

ABSTRACT

Title of Dissertation: A SIMPLE TWIST OF THE WRIST:
PRESIDENTIAL USAGE OF EXECUTIVE
ORDERS AND PROCLAMATIONS IN TIMES
OF CRISIS, 1861-2012

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The unilateral presidency has been an important vein of research in the study of the American Presidency over the past two decades. Scholars have studied why and how presidents use certain unilateral directives during their administrations. Institutional constraints by Congress and the Courts have been the primary explanation for a president's usage of unilateral directives. Few scholars have examined the effect that crises can have on these tools. Scholars have also primarily focused their attention on the use of executive orders and proclamations (to a lesser extent) in the post-World War II era. Few studies have examined how presidents before 1945 have used executive orders and proclamations. Using a dataset of over 2,500 directives, I examine when presidents, from 1861-2012, were more likely to issue significant executive orders and proclamations. In this dissertation, I empirically test my crisis theory of unilateral action. I test to see if crises cause presidents to issue more

directives in the pre-modern era, modern era, and the full time frame. I also test the effect of the theory on these directives once they have been split into policy domains. I find that war and economic downturns cause presidents to issue more significant executive orders. Presidents issue more significant proclamations during economic downturns. War also causes presidents to issue more international executive orders, domestic orders/proclamations, and national sovereignty proclamations. Economic downturns cause them to issue more organizational orders, international orders/proclamations, and domestic proclamations. Natural disasters caused them to issue more domestic orders/proclamations and strikes caused them to issue more domestic proclamations. Overall, I find that presidential usage of unilateral directives is affected by certain types of crises and in some cases they have a stronger impact than the institutional variables.

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ORDERS AND PROCLAMATIONS IN TIMES OF CRISIS, 1861-2012

by

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Preface

The idea for this dissertation originated in 2013 after I read Graham Dodds's book *Take Up Your Pen*. His book provided a historical treatment of unilateral directives that few scholars had tried to tackle. I also read an article by Bailey and Rottinghaus (2013) that examined the historical usage of settle-down proclamations from Washington to McKinley. These two works led me to do research on significant executive orders, specifically in the pre-modern era. I started this project by extending William Howell's 1945-2001 significant executive order dataset back to 1861 and forward to 2012. One of the joys of creating the dataset was going through all of the newspapers to see what presidents used their directives for. As the project progressed I began to be interested in other explanations on the usage of unilateral directives. Initially I had an idea to pursue an administrative theory of directives. My dissertation committee suggested that I include proclamations in my analysis. After I passed my prospectus defense, I began to create an additional dataset of significant proclamations from 1861-2012. I also came up with a different theory that took into account the effect of crises on unilateral action. This theory was inspired by the works of Clinton Rossiter (1948) and Laura Young (2013).

The title of this dissertation comes from a 113 year old quote by a former Secretary of the Interior that I came across in my initial search of significant executive orders from 1861-1944. In March of 1904, President Theodore Roosevelt issued an executive order establishing a service pension for Civil War veterans who were at least 62 years of age. These veterans received \$6-12 per month (\$162.55-

325.09 in 2016 dollars) when the veteran reached the age of 70. The pension would cost about \$5 million per year (\$135.5 million in 2016 dollars) (Dodds 2013). This order came about as a result of the lack of progress on pension legislation in Congress. Secretary of the Interior Ethan Hitchcock was quoted as saying, “We won’t fool with those cattle up there (as the President once called Congress) we won’t fool with those cattle, but we will accomplish the same result by Executive order, a simple twist of the wrist” (*The New York Times* 1904). The phrase “a simple twist of the wrist” is very similar to more notable phrases such as “with the stroke of a pen”, Thomas Jefferson’s “take up your pen”, and Barack Obama’s “I’ve got a pen and I’ve got a phone”. I can definitely see modern presidents using some variation of Hitchcock’s quote today.

Dedication

To my parents, Ramona and Walter Williams.

Acknowledgements

“A journey is called that because you cannot know what you will discover on the journey, what you will do with what you find, or what you find will do to you.”

-James Baldwin

This 7 year journey through my doctoral program has been an experience. It is one in which I couldn't have completed by myself. I first want to thank my dissertation committee for all of their help throughout this process. Professor Morris, my advisor and chair has been extremely helpful. I took two courses with him one on the Presidency and one on Public Policy. I worked as his Research Assistant one year and one of my duties was to collect a list of executive orders. At that time I had no idea that my dissertation topic would end up focusing on this directive. Professor Morris read so many drafts of this dissertation and has provided me with encouragement and constructive feedback on how to make the project better. I'm very grateful for the time that he spent on it.

I first became interested in this topic when I took Professor Lee's American Institutions course during my first year in the program. We read Howell's *Power Without Persuasion* which is a foundational work in this area of research. At the time, I was planning on studying campaigns and elections when I started graduate school. That all changed when I took Professor Lee's class. Whether she knows it or not her course caused me to change my research interests from being a behaviorist to an institutionalist.

I'm also thankful to Professors Karol, Miler, and Foreman. I worked with Professor Karol as a TA and on a project using newspaper archives. Little did I know that the experience with the newspaper archives would pique my interest in

expanding Howell's significant executive order database by using *ProQuest Historical Newspapers*. I took an interest groups class with Professor Miler. Although her course was not related to my dissertation topic, I was very impressed with Professor Miler's feedback on my projects. She really takes the time to dig deep into what you write and thinks of questions that I would generally not have considered. I took a class with Professor Foreman in the Policy School and he has been very helpful as an editor on this project. All five members of my committee have contributed in some way to this project and I am grateful for their assistance.

Thanks to Ann Marie Clark for all the support and assistance throughout my time in the program. She always made sure that I had all my paperwork taken care of whether it was for travel funding, comps, and other aspects of the program. Thanks to Professor Mike Hanmer for his role as director of the Graduate Program and for encouraging me to apply to the Conley H. Dillon Memorial Dissertation Award which I received in 2017.

Thanks to Stephanie Smith and Dr. Rich Engstrom who were my bosses during my 7th year in the program when I was employed at the David C. Driskell Center and the Institute for Governmental Service and Research.

Thanks to Professor Allen Guidry who taught me AP American Government in high school. It was during his class that I decided that I would major in political science at ECU. Thanks to my undergraduate political science professors who encouraged me to go to graduate school: Professors Peter Francia, Carmine Scavo, Rhonda Evans, and Jody Baumgartner.

I would like to thank my church family at University Baptist Church. I do not think I would be where I am now had it not been for the people at this church. I want to thank Pastor John Burns and Karen Krueger, Minister Kenneth Swift, Rev. Carmella Jones, my fellow choir members, and the congregation. There are five additional people I want to single out from church who make up my Maryland family. Bill Smith and Yvonne Wells-Smith, who looked after me when I first started going to UBC and Pastor Mark, Vicki, and Matthew McIntyre who did the same once I started singing in the choir. Thank you for the many lunches and outings that you all took me to.

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Table of Contents

Preface.....	ii
Dedication	iv
Acknowledgements.....	v
Table of Contents	viii
List of Tables	viii
List of Figures	ii
Chapter 1: Introduction	1
Chapter 2: Unilateral Directives and the Effect of Crises.....	19
Chapter 3: A Crisis History of Significant Executive Orders and Proclamations	51
Chapter 4: Significant Executive Orders and Proclamations, 1861-2012	104
Chapter 5: The Policy Content of Significant Executive Orders	143
Chapter 6: The Policy Content of Significant Proclamations	176
Chapter 7: Conclusion.....	206
Appendices.....	214
Bibliography	277

List of Tables

Table 3.1: List of Significant Executive Orders and Proclamations Featured in the Chapter	91
Table 4.1: Significant Executive Orders by President, 1861-2012.....	111
Table 4.2: Significant Proclamations by President, 1861-2012.....	114
Table 4.3: Descriptive Statistics, Howell Model	118
Table 4.4: Negative Binomial Regression of Howell’s Model, Executive Orders	119
Table 4.5: Negative Binomial Regression of Howell’s Model, Proclamations	120
Table 4.6: Descriptive Statistics, Crisis Model.....	129
Table 4.7: Negative Binomial Regression of Crisis Model, Significant Executive Orders.....	131
Table 4.8: Negative Binomial Regression of Crisis Model, Significant Proclamations	132
Table 5.1: Significant Executive Orders by Policy Subtopics, 1861-2012.....	146
Table 5.2: Number of Significant Executive Orders by Policy Areas, 1861-2012....	150
Table 5.3: Significant Executive Orders by Policy Areas, 1861-1944.....	151
Table 5.4: Significant Executive Orders by Policy Areas, 1945-2012	151
Table 5.5: Most Prominent Policy Area of Significant Executive Orders by President	152
Table 5.6: Significant Executive Orders by Policy Domains	156
Table 5.7: Descriptive Statistics of Significant Executive Orders Disaggregated Into Four Policy Domains	161
Table 5.8: Negative Binomial Regressions of Crisis Model, Pre-modern EOs.....	163
Table 5.9: Negative Binomial Regressions of Crisis Model, Modern EOs	164
Table 5.10: Negative Binomial Regressions of Crisis Model, EOs 1861-2012	171
Table 6.1: Significant Proclamations by Policy Subtopic, 1861-2012	177
Table 6.2: Number of Significant Proclamations by Policy Area, 1861-2012	180
Table 6.3: Number of Significant Proclamations by Policy Areas, 1861-1944.....	181
Table 6.4: Number of Significant Proclamations by Policy Areas, 1945-2012.....	181
Table 6.5: Most Prominent Policy Area of Significant Proclamations by President	182
Table 6.6: Significant Proclamations by Policy Domains	184
Table 6.7: Descriptive Statistics of Directives Disaggregated into Four Policy Domains	192
Table 6.8: Negative Binomial Regressions of Crisis Model, Pre-Modern Proclamations.....	193
Table 6.9: Negative Binomial Regressions of Crisis Model, Modern Proclamations	194
Table 6.10: Negative Binomial Regression of Crisis Model, Proclamations 1861-2012	201

List of Figures

Figure 4.1: Significant Executive Orders by Year, 1861-2012	111
Figure 4.2: Significant Proclamations by Year, 1861-2012	113
Figure 4.3: Significant Executive Orders and Proclamations by Year, 1861-2012...	116
Figure 4.4: Total Executive Orders and Proclamations by Year, 1861-2012.....	116
Figure 4.5: Predicted Significant Executive Orders as the Average Majority Party Percentage Increases, 1945-2012.....	121
Figure 4.6: Predicted Significant Executive Orders as the Average Majority Party Percentage Increases, 1861-2012.....	124
Figure 4.7: Predicted Significant Proclamations as the Average Majority Party Percentage Increases, 1861-1944.....	134
Figure 4.8: Predicted Significant Executive Orders as the Average Majority Party Percentage Increases, 1945-2012.....	136
Figure 4.9: Predicted Significant Proclamations as the Average Majority Party Percentage Increases, 1861-2012.....	140
Figure 5.1: Number of Distinct Policy Subtopics of Significant Executive Orders, 1861-2012	148
Figure 5.2: International Significant Executive Orders, 1861-2012.....	157
Figure 5.3: Domestic Significant Executive Orders, 1861-2012.....	158
Figure 5.4: Organization Significant Executive Orders, 1861-2012	159
Figure 5.5: National Sovereignty Significant Executive Orders, 1861-2012	160
Figure 5.6: Predicted Significant Domestic Executive Orders as the Average Majority Party Percentage Increases, 1861-2012	173
Figure 6.1: Number of Distinct Policy Subtopics of Significant Proclamations, 1861- 2012.....	179
Figure 6.2: International Affairs Significant Proclamations, 1861-2012	185
Figure 6.3: National Sovereignty Significant Proclamations, 1861-2012	186
Figure 6.4: Domestic Significant Proclamations, 1861-2012.....	187
Figure 6.5: Organization and Scope Significant Proclamations, 1861-2012.....	189
Figure 6.6: Predicted Significant National Sovereignty Proclamations as the Average Majority Party Percentage Increases, 1861-2012	201

Chapter 1: Introduction

In 1975, *Schoolhouse Rock!*, an animated educational show that taught school children the basics of grammar, math, civics, and other subjects, aired one of its most popular short videos “I’m Just A Bill”. In three minutes an anthropomorphic piece of legislation called Bill teaches a young boy about the legislative process by singing a song:

“I’m just a bill.
Yes, I’m only a bill.
And I’m sitting here on Capitol Hill.
Well, it’s a long, long journey
to the capital city.
It’s a long, long wait
while I’m sitting in committee,
But I know I’ll be a law someday
at least I hope and pray that I will,
but today I am still just a bill.” (Frishberg 1975)

In the song, Bill explains the steps in becoming a law: idea formation, the drafting of a bill, the committee process, getting approved in one house of Congress, goes to the other house for the same process, and then to the president’s desk where he can either sign or veto it. At the end of the video the singing bill becomes a law.

Thirty-nine years later, on November 22, 2014, NBC’s sketch comedy show *Saturday Night Live* opened with a parody of “I’m Just a Bill”. This time Bill, whose provisions are focused on immigration, starts to teach the boy about the legislative process. When Bill gets to the part of the process when the president decides whether to sign or veto the law, President Obama, portrayed by Jay Pharaoh appears and pushes Bill down the Capitol steps. The boy asks Obama why he pushed the immigration bill down the stairs and Obama states that there is an easier way to get

things done in Washington. “It’s called an executive order,” Obama says. Next appears an anthropomorphic executive order and he sings in the tune of the original song, “I’m an executive order and I pretty much just happen” (King 2014).

This sketch aired two days after the real President Obama gave a nationally televised address announcing his executive action on immigration. Obama’s new policy would offer “temporary legal status to millions of illegal immigrants, along with an indefinite reprieve from deportation” (Ehrenfreund 2014). Although used interchangeably by the media, and in this case *Saturday Night Live*, an executive action is not the same as an executive order. An executive order is a written directive from the president to members of the executive branch that is published in the *Federal Register*. Executive action is an umbrella term for any action the executive branch takes; an executive order is one such tool (Neuman 2014).

The sketch accurately portrayed President Obama issuing the executive action because Congress was unable to pass comprehensive immigration reform. But even with this explanation the SNL writers seemed to suggest that they still don’t understand why the action was taken. This is emblematic of what the executive order in the sketch states when he says “I’m an executive order and I pretty much just happen”. However, we do “pretty much” know why they “happen”. For the past 20 years presidential scholars have tried to explain why presidents issue executive orders and other tools. Most have focused their efforts on testing the *strategic model* which is essentially what Obama’s caricature states in the sketch. The strategic model argues that presidents are more likely to issue unilateral orders when their legislative goals are in peril (Mayer 2009; Waterman 2009). The literature tends to support the central

premise of the strategic model: Presidents tend to issue more executive orders when their legislative goals are in peril because of a fragmented Congress (Deering and Maltzman 1999; Fine and Warber 2012; Howell 2003, 2005). In this dissertation, I argue that there are conditions under which presidents will prefer executive action regardless of congressional politics. When the president wants to act quickly, especially in times of crisis, they will pursue unilateral action.

Presidents face a choice. The president can create policy by submitting, influencing, or signing legislation *or* by taking the administrative route (Dickinson and Gubb 2016; Howell 2003; Mayer 2009; Moe and Howell 1999a, 1999b). I agree that presidents would prefer to take the legislative route because the final outcome, a law, is more durable. However if the president faces resistance in Congress then they will take the administrative route. In a recent effort to test this proposition, Dickinson and Gubb (2016) begin their analysis with the premise that if presidents issued more orders when Congress becomes more fragmented then they should issue more legislative proposals when Congress is less fragmented. They test the same strategic model that is used to test usage on the number of executive orders but instead uses the number of legislative proposals as the dependent variable. They did not find any statistically significant support that presidents issued more proposals when Congress became less fragmented which suggests that presidents, in the post-World War II era, do not operate in the either/or paradox mentioned earlier. In other words, the authors state “when presidents issue more executive orders, they do not issue fewer legislative proposals” (Dickinson and Gubb 2016, 48). Dickinson and Gubb find that

the either/or dynamic does not apply and that presidents do not view the two “as equivalent methods by which presidents can make policy” (2016, 49).

If the either/or dynamic is not occurring then what might cause a president to take executive action as a first resort? As mentioned earlier, the either/or dynamic operates on the premise that presidents act administratively only when faced with Congressional resistance. This premise leaves out an important aspect of why a president would take the administrative route first and that is the need for the president to act quickly, usually because of a crisis. Presidents prefer the legislative route because it is more durable and they prefer the administrative route because it is quicker. However, the legislative process is slow regardless of how fragmented Congress is. The administrative route is much faster and is not dependent on Congress. When it is important that the president act fast during perilous times the president should be expected to go it alone. No type of event needs a faster response than a crisis. Yet the literature has seldom focused on the impact that crises and other exogenous events can have on presidential unilateralism and when certain studies do they relegate their importance to control variables (Bolton and Thrower 2015; Howell 2003). Some of this may occur because crises or other events tend to be a short-term problem and institutional dynamics are longer lasting. However, crises can have a major impact on the government in ways that continue to have an effect decades after the crisis ended. For example, the Great Depression produced “rapid growth of bureaucratic rules and services” in American government (Jillson 2016, 354). Programs like Social Security that were created during this period have become an important fabric of America’s social safety net. Wars can introduce new issue

regimes and cause electoral coalition shifts (Mayhew 2005). World War II brought an expansion of the government “in its military and national security apparatus” (Jillson 2016, 355). It also introduced new issue regimes such as civil rights, national health insurance, and education aid (Mayhew 2005).

The Case for Crisis Management

When is executive action preferable to legislation? In this dissertation I offer the Crisis Theory for why presidents issue presidential directives. There are over two dozen directives that a president can issue in order to create policy (Halchin 2008). This study will not cover all of these directives but it will focus on the two most well-known directives: executive orders and proclamations. An executive order is a written directive from the president to the executive branch. A proclamation is a written directive from the president to the public. Both have the effect of law. Executive orders have been studied more closely by scholars while proclamations are mostly ignored or looked at as not having any substantive value. This dissertation rectifies that by giving equal weight to both directives. I focus on these two tools because both have been in existence since the presidency of George Washington while most of the other directives were created at various points in the 20th Century. The creation of offices or agencies like the National Security Council or the Homeland Security Council (precursor to the Department of Homeland Security) resulted in the creation of other directives like Homeland Security Presidential Directives (HSPDs) and various national security directives. Other directives such as administrative

orders/memoranda or reorganization plans were created by executive orders or statutes (Halchin 2008).

In this analysis I will not be focusing on all executive orders and proclamations since most of these directives are considered mundane. Instead I will be examining over 2,500 significant executive orders and proclamations from a 151 year time frame (1861-2012).

In the Crisis Theory of executive action, unilateralism is sometimes preferable to legislation. Executive action might be preferable to legislation for two reasons. Executive action is preferable to legislation because: 1. of expediency specifically because the legislative route is too slow; and 2. the problem is temporary and the best solution is through executive action. Both of these reasons explicitly deal with crises and I will address them in turn. First is expediency. During times of emergency, which can be a domestic or foreign crisis, presidents have to respond/act to solve a problem especially when the legislative process is too slow. Edwards and Wayne (2010, 525) state that, “Congress tends to support or at least acquiesce in the unilateral exercise of powers by the president during periods of national emergencies”. Congress recognizes that the president needs to respond quickly during these turbulent times so they confer broad powers.

Second, sometimes the president may view the problem as being temporary and the best solution to the problem is executive action¹. The problem needs to be addressed quickly even though it could be a short-term event. An administrative tool can be put in place and once the problem has passed the order can be revoked; this scenario also applies after national emergencies are declared by the president through

¹ When I say temporary I mean a crisis that can be solved in a matter of days or weeks.

a directive and then are declared over once they issue another directive. Executive action provides a temporary solution for a temporary problem. Legislation would only be suitable for a long term problem because the crisis might be over once Congress comes up with a solution. Therefore in a temporary situation executive orders and proclamations should be a go to tool for presidents to use. Examples of this include responses to pandemics, natural disasters, or internal unrest like strikes or riots.

The role of the president in protecting the country from domestic and foreign crisis is well-established and goes back to the Federalist papers. Alexander Hamilton in Federalist 70 writes about the importance of one of these concepts when he says,

“Energy in the Executive is a leading character in the definition of good Government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy.” (Hamilton et. al. 2003)

As Hamilton states, an energetic executive is important when protecting the nation against foreign threats. He also seems to imply domestic threats when he states “those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice”. Examples of these threats to the nation include: economic downturns, riots, labor strikes, and natural disasters. This leads to the second concept: speed. When a crisis occurs, whether it is foreign or domestic, and depending on how widespread its effect is on the nation, a response may or may not be required. In most cases a foreign crisis will lead to a quick response from the president however a response to a domestic crisis will vary depending on the scale of the crisis. For example an economic downturn that affects the entire nation will probably warrant a

response from the president whereas a labor strike at a shopping mall mostly likely will not. However if the strike has a significant effect on a vital industry then a president may feel compelled to issue a directive to remedy the situation. A notable example is when Harry Truman issued Executive Order 10340 in 1952 which ordered the Secretary of the Commerce to seize the steel industry after workers threatened to strike. A strike during that time would have reduced the amount military resources that were needed to fight the war in Korea (Dodds 2013).

It is important that a president responds quickly to a crisis, but what exactly is a crisis? Birkland (1997, 22) defines it as “an event that is sudden, relatively rare, can be reasonably defined as harmful or revealing the possibility of potentially greater future harms”. McCormick defines the term as “a situation that (1) threatens the high-priority goals of the decision-making unit; (2) restricts the amount of time available for response before the situation is transformed; and (3) surprises the members of the decision-making unit when it occurs” (1978, 353). McClelland states that a crisis can be “distinguished from routine situations by a sense of urgency and a concern that problems will become worse in the absence of action” (1977, 24).

There are many types of crises that can demand a response from the president. Clinton Rossiter in his book *Constitutional Dictatorship* identifies “three types of crisis in the life of a democratic nation”. The first is war which he describes as a time “when a state must convert its peacetime political and social order into a wartime fighting machine and overmatch the skill and efficiency of the enemy” (1948, 6). The second type of crises according to Rossiter is rebellion. He defines a rebellion as, “when the authority of a constitutional government is resisted openly by large

numbers of its citizens who are engaged in violent insurrection against the enforcement of its laws or are bent on capturing it illegally or even destroying it altogether” (1948, 6). The third type is economic depression. He specifically highlights the fact that economic depressions (i.e. the Great Depression) have forced constitutional governments to implement emergency action. War, rebellion, and economic depression are the three big types in Rossiter’s mind of what constitutes a crisis. However, Rossiter also mentions “fire, flood, drought, earthquake, riots and great strikes” as other types of crises that “have justified extraordinary governmental action in nations like the United States” (1948, 6).

The remainder of Rossiter’s book looks at how Western democracies (Germany, Great Britain, and the United States) have operated during times of crises. One section of his book is a historical account of how the United States has handled crises such as the Civil War, World War I, the Great Depression, and World War II. The book which was published in 1948 does not cover crisis government in the post-World War II period. Another drawback is that the study does not statistically test the effects that crises had on the usage of unilateral directives. This dissertation does test the effect of crises on directives.

While Rossiter’s study is more of a historical look at how governments respond to crisis. The empirical political science literature on presidential usage of their unilateral powers during times of crisis is extremely limited. As I mentioned before most studies that test the impact of crisis on unilateral action usually are only controlling for these types of events while being mainly concerned with institutional factors between the president and Congress. A recent study by Laura Young (2013) is

one of the few studies that focuses on the effect crises have on the issuance of unilateral directives. There are two drawbacks of Young's work. First, is that it only examines presidential usage of executive orders in time of crises in the post-World War II era. Second, is that the study limits itself by only examining the usage of one directive, executive orders. This dissertation addresses the drawbacks of Rossiter and Young's works. I examine the usage of executive orders and proclamations during times of crisis across the pre-modern and modern time periods². This is a contribution to the literature because there are few studies of presidential behavior in the pre-modern/traditional era.

Traditional/Modern Presidency Problem

Not only has the literature deemphasized the effect crises can have on unilateralism but little has been written on the use of unilateral tools before 1945. The literature in a sense has a traditional presidency problem. Presidential scholars tend to divide presidential history into two eras, the traditional and the modern presidency³. Stephen Skowronek agrees that a transformative shift occurred in the presidency and that it makes the 19th and early 20th Century traditional presidency different from the mid-20th Century modern one. As a result, Skowronek notes that 1939 is “the standard date... to demarcate presidential history” but as I will show below the date shifts depending on the aspect of the presidency the scholar is interested in (Ellis 2015; Skowronek 2009)

² I use the term pre-modern to describe the traditional era.

³ Some have even suggested that there are three eras. The third is the current era which is also known as the Post-Modern presidency (Rose 1991).

According to Fred Greenstein (1978), the traditional presidency begins with George Washington and ends with Herbert Hoover. It is characterized by a limited executive and a dominant legislature (Jillson 2016). Greenstein says that presidents during this era “allowed congressional leaders to carry the day” (Greenstein 1978, ii). He concedes that there were some activist presidents in the traditional era but they were few in number. The activist presidents in this era included: Andrew Jackson, James Polk, Abraham Lincoln, Grover Cleveland, Theodore Roosevelt, and Woodrow Wilson. These presidents were very influential because they “established precedents that their successors drew upon to justify unilateral presidential action” (Greenstein 1978, ii). But, Greenstein is quick to say that these presidents were an exception to the norm in this era and that presidential power was on average relatively weak before 1933.

Greenstein argues that presidential power grew because of the rise in modern government, war, and other international crises. The creation of a strong bureaucratic infrastructure as well as an expanded executive branch allowed for the modern presidency to be established. This shift caused presidents after the 1930s “to be leaders whether they chose to be or not” (Greenstein 1978, iii). Traditional presidents on the other hand had the ability to determine how active they would be, usually during a crisis or “when the incumbent president was motivated to be a strong leader” (Greenstein 1978, iii). Their ability to be independent was limited without the large bureaucracy and executive branch.

Greenstein argued that the modern presidency begins with Franklin Roosevelt and continues to the present day. He identified four features that characterize the

modern presidency: 1. presidents develop a legislative program that they push Congress to enact into law, 2. presidents create policies regularly without Congressional action, 3. the office of the presidency becomes part of the larger and more encompassing bureaucracy, and 4. the president becomes such a force in the American culture that the public holds them responsible for the conditions of the country while the news media is also more critical of them (Pika and Maltese 2005).

Some historians have a different view about where the modern presidency begins. Chief among them is Lewis L. Gould who believes that “the rise of the modern presidency should be traced to the period between 1897 and 1921” rather than Franklin Roosevelt (Gould 2009). He later narrows down the timeframe to the presidencies of William McKinley and Theodore Roosevelt as the period of time we began to see aspects of the modern presidency manifest itself. Gould identifies the components of the modern presidency as: a significant increase in the White House staff, the creation of the Chief of Staff position, the creation of bureaucratic procedures in relation to the press, the creation of a White House office that deals with congressional relations, enhanced commander-in-chief powers, increased travel throughout the United States and abroad, enhanced relationship with new and old media, and the introduction of the permanent campaign.

If one looks closely at Gould’s description of the modern presidency it looks very similar to the characteristics that Greenstein highlights. Gould’s acknowledgment of the increase of the White House staff and the creation of the chief of staff position mirrors Greenstein’s third characteristic of the office of the presidency becoming larger. Gould’s mention of an increased White House role in

congressional relations mirrors Greenstein's point on the president's development of a legislative proposal. Lastly, Gould's mention of the president's relationship with the media as well as the advent of the permanent campaign mirrors the fourth characteristic.

Political scientists like Tulis (1988) and Teten (2003) attribute the beginning of the modern rhetorical presidency to Woodrow Wilson. Others have argued that it began earlier or later than Wilson (Laracey 2002; Murphy 2008). Jeffrey Cohen finds that Harry Truman is the modern trend setter when it comes to legislative proposals (2012). The literature on executive orders and proclamations has implied that Truman is also the first modern president since most studies begin in the post-World War II period (Bailey and Rottinghaus 2014; Deering and Maltzman 1999; Howell 2003, 2005; Krause and Cohen 1997; Mayer and Price 2002; Rottinghaus and Warber 2015). This is mostly because of convenience since the data is easier to collect. Others have attributed it to Theodore Roosevelt or Franklin Roosevelt (Dodds 2013; Greenstein 1978; King and Ragsdale 1988). Greenstein's second point of presidents regularly creating policy without Congressional action is an example of why he attributes the modern presidency beginning with Franklin Roosevelt. In sum, looking at all of these different aspects of the presidency suggests that the office changes at different times and rates (Ellis 2015).

However, there are some scholars who do not think we learn much by dividing presidential history and they challenge its usefulness. Although he identifies 1939 as the demarcating year, Skowronek believes that dividing presidential history "diminishes the contemporary significance of incumbents of earlier times"

(Skowronek 2009). Scholars tend to do this when their research focuses solely on the modern era, without also putting emphasis on the contributions of earlier presidents. Ryan Teten agrees and provides a solution by saying, “Instead of a black-and-white presidential history that dismisses some presidents because of their assumed lack of utility, scholars should reach into the presidential past of all officeholders for insight into ways that problems were handled and issues addressed” (Teten 2008, 312). Why is it that presidential scholars tend to research only on aspects of the modern presidency? It has mostly been a matter of convenience especially as it relates to collecting reliable data. Collecting data for earlier periods of time can be costly to researchers (Cohen 2012). Other forms of data such as polling and survey results only came on the scene in the modern era (Bailey and Rottinghaus 2013; Cohen 2012).

As mentioned earlier the literature in presidential unilateralism also suffers from the traditional/modern presidency problem. A recent notable exception is Graham Dodds’ work *Take Up Your Pen* (2013) which focuses on the development of unilateral presidential directives starting with George Washington and ending with Barack Obama. In it Dodds shows that all presidents, not just the postwar ones, have used these types of directives and that some have been used for significant and controversial issues. Dodds work is a great foundational study; however, it does not look empirically at when or in what political contexts these orders were issued as other unilateral scholars have done for the modern era. Specifically, Dodds (2013) is more historical like Rossiter (1948) and he does not offer a theory or test why presidents issue unilateral directives. Bolton and Thrower (2015) are one of the first to examine executive order usage empirically over a longer period of time. They find

that presidents issued more non-ceremonial/policy executive orders during divided government in the 1905-1944 period because Congress' capacity to constrain the president was low. However in the modern period from 1945-2013, they find that fewer orders were issued during divided government because Congress was better able to constrain the president. Bolton and Thrower control for some crises but do not have a theory to explain usage during crises and do not study tools other than executive orders.

Bailey and Rottinghaus (2013) published a study that examined the usage of a specific type of proclamation known as "settle-down" proclamations, which are proclamations that are used to tell people, who are participating in riots or strikes, to cease from participating in unlawful actions. What made this study unique was that it was one of the few empirical studies to examine usage of proclamations before the modern era. Specifically they examine the usage of settle down proclamations from George Washington to William McKinley to see if the patterns of the modern presidency occurred in the earlier era. The authors did not find any similar patterns with the modern period, however they did find that more settle down proclamations were issued when the number of occurrences of domestic unrest increased. The drawback of this study is that Bailey and Rottinghaus only focus on a small subset of proclamations. As a result the findings that they present may not be generalizable to proclamations or executive orders as a whole.

Following Dodds, Bolton and Thrower, and Bailey and Rottinghaus's lead, I will look more closely at presidential usage of unilateral directives by extending the time frame further back before the post-World War II period to 1861. There are two

reasons why I think it is important to extend the focus of my study to cover more years. First, presidents have always faced crises and my theory of presidential usage of unilateral directives in times of crises should hold over this 151 year time period. Second, if there is a big shift in how presidents issue unilateral directives in general it will more likely be detected by examining a larger period of time. Most research has examined the usage of unilateral tools in the modern post-World War II period. Other research has shown how presidents respond to crises using executive orders in the modern period (Young 2013), but none have examined how presidents respond to crises using both executive orders *and* proclamations over a longer period of time from the late 19th to the early 21st Century. Scholars have found through other aspects of the presidency that there are notable differences in how presidents behaved across time. Examples include work on the rhetorical presidency and presidential legislative proposals (Cohen 2012; Laracey 2002; Murphy 2008; Teten 2003, 2008; Tulis 1988). I expect that this may also be the case with presidential usage of unilateral directives as well. Ironically, it is in looking back in time that will provide the means for a more accurate understanding of the use of presidential directives in the 21st century. One of the reasons why scholars seldom include research on presidents before 1945 is that there is a belief that the office during that time was completely different from the office of today (Cohen 2012). I plan to assess the significance of differences across time when it comes to looking at unilateralism. I expect that there may be some differences but I also believe there are some similarities that will stay constant across time as well.

There are many benefits of analyzing a longer period of presidents issuing unilateral directives. First, analyzing a longer time period will allow me to have more variation in the data. I am then able to see how behavior changes over time. I will see if behavior stays consistent or if there are noticeable shifts in the amount of directives issued. If there are noticeable shifts I will be able to ascertain what may have caused those shifts. This leads to the second benefit which is that analyzing a longer time period will allow me to see more patterns over time. Specifically do the patterns that scholars have found in the modern era occur in the pre-modern period?⁴ If the same patterns do exist in the pre-modern era then it could suggest that there are no differences between the eras however if the patterns do not exist it may suggest that the behavior in the eras are different. Third, analyzing a longer period of time shows that this aspect of presidential policymaking is not a modern phenomenon. Research that solely focuses on the modern era tends to imply that the pre-modern is not important or that it did not occur in the earlier period. Extending the analysis shows that it did occur in an earlier period and that by placing an emphasis on it, it in effect legitimizes it. It also allows the researcher to see how unilateralism in earlier times transition/evolves into the modern period.

Overview of the Study

In the following pages I will examine the external and political contexts that cause presidents to issue more executive orders and proclamations. This study will not only cover unilateralism in the late 20th and early 21st centuries but it will also examine usage in the late 19th and early 20th centuries. In Chapter 2 I will layout the

⁴ From this point forward I will use the term pre-modern when referring to the traditional era.

crisis theory of unilateral presidential action that was briefly mentioned in this chapter. In Chapter 3 I will give a history on how significant directives were used during times of crises. In Chapter 4 I will test the theory on significant executive order and proclamation usage from 1861-2012. In Chapters 5 and 6 I will look more closely at the data and focus on the substantive policy content of significant executive orders and proclamations. It will test the crisis theory of unilateral action to see if the theory better explains when certain policy types of directives are issued. In Chapter 7 I will conclude this study by reviewing over the key findings and by providing next steps in future research.

Chapter 2: Unilateral Directives and the Effect of Crises

“Crisis government is primarily and often exclusively the business of presidents”.

-Clinton Rossiter (1948, 12)

In 1929, 13 countries including the United States faced a global pandemic. The source was psittacosis also known as “parrot fever” a disease that is “transmitted by parrots to humans” (*New York Times* 1930a). When infected, humans showed symptoms that resembled influenza or pneumonia. There were between 750-800 cases and around 112-120 deaths worldwide as a result of the disease. The United States had 169 cases and 33 deaths which affected 15 states and the District of Columbia (Lepore 2009; Ramsay 2003).

Panic developed around the world. The governments of Prussia, Bavaria, Switzerland, Austria, and Saxony, Germany all responded by banning the importation of parrots in their respective countries or provinces (*New York Times* 1930a, 1930b, 1930d, 1930e, 1930g). On January 24, 1930, President Herbert Hoover followed suit when he issued Executive Order 5264. Citing the authority vested in him by an 1893 law, Hoover “ordered that no parrots...be introduced in the United States...from any foreign port for such period of time as may be deemed necessary” (*New York Times* 1930c).

75 years later the world faced another bird related illness, avian influenza also known as bird flu. Like psittacosis, avian flu can be transmitted from birds to humans and is very lethal with a 70% fatality rate (*New York Times* 2005a). Bird flu originated in Southeast Asia and proceeded to spread to other countries. Two farms in the United States were infected by the illness (*New York Times* 2004a). In response to

the pandemic, President George W. Bush issued Executive Order 13375 on April 1, 2005. Citing the authority vested in him by the Constitution and the Public Health Service Act, Bush's order added avian influenza to the "list of communicable diseases for which a quarantine is authorized". It gave "the government authority to detain or isolate a passenger arriving in the United States to prevent an infection from spreading" (*New York Times* 2005a).

In the cases above two different presidents in two different time periods responded quickly to emergencies that affected or had the potential to affect the nation's citizens. Hoover and Bush both acted by using their unilateral powers to implement a new policy. The political science literature assumes that presidents primarily act unilaterally when their legislative proposals meet congressional opposition. In the cases above both presidents responded unilaterally not when their policy objectives on this issue were stalled but because a quick solution was needed to a problem. This behavior is a component of a theory I present in this chapter called the *crisis theory* of unilateral directives. In this theory, I argue that presidents issue executive orders and proclamations when they are the preferred option in response to crises like war, economic downturns, natural disasters, and forms of domestic unrest like strikes and riots. Circumventing Congress is not absent in this theory but it is not the primary focus either. I plan to test my theory by using a dataset of over 2,500 significant executive orders and proclamations that span from the late 19th Century to the first 13 years of the 21st.

In the following pages, I present the theoretical frameworks that scholars have used to explain why presidents issue presidential directives. I then transition to the

missing factors as it relates to the effect that crises have on unilateralism. I then present my theory of crisis presidential action and develop a series of hypotheses that I will test in my empirical chapters. Before I present that theory I will give some background on executive orders and proclamations and then give a brief overview of what scholars have theorized in the literature.

What are Executive Orders?

Scholars have focused on various tools of unilateral action but none more so than executive orders. In the United States they have been issued by every president since George Washington⁵. The very first executive order was issued by Washington on June 8, 1789. In this order Washington asked the “heads of the Executive Departments ... to submit ‘a clear account’ of affairs connected with their Departments” (Lord 1979, 1). Since that time, thousands of orders have been issued yet there is no official definition of an executive order in enacted law or in an order itself. Some scholars use the term as an umbrella term covering all unilateral directives such as proclamations, national security directives, memorandums, etc. (Rudalevige 2013). The closest definition we have to a formal definition is from legal librarian Mary Woodward:

“Executive orders are the formal means through which the President of the United States prescribes the conduct of business in the executive branch. Executive orders are presidential directives issued to federal government agencies or officials. An executive order is basically a document the president issues and designates as such” (Woodward 1990, 125)

Political scientist Kenneth Mayer defines it as “presidential directives that require or authorize some action within the executive branch. They are presidential edicts, legal

⁵ Except William Henry Harrison

instruments that create or modify laws, procedures, and policy by fiat” (Mayer 2001, 4). Put simply, executive orders enable the president to make policy and they have the effect of law (*Armstrong v. United States* 1871).

What are proclamations?

Proclamations are often compared, mentioned simultaneously, or are lumped in together with executive orders (Rudalevige 2013). Both directives tend to cover similar subject areas like trade, foreign and domestic issues, and ceremonial affairs (Dodds 2013). Congress and the Courts have found no constitutional or legal difference between the two (Cooper 1986; U.S. House 1957; *Wolsey v. Chapman* 1880). They both have the force of law. The main difference is that proclamations are directed at people outside the government (either within or outside the U.S.) while executive orders are directed at people within the government (Cooper 2002; Dodds 2013). For example, during times of domestic riots or strikes presidents have issued proclamations ordering the public to cease and desist from further violence and would follow that directive by issuing an executive order which would send in troops to end the disturbances.

Unlike executive orders, proclamations have been issued by every President since George Washington including William Henry Harrison⁶. Some of the most notable proclamations include George Washington’s Neutrality Proclamation and Abraham Lincoln’s Emancipation Proclamation.

In his book, *By Order of the President*, Phillip Cooper gives three reasons why proclamations are issued. First, statutes require the president to issue the tool. In

⁶ Harrison issued one proclamation.

1988, Public Law 100-307 established a national day of prayer on the first Thursday in May. The law requires the president to issue the proclamation annually and to announce when the National Day of Prayer will be observed. Prior to the passage of the law, the president could annually establish a National Day of Prayer on any day except on a Sunday. Second, presidents issue proclamations to respond to citizens by commemorating holidays such as Thanksgiving Day, pronouncing Days of Observance like the annual National Day of Prayer and Read Across America Day, and recognizing individuals and or groups like Proclamation 3525 which made Winston Churchill an honorary citizen of the United States. Third, presidents issue proclamations to “build and maintain morale” (Cooper 2002, 136). An example of a proclamation that fits this mold is Proclamation 2651, which was issued by Harry Truman and proclaimed Victory in Europe (VE) Day. The proclamation also contained another message about the battle in the Pacific. Truman says:

“Much remains to be done. The victory won in the West must now be won in the East. The whole world must be cleansed of the evil from which half the world has been freed, United, the peace-loving nations have demonstrated in the West that their arms are stronger by far than the might of dictators or the tyranny of military cliques that once called us soft and weak. The power of our peoples to defend themselves against all enemies will be proved in the Pacific as it had been proved in Europe” (Truman 1945)

Proclamations can be used for a number of reasons: to develop and manage foreign policy, to make formal statements that recognize conditions or problems, “to invoke special powers and establish emergency actions”, and to grant pardons to individuals (Cooper 2002, 127).

Proclamations can also be used in conjunction with other unilateral directives. More recent examples are the combinations of proclamations and executive orders

issued by Richard Nixon to institute wage and price controls, by Jimmy Carter to implement a fuel embargo, and by George H.W. Bush and Bill Clinton to address issues in Haiti (Cooper 2002). The following chapter shows that this combination of tools was more common throughout history especially as it relates to episodes of domestic unrest than the examples that Cooper provided (Cooper 2002).

Unlike executive orders, proclamations today tend to have the reputation that they are ceremonial in nature, meaning they established national days of observances like Proclamation 2651 mentioned earlier or honor public officials who passed away (Cooper 2002; Dodds 2013). For example in 2015, President Obama issued 161 proclamations to the public. 154 of the 161 (96% of the total) proclamations that Obama issued were ceremonial in nature. The remaining seven proclamations (4% of the total amount) were non-ceremonial and created policy. Six of the seven policy proclamations established new national monuments by setting aside a total of 1,056,496 acres for this purpose⁷. The seventh policy proclamation from 2015 dealt with duty-free treatment for certain articles being imported from beneficiary developing countries (Peters and Woolley 2015).

The 2015 example shows that presidents issue more ceremonial proclamations; however, this has not always been the case. Proclamations have been very substantive and controversial throughout American history. Belco and Rottinghaus (2017) state that proclamations were more policy oriented before 1945 and become more ceremonial after that year. The literature on proclamations is very

⁷ Pullman National Monument (0.2397 acres), Browns Canyon National Monument (21,586 acres), Honouliuli National Monument (123 acres), Basin and Range National Monument (704,000 acres), Berryessa Snow Mountain National Monument (330,780 acres), Waco Mammoth National Monument (7.11 acres).

small compared to the research on executive orders and most previous work was limited to the post-World War II time period when most proclamations are ceremonial. The misunderstood nature as well as the sparse literature on the tool should encourage more scholars to study it more closely. This dissertation takes a step in that direction by examining the tool and expanding the timeframe to include years before 1945.

Literature Review on Executive Orders and Proclamations

Executive Orders: Political scientists have primarily studied the political contexts in which presidents issue executive orders. The most prominent explanation for the variation in the use of executive orders is the strategic model. The strategic model is the theory that presidents are more likely to act unilaterally when their legislative policy objectives seem to be in peril because of the partisan composition of Congress (Mayer 2009; Waterman 2009). This is another way to say that presidents operate in the either/or dynamic that was mentioned in the introduction, where the administrative route is more appealing because the legislative route has been blocked.

One of the key implications of the theory is that a president will issue more orders during divided government or when legislative success seems low. Most scholars have found the opposite effect that presidents issue more orders during unified government (Fine and Warber 2012; Gleiber and Shull 1992; Gomez and Shull 1995; Howell 2005; Shull 1997). Other scholars have found that the rise in ideological distance between the Congress and the president tends to increase the number of orders issued (Deering and Maltzman 1999; Fine and Warber 2012). In

essence there is support for and against the strategic model depending on the variable that is used to measure gridlock.

The literature on executive orders provides a set of complex and conflicting characterizations of the use of these directives during the modern presidency. As I mention in the last chapter only one study (Young 2013) has focused on the effect of crisis on executive order usage in the modern era. Very little has been written about how presidents before the postwar period used executive orders and the effect that crises can have on their issuance. We should expect the patterns that determine the issuance of executive orders to be different in the earlier period before 1945 because the literature on presidential behavior has shown that presidents behaved differently in the pre-modern era than the modern era (Cohen 2012). As I mentioned in Chapter 1, Dodds (2013) work was one of the first to provide extensive historical coverage on unilateral directives before the postwar period. Bolton and Thrower (2015) were the first to empirically test the political contexts of presidential usage of executive orders beginning in 1905 and ending in 2013. This dissertation is the first step to follow their lead by examining the effect that crises can have on presidential usage of executive orders, specifically for a longer period of time.

Proclamations: As mentioned earlier, the political science literature on proclamations is very small in comparison to the larger literature on executive orders. Some empirical studies have included both executive orders and proclamations together (Bailey and Rottinghaus 2014; Belco Rottinghaus 2017; Rottinghaus and Warber 2015) while others have solely studied proclamations (Bailey and Rottinghaus 2013; Rottinghaus and Maier 2007). There are two reasons, which could

explain why research is seldom done on proclamations. First, is because scholars may think that proclamations are mostly ceremonial in nature. As I mentioned earlier this assertion or belief in the contemporary period is mostly true but it did not apply for most of American history. Policy proclamations were issued the most before 1945, however, ceremonial proclamations became more dominant after 1945 (Belco and Rottinghaus 2017). Belco and Rottinghaus argued that the growth of ceremonial proclamations is a result of the growing middle class and other constituencies.

Second, I believe the most important reason why scholars have neglected the study of proclamations is because executive orders are better known. As a result the term, executive order, tends to be used as an umbrella term for all unilateral action, which is usually at the expense of other tools. For example, former Speaker of the House Nancy Pelosi inaccurately called the Emancipation Proclamation an executive order when defending President Obama's executive actions on immigration (Chasmar 2014). Some political science research on executive orders has been generalized to explain usage of other tools (Howell 2003). Although the two directives share many similarities, I believe, based on previous literature that the reasons why they are issued differ possibly because of their different audiences and the specific policies they enact.

Bailey and Rottinghaus (2014) examine the usage of statute and non-statute based executive orders and proclamations. Statute based directives are those in which the president explicitly cites the statute as the source that they are deriving their authority from. Non-statute based directives are those in which the authority is based in sources outside of statutes for example the Constitution, specifically the "executive

power” or the Commander-in-chief powers. Bailey and Rottinghaus find that presidents are more likely to issue non-statute based proclamations during wartime. They issued more President-based and Commander-In-Chief based executive orders during wartime.

Lastly, Bailey and Rottinghaus (2013) published a study that examined the usage of a specific type of proclamation known as settle-down proclamations. Settle-down proclamations are issued by presidents “as a public warning against engaging in unlawful activity” usually when an incident of domestic unrest occurred (190). What made this study unique was that it was the first empirical study to examine usage of proclamations before the modern era. Specifically they examine the usage of settle down proclamations from George Washington to William McKinley to see if the pattern of the modern presidency occurred in the earlier era. The authors did not find any similar patterns with the modern period, however they did find that more settle down proclamations were issued when the number of occurrences of domestic unrest increased.

From this small literature there is some evidence that war and episodes of domestic unrest has a positive effect on a subset of proclamations. However, most of these variables were controls and were not part of the larger theory that these scholars were interested in which was still based in examining the strategic model. This dissertation is the first study that examines the effects that crises have on the usage of this tool over an extended time frame. Before I present my theory I will give an overview of what scholars have theorized about unilateralism.

Theories of Unilateralism

Most theories of presidential unilateralism begin with Neustadt's notable assertion that "presidential power is the power to persuade" (Neustadt 1991, 11). Neustadt believed that the president could only get initiatives accomplished or directives implemented through negotiation and bargaining. This theory of presidential power was considered the gospel to most presidential scholars until the late 1980s when scholars like Kernell argued that power comes from the president's ability to "go public" with their agenda and the early 1990s when scholars like Skowronek argue that power comes from the president's place in political time (Kernell 2006; Skowronek 1997). However it wasn't until the late 1990s and early 2000s when political scientists began a renewed focus on unilateralism or in other words how presidents can make policy without bargaining (Waterman 2009).

Kenneth Mayer and William Howell are two of those scholars. In his book *With the Stroke of a Pen*, Kenneth Mayer begins by challenging the Neustadtian assumption that presidents are weak when they resort to their unilateral directives and other formal legal powers. The belief among scholars that followed Neustadt was that presidents who did an end run around Congress by issuing a directive were considered weak. Mayer takes the opposite view that it is a sign of strength and that executive orders have been used to *control*. "Executive orders are an instrument of executive power that presidents have used to control policy, establish and maintain institutions, shape agendas, manage constituent relationships, and keep control of their political fate in general" (28).

Mayer continues with his emphasis on control when he lays out his hypotheses on usage patterns of executive orders. His hypotheses originate from the literature on executive orders and presidential research that places an emphasis on presidents seeking to control institutions and processes. He tested the following hypotheses: first, Democratic presidents will issue more orders than Republicans. He believes that Democratic presidents will have a more active view on government since they are more known for promoting sweeping government programs compared to Republican presidents. Second, presidents will issue more orders at the beginning and at the end of their terms. Presidents should be more active in the beginning of their term because they want to put a “stamp on executive branch processes and policies” (Mayer 2001, 88). Presidents should be more active at the end of their term because they are concerned about keeping their legacy intact. Third, more orders will be issued if the president lacks support in Congress or in the public. Presidents issue more when Congressional support is low because they want to avoid legislative defeat so they go around Congress during these times. Likewise, when American public opinion of the president is low, other institutions specifically Congress see the president as weak and will become more likely to oppose them which will lead the president to more likely issue a directive. Fourth, more will be issued when presidents run for reelection. According to Mayer, this happens because presidents are motivated in boosting their reelection chances. Presidents can be strategic when issuing orders during their reelection campaigns by: targeting a key electoral constituency, highlighting an important issue, and by projecting an image of decisiveness especially

in comparison to a “do-nothing” Congress or the president’s opponent who cannot do the same thing.

Mayer performs his analysis and he finds statistically significant support for: the first hypothesis about Democratic presidents, the second hypothesis but only for the end of the term, and for the third hypothesis dealing with low public approval. Lastly, Mayer found support for the fourth hypothesis but it was not statistically significant. The most important takeaway from Mayer’s research is that the political environment, whether that be a president’s popularity, the stage of his term, or if he or she is leaving office to a member of the opposing party, can all have an effect on the quantity of executive orders that are issued.

One critique of Mayer’s book and the previous literature on unilateral action at the time is that he does not have an overarching theory that explains executive order usage (Cohen and Krause 1997; Cooper 1986, 1997, 2002; Deering and Maltzman 1999; Gomez and Shull 1995; Krause and Cohen 1997, 2000; Mayer 1999; Wigton 1999). Mayer’s tests a number of theoretical propositions but it is unclear where those propositions originate and fit into a “logic of policy change” (Howell 2003, 78). William Howell is one of those critics of Mayer who sees the lack of a theory as a problem. He rectifies this issue by developing his own theory in his book *Power Without Persuasion* which is a direct contradiction of Neustadt’s famous line “presidential power is the power to persuade”. In his book he presents his unilateral politics model which is a theory which explains which specific political conditions cause presidents to issue more significant unilateral directives. He starts off with the premise that in his model the president has first mover advantage and that the

president anticipates how Congress and the courts will respond to a directive. This shows that Howell perceives that institutional variables are important in explaining why presidents issue unilateral tools. “The ability of presidents to act unilaterally depends on other institutions’ abilities to stop them”, Howell says (2003, 65).

First, Howell states that the fragmentation of Congress matters. The legislative institution is only able to constrain the president when the preferences of the members of Congress are ideologically common and not dispersed. Congress is unable to constrain the president when the preferences of its members are widely dispersed.

Second, Howell states that elections have consequences especially as it relates to unilateralism. Specifically, incoming presidents who are of the opposite political party of their predecessor will issue more significant directives because they are ideologically opposed to the status quo policies. Howell mentions that they will more likely overturn directives issued by the previous administration. The new president would also issue directives on issues that their predecessor decided not to focus on.

Third, Howell presents the basis for the either/or dynamic mentioned in the previous chapter. He starts off by suggesting that presidents issue more directives when government is divided rather than when it is unified (Martin 1999; Nathan and Oliver 1994). However he mentions a limitation to that rationale. He states that if the concern is about whether Congress as an institution is constraining the president then the opposite should occur. In other words, presidents should issue fewer directives during divided government because Congress is more likely to constrain the president. The inverse should occur during unified government.

When tested individually, Howell finds consistently strong support for the first (Congressional fragmentation) and third hypotheses (divided government) but not for the second one (Administration Change)⁸. When they were tested all together there was little change. The major findings based on these results were that the fragmentation of Congress leads to more unilateralism and that unified government leads to easier passage of legislation that increases the possibility of unilateralism. Even though the second hypothesis was not significant Howell still believes that it makes logical sense that incoming presidents of the opposite party have more of an incentive to issue executive orders than an incoming member of the same party as the previous administration or the second term of the current administration.

Howell places an emphasis on the times and conditions when presidential power is constrained. However, there are specific policy contexts in which the conventional legislative and judicial constraints aren't binding—policy contexts associated with crises. Laura Young says, “During a crisis, the president has greater opportunity to guide policy because the event helps him overcome the congressional and judicial obstacles that typically stand in the way” (2013, 331). In other words, normal constraints are relaxed during times of crisis and this has always been the case (Edwards and Wayne 2010). These moments of crises are important because in most cases are consequential and because they have occurred in America's past, present, and will occur in the future. Scholars have not fully examined how presidents behave unilaterally in times of crises and this is a problem. This dissertation takes a step in that direction.

⁸ The result for the Administration Change variable was inconsistent. Sometimes the coefficient was negative while at other times it was positive. It was statistically significant during the times the coefficient was positive.

While recent research has examined the effect crises can have on the modern presidency, no scholar has extended their research to include the pre-modern presidency. Why is the pre-modern presidency important? Because crises such as the Civil War, World War I, the Great Depression, and World War II had a huge impact on unilateralism, but this has not been examined because most studies focus on the post-World War II time period (Cooper 1986; Mayhew 2005; Rossiter 1948). Also examining the pre-modern era allows me to see what patterns are specific to the modern era and which ones are holdovers of the earlier period. This adds to Young's research because it shows that presidents used their tools to address crises before the modern period, or in other words what happens today and how the president responds to it is just a continuation of what happened before.

As mentioned in the previous chapter, presidents act quickly because the legislative route is too slow. The president is more concerned about "acting quickly and decisively" to solve the problem even if the method of doing it is temporary (Edwards and Wayne 2010, 519). Howell (2003) suggests that as presidents consider issuing a directive they tend to be concerned about how the other institutions will react. This should not be the case during a time of crisis. Presidents know that by the time the Courts and or Congress acts on a directive then more than likely the crisis will be over. Presidents will be hopeful that their actions would be viewed favorably at the time of its issuance or at least in hindsight after the crisis is over (Rudalevige 2002). Abraham Lincoln was of the belief that in a time of emergency that the president could act extra-constitutionally just as long as Congress codifies the action later (Rossiter 1948).

After the president has issued a controversial directive or action especially during a crisis the remaining institutions will then determine whether it is valid. This can be done in one of three ways. The first way is by Congress codifying the directive into law. For example, Abraham Lincoln suspended the writ of habeas corpus in September of 1862. Congress later authorized it in March 1863. Second, is by the federal courts upholding the constitutionality of the directive. Third, is through no action at all. By choosing not to address the directive, the Courts and Congress in effect legitimizes the action. In some cases the institutions recognize the fact that a crisis is ongoing and that the president has the ability to act quickly, and in so doing chooses not to overturn the order.

