

The Assertive Presidency – Understanding Preemptive Executive Pressure on Foreign Policy Legislation in the US

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Abstract:

The specter of an increasingly uneven distribution of power between the Executive Branch and Congress looms large in scholarship on the separation of powers in American government. This is particularly evident in the design and exercise of foreign policy. While the presidents' use of legislative powers like the veto has been studied extensively, I argue that preemptive presidential interventions during the process of lawmaking are a subtler and less politically costly tool that is more important than scholars realized. This project focuses on American foreign policy lawmaking and examines the extent to which it is characterized by presidential assertiveness communicated to Congress through a hitherto understudied tool of executive intervention. Specifically, I seek to understand how contemporary presidents use Statements of Administration Policy (SAPs), a relatively new class of executive communications designed to preemptively intervene in key legislation as it is drafted in Congress. Delivered at a crucial intervention point along the legislative process, these communications provide a key opportunity for presidents to challenge specific provisions. Embedded in the broader discourse on struggling congressional checks on the executive, this project fills a gap in the understanding of the dynamics that shape the balance of power between Congress and the president. I find that interbranch confrontations increased significantly after the critical juncture of 9/11 and that Congress gradually expanded the use of its authorization leverage over time. In addition, two contextual predictors of increasing presidential assertiveness in preemptive messages to Congress stand out: divided government and presidential election years. My results indicate that presidents still cannot achieve many of their foreign policy goal without negotiating with Congress within contested bargaining procedures. Overall, my dissertation makes three principal contributions to the ongoing research on domestic underpinnings of US foreign policy: First, my findings qualify the image of unchecked presidential discretion and highlight the continuous relevance of interbranch contestation in foreign policy. Second, I show that the mechanisms of change as laid out by historical institutionalism are useful for explaining long-term shifts in interbranch dynamics. Third, I introduce a novel assertiveness-score based on a relatively new source of presidential position language, which can be adapted for other research purposes.

Keywords: American foreign policy, interbranch dynamics, presidents

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List of Abbreviations

AMB = Anti-Ballistic Missile Treaty
BRAC = Base Realignment and Closure
DoD = Department of Defense
D-WA = Democrat from the state of Washington
EOP = Executive Office of the President
FY = Fiscal Year
HASC = House Armed Services Committee
H.R. = House of Representatives Bill
H. Rpt. = House Committee Report
INF = Intermediate Range Nuclear Forces Treaty
ISIS = Islamic State of Iraq and Syria
NATO = North Atlantic Treaty Organization
NDAA = National Defense Authorization Act
OCO = Overseas Contingency Operations
OLS = Ordinary Least Squares
OMB = Office of Management and Budget
PL = Public Law
PUV = Party Unity Vote
R-AZ = Republican from the state of Arizona
R-TX = Republican from the state of Texas
S. = Senate Bill
SALT = Strategic Arms Limitation Talks
SAP = Statement of Administration Policy
SASC = Senate Armed Services Committee
START = Strategic Arms Reduction Treaty
UN = United Nations
U.S. = United States of America
VIF = Variance Inflation Factor
WHLA = White House Office of Legislative Affairs

1 Introduction: A Contested Balance of Power under Pressure

The specter of an increasingly uneven distribution of power between the Executive Branch and Congress looms large in scholarship on the separation of powers in American government (Howell 2003, Rudalevige 2006, Young 2013, Bolton and Thrower 2016; Kriner 2018a). Interbranch dynamics reveal institutional tensions that are often at the forefront of the public and academic discourse on legislative bargaining especially in settings of divided government (Key 1964; Krehbiel 1998; Lindsay 2018; Bolton and Thrower 2022). Declining legislative productivity (Binder 2015, 2018; Kirkland and Phillips 2018; Marshall and Haney 2022) and the propensity for executive unilateralism (Lowande 2014; Waber et al. 2018; Barber et al. 2019) received much scholarly attention and both are commonly associated with weaker congressional checks on presidents in foreign policy. However, we know little about preemptive presidential position language and its connection to congressional voices in foreign policy expressed through legislating authorizations. Therefore, this project focuses on American foreign policy lawmaking and examines the extent to which it is characterized by presidential assertiveness communicated to Congress through a hitherto understudied tool of executive intervention. Specifically, I seek to understand how contemporary presidents use Statements of Administration Policy (SAPs), a relatively new class of executive communications designed to preemptively intervene in key legislation as it is drafted in Congress. Embedded in the broader discourse on struggling congressional checks on the executive (Weissman 1995, Cooper 2017, Binder et al. 2020), this project fills a gap in the understanding of the dynamics that shape the balance of power between Congress and the president.

In 2015, in his SAP to the House of Representatives, President Obama prepared his veto of a recurring authorization legislation called the National Defense Authorization Act (NDAA). He emphasized that multiple sections would “[...] violate constitutional separation-of-powers principles [...]” (The White House 2015a). The veto was sustained, but the revised bill still contained several objectionable provisions meaning that Congress had forced the president’s hand on selected issues, which Obama addressed in the corresponding signing statement (The White House 2015e). Similarly, one of President Trump’s most notable legislative actions in his final year in office was the veto of the NDAA for the fiscal year 2021. In his veto message to the House of Representatives, he condemned the authorization bill as “[...] a ‘gift’ to China and Russia” and

lamented multiple congressional efforts to limit his latitude in foreign policy (The White House 2020a). He signaled his opposition early by sending an SAP to the House before the bill reached the floor for a vote. In the end, Congress prevailed and overrode his veto. SAPs are used to signal presidential opposition early, and they highlight congressional efforts to impose legislative constraints on presidents through the authorization leverage. In March 2023, a longstanding bipartisan effort by lawmakers to reclaim congressional war powers culminated in the successful passage in the Senate of legislation to repeal the 1991 and 2002 authorizations for the use of military force against Iraq. Pending House consideration, Senator Todd Young, a Republican representing Indiana, emphasized that the “passage of this bill with strong bipartisan support takes us a step closer to restoring the proper role of Congress in authorizing military force and affirmatively stating when conflicts are over” (Young 2023). These brief examples suggest that authorization legislation is a prominent expression of the contested balance of power between presidents and Congress in foreign policy.

The executive-legislative relationship influences legislative outcomes, but presidential interventions can take a variety of forms. Statements of Administration Policy (SAPs) stand out as they provide a particularly revealing and sophisticated mechanism for presidents to emphasize their positions on pending legislation. They tend to attract less public attention than a veto message and provide presidents with unique opportunities to make decisive statements about the substance of legislation before it is enacted. As such, they highlight legislative battles between presidents and Congress as they unfold. However, extant literature so far tends to overlook this important interbranch dynamic and consequently underestimates congressional efforts to constrain the executive in foreign policy (Canes-Wrone et al. 2008; Binder et al. 2020; Marshall and Haney 2022). Analyzing the extent to which presidents challenge legislative content with assertive SAPs provides an important perspective on legislative bargaining.

Few studies focus on SAPs (Rice 2010; Kernell et al. 2019; Guenther and Kernell 2021), and none concentrate on foreign policy lawmaking. This is a serious gap, as several studies clearly show that SAPs affect the content of legislation and directly address legislators, highlighting their value in presidents’ legislative toolkit (Kelley and Marshall 2008, 2009; Lewallen 2017; Guenther and Kernell 2021). To substantiate their importance for presidents, Guenther and Kernell (2021) find convincing evidence for the argument that veto threats in SAPs are credible and that they increase the likelihood that Congress will substantially adjust or delete the targeted section (ibid.:

9 f.). Yet, we know little about how presidential position language in SAPs changes in the policy area where they are most powerful and how these changes unfold over time and in response to contextual determinants.

The prevailing view in the literature is that presidential power has grown over time and that it is most pronounced in foreign policy where congressional oversight and legislative constraints are in constant decline (Rudalevige 2006; Fowler 2015; Binder et al. 2020). I argue that assertiveness in SAPs is an expression of presidential dominance in this policy area that is being challenged by congressional action. Challenging images of unchecked presidents, I argue that Congress has adapted to the growth of presidential power in foreign policy by forcing the president to negotiate key foreign policy provisions in the context of authorization legislation where lawmakers remain powerful. Therefore, my research is guided by this research questions: *To what extent and under what conditions do presidents challenge foreign policy legislation through SAPs?*

In sum, this project addresses one of the most enduring and dynamic rivalries in American government: that between Congress and the president. The balance of power in this contentious relationship is difficult to ascertain because the extent of a presidential power is elusive and congressional means of checking the executive are constantly evolving, which is in many ways a result of constitutional ambiguity. By tracing presidential assertiveness in SAPs over time and by weighing the role of congressional action and contextual factors such as the composition of government, this project offers an original contribution to the rich research tradition on the checks-and-balances system and the domestic underpinnings of American foreign policy. Congress and the president remain institutions embedded in the system of shared powers. However, the arena in which these interbranch dynamics play out has shifted significantly toward the early stages of legislating authorizations for foreign policy. Indeed, the American political system is designed to encourage contestation and interbranch pressure. To gauge the propensity for interbranch rivalry in more detail, the next section examines the structural forces designed to sustain interbranch contestation as a mechanism to guard against unchecked executive power. This provides the background for my main arguments, which illuminate patterns of change in interbranch dynamics that are animated by the tension between expansions of presidential power and legislative constraints.

1.1 The American Political System and Interbranch Dynamics

The Constitution establishes a complex system of checks-and-balances that is designed to prevent each branch of government from expanding its power through permanent and contested diffusion of the same (Levitsky and Ziblatt 2018: 119). One of the clearest examples of this can be found in the legislative process, which is at the heart of my institutional perspective on interbranch dynamics: Congress is the legislative body responsible for drafting and passing legislation. However, no bill can become public law without the signature of the president. In contrast, presidents cannot spend money on their foreign policy goals unless Congress first authorizes and appropriates it. In the legislative process, multiple powers divided between the branches, such as Congress's power of the purse or the president's dominance in foreign policy, converge to form the contested foundation of foreign policy. Thus, the Constitution invites interbranch rivalry that forces all branches of government to interact and incentivizes them to exercise their respective powers, which is particularly evident in lawmaking (Quirk and Binder 2006). I explore these connections in more detail from a conceptual perspective in chapter 4.

Presidents are naturally drawn to trying to shape legislative outcomes or as Herbert et al. put it: "in pursuit of success and a lasting legacy, presidents try to shape the nation's laws. Unfortunately, from their perspective, the primary responsibility for passing laws lies not in the White House, but with Congress." (2019: 157). However, disputes over the details of legislative compromises animate interbranch tensions and the consequential question, particularly in foreign policy, is the extent to which interbranch dynamics continue to matter in the face of growing presidential power. Previous research overwhelmingly suggests that presidents dominate foreign policy (Wildavsky 1966; Silverstein 1997; Howell 2003; Schlesinger 2004; Rudalevige 2006; Fisher 2008, Canes-Wrone et al. 2008; Griffin 2013; Christenson and Kriner 2017). A more recent study that examines presidential discretion across policy areas confirms the prevailing conclusion that presidents have more discretion in foreign policy and that this advantage also encourages executive action (Lowande and Shipan 2021). However, there is much uncertainty about the significance of particularly important and recurring legislation and presidential interventions in it.

