Executive Levers of Agency Control: Prescription and Personnel

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Abstract

We study the strategic interdependence of the mechanisms through which presidents seek to control the bureaucracy. In pursuing their policy goals, we argue that presidents consider the relative costs and benefits associated with the various mechanisms at their disposal. We evaluate our argument in the context of politicization and unilateralism with new data on the composition of executive branch departments from 1988 to 2020 and the agencies targeted by executive orders during that same time span. Across a variety of model specifications, we find consistent and statistically significant negative correlations between agency politicization and executive order issuance. These results suggest a substitution between these mechanisms where presidents see less need to issue orders to agencies with more political appointees. Our findings provide new insight about the links between personnel and policy and suggest the importance of theorizing more broadly about how presidents weigh various strategies to control bureaucratic outcomes.

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Shouldering the burden of their own reelection, their party's fate in coming elections, and the judgment of history, presidents face enormous incentives to affect policy outcomes and utilize any tool at their disposal to do so (Howell, Jackman, and Rogowski 2013; Moe 1985). Presidents act upon these incentives with a variety of policymaking tools at their disposal. By exercising unilateral powers, nominating like-minded officials to lead federal agencies, centralizing policymaking in the White House, structuring agencies so that they are maximally responsive, increasing the share of appointed bureaucratic positions, and strategically using the regulatory process, presidents can implement policies and bring about policy outcomes that otherwise might have eluded them.

In this paper, we study the strategic interdependence of the mechanisms through which presidents seek to control the federal bureaucracy. In seeking to achieve their policy goals, we argue that presidents consider the relative costs and benefits associated with the various mechanisms through which they might do so. We elucidate our argument and evaluate its empirical implications in the context of two of the president's most potent means of policy influence: unilateral action and politicization. For the most part, previous scholarship studies these mechanisms in isolation[1] while emphasizing the strategic way in which presidents draw on each. Previous literature identifies that presidents are likely to engage in unilateral action to achieve a policy goal subject to constraints imposed by Congress and the courts (see, e.g., Bolton and Thrower 2021; Howell 2003; Lowande 2014) and shows that presidents have incentives to politicize agencies that ideologically incongruent with their policy preferences (e.g., Lewis 2008). We advance the perspective that presidents consider their use of each mechanism in view of the other. Specifically, we contend that presidents' unilateral strategies consider the degree to which the relevant agency is led by political appointees. While previous scholarship has studied presidents' choice of policy instruments (see, e.g. Milner and Tingley 2015), it remains largely unclear how presidents choose among strategies of bureaucratic control.

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[1]Kennedy (2018) is a notable, and perhaps singular, exception.

Our perspective has several theoretical implications for scholarship on unilateral action, the bureaucracy, and presidential power more generally. First, our perspective suggests that presidential unilateralism is associated not only with the political actors in Congress and the courts but also in the target agencies themselves. Second, the nature of the correlation between unilateralism and politicization may suggest what strategic considerations are at play when presidents issue executive orders. For example, a positive correlation may indicate that presidents are more willing to direct instructions towards politically responsive agencies as they will more faithfully carry out the tasks assigned (see, e.g., Kennedy 2015, 2018; Rudalevige 2021). On the other hand, a negative correlation may indicate that presidents do not feel as strong a need to issue executive orders to friendly agencies as the political appointees in that agencies are already able to obtain the policy outcomes the president wishes without need of direct instruction (see, e.g., Gibson 2021; Turner 2020), perhaps owing to bureaucrats' use of other forms of policymaking (Potter and Shipan 2019).

We study the association between these mechanisms of presidential control using panel data on politicization and executive orders across agencies from 1988 to 2020. Across a variety of fixed effects estimation strategies, we find a consistent and statistically significant negative correlation between agency polarization and being the recipient of an agency-targeted executive order. These findings are robust to a variety of statistical models, approaches to inference, the inclusion of a series of contextual controls, and measurement strategies. In additional analyses, we find evidence that an agency's ideological alignment with the president significantly moderates the relationship between politicization and unilateral action, as the negative association between politicization and executive orders is larger in president-aligned agencies. Collectively, our results provide new evidence about how agency characteristics are associated with presidential unilateralism. More broadly, our findings are consistent with strategic interdependence between mechanisms of presidential power and suggest the need for additional theorizing that evaluates when and for what purposes presidents use these mechanisms.

Mechanisms of Presidential Control of Bureaucracy

Our argument begins with Moe's (1985, 239) observation that "the modern president is driven…to seek control over the structures and processes of government." An important literature describes a variety of mechanisms through which presidents attempt to control government outputs through the executive branch. The centralization of the institutional presidency in White House, the politicization of executive branch appointments, formal unilateral directives, regulatory review, and the strategic use of the regulatory process, among others, all serve as means through which presidents attempt to control executive branch operations and thus exert policy influence. Scholarship in this area has made important contributions by documenting the use of and consequences of these means of influence (a small selection of works includes Bolton and Thrower 2021; Howell 2003; Lewis 2008; Lowande 2014; Moe 1985; Bolton, Potter, and Thrower 2016; Potter and Shipan 2019).

From this starting point, we argue that presidents selectively and strategically use mechanisms of control to achieve their goals. Our perspective emphasizes that presidents enter office with policy and programmatic goals, and presidents choose among strategies for achieving them based on the relative costs and benefits of each. In some scenarios, a unilateral directive may offer the best way for presidents to obtain a particular policy goal while in other circumstances a well-placed appointment might effectively deliver the policy outcome desired by the president. As Rudalevige (2002, 164) observed, "[p]residents have the capacity to make the executive branch work for them," and we argue that presidents draw upon this capacity in strategic ways through the mechanisms of bureaucratic control that are at their disposal.

