Between Two Fires: The Institutional and Public Constraints to Unilateral Policy Change

Although the presidency literature widely examines how Congress limits executive power, recent political and scholarly discourse argues the public is the more effective restraint. This paper develops a theory explaining when institutional and public constraints influence unilateralism. Both are important for curbing substantial policy changes that likely provoke congressional and public response. And when one constraint is insufficient, the other becomes more imperative. Using data on when executive orders are amended and revoked between 1955 and 2013 to measure policy shifts, I find that orders are less likely to be altered under presidents facing oppositional or cohesive congresses and high public disapproval. Both types of constraints are strongest for substantial policy changes, i.e. revocations or targeting ideologically distant orders, and when the other is weakened. This study advances the unilateralism literature by examining interactions between multiple constraints and degrees of policy change, while also contributing to studies of policy duration.

The excess of presidential power is perhaps one of the most pervasive fears in the public and political sphere. Expansive executive authority is not merely an artifact of the current president, but reflects a growing trend towards what some scholars call the imperial presidency (Schlesinger 1973; Rudalevige 2005). As one reporter insightfully noted, "Trump per se isn't the power. Power is the problem, and years and the chickens we have so carefully raised by weakening constraints on the executive branch are finally coming home to roost."[1] Many attribute the rise of executive power to the abatement of institutional checks, particularly from Congress. Sen. Mike Lee announced that "executive overreach is an enormous problem…largely of Congress's own making."[2] Professor Neal Devins called checks and balances "an abject failure" because Congress "lacks both the will and the way to check the presidency."[3]

Posner and Vermeule (2010) agree that institutional checks on the president "have eroded considerably over the last two hundred years," but argue that the public can fill this void, stating "the major constraints on the executive…do not arise from law or from the separation-of-powers framework…but from politics and public opinion." Scholars and political observers often believe that both Congress, riddled with gridlock and informational disadvantages, and the courts, deferential and fearful of executive non-enforcement, are ineffective at restraining executive power (Moe and Howell 1999). The public, on the other hand, might serve as a more credible

---

[1] https://www.forbes.com/sites/artcarden/2018/08/28/presidential-power-is-a-powerful-problem/#31d33c991d9c

[2] https://www.lee.senate.gov/public/index.cfm/2016/2/make-congress-great-again

[3] https://www.washingtonpost.com/politics/donald-trump-and-the-dangers-of-a-strong-presidency/2016/07/30/69cfc686-55be-11e6-b7de-dfe509430c39_story.html

threat to electorally-motivated presidents whose popularity determines their legislative and judicial successes (e.g. Rivers and Rose 1985; Yates 2002). Accordingly, recent scholarship finds that public opinion can also constrain unilateral actions (Christenson and Kriner 2019; Reeves and Rogowski 2016), a tool affording presidents perhaps the greatest opportunity to act independently from the other branches of government.

The preponderance of the unilateralism literature, however, focuses on legislative constraints, often finding presidents issue fewer directives when facing divided government or an internally cohesive Congress (e.g. Howell 2003). Some scholars highlight statutory and non-statutory tools (Chiou and Rothenberg 2017) or sufficient institutional resources (Bolton and Thrower 2016) as explanations for why modern congresses can adequately temper unilateral action. This raises the question of whether the public or the separation of powers system serves as the greatest constraint on presidential power. Yet, the more relevant question might be: *under what conditions are public and institutional forces effective at constraining presidential power?*

The answer can shed light on why some studies find that the public or Congress can inhibit unilateralism, while others uncover mixed or null results (e.g. Belco and Rottinghaus 2017; Deering and Maltzman 1999; Fine and Warber 2012). These discrepancies may be due to empirical analyses mostly focused on the frequency of unilateral actions, rather than their content. Though many studies isolate important orders based on significance or function, they do not measure the degree of policy change imposed by these directives. The latter serves as the basis for prominent theoretical predictions of unilateralism (Chiou and Rothenberg 2017; Howell 2003). Practically speaking, the public and Congress should be more likely to punish presidents for unilateral actions that drastically shift policy away from their preferences, relative to the

status quo. Studies of unilateralism, however, do not accurately test these predictions given the difficulties in identifying and measuring the status quo.

Amendments and revocations to executive orders may provide a promising avenue for theory testing, by comparing the relative policy change occurring between the original and new order. Presidents since Rutherford B. Hayes have issued executive orders to alter the policies of previous presidents, particularly ones in which they most ideologically disagree. Trump, for instance, revoked eleven and amended two executive orders signed by Obama upon assuming office in 2017. Likewise, in 2009, Obama rescinded nine orders and amended four issued by George W. Bush, who himself revoked twenty-five Clinton orders and amended an additional eight in his inaugural year.

Although there is a profusion of theoretical and empirical studies on the creation of policy, considerably less attention is devoted to explaining how long these policies endure and why they are altered. The studies that do consider these questions tend to exclusively focus on legislative policies (e.g. Maltzman and Shipan 2008), rather than presidential ones. Beyond valuable descriptive accounts (Warber 2006), Thrower (2017b) provides one of the only empirical examinations of executive order longevity. Yet, she does not conceptually distinguish between institutional and public constraints, nor does she consider the conditions under which either one is most effective. Furthermore, her study focuses solely on revocations without considering other avenues of change. Presidents can impose small or large changes to the status quo by selecting between various alteration strategies, which has implications for understanding when Congress and the public affect presidential decisions based on threats of retaliation.

Accordingly, I develop a theory of when executive orders are altered based on institutional and public constraints. Consistent with previous studies, I argue that presidents are

less likely to unilaterally alter policy when facing high congressional barriers (i.e. low gridlock or divided government) and strong public opposition. Unlike the existing literature, I argue that these forces are most restricting for large policy changes, like utilizing revocations or targeting ideologically distant orders, that are more prone to congressional or public reproach. Amendments, which can make comparatively minor adjustments to the status quo, and more proximate orders should be less inhibited by institutional and public constraints. Furthermore, when one constraint is weakened, the other becomes even more influential in tempering unilateralism. To test this theory, I construct a dataset of all executive orders issued, amended, or revoked between 1955 and 2013, finding empirical support for its predictions.

Overall, this study illuminates the underlying motivations, constraints, and trade-offs behind presidential strategies in policymaking. While most studies examine one strategy at a time, this is one of the first to consider multiple ones in tandem. Notably, it emphasizes the importance of both institutional and public constraints, rather than just one, in hindering presidential prerogatives. This work also calls attention to the content of orders rather than just their frequency, which is the predominate focus in the unilateral policymaking literature. In doing so, it highlights how the degree of policy change determines when institutional and public checks matter for curbing presidential power.

Background

Beyond policy creation, ideologically motivated political actors also amend or reverse existing policies to influence policymaking. In doing so, they can shift the status quo away from where the enacting coalition placed it and towards their own ideal location (e.g., Shepsle 1992). Despite the importance of such "coalitional drift", less scholarly attention is given to the

endurance of policy after creation. The few existing studies on policy duration focus on agencies (e.g., Carpenter and Lewis 2004), federal programs (e.g., Berry, Burden, and Howell 2010), and legislation (Maltzman and Shipan 2008; Ragusa 2010; Ragusa and Birkhead 2015). Furthermore, scholars usually investigate one method of change at a time, rather than considering the trade-offs between amending and terminating a policy. Almost no scrutiny is given to unilateral policies, which can be more easily changed by subsequent presidents without explicit congressional or judicial approval.

