidents will be more responsive to public opinion when they are engaged in a very visible (i.e., televised statements) or moderately visible (i.e., positions on roll call votes) venues than when they are engaged in a less visible venues (i.e., executive orders or Solicitor General positions in front of the Supreme Court).*

## **Conclusion**

In this chapter, I have presented a theoretical argument that explains the conditional determinants of presidential responsiveness to public opinion. In brief, this argument holds that presidential responsiveness to public opinion is contingent upon a variety of factors, including the level of popular approval, electoral context, relations with Congress, and venue visibility. Much of this argument draws explicitly from the existing literature on the subject, much of it quite recent. The remainder of the argument is original, yielding hypotheses that have yet to be suggested or examined. I have provided a critique of this relevant body of research, identifying its shortcomings and locating it within the broader literature on the linkage between public opinion and public policy. In the next chapter, I further specify the empirical terms of my theory.

## CHAPTER III

### MEASURING PRESIDENTIAL RESPONSIVENESS

Measuring presidential responsiveness to public opinion poses an interesting challenge. Unlike other indicators of presidential performance, we cannot easily observe responsiveness. To cope with this measurement challenge, scholars have determined whether presidents behave in a responsive manner by comparing presidential policy actions with public attitudes and preferences. Scholars infer responsiveness by demonstrating the extent to which presidential positions reflect those of the citizenry.

Existing studies of the congruence between presidential position taking and public opinion attempt to identify responsiveness in a variety of ways. Cohen (1995, 1999; see also Hill 1998) determines presidential responsiveness by identifying the issues the public deems most important and detecting the extent to which public opinion shapes the issues presidents talk about and how they talk about them. Yates and Whitford (2005, 579) follow Cohen's strategy, identifying presidential responsiveness to public opinion by determining the relationship between the percentage of respondents naming crime as the most important problem facing the United States and presidential attention to criminal justice issues.<sup>27</sup> In this approach, presidential responsiveness exists if an increase in presidential issue attention occurs following an increase in public issue attention.

Canes-Wrone (2006) takes a similar approach to identifying presidential responsiveness. Instead of employing data concerning how important a particular problem is for the nation, however, Canes-Wrone uses survey responses concerning

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<sup>27</sup> For several decades, the Gallup Poll has asked survey respondents to identify the most important problem facing the nation. Scholars such as Cohen, Hill, and Yates and Whitford, among others, use the results of this question as a reasonable proxy for how salient an issue is to the American public.

whether respondents think the government is spending too much money, too little money, or the right amount of money in solving specific problems facing the United States.<sup>28</sup> In this approach, presidential responsiveness to public opinion occurs when presidential budgetary appeals match the spending preferences of a majority of the respondents.

Rottinghaus (2006) takes a more refined approach to identifying presidential responsiveness to public opinion. Rottinghaus identifies presidential policy positions through a random sample of pages in the *Public Papers of the President*, and pairs these statements with public polling data that corresponds to the selected presidential policy statements.<sup>29</sup> Rottinghaus then identifies the congruence between the percentage of Americans that favor a particular policy action in a specific policy area and subsequent presidential position taking on that policy area. As the percentage of survey respondents preferring the same position as that which the president subsequently takes increases, Rottinghaus infers greater presidential responsiveness.

Each of these approaches marks a clever inferential strategy to identify presidential responsiveness. The combined impact of these disparate approaches has been to increase our understanding of how changes in public attention to an issue influence the importance of an issue on the president's policy agenda. The research of

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<sup>28</sup> Similar to the Gallup question series on the nation's most important problem, the National Opinion Research Center and Roper Organization asks a recurring question designed to measure public opinion on specific issues since 1972. This question is repeated in survey questionnaires for several different issue areas, including crime, defense, education, the environment, foreign aid, transportation, health, parks and recreation, social security, space exploration, and welfare. The question reads as follows: "We are faced with many problems in this country, none of which can be solved easily or inexpensively. I'm going to name some of the problems, and for each one I'd like to tell you whether you think we're spending too much money, too little money, or about the right amount on [the particular problem]. See Canes-Wrone (2006, 164) for more information on the nature of these questions.

<sup>29</sup> See Rottinghaus (2006, 723-724) for more specific information on the random selection of presidential policy statements and the method of identifying relevant polling data to pair with these policy statements.

Rottinghaus (2006), and to a lesser extent Canes-Wrone (2006), also provides basic information concerning how public preferences shape presidential policy behavior.

Other studies, however, are able to conceptualize presidential responsiveness in a more comprehensive manner by directly identifying the relationship between the dynamics of public liberalism and presidential liberalism. Stimson, Erikson, and MacKuen (1995; see also Erikson, MacKuen, and Stimson 2002) provide the most important example of this approach. They create measures of presidential liberalism from observations of the president's policy interactions with the U.S. Congress and Supreme Court. They subsequently show how global measures of public policy liberalism (e.g., Stimson 1999) influence presidential position taking on roll-call votes and in *amicus curiae* briefs filed by the solicitor general. Wood (2006) applies a parallel conceptualization of presidential policy rhetoric (see also Cohen 1999, CH. V). In his approach, responsiveness manifests when changes in presidential liberalism respond to changes in public liberalism.

By moving the focus of research away from presidential issue attention and toward substantive policy behavior (in word and deed), these scholars have exponentially increased our understanding of presidential responsiveness to public opinion. Though the approaches followed by Cohen, Yates and Whitford, and Rottinghaus are legitimate and reasonable, their measurement strategies tend to overplay the role of issue attention and underplay the substantive component of presidential policy responsiveness.<sup>30</sup> By employing substantive aggregate measures of the ideological nature of presidential

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<sup>30</sup> Cohen (1999) does include one chapter that moves the focus of analysis from presidential issue attention to the ideological content of presidential speech. In my own analysis of presidential rhetorical responsiveness, I build upon this early attempt to evaluate substantive presidential responsiveness.



position taking on all types of issues, we can identify a general relationship between public opinion and presidential policy taking.<sup>31</sup>

In this dissertation, I build upon this approach to conceptualizing and measuring presidential responsiveness. I depart, however, from the traditional measurement strategy of inferring responsiveness by measuring presidential behavior as a dependent variable and public preferences as a key independent variable. Instead, I devise a direct measure of presidential responsiveness to public opinion, one that incorporates an existing and conventionally acceptable measure of public opinion (e.g., Stimson's mood measure) and parallel measures of presidential policy behavior. In the following section, I describe in depth the nature of my operationalization of presidential responsiveness.

### **Creating a Direct Measure of Presidential Responsiveness**

I believe that the best way of ascertaining the determinants of presidential responsiveness to public opinion is to begin with a direct measure of presidential responsiveness. By collecting measures of public policy preferences and presidential performance that are comparable and analogous (i.e., presidential and public policy liberalism), and then creating a quantitative measure that locates the relative distance between these measures, we can gather a more precise reading of the extent to which

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<sup>31</sup> This approach has required its own share of research design sacrifices, however. By taking an explicitly macro-level approach to policy liberalism, one that aggregates numerous separate issue areas into a single policy liberalism measure, this scholarship has been unable to explain variation in elite responsiveness across different issue attributes, such as issue complexity and the relationship of issues to the major lines of cleavage between political parties (e.g., Hurley and Hill 2003). Although explaining these types of dynamics goes beyond the scope of this dissertation's research design, the fact that a considerable amount of policy representation indicates that elite responsiveness is to a meaningful degree structured by these issue attributes (Hill and Hurley 1999; Hurley and Hill 2003; see also Carmines and Stimson 1980; Gormley 1986; Kuklinski, Metlay, and Kay 1982) makes future scholarly attention to this topic advisable and necessary. Indeed, my primary objective in post-dissertation extension of this research attends to disaggregating public mood and evaluating the role of factors such as salience, complexity, and partisan cleavages on presidential responsiveness over the past half-century in policy behavior on environmental and civil rights issues (see Chapter VIII).

public preferences drive presidential policy performance. To do so, I create a measure that estimates the difference between several indicators of presidential liberalism and public liberalism on an annual basis. To be clear, this variable measures only the extent of the ideological distance between presidential policy positions and public policy preferences; it does not capture whether the president was more or less liberal than the public, only the distance. Accordingly, I employ the absolute value of the difference. In equation form, the measure of presidential responsiveness that serves as the dependent variable of this dissertation is as follows:

$$|Presidential\ Liberalism_t - Public\ Liberalism_t| = Responsiveness_t.$$

Below, I discuss each individual component of this equation in detail.

### **Measuring Public Liberalism**

To capture this variable, I employ Stimson's (1999) annual public mood score for 1955-2000.<sup>32</sup> Simply stated, public mood (frequently also referred to as policy mood) is an aggregation of survey data from numerous survey organizations that broadly indicate public preference for more or less government action on a variety of issues, organized on a liberal-conservative continuum.<sup>33</sup>

### **Measuring Presidential Liberalism**

In order to identify presidential policy liberalism, I rely on the conceptual underpinnings of the original measurement strategy developed by Stimson, MacKuen, and Erikson (1995). Stimson, MacKuen, and Erikson calculate the percentage of presidential positions that are liberal to obtain direct measures of the liberalism of

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<sup>32</sup> Data acquired on 7/26/06 from <http://www.unc.edu/~jstimson/time.html>.

<sup>33</sup> See Stimson (1999) for a comprehensive discussion of the public mood measure, including information on the statistical procedures used to calculate mood scores and the survey organizations and questions incorporated into the measure.

presidential interactions with other national institutions. For presidential interaction with the Congress, they record the percentage of presidential positions on key roll call votes in Congress that were liberal. Similarly, for presidential interaction with the Supreme Court, they record the percentage of solicitor general amicus curiae briefs that were liberal.<sup>34</sup>

Although I agree generally with the specific coding decisions made by these scholars, I occasionally depart from these coding strategies when measuring presidential liberalism. Below, I discuss my measurement strategy for each of the four venues of presidential policy activity under examination in this dissertation. I also provide graphic depictions of the data and describe the nature of the resulting time series, both in terms of the dynamics of presidential liberalism and the dynamics of presidential responsiveness, in each venue.

### The Legislative Presidency

In order to measure presidential liberalism with respect to presidential interactions with the legislature, I generally follow Stimson, MacKuen, and Erikson's (1995) approach. These scholars, however, only examine the liberalism of presidential positions on *key* roll call votes, a limitation I find unnecessary. Instead, I code *all* roll call votes the *Congressional Quarterly Almanac* identifies as votes upon which the president took a position from 1955 to 2000 in the U.S. Senate and the U.S. House of Representatives.<sup>35</sup> I code whether or not these votes are liberal, following the general definition of liberalism

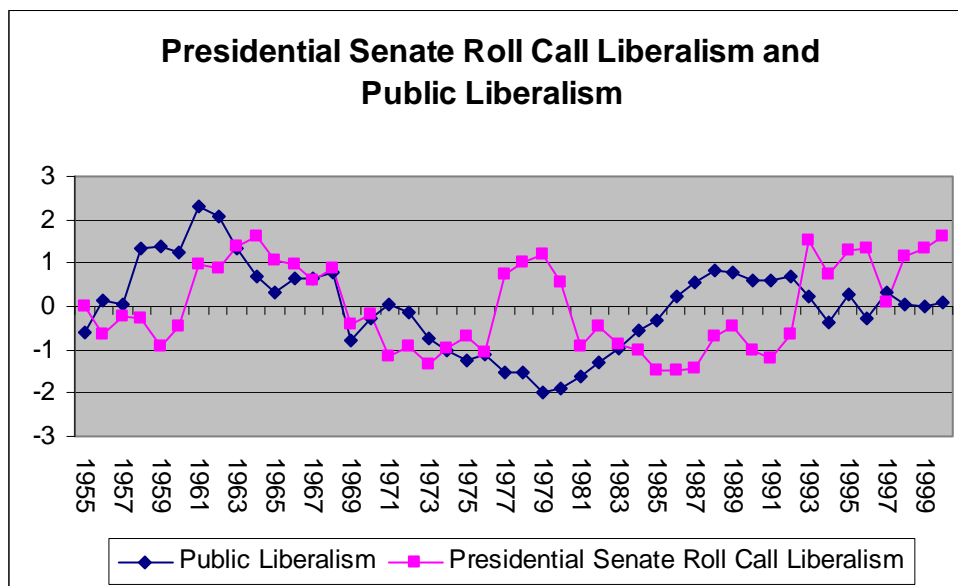
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<sup>34</sup> In separate research, Wood (2006) complements this approach by calculating the difference between the number of liberal and conservative sentences spoken by the president.

<sup>35</sup> I purposefully do not code certain types of roll call votes. For example, I do not code confirmation votes in the Senate for their liberal content, nor do I include them in the calculation of percent liberal. Similarly, I do not code numerous votes that concern complex foreign trade issues or treaties, as they are not germane to traditional conceptions of liberalism.

set forward by Stimson (1999). That is, a liberal position is (generally) one that increases the role of the federal government in a particular issue area. The notable exception to the notion that increased government is liberal occurs in defense-related issues, where increased government involvement (i.e., spending) is conservative. Abortion is also an interesting issue, as increased federal regulation scores as conservative, not liberal. Thus, a presidential stand concerning a congressional roll call vote in favor of a stricter environmental policy scores as liberal; a presidential position against the same policy scores as conservative.

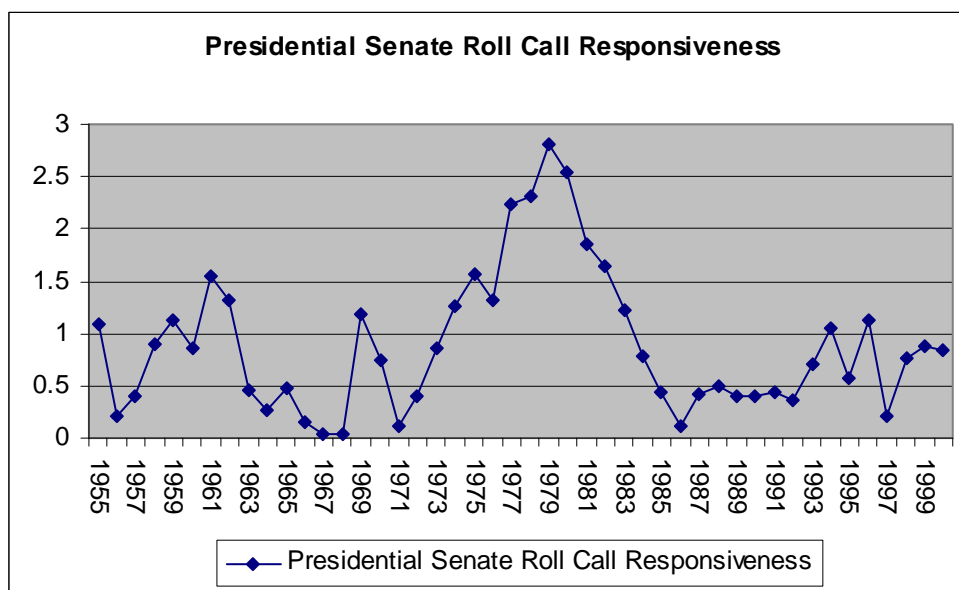
**Figure 1: Presidential Senate Roll Call Liberalism and Public Mood, 1955-2000**



A simultaneous examination of the public mood data and the presidential Senate roll call liberalism data indicates that the two trends generally track together, although there are some important deviations (see Figure 1). The time series begins in 1955 with ideologically moderate scores for both the mass public and the president's position taking on roll call votes in the U.S. Senate. From the mid-1950s through the early 1960s, both

president and public became more liberal, although the president's increased liberalism was more sluggish than that of the public. From the Kennedy administration through the Ford administration, both public mood and presidential liberalism on Senate roll call votes became increasingly conservative. The first major deviation between presidential and public liberalism occurred during the Carter administration, as the president's liberalism suddenly increased while the public continued its gradual trend toward conservatism. In 1981, when Ronald Reagan took office, the gap between presidential liberalism and public mood closed considerably and for the early Reagan years the president and public were quite close. However, during the late Reagan years the president maintained his general level of conservatism as the public reversed course and became increasingly liberal. For the remainder of the time series, particularly during the Clinton administration, the ideological distance between the president and public has fluctuated slightly.

**Figure 2: Presidential Senate Roll Call Responsiveness, 1955-2000**

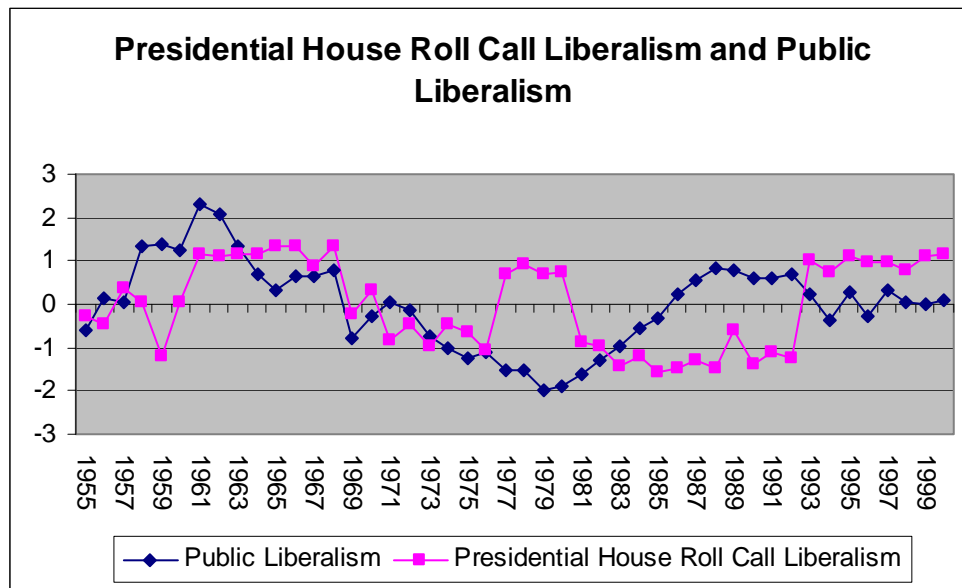


To determine the president's level of responsiveness in the Senate, I difference the standardized mood and presidential liberalism scores for each year (see Figure 2), with scores closest to zero indicating the greatest level of responsiveness (i.e., the smallest amount of ideological distance between public policy preferences and presidential policy positions). The time series begins in 1955, during the Eisenhower Administration. Eisenhower's level of responsiveness fluctuated year to year, though was moderately responsive, in general. Presidents Kennedy and Johnson were considerably more responsive, but the Nixon administration exhibited an early spike in policy distance, followed by increased responsiveness. During the years of the Ford and Carter administrations, there was a trend of decreasing responsiveness, followed by an inverse trend toward increased responsiveness during the Reagan administration, with a slight decrease in responsiveness at the end. George H.W. Bush's level of responsiveness maintained that of the final years of his predecessor's second term, and the time series ends with the Clinton administration, which exhibited the same fluctuation and moderation as was the case during the Eisenhower years.

