

## ABSTRACT

Title of Dissertation:                   WHEN POLITICS MATTER: UNILATERAL  
POWER AND CRITICAL EXECUTIVE  
ORDERS

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Our observations of the political world are filled with examples of presidents who move policy with the stroke of a pen. The executive order, one of several tools available to presidents, is a primary example of unilateral governance wherein presidents change policy, create programs, and reorganize the government without a single vote in Congress. In political science, we study these demonstrations of executive action by paying attention to a subgroup of so-called “significant” executive orders, those with policy implications that garner the attention of other institutional actors (including the press). However, this broad category still covers a wide range of salience that muddles our understanding of how and when presidents use unilateral action. In the dissertation, I identify an even narrower set of “critical” executive orders that represent the most impactful unilateral actions of presidents. Focusing on these orders, I study the political context in which they are issued so that we can better understand the dynamics associated with greater presidential prolificacy

in their unilateral governance. I use count models to identify the political factors that shape a president's ability to issue such orders and find that divided government, polarization, presidential approval, the economy, war, and other timing variables all provide clues to the president on whether he or she has a favorable environment for issuing such orders. I also find a difference in the factors that influence the issuance of critical executive orders when broken down by domestic versus foreign and defense-related policies. When these factors are associated with lower numbers of critical executive orders, I argue that presidents are effectively constrained because they recognize that their circumstances do not as easily lend themselves to unilateral action. Recognizing that executive orders are just one of many unilateral tools available to presidents, I close with discussion about the need to identify significant subsets of these other tools and aggregate them to create a fuller picture of unilateral governance in the American system.

WHEN POLITICS MATTER: UNILATERAL POWER AND CRITICAL  
EXECUTIVE ORDERS

by

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## Chapter 1: Introduction

“To every mayor, governor, and state legislator in America, I say, you don’t have to wait for Congress to act; Americans will support you if you take this on. And as a chief executive, I intend to lead by example. Profitable corporations like Costco see higher wages as the smart way to boost productivity and reduce turnover. We should too. In the coming weeks, I will issue an Executive Order requiring federal contractors to pay their federally-funded employees a fair wage of at least \$10.10 an hour – because if you cook our troops’ meals or wash their dishes, you shouldn’t have to live in poverty.”

-President Barack Obama, 2014 State of the Union address to Congress

When President Obama stood before a joint session of Congress on January 28, 2014, and announced his intention to unilaterally move forward on important policies by himself because Congress would not cooperate, many people across the country noticed. Television news and newspapers reported Obama’s determination to move ahead with raising the minimum wage by himself. The next day, people did not need to read beyond the headlines to know that the president intended action on the minimum wage: “Obama Kicks Off State of the Union Action with Minimum Wage Push” (Kaplan 2014a), “Obama’s 2014 State of the Union Wish List” (Kaplan 2014b), “Obama to Sign Executive Order Raising Minimum Wage for Federal Contractors” (*Fox News* 2014), “In State of the Union Address, Obama Vows to Act Alone on the Economy” (Baker 2014), “Obama to Raise Minimum Wage for Some Federal Workers” (Jackson and Madhani 2014).

Two weeks later, the President signed Executive Order 13658 to increase the minimum wage for contractors. Obama did not wait for Congress but invited it to join



him. He discussed raising the minimum wage in his 2013 State of the Union address but did not make significant gains on that front. In 2014, he vowed to take action on his own, and he did just that. In signing the executive order, he said, “We are a nation that believes in rewarding honest work with honest wages. And America deserves a raise” (Schneider 2014). With the stroke of a pen, Obama initiated a policy change that would affect employees (and employers) across the country (Landler 2014, Shear 2014).

As he sat on the House floor for Obama’s State of the Union address, then-House Majority Leader Eric Cantor (R-VA) had already released one report on what he considered a rising “Imperial Presidency” (Cantor 2014). The report discusses “the break-down in the rule of law under the Obama Administration” that raised constitutional questions and negatively affected the economy (Cantor 2014, *i*). Specifically, the report addresses concerns with Obama ignoring advice and consent on federal appointments, creating his own laws and programs by unilateral action beyond those regulations called for by Congress, ignoring other laws and responsibilities for executing the laws passed by Congress, and governing by “waiver,” in which the president can exempt certain criteria or requirements from execution (Cantor 2014). A month after Obama signed Executive Order 13658, Cantor released a second version of his memo to allege that the President’s unconstitutional and illegal abuses of power continued. The original report and re-release include a long list of actions improperly pursued by the President in seemingly groundbreaking fashion.

“In some instances, President Obama attempted to garner legislative authority, failed and then acted

unilaterally in defiance. In other instances, the President never even sought to find consensus and instead ignored Congress and its authority from the outset. In speeches, the President has proudly acknowledged that he has acted without Congress, contending that he has no other alternative.”

-Cantor’s “Imperial Presidency” Memorandum (2014)

Cantor’s intention is clear. He believed that Obama’s actions were not appropriate uses of unilateral actions. By his calculation, the President circumvented the will of the Founding Fathers and the Constitution by becoming a single-person legislative body that could produce laws without needing bipartisan cooperation between other branches of government.

Despite the criticisms by Republicans of a Democratic president’s unilateral actions, the topic remains salient years later in a country now led by a Republican president with a Republican Congress. During the campaign, before even the first caucuses in Iowa or first primary in New Hampshire, candidate Trump had called for a moratorium on the immigration of Muslims into the U.S. “Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what is going on” (Trump 2015). In the first week of his administration, President Trump delivered on that issue and promise when he issued Executive Order 13769, halting visas for citizens of seven majority-Muslim countries in the name of national security. In a statement given the next day, the new President said of his action,

“We will again be issuing visas to all countries once we are sure we have reviewed and implemented the most secure policies over the next 90 days. I have tremendous feeling for the people involved in this horrific humanitarian crisis in Syria. My first priority will always be to protect and serve our country, but as

President, I will find ways to help all those who are suffering.” (Trump 2017)

Within hours, families that were traveling were detained at airports around the country. Legal challenges arose quickly with protests staged for international terms of major American airports (Haberman 2017). A three-judge appeals panel heard a case brought by the State of Washington against Trump’s executive order and maintained a lower court’s decision to stay the order (Liptak 2017). Failing to see a reasonable argument for advancing national security through the broad order, and rejecting Trump’s argument that some presidential decisions made in the name of national security are above reproach, the court slowed the President’s ability to sweep into office and make the changes on which he campaigned. “Courts ought not second-guess sensitive national security decisions of the president,” said Senator Tom Cotton (R-AR) in response to the decision (Liptak 2017). Interestingly, the response from Congressional Republicans changed once their candidate was in the White House using unilateral tools to affect policy. “Once fierce promoters of the separation of powers, Republicans are now embracing Mr. Trump’s early governing by executive order, something they loudly decried during Mr. Obama’s second term” (Steinhauer 2017). With increased scrutiny, executive orders and unilateral tools more broadly serve as important topics for continued study.

#### *Significance of the Project*

Citizens today expect presidents to actively pursue policy objectives, and the voters laud the accomplishments or decry the failures – the very actions of Edwards’s (2009) so-called “leadership” – of presidents for those things inside and outside the scope of a president’s actual purview (Mayer 2001, Howell 2003, Simon 2009).

Toward that end, we study the legislative and unilateral efforts of presidents so that we can better understand when and how and why they act. In this dissertation, I examine the unilateral activism of modern presidents in different policy arenas and ask just how they accomplish what they do during their time in office. What factors influence the ability of presidents to use their unilateral authority to pursue policy goals with impunity? To what extent are presidents effectively constrained by external factors beyond their immediate control? It may be that the term “unilateral” is a misnomer if the prevalence of these actions is based on the political context of the time.

The executive order is the most recognizable unilateral action available to presidents. Used by all presidents, executive orders are effectively laws created by the president for implementation within the Executive branch. They are easily created with a stroke of the president’s pen, but they are just as easily undone by another executive order, whether issued by that same president when circumstances have changed or by any successor. Law requires that executive orders are numbered and printed in the *Federal Register*, making them easy to observe and track. While other types of unilateral actions can be hidden from public review and scrutiny or may be classified in the name of national security, the executive order is clearly defined and accessible.

The scope of executive orders is nearly limitless. They range in effect from giving federal employees a day off work to renaming federal buildings to exempting an individual from the mandatory retirement age to imposing sanctions against a country to providing resources and assistance in times of crisis to establishing new

federal departments with sizable budgets and a host of policy goals. The executive order can be used to accomplish policy change in all aspects of the president's duties: influencing military readiness and selective service requirements as commander-in-chief, providing the bureaucratic regulations to enforce laws as chief executive, establishing terms of international relations and cooperation as chief diplomat, or regulating aspects of the economy through fiscal policy as chief economic planner. All manner of tasks, from the routine to the extraordinary, can be accomplished by presidents with the use of the executive order.

A conversation about unilateral governance and presidential power hinges on the presumption that these actions are impactful. After all, Cantor was not decrying Obama's use of the executive order to give employees an extra day of vacation for Christmas. His attack on Obama's "imperial presidency" was rooted in the idea that the President was doing substantial things with his executive orders that were deserving of everyone's attention. The examples used throughout the dissertation show some of the most impactful unilateral actions to come from the Oval Office.

### *Theoretical Contributions*

Much has been written about the political factors under which presidents can be successful with their legislative and unilateral efforts and the resources available to presidents for such efforts. I argue here that presidents take these dynamics and resources into account when looking to move policies toward their desired policy preference points. Presidents have preferred policies and will choose the strategies – whether legislative or unilateral – that move them toward those policy preferences with the greatest success.

The president's assessment of his or her political context helps the president determine which strategy is appropriate given the dynamics in play. Part of this presidential calculus for determining approach is a determination about the costs associated with moving policy goals through legislation (a costly and cumbersome process) and the likelihood of challenges to unilateral actions. Legislative pursuits may be better for presidents who can get their bills through Congress, but there may be times when presidents want to move faster than Congress will allow or want to move at all when Congress otherwise refuses. In these cases, presidents will not issue an endless series of executive orders. They will weigh their ability to issue orders against the likelihood of Congress overcoming the costs involved in challenging the president's orders.

As the political context becomes more influential to the number of executive orders that presidents issue, I argue that presidents are effectively constrained. These may not be formal constraints, but the president looks at his or her opportunities and determines that it may be harder to issue orders or have those orders be successful at certain times. If the president fears an effort by Congress to challenge the president's unilateral governance, then these factors associated with such periods of lower unilateral activity are effective constraints on the president's ability to act with impunity. I set out to determine what these relevant political dynamics are.

### *Critical Executive Orders*

Studies of executive orders focus on a subset of these orders. Seeking to move beyond the routine orders with little policy impact, political science has narrowed its scope to those orders that pose policy implications and garner the attention of the

press, the Congress, or the courts (Mayer 1999, 2001, 2009; Howell 2003). We call this smaller cut of executive orders “significant executive orders.” In Mayer’s model, these orders tend to be influenced by timing (the beginning or end of an administration), a change in partisan control of the White House, political timing (based around presidential elections), the president’s approval rating, and whether or not the president’s party also controls Congress. In Howell’s model, these orders are traditionally influenced by the size of congressional majorities, a change in partisan control of the White House, and whether or not the president enjoys unified government. From this perspective, presidents appear somewhat bound by their circumstances. These political dynamics in which presidents operate change the extent to which they can tend to be prolific with these kinds of actions or must sit on their hands and not sign into effect all of their desired policies.

However, our understanding of these significant executive orders is complicated and incomplete for several reasons. First, some of these studies disagree on the factors relevant to the issuance of significant executive orders in the first place. As will be discussed in the next chapter, not all studies find the same effects for different factors that may embolden or effectively constrain presidents. Second, these studies omit important aspects of the political context that should be included in such a discussion. A president’s approval rating is not studied in all of these assessments, and ideological polarization is largely missing from the conversation as well. Third, we also have a long-standing question within presidential scholarship on whether or not presidents act differently and enjoy different successes based on whether their policy interests are domestic or foreign in nature. Is there evidence of such a division

when it comes to executive orders and other unilateral actions as well, or are these exercises solely at the president's discretion and immune from such differences by policy type?

Fourth – and most central to the dissertation – is a question of whether previous studies have looked at the right set of unilateral tools in the first place. Because of its relatively broad definition, so-called significant executive orders still include a large swath of orders that are not policy-oriented or still meet routine responsibilities of the president. Several executive orders in this category give federal employees the day off work immediately before or after Christmas, add a star to the presidential seal when new states are added, exempt particular individuals from the mandatory retirement age, and more. Surely, these orders do not carry the same policy weight as other actions that declare a war on drugs, establish the Peace Corps, realign the American military industrial complex before or after armed engagement, establish sanctions against a country that has taken American hostages, and so forth. To capture this smaller subset of particularly significant executive orders, I propose a method for further categorizing significant executive orders to identify the most significant among them, my so-called “critical” executive orders.

To identify these orders, I return to one of Howell's criteria that signals that an executive order is significant in the first place: a mention in *The New York Times* within one year of issuance. As significant executive orders cover a wide range of subjects, so too do we see a wide range of coverage given to these orders. The majority of significant executive orders from Howell's list have just one mention in the national paper of record, indicating a low bar for significance in the first place. I



use a higher number of stories to indicate a higher level of significance to the order, indicating that the order had larger implications, dealt with a larger budget line, related to higher levels of importance to people, and drew greater attention from the public and the punditry. Critical executive orders have three or more stories in *The New York Times*, placing them above the mean and apart from the vast majority of total and significant executive orders. With this subset of orders identified, I can assess the factors involved with these critical executive orders and identify the political dynamics when they are issued so that I can compare them to the dynamics associated with broader classifications of executive orders.

So what elements of the political context are relevant to the critical executive orders presidents issue when they take their most substantive unilateral actions to change or create public policy? Part of this discussion includes adding factors that have not previously been studied when it comes to executive orders so that we can better understand the uses of presidential actions and the dynamics that influence them. I also set out to continue the academic debate raised by some like Wildavsky (1966), Canes-Wrone (2006), and Kriner (2009) about differences in presidential policy success by policy type. Is there a difference between a president's domestic and foreign policy prerogatives?

With data for the numbers of executive orders issued by Presidents Truman through Bush II, I run negative binomial regression models to assess the political dynamics that lead to more or fewer critical executive orders. I find that congressional majorities and taking control of the White House from the opposition party are less significant for critical executive orders than they had been in Howell's model.

Contrary to Mayer's model, I also find a positive effect for the role of presidential approval. Adding in new external elements, I further find a significant role for polarization, the economy, and war. These factors tend to influence how prolific presidents can be when it comes to writing critical executive orders that will have a large impact on federal policy.

Given the academic disagreement over whether or not presidents' abilities to influence and lead differ between domestic policy issues and foreign policy issues, I additionally test the number of critical executive orders issued under these broad policy categories. I run secondary negative binomial regression models for critical domestic and foreign orders. While the presidents in my data have issued roughly the same numbers of these types of orders, they tend to do so at different times under different circumstances. Divided government, presidential approval, the economy, and the engagement of American troops all influence the number of critical executive orders that presidents issue on matters of domestic policy. When it comes to crafting policy at home, presidents find a number of factors that effectively limit the number of critical executive orders they issue. Consistent with previous literature on the subject, presidents are not given great latitude in affecting domestic policy, and they must have the resources to do so: a unified government that will back them up, higher presidential approval ratings, an economy that demands attention, and so on.

However, my model presented here explains less of the variance in the number of critical executive orders issued by presidents to impact foreign policy. Divided government and the economy are the most significant aspects of the political

context in these situations, though I find that polarization also plays a role.<sup>1</sup> We see less constraint placed on presidents by their external circumstances when it comes to their critical foreign orders. Some of the time periods in which several of these orders were issued were even very short time periods, such as President Carter's final day in office when he signed several such orders to have a final impact on the situation in Tehran, where several dozen Americans were held captive by Iranian militants.

### *Chapter Outline*

In the chapters that follow, I explore presidential unilateral governance as exemplified by the executive order. In the second chapter, I begin with a review of what we already know about executive orders based on the work of previous scholars. A part of this discussion focuses on the information that is still missing in our understanding of how executive orders work and when presidents issue them. This conversation leads necessarily to incorporating other parts of the political context into the discussion so that we better understand the world in which presidents are operating when they set their pen to an executive order.

In the third chapter, I then introduce my categorization of the critical executive order and how these are identified. By extending the work that has been done to classify significant executive orders, I provide a method for identifying the orders that stand out from their peers and should be considered differently. While we may find great utility in studying significant executive orders apart from their non-significant counterparts, so too can we find value in further discriminating between

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<sup>1</sup> The role of the economy in foreign policy may be a connection between the U.S. and the global economy in which presidents issue orders that impact both the global and American economy at the same time. Or some of these executive orders may be aimed at addressing international issues that have impacts on the U.S. economy, such as conflict that interrupts the flow of resources into the country.

levels of significance. Given the wide range of topics and purposes and attention captured in the population of significant executive orders, finding a way to capture the most exceptional from this group and study them provides more insight into not just how presidents broadly influence policy, but rather about how presidents influence the policies that shape their agendas and define their legacies. It is no surprise when looking at the data that some of the most attention-gathering critical executive orders are those married to the reputation of their respective presidents: Kennedy and the Peace Corps, Carter and the Iran hostage situation, Reagan and the War on Drugs. This chapter presents the methodology for this work.

The fourth chapter presents the quantitative data behind the dissertation. It begins with the summary statistics behind critical executive orders and their related *New York Times* story counts, defines the rest of the variables of interest, and lays out the negative binomial regression count models used to identify the factors that have the greatest impact on the number of critical executive orders issued by presidents. This chapter also provides a secondary set of models by policy type (domestic versus foreign) and the results that show that these political dynamics in which presidents operate have different effects for different kinds of policies. The chapter concludes with some discussion about what we learn from these many models.

The next two chapters provide case studies that help illustrate the findings of the quantitative chapter when it comes to critical domestic and foreign orders. These chapters show cases where presidents issued relatively high numbers of critical executive orders of a particular policy type (domestic or foreign) and how the president's political context contributed to these numbers. The fifth chapter focuses

on the relationship between divided government, approval, and the economy faced by President Kennedy during the 87<sup>th</sup> Congress and President Bush II during the 107<sup>th</sup> Congress and the relatively high numbers of critical domestic orders they were able to issue during their respective administrations. The sixth chapter then details the relationship between divided government, polarization, and the economy for President Truman during the 82<sup>nd</sup> Congress, President Eisenhower during the 83<sup>rd</sup> Congress, and President Carter during the 96<sup>th</sup> and 97<sup>th</sup> Congresses and their ability to issue higher numbers of critical foreign orders during these times.

In the seventh chapter, I step away from the focus on executive orders to elaborate on the broader exercise of unilateral authority. The executive order is just one example of such a tool that presidents have at their disposal. Another such tool is the presidential memorandum, which has grown in usage over time. Similar in many ways to the executive order, the memorandum largely differed from the former based on reporting requirements. Executive orders must be numbered and published in the *Federal Register*, but the same is not true for memoranda, which presidents need not publish. However, the Obama administration pledged to publish all of its memoranda as well in an act of transparency. This move provides the ability for scholars to study these actions as well so that we can better understand all of the tools used by presidents in their pursuit of policy, especially when we have cases where the Obama administration used more memoranda than executive orders. These memoranda become tools with increased power and publicity now on par with executive orders. In this chapter, I discuss what we know so far about memoranda; some of the instances of their use, including in the initial weeks of the Trump administration; and

consider a research agenda whereby we think about ways to study the totality of presidential unilateral actions in the future. If memoranda are just executive orders by another name, I argue that we should find a way to study them as their own tool and as part of a larger tool set.

Finally, I conclude with a discussion of what we have learned about executive orders, particularly critical executive orders, and what is left to learn about executive orders and presidential unilateral governance. Given the findings of how many factors influence the numbers of critical executive orders issued by presidents, to what extent are presidents actually in control of their policy agendas? I also conclude with some initial observations about the Trump administration and provide some expectations given the political climate in which the new president will spend his first two years in office.

## Chapter 2: Theoretical Perspectives on Executive Orders

“I have joined the political arena so that the powerful can no longer beat up on people that cannot defend themselves. Nobody knows the system better than me, which is why I alone can fix it.”

-Donald J. Trump, accepting 2016 Republican Presidential Nomination

In accepting the Republican nomination for president of the United States in 2016, Donald Trump spoke about the changes that he alone would make to the system. While he did not specifically mention executive orders as part of his speech, his language reflects his desire and ability to single-handedly impact the political order and change the operation of the government. Rival Hillary R. Clinton addressed the claim in her own acceptance speech the following week, noting that the promise to fix problems with unilateral methods from the outset was an abnormal assertion for a potential – and in this case, future – president. She noted, “Don’t believe anyone who says, ‘I alone can fix it’” (Clinton 2016, Martel 2016).

But all presidents have used unilateral actions to fix things throughout time: the economy, the structuring of departments, the rules governing military conscription, international policies, antiquated rules and regulations, and more. The questions that arise are why presidents sometimes turn to tools like the executive order and what conditions factor into these decisions. I argue here that presidents use executive orders for a number of reasons related to wanting to achieve policy when they otherwise cannot get their desired policies from Congress, when they think they have sufficient room to act without facing rebuke from Congress (especially when it would be difficult for Congress to organize against the president), or when they want to get the ball rolling on a policy more quickly with the expectation or hope that

Congress may join them later. Regarding the factors that signal opportunity to presidents, I build on the existing literature to create an argument about dynamics that would affect the president's and Congress's ability to coordinate and overcome legislative costs to action.

In this chapter, I explore the literature on the executive order to underline what political scientists already know about presidents' unilateral actions and delineate a new theory about how presidents exercise unilateral governance. I begin with core assumptions about the actions of presidents and then turn to what we have learned thus far about executive orders. I then leverage existing literature to distinguish between types of executive orders and explore how presidents may issue these different types of orders based on different sets of criteria.

#### Building toward a theory

This project starts with the assumption that presidents have policy objectives. Regardless of party, the country's modern presidents campaigned on policy promises and then sought to achieve those goals when they moved into the White House (Han 2011, Walker 2009). Whether Democratic or Republican – or liberal or conservative – presidential candidates, presidential nominees, and presidents have policy objectives. These goals may be to expand or contract the government, the bureaucracy, the budget, regulations, and more, but each of these positions is a policy objective for the eventual winner. These policy objectives, brought together in candidate and party platforms, are some of the reasons why the citizens vote for particular candidates in the voting booth (Hillygus and Shields 2009) with the expectations that they will then deliver on some of these policy promises.



Perspectives of presidential action stem from the assumption that presidents are strategic actors. Using information about the political environments and circumstances in which they find themselves and the ability to get what they want based on their relationships and information, presidents make the decisions that will help them move strategically toward their goals (Edwards 2009a). Inherent in this calculus of choosing a strategy that will work for the president on a particular issue during a particular time is the assumption that presidents have preferences on their policies and choose the strategy that gets them closest to where they want to be. Because the status quo point, the president's preferred policy point, and Congress's preferred policy point (be it the preferred policy point of the median member or of the majority) can be different on each individual policy issue, there is not a dominant, preferred strategy. Instead, there is an evaluation for each policy issue as to what the president can move via legislation, what the president can move via unilateral action, and what the president chooses to not move via any strategy at any given time.

For many policy objectives, presidents may try to achieve their policy goals through a legislative process in which they bargain with members of Congress (Neustadt 1991) or appeal to voters for public support (Kernell 1997, Cohen 2009, Eshbaugh-Soha 2011). In Neustadt's theory of presidential power, the president's "power is the power to persuade" (11) lawmakers to get what the president wants. The president relies on professional reputation, the president's stature based on previous interactions with the legislature and others in Washington, and public prestige, legislators' perceptions of the president's approval rating among the public, to provide the tools he or she needs to effectively bargain with legislators and

convince them to enact the president's policy. Presidents rely on members of Congress believing that the president will honor his or her promises and is esteemed enough by the people that they should make the president happy to thereby make their voters happy. Kernell's theory is one by which presidents take their policy proposals to the people to raise the salience of the issue and get the people to contact their respective members of Congress to give the president what he or she wants. Either way, this story of presidential power is a president who uses resources to get legislation from Congress.

What options are available to the president outside of legislating – via negotiating or appealing, taken collectively here – via congressional action?<sup>2</sup> At times, a unilateral action by just the president may actually be the president's (and even the Congress's) preferred method for the given initiative. The president can use unilateral actions without requiring the consent of Congress. Some examples include executive orders, executive agreements, presidential proclamations, presidential memoranda, presidential directives, and more. Here, I focus on the executive order because it is the most clearly defined and observable manifestation of the president's unilateral options and because it is the primary focus of the scholarly literature on unilateral tools. Focusing on the executive order as a case study for presidential unilateral governance provides a foundation on which to build for assessing the next step in understanding presidential power in the American system and how we can

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<sup>2</sup> It should also be noted that presidents cannot legally act via executive action on every item in their policy agenda. While unilateral tools help them move toward their preferred policy point on many issues, some items can only be accomplished via Congress. For example, Obama could not have accomplished the Affordable Care Act or established Dodd-Frank reforms to Wall Street by executive order alone. These policies change several laws, can represent large budget lines beyond spending controlled by the president, and exceed the scope of just the Executive branch. As much as presidents may be willing to test their limits at times, they know they cannot get everything they want via unilateral governance.

understand the opportunities available to presidents and the choices they make in running the country.

Neustadt writes of presidential orders only as a “second best” option to legislation. He spends a great deal of time talking about cases of presidential commands – orders by the president to the Executive branch – which Neustadt rates as less reliable ways to accomplish policy change. He writes that such commands are only effective when they meet five criteria: that the president has clearly spoken, that the order is clear, that the order is publicized, that the person receiving the order has the ability to carry out the order, and that the president is perceived to have the authority to make the order in the first place. These criteria for an effective, self-fulfilling order are high and encourage executives to instead rely on shared governance wherein the Congress and president work together to create policy. True presidential power, as Neustadt writes, is a president getting others to legislate his or her issues without resorting to unilateral action.

The core question of the dissertation is how political factors constrain the ability of presidents to issue an executive order when such an action is their preference. What dynamics are associated with the president being able to issue fewer or more executive orders of critical impact? What political dynamics shape the ability of the president to provide such orders without challenge and reversal? The constraints need not be formal, legal restrictions on the president to use unilateral actions. Rather, I posit the question in terms of the unfettered ability to issue executive orders with impunity. As Kriner (2009) writes,

“The logic driving most of these analyses is anticipatory. Presidents calculate that a Congress

controlled by the opposition party is considerably more likely for a variety of ideological and partisan electoral reasons to challenge their conduct of foreign affairs than is a legislature controlled by the president's partisan allies. Thus, when choosing their foreign policy strategies, presidents look to the partisan balance of power on Capitol Hill, anticipate the amount of leeway Congress will grant them to pursue their policy preferences, and adjust their conduct of policy making accordingly." (670)

Though Kriner is discussing the president's ability to make foreign policy without the input of Congress, the same relationship and assessment of political dynamics holds true for domestic policy as well. If presidents find particular environments in which they can more easily issue such orders, or where these orders are more likely to be effective, those factors constitute constraints on presidents. In a theoretical sense, they are hurdles that give presidents pause and keep them from simply issuing executive order after executive order because strategic presidents will reserve this tool for when it does the most good in advancing their policy agenda.

Recent models of executive orders, such as those advanced by Mayer (2001, 2009) or Howell (2003), study the effects of political factors to explain the prevalence of so-called "significant executive orders," those orders with policy implications that garner the attention of the public or other branches of government. As Mayer (2001) notes, "Presidents come to office in widely varying electoral and political contexts that shape their ability to transform their formal powers into action" (11). Skowronek (1997) similarly notes a role for political context in the ability of the president to shape policy and politics.

Models by Mayer and Howell provide a foundation for explaining how political dynamics may influence the issuance of significant executive orders with the

Unilateral Politics Model. Howell's work on significant executive orders tests three main factors: the size of the majority parties in Congress, the beginning of a new party's control of the White House after time out of office, and the presence of divided government. To test these independent variables, he uses a negative binomial regression count model where the observations are president-Congress dyads with the number of significant executive orders issued in that pair as the dependent variable of interest.

First, Howell finds a negative effect for majority sizes along the lines that strengthened parties, whether of the president's party or the opposition, would provide less space for the president to act unilaterally. These results hold when Howell measures the size of congressional majorities as a percentage of the chambers and with the Legislative Potential for Policy Change (LPPC) as measured by Hurley, Brady, and Cooper (1977). Whether the large majorities exist in the president's party or the opposition party, larger majorities mean the president either has more friends to help pass legislation or has more incentive to work with opposition to work with the opposition party to avoid have vetoes overridden.

Second, changes in partisan control of the White House found some positive results with presidents acting to make changes to correct for previous administrations, such as Clinton looking to make quick changes via executive order after 12 years of Republican presidents. Just as many outgoing presidents may issue a flurry of executive orders to make a final mark on the office and help cement their legacies, so too may we expect incoming presidents to issue orders to set the tone for their new administration. Especially when the incoming president is of a different party from

the last president, these initial actions may target some of the outgoing president's final actions for reversal or repeal.

Finally, divided government leads to fewer significant executive orders. This story may be one of presidents who do not want to see the reversal of their policies should Congress vote down their orders. The argument here from Howell is that presidents evaluate their opportunities based on whether or not their party controls both houses of Congress based on the threat of challenge and repeal, especially in the courts. If an executive order is challenged in court, the expectation is that the courts will evaluate the order against the will of the Congress. If the judges determine that the Congress is in favor of the order or that the order fits within the laws passed by Congress, they are more likely to uphold the order. If the opposition party controls at least one house of Congress, however, it is less likely that Congress will support the action and therefore less likely that the president will issue as many orders. Howell also includes control variables for war and the economy and fixed effects variables for each president to account for differences in how individual presidents may approach their job.

The existing literature therefore tests the following hypotheses as they relate to political dynamics:

H<sub>1</sub>: As the size of the majority in Congress increases (regardless of party), the number of significant executive orders decreases.

H<sub>2</sub>: When a new party takes control of the White House, the number of significant executive orders increases.

H<sub>3</sub>: Under divided government, the number of significant executive orders decreases.

Following his testing of the Unilateral Politics Model, Howell runs a similar count model for testing “non-trivial” legislation. Again, his model finds statistical significance for his variables of interest, though the models produce opposite signs on the coefficients for some of the variables: congressional majorities and new administrations. A larger majority naturally leads to a larger number of significant bills coming out of the given Congress. The president either has a larger majority of allies in Congress with whom to work for legislation or more incentive to negotiate with an opposition to legislate. A new administration also experiences fewer pieces of important legislation. Consistent with the Unilateral Politics Model, though, Howell still finds a statistically significant negative coefficient for divided government.

#### *A New Theory*

We know that presidents are faced with the decision of whether they should seek their policy objectives via legislation or via unilateral action. All presidents use both legislation and executive orders to accomplish their goals, but what determines why a president chooses a particular strategy for a particular policy initiative?

Unlike Neustadt’s contention that executive orders are less desirable than legislation because they indicate a weak president who cannot otherwise bargain his or her way to legislation, I argue that there are times when unilateralism can be a preferred course for presidents to pursue policy change. The president and Congress may actually prefer unilateral action to legislation for any number of reasons, including topic, efficiency, salience, expediency, or what is politically palatable at the time. In the president’s estimation, the bar of meeting Neustadt’s five criteria for an

effective may be low to meet than the coordination costs imposed by legislative action to legislate or rebuke unilateral action.

At times of crisis when fast action is required, the legislative process may be too sluggish to provide effective results. Some actions may require a swift and decisive move from the country's most recognized leader. Sometimes, change is only required within the Executive branch in the first place. The president may not need an act of Congress when he or she directs the agencies and departments (or at least appoints the heads of those agencies and departments) that fall within the scope of the policy change.

Legislative action is a consistently costly endeavor. Even when there is clear consensus on a piece of legislation, the process involves a great amount of time and institutional resources. The legislative process involves gathering cosponsors, scheduling logistics, and committee hearings. In addition to all of these factors, there can be amendments that affect the likelihood that some legislators will be willing to vote for a bill that they might otherwise favor. Even when a clear majority intends to vote for a bill, legislative opponents can have a wide range of options for disrupting the legislative process and making noise. And it can be difficult to maintain coalitions even within the party when you have moderate and extreme wings that are looking for different solutions to a policy problem. With all of these factors, legislating is a costly endeavor. Still, it provides for policy change in a way that no executive order can because the act of repealing the law is just as costly.

Republicans who thought they won their 2016 elections with a mandate to repeal Obama's Patient Protection and Affordable Care Act are seeing this fact in



action. Despite their sizable margins in the House and control of the White House and Senate, Republicans have still spent the first two months of the new Trump administration unable to actually move forward with a repeal (let alone replace) strategy for Obamacare. They twice scheduled a vote to repeal the Affordable Care Act but postponed and then ultimately pulled those votes when they could not garner enough votes because Tea Party Republicans felt the repeal bill did not go far enough in dismantling Obama's healthcare legislation. Even with unified party control, maintaining a legislative coalition is a difficult effort.

Given these costs, attention paid to legislating – whether it is to pass a new law or oppose an executive order – comes at a cost to lawmakers (and presidents who want those laws, in the case of the former). Fenno (1973) writes of the goals for members of Congress: reelection, good public policy, and prestige or advancement within the chamber. When engaging in the legislative process, members of Congress cannot do other things they typically do (in line with such goals), such as campaigning back in the district. The more time they spend in Washington, the less time they have back home. They and their staffs also have less time that they can devote to constituent services when they otherwise have to spend time legislating and orchestrating the processes by which laws are passed.

In terms of legislating to reverse an executive order and stop a president in his or her tracks, the legislative route also takes time away from other legislative activities and priorities. Members who went to Washington to sponsor legislation and deliver on their policy agenda have less time to do so when they instead spend time opposing the president's unilateral actions. Time legislating takes time away from

members to pursue their other goals in Congress. These costs may explain some of the reasons as to why Howell (2003) finds the rates at which Congress repeals executive orders to be relatively low.<sup>3</sup> It appears that members would rather spend their time on other activities than legislating to challenge executive orders.

So how do presidents make their decisions on whether or not to create policy change with the stroke of their own pen versus asking Congress to do so? They look at their political environment and assess their options for each policy. Even with the above costs to legislating, presidents recognize that legislation is generally preferred because it is a longer-term policy tool that comes with more credibility than just the president acting alone. As discussed in the last chapter, Republicans were quick to label Obama's executive orders as overreaching, but an act of Congress obviously involves more people and is harder to criticize as such.<sup>4</sup> Kriner (2007, 2009)

“finds that the emergence of opportunities in both the political and strategic environment that the emergence of opportunities in both the political and strategic environment critically influences when and to what degree the president's opponents in Congress confront his policies both on the floor and in the hearing room. When popular support for the president and his military policies is strong, openly challenging the commander-in-chief is unlikely to afford any political advantage and may even backfire.” (687)

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<sup>3</sup> Howell finds a similarly low rate of repeal from the courts. Together, these statistics from the Legislative and Judicial branches show that presidents tend to be successful in their exercise of unilateral governance without facing recurring threats from other branches. Even with the occasionally successful challenge, presidents fare well with their use of executive orders. Not considered here is also the rate at which presidents have their executive orders, especially their significant and critical executive orders, revoked by future executive orders. Do these executive orders fare better than non-critical orders?

<sup>4</sup> Acts of legislation are still not above reproach. Obama's Affordable Care Act was not without its critics from the Republican Party as soon as it was passed with several dozen bills to repeal it in the years following passage. However, as a bill that had been passed by a bipartisan coalition in Congress, it enjoyed an air of more legitimacy than Obama's unilateral actions did.

Therefore, when there is sufficient political support for a policy change via legislation, presidents will tend to seek legislation instead of an executive order with all else equal. If a president thinks he or she can assemble the necessary legislative coalition to pass legislation, he or she will attempt to do so. If Congress is movable, it can also overcome its coordination problem to oppose presidential orders when it sees fit, creating a disincentive for the president to try unilateral action in the first place. As factors begin to change the calculus of the decision, however, presidents may move away from legislation and rely on their own powers to issue rather than the power to persuade with some of their policy targets. What kinds of changes affect the presidents' choices of strategies?

One setting that could change this calculus and make a president opt for unilateral action even when there is support for legislation is a state of emergency. At times when a crisis demands fast response, the costs of congressional legislative activity could prove too prohibitive to respond in an appropriate and efficient manner. In such instances, a unitary actor who can singlehandedly achieve policy objectives holds an advantage that many (including Congress) could prefer in the moment. Depending on the circumstances of the emergency, presidents may assess the situation and determine that the costs of legislative action are too high to respond appropriately while the threat of legislative retaliation against presidential action is too low to effectively challenge (or convincingly threaten to challenge) the president's action. When that situation occurs, it may lead the president to take unilateral action in order to address the situation at hand.

Another characteristic that may influence the decision by changing the costs associated with opposing the president despite sufficient support for legislation is presidential approval.<sup>5</sup> Mayer (1999, 2001, 2009), Mayer and Price (2002), and Pious (2009) all recognize a role for popularity when it comes to executive orders. Mayer and Mayer and Price address the negative relationship between approval and unilateral action as a determinant of executive action alongside issue area and timing within the administration. According to these accounts of unilateralism, a lack of approval – consistent with a weak president who cannot persuade in Neustadt’s theory – translates to more unilateral actions. An unpopular president who has no capital with Congress is willing to do whatever he or she can to make policy progress and need not fear repercussions from Congress or the public if popularity is already suffering anyway.

Pious, however, notes that an increase in popularity accompanied by partisan advantages leads to an increase in executive orders. This point agrees with the literature on the prevalence of executive orders during times of unified government in which the president is relatively strong and fears less from his or her co-partisans in Congress (Krause and Cohen 2000, Mayer 2001, Mayer and Price 2002, Howell 2003, Howell and Pevehouse 2007, Mayer 2009, Pious 2009, Waterman 2009). Just as unified government leads to more significant executive orders, Pious argues that presidents who have resources and the popular support they need are more easily able to accomplish their goals via executive order.

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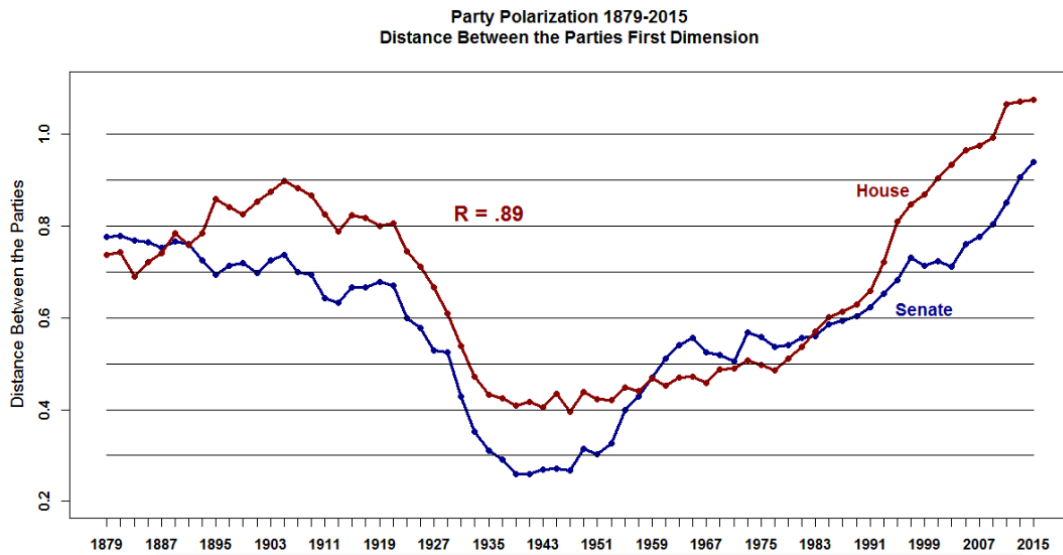
<sup>5</sup> In legislative efforts, presidential approval is a resource that helps presidents accomplish more with the public and Congress (Ostrom and Simon 1985, Gronke and Newman 2003, Canes-Wrone 2009, Edwards 2009c, Newman and Siegle 2010, Han 2011).

Howell only notes a role for presidential popularity as a factor that leads the Supreme Court to strike down executive orders. When the president is already in poor standing among the public, the courts are more willing to negate a president's unilateral actions because they believe the president will more strongly feel the weight of public scrutiny and therefore acquiesce in rescinding the order and enforcing the court's judgment. Public approval influences the president's calculus regarding the cost of negligence but does not otherwise play a direct role in Howell's analysis of contextual factors. But this story fits the broader frame of Pious's story wherein higher approval ratings are a resource for presidents that successfully allow them to do more with their own tools and get away with it. Whether in their issuance of such orders in the first place or in defeating challenges to their use of orders, some of the literature shows that approval ratings are an advantage in unilateral governance.

If this story holds true, presidents may look at times when they have higher approval ratings as instances in which they have the resources needed to take action themselves. They may determine that they have the public support they need to be able to take positive action in a situation. Furthermore, they may also decide that the rates of being challenged on such action are less if they have the support of the people behind them. Through one or both of these considerations, presidents who enjoy a favorable approval rating may choose to issue more executive orders in addressing policy changes rather than turning to Congress for every issue even if Congress could otherwise be moved to act on the issue.

A third instance in which presidents may look at the costs of legislating against the president's unilateral action and determine that unilateral action is a preferred approach despite sufficient support for legislation may be based on polarization. Polarization is the notion that Democrats and Republicans are growing ideologically farther apart on issues at the same time that the parties internally coalesce around a liberal (in the case of Democrats) or conservative (in the case of Republicans) position (McCarty, Poole, and Rosenthal 2006; Poole and Rosenthal 2007). When it comes to issues that can be reduced to a liberal - conservative dimension, the parties are becoming more internally homogenous while simultaneously growing farther apart from each other. This phenomenon can be seen in the disappearing overlap of ideological space between members of the two parties in Congress and the exit or defeat of moderate members. This case is akin to the story of fragmentation in Congress offered by Howell (2003) in his discussion of congressional majorities. Figure 2.1 shows the growth of polarization in each chamber of Congress based on the distance between ideological means of each party from 1879 to present.

Figure 2.1: American Ideological Polarization, 1879-2015



Trend in ideological polarization among members of Congress. Image from VoteView.com.

How does this increase in polarization affect presidential action? To start, it may influence presidential approval. Jacobson (2003, 2006), Abramowitz and Saunders (2005), Gronke and Newman (2009), Fox (2009), and Newman and Siegle (2010) write that polarization has driven increasing partisanship in presidential approval numbers with the president's co-partisans consistently ranking the president higher and the president's non-partisans ranking the president lower, resulting in a growing partisan gap. More people will dislike a president of the opposite party out of hand and will deny him or her favorable approval ratings regardless of the policies that he or she offers. Even if presidents receive favorable approval ratings from their non-partisans in the aftermath of a tragedy or so-called "rally-around-the-flag" event, this approval is short-lived and can quickly start to fade (Jacobson 2006) and may be limited to only certain aspects of the president's job performance (Jacobson 2003). Even when Democrats were willing to give Bush II higher approval ratings for the War on Terror following the events of September 11, they still gave him low approval

evaluations for his domestic policies and his job performance as a whole (Jacobson 2003).

The increase in ideological polarization and partisan competition also changes the size of the audience to whom presidents can appeal with their popularity. While presidents serving in relatively unpolarized environments – like Roosevelt or Eisenhower – would have some popular approval that they could use to curry favor with opposition party members in Congress, today’s presidents faced a different political climate in which they cannot gain popularity from their non-partisans in the public and their non-partisans in the legislature. Bush II and Obama faced such strong opposition from Democrats and Republicans, respectively, that they found it difficult to win approval from them except on particular issue areas and in the wake of some tragedy. The trend of increasing polarization also means that presidents have fewer moderate members to whom they can appeal because these members are either voted out of office (like Blanche Lincoln, D-AR) or choose to retire (like Olympia Snowe, R-ME). The exit of these members eliminates an audience to whom the president can make bipartisan appeals in more traditional settings.

The case presented by Mann and Ornstein (2013) discusses Obama-era Republicans who would rather achieve nothing and wait for the election of a like-minded Republican president than compromise on their ideals with a Democrat in the White House. Klein (2014) writes that this could reflect a difference in intent between Democratic and Republican legislators, the former of whom would rather produce policy and the latter of whom would rather stay true to their conservative ideology (Grossmann and Hopkins 2014). If this dichotomy exists, ideology then accounts for



a significant division in understanding how the parties interact (or fail to do so) and why this is true. We see it in the inability of opposition members to work together.

In observing their political context, presidents may look at their ability to work with members of the opposition party – whether those members are in the majority or minority – and assess the implications of those circumstances on their ability to lead. If the parties are ideologically moving apart and share less ideological space, presidents may recognize this trend and its impact on the ability of Congress to coordinate. Such a problem would make it difficult to build a coalition that can successfully reverse the president’s actions if he or she acts alone. Even with unified government, we see a rise in polarization corresponding to a time of more obstructionism like Republicans during the Obama administration. Wider ideological distances between the parties may have a bigger effect when the parties share control and must compete for dominance in the institutions of government in the first place (Rottinghaus 2011). Given these anticipated problems for the Legislative branch to effectively challenge the president, these kinds of situations may also lead presidents to determine that they would prefer to achieve their policy goals by direct presidential action to get what they want.

Finally, we should probably consider war and the economy as more than control variables. They are likely to color the president’s assessment of his or her political contexts in determining the likelihood of success for their executive orders. Either dynamic could create an environment in which the president perceives the ability to exert more unilateral actions. American troops could lead presidents to issuing more executive orders because they represent a time in which there are

situations that require the president's attention. The economy, likewise, could indicate times when the president sees the need to act in order to address problems.

Finally, different policy areas may influence presidents' determinations on the costs of legislation to challenge presidential unilateralism. A classic question within the presidency literature is that of the two presidencies thesis. Wildavsky (1966) noted a difference in legislative success for presidents based on whether they were working to achieve foreign versus domestic policy goals. In many cases, we tend to believe that presidents enjoy more success with foreign policy actions than domestic policy actions because presidents and the public see foreign policy as falling more within the purview of the president's responsibilities and the president having an informational advantage over other actors. More recently, Canes-Wrone (2006) found evidence to suggest that presidents may have the ability to even shape public opinion and make strategic decisions differently based on whether the policy position in question deals with foreign or domestic policies. While scholars may continue to debate whether such a division is still true today of legislative priorities, it also a question to extend to presidential unilateral governance as well.

It may be the case that presidents evaluate some policy needs as being areas where they can get away with more direct presidential action because Congress and the people are less familiar with the issues at stake and grant the president more latitude as the commander-in-chief and the nation's chief diplomat. In judging cases where a policy needs to be addressed by either legislation or unilateral action, then, there may be some instances when a president determines that coordination of Congress to rebuke a presidential action on the issue raises the costs of legislation too

high. In those issues, the president could instead just assert more direct presidential action in the form of an executive order to initiate a policy change.

We may also see presidents changing policy with their unilateral powers when Congress seems uninterested (or even opposed) to a legislative policy change but when this lack of support is not strong enough to preclude executive action. If the president determines that he or she would be unable to get a law from Congress but does not believe that Congress would otherwise coordinate itself to overturn an executive action, the president will more likely assert unilateral action in the matter. The reduced fear of opposition combined with the inability or refusal of Congress to move legislation on its own gives the president incentive to achieve the policies that he or she wants as quickly and as easily as possible. An example of this might be the case of Obama's executive order on raising the minimum wage for federal contractors. Having raised the idea without congressional action, Obama observed that there was not congressional interest in passing such a law and estimated that there would not be congressional retaliation against such an executive order if he were to issue one.

Presidents consider all of these factors in determining how to move on different pieces of policy. Though they are not calculating the DW-NOMINATE scores to measure polarization or taking into account a precise measure of the state of the economy each day that they are in office, they are assessing the political environment in which they find themselves and making decisions based on their ability to achieve action through legislation and the likelihood that the Congress would be able to override unilateral action. As Howell presents a story in which

presidents consider their options in light of whether or not they think the courts would likely uphold their executive orders based on the will of the Congress, so too do I argue that they consider the likelihood of the Congress to coordinate and overcome legislative costs associated with challenging presidential orders. When presidents think they can get their desired policies through legislating, they will tend to do so with all else equal. They will instead use unilateral tools in cases where they cannot move Congress to action or where they do not believe Congress can organize to effectively challenge the president's action.

As the time and resource costs for overturning direct exercises of unilateral action are high, strategic presidents will consider the conditions under which they expect legislators to try to overcome those costs to reverse the president's executive order. As presidents see it, Congress may be more willing to engage in votes to overturn executive orders when there is not a crisis situation that demands swift action in the first place. Congress may also be more able and willing to move against an executive order when the president has poor approval ratings, representing a lack of support for policies among the population. Presidents may also determine that times of relatively low polarization allow Congress to overcome the costs of legislating against the president in a way that he or she will take more seriously the threat of an overturn. Congress may also be more likely to overcome these costs if the president appears to be setting policy on a matter that the people would determine to be outside the scope of his or her authority and that would otherwise tend to be the purview of Congress. While foreign policy and national security tend to be the

president's lanes, presidential action on some domestic policies may induce Congress to mobilize against the action.

The salience of the issue is also an area where the president is likely to assess the ability of Congress to move against his or her policy initiatives. On issues that are addressed by non-significant executive orders, we observe no reaction from lawmakers. Part of how an executive order becomes classified as significant in the first place is when Congress takes notice of the action in some way and members at least make speeches on the topic in the *Congressional Record*. The majority of executive orders do not receive this kind of attention. Among significant executive orders, we start to observe some levels of congressional response, though these issues might not always be enough to warrant a collective response to the executive order in the form of a vote to support or overturn such an order.

Where the president may expect to find the greatest chance of congressional response, however, is on those issues of greatest importance where the president is trying to have the largest impact. Where presidents try to make their biggest marks on the policy landscape with bolder actions on more salient issues are the areas in which they might subsequently expect to see Congresses mobilize to strike down their executive orders. These critical issues are the areas where presidents will issue the critical executive orders that I discuss in the rest of the dissertation. These critical orders are the ones where presidents make the most significant changes to policies and, in response, receive the most attention for the unilateral actions that they are taking.

Again, Howell shows that the rate of congressional action to successfully overturn a presidential executive order is low. All of these considerations may factor into the reasons that presidents find this trend to be true. They tend to accurately assess the areas in which they can marshal their resources and issue executive orders without fear of congressional overturn. They determine that Congress is unlikely to exceed related costs for legislating against the executive order based on the political context in which they are operating and the salience of the issues at hand. Of course, presidents are not always accurate in their assessments, and there are times when legislators are willing and able to overcome the costs of legislative action in order to reverse a president's executive order, but Howell reveals that these times are rare and relatively few in number.

#### *Theoretical Contribution*

What can we learn from the president's most impactful demonstrations of unilateral action via executive order? What do we stand to gain from studying the issuance of critical executive orders and the environments in which they are issued?

As noted in the introduction, the dissertation seeks to build on the existing literature related to unilateral action broadly and executive orders specifically. While we have studied executive orders to understand how presidents use their unilateral powers, the existing research raises some questions about the political context that deserve continued study. Many factors shape presidents' decisions on how to pursue their desired policies. These influences serve as constraints to presidents based on their read of the dynamics they see before them, the distance of the status quo policy from their preferred policy positions, and their expectations for congressional action

to work with them to change policy or congressional action to oppose their efforts. To see how presidents react to these conditions in determining the use of executive orders, we should look at the executive orders that are most impactful. But as I discuss in the next chapter, the list of significant executive orders is still too broad for effective study. The only way to see the interactions of interest is to look at the most important executive orders. This smaller set of orders represents the strongest examples of presidential unilateral leadership in which presidents have their largest singlehanded impacts on their biggest issues. Testing this group of orders will therefore provide an insight into the times that presidents most effectively use their executive orders to influence policy.

Mayer (2009, 443) writes that many conceptions of unilateral action models have a “troubling” trajectory and play through to an endpoint of unchecked presidential power in the hands of the president.

“If presidents have an incentive to act first, and generally succeed in changing policy; and if Congress and the courts face institutional hurdles in trying to counteract presidential initiatives, the long-term consequence should be a steady expansion of presidential power. Following this argument to its conclusion, at some point it must be that checks and balances become ineffective, as Congress and the judiciary are unable to protect their own institutional authority. Presidential power becomes uncontrollable and sinister” (443).