Why Crises Matter

There are four reasons why crises should matter when impacting presidential unilateralism. First, crises have the ability to shift attention and public opinion into the “rally around the flag effect”. This causes constraints on the presidency such as gridlock and partisanship to disappear. Second, it allows the president to focus on a specific issue. Third, a crisis also “increases the success of presidential unilateral power even if the policy is centralized” (Rudalevige 2002; Young 2013, 331). Lastly, the scale of the crisis should matter. Major crises should cause presidents to issue more directives than minor crises. I go into further detail about major and minor crises below.

As mentioned earlier, crises also matter because the constraints that are placed on the president by other institutions are relaxed which gives the president more

latitude to act unilaterally. These constraints are relaxed either because Congress delegates more power to the executive or because Congress and the courts do not try to overturn the president's directives. Along those same lines, presidents might take advantage of a crisis by unilaterally creating policies that are unrelated to the crisis at hand. Presidents do this to further their agenda. In other words, presidents are abiding by Winston Churchill's philosophy of never letting a good crisis go to waste.

Most scholars tend to focus on two types of crises that have the ability to impact unilateralism: war and economic downturns (Edwards and Wayne 2010; Hebe 1972; Howell 2003; Moe and Howell 1999a, 1999b; Young 2013). In fact it is well known that "presidents have had their greatest opportunities to act unilaterally during wars and economic hard times" (Moe and Howell 1999a, 156). These events more than likely have the strongest impact but are not the only crises that can be impactful. I expect these events will have the strongest impact on unilateralism because they tend to last longer and affect more people compared to the other crisis events that I will observe. Wars and economic downturns can last months or years at a time which will give the president more time and opportunities to exercise their will unilaterally. As mentioned in the previous chapter, Clinton Rossiter identifies rebellions alongside the previous two, as having the ability to allow for governmental action. He also identifies other internal crises such as riots, strikes and environmental crises such as fires, floods, droughts, and earthquakes. In this dissertation, I take what I call the Rossiter approach by examining the effects that war, economic downturns, and other internal crises can have on unilateralism. Rossiter in his book only examined the effects that wars and rebellions such as the Civil War, World War I, and World War

II and economic downturns like the Great Depression had on the powers of the executive. He mentions that the other internal crises can have an impact but his work does not go into any detail on them. I divide these crises into what I will call major and minor crises. Major crises are the big three identified by Rossiter: wars, rebellions and economic downturns⁹. Minor crises are the internal crises that did not receive extensive treatment in Rossiter's text. This dissertation will examine the effects that both major and minor crises have on unilateralism. In the following sections I will give a brief overview of the possible types of crises that could impact presidential unilateralism. I also present my hypotheses that I test in my empirical analyses.

Major Crises

War: Wars can have transformative changes in American politics. They can introduce new issue regimes or policy changes in the political discussion (Mayhew 2005). Howell et. al. (2013, 261) states that the “foundational axiom of American governance” is “that presidential power predictably and reliably expands during times of war, and then recedes as the nation returns to peace”. This tends to be the conventional wisdom when it comes to assessing the effect that war has on presidential power. However, there have been mixed findings in the empirical research that examines the effect between the two concepts (Howell 2003; Howell and Johnson 2009; James and Rioux 1998; Marra, Ostrom, and Simon 1990; Norrander and Wilcox 1993; Parker 1995; Rudalevige 2002). I believe that war has the same effect on the issuance of unilateral directives as it does on presidential

⁹ Rossiter describes the Civil War as a rebellion rather than a war.

powers and policy/issue changes in general. During wartime, when the national emergency is at its height I expect the president to issue more orders for two reasons. The first reason is legislative in nature and the second is executive in nature. One, Congress has delegated emergency powers to the president. Two, the president has the Constitution on their side. In both cases the president will cite the authority in a directive to explain why they are issuing the order. Both sources of authority can cause the powers of the president to expand.

In 1942, journalist Arthur Krock wrote in *The New York Times*, “In wartime American presidents have occupied what has been called the dark continent in our jurisprudence, the boundaries of which are undetermined” (Krock 1942). The “dark continent” that Krock was referring to was a concept coined by the political scientist James W. Garner which was defined as “the domain of the executive power in time of war” (Krock 1942). At the time when Krock wrote this statement the United States had been involved in World War II for almost a year. The president at the time, Franklin Roosevelt, had amassed and expanded many war powers. Roosevelt, according to Krock was just continuing a trend started by his predecessors, specifically Abraham Lincoln and Woodrow Wilson who set precedents of expanding presidential power during wartime. Since that time scholars have been examining whether war has an impact on expanding presidential power.

The historical evidence provides support for the expansion of power while the empirical research is mixed. Some suggest the reason for the mixed findings is that war is treated as a control variable and not as having an important impact on the expansion of power (Howell and Johnson 2009). Others have suggested that the

window in which to act during wartime is small (Brace and Hinckley 1991; Edwards 1990; Huddy et. al. 2005; Marra, Ostrom, and Simon 1990). The control variable problem seems credible. However, another reason is plausible; the dependent variable is inappropriate. In many of these studies the dependent variable is presidential approval rating. Approval ratings are a good measure for popularity and strength as it relates to Congressional relations or presidential elections but it does not necessarily translate into an increase in presidential unilateral power. At best it is an indirect connection between popularity and expansion of power (Howell and Johnson 2009). By testing the effect of war on more suitable measures of presidential power like unilateral orders I may find a more decisive and consistent result. In line with historical evidence, I hypothesize that presidential power as it relates to unilateral directives will increase during wartime. I expect that this variable will have a stronger result because the wide latitude that is given to the president in wartime. They can be given expansive powers by Congress or they can expand their powers based off of their interpretation of the Constitution's Commander-in-Chief and presidential powers.

Hypothesis 1: Presidents will issue more significant directives during wartime.

Economic Downturns: Like during wartime, I expect that presidents will act quickly during hard economic times. There are many historical examples of presidents acting unilaterally when the economy is unhealthy. The most notable recent example was Richard Nixon's issuance of Executive Order 11615 in 1971 which placed wage and price controls for 90 days (Dodds 2013). However, the biggest economic crisis in the nation's history, the Great Depression, resulted in

Franklin D. Roosevelt, also using his unilateral powers to address that specific crisis as well. Roosevelt issued 674 executive orders in the first 15 months of his presidency in order to help stimulate the economy (Fisher 2015). Like wartime, scholars have primarily treated economic measures as control variables in their analyses of executive orders. This should not be the case. The economy has a big impact on how the public views the president's record as well as if they will reward the incumbent or the incumbent's party with an additional term in office (Erikson 1989). Economic crises can be devastating to the American public. It can result in millions of people becoming unemployed and homeless. It can wreak havoc on businesses that may have to close its doors. Past presidents like George H.W. Bush, Jimmy Carter, and Herbert Hoover lost their reelection bids in part because it did not seem that the federal government was helping those Americans who were in need. Therefore, if the president needs a strong economy in order for them to remain in office and if they are concerned with their legacy then they will do everything in their power to alleviate economic stagnation. Therefore, I expect that presidents will issue more directives during economic downturns.

Hypothesis 2: Presidents will issue more significant directives during hard economic times.

Minor crises

As mentioned earlier, scholars tend to focus on the above mentioned crises when they test the impact certain political and external factors may have on unilateral directive usage. However, there are additional crises that could also have similar

impacts on presidential unilateralism. I call these crises minor because the effect on the nation's governmental system as well as the populace as a whole should be minor. Most if not all of these crises will affect a small portion or region of people, who will experience and see these crises as major to their state or locality. This is unlike the major crises that can affect the entire nation or at least the country's relationship to the world community. The government's response to minor crises will be less than it is to major crises. It is my expectation that presidents will issue more of their directives at a lower level/rate compared to how they will respond to the major crises. It is quite possible that these types of crises only push the president to issue directives that specifically address those crises. And as a result I may find results that show presidents issuing fewer directives. Presidents could issue the one order to address the minor crisis but is not compelled to issue more directives in other areas, possibly because they could be seen as expanding power on the backs of suffering people. In other words presidents will issue fewer directives because the scope of the minor crisis is limited to a region of the country. In the following sections I will review over these additional crises.

Disasters (Natural and Technological): Few studies have addressed whether environmental crises can cause a president to issue more directives. Richard Sylves found that presidents from Truman to George W. Bush have been able to use presidential disaster declarations to their advantage (Sylves 2006). Reeves found that presidents have electoral considerations when they issue disaster declarations. Since 1988, presidents have received a 1% increase in their popular vote percentage in the state that they issued the declaration (Reeves 2011). Young (2013) has found that

natural disasters have little to no impact on unilateralism with the exception of epidemics. However, its effect is small compared to the impact that foreign crises have on unilateralism. I expect that presidents will do whatever is in their legal or constitutional power to help citizens that are suffering from the effects and aftermath of a health outbreak, storm, or other natural disaster. Like with economic downturns, presidents will not want to seem like they are unconcern with people's suffering because it may cause them to lose votes in their reelection bids. Therefore the number of these events probably should not matter instead the number of people who were affected or killed should have the biggest impact on a president in their decision to act unilaterally. I expect that as the number of people affected or killed by a disaster increases the more directives a president will issue.

Hypothesis 3: As the number of people affected or killed by a natural disaster increases the number of significant directives issued by the president will also increase.

Domestic Unrest (Riots and Strikes): Riots and strikes also have the potential to disrupt American society either by the destruction of property and human life or through the injury of a specific sector of the economy. One of the most notable examples of a president acting during an episode of domestic unrest was George Washington's response to the Whiskey Rebellion. Washington issued a proclamation in 1792 warning American citizens not to protest the whiskey excise tax. However, this action did not stop some citizens from protesting. In August 1794, the participants of the rebellion demonstrated at Pittsburgh by getting inebriated and by challenging the federal government to come after them. Washington led 13,000

troops to Pittsburgh to combat the protestors; however the participants fled before the troops arrived. Washington later issued a proclamation in July 1795 which would pardon and give amnesty to any of the participants of the rebellion who signed a loyalty oath to obey the laws and authority of the federal and state governments (Dodds 2013).

Labor strikes or conflicts are another type of internal struggle that may result in a president using their unilateral powers. When a strike occurs, the workers involved are not providing the necessary labor for the plant or industry to operate efficiently. In most cases the workers who are refusing to work do so because of unfair conditions or because of bad relations with management. If the laborers are working in an industry that is important to the economy then any strike could have a negative impact on the economy or on the war effort if the nation is in a foreign conflict. Late 19th and early 20th Century presidents occasionally issued directives to manage and stop labor conflicts and disputes, while presidents in the modern period have been more frequent in issuing these types of directives (Dodds 2013).

The literature on the effect of domestic riots and or strikes is small. Bailey and Rottinghaus (2013) find that presidents from the late 18th through the 19th Century issued more settle down proclamations when the number of domestic riots increased. Although these two incidents are very different types of internal disruptions, presidents as a result tend to handle them in similar ways. One way is by issuing a directive, usually a proclamation, where the president tells the citizens of the country who are participating in the strike or riot to disperse. If the demonstrators do not disperse then the president takes some form of action. In the case of a strike the

president will more than likely take control of the industry for example when Wilson and Truman took control of the railroads in 1917 and 1945 respectively (Dodds 2013). In the case of domestic riots or other forms of unrest the president could send in troops to bring calm to the situation for example when Rutherford Hayes sent troops, by an executive order, to New Mexico in order to stop unrest caused by a group of outlaws (Dodds 2013).

I believe that the number of riots and strikes that occur throughout the country should have an impact albeit limited on a president's unilateralism. I expect that as the number of riots and strikes increases the more directives a president will issue. They will issue more to help taper down on the number of incidents of unrest. However, it is quite possibly the case that these types of events only push the president to issue directives that directly address the event but constrains them from issuing more directives in other policy areas.

Hypothesis 4: As the number of riots and strikes increases the number of significant directives issued by the president will also increase.

Institutional Factors

I will also examine the institutional variables as Mayer, Howell and others have tested in previous research. I am including these variables that we know have some effect on usage as controls. It is important to see how strong of an impact crises has on unilateralism when taking institutional dynamics into account. I expect that these variables will have similar effects as the literature has found in the past but their effects should be limited when occurring during a crisis. Following Howell's lead I

test the effect of congressional strength, administration change, and divided government.

The Effect of Crises on Domestic, International, Sovereignty, and Organizational Policy Directives

What effect do crises have on unilateral directives when they are disaggregated by policy content? Do presidents issue more or fewer policy directives during specific crises? There is one previous study that examines the behavior of presidents when they issued domestic and foreign policy executive orders. Marshall and Pacelle (2005) find “that executive orders are used differently across foreign and domestic policy” (82). In their analysis of executive orders issued from 1953-1997, the authors find that presidents issued more domestic policy orders when the percentage of House seats grows, when the president’s foreign policy success increases, and when the ideological difference between the House and the Senate widens. Fewer were issued when the percentage of Senate seats grows and when the House becomes more polarized. Presidents issued more foreign policy orders when the president’s foreign policy success and approval ratings increase, when the House becomes more polarized, and when the economy worsens. They issued fewer foreign policy orders when the president’s domestic policy success increases, when the budget situation improves, during a president’s honeymoon, and during the era of the institutionalization of the presidency (1969-1997).

To my knowledge there is no study that examines this behavior of presidents across different policy proclamations. Additionally there is no study that examines presidential behavior across policy executive orders outside of the domestic and

foreign policy domains such as National Sovereignty and Organization & Scope domains. And what has become a constant refrain in this study, there are no studies that look at behavior across multiple policy domains over an extended period of time. The only study that comes close is Cohen's (2012) examination of the policy content of presidential legislative requests. In his book, he disaggregates his data into the four policy domains: National Sovereignty, Organization and Scope, International Affairs, and Domestic Affairs. He finds that presidents submitted fewer national sovereignty requests as the number of total requests in the previous Congress and the interest rate increased. More government operations requests were issued when the president in the previous session was Republican and when the government outlays in the previous session increased. They issued fewer during divided government, or if the nation was in a recession or interest rates increased in the previous session.

More requests on international policy were submitted during the previous session if congressional polarization increased, polarization increased when a minority president was in office and the size of government and deficits increased¹⁰. Fewer were issued when the number of requests in the previous session increased. Cohen found no war effect on international requests. He stated that it "could be that presidents pursue war policies through executive means more than legislative ones" (180). My analysis in Chapters 5 and 6 will see if Cohen's statement is accurate.

Presidents issued more domestic requests when the size of the government and deficits increases in the previous Congress session. More are also issued when a minority president is in their fourth year. Fewer are issued when interest rates, and the number of total requests in the previous session increase. Fewer are also submitted

¹⁰ A minority president is a president who did not receive a majority of the popular vote.

when a minority president is serving or if the president is Republican. Based on the small literature on policy orders and legislative requests, how will the crisis theory affect the four policy domains?

National sovereignty: The definition of national sovereignty is “the state’s indivisible claim to rule legitimately over particular people and places ... it is concerned with the very existence, boundaries, and membership of the national regime” (Katznelson and Lapinski, 111). I argue that crises such as war and internal unrest will have the greatest impact on presidential directives that assert national sovereignty. More of these types of directives may be issued during wartime because civil liberties tend to be restricted then; for example, Lincoln and the suspension of habeas corpus during the Civil War. Immigration may also become more of an issue in wartime because the president may issue more immigration orders to restrict the amount of people coming in or out to protect the nation. It is also possible that more of these directives are issued during riots and strikes because when these incidents occur presidents tend to address the sovereignty of the nation by seeking to restore order. It is also possible that the crisis theory maybe less applicable with these types of directives to the extent that national sovereignty directives also include land use directives.

Organization and Scope: This domain deals with policies related to the government’s rules and norms for governing and its formal organization. It ranges from policies dealing with civil service rules to governmental oversight to the postal service. Does the government cut back or ramp up when a crisis occurs? It depends on the crisis. Cohen’s work finds evidence that presidents issued fewer organizational

legislative requests when the economy sours; I suspect that as a result presidents will issue more of these types of orders. For example, they may issue more to cut spending as FDR did during the Depression or put in place wage and price controls like Nixon in the 1970s. There could also be a war effect. Presidents could issue more directives to ramp up the government to assist in the war effort. As I will mention in Chapter 6 the highest amount of organizational proclamations were issued in 1917 the year that American entered in World War I.

International: This domain deals with policies related to trade, international affairs, and the nation's defense. I expect that wartime will have the strongest effect on the number of international directives. This would seem to be common sense considering that most wars in our nation's history have been on an international front. As I mentioned earlier, presidents have been known to expand their powers during wartime. As the Commander-in-Chief and leader of the free world I expect that the president would issue more orders dealing with the military and may also try to hurt enemy nations through non-military means by placing sanctions or cutting off trade to the nation(s). A large number of directives were issued during World War I, World War II, and the Korean War.

Domestic: This domain contains numerous policies in the domestic realm such as transportation, macroeconomics, and agriculture. I expect that economic downturns will have the strongest effect on the number of domestic directives. Economic crises have the potential to affect many sectors of the economy and would lead to presidents issuing more directives in specific sectors to help alleviate the downturn. More domestic directives during wartime would occur because the domestic issue could be

war related like the food licensing proclamations during World War I or because presidents are getting specific policy goals accomplished that would not otherwise in peacetime. It is also possible that I will find effects for the minor crises such as riots, strikes, manmade and natural disasters.

Summary and Conclusion

In this chapter I have presented some theoretical expectations that I believe help explain presidential directive usage. The literature has focused more on institutional factors that explain the variation; however this thinking treats presidential directives as a last resort and as an equivalent to legislation. I lay out why presidents issue these tools as their preferred option. I focus on the expectation that presidents in certain times have to act quickly and decisively in order to help solve an imminent problem. This usually happens in a time of crisis.

I argue that crises are an important factor to explain presidential usage of unilateral directives. During times of crises, presidents need to respond quickly because the legislative route is too slow. Presidents are given more latitude to act when the normal constraints are relaxed because of the emergency. I also argue that the scope of the conflict will have an impact on the number of directives presidents will issue. Using Clinton Rossiter's work I divide crises into two categories: major and minor categories that I believe will have an impact on presidential unilateralism. The two major crises consist of the following: war and economic downturns which should have the strongest impact on unilateralism. The two minor crises are natural and technological disasters, and forms of domestic unrest such as riots and strikes. I

expect that presidents will issue more during minor crises but will be limited in the amount they issue because these types of crises will affect fewer people in the country. I then presented my expectations for when policy specific directives will more likely to be issued. I expect that wartime will cause presidents to issue more sovereignty and international directives while economic downturns will cause presidents to issue more organizational and domestic directives.

In the next four chapters I will give a historical overview and empirically test these hypotheses on two different yet similar presidential directives: executive orders and proclamations. These directives are similar because they have the force of law but they are written to different intended audiences. Executive orders are written to employees of the executive branch whereas proclamations are written to the public. In the next chapter I will present a historical account of how presidents used their executive orders and proclamations. In this chapter I will highlight the times in which they issued these tools in response to crises. Following that chapter I test the theory on executive orders and proclamations. My final two empirical chapters examine the substance of the two tools and then tests the theory based on the different policy types of executive orders and proclamations.

Chapter 3: A Crisis History of Significant Executive Orders and Proclamations

In this chapter, I give the reader an historical account about when and how significant executive orders and proclamations were issued during times of crisis. One of the drawbacks of previous research is that scholars limited their analysis to the post-World War II period. As a result, we know about many examples of unilateral action in the modern period but are mostly unaware of how they were used in the earlier period with the exception of a few notable examples. This chapter rectifies this problem by examining how presidents issued these tools during times of crisis in both the pre-modern and modern periods. It does not cover every crisis neither does it cover every executive order or proclamation. I specifically focus on those types of crises mentioned in the previous chapter. I only cover a subset of significant directives and how they were used to respond to major and minor crises. The purpose of this chapter is to show that presidents have used their unilateral tools to address crisis throughout U.S. history and will continue to do so in the future.

The reader will notice that presidents responded to wars and domestic forms of unrest mostly in the 19th Century. In the 20th Century, presidents expanded the scope of their directives to respond to other major and minor crises such as economic downturns and natural disasters.

This chapter was written by examining two datasets one of significant executive orders and the second of significant proclamations from 1861-2012¹¹. I then

¹¹ I collected the data of significant orders from 1861-1944 and from 2002-2012. William Howell collected the data of executive orders from 1945-2001. I also collected the data of significant proclamations from 1861-2012. I go into more detail about the data in next chapter.

proceeded to go through the list of significant directives to see which ones addressed specific crises. I determined this by reading the subjects of the directives as well as the articles that they were referenced in to get at the context about why they were issued. The remainder of this chapter gives a summary as to how these tools were used during wartime, economic downturns, internal unrest and natural/technological disasters. Table 3.1, at the end of this chapter, lists the directives that I reference in this chapter. I begin this chapter in 1861, the first year of the Abraham Lincoln presidency¹².

1860s

At the time that Abraham Lincoln was inaugurated on March 4, 1861, the Civil War had not yet begun but seven states had seceded from the Union. The battle that started the Civil War occurred at Fort Sumter, SC on April 12, 1861. Three days later Lincoln issued his first significant proclamation on April 15, 1861 over a month after he had been sworn into office. Proclamation 80 had two functions; first, it issued a call for 75,000 volunteers to serve in a militia to help quell the rebellion (Rossiter 1948). One of those volunteers that answered the call was ex-Captain Ulysses S. Grant (White 2016). Second, Lincoln called for a special session of Congress to meet on July 4th of that year. Congress did not meet year round during this time as they do today. Clinton Rossiter suggests that the reason Lincoln sets the beginning of the session to July 4 was that he thought that the rebellion of the South would have been over by then (Rossiter 1948). Lincoln also thought the period from April to July

¹² See the Appendix for a chapter on how these tools were used in the same period but the chapter takes a broader look outside of crises.

would give him more time to do all he needed to end the rebellion without having to worry about Congress checking his authority. In fact, by issuing this proclamation Rossiter argues that the United States lived under a “temporary dictatorship” during an 11-week period from April 12-July 4, 1861.

During this time of essentially one-man government Lincoln issued additional proclamations. On April 19 he issued Proclamation 81, which blockaded vessels from entering ports in the Southern states, which was later extended to additional Southern States in Proclamation 82. On May 3rd he issued Proclamation 83 which called for an additional 42,034 volunteers to serve in the war for three years. Lincoln also enlarged the army and navy in the same directive (*New York Times* 1861; Rossiter 1948).

Lincoln’s first significant order, Executive Order 1, was issued on October 20, 1862¹³. This order established a U.S. Provisional Court in the State of Louisiana. After the Southern states seceded from the Union they abolished state institutions which included “the judiciary and judicial authorities of the Union” (Lincoln 1862). The seceded states then established their own courts under the Confederate States of America and in some cases kept the same judges from the recently abolished U.S. federal courts (Surrency 1958). After Louisiana was conquered by the Union and was under military rule, Lincoln decided to reestablish the judiciary in the state. The provisional court that he established had jurisdiction over “all causes civil and criminal, including causes in law, equity, revenue, and admiralty, and particularly all such powers and jurisdiction as belong to the district and circuit courts of the United States” (Lincoln 1862). He appointed Charles A. Peabody from New York to be the judge of the court with an annual salary of \$3,500 (\$85,424 in 2016 dollars). This

¹³ This is the first numbered executive order. All executive orders before this were unnumbered.

court was later terminated by a law, 14 Stat. 344, enacted by Congress in 1866 (Surrency 1958).

If there is one proclamation that Lincoln is most known for its the Emancipation Proclamation. It is little known that there was not just one but two Emancipation Proclamations. The first, Proclamation 93, was issued on September 22, 1862. In it Lincoln states the following:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any state, or any designated party of a state, the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free; and the Executive Government of the United States including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts that man make for their actual freedom.” (*New York Times* 1862a)

In essence, Lincoln’s September Emancipation Proclamation announced the policy that would take effect on January 1st of the next year. In this same proclamation Lincoln wrote that he would issue another proclamation that would establish this new policy. The September proclamation was seen as the most “important and far-reaching document ever issued since the foundation of this government” (*New York Times* 1862b).

On January 1, 1863, Lincoln issued Proclamation 95 that most have come to know as *the* Emancipation Proclamation. The directive specifically stated that enslaved people in the following states were free: Arkansas, Texas, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina and parts of Louisiana and Virginia (*New York Times* 1863a).

Lincoln did not issue the proclamations for moral reasons but because he believed that it was a military necessity and that it would help to end the war. It did

not abolish slavery nationwide but only in the states in open rebellion of the Union. The proclamation “struck at the heart of the South’s war effort” by putting an end to its labor force and by recruiting them to be a military asset for the Union (Milkis and Nelson 2012, 171). Over 100,000 former enslaved people left the South for the North and became soldiers for the Union army because of the proclamation (Milkis and Nelson 2012). 50,000 enslaved people were made free in Union occupied Confederate states. At least 2.8 million enslaved people remained in slavery either because they lived in border states or in Confederate states that were still in rebellion where Lincoln had no power to emancipate them. One study estimates that 400,000 enslaved people ran away from the South to the North by the end of 1863 because of the proclamation (Kendi 2016).

On September 15, 1863, Lincoln issued Proclamation 104, which suspended the writ of habeas corpus in the states where there was a strong chance of rebellious activity. This action allowed government officials to arrest people without warrants (Milkis and Nelson 2012; *New York Times* 1863b). This was one of many suspensions of the writ. One of his first was issued on September 24, 1862 and was seen as “extra-legal” because Congress has not given the president the authority. However, Proclamations 104 was issued under the authority of an act enacted by Congress on March 3, 1863 (Milkis and Nelson 2012; Rossiter 1948).

Lincoln issued four significant directives that were unrelated to the war. Three dealt with foreign trade and one dealt with Native American relations. On November 10, 1863 he issued an unnumbered executive order that allowed for the exportation of any tobacco in the United States that was purchased by “France, Austria, or any other

state with which this country's is at peace" before March 4, 1861 (*New York Times* 1864b, 4). One month later, Lincoln issued Proclamation 109, which suspended "discriminating duties of tonnage and impost" on Nicaraguan ships coming into the US (*New York Times* 1863c, 6). In August 1864, Lincoln issued Proclamation 117, which gave the port in Newport, Vermont privileges to export goods to British North American Provinces (*New York Times* 1864a, 3). Lastly, Lincoln issued Proclamation 125 in March 1865, which ordered the arrest of foreigners who were providing arms to "hostile Indians" in the U.S. (*New York Times* 1865b, 2).

In the final few months of the Civil War in 1865, Abraham Lincoln issued three significant proclamations-two of which were an indirect response to the Civil War. Proclamation 124 pardoned deserters who returned to their posts while Proclamation 126 instituted blockades of ports in the South (*New York Times* 1865e, 1865f). After Lincoln's assassination, Vice President Andrew Johnson became president. He issued Proclamation 131 which announced to the public the monetary awards for the arrest of former Confederate President Jefferson Davis and other former Confederate officials. Johnson placed a \$100,000 reward (\$1.59 million in 2016 dollars) for Davis's arrest (*New York Times* 1865a). Johnson also overturned Lincoln's Proclamations 126 and 104, which ended Lincoln's suspension of habeas corpus (*New York Times* 1865c, 1865f). Lastly, he began the process of Reconstruction by issuing Executive Order 4 which reestablished "the authority of the United States and executive the laws within the geographical limits known as the State of Virginia" (*New York Times* 1865d). This order also voided all laws of the former Confederate States of America. Johnson continued this pattern by issuing

Proclamations 136 and 143, which reorganized constitutional governments in the states of Mississippi and South Carolina (*New York Times* 1865g 1865h).¹⁴

1867-1870s

After the Civil War, the United States faced a number of different types of domestic disturbances such as strikes, race riots, episodes of voter intimidation and incidents with the Ku Klux Klan, many of which occurred in the old Confederacy. The presidents that served during this period used their unilateral tools in universally the same way to end these episodes.

In September 1867, Andrew Johnson issued Proclamation 166 to stop obstructions of justice in North and South Carolina from occurring (*New York Times* 1867). In 1871, Ulysses Grant issued a proclamation commanding that members of the Ku Klux Klan in South Carolina stop committing acts of violence. The Klan left as a result (Dodds 2013; *New York Times* 1871).

Two years later a riot occurred in Colfax, Louisiana where 61 armed African-Americans shut themselves in a court house on Easter Sunday. Armed whites shot up the courthouse, pulled out 37 survivors and then executed them (Dodds 2013; Kendi 2016). Governor William P. Kellogg requested federal assistance to end the riot. Grant issued a proclamation commanding that the violent groups disperse (Dodds 2013; *New York Times* 1873a). The proclamation did help end the violence and brought the “contending parties at peace” (*New York Times* 1873c, 5). Kellogg later

¹⁴ In 1865, Johnson issued the same proclamation for the states of North Carolina, Georgia, Texas, Alabama, and Florida.

said, “the President’s proclamation has had a most salutary effect in all respects” (*New York Times* 1873b, 1).

Grant continued with this form of action in 1874 when disturbances occurred again in Louisiana and in the states of Mississippi and Arkansas. Grant issued a proclamation in May ordering a “disorderly gathering to disperse in Arkansas” (Dodds 2013, 112). Riots again occurred in the state of Louisiana but this time they erupted in New Orleans. 3,500 members of a group called the White League tried to remove Governor Kellogg and other Republicans from office. Like in the Colfax disturbance a year before, Kellogg asked Grant for military assistance and Grant complied by issuing a proclamation commanding the rioters to disperse. He then sent in 5,000 troops and three gun boats which helped bring the riot to an end (Dodds 2013; Kendi 2016; Miller Center 2016).

In December of 1874, race riots occurred in Vicksburg, Mississippi site of an important battle in the Civil War. African-American elected city officials could not fulfill their duties because public offices and records had been taken over by lawless groups made up of white supremacists from Mississippi and other states. Many people were killed in the riots. The governor and the courts were unable to stop the violence and appealed to Grant for assistance. Grant followed suit by issuing Proclamation 223 commanding that the lawless groups disperse (*New York Times* 1874).

Acts of violence continued into Grant’s last year in office, 1876, which also was a presidential election year. In the state of South Carolina, men in groups called “rifle clubs” killed and intimidated black citizens who were trying to vote. This was

all a part of former Confederate General Martin Gary's "Plan of the Campaign of 1876" to "redeem" South Carolina (White 2016, 577). South Carolina Governor Daniel Chamberlain asked Grant for assistance. Grant responded by issuing a proclamation commanding these violent groups to disperse (Grant 1876; *New York Times* 1876). General William Tecumseh Sherman was ordered to enforce the proclamation. Sherman stationed troops at "turbulent points" in the state and as a result brought peace weeks before the November election (White 2016, 557).

1877, was the first year of Rutherford B. Hayes' presidency. In July of that year he faced a crisis that later became known as the Great Railroad Strike of 1877. The strike occurred because the wages of railroad workers had been cut by 15% (Dodds 2013). Violence erupted in Maryland around the Baltimore and Ohio railroad. Hayes responded to the violence by issuing a proclamation warning citizens against aiding and abetting and told the strikers to retire to their homes. Hayes then sent in troops, some of the same troops that were in control of the South during Reconstruction, to put down the riots in order to protect the mail (Kendi 2016; Miller Center 2016; *New York Times* 1877).

1880s-1890s

The late 1880s saw a couple of instances of race riots; however, unlike previous instances the victims were not African Americans but Chinese immigrants. In November 1885, a mob in the territories of Washington and Wyoming were involved in committing brutal attacks on Chinese immigrants. Grover Cleveland responded by issuing Proclamation 274 urging citizens that were a part of the mob to

refrain from participating in violent acts against the immigrants (*New York Times* 1885).

More violent events occurred in Washington three months later. In Seattle, Washington the steam ship *Queen* sailed to San Francisco carrying aboard 195 Chinese immigrants. The remaining immigrants who were not able to board walked back to their homes in the Chinatown section of the city accompanied by armed guards. Along their journey home the immigrants and their guards were met by an angry mob that yelled and hooted at them. A few members of the mob made a run for the immigrants. A struggle broke out between the guards and members of the mob. The guards were then ordered to fire their weapons which resulted in five mob members being hit. The mob went away which allowed for the immigrants to continue their journey home. However, the mob threatened to hang members of the guard. As a result, Watson Squire the governor of the territory of Washington issued a proclamation declaring martial law in Seattle and he also suspended the writ of habeas corpus in the state. Squire then petitioned President Cleveland to act. Cleveland issued Proclamation 275, which sent 250 troops to stop the violence (*New York Times* 1886).

Presidents continued to issue proclamations in response to domestic disturbances into the 1890s. In July 1892, an episode of domestic violence occurred in Idaho known as the Coeur d'Alene Mining Insurrection. President Benjamin Harrison responded to the incident by issuing Proclamation 334. Harrison issued the directive under the authority of Article 4 Section 4 of the Constitution, which states that the federal government will protect any state from invasion of domestic violence.

In the proclamation, he commanded, “all persons engaged in said insurrection and in resistance to the laws to immediately disperse and retire peaceably to their respective abodes” (*New York Times* 1892a). Later that same month, an insurrection occurred in the state of Wyoming called the Johnson County War. Harrison issued a similar proclamation to respond to that episode of violence (*New York Times* 1892b).

One of the most notable examples of domestic unrest, the Pullman Strike, occurred in July 1894. The Pullman Palace Car Company was a manufacturer and operator of railroad cars based in the State of Illinois. The company had just decided to cut wages but did not cut rent prices for their workers who lived in the company town called Pullman. As a result, the Pullman workers decided to go on strike because of the reduced wages. In addition, the American Railway Union (ARU), which represented 35% of Pullman workers, decided to boycott the Pullman Company. ARU members were composed of laborers who worked on the railroads as well as trains like the Pullman workers. The ARU boycott resulted in railroad workers refusing to handle any trains that had Pullman Cars attached to the train (Urofsky 2014).

In four days, the boycott resulted in 125,000 workers walking off the job and led to 29 railroads being tied up (Urofsky 2014). 45,583 tons of goods were shipped two weeks before the strike, this amount declined to 11,686 the week of the strike representing a 74% decrease in the amount of goods being transported (*New York Times* 1894b). The striking workers became angry and expressed it by burning buildings and by derailing a train, which was connected to a U.S. mail train. The governor of Illinois sent in the militia to quell the riots and to help resume train

service. A federal injunction was issued that strikers had to go back to work.

Cleveland sent in federal troops to enforce the injunction even though the governor did not want them (Dodds 2013; Urofsky 2014). He also issued Proclamation 366 on July 8 which stated the following:

“Now, therefore, I, Grover Cleveland, President of the United States, do hereby admonish all good citizens and all persons who may be or may come within the city and state aforesaid, against aiding, countenancing, encouraging, or taking any part in such unlawful obstructions, combinations, and assemblages, and I hereby warn all persons against aiding, countenancing, encouraging, or taking part in such unlawful obstructions, combinations, and assemblages to disperse and retire peaceably” (*New York Times* 1894g, 1).

Cleveland’s proclamation was met with criticism. Chicago mayor John Hopkins called the directive pointless. “There has been no mob, no conflict with local authorities, and no disturbance generally to call for special comment”. He then mentioned that if any disturbance did occur that it probably happened in Indiana (*New York Times* 1894h, 1). Former President Benjamin Harrison also criticized Cleveland’s proclamation. Harrison stated that it was the first time in history that a president ordered troops into a state without the request of the governor and over the governor’s objection (*New York Times* 1894c). Harrison was later fact checked by *The Philadelphia Ledger* when they repeated that there was a precedent of a president sending in federal troops without the consent of the governor. The paper mentioned that Lincoln sent in troops to South Carolina even though the governor at the time protested federal intervention (*New York Times* 1894d). *The Boston Journal* mentioned that Washington, Tyler, Taylor, Fillmore, Grant, and Hayes all issued similar proclamations as Cleveland (*New York Times* 1894e).

Cleveland's proclamation was deemed a success when the strike ended after the directive was issued. Chauncey Depew, the New York-Central Railroad President, credited the proclamation for ending the strike (*New York Times* 1894a). Benjamin Harrison later backtracked on his earlier criticism by saying that Cleveland's actions were proper. He also pointed out similarities to Hayes' action during the Great Railroad Strike in 1877 where Harrison commanded the troops to end the strike (*New York Times* 1894f). The Supreme Court later upheld the constitutionality of the proclamation in the 1895 case *In re Debs* (Dodds 2013). The one downside of Cleveland's action was that laborers turned against the President and his party the Democrats in the midterm elections later on that year (Gould 2004; Milkis and Nelson 2012).

The next major crisis that the country faced was the 1898 Spanish-American War. The war began on April 21, 1898. President McKinley's first significant executive action on April 22 was to issue Proclamation 411 which announced the establishment of a naval blockade around mostly the northern coast of Cuba (*New York Times* 1898c). The blockade was extended in June to cover the Southern coast of Cuba in Proclamation 418. The blockade expanded from 100 to 600 miles being covered (*New York Times* 1898b). On April 23, McKinley issued Proclamation 412 which called for 125,000 volunteers to help fight in the war. Congress gave him the authority to issue the proclamation (*New York Times* 1898a, 1898g). In May, McKinley issued Proclamation 415, calling for 75,000 additional volunteers (*New York Times* 1898d).

One of the issues of contention during the war was what to do about Spanish merchant ships that were sailing to the United States. At the time, naval forces captured many Spanish merchant ships. McKinley was not pleased with those actions. As a result, he issued Proclamation 413, which set the rules as it relates to these ships. Under the proclamation, the United States was given the right to search any Spanish ship for soldiers or contraband, which if found was required to be confiscated. Ships were allowed into the country to pick up cargo goods and depart without interference from the United States if they departed before the war began (*New York Times* 1898e, 1898f).

The war ended with the United States on the winning side. With this victory the United States acquired the Philippines and gained “greater influence over Cuba” (Milkis and Nelson 2012, 212). McKinley declared “a suspension of hostilities” through a proclamation in August of 1898. This directive was issued after peace negotiations had been agreed to by the United States and Spain (*New York Times* 1898h).

1910s

The turn of the 20th Century into the first decade was a period of relative peace at home and abroad. This changed in 1914 when World War I began. Although the United States was not yet involved militarily in the war Wilson did issue 10 neutrality proclamations from 1914-1916. Each of the 10 proclamations identified the parties at war and then declares that the U.S. would remain neutral between the hostile parties (*New York Times* 1914a, 1914b, 1914c, 1914d, 1915b, 1916a).

Although the United States expressed neutrality between the warring parties in the first few years of WWI, it did not however remain fully disengaged from the conflict. There were at least three occasions where President Wilson encouraged American citizens to provide relief to suffering nations. In 1915, a Senate Resolution requested that Wilson set one day aside to appeal to Americans to help the Polish people. Wilson's proclamation made January 1, 1916 as the day in which Americans could donate to the Red Cross to help the Polish people (*New York Times* 1915a). Wilson issued two similar proclamations in 1916, one to establish a day of relief for the Jews and one for Syrians and Armenians (*New York Times* 1916b, 1916c).

1917-1918

America's official entry and involvement in World War I stretched over two consequential years 1917 and 1918. A few orders and proclamations were issued in the months before war was declared. In February 1917, Wilson issued a proclamation bringing the Senate into session on March 5. This occurred after Senate Republicans and a few Democrats filibustered all legislation in order to push Wilson into calling a special session of Congress. The non-passage of this legislation would have been dire to the government because a number of appropriations bills would not have been enacted. Their reason for doing this was because they did not like "the idea of having President Wilson, clothed with large powers, to act for nine months in a great international crisis without legislative advice" (*New York Times* 1917e, 1). Republicans were not satisfied with the proclamation because they wanted both houses to be in session. Wilson later issued an additional proclamation calling the

entire Congress into an extra session on April 16. He also attached a statement that announced that Wilson believed he had “the power to arm American merchant ships and is free to exercise at once”. Many considered his statement to be an act of war (*New York Times* 1917a, 1917m, 1).

He then issued two executive orders, one authorizing an increase of 87,000 men into the Navy and the other authorizing an increase of 17,400 into the Marine Corps (1917c, 1917h). In April, Wilson signed the Congressional resolution declaring the existence of a state of war between the U.S. and Germany. This action was then followed by a proclamation that announced to the nation and the world that the U.S. was at war with Germany. One of the fascinating parts about the proclamation is that it also outlined the ways that German citizens should behave during the war. It specifically stated that alien enemies should:

“preserve the peace toward the United States and refrain from crime against the public safety and from violating the laws of the United States and of the states and territories thereof and to refrain from actual hostility or giving information, and, or comfort to the enemies of the United States” (*New York Times* 1917g, 1)

Alien enemies were also prohibited from possessing firearms, aircraft, and wireless apparatuses. They were forbidden to be within half a mile of a federal or state military building and they were not allowed to “write, print, or publish any attack or threat against” any federal, state or local governmental institution, the policies of the U.S. and or the military (*New York Times* 1917g). Alien enemies who failed to abide by these rules were likely to be prosecuted or deported from the U.S. (*New York Times* 1917g).

Wilson issued a significant executive order creating the Committee on Public Information (CPI), which was concerned with “censorship and publicity”. To some

the CPI was seen as a war propaganda arm for the government (*New York Times* 1917d, 1). He issued another order controlling telephone/telegraph lines and submarine cables along the border of the United States and Mexico (*New York Times* 1917o).

On the military front, Wilson issued directives that seized control of ships and that registered men to potentially fight in the war. Wilson issued an executive order which seized 87 German ships that were in American ports before the country entered World War I. These ships, which were seized by the Shipping Board, would be repaired and could be used in any way for the “service for the United States” (*New York Times* 1917k). In May 1917, Wilson issued Proclamation 1370 which set June 5th as a registration day for all men 21-30 years of age. These men were required to register for the army. Of the men that register, 500,000 would be drafted into the Army (*New York Times* 1917f). Wilson issued similar orders in July 1917 and August 1918. In July 1917, he issued a proclamation that called the National Guard into federal service, which resulted in adding 300,000 men into the armed forces. This action allowed these Guard members to be sent to fight in the war (*New York Times* 1917n). In August 1918, he issued Proclamation 1476, which required men to register for the armed services in order to help replenish the military training camps (*New York Times* 1918g).

In August 1917, Wilson signed Proclamation 1389 which gave the Food Administration the authority to license grain elevators. The proclamation specifically said that the Food Administration could “license the storage and distribution of wheat and rye and the manufacture, storage, and distribution of all products derived

therefrom”. People who stored or distributed the wheat and rye must obtain a license to do so. The proclamation further stated “that by reason of the existence of a state of war it is essential to national security and defense for the successful prosecution of the war ... to assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, fuel”. The Food and Fuel Control Act was the law in which the proclamation derived its authority states that no person who is in control of storing and distributing shall be in business unless they hold a license (*New York Times* 1917b, 1). Wilson issued subsequent proclamations to add other industries to the food license system. Some of those industries included the following: sugar, “essential foodstuffs” (which included wheat, barley, oats, corn and rice), bakeries, salt-water fisheries, peanut industry, alcohol brewers, fuel oil distributors, stockyard dealers and malt liquor manufacturers (*New York Times* 1917i, 1917j, 1917l, 1918a, 1918b, 1918c, 1918f, 1919). In the end, “virtually the whole food group was under license control” (Garrett 1920, 44).

Lastly, one of the more notable executive orders dealt with the Alien Property Custodian. The Custodian’s role was to acquire any money or property owned by enemies of the United States. A good number of orders by Wilson authorized the Custodian to sell certain properties for example the Custodian was ordered to sell 205 hogsheads of tobacco and 200 hogsheads of cotton owned by various German companies (*New York Times* 1918e). The Custodian was also allowed to sell seats held by “enemy aliens” on the New York Stock Exchange or any other stock exchanges (*New York Times* 1918d).

1920s

The decade of the 1920s was mostly quiet on the crisis front. No major crises occurred that demanded a presidential response until 1929. In March 1929, President Herbert Hoover issued a proclamation creating a five-member emergency board to settle a “strike on the Texas and Pacific Railroad”. Upon the issuance of the order, the strike was then called off so that the new board could solve the issues between the workers and employers (*New York Times* 1929b). Hoover issued a similar proclamation in 1932 when he established a three-member board which was tasked with reporting to him “on the dispute between the Louisiana and Arkansas Railroad Company and the Louisiana, Arkansas and Texas Railway Company and some of their employees” (*New York Times* 1932, 13). The strikes were seen as a threat to the commerce in those three states, specifically transportation services by train to these areas would have been non-existent. These two examples of emergency boards that Hoover created would become a common solution for future presidents dealing with strikes.

On June 21, 1929, Hoover issued Executive Order 5143, which barred people from China and the Philippine Islands from entering the United States because of a cerebro-spinal meningitis epidemic that affected those two countries. Since November 1928, seventeen vessels that arrived to the United States carried passengers who had contracted meningitis and were from the two countries. Quarantine facilities at the time were overtaxed because of the number of sick people coming into the country. There was a fear that this overextension of facilities might

lead to the introduction of the disease into the country. Hoover responded by issuing the order restricting immigrants from coming in (*New York Times* 1929a).

The Great Depression

The Great Depression began in the United States in 1929 but President Hoover seldom used his unilateral tools to help solve the crisis (Dodds 2013). This changed in 1933 when Franklin D. Roosevelt became president. The first significant proclamation that Roosevelt issued called Congress into extra session so that they could get to work on legislation to help the struggling economy in what would become known as the “One Hundred Days” (*New York Times* 1933g). The first bill that was passed when Congress gavelled into session was the Emergency Banking Bill, “which marshalled the full resources of the Federal Reserve Board to support the faltering banks and thereby restore the people’s confidence in the banking system” (Milkis and Nelson 2012, 292).

For his part, Roosevelt issued directives in order to help the banking system. Roosevelt issued Proclamation 2039 also known as the Bank Holiday Proclamation. This proclamation required that “all banking institutions and all branches thereof located in the United States of America” suspend all banking transactions from March 6 to March 9 (*New York Times* 1933c, 1). Roosevelt issued his first significant order, Executive Order 6073, on March 10, 1933. This order established regulations for banks to reopen (*New York Times* 1933i).

Roosevelt responded to the crisis also by issuing executive orders reducing the salaries of government employees by 15% for three months (*New York Times* 1933a).

Roosevelt extended this measure twice for six more months through two separate orders (*New York Times* 1933h; 1934c). In July 1934, Roosevelt extended the cut for six more months although he restored 10% of the salaries leaving a 5% pay cut for all government workers, which continued until June of 1935 (*New York Times* 1934a; 1935a). One of the biggest impacts in 1933 was the 12 significant orders Roosevelt issued pertaining to veterans' benefits. The benefits that were cut affected around 400,000 veteran pensioners and were expected at the time to save the government \$400,000,000 a year (\$7.5 billion in 2016 dollars). Some of these cuts eliminated all benefits for veterans with "non-service-connected disabilities" while those with "service-connected injuries" saw smaller cuts (*New York Times* 1933j).

In June of 1933, Congress and Roosevelt enacted the National Industrial Recovery Act. This law "delegated a huge amount of power to the president, allowed trade associations to plan output and set prices without fear of antitrust prosecution, but under the watchful eyes of the government" (Leuchtenburg 2015, 157). It also allowed these industries to set up minimum wages, maximum hours, and collective bargaining rights to unions. On an issue unrelated to the economy, the law required that the president issue a proclamation announcing the ratification of the 21st Amendment, which repealed Prohibition, established in the 18th Amendment. Roosevelt issued Proclamation 2065 in December 1933 (*New York Times* 1933b).

The National Industrial Recovery Act established the National Recovery Administration, which had the role of administering the law. All of these functions of the law were done through what were known at the time as Codes of Fair Practices, which were agreements, put together by the industry, labor, and the federal

government. President Roosevelt brought these codes into effect through executive orders. For examples, on July 14 and 16 Roosevelt issued significant executive orders, which put into effect the Code of Fair Competition for the cotton textile, rayon, cotton thread, silk, throwing, and thread-twisting industries (*New York Times* 1933e). These orders specifically set up a 40-hour workweek for workers in this industry. Southern textile workers were given a \$12 minimum wage while Northern workers were given a \$13 minimum wage. Codes of Fair Competition for many other industries were also established. In 1933 alone Roosevelt issued significant executive orders establishing codes in at least 10 different industries which included the following: coat and suit, dramatic and musical theatre, iron and steel, lumber and timber, petroleum, automobile manufacturing, bituminous coal, retail trade, stock exchange firms, and the motion picture industry. In 1934 and 1935 he added the following industries: wholesale food and grocery, graphic arts, daily newspaper publishing, investment banking, wheat and flour milling, and cigarette, snuff, chewing/smoking tobacco industries. This law and the implementation of the codes that followed were considered the biggest involvement of government during peacetime (Leuchtenburg 2015). However, in May of 1935, the Supreme Court found the National Industrial Recovery Act unconstitutional in the case *Schechter Poultry Company vs. United States*. As a result, many of Roosevelt's executive orders that were issued referencing the act were invalidated including the Codes of Fair Practices (Dodds 2013). On June 15, Roosevelt issued two significant executive orders one which terminated the National Industrial Recovery Board and reorganized the NRA

while the second order continued the executive orders issued under the law until April 1, 1936 (*New York Times* 1935b).

During this same period, Roosevelt faced a few minor crises that required a response. Roosevelt established two emergency boards by proclamation in June and November 1933 to help settle disputes between railroad companies and the company employees. The June strike was between the management and employees of the Kansas City Southern Railway Co., Texarkana and Fort Smith Railway Co., and Arkansas Western Railway Co. (*New York Times* 1933d). The November strike was between the management and employees of the Southern Pacific Lines (*New York Times* 1933f). Additional boards were established in 1934 and 1937 to settle disputes between parties of the Delaware & Hudson Company and the Chicago Great Western Railroad, respectively (*New York Times* 1934b, 1937a).

Roosevelt used his unilateral directives to raise awareness and funds during times of natural disaster in the 1930s, just as Wilson did in 1915 and 1916 for the war torn people outside of the United States. In March 1936, Roosevelt issued a proclamation asking American to donate \$3 million (\$52.8 million in 2016) to the Red Cross to help at least 200,000 Americans in 12 states who were made homeless because of flooding (*New York Times* 1936). In January 1937, 270,000 people in 13 states became homeless because of flooding. Roosevelt issued another proclamation asking Americans to donate \$2 million (\$33.9 million in 2016) to those suffering Americans (*New York Times* 1937b, 1937c).

1939-1941

These three years mark the beginning of World War II and the United States response to that war. For most of this period, America was not officially fighting in the war but was actively involved. A few days after the war began, President Roosevelt issued the first of many neutrality proclamations. This directive, Proclamation 2348, stated that a state of war existed between the following countries: Germany, France, Poland, the United Kingdom, India, Australia, and New Zealand. In the proclamation, Roosevelt stated that U.S. territory and territorial waters could not be used for “warlike purposes” by the countries at war (*New York Times* 1939). He then issued Executive Order 8233 which allowed for the policy to be enforced. This proclamation was considered substantively the same as Wilson’s neutrality proclamation from 1914. Roosevelt issued a second proclamation on the same day which placed an embargo on the shipment of arms, planes, etc. to the warring countries. Both of these proclamations were required to be issued in accordance to the Neutrality Act of 1937 (Catledge 1939). Overall, Roosevelt issued 17 proclamations that declared a state of war between new countries, declared the U.S.’s neutrality or restricted the use of U.S. ports by the warring parties from this point until the U.S.’s entry into the war.

A year later, Roosevelt signed the Selective Service Training Act which established the first peacetime draft in history. The law required that Roosevelt issue the proclamation, which required that all men ages 21-35 to register for military service. Roosevelt stated the importance of the proclamation when he said “We must and will marshal our great potential strength to fend off war from our shores. We

must and will prevent our land from becoming a victim of aggression” (Hurd 1940). Roosevelt issued two separate registration proclamations for Puerto Rico and Hawaii in October of the same year (*New York Times* 1940).

In January 1941, he issued two orders, which brought 13 National Guard units into active service (*New York Times* 1941c, 1941m). Throughout the year Roosevelt issued four significant orders that laid out regulations about the exportation of materials to other countries. Roosevelt issued Proclamation 2449 on December 10, 1940 which required that export licenses be placed on the following materials like “iron, ore, pig iron, ferro alloy and certain iron and steel manufactures and semi-manufactures” (Hulen 1940). This was a way for the United States to put economic pressure on Japan, which depended on these materials to help build their defense infrastructure. The four executive orders issued in 1941 basically built upon Roosevelt’s proclamation. In January he issued Executive Order 8631 which added “copper, brass, bronze, zinc, nickel, and potash” to the list of materials requiring a license in order to export (*New York Times* 1941k). Later that month Roosevelt issued Executive Order 8640 which allowed for the issuance of “blanket” licenses for materials to be shipped to Great Britain (*New York Times* 1941c). This amendment order was used as a way to aid one of our allies while still keeping in place the license restrictions to the Axis nations. Roosevelt extended this directive even further in February 1941 with the issuance of Executive Order 8669, which placed explicit license control on any foreign goods shipped from one Axis country to another. This was a big order at the time because America and Great Britain had a monopoly on trade. Britain had placed a blockade that was so effective that the only way goods

could get from one Axis country to another was by going through the United States mainland (*New York Times* 1941b). Executive Order 8752 stopped goods on the export control list coming into the United States from reaching their intended destination in the other Axis countries (*New York Times* 1941f).

Another way that Roosevelt used his many significant orders to hurt the Axis nations in 1941 was by freezing their assets. Roosevelt used his significant orders to freeze the assets of Germany, Italy, Japan as well as any other nations that had been occupied or invaded by the three nations (Crider 1941; Kluckhohn 1941a). These invaded countries included all of Europe as well as Thailand and China (Crider 1941; Kluckhohn 1941a; *New York Times* 1941d, 1941g, 1941i, 1941n, 1941o). All of the orders that froze the assets of these nations were amendments of Executive Order 8389 issued by Roosevelt in April 1940 when he first froze the assets of Norway and Denmark (Belair 1940).

One non-trade and non-economic way that Roosevelt did to build up the nation's defense was by establishing defensive sea areas. These areas could only be utilized by naval and military ships as well as aircraft; any other vessels had to receive special permission to enter the area (*New York Times* 1941e, 1941p). Roosevelt established eleven areas along the East and West coasts, in the Pacific Ocean, and at Manila Bay (*New York Times* 1941e, 1941h, 1941p).

Roosevelt responded to at least three labor strikes by issuing significant executive orders authorizing the seizure of specific plants. All three plants that were seized were responsible for the production of either airplanes or naval vessels that would be used for the defense of the nation. In June 1941, Roosevelt issued Executive

Order 8773 authorizing the Secretary of War to take over the North America Aviation plant in Inglewood, California. He later authorized the Secretary of War to take over the Air Associates Inc. in October in Bendix, New Jersey. In August, he authorized the Secretary of the Navy to seize the Federal Shipping and Drydock Company in Kearny, New Jersey (Kluckhohn 1941b).

Not only did Roosevelt respond to labor unrest through his executive orders but he also responded with the tool to a potential political issue. African American groups and leaders, specifically A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters were dissatisfied with discriminatory hiring practices of the defense industries. Many of these industries would not hire African Americans for skilled jobs and if they did hire them they would place them in menial jobs (Garfinkel 1959). Seeking a change, these civil rights groups and leaders petitioned Roosevelt to act by issuing an executive order. Roosevelt refused and the civil rights groups at the time threatened to march on Washington. Fearing the potential fallout of a march Roosevelt decided to issue Executive Order 8802 in June 1941, which barred defense government jobs from discriminating against people because of their race, ethnic makeup, or national origin (*New York Times* 1941j). It also established the Fair Employment Practices Commission (FEPC) whose job it was to investigate and make sure defense jobs complied with the executive order (Garfinkel 1959; *New York Times* 1941j). The creation of the FEPC was seen by some African Americans as the Second Emancipation Proclamation (Garfinkel 1959).