Undoubtedly, unilateral action is one of the most consequential presidential powers. These actions are broadly characterized as those allowing the president to act in the absence of and prior to other governmental actors (Howell 2003). Although presidents have a wide range of unilateral actions at their disposal, one of the most important for influencing policy change are executive orders, i.e. written directives instructing executive branch officials how to implement and interpret the law. Executive orders are viewed by the courts as a legally valid source of authority for agency action (Cooper 2002; Thrower 2017a). As such, these orders have been widely used by presidents since the nineteenth century on issues ranging from economic management to foreign policy.

Consequently, presidents often use executive orders to pursue their policy goals through agency implementation (Cooper 2002; Thrower 2017a). They can move the status quo towards their preferences by unilaterally creating new policy (Chiou and Rothenberg 2017; Deering and Maltzman 1999; Howell 2003). Presidents also issue executive orders to change previous ones. Orders can be revoked, amended, or superseded by any president. Revoking an executive order completely nullifies its status as a part of the law. Amending an order maintains its legal status, thus continuing its existence as a source of authority for executive branch actions. Lastly,

presidents can supersede (i.e., suspend) the authority of a previous executive order, until it is (potentially) reinstated. Yet, both scholars and presidents themselves remain unclear over how superseding is distinct from amending or revoking (Warber 2006). Supersessions can completely change the meaning of a previous order or barely change anything. Hence, presidents can use them to essentially revoke or amend other orders depending on its content. For these reasons, I collapse supersessions into one of the former categories in the empirical analysis.

Given its importance as a tool for policy change, a dearth of scholarship explores when executive orders are issued. The vast majority of this literature has examined when presidents issue these orders in the face of constraints from Congress. Yet, a growing body of work explores how the public can likewise restrain unilateral behavior, often arguing that such checks are more effective than congressional ones. Although many scholars find that presidents issue fewer directives when facing these constraints, much of the literature has actually found conflicting evidence. Some studies show that congressional or public opposition decreases unilateralism (Christenson and Kriner 2019, 2020; Howell 2003; Chiou and Rothenberg 2017), while others uncover insignificant or mixed results (Belco and Rottinghaus 2017; Deering and Maltzman 1999; Fine and Warber 2012; Mayer 1999; Mayer 2001; Mayer and Price 2002; Rottinghaus and Warber 2015). Many of these inconsistencies emerge because of differences in the type of executive order empirically analyzed, based on function, significance, or targeted audience. Less attention is given to how far presidents actually move policy through unilateral actions. This is largely due to the overwhelming focus on aggregate executive order counts, rather than content, as well as the difficulties in identifying and measuring the status quo.

Amendments and revocations of previous executive orders may provide a way to measure policy change, by comparing the texts of the new and original order. Doing so can provide more

accurate evaluations of unilateralism theories, whose predictions are rooted in relative movements from the status quo (Howell 2003; Chiou and Rothenberg 2017). Considerably few studies, however, examine executive order alteration. This lack of attention is surprising given the frequency in which these strategies occur. Between 1949 and 2013, 50 percent of all executive orders issued were subsequently altered in some way – with 21 percent being amended, 31 percent revoked, and 9 percent superseded.

While Warber (2006) provides useful conceptualizations and descriptive data on the matter, only one empirical study considers its theoretical foundations (Thrower 2017b). Similar to other studies of policy duration, Thrower focuses solely on one alteration strategy, i.e. revocations, but not the others. Though she examines aspects of both institutional and public constraints, she does not conceptually distinguish between the two, explore their interactive effects, or consider how these constraints might affect unilateral strategies differently based on the degree to which presidents move status quo policies.

III   Theory

Under what conditions are public and institutional constraints most effective at limiting the president's ability to unilaterally change policy? To answer this question, I develop a theory of when executive orders are altered based on these constraints and the degree of policy change.

Institutional Constraints

To begin, presidents encounter substantial barriers from institutional actors residing outside of the executive branch – notably, Congress and the courts. Presidents must rely upon discretion when unilaterally moving policy, either evoking broad constitutional prerogatives or

specific statutory authorizations as sources of authority – the latter of which is generally viewed as a stronger foundation for executive action (Howell 2003; also see *Youngstown v. Sawyer* 1952). Executive orders that surpass discretionary boundaries can be overturned by the judiciary, but are not easily challengeable in court. They are not reviewable under the Administrative Procedures Act and it is difficult to claim standing to bring suit against them. Furthermore, some argue the courts might want to avoid hearing cases directly involving presidential power and have the means to do so (Moe and Howell 1999).

Instead, scholars generally view Congress as being the primary institutional force against unilateral power. It has the ability to limit the executive's statutory discretion and often does so strategically (Epstein and O'Halloran 1999). Additionally, Congress can also pass retaliatory laws that overturn an order, defund related agencies and programs, or restrict presidential powers and agendas. Such statutory responses are costly to presidents in terms of time, resources, political capital, and policy gains. Consequently, presidents avoid issuing executive orders that would provoke such legislative reprimands.

Congress's ability to statutorily retaliate against presidents, however, depends upon whether it can overcome internal division. Several theoretical models of lawmaking have hypothesized that Congress is unable to change status quo policies located within the gridlock interval, which is the region between key legislative actors (e.g. Krehbiel 1998; Chiou and Rothenberg 2017; Woon and Cook 2015). Depending on the model, such pivots can include the chamber median, the majority and minority party medians, and the filibuster and veto override pivots. Building off Krehbiel (1998), Howell (2003) develops his own formal model positing that presidents use unilateral actions to move policy within the gridlock interval where Congress is unable to retaliate. As this interval expands, presidents can more easily find a preferable location

within it, relative to the status quo, and thus unilateral action is more likely. Contractions of the gridlock interval should limit these opportunities. Indeed, previous research has empirically verified these arguments with a variety of measures (Chiou and Rothenberg 2017; Howell 2003).

Even in the presence of gridlock, Congress can still punish presidents for unfavorable unilateral actions through non-statutory means, such as oversight hearings or the confirmation process, that impose similar costs as retaliatory statutes. Such responses often require the assent of a committee or just its chair and do not mandate the same supermajority coalitions as legislation. Congress has the greatest incentives to reprimand presidents who unilaterally shift policy away from its preferred location (Chiou and Rothenberg 2017), which is most likely to occur when they have diverging ideological or partisan preferences. Thus, partisan divisions between congressional majorities and the president can likewise deter unilateralism. Indeed, modern presidents generally issue fewer executive orders during divided government relative to unified (Bolton and Thrower 2016; Chiou and Rothenberg 2017; Howell 2003).

Taken together, inter-branch disagreement or reduced legislative gridlock can inhibit unilateral action. When these institutional constraints are low, presidents have greater opportunities for policy change with less risk of congressional opposition. This same logic should apply when presidents use executive orders to alter previous ones.

> **H1: The Institutional Constraints Hypothesis**. Executive orders are less likely to be altered by presidents facing higher institutional constraints.

Public Constraints

Though studies of unilateralism largely focus on institutional actors, a growing body of literature highlights their limitations in effectively constraining executive actions – mostly due to

problems with collective action and enforcement (Moe and Howell 1999). Consequently, some argue that costs imposed by the public can serve as the greatest constraint on unilateral power (e.g., Christenson and Kriner 2019; Posner and Vermeule 2012). Decades of research have established that presidents are dependent upon favorable public opinion to achieve their legislative goals (Bond and Fleisher 1990; Beckmann 2010; Rivers and Rose 1985). Recent scholarship explores the important connections between public opinion and unilateralism. Although some find that the public is inherently skeptical of unilateral actions (Reeves and Rogowski 2015, 2018), these opinions can be conditional on public evaluations of the president. In fact, Reeves and Rogowski (2015) show that high presidential approval increases public support for unilateral action. This relationship can be reciprocal, with unilateral actions resulting in negative policy and politician evaluations (Reeves and Rogowski 2016, 2018). Furthermore, individuals' agreement with unilateral actions can increase their approval of the president and the electoral prospects of her congressional allies (Ansolabahere and Rogowski 2020).