In a discussion of checks and balances, Mayer argues that presidents acting as unchecked first-actors ends in a situation in which presidents have accumulated great power and the precedent on which to rest the exercise of that power. In such a story of unilateral power, presidents act with impunity and receive little pushback from Congress or the courts on the use of their executive orders and unilateral tools.

If we find broad political factors outside of the president's control that influence the prevalence of critical executive orders, presidents face environments that effectively constrain their ability to issue critical orders. Under these circumstances, models would be routinely overestimating the president's unilateral policymaking ability when it matters most. Others' models are based on a broader group of orders under which presidents have fewer binding constraints on them than the constraints they face when they issue their critical orders on critical policy topics.

On the other hand, not finding political dynamics that have an impact on critical orders would indicate that presidents are somewhat constrained when it comes to overall use of the executive order but have the ability to really make an impact on those bigger issues. This story would be one of greater presidential latitude to have an impact when it likely matters most for the president. In such a case, empirical analyses would underestimate the president's unilateral policymaking ability by equating higher hurdles for significant executive orders with the lower hurdles that presidents actually face with critical orders on critical issues. In short, this would be a story whereby the president can actually move the policies he or she wants when they matter most without the literature recognizing this ability to lead by executive order.

As described in the following chapters, I find that the prevalence of critical executive orders is primarily a function of political environmental factors: divided government, polarization, approval, the economy, war, and other factors of timing within the political calendar. With these results, I challenge Mayer's "troubling implication" of an unchecked presidency that can continue to gather power. The number of critical executive orders issued – a snapshot of the president's ability to



use unilateral actions to achieve policy change – is a function of political context and not the individual president’s desire to accumulate power or redesign the government. In these ways, presidents are constrained in their use of unilateral tools. These constraints are not formal or legal limits to their actions, but their observations about their political surroundings inform them of when they can more easily issue such orders to affect policy change and when they should hold back to instead try a legislative approach or not move on the policy for fear of having their orders challenged and overturned.

### *Moving Forward*

We have a foundation of literature that addresses and builds the Unilateral Politics Model for understanding when presidents will issue greater numbers of significant executive orders based on the size of congressional majorities, whether it is the beginning of a new party’s control in the White House after years out of office, and whether the White House and Congress are controlled by the same party. These dynamics of the political environment can tell us about the number of significant executive orders, but questions arise along three veins: whether the count of significant executive orders is the appropriate unit of analysis, whether we should include additional factors about the political context in which the president operates, and whether we should parse out any of our study by policy area to detect differences in domestic versus foreign policy issues.

What other dynamics are missing from the model that could be instructive in understanding when presidents will issue their most impactful executive orders? In addition to factors already addressed in the literature for significant executive orders,

I propose the inclusion of polarization and presidential approval ratings for unilateral models so that we have a more comprehensive picture of the political world in which our presidents operate. Ideological polarization increases the costs of congressional coordination for legislating and challenging the president's actions. Polarization also makes it harder for the president to find an audience to whom he or she can appeal when pushing Congress for legislation on a policy issue. Approval ratings indicate a level of public support for the president (and, by extension, his or her policies). Popular presidents may have more capital they can exchange for either legislation or unilateral action. Both measures provide additional information about the environments in which presidents operate and the resources they believe are at their disposal in pursuing policy change by any of the available methods.

In the next chapter, I detail the process for identifying my new dependent variable to better distill the most significant demonstrations of presidential unilateral actions. I label these actions "critical executive orders." In the next chapter, I then specify my relevant variables and describe the models used to test the hypotheses I draw from the existing literature. My discussion of the results at the end of the fourth chapter propels the work forward with chapters that exemplify my findings on the political dynamics that influence the issuance of critical executive orders.

## Chapter 3: Critical Executive Orders

Not all executive orders are created equal. In fact, not even all “significant” executive orders are created equal. Some truly important unilateral actions alter the policymaking landscape in a consequential manner that epitomizes the exercise of unilateral tools with impunity. Existing theoretical perspectives towards unilateral governance fail to incorporate these important substantive distinctions. In the previous chapter, I outline a theory of unilateral action focused on the most significant examples of its use. To evaluate my theory, I must begin by answering a question: Which orders represent the greatest exercise of the president’s unilateral tools in the first place? Identifying the most significant of these orders helps assess which factors – if any – create an environment in which the president can successfully issue an executive order. In the process, we see how effectively constrained a president may or may not be based on whether political dynamics create the space in which a president acts with the stroke of a pen or whether the president works independently of the political context to issue particular executive orders of greater importance and impact.

In this chapter, I introduce a new concept: the critical executive order. Rooted in previous work on executive orders, I explain why such a distinction is necessary and what researchers can gain from a more nuanced approach to significance among executive orders. I then explain the methodology for operationalizing that concept through exhaustive research in *The New York Times* news coverage that give an indication of the scope and importance of executive orders. Upon conducting this research and analyzing the results, we emerge with a better measure of substantive

and impactful executive orders. This method provides us with a more fine-tuned definition of just 176 critical executive orders based on the number of stories that refer to these executive orders. With this definition established and subset of executive orders identified, I can then develop models accounting for when presidents issue their most significant executive orders.

Distinctive substantive results would reveal which contextual factors lead to the president issuing more or fewer executive orders based on circumstances outside of his or her control. Significant characteristics are associated with the political contexts that lead to presidents issuing more or fewer executive orders. If these variables of interest are significant to understanding the number of orders that presidents issue, it would suggest that political dynamics create the environment favorable for presidents' unilateral actions. A lack of statistical and substantive significance, on the other hand, may indicate that such external factors are not deterministic of critical executive orders and unilateral governance more generally. In this case, we would see presidents deciding on their own the extent to which they use their unilateral tools with impunity and absent considerations of their context. The question here is about how political dynamics influence the president's perception of the environment and the prevalence of using unilateral governance to achieve policy goals.

#### *The Need for a New Concept*

The literature on executive orders proposes a methodology for testing expectations of how political factors influence the issuance of these orders. Mayer (2001), Mayer and Price (2002), and Howell (2003) provide criteria for identifying a

subset of so-called “significant” executive orders. While some of the details differ slightly, the main idea is the same throughout: significant executive orders are policy-based orders that move beyond routine actions of the presidency. By and large, these orders do more than simply reorganize a department or rename a federal building. Instead, they are orders that receive popular and press attention in newspaper stories, receive congressional attention, or receive judicial attention from the courts relatively soon after issuance. The argument follows that if people do not pay attention to the order, if the Congress does not acknowledge the order by condemning it or seeking to codify it into law, and if the courts do not take up a case related to the order to strike it down or uphold it, it is of less impact. Even if all the attention paid to an order is positive and supportive of the action, this attention shows that the order and its subject matter are more significant than an order that simply renames a post office and so receives no attention.

For Mayer and Howell, this work mirrors the attention given by Mayhew (1991) to significant legislation by allowing both contemporary political observers (“Sweep One”) and historians and policy experts (“Sweep Two”) to weigh in on the question of what matters. Mayer replicates Mayhew’s two sweeps with a series of questions about if and how different audiences treat or discuss each executive order. For the first sweep, he considers executive orders that received attention from several national newspapers (*New York Times*, *Washington Post*, *Wall Street Journal*) and actions from Congress. For the second sweep, Mayer includes whether or not law students or presidential scholars have discussed the order, whether presidents themselves feature and elevate the order, whether the courts took up cases involving

the order, and whether or not the order created significant and substantive change to the structure of government or the status quo of the relevant public policy. In both cases, we see these political scientists creating rubrics whereby significant orders can be objectively identified.

In Howell's work, mentions of a policy order in the *New York Times* within one year of order issuance qualifies an order as being a significant executive order (consistent with the first sweep). Similarly, mention of an executive order in the *Congressional Record* or in at least two federal court opinions within fifteen years of the order's issuance makes an executive order significant (consistent with the second sweep). Through both measures, researchers can identify a full set of executive orders that may qualify as significant orders.

At the time of Howell's writing, however, *New York Times* records were only electronically available back to 1969, and so his ability to search for mentions of particular orders were bound to a particular time period. And while this source could be used up until the time of Howell's writing in 2000, the lag in court mentions or *Congressional Record* mentions meant that some orders had less time to become significant through these qualifying criteria. That is, an order issued in 1998 would not have had a full fifteen years to make its way into congressional proceedings and especially not be raised in federal court proceedings. *The New York Times* could therefore only be used for orders from 1969 to 1999, and the *Congressional Record* and court opinions could only be used for orders from 1945 to 1985. Newspaper records could help capture more recent orders but would fail to help identify earlier ones while congressional and court records would help identify earlier orders but

might miss later orders that did not yet have a full fifteen year window to mature and appear in these sources.

To justify and reconcile the two separate measures, Howell provides some source validation and OLS regressions that show the compatibility of both sweeps to adequately capture significant executive orders. The separate qualifiers for significance generally do a good job of identifying the appropriate orders in the overlapping time period from 1969 to 1985 when both measures can be fully employed. From this, Howell identifies a list of significant executive orders from 1945 to 2000 with extensions of the list provided by Williams (2014) for 2000 to 2009. Together, this list totals nearly 1,000 significant executive orders to study and further classify.

But a final list of some 1,000 orders is still a wide swath that includes differing degrees of importance with ranges from orders that close the federal government on December 26 and receive a single mention in just one sentence of a *New York Times* story to an order creating a new federal initiative and agency like the Peace Corps. Every president has executive orders with zero, one, two, three, and even four story mentions. Orders with zero, one, and two story mentions represent the majority of the data set and do not reflect particularly significant orders. These are the orders that close the federal government the day before or after Christmas, exempt particular employees from the mandatory retirement age, make small adjustments to previous orders, or add a new star to the American flag or the presidential seal. These orders do not change the structure of government or implement new policies the way

that orders with more stories tend to do. These orders do not alter the direction of policy or tend to change lines of the federal budget.

In short, too many orders of varying magnitude, policy importance, and budgetary weight fall into the same, singular category of “significant” executive orders. While we can learn something about the nature of presidential actions by looking at this group and excluding those that garner no media, legislative, or judicial attention, there is still a great amount of variation within this set. We can learn even more about the decisions that presidents make and the dynamics that shape these kinds of decisions if we drill down and focus on the exceptional cases. We learn less about these most significant orders that embody the greatest exercise of unilateral tools when we consider an order giving federal employees the day off from work alongside the order creating the Peace Corps. In a discussion of presidents’ unilateral action and the times when presidents have the largest single-handed effect on policy, we can and should dismiss the nominally significant order and focus on the echelon of orders that best demonstrate times when the president acted and others noticed. Whether the issue is presidents trying to subvert Congress and the courts or needs faster and more decisive action than the legislative process might otherwise provide, there is a classification of orders that demonstrate the president taking bigger steps to address issues of policy, and those actions have a larger impact on the policy landscape for the country.

To better leverage this notion of more deeply exploring certain executive orders to better understand unilateral governance, we must therefore further winnow this broad range of nearly 1,000 significant orders so that we can see what political



factors influence the president's ability to issue more critical orders. In order to determine the extent to which presidents can truly act unilaterally in setting policy or the extent to which they are limited in their actions by the political context in which they operate, the first step is to identify those actions that are most impactful so as to determine the role of political dynamics on those orders. To separate the list of orders, I use the count of *New York Times* stories for each order and establish a threshold that helps distinguish lesser-significant orders from their more significant counterparts – a group I term “critical executive orders.” They are critical because they tend to represent a broad use of presidential action to create something new or alter the direction of something already in existence with budgetary and legal implications worthy of note.

#### *Establishing the Critical Executive Order*

To narrow the list, I count how many *New York Times* stories mention each executive order on the list. For my purposes, I look only at the *New York Times* criterion. While other executive orders may qualify for the list of significant executive orders based on the *Congressional Record* or federal court decisions, it stands to reason that the stories with higher number counts are the most likely to also qualify through these other avenues.<sup>6</sup> An executive order extending the retirement age for a particular employee and with only one mention in the newspaper is not likely to have related congressional mentions or court references. An order that garners many stories is more likely to be a topic also taken up by Congress or reviewed by the courts as well. The Peace Corps, for example, was later codified into law and given a

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<sup>6</sup> A cursory look at *The Congressional Record* within fifteen years of a randomly drawn sample of twenty post-1995 (when the *Record* is digitized and electronically searchable) significant executive orders with only one *New York Times* mention finds only one order with *Record* mentions.

substantial budget with several expansions over the following decades. For the purposes of identifying the most significant orders, my definition precludes orders gathering minimal attention in the first place.

Since Howell originally wrote about significant executive orders, records for *The New York Times* have been digitized for a much larger portion of time. We now have the availability to search stories well before 1969<sup>7</sup> based on key words. Researchers no longer face the same restrictions for which Howell needed additional methods to identify significant executive orders based on limits at the time. Now, this one qualifying event is available for the entire time period of interest and provides a method for identifying the most outstanding cases of executive orders by a single method. I therefore use only this one method for determining which significant executive orders meet the criteria for being a critical executive order based on story counts in *The New York Times* without duplicating this effort to search the *Congressional Record* and federal court decisions as well.<sup>8</sup>

To accurately count the number of stories for each executive order, I use ProQuest to search *The New York Times* for the executive order's number and key words within a one-year window. I use as broad of terms as possible to capture all stories and editorials that might potentially include a reference to the target executive order, and then I read all of the stories found in Proquest.<sup>9</sup> To be counted, each story must include a clear reference to the order of interest, which usually includes some

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<sup>7</sup> ProQuest now includes the ability to search *The New York Times* back to 1851.

<sup>8</sup> This step presumes that all significant executive orders are equally accessible to the public via news media coverage. Without also conducting content analysis of each of these executive orders, I assume that newspapers would be able to report on the substantive impact of a significant executive order regardless of technical language, jargon, or content erudition included in the order.

<sup>9</sup> The search terms used for every order in the list are included in Table A3.1 of the appendix.

form of temporal reference to “the president’s executive order yesterday” or “last week” or “last month.” To ensure I count only appropriate stories and mentions, I check all of the president’s executive orders for that time period to make sure that the reference could not apply to another executive order on the same topic at the same time. That is, when a story mentions “the president’s executive order on the selective service last week,” I check to determine that the executive order I am researching is the only executive order that the president in question issued about the selective service in the previous week. Otherwise, the story is not counted.<sup>10</sup>

If I cannot attach a story to a particular executive order based on description or timing, I do not count the story. For example, if the president issues numerous executive orders related to the selective service one year, and a story the next year simply refers to “the president’s executive order last year” or “the president’s executive order on the selective service” without specifying a timeframe, I do not count this story because it cannot be attributed with certainty to any particular order.

I start the research with the list of significant executive orders and not *The New York Times*. Given this distinction, the search and counting process is not susceptible to errors where I count stories that the media may incorrectly refer to as an “executive order” when it is actually some other form of executive action. When President Obama, for example, announced unilateral action on immigration in November 2014 or gun control in January 2016, many news outlets incorrectly

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<sup>10</sup> I note one particular issue (that appears at first as an exception to the rule) with this counting procedure in Chapter 6 when discussing critical foreign orders. In his last full day in the White House, President Carter signed several orders related to frozen Iranian assets because of the hostage crisis in Tehran. Stories at the time would refer to the several executive orders signed by Carter related to frozen assets, and so all of these stories were counted for each of the appropriate executive orders. These stories were not counted for the several other non-asset, Iran-related orders of the same day. Other orders dealt with Iranian issues but did not address issues of frozen assets and so were not included in counts for those other orders.

labeled these actions “executive orders,” and many news observers followed suit. The beginning of the Trump administration also faced a great deal of mislabeling, some generated by the White House and some generated by news outlets, of executive actions wherein some presidential memoranda were at first reported as executive orders but were later clarified to be memoranda. All of these other forms of unilateral action are also important and will be discussed in more detail in Chapter 7, but they are not included in my analysis here because they are not as available for all administrations and face reporting problems. My categorization of executive orders starts with Howell’s list of significant executive orders, and we also lack an established list of significance for some of these other unilateral tools.

### *Findings*

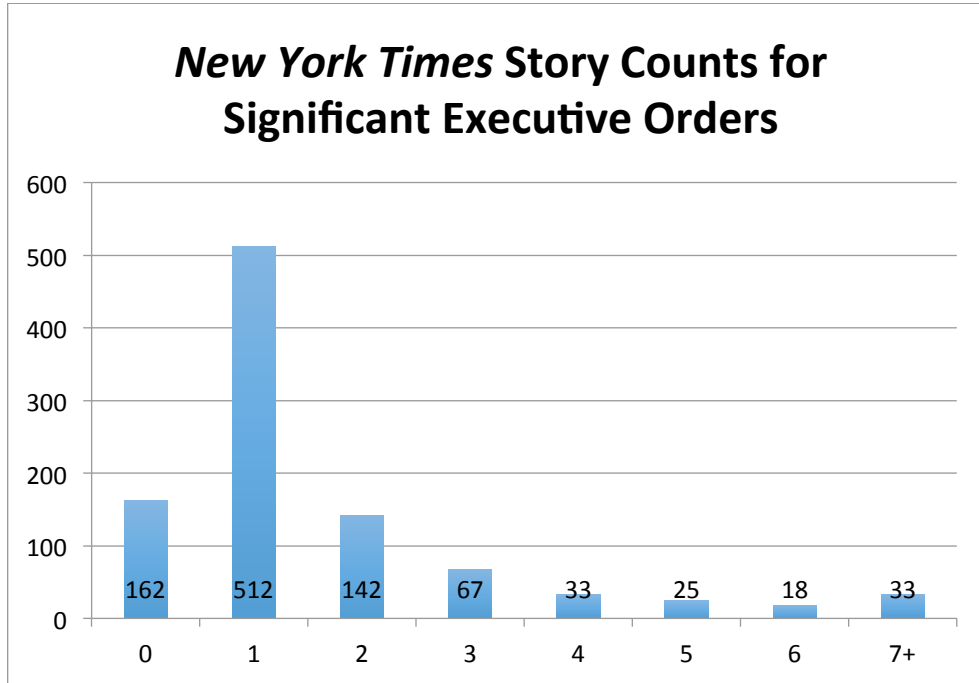
Presidents Truman through Bush II provide some 992 significant executive orders from their collective years in the Oval Office. The executive orders in this time period have a mean story count of 1.844 stories (standard deviation of 2.82) per executive order with a modal response of 1 (for some 512, or 51.6% of, these orders). Just over 160 orders (16.3%) have a count of 0 stories<sup>11</sup> and approximately 140 orders (14.3%) have just 2 story mentions. Moving away from the mean, nearly 70 orders have three story mentions, just over 30 orders have four story mentions, 25 orders have five story mentions, and just fewer than 20 orders have six story mentions. The remaining 33 orders have story counts that range from seven stories to thirty stories. Given these numbers, we see that 82.3% of significant executive orders have just two or fewer stories written about them. Figure 3.1 shows the distribution of story counts

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<sup>11</sup> Stories with no *New York Times* mentions are considered significant by meeting one of the other two criteria set forth by Howell. See Table 4.1 on page 82 of Howell (2003) for more about orders that meet only one criterion.

with a right skew that goes as high as 30 stories and is truncated at 0 story mentions for many orders.

Figure 3.1: Distribution of *New York Times* Story Counts for Significant Executive Orders



This figure shows the frequency of *New York Times* story counts for significant executive orders in Howell's list. More than half of the orders have just one singular story mention. The right tail is condensed here for space considerations, though the count goes as high as 30 stories for one significant executive order.

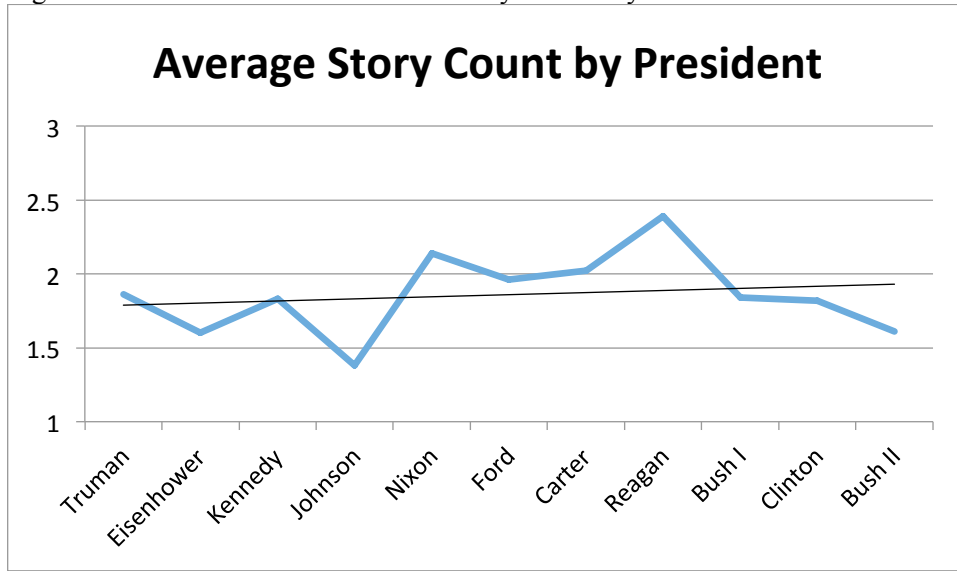
The order with the highest number of stories in *The New York Times* in the period 1945-2009 is President Kennedy's Executive Order 10924 establishing the Peace Corps in March 1961. In the year that followed, *The New York Times* printed some thirty stories that referred to Kennedy's executive order to establish the program. The *Congressional Quarterly Almanac* for the years 1961 to 1976 contains several hundred mentions of the Peace Corps, and Congress passed some eight pieces of legislation related to the Peace Corps in the same time period. In this case, an executive order that received a great deal of news attention also received a great deal of congressional attention, much of which sought to codify the president's new

program into statutory law, create a staff structure for the agency, and establish budgets to support the program's many projects and objectives.

Other orders receiving the greatest amount of attention in the newspaper of record include orders to address foreign relations with China under Clinton, Reagan's policy to "Just Say No," equal opportunity requirements in employment and housing under Kennedy, and trying to end the hostage situation in Iran in the closing hours of the Carter administration. Examples of executive orders that have some newspaper stories but are not critical orders include changes to Selective Service regulations, acts related to union membership and dues, administration of the military, and state-specific orders to provide federal assistance in times of disaster or crisis. Orders that received no media attention include actions that affected administration within federal departments, the establishment of national advisory commissions, or executive orders that amended previous orders (such as a Carter order about the Peace Corps issued in 1979, nearly two decades after the program was initially created by executive order).

Figure 3.2 shows the nearly flat trend in the average number of stories written about each significant executive order across these presidents with President Truman's significant executive orders garnering an average of 1.86 stories while President Bush II's similar orders received an average of 1.61 stories per order.

Figure 3.2: Trend in *New York Times* Story Counts by President

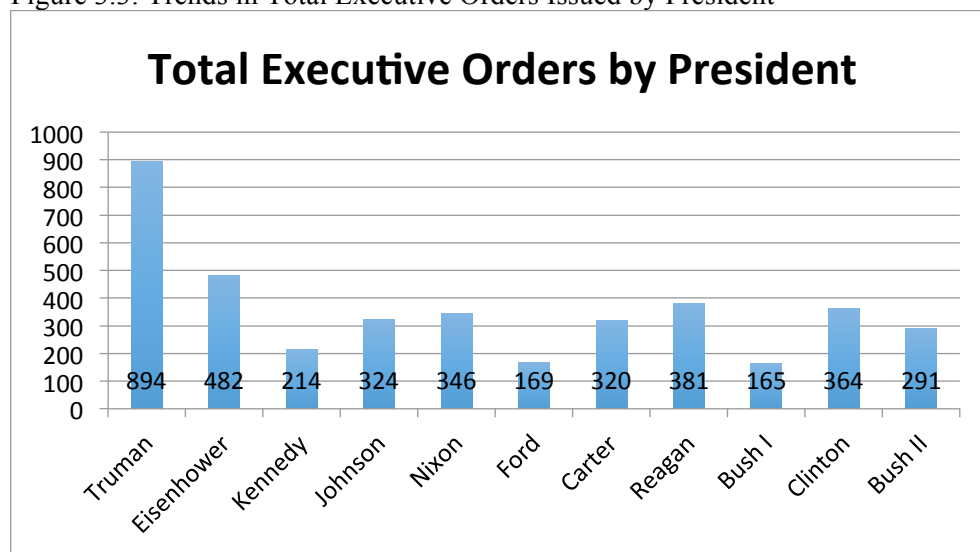


This figure shows the trend of average *New York Times* story counts per significant executive order by president. Overall, the trend has not changed drastically in 60 years of newspaper stories.

This trend is important in allowing me to set a single threshold for the entire data set rather than a dynamic threshold based on other factors. In particular, I want to be sensitive to changing media trends and platforms and an increasingly common 24-hour news cycle that would make it easier for sources like *The New York Times* to write more stories about executive orders as time continued. If we witness a steady growth in the average number of stories over time, it may be appropriate to raise the threshold over the course of the data set so that an order with four stories in Truman's day would not be treated the same as a story that easily received attention in four stories during the Bush II administration. The lack of such a trend, however, makes a single threshold appropriate for the entire data set. Four story mentions for a Truman order or a Bush II order is equally a high number of story mentions for either president without needing to discount a president's story count for external factors related to media salience and saturation.

Simultaneously, the number of total and significant executive orders for each president decreases over time, as shown in Figures 3.3 and 3.4. In the time period covered in the dissertation, Truman has the largest total number of executive orders with nearly 900. Eisenhower issued almost 500 total orders. Presidents Kennedy through Bush II then issued a number of orders ranging from just under 200 orders to just under 400 orders. The downward trend in Figure 3.3 confirms the findings of Howell (2003) and others (Lowande 2014) that presidents are generally issuing fewer executive orders over time with an average of some 150-200 orders per four-year term. This decline in total executive orders comports with a presidential turn to other unilateral tools, such as the presidential memorandum discussed in more detail in Chapter 7.<sup>12</sup> Obama is the first president to have issued more memoranda than executive orders during his eight years in the White House.

Figure 3.3: Trends in Total Executive Orders Issued by President

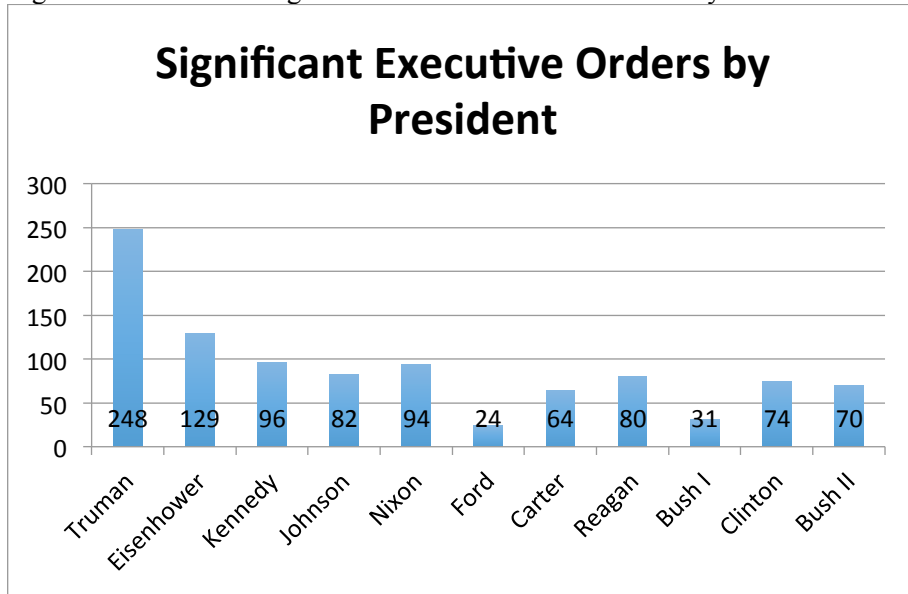


This figure shows the total number of executive orders by president.

<sup>12</sup> As will be discussed in detail in Chapter 7, memoranda are important tools deserving of study, but not all administrations have made a practice of publishing all memoranda the same way they are legally required to publish executive orders. Additionally, this study starts with a list of significant executive orders, but corollary lists of significant memoranda do not currently exist as a launching point for related research.



Figure 3.4: Trends in Significant Executive Orders Issued by President



This table shows the number of significant executive orders by president. With a smaller y-axis scale, it comports neatly to the total number of executive orders shown in Figure 3.3.

Figure 3.4 also shows the decreasing number of significant executive orders signed by presidents over time. This trend may also reconcile with the increased use of other unilateral tools by presidents. Presidents not only issue fewer routine orders over time but also replace some of their significant executive orders with other unilateral actions. Again, Truman has the highest number of significant executive orders with some 250 such orders, and Eisenhower follows with over 100 such orders. But the rest of the presidents Kennedy through Bush II each issued fewer than 100 significant executive orders with Ford and Bush I issuing just 24 and 31 significant orders, respectively. Again, we have a decreasing trend line for significant executive orders over time as they became less prevalent.

#### *Identifying the Critical Executive Order*

To determine appropriate thresholds, I look to the distribution of *New York Times* story counts and consider any order with three or more story mentions. Such a

threshold captures any significant executive order with a story count above the rounded mean, from 1.84 to 2. Setting a cut-point of three or more stories as the threshold for critical executive orders yields a group of 176 orders, which represent 17.7% of significant orders or 4.5% of total orders issued by Presidents Truman through Bush II.<sup>13</sup>

What kinds of orders would become critical orders? Here, I discuss some of the types of orders that make it into the set of critical executive orders with just three or four *New York Times* articles. Chapters 5 and 6 provide more in-depth case studies about the critical orders that presidents issue under different sets of political circumstances. For Truman, many of his critical orders with three story mentions deal with programs that ended different parts of the war effort, such as Executive Order 9621 that ended the Office of Strategic Services and Disposition or Executive Order 9809 to provide for the disposition of war agencies. For other presidents, many of these orders deal with programs like the military preparedness and the draft (Eisenhower, Kennedy, Nixon), establishing and protecting civil rights (Kennedy and Johnson), or current issues of the times (Ford with clemency, Carter with Iran, or Reagan with the Challenger explosion). Some of the orders with four stories created new departments with instructions to study and report on national problems of the time: Truman's Executive Order 9672 to create the National Wage Stabilization Board, Eisenhower's Executive Order 10472 to establish the National Agricultural Advisory Commission, Kennedy's Executive Order 10940 to establish the President's Committee on Juvenile Delinquency and Youth Crime, and Clinton's Executive

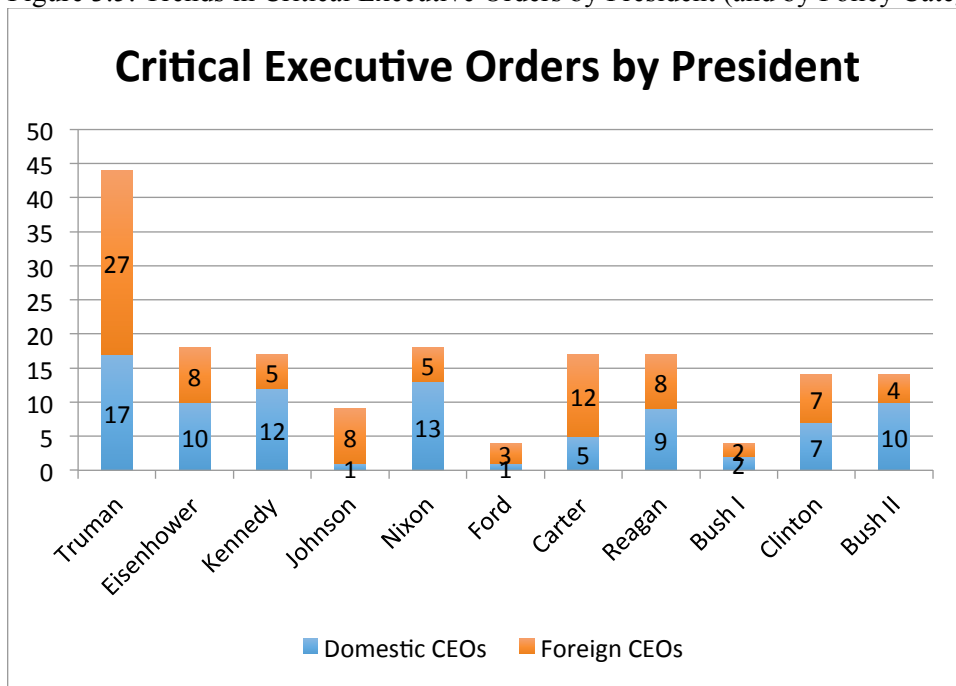
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<sup>13</sup> For a list of these orders, please see Appendix Table A3.2.

Order 13038 on an Advisory Committee on Public Interest Obligations and Digital Television Broadcasters.

The number of critical orders also tends to fall as some other tools like the presidential memorandum are on the rise, as depicted in Figure 3.5.<sup>14</sup> Truman has the highest number of critical orders with a total of 28 orders, but the number then drops for his successors. We then see Eisenhower, Kennedy, Nixon, Carter, and Reagan with critical orders numbering in the 10-15 range; Clinton and Bush II in the 5-10 range; and Johnson, Ford, and Bush I with fewer than 5 critical orders each. The range represented here is somewhat small with relatively low numbers across the board. These orders are a small portion of each president’s total executive orders and represent a subset of the work accomplished for these presidents via unilateral tools.

Figure 3.5: Trends in Critical Executive Orders by President (and by Policy Category)



This table shows the total number of critical executive orders by president and by policy type per president. Again, it matches the overall trend of Figures 3.3 and 3.4 with an adjusted y-axis scale to reflect the lower numbers but similar patterns.

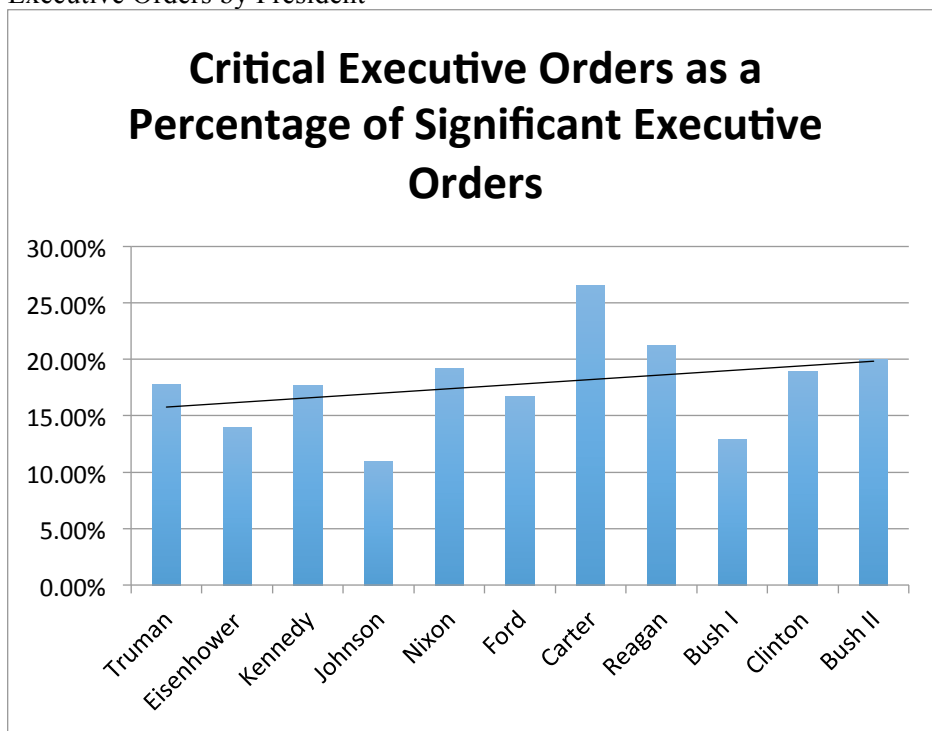
<sup>14</sup> For summary data behind Figures 3.2 through 3.6, please see Appendix Table A3.3.

A president's use of other policy tools may explain the decline in the number of critical executive orders like it does the decline of other executive orders, but these small numbers also reflect that this new measure captures the truly exceptional among presidents' actions and times in which they may choose to act most strategically given their options. This measure is no longer a category of policy prerogative that can be accomplished through other methods and instead marks those areas in which presidents truly made their biggest marks in the first place. With that understanding, we see some of the legacies of presidents reflected in their critical executive orders: Kennedy and the Peace Corps or Reagan and the War on Drugs. Many of these orders reflect not just what was a major issue for the president at that time but also what we continue to remember about these presidents decades later. These orders were critical for the presidents at the time, generating conversation within the press, among the people, and likely within other branches of the government. But they were also critical for how we remember some of these presidents after they have left office, proving the utility in thinking of these as critical orders. In many cases, these particular executive orders are the highlights of an administration and some of what it accomplished in office.

The slight rise in percentage of critical orders from significant orders may indicate that while presidents tend to issue fewer orders in general, they are reserving some of that unilateral action for times in which they intend to be particularly impactful. Figure 3.6 demonstrates the change in percentage across administrations as well with a trend line that increases over time. With so many total executive orders and significant executive orders, Truman's relatively high number of 28 critical

executive orders is less than 12% of his significant executive orders. These numbers drop as low as Johnson’s critical executive orders (totaling 4) being just 5% of the 82 significant executive orders he issued during his time in the Oval Office. But this number also rises as high as 17% for Carter. Though their counts may be decreasing, critical executive orders represent a growing proportion of presidents’ unilateral governance via executive order.

Figure 3.6: Trends in Critical Executive Orders as a Percentage of Significant Executive Orders by President



This figure provides information on the percentage of significant executive orders that are critical executive orders by president. While the total number of executive orders, significant executive orders, and critical executive orders appears to be slightly declining over time, the percentage of orders is on a slight increase since the Truman administration.

With critical executive orders identified for each president, I am able to take one final step in this work by dividing the critical orders by policy type: domestic policies and foreign policies. To accomplish this work, I use the Policy Agendas Project, which categorizes each executive order by its subject matter. After sorting

each executive order into its primary and sub-policy buckets, I additionally sort out each president's critical orders into how many are critical domestic orders and how many are critical foreign orders. This distinction will allow for testing in the next chapter about not only how political dynamics limit presidents in their issuance of executive orders generally but also how these factors may vary based on whether the president is pursuing domestic policy change or foreign policy change. Among 176 critical executive orders, 87 orders are critical domestic orders, and 89 orders are critical foreign orders (as also seen in Figure 3.5). As a whole, presidents are acting on both types of policy prerogatives nearly equally when it comes to employing executive orders that will later be deemed as critical.

### *Conclusion*

In this chapter, I introduce my new concept of the critical executive order with details on how to identify such orders. I develop a system rooted in established literature for further classifying significant executive orders so that we can weed out some of the orders that are classified as significant but are not comparable to other orders with clearer or more substantive policy implications. By counting the number of *New York Times* stories that mention or refer to each significant executive order, I am able to set a threshold for separating critical executive orders from their counterparts and allows us to study the most impactful things presidents do without the Congress or the courts. Setting a threshold at three or more stories includes 176 executive orders (some 17.7% of the significant executive orders population) that are issued by presidents to shift public policy. This new concept provides a finer measure

that can be used as a dependent variable in quantitative research about which factors may or may not shape a president's ability to issue his or her most impactful orders.

I turn to this question in the next chapter to assess which political dynamics influence the number of critical orders issued by presidents. In running models where the dependent variable is the count of critical executive orders and the independent variables are different factors of the political context in which presidents interact, I analyze which dynamics have significance in the models and in our world. More variables with significance and models with greater explanatory power indicate a role for these dynamics in determining the numbers of critical executive orders issued by presidents. While these relationships may not be formal constraints or limits on the ability of presidents to use their unilateral tools, I argue that presidents observe their political context and make strategic decisions on policy pursuit based on what they think they can successfully accomplish through legislative and unilateral approaches. Presidents may find executive orders more useful under some circumstances and find themselves effectively constrained when unilateral efforts are more difficult or less useful in accomplishing desired policy change. This work helps answer the larger question about how free presidents are to use unilateral governance to accomplish policy change.

## Chapter 4: Model Analysis

In this chapter, I turn to methods for testing my expectations about how political factors influence the exercise of presidential unilateralism. What factors help determine the issuance of critical executive orders? How do they influence the decisions of presidents to issue executive orders that more substantially move public policy? I begin by laying out my hypotheses based on previous and related literature. I then define and specify the variables that I use in these models and run count models to determine the influence of political dynamics on the issuance of critical executive orders.

I begin with variables already tested in the literature for significant executive orders and add additional variables based on discussions from Chapter 2 related to other political factors that shape a president's context. The relevant dynamics from the literature that I test are the size of congressional majorities, whether or not a new party is in the White House, and whether or not the president faces divided government. The literature also includes dummy variables for the economy and war, which I consider as political factors as well. The additional variables I include are the president's approval rating and a measure for ideological polarization, both of which may impact the president's assessment of his or her context and what he or she (thinks they) can accomplish with legislative versus unilateral approaches. Finally, I include some additional timing variables related to whether or not the observation is that of a lame duck president, a lame duck Congress, or a new party in control of at least one chamber of Congress (analogous to the partisanship variable I include for the White House).



I run count models for the number of critical executive orders issued during president-Congress pairs using the total number of critical executive orders and sub-counts of critical domestic and foreign orders. The scope of my data set encompasses the Truman administration through the end of the Bush II administration, 1945 to 2009. This allows us to use whole administrations for which we already have lists of significant executive orders on which to base our queries of *New York Times* story counts and identify critical executive orders.<sup>15</sup> Among total critical executive orders, I find that divided government, polarization under divided government, the economy, presidential lame ducks, and congressional lame ducks all influence the number of critical orders issued by presidents. I also run similar models for the number of critical domestic and foreign orders to see if there is a difference in the political dynamics that influence presidential governance by policy type. I find that divided government, polarization under divided government, presidential approval, the economy, war, presidential lame ducks, congressional lame ducks, and a party change in Congress have an impact on presidents' domestic orders. Divided government, polarization, polarization under divided government, and congressional lame ducks have an impact on presidents' foreign orders. We see, then, that different factors impact these two types of orders, and fewer dynamics influence the ability of presidents to issue critical foreign orders than their ability to issue critical domestic orders.

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<sup>15</sup> At the time that data collection began on *New York Times* story counts, the Obama administration still had nearly 22% of its time left in office. Additionally, Not every executive order that had been issued in the year before data collection began had the opportunity to make an appearance in the newspaper at that point (let alone have its full fifteen-year period to qualify for significance via congressional or judicial mentions. Without a formal list of significant executive orders available at the time, then, I omit the Obama administration data from my analysis here.

In the conclusion, I discuss the implications of these results for our understanding of the limits of unilateral action. With so many factors beyond a president's control being predictive of the number of critical orders being issued, we see that presidents show some deference to the political context in which they operate. Under these particular conditions, presidents determine that they can more easily use executive orders and that these orders maybe more useful or effective for achieving the desired policy change. Whether this decision is based on an opposition party that threatens the president's policy successes outright with the use of unilateral actions or just the president's interpretation of what actions can be supported by Congress or courts in the event of a challenge, the president is acting strategically based on his or her circumstances. The president will not want to suffer attacks on his or her unilateral actions and be weakened through sustained challenges and overturns. and so will act accordingly. The president is therefore effectively constrained by circumstance so as to move in such a way that facilitates action and avoids as many potential challenges as possible. Instead, presidents are strategic in issuing these orders and tend to do so more under particular circumstances. The difference we observe in the factors that influence the numbers of critical domestic versus foreign orders gives continued credence to Wildavsky's theory of two presidencies, especially given that we find the model less predictive for foreign orders in the first place. This result could reflect the contention that presidents have a freer hand in making policy with the stroke of a pen when it comes to their defense and international prerogatives than their domestic ones.

## Expectations for Influences of Unilateral Governance

Existing research focuses heavily on the contextual factors that effectively constrain or facilitate a president's exercise of unilateral authority. Howell's Unilateral Politics Model is a primary example of this vein of research. I first set out to test the same three factors that Howell tested related to significant executive orders. Do we expect congressional majorities, administration changes, and divided government to affect the issuance of critical executive orders as they do significant executive orders? First, I expect larger congressional majorities to decrease the number of critical executive orders as they do the number of significant executive orders because the chambers – whether controlled by the president's party or not – can more easily mobilize to pass pieces of legislation. As I expect presidents to respond to their circumstances and use tools when they find them most useful, I expect presidents to continue to use executive orders when they find it easiest and most beneficial to do so. While this ability to act may sometimes be used to subvert the president's will on policy, it can also be used to produce quick and decisive legislative wins for the president when that is the preferred route for achieving policy change.

H<sub>1a</sub>: The size of the majority parties in Congress is inversely related to the number of critical executive orders issued.

Second, the same factors that motivate presidents to issue more significant executive orders in the first years in which a party is back in power – and in control of the unilateral powers of government – might lead presidents to issue more critical orders at the beginning of a new party's time in the Oval Office. As presidents enter

office after opposition party control, they will want to move quickly on a number of items. Since these cases follow an election in which the other party was removed from office, the new president may even feel that he or she has a mandate from the people to move quickly on at least some of these policy issues. And because these may be the issues on which the new president campaigned, they may tend to be policy issues that garner additional press attention because we see the new administration moving quickly on its signature issues. Because executive orders can be overturned by other executive orders, this tool may be particularly salient for achieving policy change at the end of an administration just as executive orders may have been used at the close of the previous administration before leaving office.

H<sub>1b</sub>: A new party in the White House is positively related to the number of critical executive orders issued.

Third, I also stipulate Howell's finding for the effect of divided government leading to fewer critical orders, though a contrary finding would not necessarily change his story. While presidents may not need congressional majorities generally for unilateral governance, we may find higher numbers of the truly critical orders come under times of divided government when the president has more impactful policies that cannot otherwise get through the legislature. That is, it may be the case that presidents generally issue executive orders that are significant when they have unified government because they have a legislature that will back up their unilateral actions anyway, but perhaps the most impactful of these orders could still come when the president has no such legislative advantage.

H<sub>1c</sub>: Divided government is negatively correlated to the number of critical executive orders issued.

Turning to other factors of the political environment, I begin with polarization. I expect polarization to have a positive relationship with the number of critical executive orders issued by presidents. The rise of polarization means that presidents will find it more difficult to work with Congress whether their party is in control or not. Even in a case like that of the Obama administration and the 111<sup>th</sup> Congress controlled by Democrats, the president found it difficult to act because of an obstructionist minority that threw up roadblocks as often as they could. Even when Senate Democrats maintained control of the upper chamber in the 112<sup>th</sup> and 113<sup>th</sup> Congresses, the minority Republicans managed to stall the president's agenda along the way. Therefore, I expect this increased ideological competition to leave the president to rely on unilateral actions to accomplish more policy objectives when he or she can no longer work with the legislature. I expect this relationship to be similar to the theory behind congressional majorities: there are fewer orders when it is easier for the president to legislate and more orders when it is harder to legislate.

H<sub>2a</sub>: Polarization is positively correlated to the number of critical executive orders issued.

We might also consider, however, the role of polarization under different political alignments of government. Perhaps looking at just polarization is too broad a factor. It might be the case that polarization affects the president's decisions to act via executive order differently depending on whether the president has a unified or divided government. The difficulties imposed on presidents by polarization would appear the most difficult under divided government. While presidents would still struggle with keeping their co-partisans in line for votes on their agenda items under unified government, and we have seen the cases to back this up, the toughest

legislative position in which a president may find him- or herself would appear to be a highly polarized and divided government. By the very nature of polarization, it would likely be harder for the president to convince members of the opposite party to join him or her on a policy move. Because of the gridlock introduced by polarization, the president would likely find only the ability to get his or her minority in the legislature on board. Wider ideological distances between the parties may have a bigger effect when the parties share control and must compete for dominance in the institutions of government in the first place (Rottinghaus 2011). Therefore, I expect polarization under divided government to increase the number of critical executive orders that presidents issue because they have so few paths to legislative victory available to them.

H<sub>2b</sub>: Under divided government, polarization is positively correlated to the number of critical executive orders issued.

Previous work presents a divided story on the role of presidential popularity with executive orders. Many of these stories point to a relationship in which higher presidential popularity means more executive orders because executives have the backing of the people. Whether presidents have control of the parties in Congress or not, having higher popularity may give them the capital they need to be able to influence policy, especially when this is a significant policy change on which the president is demonstrating unilateral action. Whether the president needs a congressional majority that would support the action or popular support behind the action, popularity may help the president do so. Therefore, I offer my third hypothesis

with a positive relationship between presidential approval and the number of critical executive orders.

H<sub>3</sub>: Presidential approval numbers are positively related to the number of critical executive orders issued.

Additionally, I analyze the effect of the economy on presidential governance. Howell considered the unemployment rate a control variable and found few statistically significant results in his models. In cases where he found statistical significance, Howell found a negative relationship between the unemployment rate and executive orders, such that high unemployment led to fewer orders. However, a troubling economy may provide the president with more latitude to exercise unilateral action – especially critical orders – in order to change policies and make an impact. Such cases may also reflect times when the president wants to (or even needs to) move faster to affect change without wanting to engage in the more laborious legislative process. Again, this finding need not be contrary to Howell's findings on the subject. It may be the case that the economy has little bearing on the larger swath of significant executive orders but is more predictive and instruction in terms of critical orders. I expect the performance of the economy to have a negative relationship with critical executive orders such that more economic troubles lead to more critical orders.

H<sub>4</sub>: The health of the economy is inversely related to the number of critical executive orders issued.

The other control variable from Howell's Unilateral Politics Model is war, which has a positive relationship with the number of significant executive orders issued by presidents in his models. Here, the prospect of an environment in which the

president may be forced to make faster decisions is particularly relevant. This type of environment reflects the type of situation in which presidents might use unilateral actions as a means of acting more swiftly and efficiently without engaging in the legislative process with congressional leaders. Therefore, I expect a positive relationship between times of war and the use of critical executive orders.

H<sub>5</sub>: Times of war are positively associated with the number of critical executive orders issued.

Finally, I turn to differences in political dynamics among policy types: domestic versus foreign policy. Here, a directional hypothesis is more difficult to offer as it is unclear how we might expect political factors to influence foreign versus domestic policies. Instead, I test a null hypothesis that there is no difference in the factors that lead to domestic and foreign policies. The alternative hypothesis is that there is difference in the factors that lead to domestic and foreign policy orders. It may be (1) that different variables have statistical significance in the number of critical domestic and foreign executive orders, (2) that the coefficients on the independent variables have opposite signs for domestic and foreign critical executive orders, or (3) that the magnitude of the variables may be substantially different for the different policy types. While I do not have expectations for the type of difference between policy types, I generally expect a Wildavsky-esque story of two presidencies that operate differently between domestic and foreign authorities. Furthermore, I generally expect more factors to play a role in domestic policy than in foreign policy, where the president may have more authority to engage in international relations with other world leaders.



H<sub>6</sub>: Dynamics of the political context affect the number of critical executive orders issued differently for critical domestic orders versus critical foreign orders.

I expect the signs on the coefficients of the original dynamics – majorities, new parties in the White House, and divided government – to remain the same for critical orders as they were for significant orders. However, we may see any of these factors lose statistical significance if it is the case that these dynamics play a role for the larger category of significant executive orders but are not as predictive when it comes to those orders that are most significant and most impactful. The literature also does not provide expectations for factors like polarization and approval, but I advance those hypotheses here to see if they help determine the ability to which the president can issue critical orders and thereby truly exercise unilateral governance to achieve policy change.

With these hypotheses set, I turn to the operationalization of my variables for testing my hypotheses. Once I detail how I specify all of the variables in my data set, including my control variables, I analyze the effects of different political characteristics on the issuance of the most impactful executive orders. Discussion based on the results then follows the findings from the models. Given the results, it appears that presidents respond to their political context in determining the number of critical executive orders that they can issue. Several political dynamics seem to shape the president's assessment of his or her situation and the subsequent ability to issue executive orders that he or she wants to be successful. Furthermore, we see some differences in the variables that influence the number of critical domestic versus foreign orders.

### *Model Specification*

In this section, I detail model specifications, including the types of models used, the units of observation, and operationalization of each of my dependent and independent variables. As discussed in the sections that follow, I use a count model that allows me to directly engage with previous literature on the subject of significant executive orders. Recognizing some additional concerns and options for other models, I also explore alternatives in the appendix. The units of observation are president-Congress pairs that provide the opportunity to analyze presidential prolificacy against political context. To measure this unilateral activism, I use three different dependent variables: one for the total number of critical executive orders to test Hypotheses 1-5 and then two separate counts of critical domestic and foreign orders for comparing work in line with the two presidencies thesis (Hypothesis 6).