The systemic propensity for interbranch contestation is also embedded in the electoral process. The U.S. electoral system requires that the executive branch and the members of both houses of Congress are to be elected independently. Therefore, the relevant elements to consider here are the different electoral constituencies in the U.S., and the different terms of office between

and within the branches. Thus, a single-member plurality in each state determines the composition of the electoral college, which then elects the president and vice president, who serve four-year terms. Hence, presidents in the United States are elected by what scholars have termed to be ‘quasi-direct’ or ‘indirect’ elections, in which the individual voter is separated from the outcome of the election by more than one vote or decision (see, among others, Sartori 1994: 107f.; Reeve and Ware 2014). Members of the House of Representatives, on the other hand, are directly elected in their respective districts for two-year terms, while Senators are also directly elected in their states for six-year terms. Presidents can serve a maximum of two terms, while Representatives and Senators are not subject to term limits.

Such structural differences are directly related to the forms of interaction between the branches and the system of checks and balances (Riley 2010: p. 16). These electoral components of the American political system induce and foster rather than mitigate confrontational policy goals and thus interbranch rivalry, regardless of the expansion of presidential power. Echoing James Madison in “Federalist No. 46”, James Thurber and Jordan Tama declare this electoral disconnect to be “[...] the greatest source of conflict between the president and Congress [...]” (2018: 9). The size and diversity presidential constituencies, along with separate election cycles, foster a strong unity of office, while their tenure is largely divorced from congressional approval – with the obvious exception of impeachment. Thus, despite different electoral processes, both branches of government must work together to draft and enact laws. They are separate but equal branches that check each other’s powers in order to uphold the principles of democratic government. This project’s examination of the role and scope of executive communications directed at Congress during the foreign policy legislative process seeks to contribute to the ongoing efforts to unravel the complexities surrounding the contested balance in the face of assertive presidents.

Indeed, presidential power is rather elusive in terms to the constitutional latitude, which Michael Genovese described as “[...] specific in that some elements of presidential power are clearly spelled out [...]; obscure in that the limits and boundaries of presidential power are either ill-defined or open to vast differences in interpretation [...]” (2012: 9). Thus, there is a certain lack of constitutional guidance when it comes to the scope of presidential power, which allows for considerable latitude (Levitsky and Ziblatt 2018: pp. 121). Against this background, Terry Moe and William G. Howell argue that

“Presidents have incentives to expand their institutional power, and they operate within a formal governance structure whose pervasive ambiguities – combined with advantages inherent in the executive nature of the presidential job – give them countless opportunities to move unilaterally into new territory [...].” (1999: 871).

Hence, the authors point to a distinct advantage in the nature of executive action over legislative action. The bottom line is that presidential power and its expression in legislative interventions is not a fixed point of reference over time, but rather a dynamic constant that is largely moderated by the executive ambition to facilitate favorable outcomes and congressional countermeasures.

SAPs are a vehicle for executive intervention in lawmaking, and analyzing the extent of their assertiveness promises to shed light on an indicator of change in the institutional interplay that previous work has either underestimated or ignored altogether. To address this caveat, I develop a novel assertiveness-score and explain its variation with the critical juncture of 9/11, gradual change and three contextual factors (composition of government, levels of polarization in Congress and presidential approval ratings). In this way, the present research project sits at the intersection of two prominent and related analytic approaches to executive-legislative relations in foreign policy: analyzing patterns of interaction in the legislative arena and tracing presidential dominance in directing American engagement in international affairs. I argue that SAPs provide an accessible and important tool for presidents to intervene preemptively in foreign policy legislation. In sum, constitutional factors such as the parameters of elections and shared powers mandate interbranch contestation that appears to be characterized by presidential dominance. However, historical patterns of interbranch dynamics suggest that Congress can assume a more active role in foreign policy making in the face of growing presidential power. In this thesis, I suggest that the patterns of change identified by historical institutionalism (gradual change and critical junctures) can help to organize the temporality of shifts in interbranch relations and to disentangle interbranch dynamics.

In the next subchapter, I provide a brief history of the growth of presidential power in foreign policy after World War II under the impression of rising American hegemony on the world stage. I emphasize that the shift toward liberal internationalism as the salient guiding principle of American engagement in world affairs contributed to the accentuation of executive power (Nye 2019, 2020). This adds important context to my institutional perspective on the domestic foundations of American foreign policy. Finally, “time and history matter in the study of

presidential power. Presidencies do not occur in a vacuum; they are located at a particular point in history.” (Burke 2916: 137). Therefore, the following sections provide a brief history of how presidential power has grown substantially over time – and especially in response to crises.

1.2 A Brief History of Presidential Power

The American Constitution defines the general and rather ambiguous rules of interbranch dynamics. More fundamentally, it defines the limits and framework for all governmental activities in general, and establishes a complex system of separate institutions that share powers and responsibilities. The reference points for Congress and the president are the first two articles of the American Constitution. There, the explicit powers of Congress far exceed those granted to the executive branch, which initially put Congress in the driver’s seat of policymaking for much of the 19th century. Both the scope and the position of Article I speak to the fact that Congress is designed to be the center of American democracy, representing the people who ordained and established the American Constitution itself. As a result, the core procedural steps of lawmaking are assigned almost exclusively to Congress.

Initially, the presidency was little more than an administrative body that was largely controlled by Congress. However, the balance of power between the branches began to shift in the wake of the rapidly growing complexity of the domestic and especially international contexts of the 20th century. The two world wars and Woodrow Wilson’s vision of liberal internationalism, the financial turmoil of the late 1920s, and the onset of the Cold War are obvious manifestations of these seismic shifts that drew an initially reluctant America into complex world politics and added considerable weight to the importance of American foreign policy. Looking inward, these shifts exerted external pressure on a political system that had to adapt quickly and meaningfully. Now, it was the presidency that proved capable of meeting these new and complex challenges far more efficiently than Congress. As Richard Neustadt noted: “Power problems vary with scope and scale of government, the state of politics, the progress of technology, the pace of world relations.” (1990: 4). The magnitude of global affairs was increasingly different from what the framers of the Constitution could possibly have anticipated, making it more difficult to apply the Constitution’s principles without interpreting them in light of America’s changing role in the world. The challenges of international relations demanded the kind of swift action that only the executive, with its unity of office, could provide. Put another way, presidents are not inhibited by the

collective action problems that Congress typically faces in making decisions on complex problems (Moe 1995: 437; Moe and Howell 1999: 871).

In fact, Congress initially supported the growth of presidential power with the Reorganization Act of 1939 (PL 76-19), which largely responded to the popular call for a strong presidency in response to the Great Depression. This legislative adjustment ultimately contributed to the rise of the American welfare state. In the aftermath of World War II and at the dawn of the Cold War, America's position at the center of the global stage demanded swift action that was intuitively anchored in the Oval Office. As the U.S. began to fully identify itself as the leader of the West, presidents became the embodiment and the anchor for a more interventionist mindset. More importantly, constitutional ambiguity enabled the growth of executive power to be implemented in the first place, setting in motion a constant back-and-forth between presidential assertiveness and congressional efforts to reassert power. But this is best thought of not as a simple zero-sum game in which one branch gains power only to the extent that the other loses it. Instead, attention to disturbances in the multidimensional balance of power tends to increase when Congress is concerned about the role and reach of the presidency and responds by attempting to reinvigorate its checking capabilities.

The contemporary legislative branch is often seen as unwilling or unable to do much about presidential assertiveness, especially in the face of rising partisan polarization paralyzing that paralyzes the institution and reduces the chances of bipartisan compromise across the full range of policy areas – as Jennifer Wolak aptly puts it: “Legislative debates are defined by gridlock and stalemate, with partisan showdowns that lead to government shutdowns. Policy progress seems scarce, and political compromises appear uncommon.” (2020: 2). If policy progress in general is difficult for Congress, what could it possibly bring to bear in a contested balance of power with presidents who challenge foreign policy legislation aggressively? How far do executive challenges go in terms of the extent to which they preemptively challenge the content of legislation? These questions underlie my research interest.

As a manifestation of the interbranch rivalry, historical patterns indeed show periods of significant conflict as well as cooperation between Congress and the president (Jones 1999, 2005; Burke 2016) – think of the New Deal era under Franklin D. Roosevelt (1933-37) or the Great Society years (1964-66) under Lyndon B. Johnson as examples of said cooperation, and the fierce interbranch battles during much of the George W. Bush administrations and the second Obama

administration as periods of significant contestation. Historical context weighs heavily on interbranch relations. For example, the Vietnam War and the Watergate-Scandal unfolding in the 1970s motivated decisive pushbacks against the growth of presidential power, while the exogenous shock of 9/11 led to a marked centralization of executive power in the White House (Rudalevige 2006). It follows that it is the combination of external pressure, presidential assertiveness, and congressional activity that continue to interpret constitutional ambiguity and presidential latitude in foreign policy.

Expansions of presidential power have often been made possible by conducive public opinion. The public demand for presidential leadership in the early stages of the 20th century is particularly evident in the fact that Franklin D. Roosevelt was the first president to break with George Washington's tradition of limiting the maximum number of presidential terms to two. The Twenty-second Amendment, which enshrined this convention in the Constitution, did not pass Congress until 1947. This means that the distance between what the constitutional blueprint could provide clear guidance on and what the presidency began to entail either by presidential demand or by congressional deferral in the face of America's rise to international hegemony grew significantly over time. Contemporary research shows that moments of crises loosen both public and congressional constraints on presidents (Young 2013; Lowande and Rogowski 2022). As a result, presidential power grows significantly under the impression of crises. "Thus, in some ways, the presidency is less an outgrowth of constitutional design and more a reflection of ambitious men, demanding times, exploited opportunities, and changing economic and international circumstances." (Genovese 2012: 19).