Previous research in other domains of presidential behavior recognizes that presidents commonly make strategic decisions about how to pursue their goals. Much of this research indicates that presidents may substitute one potential approach for another. For instance, Howell (2003) argues that presidents consider whether to pursue policy change through the legislative process

or via unilateral directives, and decide against unilateralism if their actions are likely to generate congressional or judicial resistance. Similarly, Rudalevige (2002) discusses how presidents decide whether to delegate policymaking to agency personnel or to coordinate policymaking within the Executive Office of the President, where either approach represents a plausible mechanism of policy change. And in the domain of foreign policy, Milner and Tingley (2015, 16) argue that multiple instruments can potentially solve a problem presidents wish to address. They show that domestic politics affects which tool presidents select, such that presidents may use, for example, foreign aid versus military force in seeking to resolve some international conflict. Our argument builds on the insights from this work and posits that presidents make strategic decisions about the mechanisms through which to pursue their policy goals. According to our perspective, the mechanisms of presidential influence are best studied as part of a toolkit from which presidents choose rather than in isolation.

Politicization and Unilateral Action

Though our perspective advances a general argument about the strategies presidents use to influence government outputs, we focus here on the relationship between bureaucratic politicization and the exercise of unilateral power. Politicization refers to the president's appointment power, by which bureaucratic positions are filled by the presidential administration on the basis on an official's "loyalty, ideology, or programmatic support" (Moe 1985, 245). Using political appointees rather than career bureaucratic officials in important positions can increase an agency's responsiveness to the president's political goals. According to Lewis (2008, 7), politicization is the president's "most important source of bureaucratic control" as "political appointees "provide an important means by which presidents control the bureaucracy and influence policy."

Unilateral action refers to the president's use of directives such as executive orders and memoranda to instruct executive branch officials and make new law on their own (for a review, see Lowande and Rogowski 2021). By exercising unilateral power, presidents can create new policy

outcomes without involving Congress. According to Moe and Howell (1999, 851), the potential for presidential policy influence through unilateral action "virtually defines what is distinctively modern about the modern American presidency."

Politicization and unilateral action both offer presidents means of bureaucratic control. In the former case, politicization reduces the president's monitoring costs and allows them to affect agency outputs through the personnel empowered to make decisions. Unilateral action, in contrast, is a means of providing direct instruction to agency officials. Our theoretical perspective suggests that presidents have incentives to consider these mechanisms jointly since they can both be used in service of similar goals. Earlier scholarship recognizes that politicization affects the incentives for other forms of presidential action. According to Berry and Gersen (2017, 1013), for instance, politicization "creates incentive effects by providing a ready-made level to pull when the President…wants to influence an agency." Here, we focus explicitly on the variety of incentives that politicization could generate and the empirical patterns we would expect to observe from them.

Previous scholarship suggests competing hypotheses about the potential relationship between politicization and the use of unilateral action. According to one view, presidents are likely to issue more directives as politicization increases. Because unilateral directives are often the result of time-consuming negotiations between a variety of actors in the executive branch (see, e.g., Rudalevige 2021), the opportunity costs of issuing directives whose policy impacts are unlikely to be felt can be substantial. Previous work shows that politicization increases an agency's responsiveness to the president and their policy agendas (Berry and Gersen 2017; Lowande 2019), suggesting that politicized agencies are more likely to comply with a presidential directive.[2] Moreover, the president's removal power can increase compliance with unilateral directives among appointed bureaucrats who might otherwise disagree with their substance (Acs 2021). Reflecting

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[2]In studying agency compliance with the content of executive orders, however, Kennedy (2015) shows that politicized agencies are *less* likely to comply with unilateral directives.

this logic, Kennedy (2018, 93) argues that "the White House should be more incentivized to target directives that are likelier to succeed, and they should be likeliest to succeed in agencies that have the kinds of structural and ideological characteristics that make them amenable to presidential influence." To the degree that politicization increases the likelihood that directives are implemented as the president intended, this perspective suggests that politicization is positively associated with unilateralism.

A second view posits a different variant of strategic presidential activity. Because presidential expectations outstrip their formal powers (Moe 1985; Neustadt 1990), presidents have incentives to advance their agendas through any means necessary (Howell, Jackman, and Rogowski 2013). Due to resource and capacity constraints, presidents have incentives to maximize their policy influence through the avenues available to them. Rather than consider the risk of noncompliance with a particular order, presidents consider the range of ways through which they can pursue their policy goals through the executive branch. Absent unilateral directives, agencies can create new policy outcomes through other means, including through the regulatory process and the exercise of discretion. Politicization is useful for presidents because it reduces the costs of monitoring while increasing the probability that agencies will make decisions in accordance with the president's preferences and priorities, increases in an agency's politicization may decrease the need for presidents to control agency behavior through unilateral directives.[3] Given that writing executive orders is a costly process (Rudalevige 2015), the benefits of incurring these costs could be less clear in environments where political appointees are already well-positioned to carry out policy wishes that are consistent with the president's. This intuition is broadly consistent with a model by Gibson (2021, 28), which predicts that "centralization and politicization serve as substitutes when both are costly strategies with distinct trade-offs." According to this view,

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[3]Bureaucrats in politicized agencies may not only share the president's priorities and goals but also are better able to receive and act quickly upon instructions or informal suggestions provided by superiors (Gordon 2011).

politicization and unilateralism are negatively correlated.[4]

A third possibility is that politicization is orthogonal to unilateral action. Presidents may use unilateral directives to signal their policy preferences and/or competence to voters (e.g., Fox and Stephenson 2011; Judd 2017; Ansolabehere and Rogowski 2020) while being less concerned with whether those directives translate into meaningful policy outcomes (Goehring and Lowande 2022). According to this view, presidents do not make decisions about unilateral action based on the probability of compliance with the directive. Instead, presidents issue directives that reflect their own policy preferences or priorities and/or that are intended to achieve their political objectives. This perspective suggests that agency politicization is uncorrelated with a president's efforts to direct agency activity through unilateral action. This expectation finds empirical support from Kennedy (2018), who finds no evidence that variation in politicization across agencies is associated with variation in the use of executive orders directed to those agencies.