Consequently, presidents might be reluctant to take unilateral actions that would result in negative public evaluations given the implications for their electoral prospects and policy agendas. Indeed, they issue fewer unilateral actions when their approval is low (Christenson and Kriner 2019). I expect the same public constraints to apply for presidents using executive orders to alter previous policies.

H2: The Public Constraints Hypothesis. Executive orders are less likely to be altered by presidents facing higher public constraints.

The Degree of Policy Change

While institutional and public constraints can impede executive unilateralism, presidents should be the most circumscribed when imposing substantial changes to the status quo. Congress has greater incentives to retaliate against presidents who unilaterally move policy further away from its preferences, relative to the status quo. Additionally, drastic policy changes can affect many individuals, and hence run a greater risk of attracting opposition from interest groups and electorally-motivated legislators responding to dissatisfied constituents (Baumgartner et al 2009). Major unilateral shifts are likewise more prone to media coverage, thus further raising public salience and political opposition.

As previously mentioned, presidents can modify the degree of unilateral policy change through their choice of amendments or revocations. They can revoke an order to return policy back to the previous status quo, or instead move policy to a wide range of locations by amending it. Although presidents may use either strategy to pursue extensive policy change, limitations within the executive branch might influence which one they employ. Drafting executive orders entails an often-lengthy bargaining process between the White House and agencies that imposes transaction costs on the administration (Rudalevige 2015). Furthermore, these orders often deal with complex issues, requiring time and expertise amongst the executive branch.

In general, executive orders altering previous ones in substantial ways should incur more of these internal costs. Large changes involve greater coordination, necessitating more time to review and gain consensus across agencies. Smaller changes are less contentious and labor-intensive. Thus, amendments imposing relatively minor adjustments should be less internally costly than large-scale ones that completely overhaul an order. Although revocations can considerably shift the status quo, they should incur fewer costs than amendments that do the

same. Drafting extensive new content through amendments likely requires more time and coordination than an up or down decision to reject the order in its entirety. Consequently, presidents should use revocations, rather than amendments, when pursuing the most sizeable policy changes. Indeed, less than 1% of amendments between 1949 and 2013 made large-scale modifications that essentially re-wrote an order.

Presidents, then, should be more constrained by their political environment when using revocations than amendments, which usually impose comparatively less drastic policy changes. Furthermore, abolishing a policy might garner greater media attention and negative public reactions than preserving it through amendments. Taken together, the next hypothesis states:

> **<u>H3: The Unilateral Strategies Hypothesis</u>**. Institutional and public constraints should more greatly decrease the likelihood an order is revoked, compared to amended.

Presidents seek to alter those orders that impose the most ideologically distant status quos, in order to move policy closer to their ideal locations (Thrower 2017b). Yet, this may also be the times when Congress and the public are the most inhibiting. Along with the immense policy gains accrued to the president, targeting these orders can likewise produce substantial shifts away from the status quo. As before, congressional and public opposition is more likely to occur following major policy deviations. Opportunities for widespread policy gains should thus be the times when presidents weigh institutional and public constraints most heavily in their unilateral strategies. This effect should be stronger for revocations than amendments, which can institute relatively modest changes to mitigate political backlash.

H4: The Policy Gains Hypothesis. Institutional and public constraints should more greatly decrease the likelihood an order is altered, as the president's potential policy gains increase. This effect should be stronger for revocations than amendments.

The Conditional Effects of Constraint

Lastly, the importance of one type of constraint may depend on the presence or absence of the other. Some scholars contend that increasingly weak institutions are one reason why the public serves as the most effective check against executive power (Christenson and Kriner 2015; Posner and Vermeule 2012). Yet, variation exists as to when Congress and the public deter unilateralism or when they empower it, as argued in the previous hypotheses. When Congress is unlikely to retaliate against presidents, due to internal gridlock or unified government, opportunities for unilateral action are more abundant. Public pressure becomes even more critical for restraining presidents who are dependent upon public support for their electoral and policy agenda fortunes. Legislators, moreover, can use public attacks to weaken support for unilateralism when legislative action is unfeasible (Christenson and Kriner 2017). The role of the public may be comparatively less important for presidents facing less freedom to act unilaterally due to heighted threats of retaliation from an internally cohesive or oppositional legislature.

Likewise, Congress, should be more consequential for inhibiting presidents who are empowered by strong public support. Legislators can use statutory and non-statutory measures to retaliate against unilateral actions, which can dampen presidential approval (e.g., Kriner and Schickler 2014). On the other hand, presidents facing powerful public opposition are already deterred from unilateralism for fear of harmful electoral and policy consequences, and thus congressional barriers are less important. Overall, the influence of one constraint is augmented

13

when the other is reduced, given the heightened opportunities for unilateralism. Once again, these effects should be strongest for revocations, when political backlash is more likely.

> **H5: The Conditional Constraints Hypothesis**. Institutional (public) constraints should more greatly decrease the probability an order is altered, as public (institutional) constraints decrease. These effects should be stronger for revocations than amendments.

IV   Data and Methods

Data and Dependent Variable

To test these hypotheses, I use a dataset of executive orders issued between 1955 and 2013. I omit orders used for ceremonial purposes, such as the creation of flags, seals or medals. Using the *Federal Register*'s executive order disposition tables,[4] I collect information on whether and when an order is amended, revoked, or superseded to create a dataset with executive order-year as the unit of observation. I construct two separate dependent variables, indicating when an order is amended (*Probability Amended*) and revoked (*Probability Revoked*). For both dependent variables, an order enters the dataset in the year that it was issued and is assigned a value of 0 in every year that it is not altered. When an order is substantively amended, it is given the value of 1 for that year and then 0 in the following years until another alteration occurs. This variable only includes instances when an order undergoes meaningful change and thus omits technical or grammatical corrections, date or numerical changes, or updates to names of

---

[4] https://www.archives.gov/federal-register/executive-orders/disposition

individuals or agencies.[5] If an order is revoked in its entirety, it is assigned a 1 in that year and then exits the dataset afterwards.

Additionally, I read orders that were superseded or partially revoked to determine whether they were effectively amended or revoked. I eliminate instances where a superseding order made only minor changes, such as adjusting pay schedules for inflation and extending deadlines. I identify cases where superseding an order functioned like a revocation in that it completely rejected the content of a previous order. This often includes orders terminating an agency or eliminating its authority, deleting previously added language, or replacing a policy or program in its entirety. Such cases are coded as revocations, while the remainder count as amendments.[6] Partial revocations are treated as amendments since they usually reverse parts of an order. When a partial revocation rejected the entire order, it is coded as a full revocation. Similar to supersessions and amendments, I do not count partial revocations that relate to minor or non-substantive changes. Finally, there were four orders originally identified as amendments that I count as revocations because they entirely reject the previous order's content.

To summarize, *Probability Amended* is coded as 1 if the order is substantively, but not fully, changed. This can include substantive amendments or supersessions and partial revocations. *Probability Revoked* is coded as 1 if the order is rejected in its entirety. Only executive orders that are fully revoked – as identified by the *Federal Register* – exit the dataset.

---

[5] 19% of all amendments were coded as non-substantive, and thus omitted.