The World War II Years

On December 7 and 8, 1941, after the attack on Pearl Harbor, Roosevelt issued three proclamations which ordered that “enemy aliens” be “arrested on sight” and either be detained or deported to their native country. The proclamation states that the government could arrest “any Japanese, Germans, and Italians above the age of 14 who may have been deemed ‘dangerous to the public peace or safety of the United States’ by the Attorney General or the Secretary of War”. On December 9, it was reported that 1,300 people had been placed in custody- 400 of whom were Germans and Italians and 900 were Japanese. The proclamation allowed for the establishment of “restricted areas around forts, airfields, power stations...or in fact any locality ‘in which residence by an alien enemy shall be found to constitute a danger to the public peace and safety of the United States’ and ‘imprison any alien enemy found in the immediate vicinity’” (*New York Times* 1941a). This action was followed by the issuance of an additional proclamation in January 1942 that required every alien enemy to register if their native country was at war with the United States (*New York Times* 1942b).

On December 10, 1941, Roosevelt followed Woodrow Wilson’s example by issuing Executive Order 8964 which put private radio stations under the control of the military. In 1942, the first full year of the United States’ involvement in World War II Roosevelt remained very active unilaterally. He issued 66 significant orders that year. Many of which had similar functions as they did in 1941. For example, Roosevelt issued 33 significant executive orders from 1942-1944 which seized railroad lines, coal mines, industrial factories and plants. He created new agencies within the

government such as the War Manpower Commission, which had the role of bringing “about the most effective mobilization and the maximum use of the nation’s manpower in the prosecution of the war” (Kluckhorn 1942). Roosevelt also created the National War Labor Board, which was created to “adjust all kinds of labor disputes” (Lawrence 1942). He also brought back the Alien Property Custodian (*New York Times* 1942a).

The most notable of all his orders issued during this year and probably of the entire dataset was Executive Order 9066 which was titled “Authorizing the Secretary of War to Prescribe Military Areas”. This was a very euphemistic name for the order which was known more broadly as the Japanese Internment Order. Roosevelt issued this order in response to the attack on Pearl Harbor and to the lingering fear that Japanese Americans could threaten the country’s security from within. This order resulted in the internment of about 120,000 people of Japanese descent, citizens and non-citizens, into relocation camps. These individuals were kept into these camps until December of 1944 (Leuchtenburg 2015; Milkis and Nelson 2012).

During the war, one major race riot broke out in the city of Detroit, Michigan in June 1943. The riot started after a fight broke out in a park between a group of African-Americans and whites. More African-Americans were injured and killed compared to white Americans. Thurgood Marshall discovered that the reason for the racial disparity was that the police treated the groups differently. Police persuaded whites to stop rioting while they used guns and nightsticks on African-Americans who were rioting or were bystanders. Overall, 34 people were killed, 600 were injured, 1,300 were arrested, and \$2 million in property was damaged or lost (\$28.2

million in 2016 dollars). Roosevelt issued a proclamation calling for peace and 6,000 federal troops were deployed to the city to stop the violence (*New York Times* 1943a; Rosenberg 2017).

In 1944, Roosevelt issued an executive order that established the War Refugee Board in response to the Holocaust in Europe. Specifically the board was created “to take action for the immediate rescue from the Nazis of as many as possible of the persecuted minorities of Europe, racial, religious or political, all civilian victims of enemy savagery” (*New York Times* 1944).

The Post-World War II Years

Many of the orders in 1945 were a continuation of the types of orders issued during World War II. A good number dealt with the seizure of plants and other factories by the government in order to prevent or stop a strike. Coal mines, railroads, petroleum factories, meat plants and towing companies are just an example of some of the industries that were affected. In 1946, Truman began to issue significant orders that went back to an earlier approach before World War II when it came to ending strikes. Instead of the government taking over the industry, the orders established emergency boards whose job it was to settle labor disputes, specifically ones dealing with wages and prices, between employees and the industry.

As World War II ended in 1945, the president began to use his significant executive orders to help with the transition from war to peace. One of the ways to do this was by abolishing the numerous agencies and commissions that were established to help in the war effort. Some of these agencies included the War Food

Administration, the Office of War Information, the Office of Economic Stabilization, the War Production Board, and the National War Labor Board. Another way was by helping to transition the economy from a war based one to a peace time economy.

Truman issued Executive Order 9651 a controversial order at the time to raise wages but it kept prices stable in order to prevent deflation (Lawrence 1945). He extended the wage increase in 1946 as well (Stark 1946).

1950s

In the late 1950s, America came face to face with an issue that had remained somewhat dormant since the Reconstruction era of the late 1800s. In May 1954, the Supreme Court in the case *Brown v. Board of Education* ruled in a unanimous decision that segregated public schools were unconstitutional. The Court ruled that states had to comply “with all deliberate speed”. Needless to say the Southern states took their time to desegregate the schools. One notable desegregation battle occurred in the state of Arkansas in September 1957. Alabama Governor Orval Faubus ordered the National Guard in his state to Central High School in the city of Little Rock. The National Guard’s job was to prevent nine African-American children known as the Little Rock Nine from attending the school which was in violation of federal court orders that the school was to be desegregated. President Eisenhower met with Faubus to try to get him to make the National Guard enforce the court orders. Instead, Faubus withdrew the National Guard from the school leaving the nine schoolchildren to face a mob of angry and violent white protestors who prevented them from entering the school (Milkis and Nelson 2011; Raymond 1957).

Eisenhower was reluctant to send in troops to enforce the court order but later changed his mind when no Arkansas officials tried to disperse the angry mob around the school (Milkis and Nelson 2011; Raymond 1957). He issued a proclamation commanding that persons involved in obstructions of justice to “cease and desist”. In this proclamation, Eisenhower cited a law signed by George Washington in 1792, which gave the president the power “to employ armed forces to compel obedience to Federal court orders” (*New York Times* 1957). Eisenhower then issued Executive Order 10730, which federalized the National Guard and sent in the 101st Airborne Division to enforce the court orders and to allow the Little Rock Nine to attend Central High School (Milkis and Nelson 2011; Raymond 1957).

1960s

1962, the second year of John F. Kennedy’s presidency, saw him issue many directives in response to different types of crises. Kennedy issued seven significant executive orders that created emergency boards to help settle disputes between employees and the industry. Not only were the railroad and maritime industries affected but also the ballistic missile, space vehicle, and military aircraft industries. A board was also created to settle a labor dispute between Lockheed Aircraft Corporation and the International Association of Machinists (*New York Times* 1962b).

Early on in the year, Kennedy issued nine executive orders assigning emergency preparedness functions to various government officials and agencies. These included the following: Secretary of Commerce, Federal Aviation

Administration Administrator, Secretary of Interior, Secretary of Agriculture, Secretary of Labor, Secretary of Health Education Welfare, Postmaster General, Housing and Home Finance Administrator, and the Interstate Commerce Commission. These functions were needed just in case there was a nuclear attack on the capital from the then Soviet Union (*New York Times* 1962a).

Kennedy was also active on issues of civil rights. When James Meredith an African-American man tried to attend the all-white University of Mississippi also known as Ole Miss, he was met with resistance. Federal courts ordered that Meredith be admitted to the university. When the Mississippi government disobeyed the order, Governor Ross Barnett and Lieutenant Governor Johnson were placed in contempt and were ordered to be arrested if Meredith was not allowed in Ole Miss's registrar's office (*New York Times* 1962c). After repeatedly trying to attend and being denied access by the governor, Kennedy issued two directives a proclamation and an executive order. Proclamation 3497 called "on the government and people of Mississippi to abandon what had become the most serious challenge to Federal authority since the Civil War". Specifically the proclamation commanded, "all persons engaged in such obstruction of justice to cease and desist therefrom and to disperse and retire peaceably forthwith" (Lewis 1962). Kennedy also issued Executive Order 11053, which nationalized the Mississippi National Guard who in turn escorted Meredith into the university, which in effect integrated the university (Leuchtenburg 2015; Sitton 1962).

The Cuban Missile Crisis, one of Kennedy's biggest foreign policy crises occurred in October 1962. Soviet missiles were found in Cuba, which resulted in

heightened tensions between the United States and the Soviets that could have resulted in a nuclear war (Milkis and Nelson 2012). Kennedy responded to this action by the Soviets by issuing Proclamation 3504, which imposed a naval and air blockade around Cuba in order to prevent the Soviet Union from storing missiles into the country. Under the proclamation, any vessel that approached Cuba would be asked to identify itself. The vessel could be searched in order to see if it was transporting any of the restricted contraband. Any vessels with contraband “would be directed to proceed to ‘another destination’”. Military force would only be used if the vessels did not comply with the U.S. orders (Kenworthy 1962).

In 1963, the state of Alabama was in the spotlight in two separate incidents. In June 1963, Governor George Wallace prevented two African-American students from registering at the University of Alabama-Tuscaloosa. Kennedy issued a proclamation that charged Wallace and others with “unlawful obstruction” and ordered them to “cease and desist”. Wallace defied the proclamation by blocking the students from entering which gave Kennedy reason to issue the executive order to federalize the Alabama National Guard. This process of issuing a proclamation and subsequently an executive order to enforce desegregation was the exact way that Eisenhower and Kennedy did in similar episodes mentioned earlier (*New York Times* 1963a).

Another showdown between Kennedy and Wallace occurred in September of the same year. This time 20 African-American children were blocked from attending public schools. Kennedy issued a proclamation calling on Wallace to “cease and desist” from impeding the implementation of desegregation. Kennedy followed this

action by issuing Executive Order 11118, which federalized the Alabama National Guard to allow the students to attend the school (*New York Times* 1963b).

In March 1965, national and local civil rights activists in the city of Selma, Alabama participated in peaceful protests with the hopes of rallying support in Congress for expanding voting rights to African-Americans in the South. They were met with resistance by the government in Alabama. Specifically they were not allowed to march from Selma to Montgomery. Local and state police beat the marchers on two separate occasions when they attempted to march. President Lyndon Johnson issued Proclamation 3645 which commanded that any persons “cease and desist” from committing violence on the protestors. He then issued Executive Order 11207 which federalized 4,000 Alabama National Guard members who were then used to protect the marchers. With the help of the federal government, the marchers, on their third attempt, successfully made their way to Montgomery, Alabama (Morgan 1991; Yerxa 1965).

In 1967, race riots broke out in Detroit, Michigan. Michigan Governor George Romney requested that the federal government send in troops to help stop the riots. Johnson complied by issuing Proclamation 3795 and Executive Order 11364. Johnson sent in 4,700 troops to quell the riots (Frankel 1967; *New York Times* 1967). Riots broke out around the country in April 1968 after the assassination of civil rights leader Dr. Martin Luther King. In the nation’s capital 5 people were killed, 350 were injured and 800 were arrested. President Johnson responded by issuing Proclamation 3840 and Executive Order 11403. Johnson sent in 4,000 Army and National Guard troops into D.C. to stop the rioting by young African-Americans (Franklin 1968).

1970s-2009

Postal workers went on strike in March 1970. These workers were on strike because of the small increase in pay that they received in comparison to Members of Congress. Postal workers received a 4% raise while Members of Congress received a 41% raise. As a result of the strike, the mail service had been put to a halt in parts of the country. The strike began in New York City and expanded across 100 cities, however the strike had a larger impact in New York City. President Richard Nixon issued Proclamation 3972 declaring a national emergency and Executive Order 11519 to federalize 16,000 National Guard members into New York City. The strike ended within a week (*New York Times* 1970; Smithsonian National Postal Museum 2010).

In the early 1970s the United States economy was ailing from high inflation. To help solve the problem, Congress passed the Economic Stabilization Act of 1970. The act gave the president the power “to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries” (Dodds 2013, 205). President Nixon was personally not in favor of wage and price controls while the Democratic controlled Congress, was in support of the controls. Nixon’s Treasury Secretary, Democrat John Connally, was in favor of the controls and he encouraged Nixon to use his new powers especially since he knew that Nixon liked to steal policy ideas from the Democrats (Thomas 2015). Nixon followed through when he issued Executive Order 11615 which put in place wage and price controls (Dodds 2013). He issued additional orders creating the Cost of Living Council, the Price Commission which had the job to stabilize prices, the Pay Board which had the power “to restrain

wages and salaries”, and other councils dealing with interest rates, dividends and wage problems in specific sectors (Jensen 1971).

Initially the controls worked in helping the economy (Thomas 2015). However, in 1973 he issued an order that removed some of the controls which then resulted in the increase of wages and prices. The inflation rate increased to 9% (Apple 1973; Thomas 2015). After acknowledging that he had lifted the controls too soon, Nixon issued an additional order which froze retail prices for two months. Upon signing this order, Nixon stated that wage and price controls “can never ‘substitute for a free economy’ ...we must not let controls become a narcotic and we must not become addicted” (Apple 1973). Nixon later ended the controls in 1974 through an executive order (*New York Times* 1974). The wage and price controls which became a part of Nixon’s “New Economic Plan” was later seen by Nixon as “a short-term boost but a long-term bust” (Thomas 2015, 315).

President Jimmy Carter issued many executive orders in response to the Iranian hostage crisis. In 1979, he issued Executive Order 12170, which froze the U.S. assets of the Iranian government, and the Central Bank of Iran. The Carter Administration acted preemptively when issuing the order because there were reports that Iran was preparing to withdraw their U.S. assets worth \$6-12 billion (\$20.1-40.2 billion in 2016) and to place them within other countries (*New York Times* 1979). Historically, the act of freezing another country’s assets was usually done during wartime or when diplomatic relations had fallen apart as had in WWII between the U.S., Germany, and Japan and between the U.S. and China during the Korean War (Gwertzman 1979).

Additional orders included one, which gave the Secretary of State and the Attorney General the power to limit the number of Iranians coming into the country (Pear 1980). Another prohibited transactions between the U.S. and Iran. For example, the order prohibited “the sale, supply or other transfer... of any items, commodities or products” with exceptions on items that could be “used to relieve human suffering” (*New York Times* 1980, D5).

Carter continued to solve the crisis until his last day in office. Carter issued eight significant orders, which dealt with the transfer of Iranian assets held in banks and other institutions in the U.S. in order to ensure the release of the American hostages (*New York Times* 1981). The hostages were released on January 20, 1981, Carter’s last day in office; 444 days after the crisis had begun (Milkis and Nelson 2012).

The next crisis that the country faced was the Persian Gulf War, which occurred during the George H.W. Bush presidency. The war began in 1990 when the Iraqi military occupied the country of Kuwait. One of the first actions that Bush took on the day the war began was to issue two executive orders, which froze Iraqi and Kuwaiti assets within the U.S. Those assets were worth around \$30 billion (\$55.9 billion in 2016) most of which belonged to Kuwait because Iraq was essentially bankrupt after its eight-year war with Iran. Bush’s intention with these orders was to “deny any illegitimate government in Kuwait access to the foreign petro dollar investments” (Farnsworth 1990).

Later that same month, Bush issued an executive order which called the Reserves into active duty. The action was expected to bring 40,000 reservists into

duty. This was done to fill any gaps in mobilization of U.S. forces for the Gulf War (Rosenthal 1990). The U.S. military got involved in the war in early 1991 and was victorious in pushing the Iraqis out of Kuwait. The Gulf War was considered “the high point of the Bush Presidency” (Milkis and Nelson 2012, 399).

Bush’s son, President George W. Bush, came into office in January 2001. On September 11, 2001 the country was attacked by Al-Qaeda terrorists. He used his significant directives to address issues as it related to the attacks. On September 14, 2001, Bush issued Proclamation 7463, which declared a national emergency because of the attacks (*New York Times* 2001d). In the weeks following, he issued Executive Order 13224, which froze the assets of terrorists (*New York Times* 2001b). He created the Office of Homeland Security and the Homeland Security Council while making former Pennsylvania Governor Tom Ridge the head of the council (*New York Times* 2001c). Lastly, he issued seven orders which outlined lines of succession for seven separate cabinet departments: Agriculture, Commerce, Housing and Urban Development, Interior, Labor, Treasury, and Veterans’ Affairs. This order was issued “to ensure that government business could continue even in the worst cases of terrorism”. The order had been required to be issued after the passage of the Federal Vacancies Reform Act of 1998, “but no one got to it until after September 11” (*New York Times* 2001a).

In March 2003, the country went to war again with Iraq. After Saddam Hussein, the Iraqi President, was removed from power, Bush issued a significant order, which seized Iraqi money in U.S. banks to be used to aid in the reconstruction of Iraq (Purdy 2003).

In August 2005, the Gulf Coast region was hit by Hurricane Katrina a Category 5 storm that left large parts of New Orleans, LA underwater. The federal government's response to the disaster was seen as ineffective (Milkis and Nelson 2012). Weeks later, President Bush issued a proclamation that suspended "the law that requires employers to pay the locally prevailing wage to construction workers on federally financed projects". This action affected workers in parts of Louisiana, Mississippi, Alabama, and Florida, all states that were affected by the hurricane. The editors of *The New York Times* were highly critical of the directive calling it "shameful". They mentioned that the policy of suspending the law was a part of the Republican Party's platform in 1996 and 2000. Republicans were against the prevailing wage law because they believed the regulations were too expensive. 35 Republican representatives signed a letter to Bush asking him to suspend it and cited three previous presidents (Franklin Roosevelt, Nixon, and George H.W. Bush) who suspended the provision during national emergencies (*New York Times* 2005b). This all suggests that Bush used the crisis to his political advantage to get rid of a policy he and his party opposed.

In one of the final examples of a minor crisis in this historical account occurred in 2009 when President Obama issued a proclamation declaring a national emergency because of the H1N1 Influenza Pandemic also known as swine flu (Stolberg 2009). This directive waived Medicare and Medicaid regulations, which allowed hospitals to treat infected people offsite. It also waived medical privacy laws (Korte 2014).

Conclusion

In the previous pages of this chapter I have shown how presidents from 1861-2012 used their significant executive orders and proclamations to respond to major and minor crises. This chapter did not cover every single crisis that the country faced but only those that I could find where the president responded by issuing a significant directive. I show that presidents tended to respond to major crises such as wars and economic downturns and minor crises such as domestic unrest and disasters. In some cases they responded in similar ways especially as it relates to strikes and riots. However, this chapter does not show how these crises affect the number of directives issued across time. In the next chapter, I test to see if my crisis theory of unilateral directives that I laid out in Chapter 2 hold.

Table 3.1: List of Significant Executive Orders and Proclamations Featured in the Chapter

President	Date	Directive
Lincoln	4/15/1861	Proc. 80: Calling Forth the Militia and Convening an Extra Session of Congress
	4/19/1861	Proc. 81: Declaration of blockade of certain states
	4/27/1861	Proc. 82: Extension of Blockade to Ports of Additional States
	5/3/1861	Proc. 83: Increasing the Size of the Army and Navy
	10/20/1862	EO 1: Provisional Court established to function during the military occupation of Louisiana; Charles A. Peabody appointed judge and compensation of officers specified.
	9/22/1862	Proc. 93: Declaring the Objectives of the War Including Emancipation of Slaves in Rebellious States on January 1, 1863
	1/1/1863	Proc. 95: Regarding the Status of Slaves in States Engaged in Rebellion Against the United States [Emancipation Proclamation]
	9/15/1863	Proc. 104: Suspending the Writ of Habeas Corpus Throughout the United States

	11/10/1863	EO Unnumbered: Export of any tobacco purchased and paid for by France, Austria, or any other friendly nation, prior to Mar. 4, 1861, allowed under supervision and upon the responsibility of the naval officers of such governments, and under regulations prescribed by the State Secretary.
	12/16/1863	Proc. 109: Suspension of Discriminating Duties on Tonnage and Goods Entering the United States on Vessels of Nicaragua.
	8/18/1864	Proc. 117: Concerning Commercial Regulations
	3/11/1865	Proc. 124: Ordering deserters to return, and offering them pardons
	3/17/1865	Proc. 125: Directing the arrest of those who furnished arms to hostile Indians within the U.S.
	4/11/1865	Proc.126: Declaring certain ports to be in the state of blockade
Johnson	5/2/1865	Proc. 131: Rewards for the Arrest of Jefferson Davis and Others
	5/9/1865	EO 4: Acts of the Confederacy and the pretended state government in Virginia voided, reestablishment of United States authority, laws and offices in Virginia ordered.
	6/13/1865	Proc. 136: Reorganizing a Constitutional Government in Mississippi
	6/30/1865	Proc. 143: Reorganizing a Constitutional Government in South Carolina
	9/3/1867	Proc. 166: Warning Against Obstruction of Justice in the States of North Carolina and South Carolina
Grant	3/24/1871	Proc. 197: Law and Order in the State of South Carolina
	5/22/1873	Proc. 213: Law and Order in the State of Louisiana
	5/15/1874	Proc. 218: Law and Order in the State of Arkansas
	9/15/1874	Proc. 220: Law and Order in the State of Louisiana
	12/21/1874	Proc. 223: Law and Order in the State of Mississippi
	10/17/1876	Proc. 232: Law and Order in the State of South Carolina
Hayes	7/21/1877	Proc. 237: Law and Order in the State of Maryland
Cleveland	11/7/1885	Proc. 274: Law and Order in the Territory of Washington
	2/9/1886	Proc. 275: Intent to use Force Against Unlawful Assemblages in the Territory of Washington
Harrison	7/15/1892	Proc. 334: Law and Order in the State of Idaho
	7/30/1892	Proc. 336: Law and Order in the State of Wyoming

Cleveland	7/8/1894	Proc. 366: Law and Order in the State of Illinois
McKinley	4/22/1898	Proc. 411: Blockade of Cuba
	4/23/1898	Proc. 412: Calling Forth Volunteers to Serve in the War with Spain
	4/26/1898	Proc. 413: Standards of Conduct and Respect of Neutral Rights in the War with Spain
	5/25/1898	Proc. 415: Calling Forth Additional Volunteers to Serve in the War with Spain
	6/27/1898	Proc. 418: Extension of Blockade of Cuba to Certain Described Ports Including San Juan, Puerto Rico
	8/12/1898	Proc. 422: Suspension of Hostilities with Spain
Wilson	8/4/1914	Proc. 1271: Neutrality of US in wars between Austria-Hungary and Serbia, Germany and Russia, and Germany and France
	8/5/1914	Proc. 1272: Neutrality of US in war between Germany and Great Britain
	8/7/1914	Proc. 1273: Neutrality of US in war between Austria-Hungary and Russia
	8/7/1914	Proc. 1274: Neutrality of US in war between Great Britain and Austria-Hungary
	8/14/1914	Proc. 1275: Neutrality of US in war between France and Austria-Hungary
	8/18/1914	Proc. 1276: Neutrality of US in war between Belgium and Germany
	8/24/1914	Proc. 1277: Neutrality of US in war between Japan and Germany
	11/6/1914	Proc. 1286: Neutrality of US in war between Great Britain and Turkey
	5/24/1915	Proc. 1294: Neutrality of US in war between Italy and Austria-Hungary
	12/18/1915	Proc. 1319: Calling upon the people of the US to contribute to the needs of the sufferers in Poland
	1/11/1916	Proc. 1320: Calling upon the people of the US to contribute to the needs of the stricken Jewish people in Europe
	3/13/1916	Proc. 1328: Neutrality of US in war between Germany and Portugal
	8/13/1916	Proc. 1345: Contribution days for aid of stricken Syrian and Armenian Peoples Oct 21 and 22, 1916
	2/23/1917	Proc. 1357: Calling an Extra Session of the Senate
3/9/1917	Proc. 1358: Extra Session of Congress	

3/24/1917	EO 2559: Authorized enlisted strength of the Navy increased to 87,000 men.
3/26/1917	EO: 2561: Authorized enlisted strength of the Marine Corps increased to 17,400 men.
4/6/1917	Proc. 1364: Declaring That a State of War Exists Between the United States and Germany
4/13/1917	EO 2594: Committee on Public Information created and George Creel appointed civilian chairman.
5/18/1917	Proc. 1370: Conscription
6/30/1917	EO 2651: Seizure of 87 German vessels by the Shipping Board authorized and said Board directed to repair, equip and man, operate, lease, or charter the same in any service of the United States.
7/3/1917	Proc. 1384: Call into Federal service and draft of the National Guard
8/14/1917	Proc. 1389: Licenses for importation, manufacture, storage, and distribution of Wheat and Rye
9/7/1917	Proc. 1393: Licenses for importation, manufacture, storage, and distribution of sugar, syrups, molasses
10/8/1917	Proc. 1396: Licenses of importation, manufacture, storage, distribution of certain food products
11/7/1917	Proc. 1406: Licensing bakers
1/10/1918	Proc. 1422: Licenses the importation, production, storage, distribution of various commodities
1/30/1918	Proc. 1425: Licenses importation, manufacture, storage, distribution of bakery products and green coffee
1/31/1918	Proc. 1426: Licenses importation, manufacture, storage, distribution of fuel oil
6/18/1918	Proc. 1462: License of stockyards
8/13/1918	Proc. 1476: Calling on young men who have become 21 year old since June 5, 1918 to register on Aug 24
9/16/1918	Proc. 1483: Prohibiting the manufacture of malt liquors.
4/24/1918	EO 2843: Alien Property Custodian authorized to sell 50 hogsheads of tobacco, property of Schilling and Bruning of Bremen, Germany.
4/24/1918	EO 2844: Alien Property Custodian authorized to sell 105 hogsheads of tobacco, property of Ad. Hagens and Company of Bremen, Germany.

	4/24/1918	EO 2845: Alien Property Custodian authorized to sell 20 hogsheads of tobacco, property of W. F. Fallenstein of Bremen, Germany.
	4/24/1918	EO 2846: Alien Property Custodian authorized to sell 30 hogsheads of tobacco, property of Warneken and Sohn of Bremen, Germany.
	4/24/1918	EO 2847: Alien Property Custodian authorized to sell about 200 bales of cotton, property of Paul Schmitz of Bremen, Germany.
	8/29/1918	EO 2949: Alien Property Custodian authorized to sell at private sale any seats upon or memberships in any stock, cotton, grain, produce, or other exchanges.
Hoover	3/29/1929	Proc. 1874: Creating an emergency board to investigate the dispute between the Texas and Pacific Railroad
	6/21/1929	EO 5143: Entry of passengers from any port in China, Hong Kong, and the Philippines into the United States or any of its possessions or dependencies temporarily prohibited due to the danger of introducing epidemic cerebrospinal meningitis.
	3/10/1932	Proc. 1992: Emergency board: Louisiana and Arkansas Railway Co. employees
Roosevelt	3/5/1933	Proc. 2038: Convening the Congress in extra session
	3/6/1933	Proc. 2039: Bank holiday, Mar. 6-9, 1933, inclusive
	3/10/1933	EO 6073: Regulations concerning the operation of banks prescribed.
	3/28/1933	EO 6085: Index figures for the cost of living for the six-months periods ending June 30, 1928, and Dec. 31, 1932, announced.
	3/31/1933	EO 6089: Veterans' Regulation No. 1, concerning rights to pension, prescribed.
	3/31/1933	EO 6090: Veterans' Regulation No. 2, on effective dates of awards of disability and death pensions, and provisions for filing claims and the review of claims on appeal, prescribed.
	3/31/1933	EO 6091: Veterans' Regulation No. 3, concerning schedule for rating disabilities, prescribed.
	3/31/1933	EO 6092: Veterans' Regulation No. 4, concerning protected awards, prescribed.
	3/31/1933	EO 6093: Veterans' Regulation No. 5, concerning rights to emergency officers' retired pay, prescribed.
	3/31/1933	EO 6094: Veterans' Regulation No. 6, concerning eligibility for domiciliary or hospital care, including medical treatment, prescribed.
	3/31/1933	EO 6095: Veterans' Regulation No. 7, concerning eligibility for medical

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- care for veterans of any war, prescribed.
- 3/31/1933 EO 6096: Veterans' Regulation No. 8, concerning yearly renewable term insurance prescribed.
- 3/31/1933 EO 6097: Veterans' Regulation No. 9, concerning payment of burial expenses prescribed.
- 3/31/1933 EO 6098: Veterans' Regulation No. 10, covering miscellaneous provisions concerning veterans' claims, prescribed.
- 3/31/1933 EO 6099: Veterans' Regulation No. 11, concerning disclosure of information and furnishing copies of records of pension claims prescribed.
- 3/31/1933 EO 6100: Veterans' Regulation No. 12, concerning presumption of right to pensions for Spanish War veterans and certain widows, children, and dependent parents of deceased World War veterans, prescribed.
- 6/12/1933 Proc. 2047: Emergency board: Kansas City Southern Railway Company, Texarkana and Fort Smith Railway Co
- 7/3/1933 EO 6188: Comparative index of the living for the six-month periods ending June 30, 1928, and June 30, 1933, announced.
- 7/14/1933 EO 6204-A: Code of Fair Competition for the Rayon Weaving Industry approved in part.
- 7/14/1933 EO 6204-B: Code of Fair Competition for the Throwing Industry approved in part.
- 7/16/1933 EO 6206-A: Code of Fair Competition for the Cotton Textile Industry approved as amended.
- 7/16/1933 EO 6206-B: Code of Fair Competition for the Cotton Thread Industry approved in part.
- 8/4/1933 EO 6242-A: Code of Fair Competition for the Coat and Suit Industry approved.
- 8/16/1933 EO 6250: Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry approved.
- 8/19/1933 EO 6254: Code of Fair Competition for the Iron and Steel Industry approved.
- 8/19/1933 EO 6255: Code of Fair Competition for the Lumber and Timber Products Industries approved.
- 8/19/1933 EO 6256: Code of Fair Competition for the Petroleum Industry approved.
- 8/26/1933 EO 6258-A: Code of Fair Competition for the Automobile
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	Manufacturing Industry approved.
9/18/1933	EO 6289-A: Code of Fair Competition for the Bituminous Coal Industry approved.
10/21/1933	EO 6351: Code of Fair Competition for the Retail Trade approved.
11/4/1933	EO 6392: Code of Fair Competition for Stock Exchange Firms approved.
11/24/1933	Proc. 2063: Emergency board: Southern Pacific Lines (in Texas and Louisiana) and Texas and New Orleans
11/27/1933	EO 6458: Code of Fair Competition for the Motion Picture Industry approved.
12/5/1933	Proc. 2065: Date of repeal of the Eighteenth Amendment [announces the end of Prohibition]
1/4/1934	EO 6549-A: Code of Fair Competition for the Wholesale Food and Grocery Trade approved in lieu of the Code of Labor Provisions approved Nov. 15, 1933.
1/9/1934	EO 6553: Index figures for the cost of living for the six months periods ending June 30, 1928 and Dec. 31, 1933, announced.
2/17/1934	EO 6606-B: Code of Fair Competition for the Graphic Arts Industries conditionally approved.
2/17/1934	EO 6606-G: Code of fair competition for the Daily Newspaper Publishing Business conditionally approved.
3/5/1934	Proc. 2077: Emergency board: Delaware and Hudson Railroad Corp. employees
6/9/1934	EO 6734-A: Code of Fair Competition for the Wheat Flour Milling Industry approved.
7/6/1934	EO 6791: Index figures for the cost of living for the six-months' periods ending June 30, 1928, and June 30, 1934, announced.
1/4/1935	EO 6936: Index figures for the cost of living for the six-month periods ending June 30, 1928, and Dec. 31, 1934, announced.
2/9/1935	EO 6969: Code of Fair Competition for the Cigarette, Snuff, Chewing and Smoking Tobacco Manufacturing Industry approved, and the Division of Research and Planning of the National Recovery Administration directed to study labor conditions in said industry.
6/15/1935	EO 7075: National Industrial Recovery Board terminated; Office of the Administrator of the National Recovery Administration, the Division of Review, the Division of Business Cooperation, and the Advisory Council established and functions prescribed.

6/15/1935	EO 7076: All Executive orders issued under Title I of the National Industrial Recovery Act of 1933 and all agencies created under said Title of said Act continued until Apr. 1, 1936.
3/19/1936	Proc. 2161: Contributions to the American Red Cross for Relief in the Flood Areas.
1/23/1937	Proc. 2222: Contributions to the American Red Cross for flood relief
2/8/1937	Proc. 2224: Emergency board, Chicago Great Western Railroad
9/5/1939	Proc. 2348: Proclaiming the Neutrality of the United States in the war between Germany and France, Poland; and the United Kingdom, India, Australia and New Zealand
9/5/1939	EO 8233: Prescribing Regulations Governing the Enforcement of the Neutrality of the United States
9/5/1939	Proc. 2348: Exports of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand
4/10/1940	EO 8389: Amendment of Executive Order No. 6560, Dated January 15, 1934, Regulating Transactions in Foreign Exchange, Transfers of Credit, and the Export of Coin and Currency
9/16/1940	Proc. 2425: Registration Day [Continental U.S.]
10/1/1940	Proc. 2430: Registration Day, Hawaii
10/8/1940	Proc. 2431: Registration Day, Puerto Rico
12/10/1940	Proc. 2449: Administration of Section 6 of the Act entitled "An Act to Expedite the strengthening of the National Defense" Approved July 2, 1940.
1/4/1941	EO 8627: Ordering Certain Units and Members of the National Guard of the United States Into the Active Military Service of the United States
1/10/1941	EO 8631: Prescribing Regulations Governing the Exportation of Articles and Materials Designated in the President's Proclamation of January 10, 1941, Issued Pursuant to the Provisions of Section 6 of the Act of Congress Approved July 2, 1940, and Amending Regulations of July 2, 1940, Covering the Exportation of Certain Articles and Materials
1/14/1941	EO 8633: Ordering Certain Units and Members of the National Guard of the United States Into the Active Military Service of the United States
1/15/1941	EO 8640: Additional Regulations Governing the Exportation of Articles and Materials Described in Certain Proclamations of the President
2/4/1941	EO 8669: Prescribing Regulations Governing the Exportation of Articles and Materials Designated in Proclamation No. 2449 of December 10,

1940

- 3/4/1941 EO 8701: Amendment of Executive Order No. 8389 of April 10, 1940, as Amended (Bulgaria)
- 3/13/1941 EO 8711: Amendment of Executive Order No. 8389 of April 10, 1940, as Amended (Hungary)
- 3/22/1941 EO 8717: Establishing Kodiak Island Naval Defensive Sea Area; Alaska
- 3/22/1941 EO 8718: Establishing Subic Bay Naval Defensive Sea Area and Subic Bay Naval Airspace Reservation; Philippine Islands
- 3/24/1941 EO 8721: Amendment of Executive Order No. 8389 of April 10, 1940, as Amended (Yugoslavia)
- 5/7/1941 EO 8752: Amendment of Executive Order No. 8712 of March 15, 1941, Prescribing Regulations Governing the Exportation of Articles and Materials Designated in Proclamations Issued Pursuant to the Provisions of Section 6 of the Act of Congress Approved July 2, 1940
- 6/9/1941 EO 8773: Authorizing and Directing the Secretary of War To Take Possession of and Operate the Inglewood Plant of North American Aviation, Inc.
- 6/14/1941 EO 8785: Regulating Transactions in Foreign Exchange and Foreign-Owned Property, Providing for the Reporting of All Foreign-Owned Property, and Related Matters (Germany and Italy)
- 6/25/1941 EO 8802: Reaffirming Policy of Full Participation in the Defense Program by All Persons, Regardless of Race, Creed, Color, or National Origin, and Directing Certain Action in Furtherance of Said Policy
- 7/26/1941 EO 8832: Amendment of Executive Order No. 8389 of April 10, 1940, as Amended (Japan and China)
- 8/16/1941 EO 8853: Establishing Manila Bay Defensive Sea Area
- 8/23/1941 EO 8868: Secretary of Navy Authorized To Take Possession of Federal Shipbuilding and Drydock Company
- 10/30/1941 EO 8928: Secretary of War Authorized To Take Possession of the Bendix, New Jersey, Plants of Air Associates, Incorporated
- 12/7/1941 Proc. 2525: Alien enemies: Japanese
- 12/8/1941 Proc. 2526: Alien enemies: German
- 12/8/1941 Proc. 2527: Alien enemies: Italian
- 12/9/1941 EO 8963: Amendment of Executive Order No. 8389 of April 10, 1940 (Thailand)
-

	12/10/1941	EO 8964: Prescribing Regulations Governing the Use, Control and Closing of Radio Stations and the Preference or Priority of Communication
	12/11/1941	EO 8970: Establishing Defensive Sea Areas at Portland, Maine; Portsmouth, New Hampshire; Boston, Massachusetts; Narragansett Bay; San Diego, California; San Francisco, California; Columbia River Entrance; and Strait of Juan de Fuca and Puget Sound
	12/16/1941	EO 8998: Amendment of Executive Order No. 8389 of April 10, 1940, as Amended (Hong Kong)
	1/12/1942	EO 9017: Establishment of the National War Labor Board
	1/14/1942	Proc. 2537: Regulations pertaining to enemy aliens (Puerto Rico and Virgin Islands)
	2/19/1942	EO 9066: Authorizing the Secretary of War To Prescribe Military Areas
	3/11/1942	EO 9095: Establishing the Office of Alien Property Custodian and Defining Its Functions and Duties
	4/18/1942	EO 9139: Establishing the War Manpower Commission in the Executive Office of the President and Transferring and Coordinating Certain Functions To Facilitate the Mobilization and Utilization of Manpower
	6/21/1943	Proc. 2588: Directing Detroit Race Rioters to Disperse
	1/22/1944	EO 9417: Establishing a War Refugee Board
Truman	10/30/1945	EO 9651: Amend EO 9599, Providing for Assistance to Expanded Production and Continued Stabilization of the National Economy During the Transition from War to Peace,
	2/14/1946	EO 9697: Providing for continued stabilization of the national economy the transition from war to peace
Eisenhower	9/23/1957	Proc. 3204: Obstruction of Justice in the State of Arkansas
	9/25/1957	EO 10730: Providing Assistance for the Removal of an Obstruction of Justice Within the State of Arkansas
Kennedy	2/6/1962	EO 10997: Assigning emergency preparedness functions to the Secretary of the Interior
	2/6/1962	EO 10998: Assigning emergency preparedness functions to the Secretary of Agriculture
	2/6/1962	EO 10999: Assigning emergency preparedness functions to the Secretary of Commerce
	2/6/1962	EO 11000: Assigning emergency preparedness functions to the Secretary of Labor

	2/6/1962	EO 11001: Assigning emergency preparedness functions to the Secretary of Health, Education, and Welfare
	2/6/1962	EO 11002: Assigning emergency preparedness functions to the Postmaster General
	2/6/1962	EO 11003: Assigning emergency preparedness functions to the Administrator of the Federal Aviation Agency
	2/6/1962	EO 11004: Assigning certain emergency preparedness functions to the Housing and Home Finance Administrator
	2/6/1962	EO 11005: Assigning emergency preparedness functions to the Interstate Commerce Commission
	9/30/1962	Proc. 3497: Obstructions of Justice in the State of Mississippi
	9/30/1962	EO 11053: Providing assistance for the removal of unlawful obstructions of justice in the State of Mississippi
	10/23/1962	Proc. 3504: Interdiction of the Delivery of Offensive Weapons to Cuba
	11/28/1962	EO 11068: Creating a board of inquiry to report on a labor dispute affecting the ballistic missile, space vehicle and military aircraft industry
	6/11/1963	Proc. 3502: Unlawful Obstructions of Justice and Combinations in the State of Alabama
	6/11/1963	EO 11111: Providing assistance for the removal of obstructions of justice and suppression of unlawful combinations within the State of Alabama
	9/10/1963	EO 11118: Providing assistance for removal of unlawful obstructions of justice in the State of Alabama
Johnson	3/20/1965	Proc. 3645: Providing Federal Assistance in the State of Alabama
	3/20/1965	EO 11207: Providing Federal assistance in the State of Alabama
	7/24/1967	Proc. 3795: Law and Order in the State of Michigan
	7/24/1967	EO 11364: Providing for the restoration of law and order in the State of Michigan
	4/5/1968	Proc. 3840: Law and Order in the Washington Metropolitan Area
	4/5/1968	EO 11403: Providing for the restoration of law and order in the Washington Metropolitan Area
Nixon	3/23/1970	Proc. 3972: Work Stoppages in the Postal Service
	3/23/1970	EO 11519: Calling into service members and units of the National Guard

	8/15/1971	EO 11615: Providing for stabilization of prices, rents, wages, and salaries
	10/15/1971	EO 11627: Further providing for the stabilization of the economy
	6/13/1973	EO 11723: Further providing for the stabilization of the economy
	6/18/1974	EO 11788: Providing for the orderly termination of economic stabilization activities
Carter	11/14/1979	EO 12170: Blocking Iranian Government property
	11/26/1979	EO 12172: Entry of Iranian aliens into the United States
	4/7/1980	EO 12205: Prohibiting certain transactions with Iran
H.W. Bush	8/2/1990	EO 12722: Blocking Iraqi government property and prohibiting transactions with Iraq
	8/2/1990	EO 12723: Blocking Kuwaiti Government Property
	8/22/1990	EO 12727: Ordering the Selected Reserve of the Armed Forces to active duty
W. Bush	9/14/2001	Proc. 7463: Declaration of National Emergency by Reason of Certain Terrorist Attacks
	9/23/2001	EO 13224: Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism
	10/8/2001	EO 13228: Establishing the Office of Homeland Security and the Homeland Security Council
	12/18/2001	EO 13241: Providing an Order of Succession Within the Department of Agriculture
	12/18/2001	EO 13242: Providing an Order of Succession Within the Department of Commerce
	12/18/2001	EO 13423: Providing an Order of Succession Within the Department of Housing and Urban Development
	12/18/2001	EO 13424: Providing an Order of Succession Within the Department of the Interior
	12/18/2001	EO 13425: Providing an Order of Succession Within the Department of Labor
	12/18/2001	EO 13426: Providing an Order of Succession Within the Department of the Treasury
	12/18/2001	EO 13427: Providing an Order of Succession Within the Department of Veterans Affairs

	3/20/2003	EO 13290: Confiscating and Vesting Certain Iraqi Property
	9/8/2005	Proc. 7924: To Suspend Subchapter IV of Chapter 31 of Title 40, United States Code, Within a Limited Geographic Area in Response to the National Emergency Caused by Hurricane Katrina
Obama	10/23/2009	Proc. 8443: Declaration of a National Emergency With Respect to the 2009 H1N1 Influenza Pandemic

Chapter 4: Significant Executive Orders and Proclamations, 1861-2012

In the previous chapter I gave an historical account of how presidents used significant unilateral directives to address crises from 1861-2012. The chapter showed that presidents have responded to crises by issuing these directives and in some cases they issued many directives depending on the crisis. Now that the historical/descriptive connection has been made I can now see if my theory can explain unilateral usage. In this chapter I test the explanatory power of both William Howell's unilateral politics model and my crises model (presented in Chapter 2) on the prevalence of significant executive orders and proclamations issued by each president from Abraham Lincoln through the first term of Barack Obama. I begin by providing an overview of the concept of *significant executive orders* and *significant proclamations* and a description of the measurement strategy used to identify them. This strategy will be used to construct the key dependent variable for my subsequent analysis.

Significant Executive Orders

Scholars of unilateral politics usually do not focus on all executive orders since most are considered mundane. Instead they have examined either significant executive orders or non-ceremonial orders, both of which have given similar results (Bolton and Thrower 2015; Howell 2003; Krause and Cohen 1997; Mayer 2001). I will be using significant executive orders in this dissertation. The literature identifies an executive order's significance by determining whether an order received

contemporary and/or retrospective coverage (Howell 2003; Mayer 2001). In Dodds' work (2013) he highlights a number of directives issued by presidents throughout history, specifically periods of time that are seldom focused in empirical political science research. The cases he identifies are important and are undiscovered uses of executive orders by earlier presidents, but because he uses illustrative examples taken from presidential biographies and fact books rather than a quantitative analysis of pre-1945 significant orders he is unable to make an accurate comparison across time. I intend to do just that. I begin by following a more systematic process by identifying significant executive orders from 1861 to 1944 and then from 2002 to 2012¹⁵.

The first step is to employ similar rules in identifying executive orders as used in the existing literature, including the focus on significant executive orders.

Significant executive orders are those that received attention by contemporary political observers and/or by retrospective scholars. Kenneth Mayer (2001) and William Howell (2003) both develop significance criteria similar to David Mayhew's work in *Divided We Govern* (2005). Mayhew used his "Sweep" method to identify significant legislation. His "sweeps" used the contemporary and the retrospective record to create his dataset. Kenneth Mayer used a five pronged test to determine significant executive orders. It consisted of the following criteria:

1. Did the order receive attention from the press or other influential political actors? Did Congress hold a hearing? Did a proposal to override the order get brought to the floor?
2. Did students of the law or the presidency cover it in their research?
3. Did the president give a statement about the order?

¹⁵ William Howell generously provided his data that he collected covering the years from 1945-2001.

4. Was there any federal litigation that was brought up because of the order?
5. Does it “create a new institution with substantive policy responsibility, expand or contract significant private rights, or constitute a significant departure from existing government policy?” (Mayer 2001, 84).

Howell used a threefold test to determine whether an executive order was significant:

1. Was the order mentioned in a federal court case?
2. Was it mentioned in the appendix of the Congressional Record?
3. Was it mentioned in *The New York Times* (1969-1998)?

If an order was mentioned in any of the three sources it was deemed significant (Howell 2003). Howell mentioned one drawback of his collection of significant executive orders from 1969-1998, when he said “the only shortcoming here is that we cannot collect these data as far back as we otherwise might like” (81). In a 2005 study he extends his *New York Times* search to the years 1945-2001 because of the new ability to search electronically (Howell 2005). The data in this chapter is the first to contain significant executive order data going back before 1945 and after 2001.

I followed William Howell’s method by using *ProQuest Historical Newspapers* to search for executive orders that were covered in *The New York Times* from 1861 to 1944 and from 2002 to 2012. I start my analysis in 1861 because Lincoln was the first president to have an executive order mentioned in *The New York Times* and because “the Great American Crisis” occurred under his watch (Rossiter 1948, 223). I began by searching for the term “executive order” in the database. Every article that came back as a result was scanned manually and by using Optical

Character Recognition software in Adobe Acrobat. Once the term was found in the article, I determined whether it was an executive order by cross referencing it with: Clifford L. Lord's *List and Index of Presidential Executive Orders, Unnumbered Series (1789-1941)*, Lord's *Presidential Executive Orders Numbered 1-8030 (1862-1938)*, and the *Federal Register*. All executive orders that were mentioned and were confirmed in the sources above were placed in the dataset¹⁶. A total of 1,890 significant executive orders from 1861 to 2012 were found using this method. I then coded each executive order as ceremonial and non-ceremonial¹⁷. 1,797 were non-ceremonial significant orders which made up 11.78% of the total number of executive orders issued in the same time frame. 93 of the significant executive orders were ceremonial. The 812 non-ceremonial significant orders from 1861-1944 make up 7.3% of the total number of executive orders issued during this time period. This is higher than the less than 2% identified from 1900 to 1944 (Howell 2003; Mayer 2001). The 985 significant orders from 1945-2012 make up 23.8% of the total number issued during this period. This is also higher than the 15% of significant orders identified in the post-1945 period (Howell 2003; Mayer 2001).

Significant Proclamations

As I mention in Chapter 1, there are some similarities between executive orders and proclamations. Both tools have been around since George Washington and

¹⁶ Mentions of "Executive orders" that could not be cross referenced were not included. Executive orders mentioned in *The New York Times* that were issued by governors, mayors, executives of foreign countries, etc. were also not included.

¹⁷ Ceremonial orders were those that establishing a mourning period for the death of presidents or other notable leaders; government closings during holidays; and orders dealing with medals and flags. Non-ceremonial orders were those that did not fall in the ceremonial category and as a result have a policy impact.

they both have been used for significant and ceremonial purposes. However, as of this writing no scholar has examined presidential usage of “significant proclamations”. Belco and Rottinghaus (2017) examine policy proclamations from Ford to George W. Bush. They do not define what a policy proclamation is but if it’s in line with previous literature then it is safe to assume that it is every proclamation that is not ceremonial. This type of proclamation is a broader category of the directive than significant proclamations but it is not the same thing. Like significant executive orders, significant proclamations are directives that received coverage in the media during the time they were issued. I identified every proclamation that was mentioned in *The New York Times* from 1861-2012 using the *ProQuest Historical Newspaper* database. I searched the database using the term “proclamation” and “President (Surname Here)”, for whichever president was in office in the respective year. If a president died in office I searched for both the deceased president and his successor. For example, I searched for proclamations issued by John F. Kennedy and Lyndon Johnson in 1963. Only proclamations that could be cross-referenced in *The Presidential Proclamations Project* or *The American Presidency Project* were included (Peters and Woolley 2015; Rottinghaus and Bailey 2015)¹⁸. No proclamations were included if they were issued by mayors, governors, or foreign political officials. Proclamations were included in the dataset if they were non-ceremonial and had been issued within one year of the date it was mentioned in *The New York Times*.

As I mentioned earlier, I identified significant executive orders using the same *ProQuest* database for the years 1861-1944. During that search I found 56 mentions

¹⁸ *The Presidential Proclamations Project* as of this writing is now defunct.

that identified the directive as an “executive order” but upon further research I found that they were actually proclamations. In my search for proclamations I also found instances of what members of the press called “proclamations” that upon further review were actually executive orders. Those proclamations that were mislabeled as “executive orders” in the press were included in my proclamation dataset. I also identified about 40 “proclamations” that I was not able to cross reference and were therefore not included in the proclamation dataset.

A total of 1,646 significant proclamations were identified in this study’s time period. I then coded each proclamation on whether it was a ceremonial or a non-ceremonial proclamation. 791 were non-ceremonial, meaning they held some policy content, (48.1% of the total number of significant proclamations) while 855 were ceremonial (51.9% of the total). A grand total of 10,452 proclamations were issued during this span of time, the 1,646 significant proclamations make up 15.7% of the grand total. My statistical analysis will only focus on the 791 non-ceremonial proclamations, which is 7.6% of the grand total.

Presidents issued 569 non-ceremonial significant proclamations from 1861-1944 which made up 14.4% of the total number of proclamations issued during this era. 222 non-ceremonial proclamations were issued from 1945-2012, making up 3.4% of the total proclamations issued. 252 ceremonial significant proclamations were issued from 1861-1944 and 603 were issued from 1945-2012. I find some interesting results when comparing the number of ceremonial significant proclamations to non-ceremonial significant proclamations across areas. 69.3% of significant proclamations were non-ceremonial and 30.7% were ceremonial in the period from 1861-1944. The

results flip in the period from 1945-2012, 73.1% of significant proclamations were ceremonial while 26.9% were non-ceremonial. This provides further evidence that proclamations had a more substantive nature in the past unlike in today's era (Belco and Rottinghaus 2017).

Patterns of Usage

From this point forward when I mention significant executive orders and proclamations I will be referring to just non-ceremonial significant executive orders and proclamations.

Executive Orders: Figure 4.1 shows the number of significant executive orders by year issued from 1861-2012. An average of 12 significant orders was issued per year across the 151 years in my dataset. The largest amount, 87, was issued in 1933. This was followed by 79 orders issued in 1941. These large amounts of significant orders issued occurred at the same time of notable crises like World War II and the Great Depression. An average of 10 orders was issued in the pre-modern era (1861-1944) while an average of 15 orders was issued in the modern era (1945-2012).

Figure 4.1: Significant Executive Orders by Year, 1861-2012

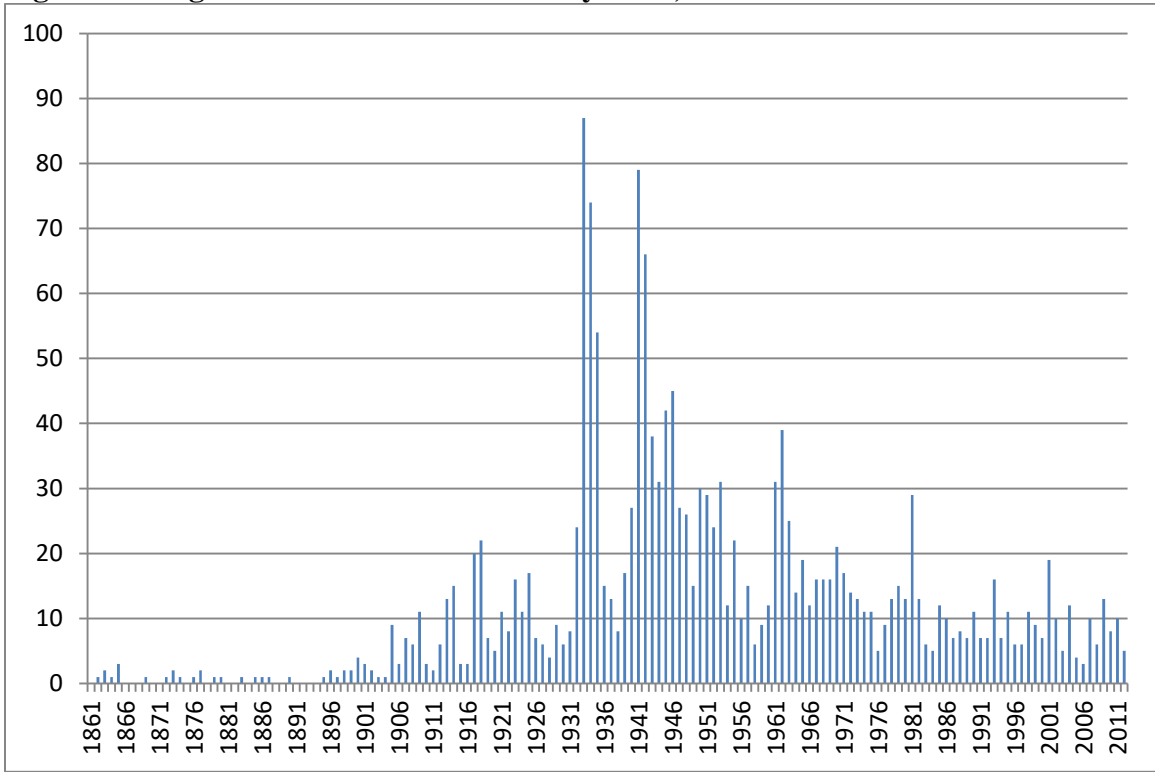


Table 4.1 shows the number of significant executive orders by president and the percentage of significant orders out of the total number of executive orders issued during their tenure. Not surprisingly, Franklin D. Roosevelt issued the most significant orders at 511. However, it is John F. Kennedy who issued the most significant orders as a percentage (42.1%) of the total number issued.

Table 4.1: Significant Executive Orders by President, 1861-2012

President	Number of Significant Orders	Percentage of Significant Orders out of the Total number issued
Lincoln	4	8.3%
Johnson	3	3.8%
Grant	6	2.7%
Hayes	4	4.4%
Arthur	2	2%
Cleveland 1 st	2	1.8%

Harrison	1	0.7%
Cleveland 2 nd	3	2.11%
McKinley	10	5.6%
T. Roosevelt	40	3.5%
Taft	14	1.9%
Wilson	88	4.8%
Harding	30	6.2%
Coolidge	54	4.3%
Hoover	43	4.3%
F. Roosevelt	511	13.7%
Truman	237	26.5%
Eisenhower	116	23.9%
Kennedy	90	42.1%
Johnson	81	24.9%
Nixon	87	25.1%
Ford	21	12.4%
Carter	62	19.4%
Reagan	79	20.7%
HW Bush	31	18.7%
Clinton	73	20.1%
W Bush	69	23.7%
Obama	36	24.5%

Proclamations: Figure 4.2 shows the number of significant proclamations by year issued from 1861-2012. The correlation between significant executive orders and significant proclamations is positive but weak at 0.3865. An average of 5 significant proclamations was issued per year across the 151 years in my dataset. The largest amount, 58, was issued in 1910. During this year, President William Taft signed 55 proclamations which put into effect tariff agreements with 55 countries. Taft was required to do this after he signed the Payne-Aldrich Act which:

“lowered duties to a general level of 38 percent while making sizable cuts in the duties on hides, iron, ore, coal, oil, cotton, and footwear. Granted the president discretionary authority to add a 25 percent duty on all goods imported from nations ‘unduly’ discriminating against U.S. exports, and established a Tariff Board to advise the president on such matters. Established a U.S. Court of Customs Appeals, and imposed a tax on interstate corporations” (Stathis 2014).

This was followed by the years 1941, 1940, and 1916, when 37, 30 and 29 proclamations respectively were issued. This large amount of significant proclamations occurred at the same time as crises like World War I and World War II. An average of 7 proclamations was issued in the pre-modern era (1861-1944) while an average of 3 proclamations was issued in the modern era (1945-2012).