### *Model Type*

The nature of the dependent variables and previous work in this field lend themselves to count models. I use negative binomial regression count models because the variance of all three dependent variables is larger than the respective means for the variables, which would violate the conditions for using a Poisson count model.<sup>16</sup> However, a Poisson model provides nearly identical results across the models that I use.<sup>17</sup> Mayer (2001) and Howell (2003) both use count models in their work, and I aim to respond directly to this literature. The dependent variable for the first eight hypotheses (Hypotheses 1-5, including subparts) is a count of the number of critical

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<sup>16</sup> Table A4-1 of the appendix provides information on the means and variances for these variables.

<sup>17</sup> See Appendix Table A4-2 for results of a Poisson count model with robust standard errors that can be compared to the results of Tables 4.3 and 4.4.

executive orders issued within each of the president-Congress dyads. The dependent variables for the final hypothesis are counts of the number of critical domestic and foreign policy orders issued during these dyads.<sup>18</sup> All models are run with robust standard errors. To contextualize the effects of these variables, I produce predicted counts to show the substantive significance of these factors.

### *Observations*

The unit of analysis here is a dyad of president-Congress pairs. In general, these pairs go from the start of a pairing until the next election (approximately 22 months) and from the election to the start of the next pairing (approximately 2 months). That is, presidents will have one observation from the day they take office until the date of the next election and then another observation from the day after the election until the following January 3, when the new Congress begins. For outgoing presidents, whether after the first or second term, there is an additional observation from the start of the new Congress on January 3 until the inauguration of a new president on January 20. While the basic structure is similar to that employed by Howell, I create shorter timeframes that allow for better capturing and specifying different aspects of the presidential-congressional relationship over the course of time.<sup>19</sup> Instead of forcing all observations into two-year periods that have some

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<sup>18</sup> A zero-inflated model was also considered for use here since there are several dozen observations with 0 critical executive orders, 0 critical domestic orders, and 0 critical foreign orders. However, these zeroes have no systematic explanations for why we would expect zeroes in any particular observation. It would be possible for any president to have at least one critical order in any particular cell (since there are executive orders issued in every observation and significant executive orders in most observations) and so this model ultimately seems inappropriate.

<sup>19</sup> Mayer, however, uses a month as the unit of analysis so all of his observations are similar, short periods of time. While I use a method more similar to Howell because of the long-term nature of many variables (a new party in the White House, divided government, polarization across a Congress, etc.), it may also be worth exploring a replication of this work where the unit of analysis is a month (with the

variation within them in terms of majorities, divided government, lame ducks, etc., I allow for these variations to exist by including some smaller units of time.<sup>20</sup>

As we see a difference in the literature's approach to variables and findings, so too do we see a difference in the models employed and the observations used within those models. Mayer (1999, 2001) uses negative binomial regression models where the unit of observation is an individual month. He studies the number of significant executive orders in each month against many independent variables: lagged counts of significant executive orders, whether or not it is the first year of a new administration (that is or is not of the same party of the previous administration), whether or not it is the last month of an administration (that will or will not transition to an administration of the same party), whether or not it is a presidential election year for an incumbent president, whether or not we have divided government under particular presidents, popularity, presidential dummy variables, and some particular events that spurred several executive orders. Given a monthly observation, Mayer's models have 756 observations (covering April 1936 to December 1999) with some 23 primary independent variables. While it is true that some of Mayer's variables

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dependent variable being a count of executive orders in that month) in order to standardize the timing issue.

<sup>20</sup> Of course, this approach is not without its drawbacks. I include a count of the number of days in each observation to control for these variations in time, but comparing half-month periods to 22-month periods may still be problematic. The longer periods also have several dynamics (like economic indicators) whose movement may not be captured in such large swaths of time. I therefore run one additional model with results available in the appendix (Table A4-5). This additional model is an OLS model where the dependent variable is the rate of critical executive orders issued per day (a weekly or monthly rate provide the same statistical significance and signs with different coefficients). This model then allows for easier comparisons between observations without the problem of vastly different lengths of time. A second additional model for comparison would be another count model similar to the main one used here but with shorter observations. To help better capture variation in some variables, I would be interested in breaking the longer observations into their component sessions of Congress so that the longest observation becomes just one year rather than 22 months. Such a model would be a compromise between Mayer's monthly observation and Howell's whole-Congress observation.

fluctuate (final months of an administration, presidential approval), many of these variables are more static in nature. Whether or not it is the first year of an administration, an election year, who the president is, and divided government do not change on a monthly basis.

Mayer and Price (2002) use some of the same variables from Mayer's 1999 and 2001 work, but they move to a calendar year observation. Their Poisson models have just 51 observations with eight independent variables. The longer observation period is more appropriate for many of the variables they test, including whether or not it is the first year of a new administration (of the last administration's party or not), whether or not it is a presidential election year for an incumbent, the partisanship of the president, and whether or not it is a time of divided government. These factors are not likely to change within a calendar year, making the longer length of time more appropriate for the model and its specified dependent variable counts of significant executive orders.

Howell (2003) instead uses a negative binomial regression model where the unit of observation is an entire congressional term. The main political dynamics of interest are partisan majorities in Congress, legislative potential for policy change scores in Congress, whether or not a new party is taking control of the White House, whether or not we have divided government, war, the unemployment rate, and presidential fixed effects. Nearly all of these variables are fairly stable over the course of a two-year Congress. "The data are aggregated by congressional term because virtually all of variation in the key independent variables occurs across two-year time spans" (87). Howell also notes that using a calendar year observation produces very

similar results as his congressional term observation. However, Howell's two control variables – war and the unemployment rate – can have more movement that may not be adequately captured in a two-year observation.

This approach also misses some of the movement we might expect to see like in lame duck periods or the first 100 days of an administration that might be more easily captured by Mayer (1999, 2001) or Mayer and Price (2002). Finally, because presidential terms and congressional terms no longer start on the same day, there is some overlap that is not clearly addressed in Howell's full-Congress observation. We may be interested in some of these brief but overlap periods, such as the very end of the Carter administration. For the vast majority of his four-year term, Carter served with a Democratic Congress. His final two weeks, however, coincided with the beginning of a Republican Senate that would then carry into most of the Reagan administration. Those days – with quite a few lame duck orders from the outgoing president – comprise an interesting time period that we want to include in our discussion.

My approach, then, is constructed as somewhat of a compromise between these other main approaches. With independent variables that capture the size of congressional majorities, party changes in the White House, divided government, polarization, polarization under divided government, party changes in Congress, and presidential fixed effects, these variables tend to hold fairly steady for an entire Congress. In fact, some variables like polarization are explicitly based on an entire Congress and are not available on a smaller time scale.<sup>21</sup> Other variables, presidential

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<sup>21</sup> Comparing the overall mean and daily mean of the data in Table 4.1 shows that these variables remain very similar across a two-year period.

approval and the misery index, tend to move with more frequency. War may be a longer-term dynamic, but it has particular start and end points that fall within longer observations. I also employ two variables for presidential and congressional lame duck periods that are particularly associated with shorter periods of time.

To try to balance a data set that uses mostly longer-term and some shorter-term variables, I ultimately favor the longer-term dynamics that are less likely to change on a month-by-month basis and then carve out some shorter periods in which I might theoretically expect additional activity (consistent with Mayer 1999, Mayer 2001, and Mayer and Price 2002). The data set therefore includes dyads of varying lengths as described above and exemplified below. Using only long observations conceals some of the variation in my independent variables of interest (particularly presidential approval and the economy). My data also includes changes in the 107<sup>th</sup> Congress that would otherwise be missing if we only looked at the whole Congress rather than splitting the Congress into several observations. Using only shorter periods of time – such as Mayer’s models based on months – across the whole period of 1945 to 2009 would otherwise fail to recognize the stability of other important independent variables and lead to a repetition of some values for 24 observations at a time.

To account for this irregularity and inconsistency in observation length, I include a count for the number of days as a control variable. This variable may not be sufficient for this purpose, but it is an attempt to strike balance where other work in this field either loses movement and variation under long-term observations

(subsuming moving pieces into less meaningful averages) or unnecessarily breaks long-term variables apart over the course of several observations.<sup>22</sup>

Given this structure, a president who serves one full term will have five dyads included in the data set. Carter, for example, has one dyad from his inauguration in January 1977 until the congressional midterm elections in 1978 (about 21 and a half months). A second dyad spans the end of the 95<sup>th</sup> Congress from the November election until early January 1979 (about 2 months). The third dyad then marks the beginning of Carter's time with the 96<sup>th</sup> Congress in the beginning of January 1979 until the presidential and congressional elections of 1980 (about 22 months). The fourth observation marks the end of Carter's relationship with the 96<sup>th</sup> Congress from the November elections until the end of the 96<sup>th</sup> Congress in early January 1981 (about 2 months). Carter's fifth – and final – observation then spans the beginning of the 97<sup>th</sup> Congress until the end of his term later in January 1981 (17 days).

Similarly, a president who serves two full terms will have nine dyads included in the data set. Reagan has observations that cover (1) his 1981 inauguration until the 1982 midterm elections, (2) the midterm elections until the end of the 97<sup>th</sup> Congress in January 1983, (3) the beginning of the 98<sup>th</sup> Congress until the 1984 elections, and (4) the time period from the day after the election until the end of the 98<sup>th</sup> Congress in January 1985. Additional observations include (5) the beginning of the 99<sup>th</sup> Congress in early January 1985 until the next midterm elections in 1986, (6) from those elections until the end of the 99<sup>th</sup> Congress in January 1987, (7) the beginning of the

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<sup>22</sup> Given this discussion, I believe the most appropriate alternative would be a model where the observation is a shorter time period of one calendar month. Allowing variation in key independent variables is more important and costs less than the price associated with aggregating information to solely longer observations.



100<sup>th</sup> Congress in January 1987 until the presidential and congressional elections in 1988, (8) the day after those elections until the official end of the 100<sup>th</sup> Congress in January 1989, and (9) the start of the new Congress on January 3 until Reagan's term ended two and a half weeks later on January 20. Unlike a one-term president, there is no need to distinguish the time from the start of a new Congress to the second inauguration (breaking apart the 5<sup>th</sup> observation) because it is the same president-Congress pair before and after January 20.

With the exception of assassinations and resignations, all presidents have the same set of dyads in the data set. In the case of Kennedy's assassination and Nixon's resignation, those observations end on those respective days and the next president's first observation begins that same day (and Truman's observations start the day FDR died). The only other exception to this pattern is an additional observation for Bush II because of the drastic change in the 107<sup>th</sup> Congress during his first term in office. With the resignation of Senator Jeffords (VT) from the Republican Party and the resulting change in party majorities and leadership, this change seemed too great to capture in just one observation from January 2001 through November 2002. Rather, this change in the relationship between a president and Congress seemed akin to relationships between new presidents or new Congresses. Bush II therefore has ten observations represented in the data.<sup>23</sup>

### *New Dependent Variables*

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<sup>23</sup> They are (1) January 2001 to June 2001 with the Republican 107<sup>th</sup> Congress, (2) June 2001 through November 2002 with the Democratic 107<sup>th</sup> Congress, (3) November 2002 to January 2003 with the lame duck 107<sup>th</sup> Congress, (4) January 2003 to November 2004 with the 108<sup>th</sup> Congress, (5) November 2004 to January 2005 with the lame duck 108<sup>th</sup> Congress, (6) January 2005 to November 2006 with the 109<sup>th</sup> Congress, (7) November 2006 to January 2007 with the lame duck 109<sup>th</sup> Congress, (8) January 2007 to November 2008 with the 110<sup>th</sup> Congress, (9) November 2008 to January 2009 with the lame duck 110<sup>th</sup> Congress, and (10) January 2009 to January 2009 with the beginning of the 111<sup>th</sup> Congress.

From the list of significant executive orders that are now marked critical or not critical, I count the total number of critical executive orders that are issued in each of these president-Congress observations. These counts are the primary dependent variable of interest in my models. As secondary independent variables, I also employ counts for the number of critical domestic and foreign orders issued in each observation for testing the Wildavsky hypothesis that the political dynamics in which presidents operate affect presidential calculations differently depending on the type of policy. To classify each executive order as domestic or foreign policy, I use the coding scheme from the Policy Agendas Project, which has categorized all executive orders into different policy categories. From these buckets, I coded those categories related to the military and international relations as foreign orders and all other orders as domestic policy orders. I rely on the total count of critical orders for testing Hypotheses 1-5 in the context of how different particular environmental factors affect the president's decision to issue such orders. I use the counts of critical orders by policy type for testing Hypothesis 6 with one count model for domestic orders and a separate count model for foreign orders.

The summary statistics for the model data can be found in Table 4.1. Across the observations, each president-Congress dyad averages 2.32 critical orders with a minimum of zero critical orders and a maximum of seventeen critical orders. Among these critical orders, each president-Congress dyad averages 1.14 critical domestic orders with the remaining 1.17 orders being critical foreign orders.<sup>24</sup> Table 4.1 also

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<sup>24</sup> Given the negative binomial regression count models that are used here so as to draw direct comparisons to the literature and the nature of my observations that include some long observations and some very short observations, there may be concerns about discussing data averages. While the main information provided in Table 4.1 is relevant to the models being used, I also provide an overall

presents some more summative data that takes into account the different lengths of the observations.

Table 4.1: Model Summary Statistics

Variable	Mean	Standard Deviation	Min.	Max.	Daily Mean
<i>New York Times</i> stories per significant executive order	1.84	2.82	0	30	--
Critical executive orders (176)	2.32	3.19	0	17	.0076
Critical domestic orders (87)	1.14	1.78	0	8	.0037
Critical foreign orders (89)	1.17	1.86	0	9	.0038
Congressional majorities	13.43	8.90	.8	35.2	13.48
New party in the White House	.20	.40	0	1	.21
Divided government	.61	.49	0	1	.59
Polarization	.60	.07	.48	.74	.60
Polarization in divided government	.37	.31	0	.74	.36
Presidential approval	52.38	11.95	26.63	74.79	53.28
War	.57	.50	0	1	.61
Misery index	9.70	3.98	3.28	21.8	9.55
Length of time	306.09	297.66	17	675	--
Presidential lame duck	.24	.43	0	1	.03
Congressional lame duck	.42	.50	0	1	.08
New congressional majority (first time)	.32	.47	0	1	.31

Summary statistics for dependent and independent variables. The first section of the table provides information from the disaggregated data set on the number of stories in *The New York Times* that mentions a significant executive order within one year of issuance. From that, I identify a set of critical executive orders based on a threshold of 3 stories or more in the newspaper (with numbers of each dependent variable provided in parentheses). Statistics for those orders in the count model data set (aggregated up to president-Congress dyads) are provided in the second section of the table. The third section of the table provides summary statistics for all independent variables in the count models.

#### *Political Dynamics of Interest*

The political dynamics of interest are the size of congressional majorities, whether or not there is a new party in the White House, whether or not we have divided government, polarization, polarization under divided government, presidential approval, the economy, and war. Other aspects of political timing include whether we are in the final months of a presidency, whether we are in the final months of a Congress, whether the Congress is controlled by a new party, and the

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average for each variable in the data set in the final column. This statistic (which is the data's daily average) provides a sense of the "true mean" of the variable and allows for comparison against the unweighted averages used in the model. This difference is most dramatic for lame duck variables that are always short and the counts of critical executive orders.

length of the observation. The summary statistics for all independent variables can also be found in Table 4.1. The model uses three primary independent variables from the literature: the average size of congressional majorities, whether or not a new party controls the White House immediately after opposition party control, and whether or not we have divided government. Congressional majorities are averaged within and then across chambers for each Congress. I take the average of the majority's seats by percentage in each chamber and then find the mean of the two averages. This measure tells us generally – whether the majority is of the president's party or not – the ability of majorities to get things accomplished via legislation.

Consistent with Howell's (2003) work, the timing variable employed here is a dummy variable to indicate a new party in the White House. While Howell applied this variable to the entire first term of a new party in the White House, Mayer (2001) marked the first year of a new party in control of the White House. Balancing the two approaches, I use a modified variable that instead only applies to the first Congress of a president whose party has just re-gained the White House after time out of office.<sup>25</sup>

This model uses a divided government dichotomous variable based on whether the dyad was organized under unified or divided control of the White House and both chambers of Congress. A positive indicator of 1 signifies divided government (whether the opposition controlled one or both houses of Congress) while a 0 marks president-Congress dyads of unified government. By dividing the majority of the 107<sup>th</sup> Congress into two observations, one for the first five months of Republican control under Bush II (with therefore unified government) and the other

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<sup>25</sup> By subdividing the variable and capturing a smaller swath of time, I move from situations of having eight straight years of 1s for this variable from 1977-1985 to instead just having 1977-1979 and 1981-1983 without treating all of Carter's single term as a new party in office.

for the next eighteen months of Democrats controlling the Senate (and therefore having divided control of government), I am able to capture the movement that happens here. Also, Republicans held enough seats by the end of the 107<sup>th</sup> Congress to have re-taken control of the Senate and re-establish unified government, but this movement happened during the chamber's recess, and they did not reorganize for the closing days of the 107<sup>th</sup> Congress. This time period therefore remains one of divided government.

The other political dynamics of interest in this research include polarization, polarization under divided government, presidential approval ratings, the state of the economy, war, and other aspects of political time (presidential lame ducks, congressional lame ducks, and a new congressional majority). As developed by Poole and Rosenthal (2007, 2015), polarization is measured as the difference in mean Democratic and mean Republican scores on a single DW-NOMINATE axis. Each party's mean ranges from zero to negative one or positive one, respectively, making the total range for polarization two. Here, I use the Senate's polarization number, which correlates strongly with polarization in the House. This figure reflects a change in moderate partisans as the elected members of the two parties coalesce around means that move farther from each other over time. As the number for polarization grows, so too does the distance between the mean positions of partisans in the legislature.

To determine the effects of polarization under particular arrangements of government (particularly divided government), I generate an interaction term equal to whether or not government is divided and the value of polarization under those times

of divided government. The resultant variable is therefore equal to the level of polarization when government is divided and equal to zero when government is unified. The higher the value, the more polarization exists under divided government. The lower the value, the less polarization under divided government. When the value is at zero, we have unified government. This value helps account for situations in which the president faces the opposition party in the majority of at least one chamber and is more or less likely to be able to move members of the majority to his or her preferred policy items. That is, under low polarization, the president may still be able to move non-partisans to his or her side of a piece of legislation, but under higher polarization, the president finds it increasingly difficult to make inroads with non-partisans in Congress.

The figure given for presidential approval is an average of Gallup polling available for each president through the American Presidency Project within a given dyad. For each observation, I average all available Gallup polls available in that time period. For particularly short windows of time, the observation may only include one poll whereas longer dyads include a significantly larger number of polls. I also find that polls occur more frequently in later presidencies with a typical Bush II dyad including more polls than a typical Truman or Eisenhower dyad.

For economic performance, I draw on the misery index as a sum of both unemployment figures and inflation rates.<sup>26</sup> Because this is a sum of two negative economic indicators, a larger number tends to indicate more problems for the economy. Whether they are driven by inflation or unemployment is an unnecessary

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<sup>26</sup> I do not take the inflation rate and unemployment rate separately here, though I could expand the supplementary models in the index to include such analysis.

distinction for this measure. As the number grows, inflation and/or unemployment are on the rise. As the measure declines, however, the economy is getting better with inflation and/or unemployment shrinking. This concept is particularly enlightening for a discussion of presidential action and the freedom with which the president may move to set policy. If presidents are truly able to unilaterally shift policy whenever they want, we would expect no correlation between the state of the American economy and presidential action. If, however, we see a strong effect of an indicator like the misery index on presidential behavior, we can determine that presidents find it easier or most useful (or both) to use some of their unilateral tools at particular times (and likely to respond to particular circumstances). There is an external force in their environment that influences when and how they make decisions.

Another external characteristic of interest is the presence of war. To operationalize this reality, I employ a dummy variable based on the presence of armed conflict involving American troops. If the U.S. is engaged in active military missions during the majority of the observation, I code that observation with a 1. Otherwise, the observation is a 0 for lack of fighting during that period. I use World War II, the Korean Conflict, the Vietnam War, the Gulf War, and the War on Terror as periods of war in the data set. Slightly more than half of the periods are marked as such.

Finally, I include a handful of timing variables in the models to further reflect circumstances beyond the president's control. To reflect presidential lame ducks, I include a dummy variable to mark the observation from the day after an election to the last day of the administration whenever a new president is elected. It is only

applied in the president's last term (since all the presidents in my sample knew by the day after the election whether or not they would spend another four years in the White House). That is, a two-term president only faces this variable at the end of the second term. A president whose term comes to an unexpected and abrupt end (Kennedy and Nixon) does not have a presidential lame duck observation since the idea behind the variable is that presidents who know their time in office is coming to an end may choose to act differently than they did earlier in their administration. In his work, Mayer (2001) includes a dummy variable to mark the final month of a president's term and distinguishes between lame duck months when the same party is moving into the White House and lame duck months when the incumbent's party is losing the White House.

Similarly, I am also interested in congressional lame duck sessions. These are periods after congressional elections before the new Congress gavel into session on January 3. Like presidential lame duck sessions, I employ a dummy variable here where 1 indicates an outgoing Congress and 0 indicates a Congress that has not yet been replaced. Here, the makeup of the outgoing and incoming Congress does not matter; it only matters that the current Congress is ending soon. Additionally, a second congressional timing variable indicates those times when a new Congress has at least one chamber controlled by a new majority from the previous Congress it is replacing.

For effective comparisons, it is also necessary to account for the length of time covered by the dyad. For this measure, I include a count of the number of days. As some dyads are quite short at just seventeen days (from January 3 to January 20



for a lame duck president), I want to note that the number of orders is different in those periods than dyads that are considerably longer at 675 days (from January 3 to the following election day). Because presidents may use this time to accomplish final policy objectives before leaving office or before losing legislative allies, we find many critical orders that occur during these unique periods of time that should not be folded into the dyad preceding or succeeding a lame duck session. I also include presidential fixed effects to account for presidents who may be more or less prone to issue executive orders in the first place. The data set therefore contains dummy variables for each president to control for different governing styles.

With this data set, I have the ability to run models that help reveal how political dynamics may affect the issuance of critical executive orders in presidential unilateral governance. To analyze results, I employ negative binomial regression count models to show how the above characteristics influence the number of critical executive orders. Political environmental factors with statistical significance indicate ways in which the president is restricted – or at least influenced – by factors outside of his or her control.

### *Results*

An initial negative binomial regression model replicates Howell's main independent variables for the size of the majority, administration change, and unified government with significant and critical orders in order to provide a baseline for comparison.<sup>27</sup> Table 4.2 displays the results for both models. Among significant

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<sup>27</sup> These baseline comparison models also include a count for days in the dyad to control for differing periods of time. Otherwise, the models reveal no statistical significance for any variables because Howell used fairly standard periods of time for all of his observations but the periods here vary greatly in length.

orders, congressional majorities have the anticipated negative coefficient and administration change has the expected positive coefficient, both with statistical significance. However, we do not find the statistically significant coefficient for divided government with significant orders that we saw in earlier studies. The economy is also statistically significant here, as is the days variable.

Looking at the same kind of simplified model for critical orders shows that the size of the congressional majority has a statistically significant negative coefficient at conventional levels and with all else constant. A partisan change in the White House has a positive coefficient that approaches statistical significance with a one-tailed test. The number of days is also instructive here for the basic critical model. At first blush, then, I have two observations: that presidents appear to be influenced by some of these political dynamics and that we see differences between the significant and critical models with justification to pursue these differences further with larger models.

Table 4.2: Negative Binomial Regression Models for Significant and Critical Executive Order Replications of Howell Model

	0 Significant Replication	1 Critical Replication
Original Variables		
Congressional Majorities	-.025** (.009)	-.055** (.021)
Administration Change	.352** (.143)	.410° (.262)
Divided Government	.066 (.168)	.006 (.314)
Expanded Variables		
Misery Index	.040* (.022)	.032 (.040)
War	.089 (.236)	-.380 (.444)
Timing Variables		
Length of Observation	.004*** (.0002)	.004*** (.0004)
Constant	-.110 (.388)	-1.002 (.711)
N of cases	76	76
Log likelihood	-189.455	-109.577
Pseudo-R <sup>2</sup>	.296***	.272***

The dependent variable in Model 1 is a count of critical executive orders within a president-Congress dyad. The dependent variable in Model 0 is a count of significant executive orders within a president-Congress dyad for comparison. Values are coefficients with standard errors in parentheses. °p≤.10, \*p≤.05, \*\*p≤.01, \*\*\*p≤.001, one-tailed (except for constant and presidential fixed effects). Statistics for presidential fixed effects are not presented here for space but can be found in Table A4.3 of the appendix.

When I move to an expanded model that also includes the variables for polarization, presidential approval, and other timing variables related to the political environment in which presidents operate, we see a change in results and a large increase in the explanatory power of the model. Divided government, polarization under divided government, the economy, presidential lame ducks, and congressional lame ducks all help explain the number of critical executive orders issued by presidents. Divided polarization and the misery index have a direct relationship with the number of critical executive orders while the other three factors have inverse

relationships with the number of critical orders issued by presidents. Table 4.3 displays the results of this expanded negative binomial regression model.<sup>28</sup>

Table 4.3: Negative Binomial Regression Models for Critical and Significant Executive Orders

	2 Critical Expansion	3 Significant Expansion
Original Variables		
Congressional Majorities	-.018 (.034)	-.012° (.008)
Administration Change	.218 (.213)	.151 (.126)
Divided Government	-5.057*** (1.585)	-2.257** (.877)
Expanded Variables		
Polarization	-6.825 (7.945)	-.512 (3.435)
Polarization under Divided Government	8.259** (2.741)	3.479** (1.474)
Presidential Approval	.012 (.011)	.018*** (.004)
Misery Index	.092** (.032)	.071*** (.019)
War	-.395 (.395)	.152 (.196)
Timing Variables		
Presidential Lame Duck	-1.196° (.641)	-.585* (.263)
Congressional Lame Duck	-2.602*** (.585)	-.815*** (.231)
New Congressional Majority	-.073 (.222)	-.011 (.096)
Length of Observation	.0004 (.0009)	.003*** (.0004)
Constant	4.134 (5.482)	-.308 (2.369)
<i>N</i> of cases	76	76
Log likelihood	-95.851	-174.998
Pseudo-R <sup>2</sup>	.363***	.345***

The dependent variable in Model 2 is a count of critical executive orders within a president-Congress dyad. The dependent variable in Model 3 is a count of significant executive orders within a president-Congress dyad for comparison. Values are coefficients with standard errors in parentheses. °p≤.10, \*p≤.05, \*\*p≤.01, \*\*\*p≤.001, one-tailed (except for constant, timing variables, and

<sup>28</sup> This table also provides results for a full negative binomial regression model on significant executive orders. The discussion for this comparison model can be found near the end of the chapter in the discussion section.

presidential fixed effects). Statistics for presidential fixed effects are not presented here for space but can be found in Table A4.3 of the appendix.

Based on the results in this model, it does not appear that the size of the congressional majority (Hypothesis 1<sub>a</sub>) or a change in partisanship in controlling the White House (Hypothesis 1<sub>b</sub>) have an effect on the number of critical orders that a president issues. While both of these coefficients have the signs that we would expect from the hypotheses, they lack statistical significance at conventional levels. I reject the null hypothesis for divided government (Hypothesis 1<sub>c</sub>) with results that comport to other findings about the negative relationship between divided government and executive orders in general. The results from this model show that divided government leads to fewer critical executive orders with all else constant. Predicted counts estimate that a period with divided government will have, on average, .7 fewer critical executive orders.

Polarization also appears to have no statistically significant effect on the number of critical orders (Hypothesis 2<sub>a</sub>) based on the results of this model, but separate testing of critical domestic and foreign orders below may provide an explanation for this finding. However, I do find a positive coefficient for polarization under divided government (Hypothesis 2<sub>b</sub>). Higher polarization when the president's party does not control both legislative chambers tends to lead to fewer critical executive orders with all else equal. These results run confirm my hypotheses on the interaction between arrangement of government and polarization. As expected, the model suggests that presidents turn to orders that will prove critical more when they face polarization under divided government because they will find themselves less

able to get the votes they need from the opposition party when legislation would otherwise be the preferred method of policy change.

Why does polarization change the sign for divided government? It may be the case that presidents think through this combination of political dynamics differently than they would as the simple product of two separate parts. For the president who must decide how to pursue a policy change, higher polarization under unified government may lead the president to decide that enacting change via legislation is the preferred route to dispel the notion that he or she is acting extra-legally to avoid a tough fight with a vocal opposition. It may be harder to accomplish the policy goal through legislative means, but the process may be part of the president's calculus in deciding how to move forward. However, when the president faces at least one chamber controlled by the other party and high polarization, he or she may determine that policy change is out of reach through the legislative process. Without a majority in one or both houses of Congress, the president faces a tough fight on the Hill. At the same time, increased polarization means that the majority opposition in the Capitol will be less willing to compromise and more ardent in its opposition. Therefore, the president may determine that policy via executive order is the easier (and only real) option for moving forward. Other studies of divided government have concluded that divided government and unified government are not different in terms of legislative productivity (Mayhew 1991, Binder 1999), but these studies miss periods of particularly high polarization that is more present today.

There is little statistical evidence here for the role of presidential approval (Hypothesis 3) on the number of critical executive orders issued. While the

coefficient has the expected sign from the hypothesis (positive), this factor lacks statistical significance in the results. However, like the results for polarization, this result may also be explained below in the results of the different policy type models.

I find a positive coefficient with statistical significance for my economic variable (Hypothesis 4). That is, as the misery index (again, inflation and unemployment) rises, the number of critical executive orders also raises. This relationship may reflect that the president is acting in response to economic concerns of the country as the economy struggles. Case studies in Chapters 5 and 6 exemplify times when presidents issue executive orders to target a troubled economy, such as Kennedy's first Executive Order 10914 to provide assistance to those in need or Carter's Executive Order 12188 on international trade functions. When the economy is in better shape with lower inflation and unemployment numbers, the president does not need to issue as many orders to address these kinds of problems. This factor is particularly enlightening for a discussion on the extent to which presidents can yield unilateral action of their own volition without their context determining their ability to act. In this case, in particular, the economy seems to create additional opportunities for presidents to unilaterally govern. On average, a one standard deviation increase in the misery index leads to an increase of more than one critical executive order per observation.

The presence of war, however, does not tie a president's hands (Hypothesis 5). Without statistical significance for the coefficient, there is not support to believe that war has a consistent impact on the number of critical executive orders that presidents are issuing. In this case, presidents may be able to issue the same numbers

of critical orders regardless of whether or not American troops are involved in conflicts around the world. However, we will see some nuance to this result in the policy type models that follow.

Finally, regarding other timing variables that describe the environment in which the president is an actor, I find negative coefficients with statistical significance at conventional levels for presidential and congressional lame duck periods. Once the president or a Congress – regardless of the number of terms in the case of the former, and regardless of what party is to take the reins of government next in the case of the latter– is headed out of office, we see presidents issuing fewer critical executive orders. They tend to respond to the impending change with decreased unilateral activity in the closing months. In this aggregate model for all critical executive orders, I do not find statistical significance for the variable related to new partisan control of one or both chambers. However, these variables might be standing in for the fact that they are only used in relatively short periods of time in the first place.<sup>29</sup> The presidential lame duck variable is only applied for a total of about two and a half months per president. The congressional lame duck variable is only applied for about two months per dyad. It may be the case that presidents are issuing fewer critical orders at these times in response to their circumstances, but it may also be the case – at least in part – that we see lower numbers here as a result of the fact that these are shorter time periods in which presidents have fewer days to be as prolific with their unilateral actions in the first place. Presidential and congressional

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<sup>29</sup> I provide an additional model in the appendix (Table A4-6) that removes these additional control variables. When I do so, the control variable for the number of days increases in statistical significance. While this model is somewhat cleaner with fewer variables included, they also lose some of their explanatory power for the number of critical executive orders issued. I stick with my fuller models here but include the alternative model in the appendix for comparison purposes.



lame duck periods are associated with average decreases of 1.8 and 3.5 critical executive orders with all else held constant.

These results only shed light on part of the research question at hand. While it is instructive to know what factors affect critical executive orders overall, I am also interested to see if there is a difference in the factors that influence domestic versus foreign orders. Turning to the question of how critical domestic and foreign orders may differ (Hypothesis 6), I run negative binomial regression models where the dependent variable is a count of critical executive orders by policy type so that I can speak to the question posed by Wildavsky and others about how presidents may act differently (and achieve their goals differently) by domestic and foreign policy objectives. Using the same variables and models as my full model of critical orders, these policy type models produce different results, as shown in Table 4.4.

Among critical domestic orders, six variables demonstrate statistical significance in the model, as detailed in Table 4.4. While the average size of congressional majorities (Hypothesis 1<sub>a</sub>) and administration party change (Hypothesis 1<sub>b</sub>) continue to not hold statistical significance, I find a negative coefficient for divided government (Hypothesis 1<sub>c</sub>). On average, periods of divided government see presidents issuing one fewer critical executive order than periods of unified government with everything else constant.

This model also still fails to produce a statistically significant coefficient for polarization (Hypothesis 2<sub>a</sub>) while producing a positive coefficient for polarization under divided government (Hypothesis 2<sub>b</sub>). Polarization by itself does not appear to have a great deal of impact on the issuance of these critical executive orders, but

polarization under times of divided government is instructive. It leads to more critical domestic orders when all else is held constant because presidents find themselves unable to get the legislative support they would need from members of the majority party in whatever chambers are controlled by the opposition party. With high polarization and another party in charge of one or both chambers, presidents must demonstrate more self-reliance with some of their policy goals and exercise their unilateral actions to make progress.

In support of Hypothesis 3, the results show a positive relationship between presidential approval ratings and the number of critical domestic orders that presidents issue. When presidents are more popular among the public, they may be able to convert this approval rating into political capital that they can expend to act without Congress. An increase of one standard deviation in presidential approval leads to an average increase of about .6 critical domestic executive orders per period. Again, I also find evidence to support Hypothesis 4 that higher levels of inflation and unemployment lead to higher numbers of critical domestic orders. Here especially, it appears to be the case that presidents issue some of their most impactful orders focused on domestic policy when the economy is struggling. In this way, we can see some of these orders as likely responses to these problems with presidents attempting to use the tools at their disposal to affect the policies that will put more people back to work and rein in inflation rates. An increase of one standard deviation in the misery index leads to an increase of over .8 critical domestic executive orders, on average. The critical domestic order model also provides a statistically significant result for Hypothesis 5 regarding war, but it is in the opposite direction from my hypothesis.

With an inverse relationship between war and critical domestic orders, it would appear that American troops involved elsewhere in the world means the president will be paying issuing fewer orders related to the home front. Two possible explanations for this trend are that presidents' attentions are focused abroad with less consideration of domestic issues or that costly military engagements elsewhere leave less in the federal budget and public appetite for the president to be as prolific with domestic initiatives at the same time. Regardless, presidents seem to do less at home when they have troops abroad.

Regarding other timing variables, the critical domestic model produces a negative coefficient for congressional lame ducks. During these times, presidents will tend to issue fewer critical orders related to domestic policy concerns. When Congress is on its way out the door, presidents are finding this opportunity less conducive to their critical orders for domestic issues, and so they are issuing fewer of them. Periods that represent a lame duck period for Congress are associated with nearly 1.95 fewer critical domestic orders, on average. Presidential lame duck periods and the beginning of a new majority party in Congress do not produce statistically significant coefficients that would appear to clearly shape the opportunities available to presidents. Given the large number of variables that have a role in predicting the number of critical orders for presidents, I argue that presidents are very bound in their actions when it comes to domestic policy prerogatives. They do not have great authority here to act as they might otherwise like and find limits placed on them by their political environments, a topic further discussed in the next section of this chapter.

Table 4.4: Negative Binomial Regression Models by Policy Type

	4 Domestic Policy	5 Foreign Policy
Original Variables		
Congressional Majorities	-.002 (.026)	.0005 (.039)
Administration Change	.290 (.294)	-.195 (.438)
Divided Government	-5.085** (2.099)	-8.956* (4.377)
Expanded Variables		
Polarization	1.397 (9.508)	-25.425* (12.671)
Polarization under Divided Government	7.373* (3.565)	16.065* (8.126)
Presidential Approval	.035*** (.011)	.012 (.018)
Misery Index	.137*** (.041)	.105* (.057)
War	-.649° (.405)	.255 (.711)
Timing Variables		
Presidential Lame Duck	-1.729 (1.206)	-.851 (.696)
Congressional Lame Duck	-2.725** (.925)	-2.109*** (.617)
New Congressional Majority	-.368 (.262)	.293 (.314)
Length of Observation	.0001 (.001)	.001 (.001)
Constant	-2.760 (6.861)	13.359° (8.056)
<i>N</i> of cases	76	76
Log likelihood	-65.165	-70.463
Pseudo-R <sup>2</sup>	.413***	.370***

The dependent variable in these models is a count of critical executive orders of the given policy type within a president-Congress dyad. Values are coefficients with standard errors in parentheses. ° $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .001$ , one-tailed (except for constant, timing variables, and presidential fixed effects). Statistics for presidential fixed effects are not presented here for space but can be found in Table A4.4 of the appendix.

However, the model for critical foreign orders produces different results. Again, congressional majorities and a change in partisan control of the White House (Hypotheses 1<sub>a</sub> and 1<sub>b</sub>) do not seem to have a clear effect on the number of critical

foreign orders issued. Like the full model for critical orders and the domestic model, divided government (Hypothesis 1<sub>c</sub>) has an inverse relationship with the number of critical foreign orders that presidents issue. These results are consistent across the full model for critical executive orders and both policy type models, though the substantive significance is much smaller here than in other models. Presidents will tend to order only about .1 fewer critical foreign orders when they face divided government.

Polarization (Hypothesis 2<sub>a</sub>) has a negative coefficient with statistical significance at conventional levels for critical foreign orders. As the government becomes more polarized, presidents issue fewer critical orders with defense or international implications. With these foreign orders, in particular, polarization makes presidents less likely to issue orders that get the most attention and have the biggest impacts. The ideological distance between the parties effectively constrains the likelihood of presidents to issue more foreign orders during these times. However, this result is largely driven by polarization during times of unified government. In evaluating Hypothesis 2<sub>b</sub> on the role of polarization under divided government, we see a direct relationship with critical foreign orders. Divided government lowers the number of critical foreign orders, and polarization lowers the number of critical foreign orders. But polarization under divided government tends to increase the number of critical foreign orders.

From a mathematical point-of-view, this finding makes sense: a negative times a negative equals a positive. The dynamics, however, are interesting in practice. With all else equal, we see divided government by itself leading to fewer critical

foreign orders. Similarly, we see polarization by itself leading to fewer critical foreign orders. These results are likely driven by cases in which we see the individual characteristic by itself (i.e. periods of divided government where polarization is low and periods of high polarization where government is unified). However, in cases where we see both dynamics at the same time, we see an increase in the number of critical foreign orders. As ideological polarization increases under divided government, presidents may see additional opportunities to act in setting defense or foreign policy.

Presidential approval (Hypothesis 3) loses its statistical significance in the foreign orders model. The president's ability to issue critical orders related to foreign policy does not seem affected by his or her approval ratings from the public, giving the president a freer hand on such issues. The economy (Hypothesis 4), on the other hand, maintains its negative relationship for critical foreign orders. As inflation and unemployment go up, we see more critical foreign orders. Specifically, an increase of one standard deviation in the misery index leads presidents to issuing approximately .6 more critical foreign orders, on average and all else constant.

Somewhat surprisingly, war (Hypothesis 5) does not appear to have a relationship with the number of critical foreign orders issued by presidents. However, two explanations arise. First, it otherwise appears to be the case that presidents always have foreign policy prerogatives that they pursue regardless of the engagement of American troops. In some cases, some of these orders may even be issued to maintain international relations in the active pursuit of avoiding war. In such cases, the use of foreign orders is therefore not a reaction to war. Second, the

executive order may not be the tool that presidents use when it comes to war and armed international conflicts. Instead, we may see an increase in other presidential tools, including national security directives and direct orders to the Pentagon, but the executive order may not be the appropriate or expedient tool for presidents when American troops are otherwise engaged.<sup>30</sup> While the executive order does offer the president expediency over legislation, this particular tool may not be the one best suited to these situations. And as commander-in-chief with a more clear authority over the military than in other types of policy issues, the president may simply not need executive orders to achieve military aims in war.

Finally, I find the same negative coefficient with statistical significance for lame duck periods. The presidential lame duck lacks statistical significance for the foreign model, but this result may largely be driven by the fact that outgoing Carter issued several critical foreign orders in his lame duck period to deal with the hostage crisis in Iran. With relatively few presidential lame duck sessions in the data, one particularly prolific period may skew the results. Like the domestic model, congressional lame duck periods are inversely related to the number of critical foreign orders, and the number of days appears insignificant to the number of critical orders issued. Congressional lame duck periods see an average of 1.4 fewer critical foreign orders than do non-congressional lame duck observations. Again with the Carter example, we see an issue where the president issued several critical foreign orders

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<sup>30</sup> Unfortunately, as will be discussed in Chapter 7, these other unilateral tools from the president on such subjects are not widely public or available. Time spent at a presidential library to investigate the communications from the Oval Office to the Pentagon to see where and when such policy-laden directions may occur.

targeted at frozen Iranian assets in his last full day in office. Having a short window in which to operate did not limit Carter's ability to sign several orders of importance.

In comparing the results for the critical domestic and foreign orders models in Table 4.4, we see differences in the dynamics that are significant in one but not the other. These results provide some reason to believe that Wildavsky's theory for two presidencies may still be present in the American presidency when it comes to unilateral tools like the executive order. I discuss these findings more in the next section.

### *Discussion*

The question at the heart of the dissertation is to determine what factors influence the ability of presidents to move policies on their own and the extent to which they are actually making these decisions on their own. In this section, I start to answer that question given these findings. These results generate some discussion about the environmental conditions under which presidents may sign their most significant executive orders. Here, I discuss the differences between Howell's Unilateral Politics Model and my models for critical executive orders and what we learn about critical executive orders and presidential governance more broadly.

Unlike Howell's original work, I find no statistically significant impact for the size of congressional majorities or new parties in the White House when studying the factors that tend to influence critical executive orders. Such a finding does not, on its own, negate Howell's findings. Instead, it could be that congressional majorities are useful in predicting counts for significant executive orders, but they do not tend to be driving factors for critical orders, whether aggregated together or by different policy



types. At the level of critical executive orders, congressional majorities and administrative party changes do not determine the president's ability to issue more or fewer of these kinds of orders. Conforming to Howell's work and the studies of many others, however, we see that divided government leads to more critical executive orders from presidents across the board. In all three models, divided government appears to be a dynamic that keeps presidents from issuing more critical orders. At the same time, polarization under divided government leads to more critical executive orders in all three models and further influences the ability of presidents to use their unilateral tools.

Table 4.3 also contains the results of running my full model on Howell's numbers of significant executive orders. Such a model shows the ways in which presidents' critical orders differ from the larger body of significant orders in terms of external political dynamics. In the expanded model, congressional majorities still have some level of impact on the number of significant executive orders issued (in the historically inverse direction), presidential approval is statistically significant for determining the number of significant executive orders (in a positive direction), and the number of days in a dyad is statistically significant (with a positive coefficient) among significant orders.

This last factor may be one of the most telling as a difference between significant executive orders and critical executive orders. The number of critical orders (in aggregate and by policy type) appears to not be influenced by the number of days in the observation. Presidents can have nearly two-year periods in which they issue very few critical executive orders or short seventeen-day periods in which they

issue relatively high numbers of executive orders. Presidents issue the orders that become critical orders based on the other dynamics that shape their opportunities – or at least how they perceive their ability to work unilaterally within particular constructs – regardless of how long these periods are. For us, the amount of time is less instructive in the number of critical orders because we are focused on something that is rare and more randomly distributed in the first place. While a baseline assumption would be that longer observations have more critical orders because the president has more time to issue such orders, that assumption does not appear to be the case with critical orders.

However, the number of days in an observation is still important in knowing how many significant executive orders will come at a given time because they are more plentiful across the data. Shorter periods tend to have fewer significant orders, and longer periods tend to have more significant orders. The length of time itself is significant to the number, and it appears that simply giving presidents more time means they will likely have more of these orders regardless of how truly impactful they are in gathering attention and setting or changing policy.

Similarly, approval tells us much more about significant executive orders than it does critical executive orders. As presidents become more popular, they are able to issue more significant executive orders regardless of some other political dynamics they face. While this is true of presidents' critical domestic orders, it is not true across the board for critical orders. Specifically, popularity seems to have very little correlation with the number of critical foreign orders that presidents are able to issue. Within the data, we see some very popular presidents who issue very few critical

foreign orders and some very unpopular presidents who issue high numbers of critical foreign orders.

So what do we learn in looking at the results for the numbers of critical executive orders in the aggregate and by policy type? Presidents are effectively constrained when it comes to the use of their unilateral tools. Just as Howell (2003) writes of presidents who issue more significant executive orders when they enjoy unified government because they anticipate fewer challenges from Congress and courts that will defer to Congress's approval of their actions, I argue that these contextual dynamics give presidents clues about how their unilateral actions will be interpreted and accepted. When presidents want to enact substantive policy change via executive order, the opportunities available to them to do so depend on whether their co-partisans control Congress, the level of polarization (particularly when their co-partisans do not control Congress), the economy, and whether they or the Congress are lame ducks. Based on these several factors, presidents will adapt their strategies and actions to issue fewer or more opportunities impactful orders that set new directions for policy, create new programs, or allocate federal resources to tackle national problems.

We see that these external factors are particularly influential among critical orders that set domestic policy. Here, additional factors like presidential approval and war influence presidents' ability to issue critical executive orders. Presidents need the backing of the people in order to sign their executive orders. In times of war, we see that they are likely to issue fewer critical domestic orders. This may be because they are paying less attention to domestic orders at those particular times or because armed

conflict means that they have fewer resources (particularly funding in the budget) to allocate to domestic initiatives at the same time. The message is one of presidents issuing orders based on circumstances outside of their direct control.

Divided government, polarization, polarization under divided government, approval ratings, the economy, war, presidential lame ducks, and congressional lame ducks all have an impact on presidential critical orders in at least one of the three models presented here. All of these factors are therefore influences that help determine the president's ability to use unilateral tools like executive orders to achieve significant policy change. Even with a higher bar for presidential action by looking at critical executive orders instead of total orders or significant orders, presidents' contexts are still important and instructive. Presidents face effective limits from the political context in which they operate.

The results also provide interesting material for discussion in returning to Wildavsky's question about two presidencies: one connected to domestic policy and another connected to foreign policy. Wildavsky's premise was that presidents were more independent when it came to foreign policy because they have an informational advantage, are recognized as the chief diplomat and negotiator of the country to deal with foreign affairs, have the authority as commander-in-chief, and could move with more speed and efficiency on matters often demanding quick responses. Do the results from the separate policy type models provide any indication that Wildavsky's thesis still holds true and that political dynamics affect presidents differently in terms of their domestic versus foreign policy objectives?

The critical domestic order model identifies six variables that have (or approach) statistical significance in predicting the number of critical executive orders that presidents will issue. These eight variables are de facto limitations to presidential action because they help shape the ability of the president to be successful in using tools that will have a greater impact. However, the critical foreign model only identifies five such variables that influence the number of critical executive orders that a president issues. The variable that loses its statistical significance (presidential approval) is a characteristic that no longer determines and predicts the president's ability to issue critical orders related to foreign policy. These restrictions do not encumber a president dealing with international priorities in the same way that they influence the president's ability to move on domestic policy concerns. At the same time, polarization gains statistical significance in the critical foreign order model that it did not have in the critical domestic order.

Three variables from the model demonstrated null results in the aggregate model but have statistical significance in one of the policy models. Approval (with a positive coefficient) and war (with a negative coefficient) are both statistically significant in the critical domestic order model. Polarization is statistically significant (with a negative coefficient) in the critical foreign order model. However, a lack of statistical significance in the complimentary policy type model means that the effects are obscured in the aggregate model. Among these, the coefficients for polarization and war have opposite signs between the two policy type models. While each variable is statistically insignificant in one of the two models, this difference between the

models helps explain why these factors may lack statistical significance for the aggregated model.

There are four dynamics (divided government, polarization under divided government, the economy, and congressional lame ducks) that hold statistical significance in their relationships with critical executive orders across all three models. There are three more factors (polarization, approval, and war) that prove instructive in some of the policy models but not in both policy models and therefore are not significant in the aggregate model, but these are three more variables that help us better understand the cases in which presidents want to shape policy without legislation from Congress. Additionally, there is one factor (presidential lame ducks) that lacks statistical significance in either policy type model but holds statistical significance in the aggregate model. These are factors that help us better understand when presidents make their mark on the political process and achieve policy impacts with executive orders and unilateral governance more broadly.

In the chapters that follow, I provide a qualitative analysis of some critical executive orders issued by presidents that help bring to life these political circumstances under which presidents operated and issued critical executive orders. To demonstrate some of the findings in this chapter, I turn to some of the periods in which presidents issued relatively high numbers of critical domestic and foreign orders and illustrate how the contextual factors from their administrations helped justify unilateral governance. In Chapter 5, I assess how we observe these findings in the critical domestic orders of Presidents Kennedy and Bush II. In Chapter 6, I

present the case for observing these findings in action in the critical foreign orders of Presidents Truman, Eisenhower, and Carter.

## Chapter 5: Critical Domestic Orders

Wildavsky wrote that “[t]he United States has one President, but it has two presidencies; one presidency is for domestic affairs, and the other is concerned with defence and foreign policy” (448). This conclusion is based on the fact that presidents are less constrained by Congress and the public when it comes to making and leading foreign policy because the president can act quickly, historically has better information than Congress and the public, and does not compete with as many interest groups who set the foreign policy agenda. Canes-Wrone (2006) similarly finds presidents enjoy different levels of success based on their ability to raise salience and lead the public for domestic versus foreign policy issues. My findings in the previous chapter support the notion that presidents are differently abled when trying to influence foreign versus domestic policy. A great many factors effectively constrain chief executives in the realm of domestic policy opportunities, and political context itself explains less about the number of orders that presidents issue when it comes to their foreign policy objectives.

This chapter explores the factors that lead to larger numbers of critical domestic orders as presidents assess their respective political contexts and find the room to engage in unilateral actions. These are not theoretical chapters but rather serve as illustrations of the political dynamics highlighted in the quantitative empirical analysis. I demonstrate the influence of the political context with illustrations of John F. Kennedy (during the 87<sup>th</sup> Congress, 1961-1963) and George W. Bush (during the 107<sup>th</sup> Congress, 2001-2003). Though separated by four decades and of opposite political parties, my examinations here of these two administrations



reveal a glimpse of how and when these factors can matter. I have chosen these two cases as examples of periods that have relatively high numbers of critical domestic orders.<sup>31</sup>

### *John F. Kennedy and the 87<sup>th</sup> Congress*

Kennedy moved to the White House after a razor-thin win in the 1960 Election. The most dominant issues of that contentious campaign were the economy, the ongoing Cold War, and civil rights (DeGregorio 1993). With his election, Kennedy came to office at such a time that the political dynamics provided the opportunities for him to be quite prolific, particularly during the 87<sup>th</sup> Congress. During that time, Kennedy issued eight critical domestic orders that spoke to many of these issues.<sup>32</sup> Eight such orders is well above average for critical domestic orders issued by a president and presents a rich opportunity to look at how factors aligned for Kennedy to take action.

The Kennedy administration represented a partisan change in the White House with the defeat of Republican Eisenhower's Vice President Nixon. While Democrats had controlled both houses of Congress for the preceding six years, they had been out of power in the Executive branch. Kennedy's election ushered in unified government with Democrats controlling both ends of Pennsylvania Avenue for the new president to address national problems. With such unity, the president could sign more

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<sup>31</sup> I only include examples of time periods with relatively high numbers of critical executive orders in this chapter and the next chapter to show how related political dynamics encourage presidents to issue such orders. It may additionally be interesting to choose a case with few (or no) critical executive orders to similarly show how the political dynamics discouraged unilateral action.

