Literature review

* QTA is used more often in recent studies, due to the vast number of documents produced by the executive branch (e.g., executive orders (EO), national security directives, agency regulations – policy-driving documents) (Kaufman, 2020)
* Scholarship is marked by three major areas of research activity (Warber, Ouyang, & Waterman, 2018, p. 112)
  + Utilizing legal, constitutional frameworks to analyze executive orders
  + Empirical models to explain presidential decisions to issue executive orders
  + Ways of treating executive orders within their studies and whether there are important justifications for classifying these presidential directives into different types of policy categories before analyzing them
* Kaufman (2020) basically explains step by step how to apply text analysis to EO

Reasons to use EO as a measure

* Definition: “Cooper (2002, 16) provides us with the conventional definition that scholars and politicians have used for executive orders by stating that they ‘are directives issued by the president to officers of the executive branch, requiring them to take an action, stop a certain type of activity, alter policy, change management practices, or accept a delegation of authority under which they will henceforth be responsible for the implementation of law.’” (Rottinghaus & Warber, 2015, p. 298)
* EO mainly constitute an act on presidential unilateralism, e.g., Rudalevige (2015), Warber, Ouyang and Waterman (2018)
* In legal terms, EO are mostly put in relation to Congress legislation:
  + “Executive orders and [presidential] proclamations are the two most numerous unilateral orders found over time and carry the weight of an act of Congress (*Jenkins v. Collard* 1891, 560-61)” (Rottinghaus & Warber, 2015, p. 298)
  + “Furthermore, these orders have the same legal standing as a law passed by Congress (Mayer 2001, 35)” (Warber, Ouyang, & Waterman, 2018, p. 111)
  + “Kenneth Mayer argues (2001, 11), even in difficult political contexts, ‘in most cases, presidents retain a broad capacity to take significant action on their own, action that is meaningful both in substantive policy terms and in the sense of protecting and furthering the president’s political and strategic interests.’” (Rudalevige, 2015, p. 342)
  + “The ability of U.S. presidents to direct government through EOs derives from Article II of the U.S. Constitution which states that the president has the power to “take care that the laws be faithfully executed” - that is, to guide the execution of existing legislation. However, since EOs have the same value as federal laws and do not require Congressional ratification, in practice they have been often used to “guide” policy in a direction other than that intended by Congress. (Djourelova & Durante, 2019, p. 3)
* Warber, Ouyang and Waterman (2018, p. 112) argue that a too narrow focus has been put on “landmark” legislation while neglecting seemingly less important EO, which is why “if we ignore unilateral action and examine only so-called landmark legislation, we ignore much of importance that presidents achieve.”
* Kaufman suggests the black box approach, which assumes, “if only tacitly, that any given order reflects a unitary executive branch and, thus, presidential preferences, more or less purely enacted into action.” (Rudalevige, 2015, p. 343)
* Executive orders combine the highest level of substance, discretion, and direct presidential involvement (Mayer 2001, 31, 35) 🡪 presidents can decide *when* to issue *which* EO, and to actively circumvent Congress (Djourelova & Durante, 2019)

Factors to influence EO content (IV)

* **Political self-interest/re-election ambitions** (politician’s party affiliation, reelection information, tenure, swing state) and **perceived risk** (vulnerability of or to the problem) (Curley, Harrison, & Federman, 2021, pp. 194-195) 🡪 study EO regarding COVID-19 response, i.e., classify EO regarding enforcement language (DV: enforcement language)
* **Institutional dynamic between Congress and the president (**majority size, divided government) and **increased likelihood moments of issuing EO** (new president, presidential/midterm election year, change in popularity) (Rottinghaus & Warber, 2015, p. 299) 🡪 content analyze EO regarding constituency language (DV: constituency group), include control variables: press conference, in order to control for president’s opportunity to address his constituency directly, party affiliation, “era” effects (Post-Reagan era)
* **Reputational considerations:** “(…) unilateral action also defines a president’s historical standing.” (Warber, Ouyang, & Waterman, 2018, p. 111)
* Most studies conclude that presidents issue a greater number of executive orders during unified rather than divided government (e.g., Gleiber and Shull 1992; Howell 2003; Krause and Cohen 1997; Mayer 1999; 2001; Warber 2006), Djourelova and Durance (2019) extend this notion by suggesting negative EOs-news coverage will lead to declining presidential approval rates, but only under divided government
* **Number of seats held by the president’s party in Congress** and the **amount of ideological congruence** between these political actors (Fine & Warber, 2012, p. 257)

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