

# The Impact of Presidential Speeches on the Bureaucracy\*

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*Objective.* Scholars have long held that presidents use various tools to control the federal bureaucracy. Yet, despite their importance to presidents in achieving their policy goals in Congress, few scholars have examined the impact of presidential speeches on bureaucratic activity. This article analyzes the impact of both positive and negative policy signals on civil rights policy in the bureaucracy. *Method.* I test this hypothesis using speeches coded from the *Public Papers of the Presidents* and their impact on criminal cases filed by the Civil Rights Division over time. Given heteroskedasticity in the dependent variable, log-linear time-series methods are appropriate. *Results.* The president's positive speeches increase the number of criminal civil rights cases filed in U.S. District Court. The Civil Rights Act of 1964 also has had a significant, positive impact on bureaucratic activity. *Conclusions.* In part because bureaucrats have discretion to resist presidential preferences that oppose an agency's core task, negative signals do not affect the implementation of civil rights policy. Yet, positive presidential speeches are available to presidents who may wish to influence the bureaucracy.

Presidential control of the bureaucracy has long been considered an important component of democratic governance. Redford (1969) first recognized the significance of political control to the democratic legitimacy of the bureaucracy. His theory of overhead democracy holds that the bureaucracy could be legitimately democratic so long as elected officials, such as the president and members of Congress, influenced the implementation of public policy consistent with the preferences of those who elected them. What is more, presidents *should* attempt to influence the bureaucracy as a way to secure their policy goals through the implementation of those policies (Nathan, 1983). Presidents have had some success controlling the direction of policy outputs in federal agencies through appointments, budgets (Wood, 1988; Wood and Waterman, 1994), or other coercive means (Gormley, 1989). Yet, even though the rise of the "administrative presidency" coincides with increasing attempts by presidents

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to use their speeches to affect their policy success in Congress (Canes-Wrone, 2001; Kernell, 1997), little research has examined presidential speeches and their impact on the policy activity of federal bureaucrats.

Indeed, only a handful of studies have explored the impact of presidential signals, such as speeches, on bureaucratic activities. Wood and Waterman (1993) show, for instance, that presidential speeches on the environment influence the policy activity of the Environmental Protection Agency. Research by Whitford and Yates (2003) demonstrates that the president's drug policy signals have an agenda-setting effect over the number of prosecuted federal drug crimes. The president's rhetoric on policy is a common source of information for cabinet-level secretaries (Regan, 1988:142) and career bureaucrats responsible for the implementation of policy use the president's public statements to ascertain the president's policy preferences (see Shull and Garland, 1995).

Despite its importance, this research provides only limited insight into why bureaucrats may respond to presidents' policy speeches. It is the task of this article generally to explore how presidents use their policy rhetoric to influence the bureaucracy, whether they have done so, and whether they have been effective doing so. Specifically, the article examines the impact that positive and negative speeches have had on the number of criminal civil rights cases filed by the Civil Rights Division of the Department of Justice. Although the political control of the bureaucracy literature is relevant to building a model with variables that may mitigate or expand the impact of presidential speeches on the bureaucracy, I first develop a theory for why presidents use speeches to signal their policy preferences, why bureaucrats may respond to presidential speeches, and when they may not.<sup>1</sup>

## **Presidential Speeches and the Bureaucracy**

Agency theory and overhead democracy provide strong theoretical justifications for presidential control of the bureaucracy. In a democracy, presidents *should* influence the bureaucracy to guarantee that unelected bureaucrats implement policy in accordance with their wishes (Nathan, 1983). Both agency design and formal tools—appointments, removal, budgets, or reorganizations—help presidents change the direction of its policy outputs, at least in the short term (Wood and Waterman, 1994). This line of research does not exhaust the potential tools that presidents may use to influence the bureaucracy, as it does not explore presidential speeches and the positive and negative policy signals that presidents send through them.

<sup>1</sup>Some material taken from *The President's Speeches: Beyond "Going Public"* by Matthew Eshbaugh-Soha. Copyright © 2006 by Lynne Rienner Publishers, Inc. Used with permission.