Figure 4.2: Significant Proclamations by Year, 1861-2012

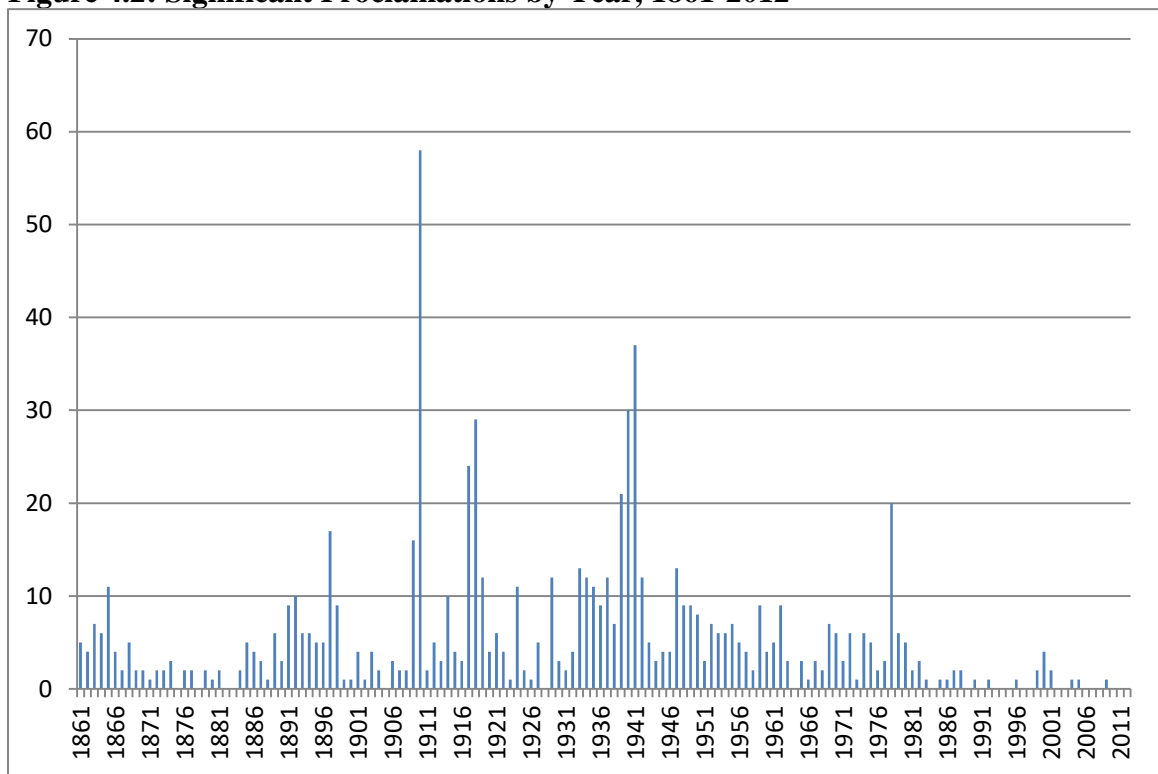


Table 4.2 shows the number of significant proclamations by president and the percentage of proclamations out of the total number of proclamations issued during their tenure. One of the most interesting findings, when Table 4.1 and Table 4.2 are compared is that Presidents Lincoln, Johnson, Grant, Cleveland (both terms), Harrison, and McKinley were much more active issuing significant proclamations

than significant executive orders. Presidents started issuing more significant executive orders than proclamations once Theodore Roosevelt comes into office.

Like significant executive orders, Franklin D. Roosevelt issued the most significant proclamations at 169. Similar to Kennedy as it relates to executive orders, it is Grover Cleveland in his second non-consecutive term who issued the most significant proclamations as a percentage (38.6%) of the total number issued.

Table 4.2: Significant Proclamations by President, 1861-2012

President	Number of Significant Proclamations	Percentage of Significant Proclamations out of the Total number issued
Lincoln	25	13.7%
Johnson	19	10.7%
Grant	15	8.2%
Hayes	5	6.0%
Arthur	3	4.1%
Cleveland 1 st	14	15.0%
Harrison	29	23.0%
Cleveland 2 nd	34	38.6%
McKinley	18	20.5%
T. Roosevelt	28	5.6%
Taft	68	16.0%
Wilson	89	19.8%
Harding	10	9.4%
Coolidge	20	6.4%
Hoover	23	8.6%
F. Roosevelt	169	20.8%
Truman	58	12.3%
Eisenhower	42	8.3%
Kennedy	17	9.0%
Johnson	13	3.6%
Nixon	21	5.0%
Ford	11	6.6%
Carter	34	10.2%
Reagan	12	1.0%
HW Bush	2	0.3%
Clinton	8	0.9%

W Bush	3	0.3%
Obama	1	0.2%

Lastly, I show the number of significant orders and proclamations together in Figure 4.3. In it the reader will see that significant proclamations were more prevalent in the late 19th and early 20th centuries while executive orders became more prevalent in the mid-20th Century to the end of the dataset. Since this data is based off of press accounts it almost seems as if the press has determined that proclamations were more important as a tool earlier on and then executive orders were more important as time progressed. I can confirm that this data does not match entirely with the number of total executive orders and proclamations issued at the time. According to Figure 4.4, executive orders outpace proclamations much earlier than their significant subset at the turn of the 20th Century. Proclamations then become the most dominant directives beginning in the 1980s and to the present. This would suggest that my press coverage speculation may be true but further analysis would have to be done to confirm this result.

Figure 4.3: Significant Executive Orders and Proclamations by Year, 1861-2012

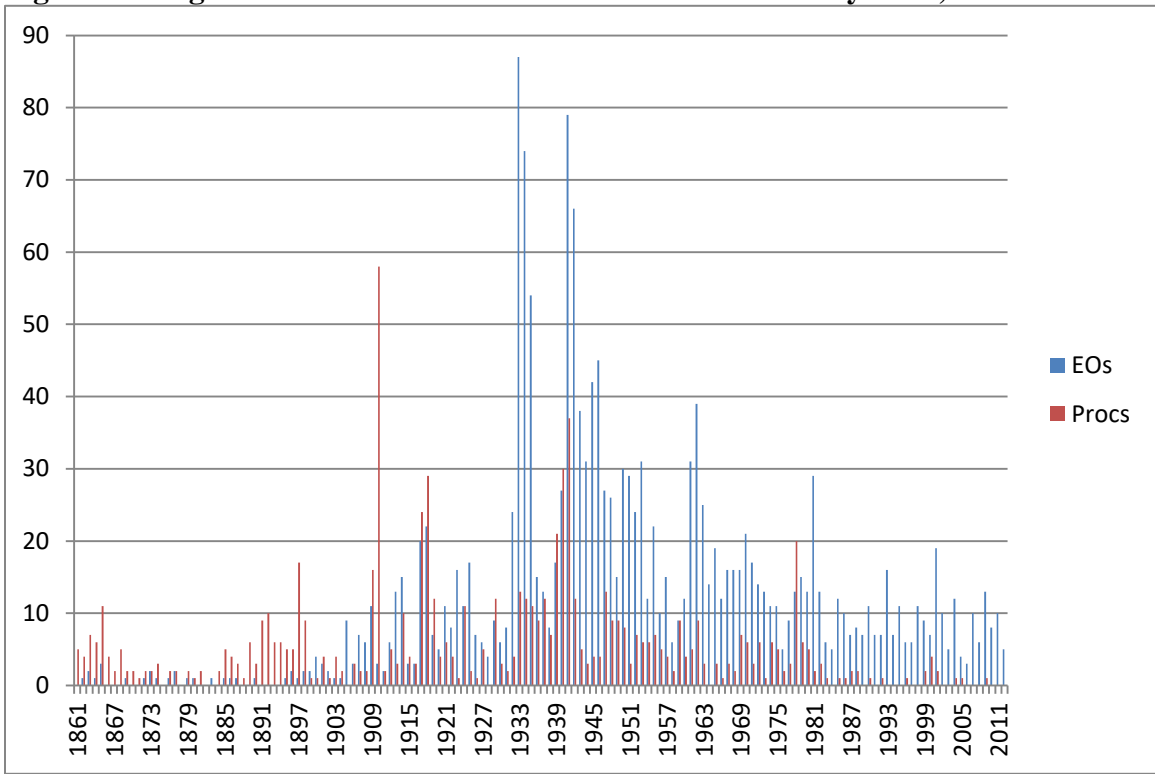
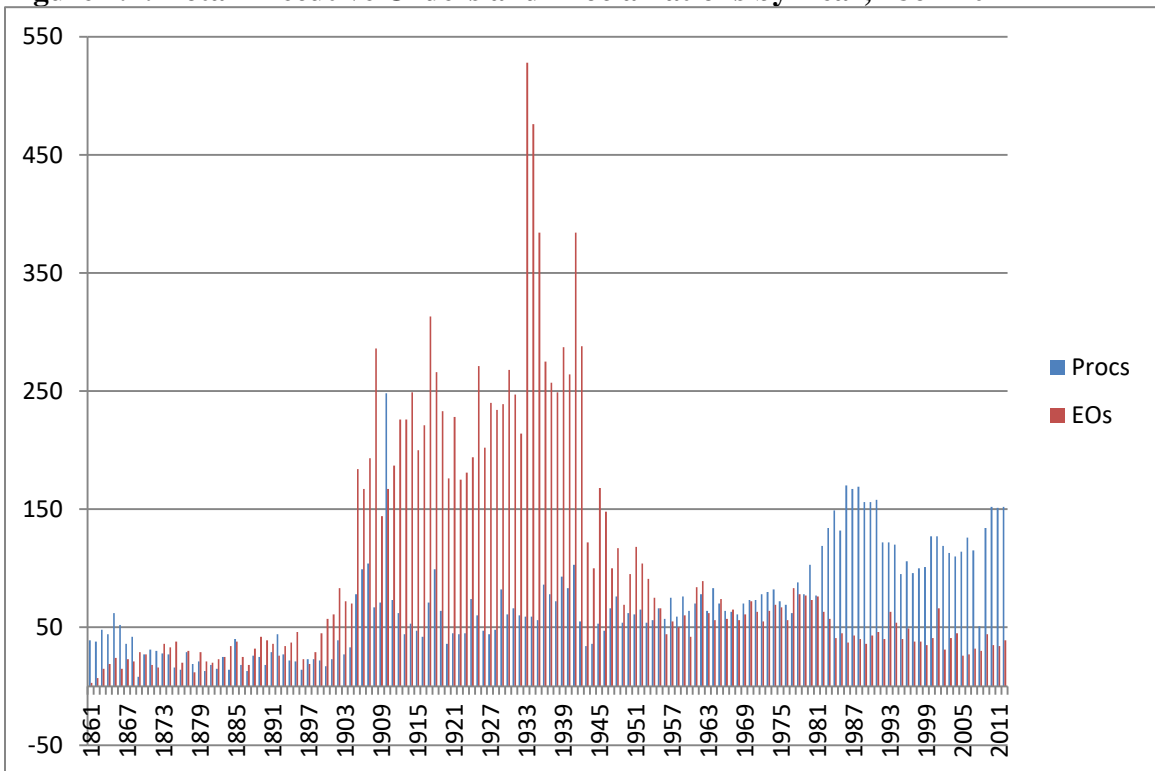


Figure 4.4: Total Executive Orders and Proclamations by Year, 1861-2012



Data and Methods

I test William Howell's theory for two reasons. First, since my data on significant executive orders is an extension of Howell's data I am interested in seeing if his theory applies to the pre-modern period. Second, I am also interested in seeing whether Howell's theory which has been tested on significant executive orders also applies to significant proclamations. So in other words does his theory exclusively explain executive order usage or unilateral directives more broadly?

The *Average Majority Party Percentage* is the average percentage of the seats held by the majority parties in the House and the Senate. Congress as an institution becomes stronger as the average percentage held by the majority party increases. It becomes weaker as the percentage decreases. This variable is used to test Howell's first hypothesis. *Administration Change* is a dummy variable that is coded 1 for Congresses in which the president was incoming and represented the opposite political party of their predecessor. All other occurrences were coded 0. This variable is used to test the second hypothesis. *Divided Government* is also a dummy variable that is coded 1 when either house of Congress is controlled by the opposition political party of the president. All occurrences of unified government were coded 0. This variable is used to test the third hypothesis.

My two dependent variables are the number of significant executive orders and significant proclamations issued per congressional session. I test Howell's theory by using Negative Binomial Regression, since the dependent variable is a count. I run three models in this analysis. The first will test usage during the pre-modern era (1861-1944), the second will test the modern era (1945-2012) and the third model

will cover the entire timeframe (1861-2012). I chose 1944 as the end of the pre-modern era because the modern era has been identified as beginning in 1945 on forward (Bolton and Thrower 2015; Howell 2005; Young 2013). As I mentioned earlier in the chapter I do expect differences across eras since there is evidence that behavior is different depending on the aspect of the presidency the scholar is focusing on. All models include presidential fixed effects but are not shown. Table 4.4 shows the three models for significant executive orders and Table 4.5 shows the three models for significant proclamations. My unit of analysis is congressional session. I chose this unit in order to stay consistent with previous literature (Bailey and Rottinghaus 2013, 2014; Belco and Rottinghaus 2017; Howell 2003, 2005).

Table 4.3 includes the variables that I will use to test Howell's Unilateral Politics Model.

Table 4.3: Descriptive Statistics, Howell Model

Variables	Mean	Standard Deviation	Minimum Value	Maximum Value
DV: Significant Executive Orders (1861-2012)	23.64	28.57	0	160
DV: Significant Proclamations (1861-2012)	10.41	11.91	0	60
Average Majority Party %	0.59	0.07	0.47	0.80
Administration Change	0.24	0.43	0	1
Divided Government	0.43	0.50	0	1
DV: Significant Executive Orders (1861-1944)	19.33	34.77	0	160
DV: Significant Proclamations (1861-1944)	13.55	14.30	1	60
Average Majority Party %	0.60	0.08	0.47	0.80
Administration Change	0.24	0.43	0	1
Divided Government	0.33	0.48	0	1

DV: Significant Executive Orders (1945-2012)	28.97	17.35	7	87
DV: Significant Executive Orders (1945-2012)	6.53	6.32	0	23
Average Majority Party %	0.57	0.05	0.50	0.68
Administration Change	0.24	0.43	0	1
Divided Government	0.56	0.50	0	1

Pre-modern era (1861-1944)

Executive Orders: In this era (see Table 4.4 Model 1), a period of time that is seldom studied in presidential unilateral research, none of the three institutional variables were statistically significant from zero. However the direction of the coefficients is in the same direction for two variables, *Average Majority Party* and *Administration Change*, as previous research has shown for behavior in the post-World War II period. The divided government coefficient is positive which is similar to the result that Bolton and Thrower found for the period of 1905-1944 in their 2015 article.

Table 4.4: Negative Binomial Regression of Howell’s Model, Executive Orders

DV: Significant Executive Orders	Model 1 1861- 1944	Model 2 1945- 2012	Model 3 1861- 2012
Average Majority Party %	-4.18 (2.72)	-2.39* (1.44)	-3.72*** (1.43)
Administration Change	0.41 (0.30)	0.46*** (0.12)	0.49*** (0.14)
Divided Government	0.00 (0.41)	-0.04 (0.14)	-0.00 (0.18)
Constant	7.11*** (1.83)	4.01*** (0.86)	4.74*** (0.88)
N	42	34	76
Log Likelihood	-116.46	-105.54	-232.44

Pseudo r^2	0.2675	0.2355	0.2660
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*Standard errors in parentheses, Presidential fixed effect included (not shown).
Two tailed tests. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$*

Proclamations: Like in Table 4.4 Model 1, I find no support for Howell's model on significant proclamation usage in the pre-modern era (see Table 4.5 Model 1). What I do find interesting is that the direction of the coefficients for significant proclamations is the complete opposite of their counterparts in the significant executive order model of the same era. This shows that presidents behave differently when issuing proclamations during the same contexts.

Table 4.5: Negative Binomial Regression of Howell's Model, Proclamations

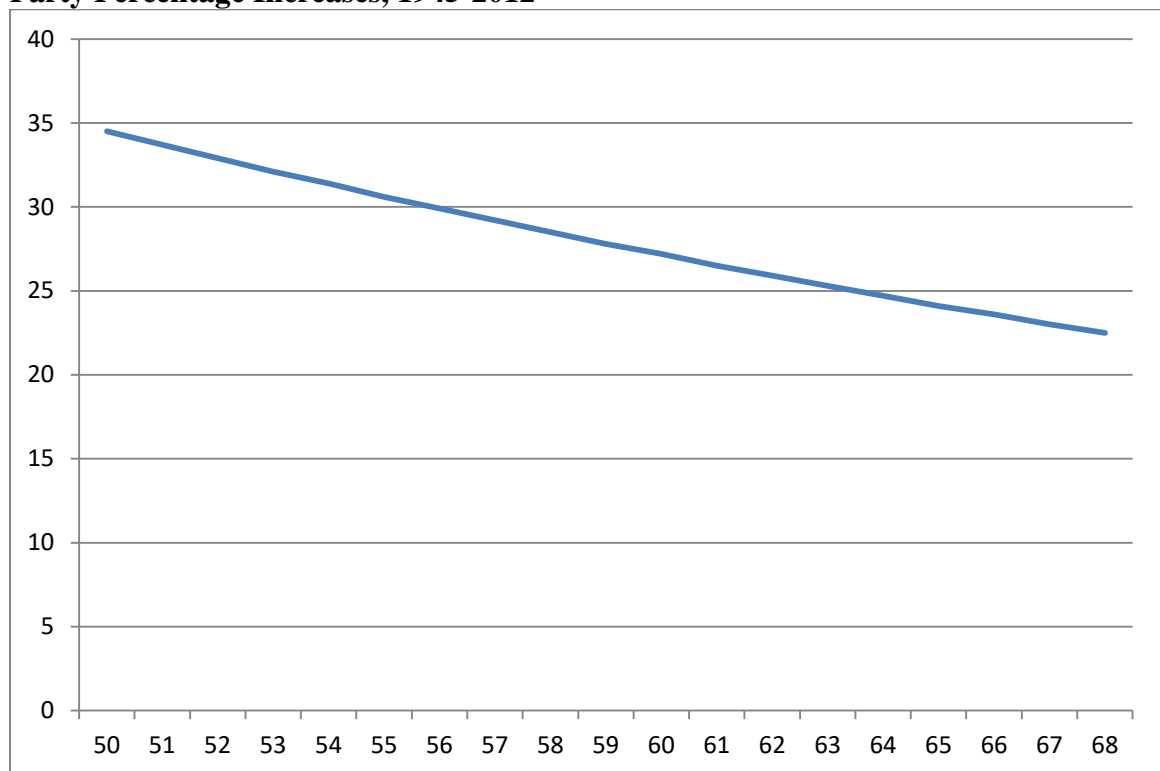
DV: Significant Proclamations	Model 1 1861-1944	Model 2 1945-2012	Model 3 1861-2012
Average Majority Party %	1.10 (2.39)	1.43 (2.13)	1.08 (1.84)
Administration Change	-0.28 (0.27)	0.67*** (0.20)	0.02 (0.20)
Divided Government	-0.46 (0.32)	0.54** (0.22)	-0.14 (0.24)
Constant	2.64 (1.62)	-2.11 (1.58)	-1.26 (1.49)
N	42	34	76
Log Likelihood	-128.83	-65.64	-204.73
Pseudo r^2	0.1518	0.3454	0.2048

*Standard errors in parentheses, Presidential fixed effect included (not shown).
Two tailed tests. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$*

Modern era (1945-2012), Executive Orders: In this era (see Table 4.4 Model 2), an eleven year extension of Howell's original data, I find support for two of his institutional variables, *Average Majority Party* and *Administration Change*, which are

in the same direction and are statistically significant as in Howell’s previous work. Using Long and Freese’s (2006) *listcoef* method to calculate percentages, I was able to find out how many more or fewer significant orders presidents issued when these key variables increased by one unit if it’s a dichotomous or ordinal variable or increased by one standard deviation if it is a continuous variable. Presidents issued 10.2% fewer orders for every 4.5% increase in the *Average Majority Party Percentage* in Congress. The substantive effect of this result is shown in Figure 4.5. Holding all other variables at their means, the number of predicted significant executive orders in the modern era decreased from 35 per congressional session when the percentage is 50% to 22 per congressional session when the percentage is 68%.

Figure 4.5: Predicted Significant Executive Orders as the Average Majority Party Percentage Increases, 1945-2012



Incoming presidents who represented the opposing political party issued 59.1% more orders compared to all others. The effect of divided government on issuance on significant orders is negative which is the same finding as previous research but it is not statistically significant.

Before I present the results for the full time frame I will compare and contrast the effects of the institutional variables in the two eras. The biggest takeaway is that the Howell's model does not help explain the variation of executive order usage in the pre-modern era as they do in the modern era. The coefficients for *Average Majority Party Percentage* and *Administration Change* were in the same direction across the two eras, which suggests that behavior is not that much different, but they were only statistically significant in the latter era. I expect that these coefficients will have the same positive effect in the full model. *Divided government* was the only institutional variable whose coefficient switched directions across eras although the result was not statistically significant in either era.

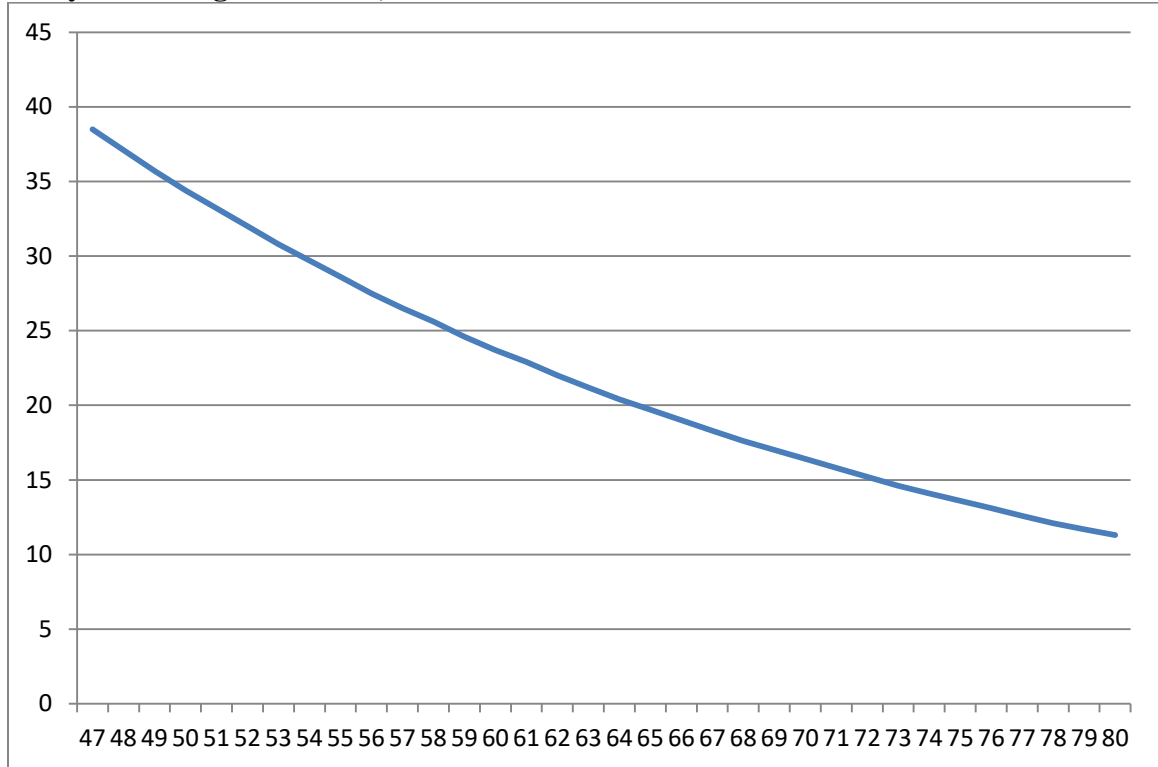
Proclamations: I find statistically significant results for two variables, *Administration Change* and *Divided Government* but only in the modern era (see Table 4.5 Model 2). 96% more proclamations were issued when the president was incoming and represented the opposing political party of their predecessor. 71.2% more proclamations were issued during divided government.

As in the case of significant executive orders, the Howell model alone does not help explain usage of significant proclamations in the pre-modern era. The coefficient for *Average Majority Party* is consistent across the two eras but was never statistically significant. I expect this will be true when I examine the entire time

frame. The coefficients for *Administration Change* and *Divided Government* switched signs across the two eras. They both had a negative effect in the pre-modern era but a positive and statistically significant effect in the modern era. This is some evidence, although not strong, to show that president behaved differently across the eras when issuing this directive.

Full time frame (1861-2012), Executive Orders: In Table 4.4 Model 3, I test the effect of the three institutional variables on the full 151 year dataset. I find support for the same two institutional variables as I did in the Modern era. Presidents issued 21.9% fewer orders for every 6.7% increase in the *Average Majority Party Percentage* in Congress. The substantive effect of this result is shown in Figure 4.6. Holding all other variables at their means, the number of predicted significant orders decreased from 38 per congressional session when the percentage is 47% to 11 orders per congressional session when the percentage is 80%.

Figure 4.6: Predicted Significant Executive Orders as the Average Majority Party Percentage Increases, 1861-2012



Incoming presidents of the opposing party issued 63% more orders than incumbents or incoming presidents of the same party. The coefficient for *Divided Government* is negative but is not statistically significant. Taken as a whole, by extending the dataset further back in time and also bringing it up to date I find that by looking at the coefficients only, that the directional effect on significant orders is the same as what Howell found for his study of the modern era (1945-2001). However, only two variables have a statistically significant effect on executive order usage.

Proclamations: Table 4.5 Model 3 shows the full model for significant proclamations. I find no support for the three institutional variables in Howell’s model. *This suggests that Howell’s model which was created to explain unilateral action in general may only apply to executive orders and no other unilateral tools.*

When examining the coefficients alone I find that the proclamation coefficients for *Administration Change* and *Divided Government* are in the same direction as their executive order counterparts in the full time frame. The coefficient for *Average Majority Party* is positive which is the opposite effect of the same variable in the executive order model. This suggests that there is some evidence that presidents issued more proclamations when Congress as an institution becomes stronger as opposed to when it becomes weaker when more executive orders are issued. In other words, Congress is possible able to constrains a president's usage of executive orders but not their usage of proclamations.

Crisis Model

The Crisis model expands Howell's model to include different types of crises that the nation may face. In Chapter 2, I presented four hypotheses that I believe explain how presidents will act unilaterally when a crisis occurs. The four hypotheses are as follows:

Hypothesis 1: Presidents will issue more significant directives during wartime.

Hypothesis 2: Presidents will issue more significant directives as the economy worsens.

Hypothesis 3: As the number of people affected or killed by a natural or technological disaster increases the number of significant directives issued by the president will also increase.

Hypothesis 4: As the number of riots and strikes increases the number of significant directives issued by the president will also increase.

War: For Hypothesis 1 I use a variable that I call *War* which is a dummy variable that is coded 1 during wartime and 0 during peacetime. I coded the following

wars for this variable: Civil War (1861-1865), Spanish American War (1898), World War I (1917-1918), World War II (1941-1945), Korean War (1950-1953), Vietnam War (1964-1975), Gulf War (1990-1991), and the Afghanistan and Iraq Wars (2001-2003) (Cohen 2012; Howell et. al. 2013).

Inflation: Previous studies have either used the unemployment rate or inflation to measure the health of the economy. I do not use the unemployment rate because the data does not cover the entire time frame of the study. The data on inflation rates, however, is more readily available and goes back to 1775. Most studies that use the inflation rate in their models use the actual rate which is a continuous variable, with the belief that a higher inflation rate is representative of a lackluster economy. However, as Young (2013) points out in her work this is not the appropriate way to measure bad economic times. She argues that economists agree that high inflation is bad but so is deflation. However, the way the actual inflation rate is measured does not fit with how political scientists interpret the variable. Deflation is seen as good because the values are on the low end of the scale. She also mentions that most economists believe that the optimal rate is low and positive but where it begins and ends is debatable. In her analysis she creates a variable that groups the inflation rate into four categories starting from bad levels to good levels. The four categories are as follows: 1. 7% or higher and -7% or lower, 2. 4-6.99% and less than 0%, 3. 0-0.99% and 2.01-3.99%, and 4. 1-2%. In this analysis I modify Young's categories. My measure of inflation hopefully takes the best of both worlds, one that sticks closely to how economists look at the rate and is also similar to how we as scholars have measured inflation in the past. Instead of four categories I use three and it is scaled so

that good or optimal inflation rates are at the bottom while bad or suboptimal inflation rates are at the top. Category 1 includes the range of 0-3.99%. There is disagreement as to where the optimal rate begins and ends amongst economists; however it usually falls in this range (Billi and Kahn 2008; Coibion and Gorodnichenko 2011; Fixler and Jaditz 2002; Melzer 1996; Pettinger 2011). 2. 4-6.99% and -6.99-0.01%; 3. 7% or higher and -7% or lower. Using the website *Measuring Worth*, I first averaged the two rates for each year in a congressional session and then I code this variable using the above categories based on the average (Officer and Williamson 2015).

Disasters: For this hypothesis I utilize the International Disaster Database from the Center for Research on the Epidemiology of Disasters. The database keeps a list of all natural and technological disasters that occurred around the world from 1900 to 2016. To be included in the dataset a crisis had to fall in one of the following four criteria: 1. At least 10 people died because of the crisis; 2. At least 100 people were affected by the crisis; 3. A state of emergency was declared by the president; or 4. International assistance was requested.

I used the dataset to identify disasters that affected the United States. However, the dataset starts at 1900; I extended the dataset further back to 1861 in order to use it for this analysis. I used a number of secondary sources to identify natural and technological disasters in the late 19th Century¹⁹. Every disaster that I included fell into one of the four criteria used to create the IDD. I then include a variable for each disaster. Each disaster that is measured takes into account the number of people that were killed or affected by the disaster per congressional

¹⁹ The secondary sources included Campbell (2008); Infoplease (2015); Miller Center of Public Affairs (2016); U.S. Census Bureau (2016).

session. So for example if two earthquakes occurred during the 112th Congress and a total of 1,000 people were killed or affected, that number will be used as the value for earthquakes during the 112th Congress. The disaster variables that I used included natural disasters such as *earthquakes, epidemics, extreme temperatures, floods, landslides, storms, volcanoes, and wildfires*. I then combined the eight variables into one that I call *Natural Disasters*. The technological disasters that I used as variables are as follows: *industrial accidents, transport accidents, and miscellaneous accidents* which are defined as any type of technological accident that is not industrial or transport in nature. I then combined the three variables into one that I call *Technological Disasters*. I then transform the two disaster variables into log values since both variables are skewed.

Riots and Strikes: I use two separate variables that I call *Riots* and *Strikes* to test Hypothesis 4. I measure this by including the number of riots and strikes that occurred during a congressional session. I used numerous secondary sources to identify riots and strikes that occurred from 1861 to 2012²⁰. I then transform the riot variable into a log variable since it is skewed. The strike variable is not skewed and is simply a count.

Lastly, I test institutional factors which are the variables that Howell used in his earlier model: *Average Majority Party Percentage, Administration Change, and Divided Government*. Table 4.6 includes the descriptive statistics of the variables that are used to test the Crisis model.

²⁰ The secondary sources included Campbell (2008); Danver (2011); Infoplease (2015); Miller Center of Public Affairs (2016); U.S. Census Bureau (2016).

Table 4.6: Descriptive Statistics, Crisis Model

Variables	Mean	Standard Deviation	Minimum Value	Maximum Value
DV: Significant Executive Orders (1861-2012)	23.64	28.57	0	160
War	0.29	0.46	0	1
Inflation	1.62	0.77	1	3
Riots-logged	0.06	0.31	0	2.21
Strikes	0.29	0.56	0	2
Natural Disasters-logged	2.83	1.93	0	7.15
Technological Disasters-logged	2.04	1.45	0	5.41
Average Majority Party %	0.59	0.07	0.47	0.80
Administration Change	0.24	0.43	0	1
Divided Government	0.43	0.50	0	1
DV: Significant Executive Orders (1861-1944)	19.33	34.77	0	160
War	0.17	0.38	0	1
Inflation	1.74	0.73	1	3
Riots-logged	0.06	0.24	0	1.48
Strikes	0.40	0.63	0	2
Natural Disasters-logged	1.75	1.52	0	4.30
Technological Disasters-logged	1.40	1.28	0	3.26
Average Majority Party %	0.60	0.08	0.47	0.80
Administration Change	0.24	0.43	0	1
Divided Government	0.33	0.48	0	1
DV: Significant Executive Orders (1945-2012)	28.97	17.35	7	87
War	0.44	0.50	0	1
Inflation	1.47	0.79	1	3
Riots-logged	0.67	0.38	0	2.21
Strikes	0.15	0.44	0	2
Natural Disasters-logged	4.17	1.49	2.32	7.15
Technological Disasters-logged	2.83	1.25	0	5.41
Average Majority Party %	0.57	0.05	0.50	0.68
Administration Change	0.24	0.43	0	1
Divided Government	0.56	0.50	0	1

Like in the above analysis using only the institutional variables I test my theory by running Negative Binomial Regressions. I first start with the pre-modern era.

Pre-modern era (1861-1944), Executive Orders: In Table 4.7 Model 1, I find support for one of my crisis variables in the expected direction while two other variables actually have a negative impact on significant executive order usage. *War* has a positive relationship with significant order usage. *Riots* and *technological disasters* have a negative relationship. Presidents issued 126.8% more orders during wartime on average holding all else constant. This is a very big effect on the usage of executive orders. It shows that what scholars have found about the modern period occurred in the earlier period and that presidents regardless of the period have use their role as Commander-in-Chief to their advantage. Inflation has a positive effect on significant order usage but the result is not statistically significant.

As mentioned earlier two crisis variables actually had a negative effect on significant order usage. Presidents issued 22.2% fewer orders for every standard deviation increase in the log of riots. They issued 22.9% fewer orders for every standard deviation increase in the log of people affected or killed by *Technological Disasters*. This suggests that these minor crises do not give presidents the opportunity to issue more orders. It is possible that presidents will issue one order that responds to the crisis but the president does not feel compelled to issue more.

The results from the institutional variables are interesting. *Administration Change* has a positive impact on significant executive order usage during this era. Incoming presidents representing the opposing party issued 99.9% more orders than

those that were not. This is an important result because it is the first that confirms what we know about the modern period and shows that presidents behaved the same way in the earlier period and will more than likely continue this trend in the future.

Table 4.7: Negative Binomial Regression of Crisis Model, Significant Executive Orders

Significant Executive Orders	Model 1	Model 2	Model 3
	1861-1944	1945-2012	1861-2012
War	0.82** (0.35)	0.69*** (0.23)	0.61*** (0.20)
Inflation	0.22 (0.15)	0.19** (0.09)	0.17* (0.09)
Riots-logged	-1.03** (0.41)	0.14 (0.11)	-0.24 (0.15)
Strikes	-0.07 (0.23)	0.03 (0.11)	-0.06 (0.11)
Natural Disasters-logged	0.02 (0.07)	0.26*** (0.10)	0.34 (0.05)
Technological Disasters-logged	-0.20* (0.11)	0.20*** (0.07)	-0.03 (0.07)
Average Majority Party %	-0.79 (2.37)	2.92* (1.72)	-0.71 (1.63)
Administration Change	0.69* (0.39)	0.53*** (0.13)	0.60*** (0.16)
Divided Government	0.63 (0.43)	0.36* (0.22)	0.36 (0.23)
Constant	4.59*** (1.73)	-1.14 (1.35)	2.53** (1.17)
N	42	34	76
Log Likelihood	-109.78	-94.94	-223.62
Pseudo r^2	0.3095	0.3123	0.2938

*Standard errors in parentheses, Presidential fixed effect included (not shown).
Two tailed tests. * $p < 0.10$, ** $p < 0.05$; *** $p < 0.01$*

Proclamations: In Table 4.8 Model 1, I find support for one of my crisis hypotheses. Presidents issued more proclamations when the economy worsened. They

issued 48.8% more proclamations for every one unit increase in the inflation measure. *War* has a positive effect but is not statistically significant. One of the interesting results is that the two major crises have the same positive effect on both directives but only *War* is statistically significant for executive orders while *Inflation* is statistically significant for proclamations in this time period. This suggests that presidents in this period saw these directives as the prime tool to respond with the respective crisis.

I find a statistically significant effect for natural and technological disasters but they are both in the opposite direction than I expected. Presidents issued 34.2% fewer proclamations for every standard deviation increase of the log of people killed or affected by *Natural Disasters* per congressional session and 22.6% fewer proclamations for every standard deviation increase in the log of people killed or affected by *Technological Disasters* per congressional session. Like the results for executive orders in this period, the results suggest that presidents do not use these minor crises as opportunities to issue more proclamations.

Table 4.8: Negative Binomial Regression of Crisis Model, Significant Proclamations

Significant Proclamations	Model 1	Model 2	Model 3
	1861-1944	1945-2012	1861-2012
War	0.40 (0.31)	0.83 (0.88)	0.23 (0.24)
Inflation	0.40*** (0.14)	-0.12 (0.19)	0.36*** (0.11)
Riots-logged	-0.11 (0.35)	0.29 (0.30)	-0.09 (0.24)
Strikes	-0.19 (0.16)	0.14 (0.24)	-0.30** (0.13)
Natural Disasters-logged	-0.27*** (0.07)	0.08 (0.23)	-0.25*** (0.07)

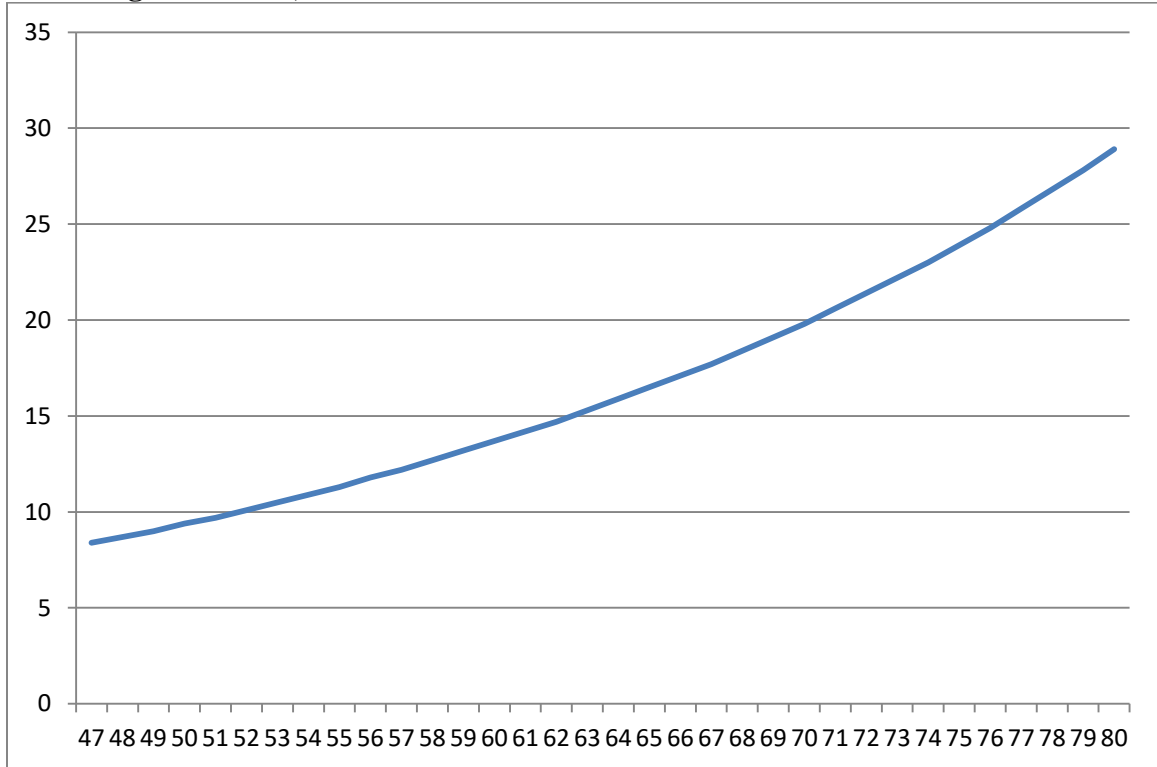
Technological Disasters-logged	-0.20** (0.10)	0.14 (0.18)	-0.16* (0.08)
Average Majority Party %	3.74* (2.01)	2.87 (3.59)	3.38* (1.82)
Administration Change	-0.33 (0.23)	0.88*** (0.30)	-0.07 (0.18)
Divided Government	-0.61* (0.32)	1.46* (0.86)	-0.25 (0.25)
Constant	1.13 (1.53)	-4.13 (3.21)	-1.24 (1.64)
N	42	34	76
Log Likelihood	-114.32	-64.42	-189.55
Pseudo r^2	0.2473	0.3575	0.2638

Standard errors in parentheses, Presidential fixed effect included (not shown).

*Two tailed tests. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$*

Presidents issued more proclamations as Congress became stronger. They issued 33.8% more proclamations for every 7.8% increase of the majority party's control. The substantive effect of this result is shown in Figure 4.7. Holding all other variables at their means, the number of predicted significant proclamations increased from 8 per congressional session when the percentage is 47% to 29 proclamations per congressional session when the percentage is 80%. This result is the opposite of what scholars have found about executive orders in the modern periods. Presidents were not afraid to be constrained by a strong Congress and could possibly be issuing more proclamations because Congress is passing more laws that require proclamations to be issued. Lastly, Presidents issued 45.6% fewer proclamations during divided government. This result gives some validation to the argument that presidents issue fewer directives when there is gridlock.

Figure 4.7: Predicted Significant Proclamations as the Average Majority Party Percentage Increases, 1861-1944

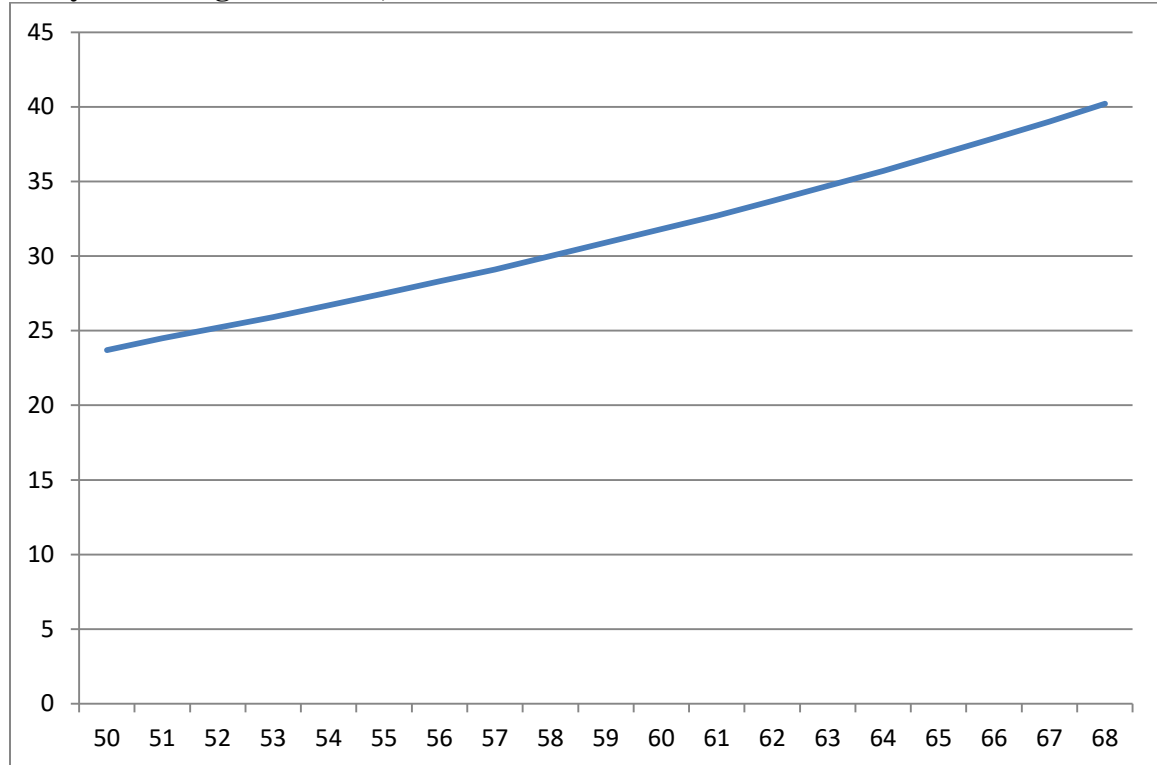


Modern era (1945-2012), Executive Orders: In Table 4.7 Model 2, I find support for four of my crisis variables in the expected direction: *War, Inflation, Natural and Technological Disasters*. Presidents issued 99.4% more orders during wartime as opposed to peacetime. This variable has the strongest impact of any variable in the model on significant order usage in the modern era. 21.1% more were issued for every one unit increase in the inflation measure. 46.7% more orders were issued for every standard deviation increase in the log of the people affected or killed by natural disasters per congressional session. 27.6% more were issued for every standard deviation increase in the log of the people affected or killed by technological disasters per congressional session. The remaining two minor crises variables have a

positive effect on the number of executive orders issued but the result is not statistically significant.

All three institutional variables have a positive statistically significant effect on significant order usage. Presidents issued 14.1% more orders for every 4.5% increase in the average majority party percentage increase per congressional session. The substantive effect of this result is shown in Figure 4.8. Holding all other variables at their means, the number of predicted significant orders increased from 24 per congressional session when the percentage is 50% to 40 orders per congressional session when the percentage is 68%. This result runs counter to previous research that showed presidents were constrained by a strong Congress when issuing executive orders. Lastly, incoming presidents who represent the opposing political party issued 69.7% more orders than those that were not. 43.8% more were issued during divided government compared to unified government, which is another result that runs counter to most studies on executive orders in the modern period.

Figure 4.8: Predicted Significant Executive Orders as the Average Majority Party Percentage Increases, 1945-2012



When the two eras are examined side by side I find that *Administration Change* and *War* had the same positive effect and are statistically significant across both eras. I expect that this will hold when I present the results of the full time frame. Presidents responded differently when the log of people affected by technological disasters increased. Fewer orders were issued in the pre-modern period while more were issued in the modern period at roughly similar percentages. It is possible that presidents issued more in the modern period because there was more of a need for the president to respond than there was in the pre-modern period.

Proclamations: In Table 4.8 Model 2, I find no statistically significant support for any of the crisis variables. All of the coefficients were positive except *Inflation*. However, I did find interesting results for two institutional variables. More

proclamations were issued during an *Administration Change* and *Divided Government*. This is the opposite effect that occurred in the pre-modern era. 140.2% more proclamations were issued during a partisan administration change. 328.9% more proclamations were issued during divided government. These results suggest that presidents began to treat this directive more as a document to set the tone for a new administration and to go around Congress, similar to how executive orders are used in the modern era (Table 4.7 Model 2).

The results of the two eras suggest that presidents behaved differently across eras. They found themselves issuing more proclamations during bad economic times in the pre-modern era, which suggests that they may have taken advantage of this type of crisis. In the same era they issued fewer proclamations during natural and technological disasters. This does not suggest that they issued no proclamations related to disasters but that the impact of those disasters did not lead them to issue more of this directive. The fact that no crises had a statistically significant impact in the modern era could mean that crises have no impact or maybe presidents are using other tools like executive orders in this era to address crises.

Full time frame (1861-2012): I test the entire timeframe in one model for those scholars like Skowronek who believe that there is really no distinctive difference between the two periods in how presidents behave. However since I have already presented results for the two periods, showing the full timeframe may also show which of the periods may be driving how presidents behave in the longer timeframe.

Executive Orders: The results in Table 4.7 Model 3 show support for two of the crisis variables: *War* and *Inflation*. In both cases presidents issued more orders because of these crises. Presidents issued 84.5% more orders during wartime, this variable had the biggest impact on the usage of significant orders. Presidents issued 18.4% more orders for every one unit increase in the inflation measure. The minor crises did not have a statistically significant effect on the number of orders issued. All of these variables had a negative effect except *Natural Disasters*. Like in the pre-modern and modern models, *Administration Change* has a positive effect on order usage. Incoming presidents of the opposing political party issued 82% more orders than any other type.

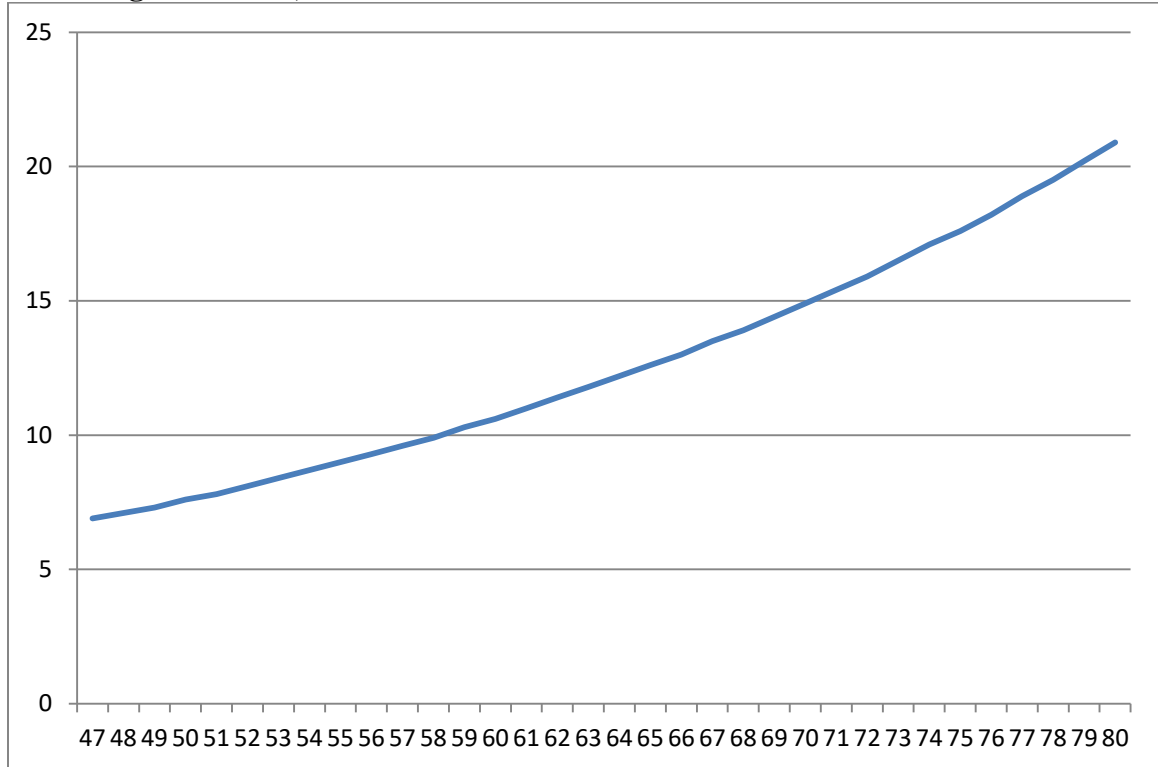
Proclamations: I find support for one of my hypotheses when I test the crisis model on the full dataset. Presidents issued more proclamations when the economy worsened. This variable had the strongest impact. 43.8% more proclamations were issued for every one unit increase in the inflation measure. *War* also had a positive effect but it was not statistically significant.

I did not find a positive effect for the following minor crisis variables: *Strikes*, *Natural Disasters*, and *Technological Disasters*. Presidents issued fewer proclamations when these variables increased. 25.7% fewer proclamations were issued for every additional strike per congressional session. 38.4% fewer proclamations were issued for every standard deviation increase in the log of people affected by natural disasters. 20.2% fewer proclamations were issued for every standard deviation increase in the log of people affected by technological disasters. Presidents also issued fewer proclamations as the number of riots increased but the

results were not statistically significant. These results mostly confirm my caveats about minor crises specifically that the limited effect on the mass populace might cause presidents not to respond vigorously to these events.

Only one institutional variable had a statistically significant impact on the data. I find that more proclamations were issued as Congress became stronger. 25.2% more proclamations were issued for every 6.6% increase in the seats held by the majority party in Congress. The substantive effect of this result is shown in Figure 4.9. Holding all other variables at their means, the number of predicted significant proclamations increased from 7 per congressional session when the percentage is 47% to 21 proclamations per congressional session when the percentage is 80%. This confirms that presidents are not constrained by a strong Congress and may even be required to issue more proclamations because a strong Congress is able to pass more bills that require the president to issue more proclamations. Overall, these results suggest that for the 151 year time period proclamations have been issued when the economy falters and when Congress became stronger.

Figure 4.9: Predicted Significant Proclamations as the Average Majority Party Percentage Increases, 1861-2012



Discussion

The biggest conclusion from the results is that crises can have a strong impact on significant executive order and proclamation usage. In the models that covered 151 years of unilateralism I found that of the three crisis variables that had the strongest impact, war and inflation stood out the most in the results for executive orders while inflation stood out the most in the results for proclamations. Presidents issued 84.5% more orders during wartime and issued 18.4% more orders and 43.8% more proclamations for every unit increase of the inflation variable. This falls in line with what most scholars have stated but have rarely examined closely. This effect also held true when I split the dependent variable into pre-modern and modern eras for executive orders but not for proclamations. There was a statistically significant

effect in the pre-modern period that is consistent with the full time frame but the result in the modern period was not significant and the coefficient was in the opposite direction.

As a whole, the crisis theory explains significant executive order usage well but it does not have the same explanatory power for significant proclamations. The major crises have a strong positive statistically significant effect on executive order usage but the minor crises have no statistically significant effect. It is quite possible that presidents do not think about expanding their powers during these types of crises in the same way as the major ones.

I find mixed results for my theory on proclamation usage. Presidents issued more proclamations as the economy worsened but they issued fewer for a number of minor crises. This seems to suggest that my theory does not fully apply to this directive. It is quite possible that there is a different mode of thinking that presidents do when they consider issuing proclamations as opposed to executive orders; the results on a strong Congress suggest that might be the case.

Conclusion

In this chapter, I gave an overview of my dataset of significant executive orders and proclamations from 1861-2012. In the overview I described how the data was collected and then gave some descriptive statistics about the data. I then proceeded to test Howell's original theory on the datasets as well as my own. I presented results on both tools from the pre-modern, modern, and full time frame. I found strong support for major crises such as *War* and *Inflation* as well as

institutional variables such as *Administration Change* and the *Average Majority Party Percentage*. The theory explains executive orders better than proclamations. In the following chapters, I examine the policy content of the significant executive orders and proclamations.

Chapter 5: The Policy Content of Significant Executive Orders

This chapter serves two purposes. First, I identify the policy subtopics, areas, and domains that each significant executive order covers. Second, I examine whether my crisis theory has an effect on the prevalence of significant executive orders by policy. To do this I first code each significant executive order using a modified version of Baumgartner-Jones' coding schema. I then present figures and tables that show which policy subtopics, areas, and domains were issued the most across the dataset. I then run my analysis on the four policy domains to see if my crisis theory applies when I disaggregate significant executive orders into *National Sovereignty*, *Organization and Scope*, *International*, and *Domestic* domains. There are few studies that have examined the usage of policy specific directives but like most of the literature the focus has been on the post-World War II era (Marshall and Pacelle 2005). In this chapter, I explain my process for classifying each significant directive. I then present a detailed analysis of the trends across time. Lastly, I test statistically whether the crisis theory holds when testing across policy areas.

According to Cohen (2012), there are two major typology schemes that a researcher can use to classify a policy: Katznelson-Lapinski (2006) and Baumgartner-Jones (2014). Katznelson-Lapinski's typology is broken down into three tiers. The first tier contains four broad policy domains: *National Sovereignty*, *Organization and Scope*, *International Affairs*, and *Domestic Affairs*. The second tier splits the four policy domains into 14 narrower policy clusters. The third tier splits those 14 clusters into 69 policy areas. Researchers classify each policy item in the policy areas of the third tier. Baumgartner-Jones differs in that there are only two tiers in their

classification system. The first tier is divided into 20 major policy codes. The second tier further divides those codes into 220 subtopics. A policy item is classified by matching it with a subtopic in the second tier.