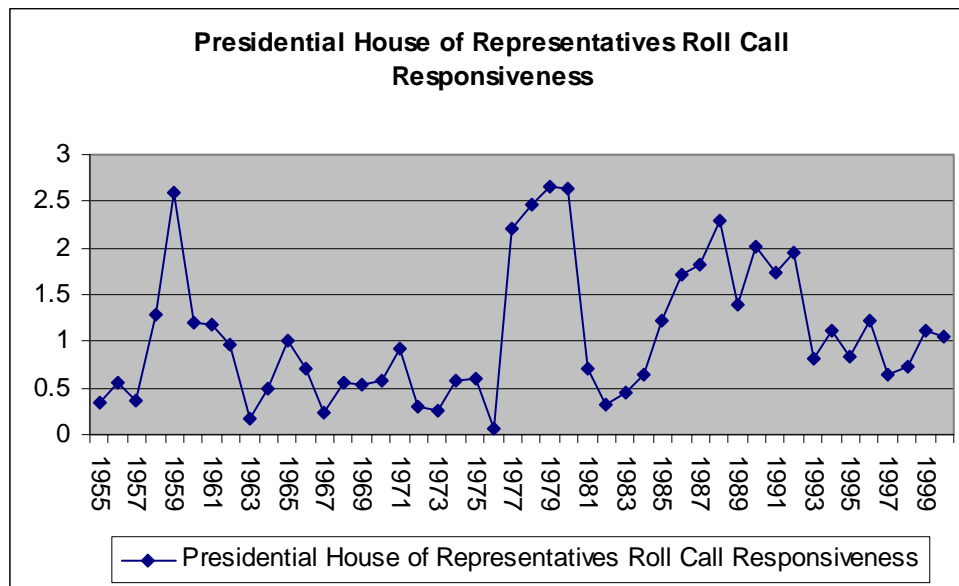
In general, the patterns just discussed and depicted in Figures 1 and 2 hold across all venues, though some slight deviations merit further discussion. For example, a simultaneous examination of the public mood data and the presidential House of Representatives roll call liberalism data indicates the same general trends of increased liberalism in the late 1950s and early 1960s and toward conservatism in the second half of the 1960s and the first half of the 1970s that we observed with the Senate data (see Figure 3). In addition, the pattern of deviation during the Carter years, followed by renewed responsiveness and then deviation during the Reagan administration repeats.

One difference between the House of Representatives and Senate data occurs during the Bush and Clinton years, as the liberalism of both presidents remained quite stable and consistent, although Bush was considerably more conservative than Clinton.

**Figure 3: Presidential House of Representatives Roll Call Liberalism and Public Mood, 1955-2000**



The time series concerning the president's positions on roll call votes in the House of Representatives also exhibits a trend relatively similar to what was observed with the Senate data (see Figure 4). For example, Eisenhower's level of responsiveness is inconsistent, yet generally moderate, and the responsiveness of Presidents Kennedy and Johnson is generally high. Presidents Nixon and Ford demonstrate slightly more responsiveness than they did in the Senate while President Bush was less responsive, but Presidents Carter, Reagan, and Clinton's respective levels of responsiveness were about the same across the two legislative chambers.

**Figure 4: Presidential House of Representatives Roll Call Responsiveness, 1955-2000**

### The Judicial Presidency

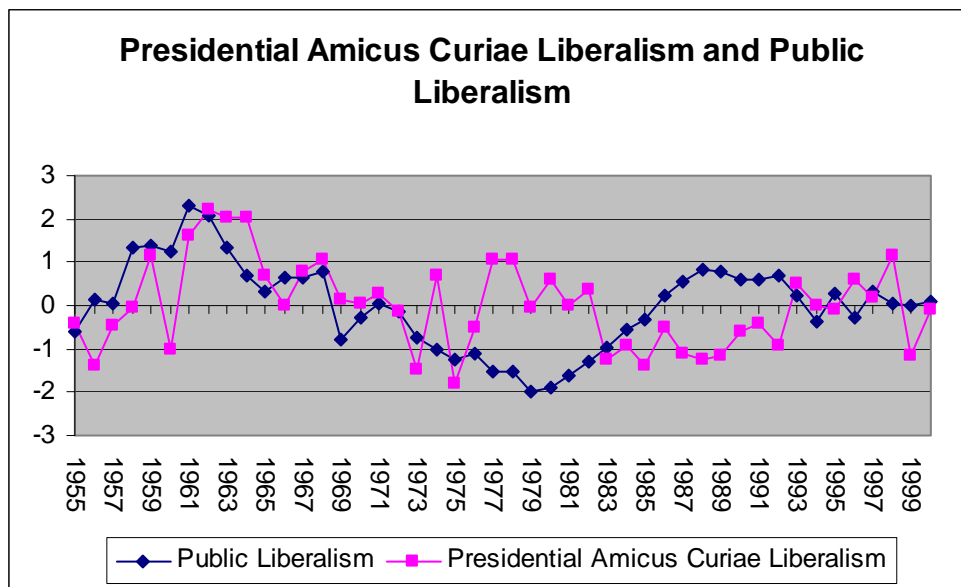
In order to measure presidential liberalism with respect to presidential interactions with the judiciary, I again follow Stimson, MacKuen, and Erikson (1995). In a recent article, Pacelle (2006) employs a measure of solicitor general amicus brief liberalism consistent with the Stimson, Erikson, and MacKuen (1995) data set. Pacelle codes all solicitor general briefs from 1953-2000 as either liberal or conservative, based on the definition of liberalism described above. I use these data to calculate annual percentages of how many of these briefs were liberal. Thus, a presidential position, as represented by the president's agent to the judiciary – the solicitor general – on an *amicus curiae* brief in favor of striking down a stricter environmental policy scores as conservative; a presidential position supporting the stricter policy scores as liberal.

When examining the public liberalism data side-to-side with the presidential *amicus curiae* liberalism data, we again observe the same general trends as were evident



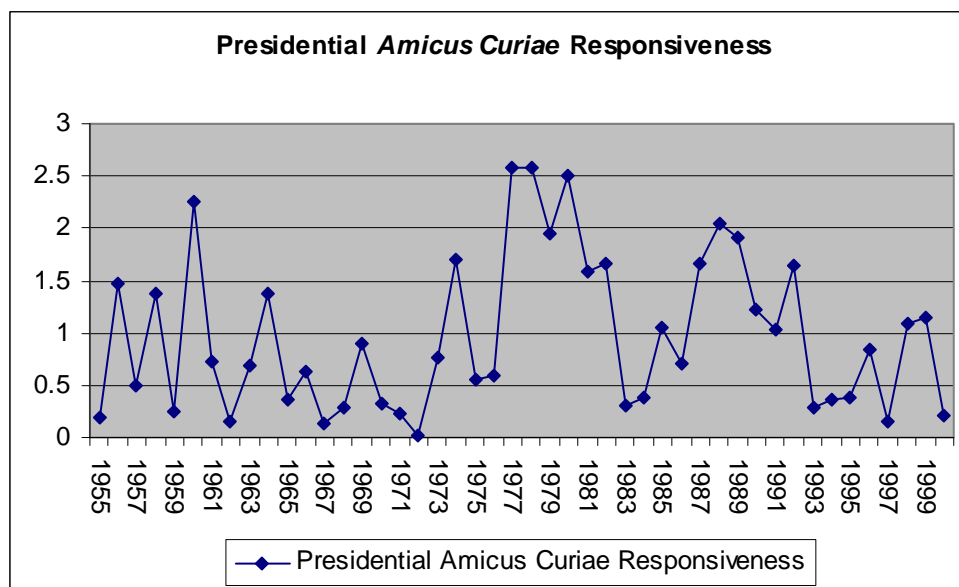
in the Senate and House of Representatives data (see Figure 5). For example, the same ideological dynamics (i.e., increased liberalism over several years, followed by several years of increased conservatism) from the start of the series in 1955 through the end of the Ford administration persist. Similarly, as public preferences continue to grow more conservative during the late 1970s, the Carter administration once again takes quite liberal positions on Supreme Court cases. Once again, as the public becomes more liberal, its preferences intersect with Reagan's generally consistent level of conservatism for the early years of the Reagan administration, although as public mood continues its liberal trend and Reagan remains conservative, the gap between president and public grows. As was the case with the Senate data, the ideological differences between Bush and Clinton are somewhat muddled, with both being generally moderate, as are the policy preferences of the mass public.

**Figure 5: Presidential *Amicus Curiae* Liberalism and Public Mood, 1955-2000**



Similarly, when examining the responsiveness data time series, the same general trend observed in the president's legislative position taking persists, albeit with slightly more variation (see Figure 6). For example, Eisenhower continues to exhibit inconsistent levels of responsiveness, but the dynamics between years are sharper and the changes more extensive. Presidents Kennedy and Johnson take positions that are closer to public preferences than Eisenhower, but they too exhibit greater rates of change between years. The Carter and Reagan years, however, are very similar to what was observed in the legislative venue, with considerable distances between public preferences and position taking during the entire Carter administration and the latter portion of the Reagan era. Rates of responsiveness also once again fluctuate throughout the Bush and Clinton presidencies, although the level of responsiveness of these two presidents is greater than the more ideologically extreme Carter and Reagan.

**Figure 6: Presidential *Amicus Curiae* Responsiveness, 1955-2000**



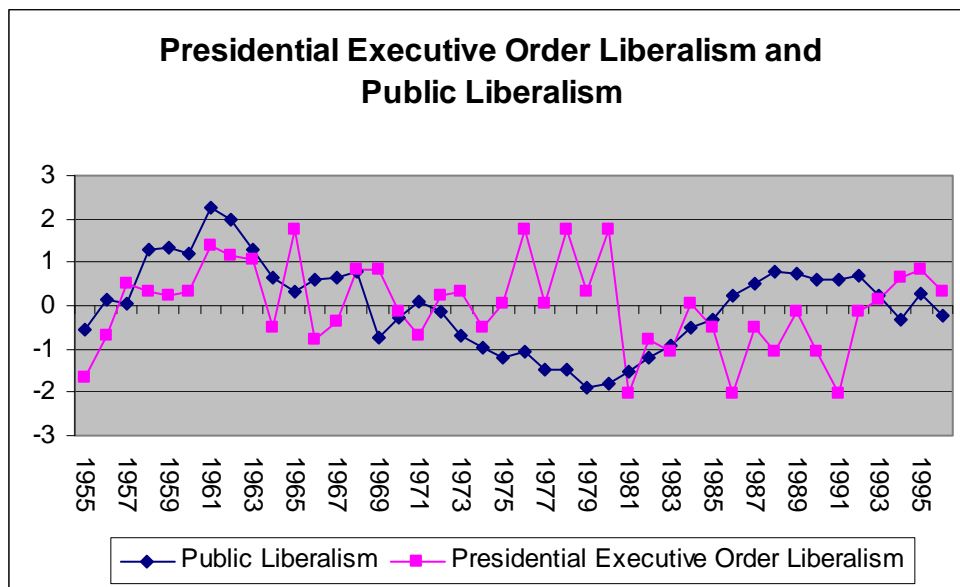
### The Unilateral Presidency

Measuring presidential liberalism with regard to the unilateral presidency presents unique challenges. Although there are a variety of policy tools that comprise the unilateral presidency (Cooper 2002), the tool most often used by presidents and studied by presidency scholars is the executive order (Howell 2003; Mayer 1999, 2001). Scholarly attention to the unilateral presidency predominantly focuses on the role of executive orders as policy tools, describing how presidents use executive orders to achieve their policy goals (Mayer 1999, 2001; Warber 2006) and attempting to explain why presidents choose executive orders over negotiations with the legislature as a method of achieving these goals (Howell 2003; Marchbanks 2005). Although our understanding of how presidents use executive orders as a unilateral tool of policy action has expanded, we still lack significant insight as to how the unilateral presidency affects presidential responsiveness. Indeed, presidency scholars have not yet examined the extent to which executive orders reflect public preferences.

One potential explanation for the lack of scholarly attention to the relationship between the unilateral presidency and presidential responsiveness could be the great difficulty in managing and collecting the immense amount of data associated with executive orders. Coding the liberalism of each executive order presents a considerable challenge because of the sheer number of them. A widely used data set, collected and made publicly available by Ken Mayer (1999, 2001), presents a random sample of executive orders. I have coded each of the executive orders in this data set with respect to liberalism and have calculated an annual percentage for the years 1953-1996. Although this measure does not represent the universe of observations, as the roll call and

amicus brief measures do, the fact that Mayer generated this sample randomly ensures that the liberalism percentages derived from this data set should be consistent with percentages derived from a data set that includes all executive orders. Thus, an executive order that lessens federal restrictions on access to abortions scores as liberal; an executive order tightening such restrictions scores as conservative.

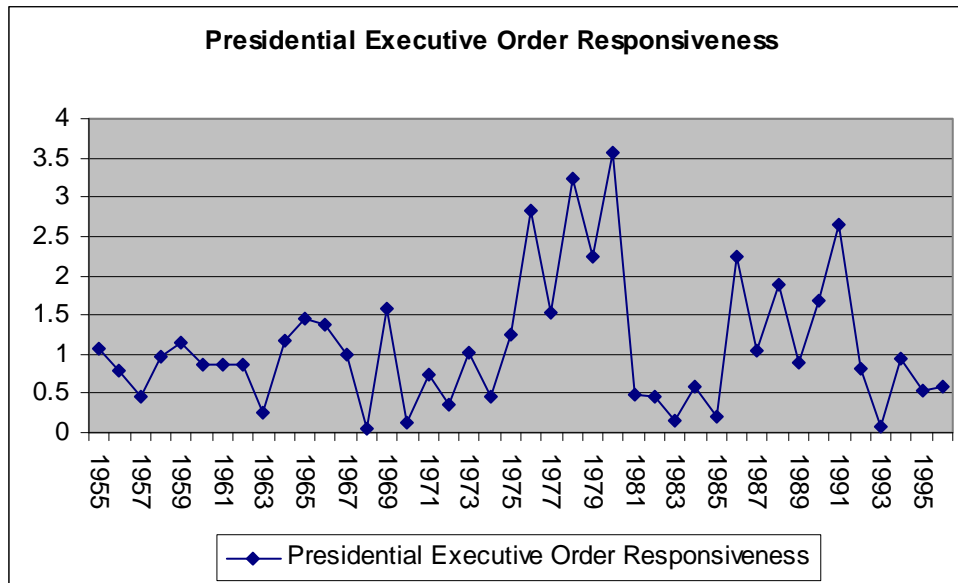
**Figure 7: Presidential Executive Order Liberalism and Public Mood, 1955-1996**



Examining presidential executive order liberalism simultaneously with public mood, we observe the same general trends as were present in the presidents' interactions with the legislative and judicial branches (see Figure 7). Once again, both presidential positions and public preferences trend more liberal throughout the 1950s and early 1960s, before both shift and trend conservatively beginning in the mid-1960s through the Ford administration. From 1977-1980, Jimmy Carter consistently took liberal positions, while the policy mood of the American public continued to trend conservative. With the election of Ronald Reagan, public and presidential ideology were linked for a few years,

before an increasingly liberal public began to deviate from the president's consistent conservatism in the mid-1980. However, President Reagan's executive orders, in general, were less ideologically extreme than the positions he took on congressional roll call votes and cases before the U.S. Supreme Court, so the gap between public and president during the end of his first term and all of his second term was not as large as had been the case in other venues. This pattern continued through the Bush administration. As the public became slightly more conservative through the 1990s and the election of Bill Clinton brought to office a slightly more liberal president, we observe a slightly smaller gap between presidential liberalism and public mood near the end of this time series.

**Figure 8: Presidential Executive Order Responsiveness, 1955-1996**



The executive order responsiveness time series generally reflects the responsiveness data we have observed in the president's roll call vote and *amicus curiae* position taking (see Figure 8). In particular, the data resembles the roll call and executive

order data, as the year-to-year dynamics are not as sharp or drastic as was the case in the *amicus curiae* data. One specific difference in this data set, however, is that the gaps between public preferences and presidential positions during the Kennedy and Johnson years are not as consistently small as they had been in previous venues.

### The Rhetorical Presidency

Like the executive order data, measuring the liberalism of presidential policy rhetoric presents interesting challenges. The amount of rhetoric the president produces in a single year, much less an entire term or presidential administration, yields extraordinary barriers to manageable and reliable data collection. Instead, scholars typically identify particular genres of presidential speech to examine, such as State of the Union addresses (Cohen 1995, 1999; Hill 1998) or prime-time televised addresses (Canes-Wrone 2006). Other scholars utilize computer-based technology to code rhetorical content (Wood 2004, 2006; Wood, Owens, and Durham 2005; see also Hart 1984, 1987; Hart and Childers 2004). Both of these approaches employ reasonable measurement strategies, although both have limitations. The genre approach requires scholars to be cautious in basing generalizations on their empirical results, because televised addresses, particularly State of the Union addresses, feature specially crafted rhetoric, due primarily to the amplified audience. The computer-based approach allows scholars to analyze significantly larger amounts of rhetoric, more than could be reasonably expected of a human coder, although doing so requires the researcher to relinquish a meaningful degree of control over the content coding.

An alternative approach takes a random sample of presidential statements and bases inferences upon examination of them (e.g., Rottinghaus 2006). By utilizing this

approach, scholars can avoid the limitations of the genre approach, maintain total control over the content coding process, and remain certain that the observations they make correlate statistically with the entire collection of presidential statements. The primary measure of presidential policy rhetoric in this dissertation makes use of this sampling approach. I code the liberalism of more than 1,900 presidential policy statements collected randomly from the *Public Papers of the President* from 1955-2000, calculating annual measures of the percentage of all policy statements that are liberal.<sup>36</sup> Thus, a presidential statement that advocates increased federal funding for higher education scores as liberal; a statement that argues for reduction in education funding scores as conservative.