### ***Why Presidents Signal***

Presidents use their speeches to signal numerous preferences, but when it comes to the bureaucracy, presidents use their speeches to signal and affect policy. Informing the bureaucracy of their policy preferences is a first step that presidents must take to effect the implementation of policy, something that presidents demonstrate through commitment and concern for a policy area through their public speeches (see Rockman, 1984; Shull, 1993). These speeches may convey any amount of information, whether broad calls for an increase in the minimum wage or requests for specific policy changes, such as a \$3.8 billion reduction in agriculture subsidies over four years. The president's policy speeches should influence others so long as his preferences are signaled clearly, disseminated as information (Banks, 1991), and assist others in their decision making. After all, a signal is "any communication . . . that is employed by the cue-taker as a prescription for his (decision)" (Matthews and Stimson, 1975:51). To this end, speechmaking is an efficient means of signaling information because speeches can effectively penetrate multiple layers of a thickening federal bureaucracy.

### ***Why Bureaucrats May Respond to Speeches***

Constitutional authority over bureaucratic appointments, budgets, and execution of the law gives the president a solid foundation for affecting bureaucratic activity. Moe (1985:1101) even argues that the president can lead the bureaucracy simply "because he occupies the office of the president." However, presidents need to communicate their preferences so that bureaucrats know how to respond. To affect the bureaucracy, after all, "the president must set and communicate a consistent theme and then motivate bureaucracies to respond" (Meier, 1993:178). The effectiveness of presidential speeches in leading the bureaucracy, moreover, rests on the legitimacy of the presidency, such that "choice by the executive branch is legitimized insofar as it can be plausibly seen to have radiated down from a presidential choice or preference" (Polsby, 1978:10). Finally, policy is important. Policies that are salient, yet complex—such as civil rights policy—encourage bureaucrats to "look over their shoulders" and respond to elected officials' policy preferences (Gormley, 1986:610).

Presidential attention to a policy increases the likelihood that bureaucrats will know the president's policy preferences and respond to them. In conjunction with their constitutional prerogative, presidential leadership as expressed through public attention to a policy should encourage career bureaucrats to be responsive to administration requests (Pfiffner, 1988:100–02). Bureaucrats are ultimately behaving rationally in responding to presidential preferences because support from the president is vital to achieving their primary goal: fulfilling their agency's mission (Friedrich,

1940; Long, 1949; Meier, 1993; Rourke, 1969). One consequence of a lack of presidential attention to a policy area through speeches is an increased likelihood of miscommunication between the president and the bureaucracy, leading to preference divergence. So, the more the president signals his policy preferences through speeches, the more likely bureaucrats are to hear the president's preferences, understand his commitment, and respond to his leadership. Therefore, the president's policy speeches should affect bureaucratic activity as long as the president attends to and discusses regularly agencies' policy concerns (see Licari and Meier, 2000).<sup>2</sup>

Presidents may influence the bureaucracy through positive and motivational signals or through negative and coercive ones. Positive presidential signals may influence bureaucratic activities because they help bureaucrats achieve their policy mission, even though they have limited time and resources to do so. Presidential support and leadership (expressed through speeches) help set priorities for bureaucrats, which should increase their level of policy activity. Supportive signals should also motivate the bureaucracy to implement policy because they enhance agency commitment and morale. Executives promote organizational satisfaction and effectiveness through persuasion. They create and foster a sense of purpose and moral code for the organization, establish a communications system, and ensure cooperation among its members (Barnard, 1938). If a president signals support for the agency's policy goals frequently through his speeches, bureaucrats may be motivated to implement these shared preferences.

Negative signals are designed to encourage an agency to stop what it is doing, or at least alter its policy focus. A bureaucrat might respond to a negative signal if the president can coerce him or her to do something the bureaucrat would not otherwise do, given the president's formal tools of political control. Presidents who disagree with the agency's policy mission may use negative signals to threaten budget cuts or unfavorable appointments to decrease an agency's outputs or alter its policy focus. Because fear of presidential retaliation gives the president a constant advantage in politics (Neustadt, 1990:31), bureaucrats may be wise to respond to coercive signals to satisfy the president in the short term and be spared reductions in their autonomy and power over the long term. Strong, coercive controls or "muscles," in the words of Gormley (1989:12), may also be effective tools of influence. Yet, these tools are only likely to be effective when bureaucratic support is low (Gormley, 1989:22).