We test these competing hypotheses about the relationship between politicization and unilateralism. So doing, we contribute to several strands of research in existing scholarship. Previous work has examined the creation of agencies via unilateral power (Howell and Lewis 2002) and presidents' decisions to change the number of appointed positions (Lewis 2005) or to leave key appointments unfilled (Kinane 2021). Other research studies when presidents delegate decision

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[4]A model by Turner (2020) also suggests that unilateral action could decline as politicization increases. The model predicts that unilateralism is less attractive to presidents as bureaucratic capacity increases, and previous work suggests that politicization can undermine the quality of bureaucratic performance (Lewis 2008). Cameron and de Figueiredo (2020) also show that unilateralism can undermine the incentives for bureaucrats to invest effort and may lead some to quit in protest rather than implement presidential directives with which they disagree. Despite these findings, the model also suggests that presidents have incentives to engage in centralized policymaking despite the adverse consequences in the agencies since the adverse consequences of declines in bureaucratic capacity are mostly incurred by their successors.

making authority to agencies (Kennedy 2016; Lowande 2018). Yet this work provides no empirical evidence about how agency politicization affects the use of unilateral power between 1989 and 2012 . The sole exception in Kennedy (2018), who studies how agency characteristics are associated with unilateral directives that are targeted to those agencies. However, this work primarily leverages between-agency sources of variation, which suggests the potential for confounders and omitted variables to bias the estimated relationship between agency politicization and unilateral power. Thus, we introduce new data on an extended time series and a research design that allows us to study the association between politicization and unilateralism net of other time-invariant agency characteristics.

Data

We evaluate the relationship between personnel and presidential unilateralism using panel data on the agency politicization and the annual volume of unilateral activity from 1953 to 2018. The dependent variable is the number of executive orders that are directed to agency i in year t.[5] Though executive orders are not the only means through which presidents exercise unilateral powers (see, e.g., Lowande and Rogowski 2021), we focus on them for two primary reasons. First, executive orders are often the most prominent form of unilateral directive issued by presidents. To the extent that political factors affect presidents' calculations about when to use unilateral power, these factors are likely to be most pronounced for executive orders relative to less visible means of presidential unilateralism. Second, executive orders "are generally directed to, and govern actions by, Government officials and agencies" (U.S. House of Representatives 1957, 1). Because other forms of unilateral action, such as proclamations and executive agreements, are often targeted to audiences outside of government, executive orders are especially well-suited for

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[5]We use "agency" as a generic reference to units in the federal bureaucracy. As the discussion below indicates, the units in our data are Cabinet-level departments and independent agencies.

studying the relationship between politicization in bureaucratic agencies and presidents' use of unilateral power to direct agency activities.

We read each executive order issued between 1988 and 2020 and identified to which bureaucratic unit(s) each was directed. Our interest was in identifying when presidents provided instructions and/or discretion to a given department or agency. We focused on the number of directives issued to Cabinet-level departments and major independent agencies, as these units are the most common recipients of presidential actions.

Figure 1 shows the annual number of executive orders that were directed to each agency between 1988 and 2020. On average, about two executive orders per year were directed to each agency in our data. However, the figure also shows variation across both agencies and time. The annual average was highest for Defense (4.5) and Treasury (4.8) and lowest for Housing and Urban Development (0.5) and Veterans Affairs (0.7). Within most agencies, the number of annual executive orders varies across time. The annual variation was greatest for Health and Human Services (3.2), Homeland Security (3.3), and Justice (3.1). The data shown in Figure 1 contribute new descriptive evidence about how presidents use unilateral action within the executive branch and comprise the dependent variable in our analysis.

Our primary independent variable is the politicization of bureaucratic units. Following previous scholarship (Berry and Gersen 2017; Lewis 2008; Lowande 2019), we characterize a unit's politicization based on the share of managerial positions that are occupied by political appointments relative to career civil servants. For the eighteen departments, offices, and independent agencies shown in Figure 1, we counted the number of positions filled by individuals who were nominated by the president and confirmed by the Senate (PAS), appointed through the Schedule C process, or were chosen noncareer members of the senior executive service and compared the sum of the individuals occupying these positions to the number of career members of the senior executive service (SES). Based on the approach used by Lewis (2008), we calculated a *politicization ratio* where the numerator is the number of political appointees and the denominator is the