Examining simultaneously the over-time dynamics of public liberalism and presidential rhetorical liberalism, we see the same trends that consistently emerged in the three other venues (see Figure 9). In this data series, the gaps between presidential positions and public preferences appear to be much smaller, although significant differences still exist. In addition to the periods in the late 1970s when Carter was considerably more liberal than the public and the late 1980s when Reagan was considerably more conservative than the public, there are two additional periods with noticeable deviation: when Dwight D. Eisenhower's rhetoric was considerably more conservative than public mood in the late 1950s and when Bill Clinton's rhetoric was more liberal than the preferences of the mass public in the mid- and late-1990s. Beyond

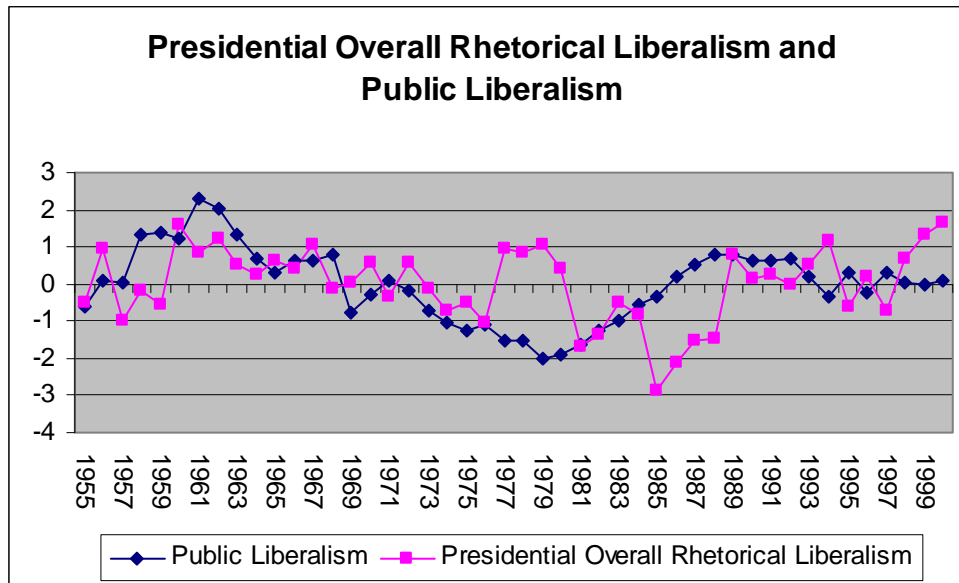
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<sup>36</sup> Brandon Rottinghaus collected the sample of policy statements (see Rottinghaus 2006). Rottinghaus drew his sample by randomly selecting 4% of the pages from the Public Papers of the President and recording the first valid policy statement on each page. A valid policy statement is defined as one that "came from the president (not subordinates or other actors) and advocated action on a specific policy issue" (Rottinghaus 2006, 723; see also Appendix B available at <http://www.journalofpolitics.org>).

these deviations, public liberalism and the president's overall rhetorical liberalism track together following the same trends as observed in previous venues.

The overall rhetorical responsiveness time series also generally reflects the responsiveness data we have observed in the president's roll call vote, *amicus curiae*, and executive order position taking (see Figure 10). In particular, the data resembles the Senate and House of Representatives data, as the year-to-year dynamics are not as sharp or drastic as was the case in the *amicus curiae* data. One difference worth mentioning is that the responsiveness scores toward the end of the Clinton administration rose more so than they did at the same time in other venues, thus indicating that as his presidency neared its end his political speech was increasingly out of touch with public opinion.

**Figure 9: Presidential Overall Rhetorical Liberalism and Public Mood, 1955-2000**

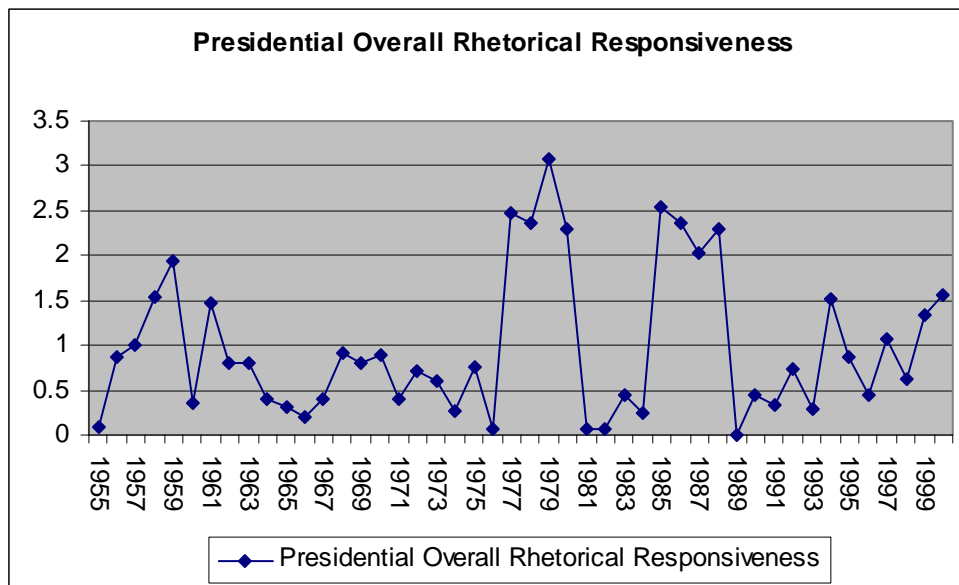


In addition to calculating annual liberalism percentages for all policy statements in the sample, I also extend Cohen's (1995, 1999) data set of State of the Union rhetoric through the end of the Clinton administration. This extension provides a second measure



of presidential rhetoric from 1955-2000, which allows me to examine whether trends in presidential responsiveness differ between a sample of all presidential policy rhetoric and a highly idiosyncratic genre of presidential rhetoric such as the State of the Union address.

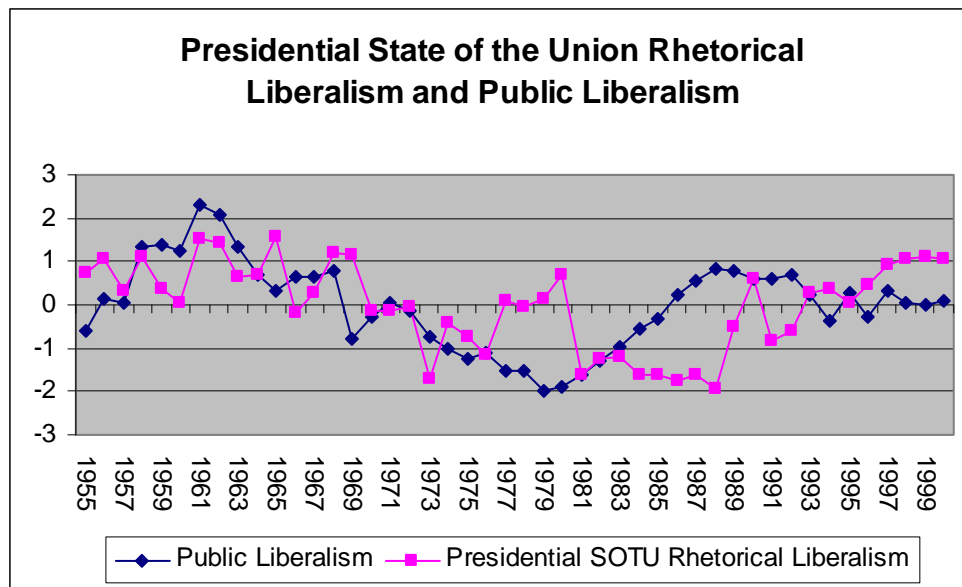
**Figure 10: Presidential Overall Rhetorical Responsiveness, 1955-2000**



Examining simultaneously the over-time dynamics of public liberalism and presidential rhetorical liberalism in the State of the Union addresses, we see the same trends that consistently emerged in the three other venues, as well as the president's overall rhetorical performance (see Figure 11). Once again, we see increasing liberalism for both public mood and presidential policy positions through the 1950s and early 1960s, followed by a dual turn toward increasing conservatism from the mid-1960s through the end of the Ford administration. During the Carter administration, we again see a split between Carter's liberalism and the public's increasingly conservative mood. Similarly, we again see ideological congruence between president and public in the early years of

the Reagan administration, followed by renewed divergence as Reagan's rhetoric grows slightly more conservative while the public becomes increasingly liberal throughout the 1980s. Again, we also see more moderation in the 1990s, both from the general public and from the political speech of the Bush and Clinton administrations.

**Figure 11: Presidential State of the Union Rhetorical Liberalism and Public Mood, 1955-2000**



The State of the Union rhetorical responsiveness time series once again resembles the responsiveness data we have observed in the previous venues, as well as the overall rhetorical responsiveness data (see Figure 12). As was the case in previous venues, we observe fluctuation and moderation throughout the Eisenhower administration. There is somewhat more variation during the Kennedy, Johnson, and Ford administrations that has been the case in previously examined venues.

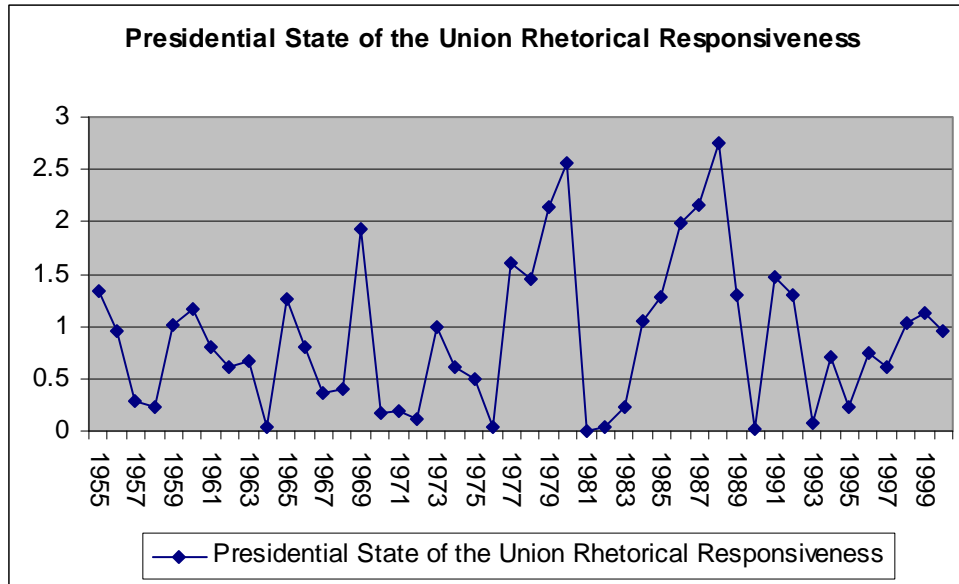
### **Differencing Presidential and Public Liberalism**

By employing Stimson's public mood measure and by coding the data concerning the aspects of presidential policy behavior as I do, I am able to create measures of variety of analogous policy activities. That is, collecting measures of presidential liberalism for these four key components of the modern presidency allows me to make comparisons across different types of presidential policy activities while avoiding spurious conclusions inferred from comparisons of incomparable data. However, the measures as described above may be conceptually analogous but are still statistically incompatible. Because public mood and presidential liberalism are expressed in different metrics, simply differencing the measures does not produce any meaningful measure. Instead, the two components, left as originally collected, puts us in a position similar to comparing apples and oranges. However, standardizing each measure places both measures on the same metric, thus allowing us to difference the components and draw valid conclusions in a way that does not change the substantive interpretation of the original concepts behind the components of the measure.

By differencing standardized public mood and the standardized presidential liberalism measure for each of the four venues of presidential policy activity discussed previously, we derive four separate direct measures of presidential responsiveness: rhetorical responsiveness, *amicus curiae* responsiveness, roll call responsiveness, and executive order responsiveness. The theoretical argument in the preceding chapter leads me to expect presidential responsiveness to vary across these types of behavior. The theoretical argument also leads me to expect several key factors to structure presidential responsiveness for each of these types of presidential policy activities. In the following

section, I introduce my measurement strategy for each of the important contextual factors that I identified in the central theoretical argument of this dissertation.

**Figure 12: Presidential State of the Union Rhetorical Responsiveness, 1955-2000**



### Measuring the Explanatory Factors: Operationalizing Context

The first contextual component of my theory of presidential responsiveness to public opinion is presidential approval. For decades, several polling organizations have surveyed the American public to determine the level of popularity for the sitting president. The most consistent and reliable of these measures is the Gallup organization's presidential approval question.<sup>37</sup> Accordingly, I employ the Gallup data as my measure of presidential approval. As I code the four measures of the dependent variable – presidential liberalism – on an annual basis, I also employ annual measures of presidential approval. I draw annual measures of presidential approval from the

<sup>37</sup> See Edwards (1990) for an in-depth discussion of the Gallup presidential approval measure.

Eisenhower through George H.W. Bush administrations from Edwards' (1990) presidential approval sourcebook. I calculate annual approval scores for the Clinton and George W. Bush administrations from data available at the Roper Center's online database ([www.ropercenter.uconn.edu](http://www.ropercenter.uconn.edu)).

Electoral context also plays a key role in the theoretical argument of this dissertation, including both presidential elections and mid-term congressional elections, as well as whether the president is eligible for reelection. I measure each of these factors dichotomously. I code presidential election years as 1, and code all other years as 0. I also code midterm reelection years as 1, and code all other years as zero. Finally, I code presidential reelection eligibility as 1 for all first term years, 0 for all other years.

Similarly, the legislative context factors into my theoretical argument, particularly whether executive-legislative relations occur in an environment of divided or unified government. I measure this dichotomously, as well, coding years in which at least one house of Congress is controlled by a party other than the president's as 1, and all years of unified government as 0.

### **Conclusion**

In this chapter, I have presented my measurement strategies for the key variables in my dissertation. Identifying the various alternatives for conceptualizing and measuring presidential responsiveness to public opinion, I argued that adopting a focus on the dynamics of public and presidential liberalism (e.g., Stimson, MacKuen, and Erikson 1995; see also Erikson, MacKuen, and Stimson 2002; Wood 2006) provides a superior strategy, because it facilitates empirical observation of substantive presidential responsiveness across several issues and on an identifiable ideological scale.

Following the justification of this decision, I described the coding procedure for measuring presidential responsiveness across four distinct presidential policy activities: positions on roll call votes, solicitor general amicus curiae briefs, executive orders, and policy rhetoric. I then described the measurement of each of the explanatory variables in my dissertation, drawn from the theoretical argument introduced in Chapter II. In the next chapter, I examine the nature and variation of my dependent variable, exploring differences in responsiveness across different presidents, venues, and parties. Following that chapter, I begin testing the hypotheses drawn from my theory of presidential responsiveness, beginning with an examination of presidential responsiveness to public opinion in the legislative presidency. Following this chapter is a succession of additional quantitative analyses focusing on the judicial presidency, the unilateral presidency, and the rhetorical presidency, respectively.

## **CHAPTER IV**

### **EXAMINING PRESIDENTIAL RESPONSIVENESS**

Before analyzing the determinants of presidential responsiveness, we need to know what the fundamental levels of responsiveness are, and why. Although the overarching purpose of this dissertation is to determine why presidential responsiveness to public opinion varies, by first examining the nature of the responsiveness scores, we can learn *how* the observations of presidential responsiveness to public opinion varies. In this chapter, I examine how responsiveness scores vary when compared across presidents and parties. In addition, I test Hypothesis 6, which was introduced in Chapter II: whether presidential responsiveness varies across venues and, if so, which venues exhibit greater levels of presidential responsiveness. In so doing, I discuss how responsiveness scores vary and how these scores compare to responsiveness baselines that indicate average rates of presidential responsiveness to public opinion

#### **Are Presidents Responsive?**

The most natural question to pose in this type of study is whether presidents are responsive. Although the nature of my data does not facilitate a direct affirmative (or negative) response, an examination of my dependent variable reveals considerable descriptive information about presidential responsiveness. The dependent variable is an annual presidential responsiveness score, specifically designed to measure quantitatively the distance between presidential and public policy liberalism. This figure tells us the distance between public liberalism and presidential liberalism in key venues, but it does not directly provide an answer to whether a particular president's responsiveness score in a specific venue was responsive or not. That is, Richard Nixon's overall judicial

responsiveness score of .654 does not mean that Nixon was .654 “responsive;” rather, the gap between standardized quantitative measures of presidential and public liberalism equaled .654. Thus, we can say that scores greater than .654 are less responsive, but we cannot put an intrinsic value on either figure.

Nevertheless, by calculating average presidential responsiveness scores for each venue in this study, I can determine an average level of responsiveness across several presidents. This baseline can be used to identify presidents who are more (or less) responsive than average. Moreover, using the baseline for comparative purposes helps identify which presidents are more (or less) responsive than average, but how much more (or less) responsive than average. This knowledge complements the understanding of levels of presidential responsiveness gained by looking at which presidents cluster together at the respective ends of the responsiveness continuum (i.e., from a perfect responsiveness score of 0 to less responsive scores of around 2.5).

Similarly, overall presidential responsiveness scores in the legislative venue (1.12), the judicial venue (.990), in presidential rhetoric (.948), and in executive orders (.814) do not yield substantively interpretable information (see Table 1). That is, although we know that the average distance between public liberalism and presidential liberalism is .990, we do not know whether presidents are, generally speaking, responsive or not. However, by establishing baseline figures, we know what the average responsiveness scores for all presidents in specific venues are, which allows us to compare the scores of different presidents. For example, we know that Richard Nixon’s average *amicus curiae* responsiveness score was .654; therefore, we know that Nixon’s interactions with the Supreme Court were characterized by greater levels of



responsiveness than the average level of presidential *amicus curiae* responsiveness (e.g., .990). Similarly, since we know that Richard Nixon's average *amicus curiae* responsiveness score was .654 and Lyndon Johnson's average *amicus curiae* responsiveness score was .557, we also know that Johnson's level of responsiveness was greater than Nixon's, and that the ideological gap between the LBJ's policy position taking before the court and Nixon's judicial position taking was .097.

### **Testing the Venue Variation Hypothesis**

As introduced in Chapter II, I argue that, *ceteris paribus*, levels of presidential responsiveness vary across venues. Just as we can compare the responsiveness scores of individual presidents with other presidents and venue-specific baseline figures, but we can also compare venue baseline figures with other venue baseline figures. By doing so, we can determine whether there is variance among venues, as well as determine how much variance occurs.