Presidents should find it much easier to push an agency to do more in accordance with its mission than to prevent it from acting on its task demands (Landsberg, 1997). After all, the organizational relationship is one of cooperation, not domination. Subordinates have a "zone of acceptance" outside of which they will not allow superiors to alter their behavior

<sup>2</sup>Indeed, Carpenter (1996) finds that nonverbal signals—budget cuts or increases—are most likely to be effective as they are repeated.

voluntarily (Simon, 1957). Moreover, signals that elicit fear of retribution must rely on intensive followup and review. When presidents and agencies disagree, goal conflict produces shirking, which makes presidential control difficult or successful only with direct measures, such as debilitating budget cuts (Wood, 1988). Coercion rarely "tames" the bureaucracy (Gormley, 1989). Positive speeches do not alter an agency's policy mission; they simply push bureaucrats to work harder in the same policy direction. Further, because a similar point of reference or perspective gives the president greater credibility in the eyes of the bureaucrat (see Matthews and Stimson, 1975), positive signals should be more effective than negative ones in eliciting a bureaucratic response.

Negative signals may be ineffective, furthermore, if they provoke bureaucratic resistance. A significant limitation to all tools of presidential control of the bureaucracy concerns bureaucratic discretion, the flexibility of bureaucrats to implement their mission consistent with their own goals and preferences (Eisner and Meier, 1990; but see Wood and Anderson, 1993), not the president's. Discretion should work no differently with negative signals. Therefore, positive signals will increase an agency's output, while negative signals will have little impact on decreasing an agency's activity.

Primarily, speeches may often influence a bureaucrat because he or she wants to be influenced and needs a signal for his or her own cognitive efficiency. In other words, signals help set priorities; priorities bureaucrats need due to limited time and resources, which limit an agency's ability to achieve its policy goals. Although proficient in their areas of expertise, bureaucrats are boundedly rational individuals (Simon, 1957), who will "satisfice" to make efficient decisions in an environment of information asymmetries and hierarchical controls (see Moe, 1985). Few agencies are large or resourceful enough to implement policy without leadership and priorities. If they tried to, agencies might be so unfocused as to be ineffective implementing any aspect of their mission (Landsberg, 1997:77). Presidents who set common goals for an agency through speeches may provide clear direction to bureaucrats as they carry out their tasks and attempt to achieve their policy goals (Wilson, 1989). So long as preferences do not conflict, presidential attention to a few priorities allows bureaucrats to focus activity on the implementation of their policy mission.<sup>3</sup>

The level of bureaucratic activity may be influenced by other factors, as well. First, in a system of separated institutions sharing powers, the president is not the bureaucracy's sole principal (Aberbach, 1990; Weingast and Moran, 1983). Congress, which also has a constitutional and democratic role in influencing the federal bureaucracy, has an incentive to influence a

<sup>3</sup>Presidents can also use private meetings to communicate policy preferences to bureaucrats. This, as Neustadt (1990) tells us, can provide motivation or a significant morale boost for any political actor, especially if the meeting occurs in the Oval Office. These events are rare, nevertheless, and so would be unlikely to have a measurable impact on the level of policy outputs.

policy, so long as it is a top priority. Indeed, congressional oversight, in the form of congressional committee hearings, could influence or alter the direction and focus of an agency's policy mission. Thus, congressional attention to a policy should also affect agency activity.<sup>4</sup> Since the bureaucracy's authority is derived in part from legislative statute, significant legislation may also work to increase or decrease an agency's policy activity.

Second, the bureaucracy is not immune to public pressure and is more likely to be responsive to political principals when its policy area is salient to the public and news media (Gormley, 1986). Indeed, oversight of the bureaucracy may come in the form of fire alarms, rather than police patrols (McCubbins and Schwartz, 1984). For these reasons, bureaucrats should respond to media attention as it increases (see Eshbaugh-Soha and Peake, 2004).

Third, the internal dynamics of agencies are important, as well. At base, agencies need funding to function and survive. Without adequate resources, federal agencies have difficulty implementing policy effectively (Wood, 1988). Others show that presidents' nonverbal signals, such as budget requests, may move agency behavior if they take the form of repeated signals (Carpenter, 1996) or work interdependently with Congress (Krause, 1996). Given slack resources (Wood, 1988), budgetary inertia (Wildavsky, 1984), and the ability of bureaucrats to implement their policy mission without having adequate staff and resources, however, budget cuts must be substantial to affect bureaucratic outputs (Wood, 1988). Thus, budget cuts will decrease an agency's activity. Next, the president's appointment authority helps him control the bureaucracy and affect the direction of bureaucratic outputs (Wood and Waterman, 1994) by nominating individuals who direct the day-to-day operations of the bureaucracy. Appointees who agree with the president to alter the direction of agency outputs have been shown to have the largest impact on the implementation of policy (Wood, 1988). Thus, an appointee who disagrees with an agency's mission may decrease bureaucratic outputs.