Congress, at times increasingly concerned about the role and reach of the president, has passed landmark legislation such as the War Powers Resolution of 1973 (PL 93-148) and the Legislative Reorganization Acts of 1946 (PL 79-601) and 1970 (PL 91-510), all of which were designed to curb presidential power. Thus, interbranch relations in foreign policy are arguably best thought of as a contested balance in which Congress grapples with contemporary presidential dominance in foreign policy. The brief review of historical trends illustrates that while the Constitution provides certain guardrails, it remains vague in many respects with open-ended implications for foreign policy. The upper hand of presidents in the ensuing power struggle to direct America's engagement in international affairs was most notably diagnosed by Arthur Schlesinger's seminal work "The Imperial Presidency" (2004), which found a rather unconstrained

presidency in the context of the Vietnam War. Several scholars see a similar expansion of presidential power in the aftermath of 9/11 and President Bush's use of military force in the context of the war on terror – as noted above (Cooper 2017; Rudalevige 2006; Fisher 2013).

It is crucial to emphasize that interbranch contestation is not simply a dynamic that is driven by the exigencies of history or the assertiveness of presidents. Rather, the very design of interbranch interactions guarantees a certain degree of friction. The Constitution is vague in many ways, but rather clear on one key message: power is to be divided and reciprocally checked, which is what invites contestation in the first place. As one of the key authors on presidential power, Richard Neustadt, noted of the relationship between president and Congress: “Their formal powers are so intertwined that neither will accomplish very much, for very long, without the acquiescence of the other.” (1990: 32). Overall, this subchapter demonstrates that the long-term perspective on assertiveness reveals shifts in interbranch dynamics. Accordingly, I emphasize the temporal dimension in this accurate picture of interbranch dynamics with my arguments based on historical institutionalism. The critical juncture argument posits that congressional acquiescence to presidential power expansion fades, leading to resurgent interbranch struggles over foreign policy. The gradual change argument examines the extent to which presidential preemptive action is a response to increasing congressional pressure on foreign policy legislation over time. I therefore propose a revision of Neustadt’s argument: Their formal powers are so intertwined that presidents are not imperial for long before congressional checks adapt. The Assertive Presidency as put forth in this thesis is neither unchecked nor imperial because executive position language in SAPs that target NDAs reveals the prevalence of congressional voices in foreign policy. I elaborate on these arguments in more detail in the next section.

1.3 Introducing my Main Arguments and Subject of Study

I develop and evaluate three central arguments in light of my research interest: First, I argue that executive assertiveness in preemptive SAPs increased as permissive conditions for presidential leadership began to fade after the critical juncture of 9/11. Moments of crisis increase congressional support for presidential discretion in emergency response, but checks on executive power recalibrate as the immediacy of the exogenous shock fades (Mahoney and Thelen 2010; Hacker et al. 2015). Consequently, interbranch dynamics exhibit a lasting legacy of the critical juncture as resurgent congressional control through the power of the purse contests expanded

presidential preeminence in foreign policy. Drawing on institutional theory, I call this the *critical-juncture-argument* (Capoccia and Keleman 2007; Capoccia 2015). I argue that a key identifier of a critical juncture is its lasting legacy in interbranch dynamics. Thus, there should be a clear pattern of change in presidential preemptive assertiveness that represents a notable shift in the years following the juncture.

Permissive conditions in response to the exogenous shock amplify presidential unilateralism and contribute to the centralization of executive power in the White House. At such formative moments in time, presidents exert considerable control over the response to the crisis (Young 2013; Tarrow 2017). Conducive contextual factors, such as broad public support and congressional inclinations to defer to presidents for the response to emergencies accentuate relaxed constraints. The resulting expansions of executive power are difficult to roll back. Therefore, the American political system, particularly congressional checks, has struggled with extensively fortified presidential dominance in foreign policy. As President George W. Bush's popularity waned in the wake of the costly wars in Iraq and Afghanistan, public pressure to balance the growth in presidential power increased. Hamstrung by partisan polarization and diminished public trust, lawmakers turn to their power of the purse to reinforce congressional voices in foreign policy. This is when presidential assertiveness increases distinctly, echoing the lasting legacy of 9/11.

Second, I argue that presidential pressure in SAPs gradually became more decisive over time in response to lawmakers' increased use of their authorization leverage to channel their control over the budget. I argue that this is a strategic adjustment in the face of growing presidential power in foreign policy and difficult legislative circumstances due to the prevalence of divided government and ideological polarization (McKeon and Tess 2019; Carcelli 2022). Lawmakers, often in a bipartisan effort, attach more foreign policy provisions to authorization legislation to increase their prospects for passage despite presidential opposition. Rooted in historical institutionalism, I call this incremental trend in interbranch dynamics the *gradual-change-argument* (Streeck and Thelen 2005; Emmenegger 2021). It is incremental because the NDAA gradually emerges as a prominent venue for legislating foreign policy provisions in the face of growing executive pressure. Hence, I argue that the decline in oversight hearings (Fowler 2015) and standalone legislation (Marshall and Haney 2022) are only limited indicators of congressional efforts to balance presidential power. Congressional assertiveness gradually shifted to authorization legislation, and this trend contributed to the emergence of the Assertive Presidency.

This argument builds on historical institutionalism's emphasis on the capacity for gradual change in institutions. Institutional change is configured and shaped by the actors involved and by the contextual factors at play between embedded institutions. Power asymmetries among actors and variations in contextual factors install a constant degree of fluidity. Institutional continuity and change coexist within the theory of gradual change because institutions constrain action and engender agency simultaneously. Beneath the veneer of presidential dominance in foreign policy, interbranch dynamics remain a constraining force on the presidents' latitude in foreign policy. The magnitude of presidential power, combined with polarization and divided government that impede other legislative avenues of foreign policy influence, contributes to the gradual expansion of the authorization leverage. Hence, I expect a pattern of change in presidential preemptive assertiveness consistent with historical institutionalism's longitudinal perspective on gradual change.

Third, I argue that divided government, ideological polarization in Congress, and presidential approval ratings help to explain changes in the extent of presidential challenges expressed in SAPs. Drawing on extant knowledge of interbranch-dynamics in the U.S. and heeding historical institutionalism's call for contextual awareness, I call this the *contextuality-argument*. The composition of government matters because divided control of Congress and the presidency accentuates interbranch tensions, which I expect to manifest in more assertive presidential challenges (Kriner and Schwartz 2008; Guenther and Kernell 2021). The propensity for presidential veto threats increases (Hassell and Kernell 2016), Congress is more likely to retaliate against executive unilateralism (Howell 2003) and presidential opposition controls the legislative agenda (Guenther and Kernell 2021), leading to a notable proliferation of statutory limits on executive action, which is conditioned by the legislative capacity (Bolton and Thrower 2016). Thus, interbranch contestation increases in divided government, which is why I expect more assertive presidential position language in such settings.

Ideological polarization has become a pervasive phenomenon in American politics (McCarty 2019; Friedrichs and Tama 2022). I argue that presidential assertiveness increases in settings of more pronounced partisan conflict in order to communicate to copartisans and the opposition those matters on which the parties disagree (Hassell and Kernell 2016; McCarty 2019). Presidents seek to assert their positions more aggressively in SAPs when polarization is high because they want to ensure that they define the substance of partisan cues. In addition, ideological polarization accentuates the competition between competing narratives on complex foreign policy issues. Thus,

assertiveness in SAPs serves the purpose of discourse control when polarized views challenge presidential prerogatives in setting the foreign policy agenda. Moreover, a more ideologically polarized legislature is prone to exhibit gridlock as lawmakers are more inclined to obstruct the legislative process. I expect this to underscore the strategic value of must-pass authorization legislation as a way to improve the prospects for passage of controversial provisions, which resonates in increasing presidential assertiveness.

Finally, I argue that high presidential approval ratings encourage presidents to be more assertive in their preemptive messages to Congress (Barrett and Eshbaugh-Soha 2007; Christenson and Kriner 2019). Under the impression of more popular presidents, the political costs for lawmakers of confronting presidential preferences increase (Canes-Wrone and de Marchi 2002; Barrett and Eshbaugh-Soha 2007). Hence, presidential position language becomes more assertive under conditions of high approval ratings because presidential popularity increases the executive's leverage over Congress in interbranch bargaining over contested provisions (Schorpp and Finocchiaro 2017). Put differently, I expect presidents to leverage their popularity to exert early legislative influence in anticipation of improved chances of congressional acquiescence. In sum, I evaluate three central arguments in connection to my research interest: the critical juncture argument, the gradual change argument and the contextuality argument. These arguments encapsulate my expectations of how presidential assertiveness in SAPs has changed over time. These patterns of change reveal broader trends in interbranch dynamics that shape the domestic underpinnings of American foreign policy.

SAPs are a sophisticated class of executive communications to Congress that challenge legislative content as it is drafted by lawmakers in the halls of Congress. Modern presidents, in part because of the changing environment, have an abiding interest in how legislation is drafted, and indeed get involved throughout the process accordingly – especially when it comes to foreign and defense policy. This leads to a complex interbranch interplay, in which “[...] modern presidents behave as though they are chief legislator in the U.S. political system.” (Kernell et al. 2019: 331). The list of formal measures that presidents have traditionally used to make their voices heard in the halls of Congress includes signing statements (Evans 2011), proclamations (Rottinghaus and Maier 2007), executive orders (Warber 2006) or efforts of collaboration with sympathetic legislators, all of which “[...] have led them to be active participants throughout the legislative process” (Ostrander and Sievert 2020: 1166).

SAPs are of exceptional practical importance and analytical value among the many other presidential means of accessing the legislative process for three reasons: First, presidents typically offer detailed position language regarding specific provisions in the addressed bill that they dislike or support. Hence, these oftentimes extensive and professionalized messages promise to provide a more comprehensive picture of presidents' legislative preferences. They cover both high priority and less prominent issues as compared to assessments of presidential public statements, which tend to focus exclusively on the former. Second, analyses of SAPs should complement and expand our understanding of how interbranch dynamics play out in the legislative process. SAPs are carefully crafted and strategically timed to intercept legislative content prior to the actual voting procedure on both floors of Congress. Third, SAPs have only recently become an easily accessible dataset thanks to Samuel Kernell and his colleagues (2005; 2019). So, unlike informal interbranch consultations, SAPs provide systematic evidence of presidential interventions in the legislative arena, which have only begun to receive systematic attention in scholarly work (e.g. Rice 2010; Kernell et al. 2019).

The Office of Management and Budget (OMB) releases SAPs under the letterhead of the Executive Office of the president (EOP), providing Congress with a straightforward description of the president's position on foreign policy legislation as it moves through the stages of lawmaking. "By conveying the Administration's opinion early on in the process, the President may stand to gain a more favorable bill before the legislative process concludes." (Stuessy 2016: 9). In other words, SAPs generally represent a tangible and direct executive action intended to influence legislation. As such, SAPs are issued to address specific provisions or sections of bills that presidents oppose or support. SAPs only came into existence during the Reagan Administration, so they are indeed a relatively recent addition to the presidential legislative toolkit.