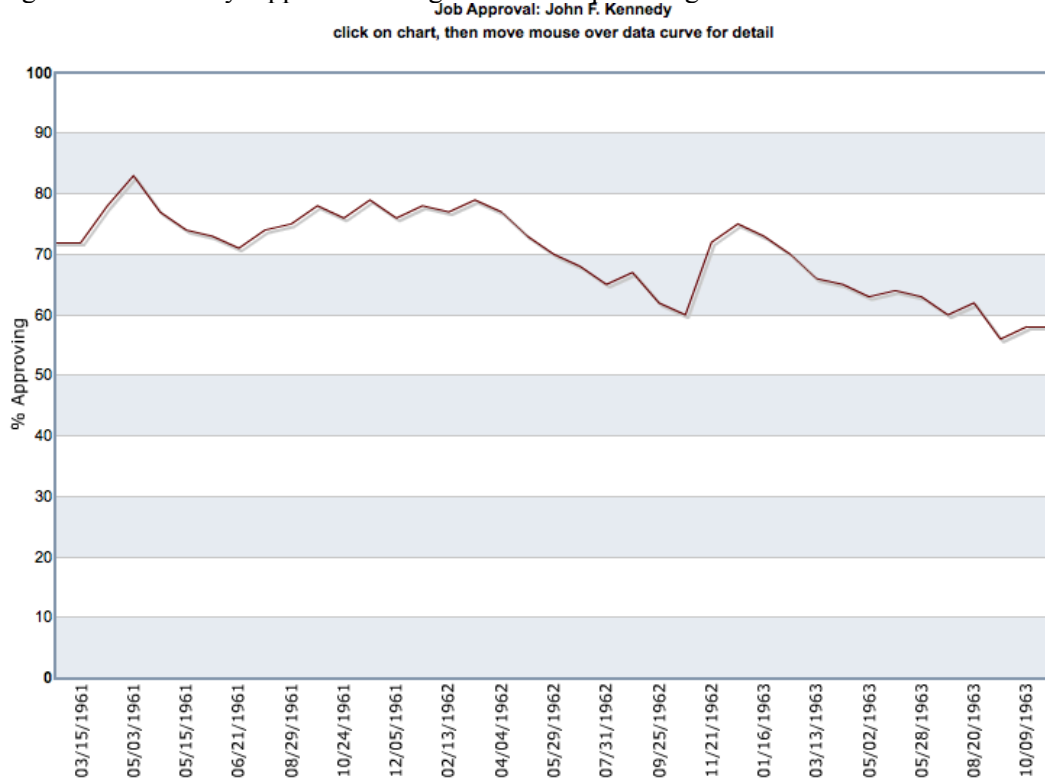
<sup>32</sup> During this same time period, Kennedy also issued three critical foreign/defense orders. Just a month and a half into office, he issued Executive Order 10924 to create the Peace Corps. In July 1961, he issued Executive Order 10952 to provide the Secretary of Defense with authority to provide for the civil defense of Americans during the Cold War. In April 1952, he issued Executive Order 11016 for awarding of the Purple Heart award based on military service.

executive orders with the expectation that the legislature would back him up and codify laws when most needed. With Democrats retaking the White House and having unified government, it is not surprising that Kennedy signed several critical domestic orders during his first two years in office. The young president likely saw the opportunity to be able to move quickly with a Congress that could pass similar legislation for support. By Howell's argument, Kennedy would find his chance to act by unilateral action relatively safe because a court hearing a challenge to Kennedy's executive orders would evaluate such actions against the will of the Congress, which would likely be supportive of their own party's leader. Having a powerful former senator as Kennedy's vice president may have helped further present that image of a Congress that would support the administration.

Kennedy also enjoyed high approval ratings during his first Congress. Gallup averages show the new president enjoying approval ratings of 72% in his first weeks in office, and he peaked at 83% in late April and early May of 1961. In fact, Kennedy's Gallup approval rating did not dip into the 60s until late June and early July of 1962, more than a year and a half into his first term. By the time of the 1962 Midterm Elections, the young and charismatic president did not see approval ratings below 60%. Figure 5.1 tracks these approval ratings over the course of the Kennedy administration and shows the popularity the president enjoyed. He may have seen this approval and support from the public as a license to continue on his path of making the changes he believed were needed. This was also a productive Congress, according to legislative productivity scores, but that fact need not stop the president from also

engaging in some unilateral policy making at the same time with the support of the public (Grant and Kelly 2008).

Figure 5.1: Kennedy Approval Ratings from Gallup Averages



Kennedy approval rating. Image from American Presidency Project at UC Santa Barbara.

Kennedy remained very popular throughout his short term in office. The levels of support he enjoyed during his tenure were well above the data set average and seem difficult to fathom today. His average approval rating during the period from the start of his administration until the 1962 Elections was 73.4%, providing the president with a great deal of credit to expend while in office. While some of this capital surely went to his legislative efforts, it also may have proven useful to him as a resource he could tap in using his unilateral tools as well.

Finally, Kennedy took office among a time of economic torpor. While inflation and unemployment had remained relatively low during the first term of the Eisenhower administration, they grew considerably larger during the second term.

When Kennedy took office, the misery index rating was 8.31, below the data set average of 9.7<sup>33</sup> but relatively high at the time. As evidenced by the first executive order Kennedy signed when he became president, the economy also may have provided the setting in which he could act without Congress immediately to affect some policy change.

With all of these factors, Kennedy was able to sign 146 total executive orders during the 87<sup>th</sup> Congress. Among these, 68 orders were significant orders, and eleven of those orders were critical orders. Retaking the White House from the Republicans to achieve unified government, high presidential approval ratings, and a sluggish economy, all provided a context in which Kennedy could sign several orders of significant importance.

By comparison, during the rest of the 87<sup>th</sup> Congress (from the time of the 1962 Elections until the start of the 88<sup>th</sup> Congress), Kennedy had a congressional lame duck, in which presidents tend to issue fewer critical orders.<sup>34</sup> By the 88<sup>th</sup> Congress, Kennedy's approval rating consistently fell for the rest of his time in office (after spiking around the midterm elections). A slightly improving economy over the following months similarly may have provided him fewer opportunities to create policy change on his own. During the lame duck session of the 87<sup>th</sup> Congress, Kennedy issued just one critical (domestic) order.

What orders did Kennedy sign his name to during the 87<sup>th</sup> Congress? Consistent with his campaign pledge to "get America moving again," Kennedy

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<sup>33</sup> The data set average is skewed up because of high levels of inflation and unemployment in 1948, 1951, and 1973-1985.

<sup>34</sup> This relationship may also be related to the fact that all lame duck periods are, by design, shorter observations that last no more than two months. Though the variable for observation length is not statistically significant, we may be seeing some multicollinearity here.

sought to provide relief to citizens who were affected by the sluggish economy. On the morning of his first full day in office, he signed Executive Order 10914 (his first) to provide for an expanded food distribution program to families in need. Citing authority first given the president during the Great Depression, this Executive Order expanded food programs within the Department of Agriculture to include more Americans and provide a wider array of foods that provided a more nutritional diet to those recipients. The order helped establish the perception that in its earliest hours, “the White House was bustling with action ... as the new President took over” (Lawrence 1961).

At his first press conference on January 25, 1961, the press corps asked President Kennedy about the state of the economy and the assistance that some families required. They recognized a need for help and acknowledged his executive order of days earlier to do just that. In answering a question about helping those in need, Kennedy indicated that he would be sending “a message to the Congress right after the State of the Union address [scheduled for the following week] on what steps we think the Government could profitably take to provide protection for the unemployed and also to stimulate the economy” (New York Times 1961). We see, then, that Executive Order 10914 was a more immediate way to provide relief to unemployed families until the White House could provide legislative recommendations for the 87<sup>th</sup> Congress’s consideration in the coming days. In this light, Executive Order 10914 was not an effort to subvert a recalcitrant Congress but rather a first immediate step until larger, shared governance steps could be taken.

Executive Orders 10919 and 10921 established boards and panels to settle problems between airline companies (including Pan American Airways) and airline employees. Similar executive orders were common in the 1940s and 1950s to resolve disputes between the transportation industries (air, trains, and water) and their employees, but similar orders did not gather as many *New York Times* stories as these two particular orders. During a time of economic stagnation that brought about tensions in the transportation industry, the new president acted quickly to avoid strikes while solutions to management-labor disputes could be found.

Executive Order 10925, signed in early March of 1961, created the President's Committee on Equal Employment Opportunity to address race-based employment practices with government contractors. This Executive Order was a precursor to the Equal Employment Opportunity Commission and revoked four different Eisenhower executive orders.<sup>35</sup> With still fewer than two months in office at the time he signed this order, EO 10925 serves as an example of a president who steps in to quickly and effectively address an issue and change practices from previous presidents. More than two years later, Kennedy would amend the order, and Johnson also amended it in the summer of 1964. Not until the fall of 1965 did Johnson sign another executive order to abolish the committee once the order's provisions had otherwise been codified into law via legislation. Once again, then, this particular executive order also served as a first step toward more permanent legislation.

Kennedy signed Executive Order 10934 in April of 1961 to create an administrative conference for the federal departments and agencies of the United

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<sup>35</sup> Executive Order 10925 revoked Executive Order 10479 (August 13, 1953), Executive Order 10482 (August 15, 1953), Executive Order 10557 (September 3, 1954), and Executive Order 10733 (October 10, 1957).

States government. This order aimed to enhance and improve government regulations. Kennedy likely saw this as an opportunity to reshape the government and increase efficiency and efficacy under the new administration with a unified government behind it.

In May, Kennedy signed Executive Order 10940 to organize the President's Committee on Juvenile Delinquency and Youth Crime. The executive order created two bodies. The first group was a committee comprised of representatives from the Departments of Justice; Labor; Health, Education, and Welfare; and representatives of the Judicial branch to coordinate information and programs from among these different agencies, find ways to improve related programs, collaborate across different levels of government and stake holders, and find ways to more effectively handle problems related to youth crime and incarceration. The second group was a council of experts and citizens related to the field for providing testimony and advice to the committee. This program, which was later revoked through executive order by Nixon, reflects a program that comes from trying to find new ways to address problems related to the economy and the unrest taking place across the country.

Just before his one-year anniversary in office, Kennedy signed Executive Order 10988 to encourage employee-management cooperation within the federal government. The Executive Order provided rights for federal employees to form unions or similar employee organizations and protect them in doing so. Again, the new president had the opportunity to reshape aspects of the federal government that fell within his purview as the head of the Executive branch.

Finally, Kennedy signed Executive Order 11053 at the end of September 1962. This order targeted “unlawful obstructions of justice in the State of Mississippi” in conjunction with the enrollment of James Meredith as the first African American student at the University of Mississippi. The Supreme Court had handed down its decision to desegregate schools in the *Brown v. Board of Education* decision more than eight years earlier, and the fight for civil rights was being fought all over the country. When Mississippi Governor Ross Barnett and Lieutenant Governor Paul Johnson refused to follow court orders by a U.S. district court and then the appellate court, Kennedy sought to involve the Executive branch of the government. The order granted authority to the Secretary of Defense – and through him the Secretaries of the Army and Air Force – to call up the Mississippi Army and Air Force National Guards to escort and protect Meredith in registering at the school and attending classes.

This case shows how a president used the executive order to move quickly when a legislative approach may have taken too much time. The University of Mississippi rejected Meredith twice before filing suit based on his military service and exemplary marks from years of study at another institution. Without protection for Meredith, chaos broke out on campus with angry white rioters destroying the city of Oxford and the university campus. After the Kennedy administration – through Attorney General Robert Kennedy – had numerous conversations with Barnett, Order 11053 allowed the President to step in and start to bring order back to the state while also fulfilling the order of the appellate courts to admit Meredith. Asking Congress to pass a similar resolution may have taken more time than needed at the point that violence was erupting and Meredith’s life was in danger. Especially in the larger



context of the civil rights battles flaring up across the country, this situation was a locus of activity that drew the nation's attention and provided a crisis to which Kennedy could respond with swift and unilateral action.

All of these orders reflect circumstances under which the president could react to events and take action where he saw fit because of the political context in which he was operating. With a divided government, Kennedy may not have had the cover he needed for protecting civil rights with the Equal Employment Opportunity committee and the enrollment of black students in the South or protecting the labor rights of federal employees. Without strong approval numbers on which he could rely, he may not have been able to effectively step in to sort out problems between airline carriers and their employees or calling together conferences to improve efficiency of the government. Without economic struggles, there would have been less need for him to ensure food assistance to Americans being left behind in a stagnant economy or address issues of juvenile delinquency and crime. These orders reflect instances when the White House wanted to address policy changes more quickly than it might have otherwise been able to legislate policy changes, though Kennedy's Democrats held the majority in both houses of Congress as well. Instead, the president could react to a situation more quickly to bring attention and resources to address a given problem. In some of these cases, Kennedy was leading the way on new policy, and in others, Kennedy was responding to the situations presented to him within his given context.

#### *George W. Bush and the 107<sup>th</sup> Congress*

George W. Bush shares many similarities with Kennedy. Like Kennedy, Bush "won" a very close election, though under even more dramatic circumstances. Upon

taking office, Republican Bush took over the federal reins from the other party, though Republicans had already controlled Congress for the six preceding years. However, the 107<sup>th</sup> Congress that started in 2001 was a peculiar Congress in its own right. A look at this relationship will shed additional light on just how important the president's governing circumstances are on his or her ability to wield power through unilateral tools.

The 107<sup>th</sup> Congress gaveled into session in early January 2001 with 50 Democrats and 50 Republicans. Outgoing Vice President Al Gore, who had just lost the previous year's election to succeed Bill Clinton, cast the organizational tie-breaking vote in favor of the Democrats, but this control was short-lived. When Bush took office a few weeks later, the new Vice President Dick Cheney changed the balance of the chamber and thereby locked in unified government for the fledgling Bush administration. In the months that followed, Democrats looked for Republicans they could persuade to cross the aisle and change parties. They found their senator – and the opportunity to persuade him – in Senator Jim Jeffords of Vermont. Jeffords continuously clashed with his party as it became more conservative in Washington. He also clashed with the new administration and left the party based on disagreements over the new president's tax cuts in late May of 2001.

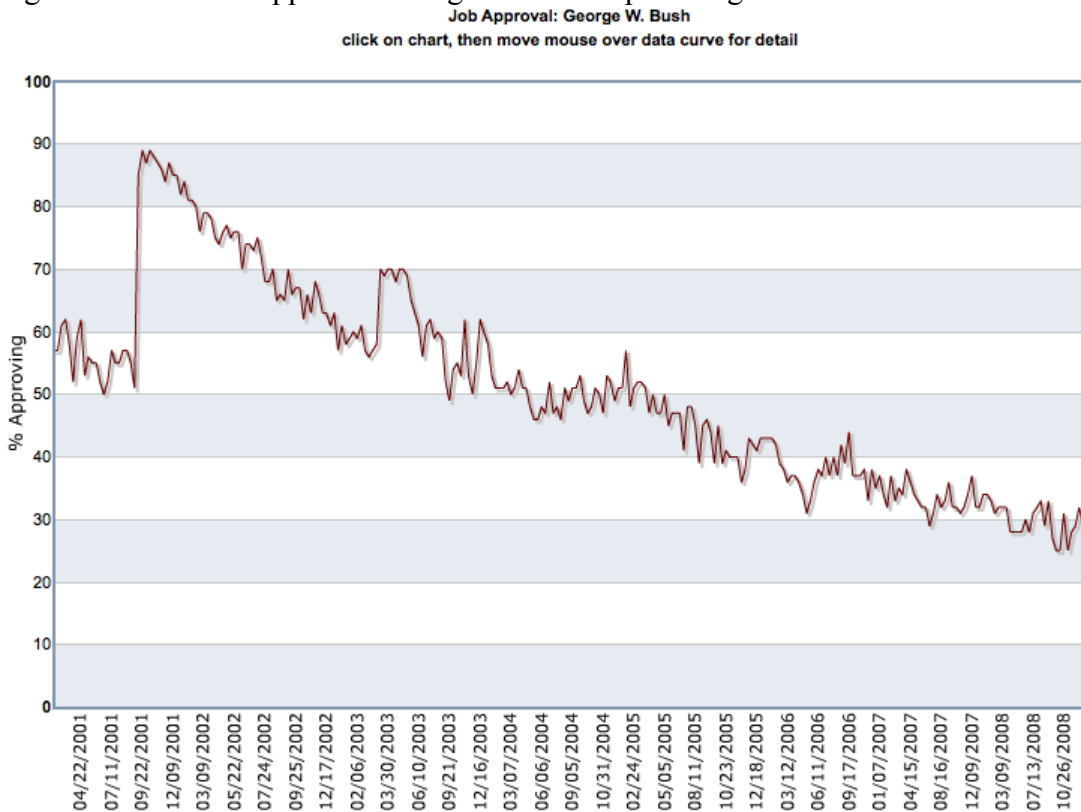
With his decision to leave the Republican Conference and instead serve as an independent senator who would caucus with Democrats, Jeffords single-handedly switched the balance of power in the Senate and lost Bush his unified government. While Republicans regained a majority of the Senate at the end of 2002, the chamber never re-organized and effectively remained a Democratic Senate until the start of the

108<sup>th</sup> Congress. The 107<sup>th</sup> Senate was therefore a Democratic Senate for just two and a half weeks, followed by a Republican Senate for some four and a half months, followed by a Democratic Senate again for the next nineteen months. The House was Republican during this entire time.

This case study will focus on Bush's relationship with the four-month Republican majority 107<sup>th</sup> Congress. It provides an interesting example of how political dynamics shape the opportunities available to a president. While Bush's congressional Republican majorities were slim in his first months in office, they gave him an edge in the policy process.

Bush also enjoyed relatively supportive approval ratings during these first months in office. Gallup averages show his approval resting comfortably in the high 50s and low 60s for most of these first months. Not until Jeffords left the party and attention was drawn to the new administration's policymaking through bad press did Bush's approval numbers consistently slip into the low and mid 50s for much of the summer. Of course, history would see his numbers surge after the terrorist attacks of September 11 and slowly fall off by the time he left office in 2009. While Bush eventually left office with divided government and low approval ratings in the high 20s and low 30s, such was not the case in his first months as president. Figure 5.2 shows Bush's approval ratings during his time in the Oval Office.

Figure 5.2: Bush II Approval Ratings from Gallup Averages



Bush II approval rating. Image from American Presidency Project at UC Santa Barbara.

During this initial period, the United States was also not at war. While this would change for the next part of Bush's time with the 107<sup>th</sup> Congress, it was not the case in his first months in office. Therefore, Bush did not have international events that would pull his attention from domestic issues at hand or limit his ability to unilaterally govern due to budgetary constraints. He could instead focus on domestic policies that he wanted to change with unilateral action.

During Bush's honeymoon phase with the country and the 107<sup>th</sup> Congress, he issued eighteen total executive orders. Of these orders issued in just his first four and a half months, eight orders were significant, and five of them were critical. All five of these orders were domestic orders in which the President set policy with the stroke of a pen. By comparison, he issued just five more critical orders in the remaining

nineteen months of the 107<sup>th</sup> Congress. Of those orders, two were foreign or defense-related orders in the aftermath of the September 11 attacks. In the next six years that Bush spent in the White House, he only issued an additional four critical executive orders as Republicans lost control of the Congress, the president's approval ratings eventually fell, and war dominated his administration and focus.

Just a few weeks into office, Bush signed Executive Orders 13201 and 13202. The former required notifications to employees about their rights to not join unions or pay union dues and provided provisions for the Department of Labor to enforce such regulations. The latter removed preferential treatment of the government in granting contracts and awards to those contractors who only used unionized workforces. Additionally, Bush signed Executive Order 13205 in early March of 2001 to create an investigatory board to mediate a dispute between Northwest Airlines and its aircraft mechanics union just days before union members otherwise walked off the job. The President's board sided with the airline company. Together, these executive orders represented hits to labor unions and workers' rights in the beginning of the Bush administration.

Many observers believed that Bush was seeking political retribution for the lack of union support seen during the 2000 campaign with many national unions backing Democratic Gore and failing to support Republican Bush (Greenhouse 2001). One *New York Times* story noted that the Senate had rejected the paycheck measure as an amendment to a bill with several Republicans in either chamber owing their elections to union groups. "Some of the president's actions have upset some Republicans in the House who ran with labor endorsements last November. They

voice fears that organized labor might grow so angry at the Republicans that unions might back their Democratic opponents in 2002” (Greenhouse 2001). In early March, several Republican legislators in the House sent a letter to Bush “to protest his executive orders barring [this] type of agreement on federally financed building projects,” the objective of Executive Order 13202 (Greenhouse 2001). Though Bush enjoyed unified government at this time, members of his party believed it would hurt their re-election chances and lead to unions supporting more Democratic challengers in the 2002 Midterm Elections if they supported such actions. In that case, the President saw the opportunity to still accomplish his goals by simply circumventing the Congress. These early executive orders are examples of a president subverting a recalcitrant Congress that had considered but not passed some of his policy objectives.

Notably, Orders 13201 and 13202 revoked executive orders that had been issued in the opening weeks of the Clinton administration, and both were later revoked in the first weeks of the Obama administration.<sup>36</sup> In all three administrations, the respective presidents moved fairly quickly to issue these actions as executive orders even though they had unified governments with their respective co-partisans in control of both houses of Congress. Still, they moved these policies via executive order. In Bush’s case, he lacked the support of those co-partisans because some of them relied on union support in their own elections regardless of union support for the president. In the cases of Clinton and Obama, they may have had alternative reasons to move these policies by executive order rather than legislation.

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<sup>36</sup> Executive Order 13201 repealed Executive Order 12836 (of February 1, 1993) and was later repealed by Executive Order 13496 (of January 30, 2009). Executive Order 13202 repealed Executive Order 12836 (of February 1, 1993) and was revoked by Executive Order 13502 (of February 6, 2009).

In May of his first year in office, Bush signed Executive Orders 13211 and 13212, both related to energy. Order 13211 required reports to be written and submitted by agencies engaging in any regulation or rule making related to “significant energy actions.” If an agency was going to write or finalize rules that would affect the supply, distribution, or use of the nation’s energy supply, they would first be required to write a report in which they detailed the effects of said regulations for analysis by the Office of Management and Budget. Order 13212 prioritized federal projects that would increase the production, transmission, and storage of energy for future use. In so doing, Bush sought to develop strategies for growing and protecting the American energy supply. With these two actions both taken on the same day, Bush – a former oil businessman – sought to shape energy policy by unilateral action.

Stories that discussed the issuance of these orders reference an element of timing to explain why Bush used executive orders to change these policies. Much of the language for Order 13212 is similar to language provided by the American Gas Association, whose leaders “were thrilled to learn that their proposed legislation had been adopted by the president as an executive order, bypassing the much more time-consuming process of trying to get the provision passed as part of the energy bill being considered by the Senate” (Natta 2002). Jehl (2001) notes that the president sought to circumvent the actions of a Congress that might otherwise not give him the policies he wanted for exploring oil reserves in Alaska’s Arctic National Wildlife Refuge (ANWR). He also wrote about Bush wanting to signal a change in policy whereby energy and economic issues would be reviewed equally by the

administration when it comes to environmental impacts and concerns, a policy change that the President would want to announce loudly while directing his government to take appropriate steps for implementing such policy.

At the same time, Natta and Banerjee (2002) wrote about how Bush may have used the executive order to refocus federal agency attention on regulations already in law but not enforced. If this is the case, Bush may not have seen the need for a duplicative law but would see the ability to help reshape – or at least reassert – energy policy by simply drawing attention to it once again. In such a case, the executive order would serve as an agenda-setting tool with which the president can encourage the bureaucracy to reorganize priorities. In this way, these energy orders also may have been useful to Bush as opportunities to do some messaging to federal agencies and the rest of the country. Sanger (2001) notes that the President announced these orders at renewable energy facilities and insisting that we could be stewards of the energy supply and the environment at the same time. “Perhaps mindful of the polls that show many Americans worrying that his administration is too attuned to the desires of the oil and gas industries from which several cabinet members have sprung, he has waxed on about the wonders of renewable energy” (Sanger 2001).

In some of these executive orders, then, we may see several different reasons why Bush chose to employ some of his unilateral tools rather than accomplishing policy change through other modes. We see some indication of a timing element in which the president wanted to be able to move quickly without waiting for the many stages of the legislative process. We see evidence of the president wanting to bypass the legislative process when he was unable to get what he wanted from Congress but



still wanted to influence policy related to unions and energy production. We see opportunities for the president to establish himself as a messenger using policy positions to draw attention to particular issues and existing laws. In these particular cases, Bush created the appearance of being more environmentally friendly with an emphasis on renewable energy while creating policies very similar to those requested by the gas and petroleum industries.

These case studies provide insight into how political dynamics shape opportunities for presidents to use their unilateral tools. We see in a case like Bush with the 107<sup>th</sup> Congress how starkly unilateral prolificacy can change when the president's circumstances change. Bush had five critical orders in just the first four and a half months of his presidency. When he lost control of the Senate, however, he was only able to produce another five critical orders for the rest of the 107<sup>th</sup> Congress.

Unlike the full model for critical executive orders, we see a role for presidential approval ratings when it comes to domestic policy orders. Kennedy and Bush both enjoyed some favorable approval ratings that they were able to use in order to issue higher numbers of critical domestic orders. Presidents tend to like their odds of being able to issue such orders. When they have the support of the public and with other factors in place, presidents are more likely to issue unilateral orders. And unlike the updated model for significant executive orders, we do not see a role for congressional majorities in these models. Kennedy enjoyed large congressional majorities, and Bush enjoyed narrow congressional majorities. Still, each was able to be quite prolific and successful with critical domestic orders in their respective times. We also do not observe a role with these domestic orders for the length of the

observation. While Kennedy's observation is quite long (at nearly two years) and Bush's observation is relatively short (at just four and a half months), but both presidents found a way to be successful with their unilateral actions. Bush's period, while short, still contains more critical domestic orders than many other periods that are longer because the political dynamics gave Bush the opportunity to try his hand at unilateral action while his party controlled Congress. When Jeffords switched parties and took Republican control from the Senate, he narrowed Bush's opportunities to be as successful with critical orders. Bush, seeing that change in his political context, responded appropriately.

The circumstances in which presidents operate shape the opportunities available to presidents and influence their use of unilateral powers by coloring the president's assessment of his or her political context. In this chapter, I laid out the factors that have such an impact on critical domestic orders with some illustrative case studies that demonstrate the model's findings. In the next chapter, I will lay out similar case studies for factors that influence the numbers of critical foreign orders that presidents issue. Based on the results of the policy type models, I provide some narrative about the effective constraints under which presidents can single-handedly accomplish their foreign policy goals.

## **Chapter 6: Critical Foreign Orders**

In this chapter, I turn to my chosen case studies of foreign critical orders issued by presidents to provide snapshots of how political dynamics influence the actions of presidents when it comes to demonstrating unilateral actions. It appears from the results that presidents' political contexts affect them differently in their use of unilateral actions when it comes to their domestic and foreign policy interests. Consistent with Wildavsky's two presidencies thesis, we see that presidents may have slightly more control in turning to their executive orders whenever they want to achieve foreign or defense-related objectives. Though unified government and the misery index are still significant, the other variables that factor into presidents' domestic critical orders do not appear as relevant to the issuance of foreign critical orders. Polarization, on the other hand, becomes more significant when it comes to how presidents evaluate their circumstances and choose to issue such orders.

To highlight these policy type differences in this chapter, I provide four case studies. Again, these examples were chosen as times for which we see a relatively high number of critical foreign orders from presidents. First, I discuss the case of President Truman and the 82<sup>nd</sup> Congress from 1951 to 1952. During this time period, Truman saw an economy slightly better than average across the series with low polarization and low approval ratings as the country tired of the presence of war in their lives. Second, I detail the circumstances of President Eisenhower and the 83<sup>rd</sup> Congress. Like Truman, Eisenhower had unified government in the years 1953 to 1954. These first years of the Eisenhower administration also enjoyed a good economy and low polarization, but Eisenhower had significantly higher approval

ratings across this time period than did Truman. Third, I provide observations about President Carter and the 96<sup>th</sup> Congress from 1979 to 1980. Here, we see a president with unified government, a bad economy, higher polarization, and very low approval ratings. Still, he was able to issue a relatively high number of foreign critical orders during that period. Finally, I look at the very brief overlap of the Carter administration and the 97<sup>th</sup> Congress to show how, in the face of crisis with the Iranian hostage situation, the outgoing president was able to issue several critical foreign orders on his last days in office. I conclude with discussion about what we may learn from these cases.

#### *Harry S Truman and the 82<sup>nd</sup> Congress*

President Truman was re-elected in the close Election of 1948 to the position he had inherited. His second term represented a fifth straight term for Democrats in the White House, and many expected the incumbent president to lose. Newspapers famously reported “Dewey Defeats Truman” before the counting concluded, and even the President was surprised to wake up the next morning and learn that his time in the White House was extended for at least another four years. This election included southern Dixiecrat Strom Thurmond, who won four southern states in the election. Truman did not decide to not seek a third term in office until the spring of 1952 so the 82<sup>nd</sup> Congress was the last full Congress with which he served.<sup>37</sup>

Truman’s co-partisan Democrats, who were only entering their third year of control of both chambers after Republicans briefly held majorities in the 80th Congress, controlled the 82nd Congress from 1951 to 1953. Democrats held slim

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<sup>37</sup> The Twenty-Second Amendment stipulating term limits for presidents did not apply to the current president. Truman was, therefore, the last president who could have run for a third term after already serving two full terms.

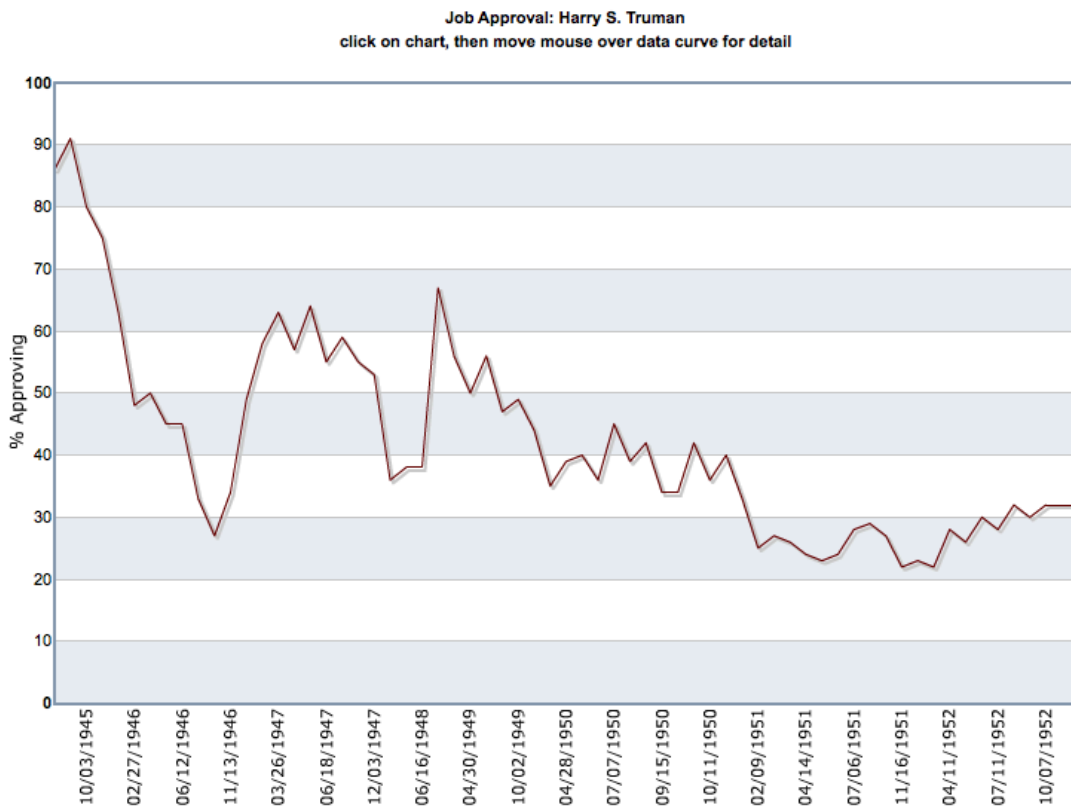
margins during this Congress, especially in the Senate. Of 96 seats, Democrats only controlled a maximum of 50 at one time, otherwise tending to hold just 47 or 48 of the seats. The lame duck 82<sup>nd</sup> Congress actually had a Republican majority, though the Senate never reorganized. The second session of the Congress had instead ended in July of 1952 and never reconvened. While Truman's party had the advantage, it was a tenuous majority.

During the course of the 82<sup>nd</sup> Congress, the U.S. economy fluctuated greatly. In the initial months of the new Congress, the misery index reached a high of 12.76% inflation and unemployment. In fact, the average misery index for the year 1951 was 11.17%, above the data set's average. During 1952, however, the average misery index dropped to an average 5.31%, thereby lowering the overall average for the two years of the 82<sup>nd</sup> Congress. The average for the Truman-82<sup>nd</sup> Congress from January of 1951 until November 1952 is therefore 8.65%. We see that many of Truman's critical foreign orders for this period are actually issued in 1951 when the misery index was higher with inflation being particularly problematic at the time.

The country also experienced low levels of polarization with the end of World War II. The relative ideological proximity of the parties in Congress matched the relatively narrow majorities held by the Democrats at the time. Thurmond and the southern Dixiecrats represent the looser ideological consistency of the parties in Congress during this era. With liberal Republicans, particularly in the Northeast, and conservative Democrats in the South, there was great overlap in the parties and their members in Congress.

In addition to low polarization, Truman also saw what would become his final two years in office as a period of low approval ratings from the country. The vast majority of Truman's second term saw approval ratings below 50%. By October of 1949 (not even a year into his second term), they dipped below 50% and never recovered. In the second half of his second term, his numbers were particularly bad. In early February of 1951, his average approval stood at just 25%. From there, he waffled in the 20s for much of the rest of his administration, only breaking back into the low 30s in his final weeks in office. The average approval rating during this period of his presidency was 26.63%. These numbers may reflect at least part of why he chose to not seek a third term in the White House and instead sought retirement back in Missouri. Figure 6.1 shows Truman's approval rating over time.

Figure 6.1: Truman Approval Ratings from Gallup Averages



Truman approval rating. Image from American Presidency Project at UC Santa Barbara.

All together, then, we see Truman with unified government and a somewhat high misery index score during his final two years in office. He also enjoyed low polarization but suffered from low approval ratings, both characteristics that would tend to lead to lower numbers of critical domestic orders. However, Truman issued seven critical foreign orders during most of the 82<sup>nd</sup> Congress. Descriptions of these critical foreign orders and the political context in which they were issued follows.

In the opening days of the 82<sup>nd</sup> Congress, Truman issued Executive Order 10202 to amend the Selective Service program. He would do so again with Executive Order 10230 just two and a half months later. Both orders affected who could register for the selective service and how to do so, and these regulations defined people with exemptions and penalties for not registering at the appropriate time. When Truman signed these orders, the United States and countries around the world were still deliberating the end of World War II and simultaneously seeing combat take place in Korea. It would be September and October of 1951 when the United States signed final peace treaties to officially declare an end to hostilities with Japan in the Pacific and Germany in Europe, respectively. In the meantime, troop placements were maintained in Japan and parts of Europe with increasing numbers of troops also sent to the Korean peninsula. In these cases, Truman found it necessary to employ executive orders based on his role as commander-in-chief to affect the supply and preparedness of troops.

Among these two orders in particular, Order 10202 drew enough attention from Truman and other presidents to warrant amendments by 14 future executive orders. Truman issued three such orders by the time he left office. Eisenhower signed

an additional two orders that amended Order 10202. Kennedy and Johnson similarly managed two amendments each during their combined eight years in office, and Nixon then issued five more executive orders that would amend parts of Order 10202 before Reagan finally revoked it with Executive Order 12553 in 1986. Truman also amended Executive Order 10230 with one future executive order before Reagan also revoked it with Executive Order 12553.

Later in January of 1951, Truman issued Executive Order 10207 to create the President's Commission on Internal Security and Individual Rights. This body was responsible for prescribing ways in which the federal government could avoid and deter acts of treason, sabotage, or espionage against the country and its citizens while simultaneously ensuring the protection of people's constitutional rights. The intent behind this order appears rooted in the emerging Cold War that followed the conclusion of World War II as the U.S. and its communist former allies began viewing each other with great suspicion and prepared for decades of continued tensions. Congress addressed its concerns with communism and espionage at the same time under the leadership of Senator Joseph McCarthy and the House Un-American Activities Committee. Such concerns were prescient at the times with spies like the Rosenbergs being convicted and sentenced to death just two months after this order for espionage.

In March, the President signed Executive Order 10224 to establish the National Advisory Board on Mobilization Policy. In August, Truman signed Executive Order 10281 regarding the supply and purchase of defense-related materials. Both orders cited the Defense Production Act of 1950 as the authority from



which the president could move the country toward a position of preparedness. Order 10224 created a board to advise on adequate preparation and mobilization policy and be comprised of people representing labor, management, and agriculture. Order 10281 created a position in the Executive branch that would procure needed assets and materials for the proper defense of U.S. interests and provide regulations for loans to private corporations and enterprises so that they could increase their capacity to produce materials that would be needed for a mobilization effort. Both orders came at a time when the country was preparing to plunge into another period of war as tensions with the communist USSR mounted. In this context, we see Truman's actions to build the nation's defensive efforts as the reaction of a commander-in-chief making preparations based on events of international posturing.

In September, Truman signed Executive Order 10290 regarding the classification and handling of secret information related to national security. With this executive order, the President established base standards and definitions for levels of classification, processes for classification and declassification of documents, and the proper handling of classified materials related to national security and the defense of the country. Again, this executive order came among a time of national security concerns just months after the Rosenberg trial in March and execution in June. As the country moved into a new technological era with increasing nuclear power and the threat of nuclear weapons and found itself virtually at war with a former ally, the President saw the need to make sure that state secrets were adequately protected. As head of the military complex and the federal agencies that obtained and stored this

information, he found it within his authority to establish the rules and regulations that would apply to such matters.

Finally, the President signed Executive Order 10340 in April of 1952 to take control of the Steel industry in the name of both the economy and national security during a time of war. In the executive order, Truman cited the state of

“national emergency which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made throughout the United Nations and otherwise to bring about a lasting peace.”

In the order, the Secretary of Commerce is ordered to take over those steel factories in which workers and management were unable to find agreement in their disputes. Truman sought to avoid strikes that would cripple the steel industry during a time when national security and a faltering economy necessitated the production of steel that could be used to build armaments and provide jobs. Of course, the Supreme Court later declared this seizure unconstitutional in the *Youngstown Sheet & Tube Co v. Sawyer* (1952) decision, but not before Truman first started to influence policy, the economy, national security, and the global war effort.

It is worth noting that Truman’s action with Executive Order 10340 is one of the three cases of command to which Neustadt points in describing the relative weakness of presidents who must rely on such orders rather than persuasion. For Neustadt, this is a case where the president resorted to such action when he was unable to bargain with others to avoid a strike and save the steel industry. However, this was a time when Truman saw himself taking swift and decisive action in a time

of economic and military crisis. Among Truman's critical executive orders described here, this particular order received the most media attention in *The New York Times* with some ten stories about the president's order and actions via Commerce Secretary Charles Sawyer.

From among Truman's critical foreign orders, we see examples where the President acted in cases dealing with military policy, took unilateral actions in the name of national security, or sought to move quickly when necessitated by times of national emergency. The President took all of these actions in response to particular events that required quick action without time for legislature to act, though Congress was operating on a parallel track regarding many of these cases as well (such as rooting out communism and protecting the country from espionage at the same time that Truman issued critical executive orders to the same effect). Truman did all of this with unified government, a struggling economy, and relatively low polarization while also remaining fairly unpopular throughout this period.

#### *Dwight D. Eisenhower and the 83<sup>rd</sup> Congress*

President Eisenhower was elected in a landslide election in 1952. He carried 39 of the 48 states against Democratic Governor Adlai E. Stevenson, who only carried states in the Democratic Solid South. Eisenhower was elected comfortably with over 55% of the popular vote, and Republicans gained majorities in both chambers of the 83<sup>rd</sup> Congress. Though Republican majorities were relatively narrow (one seat in the Senate, eight seats in the House), they represented an overall swing of some two-dozen seats and provided Eisenhower with a unified government for the first two years of his administration. Just as Eisenhower was the first Republican

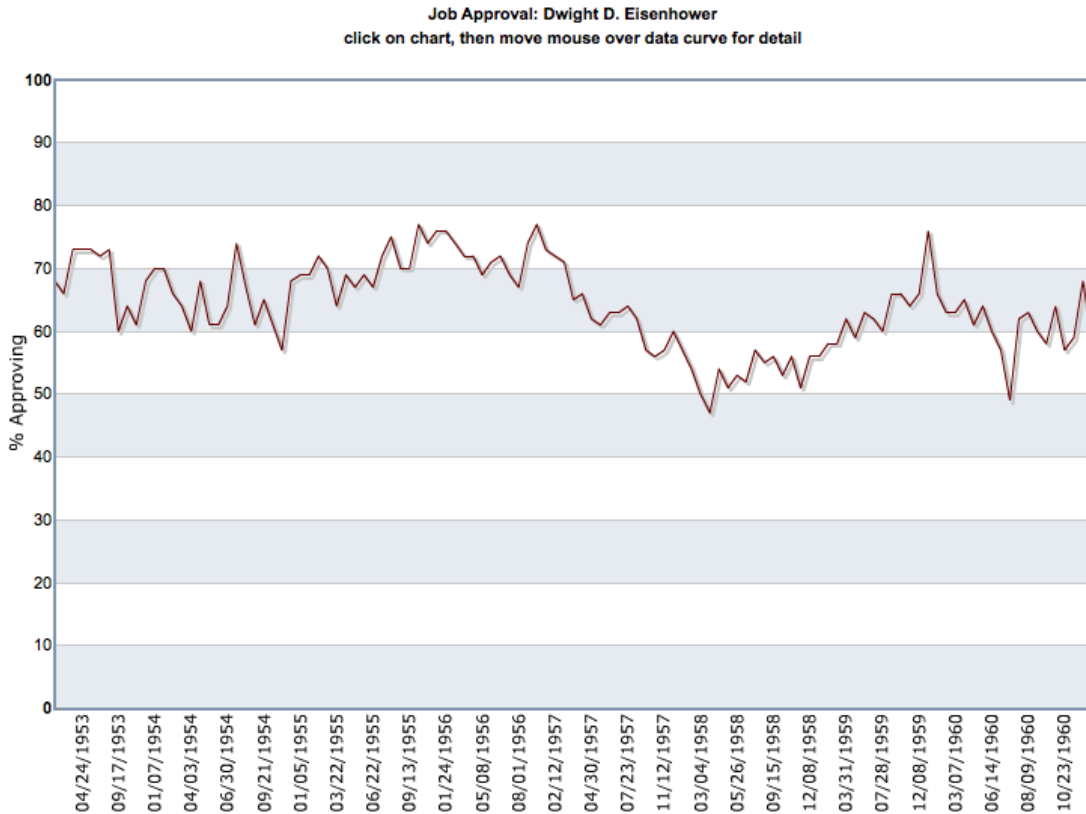
president in 20 years since Hoover had left office, so too was this the first time that Republicans controlled both branches of government since Hoover and the 72<sup>nd</sup> Congress ended their terms in 1933.

Eisenhower enjoyed an economy with low unemployment and very low inflation during his first two years in office. Starting with a low 2.97% misery index score, the number only went as high as 6.83% during his first two years (and only crept above that number in the final December 1956 and January 1957 at the very end of his first term). Eisenhower also saw relatively low polarization during his time in office, especially during the 83<sup>rd</sup> Congress with the parties relatively close together. During this time, the Congress contained several liberal Republicans and conservative (largely southern) Democrats that kept their parties ideologically diverse.

Eisenhower enjoyed remarkably high approval ratings throughout his term, especially during his first term and during his first two years in office. Initial polls showed Eisenhower with an approval rating of 68% within his first few weeks in office. By the spring, the new President's approval ratings climbed into the 70s until the fall. The President's approval ratings only fell below 60% once during the 83<sup>rd</sup> Congress, dipping to 57% in mid-November of 1954 after Democrats reclaimed the majority in both houses of the 84<sup>th</sup> Congress. Even then, however, Eisenhower's approval numbers returned to the 60s and 70s for another several years until dipping again around the fall of 1957. If approval ratings can be equated to capital on which a president can trade to accomplish his or her goals, Eisenhower certainly had high ratings that he could use to accomplish his foreign policy goals without needing a law

from Congress to do so each time he wanted something. Figure 6.2 shows these approval averages over time.

Figure 6.2: Eisenhower Approval Ratings from Gallup Averages



Eisenhower approval rating. Image from American Presidency Project at UC Santa Barbara.

In summary, Eisenhower's first two years in office found the new Republican president with his co-partisans in the majority in both houses of Congress. He saw a much healthier economy than the end of the Truman administration with low unemployment and low inflation rates. Polarization was also low during these first two years of the Eisenhower administration, allowing parties to still work together without divisive ideologies holding them apart. Eisenhower also had favorable approval ratings with the support of the people behind him. They had comfortably elected the World War II in the election and stuck by his side through both of his

terms in office, during which he saw the opportunity to sign four critical executive orders related to foreign policy.

What four critical foreign orders did Eisenhower sign? In early February of 1953, the President signed Executive Order 10434 to suspend wage controls related to the defense industry. The Defense Production Act of 1950 had frozen wages of workers in certain defense-related industries to stabilize prices of the war effort. Collective bargaining agreements were suspended at this time, but Order 10434 ended these practices. Acting to address the health of the economy, Eisenhower's executive order noted that a return to collective bargaining activities for workers and the resumption of normal supply and demand prices would strengthen the economy. The president acted at a moment when he saw less need to execute orders that were rooted in a war-time economy and while also seeing need to protect the economic growth that had been achieved. The action allowed the president to act under the authority given to him by Congress in regulating particular aspects of the economy when the provisions were no longer necessary without voiding the entire law. The law is still in effect today and provides each president the opportunity to act under the authority derived from it as they see fit for their respective political and world contexts.

Eisenhower's action also provided expediency that would otherwise be lacking in the legislative process. The very text of the order states, "the earliest possible return to freedom of collective bargaining in the determination of wages will serve to strengthen the national economy and thereby the national security" (Order 10434). In the two years in which the Defense Production Act had been in effect, workers had to petition for higher wages and improved benefits. Companies, even

when willing to pay their workers more, were unable to do so. Instead, petitions were submitted to review agencies that would make determinations on a case-by-case basis. By the time Eisenhower signed Order 10434, these review agencies had a backlog of some 11,000 cases (Loftuss 1953). Eisenhower's executive order removed the government from the process and returned that part of business management to business owners and workers, allowing them to begin negotiating salaries and benefits without the involvement of federal agencies.

In June, Eisenhower signed Executive Order 10459 related to the handling and transmission of classified information to the United Nations. This order amended an order signed by Truman regarding personnel records and investigations for anyone considered for a job with the relatively new United Nations. The order amended the provisions surrounding the creation of a Civil Service Commission that would investigate Americans under consideration for UN jobs and provide written statements about those citizens and any suspicious activity to the Secretary General of the UN via the U.S. Secretary of State. This order came at the height of American fears about subversive communist-sympathizers among them fueled by McCarthy's crusades against the same. At a time when people inside and outside of the government were afraid of who had intelligence and what they were doing with it – and with the Rosenbergs still in recent memory – this order helped shape the process by which Americans were vetted for their “loyalty” to the country and the ability to work in the international sphere of the UN.

The next month, Eisenhower signed Executive Order 10469 to amend selective service regulations. The order targeted fathers and soon-to-be fathers for

classification in Class III-A, also known as a dependency deferment, based on their service placing a hardship on their families. Under the order, expectant fathers would only be covered if a doctor could attest to the baby likely being born within the following six weeks and only if the father maintained “a bona fide family relationship in their home” (Order 10469). However, such deferments would end after August 25 of that year because too many men were using multiple deferments to avoid military service altogether (NYT 1953). With this action, Eisenhower sought to address the decreasing number of registrants in the selective service system given the military status of the country and our engagements at the time. This order was very much a case of a commander-in-chief using the tools at his disposal to affect the military readiness of his troops in a time of armed conflict.

In November of 1953, the President signed Executive Order 10501 regarding the protection of classified information necessary for the safety of the United States. This order detailed the levels of secrecy available for ratings, the officials responsible for assigning such ratings, and how different pieces of information could be transmitted based on the type of document and level of security ranking. This order revoked Truman’s Executive Order 10290 of September 1951 on the same subject and replaced those provisions with Eisenhower’s set of regulations on the classification and transmission of such documents. While Truman’s order had granted classification powers throughout federal government departments and agencies, regardless of whether or not they were in a defense-related field, Eisenhower’s order sought to draw a tighter circle around which departments actually needed the ability to classify documents based on national security and restricted the number of officials



within those agencies who had the authority to grant security classifications to documents. This was, therefore, an action taken to directly reverse the policy of a previous administration and apply stricter standards for classifying information and keep it from the public. This history makes Executive Order 10501 interesting as a critical executive order that was used to revoke another critical executive order.

Similar to other presidents, we see Eisenhower taking advantage of his political circumstances to issue critical executive orders when they called for expediency in addressing military preparedness and the economy, when they were matters of national security during times of heightened suspicions given McCarthy's actions in the Senate to root out communism, or when they dealt with directly contradicting the policy of a previous administration. Eisenhower used tools from his unilateral toolbox in these situations because they would allow for changes that might otherwise take too long to legislate with Congress, were firmly within his purview as commander-in-chief, were sensitive topics of national importance, or did not require legislation when a new executive order to revoke a previous one would be enough to do the trick. Eisenhower did all of this with unified government (like Truman), a healthy economy (unlike Truman), and relatively low polarization (like Truman) while maintaining strong approval ratings throughout his administration (unlike Truman).

#### *Jimmy E. Carter and the 96<sup>th</sup> Congress*

President Jimmy Carter was elected president in 1976. He lost a majority of the states (Carter's 23 states and DC to Ford's 27 states), held a narrow 50.1% to 48% popular vote majority, and won only a slim majority of electoral votes with 297 votes

to Ford's 240 (one electoral vote was awarded to Reagan). This election was a close one in which a lesser-known former governor of Georgia barely beat an incumbent president who was mired in the scandal of and subsequent pardon of his predecessor. The nation elected a solidly Democratic 95<sup>th</sup> Congress, but it was more hesitant in electing a Democratic 39<sup>th</sup> President of the United States.

The 96<sup>th</sup> Congress of 1979-1981 was less Democratic than the preceding Congress under Carter. Democrats held strong majorities in both houses, but they started the new legislative session with fewer seats than they had held at the close of the 95<sup>th</sup> Congress. Still, the Senate had 58 Democrats, and the House had 277 Democrats. They provided a plentiful co-partisan base for the midterm first-term President.