Both typologies have been described as being “substantively quite similar”, but they also differ (Cohen 2012, 142). The first major difference is the number of policy areas in the bottom tier of each schema: 69 in Katznelson-Lapinski versus 220 in Baumgartner-Jones. Classifying each policy into 69 areas is much simpler than 220. However it doesn’t necessarily mean that every policy area/subtopic will be used when coding each policy topic. The second major difference is that Baumgartner-Jones’s typology “was developed explicitly for the United States in the post-World War II era” while Katznelson-Lapinski’s typology can be used pre and post-World War II (Cohen 2012, 144).

I used Baumgartner-Jones’s typology from their *Policy Agendas Project* in this analysis for a number of reasons. First, although Baumgartner-Jones has more policy subtopics than Katznelson-Lapinski, Baumgartner-Jones’s typology does have one significant practical advantage; their codebook includes an exhaustive list of examples for each subtopic that makes it easier for the researcher to code each policy topic. Katznelson-Lapinski’s schema does not give any examples and as a result this could lead to an increase in the occurrence of errors. Second, Baumgartner-Jones’s typology has been criticized by Cohen (2012) for its lack of utility before the post-World War II era. Cohen mentions issues such as “Indian Removal, national boundaries, and admission of states to the Union” were not included in their typology (Cohen 2012, 144). It seems that Baumgartner-Jones have rectified that concern in

their 2014 codebook because one policy area “Public Lands and Water Management” contains all three of those issues in their list of examples. Lastly and most importantly, Baumgartner-Jones has already coded all executive orders from 1945 to the present. I used their coding results when I coded the significant executive orders from 1945-2012. Their codes of the post-World War II executive orders were also helpful when I coded the significant orders before 1945. A number of executive orders had almost identical descriptions. For example, Executive Order 9523 “Authorizing the Secretary of War to take possession of and operate the plants/facilities of the American Enka Corporation” which was issued on February 18, 1945 was coded as subtopic 1610 “Military Procurement and Weapons System Acquisitions and Evaluation”. Executive Order 9508 “Authorizing the Secretary of War To Take Possession of and To Operate Certain Facilities of Montgomery Ward & Co., Incorporated” which I found in my sweep of the *New York Times* was issued on December 27, 1944. I coded it as 1610 because of the similarities with Executive Order 9523²¹.

After I used Baumgartner-Jones’s codes for the significant executive orders in the post-World War II years I then proceeded to use the codebook to code the significant executive orders before 1945. I coded each order by policy subtopic which is the smallest policy unit in the schema. 164 of the 2018 subtopics were used when coding significant executive orders. This consisted of 75.2% of the total number of subtopics.

Table 5.1 presents the ten subtopics (out of 164) that contained the most significant executive orders that were issued across the entire timeframe. *Government*

²¹ See appendix for a detailed accounting of how I coded each directive.

Employee Benefits, Civil Service Issues is the policy subtopic that contains the most significant executive orders. One example of a *Government Employee Benefits, Civil Service Issues* order is Executive Order 13516 which was issued by President Obama in October 2009. This order gave back to the Intelligence Oversight Board the power “to forward to the attorney general information about intelligence activities that may violate federal laws”. This power had been taken away by President Bush in 2008 (Savage 2009, A16).

Table 5.1: Significant Executive Orders by Policy Subtopics, 1861-2012

Policy Subtopic	Number & Percentage of Sig. Executive Orders
Government Employee Benefits, Civil Service Issues	126 (7.0%)
Manpower, Military Personnel and Dependents (Army, Navy, Air Force, Marines), Military Courts	101 (5.6%)
Military Procurement and Weapons System Acquisitions and Evaluation	80 (4.5%)
Other Country/Region Specific Issues	75 (4.2%)
Railroad Transportation and Safety	59 (3.3%)
Industrial Policy; Natural Resources, Public Lands, and Forest Management (tie)	58 (3.2%)
Government Efficiency and Bureaucratic Oversight	47 (2.6%)
Direct War Related Issues and Foreign Operations	43 (2.4%)
IRS Administration	38 (2.1%)
U.S. Diplomats, U.S. Embassies, U.S. Citizens Abroad, Foreign Diplomats in the U.S., Passports	37 (2.1%)

Next, I show how much change and continuity occurs across policy subtopics within each president’s time in office. Before I do that I show the issue subtopics that received the most attention across the time period and then show if there are any difference in the pre-modern and modern eras. The top three subtopics for all

significant executive orders were: 1. *Government Employee Benefits, Civil Service Issues*; 2. *Manpower, Military Personnel and Dependents, Military Courts*; 3. *Military Procurement and Weapons Systems Acquisitions and Evaluation*. In the pre-modern era the three most common subtopics were: 1. *Government Employee Benefits, Civil Service Issues*; 2. *Industrial Policy*; and 3. *Military Procurement and Weapons Systems Acquisitions and Evaluation*. In the modern era the three areas were: 1. *Manpower, Military Personnel and Dependents, Military Courts*; 2. *Other Country/Region Specific Issues*; and 3. *Railroad Transportation and Safety*. Most pre-modern era orders dealt with governmental affairs, while the modern era dealt with military manpower.

Policy Scope Trends

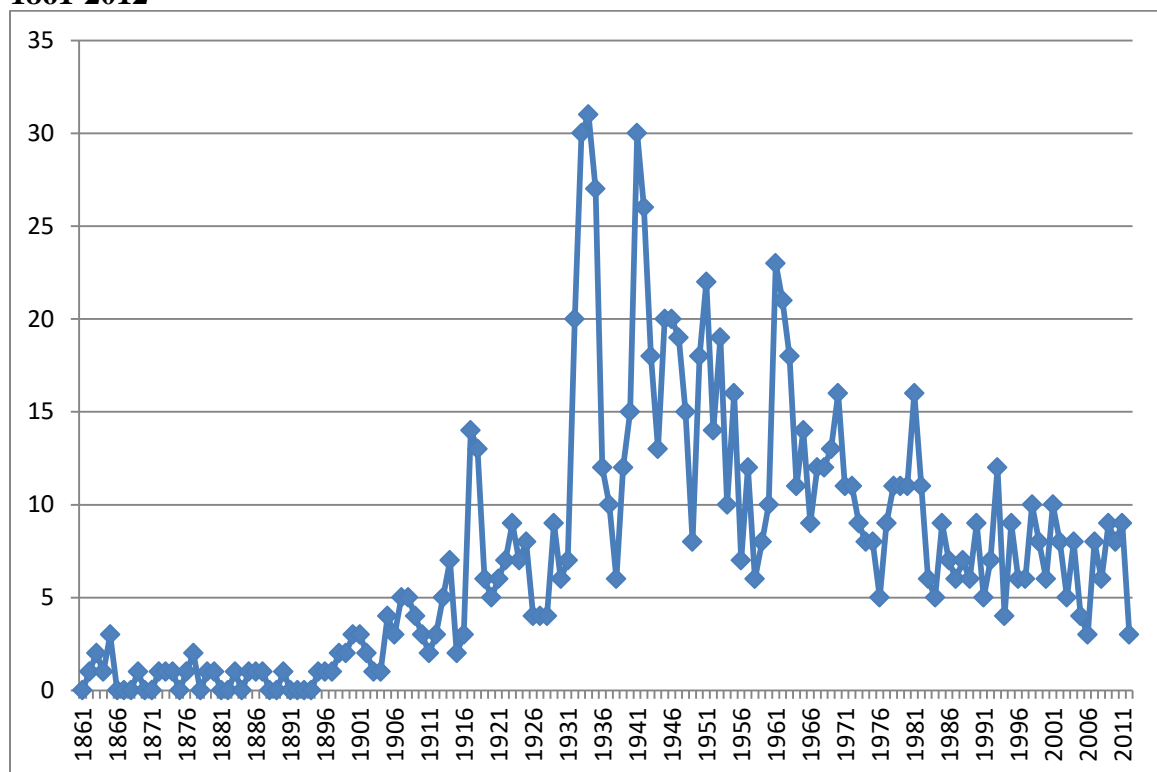
In the previous chapter, I examined the number of significant orders and proclamations that were issued annually to show how unilaterally active a president was over time. Another way to do this is by examining the policy scope of the president's directives. Cohen (2012, 147) defines policy scope as "the number of policy areas in which the president issued a legislative request [significant unilateral directive]"²². The policy scope is broad if it covers many types of policy subtopics while a narrow scope covers fewer policy subtopics. Figure 5.1 show how many of the 164 policy subtopics contained at least one significant executive order per year.

Figure 5.1 follows the total number of significant executive orders issued very closely. The two datasets are highly correlated ($r = 0.9349$). This suggests that when

²² Although Cohen uses the term "policy areas" in his definition, I will use "policy subtopics" in its place. "Policy areas" will be used to describe Tier 2.

the number of significant orders increases so does the number of distinct policy subtopics. An average of 7.5 (median of 6) different policy subtopics were used the most across the entire 151 year time frame. There is some evidence that scope has broaden across the pre-modern and modern eras. An average of 5.3 (median of 2) different subtopics was issued in the pre-modern era. The scope increased to an average of 10.3 (median of 9) in the modern era.

Figure 5.1: Number of Distinct Policy Subtopics of Significant Executive Orders, 1861-2012



When examining the entire time frame more closely the data show that earlier presidents, specifically those before 1913 had a more narrow policy focus when it came to their significant executive orders. Much of this is because few if any significant orders were issued in the late 19th Century. The first spikes of a broader

policy agenda came in 1917 and 1918 with President Wilson's response to World War I. Executive orders became even broader in their scope during the FDR years into the early post-World War II years (1940s to 1960s). This provides some evidence that two wars have expanded the policy issue scope of executive orders which seems to be a complement to Mayhew's 2005 article. 1934 was the year where the policy scope was the largest; FDR issued significant executive orders in 31 different subtopics. Of those 31 subtopics, he issued the most orders in the *Industrial Policy* subtopic which established Code of Fair Competition for certain industries under the National Industrial Recovery Act. Since that peak in 1934 there has been a steady, albeit fluctuating, decline in the number of distinct policy areas issued. Like the discrete numbers of significant orders the policy scope data show that the levels of the last three decades (1982-2012) look very similar to the 1920s.

Policy Concentration

I aggregated similar policy subtopics into policy areas, in order to determine the policy concentration. Policy areas are the second tier of my typology.

Baumgartner and Jones group similar subtopics into policy areas for example:

Government Employee Benefits, *Civil Service Issues*, and *IRS Administration* are under the policy area called *Government Operations*. There are a total of 20 policy areas that can be used and all were used at least once in the dataset of significant executive orders.

Table 5.2 shows the number of significant executive orders issued under each policy area over the entire dataset. Most significant executive orders (23.8%) dealt

with *Defense* issues this is followed closely by *Government Operations* at 19.3%.

Tables 5.3 and 5.4 show the policy areas covered in the pre-modern and modern eras respectively. 19 areas were covered in the pre-modern era. The introduction of Environmental orders in the modern era brought the total number of policy areas covered to 20. Tables 5.3 and 5.4 both show that the same top two areas from the full dataset (Table 5.2) are also the most used areas in the two eras.

Table 5.2: Number of Significant Executive Orders by Policy Areas, 1861-2012

Policy Area	Number & Percentage
Defense	427 (23.8%)
Government Operations	346 (19.3%)
International Affairs and Foreign Aid	199 (11.1%)
Transportation	130 (7.2%)
Public Lands and Water Management	117 (6.5%)
Macroeconomics	104 (5.8%)
Civil Rights, Minority Issues, and Civil Liberties	75 (4.2%)
Foreign Trade	71 (4.0%)
Labor, Employment, and Immigration	59 (3.3%)
Energy	50 (2.8%)
Law, Crime and Family Issues	32 (1.8%)
Space, Science, Technology, and Communications	30 (1.7%)
Banking	27 (1.5%)
Health; Immigration (tie)	21 (1.2%)
Community Development and Housing Issues; Environment (tie)	20 (1.1%)
Agriculture	18 (1.0%)
Social Welfare	16 (0.9%)
Education	14 (0.8%)

Table 5.3: Significant Executive Orders by Policy Areas, 1861-1944

Policy Area	Number & Percentage
Defense	206 (25.4%)
Government Operations	183 (22.5%)
International Affairs and Foreign Aid	82 (10.1%)
Public Lands and Water Management	75 (9.2%)
Macroeconomics	73 (9.0%)
Foreign Trade	38 (4.7%)
Labor, Employment, and Immigration	34 (4.2%)
Transportation	32 (3.9%)
Civil Rights, Minority Issues, and Civil Liberties	14 (1.7%)
Space, Science, Technology, and Communications	13 (1.6%)
Agriculture	11 (1.4%)
Energy; Immigration (tie)	10 (1.2%)
Community Development and Housing Issues	9 (1.1%)
Banking	8 (1.0%)
Health; Law, Crime and Family Issues (tie)	5 (0.6%)
Education; Social Welfare (tie)	2 (0.2%)

Table 5.4: Significant Executive Orders by Policy Areas, 1945-2012

Policy Area	Number & Percentage
Defense	221 (22.4%)
Government Operations	163 (16.5%)
International Affairs and Foreign Aid	117 (11.9%)
Transportation	98 (9.9%)
Civil Rights, Minority Issues, and Civil Liberties	61 (6.2%)
Public Lands and Water Management	42 (4.3%)
Energy	40 (4.1%)
Foreign Trade	33 (3.4%)
Macroeconomics	31 (3.1%)
Law, Crime and Family Issues	27 (2.7%)
Labor, Employment, and Immigration	25 (2.5%)
Environment	20 (2.0%)
Banking	19 (1.9%)
Space, Science, Technology, and Communications	17 (1.7%)
Health	16 (1.6%)
Social Welfare	14 (1.4%)
Education	12 (1.2%)
Community Development and Housing Issues; Immigration (tie)	11 (1.1%)

Table 5.5 shows the policy areas in which each president issued the most orders. Although *Defense* orders were issued the most overall it was *Government Operations* orders which was the #1 policy area by more presidents, 13 of the 28 featured in the study. In the pre-modern era, eight presidents issued *Government Operations* orders as their top area followed closely by *Public Lands* orders which was the area which five presidents issued the most orders. In the modern era, *Government Operations* was the top area for five presidents while *Defense* and *International Affairs* were the top areas for four presidents. It's interesting to see that the number of top areas narrowed going from the pre-modern to the modern era. Six distinct areas were prominent in the pre-modern period while three were in the modern. *Government Operations* and *Defense* are the only two areas that are consistently prominent across eras. *Law, Crime, and Family Issues*; *Foreign Trade*; *Public Lands*; and *Space* orders are exclusive to the pre-modern era, while *International Affairs* orders are exclusive to the modern era.

Table 5.5: Most Prominent Policy Area of Significant Executive Orders by President

President	Top Policy Area
Lincoln	Law; Defense; Foreign Trade; Government Operations (tie)
Johnson	Foreign Trade; Defense; Public Lands (tie)
Grant	Government Operations
Hayes	Public Lands
Arthur	Public Lands
Cleveland 1 st	Government Operations; Foreign Trade (tie)
Harrison	Space, Science, Technology, and Communications
Cleveland 2 nd	Government Operations
McKinley	Government Operations; Foreign Trade

	(tie)
T. Roosevelt	Public Lands
Taft	Government Operations
Wilson	Defense
Harding	Government Operations
Coolidge	Public Lands
Hoover	Government Operations
F. Roosevelt	Defense
Truman	Defense
Eisenhower	Defense
Kennedy	Government Operations
Johnson	Defense
Nixon	Government Operations
Ford	Defense
Carter	International
Reagan	Government Operations; International
	(tie)
HW Bush	International
Clinton	International
W Bush	Government Operations
Obama	Government Operations

Policy Domains

The next step is to aggregate the policy areas into policy domains. As mentioned earlier Baumgartner and Jones only divide their coding scheme into two tiers: 20 major policy topics and then 220 subtopics. There is not a broader tier above their major topics. In order to observe the effects of my theory I need to aggregate the 20 policy areas into broader categories. Katznelson-Lapinski’s schema contains a first tier which is divided into four policy domains: *National Sovereignty, Organization and Scope, International Affairs, and Domestic Affairs*. According to Katznelson and Lapinski, the four domains are the “four basic elements common to modern states” (Katznelson and Lapinski 2006, 111). I then decided to aggregate the 20 policy areas

into Katznelson-Lapinski's four policy domains. I matched the policy areas that mirrored Baumgartner-Jones's policy areas to the domains that they were similar to.

National sovereignty is defined as "the state's indivisible claim to rule legitimately over particular people and places ... it is concerned with the very existence, boundaries, and membership of the national regime" (Katznelson and Lapinski 2006, 111). Katznelson and Lapinski grouped issues such as civil liberties, civil rights, immigration, and national boundaries in this domain. I followed their lead by grouping the following Baumgartner-Jones three policy areas into this domain: *Civil Rights, Minority Issues, and Civil Liberties; Immigration; and Public Lands and Water Management*.

Katznelson and Lapinski define issues in their second domain *Organization and Scope* as those concerning "the substantive reach and range of activities and the institutional elaboration of the national government's instruments for governing, including its basic constitutional rules, norms, formal organization, and terms of political participation" (Katznelson and Lapinski 2006, 111). I coded Baumgartner-Jones' *Government Operations* policy area into this domain.

The third domain *International Affairs* "refers ... to the geopolitical and economic transactions between the United States as a unit in the global system of states and other sovereign states" (Katznelson and Lapinski 2006, 114). I grouped three of Baumgartner and Jones' policy areas into this domain: *Defense, Foreign Trade, and International Affairs and Foreign Aid*.

The fourth and final domain *Domestic Affairs* is defined as "the category concerned with public policies shaping both the ties between government and the

welfare of its citizens” (Katznelson and Lapinski 2006, 114). I grouped the remaining 13 policy areas into this domain: *Macroeconomics; Health; Agriculture; Labor, Employment, and Immigration; Education; Environment; Energy; Transportation; Law, Crime, and Family Issues; Social Welfare; Community Development and Housing Issues; Banking, Finance, and Domestic Commerce; and Space, Science, Technology, and Communications.*

Next, I cover the trends as it relates to the president’s absolute and relative attention to these four domains of significant executive orders. Absolute attention is defined as the “number of discrete requests [directives] for a policy area or domain”, while relative attention is the “percentage of a presidential agenda devoted to a particular policy domain or area” (Cohen 2012, 156).

Overall, more significant executive orders were issued in the modern era compared to the pre-modern era. This trend holds true when the data is disaggregated for all except one policy domain, *Organization and Scope*, where presidents issued more of this domain in the pre-modern era compared to the modern era.

For the entire time frame, presidents issued more *International* significant executive orders than any of the other three types. The breakdown of significant executive orders by policy domains are as follows: 38.8% covered *international affairs*, 30.1% *domestic affairs*, 19.3% *organization and scope*, and 11.9% *national sovereignty*.

When the time frame is disaggregated into the two eras I find the policy domains are in the same order of attention (see Table 5.6). Comparing the percentages across the two eras I find that significant executive orders in domestic

affairs as a percentage of the total number of significant orders increased by 9.1% although they still remained the second highest of the four policy domains. The other three policy domains declined as a percentage of the total number of significant orders from the pre-modern to modern era: *Organization and Scope* (-6.0%); *International Affairs* (-2.4%); *National Sovereignty* (-0.6%).

Table 5.6: Significant Executive Orders by Policy Domains

Policy Domain	1861-2012	1861-1944	1945-2012
	# (%)	# (%)	# (%)
International Affairs	697 (38.8%)	326 (40.1%)	371 (37.7%)
Domestic Affairs	541 (30.1%)	204 (25.1%)	337 (34.2%)
Organization and Scope	346 (19.3%)	183 (22.5%)	163 (16.5%)
National Sovereignty	213 (11.9%)	99 (12.2%)	114 (11.6%)

Figures 5.2-5.5 shows the annual number of orders for each policy domain. I will discuss each one in turn. Figure 5.2 shows the number of significant international executive orders. This data is strongly correlated (0.8638) with the total number of significant orders in Figure 4.1. The data is sparse in the late 19th Century but becomes more prevalent when Woodrow Wilson comes into office in 1913. The noticeable spikes correspond to crises such as World War I (1917-1918), the Great Depression (1933), the mobilization up to and through World War II (1939-1948), the Korean War (1950-1953) and the culmination of the Iranian Hostage Crisis (1981). Within the domain of international affairs, I find that presidents issued more defense executive orders. 60.8% of international affairs orders covered *Defense*, 28.6% were *International Affairs and Foreign Aid*, and 10.6% were *Foreign Trade*.

Figure 5.2: International Significant Executive Orders, 1861-2012

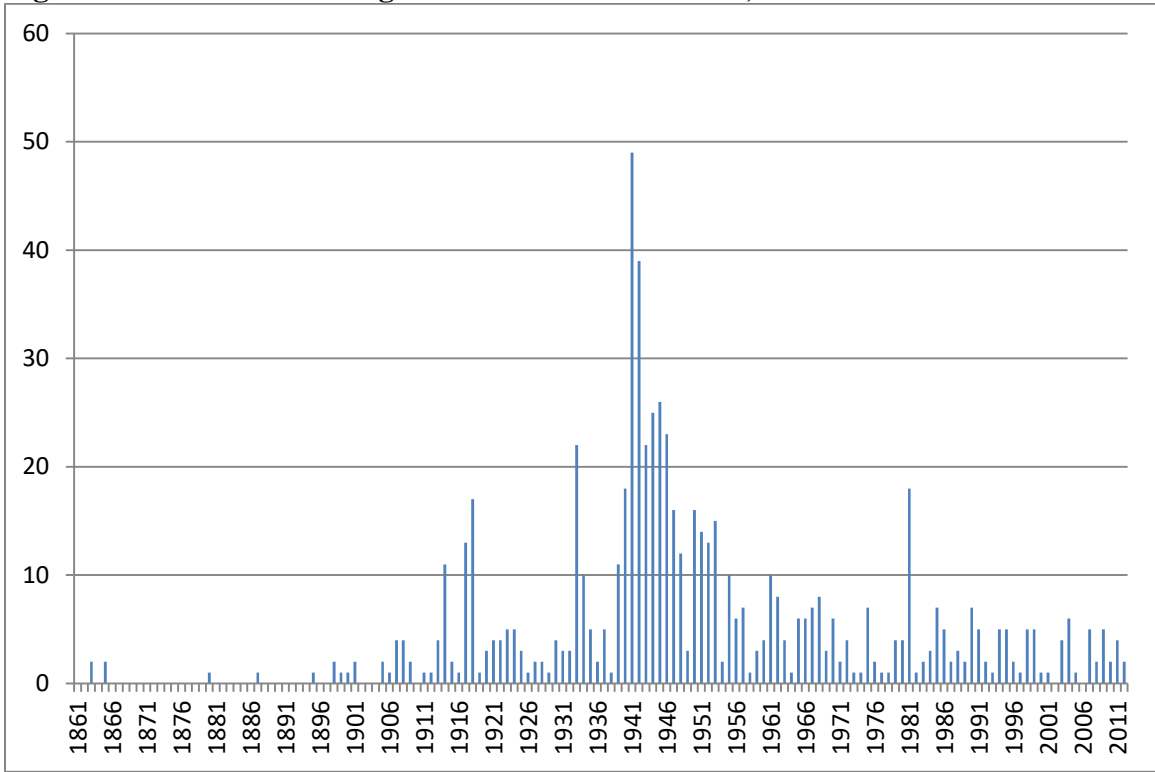


Figure 5.3 presents the number of domestic orders per year. Like international orders, this section of the total data is also strongly correlated (0.8262) and the data is sparse in the late 19th Century; however this sparseness continues into the early 20th Century. A noticeable uptick occurs in 1932 the last year of Herbert Hoover's term. The first three years of Franklin Roosevelt's administration saw the highest level of significant domestic executive orders in the entire dataset, which is more than likely a response to the Great Depression. After 1935, the data for these types of orders has declined and stabilized in the modern era. *Transportation* related executive orders were the most issued, of the thirteen policy areas within this policy domain, at 24.0%.

Figure 5.3: Domestic Significant Executive Orders, 1861-2012

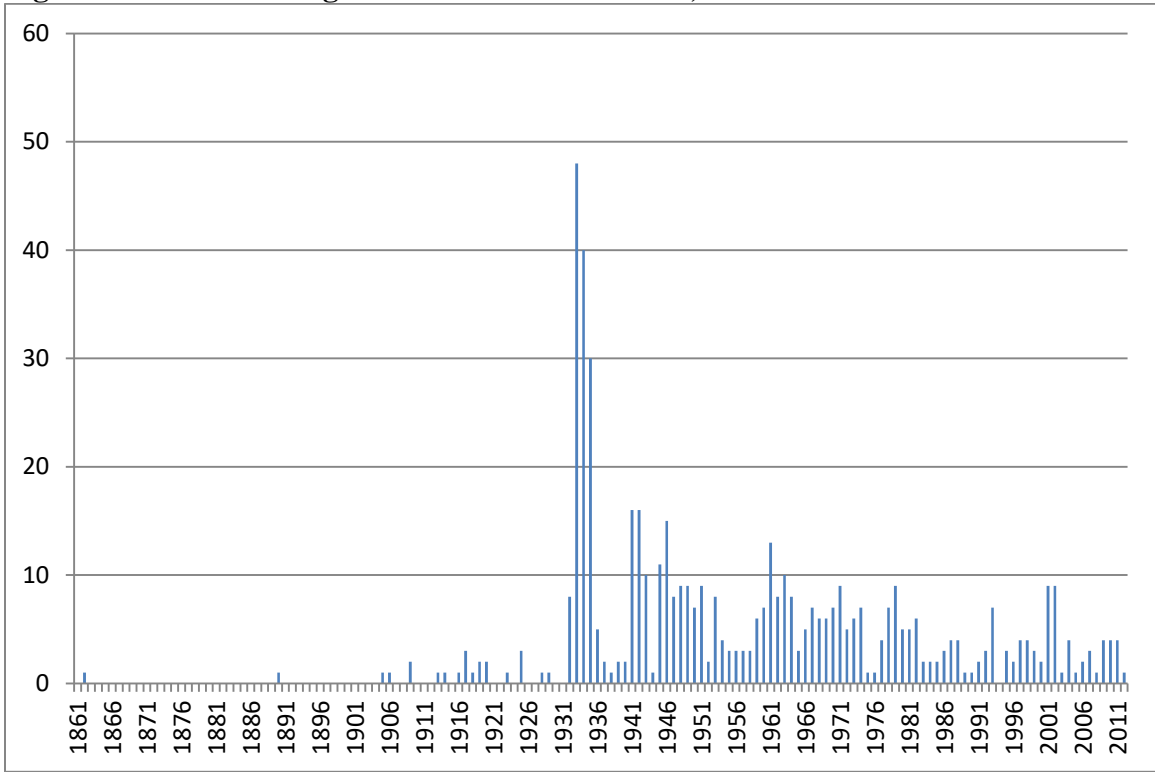


Figure 5.4 presents the number of organization and scope orders per year. The data is strongly correlated with the total number of significant orders (0.7546). This data differs from the international and domestic orders because the sparse pattern in the beginning of the data ends earlier than the other domains. In this data a sustained pattern of organizational orders begin around the time William McKinley becomes president. The highest amount of organizational orders was issued in 1934 during the government's response to the Great Depression. There is also a noticeable spike in 1962 when Kennedy issued nine organizational orders which assigned emergency functions to a number of departments and agencies within the Executive Branch.

Figure 5.4: Organization Significant Executive Orders, 1861-2012

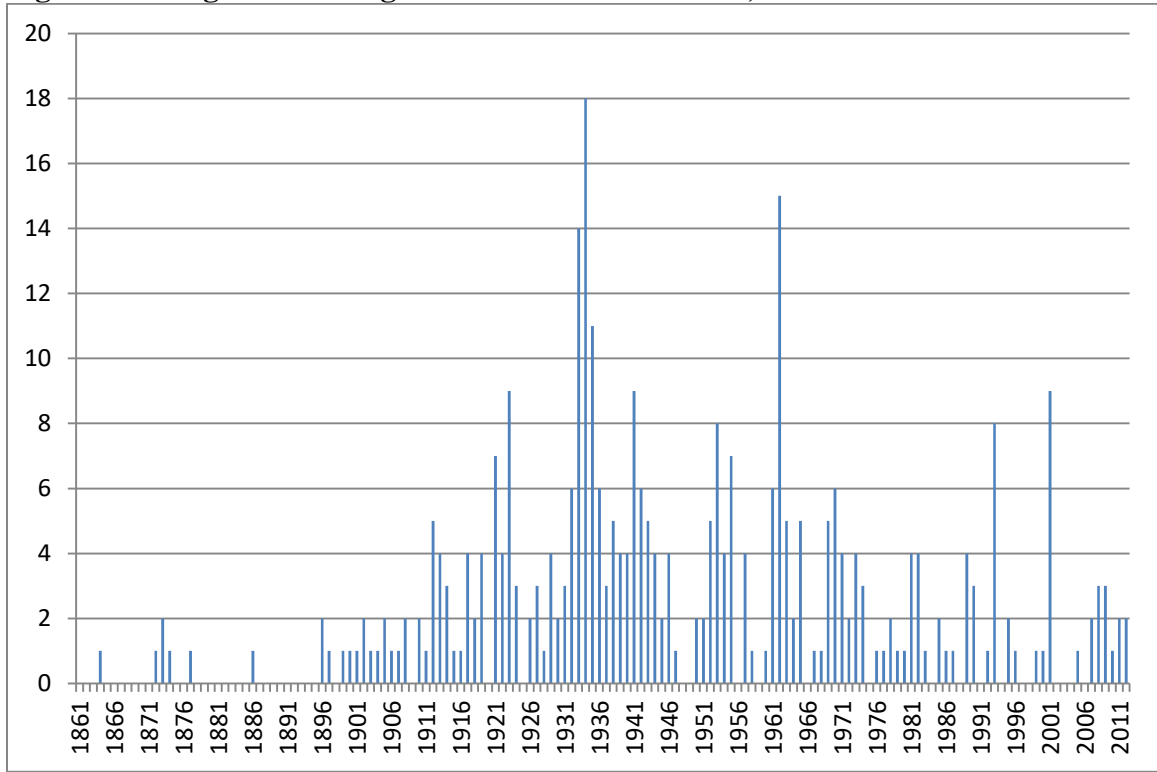
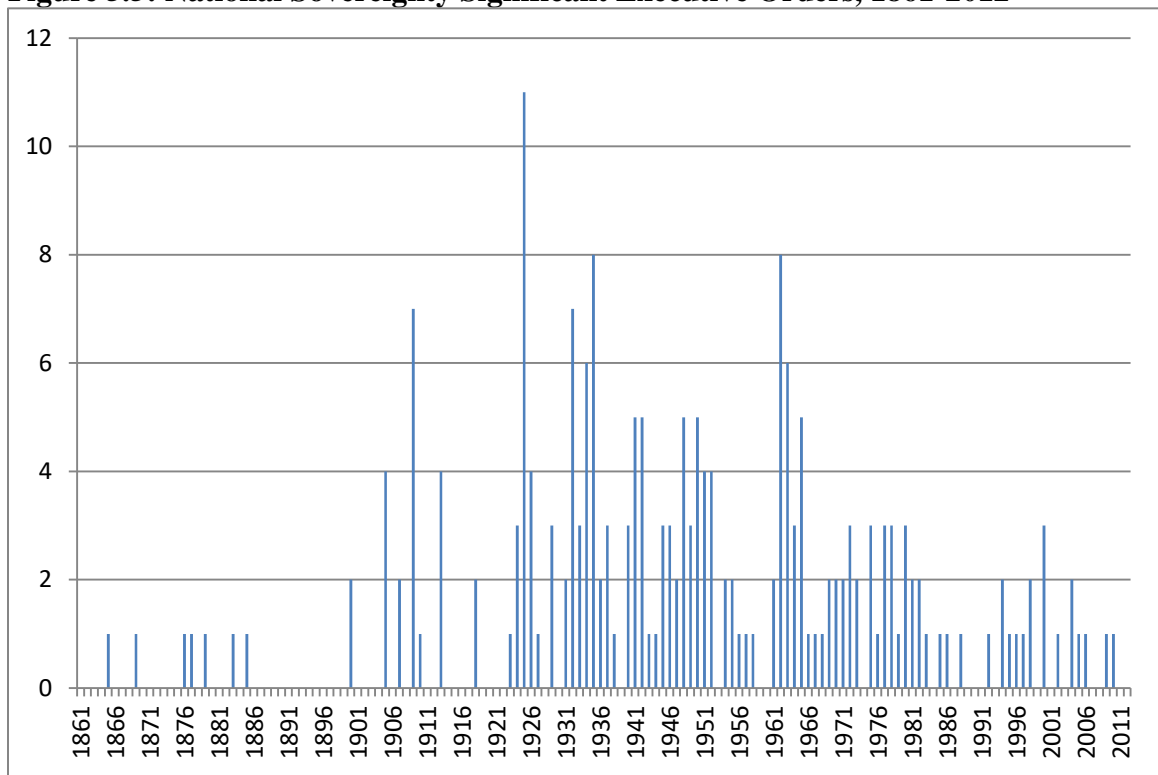


Figure 5.5 presents the number of national sovereignty orders per year. Like the previous policy domains, the sovereignty domain is correlated with the total number of significant orders (0.5928) but not as strongly as the previous three domains. The data is sparse in the late 19th Century and during the first two decades of the 20th. This is an interesting finding because there are more sovereignty orders that are issued in the modern era than the pre-modern era. This runs counter to the number of national sovereignty legislative requests issued across the two eras (Cohen 2012). This could suggest that this domain was more of a congressional area and then transitioned to being more of a presidential area in the modern period. The largest number of significant sovereignty orders was issued in 1925 during Calvin Coolidge's term. All of these orders dealt with public lands, for example Coolidge created 8 new national forests in this year. Coolidge is not known for his conservation

policies so this could be a continuation of the Republican tradition set by Theodore Roosevelt's orders that he issued in the beginning of 1909 (Dodds 2013).

Presidents issued more orders (54.9%) related to *Public Lands and Water Management*. This is followed by *Civil Rights, Minority Issues, and Civil Liberties* at 35.2% and *Immigration* at 9.9%.

Figure 5.5: National Sovereignty Significant Executive Orders, 1861-2012



Analysis

In the previous chapter, I test to see what effect crises can have on the number of significant directives that a president issues. In the full dataset, I find statistically significant results that presidents issued more significant executive orders during wartime and as the economy worsened. In this section, I test to see what effect crises

can have when significant executive orders are disaggregated by policy domains. Do presidents issue more or fewer policy orders during specific crises?

To test to see if these expectations hold I run Negative Binomial Regressions on four dependent variables which consist of the four policy domains of significant executive orders. I will present results for the pre-modern and modern eras and then the full time frame of 1861-2012. Table 5.7 shows the descriptive statistics.

Table 5.7: Descriptive Statistics of Significant Executive Orders Disaggregated Into Four Policy Domains

Variables	Mean	Standard Deviation	Minimum Value	Maximum Value
DV: National Sovereignty EOs (1861-1944)	2.38	3.48	0	14
DV: National Sovereignty EOs (1945-2012)	3.35	2.72	0	10
DV: National Sovereignty EOs (1861-2012)	2.82	3.18	0	14
DV: Organization and Scope EOs (1861-1944)	4.33	6.12	0	31
DV: Organization and Scope EOs (1945-2012)	4.79	4.40	0	22
DV: Organization and Scope EOs (1861-2012)	4.54	5.39	0	31
DV: International EOs (1861-1944)	7.76	16.34	0	88
DV: International EOs (1945-2012)	10.91	9.46	1	49
DV: International EOs (1861-2012)	9.17	13.70	0	88
DV: Domestic EOs (1861-1944)	4.86	15.04	0	88
DV: Domestic EOs (1945-2012)	9.91	5.83	2	26
DV: Domestic EOs (1861-2012)	7.12	12.04	0	88

At the end of Chapter 2, I started my expectations on how I think presidents behaved when they issued specific policy types of directives. I expect that *War* will

have the strongest positive impact on the number of national sovereignty directives, organization and scope, and international directives issued. I expect that a flagging economy will cause presidents to issue more organization and scope and domestic directives. I expect that the occurrences of riots and strikes will cause presidents to issue more national sovereignty and domestic directives. Lastly, I expect that natural and technological disasters will cause presidents to issue more domestic directives.

Although I present results for the pre-modern and modern eras with the demarcating line being 1945, I am not making the presumption that presidents behaved differently with these tools across the eras. It is possible that if there are differences that they happened earlier or later than 1945 and it is also possible that there is no demarcating line as it relates to policy executive orders. Testing the full time frame for all four policy directives is the solution to see if the eras matter. This also applies to the next chapter on significant policy proclamations.

National Sovereignty, Pre-modern: I found support for one of the hypotheses in the pre-modern era (see Table 5.8, Model 2). Presidents issued more sovereignty orders during wartime, holding all else constant. The result is statistically significant. Presidents issued 272.9% more orders during wartime compared to peacetime. During World War II, Franklin Roosevelt issued sovereignty orders like Executive Order 9102 which established the War Relocation Authority in 1942. The Authority allowed for interned Japanese, Italian, and German aliens to leave the camps and gave them jobs on works camps (*New York Times* 1942c). Roosevelt also issued Executive Order 9346 which established a new Fair Employment Practices Committee to stop employment discrimination in the war industry (*New York Times* 1943b).

I find the opposite result for riots and strikes. Presidents issued fewer sovereignty orders when the number of strikes and the log of riots increased. The result for riots is not statistically significant however the result for strikes is. Presidents issued 62.4% fewer sovereignty orders for every additional strike per congressional session. The three institutional variables all had a positive and statistically significant effect on the number of sovereignty orders. Presidents issued 169.6% more orders for every 7.8% increases in the average majority party percentage in Congress. Holding all other variables at their mean, the number of predicted significant sovereignty orders increased from 1 order per congressional session when the percentage is 47% to 39 orders per congressional session when the percentage is 80%. They issued 1,034.1% more sovereignty orders when there is an incoming partisan change in the White House. Lastly, presidents issued 540.8% more sovereignty orders during divided government.

Table 5.8: Negative Binomial Regressions of Crisis Model, Pre-modern EOs

Significant Executive Orders (1861-1944)	Model 1	Model 2	Model 3	Model 4	Model 5
	Total	N.S.	O & S	International	Domestic
War	0.82** (0.35)	1.32** (0.60)	0.19 (0.35)	0.80*** (0.26)	2.90*** (0.73)
Inflation	0.22 (0.15)	0.08 (0.26)	0.19 (0.16)	0.21 (0.14)	1.82*** (0.57)
Riots-logged	-1.03** (0.41)	-1.13 (1.44)	-1.69*** (0.61)	-1.10** (0.51)	-2.90 (3.94)
Strikes	-0.07 (0.23)	-0.98*** (0.36)	0.50* (0.27)	-0.16 (0.25)	-1.46** (0.64)
Natural Disasters-logged	0.02 (0.07)	0.08 (0.10)	0.04 (0.08)	-0.21*** (0.07)	1.36*** (0.32)
Technological Disasters-logged	-0.20* (0.11)	-0.23 (0.18)	-0.25** (0.13)	-0.18 (0.13)	-1.44 (0.96)
Average Majority Party %	-0.79 (2.37)	12.73*** (4.11)	-3.24 (2.47)	-6.30*** (2.21)	5.85 (9.24)

Administration Change	0.69*	2.43***	-0.20	0.67	4.55***
	(0.39)	(0.72)	(0.50)	(0.46)	(1.57)
Divided Government	0.63	1.86***	0.22	0.14	5.67
	(0.43)	(0.84)	(0.49)	(0.64)	(4.71)
Constant	4.59***	-6.94***	4.78***	7.68***	-4.57
	(1.73)	(3.07)	(1.86)	(1.63)	(7.39)
N	42	42	42	42	42
Log Likelihood	-109.78	-54.31	-61.82	-64.15	-39.23
Pseudo r ²	0.3095	0.3545	0.4156	0.4524	0.5350

*Standard errors in parentheses, Presidential fixed effect included (not shown).
Two tailed tests. *p<0.10, **p<0.05, ***p<0.01*

National Sovereignty, Modern: In Table 5.9 Model 2 I find that none of the variables are statistically significant. This shows that my expectations for these types of directives only apply to the pre-modern era.

Table 5.9: Negative Binomial Regressions of Crisis Model, Modern EOs

Significant Executive Orders (1945-2012)	Model 1 Total	Model 2 N.S.	Model 3 O & S	Model 4 International	Model 5 Domestic
War	0.69*** (0.23)	-0.44 (0.72)	-0.34 (0.57)	0.83** (0.39)	1.23*** (0.40)
Inflation	0.19** (0.09)	-0.28 (0.27)	0.17 (0.22)	0.52*** (0.15)	0.09 (0.14)
Riots-logged	0.14 (0.11)	-0.58 (0.44)	-0.70* (0.39)	0.48*** (0.18)	0.41** (0.19)
Strikes	0.03 (0.11)	0.24 (0.37)	0.11 (0.31)	-0.13 (0.17)	0.17 (0.20)
Natural Disasters-logged	0.26*** (0.10)	0.15 (0.30)	0.21 (0.25)	0.68*** (0.17)	-0.05 (0.16)
Technological Disasters-logged	0.20*** (0.07)	0.25 (0.22)	-0.06 (0.18)	0.11 (0.12)	0.46*** (0.13)
Average Majority Party %	2.92* (1.72)	-5.87 (5.90)	-10.70* (5.64)	5.14** (2.58)	8.91*** (3.21)
Administration Change	0.53*** (0.13)	0.60 (0.42)	0.90*** (0.29)	0.19 (0.25)	0.51** (0.21)
Divided Government	0.36* (0.22)	-0.13 (0.66)	-0.44 (0.50)	0.15 (0.40)	0.96** (0.39)
Constant	-1.14 (1.35)	2.03 (4.54)	6.09 (4.08)	-5.43** (2.15)	-4.82** (2.47)

N	34	34	34	34	34
Log Likelihood	-94.94	-51.10	-65.41	-79.67	-74.21
Pseudo r ²	0.3123	0.3353	0.2644	0.2967	0.2901

*Standard errors in parentheses, Presidential fixed effect included (not shown).
Two tailed tests. *p<0.10, **p<0.05; ***p<0.01*

Organization and Scope, Pre-modern: In Table 5.8, Model 3, I find that more Organization and Scope executive orders were issued during wartime and as the economy worsen but the results were not statistically significant. The only crisis variable that had a statistically significant effect was the riot variable. Presidents issued 33.8% fewer organizational executive orders for every standard deviation increases in the log of riots. They issued 65.3% more organizational orders for every additional strike per congressional session. Upon further examination of the data I believe that this result is spurious. They issued 22.3% fewer orders for every standard deviation increase in the log of people affected/killed by technological disasters.

Organization and Scope, Modern: In Table 5.9 Model 3, I find that presidents behaved similarly in the modern era. They issued 23.4% fewer organizational orders for every standard deviation increase in the log of riots per congressional session, which was statistically significant. Strikes and technological disasters have the same effect as they did in the pre-modern era but the results were not statistically significant. This leads me to the conclusion that the crisis theory does not work for these types of orders, with the exception of strikes in the pre-modern era. Examining the full time frame should confirm whether the theory is useful for this policy type of executive order. As for the institutional variables, I find that presidents issued 38.3% fewer orders for every 7.8% increase in the average majority party percentage in Congress. Holding other variables at their means, the number of predicted significant

organizational orders decreased from 11 orders per congressional session when the percentage is 50% to 2 orders per congressional session when the percentage is 68%. Incoming presidents of the opposing political party issued 144.8% more orders compared to other types of presidents.

International, Pre-modern: My expectation was that presidents would issue more international orders during wartime. Table 5.8 Model 4 confirms that assumption. In this era, presidents issued 122.5% more international orders during wartime. Riots and Natural Disasters had statistically significant negative effects while Average Majority Party Percentage had a statistically significant positive effect on the number of international orders issued. Presidents issued 23.5% fewer international orders for every standard deviation increase in the log of riots and 27.1% fewer for every standard deviation increase in the number of people affected or killed by natural disasters per congressional session. I find the presidents issued more international orders as Congress became stronger. They issued 38.8% fewer international orders for every 7.8% increase in the Average Majority Party Percentage. Holding all other variables at their means, the number of predicted significant international orders decreased from 21 orders per congressional sessions when the percentage was 47% to 3 orders per congressional session when the percentage was 80%.

International, Modern: In Table 5.9 Model 4, I find that only wartime has the same effect and was statistically significant. Presidents issued 128.5% more international orders during wartime. I expect this role to hold when I present the results for the full time frame of international orders. I also found positive statistically

significant effects for Inflation, Riots, and Natural Disasters. Presidents issued 67.5% more international orders as the economy worsens; 19.9% more for every increase in the log of riots; and 173.8% more for the increase in the log of people affected or killed by natural disasters. I expect that all three of these results are spurious. Lastly, I find that they issued 26.1% more international orders for every 7.8% increase in the Average Majority Party Percentage in Congress. Holding all other variables at their means, the number of predicted significant international orders increased from 8 orders per congressional session when the percentage was 50% to 20 orders per congressional session when the percentage was 68%. This result suggests that presidents in this era issued more orders because they were not afraid that a strong Congress would overturn their international orders. Congress may have been more deferential when it came to international issues.

Domestic, Pre-Modern: In Table 5.8 Model 5, I find support for two of my expectations in this era. Presidents issue more domestic executive orders as the economy worsens and when the log of people affected or killed by natural disasters increases. Presidents issued 519% more domestic orders for every one unit increase in inflation. They also issued 694.5% more domestic orders for every standard deviation increase in the log of natural disasters. One example occurred in 1905 when Theodore Roosevelt issued Executive Order 377 ½ which created a committee who was tasked with creating a plan to combat tuberculosis in the government. He later issued Executive Order 421 which gave department heads instructions on what to do if an outbreak occurred (*New York Times* 1906). I find the opposite effect for strikes. Presidents issued 60.1% fewer domestic orders for every additional strike per congressional

session. I also find strong support for wartime. Presidents issued 1,711.9% more domestic orders during wartime. This variable has the biggest effect amongst the crisis variables in this model. One example includes the many orders by Woodrow Wilson during World War I setting the price of coal which was an important energy resource during the war. Also Wilson issued many food license orders that I mentioned in Chapter 3. The one institutional variable that has a statistically significant effect is Administration Change. Presidents issued 9,364.4% more domestic orders when the incoming president was of the opposing party. This variable has the strongest effect of all the variables in the model.

Domestic, Modern: In Table 5.9 Model 5, I find that three crisis variables (War, Riots, and Technological Disasters) have a positive statistically significant effect on the number of domestic executive orders that are issued. Presidents issued 17% more domestic orders for every increase in the standard deviation of the log of riots. They issued 76.7% more domestic orders for every standard deviation increase in the log of people affected or killed by technological disasters. One example is the two orders Barack Obama issued in 2010 after the BP oil spill. Executive Order 13543 created a commission examining what happened and Executive Order 13554 created a task force on restoring the ecosystem affected by the spill. Both variables had negative effects in the pre-modern era but were not statistically significant. Wartime has the same effect in the modern era as it did in the pre-modern era. Presidents issued 241.1% more domestic orders during wartime. It also has the largest effect of any variable in the model. More recent examples include George W. Bush's executive order creating the Homeland Security Council and the National

Counterterrorism Center in response to the Afghanistan and Iraq Wars. All three institutional variables had a positive statistically significant effect on the number of domestic orders issued. All three had the same effect in the pre-modern era but two were not statistically significant. In the modern era, presidents issued 49.5% more domestic orders for every 4.5% increase in the Average Majority Party Percentage. Holding all other variables at their means, the number of predicted domestic orders increased from 6 orders per congressional session when the percentage is 50% to 28 orders per congressional session when the percentage is 68%. Lastly, presidents issued 67.2% more orders if they were representing an administration change and they issued 160% more divided government.

Comparison across domains: In the pre-modern era, wartime is consistently positive across the four domains and is statistically significant in three of them. Riots have the same negative effect across all four domains and are significant in two of them. Technological disasters have a consistently negative effect on all domains but are only significant in one of them. Administration Change is the only variable that is significant in the total significant order model (Table 5.8, Model 1) but does not have a consistent sign across the domains. It has a positive effect on three domains and a negative effect on one. It is only positive and significant for two domains, National Sovereignty and Domestic orders.

In the modern period, wartime has mixed effects on executive orders. Overall (Table 5.9 Model 1), it has a positive and significant effect but when the dependent variable is split into policy domains wartime has a negative effect on two domains but a positive and significant effect on International and Domestic orders. Inflation has a

similar effect, negative on one domain and positive on the remaining three, one of which was significant. Natural Disasters consistently have a positive effect on three domains, one of which is significant, and a negative effect on one domain. The same effect happens for technological disasters. Average Majority Party Percentage has a negative effect on two domains, one which is statistically significant and a positive effect on two domains, both of which are significant. Administration Change is consistently positive in all four domains but significant in only two. Divided government has mixed results. It has a negative effect for two domains and a positive effect for the other two, one of which is significant. In the next section I test the effect of the crisis model on the four policy domains over the full 151 year time frame.

Table 5.10 shows five models, the first is the model for the total number of significant orders. These results were discussed in the previous chapter and will only be used to compare and to see which of the four policy domains drives the total results. For Model 2, I find that only one of the crisis variables Riots has a statistically significant impact on the number of national sovereignty executive orders issued, although the coefficient is negative. When the log of riots increases, presidents issued 18.9% fewer national sovereignty orders. One institutional variable has a positive impact on the number issued. Presidents issued 113.9% more when there is a partisan change in the presidential administration.

Table 5.10: Negative Binomial Regressions of Crisis Model, EOs 1861-2012

Significant Executive Orders (1861-2012)	Model 1 Total	Model 2 N.S.	Model 3 O & S	Model 4 International	Model 5 Domestic
War	0.61*** (0.20)	0.49 (0.36)	0.10 (0.26)	0.76*** (0.26)	0.97** (0.38)
Inflation	0.17* (0.09)	-0.02 (0.16)	0.22* (0.12)	0.21* (0.12)	0.20 (0.16)
Riots-logged	-0.24 (0.15)	-0.68* (0.37)	-0.77** (0.33)	-0.18 (0.20)	0.22 (0.18)
Strikes	-0.06 (0.11)	-0.26 (0.19)	0.03 (0.14)	-0.16 (0.15)	0.20 (0.18)
Natural Disasters-logged	0.34 (0.05)	0.05 (0.08)	0.08 (0.07)	-0.12 (0.08)	0.26** (0.12)
Technological Disasters-logged	-0.03 (0.07)	-0.04 (0.11)	-0.10 (0.09)	-0.07 (0.10)	0.20 (0.14)
Average Majority Party %	-0.71 (1.63)	3.64 (2.61)	-3.01 (2.06)	-3.32 (2.20)	5.47* (3.14)
Administration Change	0.60*** (0.16)	0.76** (0.30)	0.76*** (0.22)	0.32 (0.23)	0.94*** (0.28)
Divided Government	0.36 (0.23)	0.63 (0.43)	-0.07 (0.31)	0.32 (0.33)	0.89** (0.44)
Constant	2.53** (1.17)	-2.90 (1.92)	2.32 (1.54)	3.97** (1.61)	-4.10* (2.44)
N	76	76	76	76	76
Log Likelihood	-223.62	-117.40	-133.61	-167.31	-141.02
Pseudo r ²	0.2938	0.2962	0.3274	0.3150	0.3595

*Standard errors in parentheses, Presidential fixed effect included (not shown).
Two tailed tests. *p<0.10, **p<0.05; ***p<0.01*

I find in Model 3 that two crisis variables have a statistically significant impact on the number of organization and scope orders that were issued. Presidents issued 24.1% more organizational orders for every one unit increase in the Inflation variable. Some examples include Ronald Reagan issuing Executive Order 12291 responding to the bad economy in 1981. The executive order requested that a new regulatory process be put in place so that government could decide which regulations should be kept or cut. This directive was a part of Reagan's Economic Recovery

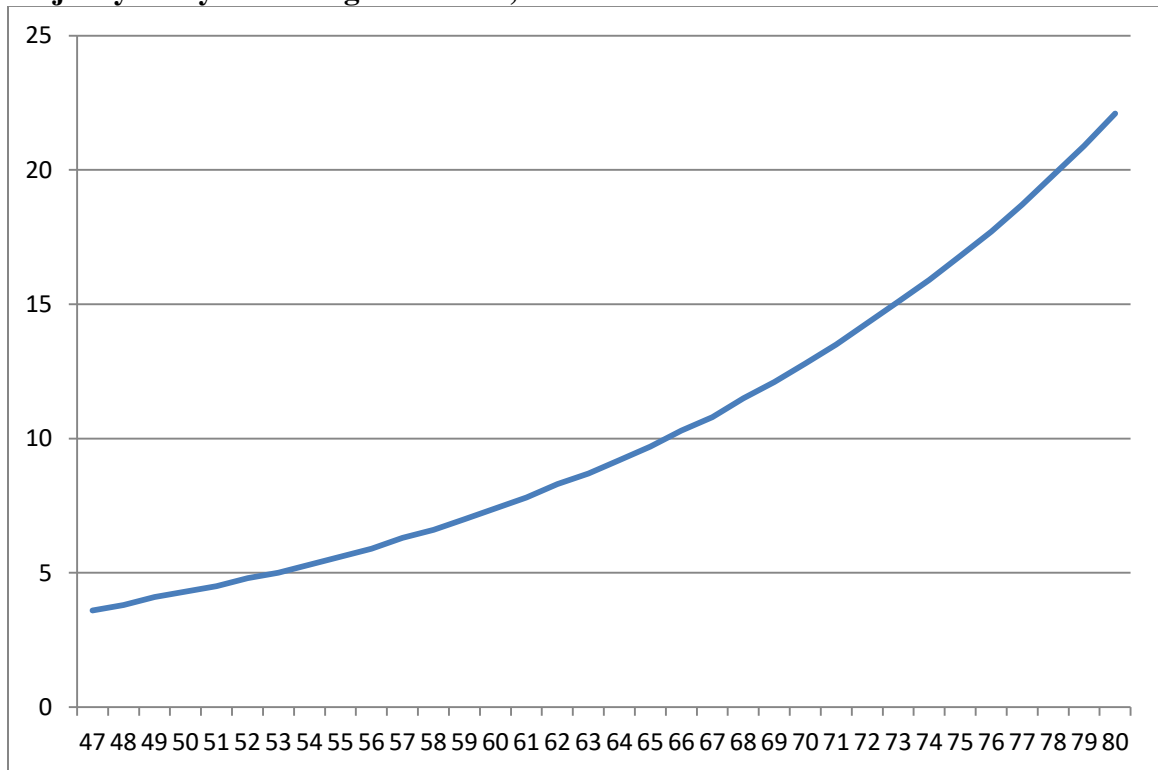
Program (Farnsworth 1981). Another example occurred during the Great Depression when Franklin Roosevelt issued Executive Order 6085 and other orders which placed cuts on the salaries of government workers as way to respond to the crisis. Presidents issued 21.2% fewer organizational orders as the log of riots increased. I find that only one institutional variable, partisan change in the administration had a statistically significant impact. Presidents issued 113.3% more organizational orders when the incoming president was of the opposing political party.

In Model 4, I find statistically significant support for two crisis variables. Presidents issued more international orders during wartime and when the economy worsens. Presidents issued 114.8% more international orders during wartime and 23.2% more for every one unit increase in the inflation measure. I'm not sure how issuing international orders can be used to respond to an economic downturn in America. It could be that presidents are issuing more foreign trade orders that are placing import tariffs on countries sending goods to America. I therefore expect this relationship is spurious since I cannot find any examples that back this claim up.