From the beginning, their purpose has been to present a unified executive front to Congress and to improve the coherence along the presidents' guidelines within the executive branch as negotiations with their constitutional counterpart unfold. It was the OMB Director David Stockman, in 1982, who originally pushed for closer monitoring of congressional action on bills by organizing bill-tracking teams to inform the OMB's coordination of the executive branch's position in the negotiation process with Congress (Kernell et al. 2019: 336). In their early years, SAPs were released exclusively for appropriation bills, which closely matched the OMB's core competencies, before they quickly expanding their scope to include "[...] most major bills reaching

the House or the Senate floor.” (ibid.) by the mid 1980s. They work to identify specific provisions or entire sections of the respective bill that presidents oppose to or find particularly favorable. While the process of drafting SAPs largely rests within the OMB in collaboration with the relevant executive agencies, the White House has the final say and approves them for release (Stuessy 2016: 6).

Over time, the OMB has accumulated a great deal of institutional memory, in part because most of the people working there below the top-level of presidential appointees are civil servants. This contributed to the professionalization of SAPs and led to this legislative tool becoming a routine part of interbranch bargaining over contested outcomes. Kernell et al. aptly note that this class of executive communications is distinguished by providing “[...] a more complete picture of the president’s expressed preferences on legislation as it enters a chamber’s floor deliberations.” (2019: 348). SAPs are carefully drafted, they aim to present a consistent message and their arrival is strategically timed to the moment before the targeted bill reaches the floor of the respective house of Congress. For this reason, Laurie Rice argues persuasively that SAPs are in fact “[...] all the more consequential to our understanding of presidential power within the legislative process.” (2010: 705). Far more than press releases, SAPs are clearly integral parts of presidential strategies to achieve more favorable legislative outcomes before bills reach the White House for signature (Stuessy 2016; Beckmann 2010; Hassell and Kernell 2016).¹ In sum, scholars agree that SAPs provide a relatively new and important source for understanding presidential intervention in lawmaking (Kernell 2005; Hassell and Kernell 2016; Kernell et al. 2019; Guenther and Kernell 2021; Lewallen 2017; Rice 2010). Overall, “[f]rom a president’s perspective, these documents offer a great promise in asserting power.” (ibid.: 704). Building on these studies, I aim to sharpen our vision of the true scope of executive challenges, and I connect my analysis to broader patterns of change in interbranch dynamics.

Thanks to the work of Samuel Kernell, who in 2005, with the help of OMB staff, began compiling substantive records of SAPs and making them available for scholarly work with the assistance of OMB staff in 2005, this class of executive communications began to receive much

¹ As Kernell et al. (2019: pp.336) explain, bill trackers monitor subcommittee and committee negotiations on a given bill and report their insights to the OMB. Then, various divisions within the OMB draft a sophisticated bill statement designed to advocate for closer observation of presidential preferences in the targeted bill, which presidents subsequently clear for release. SAPs are received by the respective chair of the responsible committee and Stuessy (2016: p. 12) clarifies that “the intended audience of SAPs is primarily Congress.”

needed academic scrutiny. To this end, and many years later, in 2019, Kernell et al. (2019) released all of the collected records of SAPs and made them available on the American Presidency Project website. In the next subchapter, I briefly outline my empirical strategy for evaluating my main arguments. In this light, I also point out my main contributions. Thus, the following paragraphs describe how I aim to answer my research question and they highlight how the present study contributes to the rich literature on interbranch dynamics between presidents and Congress.

1.4 The Empirical Strategy and Key Contributions

My research design utilizes a multi-method approach that works with linear regression models and descriptive statistics to assess my three core arguments. I focus on the National Defense Authorization Acts, 1985-2020, because the recurring and regularly passed legislation provides comparable units of analysis and because the NDAA has a significant impact on American foreign policy. The empirical strategy is organized in three levels. On the first level, I classify the content of SAPs according to the degree of assertiveness expressed therein, ultimately arriving at a novel assertiveness-score that measures my dependent variable. I leverage Kernell et al.'s (2019, p. 337) coding framework, which ranges from 1 (support) to 8 (presidential veto threat), and apply it to each section of a SAP. The sum of codes expressing any level of opposition yields my assertiveness score per SAP. Thus, my novel assertiveness score is an aggregated measure of preemptive presidential intervention in the legislative process. This is an important contribution to the study of SAPs, which has previously focused either only on the highest applied coding category (Kernell et al. 2019) or only on veto threats (Guenther and Kernell 2021). Therefore, my response variable measures the extent of presidential opposition in preemptive SAPs more accurately than any previous measure. This ensures a more nuanced and fine-grained assessment of presidential position language to evaluate the extent and contextuality of presidential assertiveness.

Furthermore, I assess the extent to which lawmakers more frequently use their authorization leverage by attaching foreign policy provisions to draft NDAAAs. Each draft NDAA includes a summary of all provisions including their titles, which varies in length according to the total number of sections included in each bill. I reviewed all of the summaries for each draft NDAA and compiled a list of keywords to identify sections with a direct connection to American foreign policy. I expect that there is a proliferation of foreign policy provisions that correlates with increasing presidential assertiveness.

In addition to this focus on broader trends, I provide precise measures of the contextual determinants of preemptive executive pressure. I code the context of an SAPs as divided government if the president's opposition holds a majority of seats in the receiving house of Congress. This approach is more consistent with the bicameral set-up of Congress and corresponding presidential interventions as each chamber considers pending legislation. Ideological polarization is particularly difficult to grasp empirically. My main measure polarization relies on the Party-Unity-Vote Score, which reports the frequency of all roll call votes on which a majority of voting Democrats opposed a majority of voting Republicans in a given year (CQ Press 2021). I corroborate my analysis of the effect of polarization on presidential assertiveness by calculating two alternative measures. I rely on the DW-NOMINATE scores to measure the distance between the average ideological positions of Republicans and Democrats in Congress on the liberal-conservative dimension (Lewis et al. 2023). Additionally, I focus on the Senate and House Armed Services Committees, which have jurisdiction over NDAs, and calculate the distance between the chair and the respective ranking member from the minority party. With respect to the presidential approval ratings, I rely on periodic survey data and track presidential popularity two months before and two months after the release of respective SAPs. Overall, my empirical strategy ensures that all predictors included in my study are closely aligned with my research interest. In sum, my set of predictors includes both continuous (authorization leverage, polarization, and approval ratings) and dichotomous (critical juncture, divided government) variables. I also include two additional control variables to account for phases within a presidential term. As such, the dichotomous measures "honeymoon-phase" and the "end-of-term phase" control for potential temporal effects within presidencies.

On the second level of my analysis, I rely on OLS-regression analysis to assess the correlations between the predictors included in my main arguments and the dependent variables with the addition of the two control variables. I use stepwise regression modeling to exclude statistically insignificant predictors and apply additional quality checks to enhance my interpretations of the results. These quality checks include standard quality checks for regression modeling, such as visual assessment of diagnostic plots and controls for potentially breached regression assumptions (Faraway 2014; Montgomery et al. 2021). At the third level, I implement rigorous robustness checks and critically examine my results. I calculate separate regression models with each of the two additional polarization measures. Also, I control for interaction effects between polarization

and divided government. Lastly, I test the reliability of my conclusions by calculating models that included dichotomous variables for president-fixed effects.

The most striking finding is that I uncover strong empirical evidence for both patterns of change included in my account of historical institutionalism. The lion's share of SAPs present Congress with strong presidential opposition and I provide convincing evidence for the effect of 9/11 as a critical juncture for interbranch dynamics in foreign policy legislation. There is also an evident gradual shift over time toward more assertive presidents, which correlates with lawmakers' greater reliance on their authorization-leverage. In terms of contextual determinants, settings of divided government stand out as a dominant predictor of increased presidential assertiveness. In addition, I find that presidents are more assertive when the respective term ends.

Next to these results, which are consistent with my expectations, I also contribute to the literature with a cautionary account of the effects of polarization and approval ratings on interbranch dynamics. None of my three measures of polarization provide compelling evidence that would suggest an individual effect of ideological polarization in Congress on presidential assertiveness in SAPs. Previously, ideological polarization has been found to be a dominant factor in studies of interbranch bargaining and legislative productivity (Hassell and Kernell 2016; Binder 2018; Guenther and Kernell 2020) – even when foreign policy is concerned (Jeong and Quirk 2019). My study qualifies these studies by highlighting the prevalence of bipartisanship in legislating NDAs. This reinforces the burgeoning literature arguing that ideological polarization is still less pronounced in foreign policy than in domestic policy (Bryan and Tama 2022). At least when it comes to the NDAA, lawmaking appears to remain an endeavor of bipartisan accommodation (Curry and Lee 2019).

Contrary to my expectations, approval ratings appear to have a negative effect on presidential assertiveness. My original argument is largely based on recent work showing how high approval ratings increase the frequency of unilateral action (Christenson and Kriner 2019), which I translate to my research as a higher propensity for more assertive messages. Instead, my findings suggest that more popular presidents are less assertive. High approval ratings are often found to significantly improve the presidents' chances of legislative success (Canes-Wrone and de Marchi 2002; Barrett and Eshbaugh-Soha 2007), which could explain less assertiveness. If popular presidents are more likely to opt for unilateralism under conditions of high approval, less assertiveness could also be an expression of executive patience. They may wait out the conclusion

of the legislative process and then use their popularity to correct objectionable provisions through executive orders. These findings call for more research on the relationship between presidential popularity and executive assertiveness.

Overall, SAPs prove to be an important and previously underappreciated tool for presidents to respond to congressional pressure and access the congressional domain of authorizing funds for foreign policy. The overarching message in connection to the broader theme of the checks-and-balances system is that lawmakers are increasingly playing to their strengths by legislating foreign policy in the context of authorizations and that presidents are more assertive in challenging these efforts preemptively. Legislators do not automatically yield to the increased executive pressure. Instead, they are expanding the use of their authorization leverage to force the president's hand on key foreign policies. For example, they restricted the use of funds to close the Guantanamo Bay prison, despite President Obama's rigorous veto threats. They overrode Trump's veto of the National Defense Authorization Act for the fiscal year 2021, and they imposed reporting requirements on the Executive's handling of the Iraq War. In each case, SAPs were the presidents' preferred means of preemptively communicating strong opposition to the relevant draft authorizations.

The empirical evidence on the extent and assertiveness of preemptive executive messages to Congress demonstrates that more powerful contemporary presidents still cannot achieve many of their foreign policy goals without facing scrutiny on Capitol Hill. As the state of research below shows, much of this trend has gone largely unnoticed previously due to a focus on legislative productivity and presidential unilateralism. I find that presidents are more constrained by interbranch dynamics than previous work suggests. Thus, the results qualify the plethora of literature that finds the scales of the contested balance of power between Congress and presidents to be hopelessly tilted in favor of the executive branch by showing how presidential foreign policy preferences are still constrained by lawmakers. I find that congressional efforts to catch up with this growth in presidential power have so far remained hidden in less attention to the process of legislating authorizations for the use of funds for presidential foreign policy goals. In this light, increasing executive assertiveness is less an expression of unchecked presidential power than a consequence of congressional activity and less permissive contextual factors. The temporal dynamics as captured by my main arguments regularly go unnoticed.