### **Presidential Speeches and the Civil Rights Division**

Although the Department of Justice (DOJ) had been responsible for investigating civil rights cases since 1939 through the Civil Rights Section (CRS) of the Criminal Division, the Civil Rights Act of 1957 created the

<sup>4</sup>Other principals that could affect bureaucratic implementation are the Supreme Court and interest groups. Measuring these principals proved difficult, and has not been incorporated by similar scholarship (Whitford and Yates, 2003). Supreme Court ideology scores could work but are fairly broad and do not comport consistently with civil rights policy. The number of Supreme Court cases in Segal and Spaeth's compilation in favor of or against an agency's mission is another possibility. One option to measure interest group influence is to count interest group memberships, even though this may assess the ability of the interest group to attract members, rather than its influence over the bureaucracy. Both these principals were modeled in these ways in the quantitative model; neither was statistically significant and thus they were dropped from the discussion.

Civil Rights Division (CRD) and legislated that it be responsible for enforcing criminal civil rights laws in U.S. District Court.<sup>5</sup> The legislation also gave presidents the potential to influence CRD activity.

Notwithstanding its importance, the Civil Rights Act of 1957 did not substantially expand the CRD's influence over civil rights litigation. Suits filed after 1957 were initiated mostly by citizen complaints (Landsberg, 1997:84), which were not vigorously pursued by CRD "desk lawyers" (Landsberg, 1997:104). After several years of rhetoric and heated debate, Congress broadened the CRD's authority by way of the Civil Rights Act of 1964. Specifically, the DOJ was authorized to "intervene in race-based equal protection cases initiated by other parties" and had its jurisdiction extended to "suits against discrimination in public accommodations, facilities, and education as well as in employment" (Landsberg, 1997:14). Although efforts have been made to limit the CRD's litigation power since 1964 (see Edsall and Edsall, 1992), its authority remained virtually constant throughout the rest of the 20th century.

Positive presidential speeches may be particularly effective in the CRD because they can help it set priorities. The CRD has limited time and resources to devote to litigation, its most common, yet costly, endeavor (Landsberg, 1997:113). Policy leadership from the president may guide the CRD's decision to use time and resources to prosecute cases. Presidents can motivate lawyers to enforce their mission vigorously by providing leadership and facilitating cohesion—commitment to an organization and its goals (Meier, 1993:72)—among bureaucrats. As a result, presidential signals in support of civil rights policy may motivate the CRD to do more of what it does: litigate civil rights cases.

Evidence from the early Lyndon Johnson Administration shows the impact that positive signals can have on bureaucratic activity and morale. Ramsey Clark recalled the following in an oral history.

You see, in the late fall of 1963, (Johnson) made very clear by addresses to a joint session of Congress and otherwise his determination to continue to seek enactment of the civil rights act of '63, rather an extraordinary expression of determination and effort. "Did this have an effect on the morale in the Justice Department? Well, yes. I don't believe there was any doubt here . . ." (Ramsey Clarke, Interview I:10).

At the same time, bureaucratic discretion allows CRD lawyers, who have significant prosecutorial discretion (Landsberg, 1997:79),<sup>6</sup> to ignore policy directives that contradict an agency's core beliefs. Furthermore, bureaucratic support within the CRD—as evidenced by the aforementioned quote and

<sup>5</sup>Although the DOJ had authority to prosecute criminal violations of civil rights, this power was very limited prior to 1957 (Landsberg, 1997:174).

<sup>6</sup>Landsberg (1997:79) observes that early court precedent in the prosecution of civil rights violations gave the CRD and the executive branch considerable "judgment and discretion" in pursuing and filing civil rights cases.

Landberg's (1997) study—is likely high, and therefore coercive tools, such as negative signals, are unlikely to be influential (Gormley, 1989). As such, negative signals should not substantially alter the direction or quantity of CRD activity, forcing presidents to use administrative strategies of control, such as budget cuts or appointments, to cause a decline in such activity.