Examining the baselines for each venue, we know that presidents are less responsive in the legislative venue than in the judicial venue (see Table 1). We know this because the overall legislative responsiveness score is .13 greater than the judicial responsiveness score, thus indicating a greater (though not significantly so) ideological discrepancy between presidential and public liberalism on presidential roll call vote position taking than on *amicus curiae* position taking. Furthermore, we know that the distance between presidential and public liberalism increases nearly 40% from the unilateral responsiveness baseline score to the legislative responsiveness baseline score. Moreover, using a percentile scale based on the range of data in all venues, the difference between the average responsiveness of the venue in which presidents were on average

most responsive (i.e., executive orders) and the venue in which presidents were on average the least responsive (i.e., the legislative venue) was 8.6 percentage points.<sup>38</sup>

**Table 1: Presidential Responsiveness across Venues**

Venue	All Presidents
Legislative	1.12
Judicial	.990
Executive Orders	.814
Rhetoric	.948

Indeed, presidents are most responsive when engaging in unilateral executive order policy making. The next most responsive venue for presidents is the legislative venue, followed by the judicial venue and then the rhetorical venue. This provides quite modest evidence that, as hypothesized, presidential responsiveness scores do vary *across* venues. However, the venue-specific predictions made in Chapter II (i.e., that presidents would be most responsive in the rhetorical and legislative venues and less responsive in the unilateral and judicial venues) are not supported. In particular, presidential executive order responsiveness is greater than expected, compared to other venues, and presidential roll call responsiveness is less than expected, compared to other venues.

### **Presidential Responsiveness Within Venues**

Following this comparative logic, we know that, as hypothesized in Chapter II, presidential responsiveness to public opinion does vary across different venues. In this section, we examine variation *within* each of these venues.

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<sup>38</sup> Observations across all venues range from .001 to 3.575.

## Presidential Roll Call Responsiveness

Looking at the responsiveness scores for each venue, we observe some interesting dynamics. Beginning with the observations of presidential responsiveness on roll call votes in the U.S. Senate, there is significant variation among presidents (see Table 2). The baseline responsiveness score for this chamber is 1.17. Lyndon Johnson's score of .191 is the smallest and, thus, indicates that Johnson was the most responsive of the modern presidents in his Senate roll call vote position taking. Conversely, Jimmy Carter's score of 2.47 is the largest and indicates that Carter was the least responsive of the modern presidents in his overall roll call position taking. Using a percentile scale based on the range of data in the Senate, the difference between the average responsiveness of Johnson and Carter was 81.8 percentage points.<sup>39</sup> Following behind Johnson as the next most responsive presidents are Presidents Nixon (.763) and Eisenhower (.766). Joining Carter at the less responsive end of the continuum are Presidents Clinton (1.04), Reagan (1.09), Kennedy (1.10), Ford (1.44), and Bush (1.66). Based on their distance from the baseline, we know that Presidents Clinton, Reagan, and Kennedy's levels of responsiveness were close to average. President Johnson's level of responsiveness is exceptional in comparison with the other presidents, including the relatively responsive Nixon and Eisenhower. Presidents Ford, Bush, and particularly Carter's non-responsive scores are also exceptional.

Clearly, there is considerable variation among presidential roll call responsiveness scores, in both chambers. Moreover, not only are some presidents more responsive than others, but responsiveness scores vary by president across chambers. Although

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<sup>39</sup> Observations in the Senate range from .031 to 2.818.

Presidents Carter, Reagan, Bush, and Clinton's responsiveness scores in the House and Senate were quite similar, other presidents' levels of responsiveness changed between chambers. For example, Presidents Eisenhower and Johnson took significantly more responsive positions on roll call votes in the Senate than in the House, while Presidents Kennedy, Nixon, and especially Ford were more responsive in the House of Representatives than the Senate.

**Table 2: Modern Presidents and Roll Call Responsiveness – Senate**

<b>Presidents</b>	<b>Responsiveness Score</b>
Eisenhower	.766
Kennedy	1.10
Johnson	.191
Nixon	.763
Ford	1.44
Carter	2.47
Reagan	1.09
Bush	1.66
Clinton	1.04

Examining the observations of presidential responsiveness on roll call votes in the U.S. House of Representatives (see Table 3), we again find significant variation among presidents. The baseline responsiveness score for the House is 1.07. In this chamber, Gerald Ford's score of .337 is the smallest and most responsive of the modern presidents in his House roll call vote position taking; following behind Ford as the next most responsive presidents are Presidents Nixon (.528), Johnson (.603), and Kennedy (.771). Conversely, Jimmy Carter's score of 2.49 is again the largest and the least responsive of the modern presidents. Joining Carter at the less responsive end of the continuum are Presidents Clinton (.941), Eisenhower (1.05), Reagan (1.14), and Bush (1.77).

Comparing these scores with the House baseline, Presidents Reagan and Clinton demonstrate generally average responsiveness scores. Using a percentile scale based on the range of data in the House of Representatives, the difference between the average responsiveness of Ford and Carter was 83 percentage points.<sup>40</sup>

**Table 3: Modern Presidents and Roll Call Responsiveness - House**

Presidents	Responsiveness Score
Eisenhower	1.05
Kennedy	.771
Johnson	.603
Nixon	.528
Ford	.337
Carter	2.49
Reagan	1.14
Bush	1.77
Clinton	.941

### **Presidential *Amicus Curiae* Responsiveness**

The distribution of responsiveness scores relating to the presidents' *amicus curiae* position taking indicates results similar to yet distinct from the roll call responsiveness data. There is significant variation among presidents (see Table 4) and many of the presidents' *amicus curiae* responsiveness scores resemble the roll call responsiveness scores. The baseline responsiveness score in this venue is .990.

In the judicial venue, John F. Kennedy's score of .523 is the smallest and, thus, indicates that Kennedy was the most judicially responsive of the modern presidents. Once again, Jimmy Carter's score of 2.40 is the largest and the least responsive. Using a percentile scale based on the range of data in this venue, the difference between the

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<sup>40</sup> Observations in the House of Representatives venue range from .069 to 2.663.

average responsiveness of Kennedy and Carter was 72.7 percentage points.<sup>41</sup> Following closely behind Kennedy as the next most responsive presidents are Presidents Johnson (.557), Clinton (.561), and Ford (.575), with Richard Nixon (.654) somewhat less responsive. Joining Carter at the less responsive end of the continuum are Presidents Reagan (1.18), Eisenhower (1.01), and Bush (1.45).

**Table 4: Modern Presidents and *Amicus Curiae* Responsiveness**

<b>Presidents</b>	<b>Responsiveness Score</b>
Eisenhower	1.01
Kennedy	.523
Johnson	.557
Nixon	.654
Ford	.575
Carter	2.40
Reagan	1.18
Bush	1.45
Clinton	.561

### **Presidential Executive Order Responsiveness**

The data concerning presidential responsiveness on executive order policy position taking exhibit one key difference from previously discussed data. Specifically, the average executive order responsiveness scores of the presidents have less variance than other responsiveness scores for other venues (see Table 5). Using a percentile scale based on the range of data in this venue, the difference between the average responsiveness of Nixon, the most responsive president in this venue, and Kennedy, the

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<sup>41</sup> Observations in the judicial venue range from .020 to 2.583.

least responsive president in this venue, was 21.1 percentage points; a much smaller difference than we observe in every other venue.<sup>42</sup>

The baseline responsiveness score for this venue is .814. The most responsive president in this unilateral type of policy making is Richard Nixon, with a score of .448. Other presidents with responsiveness scores beneath the baseline include Bill Clinton (.481), Dwight D. Eisenhower (.620), George H.W. Bush (.843), and Lyndon B. Johnson (.845). Presidents on the less responsive side of the baseline include the least unilaterally responsive president, John F. Kennedy (1.19), as well as Presidents Ford (.911), Reagan (1.01), and Carter (.982). In fact, Carter's responsiveness score in the unilateral venue of executive order politics is the only venue in which he does not score as the least responsive president. It is also the venue in which Carter's performance is closest to the overall average.

**Table 5: Modern Presidents and Executive Order Responsiveness**

<b>Presidents</b>	<b>Responsiveness Score</b>
Eisenhower	.620
Kennedy	1.19
Johnson	.845
Nixon	.448
Ford	.911
Carter	.982
Reagan	1.01
Bush	.843
Clinton	.481

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<sup>42</sup> Observations in the executive order venue range from .052 to 3.575.

## Presidential Rhetorical Responsiveness

In the final venue of presidential responsiveness to public opinion – the words of the president spoken directly to the public – we see data distributions more similar to the observations related to presidential roll call and *amicus curiae* activity (and, thus, less similar to the more tightly clustered executive order responsiveness scores). As discussed in Chapter III, I employ two measures of presidential rhetorical responsiveness. Specifically, I include a measure of rhetorical responsiveness in State of the Union addresses as well as a measure of overall rhetorical responsiveness, based on a random sample of presidential policy statements.<sup>43</sup>

**Table 6: Modern Presidents and Rhetorical Responsiveness – SOTU**

Presidents	Responsiveness Score
Eisenhower	.817
Kennedy	.708
Johnson	.572
Nixon	.640
Ford	.270
Carter	1.82
Reagan	1.29
Bush	1.10
Clinton	.632

Examining first the data measuring presidential responsiveness to public opinion in the president's State of the Union rhetoric, the most rhetorically responsive president in these highly salient and politicized speeches is Gerald Ford, with a responsiveness score of .270 (see Table 6). Ford's responsiveness score is considerably lower than the State of the Union baseline score of .872. Additional presidents with responsiveness

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<sup>43</sup> This sampling procedure is described in detail in Chapter III of this dissertation.



scores beneath the baseline include Lyndon Johnson (.572), Clinton (.632), Nixon (.640), Kennedy (.708), and Eisenhower (.817). The least responsive president again is Jimmy Carter, with a score of 1.82. Joining President Carter as rhetorically non-responsive presidents are Presidents Reagan (1.29) and Bush (1.10). Using a percentile scale based on the range of data in this measure, the difference between the average responsiveness of Ford and Carter was 54.5 percentage points.<sup>44</sup>

**Table 7: Modern Presidents and Rhetorical Responsiveness – Sample**

<b>Presidents</b>	<b>Responsiveness Score</b>
Eisenhower	.971
Kennedy	1.03
Johnson	.455
Nixon	.558
Ford	.357
Carter	2.45
Reagan	1.34
Bush	.427
Clinton	.947

Similarly, an examination of overall presidential rhetorical responsiveness (taken from the random sample of policy statements) indicate Gerald Ford again as the most rhetorically responsive president, with a score of .357 (see Table 7). Joining Ford as fellow rhetorically responsive presidents are Presidents Bush (.427), Johnson (.455), and Nixon (.558). Once again, Jimmy Carter is the least responsive president, with a score of 2.45. Presidents Reagan (1.34), Kennedy (1.03), Eisenhower (.971), and Clinton (.947) join Carter as less responsive presidents. Using a percentile scale based on the range of data in this measure, the difference between the average responsiveness of Ford and

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<sup>44</sup> Observations in the State of the Union data range from .001 to 2.842.

Carter was 70.3 percentage points.<sup>45</sup> The baseline score for overall rhetorical responsiveness is .948. Interestingly, the State of the Union baseline score is lower (.872), and thus indicative of greater responsiveness, than the overall rhetorical responsiveness baseline score. This difference comports with what we know of the politics surrounding State of the Union addresses, in that they are highly politicized, salient speeches in which presidents try particularly hard to signal their level of responsiveness to the American electorate.

#### Observations across Venues

What the data seem to indicate, when disaggregated by individual administrations for each venue, is that presidential responsiveness rates vary among presidents and across venues. The explanation for this difference is not readily clear, as moderate presidents frequently score on either side of the relevant venue-specific baselines, and outlier observations represent both liberal and conservative presidents. For most venues, party of the president does not seem to matter, as both Democrats and Republicans frequently locate on either side of the baseline. In other venues, such as the judicial arena, however, the president's party does seem to matter. In the next section, I compare presidential responsiveness scores for each party, attempting to discern whether parties matter when attempting to explain presidential responsiveness to public opinion.

#### **Parties and Presidential Responsiveness**

In terms of differences between the parties, the figures indicate a significant gap between Republicans and Democrats in some, though not all, venues (see Table 8). Looking at each of the venues, Republicans are consistently more responsive than

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<sup>45</sup> Observations in the random sample of presidential rhetoric data set range from .001 to 2.975.

Democrats, though the size of the gap varies across venues.<sup>46</sup> For example, the responsiveness divide between parties is most stark in the usage of executive orders, where the difference between Republicans (.766) and Democrats (1.22) is a sizeable .454. Using a percentile scale based on the range of data in the executive order venue, the difference between the average responsiveness of the Republicans and the Democrats was 12.9 percentage points.<sup>47</sup> Conversely, the divide is very small in the judicial arena, where the difference between Republicans (.974) and Democrats (1.01) is a mere .036. Using a percentile scale based on the range of data in the rhetorical venue, the difference between the average responsiveness of the Republicans and the Democrats was 1.4 percentage points.<sup>48</sup> The gaps between Republicans and Democrats in rhetorical and roll call responsiveness are somewhere between these two extremes, with party responsiveness score differences of .2 and .15, respectively.

**Table 8: Parties and Presidential Responsiveness**

Venue	Republicans	Democrats
Legislative	1.05	1.20
Judicial	.974	1.01
Executive Orders	.766	1.22
Rhetoric	.880	1.08

<sup>46</sup> This difference must be interpreted cautiously, however, considering Jimmy Carter's consistent status as a non-responsive outlier across each venue.

<sup>47</sup> Observations in the executive order venue range from .052 to 3.575.

<sup>48</sup> Observations in the judicial venue range from .020 to 2.583.

At first glance, these party differences seem to indicate that Republican presidents are considerably and consistently more responsive to the ideological preferences of the mass public than Democratic presidents. However, by breaking down overall responsiveness scores by individual presidents a somewhat different picture emerges (see Table 9). The figures presented indicate that the party divide is not so stark as the figures in Table 8 seemed to show. Instead of showing consistently smaller differences between presidential liberalism and public liberalism for Republican presidents, we see that the most responsive president (overall) of the modern era, Lyndon Johnson, was a Democrat, and that three of the six lowest overall responsiveness scores belong to Democrats.

Indeed, with one exception, the Democratic presidents seem to be at least as responsive as the Republican presidents. That one exception, however, is a significant deviation: the least responsive president (overall) of the modern era, Jimmy Carter. Carter's overall responsiveness score almost doubles the next least responsive president (Ronald Reagan) and is almost four times the score of the most responsive president of the modern era, Lyndon Johnson.

**Table 9: Presidential Responsiveness across Venues, Administrations, and Parties**

<b>Venue</b>	<b>Democrats</b>		<b>Republicans</b>	
<b><u>Legislative - Senate</u></b>				
	Kennedy	1.10	Eisenhower	.766
	Johnson	.191	Nixon	.763
	Carter	2.47	Ford	1.44
	Clinton	1.04	Reagan	1.09
			Bush	1.66
<b>Legislative - House</b>				
	Kennedy	.771	Eisenhower	1.05
	Johnson	.603	Nixon	.528
	Carter	2.49	Ford	.337
	Clinton	.941	Reagan	1.14
			Bush	1.77
<b>Judicial</b>				
	Kennedy	.523	Eisenhower	1.01
	Johnson	.557	Nixon	.654
	Carter	2.4	Ford	.575
	Clinton	.561	Reagan	1.18
			Bush	1.45
<b>Executive Orders</b>				
	Kennedy	1.19	Eisenhower	.620
	Johnson	.845	Nixon	.448
	Carter	.982	Ford	.911
	Clinton	.481	Reagan	1.01
			Bush	.843
<b>Rhetoric - SOTU</b>				
	Kennedy	.708	Eisenhower	.817
	Johnson	.572	Nixon	.640
	Carter	1.82	Ford	.270
	Clinton	.632	Reagan	1.29
			Bush	1.10
<b>Rhetoric - Sample</b>				
	Kennedy	1.03	Eisenhower	.971
	Johnson	.455	Nixon	.558
	Carter	2.45	Ford	.357
	Clinton	.947	Reagan	1.34
			Bush	.427

Carter's overall responsiveness score was such an outlier that it significantly skewed the party-based averages, creating the impression that Republican presidents were generally much more in touch with public policy preferences than Democratic presidents.

### **Presidential Responsiveness and Individual Administrations**

By examining levels of overall presidential responsiveness to public opinion (i.e., averaged across all venues), arranged by individual administrations, we also see considerable variation in levels of responsiveness among presidents. Responsiveness scores range from Lyndon Johnson's very responsive figure of .564 to Jimmy Carter's decidedly less responsive score of 2.08 (see Table 10). Using a percentile scale based on the range of data across all venues, the difference between the average responsiveness of Johnson and Carter was 42.1 percentage points.<sup>49</sup> The overall responsiveness baseline score is .968. In addition to Johnson, other overall responsive presidents include Nixon and Ford, followed by Clinton, Eisenhower, and Kennedy. Conversely, Presidents Bush and Reagan join Carter on the less responsive side of the baseline, though the conservatism of these two Republican presidents were not nearly as out of touch with the public's ideological preferences as was Carter's liberalism in the late 1970s.

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<sup>49</sup> Observations across all venues range from .001 to 3.575.

**Table 10: Modern Presidents and Overall Responsiveness**

<b>Presidents</b>	<b>Responsiveness Score</b>
Eisenhower	.877
Kennedy	.912
Johnson	.564
Nixon	.577
Ford	.683
Carter	2.08
Reagan	1.16
Bush	1.11
Clinton	.745

### **Conclusion**

In this chapter, we have learned that presidential responsiveness scores vary. Responsiveness scores vary among presidents and across venues, although occasionally the differences between presidents and particularly venues are modest. Additionally, the test of Hypothesis 6 failed to provide support for the specific predictions of the theory introduced in Chapter II (i.e., that presidential rhetorical position taking would be the most responsive, followed by position taking on congressional roll call votes, *amicus curiae* briefs, and executive orders). Although general patterns emerged when we broke down responsiveness scores by venue and administration (i.e., Carter, Reagan, and Bush were consistently among the least responsive; Johnson, Nixon, and Ford were consistently among the most responsive), the variation in responsiveness scores was not easily explained by traditionally important factors such as party affiliation and ideology.

This latter observation is compelling and important to note, although equally important to note is that there is no theoretical reason why either the president's party or ideology should influence presidential responsiveness scores. First, there is no theoretical support for the idea that one party's presidents should be more or less

responsive than another party's presidents. Moreover, the data bear this out, consistently placing both Republicans and Democrats on either side of the various overall and venue-specific baseline figures. Similarly, presidents located on the left *and* right sides of the ideological spectrum scored both as responsive and non-responsive, although the more stringent ideologues (i.e., Carter and Reagan) consistently proved less responsive than more moderate presidents (i.e., Clinton, Ford, Kennedy).