[6] 39% of all supersessions made non-substantive changes and were omitted. Of the substantive changes, 45% were coded as revocations and 55% were coded as amendments.

Of the 2,951 orders in the dataset, 972 (32.9%) were revoked and 330 were substantively amended (11.2%).

I use bivariate probit models to simultaneously estimate the probabilities of an order being amended and revoked. This model accounts for the possibility that these two decisions are correlated. Since executive orders can be amended and revoked in the same year, models assuming mutually exclusive categories (e.g. multinomial probit) are inappropriate. Survival analysis would only estimate the risk of an order's "death" (i.e., revocations), thus presenting difficulties in estimating multiple occurrences of amendments on a single order. I make two adjustments to the bivariate probit models to account for temporal dependence in the data, that is, the likelihood an order is altered in a given year is correlated with whether it was changed in a previous year. First, the models include a natural cubic spline, which fits piecewise cubic polynomials to subintervals of an order's duration over time. These dummy variables for specific intervals of an executive order's life allow the baseline hazard rate (i.e., the probability that an order is reviewed in a given year) to take a nonlinear form, thus accounting for temporal dependence by permitting these probabilities to naturally change over the course of an order's existence (Beck et al 1998). Second, the model controls for the number of times an order has been previously amended (*Times Previously Amended*).

Independent Variables

Institutional Constraints. I include two measures of contemporary legislative constraints. First, I use Woon and Cook's (2015) measure of the gridlock interval (*Current Gridlock*), estimated with structural models accounting for temporal changes in the status quo. Although they estimate gridlock intervals from different models of lawmaking using Common Space

Scores, I utilize the one calculated from the agenda-setting model since they find it to be the best overall predictor of legislative productivity. In this model, the endpoints of the gridlock interval are the majority party median and either the filibuster or veto pivot – reflecting the positive agenda setting role of the majority.[7] Second, *Current Divided Government* is coded as 1 if the current president and Congress are from opposing parties, and 0 otherwise.[8]

Public Constraints. I measure public sentiment towards the sitting president by using the percentage of Gallup poll respondents who disapprove of the president's performance, aggregated by year (*Current President Disapproval*).[9] Alternatively, the public should be the most constraining when they are paying attention, which occur on highly salient issues or during presidential election years. To measure issue salience, I first assign each executive order a major topic code from the Comparative Agendas Project (CAP), designating multiple codes to a single order if applicable. I then use responses to Gallup Poll's "most important problem" question, which CAP aggregates by year-topic. I match this percentage to each order by its assigned topic code, averaging across its multiple codes, and log it to account for its skewed distribution. Thus, *Current Issue Salience* is the logged percentage of respondents in that year that identified the executive order's issue area as the most important problem, averaged across issue areas. Second, *Current Election Year* is coded as 1 if it is a current presidential election year and 0 otherwise.

---

[7] The results are consistent when using alternative gridlock measures based on other theories of lawmaking (non-partisan, party gatekeeping, party unity).

[8] The results hold when using distance measures with ideal points.

[9] I use disapproval to match the theoretical concept of constraint. The empirical results are robust and symmetrical when using public approval.

Finally, I interact my primary measures of public constraints (*Current President Disapproval*) and institutional constraints (*Current Gridlock*) to test the third hypothesis.[10]

Policy Gains. To measure the president's potential policy gains through unilateral action, I calculate the distance between the location of the original order and the closest unilateral policy the current president can obtain (*D(Potential EO, Original EO)*). To determine the latter, I rely upon theories positing where presidents can unilaterally move policy based on their relative location to the gridlock interval (e.g., Howell 2003). These models predict that presidents only place policy into the gridlock interval to preclude congressional retaliation. They have the freedom to issue orders at their own ideal point if it is located within this interval, otherwise they will move policy to the endpoint of the gridlock region closest to their preferred policy location.

I apply this logic to estimate the location of the previously issued executive order. If the issuing president's Common Space score is located within the gridlock interval (Woon and Cook 2015) at the time of issuance, I use that president's ideal point as the location of the original order. If located outside of the gridlock interval, I instead use either the left or right endpoint, depending on which pivot is closer to the issuing president. I adopt the same process to determine the closest location the current president can unilaterally move policy to her ideal point, based on the gridlock interval of the current Congress. I calculate the ideological distance between these two estimates to obtain this measure of policy distance. To test the Policy Gains Hypothesis, I interact *D(Potential EO, Original EO)* with my primary measures of public constraints (*Current President Disapproval*) and institutional constraints (*Current Gridlock*).

---

[10] The results generally hold when using alternative measures of constraints for the interactions.

Time-Varying Controls. A number of other political factors could influence unilateralism. First, some constraints change during a president's term, such as declining popularity and the loss of congressional seats following midterm elections. Likewise, presidents typically adjust their unilateral strategies at the beginning and end of their terms (Bolton and Thrower 2016; Mayer 2001). To control for these patterns, I include a within-presidency counter (*Current Presidential Term Trend*) coded as 1 in the first year, 2 in the second, and so on.

Since presidents use unilateral actions to respond to economic hardships (Bolton and Thrower 2016), I include the yearly-aggregated inflation rate (*Current Inflation*).[11] Similarly, I control for war (*Current War*) given presidents' inclinations to unilaterally respond to international crises. Next, I log the number of executive orders issued that year by issue area (*Logged Orders Issued*) to account for the total level of unilateral activity at the time. Finally, I include fixed effects for the current president to account for the idiosyncrasies of individual presidents that may influence patterns of unilateralism.

Time-Invariant Controls. Additionally, there are time-invariant characteristics of an executive order that could influence whether it is altered. Executive orders created under inter-branch division, based on statutory authority, and related to foreign policy are less likely to be revoked given their content is less controversial (Thrower 2017b). As such, I assess whether there was *Divided Government* when the executive order was created. Similarly, I include the gridlock interval at the time the executive order was issued (*Issuing Gridlock*). Following previous research (Howell 2003; Thrower 2017b), *Recent Statutory Authority* is measured as 1 if

---

[11] This variable is collected from the Bureau of Labor Statistics.

the order cites a statute passed within the preceding year and 0 otherwise. Relatedly, I use an indicator variable for whether the order is related to foreign policy (*Foreign Policy*).

Salient executive orders could be more vulnerable to policy change. Accordingly, I measure whether an order is mentioned in the *New York Times* and the percentage of respondents identifying it as the most important problem at the time (*Issue Salience*). Similarly, I control for the complexity of the order by using the logged number of words as a proxy (*Logged Words*). Next, executive orders created under distress could be subject to future change. Thus, I control for *War* and *Inflation* at the time an order was issued. Similar to the time-changing controls, I include the issuing president's disapproval rate (*President Disapproval*), whether the order was created during an election (*Election Year*), as well as a within term trend and fixed effects.

V   Results

Baseline Model

Table 1 shows the results of the bivariate probit analysis for the baseline model with the probability an executive order is amended (first column) or revoked (second column) in a given year. Positive (negative) coefficients correspond to an increased (decreased) probability of one of these changes. Consistent with the Institutional Constraints Hypothesis, an executive order is less likely to be revoked by presidents facing congressional obstacles. Particularly, a standard deviation increase in the gridlock interval corresponds to a 1.4% increase in the probability of revocation. Though this effect appears small, it is comparable to the average probability of an order being revoked in any given year in the dataset (1.1%). Put another way, revocations are 3.41 times more likely when shifting from the 25th to the 75th percentile of *Current Gridlock*. Likewise, the odds of an order being revoked reduces by 86% when shifting from unified to

divided government. Legislative retaliation is more likely when gridlock is low and during

divided government, thus deterring unilateral action.[12]

[TABLE 1 ABOUT HERE]

Public constraints likewise limit revocations. Particularly, the odds that an executive

order is revoked in a given year reduces by 83% when the current president's disapproval rating

increases from 28% (25th percentile) to 46% (75th percentile). The likelihood of revocation

decreases by 56% during election years, as compared to non-election years. Although the

coefficient is negative on *Current Issue Salience*, its effect on revocations is not statistically

significant. Taken together, executive orders are less likely to be revoked by presidents facing

high public disapproval and scrutiny, in line with the Public Constraints Hypothesis.