Figure 1: Presidential Directives to the Executive Branch, 1988–2020
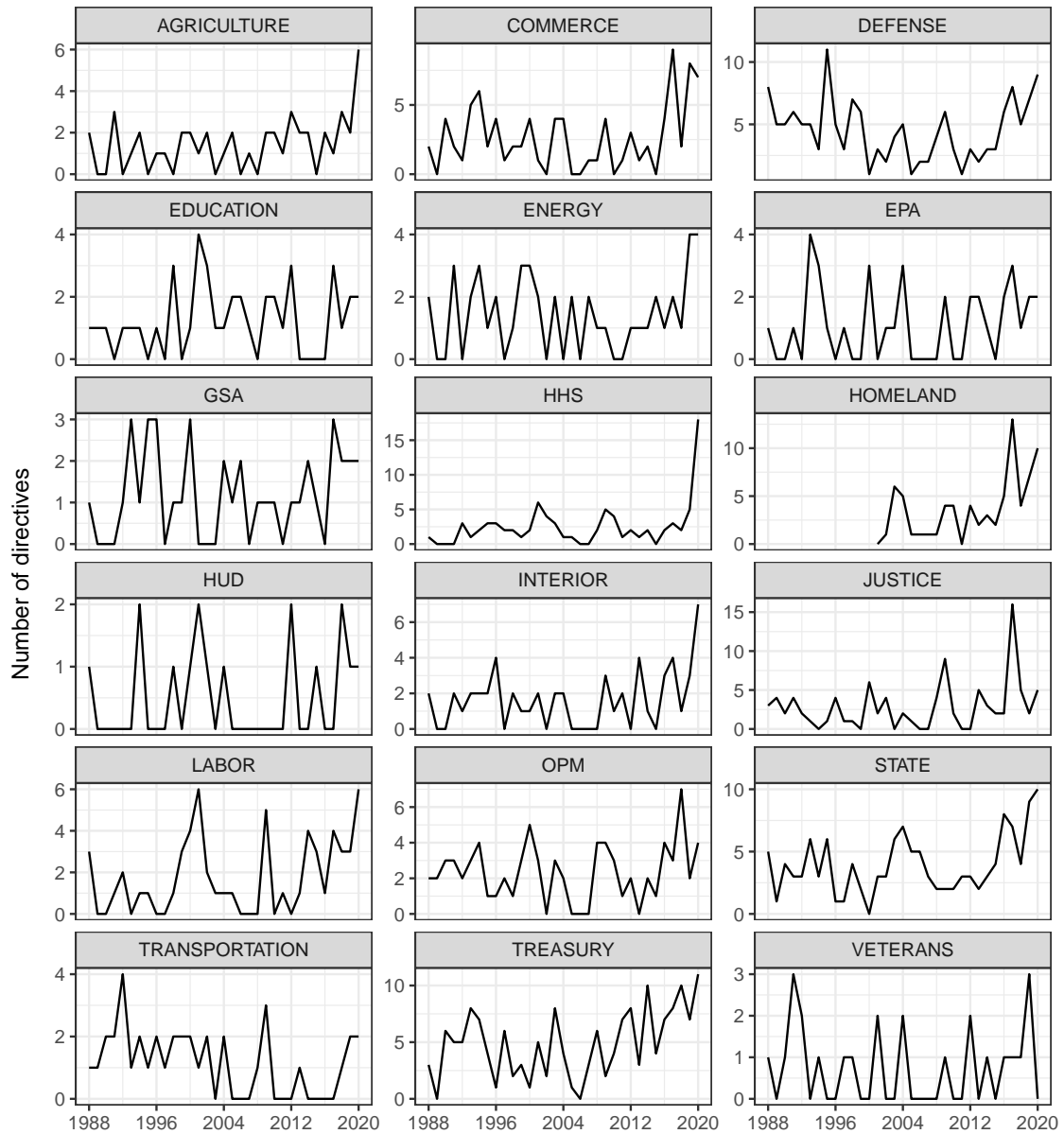
number of career personnel. We used data from Lewis (2008, chapter 5) to construct this measure at the level of departments, offices, and agencies for the years 1988 through 2005. We supplemented these data with original data collection from the FedScope database through the Office of Personnel Management for the years 2006 through 2020.[6]

Figure 2 displays the politicization ratio for each year and bureaucratic unit in the data. As the y-axes demonstrate, there is considerable variation in politicization levels across these entities. Recall that a ratio greater than one indicates more political appointees relative to career personnel, and a ratio less than one indicates more career personnel relative to appointees. The departments of Education and State persistently have the highest level of politicization while politicization tended to be lowest in Defense, Treasury, and Veterans Affairs. Within each agency, though, Figure 2 shows variation across time. For example, politicization tended to trend upward in Transportation and State and downward in Education and Homeland Security. Most agencies exhibited meaningful and non-monotonic variation in politicization across time. Due to its right skew, we use the logged value of the politicization ratio shown in Figure 2 as the independent variable in our analysis.

Empirical Strategy

We leverage the variation within agencies to evaluate the association between politicization and unilateral activity. Specifically, we estimate the following model:

$$y_{it} = \beta_0 + \alpha_i + \delta_p + \beta_1 \ln(\text{Politicization ratio})_{it} + \mathbf{X}\Omega_{it} + \epsilon_{it}, \tag{1}$$

[6]Because FedScope and OPM do not report annual PAS figures, we used data on PAS positions from the most recent version of the *Plum Book* for this period. We confirmed that (1) the number of PAS positions exhibits little variation across time and (2) earlier volumes of the *Plum Book* provide PAS figures that are very similar to those reported in the Lewis (2008) data.

Figure 2: Politicization in the Executive Branch, 1988–2020
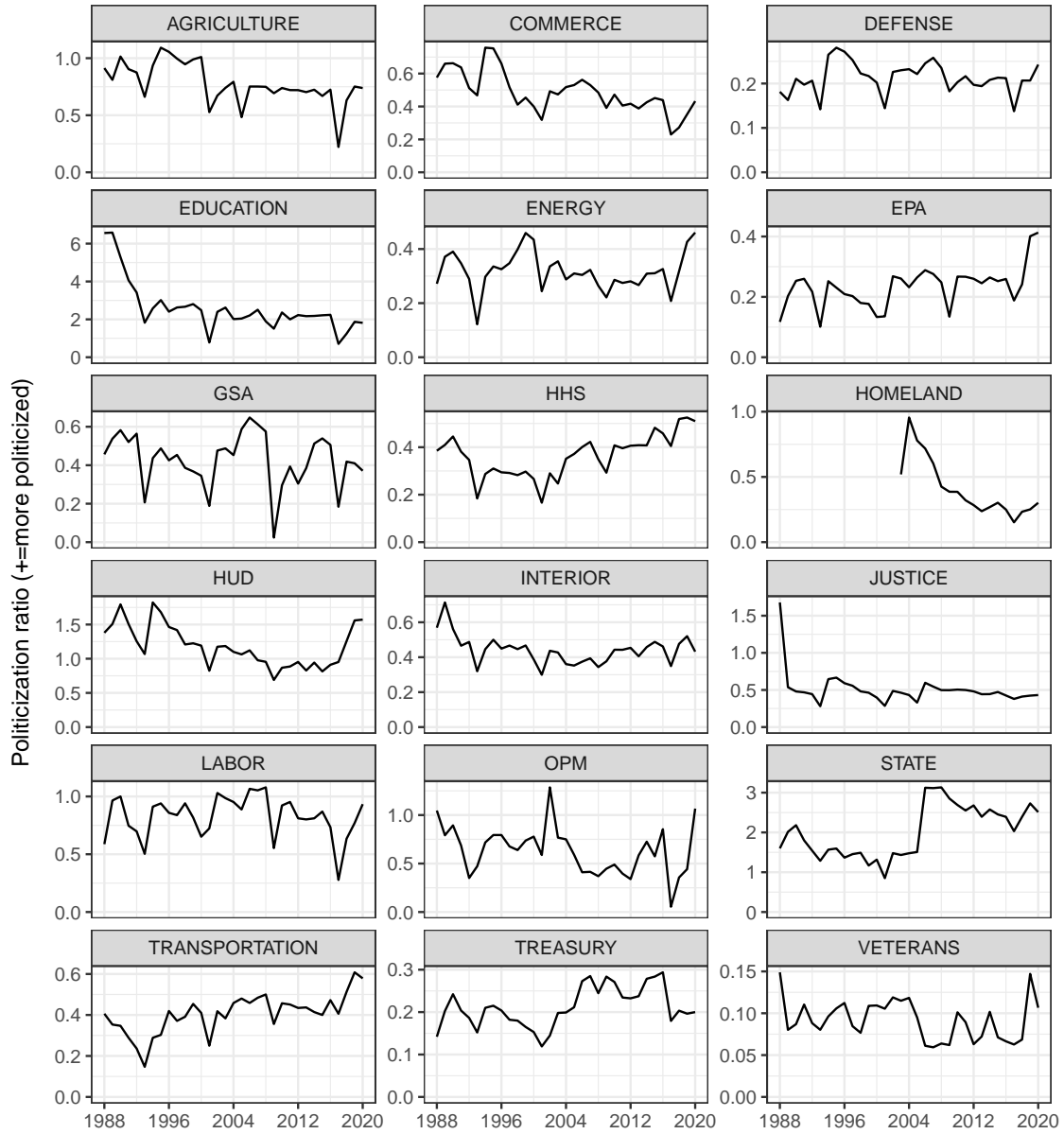
where the dependent variable is the number of executive orders directed to agency i in year t. Because this measure contains zeroes and is also right-skewed, we add one to it before taking the natural log. The main independent variable is the logged value of each agency's politicization ratio, as described above, and the estimate of β_1 is the main quantity of interest. A positive estimate of this parameter indicates that presidents use unilateral power more frequently to direct an agency's activity as its politicization increases, while a negative estimate indicates that presidents issue fewer unilateral directives to an agency in these circumstances.