## Data and Methods

Presidential speeches are counted as the number of pages in the *Public Papers of the Presidents* devoted per month to civil rights policy. Each volume of the *Public Papers* has a subject index from which I compiled a list of key words related to civil rights policy. This list is presented in Table 1. I then scanned each entry to ensure that each page did indeed relate to civil rights policy. Coding pages allows me to count a range of signals, from a brief mention of a policy (that may take one page) to a concerted effort by the president to make a policy point (an address consisting of multiple pages), such as a national address. Coding pages, therefore, is appropriate given the importance my argument places on presidential attention to civil rights policy.<sup>7</sup> I code spoken words and written documents, both of which are public statements, national speeches, such as the State of the Union, which are most likely to be heard by the public and reported by the media (Cohen 1995), minor speeches that are typically not televised, and press conferences (Eshbaugh-Soha, 2003; Grossman and Kumar, 1981).

Positive signals support civil rights policy. Speeches that favor the adoption of the Civil Rights Act of 1964, renewal of the Voting Rights Act of 1965, claim further action is needed to ensure the civil rights of all citizens, or that equality of opportunity is a fundamental value in democracy are positive signals on civil rights. Negative signals oppose civil rights policy. These include speeches that oppose renewal of the Voting Rights Act of 1965, claim that busing is unconstitutional, or that affirmative action amounts to a quota system.

Media and Congress are also important to bureaucratic activity. Much of what is salient to the public is reported through magazines and other periodicals (see Baumgartner and Jones, 1993; Edwards, Mitchell, and Welch, 1995). The *Reader's Guide to Periodical Literature* lists articles devoted to specific policy areas each year, which is a measure of media attention to a policy area.<sup>8</sup> Congressional Information Services provides the

<sup>7</sup>Coding paragraphs is another method (see Whitford and Yates, 2003), although the number of paragraphs is only slightly different from the number of pages and the number of speeches is highly correlated with the number of paragraphs, at 0.88 (Barrett, 2004:n.13).

<sup>8</sup>Although the percentage of respondents who claim that civil rights is the “most important problem” is another measure of salience, Gallup has not asked about civil rights policy on a regular basis. Moreover, a sample of *Reader's Guide* data on civil rights policy correlates with a sample of *New York Times* index entries on civil rights policy at  $r = 0.55$  and with a sample of MIP data at  $r = 0.61$ .



TABLE 1  
Civil Rights Keywords Index

<i>Reader's Guide</i>	<i>Public Papers of the Presidents</i>	<i>CIS Index</i>
Desegregation	Civil rights	Civil rights
Racial discrimination	Desegregation	Discrimination
Blacks (Negroes)	Discrimination	Desegregation
Discrimination	Integration	Segregation
Segregation	Voting rights	Voting rights
Civil rights	Segregation	Affirmative action
Busing	Racism	Integration
Integration	Affirmative action	Busing

number of days Congress spends in committee holding hearings on a policy, my measure of congressional attention. Committee activity is particularly important because policy making and oversight occur predominately in committee, not on the congressional floor. The more days Congress is in committee, the more it will influence the bureaucracy. Key words are listed in Table 1.

The 1964 and 1991 Civil Rights Acts are both relevant to the litigation of civil rights cases by the CRD. The Civil Rights Act of 1964 is a pulse function, to account for its short-term and immediate impact on litigation, and a step function, for its long-term impact. The pulse function is a 1 for 1964 and a 0 for all other years, and the step function is 1s from 1965–1990, and 0s for all other years. The Civil Rights Act of 1991 is a pulse function, coded as a 1 for 1991, and 0 for all other years.<sup>9</sup>

Budgets, corrected for inflation (1993 dollars), have been coded from successive years of the *Budget of the United States*. Appointments could also affect the president's influence on the bureaucracy (Wood and Waterman, 1994) by causing a decline in the agency's activity. Thus, I model appointments that research identifies as being contrary to the CRD's mission: for example, William Bradford Reynolds as Assistant Attorney General for Civil Rights, head of the CRD during the Reagan Administration.

The dependent variable is the number of criminal cases filed in U.S. District Court, 1958–2002. These fiscal year data allow for a six-month lag for all independent variables on litigated cases. The president's signals for 1963, for example, affect cases filed from July 1963 through June 1964.<sup>10</sup>

<sup>9</sup>As a reviewer pointed out, the 1991 Act simply restored the status quo prior to *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989), and should therefore be coded as a pulse function.

<sup>10</sup>In 1993, the beginning of the fiscal year shifted to October 1. This increases the lag in the time series, but is unavoidable. Step and pulse function controls for this change reveal nothing significant in the models.

This lag controls for the time required to file a case and ensures that at least one assumption of causality is met: the independent variable occurs prior in time to the dependent variable.