In Model 5, I find statistically significant support for two crisis variables and all three institutional variables. Presidents issued more domestic orders during wartime, as the log of the number of people affected by natural disasters increases, as Congress becomes stronger, during a partisan change of the White House, and during divided government. Presidents issued 163.6% more domestic orders during wartime. They also issued 64.6% more for every standard deviation increase in the log of the number of people affected by natural disasters per congressional session. A couple of examples include George W. Bush issuing Executive Order 13295 to respond to the

SARS epidemic and Executive Order 13375 to respond to the bird flu epidemic. Presidents issued 43.9% more for every 6.6% increase in the average majority party percentage. The substantive effect of this result is shown in Figure 5.6. Holding all other variables at their means, the number of predicted significant domestic orders increased from 4 per congressional session when the percentage is 47% to 22 orders per congressional session when the percentage is 80%. Lastly, 154.8% more when the incoming president is of the opposing political party and 143% more during divided government.

Figure 5.6: Predicted Significant Domestic Executive Orders as the Average Majority Party Percentage Increases, 1861-2012



When comparing behavior across policy domains I come to two takeaway points about significant executive orders. First, I find that the crisis model has more

of an impact on international and domestic orders than they do on sovereignty and organizational orders. On a similar note when comparing the four policy domain models to Model 1 it seems that these two domains are also driving the results of the full model. As I mentioned earlier I find statistically significant results for some of the crisis variables when international and domestic orders were the dependent variables. For example, wartime has the strongest impact of any variable on these two domains. Natural disasters have a statistically significant effect on domestic orders but not on all significant orders which suggests that some minor crises have more of an impact when examining directives by domains. The same point can be made when examining the effect of Natural Disasters and Technological Disasters on domestic orders in the pre-modern and modern eras. Second, the Change in Administration variable is the only variable that has the same positive statistically significant impact in at least three policy domains. The variable had a positive effect on the fourth domain but it was not significant. This suggests that incoming presidents of the opposing party tend to use to their advantage the power to shape policy regardless of type simply because of the partisan turnover.

Conclusion

In this chapter, I examined the policy substance of each of the significant executive orders in my 151 year dataset. I coded each directive by policy subtopic, area, and domain using a schema that borrows from Katznelson-Lapinski and Baumgartner-Jones. I presented basic descriptions on the types of policies that the directives covered. When examining the broadest category, policy domain, I find that

most significant executive orders fall under the domain of International Affairs. In the second half of the chapter I test to see how the crisis model affects the number of directives by policy domain in the pre-modern era, modern era, and the full time frame. I find that some crisis variables have different effects on the number of specific policy domains than others and that this varies across directives in similar domains. War, continues to have a strong impact but other crisis variables like inflation have a stronger effect depending on the domain. I also found that the Administration Change variable is also an important factor in at least three policy domains of significant executive orders. In the next chapter I examine the policy content of significant proclamations.

Chapter 6: The Policy Content of Significant Proclamations

In this chapter, I examine whether my crisis theory has an effect on the prevalence of significant proclamations by policy. As in the last chapter, seldom work has been done on policy specific directives. The Marshall and Pacelle (2005) article that was mentioned in the last chapter only focuses on domestic and foreign policy executive orders in the modern era. Rottinghaus and Maier (2007) present data on the policy content of proclamations from 1977-2005 but their paper is mostly descriptive. No study has examined why and when presidents issue policy proclamations over a longer period of time while also covering additional policy domains. This chapter rectifies this problem. In this chapter, I code each significant proclamation into policy subtopics, areas, and domains. I show how many proclamations of each type were issued across time, in different eras, and by president. Then I run my statistical analyses to see what effects my crisis theory has on the four policy domains. I used the same codebook from the previous chapter to code all significant proclamations from 1861-2012. I began by coding each proclamation by policy subtopic. 58 of 218 subtopics were used when coding significant proclamations (26.6% of the total number)²³. Fewer subtopics were used to code proclamations compared to executive orders which suggests that the policy range of proclamations is narrow.

Table 6.1 present the ten most used subtopics across the entire timeframe for significant proclamations. *Tariff and Import Restrictions, Import Regulations* was the most prominent policy subtopic for significant proclamations. An example of a *Tariff*

²³ 168 subtopics (77.1% of the total number of subtopics) were used to code the two significant directives when you combine the number of subtopics used in Chapter 5 (164) and this chapter (58) and remove any duplicate subtopics.

and Import Restrictions, Import Regulations is Proclamation 7808 which was issued by George W. Bush in 2004. The proclamation which was issued a year after the Iraq War began “gave Iraq the right to export thousands of goods duty free to the United States” (*New York Times* 2004b, A14).

Table 6.1: Significant Proclamations by Policy Subtopic, 1861-2012

Policy Subtopic	Number & Percentage of Sig. Proclamations
Tariff and Import Restrictions, Import Regulation	208 (26.3%)
Federal Government Branch Relations and Administrative Issues, Congressional Operations	64 (8.1%)
National Parks, Memorials, Historic Sites, and Recreation	44 (5.6%)
Other Country/Region Specific Issues; Natural Resources, Public Lands, and Forest Management (tie)	41 (5.2%)
Trade Negotiations, Disputes, and Agreements	32 (4.0%)
Manpower, Military Personnel and Dependents (Army, Navy, Air Force, Marines), Military Courts	29 (3.7%)
Export Promotion and Regulation, Export-Import Bank	26 (3.3%)
Western Europe and Common Market/European Union Issues	25 (3.2%)
Immigration and Refugee Issues; Arms Control and Nuclear Nonproliferation (tie)	22 (2.8%)
Riots, Crime Prevention, and Crime Control; Native American Affairs; U.S. Dependencies and Territorial Issues	19 (2.4%)

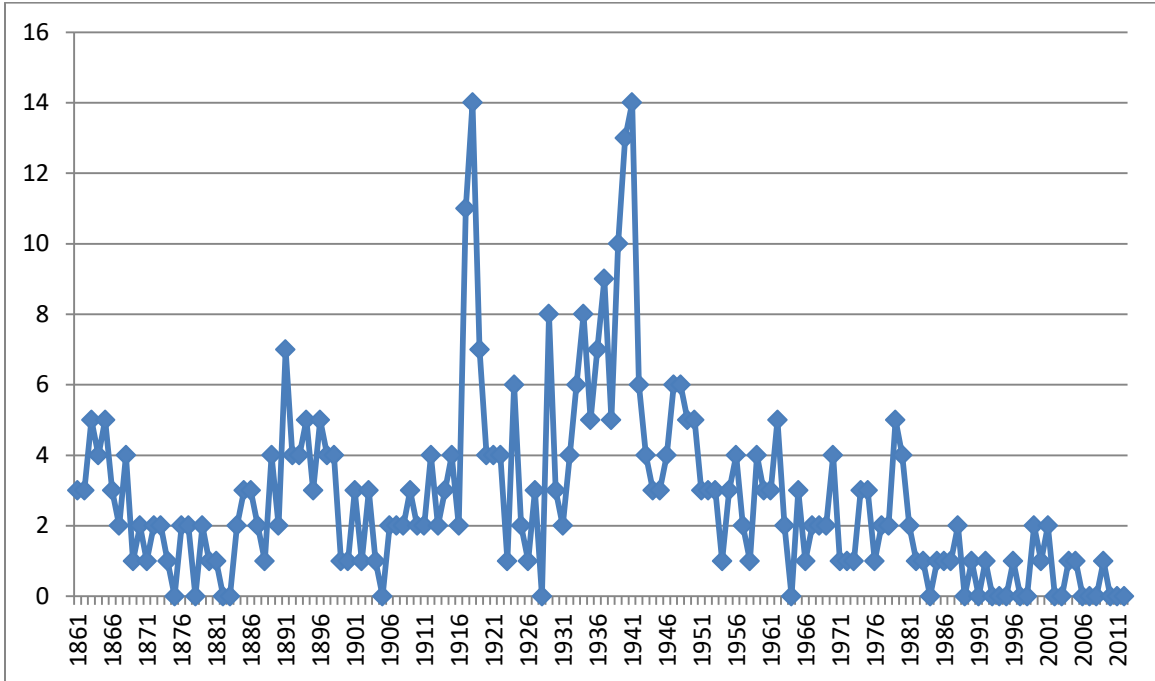
Next, I show how much change and continuity occurs across policy subtopics within each president’s time in office. Before I do that I show the issue subtopics that received the most attention across the time period and then show if there are any differences in the pre-modern and modern eras. The top three subtopics for all significant proclamations were: 1. *Tariff and Import Restrictions, Import Regulation*; 2. *Federal Government Branch Relations and Administrative Issues, Congressional Operations*; and 3. *National Parks, Memorials, Historic Sites, and Recreation*. In the

pre-modern era the three most common subtopics were: 1. *Tariff and Import Restrictions, Import Regulation*; 2. *Federal Government Branch Relations and Administrative Issues, Congressional Issues*; and 3. *Export Promotion and Regulation*. In the modern era the three areas were: 1. *Tariff and Import Restrictions, Import Regulation*; 2. *National Parks, Memorials, Historic Sites, and Recreation*; and 3. *Federal Government Branch Relations and Administrative Issues, Congressional Operations*.

Policy Scope Trends

In this section I examine the policy scope of the president's proclamations. Figure 6.1 shows the number of policy areas that were issued at least once per year for significant proclamations. The data on proclamations correlates, although not as high, with the number of significant proclamations by year shown in Figure 4.2 ($r = 0.7035$, $p = 0.000$). An average of 2.8 (median of 2) different subtopics was used per year across the entire timeframe. Unlike the executive order subtopic data where there was an increase from the pre-modern to the modern era, the proclamation data shows a decrease in the number of subtopics that were issued at least once. In the pre-modern era, an average of 3.6 (median of 3) subtopics were used at least once, while an average of 1.8 (median of 1) were used in the modern era. This shows that over time the scope of the president's significant proclamations has narrowed.

Figure 6.1: Number of Distinct Policy Subtopics of Significant Proclamations, 1861-2012



1933, 1934, and 1941 were the three years in which the president’s significant executive order policy scope was the broadest, which shows that in the face of crisis, whether it be economic or foreign, presidents expand their scope to other policy subtopics. The years in which proclamations had the broadest policy scope were 1918 and 1941, both years in which the United States were involved in world wars. It is interesting that the same increase does not happen in 1933 or 1934 like the executive order data. This could suggest that economic challenges do not have the same effect on the usage/policy scope of proclamations as they do with executive orders.

Policy Concentration

I aggregated similar policy subtopics into policy areas in order to determine the policy concentration by president. There are a total of 20 policy areas that can be used and 17 policy areas were used in the proclamation dataset²⁴.

Table 6.2 shows the number of proclamations issued for each policy area in the entire dataset. 34.3% of significant proclamations dealt with issues of *Foreign Trade*. This is followed by *Public Lands and Water Management* proclamations at 16.8%. Tables 6.3 and 6.4 shows the number of proclamations by policy area for the pre-modern and modern eras, respectively. 17 policy areas were used in the pre-modern era. That number narrowed to 12 areas in the modern era. *Foreign Trade* and *Public Lands* both remained the two most issued areas in the two eras.

Table 6.2: Number of Significant Proclamations by Policy Area, 1861-2012

Policy Area	Number & Percentage
Foreign Trade	271 (34.3%)
Public Lands and Water Management	133 (16.8%)
International Affairs and Foreign Aid	95 (12.0%)
Defense	87 (11.0%)
Government Operations	74 (9.4%)
Law, Crime and Family Issues	25 (3.2%)
Immigration	22 (2.8%)
Transportation	19 (2.4%)
Agriculture	15 (1.9%)
Macroeconomics	13 (1.6%)
Environment	10 (1.3%)
Civil Rights, Minority Issues, and Civil Liberties	8 (1.0%)
Energy	7 (0.9%)
Banking	6 (0.8%)
Labor, Employment, and Immigration	3 (0.4%)
Health	2 (0.3%)

²⁴ No proclamations fell under the following three policy areas: *Education, Community Development and Housing Issues*, and *Space, Science, Technology, and Communications*.

Social Welfare	1 (0.1%)
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Table 6.3: Number of Significant Proclamations by Policy Areas, 1861-1944

Policy Area	Number & Percentage
Foreign Trade	162 (28.5%)
Public Lands and Water Management	92 (16.2%)
Defense	78 (13.7%)
International Affairs and Foreign Aid	77 (13.5%)
Government Operations	54 (9.5%)
Law, Crime and Family Issues	21 (3.7%)
Transportation	19 (3.3%)
Agriculture	15 (2.6%)
Macroeconomics	13 (2.3%)
Immigration	12 (2.1%)
Environment	9 (1.6%)
Banking	6 (1.1%)
Energy	4 (0.7%)
Civil Rights, Minority Issues, and Civil Liberties	3 (0.5%)
Labor, Employment, and Immigration	2 (0.4%)
Health; Social Welfare (tie)	1 (0.2%)

Table 6.4: Number of Significant Proclamations by Policy Areas, 1945-2012

Policy Area	Number & Percentage
Foreign Trade	109 (49.1%)
Public Lands and Water Management	41 (18.5%)
Government Operations	20 (9.0%)
International Affairs and Foreign Aid	18 (8.1%)
Immigration	10 (4.5%)
Defense	9 (4.1%)
Civil Rights, Minority Issues, and Civil Liberties	5 (2.3%)
Law, Crime and Family Issues	4 (1.8%)
Energy	3 (1.4%)
Environment; Health; Labor, Employment, and Immigration (tie)	1 (0.5%)

Table 6.5 shows the most prominent policy area by president. Across the entire time frame, I find that 16 presidents issued more *Foreign Trade* proclamations during their administrations. This stays the same when you split the time frame into the two eras. Eight presidents issued more *Foreign Trade* proclamations in the pre-modern as well as in the modern era. I also find that seven distinct policy areas were among the most used by presidents in the pre-modern period compared to four distinct policy areas in the modern period.

Table 6.5: Most Prominent Policy Area of Significant Proclamations by President

President	Top Policy Area
Lincoln	Defense
Johnson	Public Lands
Grant	International Affairs; Law, Crime, & Family Issues (tie)
Hayes	Public Lands
Arthur	Government Operations; Foreign Trade; Health (tie)
Cleveland 1 st	Foreign Trade; Public Lands (tie)
Harrison	Foreign Trade; Public Lands (tie)
Cleveland 2 nd	Public Lands
McKinley	Defense; Foreign Trade (tie)
T. Roosevelt	Public Lands
Taft	Foreign Trade
Wilson	Defense
Harding	Government Operations
Coolidge	Foreign Trade
Hoover	Foreign Trade
F. Roosevelt	Foreign Trade
Truman	Foreign Trade
Eisenhower	Foreign Trade
Kennedy	Foreign Trade
Johnson	Public Lands
Nixon	Foreign Trade
Ford	Foreign Trade
Carter	Public Lands
Reagan	Foreign Trade
HW Bush	Foreign Trade; Government Operations

	(tie)
Clinton	Public Lands
W Bush	Government Operations; Foreign Trade; Labor (tie)
Obama	Government Operations

Policy Domains

The next step is to aggregate the policy areas into the four policy domains: *National Sovereignty, Organization and Scope, International Affairs, and Domestic Affairs*.

Next, I will look at the trends as it relates to the president’s absolute and relative attention to these four types of significant proclamations. As a reminder, absolute attention is defined as the “number of discrete requests [directives] for a policy area or domain”, while relative attention is the “percentage of presidential agenda devoted to a particular policy domain or area” (Cohen 2012, 156).

Unlike significant executive orders in the previous chapter, more significant proclamations were issued in the pre-modern era as opposed to the modern era. This trend holds true when the total number is disaggregated into the four policy domains.

Like significant executive orders, I find that presidents issued more *international* proclamations. 57.3% of significant proclamations were in the *international affairs* domain, 20.6% in *national sovereignty*, 12.8% in *domestic affairs*, and 9.4% in *organization and scope*. The order of relative attention differs based on the era. In the pre-modern era the order is the same as the overall time frame (see Table 6.6). However, in the modern era, domestic affairs proclamations are the domain that is the least prominent domain.

Table 6.6: Significant Proclamations by Policy Domains

Policy Domain	1861-2012	1861-1944	1945-2012
	# (%)	# (%)	# (%)
International Affairs	453 (57.3%)	317 (55.7%)	136 (61.3%)
National Sovereignty	163 (20.6%)	107 (18.8%)	56 (25.2%)
Domestic Affairs	101 (12.8%)	91 (16.0%)	10 (4.5%)
Organization and Scope	74 (9.4%)	54 (9.5%)	20 (9.0%)

Two policy domains saw an increase in their percentage going from the pre-modern to the modern era. International proclamations increased by 5.6% while national sovereignty proclamations increased by 6.4%. The remaining two domains saw a decrease in their percentages between the two eras. Organizational proclamations decreased by 0.5% while domestic proclamations saw the largest change when it decreased by 11.5%.

Figures 6.2-6.5 present the annual number of significant proclamations across the entire dataset for the four policy domains. Figure 6.2 shows the number of *international* proclamations issued each year. This subset is strongly correlated with the total number of significant proclamations (0.9046). Although sparse, the *international affairs* proclamation data for the late 19th Century is more abundant than the significant executive orders data for the same period. 1910 was the year in which the most *international* proclamations were issued. As I mentioned in Chapter 4, the number is so large because William Taft issued many proclamations that established tariff agreements with other countries. Other than that year the biggest spikes occurred in 1940 and 1941 during the United States' mobilization and entry into World War II. Presidents issued more *international* proclamations related to *Foreign*

Trade at 63.8%, followed by *International Affairs and Foreign Aid* (21.0%) and *Defense* (15.2%).

Figure 6.2: International Affairs Significant Proclamations, 1861-2012

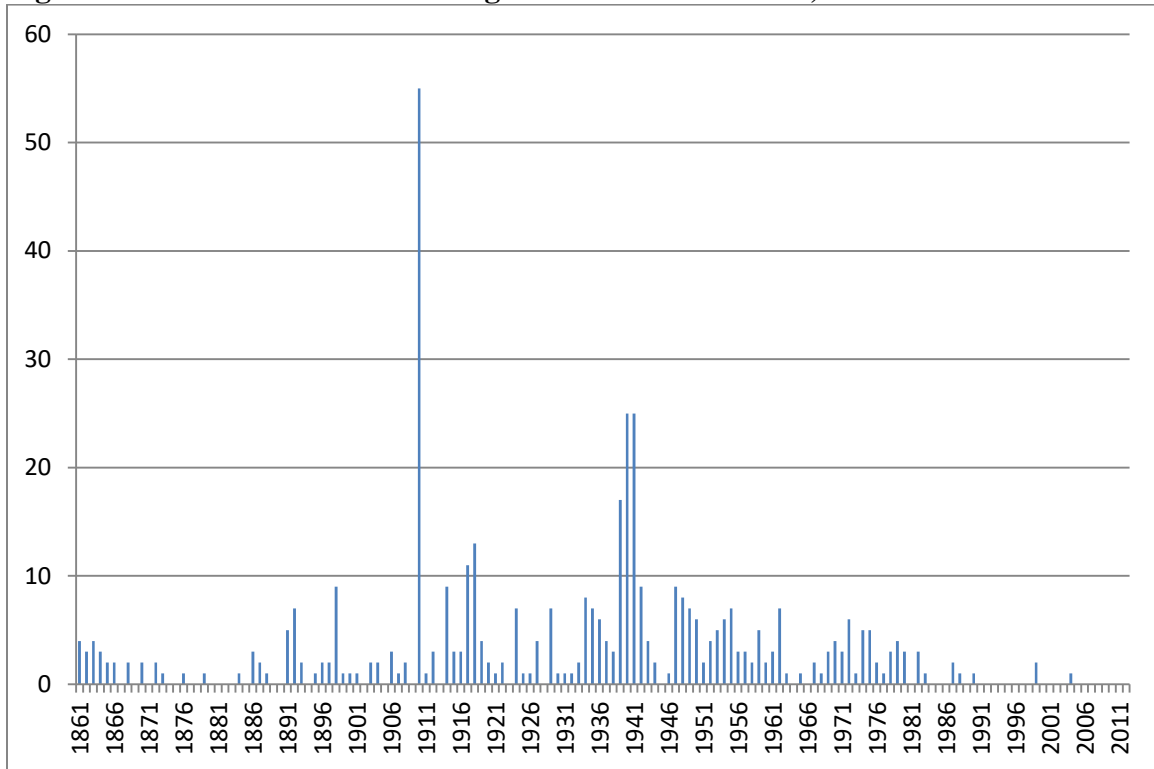


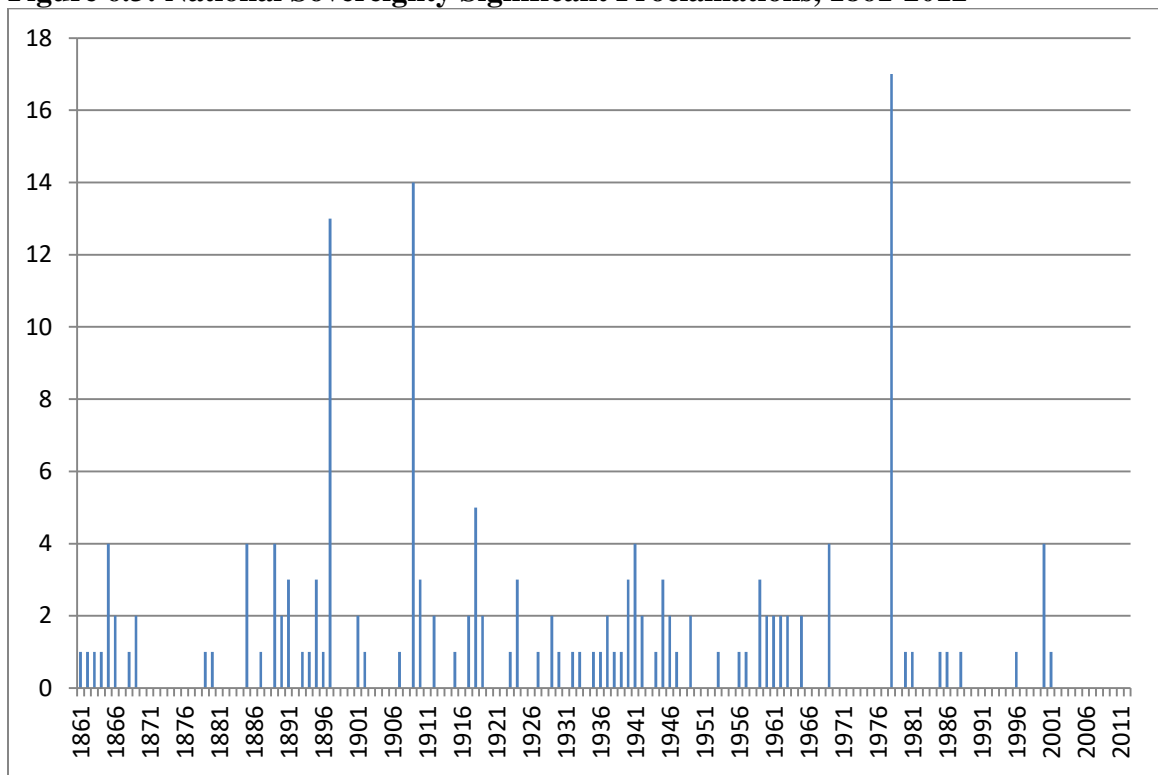
Figure 6.3 shows the number of significant *national sovereignty* proclamations. This policy domain as well as the remaining two is moderately correlated with the total number of significant proclamations (0.4729). The sovereignty data is very sporadic across the time frame. The noticeable increases occurred in 1897, 1909, and 1978. Interestingly enough these were all years when the president issued many *public lands and water management* proclamations that set aside land for conservation purposes. In 1897, Grover Cleveland created 13 forest reserves using the proclamation tool. In 1909, Theodore Roosevelt enlarged 13

national forests while William Taft opened up lands in three Indian reservations.

Lastly, Jimmy Carter created 17 national monuments using the tool in 1978.

81.6% of *National Sovereignty* proclamations were in the policy area of *Public Lands and Water Management*. *Immigration* proclamations made up 13.5% of this domain while *Civil Rights, Minority Rights, and Civil Liberties* made up 4.9%.

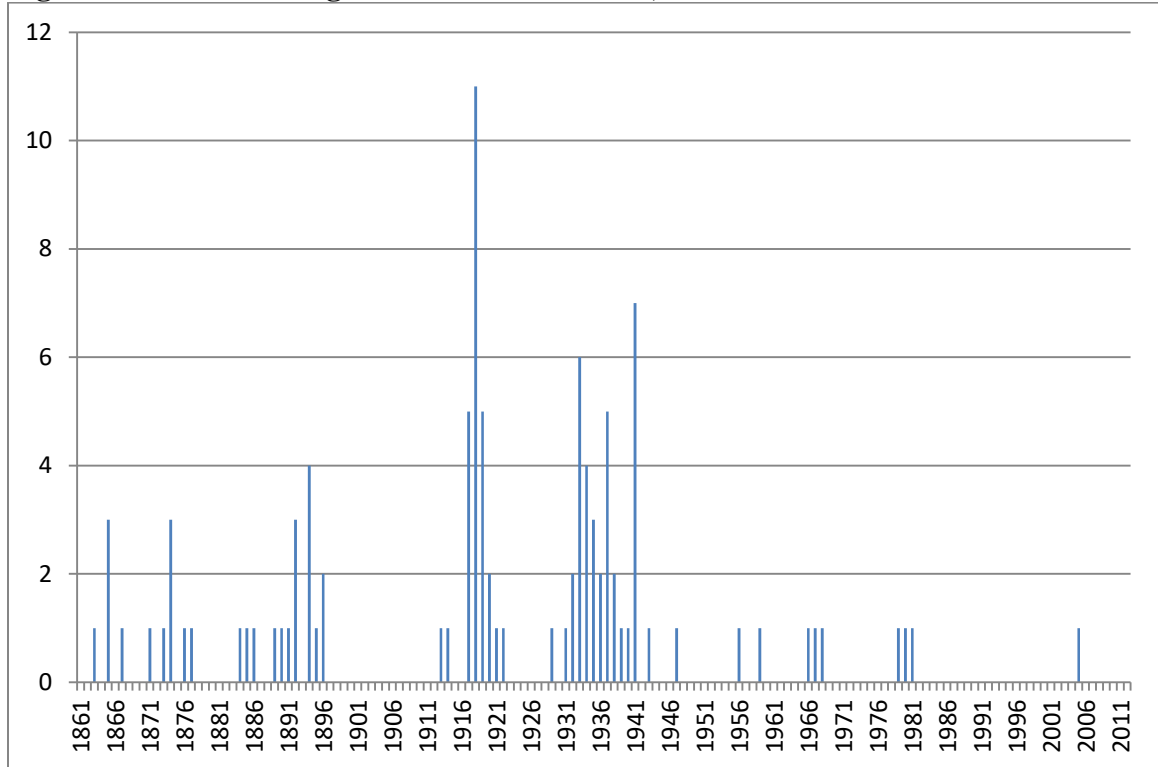
Figure 6.3: National Sovereignty Significant Proclamations, 1861-2012



Significant domestic proclamations are displayed in Figure 6.4. Like sovereignty proclamations, the data for domestic proclamations is also very sporadic especially in the pre-modern era and is moderately correlated to the total number of significant proclamations (0.4871). As mentioned earlier, domestic proclamations as a percentage of total significant proclamations decreased by 11.5% from the pre-

modern to modern era which was the largest decline of the four domains. This is really noticeable when examining Figure 6.4.

Figure 6.4: Domestic Significant Proclamations, 1861-2012

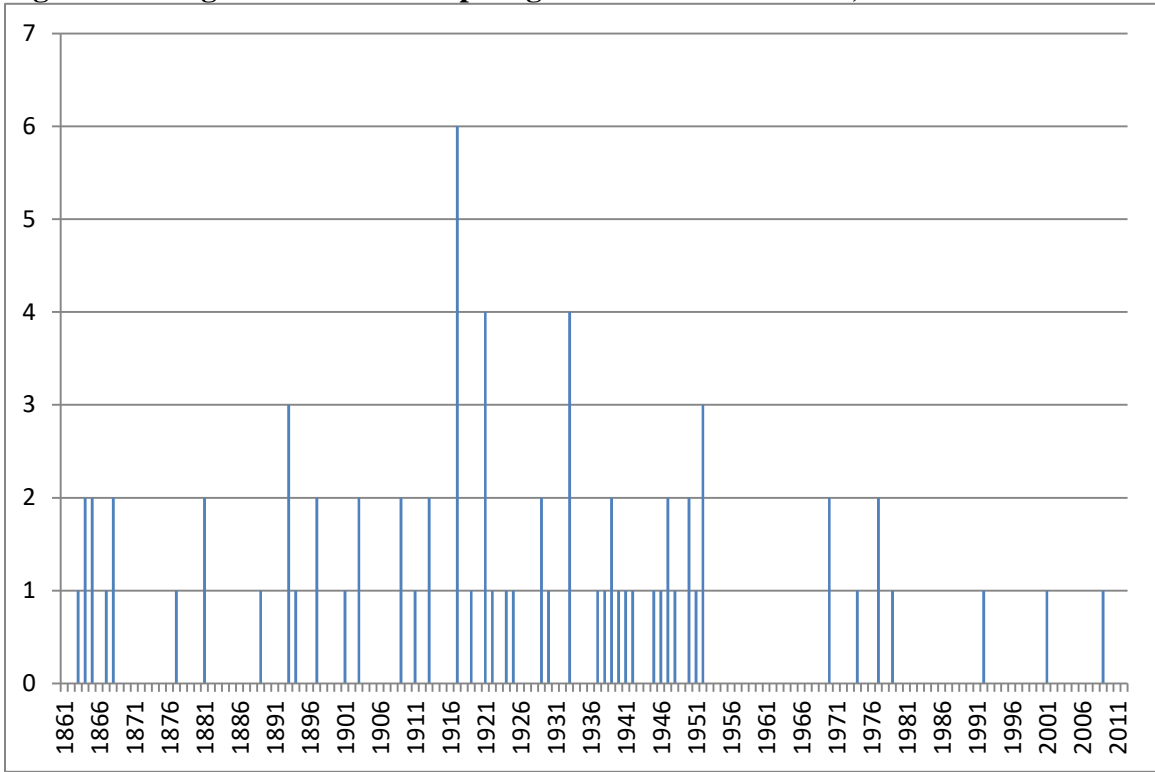


After disaggregating the domestic proclamations into the policy areas, I find that all of the domestic policy areas were used at least once except: *Education*; *Community Development and Housing Issues*; and *Space, Science, Technology, and Communications*. Of the ten major domestic topics that were used the *Law, Crime, and Family Issues* category was utilized the most at 24.8%. Within this policy area, the subtopic *Riots, Crime Prevention, and Crime Control* was the most issued (76%). This subtopic was more prevalent in the pre-modern era and issued rarely in the modern era. This suggests that I may find in my statistical analysis that riots and

possibly strikes have a positive effect on the number of domestic proclamations issued.

Lastly, Figure 6.5 shows the number of *Organization and Scope* proclamations that were issued over time. Like domestic proclamations, the directives in this domain are also very sporadic. Of the four policy domains this one is the least correlated (0.3145). Not only that but it is also the domain with the smallest range, with a maximum of 6 proclamations issued throughout the entire time frame. Woodrow Wilson issued the most *organizational* proclamations in 1917, which corresponded with the United States entry into World War I. Two of the six proclamations pertained to calling the Congress and or the Senate into a special session, which was common during the period before the new Congress convened. The other four proclamations were specifically related to the war for example the declaration of war with Germany and Austria-Hungary. *Federal Government Branch Relations and Administrative Issues, Congressional Operations* was the most issued subtopic (86.5%) in this domain.

Figure 6.5: Organization and Scope Significant Proclamations, 1861-2012



Policy Domain Comparisons across Directives: As mentioned before, presidents issued more *International* significant executive orders and proclamations. This shows that presidents across time have placed more of an emphasis on foreign policy when using their unilateral directives. However, when the policy domain is disaggregated into policy areas we see that presidents focused on different international issues. As I show in the previous chapter, presidents used their significant international executive orders mostly for defense issues while they used their significant international proclamations mostly for foreign trade issues – and at roughly the same percentages, 60.8% for defense executive orders and 63.8% for foreign trade proclamations. Upon further examination, I see that the most issued policy area for one tool is the least issued area in the other tool. For example, 60.8%

of defense executive orders were used while only 15.2% of defense proclamations were used. 63.8% of foreign trade proclamations were used but it was seldom for the same topic to be issued as an executive order (10.6%). This suggests that presidents mostly create defense policy at the unilateral level through executive orders and create foreign trade policy through proclamations.

This difference of attention to certain topics within a policy domain is not exclusive to international affairs, it also occurs within directives in the domestic and organizational realm. For domestic directives, presidents issued more *Transportation* executive orders at 24.0%, while they issued more *Law, Crime, and Family Issues* proclamations at 24.8%. In the organizational domain presidents issued more *civil service* executive orders while they issued more *federal government relations* proclamations. Presidents did not differ when it came to *national sovereignty* directives. They issued more *Public Lands and Water Management* directives for both executive orders (54.9%) and proclamations (81.6%) although at different rates. Although they issued these directives in the same topic they differed in the subtopics. Public lands executive orders were more likely to be focused on *National Parks, Memorials, Historic Sites, and Recreation* at 33.1% followed closely by *National Resources, Public Lands, and Forest Management* at 30.8%. However proclamations in this topic were more likely to be focused on *National Resources, Public Lands, and Forest Management* at 49.6%, followed by *U.S. Dependencies and Territorial Issues* at 18.0%. These findings provide more evidence of the differences between the two directives. Not only do they address different audiences but according to this analysis the directives also cover different policy areas and subtopics. This could also suggest

that presidents may behave differently with proclamations as they do executive orders since the policy areas are different.

Analysis

In the previous chapter I test to see what effect crises can have on the number of significant executive orders that a president issues by policy domain. In the full dataset, I find statistically significant results that presidents issued more significant international and domestic executive orders during wartime, more organizational and international orders as the economy worsens, and more domestic orders when the number of people affected by national disasters increases. I find they issued fewer significant sovereignty and organizational orders when the number of riots increased.

In this section, I test to see what effect crises can have on the number of significant proclamations that a president issues by policy domain. Do presidents issue more or fewer policy proclamations during specific crises?

To test to see if these expectations hold I run Negative Binomial Regressions on four dependent variables which consist of the four policy domains of significant proclamations per congressional session. As I did in the previous chapter, I will present results for the pre-modern, modern, and full time frame. Table 6.7 shows the descriptive statistics of the twelve dependent variables.

Note: I present the results of the pre-modern and modern eras without presidential fixed effects because Stata was not able to run the analyses for the policy proclamations in the modern era with fixed effects. I was able to run the pre-modern models with fixed effects. In order to make comparisons between the two eras both

pre-modern and modern results will be shown without presidential fixed effects. I believe the models in the modern period do not work with fixed effects probably because of the sparse data in the four dependent variables. I would place caution on reading much into the results that I present since they do not have fixed effects and the R^2 values for some of the models are low. Especially the results for Organization and Scope proclamations and Domestic proclamations in the modern era.

Table 6.7: Descriptive Statistics of Directives Disaggregated into Four Policy Domains

Variables	Mean	Standard Deviation	Minimum Value	Maximum Value
DV: National Sovereignty Procs. (1861-1944)	2.55	3.51	0	17
DV: National Sovereignty Procs. (1945-2012)	1.65	3.11	0	17
DV: National Sovereignty Procs. (1861-2012)	2.14	3.35	0	17
DV: Organization and Scope Procs. (1861-1944)	1.33	1.26	0	5
DV: Organization and Scope Procs. (1945-2012)	0.59	1.02	0	4
DV: Organization and Scope Procs. (1861-2012)	1	1.21	0	5
DV: International Procs. (1861-1944)	7.52	11.30	0	55
DV: International Procs. (1945-2012)	4.03	4.53	0	17
DV: International Procs. (1861-2012)	5.96	9.05	0	55
DV: Domestic Procs. (1861-1944)	2.14	3.23	0	16
DV: Domestic Procs. (1945-2012)	0.26	0.57	0	2
DV: Domestic Procs. (1861-2012)	1.30	2.59	0	16

I have the same expectations that I mentioned in the last chapter about executive orders.

National Sovereignty, Pre-modern: In the pre-modern era (Table 6.8 Model 2), I find that presidents issue more National Sovereignty proclamations during wartime and when the log of riots increased but the results were not statistically significant. However, I find that presidents issued fewer sovereignty proclamations as the number of strikes increased. They issued 52.9% fewer for every additional strike per congressional session.

Table 6.8: Negative Binomial Regressions of Crisis Model, Pre-Modern Proclamations

Significant Proclamations (1861-1944)	Model 1 Total	Model 2 N.S.	Model 3 O & S	Model 4 International	Model 5 Domestic
War	0.80** (0.38)	0.35 (0.60)	0.21 (0.41)	1.08** (0.47)	0.98** (0.51)
Inflation	0.16 (0.18)	0.04 (0.31)	0.52** (0.22)	-0.06 (0.23)	0.96*** (0.28)
Riots-logged	0.44 (0.55)	0.48 (0.88)	-0.29 (0.56)	0.70 (0.69)	0.23 (0.65)
Strikes	0.12 (0.21)	-0.75** (0.36)	0.42* (0.23)	0.29 (0.26)	0.78*** (0.30)
Natural Disasters-logged	-0.01 (0.10)	-0.21 (0.14)	-0.11 (0.10)	-0.01 (0.12)	0.33** (0.14)
Technological Disasters-logged	-0.19* (0.11)	-0.25 (0.20)	-0.04 (0.13)	-0.18 (0.13)	0.09 (0.19)
Average Majority Party %	4.82** (1.98)	3.44 (2.98)	2.57 (1.86)	4.69** (2.41)	7.87*** (2.79)
Administration Change	-0.59* (0.33)	-0.18 (0.49)	-0.62 (0.39)	-1.08* (0.42)	-0.15 (0.43)
Divided Government	-0.68** (0.30)	0.08 (0.46)	0.06 (0.36)	-1.41*** (0.39)	0.13 (0.48)
Constant	-0.23 (1.29)	-0.39 (1.94)	-2.08* (1.25)	-0.29 (1.59)	-7.34*** (2.06)
N	42	42	42	42	42
Log Likelihood	-143.94	-84.39	-58.20	-118.47	-68.25
Pseudo r ²	0.0523	0.0458	0.0887	0.0839	0.1627

*Standard errors in parentheses, Two tailed tests. *p<0.10, **p<0.05; ***p<0.01*

National Sovereignty, Modern: In the modern era (Table 6.9 Model 2), none of the crisis variables were statistically significant. In comparison to the pre-modern era, presidents issued fewer sovereignty proclamations during wartime, fewer as the log of riots increased, and more as the number of strikes increased. All were in the opposite direction than their counterparts in the pre-modern era.

Table 6.9: Negative Binomial Regressions of Crisis Model, Modern Proclamations

Significant Proclamations (1945-2012)	Model 1	Model 2	Model 3	Model 4	Model 5
	Total	N.S.	O & S	International	Domestic
War	-0.29 (0.23)	-0.51 (0.53)	0.34 (0.60)	-0.21 (0.30)	-2.25 (1.68)
Inflation	0.26* (0.16)	0.22 (0.38)	1.14** (0.51)	0.10 (0.21)	2.60* (1.58)
Riots-logged	-0.03 (0.30)	-11.20 (82728.21)	-12.83 (820847.9)	0.13 (0.41)	0.94 (0.67)
Strikes	0.20 (0.23)	0.33 (0.50)	-0.13 (0.62)	0.08 (0.32)	0.60 (0.98)
Natural Disasters-logged	-0.64*** (0.11)	-0.17 (0.21)	-0.38 (0.33)	-0.96*** (0.17)	0.93 (0.80)
Technological Disasters-logged	0.11 (0.13)	-0.12 (0.28)	-0.12 (0.42)	0.29 (0.19)	-1.37 (0.99)
Average Majority Party %	-1.67 (2.47)	5.72 (5.69)	-9.09 (5.63)	-3.76 (3.31)	5.08 (11.99)
Administration Change	0.17 (0.24)	0.58 (0.49)	0.16 (0.54)	0.11 (0.34)	-2.50* (1.44)
Divided Government	-0.28 (0.23)	-0.37 (0.50)	-1.32** (0.62)	-0.03 (0.31)	-1.78 (1.54)
Constant	4.61*** (1.56)	-2.13 (3.74)	4.69 (3.48)	6.03*** (2.06)	-7.56 (8.79)
N	34	34	34	34	34
Log Likelihood	-82.39	-50.48	-24.78	-67.92	-11.88
Pseudo r ²	0.1784	0.1363	0.2991	0.1962	0.4615

*Standard errors in parentheses, Two tailed tests. *p<0.10, **p<0.05; ***p<0.01*

Organization and Scope, Pre-modern: I find that presidents issue more organizational orders when the economy worsens (see Table 6.8 Model 3). They issued 68.2% more orders for every unit increase in the inflation value. One example is when Grover Cleveland issued Proclamation 357 which called a special session of Congress. This was at the request of bankers who were fearful about the economy because of Panic of 1893 (*New York Times* 1893). Franklin Roosevelt issued a similar one, Proclamation 2038, which convened an extra session of Congress to begin solving the Great Depression crisis. Presidents also issued more organizational proclamations as the number of strikes increased. 52.7% more organizational proclamations were issued for every additional strike per congressional session. I believe this relationship is spurious. War did have a positive impact as expected but the result was not statistically significant.

Organization and Scope, Modern: In the modern period (Table 6.9 Model 3), presidents continued to issue more organizational proclamations as the economy worsen. They issued 211.8% more for every one unit increase in the inflation measure. Strikes have a negative effect but are not statistically significant. War has a positive effect but is not significant. Divided government has a negative effect and is significant. Presidents issued 73.4% fewer organizational proclamations during divided government which suggests that gridlock does have a constraining effect on these types of directives.

International, Pre-modern: As expected, presidents issued more international proclamations during wartime (see Table 6.8 Model 4). They issued 194.1% more during wartime. The only other statistically significant effect came from the

institutional variables. They issued more as Congress becomes stronger, which suggests that a strong Congress is probably in agreement with the proclamations that the president is issuing and may have required the president to issue them, especially if they are related to trade. 44% more are issued for every 7.8% increase in the Average Majority Party Percentage. Holding all other variables at their means, the number of predicted international proclamations increased from 4 proclamations per congressional session when the percentage is 47% to 19 proclamations per congressional session when the percentage is 80%. Presidents issued 65.9% fewer international proclamations during an Administration Change. Lastly, presidents issued 75.5% fewer during divided government.

International, Modern: In the modern period, war has a negative effect on the number of international proclamations issued but the result is not statistically significant. All three institutional variables are not significant. Divided government has the same negative effect while Average Majority Party Percentage and Administration Change had the opposite effect than they did in the pre-modern era. The only variable that had a significant effect was natural disasters. I find that presidents issued fewer international proclamations as the log of the number of people affected and killed by natural disasters increases. They issued 76.2% fewer international proclamations for every standard deviation increase in the log of natural disasters. This impact makes sense that a president would not issue many international proclamations to respond to natural disasters.

Domestic, Pre-modern: In Table 6.8 Model 5, four crises have a positive effect on the number of domestic proclamations that are issued. Presidents issued more of these types of proclamations during wartime, as the economy worsens, as the number of strikes increases, and as the number of people affected and killed by natural disasters increased. Presidents issued 167.4% more domestic orders during wartime. Woodrow Wilson issued many domestic proclamations during World War I when he placed food licenses on specific industries and set price on wheat and coal. 162.3% more orders for every one unit increase in the inflation variable. Some examples include Franklin Roosevelt's Bank Holiday proclamations and proclamations dealing with the coinage of silver. 117.4% more for each additional strike per congressional session. Many of the proclamations asking the public to cease and desist from participating in strikes that I mention in Chapter 3 were domestic proclamations. 66.2% more for every one unit increase in the log of people affected and killed by natural disasters. Franklin Roosevelt issued domestic proclamations asking the public to donate to the Red Cross to help other Americans suffering from the effects of natural disasters such as flooding. Riots and technological disasters also had positive effect but the results were not significant. Only one institutional variable has a significant effect. Presidents issues 84.6% more domestic proclamations for every 7.8% increase in the Average Majority Party Percentage. Holding all other variables at their means, the number of predicted domestic proclamations increased from 1 proclamation per congressional session when the percentage is 47% to 11 proclamations per congressional session when the percentage is 80%.

Domestic, Modern: In the modern era, I only found support for one crisis variable. Presidents issued more domestic proclamations as the economy worsens. I find that presidents issued 1,240.6% more domestic proclamations as the inflation measure increased by one unit. This result mirrors the result in the pre-modern era but has a greater effect in the modern era. Strikes and Natural Disasters have the same positive effect but are not statistically significant. War has a negative effect in the modern era but it is also not significant. One institutional variable has a significant effect on the dependent variable. Incoming presidents of the opposing political party issued 91.8% fewer domestic proclamations compared to other types of presidents. This variable has the same negative result in the pre-modern era but it is not significant.

Comparison across domains: In the pre-modern era, wartime has a significant positive effect on all significant proclamations (Table 6.8 Model 1).²⁵ Wartime also has a consistently positive effect across the four domains but is only statistically significant for international and domestic proclamations. This variable is also the one that has the strongest effect on those two domains which are the most dominant of the domains in the dataset. Natural disasters has a negative statistically significant effect overall but it differs depending on the domain. None of the results are significant in the four domains but they have different effects, they have a positive effect in domestic proclamations but a negative effect in the other three domains. Average Majority Party Percentage has a significant positive effect on all significant proclamations. It has the same positive effect across the four domains but is statistically significant for just domestic and international proclamations, like

²⁵ No presidential fixed effects.

wartime. Administration Change has a significant negative effect on all significant proclamations. Across the domains it is consistently negative but only significant for international proclamations. Divided government has a significant negative effect on all significant proclamations. The effect differs across domains. It has a significant negative effect on international proclamations, it has a positive effect on the other three domains and they are not significant.

In the modern era, inflation had a significant positive effect on the total number of significant proclamations issued (Table 6.9 Model 1). This variable is consistently positive across the four domains but only significant in organizational and domestic proclamations. It is also the crisis variable that has the strongest impact in those two domains. Natural disasters have a statistically significant negative effect on all significant proclamations. That effect differs across the four domains. It has a positive effect on domestic proclamations and a negative effect on sovereignty and organizational proclamations, which are not significant. It has a significant negative effect on international proclamations. In the next section, I test the effects of the crisis model on the four policy domains over the full 151 year timeframe.

Table 6.10 shows five models, Model 1 is the results for the total number of significant proclamations that I went into detail in Chapter 4. In Model 2, I find statistically significant results for four crisis variables. I find that presidents issued more *national sovereignty* proclamations during wartime, and fewer proclamations as the number of strikes and the number of people affected by natural and technological disasters increases. Presidents issued 277.1% more sovereignty proclamations during *wartime*. During the Civil War, Abraham Lincoln issued national sovereignty

proclamations such as Proclamation 81 which prohibited trade with the states in rebellion and the two Emancipation Proclamations mentioned in Chapter 3. They issued 48.7% fewer sovereignty proclamations for every additional *strike* and 54.9% and 44.9% fewer *national sovereignty* proclamations for every standard deviation increase in the log of people affected by *natural* and *technological disasters*, respectively. I also find positive statistically significant results for the three institutional variables. Presidents issued 172.3% more sovereignty proclamations for every 6.7% increases in the *average majority party percentage* in Congress. The substantive effect of this result is shown in Figure 6.6. Holding all other variables at their means, the number of predicted significant national sovereignty proclamations increased from 0.4 per congressional session when the percentage is 47% to about 56 orders per congressional session when the percentage is 80%. Lastly, 107% when there is a *partisan change* in the White House and 189.3% more during *divided government*.

Figure 6.6: Predicted Significant National Sovereignty Proclamations as the Average Majority Party Percentage Increases, 1861-2012

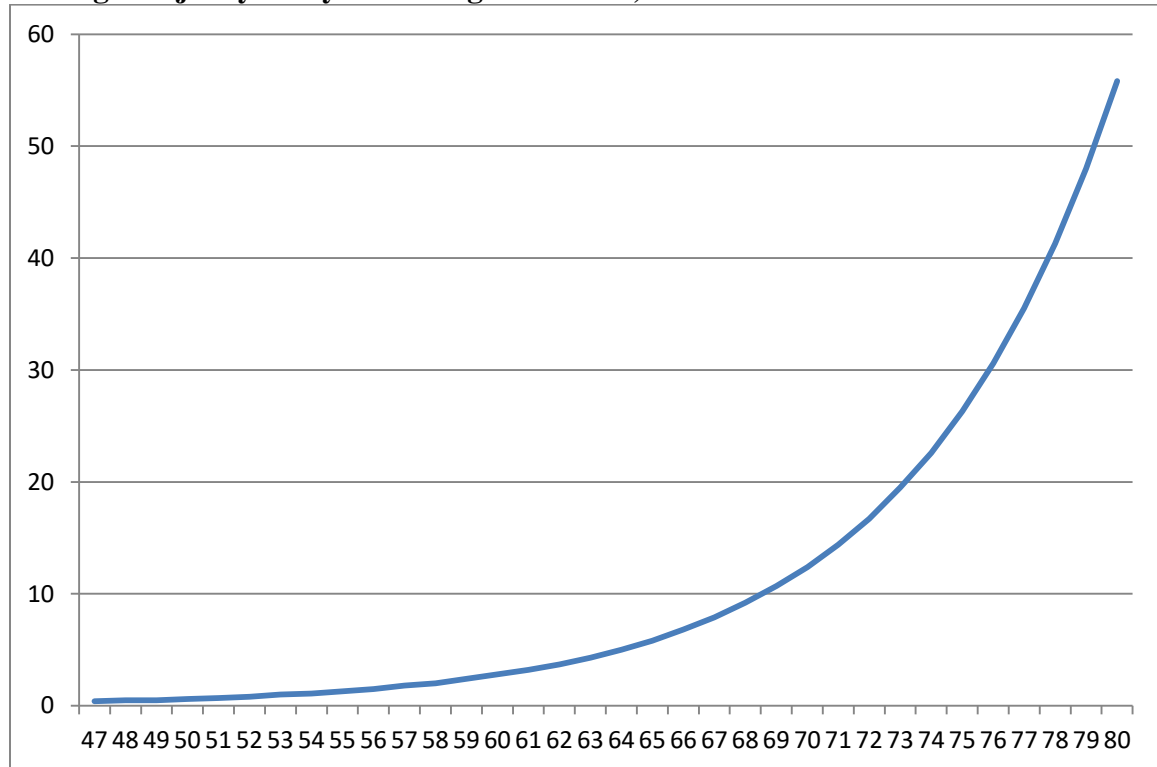


Table 6.10: Negative Binomial Regression of Crisis Model, Proclamations 1861-2012

Significant Proclamations (1861-2012)	Model 1	Model 2	Model 3	Model 4	Model 5
	Total	N.S.	O & S	International	Domestic
War	0.23 (0.24)	1.33*** (0.47)	-0.29 (0.50)	0.06 (0.34)	0.95** (0.47)
Inflation	0.36*** (0.11)	0.28 (0.20)	0.26 (0.24)	0.27* (0.15)	0.70*** (0.21)
Riots-logged	-0.09 (0.24)	-0.46 (0.49)	-1.01 (0.68)	0.16 (0.35)	0.31 (0.39)
Strikes	-0.30** (0.13)	-1.19*** (0.25)	0.40 (0.33)	-0.30 (0.19)	0.93*** (0.25)
Natural Disasters-logged	-0.25*** (0.07)	-0.41*** (0.12)	-0.44*** (0.16)	-0.19** (0.09)	0.24* (0.14)
Technological Disasters-logged	-0.16* (0.08)	-0.41*** (0.14)	-0.21 (0.17)	0.04 (0.12)	0.20 (0.21)
Average Majority Party %	3.38* (1.82)	15.05*** (4.08)	-2.44 (4.42)	3.45 (2.63)	4.92 (3.48)
Administration Change	-0.07 (0.18)	0.73** (0.32)	-0.71* (0.43)	-0.15 (0.26)	-0.45 (0.40)

Divided Government	-0.25 (0.25)	1.06** (0.48)	-0.37 (0.53)	-0.37 (0.39)	-0.50 (0.55)
Constant	-1.24 (1.64)	-20.46 (675.12)	3.65 (3.23)	-19.18 (5859.99)	-19.02 (927.38)
N	76	76	76	76	76
Log Likelihood	-189.55	-98.96	-65.54	-158.49	-62.88
Pseudo r ²	0.2638	0.3319	0.3741	0.2681	0.4462

Standard errors in parentheses, Presidential fixed effect included (not shown).
Two tailed tests. *p<0.10, **p<0.05; ***p<0.01

In Model 3, I find a statistically significant result for one crisis variable:

natural disasters. Presidents issued fewer organizational proclamations as the log of the number of people affected by natural disasters increased. They issued 56.8% fewer organizational proclamations for every standard deviation increase of the log of the number of people affected by natural disasters. I also find that presidents issued 51% fewer organizational proclamations when a *partisan change* has occurred in the White House.

In Model 4, I find statistically significant results for two crises variables:

Inflation and *Natural Disasters*. Presidents issued more *international* proclamations as the economy worsened but fewer when the log of the number of people affected by *natural disasters* increased. They issued 31.0% more proclamations for every one unit increase in the *inflation* measure. This result is similar to the spurious inflation result for international executive orders. Presidents issued 30.7% fewer *international* proclamations for every standard deviation increase in the log of the number of people affected by *natural disasters*.

In Model 5, I find statistically significant support for four crisis variables.

Presidents issued more domestic proclamations during *wartime*, when the *economy*

worsened, when the number of *strikes* increased, and when the number of people affected by *natural disasters* increased. They issued 159.4% more during *wartime*, 101.7% more for every unit increase in the *inflation* measure, 153.9% more for every additional *strike*, and 57.9% more for every standard deviation increase in the log of *natural disasters*. *War* had the strongest impact in determining the amount of domestic proclamations issued per congressional session.

I come to three takeaway points after comparing the results of significant proclamations across the four policy domains. First, I observe that the crisis model has the strongest impact on sovereignty and domestic proclamations than the other two domains. This is interesting especially since most proclamations fell under the international domain. Second, on a related note when the four domains are compared to all significant proclamations in Model 1 I see that the results of *national sovereignty* proclamations seem to be driving the total results. Third, like the significant executive order models I find that Natural Disasters has the same statistically significant effect in at least three domains. It has a negative effect on *National Sovereignty*, *Organizational*, and *International* proclamations but a positive effect on *Domestic* proclamations. This seems to suggest that presidents take advantage of natural disasters since they issued more domestic proclamations and domestic executive orders as I show in the previous chapter.

I noticed three similarities when comparing the results of the policy domains for significant executive orders in the previous chapter with the results of proclamations in this chapter. Presidents issued more international directives as the economy worsen. In both chapters I explain that I believe this result to be spurious

but it is interesting that the result is the same across the two tools. Lastly, war and natural disasters have the same positive effect on domestic directives. This result suggests that presidents will respond to war and natural disasters on the domestic front regardless of the tool. The only difference is what purposes they will use the tool. For example, they may use an executive order to create a commission to study the causes of a disaster or a proclamation to raise charitable contributions. Likewise on the war front, they may use an executive order to create a war council or counterterrorism center or issue a proclamation to regulate the production of energy resources pertinent to the war effort.

Conclusion

In this chapter, I examined the policy substance of each significant proclamation in my dataset. I coded each directive by policy subtopic, then by policy area and domain using a schema that borrows from Katznelson-Lapinski and Baumgartner-Jones. I presented basic descriptions on the types of policies that the two directives covered. Like significant executive orders I find that most significant proclamations fall under the domain of *International Affairs*. However, I find that within these domains presidents are using the two directives to make policy in different areas. Most *international* orders tend to focus on *defense* policy while most *international* proclamations focus on *foreign trade* policy. In the second half of the chapter I test to see how the crisis model affects the number of directives issued if the total number of directives is disaggregated by policy domain. I find that war has the strongest impact on international and domestic proclamations in the pre-modern

period and inflation has the strongest impact on domestic proclamations in the modern and organizational proclamations in both periods. War, continues to have a strong impact in the sovereignty and domestic proclamations when the eras are combined. The results in this chapter and the previous chapter show the importance of disaggregation specifically that one can learn more about presidential behavior when breaking down broad units into narrower policy domains. A scholar is able to see changes over time and see how that compares across domains and the total amount. Finally, using statistical analysis, a scholar is able to see what parts of a theory that attempt to explain how all observations works, fares when the total observations are disaggregated.