Furthermore, although the particular habits and preferences of particular presidents certainly influence the size of the gap between their policy position taking and the preferences of the mass public, there is no theoretical explanation that would support a role for individual identity in explaining presidential responsiveness to public opinion. That is, Lyndon Johnson was not consistently more responsive to public opinion than most other presidents because he was simply Lyndon Johnson, just as Jimmy Carter was not consistently less responsive than other presidents because he was Jimmy Carter.

So far, we know that presidential responsiveness varies, though we do not yet know why. This difficulty in explaining the variation in responsiveness scores demonstrates that we must dig deeper in order to find reliable explanations. In doing so, I argue that contextual factors representing key elements of the president's environment – political, electoral, and institutional – best explain the variation in responsiveness scores we have seen in this chapter. In the next four chapters, I examine the strength of my theory-driven explanation for the conditional nature of presidential responsiveness to public opinion, beginning with an empirical analysis of the determinants of presidential roll call responsiveness.



## **CHAPTER V**

### **RESPONSIVENESS IN THE LEGISLATIVE PRESIDENCY**

My examination of presidential responsiveness to public opinion continues by analyzing the determinants of the president's responsiveness when working with Congress. To begin with this particular policy making venue is a fitting point of departure for this analysis, considering the importance of this inter-institutional relationship. Forced to operate in a political system characterized by separated, not shared, power, presidents must consistently interact with members of Congress in order to further their policy and political agendas. As President Lyndon Johnson astutely observed, "There is but one way for a president to deal with Congress, and that is continuously, incessantly, and without interruption. If it is really going to work, the relationship has got to be almost incestuous."

#### **Presidential-Congressional Interaction: A Literature Review**

The relationship between the executive and legislative branches of the American federal government is hardly an under-studied topic. Just as President Johnson admonished his fellow chief executives to work obsessively with the legislative branch, scholars of American politics have continuously and incessantly evaluated the relationship between the presidency and the U.S. Congress, identifying the Constitutional roots of the relationship, patterns of cooperation and domination, and consequences of the inter-branch interactions. Indeed, since long before the behavioral and post-behavioral social science revolutions, political scientists have been attending to the ways in which presidents and members of Congress interact and the consequences of this interaction.

### **Struggle for Power between the Branches**

Early seminal studies of this relationship, following the legalistic tradition, primarily considered each institution's prescribed set of responsibilities and constitutional sources of power. Many of these studies attempted to determine which of the two institutions exerted greater power or control over policy making. Nineteenth Century scholars, like Alexis de Tocqueville ([1835] 1966) and Woodrow Wilson (1885), who assessed questions of dominance by one branch over the other initially thought Congress the dominant institution. With the rise of the modern presidency following World War II, a new generation of scholars began to suggest an ascendant executive, prominent if not always dominant over the legislative branch (e.g., Neustadt 1955, 1960; Rossiter 1956). Subsequent empirical examinations supported this notion of a preeminent policy making presidency (e.g., Huntington 1961; Robinson 1967; Schwarz and Shaw 1976), though other evidence indicated a still-dominant legislative branch (i.e., Fisher 1972; Gallagher 1977; Moe and Teel 1970; Sundquist 1968; see also Chamberlain 1946).

### **Determinants of Presidential Success**

To reconcile the dispute, scholars investigated incidents of presidential policy making dominance and attempted to determine the causes. Orfield (1975) found that presidential influence on policy making was particularly evident when the president acted as a policy innovator, often responding to the dynamic preferences of the public in a more rapid manner than his counterparts in the Congress. Additionally, a series of scholars determined presidential opportunities for leadership depended upon policy characteristics (see Lowi 1964). Wildavsky (1991) famously posited that presidential influence is greater on foreign policy issues than domestic policy (see also Destler 1974; Donovan

1970; Fisher 1972; Hargrove 1974; Hilsman 1968; Hinckley 1994; LeLoup and Shull 1991; Shull 1979, 1991; Sigelman 1991; Sperlich 1975),<sup>50</sup> although other scholars contend the distributive/redistributive dichotomy explains the dynamics of presidential influence on policy making in Congress (Fiorina and Noll 1979; LeLoup and Shull 1991; Lowi 1972; Shull 1979, 1997).<sup>51</sup>

Similarly, a great deal of the contemporary literature on presidential-congressional relations concerns the extent to which the president successfully achieves his goals in his interactions with Congress. Scholars measure legislative success for presidents in various ways, from taking victorious stands on roll call votes (Edwards 1989; Bond and Fleisher 1990, 2000),<sup>52</sup> to getting their preferred policies on the congressional agenda (Edwards and Barrett 2000; Light 1998)<sup>53</sup> and seeing their nominees successfully confirmed (Cameron, Cover, and Segal 1997; Fiorina 2002; Fisher 1997; Krutz, Fleisher, and Bond 1998). A modest amount of research considers the various efforts presidents make to improve their prospects for success in Congress, ranging from studies of institutional liaison efforts (e.g., Collier 1997), coalition building (e.g., Edwards 2000), and presidential campaigning for fellow partisans and like-minded

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<sup>50</sup> See Fleisher and Bond (1988) and Fleisher et al. (2000) for a criticism of the two presidency thesis and supportive scholarship.

<sup>51</sup> This body of scholarship generally holds that presidents should be more influential in matters of redistributive policy, while Congress dominates distributive policy matters. Vogler (1977) notes that Congress often attempts to make redistributive policy matters into distributive policy, in order to maintain authority and control.

<sup>52</sup> See also Bond and Fleisher 1980; Canes-Wrone and DeMarchi 2002; Cohen et al. 2000; Collier and Sullivan 1995; Edwards 1976, 1977, 1980; Fleisher and Bond 1984; Ostrom and Simon 1985; Rivers and Rose 1985). See Collier and Sullivan (1995) for a critique of this research.

<sup>53</sup> For more commentary on the president's agenda setting strengths, see Edwards (1989), Fett 1994; Hinckley 1994; Kingdon (1995, 23), Bond and Fleisher (1990, 230) and Baumgartner and Jones (1993, 241). For additional empirical examinations of presidential setting of the congressional agenda, see Covington, Wrighton, and Kinney (1995), Peterson (1990), Steger (1997), Wood and Peake (1998), and Edwards and Wood (1999).

candidates in midterm elections (Cohen, Krassa, and Hamman 1991; Hoddie and Routh 2004).

### **Relations beyond the Legislative Arena**

These studies primarily concern outcomes located in the legislative arena. Another area of presidency research examines the choice president's face of whether to engage cooperatively with the legislative branch or to attempt to make policy unilaterally, using one of the several direct action "power tools" at their disposal (Cooper 1997, 2002).<sup>54</sup> Scholarship in this vein typically addresses the relative tradeoff in utility of choosing a bilateral policy making approach (i.e., working with the legislative branch) versus following a unilateral path (i.e., using tools such as the executive order to make policy independently). Generally, this literature concludes that several contextual factors – including the president's level of approval, the president's reelection eligibility and proximity to the next election, and the president's level of congressional support – condition presidential choices to work with Congress or work alone (e.g., Deering and Maltzman 1999; Howell 2003; Krause and Cohen 1997; Marshall and Pacelle 2005; Mayer 1999, 2001; Shull 2006; see also Howell and Mayer 2005; Marchbanks 2005).

Currently, the state of research examining how presidents attempt to influence Congress and the consequences of their efforts to influence is strong. However, very little research examines the determinants of the actual positions presidents take in Congress. That is, questions such as "when do presidents take positions?" and "why do presidents choose to take the particular positions they do?" have been largely ignored. Most studies rest upon an assumption that presidents take liberal (or conservative)

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<sup>54</sup> See Chapter Six for a more exhaustive discussion of the politics of presidential unilateral action.

positions on roll call votes because the presidents themselves prefer liberal (or conservative) outcomes. Only a few studies (i.e., Cohen 1999; Erikson, MacKuen, and Stimson 2002; Stimson, MacKuen, and Erikson 1995) examine the role that public preferences play in conditioning the president's choice of positions on roll call votes.

### **Presidential Responsiveness and Congressional Roll Call Votes**

As the preceding literature review makes clear, presidential engagement with the legislative branch is multi-dimensional. Existing research on this relationship examines the extent to which the president is successful in his dealings with the Congress, as well as how the president approaches this relationship. Although a clearer picture of the role played by the public in presidential-congressional relations is emerging (e.g., Cohen 1999; Erikson, MacKuen, and Stimson 2002; Stimson, MacKuen, and Erikson 1995), the extent to which the preferences of the public condition the president's efforts in the legislative arena merits further consideration.

In this chapter, I attend to this need for greater scholarly focus. I do so by testing my theory of presidential responsiveness to public opinion, employing a measure of presidential roll call vote responsiveness as the dependent variable. In the next section, I discuss the specific data used in this chapter's analysis, followed by discussions on the analytical strategy and results.

### **Data**

To operationalize presidential responsiveness to public opinion in the legislative venue, I created a longitudinal measure that differenced standardized public mood and standardized presidential liberalism on stands on roll call votes in the Senate and House of Representatives. I described in detail this process in Chapter III of this dissertation.

To review the measurement of the president's liberalism on congressional roll call votes, I coded whether a presidential stand on a congressional roll call vote advocated a liberal or conservative position for every roll call vote upon which the president took a position from 1955 to 2000. I then calculated annual percentages of these stands that were liberal for the same years. These percentage scores were then standardized and then differenced from the standardized public liberalism measure. The absolute values of the resulting figures serve as the measures of presidential responsiveness in each chamber of the legislative venue.

To explain the over time dynamics in presidential roll call vote responsiveness, I employ several indicators of the president's political, electoral, and institutional contexts as independent variables, each of which are coded annually.<sup>55</sup> As noted in Chapter III, the first contextual component of my theory of presidential responsiveness to public opinion is presidential approval. For decades, several polling organizations have surveyed the American public to determine the level of popularity for the sitting president. The most consistent and reliable of these measures is the Gallup organization's presidential approval question.<sup>56</sup> Accordingly, I employ the Gallup data as my measure of presidential approval.<sup>57</sup> I draw annual measures of presidential approval from the Eisenhower through George H.W. Bush administrations from Edwards' (1990) presidential approval sourcebook. I calculate annual approval scores for the Clinton and

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<sup>55</sup> It is important to note that I employ this same set of empirical measures as explanatory variables in subsequent chapters, including analyses of presidential responsiveness on U.S. Supreme Court cases, unilaterally-issued executive orders, and presidential rhetoric.

<sup>56</sup> See Edwards (1990) for an in-depth discussion of the Gallup presidential approval measure.

<sup>57</sup> In order to avoid problems of temporal sequencing, I lagged the presidential approval measure one year. In some years, however, the previous year's approval score actually belonged to the sitting president's predecessor. For example, for Bill Clinton in 1993, the lagged approval was actually George H.W. Bush's average approval level in 1992. Each of the years in which this was the case (n=8) were dropped from the analysis.

George W. Bush administrations from data available at the Roper Center's online database ([www.ropercenter.uconn.edu](http://www.ropercenter.uconn.edu)).

Electoral context also plays a key role in the theoretical argument of this dissertation, including both presidential elections and mid-term congressional elections, as well as whether the president is eligible for reelection. I measure each of these factors dichotomously. I code presidential election years as 1, and code all other years as 0. I also code midterm reelection years as 1, and code all other years as zero. Finally, I code presidential reelection eligibility as 1 for all first term years, 0 for all other years.

Similarly, the legislative context factors into my theoretical argument, particularly whether executive-legislative relations occur in an environment of divided or unified government. I measure this dichotomously, as well, coding years in which at least one house of Congress is controlled by a party other than the president's as 1, and all years of unified government as 0.

### **Analysis**

To explain the determinants of presidential responsiveness to public opinion in the legislative venue, I employ OLS time series regression analysis.<sup>58</sup> Since my data are longitudinal in nature, it is essential that I use this type of regression technique. As is frequently the case with time series analyses, my data are characterized by multicollinearity. Given the necessarily limited number of data points in my dataset (n=45),<sup>59</sup> this problem is particularly acute.

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<sup>58</sup> It is important to note that I employ this same type of statistical analysis in subsequent chapters, including analyses of presidential responsiveness on U.S. Supreme Court cases, unilaterally-issued executive orders, and presidential rhetoric.

<sup>59</sup> The number of observations in all analyses in this dissertation, with the exception of the executive order analyses in Chapter Seven, is 45. The number of observations in the analyses in Chapter Seven is 41.

Because more desirable options – such as extending the time series or using quarterly or semi-annual data points – are not available, I use a less perfect, but reliable, solution to cope with this problem. Specifically, I employ Michael Lewis-Beck's discarding method. According to Lewis-Beck (1980, 60-62), when it is not possible to increase the number of observations, such as in my case, the best action to take is to identify the primary source of the multicollinearity and purge it from the analysis. By regressing each of the explanatory variables on all the others, treating each as the dependent variable once, I identified which of the variables was the most damaging culprit. In this case, it was the variable that measured the president's first term in office. Following Lewis-Beck's suggestion, I dropped this measure from my statistical analyses.

The immediate concern with this strategy is that dropping a theoretically important explanatory variable leads to model specification error (Lewis-Beck 1980, 62). To determine that the estimates of the model calculated without the first term variable are not too damaged by the specification error, a third model was calculated in which the first term measure was put back into the model and the variable it was most strongly correlated with – presidential election year – was taken out. The results of this third regression indicate that removing the first-term measure solved the multicollinearity problem.<sup>60</sup>

Another problem associated with time series analyses is autocorrelation in the residuals. To correct for this problem, I employ a lagged dependent variable. Not only does this eliminate any serial correlation, it also captures the dynamics of the politics in preceding points in time (see Keele and Kelly 2006).

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<sup>60</sup> This problem persists across all statistical analyses in this dissertation. I have used the same solution for the problem (i.e., following Lewis-Beck's discarding method) in each case.



Finally, in order to capture the true influence of the systematic variables derived from the theory introduced in Chapter II, apart from the idiosyncratic effects of individual administrations, I have estimated two separate empirical models for each dependent variable. The first model analyzes the dynamics presidential responsiveness using only the key variables from the theory (plus the lagged dependent variable); the second model employs dummy variables measuring individual administrations, in addition to the systematic variables.<sup>61</sup> Throughout this chapter and the following three chapters, I report the results of these two models together, referring to the systematic model as Model 1 and the model that includes the administration dummies as Model 2.

## **Results**

In this chapter, I present the results of four separate statistical analyses. The first two of these analyses concerns presidential responsiveness in the U.S. Senate; that is, presidential responsiveness on all roll call votes (that the president took a position on) in the Senate. Following that, I present the results of a parallel set of analyses of presidential responsiveness on all roll call votes in the U.S. House of Representatives.

### **Presidential Responsiveness in the U.S. Senate**

The results of the two analyses examining the level of responsiveness in presidential position taking on roll call votes in the U.S. Senate indicates minimal support for the theory introduced in Chapter II (see Table 11). Indeed, in Model 1, divided government is the only one of the systematic variables to achieve statistical significance (the lagged dependent variable is also statistically significant at the .01 level). The

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<sup>61</sup> In Model 2, the Eisenhower Administration serves as the control category.

results of this analysis suggest that, as hypothesized, in times of divided government presidents become more responsive to public policy preferences.

**Table 11: Presidential Responsiveness to Public Opinion in the U.S. Senate**

Independent Variable	Model 1	Model 2 (includes Administrations)
Lagged Dependent Variable	.722*** (.102)	.380*** (.122)
Approval	-.008 (.006)	-.003 (.007)
Divided Government	-.191* (.145)	-.327 (.262)
Reelection Year	-.181 (.173)	-.132 (.144)
Midterm Election Year	-.010 (.145)	-.002 (.133)
Kennedy		.096 (.326)
Johnson		-.739*** (.286)
Nixon		.044 (.232)
Ford		.430* (.327)
Carter		.814** (.392)
Reagan		-.060 (.215)
Bush		-.224 (.239)
Clinton		-.079 (.205)
Constant	.833** (.423)	1.03** (.486)
Adjusted R-squared	.5808	.7309

Cell entries are regression coefficients and, in parentheses, robust standard errors.

\*\*\* Significant at <.01,

\*\* Significant at <.05,

\* Significant at <.10, all one-tailed tests

n = 45

However, examining the results of Model 2, even the extremely modest support shown for the theory in Model 1 disappears. In Model 2, not a single systematic variable is statistically significant. The lagged dependent variable again achieves significance, as do the dichotomous variables measuring the years of the Johnson, Ford, and Carter administrations. In the next analysis, I move the locus of observation from the Senate chambers to the U.S. House of Representatives.

### **Presidential Responsiveness in the U.S. House of Representatives**

The results of the two statistical analyses attempting to explain the responsive nature of presidential positions on roll call votes in the U.S. House of Representatives also fail to provide support for the theory of presidential responsiveness introduced in Chapter II (see Table 12). In Model 1, none of the systemic variables achieve statistical significance (although the lagged dependent variable does). In Model 2, the lagged dependent variable maintains statistical significance (though only at the .10 level), as do the dichotomous variables measuring the Johnson, Nixon, Ford, and Carter administrations.

### **Conclusion**

In this chapter, I examined the relationship between the president's political, electoral, and institutional contexts and his level of ideological responsiveness in his stands on roll call votes in the U.S. Senate and House of Representatives. The results of this chapter's analyses provided very little support for the theoretical argument introduced in Chapter II.

**Table 12: Presidential Responsiveness to Public Opinion in the U.S. House of Representatives**

Independent Variable	Model 1	Model 2 (includes Administrations)
Lagged Dependent Variable	.578*** (.131)	.202* (.133)
Approval	.001 (.009)	.002 (.009)
Divided Government	-.131 (.201)	-.040 (.357)
Reelection Year	-.013 (.246)	-.129 (.201)
Midterm Election Year	.151 (.228)	.037 (.188)
Kennedy		-.380 (.416)
Johnson		-.553* (.408)
Nixon		-.576** (.327)
Ford		-.713* (.451)
Carter		1.10*** (.463)
Reagan		-.104 (.292)
Bush		.388 (.344)
Clinton		-.295 (.284)
Constant	.484 (.573)	.922 (.718)
Adjusted R-squared	.2728	.5457

Cell entries are regression coefficients and, in parentheses, robust standard errors.