Carter faced a difficult economy with high unemployment and inflation during his entire time in office. When he entered the White House, the misery index stood at 12.72%, well above the data set average. The only month with a lower misery index was April of 1978 with an index score of 12.6%. Otherwise, the rest of the Carter administration faced higher numbers. During the 95<sup>th</sup> Congress, Carter's average misery index was 13.5%. By the 96<sup>th</sup> Congress, the index had risen to 18.82% and as high as 19.94% in the closing days months of his administration. Republican presidential nominee Ronald Reagan talked at great length about the economic problems the country faced during the Carter presidency, and this issue became a major one in the election (DeGregorio 1993). Carter's and the Democratic platform had pledged to reduce the unemployment rate to 3% in 1976, and their inability to

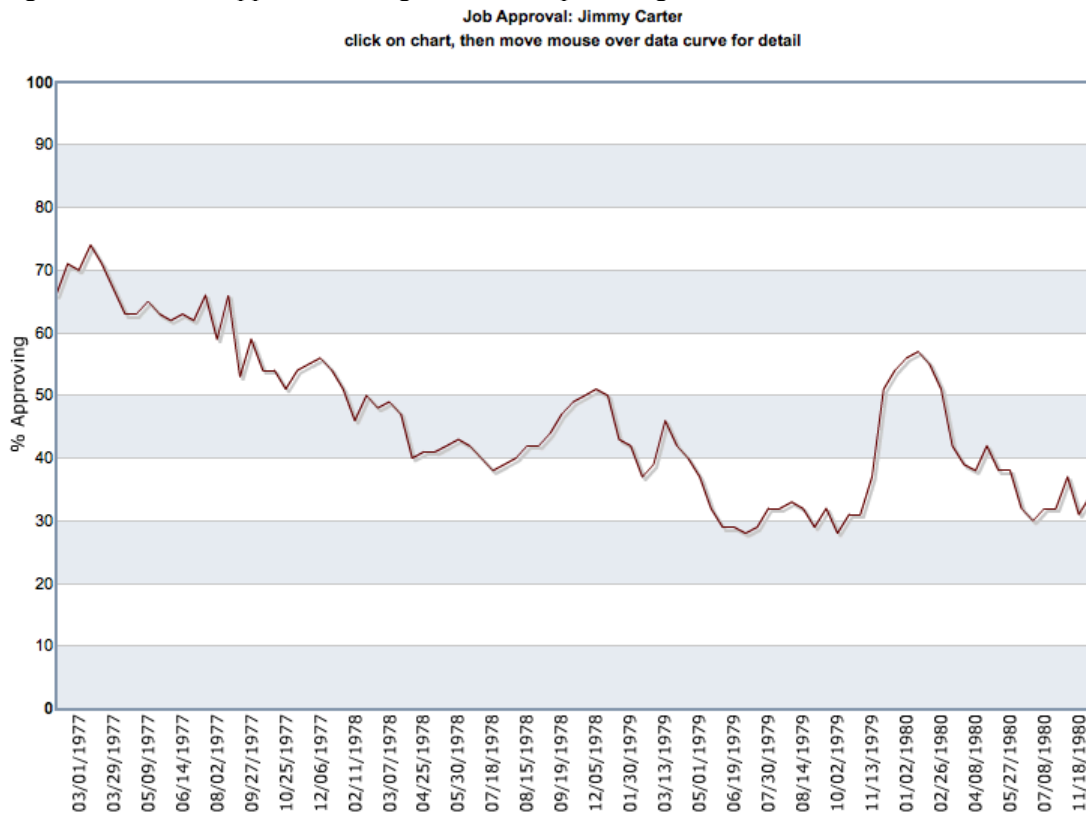
deliver on this and many other promises contributed to Carter losing his 1980 reelection bid.

Carter also saw a rise in polarization during his time in office. Polarization slowly crept up over the course of Carter's four years in office. Near the end of his term, Carter found a Congress in which the Republicans and Democrats were moving ideologically farther apart from each other. They shared less ideological space with fewer liberal Republicans and conservative Democrats in the chambers and – by extension – less common ground on which to operate. Some of this change is reflected in shift of electoral results from 1976 to 1980. In his first election, Carter held most of the Solid South. He was the last Democrat to do so. In 1980, he only carried his native Georgia. Only Clinton, taking four southern states in each of his elections, has done moderately well in the South since this time.

Carter suffered from low approval ratings for most of his administration. Though he entered office with ratings in the mid- to upper-60s and rose into the lower- to mid-70s during his first few months in office, this support soon ebbed with ratings that sank to around 50 by the end of his first year in office and continued to fall from there. By the summer of 1978, his approval rating was dipping into the 30s, and he stood at 50 during the midterm elections of that year. Though Democrats won back some of the seats they lost throughout the 95<sup>th</sup> Congress, the president struggled to maintain favorable approval ratings for himself. As the 96<sup>th</sup> Congress began its first session, Carter's approval ratings continued to trend downward until hitting a floor of high 20s to low 30s from mid-May through October of 1979. Though the President saw a bit of a rebound from November 1979 to February 1980 during the initial

months of the hostage crisis at the Iranian embassy, this nominal support eventually faded as people became frustrated and saw Carter as an ineffective arbiter in returning the captured Americans safely home. By the time he sent American military forces into Iran to retrieve the hostages by force in late April, his approval ratings had dipped back into the low 40s and high 30s, never to recover. The second half of Carter's term, therefore, was one mired in international conflict and paltry approval ratings from the public, as shown in Figure 6.3.

Figure 6.3: Carter Approval Ratings from Gallup Averages



Carter approval rating. Image from American Presidency Project at UC Santa Barbara.

In summary, Carter enjoyed some of the same benefits as other presidents discussed in this chapter. He had a unified government with even larger margins than either Truman or Eisenhower. He also faced a struggling economy, related to greater numbers of critical executive orders, similar to Truman and the 82<sup>nd</sup> Congress. Unlike

his predecessors, Carter saw higher levels of polarization at the end of his administration than did Truman or Eisenhower, who both served during less polarized times where the parties were ideologically closer than they were at the end of the 1980s. Similar to Truman, Carter suffered from very low approval ratings during the 96<sup>th</sup> Congress. Under these circumstances, Carter managed to issue four executive orders on foreign policy that would become critical executive orders.

In November of 1979, Carter signed Executive Order 12170 to freeze property of the Iranian government in the U.S. The action came just ten days after Iranian militants had overtaken the U.S. Embassy in Tehran and began holding 60 hostages. To punish the Iranian government and force the return of the Americans, Carter signed the executive order to pressure Ayatollah Khomeini to have his followers release the hostages. Refusing to bow to the Ayatollah's demands for the Shah of Iran, Carter sought to inflict economic penalty to end the standoff by freezing Iranian bank accounts and assets. This order demonstrates a time when the President wanted to act quickly to respond to a particular situation when congressional action may have taken too much time. A crisis emerged, and the president did what he could to influence policy and affect the situation at hand.

In January of 1980, the President signed Executive Order 12188 regarding international trade. The order bolstered the office of the U.S. Trade Representative with additional responsibilities related to advising the President on issues of international trade and the Secretary of Commerce with additional responsibilities related to promoting American exports and enforcing import laws. In signing this order, Carter spoke to extensive coordination with the Congress to issue the order and

the expectation that the order would also be codified later into law. “This trade reorganization Executive order, which I will sign this afternoon, is the result of a tremendous amount of work. It’s the 13<sup>th</sup> reorganization plan that my administration has presented to the Congress, and all 13 of them have been passed by the Congress (Carter 1980),” he said in the moments before signing the order. This is a case where unified government likely helped the president pass an order rooted in expediency and using presidential powers in an attempt to lower inflation and unemployment, two problems with which the country struggled at the time. In this case, the executive order was not the only solution that the president pursued, as he also worked with Congress to address the problems at hand. However, the executive order allowed him the chance to start action sooner than the legislative process may have otherwise allowed.

In April, Carter signed Executive Order 12205 to prohibit certain transactions with the nation of Iran. It outlawed commercial relationships and the transportation of non-food and non-medical goods from Americans to the people or government of Iran. Five months after Iranians had taken hostages in the American Embassy in Tehran, Carter still sought an end to the crisis by trying new tactics to force Iran’s hand in releasing the trapped Americans. In an escalation of tactics to try to force the Iranian government to secure the release of the Americans, this order appears as the next step in responding to a crisis situation that required fast movement in response to new information.

In June, the President signed Executive Order 12218 regarding the export of nuclear materials to India. He signed two such orders in his time in the White House,

the other coming in April 1978. In this case, the Nuclear Regulatory Commission ruled that the nuclear materials could not be shipped to India and refused to issue the licenses needed to do so. Carter's order overrode such decisions in the name of national security. He recognized that sharing nuclear technologies and components would help with worldwide non-proliferation goals by not encouraging India to sell the nuclear resources it had already obtained to other countries without American consent. Continuing to send nuclear fuels to India under a 1963 agreement would also bolster positive relations with an ally in an otherwise tumultuous region for the United States given the ongoing hostage crisis in nearby Iran and the Cold War with the Soviet Union (Taubman 1980). According to one story in *The New York Times*, Carter administration "officials maintain that, in the wake of the Soviet thrust into Afghanistan, the United States cannot afford political strains with Mrs. [Indira] Gandhi's government" (Burt 1980). Carter was therefore weighing bigger picture considerations related to geopolitical concerns in approving the sale of nuclear products to India at the time. This case provides a particular snapshot of the president having and using additional information at his disposal to make decisions in the name of national security.

We see here an instance where a president with unified government, a bad economy, and very low approval ratings is still able to issue a relatively high number of critical foreign orders. These orders were instances where the President sought to act quickly to avoid legislative blocks to programs and move with fast and determined action toward particular policy goals. In some cases, he also sought congressional approval of his actions but also found it important to demonstrate his

unilateral authority to make immediate changes in responding to the crisis situation in Iran or a faltering American economy where unemployment and inflation were running particularly high.

*Jimmy Carter and the 97<sup>th</sup> Congress*

Carter ran for re-election in 1980 but lost to Ronald Reagan in a landslide. Though still facing a Democratic House, Reagan was able to pick up a Republican Senate for the first six years of his administration. Carter suffered from the poor economy and an inability to bring home the Americans being held hostage in Tehran. These circumstances led to Carter having dismal approval ratings on the eve of the election, in which he only carried six states and D.C. In the weeks before he left office, his approval rating rose slightly, but the economy became slightly worse. As he prepared to leave office, Carter signed several executive orders, including eleven orders on his last full day in office. Nine of these dealt directly with the hostage situation in Iran (with seven using the word “Iran” or “Iranian” in the title) and represented Carter’s final attempt at having an impact. By this time, a deal had already been reached whereby the hostages would be released at noon the following day as the Reagan administration took office, and Carter helped enact part of this negotiation with his executive orders. Six of Carter’s outgoing executive orders were critical orders.

On January 19 of 1981, Carter signed Executive Orders 12277, 12278, 12279, 12280, 12281, and 12282. The first five all dealt Iranian assets that had been held or frozen by the American government and private institutions over the preceding years. Each order concerned a different aspect of these assets, whether held overseas, by



domestic banks, by non-banking institutions, but they all ordered the transfer of these assets. Order 12282 revoked portions of Carter's former Order 12205 to re-open business transactions between Americans and Iranians. With the stage set, Carter left office with a situation in which the Iranian militants could then hand over their hostages as Reagan was sworn into office.

These orders represent an interesting exception in the data set wherein the set of five orders affecting Iranian assets were referred to as a group in *The New York Times*. The stories by which this set of orders became critical did not distinguish between the individual orders issued but instead discussed the orders as packages of the outgoing administration. Unlike other orders in the data set, where orders were unique and distinguishable and dealt with a relatively narrow set of effects that could be tracked in news coverage, this set of orders was meant to act together and all addressed different facets of the same issue. Therefore, the media coverage of them is consistent with the intent of the orders themselves in working together to set the stage for the return of the American hostages on January 20 as the Carters' belongings were packed up and moved out of the White House.

### *Discussion*

The results from my model show that political context explains less of the variance for critical foreign orders than they do for similar domestic orders. While unified government and the economy are still helpful indicators, we see that many approval and war are no longer as relevant to the number of critical foreign orders issued by a president. With a relatively low number of observations, we must be careful with the conclusions we draw because we still see presidents can have higher

numbers of critical foreign orders when they have divided government (such as Truman and the 80<sup>th</sup> Congress from 1947-1949) or strong economies (such as Eisenhower and the 83<sup>rd</sup> Congress from 1953-1955, described above).

However, here we have seen that presidents can produce relatively high numbers of critical foreign orders regardless of approval ratings. Truman and Carter dealt with very low approval ratings during their respective administrations, but Eisenhower was held in very high regard. Unlike the model for domestic orders, we also see some significance to polarization in the model, though two examples presented here still show periods of several critical orders despite high polarization for Carter.

The results for this model and demonstrated in these illustrations also show differences from the expanded model for significant executive orders. Unlike that model, the size of congressional majorities is not significant here (and again, neither is presidential approval). Similar to the critical domestic model, we also do not see an effect here for the length of the observation. This result is particularly interesting in a discussion of how political context influences the ability of presidents to use their unilateral actions with impunity. While effectively constrained by the dynamics in which they operate, one such factor is not the length of time. We have just as many (and in many cases, more) critical foreign orders issued in some particularly short periods of time (like Carter's final day in office) as we have in periods of time that are nearly two years long. While there is a positive relationship between the amount of time and the number of significant executive orders issued by presidents, whereby longer periods of time just naturally have more significant orders in them, such is not

the case for the critical executive orders where presidents are making their biggest marks through unilateral action. In these cases, presidents are responsive to their context and look for opportunities when they can issue orders based on when they think they will be easiest to issue and most successful, but a longer period of time does not necessarily mean more of these orders.

Foreign policy may present executives with more opportunities to issue critical executive orders when they want to respond to issues quickly and avoid a lethargic legislative process. The nature of international relations may present more opportunities by which presidents are inspired to act more quickly to issues that are seen as more within their purview in the first place. In these cases, the findings in Chapter 4 and illustrated in the case studies here fit.

However, in nearly all of the situations presented here, the respective presidents are still reacting to external circumstances outside of their control. Truman's orders to influence the selective service regulations and mobilization policy are based on the fact that the United States had troops engaged in Korea while on the precipice of another world war against the Soviet Union. His well-known decision to have the Commerce Department take control of steel mills was in response to an impasse in negotiations between management and workers. Eisenhower's orders to lift wage controls were about responding to economic conditions. His orders related to the classification of documents came during the height of the Red Scare when people were concerned about documents with the trial of the Rosenbergs fresh in their memory. Carter's orders came as a response to a violent takeover of an American embassy with hostages involved.

This observation fits with Lincoln's famous quotation from a letter to newspaper editor Albert Hodges. "I claim not to have controlled events, but confess plainly that events have controlled me" (Lincoln 1864). These presidents did not (directly) create these circumstances, but they were the leaders sitting in the Oval Office when such circumstances demanded response, especially from American citizens. The critical foreign orders described in this chapter are not orders intended to set new directions for American foreign policy. Very few of them open new markets for the sake of economic expansion or create new programs in the name of exploration and global assistance.

President Kennedy's order to create the Peace Corps program is such an example in which a brand new program was created with an original intent to provide the monetary and human resources for going to other countries and help build. But it stands apart from so many of the orders described here in which presidents were mostly reactive to situations. Many of these critical executive orders were not proactive pieces of new policy. In this light, then, presidents still seem somewhat effectively constrained by their overall circumstances and the dynamics in which they find themselves. It may just be that fewer of these dynamics are purely political dynamics, at least as these dynamics are captured in the data set.

## **Chapter 7: Presidential Memoranda and Other Unilateral Tools**

“Through executive orders, memorandums, proclamations, regulations, and other flexing of presidential power, Mr. Clinton has already put in effect a host of measures concerning the environment, health care and civil rights. And with the presidential campaign in high gear, and the Republican-controlled Congress not inclined to give Democrats any boost, Mr. Clinton’s aides intend to continue making policy by decree – putting federal land off limits to development, reorganizing government agencies, tightening pollution control rules and pushing other measures that would otherwise stand little chance of congressional passage.”  
-Marc Lacy, *New York Times* writer, 5 July 2000

In the previous chapters, I analyze the factors that influence presidential unilateralism as exemplified by (critical) executive orders. However, the executive order is one of just many tools in the president’s unilateral toolbox. More interesting than the study of just one such tool is an understanding of wider presidential unilateral power. In this chapter, I explore another timely and prominent unilateral tool: the presidential memorandum. The memorandum has gained popularity among recent presidents as a way for advancing a policy agenda similar to executive orders but with different legal requirements that may make them more attractive in some situations. Compared to the executive order and several other unilateral tools, the memorandum has significantly less literature already written.

In this chapter, I lay out a number of different unilateral tools before discussing in more depth the presidential memorandum so that we may better distinguish it among other unilateral actions. Memoranda have received less academic attention than other unilateral options but are very similar to executive orders and so

receive special attention here. I then provide a review of what we already know about these memoranda and examples of them. Finally, I present a research agenda about how we can learn more about presidential memoranda and keep the larger set of unilateral powers employed by presidents to achieve policy objectives.

### *Unilateral Tools*

We know that presidents have many different unilateral tools available to them. In addition to well-documented and oft-studied executive orders, we also see presidential proclamations, directives of different kinds (such as national security directives), presidential determinations, presidential memoranda, and executive agreements.<sup>38</sup> All of these options are methods by which presidents can achieve policy objectives as the head of the Executive branch. The first four tools are akin to laws passed by Congress in their scope and intent. The last option is similar to a treaty wherein the president may lead the discussions or negotiations with other countries but still requires the advice and consent of the Senate once the president has concluded talks.

The nuances among these several actions vary, and some of the distinction among them is at the discretion of the president. Executive orders – by law – must be numbered and published in *The Federal Register* and deal with all manner of actions from non-policy actions to policies with tangible consequences and budgetary

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<sup>38</sup> Other unilateral tools ascribed to the presidency include veto statements, signing statements, appointments, and pardons. They are not considered here as tools for measuring unilateral governance for several reasons. Veto and signing statements are presidential reactions to congressional action. While they can serve as important policy statements from the president, they are – by definition – areas in which the president is a second-actor in the legislative process. Appointments and pardons are a separate set of important actions that presidents take, but they constitute a separate universe of constitutionally delegated responsibilities unlike the other actions addressed in the dissertation and within this chapter. While some of these appointments and pardons can be used to signal policy statements, they ultimately serve a separate purpose and are different from the unilateral actions included here where the president is a first-actor who uses broad authority to take action.

implications. Among these other unilateral tools, some options are sequentially numbered while others are not. Some tools require publishing while others do not, though individual presidents have chosen to publish them as they see fit. Some can be used to affect policy change in both domestic and foreign policy areas while others are predominantly tools of international relations. I take them each in turn before focusing in on the presidential memorandum.

Proclamations are published statements from the president with a more external audience than the Executive branch. Like other unilateral tools, they range from the ceremonial (like annual Thanksgiving Day proclamations) to policy-laden devices that signal or initiate policy change. The quintessential example of an important proclamation is Lincoln's Emancipation Proclamation of 1863 to free slaves in Confederate states. Such an action has a clear policy implication but is not directed at just officers of the Executive branch of the federal government. In fact, this proclamation was specifically aimed at states that had rebelled from the Union and did not consider themselves to be part of the United States at the time of Lincoln's proclamation.

Obama used some 1,226 proclamations during his time in the White House. Some of them garnered great news attention and became matters of political debate. In his closing weeks, for example, he issued two orders to designate lands in Utah (Proclamation 9558) and Nevada (Proclamation 9559) as national monuments, initiating a conservation process that would restrict development on the lands and preserve them for the native populations that most valued them (Davenport 2016, Eilperin and Dennis 2016). With these actions, he identified more than one and a half

million acres of new land to be preserved for future generations but irked members of Congress who wanted to legislate on the issue in the process. Despite unsuccessful efforts at legislation, they still reacted negatively to the issuance of unilateral governance to address the issue. This action also raises the question of how easily future presidents can rescind the proclamations of their predecessors in the same way in which they are able to revoke the executive orders of their predecessors.

Proclamations are also a field ripe for exploration when it comes to presidents' foreign policy objectives. Many important international actions have been taken via presidential proclamations from the White House. Eisenhower issued Proclamations 3355 and 3383 in 1960 about Cuban sugar exports once Fidel Castro had taken charge of Cuba. While Eisenhower limited specific products of trade from Cuba, his successor followed suit by embargoing all trade with Cuba in 1962 via Proclamation 3447. Like the executive order, proclamations can be an important tool for achieving foreign policy goals, especially given their more external audience in the first place. These proclamations become an important way for the White House to declare its policy objectives when it comes to trade, security, and relations with other nations around the world.

National security directives are another category of executive action that would almost exclusively fall into the category of international relations and national security or defense. While an important tool for pursuing policy objectives, this one is difficult to study because they are not published on the grounds that they deal with sensitive topics. Presidents have discretion in this category to issue orders of which the public will not be aware. This category of unilateral actions is difficult to quantify



and study because political scientists cannot document the orders that are not released to the public, and the public also does not otherwise know that the orders exist in the first place. The presumption is that such orders cover secretive topics, but the president need not defend the decision to issue something as a directive in the first place. By nature, however, these orders target agencies and bureaus within the Executive branch to make the policy changes that are needed to keep Americans safe and protected from threats evaluated within the intelligence community.

Presidential determinations fall under the category of reports that the president delivers regarding topics of national importance and research. Such determinations establish a policy or position for the Executive branch. They are written as memoranda from the president and directed to Executive department and agency heads, and they are numbered and published in *The Federal Register*. Unlike other tools like the executive order, determinations are not mandates for action from the president. Rather, they help define a policy or the scope of a policy. An example of a presidential determination is Determination 98-13, which Clinton issued to facilitate the renewal of a trade agreement with the People's Republic of China. The relatively short determination states, "I have determined that actual or foreseeable reductions in United States tariffs and nontariff barriers to trade resulting from multilateral negotiations are being satisfactorily reciprocated by the People's Republic of China" (Determination 98-13). The President goes on to tell the U.S. Trade Representative that he identified "a satisfactory balance of concessions in trade and services." The only order contained in the memorandum is that the Office of the Trade Representative should publish this determination in *The Federal Register*, but this

was a step in moving policy. Before the United States could engage in a new round of talks to update its trade agreement, the White House needed a determination on whether such an agreement had been successful thus far. The American Presidency Project at the University of California in Santa Barbara records some 919 determinations from June of 1977 to December 2016.

Executive agreements are akin to treaties that the president might otherwise negotiate with foreign leaders and then present to the Senate for ratification. These agreements, however, are not subject to congressional approval because the effect of the treaty is something that falls under the purview of the president's control of the Executive branch in the first place. There is an additional assumption that such agreements comply with existing laws, and some may even extend from legislation passed by Congress. Based on talks with other world leaders, the president may determine that he or she does not need congressional ratification to achieve the policy aims of the agreement if he or she can instead accomplish these ends through other executive tools. Even if the president seeks congressional approval to facilitate or pay for the conditions of the agreement, such congressional approval only requires a majority vote from both chambers of Congress rather than a two-thirds vote in the Senate. An example of an executive agreement is the North American Free Trade Agreement (NAFTA) negotiated by Clinton with the leaders of Canada and Mexico. While Clinton then took the agreement to Congress for approval and support because it changed then-status quo laws, it started as an agreement that a president arranged with other world leaders and allowed him to avoid the need to secure a super-

majority of the Senate to put the agreement into effect. Other executive agreements, such as military base agreements, do not require such approval.

Presidential memoranda are similar to the executive order in intent, scope, and longevity. Presidents issue them to set policy within the Executive branch and can use them to send signals on priorities to those within and outside of their purview. Unique to memoranda, presidents are the arbiters of which memoranda are published in *The Federal Register*. Unlike executive orders, which all must be published, presidents choose which memoranda to publish and which ones to quietly issue without public attention and scrutiny. While the Obama administration has made a concerted effort in the name of transparency to publish all of its 331 memoranda on the White House website,<sup>39</sup> such publication is not mandated by law and has not always been the case in previous administrations. Unlike orders or proclamations, they are not numbered. Conceptually, the presidential memorandum appears to be an executive order in all but name and publication requirements, especially when elevated to such prominence and transparency under Obama (Korte 2014). The Trump administration, for now, appears to be upholding the standard and precedent set by Obama, but it would simply take a decision by the new President to change course.

Lowande (2014) argues that presidential memoranda have replaced the executive order, which is seeing a decline in usage since World War II. Lowande's findings indicate that the same factors that influence executive orders also influence the number of memoranda issued with patterns that mirror each other. At the same time, however, the number of memoranda issued over time has steadily increased at about the same rate that the number of executive orders has decreased. Because

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<sup>39</sup> As of November 30, 2016, compared to just 249 executive orders.

memoranda are less well known and can escape the attention of the public easily if the administration simply chooses to not publish the memorandum, memoranda may be the presidents' response to scrutiny and criticism that they otherwise face with executive orders such that they "may be a less politically costly means of action" (Lowande 2014, 725). On mounting negative attention and charges of an "imperial presidency" waged by some like Paul Ryan, Lowande writes

"The accumulation of this kind of media attention, together with the potential for legal challenge, places strong incentives on presidents to find new, more innovative and obscure means of acting alone. In this case, the present obscurity of presidential memoranda may allow presidents to claim credit for policy change, while avoiding the charges of 'imperial overreach' likely to be levied by critics." (739)

Also similar to executive orders, memoranda can be replaced by a new memorandum from the current or a future president. A prime example of the presidential memorandum is the so-called Mexico City Policy, the international gag order whereby federal policy prohibits non-government organizations from performing or promoting abortion procedures. Under this policy, federal funds cannot go to such organizations that provide or discuss such procedures. The Reagan administration first implemented the policy in 1984 when sending a delegation to the United Nations International Conference on Population in Mexico City. Presidential memoranda became the vehicle by which administrations would then rescind the policy of the previous administration on this topic. In his first days in office, Clinton issued a memorandum to rescind the Reagan-era policy, citing "excessively broad anti-abortion conditions" (1993). Bush II (2001) rescinded the Clinton memorandum exactly eight years later, only to have his memoranda on the subject reversed by

Obama (2009) in his first days in office. Following suit, Trump (2017) revoked the Obama order and re-instated the Bush II memorandum to withhold federal funding from non-government organizations that engaged in such procedures or discussions and permitted the secretary of State to enforce the provisions of such a policy with legal ramifications for those health service providers that disregarded such funding stipulations.

Unfortunately, it is difficult to delineate a more concrete definition for the presidential memorandum. Much like an executive order, it can provide instructions to administration officials, advance or reverse policies from previous administrations, or be more ceremonial or routine in nature. They are easily overturned by future memoranda. Some memoranda are published by the White House and enter the public conscience, but others are never known outside of the administration. Because of this fact, many of these memoranda are difficult to classify and study in the same kind of systemic approach as executive orders.<sup>40</sup> Lowande is clear throughout his article that his research is based only on published memoranda because we cannot study what we do not have available. The American Presidency Project contains records for 1,567 memoranda in its digital archives, but only fifteen are attributed to Franklin D. Roosevelt, a president otherwise very prolific with other unilateral actions like the executive order (3,466 issued).

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<sup>40</sup> Even for all of its effort to publish its presidential memoranda, the Obama administration could be withholding some of its memoranda without a way for observers and researchers to know. While we may be able to get at some of these records in the future as presidential documents are declassified in presidential libraries, this delayed access to records could delay a wider study of this particular unilateral tool. For previous administrations that were not as forthcoming with their memoranda, it may still be the case that total memoranda outpaced executive orders. What we can say is truly unique about the Obama administration is that *published* memoranda outpaced executive orders.

The nature of presidential memoranda is also such that presidents and administrations themselves do not fully understand them upon entering office. News sources reported on the first actions via memorandum of the Trump administration to freeze all pending regulations until review by the new administration (Restuccia and Juliano 2017, Kopan 2017, Wheeler 2017). The action was achieved by a White House memorandum authored by Chief of Staff Reince Priebus (Priebus 2017). Since its issuance, the memorandum has appeared on the White House website under the “Presidential Memoranda” section, making it seem as if the new administration itself does not entirely know how these executive actions function. Other presidential memoranda appearing on the White House website fit the more conventional understanding of memoranda signed by the president and directed to departments and agencies within the Executive branch to outline and detail policies, but this first example from the first day of the Trump administration shows the ambiguity and misunderstanding of some of these very tools.

#### *Broader Understandings of Unilateral Governance*

More interesting than just the study of executive orders is a wider study of presidential unilateral action as a whole. Presidential scholars can use individual tools to exemplify and operationalize a broader sense of unilateral action, but a more holistic approach provides a better sense of how presidents achieve their policy goals and to what extent they are constrained by the environment in which they operate. The themes studied in my quantitative chapter – the role of partisan majorities, party changes, divided government, polarization, approval, the economy, war, and other elements of political time – only provide a sense of how those factors affect the

issuance of impactful executive orders. But how do these elements affect other actions of presidents in both unilateral and bilateral actions?

A true study of presidential unilateral governance should include all types of unilateral action. As Lowande (2014) writes, “understanding unilateral presidential action may require some degree of aggregation” (739). We should look for ways in which we can consider several (ideally all) tools in a president’s toolbox to capture what he or she does to affect policy. As such, it is important to look at executive orders and presidential memoranda and proclamations and executive agreements and more in concert with each other. Especially when it comes to executive orders and presidential memoranda – two tools that have the same types of goals and work effectively the same way – it is helpful to know about both so that researchers capture the full picture of presidential actions. Across all unilateral tools, the same tests may not be relevant and appropriate for all of these tools, but we should take them all into account when discussing presidential governance and unilateral action so as to not leave out any piece of the puzzle.

These other tools are not included in my analysis of executive orders for several reasons. First, we do not have complete lists of all of these tools. While this is particularly clear for the more secretive national security directives, there is also some ambiguity to tools like the presidential memorandum. Second, my work with executive orders starts with an already established list of identified significant executive orders, providing the opportunity to then find additional information about each of those orders for the purpose of narrowing the list. Without such lists of significant proclamations, directives, determinations, agreements, or memoranda,

there is not an origin to such work. Such an enterprise would be a useful contribution, though, for the purpose of allowing us to study more than just one tool and how political dynamics (may) affect the president in a more rounded exercise of unilateral tools.

### *Future Testing*

As noted, the executive order and the presidential memorandum are very similar. In fact, the only difference is really the words that appear at the top of the document to indicate whether the document is an order or a memorandum. These tools otherwise approach similar types of issues with similar types of strategies, and it is therefore useful to consider them in tandem.

Because of the similarity of these two tools, it is possible to do the same kind of testing used for significant (and now critical) executive orders. Researchers can cull presidential records and identify presidential memoranda issued by presidents and identify those that we would consider significant, policy-based memoranda that have garnered scrutiny in the media, in Congress, or in the courts.<sup>41</sup> We can then test the factors that influence the number of memoranda issued under different political dynamics, including the size of congressional majorities, changes in the partisanship of the White House, unified government, polarization, presidential approval, the economy, war, and other aspects of political timing. This work would allow us the chance to see how these factors affect a president's use of another tool and, by

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<sup>41</sup> However, a list of significant presidential memoranda does not currently exist as a starting point for such study. As the starting point for my analysis of critical executive orders is Howell's list of significant executive orders, such a similar study of memoranda should start by searching for each memorandum in newspapers, congressional proceedings, and court cases before then establishing a threshold for critical presidential memoranda. This lack of an established list is why memoranda are otherwise not included in my statistical analysis alongside executive orders.



extension, the degree to which presidents' hands are tied when it comes to utilizing other tools that may be available to them to affect policy change.

One way to approach this work would be to conduct such work separately from executive orders and compare the results. We may find that a different set of factors influence the number of memoranda than influence the number of executive orders, allowing researchers to detail the story of how presidents make strategic decisions. Given the possibility that some of these memoranda are issued to avoid the scrutiny currently associated with formal executive orders, it may be the case that presidents turn to memoranda with less reliance on public-facing factors (i.e. popularity does not matter because the people are less likely to find out about it anyway) or with opposite relationships to public-facing factors (i.e. presidents issue more memoranda with low popularity because they can get things done without receiving further criticism from the public). Either story would be interesting for better understanding the calculations and decisions in which presidents engage when they want to more directly shape public policy.

Given Lowande's findings on the degree to which the executive order and the presidential memoranda are similar tools used interchangeably by presidents, and that the latter may be increasingly used to replace the former, it may also be worth combining the counts of these tools in the same data set (especially if we see similar results for executive orders and memoranda). Rather than counting significant executive orders separately from significant memoranda, it may be worthwhile to explore aggregating these measures into a president's significant executive actions to tell a more complete story. If we add the two tools together, do we reverse the current

observation of decreasing executive orders and significant executive orders over time? Do we observe presidents that are just as active as they have always been with no discernible trends or patterns over time?

Of course, one factor that makes this line of research difficult is the reporting requirements associated with presidential memoranda. Because presidents are not required to publish these documents, finding them all so that we can properly count and draw conclusions on usage of this particular tool may prove difficult or even impossible. We may start with records and documents in presidential libraries to look for indications of when administrations used such tools. We may be able to find traces of most memoranda from internal documents that can help suggest when memoranda were used for any purpose and particularly those times when they were used with policy objectives in mind.

The particular difficulty associated with researching presidential memoranda, however, may be the truest sense of unilateral governance and decision-making. In previous chapters, I argue that presidents are effectively constrained by the political environment in which they find themselves because they want to exercise unilateral governance when it will be most useful and effective. Many factors beyond the president's direct control, both inside and outside the Beltway, shape the circumstances available to him or her and the ability to issue the most significant executive orders. Presidents may be able to create change with the stroke of a pen, but there are external factors that determine whether or not a pen is available to the president in the first place. In this sense, presidents are constrained political actors who do not have complete unilateral authority to act whenever they so choose.

But the fact that presidents have found another unilateral tool that may be unobservable – or at least less observable – to the public may be an indication of a way in which presidents have found more options for themselves when they want to use unilateral tools with less contextual constraint. In the face of a more present news cycle that can bring constant scrutiny to the president's actions and decisions, developing a new method of making change that is harder to criticize may be an act of new presidential power. Especially if research bears out that fewer political dynamics are associated with the issuance of something like the presidential memorandum, we will have found that presidents created a new method of affecting change wherein they truly have a free hand to do what they want without public scrutiny. Such a finding would be an unabashed demonstration of unilateral power. Short of this finding, however, there is still significance to presidents finding alternate means to achieve their policy objectives.

The fact that presidents have found or created a new way to implement change when the traditional (or more traditionally studied) tools no longer meet their needs is the very reason that political scientists should seek a more complete picture of unilateral power. If presidents have another tool, we cannot continue to only look at the executive order to represent everything that presidents do. It is important that we find a way to look at all of these options together, especially when they are so similar in the first place, so that we can see how they interact and the larger picture that they reveal about the extent to which presidents can make the changes they want without the involvement of the Congress or the courts.

## **Chapter 8: Conclusion**

The dissertation starts with an example of President Obama's unilateral action on the minimum wage. In his 2013 State of the Union address, the President said, "Tonight, let's declare that in the wealthiest nation on Earth, no one who works full-time should have to live in poverty, and raise the federal minimum wage to \$9.00 an hour. We should be able to get that done" (Obama 2013). Despite his efforts and appeals, the Republican House and Democratic Senate made no progress on such a law. When he spoke before Congress and the nation a year later, he changed his approach to ensure results on this issue. In a direct appeal to state and local leaders, he said, "You don't have to wait for Congress to act; Americans will support you if you take this on" (Obama 2014). He then outlined his intentions to move his policy forward with unilateral action. "In the coming weeks, I will issue an executive order requiring federal contractors to pay their federally-funded employees a fair wage of at least \$10.10 an hour" (Obama 2014).

Exactly one year after he asked Congress for such a law in his 2013 State of the Union address, Obama signed Executive Order 13658. With that order, federal contractors became responsible for raising the salaries of those employees who were being paid the national minimum wage with funds the contractors received from their federal government contracts. Starting with the next calendar year, any federal contractor earning a new contract or renewing a contract with the federal government would need to raise the wages of employees who were doing the work of that contract or whose work was necessary for supporting that work. In rules published by the Department of Labor (2014), these provisions extended with limited exemptions to

both the workers who built the goods specified in the contract and the security guards who monitored and secured those goods. The Department of Labor's statistics indicated that some 200,000 workers would see raises as an effect of the Obama order.

When he saw his policy objective going nowhere but wanted to make the issue salient and provide the opportunity for others to follow suit, he reached into the metaphorical toolbox of presidents and issued an executive order. With the stroke of his pen, federal contractors became responsible for paying their minimum wage employees more on federally contracted projects. Cities around the country followed suit with their own bills, and many states saw similar ballot measures in their upcoming elections. While not a policy that applied to all people across the country, Obama took the first step toward policy success and accomplishing this goal for thousands of Americans by issuing an executive order.

Similarly, Trump took office with a pledge to fix Obama's healthcare law, the Patient Protection and Affordable Care Act. As soon as he took office, the new President signed an executive order that signaled the first step in dismantling Obamacare. "It is the policy of my Administration to seek the prompt repeal of the Patient Protection and Affordable Care Act" (Executive Order 13765). The order goes on to mandate Executive branch departments and agencies to "take all actions consistent with law to minimize the unwarranted economic and regulatory burdens of the Act, and prepare to afford the States more flexibility and control to create a more free and open healthcare market" (Executive Order 13765). In this case, Trump was not skirting a recalcitrant Congress that refused to follow his lead. Within just hours

of taking the presidential oath, he instead sought to signal the direction of his White House and administration to repealing a faulty healthcare law. He then worked with congressional leaders of his party, the majority in both houses of Congress, to craft a bill that would formally repeal Obama's landmark legislation.

As demonstrated in these cases with Obama and Trump, the executive order appears to provide a great deal of power to presidents who want to move policy. But are they always able to do so on whatever issues they would like? In this chapter, I review the findings from the dissertation, discuss the lessons that can be learned from this work, expand the conversation to the salience of this topic at this precise moment in time, and provide some thoughts on continuing to move forward with studies of presidential power in the future.

### *Critical Executive Orders*

Why do we study executive orders in the first place? Executive orders are a fruitful demonstration of unilateral governance and provide great insight into how presidents act within their political environment to achieve policy change. Unilateral acts such as the signing of executive orders and the issuance of presidential memoranda demonstrate a president's ability to move on his or her own without first awaiting a bill from Congress. While some of these actions may be routine in nature, others can be quite transformative with great capacity to create policy change. These actions are the very embodiment and enactment of unilateral governance, the belief that presidents can be solo actors in the political space with the singlehanded ability to make change. In the literature, presidential power is rooted in the ability to persuade members of Congress to provide the president with the legislation that he or

she wants. But what are the circumstances surrounding the president's ability to move policy through unilateral means when he or she wants?

At times, presidents may use these powers to circumvent an uncooperative Congress or move policy they would otherwise not be able to move. Political scientists tend to discuss executive orders and other unilateral tools as second-best options that presidents employ only when they fail to achieve their policy objectives by other means, but I argue here that these options can also serve as preferred tools in several cases. The legislative process is a cumbersome one that does not lend itself to fast action when it is sometimes required. Executive actions then present an opportunity for fast action when the situation – including military or economic crisis – requires such speed and decisive action. In some of these cases, we would not want to rely on a sluggish legislative process that would be unable to provide the kind of quick response that may be necessary. There may also be times when presidents merely mean to set the policy agenda and provide an opportunity for states, municipalities, and Congress to follow suit with their relatively limited orders.

Toward this end, political scientists have made studies of executive orders by focusing on significant orders that embody a policy change and garner attention from the press and other branch actors. Analysis of the previously established set of significant executive orders shows that the list still contains several routine, non-policy, and low-impact orders alongside more consequential and costlier (in terms of budget implications and a president's resources) orders that create new programs. Focusing more closely on a group of the most significant executive orders that have the largest impacts on the operation of government and therefore garner the largest

amount of attention from the public gives us a new way to conceptualize and analyze presidential power. With a smaller set of executive orders, we can more accurately ask the questions: what actions from presidents truly stand out as demonstrations of unilateral governance, and what factors influence the presidents' abilities to issue such orders? Based on the level of effective constraints placed on presidents by their political contexts, we can then determine whether our understandings of presidential action have been underestimating or overestimating the degree of freedom that presidents have to be most impactful.

This dissertation proposes a method for identifying critical executive orders, the subset of significant executive orders that have been the most impactful and important based on the number of *New York Times* stories that mention them. Using this new classification for critical executive orders, I assess the political dynamics that influence the number of critical executive orders that a president issues. With this information, we can determine the extent to which presidents have the freedom to act unilaterally and to what extent they appear effectively bound by the circumstances in which they find themselves, issuing fewer orders because the political context does not lend itself to unilateral prolificacy.

My analysis shows that several factors account for the prevalence of critical executive orders that presidents issue. Specifically, divided government, polarization, polarization under divided government, approval ratings, the economy, war, and several aspects of timing within the administration influence the number of critical executive orders that presidents issue. As presidents observe their surroundings and calculate the level to which they can be successful in pursuing different strategies to



achieve their policy goals, these different characteristics tend to impact the president's assessment.

What do we learn from these results? First and foremost, we learn that presidents are constrained in the options available to them. They cannot use their executive powers at will to rewrite public policy or reshape the face of American government. They cannot continue to issue executive orders with impunity whenever it suits their needs. While previous studies had already told us that such was the case with total executive orders and significant orders, we now see this result with critical executive orders as well. Even when presidents are making their greatest unilateral marks on history, their political circumstances shape their opportunities to do so. Even on their most substantive actions when it might matter most, presidents are still responsive to the political contexts in which they find themselves.

Given the several dynamics that play a role in the prevalence of critical executive orders, we may have routinely overestimated the amount of latitude that presidents have when it comes to unilateral tools. A lack of statistically significant results would have indicated that presidents could do those things they wanted most whenever they wanted. Their exercises of unilateral governance would have been connected to only the desire to act and not dependent on the structure of government, the president's resources, the economy, or timing. But instead, the results tell us that even the most critical actions can be partially explained by external circumstances to which the president largely responds. If even in these cases, the president's hands are tied, we have an effectively constrained executive when it comes to both shared and unilateral governance.

This finding also refutes Mayer's (2009) expectation that presidents would build upon a precedent of unfettered access to their unilateral powers. In looking at the executive order as just a snapshot of unilateral governance, we do not find presidents issuing greater numbers of such orders while they turn simultaneously pursue fewer pieces of legislation to attain their policy goals. Instead, we see decreasing numbers of executive orders by president and still relatively low numbers of critical executive orders.<sup>42</sup> Aside from partisan and ideological posturing by congressional parties when the president is of a different party, we do not see "troubling" power grabs with "a steady expansion of presidential power." Presidents do not find themselves in situations that are conducive to increasing numbers of (critical) executive orders to achieve desired policies.

Furthermore, we find additional support for a classic debate within the presidency literature about differences between domestic and foreign policy. Wildavsky famously posed the question of whether presidents face different rates of legislative success based on whether they are trying to move domestic or foreign policy. My findings suggest that, like presidents' differing abilities to be successful in their legislative efforts, presidents see a difference in their ability to be successful in issuing critical executive orders as well. The difference in this case is not about the rates of success but instead related to the factors that influence the prevalence of critical executive orders. While some political dynamics affect the issuance of both

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<sup>42</sup> Despite overall recent trends, Trump is on track to hit a relatively high number of total executive orders and critical executive orders. Only time will tell, but such an observation for Trump could comport with Neustadt's conception of a president who turns to orders when he is otherwise weak. Despite weeks of build-up and an executive order targeting Obamacare for death on his first day in office, Trump stumbled with the legislative process of repealing his predecessor's healthcare law. After delaying the vote by one day from its originally scheduled date, the vote was then pulled entirely when continue whip counts showed that House Republicans still didn't have the necessary votes.

types of policy orders, they vary in magnitude. We also see that some dynamics only influence one type of policy order without being statistically significant in the other policy type model. This finding reflects the similar finding by Wildavsky in his study of legislative politics and the two presidencies thesis. Based on the number of factors that influence critical foreign orders and the amount of variance explained by the respective models, it seems to continue to be the case that presidents enjoy a bit of an advantage when it comes to both unilateral and shared power focused on foreign policy concerns.

Also interesting and worth noting from these results is the fact that presidents are effectively constrained by more than just events inside the Beltway. Older accounts of presidential power really focused their studies and analysis on happenings within Washington, DC. Even in Neustadt's analysis of the presidential power to persuade, his conception of the president's prestige is not directly a measure of presidential approval so much as it is a sense of how members of Congress think the people feel about the president. And Howell's analysis focuses on majorities in Congress, changes in partisanship of the White House, and whether the same party controls the Oval Office and the Capitol. These are apparent realities that exist and matter most within Washington.

In a departure from previous studies, I include national dynamics that certainly make their way to the capital but do not live there. The economy, the president's approval rating, and the engagement of American troops overseas all influence the number of critical executive orders issued by presidents during their administrations. The economy exists in all fifty states and in all congressional

districts with implications for people's jobs and lives. Similarly, presidential approval moves such evaluations out of the hands of legislators who interpret how their constituents view the president and instead operationalizes this sentiment in the hands of the actual people. And American troops on the ground may be a decision that originates in Washington, but it has effects outside of Washington in a way that impacts people and their view of the world. All of these factors influence how our presidents wield their unilateral tools to affect change and so should be included in such analysis.

### *A Question of Means*

Just as the dissertation starts with the story of Obama and Executive Order 13658 on raising the minimum wage for federally funded contractor employees, it also starts with a rebuke by Republican House Leader Cantor and congressional Republicans for Obama's use of unilateral powers. In the current political climate of high polarization, the use of executive orders is an incredibly salient topic. Inherent in this conversation is a normative question on the use of unilateral tools and presidential actions. When Cantor labeled Obama an "imperial president" based on unilateral actions, he was making an argument about extralegal uses of such tools that he found inappropriate and unconstitutional. Republicans objected to Obama's executive orders on the charge that they should not be permitted and were not legally defensible under laws passed and the Constitution.

Democrats object to many of President Trump's executive orders in his first 60 days in office on the same grounds. While some of his orders have been fairly traditional orders that we would expect of a new president – making good on

campaign promises to weaken and eventually eliminate the Affordable Care Act, enshrining the notion of ethics in the Executive branch, or creating panels to study issues of interest for the incoming administration – there have been other executive orders that are more unconventional. In what has been viewed as a war on immigrants and members of a religion, some of Trump’s first executive orders dedicated resources to building a wall between the United States and Mexico (Executive Order 13767), adding more immigration officers to investigate and deport undocumented immigrants (Executive Order 13768), and banning visas and entry to citizens of majority Muslim countries (Executive Orders 13769 and 13780). Legal challenges to some of these orders came within hours with some court cases already finished (striking down Executive Order 13769) and others still in the works (a decision on Executive Order 13780).

Republicans, however, defend the new presidents’ use of executive orders to accomplish his policy objectives. *The New York Times* noted some of these reversals in Republican evaluations, a change of tune from their complaints when Obama sat in the Oval Office. “Also notable is the Republicans’ acceptance of something they have despised: the use of the executive pen to make policy. Several House Republicans dismissed the notion that Mr. Trump would abuse his power to issue executive orders in the way they complained that Mr. Obama did during his second term” (Steinhauer 2017). These appraisals of the executive order as a policy mechanism appears connected to the partisanship of the president and the observer in polarized times, an effect that should not be surprising to those who study today’s ideological polarization.

Such charges and accusations raise questions about the demonstrations of such power through unilateral action. The question becomes one of whether or not presidents *should* have these powers and be able to use them as they do. Part of this response may be a symptom of our intense ideological polarization whereby the parties do not grant presidents of the opposition party any latitude in running the country and enforcing the law as the president sees it. For conservatives and Republicans, Obama's actions may be more egregious offenders of the principles of divided powers, checks and balances, and constitutionality, but liberals and Democrats may see it the other way. One way or another, however, these actions emanate from a guiding document that does not explicitly create them (or even contain the term "executive order") in the first place.

Lacey (2000) seems to raise this question in an article written in the final summer of the Clinton administration. "Congress appears intent on denying President Clinton major legislative victories in his final months of office, but White House officials say they will continue drafting and carrying out policies, Congress or no Congress, until Mr. Clinton's final day." One of Clinton's domestic policy advisers claimed, "This president will be signing executive orders right up until the morning of January 20, 2001" (Lacey 2000). While such was not the case, the article was written to highlight the difference of partisanship and ideology between the White House and the Capitol Building and how the man in the Oval Office would go around a recalcitrant Congress to establish his legacy in the closing months of his administration. Clinton's Republicans, believing in part that he was overreaching on

his way out of office, decried his unilateral actions when they believed the people had elected a Republican Congress to slow Clinton's agenda.

Executive orders could likely continue to be an intense battle of political power and means in the future as we see increasing polarization and longer periods of divided government. While previously a somewhat uncommon occurrence that tended to signal a change of party change and renewed partisan control of the institutions of government, divided government is now a much more common occurrence. In the last 40 years, we have had only 12 ½ years of unified government with 27 ½ years of divided government. The longest stretches of unified government during that time were the four years of the Carter administration from 1977 to 1981 and four years of unified government for Bush II from 2003 to 2007. Otherwise, these patches of unified government tend to be very short periods that last just the length of one Congress before ushering in a new period of divided government. If this trend represents a new political reality, we can expect to see a battle over the use of these unilateral tools continue into the future. The "uncontrollable and sinister" collection of power may not be the future reality that Mayer (2009, 443) predicted, but ubiquitous allegations of such may be.

#### *Future directions for research*

Of course, the executive order is just one of several executive tools that presidents use during their time in the Oval Office. They also use proclamations, executive agreements, presidential determinations, national security directives, and – with increasing frequency – the presidential memorandum. The executive order makes for a convenient study on unilateral powers because it is, by law, numbered

and published and therefore easy to track. These other options available to presidents can be issued under more secretive terms with less publicity given to them. But the memorandum is gaining attention and notoriety because of the efforts by President Obama to improve transparency in the Executive branch. Under the last administration, the White House published all of its memoranda and put them on par with executive orders, providing observers and political scientists the ability to have another aspect of unilateral governance that can be tracked and studied.

As we move forward, we should consider executive orders in the broader context of unilateral governance. Critical orders – and the larger body of significant executive orders they represent – are just a part of the picture. With the findings here about the influences on and limits to the exercise of such actions, political science should continue looking for a way to better aggregate these different tools (and especially the most significant of these different tools) so that we can build a more comprehensive model of how presidents affect policy change. With improved methods for including all of a president's different unilateral actions, we can continue to derive better and more accurate tests for the political dynamics that influence the nature of presidential power in the American system.