As predicted by the Unilateral Strategies Hypothesis, institutional and public constraints

are greater for revocations than amendments. *Current Divided Government* has no significant

bearing for amendments to executive orders. Interestingly, *Current Gridlock* has a negative and

significant effect on the probability of amendments, directly opposite of its effect on revocations.

While contractions in the gridlock interval deter the probability an order is revoked, this same

order is more likely to be amended instead. Indeed, a decrease from the 75th to 25th percentile of

Current Gridlock corresponds to a 90% increase in the odds of an order being amended.[13] These

---

[12] Tables A2-A4 of the appendix show that the probability of an order being altered decreases

when facing specific congressional constraints – oversight, legislation, and low discretion.

[13] Table A1 of the appendix interacts *Current Gridlock* and *Current Divided Government*,

finding presidents are the most constrained revoking policy when both gridlock is low and

Congress is from the opposite party. The opposite effect occurs for amendments.

results suggest that presidents may rely on amendments when institutional constraints are high, to enact modest policy changes less prone to legislative opposition. When facing a small interval for policy change, amendments give presidents flexibility in selecting an acceptable policy. *Current Public Disapproval* and *Current Issue Salience* have insignificant effects on the probability an order is amended. While amendments are less likely to occur during election years, this effect is smaller than for revocations. Specifically, the odds of an order being amended declines by only 26% during election years, as opposed to 56% for revocations.

Overall, the analysis suggests that institutional and public constraints inhibit unilateralism more strongly for drastic changes to the status quo (revocations) compared to smaller ones (amendments) that are less likely to attract public and congressional scorn. I directly test this theoretical mechanism in Table A5 of the Online Appendix with separate analyses of executive orders based on how far they shift policy from the original order. As expected, institutional and public constraints reduce the probability of large policy changes but have insignificant (or sometimes positive) effects on small changes.

With respect to the controls, executive orders based on statutory authority and related to foreign policy are less likely to be revoked (Thrower 2017b), but more likely to be amended. As expected, an order is more prone to being amended and revoked when it has been altered in a previous year and during periods of high overall unilateral activity. Salient and more complex orders are also more susceptible to change. Additionally, revocations occur more often when inflation is low and at the end of the president's term – both instances where public constraints could be less salient to presidential strategies. Notably, revocations are most likely to occur when the president is poised to make substantial policy gains by targeting ideologically distant orders. Though Thrower (2017b) uncovers a similar finding using a less precise estimate of potential

policy gains, i.e. the ideological distance between the issuing and current president, she does not explore its mediating effects. According to my theory, the degree of potential policy gains for presidents, measured by theoretical expectations of their best possible outcomes based on the location of pivotal actors, should shape when constraints are the most influential.

The Moderating Effects of Policy Gains

To test the Policy Gains Hypothesis, I interact *D(Potential EO, Original EO)* with *Current Gridlock* (Table 2) and *Current Public Disapproval* (Table 3). For ease of interpretation, the marginal effects of these interactions are shown in Figures 1 and 2. Panel b of Figure 1 shows that the impact of gridlock on revocations strengthens as presidents' potential policy gains expand. Specifically, a standard deviation increase in the gridlock interval corresponds to a 1% increase in the probability of an order being revoked at the lowest level of *D(Potential EO, Original EO)*, but swells to 2.3% at peak policy gains. As expected, this conditional effect is not significant for the probability an order is amended.

[TABLES 3 AND 4]   [FIGURES 1 AND 2]

Similar patterns emerge when examining the marginal effects of public disapproval on amendments (panel a) and revocations (panel b) in Figure 2. Under low policy gains, the president's disapproval rating does not significantly influence amendments, but instead has a small and negative impact on revocations. As presidents are poised to receive greater benefits through unilateralism, these effects become significantly more negative. At the maximum of *D(Potential EO, Original EO)*, a percentage increase in *Current Public Disapproval* decreases the likelihood an order is amended and revoked by 2% and 12.1%, respectively. As expected, these effects are more substantial for revocations.

The Interactive Effects between Public and Institutional Constraints

Finally, I test the Conditional Constraints Hypothesis, by interacting *Current Presidential Disapproval* with *Current Gridlock* in Table 4. The marginal effects of this interaction are shown in Figure 3 for the probability an executive order is amended (left) and revoked (right). The top row shows the marginal effects of *Current Gridlock* at varying levels of the current president's disapproval rating, while the bottom row illustrates the marginal effects of *Current Public Disapproval* when varying gridlock.

[TABLE 5 ABOUT HERE]   [FIGURE 3 ABOUT HERE]

Overall, a conditional relationship exists between institutional and public constraints for both probabilities. Congress is most influential in inhibiting unilateralism when public constraints are weak. Particularly, when presidential disapproval is at its lowest (9%), a standard deviation increase in gridlock increases the probability an order is revoked by 4.8% and decreases the probability it is amended by 0.6%. As presidents become increasingly unpopular, this effect is dampened. At the highest levels of disapproval (65%), gridlock does not significantly affect either strategy. Internally cohesive congresses, then, only restrict unilateralism when presidents are empowered by favorable public opinion. During these times, presidents rely less on revocations, and more so on amendments to impose smaller policy change. Amidst mounting public opposition, however, such institutional factors become less salient to presidential strategies.

Likewise, the public is most effective when congressional checks are impaired. When gridlock is low and congressional action is thus more likely, public disapproval of the president does not influence revocations, but does decrease the probability of amendments. As legislative barriers decline with escalating gridlock, however, public disapproval becomes significantly

24

more constraining for presidential strategies of revocation. At the peak of *Current Gridlock*, a percentage increase in *Current Public Disapproval* is correlated with a 30% decrease in the probability an order is revoked, but has no bearing on amendments. In accordance with the Conditional Constraints Hypothesis, public constraints are the most influential when institutional constraints are weak, and vice versa. And as expected, these effects are less felt for amendments, which can establish more modest policy changes to avoid political retaliation.

VI   Discussion and Conclusion

Political observers widely agree that executive authority has grown considerably over the last century. Yet, there is disagreement over whether presidents are properly restrained by other institutions and the public, and if so, which one is the most effective. Accordingly, I develop a theory of when institutional and public constraints affect presidents' decisions to unilaterally change policy, testing its predictions with a dataset of all executive orders issued, amended, and revoked between 1955 and 2013.

Executive orders are less likely to be altered by presidents facing oppositional or internally cohesive congresses and high public disapproval, when costly retaliation is expected. Such constraints are most prominent for presidents seeking to drastically change the status quo through revocations, rather than more moderate amendments, and when they have the most to gain by unilaterally shifting policy towards their preferences. Broad policy changes are more likely to be opposed by legislators, individuals, and interest groups, who can subsequently punish presidents for such actions. As some scholars argue (Christenson and Kriner 2015, 2017; Posner and Vermeule 2012), public constraints are critical for tempering executive power in light of weak institutions. Yet, I also show that when the public is unwilling to check popular presidents,

Congress becomes more influential for unilateral restraint. Thus, institutional constraints can likewise be essential when public ones are insufficient.