The fullest specification of Equation (1) leverages two sources of variation for studying the relationship between politicization and unilateral action. We include agency fixed effects (α_i) to control for time-invariant attributes that contribute to baseline differences in the volume of unilateral activity across different agencies. For example, agencies vary in size and issue jurisdiction, and these characteristics may be associated with both politicization and unilateral activity. As Figure 2 showed, politicization varies across agencies, and the sources of these baseline differences may confound estimates shown in previous research (e.g., Kennedy 2018). In some of our models, we also include president fixed effects (δ_p) to account for differences across presidents in the use of unilateral power. Not only many presidents differ in their overall use of unilateral action, but they may also tend to target different agencies given their political agendas and priorities. Given the specification represented by equation (1), estimates of β_1 are identified using changes in an agency's degree of politicization within a given presidential administration.

Additionally, we estimate models that include other covariates ($\mathbf{X}_{it}$) that may also be related to unilateral activity and could serve as potential confounders. First, we account for contextual factors and include an indicator for *Divided government*, which describes congresses when at least one chamber is controlled by the party opposite the White House, as some previous research indicates that presidents use unilateral powers less frequently during these periods (e.g., Bolton and Thrower 2016; Howell 2003). We also include an indicator (*War*) for years in which the U.S. was

involved in a major war,[7] the *Unemployment rate* in percentage points,[8], and the inflation rate in percentage points,[9] as periods of war and worsening economic conditions may require greater presidential action. We also include a measure of the president's annual approval rating to account for differences in presidential popularity that may be associated with variation in unilateral activity (see Christenson and Kriner 2020). The vector of coefficient estimates corresponding to these covariates is represented by Ω_{it}. Finally, β_0 is a constant term and ϵ_{it} is a random error term, clustered on agency.

Results

Table 1 presents the coefficient estimates when estimating various specifications of the model described above. Column (1) shows results from a simple specification when unilateral activity is regressed on agency politicization in addition to agency fixed effects. The model in column (2) accounts for the set of controls described above: war, inflation, unemployment, and the president's approval rating. Column (3) reports results from a model with agency and president fixed effects, to which the set of controls is added for column (4).

The results are relatively consistent across each model specification. In each, the coefficient for *ln(Politicization ratio)* is negative, indicating that fewer executive orders are directed to agencies as they are more politicized. These results suggest that increases in presidential appointments in a given bureaucratic unit are associated with fewer presidential directives that provide instruction to that unit. We find little evidence that the other independent variables are systematically associated with presidential unilateralism. While divided government is negatively signed

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[7]This coding scheme follows Howell and Jackman (2013).

[8]These data were obtained from https://data.bls.gov/timeseries/LNU04000000?years_option=all_years&periods_option=specific_periods&periods=Annual+Data.

[9]These data were obtained from https://data.bls.gov/timeseries/CUUR0000SA0.

in models (2) and (4), consistent with previous scholarship (Bolton and Thrower 2016; Howell 2003), it is not statistically significant in either. One exception concerns the coefficient estimates for the inflation rate, which are negative and statistically significant in both models in which this variable is included, indicating that increases in the inflation rate is associated with less unilateral activity. Consistent with this relationship between economic conditions and the use of executive orders, the coefficient for the unemployment rate is positive and statistically significant in model (4), indicating that increases in unemployment are associated with more unilateralism.

Table 1: Political Appointments and Unilateral Action

	Dependent variable: ln(Executive orders + 1)			
	(1)	(2)	(3)	(4)
ln(Politicization ratio)	-0.22^{**}	-0.16^{**}	-0.15^{**}	-0.11^{*}
	(0.07)	(0.06)	(0.06)	(0.06)
Divided government		-0.05		-0.02
		(0.04)		(0.05)
War		0.05		0.19
		(0.09)		(0.14)
Inflation rate		-0.09^{**}		-0.09^{**}
		(0.02)		(0.03)
Unemployment rate		-0.01		0.04^{*}
		(0.01)		(0.02)
Approval rating		0.00		0.00
		(0.00)		(0.00)
Agency Fixed Effects	Yes	Yes	Yes	Yes
President Fixed Effects	No	No	Yes	Yes
Observations	579	579	579	579

Note: Entries are linear regression coefficients with standard errors clustered on agencies in parentheses. *p<0.10, **p<0.05 (two-tailed tests).