# Appendix

## Chapter 3: Critical Executive Orders

Table A3.1: Search Terms for Howell's List of Significant Executive Orders

Order	Date	President	Description	Number of NYT stories	Search term(s)
9538	4/13/45	Truman	Auth cert. for probational appt of persons who lost opportunity b/c of entry into armed forces	1	probational appointment
9539	4/13/45	Truman	Reinstating Avra M. Warren in the Foreign Service of the United States	1	Avra Warren
9540	4/17/45	Truman	Auth the Petroleum Admin to take possession/operate the plants and facilities of Cities Service Refining Corporation, located in and around Lake Charles, LA	1	cities service refining corporation
9541	4/19/45	Truman	Transfer Off of Surplus Property of Procurement Div of the Dept of Treas to the Dept of Comm	2	treasury and commerce
9547	5/2/45	Truman	Providing for rep of the US in preparing/prosecuting charges of atrocities and war crimes	3	atrocities and war crimes
9548	5/3/45	Truman	Authorizing the Secretary of the Interior To Take Possession of and To Operate Certain Coal Mines	2	secretary of the interior, coal mine*
9562	6/4/45	Truman	Termination of the Office of Civilian Defense	0	Office of Civilian Defense, terminate OR termination
9567	6/8/45	Truman	Amending EO 9095, as amended by EO 9193, to Define further the functions/duties of the Alien Property Custodian as to property of Germany and Japan and Nationals Thereof	1	Alien Property Custodian, Germany OR Japan
9568	6/8/45	Truman	Providing for the Release of Scientific Information	2	scientific information
9572	6/15/45	Truman	Possession, Control, and Operation of Toledo, Peoria & Western Railroad	2	Toledo and Peoria and Western and railroad
9575	6/21/45	Truman	Declaring the Commissioned Corps of the Public Health Service to be a military service	1	Commissioned Corp* OR Public Health Service
9577	6/29/45	Truman	Terminating the War Food Administration and transferring its functions to the Sec of Ag	1	War Food Administration
9577-A	7/1/45	Truman	Auth the Petroleum Admin to take possession of/operate the plants/facilities of the Texas Company Located in or around Port Arthur, Texas	2	Petroleum Administration, Texas Company
9585	7/4/45	Truman	Auth the Sec of Navy to take poss of/operate the plants/facilities of Goodyear Tire & Rubber Company Inc.,	3	Goodyear Tire
9586	7/6/45	Truman	Medal of Freedom	1	Medal of Freedom
9597	8/14/45	Truman	Amending EO 9240 Entitled ``Regulations Relating to Overtime Wage Compensation"	2	overtime wage compensation
9599	8/18/45	Truman	..for the orderly mod of wartime controls over prices, wages, materials, and facilities	14	
9600	8/18/45	Truman	Amending EO 9240 Entitled ``Regulations Relating to Overtime Wage Compensation"	1	amend*, 9240
9601	8/21/45	Truman	Revocation of EO 9240, as amended, entitled ``Regs Relating to Overtime Compensation"	See note	
9602	8/23/45	Truman	Possession, Control, and Operation of the Transportation System, Plants, and Facilities of the Illinois Central Railroad Company	0	Illinois Central Railroad
9603	8/25/45	Truman	Termination of Possession of Certain Property Taken by the Government	0	government, property, terminate OR termination
9604	8/25/45	Truman	Providing for the Release of Scientific Information	1	scientific

			(Extension and Amendment of EO 9568)		information
9605	8/29/45	Truman	Revokes Paragraph 4 EO 9279 of 12/5/1943, to permit vol enlistments in the Armed Forces	1	permit voluntary enlistments in armed forces
9608	8/31/45	Truman	Providing for the Termination of the Office of War Information, and for the Disposition of Its Functions and of Certain Functions of the Office of Inter-American Affairs	1	terminate OR termination, Office of War Information OR OWI
9613	9/13/45	Truman	Withdrawing/reserving for the use of the US lands containing radioactive minerals	1	radioactive minerals
9617	9/19/45	Truman	Transfer of Certain Agencies and Functions to the Department of Labor	4	Department of Labor OR Labor Department, transfer*
9621	9/20/45	Truman	Termination of the Office of Strategic Services and Disposition of its Functions	3	Office of Strategic Services OR OSS
9620	9/20/45	Truman	Abolishing the Office of Economic Stabilization and Transferring its Functions to the Office of War Mobilization and Reconversion	2	Office of Economic Stabilization, Office of War Mobilization and Reconversion
9626	9/24/45	Truman	Appointment of the Member and Alternate Member for the United States of the International Military Tribunal Established for the Trial and Punishment of the Major War Criminals	0	international military tribunal OR major war criminals
9630	9/27/45	Truman	Redist of foreign economic functions and functions wrt surplus property in foreign areas	1	surplus property, foreign economic function* OR foreign area*
9635	10/1/45	Truman	Organization of the Navy Department and the Naval Establishment	3	Navy Department OR naval establishment, organization OR reorganization
9638	10/4/45	Truman	Creating the Civilian Production Administration and Terminating the War Production Board	1	Civilian Production Administration, War Production Board, create OR terminate
9639	10/4/45	Truman	Auth the Sec Navy To Take Possession of and Operate Certain Plants and Facilities Used in the Transportation, Refining and Processing of Petroleum and Petroleum Products	3	Navy, petroleum OR petroleum products
9643	10/19/45	Truman	Transferring Certain Personnel, Records, Property, and Funds of the Department of Commerce, with Respect to Surplus Property, to the Reconstruction Finance Corporation	3	Department of Commerce OR Commerce Department, surplus property OR property, Reconstruction Finance Corporation
9646	10/25/45	Truman	Coat of Arms, Seal, and Flag of the President of the United States	1	flag
9651	10/30/45	Truman	Amend EO 9599, Providing for Assistance to Expanded Production and Continued Stabilization of the National Economy During the Transition from War to Peace,	7	economy, transition from war to peace
9658	11/21/45	Truman	Poss, control, & op of transportation sys, plants, & facilities of the Capital Transit Company	0	Capital Transit Company
9665	12/27/45	Truman	Transfer of the Functions of the Small War Plants Corporation to the Reconstruction Finance Corporation and the Department of Commerce	1	Small War Plants Corporation OR SWPC, Reconstruction Finance Corporation OR RFC, Commerce

					Department OR Department of Commerce
9666	12/28/45	Truman	Directing the Return of the Coast Guard to the Treasury Department	1	Coast Guard, Treasury Department OR Treasury
9669	12/28/45	Truman	Transfer of Air-Navigation Facilities and Functions in Iran From the War Department to the Administrator of Civil Aeronautics	1	War Department, Administration of Civil Aeronautics, Iran
9672	12/31/45	Truman	Establishing the National Wage Stabilization Board and Terminating the National War Labor Board	4	National Wage Stabilization Board, National War Labor Board
9674	1/4/46	Truman	Liquidation of War Agencies	1	liquidation OR liquidate, war agency OR war agencies
9679	1/16/46	Truman	Amend EO 9547, Entitled "Providing for Representation of the United States in Preparing and Prosecuting Charges of Atrocities and War Crimes Against the Leaders of the European Axis Powers and Their Principal Agents and Accessories"	3	atrocities and war crimes
9682	1/18/46	Truman	Providing for the Furnishing of Information and Assistance to the Joint Anglo-American Committee of Inquiry on Jewish Problems in Palestine and Europe	1	Anglo-American Committee of Inquiry, Palestine
9683	1/19/46	Truman	Restores limits on punishments for certain violations of Articles of War 58, 59, 61 and 86	0	punishment*, violation*
9685	1/24/46	Truman	Authorizing the Secretary of Agriculture To Take Possession of and Operate Certain Plants and Facilities Used in the Production, Processing, Transportation, Sale and Distribution of Livestock, Meat, Meat Products and By-Products	2	Secretary of Agriculture OR Agriculture Secretary, livestock OR meat
9689	1/31/46	Truman	Consolidation of Surplus Property Functions	2	surplus property
9691	2/4/46	Truman	Directing the Civil Service Commission To Resume Operations Under the Civil Service Rules, and Authorizing the Adoption of Special Regulations During the Transitional Period	0	Civil Service Commission
9693	2/5/46	Truman	Poss, Control, and Operation of the Transportation Systems, Plants, and Facilities of Certain Towing and Transportation Companies Operating in NY Harbor and Conti Waters	1	Conti Waters, NY Harbor OR New York Harbor
9697	2/14/46	Truman	Providing for continued stabilization of the nat'l econ the trans from war to peace	7	stabilize OR stabilization, war, peace
9698	2/19/46	Truman	Designating Public International Organizations Entitled to Enjoy Certain Privileges, Exemptions, and Immunities	1	public international organizations
9699	2/21/46	Truman	Re-Establishing the Office of Economic Stabilization	2	Office of Economic Stabilization
9701	3/4/46	Truman	Providing for the Reservation of Rights to Fissionable Materials in Lands Owned by the US	1	fissionable material*
9702	3/8/46	Truman	Creating an Emergency Board To Investigate a Dispute Between the Alton Railroad Company and Other Carriers, and Certain of Their Employees	0	Alton Railroad Company OR Alton
9710	4/10/46	Truman	Terminating the Office of Inter-American Affairs and Transferring Certain of Its Functions	1	Office of Inter- American Affairs
9711	4/11/46	Truman	Providing Reemployment Benefits for Federal Civilian Employees Who Enter Civilian Service With the War or Navy Departments in Occupied Areas	1	reemployment benefits
9715	4/23/46	Truman	Death of Harlan Fiske Stone	2	Harlan Stone
9716	4/24/46	Truman	Creating an Emergency Board To Investigate a Dispute Between the Railway Express Agency, Inc., and Certain of Its Employees	1	Railway Express Agency
9718	5/3/46	Truman	Termination of the Petroleum Administration for War	1	Petroleum Administration for

					War, terminate OR termination
9719	5/7/46	Truman	Creating an Emergency Board To Investigate Disputes Between the Transcontinental & Western Air, Inc., and Other Carriers, and Certain of Their Employees	3	Transcontinental & Western Air
9722	5/13/46	Truman	Reassignment of the Functions of Supply Command and the Commanding General, Services of Supply	2	services of supply
9723	5/14/46	Truman	Termination of the President's War Relief Control Board	1	War Relief Control Board
9725	5/16/46	Truman	Designates the Alien Property Custodian To Administer the Powers/Authority Conferred Upon the President by Sections 20 and 32 of the Trading With the Enemy Act	1	Alien Property Custodian
9727	5/17/46	Truman	Possession, Control, and Operation of Certain Railroads	4	railroad*, possession, control
9728	5/21/46	Truman	Authorizing the Secretary of the Interior To Take Possession of and To Operate Certain Coal Mines	10	coal mine*, Secretary of the Interior OR Interior Secretary
9729	5/23/46	Truman	Further Defining the Functions and Duties of the Office of Defense Transportation	2	Office of Defense Transportation
9731	5/29/46	Truman	Creating an Emergency Board To Investigate a Dispute Between the Hudson & Manhattan Railroad Company and Certain of Its Employees	5	Hudson & Manhattan Railroad Company
9734	6/6/46	Truman	President's Certificate of Merit	1	merit, certificate OR award
9735	6/11/46	Truman	Establishing a Cabinet Committee on Palestine and Related Problems	1	cabinet committee, Palestine
9736	6/14/46	Truman	Possession, Control, and Operation of the Transportation System, Plants, and Facilities of the Monongahela Connecting Railroad Company	1	Monongahela
9745	6/30/46	Truman	Providing for the Interim Administration of Certain Continuing Functions of the Office of Price Administration	2	Office of Price Administration OR OPA, interim
9760	7/23/46	Truman	Conferring Certain Authority Upon the Secretary of State With Regard to Diplomatic and Consular Property of Germany and Japan Within the United States	1	Germany OR Japan, property
9762	7/25/46	Truman	Transferring the Functions of the Office of Economic Stabilization to the Office of War Mobilization and Reconversion	2	Office of Economic Stabilization OR OES, Office of War Mobilization and Reconversion OR OWMR
9763	7/27/46	Truman	Creating an Emergency Board To Investigate a Dispute Between the Pullman Company and Certain of its Employees	1	Pullman
9764	7/29/46	Truman	Inspection of Income, Excess-Profits, Declared Value Excess-Profits, and Capital Stock Tax Returns by the Special Committee Established Pursuant to Senate Resolution 71, Seventy-Seventh Congress To Investigate the Operation of the National-Defense Program	1	special committee, Senate Resolution 71
9770	8/22/46	Truman	Creating an Emergency Board To Investigate a dispute Between the Long Island Railroad Company and Certain of its Employees	2	Long Island Railroad
9775	9/3/46	Truman	Establishing the Federal Committee on Highway Safety	1	Federal Committee on Highway Safety
9781	9/19/46	Truman	Establishing the Air Coordinating Committee	1	Air Coordinating Committee
9791	10/17/46	Truman	Providing for a Study of Scientific Research and Development Activities and Establishing the President's Scientific Research Board	2	Scientific Research Board
9801	11/9/46	Truman	Removing Wage and Salary Controls Adopted Pursuant to the Stabilization Act of 1942	3	wage and salary controls
9803	11/16/46	Truman	Creating an Emergency Board To Investigate a Dispute Between the Lehigh Valley Railroad Company and Certain of its Employees	1	Lehigh Valley Railroad Company
9806	11/25/46	Truman	Establishing the President's Temporary Commission on	3	Temporary

			Employee Loyalty		Commission on Employee Loyalty
9808	12/5/46	Truman	Establishing the President's Committee on Civil Rights	2	Committee on Civil Rights, establish*
9810	12/12/46	Truman	Excusing Federal Employees From Duty One-Half Day on December 24, 1946	0	federal employee, December 24 OR December Twenty-Four
9809	12/12/46	Truman	Providing for the Disposition of Certain War Agencies (refer to EO 9762)	3	war agencies, consolidate* OR abolish*
9812	12/19/46	Truman	Inspection of Income, Excess-Profits, and Declared Value Excess-Profits Tax Returns by the Committee on Naval Affairs, House of Representatives	1	Committee on Naval Affairs OR Naval Affairs Committee
9813	12/20/46	Truman	Appointment of the Members and the Alternate Member of a Military Tribunal Established for the Trail and Punishment of Major War Criminals in Germany	1	Germany OR war criminals, member OR alternative member
9814	12/23/46	Truman	Establishing an Amnesty Board To Review Convictions of Persons Under the Selective Training and Service Act of 1940 and To Make Recommendations for Executive Clemency With Respect Thereto	1	amnesty board
9816	12/31/46	Truman	Providing for the Transfer of Properties and Personnel to the Atomic Energy Commission	2	Atomic Energy Commission
9817	12/31/46	Truman	Regulations Governing Awards to Federal Employees for Meritorious Suggestions and for Exceptional or Meritorious Service	1	merit*
9820	1/11/47	Truman	Segregation of the Functions of the Housing Expediter from the Functions of the National Housing Administrator	1	Housing Expediter, National Housing Administrator
9822	1/13/47	Truman	Disposal of Certain Finnish Merchant Vessels to the Former Owners Thereof	1	Finnish merchant vessels OR Finnish ships
9828	2/21/47	Truman	Transferring the Surplus Property Office of the Department of the Interior to the War Assets Administration	1	Surplus Property Office, War Assets Administration
9830	2/24/47	Truman	Amending the Civil Service Rules and Providing for Federal Personnel Administration	1	Civil service rule* OR rule*, Federal Personnel Administration
9832	2/25/47	Truman	Prescribing Procedures for the Administration of the Reciprocal Trade Agreements Program	3	Reciprocal Trade Agreements Program
9835	3/22/47	Truman	Prescribing Procedures for the Administration of an Employees Loyalty Program in the Executive Branch of the Government	17	loyalty review board OR employees loyalty program
9841	4/23/47	Truman	Termination of the Office of Temporary Controls	1	Office of Temporary Controls
9842	4/23/47	Truman	Conduct of Certain Litigation Arising Under Wartime Legislation	0	litigation, wartime legislation OR wartime laws
9844	4/28/47	Truman	Designating the United States Mission to the United Nations and Providing for its Direction and Administration	1	United States Mission to the United Nations
9843	4/29/47	Truman	Authorizing the Secretary of the Navy To Transfer Certain Vessels and Material and To Furnish Certain Assistance to the Republic of China	1	China
9847	5/6/47	Truman	Liquidation of the Solid Fuels Administration for War	1	Solid Fuels Administration for War
9857	5/22/47	Truman	Regulations for Carrying Out the Provisions of the Act Entitled "An Act To Provide for Assistance to Greece and Turkey"	3	Greece, Turkey
9857-A	5/23/47	Truman	Medal for Merit	0	Medal for Merit

9857-B	5/23/47	Truman	Amendment of Executive Order No. 9734 of June 6, 1946, Establishing the President's Certificate of Merit	0	Certificate of Merit OR merit certificate
9860	5/31/47	Truman	Restoring Certain Land, and Granting an Easement in Certain Other Land, to the Territory of Hawaii	0	Hawaii
9861	5/31/47	Truman	Restoring Certain Lands of the Fort Armstrong Military Reservation to the Use of the Territory of Hawaii	0	Fort Armstrong Military Reservation
9862	5/31/47	Truman	Providing for the Transfer of Personnel to the American Mission for Aid to Greece and the American Mission for Aid to Turkey	1	Greece, Turkey
9864	5/31/47	Truman	Regulations for Carrying Out the Provisions of the Joint Resolution Entitled "Joint Resolution Providing for Relief Assistance to the People of Countries Devastated by War"	0	relief assistance
9858	5/31/47	Truman	Appointment of the Members and the Alternate Member of a Military Tribunal Established for the Trial and Punishment of Major War Criminals in Germany	1	Germany OR war criminals, member OR alternate member
9865	6/14/47	Truman	Providing for the Protection Abroad of Inventions Resulting From Research Financed by the Government	1	invention*, protection*
9874	7/18/47	Truman	Creating an Emergency Board To Investigate Disputes Between the Southern Pacific Company (Pacific Lines), the Northwestern Pacific Railroad Company, and the San Diego & Arizona Eastern Railway Company, and Certain of Their Employees	1	Southern Pacific Company OR Northwestern Pacific Railroad Company
9875	7/18/47	Truman	Providing an Interim Administration for the Trust Territory of the Pacific Islands	1	trust territory OR territorial trust
9877	7/26/47	Truman	Functions of the Armed Forces	2	Armed Forces
9883	8/11/47	Truman	Revoking Executive Order No. 9172 of May 22, 1942, Establishing a Panel for the Creation of Emergency Boards for the Adjustment of Railway Labor Disputes	1	railway labor disputes
9891	9/15/47	Truman	Creating an Emergency Board To Investigate a Dispute Between the Railway Express Agency, Inc., and Certain of its Employees	1	Railway Express Agency
9896	10/2/47	Truman	Display of the Flag of the United States at Half-Mast To Honor the Return of World War II Dead from Overseas	1	flag
9904	11/13/47	Truman	Amending Paragraph 8 of Executive Order No. 9635 of September 29, 1945, Prescribing the Order of Succession of Officers Authorized To Act as Secretary of the Navy	1	Secretary of the Navy
9912	12/24/47	Truman	Establishing the Interdepartmental Committee on Scientific Research and Development	4	Interdepartmental Committee
9914	12/26/47	Truman	Providing for the Administration of the Foreign Aid Act of 1947	2	Foreign Aid Act
9915	12/30/47	Truman	Delegating to the Secretary of Agriculture the Authority Vested in the President by Section 4 (b) of the Joint Resolution Approved December 30, 1947	1	Secretary of Agriculture OR Agriculture Secretary
9919	1/3/48	Truman	Delegating Authority and Establishing Procedures Under the Joint Resolution Approved December 30, 1947	2	delegate OR delegating
9925	1/17/48	Truman	Establishing Airspace Reservations Over Certain Facilities of the United States Atomic Energy Commission	1	Atomic Energy Commission
9934	3/5/48	Truman	Creating a Board of Inquiry To Report on a Labor Dispute Affecting the Operation of Atomic Energy Facilities	1	atomic energy, labor
9935	3/16/48	Truman	Directing the Transfer of Certain Vessels to the Government of Italy	1	Italy
9939	3/23/48	Truman	Creating a Board of Inquiry To Report on a Labor Dispute Affecting the Bituminous Coal Industry of the United States	3	Bituminous Coal Industry
9944	4/9/48	Truman	Auth the Dept of State to Admin certain Functions Under the Foreign assist Act of 1948	0	Foreign Assistance Act
9943	4/9/48	Truman	Providing for Carrying Out the Foreign Assistance Act of 1948		Foreign Assistance Act
9957	5/10/48	Truman	Possession, Control, and Operation of Railroads	6	railroad*, possession, control
9958	5/15/48	Truman	Creating an Emergency Board To Investigate a Dispute Between the National Airlines, Inc., and Certain of its Employees	1	National Airlines

9964	6/3/48	Truman	Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States	0	maritime industry
9966	6/4/48	Truman	Exemption of Carroll Miller From Compulsory Retirement for Age	2	Carroll Miller
9979	7/20/48	Truman	Prescribing Portions of the Selective Service Regulations and Authorizing the Director of Selective Service To Perform Certain Functions of the President Under the Selective Service Act of 1948	0	Selective Service
9981	7/26/48	Truman	Establishing the President's Committee on Equality of Treatment and Opportunity in the Armed Services	5	committee, equality of treatment, opportunity
9980	7/26/48	Truman	Regulations Governing Fair Employment Practices Within the Federal Establishment	2	fair employment practices
9987	8/17/48	Truman	Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States	1	maritime industry
9988	8/20/48	Truman	Prescribing Portions of the Selective Service Regulations	2	Selective Service
9991	8/26/48	Truman	Creating an Emergency Board To Investigate a Dispute Between the Pittsburgh & West Virginia Railway Company and Certain of Its Employees	1	Pittsburgh & West Virginia Railway
9992	8/28/48	Truman	Amending the Selective Service Regulations	1	Selective Service
10003	10/4/48	Truman	Providing for the Investigation of and Report on Displaced Persons Seeking Admission into the United States	1	displaced persons
10004	10/5/48	Truman	Prescribing Procedures for the Administration of the Reciprocal Trade Agreements Program	5	reciprocal trade agreements
10007	10/15/48	Truman	Organization of the Reserve Units of the Armed Forces	5	reserve units, armed forces
10008	10/18/48	Truman	Amending the Selective Service Regulations	1	Selective Service
10009	10/18/48	Truman	Revoking in Part Executive Orders No. 589 of March 14, 1907, and No. 1712 of February 24, 1913	0	589, 1712
10010	10/18/48	Truman	Creating an Emergency Board To Investigate Disputes Between the Akron & Barberton Belt Railroad Company and Other Carriers, and Certain of Their Employees	0	Akron & Barberton Belt Railroad OR Akron and Barberton Belt Railroad
10013	10/27/48	Truman	Establishing the President's Committee on Religious and Moral Welfare and Character Guidance in the Armed Forces	1	religious and moral welfare, character guidance
10016	11/10/48	Truman	Coat of Arms, Seal, and Flag of the Vice President of the United States	1	flag OR coat of arms, Vice President
10019	12/2/48	Truman	Excusing Federal Employees From Duty One-Half Day on December 24, 1948	0	excuse OR excusing, federal employees
10021	12/14/48	Truman	Further Exemption of Harry B. Mitchell From Compulsory Retirement for Age	0	Harry Mitchell
10028	1/13/49	Truman	Defining Noncombatant Service and Noncombatant Training	1	noncombatant service OR noncombatant training
10029	1/19/49	Truman	Creating an Emergency Board To Investigate a Dispute Between the Northwest Airlines, Inc., and Certain of its Employees	1	Northwest Airlines
10030	1/26/49	Truman	Administration and Supervision of the District of Columbia National Guard	1	National Guard
10032	1/28/49	Truman	Creating an Emergency Board To Investigate a Dispute Between the Akron, Canton and Youngstown Railroad Company and Other Carriers, and Certain of Their Employees	1	railroad carriers
10038	2/15/49	Truman	Creating an Emergency Board To Investigate Dispute Between the Carriers Represented by the Eastern Carriers' Conference Committee and Southeastern Carriers' Conference Committee, and Certain of Their Employees	1	Eastern Carriers' Conference Committee OR Southeastern Carriers'

					Conference Committee
10045	3/15/49	Truman	Creating an Emergency Board To Investigate a Dispute Between the Wabash Railroad Company and the Ann Arbor Railroad Company and Certain of Their Employees	1	Wabash Railroad OR Ann Arbor Railroad
10050	4/9/49	Truman	Creating an Emergency Board To Investigate a Dispute Between the Railway Express Agency, Inc., and Certain of its Employees	1	Railway Express Agency
10051	4/15/49	Truman	Creating an Emergency Board To Investigate a Dispute Between the Aliquippa and Southern Railroad Company and Certain of its Employees	0	Aliquippa and Southern Railroad Company
10056	5/12/49	Truman	Creating an Emergency Board To Investigate a Dispute Between the Union Railroad Company (Pittsburgh) and Certain of its Employees	1	Union Railroad Company OR Pittsburgh
10057	5/14/49	Truman	Transferring to the American Battle Monuments Commission Functions Pertaining to Certain United States Military Cemeteries	1	American Battle Monuments Commission, cemeteries
10062	6/6/49	Truman	Establishing the Position of United States High Commissioner for Germany	1	United States High Commissioner for Germany
10067	7/8/49	Truman	Creating an Emergency Board To Investigate a Dispute Between the Missouri Pacific Railroad Company and Certain of its Employees	1	Missouri Pacific Railroad
10068	7/13/49	Truman	Revoking Executive Order No. 2458 of September 20, 1916, Establishing an Inter-Departmental Board on International Service of Ice Observation, Ice Patrol, and Ocean Derelict Destruction	1	ice observation OR ice patrol
10077	9/7/49	Truman	Transfer of the Administration of the Island of Guam from the Secretary of the Navy to the Secretary of the Interior	1	Guam
10092	12/17/49	Truman	Establishing an Airspace Reservation Over Certain Areas of the Superior National Forest in Minnesota	2	Minnesota
10095	1/3/50	Truman	Establishment of the President's Water Resources Policy Commission	1	Water Resources Policy Commission
10099	1/27/50	Truman	Providing for the Administration of the Mutual Defense Assistance Act of 1949	1	Mutual Defense Assistance Act
10101	1/31/50	Truman	Amendment of Executive Order No. 9746 of July 1, 1946, Relating to the Panama Canal	2	Panama Canal
10102	1/31/50	Truman	Transfer of Certain Business Operations, Facilities and Appurtenances From the Panama Canal to the Panama Railroad Company		Panama Canal
10106	2/6/50	Truman	Creating a Board of Inquiry To Report on a Labor Dispute Affecting the Bituminous Coal Industry of the United States	5	bituminous coal
10114	3/3/50	Truman	Creating an Emergency Board To Investigate a Dispute Between the Terminal Railroad Association of St. Louis and Certain of its Employees	1	Terminal Railroad Association
10117	3/20/50	Truman	Creating an Emergency Board To Investigate a Dispute Between the Carriers Represented by the Western Carriers' Conference Committee and Certain of Their Employees	1	Western Carriers' Conference Committee
10120	4/11/50	Truman	Creating an Emergency Board To Investigate a Dispute Between the Carriers Represented by the Eastern Carriers' Conference Committee, the Western Carriers' Conference Committee, and the Southeastern Carriers' Conference Committee	1	dispute, railroad, board OR investigate
10122	4/14/50	Truman	Regulations Governing Payment of Disability Retirement Pay, Hospitalization, and Re-Examination of Members and Former Members of the Uniformed Services	1	disability retirement pay, hospitalization, and re-examination OR reexamination
10129	6/3/50	Truman	Establishing the President's Commission on Migratory Labor	2	Commission on Migratory Labor
10130	6/6/50	Truman	Creating an Emergency Board To Investigate a Dispute Between the Boston & Albany Railroad Company (New York Central R.R. Company, Lessee) and Certain of its	1	Boston & Albany Railroad OR New York Central R.R.



			Employees		Company
10131	6/16/50	Truman	Providing for the Investigation of and Report on Displaced Persons and Persons of German Ethnic Origin Seeking Admission Into the United States	1	displaced persons, German ethnic origin
10132	6/17/50	Truman	Inspection of Income, Excess-Profits, Declared Value Excess-Profits, Capital Stock, Estate, and Gift Tax Returns by the Senate Special Committee To Investigate Crime in Interstate Commerce	1	interstate commerce, crime
10141	7/8/50	Truman	Possession, Control, and Operation of the Transportation System of the Chicago, Rock Island & Pacific Railroad Company	1	Rock Island & Pacific Railroad
10145	7/27/50	Truman	Extension of Enlistments in the Armed Forces of the United States	1	extension, enlistments
10137	7/30/50	Truman	Amending Executive Order No. 10077 of September 7, 1949, Entitled "Transfer of the Administration of the Island of Guam From the Secretary of the Navy to the Secretary of the Interior"	0	Guam
10146	8/2/50	Truman	Exemption of William J. Patterson From Compulsory Retirement for Age	1	William Patterson
10152	8/17/50	Truman	Regulations Relating to the Right of Members of the Uniformed Services to Incentive Pay for the Performance of Hazardous Duty Required by Competent Orders	1	incentive pay
10155	8/25/50	Truman	Possession, Control, and Operation of Certain Railroads	3	railroad*, possession, control
10159	9/8/50	Truman	Providing for the Administration of the Act for International Development	2	Act for International Development
10160	9/9/50	Truman	Providing for the Preservation of Records for Certain Purposes of the Defense Production Act of 1950	2	preservation of records OR preserve records
10161	9/9/50	Truman	Delegating Certain Functions of the President Under the Defense Production Act of 1950	12	delegating certain functions
10167	10/11/50	Truman	Prescribing or Amending Portions of the Selective Service Regulations	2	Selective Service regulations
10171	10/12/50	Truman	Transferring Occupation Functions in Austria to the Department of State	0	Austria
10173	10/18/50	Truman	Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States	1	vessels, harbors, ports, waterfront facilities
10178	10/30/50	Truman	Reserving Certain Real and Personal Property in Guam for the Use of the United States	1	Guam
10180	11/13/50	Truman	Establishing Special Personnel Procedures in the Interest of the National Defense	0	special personnel procedures OR special procedures for personnel
10182	11/21/50	Truman	Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950 and Prescribing Regulations for Their Exemption From Certain Conflict of Interest Statutes	0	Defence Production Act, conflict of interest
10186	12/1/50	Truman	Establishing the Federal Civil Defense Administration in the Office for Emergency Management of the Executive Office of the President	2	Federal Civil Defense Administration
10193	12/16/50	Truman	Providing for the Conduct of the Mobilization Effort of the Government	4	mobilization, defense
10200	1/3/51	Truman	Establishing the Defense Production Administration	2	Defense Production Administration
10202	1/13/51	Truman	Prescribing or Amending Portions of the Selective Service Regulations	4	amend*, selective service
10207	1/23/51	Truman	Establishing the President's Commission on Internal Security and Individual Rights	9	Commission on Internal Security and Individual Rights
10208	1/25/51	Truman	Providing for the Administration of the Yugoslav Emergency Relief Assistance Act of 1950	1	Yugoslav
10214	2/8/51	Truman	Prescribing the Manual for Courts-Martial, United States, 1951	1	courts-martial OR court-martials,

					manual
10219	2/28/51	Truman	Defining Certain Responsibilities of Federal Agencies With Respect to Transportation and Storage	1	transportation, storage
10224	3/15/51	Truman	Establishing the National Advisory Board on Mobilization Policy	6	National Advisory Board on Mobilization Policy
10226	3/23/51	Truman	Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities in the Canal Zone	1	canal zone
10230	3/31/51	Truman	Amending the Selective Service Regulations	6	amend*, selective service
10233	4/21/51	Truman	Amending Executive Order 10161 With Respect to Wage Stabilization and Settlement of Labor Disputes	8	wage stabilization, labor dispute*
10241	4/28/51	Truman	Amending Executive Order No. 9835 Entitled "Prescribing Procedures for the Administration of an Employees Loyalty Program in the Executive Branch of the Government"	2	9835
10245	5/17/51	Truman	Establishing a Commission for the Commemoration of the One Hundred and Seventy-Fifth Anniversary of the Signing of the Declaration of Independence	2	Declaration of Independence
10250	6/5/51	Truman	Providing for the Performance of Certain Functions of the President by the Secretary of the Interior	2	Secretary of Interior OR Interior Secretary
10251	6/7/51	Truman	Suspension of the Eight-Hour Law as to Laborers and Mechanics Employed by the Department of Defense on Public Work Essential to the National Defense	1	defense, 8 OR eight, hour
10263	6/29/51	Truman	Transfer of the Panama Canal (the Waterway), Together With Facilities and Appurtenances Related Thereto, and Other Facilities and Appurtenances Maintained and Operated by the Panama Canal (the Agency), to the Panama Railroad Company	1	Panama Canal OR Panama Railroad Company
10264	6/29/51	Truman	Transfer of the Administration of American Samoa From the Secretary of the Navy to the Secretary of the Interior	0	American Samoa
10270	7/6/51	Truman	Extension of Enlistments in the Armed Forces of the United States	1	enlistments, Armed Forces
10271	7/7/51	Truman	Delegating Authority of the President To Order Members and Units of Reserve Components of Armed Forces Into Active Federal Duty	2	active federal duty
10276	7/31/51	Truman	Administration of the Housing and Rent Act of 1947, as Amended, and Termination of the Office of the Housing Expediter	1	Office of the Housing Expediter
10281	8/28/51	Truman	Defense Materials Procurement and Supply (refer to EO#10200)	3	Defense Production Administration, procurement OR supply
10283	8/30/51	Truman	Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Copper and Non-Ferrous Metals Industry	1	copper, non-ferrous metals
10284	9/1/51	Truman	Extension of Time Relating to the Disposition of Certain Housing	1	extension, housing
10290	9/24/51	Truman	Prescribing Regulations Establishing Minimum Standards for the Classification, Transmission, and Handling, by Department and Agencies of the Executive Branch, of Official Information Which Requires Safeguarding in the Interest of the Security of the US	5	classification, transmission, handling
10291	9/25/51	Truman	Establishing an Airspace Reservation Over the Savannah River Plant of the United States Atomic Energy Commission	1	Savannah River Plant
10302	11/2/51	Truman	Interdepartmental Committee on Narcotics	1	Interdepartmental Committee on Narcotics
10303	11/6/51	Truman	Creating an Emergency Board To Investigate a Dispute Between Certain Transportation Systems Operated by the Secretary of the Army and Certain of Their Employees	0	transportation, emergency board, army
10304	11/12/51	Truman	Inspection of Income, Excess-Profits, Declared Value Excess-Profits, Capital Stock, Estate, and Gift Tax Returns by the Senate Committee on the District of	1	income, profits, Senate

			Columbia		
10308	12/3/51	Truman	Improving the Means for Obtaining Compliance With the Nondiscrimination Provisions of Federal Contracts	6	nondiscrimination provisions
10314	12/17/51	Truman	Creating an Emergency Board To Investigate a Dispute Between Pan American Airways, Inc., and Certain of Its Employees	1	Pan American Airways
10318	1/3/52	Truman	Establishing the Missouri Basin Survey Commission	1	Missouri
10321	1/24/52	Truman	Inspection of Income, Excess-Profits, Declared Value Excess-Profits, Capital Stock, Estate, and Gift Tax Returns by the Senate Committee on Rules and Administration	0	income, profits, Senate
10323	2/5/52	Truman	Transferring Certain Functions and Delegating Certain Powers to the Small Defense Plants Administration	1	Small Defense Plants Administration
10327	2/20/52	Truman	Investigations Relating to the Conduct of Government Business	0	conduct, investigation*
10332	3/7/52	Truman	Prescribing the Order of Succession of Officers To Act as Secretary of Defense, Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force	1	order of succession
10339	4/5/52	Truman	Extensions of Time Relating to the Disposition of Certain Housing	1	extension, housing
10340	4/8/52	Truman	Directing the Secretary of Commerce To Take Possession of and Operate the Plants and Facilities of Certain Steel Companies	10	possess*, operat*, steel
10342	4/12/52	Truman	Restoring Lands of the Sugar Loaf Military Reservation and Right-of-Way Thereto to the Jurisdiction of the Territory of Hawaii	1	Hawaii
10343	4/12/52	Truman	Inspection of Tax Returns by Committee on the Judiciary, House of Representatives	1	tax returns
10346	4/17/52	Truman	Preparation by Federal Agencies of Civil Defense Emergency Plans	2	civil defense, emergency
10345	4/17/52	Truman	Extension of Enlistments in the Armed Forces of the United States	1	enlistments, Armed Forces
10365	6/24/52	Truman	Suspension of Certain Provisions of the Officer Personnel Act of 1947, as Amended, Which Relate to Officers of the Marine Corps	0	officers, Marine Corps
10366	6/26/52	Truman	Amending the Selective Service Regulations	2	amend*, selective service
10371	7/9/52	Truman	Creating an Emergency Board To Investigate a Dispute Between the Trans World Airlines, Inc., and Certain of its Employees	1	Trans World Airlines
10377	7/25/52	Truman	Providing for the Composition of the Wage Stabilization Board	1	Wage Stabilization Board
10379	8/2/52	Truman	Suspension of the Operation of Certain Provisions of the Officer Personnel Act of 1947 Applicable to the Retirement of Colonels of the Regular Army and the Regular Air Force	1	retirement, Army OR Air Force, colonel* OR officer*
10382	8/9/52	Truman	Providing for the Liquidation of the Affairs of the Displaced Persons Commission	1	displaced persons, commission
10386	8/20/52	Truman	Inspection of Files Covering Compromise Settlements of Tax Liability	1	tax liability
10392	9/4/52	Truman	Establishing the President's Commission on Immigration and Naturalization	1	commission, immigration, naturalization
10397	9/25/52	Truman	Continuing in Effect Certain Appointments as Officers and Warrant Officers of the Army and Air Force	1	officers OR warrant officers, army OR air force, appointment*
10401	10/14/52	Truman	Prescribing Procedures for Periodic Review of Escape-Clause Modification of Trade-Agreement Concessions	1	escape-clause modification, trade-agreement concessions
10408	11/10/52	Truman	Transfer of the Administration of the Portion of the Trust Territory of the Pacific Islands Which Includes the Islands of Tinian and Saipan From the Secretary of the Interior to the Secretary of the Navy	1	Tinian OR Saipan
10412	11/15/52	Truman	Inspection of Returns by Senate Committee on the	0	inspect*, tax

			Judiciary		returns
10421	12/31/52	Truman	Providing for the Physical Security of Facilities Important to the National Defense	1	security, facilities
10422	1/9/53	Truman	Prescribing Procedures for Making Available to the Secretary General of the United Nations Certain Information Concerning United States Citizens Employed or Being Considered for Employment on the Secretariat of the United Nations	13	United Nations OR U.N., employ*, citizens
10426	1/16/53	Truman	Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve	13	Naval Petroleum Reserve
10432	1/24/53	Eisenhower	Establishing the President's Advisory Committee on Government Organization	1	Advisory Committee on Government Organization
10433	2/4/53	Eisenhower	Further Providing for the Administration of the Defense Production Act of 1950, as Amended	1	Defense Production Act
10434	2/6/53	Eisenhower	Suspension of Wage and Salary Controls Under the Defense Production Act of 1950, as Amended	4	Defense Production Act
10435	2/6/53	Eisenhower	Inspection of Income, Excess-Profits, Declared Value Excess-Profits, Capital Stock, Estate, and Gift Tax Returns by the Senate Committee on Government Operations	2	income, profits, Senate
10440	3/31/53	Eisenhower	Amendment of Civil Service Rule VI	0	civil service, rule 6 OR rule vi
10443	4/7/53	Eisenhower	Suspension of the Eight-Hour Law as to Laborers and Mechanics Employed by the Atomic Energy Commission on Public Work Essential to the National Defense	1	atom, 8 OR eight, hour
10449	4/24/53	Eisenhower	Creating an Emergency Board To Investigate a Dispute Between the New York, Chicago, & St. Louis Railroad Company and Certain of its Employees	1	emergency board, railroad
10450	4/27/53	Eisenhower	Security Requirements for Government Employment	12	security requirements, governme*
10452	5/1/53	Eisenhower	Providing for the Performance by the Chairman of the Civil Service Commission of Certain Functions Relating to Personnel Management	1	civil service, chair*
10459	6/2/53	Eisenhower	Amend of EO 10422, Prescribing Procedures for Making Available to the Secretary General of the United Nations Certain Information Concerning United States Citizens Employed or Being Considered for Employment on the Secretariat of the United Nations	4	secretary general, employ*, citize* OR inform*
10460	6/16/53	Eisenhower	Providing for the Performance by the Director of Defense Mobilization of Certain Functions Relating to Telecommunications	0	telecommunicat*
10463	6/25/53	Eisenhower	Amendment of Section 6.4 of Civil Service Rule VI	3	civil service, rule, 6 or six
10467	6/30/53	Eisenhower	Further Providing for the Administration of the Defense Production Act of 1950, as Amended	0	Defense Production Act
10469	7/11/53	Eisenhower	Amending the Selective Service Regulations	3	selective service
10472	7/20/53	Eisenhower	Establishing the National Agricultural Advisory Commission	4	national agricultural advisory commission
10476	8/1/53	Eisenhower	Administration of Foreign Aid and Foreign Information Functions	0	foreign aid, foreign information
10477	8/1/53	Eisenhower	Authorizing the Director of the United States Information Agency To Exercise Certain Authority Available by Law to the Secretary of State and the Director of the Foreign Operations Administration	0	information agency
10479	8/15/53	Eisenhower	Establishing the Government Contract Committee	1	government contract committee
10483	9/2/53	Eisenhower	Establishing the Operations Coordinating Board	2	operations coordinating board
10486	9/12/53	Eisenhower	Providing for the Establishment of the Advisory Committee on Government Housing Policies and Programs	1	government housing policies

10489	9/26/53	Eisenhower	Providing for the Administration of Certain Loan and Loan Guarantee Functions Under the Defense Production Act of 1950, as amended	1	loan
10490	10/1/53	Eisenhower	Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States	1	labor, maritime
10491	10/13/53	Eisenhower	Amendment of Executive Order No. 10450 of April 27, 1953, Relating to Security Requirements for Government Employment	1	security requirements, employ*
10494	10/14/53	Eisenhower	Disposition of Functions Remaining Under Title IV of the Defense Production Act	1	defense production act (wq)
10497	10/27/53	Eisenhower	Amendment of the Regulations Relating to Commissioned Officers and Employees of the Public Health Service	1	public health service, office* OR employ*
10498	11/4/53	Eisenhower	Delegating to the Secretaries of the Military Departments and the Secretary of the Treasury Certain Authority Vested in the President by the Uniform Code of Military Justice	1	military justice, secretar*
10501	11/5/53	Eisenhower	Safeguarding Official Information in the Interests of the Defense of the United States	8	information, safeguard*
10505	12/10/53	Eisenhower	Amending the Selective Service Regulations	1	selective service
10511	12/28/53	Eisenhower	Creating an Emergency Board To Investigate Disputes Between the Akron, Canton and Youngstown Railroad Company and Other Carriers and Certain of Their Employees	1	emergency board, railroad
10521	3/17/54	Eisenhower	Administration of Scientific Research by Agencies of the Federal Government	1	scientific research, foundation
10523	3/26/54	Eisenhower	Designating March 31, 1954, as the Day For Dedication of the Memorial to Major General George W. Goethals and Excusing Federal Employees on the Isthmus of Panama From Duty on That Day	1	goethals
10530	5/10/54	Eisenhower	Providing for the Performance of Certain Functions Vested in or Subject to the Approval of the President	0	functio*, presiden*, perform OR exercise
10539	6/22/54	Eisenhower	Providing for the Administration of Functions Respecting Rubber, Tin, and Abaca Heretofore Administered by the Reconstruction Finance Corporation	1	reconstruction finance corporation
10556	9/1/54	Eisenhower	Authorizing Regulations for the Permanent Promotion and Reassignment of Federal Employees	1	employ*, promot* OR reassign*
10557	9/3/54	Eisenhower	Approving the Revised Provision in Government Contracts Relating to Nondiscrimination in Employment	1	contract*, nondiscriminat* OR discriminat*
10560	9/9/54	Eisenhower	Administration of the Agricultural Trade Development and Assistance Act of 1954	1	agricultural trade development (wq)
10561	9/13/54	Eisenhower	Designating Official Personnel Folders in Government Agencies as Records of the Civil Service Commission and Prescribing Regulations Relating to the Establishment, Maintenance, and Transfer	1	civil service, personnel folders (wq)
10562	9/20/54	Eisenhower	Amending the Selective Service Regulations	1	selective service
10569	10/5/54	Eisenhower	Amendment of Executive Order No. 10334 of March 26, 1952, Exempting Frederick C. Mayer From Compulsory Retirement for Age	1	mayer
10570	10/16/54	Eisenhower	Creating an Emergency Board To Investigate a Dispute Between the Pullman Company and Certain of Its Employees	1	
10577	11/22/54	Eisenhower	Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive Service	1	civil service, competit*
10580	12/4/54	Eisenhower	Excusing Federal Employees From Duty on December 24, and for One-Half Day on December 31, 1954	0	employ*, duty
10582	12/17/54	Eisenhower	Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act	12	buy-american OR buy american
10585	1/1/55	Eisenhower	Designating the Date of Termination of Combatant Activities in Korea and Waters Adjacent Thereto	1	korea
10587	1/13/55	Eisenhower	Administration of Section 32(h) of the Trading With the Enemy Act	1	trading with the enemy (wq) OR jew*

10590	1/18/55	Eisenhower	Establishing the President's Committee on Government Employment Policy	1	president's committee on government employment policy (wq)
10594	1/31/55	Eisenhower	Amending the Selective Service Regulations	0	selective service (wq)
10602	3/23/55	Eisenhower	Designating the Secretary of the Interior as the Representative of the President To Approve the Obligation and Expenditure of Certain Moneys by the Government of the Virgin Islands	1	virgin
10607	5/3/55	Eisenhower	Inspection of Income, Excess-Profits, Declared-Value Excess-Profits, Capital-Stock, Estate, and Gift Tax Returns by the Committee on Government Operations, House of Representatives	1	government operations
10608	5/5/55	Eisenhower	United States Authority and Functions in Germany	1	germany
10610	5/9/55	Eisenhower	Administration of Mutual Security and Related Functions	2	mutual security
10606	5/3/1955	Eisenhower	Inspection of Income, Excess-Profits, Declared-Value Excess-Profits, Capital-Stock, Estate, and Gift Tax Returns by the Senate Committee on Government Operations	1	government operations
10616	6/21/55	Eisenhower	Suspension of Certain Provisions of the Officer Personnel Act of 1947, as Amended, Which Relates to Officers of the Marine Corps of the Grade of Brigadier General	1	marine, brigadier general (wq)
10627	8/5/55	Eisenhower	Inspection of Income, Excess-Profits, Declared-Value Excess-Profits, Capital-Stock, Estate, and Gift Tax Returns by the Committee on Un-American Activities, House of Representatives	2	un-american activities (wq), tax
10629	8/13/55	Eisenhower	Authorizing Enlistments in the Ready Reserve of the Army Reserve and Marine Corps Reserve	1	reserve, army OR marine
10631	8/17/55	Eisenhower	Code of Conduct for Members of the Armed Forces of the United States	5	conduct, armed forces
10634	8/25/55	Eisenhower	Providing for Loans To Aid in the Reconstruction, Rehabilitation and Replacement of Facilities Which Are Destroyed or Damaged by a Major Disaster and Which Are Required for National Defense	2	loan*, disaster* OR defense
10635	9/1/55	Eisenhower	Creating an Emergency Board to Investigate a Dispute Between the Pennsylvania Railroad and Certain of its Employees	1	pennsylvania railroad (wq)
10637	9/16/55	Eisenhower	Delegating to the Secretary of the Treasury Certain Functions of the President Relating to the United States Coast Guard	1	coast guard
10636	9/16/55	Eisenhower	Amendment of Executive Order No. 10000 of September 16, 1948, Prescribing Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving	0	employ*, federal, pay OR compensat*, abroad OR outside
10638	10/10/55	Eisenhower	Authorizing the Director of the Office of Defense Mobilization To Order the Release of Strategic and Critical Materials From Stock Piles in the Event of an Attack Upon the United States	0	office of defense mobilization (wq)
10639	10/10/55	Eisenhower	Amendment of the Tariff of United States Foreign Service Fees	0	tariff
10640	10/10/55	Eisenhower	The President's Committee on Employment of the Physically Handicapped	0	handicap* OR president's committee
10645	11/22/55	Eisenhower	Amendment of Executive Order No. 9 of January 17, 1873, To Permit an Officer or Employee of the Federal Government To Hold the Office of Member of the State Board of Agriculture of the State of	0	agriculture
10647	11/28/55	Eisenhower	Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended	3	defense production act
10650	1/6/56	Eisenhower	Prescribing Regulations Governing the Selection of Certain Persons Who Have Critical Skills for Enlistment in Units of the Ready Reserve of the Armed Forces	2	skill*

10651	1/6/56	Eisenhower	Providing for the Screening of the Ready Reserve of the Armed Forces Established Under the Provisions of Part II of the Armed Forces Reserve Act of 1952, as Amended	1	ready reserve (wq), armed forces reserve (wq)
10653	1/6/56	Eisenhower	Designating the Honorable A. Cecil Snyder To Act, Under Certain Circumstances, as Judge of the United States District Court for the District of Puerto Rico During the Year 1956	1	snyder
10656	2/6/56	Eisenhower	Establishing the President's Board of Consultants on Foreign Intelligence Activities	1	foreign intelligence activities (wq)
10660	2/15/56	Eisenhower	Providing for the Establishment of a National Defense Executive Reserve	2	national defense executive reserve (wq)
10659	2/15/56	Eisenhower	Amending the Selective Service Regulations	1	selective service
10670	6/12/56	Eisenhower	Establishing a Flag for the United States Army	2	flag, army
10681	10/22/56	Eisenhower	Amendment of Executive Order No. 10152, Prescribing Regulations Relating to Incentive Pay for the Performance of Hazardous Duty	1	pay, incentiv* (including 10152)
10689	11/22/56	Eisenhower	Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States	2	board of inquiry (wq)
10691	12/5/56	Eisenhower	Creating an Emergency Board To Investigate a Dispute Between the Spokane, Portland & Seattle Railway Company and Certain of Its Employees Represented by the Brotherhood of Locomotive Engineers	1	rail*, board
10693	12/22/56	Eisenhower	Creating an Emergency Board To Investigate Disputes Between the Akron & Barberton Belt Railroad and Other Carriers and Certain of Their Employees	1	rail*, board
10700	2/25/57	Eisenhower	Further Providing for the Operations Coordinating Board	2	operations coordinating board (wq)
10702	3/12/57	Eisenhower	Rear Admiral Richard E. Byrd	1	byrd
10703	3/17/57	Eisenhower	Inspection of Income, Excess-Profits, Declared-Value Excess-Profits, Capital-Stock, Estate, and Gift Tax Returns by the Select Committee of the Senate Established by Senate Resolution 74, 85th Congress, To Investigate Improper Activities in Labor-Management Relations, and for Other Purposes	1	labor, management
10705	4/17/57	Eisenhower	Delegations of Certain Authority of the President Relating to Radio Stations and Communications	1	radio
10714	6/13/57	Eisenhower	Amending the Selective Service Regulations	2	selective service
10721	8/5/57	Eisenhower	The Honorable Walter F. George	1	george, walter
10723	8/6/57	Eisenhower	Creating an Emergency Board To Investigate a Dispute Between the General Managers' Association of New York Representing the New York Central Railroad....	1	rail*, board OR dispute
10724	8/12/57	Eisenhower	Establishing a Career Executive Committee	1	career executive committee (wq)
10728	9/6/57	Eisenhower	Establishing the President's Committee on Fund-Raising Within the Federal Service	1	fund-rais*
10730	9/24/57	Eisenhower	Providing Assistance for the Removal of an Obstruction of Justice Within the State of Arkansas	3	
10735	10/17/57	Eisenhower	Amending the Selective Service Regulations	0	selective service (wq)
10737	10/29/57	Eisenhower	Further Providing for the Administration of Disaster Relief	2	disaster
10739	11/15/57	Eisenhower	Amendment of Executive Order No. 10152, Prescribing Regulations Relating to Incentive Pay for the Performance of Hazardous Duty by Members of the Uniformed Services	1	hazard*
10741	11/25/57	Eisenhower	Establishing the Trade Policy Committee	1	trade policy committee (wq)
10742	11/29/57	Eisenhower	Further Providing for the Administration of Foreign-Aid Functions	1	foreign-aid
10745	12/12/57	Eisenhower	Amendment of Section 203 of Executive Order No. 10577 of November 22, 1954, as Amended, Providing for the Conversion of Certain Career-Conditional	1	career

			Appointments to Career Appointments		
10747	12/31/57	Eisenhower	Designating the Secretary of State To Act for the United States in Certain Matters Pertaining to Japanese War Criminals	1	japan*
10758	3/14/58	Eisenhower	Establishing a Career Executive Program Within the Civil Service System	1	executive, career
10761	3/27/58	Eisenhower	Government Purchases of Crude Petroleum and Petroleum Products	3	petroleum
10764	4/23/58	Eisenhower	Suspension of the Eight-Hour Law as to Laborers and Mechanics Employed by the Civil Aeronautics Administration on Public Work Essential to the National Defense	1	hour, 8 OR eight, defense
10771	6/20/58	Eisenhower	Amendment of Executive Order No. 10534, Relating to the Supervision and Direction of the Saint Lawrence Seaway Development Corporation	4	lawrence seaway (also included 10534)
10791	11/28/58	Eisenhower	Designating Certain Officers To Act as Secretary of State	1	secretary of state
10792	11/28/58	Eisenhower	Excusing Federal Employees From Duty All Day on December 26, 1958	0	december
10793	12/3/58	Eisenhower	Transferring Certain Functions From the Department of Defense to the National Aeronautics and Space Administration	2	aeronautics, defense
10798	1/3/59	Eisenhower	Flag of the United States	4	flag, alaska
10802	1/23/59	Eisenhower	Establishing the Committee on Government Activities Affecting Prices and Costs	1	prices and costs (wq)
10811	4/22/59	Eisenhower	Creating an Emergency Board To Investigate a Dispute Between Pan American World Airways, Inc., and Certain of its Employees	1	pan american
10812	4/24/59	Eisenhower	Establishing a Flag for the United States Navy	1	flag, nav*
10816	5/7/59	Eisenhower	Amendment of Executive Order No. 10501 of November 5, 1953, Relating to Safeguarding Official Information in the Interests of the Defense of the United States	2	information, defense
10820	5/18/59	Eisenhower	Prescribing the Order of Succession of Officers To Act as Secretary of Defense, Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force	1	secretar*, succe*
10823	5/26/59	Eisenhower	Coat of Arms, Seal, and Flag of the President of the United States	1	president, star OR alaska
10825	6/12/59	Eisenhower	Excusing Federal Employees From Duty All Day on July 3, 1959	1	july, employ*
10829	7/20/59	Eisenhower	Fleet Admiral William D. Leahy	1	leahy
10831	8/14/59	Eisenhower	Establishing the Federal Radiation Council	2	radiation
10834	8/21/59	Eisenhower	The Flag of the United States	1	flag
10842	10/6/59	Eisenhower	Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States	6	maritime
10843	10/9/59	Eisenhower	Creating a Board of Inquiry To Report on a Labor Dispute Affecting the Steel Industry of the United States	11	steel
10845	10/12/59	Eisenhower	Further Specification of Laws From Which Functions Authorized by the Mutual Security Act of 1954, as Amended, Shall Be Exempt	0	mutual security act (wq)
10848	10/14/59	Eisenhower	Amendment of Executive Order No. 10843, Creating a Board of Inquiry to report on a Labor Dispute Affecting the Steel Industry of the United States	3 (maybe 6?)	steel, 10843 OR board
10858	1/13/60	Eisenhower	The President's Committee for Traffic Safety	1	traffic
10860	2/5/60	Eisenhower	Coat of Arms, Seal, and Flag of the President of the United States	2	president, star OR hawaii
10863	2/18/60	Eisenhower	Authorizing the Attorney General To Seize Arms and Munitions of War, and Other Articles, Pursuant to Section 1 of Title VI of the Act of June 15, 1917, as Amended	1	attorney general, arm* OR munition*
10865	2/20/60	Eisenhower	Safeguarding Classified Information Within Industry	4	industr*
10868	2/29/60	Eisenhower	Creating an Emergency Board To Investigate a Dispute Between the New York Central System and Certain of Its Employees	1	new york central system
10870	3/15/60	Eisenhower	Designating the Facilities of the National Aeronautics and Space Administration at Huntsville, Alabama, as the George C. Marshall Space Flight Center	1	marshall
10872	3/18/60	Eisenhower	Creating an Emergency Board To Investigate a Dispute	1	air*, board OR