In sum, my study makes the following key contributions. My assertiveness score introduces a novel approach to comprehensively measure the extent of presidential opposition in SAPs. The empirical assessment of broader patterns of change provides compelling evidence for the enduring legacy of the critical juncture and the gradual expansion of the use of the congressional authorization legislation. Prior to this study, both patterns of change have not been systematically considered by any study on interbranch dynamics in lawmaking (Ainsworth et al. 2014; Hassell and Kernell 2016; Guenther and Kernell 2021). Future studies should therefore include the critical juncture as a standard control, while the importance of the authorization leverage calls for a reassessment of congressional decline in balancing presidential power in foreign policy. In terms of the contextual factors that shape interbranch dynamics, I emphasize the critical role of divided government over the statistically insignificant effect of polarization and the counterintuitive findings on approval ratings. Hence, ideological polarization matters little for preemptive presidential interventions in foreign policy lawmaking and more popular presidents seem to communicate less assertively in preemptive SAPs. The next section outlines how I structure the remainder of this thesis. I illustrate the milestones of my study and briefly introduce the plan for each chapter.

1.5 The Structure of this Thesis

The thesis is organized as follows: Chapter 2 takes stock of the vast universe of extant work on the presidential-congressional nexus by organizing it into five strands. The constitutional strand includes literature on the balance of power among all three branches of government. While my work focuses on presidential-congressional relations, excluding the judiciary, I show that interbranch dynamics play out more frequently in the context of authorization legislation. I contribute to this strand an accurate assessment of SAPs as preemptive envoys of executive position language on pending authorization legislation. The unilateralism strand is more in line with my focus, as it centers primarily on congressional-presidential relations. It focusses on tools for circumventing or avoiding confrontation with Congress, such as executive orders. My key contribution to this body of literature is the identification of broader temporal trends and precise determinants of presidential assertiveness in SAPs that address authorization legislation preceding unilateral action. The prominent notion that is discussed in the war-powers strand assesses the extent to which times of war and relaxed constraints lead to an imperial presidency. This focus on

transformative periods and their effect on interbranch dynamics is directly related to my critical juncture argument. My key contribution here is that the extent and assertiveness of executive challenges of draft authorization legislation uncovered in my analysis suggests a more constrained presidency than this body of literature suggests, while I emphasize the importance of formative moments in time.

The going-public strand has many connections to my arguments, which I explore in more detail in subchapter 2.4. In this body of literature, I find that the most prevalent discussions revolve around the extent to which public opinion constrains presidential power. I contribute a novel perspective to this discussion by highlighting the influence of approval ratings on presidential action in the early stages of lawmaking, rather than focusing on executive unilateralism. Finally, the veto-bargaining strand is closely related to my empirical scope, as it focuses on interbranch bargaining in lawmaking and presidential intervention through veto threats. A key argument in this strand is that the veto power gives presidents both substantive and preemptive power over contested legislative outcomes. My main contribution is a more nuanced assessment of the mechanism of SAPs' and the identification of significant predictors of variation in presidential assertiveness.

In chapter 3, I derive my set of arguments and the associated expectations from the theoretical framework provided by historical institutionalism's two main theoretical lines of thought for explaining institutional dynamics: critical junctures and gradual change. Before explaining the theoretical framework in more detail, I introduce my institutional perspective on interbranch dynamics and define the terms power, assertiveness, institutions and agency (chapter 3.1). I then theorize that a lasting legacy of the critical juncture is reflected in presidential preemptive assertiveness. In short, exogenous shocks create formative moments in time that accentuate presidential power. I also explain the theoretical framework for endogenous gradual change. In the face of increasing presidential power, congressional efforts to implement legislative constraints gradually expand the authorization leverage, which translates into increased presidential assertiveness communicated in SAPs. Finally, I explain the rationale for the three factors (divided government, ideological polarization in Congress and presidential approval ratings) that are part of my contextuality argument.

Chapter 4 elaborates on my design decisions. Here, I conceptualize executive involvement in the legislative arena, which provides the foundation for the empirical strategy. I include a brief

case study of the 2015 NDAA and presidential interventions through SAPs in order to provide a detailed example of how this class of executive communication is integrated into the lawmaking process. I then explain my strategy for case selection and outline my operationalization for all predictors (chapter 4.4). Finally, I outline my empirical strategy along three levels (descriptive, inferential, and robustness check). This includes a step-by-step plan for the analysis. In chapter 5, I execute my empirical strategy in the order specified by my research design. I draw my main conclusions from the inferential statistical assessment in chapter 5.2 before testing the robustness of my results by controlling for interaction effects and president-specific effects. I also rely on the additional polarization measures to further test the reliability of my results. Chapter 6 concludes my study. I relate my findings to broader trends in American politics and highlight my main contributions and caveats in light of future research potential.

In keeping with the structure of this thesis, I proceed with a detailed account of the state of research relevant to my work. From my perspective, the relevant literature can be organized into five strands. The lines between these strands are permeable, as they are linked by the overarching theme of interbranch dynamics in the contested balance of power established by the checks-and-balance system. Given the vastness of potentially related studies and the long history of research on American politics, it is clear that the following chapter can only provide an approximation of how the field approaches disentangling the complexity of interbranch dynamics. Nevertheless, the following paragraphs organize and discuss prominent and ongoing lines of inquiry that speak to my research at various levels. In light of these connections, the goals and contributions of my study become clearer.

2 The State of Research: Multiple Strands and the Importance of an Underexplored Avenue of Presidential Power

In order to better understand what I mean by the *Assertive Presidency* and how Statements of Administration Policy emerged as a prominent legislative tool for presidents, it is helpful to map out what extant work has uncovered on the mechanisms that presidents leverage to further increase their influence in legislative processes that concern foreign policy. In terms of the broader picture of the checks-and-balances system connected to my area of interest, I argue that five strands of the

academic debate emerged that are overall unified in finding that presidential power has grown substantially in contemporary American politics. They differ in their chosen perspective and are distinctive in their lines of argument, which oftentimes leads to varying assessments on where the balance of power stands exactly and how it got there. While my image of separate strands is helpful for structuring the broad debate, I emphasize that these are not perfectly self-contained bodies of literature.

The constitutional strand provides the most encompassing view on the checks-and-balances system as it includes the Supreme Court and discusses constitutional authority in interbranch relations between the judiciary, the legislature and the executive. My research speaks to this segment of the literature by explaining presidential preemptive engagement in foreign policy lawmaking in light of the constitutional “[...] invitation to struggle for the privilege of directing American foreign policy”. (Corwin 1984: 201). While I focus on presidential-congressional relations omitting the inclusion of the judiciary, I show that this struggle more frequently plays out in the context of authorization legislation. I contribute to this strand a precise assessment of SAPs as preemptive envoys of executive position language on pending authorization legislation. Lastly, the constitutional strand often emphasizes constitutional ambiguity, which features prominently in my own theoretical framework (chapter 3). Thus, my perspective is narrower and I focus on a precise mechanism of executive pressure rather than on the constitutional balance as a whole, but there are some evident links between this body and my approach particularly in reference to constitutional ambiguity as a driver of interbranch contestation.

The unilateralism strand is more in line with my focus as it centers primarily on congressional-presidential relations. It concentrates on instruments to bypass or to evade confrontations with Congress (Lowande 2014; Bolton and Thrower 2016). Executive orders (Fine and Warber 2012; Barber et al. 2019) and signing statements (Ainsworth et al. 2012; Moraguez 2020) are at the forefront of inquiries on executive unilateralism, while SAPs received less attention or they were viewed as complementary to more prominent executive means (Rice 2010). My key contribution to this body of literature is that I identify broader trends and precise determinants of presidential assertiveness in SAPs that address authorization legislation. Overall, I reinforce recent studies that accentuate the importance of SAPs in the presidents’ toolkit for engaging in interbranch dynamics with Congress (Kernell et al. 2019; Guenther and Kernell 2021).

The war-powers strand concentrates on presidential power in the context of the use of force (Fisher 2013; Schorpp and Finocchiaro 2017). The outstanding notion that is discussed in this segment of the literature assesses the extent to which times of war and relaxed constraints lead to an imperial presidency (Schlesinger 2004; Rudalevige 2006). This focus on transformative times and their effect on interbranch dynamics directly relates to my critical juncture argument. I theorize that permissive conditions weaken congressional constraints. While short lived, the rally-‘round-the-flag effect has a lasting legacy in the shape of distinct interbranch contestation. My key contribution here is that the extent of assertive executive challenges of draft authorization legislation that I uncover in my analysis signifies a more constrained presidency that this body of literature suggests. In line with skeptical voices (Howell and Rogowski 2013; Schorpp and Finocchiaro 2017), I find that congressional acquiescence of largely unchecked presidential leadership at the onset of war and in the immediate aftermath of an exogenous shock quickly dissipates with resurgent congressional voices in foreign policy.

The going-public strand has multiple connections to my critical-juncture argument and to my contextuality argument. In this body of literature, I find the most prevalent discussions to evolve around the questions to what extent public opinion constrains presidential power (Kriner and Schickler 2016; Christenson and Kriner 2019) and to what extent president are successful in influencing the public’s perceptions on certain issues (Kernell 2007; Cavari 2012). My research speaks more to the former than to the latter because I leverage approval ratings as a contextual determinant for presidential assertiveness. I contribute to this discussion a novel perspective as I locate the influence of approval ratings on presidential action in the early stages of lawmaking rather than focusing on executive orders. Also, my findings show that more popular presidents communicate less assertively, which qualifies the notion that popularity emboldens presidents to accept increasing political risks that come with more assertive exercises of their unilateral powers (Christenson and Kriner 2019).

The veto-bargaining strand is closely aligned to my empirical scope as it focuses on interbranch negotiations in lawmaking and presidential intervention through veto threats (Deen and Arnold 2002; Kelley and Marshall 2008; Beckmann 2010). A key argument in this strand is that the veto power gives presidents substantial influence throughout the legislative process (Cameron 2000). Recent studies uncovered that SAPS are the preferred envoys of such preemptive veto threats (Rice 2010; Guenther and Kernell 2021). Yet, much uncertainty prevails around the

factors and broader trends that influence presidential position language in these communications. This is where my analysis of SAPs for draft National Defense Authorization Acts provides key contributions to the ongoing discourse. I illuminate the black box of the SAPs' mechanism and identify significant predictors of variation in presidential assertiveness. Additionally, I provide the first comprehensive assessment of presidential position language in these messages. Most notably, I find a trend towards more widespread veto threats in SAPs that also tend to refer to foreign policy provisions more frequently.