I analyze these data using linear time-series methods, with a logged dependent variable due to heteroskedasticity. Estimating an ordinary least squares regression with a logged dependent variable is a “log-linear” model (Gujarati, 1995:165). Coefficients are interpreted similarly to standard linear regression models with one exception: the coefficients are interpreted as a percentage change in the average value of the dependent variable. Issues of nonstationarity or autocorrelation are not relevant to the model in Table 3.<sup>11</sup>

## Findings

The first task of this section is to illustrate the level of attention, whether positive or negative, that presidents have devoted to civil rights policy since the creation of the CRD in 1957. Table 2 shows that presidents have varied their attention to civil rights policy, from a high of nearly 70 pages per year by Johnson during the height of the civil rights movement, to a low of about 11 pages by Reagan. Most presidents after Nixon averaged less than 15 civil rights signals per year, even though President Clinton averaged over 20, in part due to his devotion to a “national conversation on race.” The balance between positive and negative signals is decidedly positive, with an average of over 14 positive and just under three negative signals per year over the timeframe, or over 82 percent positive. Only one president, President George Herbert Walker Bush, averaged more negative than positive signals on civil rights policy. This is due primarily to his public opposition to the “quotas” of the 1991 Civil Rights Act.

These attention measures clearly follow presidents’ civil rights policy preferences, whether in favor of or against. Although Eisenhower signed the Civil Rights Act of 1957, he proved passive on civil rights, dodging questions in press conferences about his civil rights position, only recognizing that it was his duty to uphold the Constitution. Both Kennedy and Johnson supported federal civil rights legislation and were not shy about publicly admonishing egregious acts of civil rights abuses. On the other hand, Presidents Ford and Nixon spoke most often in opposition to civil rights policy. They questioned court-ordered busing as a remedy for school

<sup>11</sup>Neither the criminal cases series nor its logged counterpart (the dependent variable in the analysis) are nonstationary. The augmented Dickey Fuller tests (AIC estimation) reveal the following. For the dependent variable:  $-6.78$ , 5 lags (intercept);  $-13.07$ , 5 lags (intercept/trend);  $-1.05$ , 7 lags (no intercept or trend). For the nontransformed court cases series:  $-4.44$ , 7 lags (intercept);  $-3.42$ , 7 lags (intercept/trend);  $-2.49$ , 7 lags (no intercept or trend). The results clearly reject the null of the presence of a unit root in each time series. In addition to these results, estimated value of “d” is  $-0.13$  (logged series) and  $-0.03$  (nontransformed series), confirming that fractional integration is not appropriate.

TABLE 2  
Yearly Average Civil Rights Signals and Cases Litigated

President	Presidential Signals <sup>a</sup>			Criminal Cases <sup>b</sup>
	Yearly Average	Positive	Negative	
Eisenhower	15.5	7.8 (50.8)	1.5 (9.7)	1.0
Kennedy	41.0	32.7 (79.7)	0.3 (0.7)	26.7
Johnson	66.8	54.0 (80.6)	0.2 (0.2)	371.2
Nixon	24.5	12.7 (51.8)	7.2 (29.3)	139.3
Ford	14.0	2.0 (14.3)	11.0 (78.6)	74.0
Carter	12.0	10.0 (83.3)	0.0 (0.0)	78.0
Reagan	11.3	4.8 (42.5)	3.0 (26.5)	87.1
Bush	16.0	4.8 (29.7)	5.3 (33.1)	70.8
Clinton	24.0	10.6 (44.2)	0.3 (0.01)	73.6
G. W. Bush	4.8	2.4 (50.0)	0.8 (16.7)	66.0

<sup>a</sup>Numbers are administration averages of the number of pages in the *Public Papers of the Presidents* on which presidents mention civil rights policy. G. W. Bush is through June 2003.

<sup>b</sup>Numbers are administration averages of the number of criminal cases litigated in U.S. District Court by fiscal year. Eisenhower is 1958–1960. G. W. Bush is through 2005.

SOURCE: Annual Report of the Director, 1958–2005, Washington, DC: USGPO.

desegregation, opposed affirmative action programs in employment, and offered only two civil rights executive orders between them (Nixon had both, including Executive Order 11478, which incorporated most of Nixon's "Philadelphia Plan"). Although Nixon discussed civil rights more, on average, than did Carter, Carter was more supportive, 83 to 52 percent.