			Between Pan American World Airways, Inc., and Certain of Its Employees		dispute
10876	4/22/60	Eisenhower	Amendment of Executive Order 10855, Authorizing the Inspection of Certain Tax Returns	1	tax returns (wq), 10855
10888	9/28/60	Eisenhower	Creating an Emergency Board To Investigate a Dispute Between Certain Carriers Represented by the New York Harbor Carriers' Conference Committee and Certain of Their Employees	1	new york harbor carrier*, board OR dispute
10891	11/1/60	Eisenhower	Establishing a Commission To Inquire Into a Controversy Between Certain Carriers and Certain of Their Employees	0	carrie*, controvers* OR disput*
10893	11/8/60	Eisenhower	Administration of Mutual Security and Related Functions	1	mutual security
10892	11/8/60	Eisenhower	Amendment of Executive Order 10152, Prescribing Regulations Relating to Incentive Pay for the Performance of Hazardous Duty by Members of the Uniformed Services	1	hazard*, 10152 OR pay
10898	12/2/60	Eisenhower	Establishing the Interdepartmental Highway Safety Board	1	interdepartmental highway safety board
10901	1/9/61	Eisenhower	Amendment of Executive Order 10501, Relating to Safeguarding Official Information in the Interests of the Defense of the United States	1	information, 10501 OR defense, eisenhower
10914	1/21/61	Kennedy	Providing for an expanded program of food distribution to needy families	6	food distribution (wq)
10915	1/24/61	Kennedy	Amending prior Executive Orders to provide for the responsibilities of the Director of the Food-for-Peace Program	1	director, "food for peace" OR "food-for-peace"
10918	2/16/61	Kennedy	Establishing the President's Advisory Committee on Labor-Management Policy	1	advisory committee (wq), labor OR management
10919	2/17/61	Kennedy	Creating an emergency board to investigate a dispute between the Pan American World Airways, Inc., and certain of its employees	5	pan, board OR dispute
10920	2/20/61	Kennedy	Revoking Executive Order No. 10700 of February 25, 1957, as amended (Operations Coordinating Board)	0	operations coordinating board (wq)
10921	2/21/61	Kennedy	Establishing a commission to inquire into a controversy between certain air carriers and certain of their employees	3	commission, carrier*, employ*
10922	2/23/61	Kennedy	Amending Executive Order 10922 of February 21, 1961, establishing a commission to inquire into a controversy between certain air carriers and certain of their employees	2	commission, carrier*, employ*
10924	3/1/61	Kennedy	Establishment and administration of the Peace Corps in the Department of State	30	peace corps
10925	3/6/61	Kennedy	Establishing the President's Committee on Equal Employment Opportunity	19	equal employment opportunity, committee
10929	3/24/61	Kennedy	Establishing a commission to inquire into a controversy between certain carriers and certain of their employees	0	commission, carrier*
10934	4/13/61	Kennedy	Establishing the Administrative Conference of the United States	3	administrative conference (wq)
10936	4/24/61	Kennedy	Reports of identical bids	1	identical bid* (wq)
10939	5/5/61	Kennedy	To provide a guide on ethical standards to Government officials	2	ethic*
10940	5/11/61	Kennedy	Establishing the President's Committee on Juvenile Delinquency and Youth Crime	4	juvenile delinquency (wq)
10945	5/24/61	Kennedy	Administration of the Export Control Act of 1949	0	export control act (wq)
10946	5/26/61	Kennedy	Establishing a program for resolving labor disputes at missile and space sites	1	labor, missile OR space, disput*
10949	6/26/61	Kennedy	Creating a Board of Inquiry to report on a labor dispute affecting the maritime industry of the United States	1	board, maritime, disput*
10952	7/20/61	Kennedy	Assigning civil defense responsibilities to the Secretary of Defense and others	3	civil defense, secretary defense "wq"
10956	8/10/61	Kennedy	Amendment of Executive Order No. 10841, relating to international cooperation under the Atomic Energy Act of	1	atomic energy

			1954, as amended		
10957	8/10/61	Kennedy	Assigning authority with respect to ordering persons and units in the Ready Reserve to active duty and with respect to the extension of enlistments and other periods of service in the Armed Forces	0	ready reserve (wq)
10964	9/20/61	Kennedy	Amendment to Executive Order 10501—Safeguarding official information in the interests of the defense of the United States	1	info*, defense
10969	10/11/61	Kennedy	Creating an emergency board to investigate a dispute between the Reading Company and certain of its employees	1	reading, board OR disput*
10971	11/1/61	Kennedy	Creating an emergency board to investigate a dispute between Trans World Airlines, Inc., and certain of its employees	1	trans, board OR disput*
10971	11/3/61	Kennedy	Administration of the Agricultural Trade Development and Assistance Act of 1954, as amended	0	agricultur*, develop* OR assist*
10972	11/3/61	Kennedy	Administration of foreign assistance and related functions	0	foreign assistance (wq)
10974	11/8/61	Kennedy	Establishing the President's Commission on Campaign Costs	1	commission on campaign costs
10976	11/15/61	Kennedy	Suspension of the eight-hour law as to laborers and mechanics employed by the National Aeronautics and Space Administration	1	hour, 8 OR eight, space OR NASA
10977	12/4/61	Kennedy	Establishing the Armed Forces Expeditionary Medal	1	armed forces expeditionary medal (wq)
10980	12/14/61	Kennedy	Establishing the President's Commission on the Status of Women	0	commission on the status of women (wq)
10982	12/25/61	Kennedy	Administration of the Act of September 26, 1961, relating to evacuation payments, assignments, and allotments, and other matters	1	evacuatio*, paymen* OR assign*
10981	12/28/61	Kennedy	Inspection of income, excess-profits, estate, and gift tax returns by the Senate Committee on the Judiciary	2	tax, senate OR judiciary
10984	1/5/62	Kennedy	Amending the Selective Service Regulations	1	selective service (wq)
10987	1/17/62	Kennedy	Agency systems for appeals from adverse actions	0	appeal*, agency OR adverse
10988	1/17/62	Kennedy	Employee-management cooperation in the Federal service	3	cooperat*, employe* OR management
10989	1/22/62	Kennedy	Amendment of Executive Order No. 10168, of October 11, 1950, as amended, prescribing regulations relating to the right of enlisted members of the uniformed services to additional pay for sea and foreign duty	1	pay, enlist* OR service*, foreign OR sea
10993	2/9/62	Kennedy	Consolidating the Hiawatha and Marquette National Forests (Michigan) and correcting the land descriptions of Nebraska National Forest (Nebraska) and Wasatch National Forest (Utah)	1	hiawatha OR marquette
10995	2/16/62	Kennedy	Assigning telecommunications management functions	1	telecommunicatio ns
10999	2/16/62	Kennedy	Assigning emergency preparedness functions to the Secretary of Commerce	1	emergency preparedness, secretary, commerce
11003	2/16/62	Kennedy	Assigning emergency preparedness functions to the Administrator of the Federal Aviation Agency	0	emergency preparedness, federal aviation agency
10997	2/16/62	Kennedy	Assigning emergency preparedness functions to the Secretary of the Interior	0	emergency preparedness, secretary, interior
10998	2/16/62	Kennedy	Assigning emergency preparedness functions to the Secretary of Agriculture	0	emergency preparedness, secretary, agriculture
11000	2/16/62	Kennedy	Assigning emergency preparedness functions to the	0	emergency

			Secretary of Labor		preparedness, secretary, labor
11001	2/16/62	Kennedy	Assigning emergency preparedness functions to the Secretary of Health, Education, and Welfare	0	emergency preparedness, secretary, health OR education OR welfare
11002	2/16/62	Kennedy	Assigning emergency preparedness functions to the Postmaster General	0	emergency preparedness, postmaster general
11004	2/16/62	Kennedy	Assigning certain emergency preparedness functions to the Housing and Home Finance Administrator	0	emergency preparedness, housing OR home
11005	2/16/62	Kennedy	Assigning emergency preparedness functions to the Interstate Commerce Commission	0	emergency preparedness, interstate commerce commission
11007	2/26/62	Kennedy	Prescribing regulations for the formation and use of advisory committees	1	advisory committ* (wq)
11010	3/19/62	Kennedy	Amending Executive Order No. 10713, relating to the administration of the Ryukyu Islands	2	ryukkyu
11013	4/6/62	Kennedy	Creating a board of inquiry to report on a labor dispute affecting the maritime industry of the United States	1	maritime, board OR dispute
11014	4/17/62	Kennedy	Delegating to the Secretary of Commerce functions with respect to participation of the United States in the New York World's Fair	1	world fair, commerce OR new york
11015	4/23/62	Kennedy	Creating an emergency board to investigate disputes between the Chicago and North Western Railway Company, the former Chicago, St. Paul, Minneapolis and Omaha Railway Company...	1	railway, board OR dispute
11016	4/25/62	Kennedy	Authorizing award of the Purple Heart	4	purple heart (wq)
11017	4/27/62	Kennedy	Providing for coordination with respect to outdoor recreation resources and establishing the Recreation Advisory Council	2	recreation advisory council (wq)
11020	5/7/62	Kennedy	Inspection of income, excess-profits, estate, and gift tax returns by the Senate Committee on Armed Services	1	tax, senate OR armed services, income OR profit
11035	7/9/62	Kennedy	Management of Federal office space	1	federal office space (wq)
11037	7/20/62	Kennedy	Amendment of section 12 of Executive Order No. 6260 of August 28, 1933, as amended (gold)	1	gold
11041	8/6/62	Kennedy	Continuance and administration of the Peace Corps in the Department of State	1	peace corps, state department (wq)
11040	8/6/62	Kennedy	Creating an emergency board to investigate dispute between the Belt Railway Company of Chicago and certain of its employees	0	rail, board OR dispute
11042	8/10/62	Kennedy	Creating an emergency board to investigate a dispute between the Southern Pacific Company (Pacific Lines) and certain of its employees	0	rail, board OR dispute
11043	8/14/62	Kennedy	Creating an emergency board to investigate dispute between the Pan American World Airways, Inc. and certain of its employees	0	rail, board OR dispute
11044	8/20/62	Kennedy	Interagency Coordination of Arms Control and Disarmament Matters	1	coordinat*, disarmament OR arms control (wq)
11045	8/21/62	Kennedy	Discontinuing the Guam Island Naval Defensive Sea Area and Guam Island Naval Airspace Reservation	2	guam
11046	8/24/62	Kennedy	Authorizing Award of the Bronze Star Medal	2	bronze star (wq)
11051	9/27/62	Kennedy	Prescribing responsibilities of the Office of Emergency Planning in the Executive Office of the President	0	office of emergency planning (wq)
11053	9/30/62	Kennedy	Providing assistance for the removal of unlawful obstructions of justice in the State of Mississippi	3	justice, mississippi
11054	10/1/62	Kennedy	Creating a Board of Inquiry to report on certain labor disputes affecting the maritime industry of the United States	1	maritime, board OR dispute

11058	10/23/62	Kennedy	Assigning authority with respect to ordering persons and units in the Ready Reserve to active duty and with respect to extension of enlistments and other periods of service in the armed forces	0	ready reserve (wq)
11063	11/20/62	Kennedy	Equal opportunity in housing	10	hous*, equal OR opportunit*
11064	11/21/62	Kennedy	Excusing Federal employees from duty on December 24, 1962	0	december 24
11059	10/23/62	Kennedy	Designating public international organizations entitled to enjoy certain privileges, exemptions, and immunities	1	public international organizations (wq)
11066	11/27/62	Kennedy	Including certain tracts of land in the Cherokee and Jefferson National Forests, in Tennessee and Virginia	0	forest OR forests
11067	11/27/62	Kennedy	Including certain tracts of land in the Nantahala and Cherokee National Forests, respectively	0	forest OR forests
11068	11/28/62	Kennedy	Creating a board of inquiry to report on a labor dispute affecting the ballistics missile, space vehicle and military aircraft industry	1	missile, board OR dispute
11073	1/2/63	Kennedy	Providing for Federal salary administration	1	salary
11074	1/8/63	Kennedy	Establishing the President's Council on Physical Fitness	1	physical fitness (wq)
11078	1/23/63	Kennedy	Creating a Board of Inquiry to report on a labor dispute affecting the ballistics missile, space vehicle and military aircraft industry	1	missile, board OR dispute
11080	1/29/63	Kennedy	Inspection of income, excess-profits, estate, and gift tax returns by the Senate Committee on Foreign Relations	1	tax, senate OR foreign relations
11085	2/22/63	Kennedy	The Presidential Medal of Freedom	1	medal of freedom (wq)
11098	3/15/63	Kennedy	Amending the Selective Service regulations	3	selective service (wq)
11100	3/30/63	Kennedy	Establishing the President's Commission on Registration and Voting Participation	2	registration and voting participation (wq)
11103	4/10/63	Kennedy	Providing for the appointment of former Peace Corps volunteers to the civilian career services	0	peace corps
11104	4/12/63	Kennedy	U.S.S. Thresher	1	thresher
11105	4/18/63	Kennedy	Transferring to the Housing and Home Finance Administrator certain functions of the Atomic Energy Commission under the Atomic Energy Community Act of 1955	0	atomic energy (wq)
11108	5/22/63	Kennedy	Delegating authority under the International Wheat Agreement Act of 1949, as amended, to the Secretary of Agriculture	2	what
11111	6/11/63	Kennedy	Providing assistance for the removal of obstructions of justice and suppression of unlawful combinations within the State of Alabama	5	alabama
11112	6/12/63	Kennedy	Establishing the President's Advisory Council on the Arts	5	advisory council on the arts (wq)
11114	6/22/63	Kennedy	Extending the authority of the President's Committee on Equal Employment Opportunity	2	committee on equal employment opportunity
11115	7/4/63	Kennedy	Creating an emergency board to investigate disputes between the Pullman Company, the Chicago, Rock Island & Pacific Railroad Company, the New York Central System, and the Soo Line Railroad Company and certain of their employees	0	rail*, board OR disput*
11117	8/13/63	Kennedy	Establishing an Interagency Committee on International Athletics	1	international athletics (wq)
11119	9/10/63	Kennedy	Amending the Selective Service regulations	4	selective service (wq)
11118	9/10/63	Kennedy	Providing assistance for removal of unlawful obstructions of justice in the State of Alabama	3	alabama
11122	10/17/63	Kennedy	Establishing the Rural Development Committee	1	rural development committee
11124	10/28/63	Kennedy	Enlarging the membership of the President's Advisory Council on the Arts	1	advisory council on the arts (wq)
11125	10/29/63	Kennedy	Delegating authority of the President under sections 205 and 208 of Title 18 of the United States Code, relating to	2	authority, conflicts of interest OR

			conflicts of interest		conflict of interest
11126	11/1/63	Kennedy	Establishing a committee and a council relating to the status of women	1	women, status, council OR committee
11127	11/9/63	Kennedy	Creating an emergency board to investigate a dispute between the Florida East Coast Railway Company and certain of its employees	1	railway, board OR dispute
11128	11/23/63	Johnson	Closing Government departments and agencies on November 25, 1963	1	november 25
11129	11/29/63	Johnson	Designating certain facilities of the National Aeronautics and Space Administration and of the Department of Defense, in the State of Florida, as the John F. Kennedy Space Center	2	kennedy space center
11130	11/29/63	Johnson	Appointing a commission to report upon the assassination of President John F. Kennedy	2	commission, assassination, kennedy
11133	12/17/63	Johnson	Inspection of income, estate, and gift tax returns by the Senate Committee on Rules and Administration	2	tax, senate OR rules, income OR estate
11134	12/20/63	Johnson	Extension of the President's Commission on Registration and Voting Participation	1	registration and voting participation (wq)
11136	1/3/64	Johnson	Establishing the President's Committee on Consumer Interstate and the Consumer Advisory Council	0	committee, consumer interstate (wq) OR consumer advisory council (wq)
11135	1/3/64	Johnson	Creating an emergency board to investigate disputes between the carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committee, and certain of their employees	1	carrier*, board OR dispute
11141	2/12/64	Johnson	Declaring a public policy against discriminating on the basis of age	1	age, discriminat*
11145	3/7/64	Johnson	Providing for a Curator of the White House and establishing a Committee for the Preservation of the White House	2	white house, preservation OR curator
11149	4/1/64	Johnson	Establishing the President's Advisory Committee on Supersonic Transport	1	supersonic transport (wq)
11150	4/2/64	Johnson	Establishing the Federal Reconstruction and Development Planning Commission for Alaska	2	alaska
11152	4/15/64	Johnson	Establishing the President's Committee on Manpower	2	committee on manpower (wq)
11153	4/17/64	Johnson	Inspection of income, estate, and gift tax returns by the Senate Committee on the Judiciary	1	tax, senate OR judiciary
11154	5/8/64	Johnson	Exemption of J. Edgar Hoover from compulsory retirement for age	6	hoover, retir* OR age
11155	5/23/64	Johnson	Providing for the recognition of certain students as Presidential Scholars	0	presidential scholars (wq)
11161	7/7/64	Johnson	Relating to certain relationships between the Department of Defense and the Federal Aviation Agency	1	aviation, defense
11168	8/18/64	Johnson	Creating an emergency board to investigate disputes between the carriers represented by the National Railway Labor Conference and certain of their employees	1	rail*, board OR disput*
11175	9/2/64	Johnson	Exclusion for original or new Canadian issues as required for international monetary stability	0	monetary OR money, canada OR canadian
11185	10/16/64	Johnson	To facilitate coordination of Federal education programs	1	education, coordinat*
11193	1/24/65	Johnson	Winston Spencer Churchill	1	churchill
11197	2/5/65	Johnson	Establishing the President's Council on Equal Opportunity	0	equal opportunity (wq), council
11207	3/20/65	Johnson	Providing Federal assistance in the State of Alabama	2	alabama
11210	3/25/65	Johnson	Establishing a Temporary Commission on Pennsylvania	1	pennsylvania av*

			Avenue		
11211	4/2/65	Johnson	Exclusion for original or new Japanese issues as required for international monetary stability	1	japan
11213	4/2/65	Johnson	Inspection of certain interest equalization tax information returns by the Board of Governors of the Federal Reserve System and the Federal Reserve Banks	0	federal reserve, tax OR interest
11215	4/8/65	Johnson	Establishing the President's Commission on the Patent System	0	patient
11216	4/24/65	Johnson	Designation of Vietnam and waters adjacent thereto as a combat zone for the purposes of section 112 of the Internal Revenue Code of 1954	2	vietnam, water OR combat
11222	5/8/65	Johnson	Prescribing standards of ethical conduct for Government officers and employees	2	ethic*
11224	5/13/65	Johnson	Designation of certain foreign countries as economically less developed countries for purposes of the interest equalization tax	1	tax, country OR countries, designat* OR develo*
11234	7/16/65	Johnson	Establishing the President's Commission on Crime in the District of Columbia	1	crime, district of columbia (wq) or DC
11241	8/26/65	Johnson	Amending the Selective Service regulations	4	selective service (wq)
11243	9/11/65	Johnson	Creating an emergency board to investigate dispute between the Atchison, Topeka and Santa Fe Railway Company, Lines East and West, and certain of their employees	1	rail*, board or dispute
11247	9/24/65	Johnson	Providing for the coordination by the Attorney General of enforcement of Title VI of the Civil Rights Act of 1964	1	attorney general, civil rights, title vi (wq) OR title 6 (wq)
11246	9/24/65	Johnson	Equal Employment Opportunity	2	equal employment opportunity (wq)
11251	10/20/65	Johnson	Food-for-Peace Program	1	food for peace OR food-for-peace
11253	11/4/65	Johnson	Establishing the President's Committee on Food and Fiber and the National Advisory Commission on Food and Fiber	1	food, fiber
11258	11/17/65	Johnson	Prevention, control, and abatement of water pollution by Federal activities	1	water pollution (wq)
11259	12/3/65	Johnson	Amending Executive Order No. 11157 as it relates to incentive pay for hazardous duty involving parachute jumping	1	pay, jump OR parachute
11266	1/18/66	Johnson	Amending the Selective Service regulations	1	selective service (wq)
11278	5/4/66	Johnson	Establishing a President's Council and a Committee on Recreation and Natural Beauty	2	recreation natural beauty (wq)
11280	5/11/66	Johnson	Establishing the President's Committee on Mental Retardation	1	mental retardation (wq)
11289	7/2/66	Johnson	National Advisory Commission on Selective Service	3	selective service (wq)
11291	7/27/66	Johnson	Creating an emergency board to investigate a dispute between the American Airlines, Inc., and certain of its employees	2	airlines, board OR dispute
11297	8/11/66	Johnson	Coordinates of Federal urban programs	2	federal urban (wq)
11301	9/2/66	Johnson	Establishing the President's Committee on Libraries and the National Advisory Commission on Libraries	1	libraries
11308	9/30/66	Johnson	Creating an emergency board to investigate a dispute between the Pan American World Airways, Inc., and certain of its employees	1	airway*
11311	10/14/66	Johnson	Carrying out provisions of the Beirut Agreement of 1948 relating to audio-visual materials	1	beirut
11312	10/14/66	Johnson	Designating the Secretary of State to perform functions relating to certain objects of cultural significance imported into the United States for temporary display or exhibition	1	secretary state (wq), cultur* OR import*
11314	10/17/66	Johnson	Creating a Board of Inquiry to report on certain labor disputes affecting the military jet engine industry, military aircraft industry, military armament industry and military	3	military, board OR disput*

			electronics industry of the United States		
11321	12/19/66	Johnson	Creating a Board of Inquiry to report on a labor dispute affecting the military aircraft engine industry of the United States	1	military, board OR disput*
11322	1/5/67	Johnson	Relating to trade and other transactions involving Southern Rhodesia	5	rhodesia
11324	1/28/67	Johnson	Creating an emergency board to investigate disputes between the carriers represented by the National Railway Labor Conference and certain of their employees	1	rail*, board or disput*
11325	1/30/67	Johnson	Prescribing a new part of the Selective Service regulations	1	selective service (wq) OR draft, parol*
11328	2/20/67	Johnson	Modifying Executive Order No. 11198, relating to the interest equalization tax on certain commercial bank loans	1	loans
11329	3/2/67	Johnson	Creating a Board of Inquiry to report on a labor dispute affecting the shipbuilding and repair industries of the United States	1	ship*, board OR disput*
11341	4/8/67	Johnson	Establishing the President's Commission on Postal Organization	1	postal organization (wq)
11344	4/15/67	Johnson	Creating a Board of Inquiry to report on a labor dispute affecting the military aircraft industry and the military aircraft engine industry of the United States	1	military, board OR disput*
11350	5/3/67	Johnson	Amending the Selective Service regulations	1	selective service (wq)
11360	6/30/67	Johnson	Amending the Selective Service regulations	5	selective service (wq)
11362	7/16/67	Johnson	Providing for the use of transportation priorities and allocations during the current railroad strike	1	strike, rail*
11364	7/24/67	Johnson	Providing for the restoration of law and order in the State of Michigan	3	michigan
11365	7/29/67	Johnson	Establishing a National Advisory Commission on Civil Disorders	0	civil disorders (wq)
11366	8/4/67	Johnson	Assigning authority to order certain persons in the Ready Reserve to active duty	1	reserv*
11368	8/28/67	Johnson	Modifying rates of interest equalization tax and amending Executive Order No. 11211	1	tax, interest
11375	10/13/67	Johnson	Amending Executive Order No. 11246, relating to equal employment opportunity	1	equal employment opportunity (wq)
11386	12/28/67	Johnson	Prescribing arrangements for coordination of the activities of regional commissions and activities of the Federal Government relating to regional economic development, and establishing the Federal Advisory Council on Regional Economic Development	1	region*
11387	1/1/68	Johnson	Governing certain capital transfers abroad	3	capital
11392	1/24/68	Johnson	Ordering certain units of the Ready Reserve of the Naval Reserve, Air Force Reserve and Air National Guard of the United States to active duty	1	ready reserve (wq) OR active duty (wq)
11396	2/7/68	Johnson	Providing for the coordination by the Attorney General of Federal law enforcement and crime prevention programs	2	attorney general, law OR crime
11397	2/9/68	Johnson	Authorizing transitional appointments of veterans who have served during the Vietnam era	1	veteran
11399	3/6/68	Johnson	Establishing the National Council on Indian Opportunity	1	indian opportunity (wq)
11403	4/5/68	Johnson	Providing for the restoration of law and order in the Washington Metropolitan Area	3	washington, law OR order, riot OR disorder
11412	6/10/68	Johnson	Establishing a National Commission on the Causes and Prevention of Violence	1	violence, caus* OR preven*
11413	6/11/68	Johnson	Adjusting rates of pay for certain statutory schedules	0	pay
11414	6/11/68	Johnson	Adjusting the rates of monthly basic pay for members of the Uniformed Services	0	pay
11415	6/24/68	Johnson	Reconstituting the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists and the Health Resources Advisory Committee	1	advisory committee, physician OR doctor
11422	8/15/68	Johnson	Cooperative Area Manpower Planning System	1	manpower

11423	8/16/68	Johnson	Providing for the performance of certain functions heretofore performed by the President with respect to certain facilities constructed and maintained on the borders of the United States	1	border OR borders
11425	8/30/68	Johnson	Study of United States foreign trade policy	1	foreign trade policy (wq)
11429	9/9/68	Johnson	Amending Executive Order No. 11302, relating to travel expenses of claimants and beneficiaries of the Veteran's Administration and their attendants	1	travel expenses (wq)
11433	11/6/68	Johnson	Creating an emergency board to investigate disputes between the Illinois Central Railroad Company, Louisville & Nashville Railroad Company...	1	rail, board OR dispute
11438	12/3/68	Johnson	Prescribing procedures governing interdepartmental cash awards to the members of the Armed Forces	1	cash
11452	1/23/69	Nixon	Establishing the Council for Urban Affairs	4	urban affairs (wq)
11453	1/24/69	Nixon	Establishing the Cabinet Committee on Economic Policy	0	economic policy (wq)
11455	2/14/69	Nixon	Establishing an Office of Intergovernmental Relations	2	intergovernmental relations (wq)
11458	3/5/69	Nixon	Prescribing arrangements for developing and coordinating a national program for minority business enterprise	2	minority business enterprise (wq)
11460	3/20/69	Nixon	Establishing the President's Intelligence Advisory Board	1	intelligence
11463	4/1/69	Nixon	Placing an additional position in level V of the Federal Executive Salary Schedule	2	salary
11464	4/3/69	Nixon	Modifying rates of interest equalization tax	2	interest tax (wq)
11472	5/29/69	Nixon	Establishing the Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality	3	environmental, quality
11474	6/12/69	Nixon	Adjusting rates of pay for certain statutory schedules	1	pay
11478	8/8/69	Nixon	Equal employment opportunity in the Federal Government	3	equal employment (wq)
11482	9/22/69	Nixon	Establishing a Construction Industry Collective Bargaining Commission	2	construction, collective bargaining
11483	9/23/69	Nixon	Inspection of income tax returns by the Select Committee on Crime, House of Representatives	1	tax, committee on crime (wq) OR house of representatives
11491	10/29/69	Nixon	Labor-management relations in the Federal service	1	labor-management
11494	11/14/69	Nixon	Establishing the Presidential Citizens Medal	1	medal
11493	11/14/69	Nixon	Establishing the Council for Rural Affairs	0	rural
11497	11/26/69	Nixon	Amending the Selective Service regulations to prescribe random selection	6	selective service (wq)
11498	12/1/69	Nixon	Delegating to the Secretary of Defense the authority to approve regulations governing the early discharge of enlisted members	1	secretary defense (wq), discharge
11503	12/23/69	Nixon	Excusing Federal employees from duty on December 26, 1969	1	christmas
11504	1/14/70	Nixon	Amending Executive Order No. 11248, placing certain positions in levels IV and V of the Federal Executive Salary Schedule	1	salary
11506	2/2/70	Nixon	Further amending Executive Order No. 11211, relating to the exclusion for original or new Japanese issues as required for international monetary stability	1	japan*
11507	2/4/70	Nixon	Prevention, control, and abatement of air and water pollution at Federal facilities	5	pollution
11508	2/10/70	Nixon	Providing for the identification of unneeded Federal real property	2	federal property (wq)
11509	2/11/70	Nixon	Establishing the President's Advisory Council on Management Improvement	1	management improvement
11513	3/3/70	Nixon	Establishing the President's Commission on School Finance	1	school finance
11519	3/23/70	Nixon	Calling into service members and units of the National Guard	4	national guard
11521	3/26/70	Nixon	Authorizing veterans readjustment appointments for veterans of the Vietnam era	2	veterans
11522	4/6/70	Nixon	Assigning emergency preparedness functions to the United States Information Agency	1	information, emergenc*



11526	4/22/70	Nixon	Establishing the National Council on Federal Disaster Assistance	1	disaster
11527	4/23/70	Nixon	Amending the Selective Service regulations	3	selective service (wq)
11528	4/24/70	Nixon	Changing the jurisdiction and membership of the New England River Basins Commission	1	new england
11529	4/24/70	Nixon	Terminating obsolete bodies established by Executive order	1	terminat* OR obsolete
11534	6/4/70	Nixon	Establishing the National Council on Organized Crime	1	organized crime (wq)
11537	6/16/70	Nixon	Amending the Selective Service regulations concerning the ordering of registrants for induction	1	selective service (wq)
11541	7/1/70	Nixon	Prescribing the duties of the Office of Management and Budget and the Domestic Council in the Executive Office of the President	2	office of management and budget
11563	9/26/70	Nixon	Amending the Selective Service regulations	2	selective service (wq)
11566	10/26/70	Nixon	Consumer product information	2	consumer product information (wq)
11568	11/16/70	Nixon	Exempting A. Everette MacIntyre from compulsory retirement for age	1	macintyre
11574	12/23/70	Nixon	Administration of Refuse Act permit program	1	refuse act
11575	12/31/70	Nixon	Providing for the administration of the Disaster Relief Act of 1970	1	disaster relief act (wq)
11576	1/8/71	Nixon	Adjusting rates of pay for certain statutory pay systems	1	pay, statutory OR systems
11577	1/8/71	Nixon	Adjusting the rates of monthly basic pay for members of the Uniformed Services	1	pay, military OR unifor*
11582	2/11/71	Nixon	Observance of Holidays by Government agencies	1	holiday
11583	2/24/71	Nixon	Office of Consumer Affairs	2	consumer affairs (wq)
11585	3/4/71	Nixon	Creating an emergency board to investigate disputes between certain carriers represented by the National Railway Labor Conference	1	rail*
11588	3/29/71	Nixon	Providing for the stabilization of wages and prices in the construction industry	16	construction, wage OR price
11593	5/13/71	Nixon	Protection and enhancement of the cultural environment	1	cultur*
11599	6/17/71	Nixon	Establishing a special action office for drug abuse prevention	2	drug
11605	7/2/71	Nixon	Amendment of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment	6	security, employ*
11614	8/5/71	Nixon	Establishing the National Business Council for Consumer Affairs	1	consumer affairs (wq)
11615	8/15/71	Nixon	Providing for stabilization of prices, rents, wages, and salaries	29	stabiliz*
11621	10/4/71	Nixon	Creating a board of inquiry to report on certain labor disputes affecting the maritime industry of the United States	2	maritime, board OR dispute
11625	10/13/71	Nixon	Prescribing additional arrangements for developing and coordinating a national program for minority business enterprise	1	minority business (wq)
11627	10/15/71	Nixon	Further providing for the stabilization of the economy	4	economy
11631	11/9/71	Nixon	Inspection of income, estate, and gift tax returns by the Committee on Public Works, House of Representatives	1	tax, public works (wq) OR house of representatives (wq)
11632	11/22/71	Nixon	Amending Executive Order No. 11627 of October 15, 1971, further providing for the stabilization of the economy	1	stabiliz* OR economy
11634	12/6/71	Nixon	Amending Executive Order No. 11248, placing certain positions in levels IV and V of the Federal Executive Salary Schedule	1	salary
11636	12/17/71	Nixon	Employee-management relations in the Foreign Service of the United States	2	
11641	1/28/72	Nixon	Concentration of law enforcement activities relating to drug abuse	4	drug
11642	2/1/72	Nixon	Further exempting A. Everette MacIntyre from	1	macintyre

			compulsory retirement for age		
11644	2/8/72	Nixon	Use of off-road vehicles on the public lands	2	off-road
11643	2/8/72	Nixon	Environmental safeguards on activities for animal damage control on Federal lands	5	animal
11651	3/3/72	Nixon	Textile Trade Agreements	1	textile
11652	3/8/72	Nixon	Classification and declassification of national security information and material	6	security information (wq)
11660	3/23/72	Nixon	Amending Executive Order No. 11640, further providing for the stabilization of the economy	0	stabiliz* OR economy
11663	3/31/72	Nixon	Creating an emergency board to investigate disputes between the carriers represented by the National Railway Labor Conference and certain of their employees	1	rail
11664	3/31/72	Nixon	Creating an emergency board to investigate a dispute between the Penn Central Transportation Company and certain of its employees	1	rail
11667	4/19/72	Nixon	Establishing the President's Advisory Committee on the Environmental Merit Awards Program	1	environmental merit awards (wq)
11673	6/6/72	Nixon	Amending Executive Order No. 8684 to redefine the Culebra Island Naval Defensive Sea Area	1	culebra
11677	8/1/72	Nixon	Continuing the regulation of exports	1	export
11679	8/19/72	Nixon	Creating an emergency board to investigate a dispute between the Long Island Rail Road Company and certain of its employees	0	rail
11686	10/7/72	Nixon	Committee management	0	committee management (wq)
11690	12/14/72	Nixon	Delegation of certain functions to the Executive Director of the Domestic Council	1	domestic council (wq)
11693	12/26/72	Nixon	Providing for the closing of Government departments and agencies on December 28, 1972 (Truman's Death)	1	truman
11695	1/11/73	Nixon	Further providing for the stabilization of the economy	7	stabiliz*
11697	1/17/73	Nixon	Inspection by Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations	3	farm, tax
11702	1/25/73	Nixon	Relative to the Executive Office of the President	0	consumer affairs OR council on economic policy
11701	1/25/73	Nixon	Employment of veterans by Federal agencies and Government contractors and subcontractors	1	veterans
11703	2/7/73	Nixon	Assigning policy development and direction functions with respect to the oil import control program	0	oil import (wq) OR oil control (wq)
11704	2/28/73	Nixon	Further exempting A. Everett MacIntyre from compulsory retirement for age	1	macintyre
11709	3/27/73	Nixon	Inspection by Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations	1	farm, tax
11712	4/18/73	Nixon	Special Committee on Energy and National Energy Office	2	committee on energy (wq) OR national energy office (wq)
11717	5/9/73	Nixon	Transferring certain functions from the Office of Management and Budget to the General Services Administration and the Department of Commerce	1	office of management and budget
11723	6/13/73	Nixon	Further providing for the stabilization of the economy	6	stabiliz* OR economy
11738	9/10/73	Nixon	Providing for administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants or loans	1	clean air OR water pollution
11741	10/15/73	Nixon	Federal agency use of the official American Revolution Bicentennial symbol	1	bicentennial
11748	12/4/73	Nixon	Federal Energy Office	3	federal energy office (wq)
11750	12/13/73	Nixon	Providing for the closing of Government departments and agencies on Monday, December 24, 1973 and Monday, December 31, 1973	1	new year eve (wq) OR christmas eve (wq)
11757	12/30/73	Nixon	Exemption of Lawrence Quincy Mumford from mandatory retirement	1	mumford
11710	4/4/73	Nixon	National Commission for Industrial Peace	1	industrial peace

11777	4/12/74	Nixon	Amending Executive Order No. 11691, adjusting rates of pay for certain statutory pay systems	1	pay, october 1972 (wq)
11781	5/1/74	Nixon	Providing for an orderly termination of the Economic Stabilization Program	1	econom* OR stabiliz*
11783	5/21/74	Nixon	Creating an emergency board to investigate a dispute between the carriers represented by the National Railway Labor Conference and certain of their employees	1	rail*
11787	6/11/74	Nixon	Revoking Executive Order No. 10987, relating to agency systems for appeals from adverse actions	0	appeals, agency
11788	6/18/74	Nixon	Providing for the orderly termination of economic stabilization activities	1	cost of living council (wq) OR secretary treasury (wq)
11803	9/16/74	Ford	Establishing a Clemency Board to review certain convictions of persons under section 12 or 6 (j) of the Military Selective Service Act...	4	clemency
11805	9/20/74	Ford	Inspection by President and certain designated employees of the White House Office of Tax Returns made under the Internal Revenue Code of 1954	1	tax returns
11808	9/30/74	Ford	Establishing the President's Economic Policy Board, and for other purposes	1	economic policy board
11809	9/30/74	Ford	Establishing the President's Labor-Management Committee	0	labor management (wq)
11821	11/27/74	Ford	Inflation Impact Statements	2	inflation*
11828	1/4/75	Ford	Establishing a commission on CIA activities within the United States	4	central intelligence agency OR c.i.a.
11832	1/9/75	Ford	Establishing a National Commission on the Observance of International Women's Year, 1975	1	women's year (wq)
11837	1/30/75	Ford	Amending Executive Order No. 11803 of September 16, 1974, to extend the period for application for Clemency Board review of certain convictions and military service discharges	0	clemency
11844	3/24/75	Ford	Designation of beneficiary developing countries for the Generalized System of Preferences under the Trade Act of 1974	1	trade act
11847	3/28/75	Ford	Exemption of Walter C. Sauer from mandatory retirement	1	sauer
11848	3/29/75	Ford	Extending the reporting date for the Commission on CIA Activities Within the United States	1	central intelligence agency OR c.i.a.
11868	6/19/75	Ford	President's Commission on Olympic Sports	1	olympic
11869	6/24/75	Ford	Exemption of Arthur S. Flemming from mandatory retirement	1	flemming
11870	7/18/75	Ford	Environmental safeguards on activities for animal damage control on Federal lands	1	animal OR predator
11878	9/10/75	Ford	Assigning responsibilities relating to activities of the Presidential Clemency Board	3	clemency
11886	10/17/75	Ford	Abolishing the Culebra Island naval defensive sea area established by Executive Order No. 8684	1	culebra
11888	11/24/75	Ford	Implementing the Generalized System of Preferences	1	preferences
11901	1/30/76	Ford	Amending Executive Order No. 11491, relating to labor-management relations in the Federal service	1	labor management (wq)
11904	2/6/76	Ford	Establishing the Defense Superior Service Medal	1	medal
11905	2/18/76	Ford	United States foreign intelligence activities	18	foreign intelligence (wq)
11914	4/28/76	Ford	Nondiscrimination with respect to the handicapped in Federally assisted programs	1	handicap* OR nondiscrimination
11916	5/28/76	Ford	Amending Executive Order No. 11649, regulations governing the seals of the President and the Vice President of the United States	0	seal
11930	7/30/76	Ford	Performance by the Federal Energy Office of energy functions of the Federal Energy Administration	0	federal energy, office OR administration
11940	9/30/76	Ford	Continuing the regulation of exports	2	exports
11967	1/21/77	Carter	Relating to violations of the Selective Service Act, August 4, 1964 to March 28, 1973	4	selective service (wq)
11972	2/14/77	Carter	Establishing the United States Circuit Judge Nominating Commission	3	judge commission (wq) OR circuit judge (wq)

11980	3/29/77	Carter	National Commission on the Observance of International Women's Year, 1975	1	women's year (wq)
11982	4/29/77	Carter	Committee on Selection of the Director of the Federal Bureau of Investigation	0	federal bureau of investigation OR f.b.i.
11988	5/24/77	Carter	Floodplain management	0	floodplain OR flood
11989	5/24/77	Carter	Off-road vehicles on public lands	0	vehicle OR off road (wq) OR off-road
12003	7/20/77	Carter	Relating to energy policy and conservation	0	energy policy (wq) OR conservation
12008	8/25/77	Carter	Presidential Management Intern Program	1	intern
12011	9/30/77	Carter	Exemption of G. Joseph Minetti from mandatory retirement	1	minetti
12022	12/1/77	Carter	Establishing the National Commission for the Review of Antitrust Laws and Procedures	1	antitrust
12036	1/24/78	Carter	United States Intelligence Activities	18	intelligence
12044	3/23/78	Carter	Improving Government Regulations	4	regulations
12046	3/27/78	Carter	Relating to the transfer of telecommunications functions	1	telecommunications
12050	4/4/78	Carter	Establishing a National Advisory Committee for Women	0	committee women (wq)
12059	5/11/78	Carter	United States Circuit Judge Nominating Commission	0	judge commission (wq) OR circuit judge (wq) OR appellate judge (wq)
12062	5/26/78	Carter	President's Commission on the Coal Industry	1	coal
12065	6/28/78	Carter	National security information	2	information
12071	7/12/78	Carter	President's Commission on Pension Policy	1	pension
12072	8/16/78	Carter	Federal space management	0	space
12093	11/1/78	Carter	President's Commission on the Holocaust	1	holocaust
12092	11/1/78	Carter	Prohibition Against Inflationary Procurement Practices	1	inflationary
12097	11/8/78	Carter	Standards and guidelines for the merit selection of United States District Judges	1	district judge (wq)
12103	12/14/78	Carter	President's Commission on the Coal Industry	1	coal
12114	1/4/79	Carter	Environmental effects abroad of major Federal actions	1	environment*
12127	3/31/79	Carter	Federal Emergency Management Agency	1	federal emergency management agency
12129	4/5/79	Carter	Critical Energy Facility Program	2	energy facility (wq)
12137	5/16/79	Carter	The Peace Corps	0	peace corps
12140	5/29/79	Carter	Delegation of authorities relating to motor gasoline end-user allocation	7	gasoline
12153	8/17/79	Carter	Decontrol of heavy oil	4	oil
12159	9/20/79	Carter	Creating an emergency board to investigate disputes between the Chicago, Rock Island, Pacific Railroad & Peoria Terminal Company and Brotherhood of Railway...	1	rail*, board OR dispute
12160	9/26/79	Carter	Providing for enhancement and coordination of Federal consumer programs	3	consumer
12170	11/14/79	Carter	Blocking Iranian Government property	5	iran*
12171	11/19/79	Carter	Exclusions from the Federal Labor-Management Relations Program	0	labor management (wq)
12172	11/26/79	Carter	Entry of Iranian aliens into the United States	1	iran OR iranian
12174	11/30/79	Carter	Paperwork	1	paperwork
12182	12/14/79	Carter	Creating an Emergency Board to investigate a dispute between the Long Island Rail Road and certain of its employees	1	rail, board OR dispute
12186	12/21/79	Carter	Change in definition of heavy oil	1	heavy oil (wq)
12187	12/29/79	Carter	Base production control level for marginal properties	0	property OR properties
12188	1/2/80	Carter	International trade functions	3	trade

12192	2/12/80	Carter	State Planning Council on Radioactive Waste Management	1	waste
12194	2/21/80	Carter	Radiation Policy Council	1	radiation
12200	3/12/80	Carter	Rates of pay and allowances	1	pay, federal OR military
12202	3/18/80	Carter	Nuclear Safety Oversight Committee	1	nuclear safety (wq)
12205	4/7/80	Carter	Prohibiting certain transactions with Iran	3	iran
12207	4/12/80	Carter	Creating an emergency board to investigate a dispute between the Port Authority Trans-Hudson Corporation and certain of its employees	1	port, board OR dispute
12208	4/15/80	Carter	Consultations on the admission of refugees	1	refugees
12218	6/19/80	Carter	Export of special nuclear material and components to India	3	india
12231	8/4/80	Carter	Strategic Petroleum Reserve	0	strategic petroleum reserve OR strategic oil reserve
12242	9/30/80	Carter	Synthetic fuels	2	synthetic fuel (wq)
12244	10/3/80	Carter	Exemption for Fort Allen	2	fort allen
12255	12/5/80	Carter	Providing for the Closing of Government Departments and Agencies on Friday, December 26, 1980	1	christmas
12259	12/31/80	Carter	Leadership and coordination of fair housing in Federal programs	1	fair housing (wq)
12264	1/15/81	Carter	Federal policy regarding the export of banned or significantly restricted materials	1	banned OR restricted
12276	1/19/81	Carter	Direction relating to establishment of escrow accounts	0	escrow
12277	1/19/81	Carter	Direction to transfer Iranian Government assets	6	iran OR iranian, assets
12278	1/19/81	Carter	Direction to transfer Iranian Government assets overseas	6	iran OR iranian, assets
12279	1/19/81	Carter	Direction to transfer Iranian Government assets held by domestic banks	6	iran OR iranian, assets
12280	1/19/81	Carter	Direction to transfer Iranian Government financial assets held by non-banking institutions	6	iran OR iranian, assets
12281	1/19/81	Carter	Direction to transfer certain Iranian Government assets	6	iran OR iranian, assets
12282	1/19/81	Carter	Revocation of prohibitions against transactions involving Iran	3	iran OR iranian, carter
12283	1/19/81	Carter	Non-prosecution of claims of hostages and for actions at the United States Embassy and elsewhere	2	iran OR iranian, embassy OR hostage, carter
12284	1/19/81	Carter	Restrictions on the transfer of property of the former Shah of Iran	0	shah
12286	1/19/81	Carter	Responses to environmental damage	1	environmental, carter
12285	1/19/81	Carter	President's Commission on Hostage Compensation	1	compensation
12287	1/28/81	Reagan	Decontrol of crude oil and refined petroleum products	4	crude oil OR petroleum
12288	1/29/81	Reagan	Termination of the Wage and Price Regulatory Program	0	wage price (wq)
12290	2/17/81	Reagan	Federal exports and excessive regulation	0	export
12291	2/17/81	Reagan	Federal Regulation	17	regulation
12294	2/24/81	Reagan	Suspension of litigation against Iran	2	iran
12301	3/26/81	Reagan	Integrity and efficiency in Federal programs	1	integrity OR efficien*
12302	4/1/81	Reagan	Amending the Generalized System of Preferences	0	generalized OR preferences
12305	5/5/81	Reagan	Termination of certain Federal advisory committees	0	advisory
12320	9/15/81	Reagan	Historically Black Colleges and Universities	3	black, college OR universit*
12323	9/22/81	Reagan	Presidential Commission on Broadcasting to Cuba	1	cuba
12324	9/29/81	Reagan	Interdiction of illegal aliens	2	alien
12330	10/15/81	Reagan	Adjustments of certain rates of pay and allowances	1	pay
12331	10/20/81	Reagan	President's Foreign Intelligence Advisory Board	2	foreign intelligence advisory (wq)

12333	12/4/81	Reagan	United States Intelligence Activities	5	intelligence activities (wq)
12334	12/4/81	Reagan	President's Intelligence Oversight Board	1	intelligence oversight board (wq)
12335	12/15/81	Reagan	National Commission on Social Security Reform	2	commission on social security (wq)
12336	12/21/81	Reagan	The Task Force on Legal Equity for Women	1	women
12342	1/27/82	Reagan	Environmental safeguards for animal damage control on Federal lands	1	animal (but story doesn't actually mention Reagan's EO, just "Reagan's action")
12346	2/8/82	Reagan	Synthetic Fuels	1	synthetic fuel (wq)
12348	2/25/82	Reagan	Federal Real Property	4	federal property (wq)
12353	3/23/82	Reagan	Charitable fund-raising	3	charit* OR fund-rais*
12356	4/2/82	Reagan	National Security Information	12	security information (wq), classif*
12367	6/15/82	Reagan	President's Committee on the Arts and the Humanities	1	arts humanities (wq)
12369	6/30/82	Reagan	President's private sector survey on cost control in the Federal Government	1	cost control
12370	7/8/82	Reagan	Creating an emergency board to investigate a dispute between the Brotherhood of Locomotive Engineers...	1	rail*, board OR dispute
12372	7/14/82	Reagan	Intergovernmental Review of Federal Programs	1	federal programs (wq), intergovernmental OR review
12373	7/21/82	Reagan	Establishing an emergency board to investigate a dispute between the United Transportation Union and certain railroads...	1	rail*, board OR dispute
12387	10/8/82	Reagan	Adjustments of certain rates of pay and allowances	0	pay OR allowance
12397	12/23/82	Reagan	National Commission on Social Security Reform	1	social security reform
12399	12/31/82	Reagan	Continuance of certain Federal advisory committees	1	advisory
12404	2/10/83	Reagan	Charitable fund-raising	2	fund-rais*, charit*
12428	6/28/83	Reagan	President's Commission on Industrial Competitiveness	0	industrial competitiveness
12432	7/14/83	Reagan	Minority Business Enterprise Development	1	minority business (wq)
12435	7/28/83	Reagan	President's Commission on Organized Crime	1	organized crime
12444	10/14/83	Reagan	Continuation of export control regulations	2	export
12456	12/30/83	Reagan	Adjustments of certain rates of pay and allowances	1	pay OR allowance, reagan
12465	2/24/84	Reagan	Commercial expendable launch vehicle activities	1	launch
12470	3/30/84	Reagan	Continuation of export control regulations	3	export
12475	5/9/84	Reagan	Textile Import Program Implementation	0	textile
12490	10/12/84	Reagan	National Commission on Space	1	space
12494	12/8/84	Reagan	Amending Executive Order No. 11157 as it relates to pay for hazardous duty	1	hazardous
12498	1/4/85	Reagan	Regulatory planning process	1	regulatory, reagan
12507	3/22/85	Reagan	Continuance of the President's Commission on Organized Crime	1	organized crime
12513	5/1/85	Reagan	Prohibiting trade and certain other transactions involving Nicaragua	5	nicaragua
12529	8/14/85	Reagan	President's Commission on American Outdoors	1	outdoors
12530	8/29/85	Reagan	Establishment of Nicaraguan Humanitarian Aid Office	1	humanitarian aid, nicaragua
12531	8/30/85	Reagan	Establishing an emergency board to investigate a dispute between the United Transportation Union...	1	rail*, board OR dispute
12532	9/9/85	Reagan	Prohibiting trade and certain other transactions involving South Africa	20	south africa, trade OR transaction, reagan