\*\*\* Significant at <.01,

\*\* Significant at <.05,

\* Significant at <.10, all one-tailed tests

n = 45

Based on the findings of this chapter's analysis, we now know that the president's level of responsiveness, at least within the legislative arena, appears to be independent of the political context. In four statistical analyses, spanning the two chambers of the federal legislature, empirical measures of presidential approval and the electoral cycle consistently failed to correlate with presidential responsiveness in a statistically significant manner. Only divided government demonstrated a relationship with responsiveness, and only then in one chamber (e.g., the U.S. Senate). However, this finding only materialized in a model comprised solely by systematic variables; in a parallel model that also included dummy variables for individual administrations, this finding disappeared. Certain administrations seem to matter, in terms of the effects on presidential responsiveness. Specifically, the administrations of Lyndon Johnson, Jimmy Carter, and Gerald Ford achieve statistical significance in both the Senate and House of Representatives analyses; the administration of Richard Nixon achieves significance only in the House of Representatives analysis.

In the next chapter, I continue my examination of presidential responsiveness, moving on to analyzing the president's responsiveness in the judicial venue.

## CHAPTER VI

### RESPONSIVENESS IN THE JUDICIAL PRESIDENCY

As the results of the previous chapter indicate, the president's contextual environment influences the manner in which he interacts with the Congress, namely concerning the stands he takes on congressional roll call votes. For decades, scholars have demonstrated the impact of divided government on American government, in general, and presidential policy making, specifically.<sup>62</sup> Similarly, we have long known presidential approval conditions this relationship, influencing the extent to which the Congress supports presidential policy initiatives and preferences (e.g., Bond and Fleisher 1980, 1990; Canes-Wrone and DeMarchi 2002; Cohen et al. 2000; Collier and Sullivan 1995; Edwards 1976, 1977, 1980, 1989; Fleisher and Bond 1984; Ostrom and Simon 1985; Rivers and Rose 1985). As a result, it seems natural that political and inter-institutional factors should influence presidential responsiveness to public opinion when the president takes positions on congressional roll call votes. So far, however, we do not know if these external factors influence presidential responsiveness in other venues and if they do, whether the influence is consistent across multiple types of presidential activities. Stated otherwise, as hypothesized in Chapter II, do contextual factors affect presidential responsiveness equally in all policy making arenas?

To address this question, I refocus my attention in this chapter on presidential policy responsiveness in a different venue: the United States Supreme Court. Although fewer in number and less visible than his interactions with the U.S. Congress, the

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<sup>62</sup> See, for example, Conley (2003); Cox and Kernell (1991); Edwards, Barrett, and Peake (1997); Fiorina (2002); Jones (1994); Kelly (1993); Kernell (1991); Mayhew (1991); Sundquist (1988, 1992).

president's relationship with the judicial branch is an equally important aspect of the modern presidency. Moreover, the extent to which the president's endeavors in the judicial arena are successful is as dependent upon the president's powers of persuasion (i.e., Neustadt 1990) as they are in the legislative arena (Canes-Wrone 2001b). The president's primary form of communication with the Supreme Court – and, thus, the key vehicle for his persuasive efforts – is the *amicus curiae* brief. Latin for “friend of the court,” *amicus curiae* briefs are formal documents submitted to the court for consideration on a particular point of law or other pertinent aspect of a case currently or potentially before the court. Although the ability to submit *amicus curiae* briefs is widely available, the president's briefs often receive special treatment and deference. This advantage is due both to the president's institutional authority and to the fact that the *amicus curiae* briefs are typically submitted by the federal government's chief lawyer and the president's agent before the court, the Solicitor General.

### **Presidential-Judicial Interaction: A Literature Review**

The relationship between the presidency and the Supreme Court has not been studied as extensively as have his interactions with other institutional branches, such as the Congress (e.g., Bond and Fleisher 1990, 2000; Cameron 2000; Conley 2003; Edwards 1976, 1977, 1980, 1989; Fisher 1997, 1998; Light 1998; Shull 1997) and the federal bureaucracy (e.g., Durant 1992; Moe 1985; Nathan 1983; Whitford 2005; Wood and Waterman 1994). What modest scholarly attention does exist on the linkages between the president and the Supreme Court predominately focuses on the causes of presidential success in cases before the court.

## **Determinants of Presidential Influence in the Supreme Court**

Many scholars have argued that the primary way presidents can influence the outcome of cases before the Supreme Court is by appointing like-minded nominees to the bench (Abraham 1992; Goldman 1989; Stidham and Carp 1987). For the most part, once nominees navigate past the malign neglect of the Senate confirmation process (Krutz, Fleisher, and Bond 1998; see also Cameron, Cover, and Segal 1990; Epstein et al. 2006; Overby et al. 1992), presidents are typically successful at shaping court policy through this strategy (Biskupic and Witt 1997; Tribe 1985). Although there are certainly historical examples of justices behaving in a manner inconsistent with the nominating president's expectations, such surprises are not routine. Instead, there are many examples of how presidents have used the appointment power to accomplish their policymaking goals (Ducat and Duddley 1989; Mishler and Sheehan 1993; see also Kuersten and Songer 2003).

The belief that presidents can only influence Supreme Court behavior through their nomination power is based upon a foundational claim accepted by many Supreme Court scholars: that justices make their decisions based on their personal preferences (see Segal and Spaeth 1993). Scholars employing this approach, which is known as the attitudinal model, emphasize the lack of need for justices to consider electoral implications or future office when making jurisprudential decisions. Supreme Court justices are not elected and have reached the apex of their professional ambition; barring extraordinary circumstances, justices have their position for life and are beholden to no one in order to keep it. Thus, the underlying argument is that since Supreme Court justices are not constitutionally obligated to defer to external pressures or preferences,



they do not. However, Rhode and Spaeth (1976) note that the influence of an individual justice's ideological preferences on his judicial decision making is dynamic, based upon the extent to which the consequences of their behavior might undermine the Supreme Court's institutional authority or impede the implementation of the court's rulings.

This notion that the individual justice's ability to pursue their preferred judicial decision making strategy is limited by external constraints is supported by the social scientific literature (e.g., Epstein and Knight 1998; Maltzman, Spriggs, and Wahlbeck 2000; see also Flemming and Wood 1997; Mishler and Sheehan 1993, 1996; Yates 2002). The key constraints on Supreme Court justice decision making are the preferences of the mass public. The Supreme Court, as an institution, is dependent upon popular support so that despite the court's inherently non-democratic function, Americans still view the institution as legitimate (Adamany and Grossman 1983; Benesh 2006; Caldeira and Gibson 1992; Epstein and Knight 1998; Marshall 1989). Unsurprisingly, numerous political scientists have demonstrated consistent correlations between public preferences and Supreme Court decision making (Erikson, MacKuen, and Stimson 2002a; Flemming and Wood 1997; Link 1995; McGuire and Stimson 2004; Mishler and Sheehan 1993, 1996; Norpoth and Segal 1994; Stimson, MacKuen, and Erikson 1995; see also Murphy 1964; Rehnquist 1987; Wasby 1981).

### **Presidential Prestige and Success in the Supreme Court**

Recently, Yates (2002) suggested that not only do Supreme Court justices allow public preferences to influence their decision making, but that justices also allow the public's approval of the president to influence whether they support the president's position on a particular case in front of the court. In a series of analyses, Yates (2002)

demonstrated that public approval of the president shaped not only whether the Supreme Court ruled in favor of increased presidential power (see also Yates and Whitford 1998), but also whether the court ruled in favor of the president's agents in the bureaucracy (see also Yates 1999).

Yates' (1999) research makes clear that justices allow external factors such as public opinion to condition their jurisprudential decision making and shape how the court interacts with other government elites. Johnson (2003) supports the claim that Supreme Court justices care about the preferences of the president and other political elites. His study shows that justices seek out signals from the administration about the president's preferences, in order to avoid executive sanctions. The court seeks out this information by inviting an *amicus curiae* brief from the Solicitor General, the president's key representative to the Supreme Court, commonly referred to as the "tenth justice" (Caplan 1987).<sup>63</sup>

### **The Role of the Solicitor General**

As the federal government's lead attorney before the Supreme Court, the Solicitor General possesses tremendous influence before the justices at all levels, from petitions for writs of certiorari to the final decision (Caldeira and Wright 1988; Caplan 1987; O'Connor 1983; Segal 1988; see also Perry 1991, 130; Segal and Reedy 1988). This influence is in part due to the fact that the Solicitor General is the most frequent participant in cases before the Supreme Court, save for the justices themselves (Pacelle 2006). Because of this status as a "repeat player," several scholars have attributed the

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<sup>63</sup> For an excellent overview of the role of the Solicitor General, see Rebecca Mae Salokar's (1992) *The Solicitor General: The Politics of Law*. See also Richard Pacelle's (2003) *Between Law & Politics: The Solicitor General and the Structuring of Race, Gender, and Reproductive Rights Litigation*, Robert Seigligiano's (1971) *The Supreme Court and the Presidency*, and Lincoln Caplan's (1987) *The Tenth Justice: The Solicitor General and the Rule of Law*.

Solicitor General's rate of success to his advantage in expertise and experience over lawyer opponents in front of the bench (Galanter 1974; Segal 1988; Caldeira and Wright 1988; Spriggs and Wahlbeck 1997). According to McGuire (1998), however, when controlling for experience among all participants in front of the bench, the Solicitor General advantage diminishes. Bailey, Kamoie, and Maltzman (2005) support McGuire's notion that Solicitor General success is rooted in something other than the frequency of interactions with the court. Instead, they contend that the Solicitor General's role is more political and that the Solicitor General's amicus briefs serve as signals from the executive branch to the judiciary. Furthermore, these signals are particularly credible – and successful – when the justices are ideologically close to the president and the Solicitor General or when the Solicitor General's amicus curiae brief actually contradicts his or her own ideological predisposition (Bailey, Kamoie, and Maltzman 2005, 83).

Unsurprisingly, there is some natural tension in the office of the Solicitor General due to the dual role as chief attorney for the government and as the president's representative to the judiciary, two tasks that occasionally yield conflict. Nevertheless, Meinhold and Shull (1998) indicate that Solicitors General are generally responsive to presidential policy priorities and ideological preferences, though Pacelle (2006) indicates that the extent to which Solicitors General reflect presidential preferences depends on the issue area.<sup>64</sup> Not only are Solicitors General typically good representatives of the president's preferences, they are also usually quite successful in winning their (and the president's) cases when before the court. Deen, Ignagni, and Meernik (2005) show that

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<sup>64</sup> According to Pacelle (2006), the congruence between presidential preference and Solicitor General performance is particularly high on issues concerning civil rights and civil liberties.

the Solicitor General received a high degree of support from the Supreme Court, with every justice from 1953-2000 supporting the Solicitor General a majority of the time (see also Segal 1990).<sup>65</sup> In a previous study, Deen, Ignagni, and Meernik (2003) show that the Solicitor General's level of success has increased over the past half-century, subsequently stimulating an even more vigorous use of *amicus curiae* briefs as a meaningful policy signal from the executive branch to the judiciary.

### **Presidential Responsiveness and *Amicus Curiae* Briefs**

Based on the literature discussed above, it is clear that presidents are able to influence Supreme Court decision making and that their ability to influence the court extends beyond the constitutional power to shape its composition. We know that the president's chief agent before the Supreme Court, the Solicitor General, is generally successful in his litigation and we know that the Solicitor General is generally responsive to presidential priorities and ideological preferences. What remains unclear, however, is the extent to which presidential policy signals to the Supreme Court reflect public preferences.

In this chapter, I attempt to answer this question. As I did in the preceding chapter on presidential responsiveness in the legislative arena, I test my theory of presidential responsiveness to public opinion, this time using a measure of presidential *amicus curiae* responsiveness as the dependent variable. In the next section, I discuss the specific data used in this chapter's analysis, followed by discussions on the analytical strategy and results.

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<sup>65</sup> Beyond the generally strong level of support, there is considerable variation between justices over the extent to which a justice supports the Solicitor General. Deen, Ignagni, and Meernik (2005) contend that the ideological distance between the justice and the Solicitor General's position primarily explains this variation.

## **Data**

To operationalize presidential responsiveness to public opinion in the judicial venue, I created a longitudinal measure that differenced standardized public mood and standardized presidential liberalism on cases before the U.S. Supreme Court, as indicated by the Solicitor General's *amicus curiae* briefs (see Pacelle 2006). I described in detail this process in Chapter III of this dissertation.

To review the measurement of the president's liberalism on Supreme Court cases, Pacelle (2006) coded whether an *amicus curiae* brief issued by the Solicitor General advocated a liberal or conservative position for every *amicus curiae* brief from 1953 to 2000. I calculated annual percentages of positions on these briefs that were liberal from 1956 to 2000. These percentage scores were standardized and then differenced from the standardized public liberalism measure. The resulting figure serves as my measure of presidential responsiveness in the judicial venue.

In order to explain the over-time dynamics of presidential responsiveness in the judicial venue, I employed the same empirical measures and statistical analysis as in the previous analysis on presidential roll call responsiveness. This is the case both in terms of employing a lagged dependent variable and analyzing two different empirical models, one utilizing only variables derived from the theory introduced in Chapter II and the other utilizing administration-specific dummy variables (see Chapter V).

## **Results**

The results of both models indicate that, similar to presidential responsiveness in the legislative arena, the components of my new theory of presidential responsiveness to public opinion fail to influence the extent to which presidential *amicus curiae* liberalism

**Table 13: Presidential Responsiveness to Public Opinion in the U.S. Supreme Court**

Independent Variable	Model 1	Model 2 (includes Administrations)
Lagged Dependent Variable	.386*** (.156)	-.030 (.164)
Approval	-.005 (.010)	-.001 (.011)
Divided Government	.023 (.236)	.492 (.428)
Reelection Year	.254 (.295)	-.001 (.250)
Midterm Election Year	.175 (.264)	.142 (.217)
Kennedy		-.105 (.490)
Johnson		-.048 (.481)
Nixon		-.514* (.380)
Ford		-.527 (.525)
Carter		1.78*** (.549)
Reagan		.045 (.348)
Bush		.334 (.401)
Clinton		-.459 (.337)
Constant	.778 (.670)	.673 (.820)
Adjusted R-squared	.0435	.3885

Cell entries are regression coefficients and, in parentheses, robust standard errors.

\*\*\* Significant at <.01,

\*\* Significant at <.05,

\* Significant at <.10, all one-tailed tests

n = 45

corresponds to public mood (see Table 13). In Model 1, only the lagged dependent variable achieves statistical significance. In Model 2, which includes the administration dummies, the lagged dependent variable is not significant, although separate variables measuring the years of two administrations – Richard Nixon and Jimmy Carter – do achieve statistical significance.

### **Conclusion**

In this chapter, I examined the relationship between the president's political, electoral, and institutional contexts and his level of ideological responsiveness in his *amicus curiae* submissions before the U.S. Supreme Court. As was the case with the president's roll call responsiveness, the components of my new theory do not appear to influence the dynamics of presidential responsiveness to public opinion.

In the next chapter, I continue my examination of presidential responsiveness, moving on to analyzing the president's responsiveness in his unilateral policy actions, namely executive orders.

## CHAPTER VII

### RESPONSIVENESS IN THE UNILATERAL PRESIDENCY

As Chapters V and VI indicate, the president's institutional context influences the manner in which he interacts with the other federal branches.<sup>66</sup> In many ways, these findings should not be surprising, but rather a matter of course. It seems natural that inter-institutional factors should influence inter-institutional interactions. Perhaps a more compelling test of this dissertation's theory of presidential responsiveness to public opinion would move away from inter-institutional behavior and toward more individualistic dimensions of presidential policy making.

In the next two chapters, I examine presidential responsiveness in two key areas of the modern presidency that do not directly feature institutional interactions. In this chapter, I examine the responsiveness of presidential executive order behavior, the hallmark of what scholars refer to as the "unilateral" presidency (Howell 2005). In the next chapter, I analyze the responsiveness in the president's speech, attempting to determine the explanatory factors for when and why presidential rhetoric reflects public preferences.

#### Existing Research on Executive Order Politics

Presidential uses of unilateral policy making authority have not traditionally received as much scholarly attention as other dimensions of the modern presidency (e.g., the president's interactions with the other federal branches or the mass public). In recent years, however, scholarly examinations of presidential uses of executive authority have

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<sup>66</sup> Specifically, the preceding analyses indicate that context influences the stands presidents take on congressional roll call votes and the positions they espouse on cases before the Supreme Court through *amicus curiae* briefs submitted by the Solicitor General.



increased dramatically. There have been three main methodological approaches to the study of presidential executive order behavior. These approaches include general overviews of the president's executive order power, descriptive accounts of how presidents have used executive orders to shape specific policy areas and bureaucratic entities, and social scientific analyses designed to determine the conditions under which presidents make policy unilaterally by issuing executive orders rather than work in a cooperative fashion with other policy making institutions.

### **Overviews of Presidential Unilateral Powers**

The first methodological approach attempts to provide thorough overviews of the president's power to issue executive orders and to describe the ways in which presidents have wielded the executive order power in the past. There are two main veins within this methodological approach. First, several scholars have attended to outlined the president's legal prerogatives in issuing executive orders, most notably Cash (1963) and Fleishman and Aufses (1976).<sup>67</sup> These essays primarily discuss the legal limits to the president's unilateral powers, with occasional editorializing against perceived abuses of the constitutional order by over-aggressive chief executives.

The second type of overview literature concerns social scientific discussions of the president's various unilateral policy tools. An excellent example of this type of literature is Howell's (2005) recent article in *Presidential Studies Quarterly* (see also Howell 2006). In this article, Howell discusses the general manner in which presidents have used executive orders to advance their policy preferences unilaterally. Although Howell's article includes an updated review of several scholarly books and articles

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<sup>67</sup> See also Griswold (1934), Hart (1925), Hebe (1972), and Neighbors (1964).

published in recent years, his overview is quite similar to efforts by other scholars to provide a basic understanding of presidential unilateral powers. For example, Cooper (1986, 2001, 2002) frequently writes about the various aspects of direct executive action from a generalist's perspective, as well as with respect to specific administrations (Cooper 1997; see also Wigton 1996). Significant portions of recent texts by Howell (2003) and Mayer (2001) also provide extensive overview discussions.

A small subset of this research has moved from simply providing general discussions of presidential executive order powers to attempts to build theoretical explanations of how presidents use executive orders. For example, Moe and Howell (1999a, 1999b; see also Howell 2003) argue that presidential exploitation of the ambiguous constitutional nature of the executive order power has been the primary determinant of the modern presidency. Moe and Howell further contend that presidents have incentives to employ executive orders as a way to secure their political and policy agenda. They argue that the executive order is a policy making tool that, because of various institutional factors, the Congress and the courts are unlikely to challenge in a serious fashion. Mayer and Price (2002) also make this argument in an article that contends that presidents are able to employ executive orders in their attempts to reorganize the structure and function of the federal government. Further, Sala (1998) argues that presidential usage of executive orders sends signals to bureaucratic agencies about how the chief executive wants particular policies implemented. Combined, these advances in the literature indicate that presidents use executive orders to advance policy interests by unilaterally making policy, reorganizing the federal government, and sending signals to various government agencies concerning how they should implement policies.