Presidents Reagan and Bush were ambivalent in their speeches on civil rights policy. Although Reagan and Bush spoke favorably about their own civil rights records and supported equality of opportunity in general terms throughout their terms in office, both vetoed key civil rights statutes and authored few executive orders in support of civil rights. The African-American community was critical of both Reagan's and Bush's mixed support of civil rights legislation. Reagan supported a Senate version to extend the Voting Rights Act, for instance, but it was considered weak and not preferred by most civil rights leaders. Bush opposed "quotas" in the 1991 Civil Rights Act, which opened him up to criticisms of being soft on civil rights (Shull, 1993).

Civil rights policy was not a clear legislative priority for either Bill Clinton or George W. Bush. President Clinton spoke frequently about race relations in the United States, yet he advocated no major civil rights legislation and did not push for significant enforcement of existing civil rights legislation through the federal bureaucracy. George W. Bush virtually ignored civil rights, save for a handful of symbolic speeches (such as those to honor the Reverend Martin Luther King, Jr. or to commemorate the 40th anniversary

TABLE 3

The Effect of Presidential Signals on Criminal Civil Rights Cases, 1958–2002

	Parameter Estimates	Standard Errors
Positive signals	0.02*	0.01
Negative signals	0.01	0.02
CRA 1964 (pulse)	3.39*	0.77
CRA 1964 (step)	2.37*	0.26
CRA 1991 (pulse)	– 0.11	0.65
Reynolds (step)	0.17	0.21
Media attention	0.0004	0.002
Congressional hearings	0.003	0.01
Budget $\Delta$	– 0.001	0.04
Constant	1.71*	0.35
Adjusted $R^2$	0.74	
F statistic	14.47*	
Lagrange multiplier $\chi^2$ (5 lags)	7.23 ( $p = 0.20$ )	
White's test $\chi^2$	20.21 ( $p = 0.12$ )	
Mean of positive signals	14.6	
Mean of criminal cases	109.4	
N	44	

\* $p < 0.05$  (two-tailed).

NOTE: The dependent variable is logged to account for heteroskedasticity. Otherwise, the dependent variable is in levels. The models apply log-linear time-series methods, with the year as the unit of analysis.

of the Civil and Voting Rights Act) and references to the importance of protecting civil rights of Americans amid the War on Terrorism. He also made a handful of remarks, initially opposed to, then cryptically supportive of, the University of Michigan's affirmative action policy and the U.S. Supreme Court's decision to allow race to be considered as part of the college admissions process (*Grutter v. Bollinger*, 539 U.S. 306 (2003)).<sup>12</sup>

Table 3 illustrates whether positive and negative signals have affected civil rights policy in the bureaucracy, that is, whether rhetorical attention paid to civil rights policy had any impact on the level of bureaucratic activity on civil rights policy, from 1958 through 2002.<sup>13</sup> Positive signals have increased the number of yearly criminal civil rights cases filed in U.S. District Court. A one-page discussion of civil rights by presidents leads to a 2 percent increase in the number of criminal civil rights cases litigated in U.S. District Court. In an average year, when presidents deliver fewer than 15 pages of

<sup>12</sup>This change in his public demeanor could have been the result of public support of the University of Michigan's admissions policies by two members of his administration: National Security Adviser Condoleezza Rice and Secretary of State Colin Powell.

<sup>13</sup>At publication, the hardbound volumes of the *Public Papers of the Presidents* were available only through half of 2003. Therefore, the analysis is conducted through 2002 only, despite other measures, including the dependent variable, being available through 2005.

positive civil rights signals, positive signals lead to a 29 percent increase in cases, or nearly 32 criminal cases litigated in U.S. District Court. More attention to civil rights policy, therefore, has an even larger impact by individual presidents who send more positive signals than average. Clearly, positive signals tell the CRD that the president and his administration will support the litigation of criminal civil rights violations, motivating CRD lawyers to do more of what they would otherwise do: prosecute civil rights violations.<sup>14</sup>

Key civil rights statutes have also affected litigation, along with presidential leadership. The Civil Rights Act of 1964 expanded the CRD's enforcement authority immensely and gave it clear prosecutorial authority over a wider range of criminal civil rights violations. Unsurprisingly then, the Civil Rights Act of 1964 has had both initial and sustaining effects on CRD activity. Initially, the Act increased the number of criminal cases litigated in 1964 by 339 percent or about 370 cases; its extended influence over the entire series equals an increase in the number of cases litigated by about 237 percent, or 259 criminal cases. The significance of the 1964 Civil Rights Act, however overwhelming, does not preclude presidential signaling influence over the CRD. Clearly, positive presidential leadership dramatically shifted the CRD's focus to litigate more criminal cases. Presidential leadership helped create an environment that moved CRD lawyers from their desks to vigorously litigate criminal violations of newly passed civil rights statutes.