Chapter 7: Conclusion

In the previous chapters, I presented the crisis theory of unilateral action. I made the argument that presidents will issue unilateral directives as a preferred option when responding to crises and that this runs counter to previous theories that focus solely on the ability of the president to go around Congress when issuing these tools. History has shown that presidents have used their tools to respond to crises and I expect that they will continue to do so into the future.

In my theory, I expected that presidents would issue more directives when crises occurred. I specifically looked at the effect of two types of crises: major and minor. Major crises consisted of war and economic downturns while minor crises consisted of riots, strikes, natural disasters and technological disasters. I expected that the major crises would have more of an effect than the minor ones because they impacted the nation as a whole while the minor crises would impact a small segment or region of the nation.

To test this theory I ran statistical analyses on two datasets of significant executive orders and significant proclamations from 1861-2012. This dissertation is unique because I examined beyond the post-World War II modern period of executive orders as the literature has focused on primarily and has expanded it to cover part of the pre-modern period. It is also important because the dissertation also looks at proclamations which are seldom examined in the literature.

I find that war and economic downturns caused presidents to issue more significant executive orders over the 151 year time frame. In the same period, I find that economic downturns caused presidents to issue more significant proclamations.

Some minor crises such as: strikes, natural disasters, and technological disasters caused them to issue fewer proclamations.

I found similar results as the complete model when the full time frame was split into the two eras. For executive orders, wartime had a consistently positive effect across the two eras, while economic downturns only had a positive effect on the modern era. Minor crises had statistically significant effects in the two eras when they did not in the full model. Natural disasters and technological disasters had a strong positive effect in the modern period for significant executive orders. Economic downturns had the same positive effect in the pre-modern era as it did in the full time frame for significant proclamations.

In the last two chapters, I disaggregated my two datasets into policy subtopics, areas, and domains. I then tested my theory to see the effects it has on policy executive orders and proclamations. I found that most significant orders and proclamations covered international issues however; they tended to focus on different policies within the domain. Executive orders primarily covered defense issues and proclamations primarily covered foreign trade issues.

War and economic downturns continued to have strong effects even when the two dependent variables were disaggregated. War caused presidents to issue more international and domestic executive orders while economic downturns caused presidents to issue more organizational and international executive orders. Although war did not have a statistically significant impact on total proclamations it did have the effect on national sovereignty and domestic proclamations. A lackluster economy has similar effects on international and domestic proclamations.

Some minor crises caused presidents to issue more directives, but that was dependent on the domain. For example, natural disasters caused presidents to issue more domestic executive orders and proclamations while strikes caused them to issue more domestic proclamations.

Overall, my results mostly confirm what scholars have stated, that war and economic downturns cause presidents to expand their powers and this extends to their unilateral powers as well. Minor crises can have a positive impact as well but mostly when the directive is disaggregated by policy domain.

Limitations

This study is not without its limitations. First, my theory is strongest when explaining the usage of significant executive orders but does not have the same explanatory power for proclamations. In Chapter 4, I stated that it is quite possible that a different theory must be constructed about proclamations. Future scholars should examine this question.

The second limitation is the sparse data in the dataset of significant proclamations specifically in the modern era. This problem mostly manifests itself in Chapter 6 where I had trouble running the analyses for the four proclamation domains in the modern period. Some of the dependent variables were in the low single digits and contained little variation. One solution to this problem would be to expand this dataset to include all non-ceremonial proclamations rather than just significant proclamations mentioned in *The New York Times*. This may also allow me to confirm

whether the crisis theory performs on the modern era for proclamations in Chapter 4 where I find no evidence that the theory had any effect on this period.

Future Research

There are many directions that scholars can take with this research going forward. First, the effect of wartime should be examined more closely. Presidents issued 126.8% more significant orders, 114.8% more international orders, 163.6% more domestic orders, 277.1% more sovereignty proclamations, and 159.4% more domestic proclamations during wartime. In most of these cases, war was the variable with the largest effect in the models. The United States will go to war again in the future. As a result, we should expect that presidents will issue more executive orders and specific policy types of executive orders and proclamations. What other questions should scholars ask besides the amount of directives that are issued during war? Here are just a few: what types of orders and proclamations are issued during wartime? Are they mostly war related, are presidents issuing directives that are unrelated to the war effort, and finally what happens after the war is over? Does the increased usage immediately decrease to a stable level or does it take a while to stabilize?

Scholars should also examine questions outside of the crisis theory. My theory also contained Howell's original unilateral politics model. Specifically, I find strong support that incoming presidents that represent and administration change tend to issue more significant executive orders throughout the full time frame and more significant proclamations in the modern period. This is an aspect of unilateral theory that is seldom examined. We know that presidents tend to use their tools to overturn

directives and programs that their predecessors did but there are some questions that still need to be addressed. First, what type of executive orders and proclamations are being issued and how many of their predecessor's directives are being overturned? What are the long term consequences of this partisan change? Are presidents successful in overturning directives? In other words, issuing the directive to revoke another is the easy part, but does the policy actually change once this happens or does the rule making or legal process stop it in its tracks?

One of the interesting results I found when examining significant proclamations is that presidents issued more of them when Congress becomes stronger. This relationship between a strong Congress and proclamation usage should also be examined closely. Howell suggests that presidents issue fewer directives (executive orders in his analysis) when Congress gets stronger because they are fearful that the legislative branch will overturn those orders. My results for proclamations show the opposite, that they issued more proclamations when Congress became stronger. Prior research shows that Presidents issued more statute-based and constituency-based proclamations when Congress becomes stronger (Bailey and Rottinghaus 2014; Belco and Rottinghaus 2017; Rottinghaus and Warber 2015). I suspect that most of the significant proclamations in the dataset are statute-based which would explain the result. Future research should examine the authority cited in each significant proclamation to see if this claim is accurate.

Lastly, as I mentioned in Chapter 1, there are additional tools besides executive orders and proclamations. Many of them have been in existence since the mid-20th Century. One directive that has started to gain more attention lately is

presidential memoranda. Presidential memoranda have been described as “executive orders by another name and yet unique” (Cooper 2002, 81). In a recent article, Kenneth Lowande defined the tool as “a class of presidential actions that contains orders to administrators and is not subject to the statutory reporting requirements of executive orders and proclamations” (Lowande 2014, 725). Lowande finds that the number of memos has increased over time as the number of executive orders has decreased. He also finds that fewer are issued during divided government. Future research should examine the effects that my theory has on memoranda and other directives.

The Crisis Next Time

In his book *Raven Rock: The Story of the U.S. Government's Secret Plan to Save Itself - - While the Rest of Us Die*, journalist Garrett Graff documents how the federal government plans to act in the event of a doomsday scenario. Many of the plans that Graff reveals were put in place during the height of the Cold War and continue to the present day. One aspect of his book that is relevant to this dissertation is the role of unilateral directives. Graff reveals that presidents have prewritten executive orders to continue the functions of the government in case of a catastrophic crisis. Dwight Eisenhower prewrote some orders that would “create an all-new structure for wartime government, rebuilt around nine departments and agencies” (Graff 2017, 92). As of 2001, there were at least 48 known prewritten executive orders and other directives in case of a crisis.

Not only are there prewritten directives but there are also directives that were issued and published that would address how the government would respond in certain situations, some of which were in my significant executive order dataset. Eisenhower issued Executive Order 1660 in 1956 which established the National Defense Executive Reserve. The Reserve's role would be to train over 1,800 private sector leaders and executives to take over roles in the government just in case they are needed. Recently, Barack Obama issued Executive Order 13527 which gave the U.S. Postal Service the role to deliver antibiotics to people affected by a biological weapons attack since the postal service has "the capacity for rapid residential delivery" (Graff 2017, 388).

All of these examples of pre-written and published directives in the event of a catastrophe may sound scary to some, but they are emblematic of the "energy" that Hamilton spoke about being an important characteristic of "good government" (Hamilton et. al. 2003). It is good that the executive is preparing the government and nation just in case the worst happens. And if it does we know from history to the present day that the president will use their unilateral directives to respond to the crisis.

William Howell concluded in his book *Power Without Persuasion* that "the powers of unilateral action are fundamentally defined by the institutional constraints that Congress and the Courts place upon presidents" (Howell 2003, 187). I have argued in this dissertation that crises should fundamentally define unilateral action just as much as institutional constraints and in some cases like war and economic

downturns they will exceed the effect of institutions. I believe that this will continue to be the case in the foreseeable future.

Appendices

Appendix A: A Supplemental History of Significant Executive Orders and Proclamations, 1861-2012

In the following pages, I give a historical account of the significant executive orders and proclamations from my datasets. In these accounts, I will be focusing on the years in which presidents issued more of these types of directives and will only focus on the non-crisis related ones. Figures 4.1 and 4.2, and Tables 4.1 and 4.2 contain the data I reference in this history.²⁶

Significant Executive Orders

Abraham Lincoln issued the first significant executive order in this dataset on October 20, 1862.²⁷ Presidents issued very few significant executive orders in the late 19th Century. Presidents issued 25 orders, an average of 3 per president, from Lincoln to Grover Cleveland's second nonconsecutive term. Lincoln's significant orders were rare unlike the amount of significant proclamations that he issued which will be addressed in the next section.

Before and after Congress enacted the Pendleton Act, presidents issued a number of significant orders dealing with the civil service. Ulysses Grant issued one in January 1873 prohibiting federal employees from holding political positions in state or local government. Rutherford Hayes followed suit in June of 1877 by not requiring federal employees "to take part in the management of political organizations, caucuses, conventions, or election campaigns" (Hayes 1877). In his

²⁶ See Chapter 3 of the dissertation for a crisis history of significant unilateral directives.

²⁷ Read more about Executive Order 1 in Chapter 3.

first term, Grover Cleveland issued an order, which forbid federal employees from using “their official positions in attempts to control political movements in their localities” (Cleveland 1886).

William McKinley’s presidency is notable because he issued 10 significant orders during his time in office. However, the rate at which he issued them is very similar to how his predecessors did but more consistent. Whatever trend McKinley may or may not have started dwarfs in comparison to the amount that Theodore Roosevelt issued. Roosevelt issued 40 significant orders an increase of 300% from McKinley. This finding is similar to what Dodds (2013) finds in his book when he compares the total number of executive orders issued by each president. Dodds states that Theodore Roosevelt is the first president to issue many more executive orders especially those considered controversial and significant. Not only that but Dodds argues that Roosevelt starts an upward trend of presidents who are unilateral going all the way through Franklin Roosevelt. This ultimately leads to Dodds calling Theodore Roosevelt the first modern president when it comes to executive orders.

Dodds finds that there is a noticeable increase in the number of executive orders that presidents issued beginning in 1905. 1905 is the first year of Theodore Roosevelt’s second term in which he won election to the presidency in his own right. Dodds shows that Roosevelt issued significantly more orders during this term compared to his first term. This quote by Theodore Roosevelt before his inauguration is emblematic of why Roosevelt took a stronger unilateral approach during his second term: “Tomorrow I shall come into my office in my own right. Then watch out for me” (Riccards and Burns 1995, 2:16). Roosevelt felt constrained in his role as

president and in probably his executive order usage because he was serving out McKinley's unfinished second term. Roosevelt put his stewardship theory to work, after being elected in his "own right", by using his orders to tackle the problems of the country and the government (Dodds 2013).

Theodore Roosevelt to Franklin Roosevelt

From 1905 up until the early 1940s, there was a gradual increase in the number of significant orders issued, with a number of spikes in notable years. The data shows that 1905 stood out in comparison to previous years. In 1905, Roosevelt created four reservations for the protection of birds in breeding season: Stump Lake, Passage Key, Siskiwit Islands, and Huron Islands. 1909 is another year that stands out in the first decade of the 20th Century. This is the year in which William Taft, Roosevelt's chosen successor comes into office. One would think that most of the 11 orders issued that year were his, however Taft only issued two and Roosevelt issued the rest. In this year, Roosevelt issued seven more orders creating bird reservations: Bering Sea, Tuxedmi, Saint Lazaria, Culebra, Farallon, Pribilot, and Bogoslot. These 11 bird reservations including the four created in 1905 make up the 51 that Roosevelt created during his tenure in office (Dodds 2013; Gould 2009). Roosevelt also issued Executive Order 1010 in 1909, which created a Council of Fine Arts. The council consisted of architects, artists, painters, and sculptors whose job it was to receive buildings and statue plans from executive branch heads and to give expert advice on the best ways to construct these projects. Congress was upset about its creation because they had not given the president the authority to create the council. However,

the artistic professionals chosen to be on the council lacked the “opportunity to accomplish anything” because Taft abolished it when he issued Executive Order 1074, four months after the council was established (*New York Times* 1909a, 1909b).

1913 and 1914, stand out as the next couple of years with high levels of significant orders after 1909. These years marked Woodrow Wilson’s first two years in office. Wilson was the first Democrat in the White House in 17 years. Some of his orders in his first year were used to change course especially since the party in power had switched. One notable example is Wilson’s issuance of Executive Order 1776 which amended Executive Order 983 issued by Roosevelt and Executive Order 1624 issued by Taft. On November 30, 1908, Theodore Roosevelt issued Executive Order 983 which placed 15,000 fourth class postmasters in the civil service which was 30% of the postmasters in that grade. This action was considered “an effective attack upon the last stronghold of the spoils system” (*New York Times* 1908). Taft built upon Roosevelt’s order on October 15, 1912 by issuing Executive Orders 1624 which put all fourth class postmasters in the civil service. Like Roosevelt, this was Taft’s way to protect certain government workers from “the influence of politics” (*New York Times* 1912). Woodrow Wilson issued Executive Order 1776 on May 7, 1913, which required that all fourth class postmasters take the civil service exam to determine whether they were fit for office. Elites considered this act a big deal because previously Taft had placed the postmasters in the classified service without having to take the exam. This in effect barred Democratic postmasters from being appointed to the class. Wilson’s order affected around 38,000 postmasters (*New York Times* 1913).

Wilson was also more unilaterally active in two consequential years, 1917 and 1918 which coincided with America's official entry and involvement in World War I. Wilson issued 20 in 1917 and 22 in 1918 the highest up to that date.²⁸

After 1917 and 1918, presidents including Wilson in his last two years issued fewer significant orders. The levels are similar to the amounts issued during Theodore Roosevelt's second term and Taft's term. This level of activity continues until 1932 the fourth and last year of Herbert Hoover's presidency. 1932 would have been a normal year as it relates to previous years but this changed when in December a month after he lost reelection Hoover issued 11 significant orders reorganizing various executive agencies. Congress had given him the authority to reorganize the government through executive orders. However, there was a catch; Congress ultimately had the legislative veto, which gave them 60 days to decide whether these orders would take effect. On December 9, 1932, Hoover delivered a special address to Congress where he laid out his 11 reorganization orders which dealt with the following areas: accounting and efficiency; weather, oil, screw thread; aeronautics; employee's compensation; education, health, and recreation; land utilization; public works; merchant marine; border patrol; veteran's defense in court cases; and the duties of the Alien Property Custodian. Congress, which was under the control of the Democrats at the time, rejected Hoover's orders (Dodds 2013).

The data show that the president issued the most significant executive orders, 87, in 1933, which was the first year of Franklin D. Roosevelt's presidency. Hoover issued one of the 87 orders while Roosevelt issued the rest. Roosevelt issued his first

²⁸ See Chapter 3 for more information on how Wilson used his executive orders during these two years.

significant order, Executive Order 6073, on March 10, 1933. This order established regulations for banks to reopen after Roosevelt had closed them for four days through Proclamation 2039 also known as the Bank Holiday Proclamation. This order and proclamation was one of the many steps that Roosevelt took to address the Great Depression.²⁹

After 1933, Roosevelt issued many significant orders in 1934 and 1935 although lower than the levels of 1933 but much higher compared to the earlier years in this dataset. Roosevelt returned to 1920 levels of activism from 1936 to 1939. After this time, there is a spike in the number of orders issued in 1941. 1941 is the year that the United States formally entered into World War II and is the year in this dataset where the second highest number of orders was issued. America entered after the attack by the Japanese at Pearl Harbor on December 7, 1941. Roosevelt issued many orders leading up to the attack many of which related to defense areas.³⁰

The Post-World War II Years

There is a gradual decline in the number of orders issued from 1942 to the end of this dataset in 2012. However, there are some notable spikes in unilateral activity in this period. In 1945, presidents issued 41 significant orders, three by Roosevelt before he died and 38 by his successor Harry Truman.

After the United States and the allies won World War II, they created the International Military Tribunal to try war criminals. This tribunal consisted of members from each of the Allied nations. Truman issued an order in May of 1945

²⁹ See Chapter 3 for more information on how Roosevelt used his executive orders during the Depression years.

³⁰ See Chapter 3 for more information.

appointing Supreme Court Justice Robert Jackson as the Chief Counsel and in September, he appointed former Attorney General Francis Biddle as a judge of the tribunal (*New York Times* 1945; Wood 1945).

One of his last orders of 1946 was Executive Order 9808, which created the President's Committee on Civil Rights. Truman wanted the committee to bring him recommendations on how the federal government could help prevent racial discrimination within the country. This committee gave him recommendations in a report titled "To Secure These Rights" two years later during his presidential election. One of these recommendations was to integrate the military, which Truman did by Executive Order 9981 (McMahon 2003).

Unilateral activity declined in the late 1940s and all through the 1950s. The next uptick occurred in 1962, the second year of John F. Kennedy's presidency. Kennedy issued 39 significant orders that year. Many of his executive orders dealt with minor crises such as labor disputes and civil rights issues.³¹ In November, Kennedy issued Executive Order 11063, which outlawed discrimination in housing funded by the federal government (Morris 1962).

Another period of low unilateral activity occurred for the rest of the 1960s and through the 1970s. 1981 is the next noticeable spike. This was the first year of Ronald Reagan's presidency. A total of 29 orders were issued although not all by Reagan. Carter issued 12 of these orders in his last days in office, which dealt with the Iranian Hostage Crisis.³²

³¹ See Chapter 3 for more information.

³² See Chapter 3 for more information.

Reagan's orders in his first year mostly fell in line with his political philosophy of advocating for a smaller government. He signed executive orders ending the wage and price regulatory program and the price controls on oil and gas production. He also issued orders reducing regulations in the government as well as on exported goods. Reagan issued other orders to set a tone for the new administration that would make it distinctive from the Carter administration. In March 1981, he issued Executive Order 12301, which established a council on Integrity and Efficiency. The council's role was to develop antifraud efforts and to train auditors and investigators. This was in response to what the Reagan administration felt was a weak approach by the Carter Administration on waste, fraud, and abuse (Clines 1981). Reagan also issued Executive Order 12305, which abolished 13 federal advisory committees. Carter established these committees; he charged them with finding potential nominees to the federal appellate bench. Reagan abolished these commissions because he believed that the committees did not depoliticize the process or improve the quality of the nominees (Taylor 1981). Reagan also established the National Commission on Social Security Reform, which consisted of 15 bipartisan members. The president charged the commission with finding solutions on how to make the social welfare program solvent for the future (Cowan 1982).

The final two years that I highlight are similar to 1981 in that they mark the first year of a new president's term that was also from the opposing party of their predecessor. The first is 1993, which was the first year of Bill Clinton's presidency. Clinton issued 16 significant orders. Clinton starts his presidency by issuing

Executive Order 12834, which placed “strict ethical standards” on executive branch appointees (Friedman 1993, A1). The remainder of his significant orders issued in his first year dealt with two overarching issues: the budget and the environment. Clinton trying to show he could run a fiscally sound government issued executive orders to control the budget deficit. In August, he issued Executive Order 12858, which essentially created a fund to reduce the deficit. This order stated that all new taxes that were collected would be used primarily to reduce the budget deficit (Apple 1993). Clinton’s environmental orders were used in a way to lead by example. For example, he issued Executive Order 12843 to reduce the federal government’s usage of substances that assist in breaking down the ozone layer. He also signed orders that required government workers to use energy efficient equipment and to use governmental vehicles that were fueled with alternative energy sources. Lastly, he issued Executive Order 12873 in October 1993, which restricted government employees to only using paper that is at least 20% recycled fiber (Holusha 1993).

Unilateral activity after 1993 returned to the low levels seen in the 1980s. This pattern remained until 2001, the first year of the presidency of George W. Bush. Bush issued 19 significant orders in that year. In the first few days of his administration, Bush issued two orders that have become synonymous with him. One order created the Office of Faith-Based and Community Initiatives. The other began to remove certain regulatory barriers that prevented churches and religious non-profits from working with the government to help provide services to the needy (Milkis and Nelson 2012; *New York Times* 2001). He also created two emergency boards to help prevent strikes against two airlines: Northwest and United (*New York Times* 2002;

Zuckerman 2001). Bush's agenda changed after the terrorist attacks on September 11, 2001.³³

The remaining 11 years of the dataset, which cover the rest of Bush's presidency and the first term of Barack Obama, look very similar to the pattern in the 1980s and 1990s. Barack Obama issued the last order in this dataset on May 10, 2012. This order titled "Identifying and Reducing Regulatory Burdens"; its task was to require that regulations currently on the books go under review to determine if their benefits outweighed their costs (Urbina 2012).

Significant Proclamations

Presidents in the late 19th Century issued few significant proclamations. However, presidents were much more active with proclamations during this period than they were with significant executive orders. In the previous section on significant executive orders I mentioned that presidents from Lincoln to Cleveland (second term) issued 25 total significant orders an average of three orders per president. In this same period, these presidents issued 144 significant proclamations an average of 18 proclamations per president. In fact, when the reader compares the total number of significant executive orders and proclamations by presidents they will see that every president from Lincoln to McKinley issued more proclamations than they did executive orders.³⁴ Every president after Theodore Roosevelt, with two minor exceptions, issued more significant executive orders than proclamations.³⁵

³³ See Chapter 3 for more information.

³⁴ See Tables 4.1 and 4.2

³⁵ Taft issued many more proclamations than orders and Wilson issued more proclamations but only by a factor of one (89 proclamations to 88 executive orders).

This leads to an interesting question, why did presidents issue more proclamations in the late 19th Century but more executive orders in the 20th Century. John Contrubis (1999) suggests that presidents issued fewer executive orders in the 19th Century because the tool was used to supplement acts enacted by Congress. Presidents issued executive orders more often once Theodore Roosevelt became president and the office of the president became the more dominant branch. However, this does not explain why presidents used proclamations. I suspect that it has a lot to do with the long tradition of using proclamations to make policy going back to Britain (Aufrecht 1943). I think proclamations were the go to directive until the turn of the 20th century when executive orders started to supplant them. Throughout the 20th Century, the tool gradually became more ceremonial in nature to a point that we only associate it with being a ceremonial tool.

Abraham Lincoln issued the first significant proclamation in this dataset on April 15, 1861.³⁶ Most of Lincoln's proclamations were in response to the Civil War.³⁷ After 1865, the number of significant proclamations declines to a lower level than the amount issued in the Civil War years. The next time that pattern emerges is during the eight year period of 1889-1896 when Benjamin Harrison and Grover Cleveland were in office. During this eight-year period, these two presidents used their significant proclamations on issues ranging from conservation to tariff laws and from neutrality to polygamy in the Mormon community.

Benjamin Harrison issued Proclamation 287 on March 21, 1889, which prohibited the hunting of fur-bearing animals such as otters and fur seals, in the

³⁶ See Chapter 3 for more information on Proclamation 80.

³⁷ See Chapter 3 for more information.

Bering Sea and the territory of Alaska (*New York Times* 1889a). During this time hunters pursued fur-bearing animals especially fur seals for their fur. As a result, of over fishing, the fur-bearing animal population declined to a level that was unsustainable especially for the fur economy (Cunningham 2016). In order to help conserve this animal population, Harrison took action by issuing the above proclamation making him the first president who made an effort to protect a specific species of animal. Harrison's proclamation specifically was a warning to persons from going to the area and running the risk of violating the law. It stated that if authorities caught a person(s) in the Bering Sea/Alaska region then those suspects would face prison time or be required to pay a fine. The law that Harrison's proclamation derived its authority stated that a person found in violation of the law would have to pay a fine between \$200-1,000 (\$5,419-27,092 in 2016 dollars). After its issuance in 1889, presidents reissued similar proclamations every year in this eight-year period however William McKinley does not issue one in 1897 and every president since has followed suit.³⁸

During this time of heightened proclamation, presidents also issued a few proclamations to help settle domestic disturbances in the country.³⁹ Also during this period, presidents used seven proclamations to open lands for settling in territories and states such as Oklahoma and South Dakota. In many cases, legislation provided for the opening of the lands and the president issued the proclamation to announce it (*New York Times* 1889b). Presidents issued proclamations announcing the admission

³⁸ Of the significant proclamations that I found, there were one issued per year with the exception of 1892 and 1893, however when examining the total number of proclamations, I find that proclamations were issued during these years on this subject.

³⁹ See Chapter 3 for more information.

of North Dakota, South Dakota, Montana and Utah in the Union.⁴⁰ Presidents also issued proclamations during this period to modify tariff laws. On October 1, 1890, the McKinley Tariff became law; named after Representative William McKinley the same person elected president six years later. The law increased the protective tariff rate to 50%. The law also gave the president the power to raise duties/rates in order to match tariff raises in other countries and to sign agreements with other countries all without approval from Congress (History, Art & Archives, U.S. House of Representatives n.d.). Benjamin Harrison took advantage of this law by entering into reciprocity agreement with Brazil and by modifying the tariff laws of Cuba, Puerto Rico, Salvador, Germany, Columbia, Haiti, Venezuela, Honduras, and Austria-Hungary.

The next year that saw a large increase in the number of proclamations was 1897. This year is notable because it is the first of President William McKinley's administration. During this year, the two presidents who served issued 17 significant non-ceremonial proclamations which was the largest since the beginning of the dataset. Ironically, McKinley the incoming president issued only three of them. Grover Cleveland issued 14 in the last few weeks of his administration.

On February 22, 1897, the 165th anniversary of George Washington's birthday, President Cleveland issued 13 proclamations setting aside 21,379,840 acres of land to become forest reserves. This act made up 84% of what he set aside in his entire second nonconsecutive term in office.⁴¹ Interior Secretary David Francis and a National Academy of Sciences forestry commission recommended Cleveland to set

⁴⁰ Presidents also admitted by proclamation the states of Wyoming, Idaho, and Washington but they were not found in my search for significant proclamations.

⁴¹ Cleveland set aside 23 million from 1893-1897.

aside these new reserves also known as “Washington’s Birthday Reserves” by (Ellis 2015; *New York Times* 1897b).

Cleveland issued his final significant proclamation two days later. This proclamation set March 4, 1897 at noon as the date and time to convene a special session of the U.S. Senate. The Senate was called to session early because the “public interests require” it (Cleveland 1897). Specifically Cleveland wanted the Senate “to receive such nominations as may be made by the Executive” (*New York Times* 1897a). This proclamation allowed for Cleveland’s successor, William McKinley, to hit the ground running by getting his cabinet confirmed at the beginning of his administration instead of waiting for the full 55th Congress to convene on March 15, 1897.⁴²

After 1897, there is a precipitous drop in the number of issued significant proclamations. Most importantly there is no noticeable shift during Theodore Roosevelt’s tenure like there was in the significant executive order data. In fact, Roosevelt did not issue any significant proclamations in 1905 the year in which the shift in the number of executive orders occurred.

The next two years that saw noticeable increases were the years 1909 and 1910. 1909 is notable because it is the first year of President Taft’s administration. Upon further observation, 1909 looks very similar to 1897; Taft the incoming president issued fewer proclamations than Theodore Roosevelt did, who was the outgoing president. Like Grover Cleveland in 1897, Roosevelt issued 13 proclamations establishing 4,980,736 acres of national forests. Roosevelt also issued a proclamation

⁴² McKinley was able to nominate eight cabinet officials during the special session. The Senate confirmed all eight. (*Congressional Record* 1897).

convening the Senate to a special session on March 4, 1909 at noon in order “to consider President Taft’s nominations” (*New York Times* 1909c; Roosevelt 1909).⁴³ 1910 is the year when Taft issued 58 significant proclamations which is the highest amount in the dataset.⁴⁴ Woodrow Wilson issued 10, 24, and 29 proclamations in 1914, 1917, and 1918 respectively, when he declared the United States’ neutrality in World War II and in response to the United States’ entry into the war.⁴⁵

Following 1918, the number of significant proclamations declined to a level similar to the first decade of the 20th Century. Two years, 1924 and 1929, stand out for the most issued in the 1920s. In both years most of the proclamations dealt with the embargoing of arms and the lifting of tariff duties on specific products and chemicals. There were three incidents when presidents issued proclamations to bar citizens in Central and South American countries from obtaining U.S. arms.

In January 1924, Calvin Coolidge issued Proclamation 1683, which placed an embargo on the shipment of arms and ammunitions of war from the United States to Mexico. Coolidge aimed this action at the de la Huerta revolutionary faction, who was trying to buy guns in the US to fight against the Mexican government led by Alvaro Obregon. Punishment for violating the embargo resulted in a fine of no more than \$10,000 (\$136,946 in 2016 dollars) or a prison sentence no longer than 2 years (*New York Times* 1924e). In July 1929, after the suppression of the Mexican revolution, President Herbert Hoover issued Proclamation 1885, which revoked Coolidge’s Proclamation 1683 at the request of the Mexican government (*New York*

⁴³ Taft nominated 15 cabinet officials during this session, 14 of which were confirmed by the Senate (*Congressional Record* 1909).

⁴⁴ See Chapter 4 for more information.

⁴⁵ See Chapter 3 for more information.

Times 1929b). Coolidge issued two additional proclamations in March and May 1924 placing arms embargoes on rebels in Honduras and Cuba, respectively. In both cases, Coolidge's authority to issue the proclamations originated from a joint resolution enacted on January 31, 1922 (*New York Times* 1924a, 1924b).

Coolidge raised the tariff rates on wheat and wheat products, barium dioxide a compound used to make hydrogen peroxide, and oxalic acid a compound used in laundries and "the dyeing and printing of textiles" (*New York Times* 1924d, 1924e, 1924f, 3). Coolidge's authority to issue the directives originated from the 1922 Fordney-McCumber Tariff Act. Coolidge continued to do this in 1929 when he issued Proclamation 1869, which raised the tariffs on frozen eggs (*New York Times* 1929a). When President Hoover came into office, he issued proclamations raising the tariff rates on window glass, flaxseed, milk and cream, and linseed oil.

The year 1933 saw a noticeable increase in the number of significant proclamations issued but it is not as big as an effect like the number of executive orders. In other words, the Great Depression years and Franklin Roosevelt's entry into office does not have an extraordinary impact. On top of the many orders and proclamations issued related to the economic crisis, Roosevelt also issued proclamations to adjust tariffs and place arms embargoes on other countries like his Republican predecessors.

In December 1933, Roosevelt issued Proclamation 2067 which monetized newly minted silver and set the price of silver to 64 ½ cents per ounce (\$12.15 in 2016 dollars). Half of the monetized silver was required to be coined while the other half would be deposited in the U.S. Treasury. This move ratified the Silver

Agreement, which was unanimously adopted by 66 nations and negotiated at the London Economic Conference. Proponents of the agreement believed that it would open new markets for the U.S. to export its products (*New York Times* 1933).

Silver became an important issue in additional proclamations during this period. In 1934, Roosevelt issued a proclamation nationalizing silver, which required that all silver be turned into the mints within a 90-day period. This was the “final step in the government’s policy of concentrating within its physical control all the metallic monetary base, both gold and silver”. The proclamation was also issued to stabilize “domestic prices, to protect our foreign currencies and to promote the objectives of the proclamation of the 21st Day of December, 1933, relating to the coinage of silver”. The government expected to acquire \$2 billion (\$37.7 billion in 2016 dollars) in silver (*New York Times* 1934).

Subsequent silver proclamations dealt with setting the price for an ounce of silver and more importantly setting the rate that the government will pay per ounce versus how much they keep. For example in 1935, the federal government set the price of an ounce of silver to \$1.29 (\$22.93 in 2016 dollars). The government would charge a person that price minus the seigniorage, which is the percentage of the price that the government keeps. In April 1935, Roosevelt issued a proclamation that lowered the percentage of the silver that they keep from 50% to 45% of the price, which in effect raised how much the government paid a person from 64.64 cents to 71 cents an ounce (\$11.49 to \$12.62 in 2016 dollars). This action conformed to the Silver Purchase Act of 1934 (*New York Times* 1935b).

Later that same month the seigniorage was lowered again so that the price increased from 71 to 77.57 cents an ounce (\$12.62 to \$13.79 in 2016 dollars), this was in response to other countries who had also raised their prices (*New York Times* 1935a). Finally, at the end of 1937, Roosevelt issued a proclamation that raised the seigniorage back to 50% as it had been in April 1935, which reset the payment price to be 64.64 cents an ounce (\$10.98 in 2016 dollars). The issuance of the proclamation also happened simultaneously with the expiration of the original silver proclamation of December 1933 (*New York Times* 1938).

The next spike in the number of proclamations occurred in the years 1939-1941 around the time of the U.S.'s mobilization and entry into World War II.⁴⁶ After 1941, there is a sharp decline and the next uptick in proclamations occurs in 1947. Most of the proclamations dealt with trade with other countries, import quotas, or tariffs on specific products. One example in particular was quite interesting. In June 1947, Harry Truman issued a proclamation that ended duty free importation of lumber and lumber products on August 15, 1947. This directive superseded Proclamation 2708 issued on October 25, 1946, which made lumber importation duty free. Truman did this because he declared that a national housing emergency existed. He stated that World War II and a long housing shortage put together had created "an unprecedented emergency shortage of housing" which specifically affected World War II veterans (*New York Times* 1946, 1947).

There is a steady decline after 1947 and a slight increase in 1959 and then again in 1962. In 1959, Eisenhower issued proclamations mostly dealing with the importation of products such as oil, wool, rye, and steel (Belair 1959; Koshetz 1959;

⁴⁶ See Chapter 3 for more information.

New York Times 1959a, 1959b, 1959c). The year 1959 also saw the addition of Alaska and Hawaii, the last two states, into the Union. Eisenhower issued two proclamations, one for each state, to officially grant them statehood. Each proclamation recognized that the requirements of statehood had been met: vote in Congress, affirmation by the voters of the prospective state, and finally “the certification of the election of her state and national officers”. Alaska and Hawaii became states in January and August, respectively. The United States flag that Americans have come to know today with 50 stars was also unveiled when Hawaii became a state (Lawrence 1959; Mooney 1959).

1962 was a year of multiple crises domestically as well as abroad, specifically dealing with civil rights in the South and missiles in Cuba. President Kennedy issued nine proclamations in that year.⁴⁷ After 1962, the last year that stands out is 1978. This is the only year in the postwar timeframe that noticeably stands out. Jimmy Carter issued 20 proclamations in this year, 17 of which dealt with the establishment of national monuments. After congressional inaction on legislation that would have protected Alaskan land “from various forms of intrusion, ranging from mining and lumbering to ‘sport hunting’ and real estate speculation”, President Jimmy Carter used his proclamation tool to set aside 17 forests as national monuments (Oakes 1978). In total, Carter set aside 95 million acres of Alaskan land, which was close to the 100 million that Congress was unable to set aside through legislation. Carter also issued two proclamations raising tariffs on sugar and encouraging the importation of sugar to the United States by countries who had supported the International Sugar Agreement (Farnsworth 1978; Hammer 1978; *New York Times* 1978).

⁴⁷ See Chapter 3 for more information.

After 1978, the number of significant proclamations drops precipitously to a low not seen since the period of 1875-1884. From 1979 to 2012, the last year in the study an average of one significant proclamation was issued per year. Barack Obama issued the last significant proclamation in the dataset on October 23, 2009. The proclamation declared a national emergency because of the swine flu pandemic.⁴⁸

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Appendix B: Coding of Significant Executive Orders and Proclamations

Below is a list of the four policy domains and their respective policy areas.

This is followed by a breakdown of each policy area into all the policy subtopics that were used to code the significant directives in this dissertation. Each subtopic includes a description of the examples from the codebook plus additional examples that I included which are in italics.

National Sovereignty

- 2. Civil Rights, Minority Issues, and Civil Liberties
- 9. Immigration
- 21. Public Lands and Water Management

Organization and Scope

- 20. Government Operations

International Affairs

- 16. Defense
- 18. Foreign Trade
- 19. International Affairs and Foreign Aid

Domestic Affairs

- 1. Macroeconomics
- 3. Health
- 4. Agriculture
- 5. Labor, Employment, and Immigration
- 6. Education
- 7. Environment
- 8. Energy
- 10. Transportation
- 12. Law, Crime, and Family Issues
- 13. Social Welfare
- 14. Community Development and Housing Issues
- 15. Banking, Finance, and Domestic Commerce
- 17. Space, Science, Technology, and Communications

National Sovereignty

2. Civil Rights, Minority Issues, and Civil Liberties

200: General (includes combinations of multiple subtopics)

Examples: “Civil Rights Commission appropriations, civil rights violations, Civil Rights Act, Equal Rights amendments, equal employment opportunity laws, discrimination against women and minorities, appropriations for civil rights programs, civil rights enforcement, coverage of the civil rights act, employment discrimination involving several communities (age, gender, race, etc. in combination), taking private property, impact on private property rights, employment discrimination due to race, color, and religion, and fair housing initiatives and discrimination in housing.” (6).

201: Ethnic Minority and Racial Group Discrimination

Examples: “minority set aside programs, minority contracting and business development, appointment of minorities to federal judgeships, school desegregation, minority discrimination by rental car agencies, FBI hiring and promotion of minorities, race based crimes, investigation of the Ku Klux Klan.” (6); *Emancipation Proclamation*.

202: Gender and Sexual Orientation Discrimination

Examples: “gender and sexual orientation discrimination in the military, social security inequities affecting women, employment barriers to women, female salary inequities, sex discrimination regulations, equal pay for women.” (7).

204: Age Discrimination

Examples: “age discrimination in employment, mandatory retirement ages, age discrimination in selection of federal judges, EEOC problems in enforcing age discrimination laws, retirement age policies.” (7).

205: Handicap or Disease Discrimination

Examples: “discrimination against the disabled, airline discrimination against blind people, employment of persons with disabilities, insurance discrimination of blind people, civil rights of institutionalized persons and the mentally retarded, travel problems of the handicapped, discrimination based on genetics or health conditions, Americans with Disabilities Act.” (7).

206: Voting Rights, Participation, and Related Issues

Examples: “state discriminatory barriers to voting registration, banning literacy tests,

Voting Rights Act and enforcement, free mailing of voter registration forms, lowering the voting age to 18, abolition of poll taxes.” (7).

208: Right to Privacy and Access to Government Information

Examples: “privacy of consumer and worker records, employee drug and polygraph testing, computer access and security, police wiretapping, privacy of medical records, access to government records and information, disclosure and confidentiality standards for government information, electronic funds transfer and financial privacy, security and privacy of criminal arrest records, Freedom of Information Act (FOIA), dissemination of USIA films, programs or information within the U.S. or at museums, protection of women’s abortion rights.” (7).

209: Anti-Government Activities

Examples: “theory and practice of Communism, subversive activities control act, investigate the activities of the Black Panther Party, internal security laws, investigation of the Students for a Democratic Society, investigation of anti-Vietnam War protesters, investigation of the activities of the New Left, communist involvement in urban race riots, investigation of the Communist Party of Puerto Rico, investigation of student unrest at various universities, investigation of communist youth activities, establishing agencies to educate the public on the tactics of communist subversives, investigate the scope of Soviet activity in the U.S., investigate communist infiltration of education institutions and the U.S. military.” (7-8).

9. Immigration

900: Immigration and Refugee Issues

Examples: “immigration of Cuban refugees to the U.S., refugee resettlement appropriations, HHS authority over immigration and public health, INS enforcement of immigration laws, legalization procedures for illegal immigrants, assessment of Haitian refugee detention by the U.S., immigration and education issues for aliens, adjusting visa allocations based on applicant job skills, DOL certification process for foreign engineers working in the U.S., denial of visas to political refugees, appropriations for the INS, citizenship issues, expedited citizenship for military service.” (22).

21. Public Lands and Water Management

2100: General

Examples: “Budget Requests and Appropriations for the Department of Interior (DOI) and the Bureau of Land Management, proposed plan for the Department of Natural Resources, earth resources and drilling technology, resources planning,

resource recovery act, activities and programs of the DOI, conveyance of certain real property of the U.S. government, conveyance of certain real property to states.” (49).

2101: National Parks, Memorials, Historic Sites, and Recreation

Examples: “Budget requests for the National Park Service and Smithsonian Museums, concessions management at National Parks, Wounded Knee Park and Memorial, park protection legislation, management of Yellowstone Park, National Park Service feasibility study, threats to national parks, establishment of Barrier Island National Park, inclusion of Alaska Lands in the national park system, national forest recreation facilities, national park management issues, river systems recreation assessment, aviation heritage national historic preservation act, community recreation enhancement, recreational boating safety, national African American museum, historical park designation, designation of scenic trails, maintenance on monuments and memorials, proposals for a national visitors center, military parks and memorials, land conveyance for national parks or national memorials, Wild and Scenic Rivers, land conveyance for monuments, national seashore issues, National Historic Preservation Act, National Register of Historic Places, Smithsonian Institution issues.” (49).

2102: Native American Affairs

Examples: “Budget proposals and appropriations for Indian programs, Indian health programs, Indian water claims, federal recognition of Indian tribes, assistance to Indian tribal courts, management of Indian irrigation projects, economic aid for Indian reservations, law enforcement on Indian reservations, Indian participation in government contracting, Indian health care programs, Native Hawaiian children educational problems, Alaskan natives claims settlement, land conveyance involving Native American lands or Native American groups, Indian Child Welfare Act, Indian gambling and casinos, Indian Gaming Regulatory Act.” (49-50).

2103: Natural Resources, Public Lands, and Forest Management

Examples: “Budget requests and appropriations for the Forest Service and the Bureau of Mines, national forest timber sales programs, timber supply stability, forest health and clear-cutting, Colorado wilderness act, wilderness area designation, management of Pacific-Northwest old forest growths, mine reclamation, various public lands bills, forest fire prevention and control, modification of public land boundaries, management of livestock grazing on public lands, grazing fees on public lands, public land conveyance bills, enforcement of federal mining standards, wild horse control on public lands, deep seabed mineral resources, development of mineral resources on public lands, mineral exploration and development, conveyance of lands to school districts, conveyance of sewage systems on public lands, protection of archeological resources on public lands, conveyance of fish hatcheries, conveyance of public lands, payments to states from receipts derived from national forests located within such states, protecting the shores of publicly owned property.” (50).

2104: Water Resources Development and Research

Examples: “Budget requests and Appropriations for civil works programs and the Army Corps of Engineers, budget requests and appropriations for energy and water development projects, Army Corps of Engineers water resources development programs, Mississippi water development, water resources development, appropriations for dam construction, Missouri River Basin irrigation project, Colorado River Basin salinity control program, federal flood control programs, River and Harbor Flood Control Act, energy and water development projects, dredging in the Missouri River, deep water port construction, safety of dams and other water storage and control structures, Upper Snake River irrigation projects, various reclamation projects, reservoir construction, navigation and flood control projects, interstate water compacts, connecting bodies of water, Small Reclamation Projects Act, Bureau of Reclamation, general reclamation projects.” (50).

2105: U.S. Dependencies and Territorial Issues

Examples: “future political status of Palau, Puerto Rico statehood issues, federal-territorial relationship between the U.S. and Guam, compact of free association between the U.S. and Pacific island nations, federal policies for economic development of Guam, termination of trusteeship of the Marshall Islands, proposed changes in the constitution of American Samoa, Alaska and Hawaii territorial issues, statehood for Hawaii and Alaska, Virgin Islands Corporation, various Organic Acts related to territories, former territories, and U.S. protectorates.” (50).

2199: Other

Examples: *Civil War Affairs-Confederate States, Reintegrate Confederate States, Reconstruction, Trade-Blockades*

Organization and Scope

20. Government Operations

2000: General (includes budget requests and appropriations for multiple departments and agencies)

Examples: “budget requests for various agencies and independent commissions, budget requests for DOL, HHS, and DOE, appropriations for VA, HUD, and independent agencies, budget requests for DOC, DOS, and DOJ, appropriations for the GSA, budget requests for legislative branch programs, supplemental appropriation

bills, appropriations for the Treasury, Postal Service, and general government appropriations” (45).

2001: Intergovernmental Relations

Examples: “federal, state, and local sector role in economic development, general exchange or transfer of funds from federal to state governments, performance of the advisory committee on intergovernmental relations, general revenue sharing authorization, state implementation of federal bloc grants, general revenue sharing, federal grant management reform, problems with state and local government finances, federal v. state claims to offshore resources.” (45).

2002: Government Efficiency and Bureaucratic Oversight

Examples: “quality improvement strategies, reinventing government--restructuring the public sector, performance standards for federal agency programs, role of the council on competitiveness in regulatory review, agency jurisdiction overlap and reform, financial soundness of government corporations, need to improve government printing practices, government management problems, rule making committees in the development of federal regulations, federal agency use of advisory committees, oversight of the OMB, federal agency internal accounting standards, effort to reduce federal paperwork, allowing industry to comment on proposed federal regulations, decreasing agency reports to Congress, legislative oversight of federal agency programs, proposal to terminate DOE and transfer its functions, government waste and abuse, investigation into mismanagement of the GSA, government reorganization plans, conflicts of interest in regulatory agencies, applying economic analysis to public programs, Inspectors General, executive reorganization or executive branch reorganization, government goals, Administrative Conference Act, government printing office, recycled paper and products for government printing.” (45).

2003: Postal Service Issues (Including Mail Fraud)

Examples: “United States Postal Service (USPS) budget requests and appropriations, USPS rental of property, need for additional postal facilities, oversight of USPS operations, USPS budgetary and cost issues, performance of USPS first class delivery, USPS implementation of a nine digit zip code, increase in overseas postal rates, operation and organization of the postal rate service, postal worker injuries, postal worker stress disorders, violence in the USPS, postal reorganization act, USPS efforts to automate mail processing, regulation of mail solicitations, deceptive mailing prevention act, commemorative stamps, annual report of the postmaster general, early retirement of postal employees, day care centers for postal employees, training for postmasters, regulation of obscene mail.” (46).

2004: Government Employee Benefits, Civil Service Issues

Examples: “federal employee collective bargaining rights, civil service retirement benefits, federal agencies use of temporary employees, White House personnel authorization act, federal employees leave policy, federal and military wage policies, whistle blower protection for federal employees, federal personnel awards, executive personnel exchange, personnel management policies of the Senior Executive Service, tort protection for federal employees, reform pay system for federal workers, early retirement program for federal workers, government personnel training programs, federal employee contribution requirement, personnel performance appraisal system, payroll deductions for federal employees, oversight of the civil service retirement system, cost of living allowances for federal employees, authorize additional GS-16, GS-17, and GS-18 positions, civil service pension fund and interest earnings, manpower utilization in the federal government, Presidential compensation, federal employee management relations, congressional pay and congressional wages, combinations of legislative, executive, and judicial pay, reduction in force, merit systems protection board.” (46).

2005: Nominations and Appointments

Examples: “nominations and appointments for all departments and agencies.” (46).

2006: Currency, Commemorative Coins, Medals, U.S. Mint

Examples: “appropriations for the U.S. Mint, minting of commemorative coins, replacement of one dollar bills with coins, statehood commemorative coins, gold medal awards for Olympic athletes, design of new U.S. currency, George Washington commemorative coin act, Susan B. Anthony dollar, additional mint facilities in Denver, increasing coin production, coin to commemorate the Louisiana purchase, congressional gold medals, Congressional Medals for non-military actions.” (46).

2007: Government Procurement, Procurement Fraud and Contractor Management

Examples: “appropriations for the Office of Federal Procurement Policy, government procurement system, federal acquisition improvement, arbitration of service contract disputes, DOE contractor management, penalties for federal procurement fraud, GSA auditing of contractor bills, timeliness of federal payments to private vendors, efforts by federal agencies to circumvent the competition in contracting act, federal contract auditing policies, fraud in federal procurement programs, federal consulting service contracts, commission on government procurement, federal contract renegotiation act, omnibus contracting legislation.” (47).

2008: Government Property Management

Examples: “federal facilities construction, GSA management of public building leases, GSA’s capital improvement program, construction projects for federal courthouses, restrict smoking in federal buildings, operating costs of presidential libraries, government office space contract management, DOE property sale

authorization, sale of a federal building to San Francisco, donation of surplus federal property to state and local governments, construction of a social security office, relocation assistance and property acquisitions, foreign service buildings act, post office buildings, designating or naming federal buildings, including postal service buildings, federal courthouses, and VA medical centers, donated surplus property to states and local governments, motor vehicles provided to officers and members of the federal government.” (47).

2009: IRS Administration

Examples: “IRS tax system modernization, IRS employee misconduct, taxpayer assistance and treatment, settlement of disputes between tax payers and IRS, IRS collection of delinquent income taxes, IRS internal management and quality of service, IRS processing of income tax returns, reorganization of the IRS, taxpayers bill of rights, investigation or inspection of tax records by federal agencies or congressional committees, collection procedures for federal taxes.” (47).

2010: Presidential Impeachment & Scandal

Examples: “access to materials of the Nixon Administration, CIA involvement in Watergate, pardon of Nixon, transcripts of recorded presidential conversations, statement of information provided by Nixon, legal issues associated with the impeachment of Nixon, Kissinger’s role in wiretapping, 1972 presidential campaign activities, special prosecutor and Watergate grand jury legislation, Whitewater, Clinton impeachment, Lewinsky scandal, Travelgate (White House Travel Office).” (47).

2011: Federal Government Branch Relations and Administrative Issues, Congressional Operations

Examples: “line-item veto proposals, pocket veto issues, constitutional roles of the president and Congress in declaring and waging war, limits on presidential war powers, amendment to permit legislative vetoes, Supreme Court ruling on the legislative veto, presidential claim of executive privilege for withholding information from Congress, continuity of federal government during an emergency, joint committee on the organization of Congress, operation of Congress, reorganization of Congressional committees, honoring retiring House members, presidential transition funding, TV broadcasts of Senate hearings, operation of the Senate Office of Sergeant at Arms, Congressional page system, investigation of a Senator, electronic voting equipment in the Senate, transmittal of executive agreements to Congress, require the president to submit annual social reports to Congress, House rules for debate, creation of a joint committee on the budget, president's emergency powers, impeachment of federal officers other than the President, legislative reference service, legislative research, Library of Congress issues, depository libraries, congressional investigations, franking privilege, legislative reorganization.” (47-48); *Amnesty, Pardons, and Martial Law*.

2012: Regulation of Political Campaigns, Political Advertising, PAC regulation, Government Ethics

Examples: “appropriations for the Federal Election Commission and the Office of Government Ethics, federal election campaign reform, lobbying regulations for former federal employees, regulation of political campaign ads, televising debates on political issues, revising the presidential election campaign fund system, regulation on foreign corporation lobbying, campaign finance reform, political activities of federal employees, financial or business interests of Senate employees, lobbying regulations, polling, independent counsel (other than presidential investigations), Hatch Act (specifically dealing with political activities of federal employees), electoral college reform.” (48).

2013: Census

Examples: “census bureau budget requests and appropriations, census bureau’s population estimates and impact on state funding, census undercounting, census data collection techniques, management of the census, federal statistics collection, counting welfare payments as income on the census, reductions in force at the census bureau.” (48).

2014: District of Columbia Affairs

Examples: “DC budget requests and appropriations, creation of the DC supreme court, DC public school system, health care reform in DC, water quality problems in DC, statehood for DC, transfer ownership of RFK to DC, revise the DC judicial system, overcrowding in DC correctional facilities, DC commuter tax, DC borrowing authority extension, Washington metropolitan area transit authority metrorail construction, DC fiscal problems, drug and crime crisis in DC.” (48).

2099: Other

Examples: “government check cashing problems, state lottery operations, former members of Congress organization, review winning papers in a high school essay contest, federal audio-visual materials, commemorative legislation, catalog of federal assistance programs, bicentennial celebration, free guide service at U.S. Capitol.” (49).

International Affairs

16. Defense

1600: General

Examples: “Department of Defense budget requests and appropriations (DOD), Department of the Air Force, Army, or Navy appropriations, armed services bills covering multiple subtopics, DOD operations and maintenance, defense production act, reorganization of the DOD, status of the national military establishment, establishment of the DOD, funding for defense activities of DOE, termination or designation of special defense areas.” (33-34).

1602: U.S. and Other Defense Alliances, U.S Security Assistance

Examples: “NATO strategy and U.S. military presence in Europe, Japan-U.S. joint military operations, mutual security acts, changes in the Soviet Union and the future of NATO, NATO defense capabilities in Europe, Warsaw Pact status, Soviet Union and China defense and economic development needs, Soviet strategic force developments, U.S. military commitments to NATO, NATO military equipment, Southeast Asia collective defense treaty, inter-American military cooperation act, security assistance, UN peace-keeping activities.” (34).

1603: Military Intelligence, CIA, Espionage

Examples: “foreign economic espionage, U.S. intelligence reorganization, congressional oversight of U.S. covert intelligence activities, DOD security review commission, intelligence activities of Soviet-bloc diplomats, CIA funds for the support of Nicaraguan rebels, leaks of classified defense information, national intelligence act, CIA estimates of Soviet defense spending, role of the national security advisor, foreign intelligence electronic surveillance, organized subversion in the U.S. armed forces, communist bloc intelligence activities in the U.S., CIA illegal involvement in Chile, testimony of a KGB defector, intelligence reports on the necessity of ABM missile deployment, workings of the Cuban intelligence network, recent Soviet navy and military activities in Europe, CIA employee retirement and disability system, U.S defense strategies, national security acts, national security council briefings, threats to U.S. interests, Soviet Union and China military capabilities.” (34).

1604: Military Readiness, Coordination of Armed Services Air Support and Sealift Capabilities, and National Stockpiles of Strategic Materials

Examples: “DOD plans for modernization of nuclear forces, military sealift performance in the Persian Gulf War, defense mobilization requirements of domestic industries, DOD efforts to improve defense communication systems, national defense stockpiles, modernization requirements, integration of military traffic management and military sealift command, U.S. military readiness, DOD combat readiness programs, DOD mobility fuel requirements, fleet readiness, test and evaluation of the armed forces, shortages of essential materials, stockpiling of critical materials, disposal of various stockpiled materials, military air transportation readiness, production of flourspar.” (34).

1605: Arms Control and Nuclear Nonproliferation

Examples: “Arms Control and Disarmament Agency (ACDA) budget requests and appropriations, nonproliferation of weapons of mass destruction, destruction of nuclear weapons in the Soviet Union, North Korean nuclear program, U.S. arms control policies, nonproliferation of chemical weapons, nuclear testing moratorium, DOE export controls of nuclear production material, arms export controls, arms reduction agreements between NATO and the Warsaw Pact, international ban on chemical weapons, global spread of chemical and biological weapons, prevention of sale of weapons system to Japan, START arms control treaty, conventional forces reduction, violation of arms control agreements, nuclear proliferation in developing countries, implication of INF treaty for NATO, Soviet Salt II treaty violations, UN report on nuclear proliferation, arms trade in the western hemisphere, nuclear exports to India, U.S.-Soviet arms race control, EURATOM agreements, atomic weapons research and development, Arms Export Control Act revisions.” (34-35).

1606: Military Aid and Weapons Sales to other Countries

Examples: “military assistance to other countries, conventional arms sales policies, sale of f-15 aircraft, commercial military sales, donation of an obsolete aircraft carrier, proposed sale of weapons, DOD costs related to sales of military equipment to foreign countries, sale of decommissioned ships” (35).