## **Executive Orders and Policy Change**

Scholarly studies in the second area of executive order research directly examine the way presidential usage of executive orders have affected specific policy areas and bureaucratic entities. Studies documenting the influence of direct executive action on particular policy areas include key works on civil rights (Morgan 1970),<sup>68</sup> environmental policy (Shanley 1983),<sup>69</sup> and foreign policy (Margolis 1986).<sup>70</sup>

Similarly, other scholarly work demonstrates how presidential executive order issuance has directly manipulated the structure and function of federal agencies. Howell and Lewis (2002; see also Lewis 2003) have shown that presidents use direct executive action to create federal administrative agencies, agencies that are typically more responsive to presidential preferences than other agencies. Furthermore, Cross (1988) and Lewis (2003) have identified presidential attempts to increase control over existing executive agencies through executive orders.<sup>71</sup> Not only do presidents use executive direct action to create new agencies and increase control over already existent agencies, they also use executive orders to control bureaucratic action by controlling agency rulemaking powers (Rosenberg 1981).

## **Conditional Explanations of Strategic Executive Order Use**

Although presidents have been able to exploit their executive order powers for policy and political gain, they do not use direct action at will or in a non-strategic fashion. Conversely, scholars have shown presidential usage of executive orders (and other forms of direct executive action) is conditional and strategic, based on the dynamics of the

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<sup>68</sup> See also Mayer (2001, CH. VI).

<sup>69</sup> See also Cooper's (2001) work on Clinton's use of executive orders in order to advance his environmental justice initiative.

<sup>70</sup> See also Mayer (2001, CH. V) and Warber (2006).

<sup>71</sup> See also Mayer (2001, CH. V) and Lewis (2005).

president's institutional and political contexts. According to Marchbanks (2005), presidents consider the transaction costs that pursuing a policy making strategy based on executive order issuance poses vis-à-vis other, more cooperative policy making strategies (i.e., working with Congress) and take the action that maximizes their utility when seeking policy change. Marchbanks' theoretical argument is supported by a decade of empirical scholarship.

This body of literature indicates two distinct considerations that condition strategic decision making concerning executive order issuance. First, the president's political situation drives presidential executive order behavior. Mayer (1999) shows that the frequency of executive orders varies with the president's political context, particularly his level of popularity, the stage of his term, the point in the election cycle, and whether or not he is leaving the office to the opposition party. Shull (2006) confirms the relationship between presidential popularity and executive order issuance, noting the linkage is particularly strong for foreign policy. Presidential executive order issuance also depends on the president's constituency relations, with Democratic presidents issuing more executive orders than Republican chief executives because Democratic presidents serve a more diversified constituency (Warber 2006; see also Shull 2006). Furthermore, presidents are much more likely to use executive orders in the waning days of their administrations, as alternative legislative venues have all but closed (Howell and Mayer 2005).

In addition to the president's political context, institutional factors also condition presidential decisions to use executive orders as a policy making tool. Krause and Cohen (2000) show that as the institutional presidency developed, presidents suffered more

constraints on their ability to act unilaterally. This argument that the increasing institutionalization of the American presidency has negatively influenced the president's ability to act unilaterally is controversial among presidency scholars, as Mayer (2001) and Shull (2006) support the notion but Warber (2006) challenges it.

Institutional factors, however, are not limited to executive branch dynamics. Numerous scholars argue that changes in the linkages between the presidency and Congress affect presidential executive order usage. Marshall and Pacelle (2005) show that the presidential party's share of congressional seats significantly affects domestic policy executive order issuance but not the president's usage of foreign policy executive orders.<sup>72</sup> Deering and Maltzman (1999) hold that both the president's level of congressional support and his likelihood of being overturned by a congressional veto are inversely related to the number of executive orders issued (see also Gomez and Shull 1995; Shull and Gomez 1997; and Shull 2006). Howell (2003) argues that additional factors within the legislative arena influence presidential decisions to use executive orders, namely whether Congress is deadlocked on an issue and whether Congress is about to enact legislation the president opposes.

Finally, Krause and Cohen (1997) indicate that both political and institutional contexts affect presidential executive order behavior. They show that the use of executive orders significantly correlates with the legislative success presidents enjoy, the partisan composition of Congress, macroeconomic conditions, and rate of growth in federal executive branch employment. Thus, Krause and Cohen (1997, 458) hold that the "president's willingness to issue executive orders is significantly related to a combination

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<sup>72</sup> This discrepancy may be explained by Shull's (2006) evidence that foreign policy executive order behavior is strongly conditioned by political, not institutional factors.

of legislative, public prestige, and managerial/institutional considerations.” That is, numerous institutional factors, not simply the institutionalization of the office or the president’s legislative situation, affect his choice to use the unilateral tools at his disposal.

### **Presidential Responsiveness and Executive Orders**

Currently, we know quite a bit about how presidents have used executive orders to advance their political and policy preferences and how the president’s strategic context structures decision making about when and how to use unilateral power tools. We know virtually nothing, however, about the linkage between public opinion and presidential executive power behavior. In particular, no existing study has examined whether the policy content of presidential executive orders converges with the ideological preferences of the public.

In this chapter, I attempt to close this gap in the scholarly literature on presidential executive order behavior. As I did in the two preceding chapters, I test my theory of presidential responsiveness to public opinion, this time using a measure of presidential executive order responsiveness as the dependent variable. In the next section, I discuss the specific data used in this chapter’s analysis, followed by discussions on the analytical strategy and results.

### **Data**

To operationalize presidential responsiveness to public opinion in the administrative venue, I created a longitudinal measure that differenced standardized public mood and standardized presidential liberalism on executive orders. I described in detail this process in Chapter III of this dissertation.

To review the measurement of the president's liberalism in his executive orders, Mayer (1999, 2001) collected a random sample of executive orders from 1936-1996. I calculated annual percentages of positions on these briefs that were liberal from 1956 to 1996. These percentage scores were standardized and then differenced from the standardized public liberalism measure. The absolute values of the resulting figures serve as my measure of presidential responsiveness in the administrative venue.

In order to explain the over-time dynamics of presidential responsiveness in the judicial venue, I employed the same empirical measures and statistical analysis as in the previous analyses on presidential roll call and amicus curiae responsiveness (see Chapter V for further detail).

### **Results**

The results of the analysis indicate that, similar to presidential responsiveness in the legislative and judicial venues, neither political nor institutional factors influence the extent to which presidential executive order liberalism corresponds to public mood (see Table 14). In Model 1, the lagged dependent variable is the only independent variable that correlates with presidential executive order responsiveness in a statistically significant manner. In Model 2, the lagged dependent variable is no longer statistically significant, but the administration dummies for the Ford and Carter presidencies, respectively, each achieve significance at the .10 level.

### **Conclusion**

In this chapter, I examined the relationship between the president's political, electoral, and institutional contexts and the level of ideological responsiveness in his executive order behavior. The results generally were consistent with the findings from

previous analyses in this dissertation of the president's judicial and legislative responsiveness.

**Table 14: Presidential Executive Order Responsiveness to Public Opinion**

Independent Variable	Model 1	Model 2 (includes Administrations)
Lagged Dependent Variable	.279* (.168)	.094 (.229)
Approval	.001 (.013)	.018 (.019)
Divided Government	-.234 (.290)	-.306 (.425)
Reelection Year	.220 (.343)	.267 (.364)
Midterm Election Year	.315 (.339)	.205 (.376)
Kennedy		-.144 (.673)
Johnson		.238 (.542)
Nixon		.767 (.654)
Ford		1.46* (.859)
Carter		1.05* (.759)
Reagan		.571 (.516)
Bush		.456 (.618)
Clinton		.096 (.800)
Constant	.786 (.839)	-.328 (1.29)
Adjusted R-squared	-.0065	-.0950

Cell entries are regression coefficients and, in parentheses, robust standard errors.

\*\*\* Significant at <.01,

\*\* Significant at <.05,

\* Significant at <.10, all one-tailed tests

n = 41



That is, none of the variables measuring core components of my theoretical argument demonstrate statistically significant relationships with presidential executive order responsiveness and only a small number of administration dummies correlate significantly with the dependent variable. In the next chapter, I complete my examination of presidential responsiveness, concluding with an analysis of the determinants of presidential rhetorical responsiveness.

## CHAPTER VIII

### RESPONSIVENESS IN THE RHETORICAL PRESIDENCY

As the preceding three chapters have shown, the president's political and institutional contexts condition his responsiveness to public opinion.<sup>73</sup> Taken together, the analyses also indicate that the ways in which context affects presidential responsiveness vary across different policy making venues. That is, context matters differently when the president is engaged in the legislative arena than when he is pursuing his policy preferences in the judicial arena or acting alone by utilizing his unilateral powers. This disparate impact is consistent with the theoretical expectations laid out in Chapter II. In this chapter, I complete my empirical examinations by analyzing the level of responsiveness in one final venue: the president's rhetoric. In the analyses that follow, I attempt to determine the explanatory factors for when and why presidential rhetoric reflects public preferences.

#### Presidential Rhetoric and Public Opinion

In the 1980s, scholars such as George Edwards (1983), Samuel Kernell (1986), and Jeffrey Tulis (1987) ushered in a new era of scholarship on presidential rhetoric by placing explicit emphasis on the consequences of presidential rhetoric. Working from the theoretical base built by Richard Neustadt's (1960) observation that presidential power is the power to persuade, Edwards, Kernell, and Tulis each argued that the modern presidency was increasingly using speeches (and other forms of communication) to improve their ability to lead. The research by Edwards and Kernell research on this topic

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<sup>73</sup> Specifically, the preceding analyses indicate that context influences the stands presidents take on congressional roll call votes, the positions they espouse on cases before the Supreme Court through *amicus curiae* briefs submitted by the Solicitor General, and the executive orders they issue.

took the form of social scientific observation, in that they were attempts to document the rise of new presidential leadership strategies. Tulis' work was more theoretical, if not polemical, concerned with how this new approach to leadership violated the intent of the framers, yielding a greater likelihood for pandering and demagoguery than for reasoned policy making.

Building from the framework developed by Edwards, Kernell, and Tulis, subsequent scholars examined the utility of these new leadership strategies, examining the extent to which presidential public appeals resulted in success. Although the results are mixed, there is little evidence to persuade observers that the new leadership practice of "going public" (Kernell 1986) succeeds, certainly not to a degree that would justify the concerns of Tulis (1987). Although there is some evidence that presidents are able to use high-profile speeches<sup>74</sup> to move public opinion in the short term (Hill 1998; Lawrence 2002, 2004), there is little evidence that presidential rhetoric yields meaningful opinion change (Edwards 2003; Young and Perkins 2005). Similarly, there is not a strong foundation upon which to rest claims that presidential efforts to "go public" improve the president's policy making fortunes in the legislative arena. Though some research has found that presidential public appeals influence subsequent legislative support (Barrett 2004; Canes-Wrone 2001b), this influence is conditional and the exception rather than the rule (see Hoffman and Howard 2006, CH. V). Instead, recent scholars have shown that presidential public addresses serve as opportunities to signal intent and policy preferences, rather than mobilize opinion and marshal legislative support (Clinton et al. 2004; Eshbaugh-Soha 2006). Currently, there is no clear consensus on the consequences

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<sup>74</sup> Such as State of the Union addresses; see Hoffman and Howard (2006).

of presidential public appeals on national-level policy making; however, the preponderance of the evidence suggests that the impact of “going public” is marginal and infrequent.<sup>75</sup>

Another strand of social scientific research has taken the opposite perspective. That is, rather than examine whether the public (or other political elites) responds to the president’s rhetoric, several scholars have asked whether public preferences influence the president’s rhetorical position taking.<sup>76</sup> Although some scholars in this vein have found the president to be generally responsive (Erikson, MacKuen, and Stimson 2002a; Page and Shapiro 1983; Stimson, MacKuen, and Erikson 1995), more recent scholarship has attempted to uncover contextual factors that condition presidential responsiveness to public opinion (e.g., Canes-Wrone 2004, 2006; Canes-Wrone and Shotts 2004; Rottinghaus 2006).<sup>77</sup> The findings of this research are generally consistent with the theoretical expectations of this dissertation. Thus, the analyses that follow can largely be viewed as a theoretical replication, though with a more direct measure of presidential responsiveness (see Chapter III).

In this chapter, I test my theory of presidential responsiveness to public opinion, this time examining the president’s level of responsiveness in his policy rhetoric. I conduct two separate analyses, using two separate measures of presidential rhetorical responsiveness as the dependent variable, in order to explain rhetorical responsiveness both in the president’s highly politicized State of the Union rhetoric and in the president’s

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<sup>75</sup> Moreover, Edwards (2003) suggests that following a “going public” strategy may be counter-productive for the president’s political and policy agendas. Instead, Edwards contends that a leadership strategy based on building coalitions in Congress and “staying private” may be the president’s best policy making avenue.

<sup>76</sup> Hill (1998) and Cohen (1999) have posited a reciprocal relationship between presidential rhetoric and public opinion.

<sup>77</sup> This dissertation follows in this recent tradition.

overall policy talk. In the next section, I discuss the specific data used in this chapter's analysis, followed by discussions on the analytical strategy and results.

### **Data**

To operationalize presidential rhetorical responsiveness to public opinion, I created two distinct longitudinal measures that difference standardized public mood and standardized presidential rhetorical liberalism. The first measure operationalizes presidential responsiveness in the highly politicized rhetoric of State of the Union addresses, the second measure examines overall presidential rhetorical responsiveness. I described in detail this process in Chapter III of this dissertation.

To review the measurement of the president's liberalism in his State of the Union address rhetoric, Cohen (1999) coded the percentage of policy statements that were liberal in State of the Union addresses from 1953-1992; I extended this data set through 2000. In order to measure presidential liberalism in the president's overall rhetoric, I coded the liberalism of a random sample of more than 1,900 presidential policy statements (Rottinghaus 2006).<sup>78</sup> I then calculated annual percentages of these statements that were liberal for each of these separate measures of presidential rhetoric. These percentage scores were standardized and then differenced from the standardized public liberalism measure. The absolute values of the resulting figure served as my measure of presidential rhetorical responsiveness.

In order to explain the over-time dynamics of presidential responsiveness in the judicial venue, I employed the same empirical measures and statistical analysis as in the

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<sup>78</sup> See Chapter Three for a more in-depth discussion of Rottinghaus' (2006) coding procedures.

previous analyses on presidential roll call, amicus curiae, and executive order responsiveness (see Chapter V for further detail).

**Table 15: Presidential State of the Union Rhetorical Responsiveness to Public Opinion**

Independent Variable	Model 1	Model 2 (includes Administrations)
Lagged Dependent Variable	.327** (.147)	.167 (.152)
Approval	-.004 (.001)	.005 (.012)
Divided Government	-.138 (.225)	.185 (.477)
Reelection Year	-.180 (.273)	-.145 (.266)
Midterm Election Year	-.324 (.253)	-.306 (.245)
Kennedy		.058 (.559)
Johnson		.074 (.532)
Nixon		.041 (.427)
Ford		-.377 (.597)
Carter		1.39** (.623)
Reagan		.424 (.396)
Bush		.208 (.446)
Clinton		.030 (.381)
Constant	1.00*** (.616)	.213 (.896)
Adjusted R-squared	.0464	.1463

Cell entries are regression coefficients and, in parentheses, robust standard errors.

\*\*\* Significant at <.01,

\*\* Significant at <.05,

\* Significant at <.10, all one-tailed tests

n = 45

## **Results**

Beginning with the analyses examining the determinants of responsiveness in the president's State of the Union rhetoric, we see that the results of Model 1 indicate that once again the lagged dependent variable is the only empirical measure to achieve statistical significance (see Table 15). The lagged dependent variable, however, is not statistically significant when the series of administration dummy variables are added to the model (i.e., Model 2); the Carter dummy variable does achieve significance at the .05 level.

Examining the level of responsiveness in the president's overall policy rhetoric, drawn from the random sample discussed above and in Chapter III, we see very similar results as were observed in the State of the Union analysis (see Table 16). That is, the lagged dependent variable is the only statistically significant variable in Model 1, and again loses significance in Model 2. Similarly, the Carter dummy variable is again statistically significant. In this analysis, the dichotomous variable measuring the years of the George H.W. Bush administration also achieves statistical significance at the .10 level.

## **Conclusion**

As was the case in the three previous chapters, the statistical analyses in this chapter provide no support for the new theory of presidential responsiveness introduced in Chapter II. Indeed, the systematic variables derived from my theoretical argument failed to achieve statistical significance even a single time, across all four statistical analyses utilizing the rhetorical responsiveness data.

**Table 16: Presidential Overall Rhetorical Responsiveness to Public Opinion**

Independent Variable	Model 1	Model 2 (includes Administrations)
Lagged Dependent Variable	.401*** (.141)	.091 (.142)
Approval	-.003 (.011)	.004 (.072)
Divided Government	-.343 (.243)	.072 (.480)
Reelection Year	-.282 (.296)	-.247 (.264)
Midterm Election Year	-.092 (.273)	-.080 (.243)
Kennedy		.082 (.557)
Johnson		-.456 (.528)
Nixon		-.427 (.428)
Ford		-.535 (.598)
Carter		1.49** (.643)
Reagan		.140 (.390)
Bush		-.683* (.436)
Clinton		-.106 (.379)
Constant	1.10* (.679)	.792 (.887)
Adjusted R-squared	.1381	.3470

Cell entries are regression coefficients and, in parentheses, robust standard errors.

\*\*\* Significant at <.01,

\*\* Significant at <.05,

\* Significant at <.10, all one-tailed tests

n = 45



In the next chapter, I provide an overview assessment of the empirical analyses conducted in this chapter and the three previous chapters. I compare the findings of each chapter against the theoretical expectations, discuss the implications of these findings for my theory and for the broader literature on presidential responsiveness, and describe future research based on the strengths and weaknesses of the theoretical argument and research design of this dissertation.

## **CHAPTER IX**

### **CONCLUSION**

This dissertation rests on the belief that elite responsiveness to the mass public is the defining criteria of a successful democracy. Beliefs aside, the question of whether the leadership of any republic is responsive to the citizenry is an academic one, a question that scholars have asked in numerous ways and answered with an array of conclusions. Identifying the factors that facilitate responsiveness has proved to be a field of scholarly inquiry that remains insufficiently reaped; complete and comprehensive understanding of why and when political elites are responsive to their publics remains beyond the grasp of social science, despite extensive efforts to solve the problem.