Overall, focusing on SAPs as avenues of presidential power connects the present project to some of these strands more directly than others. The sequence in which I discuss these strands indicates a tentative ranking of how closely aligned my project is to the respective strand. Organizing and identifying these connections in more detail below is important because it clarifies where my project offers contributions to an otherwise extremely rich academic tradition.

2.1 The Constitutional Strand: Checks and Balances Revisited

In the *constitutional strand*, research predominantly focuses on how the checks-and-balances system is shaped by the continuous interpretation of the Constitution's ambiguity oftentimes providing a focus on foreign policy and the use of military force in particular (Silverstein 1997; Griffin 2013). Additionally, the role of the Supreme Court in interbranch relations as well as in shaping constitutional law usually stands in the spotlight with arguments unfolding around the question of judicial authority and its standing among the other branches of government (Agresto 1984: 10). One prevalent notion of this perspective is that we need to be concerned about constitutional interpretations being politicized to shift the balance of power in the checks-and-balances system. Well aware of presidential power extensions over the course of American history in the 20th century, this strand prominently asserts that "if we want to understand American foreign policy we must understand how each branch interprets the Constitution and uses that interpretation to gain and secure power." (Silverstein 1997: 6).

Similarly, Keith Whittington reminds us that "constitutional authority, both substantive and interpretive, is dynamic and politically contested." (2007: 27). While all strands of the academic debate surrounding presidential power in interbranch relations usually pick this adage or some variant of it as their starting point, the *constitutional strand* is distinctive in usually centering on the judicial-presidential connection instead of congressional-executive relations. Hence, the

present project and its findings do speak to this body of literature in that it understands SAPs to operate in the same constitutional ambiguity that motivates research in the *constitutional strand*. Interestingly, raising constitutional concerns in SAPs sent to Congress has been an evergreen for much of the George W. Bush Administration. However, the process of lawmaking and the presidents' strategic use of executive communications therein lies at the heart of my research interest. It follows that, while I touch upon this strand's main cause of concern, I do not join its debate about the constitutionality of the extent of executive power.

It is worth noting that the connections between executive action and judicial review have recently sparked fresh academic considerations with a novel twist. More specifically, a promising debate is unfolding on how the prospect of judicial review is affecting presidential decision-making (Canes-Wrone 2003; Thrower 2017, 2019). Focusing on presidents pondering the issuance of signing statements, Sharece Thrower shows that courts apparently play a more important role in constraining presidents than conventional wisdom would suggest (2019: 692). In overt contrast to the rather pervasive notion of a checks-and-balances system being dominated by increasingly powerful commanders-in-chief, Thrower contends that "the president is not as imperial as he may appear, but he is constrained in his actions by both Congress and the Supreme Court." (ibid: 693). Thus, the difficulties of grasping checking-forces should not be mistaken for their weakness. The compelling logic in this literature states that presidents weigh the chances of their signing statements being successfully challenged in court prior to issuing them. Looking at this project's goals, it becomes clear that it is important to distinguish between assessing eroding checks and analyzing extensions of presidential power. The latter does not necessitate the former. Presidential power can grow with congressional or judicial checking forces rising to the challenge accordingly.

Therefore, this body of literature serves as a valuable reminder to not prematurely preclude that a more powerful executive necessarily means a less powerful Congress. To illustrate, Jordan Tama (2019) moves in a similar direction in his study of sanctions legislation in the U.S., which uncovers that members of Congress surprisingly often cooperate across party lines to push through sanctions that the White House deems ill-advised. Drawing on descriptive statistics, personal interviews with foreign policy makers and a thorough case study of sanctions imposed against Iran, Tama shows that "legislators regularly force the president's hand and, in doing so, sometimes alter international events." (ibid: 15). To be clear, interbranch relations are not a zero-sum game and congressional power in foreign affairs matters. By aiming to understand the role and reach of

SAPs analytically, I access the relational dynamic of congressional-executive interactions and shed light on an understudied way in which presidents impact contested legislative outcomes with international implications.

Overall, the *constitutional strand* reminds the present project to be careful with assessments of constitutionality and cautions it to be aware of the humbling complexity that characterizes the interactions between all three branches of American government. As Edward Corwin emphasized, the Constitution “[...] is an invitation to struggle for the privilege of directing American foreign policy”. (1984: 201). This invitation is substantiated by constitutional ambiguity, which installs a sense of contestation among all branches of government that safeguards the system against unchecked aggrandizement of power. It is worth emphasizing at this point that my work on the *Assertive Presidency* connects to the pervasive theme of strategic constitutional ambiguity that motivates research in the *constitutional-strand*, but it follows a different and arguably promising trail of executive power extension that operates largely outside of judicial review and preemptively during the process of lawmaking. Thus, this project is not invested in discussing the constitutionality of shifts in the balance of power between the branches of American government and the role of judicial oversight respectively. Instead, it intends to serve as an investigator of the mechanisms that bring about and display these shifts, which unfold in the ongoing process of interpreting constitutional ambiguity set in the area of foreign and defense policy. Extending on the theme of ambiguity, the next large body of literature promotes fewer constitutional arguments as it focuses more on presidents acting unilaterally to assert their positions.

2.2 The Unilateralism Strand: The Presidential Power to Act Alone

The *unilateralism-strand* predominantly investigates congressional-executive relations focusing on presidential unilateral actions that are usually understood as instruments to bypass or to evade confrontations with Congress (Howell 2003; Lowande 2014; Bolton and Thrower 2016; Belco and Rottinghaus 2017; Warber et al. 2018). Unilateral actions comprise presidential directives or communications that are free from statutory authorization but which are intended to impact policy formation or its implementation such as executive orders, memoranda or signing statements (Chiou and Rothenberg 2017: 1). They are also oftentimes used to erect new agencies under the executive branch or to create facts on the ground that are difficult to undo by reluctant legislators. To illustrate, President George W. Bush created the Office of Homeland Security by

means of executive order in 2002. Similarly, President John F. Kennedy created the U.S. Peace Corps in 1961 entirely by unilateral action, while the same is true for President Joe Biden raising the minimum wage for federal contractors to 15 USD per hour in 2021. In essence, unilateral actions stem from constitutional ambiguity as well as from presidential authority to direct the executive branch. The corresponding strand of literature originates to a large extent in the rise of relatively new institutional frameworks for assessing presidential power as opposed to the more personality-centered approach famously advanced by Richard Neustadt (1990). More specifically, presidential power extension is understood to stem from the strategic context in which presidents leverage their institutional position to enhance their influence by means of a range of different unilateral tools (Moe and Howell 1999; Mayer 2002; Howell 2005; Moe 2009; Cooper 2014).

The key and unifying argument is that the chief executives' formal powers matter even though a lively debate evolves around the question of whether or not presidents indeed stand at the top of a unified executive branch or whether nontrivial transaction costs within the branch do have to be accounted for regarding presidential unilateralism (Waterman 2009; Rudalevige 2012, 2015). There are two pivotal links between this large body of literature and the study of executive communications as proposed here. First, similar to the *unilateralism-strand*, I assume an institutional point of view focusing on the formal powers of presidents and their strategic use in the contested balance of power with Congress, which is substantiated by the theoretical framework established in the next chapter. Second, the central role of the OMB in the process of drafting SAPs suggests that there might be some intrabranched bargaining involved, that, while not at the center of attention, could bear on the substance these messages ultimately transmit. Looking ahead, this is a matter of interest for the two case studies that unravel the content of SAPs in more detail in order to supplement my statistical analyses.

Turning to the unilateral instruments at the disposal for presidents, special attention is often attributed to executive orders (Mayer 2002; Warber 2006; Fine and Warber 2012; Barber et al. 2019). In this body of literature, scholars are particularly interested in uncovering to what extent contextual factors matter for the issuance of these directives. For instance, Alexander Bolton and Sharece Thrower demonstrate that fewer executive orders are released under the condition of divided government in the decades after World War II because legislative capacity to constrain executive unilateralism grew (2019: 661). Their concluding argument is that the checks-and-balances system has been disrupted in the course of American history and that “[...] institutions

must also have the capacity to carry out these checking functions.” (ibid: 662), which draws a direct line to my opening image of a contested balance. Less concerned with the frequency of executive orders and focusing more on their substance, Jeffrey Fine and Adam Warber explain that major directives, which depart from the status quo of respective legislation in meaningful ways, are more prevalent in settings of divided government (2012: 272). Hence, presidents act more assertively in settings of divided government even though the number of executive orders might decrease. Substance oftentimes matters more than counts. Looking at the fact that divided government is the norm rather than the exception in contemporary American politics, it stands to reason, that this particular contextual factor will provide much explanatory power for my own analysis of executive communications.

Interestingly, Bolton and Thrower argue that “[...] the future of unilateral work may well focus on the complementarities of unilateral tools and the ways they combine with other presidential strategies for interacting with Congress and directing agencies.” (2019: 661). My work on SAPs can provide helpful insights on an important piece of this puzzle, especially because I trace executive influence within the legislative process, while most of the literature on presidential unilateralism hitherto centers on the implementation and the interpretation of laws. Additionally, findings on my *contextuality-argument* seem to relate naturally to the importance of contextual factors for assessments of presidential influence found in the studies of the *unilateralism-strand*. Hence, I adopt the principle of checking for the role of contextual factors, but I argue that much of executive influence often predates executive orders.

In a similar vein to the studies discussed so far, Dino Christenson and Douglas Kriner (2019) find systematic evidence for their argument that public opinion indeed constrains the chief executives’ use of their unilateral powers. More specifically, their findings suggest that presidents with a high approval rating are emboldened to rely more heavily on executive orders while low approval ratings seem to inhibit their use (ibid: 1076). Interestingly, they highlight that Trump’s presidency is in many ways an outlier in this regard, as he frequently relied on executive orders despite historically low approval ratings. The authors suspect that under the impression of rising partisan polarization “[...] it is possible that even brazen assertions of unilateral power will fail to stir up enough public opposition to dissuade future abuse” (ibid). This already hints at the importance of partisan polarization for my *contextuality-argument*, which is substantiated in more detail below. Lastly, Christenson and Kriner (2019) emphasize that institutional checks are far

more important in constraining unilateral presidents than public opinion because incumbents can conceivably opt for ignoring public approval unless an election is around the corner raising the political costs of doing so.