1608: Manpower, Military Personnel and Dependents (Army, Navy, Air Force, Marines), Military Courts

Examples: “DOD authorization requests for armed forces personnel strength levels, military personnel issues, child care programs at military installations, armed forces staffing requirements, imminent danger pay for those serving in the Persian gulf, DOD morale, welfare, and recreation programs, DOD officer promotion procedures, shortage of affordable housing for military families, benefits for military retiree spouses, special pay to encourage personnel retention, survivor benefit plans, defense officer personnel management act, status of army manpower, selective service system funding, unionization of military personnel, enlistment bonuses for service in a critical skill, increase flight pay for military aviators, recruiting and retention of military personnel, life insurance for military personnel, various personnel issues during W.W.II, Americans missing or prisoner in Asia, POW’s in Vietnam, live sightings of U.S. prisoners of war, retired military personnel issues, military court martial, transportation of armed forces, air travel of armed forces, mail for armed forces, mail for servicemen, defense department overseas teachers pay and issues.” (35).

1609: Veteran Affairs and Other Issues

Examples: “veterans programs budget requests, veteran’s benefit claims, VA national cemetery system, illness of Persian Gulf veterans, disabled veterans compensation, VA board of appeals adjudication procedures, VA benefits eligibility, compensation for veterans, cost of living adjustments for veterans, delays in processing veterans claims, problems faced by Vietnam era veterans, federal services for women veterans, VA life insurance programs, reorganization of veteran’s food service operations, small business loans to veterans, consolidation of the veterans administration, veterans readjustment assistance act, veterans pay, veterans transportation issues.” (35).

1610: Military Procurement and Weapons System Acquisitions and Evaluation

Examples: “DOD budget requests and appropriations for procurement of weapons, DOD procurement process, DOD aircraft procurement, funding for the B-2, shipbuilding and conversion programs, weapons system testing and evaluation, DOD contracting for support services, procurement of the Navy SSN-21 attack submarine, DOD purchasing and control of military supplies, contracting out of core logistic activities, M-16 rifle procurement program, health of strategic U.S. Industries.” (36).

1611: Military Installations, Construction, and Land Transfers

Examples: “military construction budget requests and appropriations, military construction programs, DOD commissary system, military lands withdraw, national war college restoration act, Fort Hood land acquisition, expansion of U.S. military bases in Spain, construction of bridges by the military, management of military clubs, military land conveyances, military real estate projects, national defense facilities act, military housing supplies, disposal of military property, construction of ordinance facilities, DOD real estate acquisitions, disposal of synthetic rubber facilities, sale of military stores to civilian employees, war plants disposal.” (36).

1612: National Guard and Reserve Affairs

Examples: “reserve officer personnel management, army reserve force structure, deactivation problems of reserve units participating in Desert Storm, management of military reserve vessels, management of reserve air fleet, national guard tort claims, survivor benefits for reservists, reserve members payments for life insurance, national guard retirement credit, reserve pay, flight training for ROTC, status of reserve facilities, promotion system for reserve officers, composition of the naval reserve.” (36).

1615: Civil Defense & Homeland Security

Examples: “radiological emergency planning, civil reserve air fleet, federal civil defense act, effects of limited nuclear warfare, federal fallout shelter construction, civil defense air raid shelter program, civil defense for national survival, civil air patrol, dept. of the army appropriations for civil functions, Dept. Homeland Security

and related functions, DHS and efforts to prevent domestic terrorism within U.S. borders.” (37).

1616: DOD Civilian Personnel, Civilian Employment by the Defense Industry, Military Base Closings

Examples: “assist workers affected by defense spending cuts, assist communities affected by DOD facilities closures, peacetime conversion of defense industry, base closure recommendations, maintenance of the U.S. defense industrial base, defense industry employment, protection of DOD civilian employees, closure of overseas military bases.” (37); *War Industries Board, War Production Board, War Relief Control Board, National Defense Mediation Board, Petroleum Administration for War*.

1617: Oversight of Defense Contracts and Contractors

Examples: “defense contract audit agency, management and pricing of DOD defense contracts, overpricing by DOD contractors, defense procurement fraud, DOD inventory control system problems, defense contractor financial data reporting requirements, inventory control and accounting procedures used Bell Helicopter, DOD employees ethics program, DOD contractors health insurance reimbursement policy, prosecution of fraudulent defense contractors, problem of product substitution by defense contractors, establish system for documenting defense contractor performance, fraud/cost overruns at General Dynamics, quality assurance problems at Hughes missile production facility, Navy spare parts procurement overpricing, DOD contract profit policy, DOD contract award procedures, review of military catalogue supply system, employment of DOD personnel by defense contractors.” (37).

1619: Direct War Related Issues and Foreign Operations

Examples: “appropriations for military operations in Vietnam, U.S. relations with Laos, cost of the Vietnam War, impact of the Vietnam War, war-related civilian problems in Laos and Cambodia, air war against North Vietnam, Gulf of Tonkin incidents, U.S.-Laotian security relations, military strategy in the Korean War, military supplies and equipment in Korean War, ammunition shortage in Korean War, Korean War mobilization programs, prisoners of war, Geneva convention for protection of POW’s, elimination of German resources for war, shipment of war relief supplies, Pearl Harbor attack, war assets administration, investigation of the Katyn Forest massacre.” (37); *Blockades, Office of Defense Transportation*.

1699: Other

Examples: “issues arising from the explosion aboard the U.S.S. Iowa, resolution honoring a DOD staff director, army helicopter safety, government liability for atomic weapons testing, army food irradiation program, military commemorative legislation, including the award of military medals and commemoratives,

Congressional Gold Medals for military personnel, incorporate American War Mothers.” (38); *Office of Facts and Figures*.

18. Foreign Trade

1800: General

Examples: “Federal Trade Commission (FTC), U.S. International Trade Commission, or International Trade Administration, budget requests and appropriations, world steel trade trends and structures, various tariff and trade bills, oversight hearings on U.S. foreign trade policy, U.S. trade relations with socialist economies, trade reform act, trade expansion act, tax and trade regulations, customs court issues, trading with enemy acts.” (40).

1802: Trade Negotiations, Disputes, and Agreements

Examples: “north American free trade agreement (NAFTA), Caribbean basin free trade agreements, U.S. job market implication of NAFTA, GATT final agreement, U.S.-EC meat trade disputes, multinational trade negotiations, U.S. and China trade relations, normalize economic relations between U.S. and the former Soviet Union, U.S. and Japanese commercial trade, MFN trading status of China, energy trade between U.S. and Canada, U.S.-Canada Free Trade Agreement, MFN status for Romania, taxation convention with Pakistan.” (41).

1803: Export Promotion and Regulation, Export-Import Bank

Examples: “export development administration, compliance with U.S. trade laws related to the Arab boycott, export promotion programs, EX-IM bank export financing programs, restrictions on high technology exports, tax incentives to encourage exports, encourage formation of export companies, national security export licensing, export control to the Soviet Union and Warsaw Pact countries.” (41).

1806: Productivity and Competitiveness of U.S. Business, U.S. Balance of Payments

Examples: “international competitiveness of the U.S. automobile industry, national competitiveness act fostering technological development, report of the competitiveness council policy, U.S. industrial trade competitiveness, federal role in supporting hi-tech competitiveness, U.S. international economic competitiveness, foreign competition in the banking industry, international competitive status of the U.S. electronics industry, Buy American Act.” (41).

1807: Tariff and Import Restrictions, Import Regulation

Examples: “violation of country of origin documentation to avoid import quotas, steel import restrictions, increase of duties on materials to make pipes, expedite Commerce Dept. responses for import restriction requests, restrict import activity that adversely

affects industries vital to national security, country of origin labeling requirements, U.S. textiles import quota program, countervailing duty waivers, aviation tariff charges, prohibit importation of Rhodesian chrome, duty-free entry, various tariff proposals, meat import restrictions, antidumping act and import restrictions, import restrictions for the domestic shoe manufacturing industry, import relief for leather industry, free entry of various items to colleges, universities, and for other purposes, foreign trade zones.” (41-42).

1808: Exchange Rates and Related Issues

Examples: “Dept. of Treasury exchange rate policy, DOT international financial policy, currency manipulation and foreign exchange rates, exchange value of the dollar, U.S. policy regarding dollar decline in foreign exchange value, impact of exchange rates in U.S. trade, international monetary reform, eurocurrency monetary control, Vietnamese currency transfer legislation, fluctuation of the yen-dollar exchange rate.” (42).

19. International Affairs and Foreign Aid

1900: General (Department of State and U.S. Information Agency appropriations)

Examples: “Department of State and U.S. Information Agency Budget Requests and Appropriations, U.S. foreign policy in view of recent world political developments, U.S. post cold war foreign policy, U.S. foreign policy and national defense issues, international tax treaties, international development and security, the U.S. ideological offensive--changing foreign opinion about the U.S., role of the diplomatic corps in foreign policy development and administration, foreign operations appropriations, information and educational exchange act, require Senate approval of treaty termination, establish the U.S. academy of peace, role of multinational corporations in U.S. foreign policy, Department of Peace, National Peace Agency.” (42); *Kellogg-Briand Treaty, Office of War Information.*

1901: U.S. Foreign Aid

Examples: “Foreign Assistance budget requests and appropriations, emergency food assistance program, U.S. economic aid to eastern Europe, U.S. foreign aid to the Soviet Union, foreign assistance and Peace Corps programs, U.S. assistance programs in Africa, proposals for financial assistance to Northern Ireland, donation of surplus agriculture products to countries with famine, U.S. international health assistance activities, migration and refugee assistance, food for peace program, European recovery program, international disaster relief, Foreign Assistance Act and its relationship to drugs.” (42).

1902: International Resources Exploitation and Resources Agreement

Examples: “Antarctic environmental protection, prevention of high-seas drift net fishing, U.S. territorial sea boundaries, international agreements on fishing, Antarctic minerals policy, U.S. policy regarding the International Whaling Commission, foreign fishing in U.S. Territorial waters, regulation of exploration and recovery of international seabed hard minerals, north pacific seal fur treaty between the U.S., Canada, Japan, and the Soviets, UN conference on the law of the sea, attempts to outlaw whaling, international conservation efforts.” (42).

1905: Developing Countries Issues

Examples: “developing countries population problems, global hunger and food availability, impact of AIDS on children in developing countries, homeless children in developing countries, international family planning, role of environmental degradation in causing famine, assess elementary and secondary education programs in developing countries, effect of economic development projects on public health in developing countries, infant nutrition education practices, world population growth and its impact on natural resources.” (43).

1906: International Finance and Economic Development

Examples: “International Monetary Fund (IMF), World Bank, multilateral development bank loans, Inter-American development bank, third world debt problems, Council on International Economic Policy, Agency for International Development (AID), private sector development in Africa, U.S. financial contribution to the IMF, European development and the U.S. economy, promotion of economic development in Latin America, Paris economic summit issues, international financial management systems improvement, economic development in the Caribbean Basin, strategies to alleviate third world debt, world economic situation and U.S. economic policies, international debt and implications for international financial institutions, east-west economic relations, international energy development assistance programs, Bretton Woods agreement increasing U.S. contributions to the IMF.” (43).

1910: Western Europe and Common Market/European Union Issues

Examples: “1990 German reunification, political and economic conditions in Europe, tax convention with the UK, European Union, treaty of friendship and cooperation with Spain, labor market policy in Sweden, British entry into the Common Market and general implications for the U.S., civil conflict in Northern Ireland, peace treaties with Italy and Romania.” (43).

1915: Panama Canal Issues and Other International Canal Issues

Examples: “Panama Canal Commission appropriations, strategic importance of the Panama Canal, claims for ship damages in the Panama Canal, Panama Canal treaty

issues, Panama Canal traffic and capacity, maintenance and operation of the Canal, development of new transoceanic canal.” (43).

1921: Other Country/Region Specific Issues

Examples: “the return of Hong Kong to China, political repression in China, economic conditions in Russia, political changes in Eastern Europe, investigation of communist takeover of Hungary, civil war in Liberia, South African war with Namibia, administration policies on apartheid, political developments in El Salvador, Japanese income tax system, declining political status of Taiwan, restoration of the Kuwaiti government after the Persian Gulf War, peace process in the Middle East, Arab-Israeli conflict.” (43-44); *Neutrality Acts, Sanctions, and Freezing of Assets*.

1925: Human Rights

Examples: “Human rights abuses in Latin America, human rights abuses in Middle East, war crimes tribunal hearings for Serbs, U.S. international human rights policy, Helsinki Accords human rights agreements, UN report on human rights in Cuba, Soviet human rights issues, government use of torture, human rights violations in Indonesia, worldwide religious persecution, crimes associated with genocide and crimes against humanity.” (44).

1926: International Organizations other than Finance: United Nations (UN), UNESCO, International Red Cross

Examples: “U.N. conference on environment and development, management of the U.N., international labor organization, termination of U.S. membership in UNESCO, international games for the disabled, international criminal court, UN food and agricultural organization, UN activities in response to Iraq’s invasion of Kuwait, review of U.S. role in the U.N., planning preparation for 1984 summer Olympics, U.N. position on major policy issues, International Health Agency, U.N. report on international housing, construction of Olympic facilities.” (44).

1927: Terrorism, Hijacking

Examples: “U.S. protection of witnesses of terrorist acts, security of nuclear plants from terrorist attacks, impact of international terrorism on travel, legal mechanisms to combat terrorism, political killings in foreign countries and the international response, West Germany’s political response to terrorism, international aircraft piracy.” (44).

1929: U.S. Diplomats, U.S. Embassies, U.S. Citizens Abroad, Foreign Diplomats in the U.S., Passports

Examples: “State Department’s management of U.S. embassies, U.S. citizens living abroad, regulation of travel for U.S. citizens, restrictions on foreign diplomatic immunity, Overseas Teacher Act, enhancement of security at U.S. diplomatic

missions, reform the foreign service personnel system, U.S. citizens imprisoned in Mexico, passport fraud problems, training of foreign affairs personnel, Voice of America program, Radio Free Europe program, United States Information Agency (USIA), Peace Corps, U.S. Academy of Foreign Service or U.S. Foreign Service Academy, Radio Marti, designation of public international organizations, International Claims Act, Foreign Claims Act, Foreign Claims Settlement Commission.” (44-45); *Consuls and Diplomatic Service*.

1999: Other

Examples: *Inter-American Cultural and Trade Center, New York's World's Fair, Imported objects of cultural significance for the purpose of displaying.*

Domestic Affairs

1. Macroeconomics

100: General Domestic Macroeconomic Issues (includes combinations of multiple subtopics)

Examples: “the administration’s economic plans, economic conditions and issues, economic growth and outlook, state of the economy, long-term economic needs, recessions, general economic policy, promote economic recovery and full employment, demographic changes, population trends, recession effects on state and local economies, distribution of income, assuring an opportunity for employment to every American seeking work.” (5).

101: Inflation, Prices, and Interest Rates

Examples: “inflation control and reduction, anti-inflation programs, calculation of inflation statistics and price index statistics, consumer price index, food prices, cost of living, interest rates, bureau of labor reports on inflation, effects of inflation on business, general economic statistics.” (5).

104: Monetary Supply, Federal Reserve Board, and the Treasury

Examples: “monetary policy issues, Federal Reserve’s yearly monetary policy reports, Department of Treasury and Federal Reserve Board budget requests and appropriations, credit availability, national savings rate, relationship between fiscal and monetary policies, control of gold supply, gold reserve issues, savings bonds, treasury bonds.” (5); *Silver*.

105: National Budget and Debt

Examples: “administration’s yearly budget proposals, balanced budget act and

enforcement, budget process, federal debt and deficit, deficit reduction and management proposals, budget projections, increases in the public debt limit, concurrent budget resolutions, impact of budget reductions on industries, states and communities, move trust fund accounts off-budget, move trust fund accounts on-budget, public debt issues, including retirement of public debt, changes in fiscal year status.” (5)

107: Taxation, Tax policy, and Tax Reform

Examples: “state taxation of income, state and local income taxes, clarification of tax code, tax code reform, luxury and excise taxes, estate and gift taxes, corporate income taxes, administration tax proposals, income tax reform, tax treatment of charities, federal tax code reform and simplification, revenue acts, impact of taxes on business, multiple tax changes (excise and capital gains), general tax changes, charitable contribution deduction bills, domestic tax breaks for foreign businesses, omnibus tax issues, general legislation that amends the Internal Revenue Code.” (5-6).

108: Industrial Policy

Examples: “manufacturing strategy, technological capacity of industry, assistance to specific industries, national industrial policy, industry revitalization and growth, decline in U.S. industrial productivity, plant closings and relocation, industrial reorganization, commission on productivity, industrialization centers.” (6); *Codes of Fair Competition*.

110: Price Control and Stabilization

Examples: “economic stabilization programs, wage-price control and freezes, administered pricing programs, emergency price controls.” (6).

3. Health

300: General

Examples: “National Institute of Health (NIH) appropriations, Department of Health and Human Services (DHHS) appropriations, activities that provide little evidence of policy direction, commissions to study health issues, solvency of Medicare.” (8).

321: Regulation of drug industry, medical devices, and clinical labs

Examples: “Generally about safety of products and procedures, approval processes, drug labeling and marketing, organ transplant allocations, safety of the blood supply, faulty cholesterol screening, prescription drug counterfeiting, pacemaker regulation, prescription drug labeling, over-the-counter drug safety, fatal allergic reactions to drugs, drug abuse in nursing homes, vitamin, mineral and diet supplements, regulation of drug marketing procedures, approval of drugs to combat specific

diseases, FDA drug approval process, FDA regulation of medical devices, FDA approval of contraceptive devices, regulation of clinical trials, inspection of x-ray equipment by PHS.” (8).

325: Health Manpower & Training

Examples: “Issues of undersupply and oversupply of health personnel, including incentives to practice in underserved areas, certification and licensing procedures, coverage of services provided by training programs and medical schools, reimbursement rates for teaching hospitals, collective bargaining, health manpower training, nurse training, public health training grants, physician training, medical libraries, nurse midwifery.” (9).

331: Prevention, communicable diseases and health promotion

Examples: “Cancer screening, health promotion programs, consumer guides, medical information, health education in schools, immunization, prevention programs for osteoporosis, sexually transmitted diseases, tuberculosis, federal response to AIDS, breast cancer treatment, skin cancer, renal disease, treatment of high blood pressure, Legionnaire’s disease, communicable disease control, sickle cell anemia prevention, polio, Center for Disease Control funding, designation of national health promotion holidays.” (9-10).

332: Infants and children

Examples: “Preventive services for children, prenatal care, child and juvenile health care, school health programs, child immunization, Comprehensive Child Immunization Act, reduction of infant mortality, promotion of breast feeding, prenatal care programs, child health care, sudden infant death syndrome, childhood malnutrition, fetal alcohol syndrome, child dental care.” (10).

333: Mental illness and mental retardation

Examples: “Federal role in providing services to the mentally ill, mental health services, quality of care for mentally ill, mentally ill and handicapped children, specialized housing for mentally retarded, mental health centers, veteran’s mental health.” (10).

341: Tobacco Abuse, Treatment, and Education

Examples: “cigarette advertising and regulatory issues, ban on smoking in federal buildings, increase public awareness of smoking health risks, smoking prevention education programs, health effects associated with smoking.” (11).

342: Alcohol/Controlled and Illegal Drug Abuse, Treatment, and Education

Examples: “implementation of the national minimum drinking age act, alcoholic beverage advertising act, alcohol abuse among the elderly, prevention of adolescent alcohol abuse, health insurance coverage of alcohol abuse treatment, drunk driving victims protection, drunk driving enforcement aid for states, alcoholism prevention programs, drug abuse education and prevention programs in schools, community based anti-drug programs, federal prison substance abuse treatment availability act, drug abuse treatment programs and insurance coverage, extension of drug and alcohol abuse prevention programs, health coverage of drug and alcohol abuse treatment programs, drug and alcohol abuse prevention programs in schools, drug and alcohol abuse in the armed services, juvenile alcohol and drug abuse, entertainment industry efforts to curb drug and alcohol abuse.” (11).

398: Research and development

Examples: “Alzheimer’s research, research on women’s health, government tax incentives for research and development, research grants to organizations and educational institutions, conferences on health-related issues, genetic engineering issues, medical research and regulatory issues, sleep disorders research, NASA-NIH biomedical research, fetal tissue transplant research, health policy research programs, medical applications of biotechnology research, research on increased life expectancy, human genetic engineering research, biomedical and behavioral research.” (11).

399: Other

Examples: “health consequences of a nuclear attack.” (11).

4. Agriculture

400: General (includes combinations of multiple subtopics)

Examples: “DOA, USDA and FDA appropriations, general farm bills, farm legislation issues, economic conditions in agriculture, impact of budget reductions on agriculture, importance of agriculture to the U.S. economy, national farmland protection policies, agriculture and rural development appropriations, family farmers, state of American agriculture, farm program administration, long range agricultural policies, amend the Agriculture and Food Act, National Agricultural Bargaining Board.” (11).

401: Agricultural Trade

Examples: “FDA inspection of imports, agriculture export promotion efforts, agricultural trade promotion programs, tobacco import trends, agricultural export credit guarantee programs, impact of imported meats on domestic industries, country

of origin produce labeling, USDA agricultural export initiatives, value added agricultural products in U.S. trade, establish coffee export quotas, effects of Mexican produce importation, international wheat agreements, livestock and poultry exports, amend Agricultural Trade Development and Assistance Act of 1954, reemphasize trade development, promote foreign trade in grapes and plums, prohibit unfair trade practices affecting producers of agricultural products, extend Agricultural Trade Development, enact the Agriculture Trade Act of 1978, establish agricultural aid and trade missions to assist foreign countries to participate in U.S. agricultural aid and trade programs, Food, Agriculture, Conservation and Trade Act Amendments.” (12).

402: Government Subsidies to Farmers and Ranchers, Agricultural Disaster Insurance

Examples: “agricultural price support programs, USDA crop loss assistance, farm credit system financial viability, federal agriculture credit programs, agricultural disaster relief programs, subsidies for dairy producers, farm loan and credit issues, reforming federal crop insurance programs, credit assistance for family operated farms, federal milk supply and pricing policies, renegotiation of farm debts, USDA direct subsidy payments to producers, establishing farm program payment yields, peanut programs, wheat programs, evaluation of the supply and demand for various agricultural commodities, beef prices, cotton acreage allotments, shortages of agricultural storage facilities, agricultural subterminal storage facilities, financial problems of farm banks, Agricultural Adjustment Act, farm vehicle issues, Wool Act, Sugar Act, feed grain programs, cropland adjustment programs.” (12).

403: Food Inspection and Safety (including seafood)

Examples: “FDA monitoring of animal drug residues, consumer seafood safety, budget requests for food safety programs, food labeling requirements, grain inspection services, regulation of health and nutrition claims in food advertising and labeling, sanitary requirements for food transportation, regulation of pesticide residues on fruit, food irradiation control act, regulation of artificial food coloring, federal control over the contamination of food supplies, meat grading standards, meat processing and handling requirements, improvement of railroad food storage facilities, shortage of grain storage facilities, food packaging standards, food buyer protection, regulation of food additives, federal seed act, definition and standards of dry milk solids.” (12).

404: Agricultural Marketing, Research, and Promotion

Examples: “soybean promotion and consumer information act, USDA commodity promotion programs, cotton promotion, wheat marketing problems, livestock marketing, new peanut marketing system, establishing a national commission on food marketing, fruit and vegetable marketing, industrial uses for agricultural products, meat promotion program, national turkey marketing act, federal marketing quotas for wheat.” (12-13).

499: Other

Examples: “methodologies used in a nationwide food consumption survey, agricultural weather information services, federal agricultural census, designate a national grain board, home gardening, redefinition of the term “farm”, farm cooperative issues.” (13); *Licenses under Food and Fuel Control Act*.

5. Labor, Employment, and Immigration

500: General (includes combinations of multiple subtopics)

Examples: “Department of Labor budget requests and appropriations, assess change in labor markets to the year 2000, human resources development act, recent decline in the number of manufacturing jobs, national employment priorities, employment security administration financing, current labor market developments.” (14).

501: Worker Safety and Protection, Occupational and Safety Health Administration (OSHA)

Examples: “mine safety regulations, lead exposure risks during construction activities, improving OSHA safety and health programs, petrochemical plant worker safety, repetitive motion illnesses in the workplace, OSHA penalties and procedures for violations resulting in employee death or disability, investigation of a fatal fire at a chicken processing plant in North Carolina, construction safety standards, improve procedures for occupational health hazards identification, identification of high-risk diseases in the work place, worker protection at Superfund clean-up sites, drug and alcohol abuse in the work place, compensation for occupational diseases, safety at DOE nuclear facilities, black lung benefits and black lung disease.” (14).

502: Employment Training and Workforce Development

Examples: “job training partnership acts (JPTA), job opportunities and basic skills training programs, federal aid for job retraining, job displacement programs among timber workers, workforce 2000 employment readiness act, elderly workers and job re-training, DOL bonuses to states for training and employment of long-term welfare recipients, national employment priorities act, work incentive programs, manpower and employment problems in Cleveland, manpower development and training act, public service jobs for unemployed, public service job programs, Comprehensive Employment and Training Act (CETA), job training for veterans.” (14).

503: Employee Benefits

Examples: “underfunded pension plans and pension plan protection, emergency unemployment compensation, guarantees of retirement annuities, employee stock ownership plans, pension benefit guarantee corporation, voluntary employee leave

sharing program, unemployment compensation system financing, worker compensation ratemaking reform, tax treatment of employee fringe benefits, disability insurance legislation, railroad employment benefits, welfare and pension plans disclosure act, corporate solvency of health benefit plans, ERISA.” (14).

504: Employee Relations and Labor Unions

Examples: “general labor-management relations, striker replacement legislation, operations of the NLRB, federal agency guidelines for worker dispute resolution, unions and collective bargaining problems, labor law reform and unfair labor practices, terms of office for local labor union officers, investigation into the causes of labor disputes, notification of plant closures or layoffs, amend the National Labor Relations Act, right to organize, employee organization efforts.” (14-15).

505: Fair Labor Standards

Examples: “minimum wage regulation for federal contracts, increase the minimum wage rate, enforcement of wage and hour standards, require contractors to pay wages at the rate in locality where the construction occurred, fair labor standards act, application of the fair labor standards act in Puerto Rico, penalties on employers for overtime work requirements, Davis-Bacon Act (or Davis Bacon).” (15).

506: Youth Employment, Youth Job Corps Programs, and Child Labor

Examples: “youth employment through conservation projects, increase youth participation in job training centers, youth employment regulation and protection, voucher system to promote youth service programs, youth involvement in community service programs, summer youth education and employment programs, job training for disadvantaged youths, summer camps and youth camps (all activities and issues associated with summer and youth camps).” (15).

529: Migrant and Seasonal workers, Farm Labor Issues

Examples: “migrant and seasonal worker housing, national office for migrant farm workers, migrant children’s nutrition and education needs, improvement of migrant living and working conditions, social and economic problems of migrant workers, migrant workers and their effect on American labor, Mexican farm labor programs, migratory labor bills, health clinics for migratory farm workers, farm labor supply programs.” (15).

599: Other

Examples: “discontinuance of monthly press briefings by the Bureau of Labor Statistics, worker alienation research, materialism and the American family work ethic, DOL automatic data processing system.” (15).

6. Education

600: General (includes combinations of multiple subtopics)

Examples: “Department of Education (DOEd) appropriations, state of education in the U.S., education programs development, education quality, national education methods, impact of education budget cuts, white house conference on education, National Institute of Education.” (16).

601: Higher Education

Examples: “student loan reform, reauthorization of the higher education act, higher education student financial aid programs, violations of NCAA regulations by some colleges, direct loan programs for graduate students, student loan fraud and default, role and financial need of black colleges and universities, Montgomery GI bill, military education, veterans education assistance, foreign students at U.S. military academies, rising costs of operating higher education institutions, improving the quality of higher education, Pell Grant eligibility changes, status of university endowments in light of federal aid reduction to higher education, national defense education act, Sea Grant and Space Grant programs.” (16).

603: Education of Underprivileged Students

Examples: “Head Start programs, teaching disadvantaged students, Even Start Education Act, education needs of Hispanics, bilingual education needs, Department of Education grants to improve skills of economically disadvantaged students, effects of Head Start on later performance, adult literacy programs, combating adult illiteracy in the U.S., Head Start grant allocation formula, education for children from low income homes, enrichment programs for disadvantaged secondary school students, rural education initiatives.” (16).

607: Educational Excellence

Examples: “promotion of excellence in education, promotion of science and math education, education standards and testing, improvement of science education facilities, increase foreign language competency in U.S. schools, programs to promote teacher excellence, grants for improving computer education in schools, establish centers for gifted and talented students, use of telecommunications to share teaching resources, grants for library construction, federal library program developments, public library facilities, teacher certification standards for math and science teachers, subject-specific curriculum, testing standards and/or teaching reforms.” (17).

609: Arts and Humanities

Examples: “Appropriations for NEA, NEH, Department of Interior loans for performing arts at parks, national endowment for local arts development programs,

federal role in funding arts programs, federal funding for the Kennedy Center, White House conferences on the arts and humanities, American folklife.” (17).

7. Environment

700: General (includes combinations of multiple subtopics)

Examples: “EPA, CEQ, ERDA budget requests and appropriations, implementation of the Clean Air Act, implementation of National Environmental Policy Act (NEPA), review of EPA regulations, Environmental Crimes Act, U.S. policies and international environmental issues, requirements for states to provide source pollution management programs, EPA pollution control programs, Comprehensive Environmental Response Act (CERPA), environmental implications of the new energy act, environmental protection and energy conservation, adequacy of EPA budget and staff for implementing pollution control legislation.” (18).

703: Waste Disposal

Examples: “interstate waste disposal, solid waste management, federal management of municipal waste, municipal sewage problems, EPA municipal sewage treatment construction grants program, recovery of energy from municipal solid waste, garbage and/or trash collection issues, waste treatment facility, storm water runoff.” (18).

704: Hazardous Waste and Toxic Chemical Regulation, Treatment, and Disposal

Examples: “EPA administration of the Superfund program, hazardous waste sites cleanup, hazardous materials transportation, international movement of hazardous waste, insurance company liability for cleanup costs of hazardous waste sites, DOT routing of ultra hazardous cargoes, hazardous waste landfills, possible sites for nuclear waste repositories, toxic substances control and regulation, advance notice of hazardous of hazardous material storage for firefighters, pesticides regulation.” (18).

705: Air pollution, Global Warming, and Noise Pollution

Examples: “Clean Air Act, air quality issues affecting national parks, EPA regulation of chemical plant emissions, costs and effects of chronic exposure to low-level air pollutants, ambient air quality criteria, global warming, national action plan for reducing greenhouse emissions, ozone layer depletion, national program to control acid rain, effects of chlorofluorocarbons on the ozone layer, regulation of automobile emissions, EPA noise control programs, CAFE standards, effects of climate change on the Chesapeake Bay.” (18).

707: Recycling

Examples: “recycling contaminated materials, beverage container recycling, state and local recycling efforts, promotion of recycling as a means of reducing solid waste,

resource conservation and recycling.” (19).

709: Species and Forest Protection

Examples: “endangered species protection act, gray wolf restoration, protection of spotted owls, exotic bird conservation, protection of performance animals, regulation of trapping devices, bald eagle protection, regulation of laboratory animals, fish and wildlife protection and management programs, marine mammal protection, Bristol Bay fisheries protection, salmon conservation issues, sport fish restoration programs, protection of certain tuna species, scientific findings on late-successional forest ecosystems, old growth forest protection, wilderness refuge protection, control of illegal trade in animals and plants.” (19).

710: Pollution and Conservation in Coastal & Other Navigable Waterways

Examples: “preservation of wetlands, regulation of ocean dumping, pollution from cruise ships, plastic pollution/invasive species control, marine sanctuaries appropriations, pollution in the Chesapeake Bay, protection of coral reef systems, Columbia river water pollution, coastal barrier improvement, coastal erosion and management, federal and state coastal zone protection policies, toxic pollution in the great lakes, regulation of the incineration of hazardous wastes at sea, oil spills.” (19).

799: Other

Examples: “Environmental education, environmental citizens, eco-terrorism.” (20).

8. Energy

800: General (includes combinations of multiple subtopics)

Examples: “Department of Energy (DOE) budget requests and appropriations, DOE and NRC budget requests and appropriations, national energy security policy, U.S. energy goals, U.S. energy supply and conservation, regulation of natural gas and electricity, impact of taxation on national energy policy, global energy needs, emergency plans for energy shortages, promotion of energy development projects, long-range energy needs of the U.S., energy capital requirements, establish the DOE, energy advisory committees.” (20).

801: Nuclear Energy and Nuclear Regulatory Commission Issues

Examples: “Nuclear Regulatory Commission and Atomic Energy Commission budget requests and appropriations, nuclear power licensing reform, nuclear power plant fire safety legislation, U S. nuclear power policy, safety of nuclear facility storage tanks for high level radioactive waste, revise the claims system for nuclear accidents, standardized design for nuclear power plants, NRC regulation of the TVA nuclear power program, new technologies for safer nuclear reactors, need for international

nuclear safety standards, Three Mile Island nuclear plant accident, state of the atomic energy industry, atomic energy patents, fusion energy act, Energy Research and Development Administration (ERDA), protection of nuclear plants from attack.” (20).

802: Electricity and Hydroelectricity

Examples: “Tennessee Valley Authority (TVA) and Bonneville Power Administration (BPA) budget requests and appropriations, electric power plant construction, hydroelectric project licensing, hydroelectric power development, utility payment reform, FERC licensing of electric power plants, rural electrification programs, ability of rural electric cooperatives to provide adequate power, BPA electric power rates and ratemaking procedures, electric utility rate reform and regulation improvement, regional shortages of electric power, financial management of the TVA, electric utilities financial problems, regulation of electric power plants use of natural gas, vulnerability of U.S. electric power systems to accidents, increase in rural electric rates, emergency sales of electric power, impact of inflation and recession on the electric utility industry.” (20-21).

803: Natural Gas and Oil (Including Offshore Oil and Gas)

Examples: “natural gas regulation, natural gas pipeline safety issues, Trans-Alaska pipeline development, natural gas and oil exploration on federal lands, estimates of natural gas reserves in the U.S., state jurisdiction of the transportation of natural gas, process, collection and dissemination of information on winter heating fuels, oil prices and demand, gasoline price increases, OPEC crude oil prices, oil shortages, increase in world oil prices, long-term outlook of the world oil supply, oil imports and foreign commission payments, administration’s gasoline rationing program, oil imports and energy security, foreign oil production and consumption, oil shale mining claims and regulation, estimating domestic oil production, petroleum storage facility fire prevention and safety, strategic petroleum reserve.” (21).

805: Coal

Examples: “DOE clean coal program, clean coal technologies, regulation of coal slurry pipelines, extent and recoverability of U.S. coal reserves, Great Plains coal gasification project, regulation of federal land leases for the extraction of coal, federal standards for surface coal mining, coal imports.” (21).

806: Alternative and Renewable Energy

Examples: “hydrogen and renewable energy programs, promotion of solar and geothermal power, promotion of alternative fuels for automobiles, issues of ethanol gasoline, biomass fuel and wind energy programs, ocean thermal energy research, solar energy development program, assistance for the Synthetic Fuel Development Corporation, loans for alcohol fuel research, geothermal leases on federal lands, hydrogen programs.” (21).

807: Energy Conservation

Examples: “energy efficiency in the U.S. government, home energy efficiency programs, community energy efficiency act, energy conservation in cities, energy conservation standards for household appliances, establish building energy performance standards, diesel fuel and gasoline conservation act, promotion of carpooling, daylight savings time extensions, motor vehicle fuel efficiency.” (21).

10. Transportation

1000: General (includes combinations of multiple subtopics)

Examples: “Department of Transportation (DOT) and National Transportation Safety Board (NTSB) requests and appropriations, budget requests and appropriations for multiple agencies (NTSB, FAA, CAB), surface transportation programs, national transportation policy, rural transportation needs, adequacy of transportation systems, Interstate Commerce Commission policies and procedures, impact of budget cuts on DOT programs, highway and mass transit programs, transportation assistance programs, high-speed ground transportation systems.” (22).

1001: Mass Transportation and Safety

Examples: “mass transit grant programs, development of new urban public bus system, financial condition of the intercity bus industry, emergency subsidies to urban mass transportation programs, metrorail safety, public transportation.” (22).

1002: Highway Construction, Maintenance, and Safety

Examples: “National Highway Transportation Safety Administration (NHTSA) budget requests and appropriations, federal aid for highway construction, highway safety and design, highway trust fund surplus, national maximum speed limit laws, pavement deterioration of highways in Florida, freeway problems in California, federal funding for bridge maintenance projects, highway user taxes, defense highway needs, control of advertising on interstate highways, infrastructure development, bridges, National Highway Academy, highway beautification programs, adding trees and plants along highways.” (22).

1003: Airports, Airlines, Air Traffic Control and Safety

Examples: “Federal Aviation Administration (FAA) and Civil Aeronautics Board (CAB) budget requests and appropriations, aviation safety issues, financial condition of the airline industry, uses of satellite technology in aviation, FAA delay in procurement of air traffic control equipment, development of new commercial aircraft, commercial air service restrictions, airline compliance with FAA safety regulations, nationwide airport expansion needs, FAA air traffic controller standards,

airlines fares and services, airplane crash liability standards, problems with airline computer reservation systems, air traffic control computer failures, oversight of CAB practices and procedures, CAB regulation of charter air carriers, rates and fares of foreign air transportation, federal airport construction aid, civil aviation academy.” (23).

1005: Railroad Transportation and Safety

Examples: “AMTRAK budget requests and appropriations, federal railroad safety inspection and enforcement programs, development of high speed passenger rail transportation, growth of regional railroads, sales of short line and regional railroads, ICC rail rate regulation, AMTRAK passenger safety issues, freight rail industry regulation, Northeast Rail Service Act, shortage of railroad cars for commodity transportation, revitalization of Northeast Corridor rail properties, railroad deregulation.” (23).

1006: Truck and Automobile Transportation and Safety

Examples: “trucking industry regulation, establish a national system of licensing for truck and bus drivers, truck safety audit and investigation procedures, prohibition of tandem trucks, size and weight limitations for trucks on interstate, impact of federal regulations on independent truckers, long and short haul trucking provisions, regulation of freight forwarders, ICC regulation of the trucking industry, motor vehicle safety issues, auto industry development of airbags, motor vehicle information programs, automobile safety belt usage, automobile crash testing and standards, economic status of automobile manufacturing, all-terrain vehicle safety, trucking industry deregulation, efforts to reduce drunk driving.” (23).

1007: Maritime Issues, Including Safety and Security

Examples: “U.S. Coast Guard, Merchant Marine, and Federal Maritime Commission budget requests and appropriations, cargo liability limits and the carriage of goods by sea, cargo preference laws, revitalization of the maritime industry, commercial fishing vessel safety, navigation safety issues, cruise ship safety, commercial shipbuilding industry, navy policies on transportation of military cargo by Merchant Marine, financing construction of merchant ships, maritime freight industry regulation, intercoastal shipping act, regulation of ocean shipping rates, Great Lakes pilotage, small boat safety, Coast Guard operation of ocean weather stations, navigation rules on inland waterways, designation and naming of channels, designation and naming of vessels.” (23).

1010: Public Works (Infrastructure Development)

Examples: “budget requests and appropriations for public works and civil works projects, transportation infrastructure improvements, public works investment needs,

local public works employment projects, local public works capital development and investment act, Public Works Acceleration Act.” (24).

12. Law, Crime, and Family Issues

1200: General (includes combinations of multiple subtopics)

Examples: “emerging criminal justice issues, administration of criminal justice, revision of the criminal justice system, role of the U.S. commissioner in the criminal justice system.” (24).

1201: Executive Branch Agencies Dealing With Law and Crime

Examples: “Judiciary, Department of Justice (DOJ), FBI, ATF, Border Patrol and Customs budget requests and appropriations, U.S. federal marshals witness protection program, review of FBI programs, improving criminal justice information systems at the state and local level, computerizing criminal records for nationwide law enforcement access, law enforcement assistance programs, ATF gang information network, debt collection by the DOJ, Secret Service protection of government officials.” (24).

1202: White Collar Crime and Organized Crime

Examples: “Asian organized crime activities in the U.S., racketeering control, organized crime in Atlantic City, organized crime in labor unions, white collar crime in the oil industry, RICO penalties, gambling and organized crime, president’s commission on organized crime, credit card counterfeiting and fraud legislation, corporate criminal liability, prosecution of organized crime labor racketeering cases, cigarette bootlegging, general money laundering, efforts to counter cyber-crime.” (24).

1203: Illegal Drug Production, Trafficking, and Control

Examples: “Drug Enforcement Administration (DEA) appropriations, national drug control strategy, federal interagency cooperation in drug control border drug interdiction, international narcotics control strategy, status of DEA drug interdiction programs, U.S.--South American drug control strategy and cooperation, airborne drug trafficking deterrence, U.S. military involvement in drug interdiction, Coast Guard drug confiscation and search policies, drug trafficking and money laundering, money laundering detection and penalties, federal seizure of drug related property, drug trafficking in New York City, crack-cocaine trafficking in Delaware, legalization of drugs, the relationship between drug trafficking and crime, criminal penalties for drug trafficking.” (25).

1204: Court Administration

Examples: “Judiciary budget requests and appropriations, federal courts administration act, restructuring district courts, construction of new federal courthouse, administration of the federal courts, reorganization of federal courts, reducing the workload of the Supreme Court, reform grand jury procedures, time limits for federal criminal cases, capital punishment procedures, effectiveness of the pretrial services agency, oversight of the Legal Services Corporation, jurisdiction of lawsuits made by foreigners on U.S. companies, criminal fine collection efforts, conditions for pre-trial release, bail guidelines and bail reform, establish and office of the public defender, Supreme Court issues, criminal records, legal services issues, confer jurisdiction upon Court of Claims (with no specific references to other subject matter), judicial pay.” (25).

1205: Prisons

Examples: “Federal Bureau of Prisons appropriations and budget requests, Federal Bureau of Prisons programs, halfway house contracts, alternatives to traditional incarceration for criminal offenders, prisoner ‘boot’ camp proposals, prison overcrowding, prison construction plans and policy, prison violence, shortcomings of the correction system, reform of the present parole system, national correction standards, penal reform.” (25).

1206: Juvenile Crime and the Juvenile Justice System

Examples: “violent crime involving youth, juvenile justice and delinquency prevention act, juvenile court system, youth criminal activity, homeless and runaway youth assistance programs, adolescent drug use and related criminal activity, juvenile delinquency prevention programs, correlation of unemployment and the crime rate for youth, alternatives to juvenile incarceration, detention and jailing of juveniles, Institute for juvenile justice, institute for continuing studies of juvenile justice, Juvenile Justice and Delinquency Prevention Act.” (25-26).

1208: Family Issues

Examples: “court-ordered child support, battered women and child custody legislation, state of child welfare services, adoption and foster care programs, domestic violence, federal family planning programs, impact of drugs on children and families, aid for abandoned infants and children, teenage pregnancy issues, teenage suicide prevention, family services support for adoption, family economic problems, consequences of divorce, elderly abuse, domestic violence, child tax credits.” (26).

1210: Criminal and Civil Code

Examples: “revisions of the federal criminal code, federal crime sentencing disparities, hate crimes sentencing enhancement act, federal rape law reform, judicial

sentencing in narcotics cases, sentencing in capital cases, criminal penalties for assaults on firemen and policemen, proposals to abolish the death penalty, apply federal law to crimes committed on aircraft, civil penalty guidelines and limitations, criminal justice statistics, habeas corpus reform.” (26); *Arrests*.

1211: Riots, Crime Prevention, and Crime Control

Examples: “programs to prevent crimes against women, crimes against the elderly, deterring auto theft, violent crime control, national crime survey, federal criminal diversion programs, compensation programs for victims of violent crime, causes of urban riots and civil disturbances.” (26).

1299: Other

Examples: *Presidential Clemency Board*.

13. Social Welfare

1300: General

Examples: “Health and Human Services (HHS) and Health, Education and Welfare (HEW) appropriations and budget requests, administration’s welfare reform proposals, effectiveness of federal and state public welfare programs, social services proposals, public assistance programs, effects of economic and social deprivation on the psychology of underprivileged persons, social security and welfare benefits reforms, related state and local issues.” (27).

1301: Food Stamps, Food Assistance, and Nutrition Monitoring Programs

Examples: “USDA grants to states for women, infant and children (WIC) supplemental food program, childhood hunger relief, child nutrition programs, consumer nutrition awareness, food stamp abuse and fraud, approach to the U.S. hunger problem, USDA school breakfast/lunch program, malnutrition problems among the elderly, food assistance for low income families, coordinate USDA and HHS programs for nutrition monitoring, USDA food programs for the homeless, administration task force on food assistance, food stamp reductions, special milk program eligibility for public schools, national nutrition policy study, food assistance for the elderly, national school lunch act.” (27).

1303: Elderly Issues and Elderly Assistance Programs (Including Social Security Administration)

Examples: “contributions into the social security fund, Older Americans Act, revise social security retirement earnings test, social security system filing problems, SSA procedures for handling claims for denied benefits, improve social security benefits

for older women, social services for the elderly, management of the social security trust funds surplus, reduction of social security benefits, elderly assistance programs under the older Americans act, problems and needs of elderly women, cost of living adjustments for social security benefits, impact of budget cuts on the elderly, social security financing issues, energy cost assistance for the elderly, needs of rural elderly.” (28).

1305: Social Services and Volunteer Associations

Examples: “domestic volunteer service programs, youth volunteer programs, community volunteer programs, providing volunteer services for the elderly, ACTION agency older Americans volunteer programs, federal management of volunteer services, national meals-on-wheels programs, state social services programs, boy scouts of America, older worker community service programs, boys and girls clubs.” (28).

1399: Other

Examples: *National Safety Campaign*.

14. Community Development and Housing Issues

1400: General

Examples: “Housing and Urban Development (HUD) budget requests and appropriations, housing and the housing market, HUD policy goals, building construction standards, future of the housing industry, national housing assistance legislation, administration and operation of national housing programs, housing safety standards.” (28-29).

1401: Housing and Community Development

Examples: “HUD housing and community development programs, HUD loans for neighborhood revitalization efforts, HUD block grants, neighborhood development and preservation, housing and urban development, National Housing Act, making repairs and improvements to a residence.” (29).

1403: Urban Economic Development and General Urban Issues

Examples: “urban enterprise zones, local partnership act, economic development needs of urban areas, community reinvestment act, urban revitalization, economic problems in various cities, national urban policy, effects of budget cuts on cities, federal role in dealing with urban decline, reducing urban sprawl, New York City financial bailout, model cities programs.” (29).

1405: Rural Economic Development

Examples: “credit assistance and availability for rural economic development, investment in rural areas, rural conditions, Appalachian Regional Development Commission, Economic Development Administration assistance, rural development oversight, economic and social problems of rural America, rural community development.” (29).

1406: Low and Middle Income Housing Programs and Needs

Examples: “housing affordability problems of low and moderate income families, federal housing assistance programs, low-income housing shortages, condominium conversion trends and housing affordability, rent control, deficiencies in public housing projects, budget renewal for HUD’s Section 8 program, alleged mismanagement of HUD programs, tenant-management initiatives in public housing projects, HUD management of multi-family housing programs, security in public housing, neighborhood preservation, slum clearance and related problems, multifamily housing projects, housing affordability and availability.” (29).

1407: Veterans Housing Assistance and Military Housing Programs

Examples: “VA home loan guaranty program, use of national service life insurance funds to underwrite mortgage loans to veterans, VA mortgage foreclosures, veterans emergency housing act, low cost rental housing for veterans, sale of permanent war housing to veterans, substandard housing of military personnel, housing in military areas, defense housing act.” (30).

1409: Housing Assistance for Homeless and Homeless Issues

Examples: “permanent housing for the homeless, federal aid for the homeless, Homeless Outreach Act, assistance for homeless veterans, lack of housing for homeless and lowincome groups, use of emergency assistance funds for housing for homeless families, extent and causes of homelessness in the U.S.” (30).

15. Banking, Finance, and Domestic Commerce

1501: U.S. Banking System and Financial Institution Regulation

Examples: “Regulatory burden on financial institutions, FDIC and Resolution Trust Corporation (RTC) policies, interstate banking efficiency, RTC procedures for disposal of assets of failed savings and loan banks, FDIC bank insurance fund, banking regulation reform, failed federally insured savings and loan associations, need for financial service industry restructuring, financial institution fraud investigations, savings and loan crisis, FSLIC acquisition of insolvent savings and loan associations, uniform standards for saving institution advertising, standards for U.S. commercial bank foreign loan transactions, Federal Reserve regulation on check

clearing systems--limit length of time that banks can hold checks, financial institution deregulation, electronic fund transfer act, interest rate regulation on savings accounts, national credit union administration, operation of federal intermediate credit banks, Reconstruction Finance Corporation, Federal Credit Union Act, Bank Holding Company Act, financial services industry reform.” (31).

1504: Consumer Finance, Mortgages, and Credit Cards

Examples: “mortgage financing reform, consumer credit protection, real estate settlement procedures, consumer access to credit records, consumer information on credit card interest rates, consumer information on mortgage settlement costs, fraud and abuse among credit repair agencies, adjustable rate mortgages, regulation of credit card solicitations, inaccurate credit bureau information reporting procedures, Credit Control Act.” (31).

1520: Corporate Mergers, Antitrust Regulation, and Corporate Management Issues

Examples: “unfair competition in the tourism industry, meatpacking industry concentration, intellectual property antitrust protection, Sherman Antitrust Act, vertical price-fixing restrictions, price fixing agreements, monopoly problems in regulated industries, limited partnership regulations, foreign acquisition of U S. firms, corporate management structure, hostile corporate takeovers, seed-money corporations, Clayton Act, Sarbanes-Oxley Act.” (32).

1521: Small Business Issues and the Small Business Administration

Examples: “Small Business Administration (SBA) budget requests and appropriations promoting small business exports, small business credit availability problems, health insurance cost burden on small businesses, government assistance to small business, federal set aside contracts for small business, small business competitiveness under current liability laws, problems of small businesses complying with EPA regulations, SBA loans to small businesses, impact of deregulation on small trucking businesses, SBA implementation of small business programs for veterans, promotion of women in small business, impact of product liability costs on small business, increases in small business failures, impact of federal regulations on small business, access to capital for small business, government competition with small business.” (32).

1522: Copyrights and Patents

Examples: “Patent and Trademark Office appropriations, copyrights and telecommunication, biotechnology patent protection, intellectual property rights, copyright infringement remedies, industrial design protection, patents for inventions made in space, copyright protection for computer software, music copyrights, piracy of intellectual property, patent application procedures, trademark use and clarification, home recording of copyrighted material, performance royalties, patent office fees.” (32).

1523: Domestic Disaster Relief

Examples: “Federal Emergency Management Agency (FEMA) budget requests and appropriations, aid for flood disasters, national flood insurance reform, earthquake preparedness, FEMA disaster planning and relief operations, FEMA civil defense programs, FEMA--national fire academy training programs, SBA disaster loans, interest rates on disaster loans, emergency credit extension to farmers in disaster areas, hurricane protection projects, early warning systems, drought relief, establishment of a national fire academy.” (32-33).

1525: Consumer Safety and Consumer Fraud

Examples: “Consumer Product Safety Commission (CPSC) budget requests and appropriations, deceptive mailings and solicitations, consumer reporting reform, auto repair fraud, state consumer protection standards, federal standards for product liability, child car seat safety, infomercials and consumer protection, deceptive ads in the diet industry, telemarketing fraud, debt collection and consumer abuse, penalties for consumer product tampering, the consumer protection advocacy movement, Truth-in-Lending Act, labeling of alcoholic beverages, regulation of deceptive practices in the funeral industry, cosmetic safety, false and misleading advertising, consumer affairs, control of flammable fabrics.” (33).

1526: Sports and Gambling Regulation

Examples: “regulation of greyhound racing, health and safety standards for boxing, promotion of professional standards for boxing, regulation of gambling on vessels, regulation of interstate horse racing, status of amateur sports in the U.S., antitrust immunity for professional sports teams, President’s Council on Physical Fitness and Sports, use of performance enhancing drugs in sports.” (33).

17. Space, Science, Technology, and Communications

1700: General

Examples: “Federal Communications Commission (FCC) and the Office of Science and Technology Policy budget requests and appropriations, science and engineering personnel requirements for the 1990s, U.S. technology policy, FCC oversight review, reorganization of the FCC, national engineering and science policy, automation and technological change, FCC regulation of multiple subtopics (TV, telephone, cable, etc.).” (38).

1701: NASA, U.S. Government Use of Space, Space Exploration Agreements

Examples: “NASA budget requests and appropriations, NASA administrative issues,

president's proposal for the space station Freedom, costs of the space station, policy goals for NASA space programs, problems with the Hubble Space Telescope, nuclear power and space exploration, review the space shuttle Challenger accident, international space policy, shuttle deployment of satellites, U.S. space cooperation with the Soviets, NASA satellite communications, Skylab 1 mechanical difficulties, Apollo 16 mission report, status of the Apollo program, NASA-DOD space programs budget requests and appropriations, DOD-NASA national aerospace plane program, NASA and DOD space launch vehicle requirements, prototype construction of a commercial supersonic transport airplane, DOD use of space." (38).

1704: Commercial Use of Space, Satellites

Examples: "international competition in space launch services, U.S. commercial space launch industry, Landsat satellite sale to private sector, encourage private sector development of satellite launch vehicles, status of private investment in space activities, solar power satellite research, earth resources technology satellite program, communication satellites." (39).

1706: Telephone and Telecommunication Regulation

Examples: "national communications infrastructure, mobile communications, telephone network reliability, unauthorized switching of consumers to long distance carriers, international communications regulation, FCC regulation of 1-900 numbers, telecommunication development in rural areas, AT&T regulation, FCC regulation of telephone rates, review FCC awarding of cellular licenses, regulation of interstate telecommunications, FCC regulatory practice in telecommunications, dial-a-porn regulation." (39).

1707: Broadcast Industry Regulation (TV, Cable, Radio)

Examples: "Public Broadcasting Corporation budget requests and appropriations, FCC regulation of cable, reallocation of radio frequencies from federal to private sector use, FCC regulation of radio, use of TV in the classroom for educational purposes, regulation of violence on TV, closed caption regulation of TV, competitive problems in the cable industry, requirements for transferring radio/TV broadcast licenses, oversight of Board for International Broadcasting, FCC network acquisition approval, national public radio financial problems, establish the committee on film classification, regulation of films and broadcasts demeaning ethnic, racial or religious groups, FCC authority to regulate subscription TV, TV and movie rating system, newspaper industry regulation, Newsmen's Privilege Act." (39).

1708: Weather Forecasting and Related Issues, NOAA, Oceanography

Examples: "NOAA budget requests and appropriations, modernization of the national

weather service, weather forecasting and warning technologies, NOAA and NASA global change research program, NOAA ocean research vessels, geological surveys of the U.S., agriculture weather information service, tornado forecasting and detection, status of the federal oceanographic fleet, adequacy of the national weather service severe storm forecasting, ocean and marine resources programs, U.S. marine and atmospheric science programs, arctic weather reporting stations.” (40).

1709: Computer Industry, Computer Security, and General Issues related to the Internet

Examples: “high-performance computer development, computer viruses, superconductivity research, lease of computer software.” (40)

1798: Research and Development

Examples: “National Science Foundation (NSF) budget requests and appropriations, mission of NSF, alleged abuses of federal research grants to universities, federal cooperation with universities for science research, electric and magnetic field research, telecommunications equipment research, metals research and development, DOE superconducting supercollider program, improving research facilities for science in U.S. universities, HDTV research, robotics research., national aerospace plane technology, missile development and space science.” (40).

1799: Other

Examples: “establish a systematic approach to value engineering, consider various proposals for defining U.S. time zones, sightings of UFOs, establish a national science academy.” (40); *Office of Censorship, Board on Geographic Names.*

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