The combination of the topic's importance to democratic theory and the unresolved state of affairs surrounding the relevant research that attempts to examine it has led me to develop, in this dissertation, a theoretical explanation of why modern American presidents are responsive to the public opinion of American citizens. As the most important, powerful, and visible political leader in the world, the role of the American president is particularly worthy of examination. Furthermore, as the civic engine that keeps the world's longest-standing democracy running, the role of the American mass public also merits close inspection. Thus, the symbolic and substantive significance of the relationship between the American people and their chief executive amplifies the existing theoretical importance of the general relationship between elites and masses in any state or system.

### **Revisiting the New Theory of Presidential Responsiveness**

To perform this scholarship, I built a new theory of presidential responsiveness to public opinion. The reference to building is conscious and appropriate, as the theoretical argument I crafted combined the previous efforts of several key scholars of the public presidency with unique contributions of my own. Linking literature across several sub-fields to provide a solid theoretical basis concerning the conditional nature of presidential responsiveness to public opinion, I used this basis to suggest that the importance of the most frequently cited conditional factors was itself conditional, depending on where and how the president was engaged in the policymaking process.

The fundamental component of my theoretical argument rests upon a simple and apparently obvious premise: presidents have goals and they seek the nation's highest elected office as a means to accomplish them. Merely holding office, however, does not automatically guarantee the president can secure his policy and political preferences. Due to the separated nature of the American federal system (Neustadt 1990), the president does not possess the power to command the other components of the national government to act in accordance with his wishes, but instead must persuade or bargain with the other branches. Presidents believe that their bargaining position and their ability to persuade depend in large part on their relationship with the public. As a result, presidents desire to maintain popularity in order to achieve their policy goals, secure reelection, and aid fellow partisans during midterm elections to increase their party's share of the legislature. A cornerstone of my theoretical argument is the contention that presidents' need for public approval determines their responsiveness to public opinion. A president with higher levels of public approval has a stronger position from which he can

extract what he wants from the other branches of government. As a result, presidents respond to declining approval numbers by increasing their responsiveness to public opinion, thus attempting to purchase renewed support by becoming more attentive to the public's preferences.

In addition to popular approval, the president's electoral context influences White House responsiveness. A president who is eligible for reelection has an additional incentive for increased responsiveness that a lame duck president does not: the chance to stay in office and, thus, continue to work toward accomplishing their goals and satisfying their preferences. Similarly, in election years, the intensity of this incentive increases, as a referendum on whether to return the president to office is near and the belief that the public will be more likely to reelect a president that has taken policy positions consistent with public preferences than one who has not can motivate presidents to increase their level of responsiveness. Similarly, in midterm elections, when presidents are campaigning for their fellow partisans, they can increase their level of responsiveness in order to improve the chances of those challengers and incumbents hoping to ride the president's coattails.

The president's formal relations with Congress, particularly the extent to which the president's own party controls the legislative chambers, also influences presidential responsiveness to public opinion. The smaller the president's party's share of Congress, the weaker the president's bargaining position and prospects for success are in the legislative arena. Presidents unable to engage in the policy making process by staying private and working in cooperative fashion with the legislature are forced to strengthen

their relationship with the voters, which they do by increasing their level of responsiveness to public opinion.

Finally, presidential responsiveness varies depending on the nature of the president's behavior. Presidents engage in policy making in multiple venues, and their actions in some venues are more visible than in others. Presidents must calculate the costs of taking non-responsive policy positions differently, depending on the venue in which they take their position. For example, *ceteris paribus*, a president faces different risks for taking a non-popular position depending on whether it is a televised statement at a high-profile event such as the State of the Union or it is contained in an obscure executive order. Similarly, presidents perform differently depending on whether they are engaged in the legislative arena, the judicial arena, creating policy unilaterally or simply talking to the public.

These are the four aspects of my theory of presidential responsiveness to public opinion: political context, electoral context, institutional context, and venue. The key theme running through each component is vulnerability. That is, I theorize that presidents increase or decrease their level of responsiveness depending on how vulnerable they are. Whether public approval is high or low, whether reelection is possible or near, whether meaningful bargaining opportunities exist with the legislature, and whether they are in a more or less visible venue all condition the president's level of responsiveness to public opinion.

### **Examining Support for the Hypotheses**

From these four components listed above, I have derived six hypotheses (see Table 17). To test these hypotheses, I first developed a quantitative measure of the

ideological distance between public policy preferences and presidential policy positions in four venues. I discuss the construction of this measure in detail in Chapter III and examine the ways in which the measure varies across venues, parties, and administrations in Chapter IV. To analyze the predictive strength of the first five hypotheses, I conducted a series of twelve time-series statistical analyses, the nature of which is discussed in Chapter V and replicated in Chapters VI, VII, and VIII.

**Table 17: Hypotheses**

Hypothesis 1	Presidents will be more responsive to public opinion when their approval decreases.
Hypothesis 2	Presidents will be more responsive to public opinion in presidential reelection years than in non-presidential reelection years.
Hypothesis 3	Presidents in their first term will be more responsive than presidents in their second term.
Hypothesis 4	Presidents will be more responsive to public opinion during times of divided government than during times of unified government.
Hypothesis 5	Presidents will be more responsive to public opinion during midterm election years than years when there are non-congressional elections.
Hypothesis 6	Presidents will be more responsive when they are engaged in more visible venues than when they are engaged in less visible venues.

Stated simply, the empirical results fail to support these hypotheses, or the new theory of presidential responsiveness introduced in Chapter II, in any compelling way (see Table 18). Of the four hypotheses tested in the multivariate regressions,<sup>79</sup> only one is ever supported (e.g., the presence of divided government increases presidential responsiveness to public opinion), and even that hypothesis is only supported in the Senate roll call vote analysis without administration dummies.

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<sup>79</sup> I dropped the variable measuring president's first term from statistical analyses because of the problems it created with multicollinearity. This is discussed in detail in Chapter Five. As a result, in Table 18 all venues are marked "n/a" in the column corresponding with Hypothesis 3, which predicted that presidents in their first term would be more responsive than presidents in their second term.

Hypothesis 6, which predicts that presidential responsiveness to public opinion varies across venues, also failed to receive support during the examination of the dependent variable in Chapter IV. Although some variation exists between venues, the order of venues from most responsive to least does not correspond with the order predicted in Chapter II. Accordingly, I must accept the null hypothesis. Even the variation that exists between venues is modest. Indeed, going from the least responsive venue (e.g., stands on roll call votes) to the most responsive venue (e.g., unilaterally issued executive orders), there is only an 8.6 percentage point difference. Moreover, the differences between the other, middle-range (in terms of levels of responsiveness) venues – presidential rhetoric and positions on amicus curiae briefs – were considerably smaller. From this, we can conclude that while some variation does exist between venues, it is not nearly as extensive as what was predicted in Chapter II.

In sum, it is clear that none of the hypothesis outlined in Chapter II and tested in Chapters IV through VIII received any meaningful amount of empirical support. Indeed, the majority of hypotheses failed to receive *any* support. In the remainder of this chapter, I discuss what conclusions can be drawn from the preceding analyses, the limitations of this research design, and where to go next.

**Table 18: Support for Hypotheses across Venues**

Venue	H1	H2	H3	H4	H5
Roll Call Votes – Senate	<b>No</b>	No	n/a	<b>Yes</b>	No
Roll Call Votes – House	No	No	n/a	No	No
<i>Amicus Curiae</i> Briefs	No	No	n/a	No	No
Executive Orders	No	No	n/a	No	No
Rhetoric – State of the Union	No	No	n/a	No	No
Rhetoric – Random Sample	No	No	n/a	No	No

## Summary of Empirical Findings

In my theory of presidential responsiveness to public opinion, I suggested four general factors that should influence the extent to which presidential policy activity responded to the preferences of the mass public: the president's political, electoral, and institutional contexts and the venue in which the president takes his policy position. The results of the previous analyses indicate that these factors do not influence responsiveness, at least insofar as the concepts have been operationalized and modeled in this dissertation. However, the results of the preceding analyses do yield two interesting conclusions.

First, the frequent (though not universal) statistical significance of the lagged dependent variable in the statistical analyses conducted in Chapters V through VIII shows us that history matters. Specifically, the lagged dependent variable achieved statistical significance in the Model 1 analyses in each venue.<sup>80</sup> Statistical significance disappeared, however, in most of the Model 2 analyses (i.e., when administration dummy variables were added to the model). However, even with the added administration dummy variables, the lagged dependent variable achieved statistical significance in the both of the legislative responsiveness analyses (i.e., the Senate and House of Representatives Model 2 analyses). I interpret the statistical significance of the lagged dependent variable in these cases to indicate that the historical experiences of previous presidents influence contemporary presidential decisions to respond to public preferences.

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<sup>80</sup> The Model 1 analyses were those analyses that included only the systematic variables derived from the theoretical argument and the lagged dependent variable.



Second, the results of the analyses indicate that not only do past administrations shape the level of responsiveness, but also that in many cases individual administrations possess characteristics that influence their responsiveness in idiosyncratic ways. That is, in every Model 2 analysis (i.e., those analyses that included administration dummy variables), at least one administration dummy variable achieved statistical significance. Moreover, a casual post-hoc examination of conventional understanding of presidential history comports with these results. For example, Jimmy Carter's reputation as an out of touch chief executive – a reputation evidenced by his disastrous malaise reference and drubbing in the 1980 election by Ronald Reagan – squares with the fact that Carter's consistent lack of responsiveness over time and across venues proves quite negative and statistically significant in every single venue. Dummy variables representing the administrations Presidents Johnson, Nixon, and Ford also correlated in a statistically significant manner with presidential responsiveness measures in multiple venues, and in ways that correspond to our knowledge of each administration. For example, Lyndon Johnson's previous experience as an influential member of Congress and his historical reputation for working well with the legislative branch correspond with the statistically significant negative correlations observed in the analyses of roll call vote position taking in both the House of Representatives and the Senate. Similarly, Richard Nixon's reputation as the most sophisticated consumer of public opinion polling data among all modern presidents corresponds with the negative and statistically significant correlations between the Nixon administration dummy variable and the responsiveness dependent variable in the House of Representatives and *amicus curiae* analyses. The administrations of Gerald Ford and George H.W. Bush also demonstrated statistically

significant correlations with the responsiveness dependent variables; the former in the legislative and unilateral venues, the latter in the rhetorical arena.

In sum, although the findings of the preceding analyses did not provide empirical support for my new theory of presidential responsiveness, they did yield interesting findings that are worthy of further attention and theoretical inclusion. In the next section, I discuss some of the shortcomings of this research design and close with a discussion of what remains to be done.

### **Shortcomings of the Research Design**

In the scientific endeavor, comprehensive explanations of why phenomena occur why, when, and how they do are rarely determined on the first try. The topic under study here is no different. The key limitation of this research design is the specificity of its central research question. In this dissertation, my primary interest was in determining what the causes of presidential responsiveness are. I built a theoretical argument, developed new empirical measures, and conducted statistical analyses with the goal of explaining how factors such as context and venue shape the dynamics of presidential responsiveness. Although the extent to which I have successfully answered this central motivating question is quite limited, the one question I possess no clear answer for is whether presidents are responsive.

I have purposefully avoided asking the question of whether presidents are responsive for two reasons. First, this question has been asked before, and answered in a manner that I believe is sufficient. The clearest example of research that determines whether presidents are responsive is Page and Shapiro's (1983) seminal article, which attempted to determine the effects public opinion has on public policy. They conclude

that presidents are quite responsive to the public, at a responsiveness rate of 63-65%. Short of redefining responsiveness, I do not believe that additional research on whether presidents are responsive is necessary. Second, I am uncertain about how to determine what level of responsiveness is indeed responsive. Certainly, there would be widespread agreement that a president who is only responsive 5% of the time is not responsive and a president who is responsive 95% percent of the time is responsive. These proposed figures, however, are extreme. I have no doubt that Page and Shapiro's presidential responsiveness rate of 63-65% is accurate in an objective sense, but is 63-65% policy change congruence enough responsiveness to qualify as responsive? Is 75% a more reasonable decision point?

There is no clear normative standard that indicates how frequently a president must perform in a responsive manner before we can consider him a responsive president. Restated more appropriately for my own data, there is no clear way, which is not entirely arbitrary, to determine how small must the gap be between the public's preferred liberalism and the president's policy liberalism. From the examination in Chapter IV of how my responsiveness data, which provides a quantitative measure of this gap, varies, we know that presidential executive order position taking (.814) is more responsive than presidential roll call position taking (1.12) and we know that Lyndon Johnson's overall responsiveness score (.564) is considerably more responsive than Jimmy Carter's overall responsiveness score (2.08). We cannot say whether presidential executive order positions are responsive, whether Johnson was a responsive president, or where to set a baseline figure that tells us which venues or administrations are responsive and which are

not. We can only know that responsiveness fluctuates across venues, presidents, parties, and to varying degrees contexts.

As a result, I purposefully refrain from attempting to answer the question of whether presidents are responsive now, based on the information I have gathered throughout this dissertation. I conclude neither that presidents are responsive nor that they are not responsive. The nature of the research design only allows conclusions on what factors influence levels of responsiveness, not whether presidential performance is fundamentally responsive.

A second limitation of this research design is that it examines presidential responsiveness on an exclusively macro level. The strength of a macro approach is that it allows observation of broad over-time trends potentially invisible in a research project that examined responsiveness in a cross-sectional manner. There are costs to this approach, however. First, the macro-level, over-time approach does not provide much thick description about the ways in which presidents are responsive. For example, we do not gain any additional understanding of the issue-specific micro-foundations of presidential responsiveness. My research design does not allow comparisons across issue areas, so we do not know if such important factors as issue salience, complexity, or cross-party cleavages condition presidential responsiveness to public opinion. Second, it cannot determine if the preferences of the American public as a whole drives the president's strategic position taking or if he responds primarily to important sub-groups and constituencies within the populace. Instead, I can only base conclusions on how presidents respond to the preponderance of the public's ideological preferences, not

whether Republicans, Democrats, likely voters, Christians, or any other key groups drive this phenomenon.

Third, various statistical and methodological problems have limited the extent to which we can comfortably generalize from the empirical results of the preceding analyses. First, the nature of the dependent variable inverts what we would logically expect, in that a higher responsiveness score actually indicates less responsiveness. This adds an extra mental step when interpreting the hypothesized inverse relationship between public approval and presidential responsiveness. Finally, the problem of multicollinearity caused predominately by the presidential first term measure devastated the ability to analyze empirically the role of electoral context in strategic presidential position taking. To combat this problem, I should pursue more sophisticated statistical modeling and alternative measurement strategies.

Finally, the modeling strategy employed in this dissertation may be responsible for some of the null findings consistently encountered in Chapters V through VIII. Specifically, there are two problems that must be addressed, both of which related to the relationship between the presidential and public liberalism components of the responsiveness measure. First, it is possible that the decision to model measures of both presidential and public liberalism on the left-hand side of the theoretical equation (i.e., by differencing the standardized measure of the two concepts) was misguided. Not only is this approach inconsistent with the broader literature on representation, but it also may inappropriately ignore important causal linkages between public opinion and presidential policy behavior.

Second, accepting that the difference measure was an adequate and appropriate strategy for capturing the concept of presidential responsiveness to public opinion (which is admittedly a large and risky assumption), the choice of taking the absolute values of the difference figures may be problematic. It is possible that the linear relationship that exists between presidential policy positions and public policy preferences cannot and should not be examined by looking at ideological distance regardless of direction. Instead, perhaps the actual direction of the difference (i.e., not only how large the gap between public and president is, but also whether the president is more or less liberal) is what matters. This, of course, is a different research question than the motivating question in this dissertation, even if the difference between questions is subtle. Before empirically examining this potential relationship, further theoretical development work is required.

### **Where to Go Next**

It is clear that there is significantly more work to do in this area. Not only can the previously discussed shortcomings be improved upon, but also there are important new ways to extend the core research question. The first task to accomplish is to address the various limitations – theoretical, methodological, and statistical – identified throughout this chapter. I intend to approach theory development accordingly for those components of my theory that were indicated irrelevant to presidential responsiveness or proved influential in ways other than that which the theoretical argument predicted.

Additionally, I intend to address the measurement and analytical limitations noted previously, finding alternative measurements with which to operationalize the key concepts and more sophisticated modeling processes with which to analyze the data.

In addition to fixing the current problems, there are new related questions that merit attention. Although the macro perspective taken toward responsiveness is justifiable, important questions remained unanswered that necessitate taking a micro approach. I intend to examine the role of issues in presidential responsiveness, both theoretically and substantively. In terms of theory, I plan to investigate whether key aspects of issues such as salience, complexity, and party cleavages influence the extent to which presidents are responsive to public opinion dynamics. Answering this question will require an entirely different research design, and in particular, new ways of measuring the gap between presidential performance and public issue attitudes.

In terms of substantive questions, I plan to examine how presidents have responded to public preference changes in two key issue areas: civil rights and the environment. The issue of civil rights is arguably the issue in modern American politics in which we have seen the most dramatic dynamics of public attitudes. An investigation into how presidential policy positions have responded to these attitudinal dynamics will reveal considerable information about the workings of the modern presidency, as well as useful information about the institutional history of the Twentieth Century. Conversely, the environment, other than perhaps national security, is one of the most salient political issues of the Twenty-First Century. As concerns about environmental sustainability and climate change continue to grow in importance, the role the contemporary presidency plays in the evolution of this policy issue could match civil rights in importance. Like the research project on the role of issue characteristics in presidential responsiveness, this new line of inquiry requires an entirely different research design. I anticipate that case studies of important civil rights and environmental politics-related policy decisions and

actions will complement quantitative analyses of the opinion-policy linkage as I attempt to investigate the president's role in these special political problems.

In addition to continuing to understand the causes of responsiveness, I also intend to investigate the consequences. That is, I plan to ask if there is a payoff for responsiveness. For example, do presidents that are more responsive secure reelection easier or more frequently than less responsive presidents? Do presidents that are more responsive have more success in leading Congress or pursuing their agendas through the Supreme Court? Does responsiveness factor into decisions of whether to go public or stay private, or into decisions of whether to work on legislation with Congress or make policy unilaterally using executive orders and other administrative power tools? Finally, does increased responsiveness improve the president's standing with the public? Each of these questions can be answered and, more importantly, should be. As discussed in the introduction to this dissertation, the relationship between the mass public and its leaders is among the most important in all of politics. The more we learn about the dynamics and nuances of this relationship, the more our profession, and our polity, prospers.



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