Behind the majority of publications on executive orders stands the assertion that presidents act strategically and with a certain degree of assertive autonomy when they employ unilateral means, which is especially true for contemporary research that centers on empirical models aiming to explain variation in the number of executive orders over time (Waber et al. 2018: 112; Bolton and Thrower 2019). Since the present project moves in a similar direction, it is important to emphasize certain limits to that claim, which are reflected upon in the *unilateralism-strand*. First, presidents do have to bargain with stakeholders within the executive branch even though they have the last say (Rudalevige 2012; Rottinghaus 2015). Second, this line of thinking oftentimes gravitates towards interbranch contestation where unilateral tools are “core policy weapons” (Fine and Warber 2012: 259) to outflank congressional adversity. This overshadows interbranch collaboration in which executive orders are strongly supported by Congress (Shull 1997). Aware of these important cues, I understand SAPs to be the product of intrabrand negotiations within the Executive branch capable of inciting congressional support as well as opposition even though, as will become apparent in the analysis, interbranch friction and presidents assertively challenging legislation are the dominant themes in contemporary interbranch relations when it comes to legislating foreign and defense policy.

Next to executive orders, signing statements mark another tool that has gained traction in the academic discourse within the *unilateralism-strand* (Kelley and Marshall 2008; Rice 2010; Ainsworth et al. 2012; Moraguez 2020). In line with the adage of perceiving unilateral tools as instruments used to outmaneuver Congress, signing statements are oftentimes issued by presidents to capitalize on their last-mover advantage. As such, “[...] presidents wait until Congress presents them with the bill and apply their own fix to it.” (Rice 2010: 704). In essence, these signing statements encapsulate the chief executives’ position on a bill that was just signed into law and posits directions on what their implementation should look like. Just like executive orders, signing statements are prone to be used by presidents with the goal of advancing their own priorities especially when negotiations with Congress are adversarial as they oftentimes are under the impression of a highly polarized environment in Washington D.C. (Kelley and Marshall 2008: 250). In general, polarization matters for foreign policy lawmaking mainly because it encourages

members of Congress to draw hard lines based on dominant ideological positions, which shrinks the room for compromises and incentivizes representatives to meet the political opponent with outright hostility. Alan Abramowitz and Steven Webster coined the term “negative partisanship” (2016: 12; 2018: 120), which entails that spiking negative views of the political opponent “[...] almost certainly reshaped the legislative process in Washington.” (ibid.: 134; see also Hetherington and Rudolph 2015). On a side note, consistent with Abramowitz and Webster’s findings, Elizabeth Simas and Adam Ozer show that voters are increasingly mobilized by the candidate they do not want (2021: 6). Returning to the subject of signing statements, it is important to note that connecting their issuance to high levels of polarization has recently been contested by Ashley Moraguez, whose counterintuitive findings suggest that they are indeed more frequent in settings of low polarization within Congress (2020: 85).

While the debate on the role of polarization is ongoing, another empirical observation caught the attention of scholars. By 2017, the number of signing statements had dropped off considerably. One prevalent explanation suggests that legislators ramping up their oversight efforts on the implementation of laws that received a signing statement increased the political cost of using them which changed the cost-benefit calculation for presidents (Sievert and Ostrander 2017: 773). I propose a different explanation: Faced with public pressure by means of congressional oversight, presidents opt for relying more heavily on Statements of Administration Policy to align legislative content with their preferences preemptively making signing statements more or less obsolete. Interestingly, as the spectrum of unilateral instruments extensively considered in the literature grew, Statements of Administration Policy entered the scene as complementary and useful envoys of presidential preferences within the lawmaking process because they oftentimes “[...] may contain the final word on interpretations and provisions.” (Rice 2010: p. 703). Thus, what the present project contributes to the *unilateralism-strand* is a detailed inquiry of SAPs and their position language with respect to foreign policy, which advances our understanding of their standing within the executive toolkit.

The promising prospects of focusing on foreign policy emerge prominently in this strand, because the power of explanatory variables differ decisively when compared to domestic politics. To illustrate, previous research shows that the seat shares of the president’s party in Congress significantly affects executive orders on domestic issues, while it does not do so in matters of foreign policy where presidents are more successful to begin with (Marshall and Pacelle 2006: 99).

Following Aaron Wildavsky's seminal observation that "the United States has one president, but it has two presidencies; one presidency for domestic affairs and the other is concerned with defense and foreign policy." (1966: 23), the underlying notion is that presidents are particularly engaged and successful in matters of foreign and defense policy, which arguably reassures them that their assertiveness vis-à-vis Congress will prevail. This line of thinking has been picked up and substantiated by more current research as well (Canes-Wrone et al. 2008; Mack et al. 2011; Svensen 2019). Put differently, the findings suggest that presidents know of their preponderance in foreign policy and, thus, act more assertively by means of unilateral tools, raising some concerns about challenged congressional checks. In a similar and arguably more important vein, previous studies showed that pending legislation that pertains to foreign policy seems to be more likely to receive a higher number of SAPs (Ostrander and Sievert 2020: 1174). However, there is no study that comprehensively assesses not only the frequency but also the impact of SAPs in foreign policy viewed in the light of relevant contextual factors, while the timeframe of my analysis also provides a unique longitudinal perspective covering the years between 1985 and 2020. This is how my work on *the Assertive Presidency* is helpful to the academic discourse. In sum, the present project directly speaks to the *unilateralism-strand* and is set to advance its debate on executive pressure by investigating the role and reach of SAPs over time, which sheds light on an underexplored avenue of presidential power.

2.3 The War-Powers Strand: Presidential Power and the Use of Force

Approaching the overarching topic of the checks-and-balance system through the prism of foreign policy, a significant part of the literature is characterized by the *war-powers strand* (Rudalevige 2006; Ornstein and Mann 2006; Fisher 2013; Schorpp and Finocchiaro 2017). This strand traces back to Arthur Schlesinger's seminal observation of a rather unconstrained presidency in the context of the Vietnam War (1973), which is echoed in a lively debate about whether or not the imperial presidency was resurgent in the global war on terror after 9/11 – particularly so with regards to the wars in Afghanistan and Iraq. In this body of literature, concerns about the balance of power are especially prevalent, because presidents as the commanders-in-chief have the upper hand in military engagement to begin with. With checks on presidents using military force seemingly eroding, presidential power is seen to be largely unconstrained to the extent of earning it the label 'imperial'. More specifically, when crises unfold and decisive actions

are in high demand, checks tend to be relaxed marking a critical juncture that might be difficult to undo in the long-run even though Members of Congress are supposed to regain powers deferred to presidents in times of crises (Howell and Rogowski 2013: 163). In his famous phrase “rally ‘round the flag”, John Mueller (1973) encapsulated how presidential power soars high at the onset of a crisis, because public opinion as well as legislators overwhelmingly support swift and resolute action of the kind only the White House can provide. This directly relates to Richard Neustadt’s work in which he stressed that “[...] presidential power is the power to persuade” (1966: 11). Persuasion comes easier when presidential leadership is salient and wanted. Hence, the distinct presidential advantage in times of war is that they can assume a position of strength vis-à-vis the other branches of government. Put differently, popularity of presidential power is viewed to be a powerful leverage over Congress (Schorpp and Finocchiaro 2017: 842).

While short-lived, the rallying-effect is argued to present a palpable upset for the checks-and-balances system as presidents make the most of their institutional advantages well known to the literature (Wildavsky 1966; Canes-Wrone et al. 2008). Hence, moments of crisis tend to boost presidential power by popular demand as long as public opinion is supportive of the use of force, which has recently been found to be limited by the severity of the war (Kriner 2018: 858). While the underlying argument for a contemporary imperial presidency as envisioned by Andrew Rudalevige in 2006 is initially convincing, recent large-*N* studies encourage a careful reassessment as their findings mandate some skepticism. As such, the degree to which presidents can actually capitalize on the country’s preoccupation with war depends on conducive public opinion as well as on the severity of the military engagement in terms of duration and casualties. Thus, “war does not, by itself, pave the road for an ‘imperial’ presidency.” (Schorpp and Finocchiaro 2017: 859).

William Howell was especially vocal in raising more serious concerns about the substance of the imperial-presidency-argument that initially drove the *war-powers strand*. He writes that “though adamantly argued, and almost universally presumed, the claim that wars exalt presidential power remains underdeveloped.” (2011: 103). In a more recent study, he, together with Jon C. Rogowski gathers insightful empirical evidence that substantiates further caution. Measuring congressional voting behavior in times of war, the authors find that adjustments in the positions on roll-call votes taken by members of Congress, which are more accommodating to presidential preferences, indeed coincide with the onset of wars supporting the rally-around-the-flag moment (2013: pp. 162). However, this effect is found to quickly dissipate as military engagements go on,

which suggests that assuming a general extension of presidential power by means of eroding checks in times of war might be misleading even if we concentrate on foreign policy exclusively. It follows that stretching the argument of presidents aggrandizing their power in the context of wars beyond their onsets is difficult to uphold and arguably impossible to discern from broader trends shaping the balance of power over the course of American history. This settles in well with the opening remarks on the image of a contested balance in interbranch relations and the reference to the War Powers Resolution of 1973 (PL 93-148), which marked one prominent congressional effort to constrain what Schlesinger (2004) has originally called the imperial presidency. Next to such rare and overt instances of Congress trying to stimulate their checking forces, some scholars of the *war-powers strand* dig deeper and find that, while diminished, congressional activity and influence in matters pertaining to the use of force is more prevalent than the imperial-presidency-argument is ready to admit (Howell and Pevehouse 2007a: p. 6). This notion of a powerful Congress speaks directly to Jordan Tama's (2019) findings on sanctions legislation outlined above.

I recognize the service of the imperial-presidency-argument in terms of raising awareness for the ways in which crises can cause seismic shifts in the balance of power that is contested and, therefore, dynamic. In this way, the debate about presidential war powers squares nicely with my focus on executive communications, because matters of military nature are often touched upon by the SAPs that I analyze. Against the backdrop of the U.S. being at war for much of the 21st century's first two decades, my findings can directly relate to the question of how lasting presidential preponderance in the context of military engagement might be. As such, SAPs would be expected to be especially assertive after the critical juncture of 9/11, while this rallying-moment might have quickly eroded with faltering public support for the missions in Afghanistan and Iraq. President George W. Bush's drastically low approval ratings at the end of his final term in 2008 might be a first indicator in this regard. However, given the volatility of interbranch-relations, the present project plans to expand its scope beyond the focus on crises. After all, "[...] we must recognize the historical trends and institutional advantages that have catapulted the president to the forefront of decisions involving the use of force." (Howell and Pevehouse 2007a: 6). I circle back to the change-over-time line of thinking in the context of my theoretical framework which guides the analysis. Therein, critical junctures as external shocks are also addressed.