The results shown in Table 1 are robust across several additional analyses. In the interest of space, we describe the results of these analyses here and report the full results in the Supplementary Appendix. First, our inferences are robust to alternative means of estimating the standard

errors associated with the coefficient estimates. Clustered standard errors are often biased downward in settings with small number of clusters (i.e., fewer than fifty; see Cameron and Miller 2015), and our data contain 18 clusters. This bias may lead us to overstate our confidence in rejecting the null hypothesis. We address this concern using the procedure developed by Roodman et al. (2019) and calculate test statistics with the wild bootstrap. We continue to find a negative and statistically significant relationship between politicization and unilateral activity when estimating uncertainty with the cluster wild bootstrap.[10]

Second, our results are robust to accounting for variation in administrative "regimes." The creation of the Department of Homeland Security near the end of 2002 reorganized responsibilities within the executive branch. For example, the U.S. Customs Service was transferred into DHS from the Department of Treasury, the responsibilities executed by the Immigration and Naturalization Service were transferred from the Department of Justice, and the Transportation Security Administration was transferred from the Department of Transportation. The change in the allocation of responsibilities across departments may have changed how presidents used executive orders to direct activities within them. We accounted for this possibility by re-estimating our models from Table 1 and including agency-by-regime fixed effects, where regime 1 is from 1988 to 2002 and regime 2 is from 2003 to 2020. The results from this analysis are consistent with our findings from Table 1.[11]

Third, we estimated models that omitted the Department of Homeland Security so that we have a balanced panel across all 33 years in the data. These models continue to support our conclusions from Table 1. The coefficients for politicization are negatively signed, although the coefficient estimate in column (4) is distinguishable from zero only at $p < .12$.[12]

Fourth, and finally, our results are not disproprotionately driven by any particular agency or

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[10]See Table A.1.

[11]See Table A.2.

[12]See Table A.3.

presidential term. We re-estimated model (4) from Table 1 while dropping one agency or one president at a time. The coefficient for politicization is negative in each of these 24 models and it is statistically distinguishable from zero ($p < .10$) in many of them despite the reduction in statistical power.[13]

The results presented above provide new evidence about the relationship between agency characteristics and unilateral action. In particular, we show that an agency's personnel profile is consistently associated with patterns of executive orders, as presidents issue fewer executive orders directed to agencies as their level of politicization increases. Not only do these results suggest the relevance of agency-level factors in presidential decisions to use unilateral power, but they also suggest the interdependence of various strategies presidents may use to exert control over bureaucracy.

Politicization, President-Agency Ideological Alignment, and Unilateral Action

Increased politicization may not increase the prospects for presidential control in the same way across all agencies or departments. Likewise, not all political appointees may be equally aligned with the president's ideological position. Thus, we explore the possibility that the relationship between politicization and unilateral action varies with an agency's ideological alignment with the president. To the extent that presidents have decreased incentives to issue unilateral directives to agencies with larger shares of leaders who share the president's priorities and preferences, we would expect the negative association with politicization to be especially large in agencies that are ideologically aligned with the president.

To do so, we create a measure of *President-Agency Alignment* that characterizes whether the president and an agency share a similar ideological orientation. We do so using scores from

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[13]See Table A.4.

Clinton and Lewis (2008), which evaluate the ideological positions of executive branch agencies using elite surveys. While existing measures of agency ideology each have their limitations, the Clinton and Lewis (2008) scores come with some advantages relative to other approaches. The experts in the survey were explicitly asked to consider agency ideology during the time period from 1988 to 2005, which overlaps considerably with the period under study here. Moreover, we are less interested in cardinal differences between agencies than we are in characterizing the ideological relationship between agencies and the president. Therefore, for each agency in our data that Clinton and Lewis (2008) identify as liberal, our measure of *President-Agency Alignment* takes a value of 1 for Democratic presidents and -1 for Republican presidents. Similarly, for agencies identified as conservative, the measure of *President-Agency Alignment* has a value of 1 for Republican presidents and -1 for Democratic presidents. Agencies whose ideology scores are indistinguishable from zero in Clinton and Lewis (2008) have a value of zero for *President-Agency Alignment* during the entire time period.[14]

We include our measure of *President-Agency Alignment* in the models we estimated in Table 1. The coefficient for the constituent term of *President-Agency Alignment* characterizes the association between an agency's ideological alignment with the president and the number of executive orders directed to that agency. Most importantly for our purposes, we interact this term with our measure of politicization. A positive coefficient estimate for the interaction term indicates that ideological alignment with the president attenuates the negative association between politicization and unilateral action, while a negative coefficient would indicate that the negative relationship is especially pronounced for agencies that are especially aligned with the president.

Table 2 shows the results. Across each model, the coefficient for *President-Agency Alignment* is negative and statistically significant. This is interpreted as the association between ideological

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[14]We also estimated models where the measure of *President-Agency Alignment* was constructed on the basis of agency scores reported in Richardson, Clinton, and Lewis (2018). The results are extremely similar to those shown below. See Table A.5.

alignment and unilateral action in agencies whose politicization level is 1,[15] where there is an equal number of career managers and political appointees. The coefficient indicates that, with respect to agencies with this level of politicization, ideological alignment is negatively associated with presidential executive orders. This result is consistent with the model presented by Gibson (2021), which predicts that presidents engage in greater centralization as ideological distance increases between the president and the agency. The coefficients for the interaction term, moreover, are consistently negative and statistically significant. This pattern indicates that politicization is associated with an especially large decline in the number of executive orders among agencies that are ideologically aligned with the president.