Overall, this study enhances the unilateral politics literature in a number of ways. It demonstrates that both public and institutional constraints are important for limiting presidential power, rather than one over the other. Presidency scholars have largely focused on the latter, though recent work highlights the importance of the former. Few examine both or explore their conditional relationship. Nevertheless, many empirical studies often produce null or conflicting results, often based on the type of executive order analyzed (e.g. Belco and Rottinghaus 2017; Fine and Warber 2012; Mayer 1999; Rottinghaus and Warber 2015). Furthermore, the widespread empirical focus on aggregate counts largely obscures testing theories of unilateral action based on changes to the status quo (e.g. Chiou and Rothenberg 2017; Howell 2003). By analyzing policy movements between the original and revised order, I show that presidents can respond to institutional and public threats by adjusting the content of their orders, rather than just their frequency. Thus, this study advances previous work by revealing the conditions when both types of constraints are consequential for curbing unilateral power.

More broadly, this study contributes to a body of policymaking literature largely focused on policy creation, rather than its alteration or duration. Presidents, in particular, can ostensibly alter the policies of previous administrations without congressional or judicial approval. Though unilateral policy revision is a powerful tool for presidents seeking to influence policy, it remains an understudied area. Thrower (2017b) offers one of the only studies on executive order revocations, but does not consider amendments and thus cannot speak to how presidents can alter unilateral strategies based on the degree of policy change. This paper, on the other hand, argues that presidents can pursue many strategies to influence policy and explores the trade-offs

between them. While some studies certainly recognize the variety of presidential tools, few examine them in conjunction or develop theoretical explanations for why presidents may choose one strategy over the other.

Subsequent research could explore how constraints from within the executive branch or the judiciary might shape the trade-offs between these and other presidential policymaking tools. Finally, given their role in policy change, one might ask whether interest groups are influential in executive order strategies. Table A6 in the online appendix shows that an increase in the number of interest groups in a particular issue area heightens the chances a related order is revoked and amended, with larger effects on the former. These findings are consistent with arguments that substantial policy change is most likely when there is high interest group involvement (Baumgartner et. al. 2009). Future studies could link other measures of interest group activity, such as lobbying or campaign contributions, and the degree of opposition or support to the ways presidents decide to unilaterally change policy.

References

Ansolabehere, Stephen D. and Jon C. Rogowski. 2020. "Unilateral Action and Presidential
  Accountability." *Presidential Studies Quarterly* 50(1): 129 – 145.
Baumgartner, Frank R., Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, and Beth
  L. Leech. 2009. *Lobbying and Policy Change.* University of Chicago Press.
Beckmann, Matthew N. 2010. *Pushing the Agenda*. Cambridge University Press.
Belco, Michelle and Brandon Rottinghaus. 2017. *The Dual Executive*. Stanford University Press.
Berry, Christopher R., Barry C. Burden, William G. Howell. 2010. "After Enactment:
  The Lives and Deaths of Federal Programs." *American Journal of Political Science*
  54(1): 1-17.
Bolton, Alexander and Sharece Thrower. 2016. "Legislative Capacity and
  Executive Unilateralism." *American Journal of Political Science* 60(3): 649-663.

Carpenter, Daniel P. and David E. Lewis. 2004. "Political Learning from Rare Events." *Political Analysis* 12(3): 201-232.

Chiou, Fang-Yi and Lawrence S. Rothenberg. 2017. *The Enigma of Preisdential Power*. Cambridge University Press.

Christenson, Dino and Doug Kriner. 2015. "Political Constraints on Unilateral Executive Action." *Case Western Law Review* 65(4): 897-931.

Christenson, Dino and Doug Kriner. 2017. "Mobilizing the Public Against the President: Congress and the Political Costs of Unilateral Action." *American Journal of Political Science* 61(4): 769 – 785.

Christenson, Dino and Doug Kriner. 2019. "Does Public Opinion Constrain Presidential Unilateralism?" *American Political Science Review* 113(4): 1071 – 1077.

Cooper, Phillip. 2002. *By Order of the President.* University Press of Kansas.

Deering and Maltzman. 1999. "The Politics of Executive Orders: Legislative Constraints on Presidential Power." *Political Research Quarterly,* 53(4): 767-783.

Epstein, David and Sharyn O'Halloran. 1999. *Delegating Powers*. Cambridge University Press.

Fine, Jeffrey and Adam Warber. 2012. "Circumventing Adversity." *Presidential Studies Quarterly* 42(2): 256-274.

Howell, William. 2003. *Power Without Persuasion.* Princeton University Press.

Krause, George and David Cohen. 1997. "Presidential Use of Executive Orders, 1953-1994." *American Politics Research* 25(4): 458-481.

Krehbiel, Keith. 1998. *Pivotal Politics: A Theory of US Lawmaking*. University of Chicago Press.

Kriner, Douglas and Eric Schickler. 2014. "Investigating the President: Committee Probes and Presidential Approval, 1953-2006." *Journal of Politics* 76: 521 – 534.

Maltzman, Forrest and Charles R. Shipan. 2008. "Change, Continuity, and the Evolution of the Law." *American Journal of Political Science* 52(2): 252-267

Mayer, Kenneth. 1999. "Executive Orders and Presidential Power." *Journal of Politics* 61 (2): 445-466.

Mayer, Kenneth. 2001. *With the Stoke of a Pen*. Princeton University Press.

Moe, Terry and William Howell. 1999. "The Presidential Power of Unilateral Action." Journal of Law Economics and Organization 15(1): 132-179.

Ragusa, Jordan Michael. 2010. "The Lifecycle of Public Policy." *American Politics Research* 1-37.

Ragusa, Jordan M. and Nathaniel A. Birkhead. 2015. "Parties, Preferences, and Congressional Organization." *Political Research Quarterly* 1-15.

Rivers, Douglas and Nancy L. Rose. 1985. "Passing the President's Program: Public Opinion and Presidential Influence in Congress." *American Journal of Political Science* 29(2): 183-196.

Reeves, Andrew and Jon C. Rogowski. 2015. "Public Opinion toward Presidential Power." *Presidential Studies Quarterly* 45(4): 742-759.

Reeves, Andrew and Jon C. Rogowski. 2016. "Unilateral Powers, Public Opinion, and the Presidency." *The Journal of Politics* 78(1): 137-151.

Reeves, Andrew and Jon C. Rogowski. 2018. "The Public Cost of Unilateral Action." *American Journal of Political Science* 62(2): 424-440.

Rudalevige, Andrew. 2005. *The New Imperial Presidency*. University of Michigan Press.

Rudalevige, Andrew. 2015. "Executive Branch Management and Presidential Unilateralism." *Congress & the Presidency* 42:3 (342 – 365).

Schlesinger, Arthur M. Jr. 1973. *The Imperial Presidency*. Houghton Mifflin Harcourt.

Shepsle, Kenneth A. 1992. "Bureacratic Drift, Coalitional Drift, and Time Consistency." Journal of Law, Economics, & Organization 8(1): 111-118.

Thrower, Sharece. 2017a. "The President, the Court, and Policy Implementation." *Presidential Studies Quarterly* 47(1): 122-145.

Thrower, Sharece. 2017b. "To Revoke or Not Revoke? The Political Determinants of Executive Order Longevity." *American Journal of Political Science* 61(3): 642-656.

Warber, Adam L. 2006. *Executive Orders and the Modern Presidency*. Lynee Rienner Publishers.

