

Interest Group Influence on Presidential Unilateralism



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Motivation: The president’s use of executive power is a core concern for democratic accountability and legitimacy in the United States. Given increasing gridlock in Congress, there is increasing demand for major uses of presidential unilateral powers such as executive orders, and frustrated presidents are frequently turning to them as a substitute for legislation. While a large body of work has explored the ways in which Congress and legislation can be influenced by organized interests, very little work examines how presidential unilateral instruments can be influenced. Holding our government accountable to its citizens requires understanding the contours of this increasingly consequential mode of policymaking.

Prior Work: Not much work has examined the connection between lobbying/lobbyists and the President/executive branch (see, e.g., Miller 2023, APSR). Almost no work has connected lobbying to *presidential unilateral instruments*—to my knowledge, only my own prior working paper, which shows that more lobbying of the president in an issue area means *more* executive orders (Table 1), and bad economic shocks motivate firms to lobby the president *more*.

Present Goal: Extend my prior work while investigating related but distinct questions.

First activity, quantitative analysis of unilateral instruments other than executive orders: President increasingly uses unilateral instruments other than formal executive orders (EOs). Using the topic-coded set of all unilateral instruments from Kaufman and Rogowski (2023, AJPS), I reran quantitative analyses with the count of non-EO unilateral instruments as the outcome. **Result:** Lobbying is *negatively* associated with non-EO instrument production (Table 2).

Second activity, qualitative interviews with lobbyists: To understand more about the substance and real-world practice of lobbying the president/White House, I planned qualitative interviews with lobbyists who have previously lobbied presidential agencies. **Result:** Still in progress; need to map list of thousands of names/firms with email addresses for study recruitment.

Third activity, archival research: I visited the presidential libraries of seven presidents to understand if and how interest groups and lobbying have influenced the issuance and/or content of executive orders. **Result:** Documents, esp. for later or domestic-focused presidents (e.g., Johnson and Clinton), show White House considers expressed group preferences in formulating EOs (e.g., Clinton document at right).

Table 1: Effect of lobbying the president on executive order (EO) production			
	(1)	(2)	(3)
Lobbying of pres. <i>logged</i>	0.315* (0.152)	0.499*** (0.137)	0.494*** (0.140)
Public salience <i>percentage points</i>	0.013 (0.013)	0.012 (0.013)	0.012 (0.013)
Divided government		0.040 (0.115)	−0.001 (0.161)
War		0.412*** (0.120)	0.673** (0.319)
Election year		0.725*** (0.139)	0.824*** (0.176)
First year of pres.		0.897*** (0.160)	0.817*** (0.176)
Unemployment <i>percentage points</i>			−0.124 (0.098)
Approval <i>percentage points</i>			−0.019 (0.019)
Year			−0.092 (0.095)
President fixed effects	✓	✓	✓
Issue fixed effects	✓	✓	✓
Observations	420	420	420
The DV is the count of issue-specific executive orders. Driscoll-Kraay standard errors are in parentheses. * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$.			

Table 2: Effect of lobbying the president on non-EO unilateral directive production			
	(1)	(2)	(3)
Lobbying of pres. <i>logged</i>	−2.229** (0.835)	−2.449*** (0.795)	−2.569*** (0.708)
Public salience <i>percentage points</i>	0.015 (0.133)	0.017 (0.134)	0.019 (0.135)
Divided government		0.716 (1.234)	−0.018 (1.254)
War		3.841*** (0.943)	3.503** (1.591)
Election year		−1.298 (1.170)	−1.417 (1.094)
First year of pres.		0.269 (0.528)	0.378 (0.764)
Unemployment <i>percentage points</i>			−0.772*** (0.252)
Approval <i>percentage points</i>			0.026 (0.055)
Year			−0.009 (0.357)
President fixed effects	✓	✓	✓
Issue fixed effects	✓	✓	✓
Observations	420	420	420
The DV is the count of issue-specific non-EO unilateral directives. Driscoll-Kraay standard errors are in parentheses. * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$.			

III. STAKEHOLDER VIEWS

OEP, DPC, NEC, CEA, EPA, and the Department of Justice have held several informal meetings with stakeholders to seek their views on the order. In general, the order has been well-received.

A. Environmental Justice Community: Based on discussions with several environmental justice leaders, it is likely that the executive order will be well-received and generally viewed as a step in the right direction. The environmental justice community could, however, criticize the order for not going far enough. For example, the order does not mandate that all disproportionate effects must be mitigated or eliminated. Rather, the order directs agencies to develop strategies to address environmental justice concerns as appropriate.

B. Industry: Representatives from the Chemical Manufacturers Association and the National Association of Manufacturers did not voice any strong objections to the order. Over the last two years, environmental justice has become an increasingly important issue for industry, particularly those industries involved in waste management. The order specifically states that the federal government will incur any costs associated with the order, thereby alleviating concerns that costs will be passed onto industry. Industry emphasized that certain government actions, most notably siting decisions, can have a positive, not only a negative, impact on communities and that these positive impacts should be taken into account by the government in conducting its activities.

C. Congress: Environmental justice has been of key concern to several members including Representatives Conyers, Stokes, and Lewis, and Senators Wellstone and Baucus. Some of these members may criticize the order as not taking enough steps to ensure that environmental justice is achieved; however, they should be generally supportive of the Administration's efforts.

D. National Governors' Association: The States are not likely to oppose the order. In fact, NGA representatives suggested that states may use it as a model in their own efforts to address environmental justice. Because the order specifically

Future steps: Theorize decrease in non-EO instruments (substitution?), compile lobbyist emails, visit more pres. libraries and NARA facility in Maryland.