12535	10/1/85	Reagan	Prohibition of the importation of the South African krugerrand	1	south africa, krugerrand OR gold
12537	10/28/85	Reagan	President's Foreign Intelligence Advisory Board	0	foreign intelligence
12538	11/15/85	Reagan	Imports of refined petroleum products from Libya	0	libya, oil OR petroleum
12540	12/30/85	Reagan	Adjustments of certain rates of pay and allowances	0	pay OR allowance, reagan
12542	12/30/85	Reagan	President's Blue Ribbon Commission on Defense Management	0	blue ribbon (wq) OR defense management
12543	1/7/86	Reagan	Prohibiting trade and certain transactions involving Libya	15	libya
12544	1/8/86	Reagan	Blocking Libyan Government property in the United States or held by U.S. persons	3	libya, property OR assets
12546	2/3/86	Reagan	Presidential Commission on the Space Shuttle Challenger Accident	3	challenger
12548	2/14/86	Reagan	Grazing Fees	2	graz*
12563	9/12/86	Reagan	Establishing an emergency board to investigate a dispute between the LIRR...	1	rail, board OR dispute
12564	9/15/86	Reagan	Drug-Free Federal Workplace	16	drug, reagan
12570	10/24/86	Reagan	Delegating authority to implement assistance for Central American democracies and the Nicaraguan Democratic Resistance	0	nicaragua
12571	10/27/86	Reagan	Implementation of the Comprehensive Anti-Apartheid Act	1	apartheid OR anti-apartheid OR south africa
12575	12/1/86	Reagan	President's Special Review Board (Iran Contra)	1	iran contra review board (wq)
12577	12/22/86	Reagan	Closing of Government departments and agencies on Friday, December 26	0	christmas
12578	12/31/86	Reagan	Adjustments of certain rates of pay and allowances	1	pay OR allowance, reagan
12581	1/28/87	Reagan	President's Special Review Board	1	special review board (wq)
12588	3/18/87	Reagan	Action against certain assets of disputed title (Duvalier)	1	duvalier
12590	3/26/87	Reagan	National Drug Policy Board	1	drug
12601	6/24/87	Reagan	Presidential Commission on the Human Immunodeficiency Virus Epidemic	2	human immunodeficiency OR HIV or AIDS
12603	7/16/87	Reagan	Presidential Commission on the Human Immunodeficiency Virus Epidemic	0	human immunodeficiency OR HIV or AIDS, reagan
12606	9/2/87	Reagan	The Family	1	family, reagan
12622	12/31/87	Reagan	Adjustments of certain rates of pay and allowances	1	pay OR allowance, reagan
12630	3/15/88	Reagan	Governmental actions and interference with constitutionally protected property rights	1	property
12631	3/18/88	Reagan	Working Group on Financial Markets	3	market
12635	4/8/88	Reagan	Prohibiting certain transactions with respect to Panama	3	panama
12651	9/9/88	Reagan	Offices of the Commission of the European Communities	1	european communit* (wq)
12657	11/18/88	Reagan	Federal Emergency Management Agency assistance in emergency preparedness planning at commercial nuclear power plants	15	nuclear, emergency
12656	11/18/88	Reagan	Assignment of emergency preparedness responsibilities		
12660	12/16/88	Reagan	National Microgravity Research Board	1	microgravity
12661	12/27/88	Reagan	Implementing the Omnibus Trade and Competitiveness Act of 1988 and Related International Trade Matters	1	trade, reagan
12667	1/18/89	Reagan	Presidential Records	0	records, reagan
12668	1/25/89	Bush I	President's Commission on Federal Ethics Law Reform	1	ethics
12674	4/12/89	Bush I	Principles of ethical conduct for Government officers and employees	2	ethic*
12676	4/26/89	Bush I	Delegating authority to provide assistance for the Nicaraguan Assistance	1	nicaragua
12686	8/4/89	Bush I	President's Commission on Aviation Security and	1	aviation security

			Terrorism		(wq)
12696	11/13/89	Bush I	President's Drug Advisory Council	1	drug council (wq)
12698	12/23/89	Bush I	Adjustments of certain rates of pay and allowances	1	pay OR allowance, bush
12711	4/11/90	Bush I	Policy implementation with respect to nationals of the People's Republic of China	2	china
12719	7/11/90	Bush I	President's Commission on the Federal Appointment Process	1	appointment
12722	8/2/90	Bush I	Blocking Iraqi government property and prohibiting transactions with Iraq	0	iraq
12723	8/2/90	Bush I	Blocking Kuwaiti Government Property	0	kuwait
12727	8/22/90	Bush I	Ordering the Selected Reserve of the Armed Forces to active duty	2	reserve OR armed forces (wq)
12728	8/22/90	Bush I	Delegating the President's authority to suspend any provision of law relating to the promotion, retirement, or separation of members of the Armed Forces	1	armed forces (wq)
12729	9/24/90	Bush I	Educational Excellence for Hispanic Americans	2	hispanic
12731	10/17/90	Bush I	Principles of ethical conduct for Government officers and employees	0	ethic* OR conduct
12735	11/16/90	Bush I	Chemical and biological weapons proliferation	1	weapon
12736	12/12/90	Bush I	Adjustments of certain rates of pay and allowances	1	pay OR allowance, bush
12740	12/29/90	Bush I	Waiver under the Trade Act of 1974 with respect to the Soviet Union	0	soviet union
12742	1/8/91	Bush I	National security industrial responsiveness	0	bush, national security OR industr*
12744	1/21/91	Bush I	Designation of Arabian Peninsula areas, airspace, and adjacent waters as a combat zone	0	arabia* OR combat
12759	4/17/91	Bush I	Federal energy management	1	energy
12769	7/10/91	Bush I	Implementation of section 311(a) of the Comprehensive Anti-Apartheid Act	2	apartheid
12775	10/4/91	Bush I	Prohibiting certain transactions with respect to Haiti	1	haiti
12778	10/23/91	Bush I	Civil Justice Reform	1	justice, bush
12779	10/29/91	Bush I	Prohibiting certain transactions with respect to Haiti	2	haiti, bush
12800	4/13/92	Bush I	Notification of employee rights concerning payment of union dues or fees	4	union, bush
12803	4/20/92	Bush I	Infrastructure Privatization	0	infrastructure
12806	5/19/92	Bush I	Establishment of a Fetal Tissue Bank	2	tissue
12807	5/24/92	Bush I	Interdiction of illegal aliens	18	haiti OR alien; bush
12810	6/5/92	Bush I	Blocking property of and prohibiting transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro)	4	yugoslavia
12812	7/22/92	Bush I	Declassification and Release of Materials Pertaining to Prisoners of War and Missing in Action	2	prisoner of war (wq) OR missing in action (wq)
12818	10/23/92	Bush I	Open Bidding on Federal and Federally Funded Construction Projects	3	construction, bid OR bush
12834	1/20/93	Clinton	Ethics Commitments by Executive Branch Appointees	3	ethic, clinton OR appointee
12836	2/1/93	Clinton	Revocation of Certain Executive Orders Concerning Federal Contracting	2	contract, clinton
12837	2/10/93	Clinton	Deficit Control and Productivity Improvement in the Administration of the Federal Government	0	deficit control (wq) OR productivity
12838	2/10/93	Clinton	Termination and Limitation of Federal Advisory Committees	0	advisory committee
12839	2/10/93	Clinton	Reduction of 100,000 Federal positions	0	100,000, job OR position, clinton
12843	4/21/93	Clinton	Procurement requirements and policies for Federal agencies for ozone-depleting substances	0	ozone
12844	4/21/93	Clinton	Federal use of Alternative fueled vehicles	1	vehicle
12845	4/21/93	Clinton	Requiring agencies to purchase energy efficient computer equipment	0	computer
12848	5/19/93	Clinton	Federal plan to break the cycle of homelessness	1	homeless*, clinton
12850	5/28/93	Clinton	Conditions for renewal of Most-Favored-Nation Status for the People's Republic of China in 1994	27	china, clinton, most-favored-



					nation
12857	8/3/93	Clinton	Budget Control	0	budget control (wq), clinton
12858	8/4/93	Clinton	Deficit Reduction Fund	2	deficit, reduc*, clinton
12862	9/11/93	Clinton	Setting Customer Service Standards	0	customer service (wq), clinton
12866	9/30/93	Clinton	Regulatory Planning and Review	1	regulat*, plan OR review, clinton
12873	10/20/93	Clinton	Federal acquisition, recycling, and waste prevention	5	recycl* OR waste
12875	10/26/93	Clinton	Enhancing the Intergovernmental Partnership	0	intergovernmental partnership (wq)
12898	2/11/94	Clinton	Federal actions to address environmental justice in minority populations and low-income populations	1	environmental justice (wq)
12901	3/3/94	Clinton	Identification of trade expansion priorities	5	trade, clinton OR white house, expans*
12914	5/7/94	Clinton	Prohibiting certain transactions with respect to Haiti	1	haiti
12917	5/21/94	Clinton	Prohibiting certain transactions with respect to Haiti	1	haiti
12922	6/21/94	Clinton	Blocking property of certain Haitian nationals	0	haiti OR haitian, property
12932	10/14/94	Clinton	Termination of emergency with respect to Haiti	1	haiti
12937	11/10/94	Clinton	Declassification of selected records within the National Archives of the United States	1	classif* OR declassif*
12947	1/24/95	Clinton	Prohibiting transactions with terrorists who threaten to disrupt the Middle East peace process	3	middle east (wq)
12951	2/22/95	Clinton	Release of imagery acquired by space-based national intelligence reconnaissance systems	1	space, intelligence OR release
12953	2/27/95	Clinton	Actions required of all Executive agencies to facilitate payment of child support	2	child support
12954	3/8/95	Clinton	Ensuring the economical and efficient administration and completion of Federal Government contracts	1	federal contract (wq), administ* OR complet*, clinton OR white house
12957	3/15/95	Clinton	Prohibiting certain transactions with respect to the development of Iranian petroleum resources	4	iran OR iranian
12958	4/17/95	Clinton	Classified National Security Information	5	classif* OR declassif*
12959	5/5/95	Clinton	Prohibiting Certain Transactions With Respect to Iran	1	iran
12968	8/2/95	Clinton	Access to Classified Information	3	classif* OR declassif*
12969	8/8/95	Clinton	Federal acquisition and community right-to-know	1	right to know (wq), clinton OR white house
12978	10/21/95	Clinton	Blocking assets and prohibiting transactions with significant narcotics traffickers	1	drugs OR narcotics
12984	12/28/95	Clinton	Adjustments of Certain Rates of Pay and Allowances	2	pay OR allowance, clinton OR white house
12985	1/11/96	Clinton	Establishing the Armed Forces Service Medal	1	medal
12987	1/31/96	Clinton	Amendment to Executive Order No. 12964	1	pacific trade (wq), clinton OR white house
12989	2/13/96	Clinton	Economy and efficiency in Government procurement through compliance with certain Immigration and Naturalization Act provisions	1	immigration
12996	3/25/96	Clinton	Management and general public use of the National Wildlife Refuge System	1	wildlife
13019	9/28/96	Clinton	Supporting Families: Collecting Delinquent Child Support Obligations	2	child support
13021	10/19/96	Clinton	Tribal Colleges and Universities	2	trib*, college OR universit*
13026	11/15/96	Clinton	Administration of Export Controls on Encryption Products	3	encryp*
13038	3/11/97	Clinton	Advisory Committee on Public Interest Obligations of Digital Television Broadcasters	4	digital

13045	4/21/97	Clinton	Protection of Children From Environmental Health Risks and Safety Risks	1	risk, children OR kid
13057	7/26/97	Clinton	Federal Actions in the Lake Tahoe Region	1	tahoe
13058	8/9/97	Clinton	Protecting Federal employees and the Public From Exposure to Tobacco Smoke in the Federal Workplace	1	smoke
13061	9/11/97	Clinton	Federal Support of Community Efforts Along American Heritage Rivers	1	heritage river
13067	11/3/97	Clinton	Blocking Sudanese Government Property and Prohibiting Transactions With Sudan	1	sudan
13073	2/4/98	Clinton	Year 2000 Conversion	1	2000
13087	5/28/98	Clinton	Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government	3	equal employment (wq)
13088	6/9/98	Clinton	Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia...	2	yugoslavia OR serbia
13089	6/11/98	Clinton	Coral Reef Protection	1	coral
13091	6/29/98	Clinton	Administration of Arms Export Controls and Foreign Assistance	1	arms
13093	7/27/98	Clinton	American Heritage Rivers, Amending Executive Order 13061 and 13080	0	river
13094	7/28/98	Clinton	Proliferation of Weapons of Mass Destruction	1	weapons OR arms
13099	8/20/98	Clinton	Prohibiting Transactions With Terrorists Who Threaten To Disrupt the Middle East Peace Process	2	terrorist
13100	8/25/98	Clinton	President's Council on Food Safety	1	food safety (wq)
13103	9/30/98	Clinton	Computer Software Piracy	1	software
13107	12/10/98	Clinton	Human Rights Treaties	1	human rights (wq)
13112	2/3/99	Clinton	Invasive Species	3	invasive
13121	4/30/99	Clinton	Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia...	2	yugoslavia OR serbia
13123	6/3/99	Clinton	Greening the Government Through Efficient Energy Management	1	energy, clinton OR white house
13126	6/12/99	Clinton	Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor	2	child labor (wq)
13129	7/3/99	Clinton	Blocking Property and Prohibiting Transactions With the Taliban	1	taliban
13132	8/5/99	Clinton	Federalism	1	federalism
13134	8/12/99	Clinton	Developing and Promoting Biobased Products and Bioenergy	1	bio* OR energy
13140	10/6/99	Clinton	1999 Amendments to the Manual for Courts-Martial, United States	2	courts martial (wq)
13141	11/16/99	Clinton	Environmental Review of Trade Agreements	1	trade, clinton OR white house
13145	2/8/00	Clinton	To Prohibit Discrimination in Federal Employment Based on Genetic Information	3	genetic
13152	5/2/00	Clinton	Further Amendment to Executive Order 11478, Equal Employment Opportunity in Federal Government	0	equal employment (wq)
13155	5/10/00	Clinton	Access to HIV/AIDS Pharmaceuticals and Medical Technologies	5	hiv OR aids, clinton OR white house, africa
13158	5/26/00	Clinton	Marine Protected Areas	1	marine
13160	6/23/00	Clinton	Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation...	1	discriminat* OR nondiscrimination
13166	8/11/00	Clinton	Improving Access to Services for Persons With Limited English Proficiency	0	english, limited proficien* (wq), clinton OR white house
13176	11/27/00	Clinton	Facilitation of a Presidential Transition	1	transition
13198	1/29/01	Bush II	Agency Responsibilities With Respect to Faith-Based and Community Initiatives	1	faith-based
13199	1/29/01	Bush II	Establishment of White House Office of Faith-Based and Community Initiatives	2	faith-based
13201	2/17/01	Bush II	Notification of Employee Rights Concerning Payment of Union Dues or Fees	3	union dues (wq)
13202	2/17/01	Bush II	Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor	3	construction, labor OR union, bush

			Relations on Federal and Federally Funded Construction Projects		OR white house
13203	2/17/01	Bush II	Revocation of Executive Order and Presidential Memorandum Concerning Labor-Management Partnerships	1	labor OR management, bush OR white house
13205	3/9/01	Bush II	Establishing an Emergency Board To Investigate a Dispute Between Northwest Airlines	6	northwest
13211	5/18/01	Bush II	Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use	4	energy, bush OR white house
13212	5/18/01	Bush II	Actions To Expedite Energy-Related Projects	3	energy project (wq), bush OR white house
13224	9/23/01	Bush II	Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism	5	terroris*, propert* OR transaction, bush OR white house
13228	10/8/01	Bush II	Establishing the Office of Homeland Security and the Homeland Security Council	3	homeland security
13233	11/1/01	Bush II	Further Implementation of the Presidential Records Act	10	presidential records (wq)
13241	12/18/01	Bush II	Providing an Order of Succession Within the Department of Agriculture	0	succe*, department
13242	12/18/01	Bush II	Providing an Order of Succession Within the Department of Commerce	0	succe*, department
13243	12/18/01	Bush II	Providing an Order of Succession Within the Department of Housing and Urban Development	0	succe*, department
13244	12/18/01	Bush II	Providing an Order of Succession Within the Department of the Interior	0	succe*, department
13245	12/18/01	Bush II	Providing an Order of Succession Within the Department of Labor	0	succe*, department
13246	12/18/01	Bush II	Providing an Order of Succession Within the Department of the Treasury	0	succe*, department
13247	12/18/01	Bush II	Providing an Order of Succession Within the Department of Veterans Affairs	0	succe*, department
13248	12/20/01	Bush II	Establishing an Emergency Board To Investigate a Dispute Between United Airlines, Inc., and its Mechanics and Related Employees Represented by the International Association of Machinists and Aerospace Workers	1	airline, board OR dispute
13252	1/7/02	Bush II	Exclusions From the Federal Labor-Management Relations Program	0	labor management (wq)
13254	1/29/02	Bush II	Establishing the USA Freedom Corps	0	freedom corps (wq)
13256	2/12/02	Bush II	President's Board of Advisors on Historically Black Colleges and Universities	1	black, college OR universit*
13260	3/19/02	Bush II	Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security	1	homeland security
13266	6/20/02	Bush II	Activities To Promote Personal Fitness	1	fitness
13269	7/3/02	Bush II	Expedited Naturalization of Aliens and Noncitizen Nationals Serving in an Active-Duty Status During the War on Terrorism	4	naturaliz*
13271	7/9/02	Bush II	Establishment of the Corporate Fraud Task Force	2	fraud
13274	9/18/02	Bush II	Environmental Stewardship and Transportation Infrastructure Project Reviews	1	environmen*, bush OR white house
13279	12/12/02	Bush II	Equal Protection of the Laws for Faith-Based and Community Organizations	5	faith-based
13280	12/12/02	Bush II	Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives	1	faith-based
13288	3/6/03	Bush II	Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe	1	zimbabwe
13290	3/20/03	Bush II	Confiscating and Vesting Certain Iraqi Property	2	iraq OR iraqi, bush OR white house
13292	3/25/03	Bush II	Further Amendment to Executive Order 12958, as Amended, Classified National Security Information	2	classif*
13295	4/4/03	Bush II	Revised List of Quarantinable Communicable Diseases	3	disease

13312	7/29/03	Bush II	Implementing the Clean Diamond Trade Act	1	diamond
13328	2/6/04	Bush II	Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction	1	weapons of mass destruction
13336	4/30/04	Bush II	American Indian and Alaska Native Education	1	native OR indian
13338	5/11/04	Bush II	Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria	2	syria
13340	5/18/04	Bush II	Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes	1	great lakes
13342	6/1/04	Bush II	Responsibility of the Departments of Commerce and Veterans Affairs and the Small Business Administration With Respect to Faith-Based and Community Initiatives	2	faith-based
13353	8/27/04	Bush II	Establishing the President's Board on Safeguarding Americans' Civil Liberties	1	civil liberties
13354	8/27/04	Bush II	National Counterterrorism Center	2	counterterrorism
13355	8/27/04	Bush II	Strengthened Management of the Intelligence Community	6	intelligence, bush OR white house
13356	8/27/04	Bush II	Strengthening the Sharing of Terrorism Information To Protect Americans	1	terrorism*, bush OR white house
13357	9/20/04	Bush II	Termination of Emergency Declared in Executive Order 12543 With Respect to the Policies and Actions of the Government of Libya and Revocation of Related Executive Orders	0	libya
13364	11/29/04	Bush II	Modifying the Protection Granted to the Development Fund for Iraq and Certain Property in Which Iraq Has an Interest and Protecting the Central Bank of Iraq	1	iraq, bank, bush OR white house
13366	12/17/04	Bush II	Committee on Ocean Policy	2	ocean, bush OR white house
13375	4/1/05	Bush II	Amendment to Executive Order 13295 Relating to Certain Influenza Viruses and Quarantinable Communicable Diseases	1	disease
13382	6/28/05	Bush II	Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters	0	weapons of mass destruction
13392	12/14/05	Bush II	Improving Agency Disclosure of Information	0	agency disclos* (wq), bush OR white house
13394	12/22/05	Bush II	Providing an Order of Succession Within the Department of Defense	1	defense department (wq), succeed OR succession
13397	3/7/06	Bush II	Responsibilities of the Department of Homeland Security With Respect to Faith-Based and Community Initiatives	0	faith-based
13398	4/18/06	Bush II	National Mathematics Advisory Panel	1	math OR mathematics
13406	6/23/06	Bush II	Protecting the Property Rights of the American People	0	property
13421	12/28/06	Bush II	Providing for the Closing of Government Departments and Agencies on January 2, 2007	1	new year OR ford
13422	1/18/07	Bush II	Further Amendment to Executive Order 12866 on Regulatory Planning and Review	0	planning, bush OR white house
13425	2/14/07	Bush II	Trial of Alien Unlawful Enemy Combatants by Military Commission	1	military commission (wq)
13432	5/14/07	Bush II	Cooperation Among Agencies in Protecting the Environment With Respect to Greenhouse Gas Emissions From Motor Vehicles, Nonroad Vehicles, and Nonroad Engines	1	greenhouse gas
13433	5/16/07	Bush II	Protecting American Taxpayers From Payment of Contingency Fees	1	contingency fee (wq)
13435	6/20/07	Bush II	Expanding Approved Stem Cell Lines in Ethically Responsible Ways	3	stem cell (wq)
13439	7/18/07	Bush II	Establishing an Interagency Working Group on Import Safety	1	import
13440	7/20/07	Bush II	Interpretation of the Geneva Conventions Common Article 3 as Applied to a Program of Detention and Interrogation Operated by the Central Intelligence Agency	5	geneva
13441	8/1/07	Bush II	Blocking Property of Persons Undermining the Sovereignty of Lebanon or Its Democratic Processes and Institutions	1	lebanon
13448	10/18/07	Bush II	Blocking Property and Prohibiting Certain Transactions	1	burma

			Related to Burma		
13449	10/20/07	Bush II	Protection of Striped Bass and Red Drum Fish Populations	1	fish
13457	1/29/08	Bush II	Protecting American Taxpayers From Government Spending on Wasteful Earmarks	2	earmark
13465	6/6/08	Bush II	Amending Executive Order 12989, as Amended (Immigration-E-verify)	2	e-verify
13469	7/25/08	Bush II	Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe	1	zimbabwe
13470	7/30/08	Bush II	Further Amendments to Executive Order 12333, United States Intelligence Activities	1	intelligence
13476	10/9/08	Bush II	Facilitation of a Presidential Transition	1	transition, bush OR white house
13480	11/26/08	Bush II	Exclusions From the Federal Labor-Management Relations Program	0	labor management (wq)

Notes: (1) The search tool for ProQuest is not case sensitive. (2) An additional column of secondary search terms is omitted here (and was not used for every single entry) but would provide the opportunity to make multiple searches when topics were broad enough. (3) An asterisk in a search term indicates that the system would search all branch endings of a word. For example, the search term “terminat\*” would find instances of the word “terminate,” “terminates,” “terminated,” “termination,” “terminating,” and more so as to provide sufficient results with all reasonable attempts to find an executive order. (4) The notation “wq” means that words were searched with quotation marks. This approach was used when multiple words were part of a phrase that were sufficiently likely to appear together. Otherwise, the ProQuest search tool would find stories that contained both words anywhere in the story but not when they were necessarily together. For a topic like “stem cell research,” we can reasonably narrow the search to times when “stem” and “cell” appear next to each other as there are not likely to be references to the topic that omit that particular phrase (as opposed to, for example, “Defense Secretary” or “Secretary of Defense” where the words may appear in several different arrangements).

Table A3.2: List of All Critical Executive Orders, 1945-2009

Order No.	President	Date	Title	Type	Stories
9547	Truman	5/2/1945	Providing for rep of the US in preparing/prosecuting charges of atrocities and war crimes	Foreign	3
9585	Truman	7/4/1945	Auth the Sec of Navy to take poss of/operate the plants/facilities of Goodyear Tire & Rubber Company Inc.,	Foreign	3
9599	Truman	8/18/1945	..for the orderly mod of wartime controls over prices, wages, materials, and facilities	Domestic	14
9601	Truman	8/21/1945	Revocation of EO 9240, as amended, entitled ``Regs Relating to Overtime Compensation"	Domestic	5
9617	Truman	9/19/1945	Transfer of Certain Agencies and Functions to the Department of Labor	Domestic	4
9621	Truman	9/20/1945	Termination of the Office of Strategic Services and Disposition of its Functions	Foreign	3
9635	Truman	10/1/1945	Organization of the Navy Department and the Naval Establishment	Foreign	3

9639	Truman	10/4/1945	Auth the Sec Navy To Take Possession of and Operate Certain Plants and Facilities Used in the Transportation, Refining and Processing of Petroleum and Petroleum Products	Foreign	3
9643	Truman	10/19/1945	Transferring Certain Personnel, Records, Property, and Funds of the Department of Commerce, with Respect to Surplus Property, to the Reconstruction Finance Corporation	Foreign	3
9651	Truman	10/30/1945	Amend EO 9599, Providing for Assistance to Expanded Production and Continued Stabilization of the National Economy During the Transition from War to Peace,	Domestic	7
9672	Truman	12/31/1945	Establishing the National Wage Stabilization Board and Terminating the National War Labor Board	Domestic	4
9679	Truman	1/16/1946	Amend EO 9547, Entitled "Providing for Representation of the United States in Preparing and Prosecuting Charges of Atrocities and War Crimes Against the Leaders of the European Axis Powers and Their Principal Agents and Accessories"	Foreign	3
9697	Truman	2/14/1946	Providing for continued stabilization of the nat'l econ the trans from war to peace	Domestic	7
9719	Truman	5/7/1946	Creating an Emergency Board To Investigate Disputes Between the Transcontinental & Western Air, Inc., and Other Carriers, and Certain of Their Employees	Domestic	3
9727	Truman	5/17/1946	Possession, Control, and Operation of Certain Railroads	Foreign	4
9728	Truman	5/21/1946	Authorizing the Secretary of the Interior To Take Possession of and To Operate Certain Coal Mines	Foreign	10
9731	Truman	5/29/1946	Creating an Emergency Board To Investigate a Dispute Between the Hudson & Manhattan Railroad Company and Certain of Its Employees	Domestic	5
9801	Truman	11/9/1946	Removing Wage and Salary Controls Adopted Pursuant to the Stabilization Act of 1942	Domestic	3
9806	Truman	11/25/1946	Establishing the President's Temporary Commission on Employee Loyalty	Domestic	3

9809	Truman	12/12/1946	Providing for the Disposition of Certain War Agencies	Foreign	3
9832	Truman	2/25/1947	Prescribing Procedures for the Administration of the Reciprocal Trade Agreements Program	Foreign	3
9835	Truman	3/22/1947	Prescribing Procedures for the Administration of an Employees Loyalty Program in the Executive Branch of the Government	Domestic	17
9857	Truman	5/22/1947	Regulations for Carrying Out the Provisions of the Act Entitled "An Act To Provide for Assistance to Greece and Turkey"	Foreign	3
9912	Truman	12/24/1947	Establishing the Interdepartmental Committee on Scientific Research and Development	Domestic	4
9939	Truman	3/23/1948	Creating a Board of Inquiry To Report on a Labor Dispute Affecting the Bituminous Coal Industry of the United States	Domestic	3
9957	Truman	5/10/1948	Possession, Control, and Operation of Railroads	Foreign	6
9981	Truman	7/26/1948	Establishing the President's Committee on Equality of Treatment and Opportunity in the Armed Services	Foreign	5
10004	Truman	10/5/1948	Prescribing Procedures for the Administration of the Reciprocal Trade Agreements Program	Foreign	5
10007	Truman	10/15/1948	Organization of the Reserve Units of the Armed Forces	Foreign	5
10106	Truman	2/6/1950	Creating a Board of Inquiry To Report on a Labor Dispute Affecting the Bituminous Coal Industry of the United States	Domestic	5
10155	Truman	8/25/1950	Possession, Control, and Operation of Certain Railroads	Foreign	3
10161	Truman	9/9/1950	Delegating Certain Functions of the President Under the Defense Production Act of 1950	Foreign	12
10193	Truman	12/16/1950	Providing for the Conduct of the Mobilization Effort of the Government	Foreign	4
10202	Truman	1/13/1951	Prescribing or Amending Portions of the Selective Service Regulations	Foreign	4
10207	Truman	1/23/1951	Establishing the President's Commission on Internal Security and Individual Rights	Foreign	9
10224	Truman	3/15/1951	Establishing the National Advisory Board on Mobilization Policy	Foreign	6

10230	Truman	3/31/1951	Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities in the Canal Zone	Foreign	6
10233	Truman	4/21/1951	Amending Executive Order 10161 With Respect to Wage Stabilization and Settlement of Labor Disputes	Domestic	8
10281	Truman	8/28/1951	Defense Materials Procurement and Supply	Foreign	3
10290	Truman	9/24/1951	Prescribing Regulations Establishing Minimum Standards for the Classification, Transmission, and Handling, by Department and Agencies of the Executive Branch, of Official Information Which Requires Safeguarding in the Interest of the Security of the US	Foreign	5
10308	Truman	12/3/1951	Improving the Means for Obtaining Compliance With the Nondiscrimination Provisions of Federal Contracts	Domestic	6
10340	Truman	4/8/1952	Directing the Secretary of Commerce To Take Possession of and Operate the Plants and Facilities of Certain Steel Companies	Foreign	10
10422	Truman	1/9/1953	Prescribing Procedures for Making Available to the Secretary General of the United Nations Certain Information Concerning United States Citizens Employed or Being Considered for Employment on the Secretariat of the United Nations	Foreign	13
10426	Truman	1/16/1953	Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve	Domestic	13
10434	Eisenhower	2/6/1953	Suspension of Wage and Salary Controls Under the Defense Production Act of 1950, as Amended	Foreign	4
10450	Eisenhower	4/27/1953	Security Requirements for Government Employment	Domestic	12
10459	Eisenhower	6/2/1953	Amend of EO 10422, Prescribing Procedures for Making Available to the Secretary General of the United Nations Certain Information Concerning United States Citizens Employed or Being Considered for Employment on the Secretariat of the United Nations	Foreign	4
10463	Eisenhower	6/25/1953	Amendment of Section 6.4 of Civil Service Rule VI	Domestic	3



10469	Eisenhower	7/11/1953	Amending the Selective Service Regulations	Foreign	3
10472	Eisenhower	7/20/1953	Establishing the National Agricultural Advisory Commission	Domestic	4
10501	Eisenhower	11/5/1953	Safeguarding Official Information in the Interests of the Defense of the United States	Foreign	8
10582	Eisenhower	12/17/1954	Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act	Foreign	12
10631	Eisenhower	8/17/1955	Code of Conduct for Members of the Armed Forces of the United States	Foreign	5
10647	Eisenhower	11/28/1955	Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended	Domestic	3
10730	Eisenhower	9/24/1957	Providing Assistance for the Removal of an Obstruction of Justice Within the State of Arkansas	Domestic	3
10761	Eisenhower	3/27/1958	Government Purchases of Crude Petroleum and Petroleum Products	Domestic	3
10771	Eisenhower	6/20/1958	Amendment of Executive Order No. 10534, Relating to the Supervision and Direction of the Saint Lawrence Seaway Development Corporation	Domestic	4
10798	Eisenhower	1/3/1959	Flag of the United States	Domestic	4
10842	Eisenhower	10/6/1959	Creating a Board of Inquiry To Report on Certain Labor Disputes Affecting the Maritime Industry of the United States	Foreign	6
10843	Eisenhower	10/9/1959	Creating a Board of Inquiry To Report on a Labor Dispute Affecting the Steel Industry of the United States	Domestic	11
10848	Eisenhower	10/14/1959	Amendment of Executive Order No. 10843, Creating a Board of Inquiry to report on a Labor Dispute Affecting the Steel Industry of the United States	Domestic	3
10865	Eisenhower	2/20/1960	Safeguarding Classified Information Within Industry	Foreign	4
10914	Kennedy	1/21/1961	Providing for an expanded program of food distribution to needy families	Domestic	6
10919	Kennedy	2/17/1961	Creating an emergency board to investigate a dispute between the Pan American World Airways, Inc., and certain of its employees	Domestic	5
10921	Kennedy	2/21/1961	Establishing a commission to inquire into a controversy between certain air carriers and certain of their employees	Domestic	3
10924	Kennedy	3/1/1961	Establishment and administration of the Peace Corps in the Department of State	Foreign	30

10925	Kennedy	3/6/1961	Establishing the President's Committee on Equal Employment Opportunity	Domestic	19
10934	Kennedy	4/13/1961	Establishing the Administrative Conference of the United States	Domestic	3
10940	Kennedy	5/11/1961	Establishing the President's Committee on Juvenile Delinquency and Youth Crime	Domestic	4
10952	Kennedy	7/20/1961	Assigning civil defense responsibilities to the Secretary of Defense and others	Foreign	3
10988	Kennedy	1/17/1962	Employee-management cooperation in the Federal service	Domestic	3
11016	Kennedy	4/25/1962	Authorizing award of the Purple Heart	Foreign	4
11053	Kennedy	9/30/1962	Providing assistance for the removal of unlawful obstructions of justice in the State of Mississippi	Domestic	3
11063	Kennedy	11/20/1962	Equal opportunity in housing	Domestic	10
11098	Kennedy	3/15/1963	Amending the Selective Service regulations	Foreign	3
11111	Kennedy	6/11/1963	Providing assistance for the removal of obstructions of justice and suppression of unlawful combinations within the State of Alabama	Domestic	5
11112	Kennedy	6/12/1963	Establishing the President's Advisory Council on the Arts	Domestic	5
11119	Kennedy	9/10/1963	Amending the Selective Service regulations	Foreign	4
11118	Kennedy	9/10/1963	Providing assistance for removal of unlawful obstructions of justice in the State of Alabama	Domestic	3
11154	Johnson	5/8/1964	Exemption of J. Edgar Hoover from compulsory retirement for age	Domestic	6
11241	Johnson	8/26/1965	Amending the Selective Service regulations	Foreign	4
11289	Johnson	7/2/1966	National Advisory Commission on Selective Service	Foreign	3
11314	Johnson	10/17/1966	Creating a Board of Inquiry to report on certain labor disputes affecting the military jet engine industry, military aircraft industry, military armament industry and military electronics industry of the United States	Foreign	3
11322	Johnson	1/5/1967	Relating to trade and other transactions involving Southern Rhodesia	Foreign	5
11360	Johnson	6/30/1967	Amending the Selective Service regulations	Foreign	5
11364	Johnson	7/24/1967	Providing for the restoration of law and order in the State of Michigan	Foreign	3

11387	Johnson	1/1/1968	Governing certain capital transfers abroad	Foreign	3
11403	Johnson	4/5/1968	Providing for the restoration of law and order in the Washington Metropolitan Area	Foreign	3
11452	Nixon	1/23/1969	Establishing the Council for Urban Affairs	Domestic	4
11472	Nixon	5/29/1969	Establishing the Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality	Domestic	3
11478	Nixon	8/8/1969	Equal employment opportunity in the Federal Government	Domestic	3
11497	Nixon	11/26/1969	Amending the Selective Service regulations to prescribe random selection	Foreign	6
11507	Nixon	2/4/1970	Prevention, control, and abatement of air and water pollution at Federal facilities	Domestic	5
11519	Nixon	3/23/1970	Calling into service members and units of the National Guard	Foreign	4
11527	Nixon	4/23/1970	Amending the Selective Service regulations	Foreign	3
11588	Nixon	3/29/1971	Providing for the stabilization of wages and prices in the construction industry	Domestic	16
11605	Nixon	7/2/1971	Amendment of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment	Domestic	6
11615	Nixon	8/15/1971	Providing for stabilization of prices, rents, wages, and salaries	Domestic	29
11627	Nixon	10/15/1971	Further providing for the stabilization of the economy	Domestic	4
11641	Nixon	1/28/1972	Concentration of law enforcement activities relating to drug abuse	Foreign	4
11643	Nixon	2/8/1972	Environmental safeguards on activities for animal damage control on Federal lands	Domestic	5
11652	Nixon	3/8/1972	Classification and declassification of national security information and material	Foreign	6
11695	Nixon	1/11/1973	Further providing for the stabilization of the economy	Domestic	7
11697	Nixon	1/17/1973	Inspection by Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations	Domestic	3
11723	Nixon	6/13/1973	Further providing for the stabilization of the economy	Domestic	6

11748	Nixon	12/4/1973	Federal Energy Office	Domestic	3
11803	Ford	9/16/1974	Establishing a Clemency Board to review certain convictions of persons under section 12 or 6 (j) of the Military Selective Service Act...	Foreign	4
11828	Ford	1/4/1975	Establishing a commission on CIA activities within the United States	Foreign	4
11878	Ford	9/10/1975	Assigning responsibilities relating to activities of the Presidential Clemency Board	Domestic	3
11905	Ford	2/18/1976	United States foreign intelligence activities	Foreign	18
11967	Carter	1/21/1977	Relating to violations of the Selective Service Act, August 4, 1964 to March 28, 1973	Foreign	4
11972	Carter	2/14/1977	Establishing the United States Circuit Judge Nominating Commission	Domestic	3
12036	Carter	1/24/1978	United States Intelligence Activities	Foreign	18
12044	Carter	3/23/1978	Improving Government Regulations	Domestic	4
12140	Carter	5/29/1979	Delegation of authorities relating to motor gasoline end-user allocation	Domestic	7
12153	Carter	8/17/1979	Decontrol of heavy oil	Domestic	4
12160	Carter	9/26/1979	Providing for enhancement and coordination of Federal consumer programs	Domestic	3
12170	Carter	11/14/1979	Blocking Iranian Government property	Foreign	5
12188	Carter	1/2/1980	International trade functions	Foreign	3
12205	Carter	4/7/1980	Prohibiting certain transactions with Iran	Foreign	3
12218	Carter	6/19/1980	Export of special nuclear material and components to India	Foreign	3
12277	Carter	1/19/1981	Direction to transfer Iranian Government assets	Foreign	6
12278	Carter	1/19/1981	Direction to transfer Iranian Government assets overseas	Foreign	6
12279	Carter	1/19/1981	Direction to transfer Iranian Government assets held by domestic banks	Foreign	6
12280	Carter	1/19/1981	Direction to transfer Iranian Government financial assets held by non-banking institutions	Foreign	6
12281	Carter	1/19/1981	Direction to transfer certain Iranian Government assets	Foreign	6
12282	Carter	1/19/1981	Revocation of prohibitions against transactions involving Iran	Foreign	3
12287	Reagan	1/28/1981	Decontrol of crude oil and refined petroleum products	Domestic	4

12291	Reagan	2/17/1981	Federal Regulation	Domestic	17
12320	Reagan	9/15/1981	Historically Black Colleges and Universities	Domestic	3
12333	Reagan	12/4/1981	United States Intelligence Activities	Foreign	5
12348	Reagan	2/25/1982	Federal Real Property	Domestic	4
12353	Reagan	3/23/1982	Charitable fund-raising	Domestic	3
12356	Reagan	4/2/1982	National Security Information	Foreign	12
12470	Reagan	3/30/1984	Continuation of export control regulations	Foreign	3
12513	Reagan	5/1/1985	Prohibiting trade and certain other transactions involving Nicaragua	Foreign	5
12532	Reagan	9/9/1985	Prohibiting trade and certain other transactions involving South Africa	Foreign	20
12543	Reagan	1/7/1986	Prohibiting trade and certain transactions involving Libya	Foreign	15
12544	Reagan	1/8/1986	Blocking Libyan Government property in the United States or held by U.S. persons	Foreign	3
12546	Reagan	2/3/1986	Presidential Commission on the Space Shuttle Challenger Accident	Domestic	3
12564	Reagan	9/15/1986	Drug-Free Federal Workplace	Domestic	16
12631	Reagan	3/18/1988	Working Group on Financial Markets	Domestic	3
12635	Reagan	4/8/1988	Prohibiting certain transactions with respect to Panama	Foreign	3
12657	Reagan	11/18/1988	Federal Emergency Management Agency assistance in emergency preparedness planning at commercial nuclear power plants	Domestic	15
12800	Bush I	4/13/1992	Notification of employee rights concerning payment of union dues or fees	Domestic	4
12807	Bush I	5/24/1992	Interdiction of illegal aliens	Foreign	18
12810	Bush I	6/5/1992	Blocking property of and prohibiting transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro)	Foreign	4
12818	Bush I	10/23/1992	Open Bidding on Federal and Federally Funded Construction Projects	Domestic	3
12834	Clinton	1/20/1993	Ethics Commitments by Executive Branch Appointees	Domestic	3
12850	Clinton	5/28/1993	Conditions for renewal of Most-Favored-Nation Status for the People's Republic of China in 1994	Foreign	27
12873	Clinton	10/20/1993	Federal acquisition, recycling, and waste prevention	Domestic	5
12901	Clinton	3/3/1994	Identification of trade expansion priorities	Foreign	5
12947	Clinton	1/24/1995	Prohibiting transactions with terrorists who threaten to disrupt the Middle East peace process	Foreign	3

12957	Clinton	3/15/1995	Prohibiting certain transactions with respect to the development of Iranian petroleum resources	Foreign	4
12958	Clinton	4/17/1995	Classified National Security Information	Foreign	5
12968	Clinton	8/2/1995	Access to Classified Information	Domestic	3
13026	Clinton	11/15/1996	Administration of Export Controls on Encryption Products	Foreign	3
13038	Clinton	3/11/1997	Advisory Committee on Public Interest Obligations of Digital Television Broadcasters	Domestic	4
13087	Clinton	5/28/1998	Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government	Domestic	3
13112	Clinton	2/3/1999	Invasive Species	Domestic	3
13145	Clinton	2/8/2000	To Prohibit Discrimination in Federal Employment Based on Genetic Information	Domestic	3
13155	Clinton	5/10/2000	Access to HIV/AIDS Pharmaceuticals and Medical Technologies	Foreign	5
13201	Bush II	2/17/2001	Notification of Employee Rights Concerning Payment of Union Dues or Fees	Domestic	3
13202	Bush II	2/17/2001	Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects	Domestic	3
13205	Bush II	3/9/2001	Establishing an Emergency Board To Investigate a Dispute Between Northwest Airlines	Domestic	6
13211	Bush II	5/18/2001	Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use	Domestic	4
13212	Bush II	5/18/2001	Actions To Expedite Energy-Related Projects	Domestic	3
13224	Bush II	9/23/2001	Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism	Foreign	5
13228	Bush II	10/8/2001	Establishing the Office of Homeland Security and the Homeland Security Council	Domestic	3
13233	Bush II	11/1/2001	Further Implementation of the Presidential Records Act	Domestic	10
13269	Bush II	7/3/2002	Expedited Naturalization of Aliens and Noncitizen Nationals Serving in an Active-Duty Status During the War on Terrorism	Foreign	4
13279	Bush II	12/12/2002	Equal Protection of the Laws for Faith-Based	Domestic	5

			and Community Organizations		
13295	Bush II	4/4/2003	Revised List of Quarantinable Communicable Diseases	Domestic	3
13355	Bush II	8/27/2004	Strengthened Management of the Intelligence Community	Foreign	6
13435	Bush II	6/20/2007	Expanding Approved Stem Cell Lines in Ethically Responsible Ways	Domestic	3
13440	Bush II	7/20/2007	Interpretation of the Geneva Conventions Common Article 3 as Applied to a Program of Detention and Interrogation Operated by the Central Intelligence Agency	Foreign	5

Table A3.3: Summary Statistics for Executive Orders by President

President	Average <i>NYT</i> stories per SEO	Total EOs	SEOs	CEOs	% of SEOs as CEOs
Truman	1.86	894	248	44	17.74%
Eisenhower	1.60	482	129	18	13.95%
Kennedy	1.83	214	96	17	17.71%
Johnson	1.38	324	82	9	10.98%
Nixon	2.14	346	94	18	19.15%
Ford	1.96	169	24	4	16.67%
Carter	2.02	320	64	17	26.56%
Reagan	2.39	381	80	17	21.25%
Bush I	1.84	165	31	4	12.90%
Clinton	1.82	364	74	14	18.92%
Bush II	1.61	291	70	14	20.00%
Total	1.84	3950	992	176	17.74%

This table provides the summary statistics for executive orders, significant executive orders, and critical executive orders by president. It also displays the average number of *New York Times* stories per significant executive order and a calculation for the percentage of significant executive orders that are critical executive orders. This information is the basis for the material presented in Figures 3.2 through 3.6.

## Chapter 4: Model Analysis

Table A4.1: Means and Variances to Justify Negative Binomial Regression Models

Dependent Variable	Mean	Variance
Critical executive orders (176)	2.32	10.19
Critical domestic orders (77)	1.14	3.16
Critical foreign orders (79)	1.17	3.45

Summary statistics for means and variances (with total numbers in parentheses) for three dependent variables.

Table A4.2: Poisson Count Model on Number of Critical Executive Orders with Robust Errors (for Comparison to Tables 4.2 and 4.3)

	Critical Executive Orders	Critical Domestic Orders	Critical Foreign Orders
Original Variables			
Congressional Majorities	-.018 (.034)	-.002 (.026)	.0005 (.039)
Administration Change	.218 (.213)	.290 (.294)	-.195 (.438)
Divided Government	-5.057*** (1.585)	-5.085** (2.099)	-8.956* (4.377)
Expanded Variables			
Polarization	-6.824 (7.945)	1.397 (9.508)	-25.422* (12.671)
Polarization under Divided Government	8.259** (2.741)	7.373* (3.565)	16.065* (8.127)
Presidential Approval	.012 (.011)	.035*** (.011)	.012 (.018)
Misery Index	.092** (.032)	.137*** (.041)	.105* (.057)
War	-.395 (.395)	-.649° (.405)	.255 (.711)
Timing Variables			
Presidential Lame Duck	-1.196° (.641)	-1.729 (1.206)	-.851 (.696)
Congressional Lame Duck	-2.602*** (.585)	-2.725** (.925)	-2.109*** (.617)
New Congressional Majority	-.073 (.222)	-.368 (.262)	.293 (.314)
Length of Observation	.0004 (.001)	.0001 (.001)	.001 (.001)
Constant	4.133 (5.481)	-2.760 (6.861)	13.357° (8.056)
<i>N</i> of cases	76	76	76
Log pseudo-likelihood	-95.851	-65.165	-70.463
Pseudo-R <sup>2</sup>	.552***	.514***	.489***

The dependent variable in these models is a count of critical executive orders (total and by policy type) within a president-Congress dyad using Poisson count models for comparison to negative binomial regression models in Tables 4.3 and 4.4. Values are coefficients with standard errors in parentheses. ° $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .001$ , one-tailed (except for constant, timing variables, and presidential fixed effects). Presidential fixed effects not presented here.



Table A4.3: Presidential Fixed Effects for Models (with Tables 4.2 and 4.3)

	0 Significant Replication	1 Critical Replication	2 Critical Expansion	3 Significant Expansion
Presidential Fixed Effects				
Truman	1.394*** (.227)	1.317** (.420)	.639 (1.587)	1.561* (.661)
Eisenhower	.675** (.222)	.375 (.468)	.095 (1.325)	.825 (.627)
Kennedy	1.869*** (.3234)	2.294*** (.637)	.848 (1.459)	1.274* (.548)
Johnson	1.242*** (.316)	1.226° (.665)	.058 (1.521)	.922° (.558)
Nixon	.631* (.263)	.905° (.521)	.635 (1.261)	.948° (.527)
Ford	.258 (.389)	.489 (.823)	-1.098 (1.431)	.066 (.531)
Carter	.795* (.377)	1.195° (.694)	.002 (1.318)	.480 (.451)
Reagan	.111 (.302)	-.037 (.582)	-.487 (.769)	.124 (.341)
Bush I	-.012 (.312)	-.047 (.695)	-.767 (1.133)	-.231 (.395)
Clinton	.075 (.317)	-.256 (.599)	-.338 (.526)	.136 (.276)
Bush II	omitted	omitted	omitted	omitted

The dependent variable in Models 1 and 2 is a count of critical executive orders within a president-Congress dyad. The dependent variable in Models 0 and 3 is a count of significant executive orders within a president-Congress dyad for comparison. Values are coefficients with standard errors in parentheses. °p≤.10, \*p≤.05, \*\*p≤.01, \*\*\*p≤.001, two-tailed (as described in the note for Tables 4.2 and 4.3).

Table A4.4: Presidential Fixed Effects for Policy Type Models (with Table 4.4)

	4 Domestic Policy	5 Foreign Policy
Presidential Fixed Effects		
Truman	1.386 (1.780)	-1.202 (2.326)
Eisenhower	1.247 (1.598)	-2.123 (2.152)
Kennedy	.827 (1.413)	-.503 (2.047)
Johnson	-1.625 (1.599)	-.336 (2.082)
Nixon	1.709 (1.220)	-1.344 (2.005)
Ford	-1.951 (1.592)	-1.438 (1.766)
Carter	-1.204 (1.192)	.505 (1.700)
Reagan	-.509 (.905)	-.749 (1.056)
Bush I	-.886 (1.150)	-1.440 (1.359)
Clinton	-.791 (.574)	.341 (.889)
Bush II	omitted	omitted

The dependent variable in these models is a count of critical executive orders of the given policy type within a president-Congress dyad. Values are coefficients with standard errors in parentheses. °p≤.10, \*p≤.05, \*\*p≤.01, \*\*\*p≤.001, two-tailed (as described in the note for Table 4.4).

Table A4.5: OLS Regressions on Critical Executive Order Rate (per Day)

	Significant Executive Order Rate (per Day)	Critical Executive Order Rate (per Day)	Critical Domestic Order Rate (per Day)	Critical Foreign Order Rate (per Day)
<b>Original Variables</b>				
Congressional Majorities	-.004* (.002)	-.002* (.001)	-.0002 (.0002)	-.002* (.001)
Administration Change	.018 (.031)	.008 (.016)	.003 (.004)	.005 (.016)
Divided Government	.140 (.209)	.080 (.109)	-.019 (.025)	.099 (.104)
<b>Expanded Variables</b>				
Polarization	1.203° (.887)	.518 (.462)	.012 (.107)	.507 (.442)
Polarization under Divided Government	-.199 (.340)	-.111 (.177)	.022 (.041)	-.133 (.169)
Presidential Approval	-.001 (.001)	-.001 (.001)	.0001 (.0001)	-.001° (.002)
Misery Index	.004 (.004)	.0004 (.002)	.0004 (.0005)	-.00002 (.002)
War	.004 (.032)	.001 (.017)	-.004 (.004)	.004 (.016)
<b>Timing Variables</b>				
Presidential Lame Duck	.026 (.024)	.017 (.013)	.004 (.003)	.014 (.012)
Congressional Lame Duck	-.015 (.018)	-.013 (.009)	-.003 (.002)	-.010 (.009)
New Congressional Majority	.029 (.026)	.022 (.013)	.001 (.003)	.021 (.013)
Constant	-.540 (.524)	-.186 (.273)	-.013 (.063)	-.174 (.261)
<i>N</i> of cases	76	76	76	76
Adjusted R <sup>2</sup>	.207*	.187*	.082	.187*

The dependent variable in these models is a rate of significant or critical executive orders per day issued within a president-Congress dyad. Values are coefficients with standard errors in parentheses. ° $p \leq .10$ , \* $p \leq .05$ , \*\* $p \leq .01$ , \*\*\* $p \leq .001$ , one-tailed (except for constant and timing variables). Presidential fixed effects not presented here.

Table A4.6: Negative Binomial Regression Count Models on Critical Executive Orders with Limited Independent Variables (For Comparison to Tables 4.3 and 4.4)

	Significant Executive Orders	Critical Executive Orders	Critical Domestic Orders	Critical Foreign Orders
<b>Original Variables</b>				
Congressional Majorities	-.019* (.009)	-.055* (.025)	-.026 (.033)	-.031 (.035)
Administration Change	.154 (.141)	.260 (.311)	.293 (.377)	-.158 (.445)
Divided Government	-2.140* (.977)	-3.331° (2.185)	-3.647° (2.825)	-8.623* (4.221)
<b>Expanded Variables</b>				
Polarization	2.124 (3.807)	4.025 (8.464)	16.271° (10.321)	-22.046° (14.461)
Polarization under Divided Government	2.124* (1.629)	5.143° (3.686)	4.241 (4.683)	16.119* (7.665)
Presidential Approval	.022*** (.005)	.018° (.012)	.045** (.018)	.020° (.014)
Misery Index	.076*** (.020)	.063° (.042)	.103** (.056)	.089° (.061)
War	.156 (.221)	-.460 (.452)	-.948** (.553)	.411 (.690)
<b>Timing Variables</b>				
Length of Observation	.004*** (.0002)	.004*** (.0004)	.004*** (.001)	.004*** (.001)
Constant	-3.090 (2.488)	-5.010 (5.560)	-14.927* (7.246)	8.989 (8.919)
<i>N</i> of cases	76	76	76	76
Log likelihood	-181.402	-107.226	-71.235	-74.905
Pseudo-R <sup>2</sup>	.326***	.288***	.358***	.330***

The dependent variable in these models is a count of significant and critical (total and by policy type) executive orders within a president-Congress dyad. Values are coefficients with standard errors in parentheses. °p≤.10, \*p≤.05, \*\*p≤.01, \*\*\*p≤.001, one-tailed (except for constant). Presidential fixed effects not presented here.

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