The results in Table 2 provide evidence that presidents' use of executive orders toward particular agencies depends both on an agency's politicization and its ideological orientation. It may be noteworthy for the purposes of interpretation that these two quantities are essentially orthogonal to each other in our data as both the cross-sectional and within agency correlations are extremely small (and negatively signed). More speculatively, these findings could suggest that presidents have particularly weak incentives to issue unilateral directives to agencies when the composition of that agency is likely to share the president's goals. Instead, agency officials may be able to use other measures, such as the rulemaking process and guidance documents, to produce policy outcomes that reflect the president's views even in the absence of formal directives from the president. Consistent with this speculation, previous research has found that agencies that are ideologically aligned with the president engage in rulemaking at higher rates (Potter and Shipan 2019). While our analysis does not provide direct evidence of substitution across various tools of administrative policymaking, its findings add to a growing literature that study how interbranch and intrabranch politics affect whether and how new policy is created.

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[15]Recall that the log of 1 is zero.

Table 2: Political Appointments, President-Agency Alignment, and Unilateral Action

	Dependent variable: ln(Executive orders + 1)			
	(1)	(2)	(3)	(4)
ln(Politicization ratio)	−0.22**	−0.16**	−0.15**	−0.11
	(0.07)	(0.07)	(0.06)	(0.06)
President-Agency Alignment	−0.07**	−0.08**	−0.06**	−0.06*
	(0.02)	(0.02)	(0.03)	(0.03)
Politicization x Alignment	−0.08**	−0.10**	−0.06**	−0.06**
	(0.02)	(0.02)	(0.03)	(0.03)
Divided government		−0.04		−0.02
		(0.04)		(0.05)
War		0.00		0.19
		(0.10)		(0.14)
Inflation rate		−0.10**		−0.09**
		(0.02)		(0.03)
Unemployment rate		−0.01		0.04*
		(0.01)		(0.02)
Approval rating		0.00		0.00
		(0.00)		(0.00)
Agency Fixed Effects	Yes	Yes	Yes	Yes
President Fixed Effects	No	No	Yes	Yes
Observations	579	579	579	579

Note: Entries are linear regression coefficients with standard errors clustered on agencies in parentheses. *p<0.10, **p<0.05 (two-tailed tests).

Conclusion

This paper makes some initial progress on understanding the relationship between two tools of presidential influence—unilateral action and the politicization of the personnel system—that previous scholarship mostly has considered in isolation. Our findings indicate that politicization is negatively associated with presidents' use of unilateral power. As increasing shares of positions in an agency are filled with political appointees, presidents issue fewer unilateral directives to

direct the policymaking activity of that agency, particularly for agencies that share the president's ideological orientation.

Our results suggest several important implications for scholarship on executive branch politics. First, our findings highlight how bureaucratic characteristics are associated with presidents' use of unilateral power. While previous research has focused largely on how the ideological composition of Congress (Bolton and Thrower 2016; Chiou and Rothenberg 2017; Howell 2003; Kaufman and Rogowski 2021) and public opinion (Christenson and Kriner 2019; Rogowski 2022) is associated with patterns of unilateral action, we demonstrate the relevance of agency-specific factors for presidents' decisions to issue executive orders. Moreover, insofar as scholars have considered how bureaucratic capacity (Turner 2020) or the potential for bureaucratic compliance (Kennedy 2015) may condition presidents' unilateral strategies, we show how the presidents' control of bureaucratic personnel may factor into these decisions.

Second, our findings contribute to scholarship that studies the consequences of politicization. Previous research shows that politicization can undermine bureaucratic performance (Lewis 2008), reduce agency expertise Richardson (2019), and increase responsiveness (or, alternatively, bias) in agency behavior toward presidential copartisans in Congress (Lowande 2019) and copartisan constituencies (Berry and Gersen 2017; Dählstrom, Fazekas, and Lewis 2021). We also show that politicization matters for how and when presidents wield unilateral power.

Third, and more speculatively, our results suggest that politicization and unilateral action serve as substitute means of presidential influence. Politicization is useful to presidents because it reduces monitoring costs and allows them to assume that agencies will pursue the president's priorities and policy goals through mechanisms such as the regulatory process. Variation in politicization across agencies thus implies that presidents can focus their efforts to direct bureaucratic policymaking on agencies that are less likely to pursue the president's agenda without direct instruction to do so. In this telling, the negative association we uncover between unilateral activity and politicization underscores the breadth of influence presidents can have across the executive

branch.

At the same time, our results have several important limitations which provide opportunities for further research. First, our research design limits our ability to interpret the findings in a causal way. Our research design has some important advantages for addressing potential confounding, but our key independent and dependent variables are measured contemporaneously. Given the difficulty in observing how and when values of each of them change, it is unclear whether politicization temporally precedes (and thus plausibly causes) variation in unilateral activity. Second, unilateral directives vary in their policy content. For example, some of them provide specific instructions to agencies while others delegate authority and discretion (e.g., Lowande 2018). Our coding scheme does not distinguish executive orders on this basis; theoretically one might expect that presidents are more likely to delegate discretion to agencies with which they are ideologically aligned (see, e.g., Huber and Shipan 2002) and, perhaps, contain larger shares of political appointees. This is an important opportunity for further study. Finally, our results highlight the need for additional theorizing in this area. While previous scholars have carefully modeled the relationship between presidential politicization and centralization (e.g., Gibson 2021), it is unclear how these strategies may be associated with direct presidential action. Further research, both empirical and theoretical, will contribute deeper insights into the mechanisms of presidential policymaking.