Woon, Jonathan and Ian Palmer Cook. 2015. "Competing Gridlock Models and Status Quo Policies." *Political Analysis* 23(3): 385 – 399.

Yates, Jeff. 2002. *Popular Justice: Presidential Prestige and Executive Success in the Supreme Court*. State University of New York Press.

Table 1: Baseline Model

	Pr (Amended)	Pr (Revoked)
Current Institutional Constraints		
Current Gridlock	-1.40 (0.76)*	2.98 (0.59)***
Current Divided Government	0.09 (0.17)	-1.03 (0.16)***
Current Public Constraints		
Current Public Disapproval	-0.24 (0.31)	-1.38 (0.20)***
Current Election Year	-0.13 (0.06)**	-0.32 (0.04)***
Current Issue Salience	0.60 (0.40)	-0.34 (0.32)
Policy Gains		
D(Potential EO, Original EO)	0.06 (0.11)	0.33 (0.07)***
Time-Changing Controls		
Times Previously Amended	0.15 (0.02)***	0.03 (0.01)**
Current Inflation	1.88 (1.22)	-1.68 (0.86)**
Logged EOs Issued	0.08 (0.02)***	0.03 (0.02)*
Current War	-0.11 (0.10)	0.02 (0.07)
Current Presidential Term Trend	-0.00 (0.04)	0.07 (0.02)***
EO-Specific Controls		
Issuing Gridlock	-0.83 (0.86)	-0.60 (0.58)
Divided Government	0.35 (0.27)	-0.08 (0.19)
Recent Statutory Authority	0.17 (0.05)***	-0.18 (0.04)***
Foreign Policy	0.12 (0.05)***	-0.09 (0.04)***
NY Times Mention	0.01 (0.05)	0.07 (0.03)**
Logged Words	0.35 (0.02)***	0.10 (0.01)***
Public Disapproval	0.38 (0.36)	0.36 (0.22)
Issue Salience	0.94 (0.47)**	0.05 (0.26)
Election Year	-0.00 (0.07)	0.03 (0.04)
Inflation	-0.94 (1.63)	-0.50 (1.03)
War	0.08 (0.09)	-0.08 (0.06)
Issuing Presidential Term Trend	-0.03 (0.03)	-0.03 (0.02)
Age Cubic Spline	YES	YES
Presidential Fixed Effects	YES	YES
Constant	-3.39 (0.89)***	-2.81 (0.62)***
N	62,820	62,820

Log-likelihood	-6468.50	-6468.50

Coefficients from bivariate probit regression, with standard errors clustered by executive order in parenthesis. Two tailed tests, *p < 0.1, **p < 0.05, ***p < 0.01.

Table 2: The Conditional Effects of Institutional Constraints and Potential Policy Gains

	Pr (Amended)	Pr (Revoked)
H4: Policy Gains x Institutional Constraints		
D(Potential EO, Original EO)	-0.03 (0.45)	-0.41 (0.30)
Current Gridlock	-1.44 (0.79)*	2.64 (0.62)***
D(Potential EO, Original EO) x Current Gridlock	0.17 (0.84)	1.44 (0.57)***
Controls	YES	YES
Age Cubic Spline	YES	YES
Presidential Fixed Effects	YES	YES
Constant	-3.37 (0.89)	-2.69 (0.62)***
N	62,820	62,820
Log-likelihood	-6465.36	-6465.36

Coefficients from bivariate probit regression, with standard errors clustered by executive order in parenthesis. Two tailed tests, *p < 0.1, **p < 0.05, ***p < 0.01.

Table 3: The Conditional Effects of Public Constraints and Potential Policy Gains

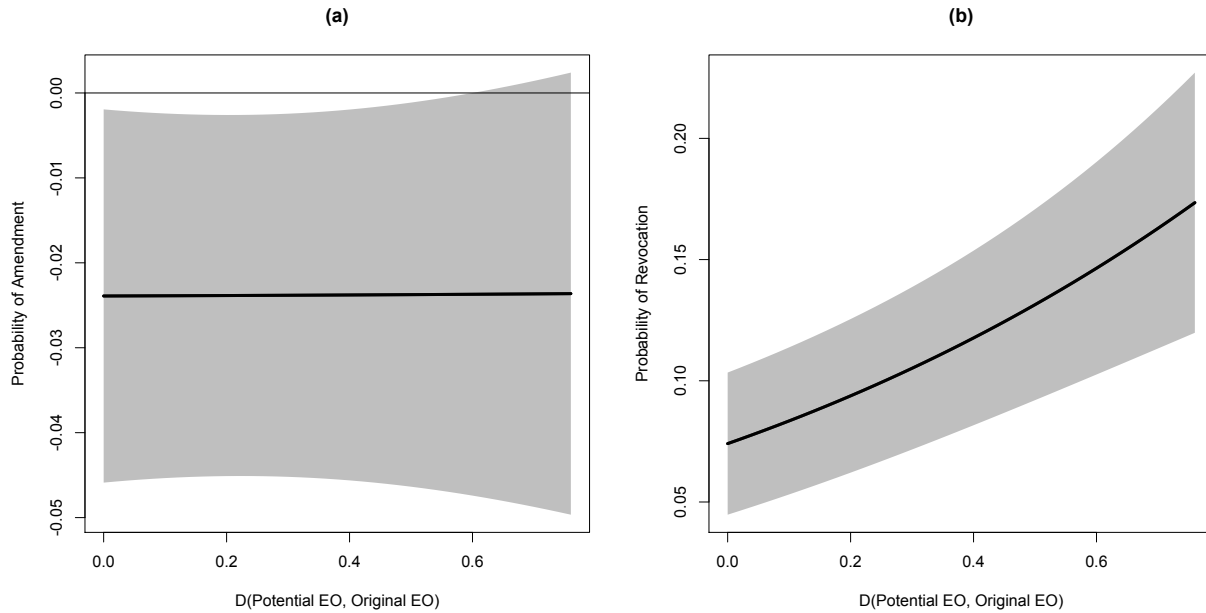|	Pr (Amended)	Pr (Revoked)
H4: Policy Gains x Public Constraints		
D(Potential EO, Original EO)	0.68 (0.30)**	1.27 (0.21)***
Current Public Disapproval	0.25 (0.37)	-0.50 (0.26)*
D(Potential EO, Original EO) x Current Public Disapproval	-1.73 (0.77)**	-2.72 (0.58)***
Controls	YES	YES
Age Cubic Spline	YES	YES
Presidential Fixed Effects	YES	YES
Constant	-3.44 (0.91)***	-2.98 (0.63)***
N	62,820	62,820
Log-likelihood	-6452.63	-6452.63

Coefficients from bivariate probit regression, with standard errors clustered by executive order in parenthesis. Two tailed tests, *p < 0.1, **p < 0.05, ***p < 0.01.