The overwhelming influence of the 1964 pulse function suggests, however, that the immense activity surrounding the fervor of a new administration and an expansion of civil rights enforcement powers was fleeting. In other words, the initial burst in enforcement activity in 1964 is not sustained across the entire time series. Indeed, even though the Act led to a permanent increase in enforcement activity (as evidenced by the Civil Rights Act of 1964 step function), this sustained impact was much less than the initial torrent in prosecution, and the number of cases litigated fell throughout the Johnson Administration. After 1965, President Johnson spoke less on civil rights as his credibility declined amid riots and the *Moynihan Report* on the degenerating black family (Graham, 1990:177). His words had less motivating power on bureaucrats in an area growing in controversy. Furthermore, the CRD was not equipped to sustain its peak efforts during the mid-1960s. Small budgets and conflicting presidential priorities also contributed to a decline in criminal case activity (Graham, 1990:236–37).

Table 3 also displays the statistically insignificant impact that negative signals have had on civil rights policy. Accordingly, CRD lawyers simply are not likely to follow negative signals given their discretion over implementa-

<sup>14</sup>One might suspect that presidential dummies or ADA scores for presidents might alter the impact of signals on criminal cases; neither does. All presidential dummies and an ADA scores coefficient are statistically insignificant and do not alter the findings.

tion of their basic mission to pursue and protect the civil rights of all Americans. In other words, presidents have been much less effective in threatening the CRD to curtail its actions than in motivating it to prosecute civil rights violations vigorously.

When presidents do not use signals to affect policy, they must rely on other sources of power. Reagan did not speak much on civil rights, but relied on his appointment power to affect the implementation of civil rights policy in accordance with his preferences. Reagan appointed William Bradford Reynolds to head the CRD who, consistent with Reagan Administration policy, was against affirmative action, quotas, and racial preferences. He claimed that government should protect individuals only from actual and specific acts of discrimination. This differed greatly from more active remedies supported by previous administrations, which sought to protect minorities before discrimination occurred. Under Reynolds, the CRD filed many suits to limit the scope of affirmative action policies. These efforts were later supported by two important Supreme Court cases that limited the breadth of legal affirmative action at the city, state, and federal levels (*City of Richmond v. JA Croson*, 488 U.S. 469 (1989); *Adarand Constructors, Inc. v. Peña*, 115 S. Ct. 2097 (1995)). Yet, this appointment was not sufficient to decrease significantly the number of criminal civil rights cases litigated in U.S. District Court, according to Table 3.

## **Conclusion**

Research has argued for and demonstrated numerous ways for presidents to control the bureaucracy, yet few studies have explored the potential impact that presidential speeches may have on bureaucratic outputs (for exceptions, see Eshbaugh-Soha, 2006; Whitford and Yates, 2003). This article demonstrates that presidential control of the bureaucracy extends to this tool of influence—found previously in the public and legislative arenas—such that presidential speeches are an effective means of influence over bureaucratic activity, and that this influence is contingent on the direction of the president's policy signals. Positive signals reinforce an agency's mission and motivate bureaucrats to do more of what they do, increasing bureaucratic activity. Yet, negative signals have had no statistically significant impact, providing a clear limitation to presidential leadership of the bureaucracy through speeches. Presidents who disagree with an agency's mission may either send no public message at all or use other means of influence to affect bureaucratic behavior. However, presidential leadership of the bureaucracy through speeches will be effective only when presidents can publicly express their preferences in the first place.

Further research must examine additional policy areas and agencies to determine the generalization of these findings. Perhaps presidents will be less successful motivating bureaucrats who implement other policy areas;

perhaps there are agencies that will respond more to presidential coercion through negative signals. Gormley (1989) theorizes that coercive tools of influence over the bureaucracy will be most effective when used selectively, targeting the scope and intensity of the problem. Moreover, scholars should examine other measures of agency morale—such as turnover or absenteeism rates—to determine the extent to which positive signals motivate bureaucrats and increase agency morale.

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