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ONLINE APPENDIX

Robustness Checks and Supplementary Analyses for
"Executive Levers of Agency Control: Prescription and Personnel"

Table A.1: Political Appointments and Unilateral Action (Standard errors estimated with the wild cluster bootstrap)

	Dependent variable: ln(Executive orders + 1)			
	(1)	(2)	(3)	(4)
ln(Politicization ratio)	-0.22**	-0.16**	-0.15**	-0.11*
	[-0.35, -0.11]	[-0.29, -0.05]	[-0.28, -0.04]	[-0.25, -0.00]
Divided government		-0.05		-0.02
		[-0.12, 0.02]		[-0.11, 0.06]
War		0.05		0.19
		[-0.11, 0.21]		[-0.05, 0.44]
Inflation rate		-0.09**		-0.09**
		[-0.13, -0.05]		[-0.13, -0.04]
Unemployment rate		-0.01		0.04*
		[-0.04, 0.01]		[0.01, 0.08]
Approval rating		0.00		0.00
		[-0.01, 0.01]		[-0.01, 0.01]
Agency Fixed Effects	Yes	Yes	Yes	Yes
President Fixed Effects	No	No	Yes	Yes
Observations	579	579	579	579

Note: Entries are linear regression coefficients with 90 percent confidence intervals in brackets. Test statistics are calculated with the wild cluster bootstrap with Rademacher weights. *p<0.10, **p<0.05 (two-tailed tests).

Table A.2: Political Appointments and Unilateral Action (Accounting for Administrative Regime)

	Dependent variable: ln(Executive orders + 1)			
	(1)	(2)	(3)	(4)
ln(Politicization ratio)	−0.28**	−0.20**	−0.16**	−0.16**
	(0.08)	(0.07)	(0.05)	(0.06)
Divided government		−0.07		−0.01
		(0.04)		(0.05)
War		0.10		0.19
		(0.09)		(0.16)
Inflation rate		−0.11**		−0.09**
		(0.02)		(0.03)
Unemployment rate		−0.01		0.04**
		(0.01)		(0.02)
Approval rating		−0.00		0.00
		(0.00)		(0.00)
Agency x Regime Fixed Effects	Yes	Yes	Yes	Yes
President Fixed Effects	No	No	Yes	Yes
Observations	579	579	579	579

Note: Entries are linear regression coefficients with standard errors clustered on agencies in parentheses. $^*p<0.10$, $^{**}p<0.05$ (two-tailed tests).

Table A.3: Political Appointments and Unilateral Action (Omitting Homeland Security)

	Dependent variable: ln(Executive orders + 1)			
	(1)	(2)	(3)	(4)
ln(Politicization ratio)	−0.20**	−0.14**	−0.14**	−0.11
	(0.07)	(0.07)	(0.06)	(0.07)
Divided government		−0.04		−0.01
		(0.04)		(0.05)
War		0.04		0.19
		(0.09)		(0.14)
Inflation rate		−0.08**		−0.08**
		(0.02)		(0.03)
Unemployment rate		−0.01		0.04*
		(0.01)		(0.02)
Approval rating		0.00		0.00
		(0.00)		(0.00)
Agency Fixed Effects	Yes	Yes	Yes	Yes
President Fixed Effects	No	No	Yes	Yes
Observations	561	561	561	561

Note: Entries are linear regression coefficients with standard errors clustered on agencies in parentheses. $^*p<0.10$, $^{**}p<0.05$ (two-tailed tests).

Table A.4: Political Appointments and Unilateral Action (Omitting one agency or presidential term at a time)

		Coefficients for ln(politicization ratio):		
Omitted agency	Coef (se)		Omitted president	Coef (se)
Agriculture	−0.12*		Reagan	−0.12
	(0.06)			(0.07)
Commerce	−0.12*		HW Bush	−0.07
	(0.07)			(0.05)
Defense	−0.11		Clinton	−0.14*
	(0.06)			(0.07)
Education	−0.10		W Bush	−0.06
	(0.07)			(0.08)
Energy	−0.12*		Obama	−0.15**
	(0.07)			(0.06)
EPA	−0.11		Trump	−0.15*
	(0.07)			(0.07)
GSA	−0.14*			
	(0.07)			
Health and Human Services	−0.10			
	(0.06)			
Homeland Security	−0.11			
	(0.07)			
Housing and Urban Development	−0.11			
	(0.07)			
Interior	−0.11			
	(0.06)			
Justice	−0.10			
	(0.06)			
Labor	−0.09			
	(0.06)			
OPM	−0.13*			
	(0.07)			
State	−0.14*			
	(0.07)			
Transportation	−0.07			
	(0.05)			
Treasury	−0.13*			
	(0.07)			
Veterans Affairs	−0.11			
	(0.07)			
Controls	Yes			Yes
Agency Fixed Effects	Yes			Yes
President Fixed Effects	Yes			Yes
Observations	561			561

Note: Entries are linear regression coefficients with standard errors clustered on agencies in parentheses. The first and third columns indicate which agency or president, respectively, was dropped when estimating model (4) from Table 1. *p<0.10, **p<0.05 (two-tailed tests).

Table A.5: Political Appointments, President-Agency Alignment, and Unilateral Action (from Richardson, Clinton, and Lewis 2018)

	Dependent variable: ln(Executive orders + 1)			
	(1)	(2)	(3)	(4)
ln(Politicization ratio)	−0.23**	−0.18**	−0.16**	−0.12*
	(0.07)	(0.07)	(0.06)	(0.07)
President-Agency Alignment	−0.06**	−0.11**	−0.06*	−0.05
	(0.02)	(0.03)	(0.03)	(0.03)
Politicization x Alignment	−0.07**	−0.10**	−0.06**	−0.06**
	(0.02)	(0.02)	(0.02)	(0.02)
Divided government		−0.04		−0.02
		(0.04)		(0.05)
War		−0.02		0.20
		(0.09)		(0.14)
Inflation rate		−0.10**		−0.09**
		(0.02)		(0.03)
Unemployment rate		−0.01		0.04*
		(0.01)		(0.02)
Approval rating		0.00		0.00
		(0.00)		(0.00)
Agency Fixed Effects	Yes	Yes	Yes	Yes
President Fixed Effects	No	No	Yes	Yes
Observations	579	579	579	579

Note: Entries are linear regression coefficients with standard errors clustered on agencies in parentheses. *$p<0.10$, **$p<0.05$ (two-tailed tests).