Table 4: The Conditional Effects of Political and Institutional Constraints

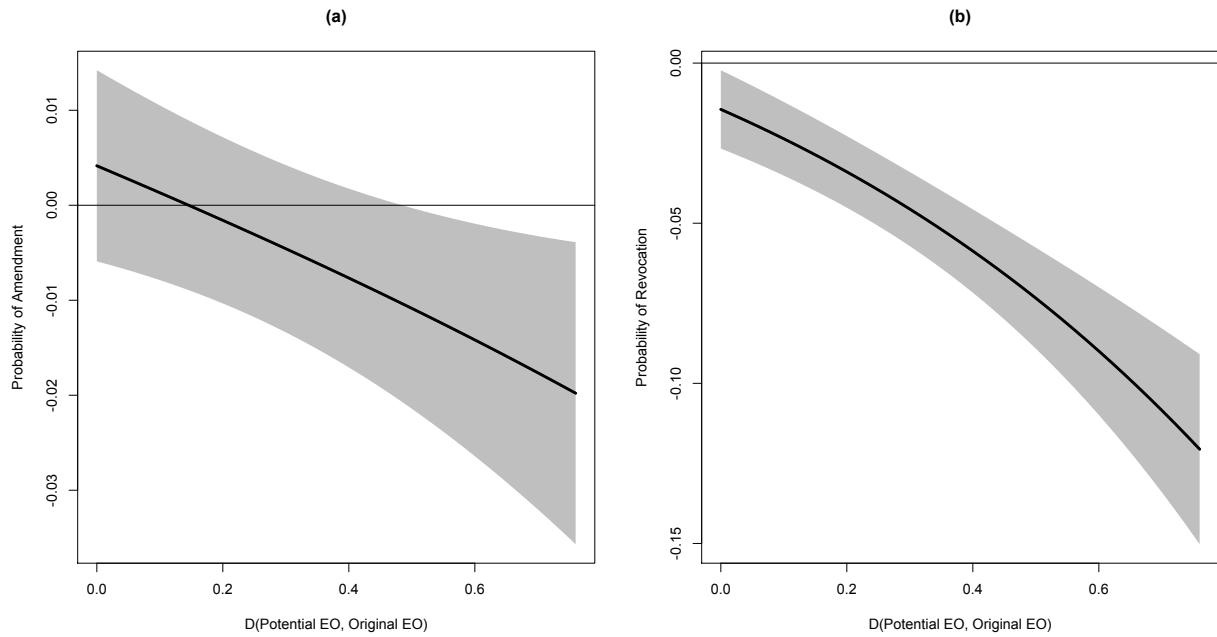|	Pr (Amended)	Pr (Revoked)
H6: Political Constraints x Institutional Constraints		
Current Gridlock	-2.72 (0.84)***	5.50 (0.83)***
Current Public Disapproval	-2.49 (0.78)***	2.52 (0.72)***
Current Gridlock x Current Public Disapproval	4.48 (1.41)***	-7.54 (1.49)***
Controls	YES	YES
Age Cubic Spline	YES	YES
Presidential Fixed Effects	YES	YES
Constant	-2.81 (0.91)***	-3.93 (0.65)***
N	62,820	62,820
Log-likelihood	-6443.02	-6443.02

Coefficients from bivariate probit regression, with standard errors clustered by executive order in parenthesis.
Two tailed tests, *$p < 0.1$, **$p < 0.05$, ***$p < 0.01$.

Figure 1: Marginal Effects of Gridlock, Varied by Policy Distance
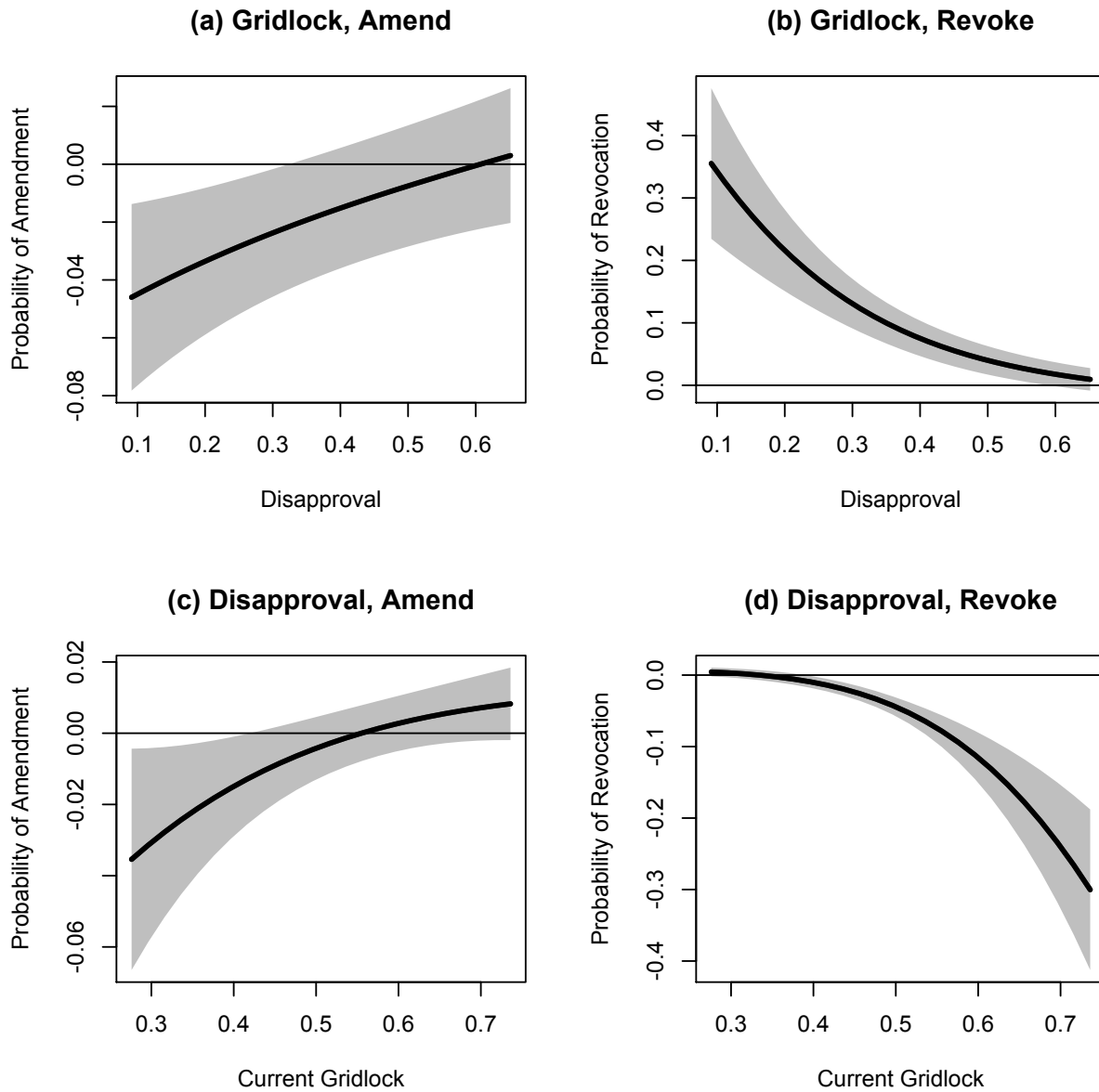

The figure shows the marginal effects of *Current Gridlock* on the probability of an executive order being amended (column 1) or revoked (column 2), at varying levels of *D(Potential EO, Original EO)*.

Figure 2: Marginal Effects of Presidential Disapproval, Varied by Policy Distance

The figure shows the marginal effects of *Current Public Disapproval* on the probability of an executive order being amended (column 1) or revoked (column 2), at varying levels of *D(Potential EO, Original EO)*.

Figure 3: Marginal Effects of Presidential Disapproval and Gridlock

(a) Gridlock, Amend

(b) Gridlock, Revoke

(c) Disapproval, Amend

(d) Disapproval, Revoke

The top row shows the marginal effects of *Current Gridlock* on the probability of an executive order being amended (column 1) or revoked (column 2), at varying levels of *Current Public Disapproval*. The bottom row shows the marginal effects of *Current Public Disapproval* on the probability of an executive order being amended (column 1) or revoked (column 2), at varying levels of *Current Gridlock*.