For now, it is worth emphasizing that assuming a longitudinal perspective less confined by a focus on crises or their onsets is arguably more promising to uncover to what extent executive

messages are actually a mechanism for presidential power extension. This might even be more of a constantly active mechanism for change than the image of a dynamic and contested balance might at first suggest. To further substantiate this notion, I follow Paul Pierson's and Theda Skocpol's seminal warning not to be too distracted by sudden events or crises: "The activities and events that are most visible at any moment often distract us from the deeper currents of a political system that is always in flux." (2007: 283). While Pierson and Skocpol focus on the changing nature of American politics in the domestic context and aim to explain the rise of conservatism, their claim still resonates well with my interest in the 'underlying currents' instead of critical moments in time. Therefore, the war-powers debate is connected to my work but not intimately so. Notably and returning to the temporal axis, the literature agrees that the onset of wars boosts presidential power. The ongoing debate unfolds around the question of the boost's durability.

The broad message that emerges across all the strands discussed so far is that presidential power and congressional checking forces prove to be rather elusive concepts, which exhibit a certain degree of responsiveness to historical circumstance and domestic contextual factors, which is a critical insight for the study of American foreign policy. Interestingly, tying the reach of presidential power to its salience, as most scholars in the *war-powers-strand* do, provides a clear gateway to the next dominant strand in the literature that connects to my inquiry on what I call the *Assertive Presidency*. As such, Domke et al. (2006) trace how the Bush administration effectively communicating with the public has helped its effort to rush the Patriot Act through Congress in 2001. It seems that the rallying-effect worked together with going public as a political strategy to ensure that presidential preferences prevailed. By steering the public debate on the grounds of a conducive echo in the press, the administration "[...] maximized its position as the unchallenged voice of U.S. politics in the weeks after September 11 by timing the large majority of public communications about anti-terrorism legislation to occur prior to consideration of the legislation by the full Congress." (Domke et al. 2006: 306). This notion of strategically timing communication resurfaces prominently in my own analysis, because SAPs are carefully timed across administrations and reach Congress prior to the respective bill reaching the floor in each house of Congress.

2.4 The Going-Public Strand: The Role of Approval Ratings

The *going-public strand* is based on Samuel Kernell's seminal book "Going Public: New Strategies of Presidential Leadership" in which he defines the term 'going public' as "[...] a strategy whereby a president promotes himself and his policies in Washington by appealing directly to the American public for support." (2007: p. 1). The book's first edition was published in 1986 indicating the need for careful reassessments as ever new ways to communicate emerge. Reaching out to the public from a unique and particularly visible platform, which is oftentimes referred to as the bully pulpit, presidents stand to gain command of public opinion by communicating strategically. Surely, President Trump's effective use of Tweets as powerful agenda-setting-tools illustrates this point well. To a certain extent, going public ties into Neustadt's argument of understanding presidential power as the power to persuade. While presidents communicate directly to the public more frequently, especially using the modern tools of social media, research is rather divided over the effectiveness of such efforts (Barrett 2004; Rottinghaus 2010; Cavari 2012; Cohen 2015). The presidential communication prior to the passage of the Patriot Act clearly illustrates a case in which going public succeeded, but a significant part of the extant literature uncovers some noteworthy limitations to the strategy's effectiveness.

More specifically, one study assesses panel studies and post-speech surveys and finds convincing evidence for an effect of presidential communications that is limited to the short-term (Cavari 2012: pp. 346). Similarly, George C. Edwards (2003; 2009) in his famous work on the connection between the bully pulpit and shifts in public opinion finds little evidence for any long-term effects of presidential communications to the public, despite the fact that his analyses focus on President Clinton and President Nixon who were commonly perceived as great communicators. Going public seems to be a strategy with no universal claim to success. Instead, the impact of public messages from the bully pulpit seems to be determined by specific contexts. For instance, Brandon Rottinghaus points to high presidential approval ratings and message continuity as being conducive to the success of the chief-executives' messages to the public (2010: p. 9). In overt connection to the *war-powers strand*, presidential approval ratings stand out as an influential contextual factor in the contested balance of power, which already hints at their relevance for my own analysis.

Returning to the *going-public strand*, the underlying notion holds that, when the American public agrees with the presidents' messages, increased presidential support scores in Congress

follow (Rivers and Rose 1985). This is clearly a desirable setting for all incumbents, but it might prove difficult to obtain and to leverage. Rottinghaus finds that “the White House does succeed at leading public opinion, but not in every circumstance and certainly not simply because they address the public.” (2010: 9), which is why he refers to the chief-executive’s pulpit as ‘provisional’ rather than ‘bully’. In the academic literature, evidence is mounting that presidents indeed experience significant difficulties in swaying public perception and that their influence is only palpable in conducive settings (Young and Perkins 2005; Rottinghaus 2010; Tedin et al. 2011). Interestingly, Rottinghaus’ (2010) findings lead him to suspect that presidents focused on stagecraft trying to reach out to the public successfully might sideline practical governance ultimately resulting in a “rhetorical demagogue” (ibid: 10). Looking at the controversial Trump presidency and his penchant for tweeting relentlessly until his account was ultimately suspended in January 2021, Rottinghaus’ insights on presidents going public seem timelier than ever.

While SAPs usually do not receive the kind of media attention presidential speeches do, there still is a connection between a part of the *going-public strand* and my own focus on presidents challenging legislative content by means of assertive SAPs preemptively. As such, a number of studies in this strand assess the impact of presidents going public on presidential legislative success (Cummins 2010; Eshbaugh-Soha 2010; Eshbaugh-Soha and Miles 2011). This is to say that the response variable under study in these projects resonates well with this project’s interest in understanding preemptive presidential interventions by means of SAPs. Either by focusing on the annual State of the Union Addresses or by investigating presidential speeches more broadly, scholars in this body of literature find empirical evidence of a positive effect of speeches on presidential success in the legislative arena. For instance, Matthew Eshbaugh-Soha and Thomas Miles illustrate how presidents time their speeches strategically in accordance with pivotal legislative steps as bills move through Congress – in particular the roll-call votes and the agenda-setting stages (2011: p. 316). I argue that presidents do the same with SAPs without risking too much public exposure. The bottom line is that speeches oftentimes act as informational cues to members of Congress outlining presidential preferences on legislation while simultaneously aiming to rally public opinion behind the White House.² However, the latter is difficult to achieve

² The project’s focus on interbranch-relations between Congress and presidents omits the inclusion of other relevant actors that shape public opinion in the realm of foreign policy such as mass media or think tanks (see for instance Baum and Potter 2008). More recently, scholarly work has moved to assess the views of foreign policy elites in more detail (see for instance Busby et al. 2020).

and to maintain especially in times of rising political polarization emphasizing the value SAPs offer to presidents seeking to manifest their preferences in the process of lawmaking.

While the *going-public strand* is naturally focused on presidents, some scholars highlight congressional influences on public opinion, which ties in well with the broader image of the contested balance outlined in my introduction (Kriner and Schickler 2014, 2016; Christenson and Kriner 2017; Kriner 2018b). Members of Congress might not have a national platform like presidents do, but they still speak as members of the institution that is designed to represent the will of the people. In a clear manifestation of congressional checks on presidents, scholars in this body of literature show that committee investigations of the executive branch effectively constrain assertions of presidential power. A key mechanism in this regard describes how congressional investigations negatively impact the political capital of presidents, which is predominantly measured by their approval ratings. As such, “[...] investigations systematically impose political costs on the president by diminishing his levels of support among the public.” (Kriner and Schickler 2014: 513). Oversight hearings and investigations are argued to be effective congressional tools for mobilizing public opinion against presidents, which seems to make the latter hesitant to provoke interbranch conflict all too easily (Kriner and Schickler 2016). As a consequence, public opinion rose to novel prominence as a check on executive power. Extending on this line of thinking and in clear connection to the *unilateralism-strand*, Dino Christenson and Douglas Kriner (2017) argue that presidents oftentimes refrain from unilateral action because they anticipate congressional retaliation in the form of legislators working to drive their approval ratings down.

The extent to which constraints by means of mobilizing public opinion apply to the presidents’ use of unilateral measures such as executive orders is the subject of an ongoing debate in the literature and directly speaks to the *unilateralism-strand*. Andrew Reeves and John C. Rogowski (2016) analyze survey data and find that the public is generally skeptical of presidential unilateralism unless it pertains to matters of national security or it is used to break legislative deadlock in Congress. On a side note, they conclude their analysis by encouraging scholars to consider the role of contextual factors in more detail when approaching presidential power, which squares in nicely with my *contextuality-argument* (ibid: 150). In contrast, Christenson and Kriner (2016) outline how Reeves and Rogowski might be overestimating the strength of public skepticism towards presidential unilateralism. By leveraging five survey experiments, they show

that “[...] most Americans evaluate unilateral action through the same partisan cues and policy preferences that they use to make other political judgements.” (Christenson and Kriner 2016: 347). Put differently, public perception of presidential unilateralism seems to be less universal as it breaks more across entrenched partisan lines and existing policy preferences emphasizing the role of partisan polarization.

Overall, the *going-public-strand* crucially highlights the connection between presidential power, the checks-and-balances system and public opinion. Legislators as well as presidents know how to leverage public perceptions in order to change the cost-benefit-calculations to their respective advantages, which is a strategy that is less easily exercised in times of entrenched partisan lines. It also became clear that the literature is especially valuable in keeping up with the rapid and continuous changes that largely unfold in response to the respective incumbent’s rhetorical portfolio and the growing complexity of reaching out to the public. In contrast to the *going-public strand*, my analysis investigates a specific set of presidential messages to Congress that oftentimes fly under the radar of broad public attention. Despite this difference in objectives, some valuable lessons directly speak to where the ensuing paragraphs are going. First, public opinion and presidential influence are intimately connected and favorable approval ratings seem to be a promising predictor of increased executive power in this context. This marks a clear connection to the *war-powers strand*. Second, the *going-public-strand* is vocal about the ways in which presidents carefully time their communications to maximize their success in getting policy preferences across the finish line. As indicated above, SAPs are timed strategically as well, which is evidenced by my analysis at a later point. In uncovering this, my project extends the line of thinking present in the *going-public-strand* to executive tools that are less publicly visible than, for instance, presidential speeches. Third, the aspect of timing public addresses strategically to mobilize public opinion ties in with the next and final strand of the broad literature on presidential power in interbranch relations, which I call the *veto-bargaining strand*. As such, “the modern lawmaking process is replete with examples of how separate institutions attempt to shape outcomes through their overlapping powers.” (Ostrander and Sievert 2020: 1165). Swaying public opinion marks one of the examples the quote alludes to. The veto power marks another. The subsequent section explores extant findings on the topic of veto bargaining in more detail, which closely approximates my own area of research.

2.5 The Veto-Bargaining Strand: Presidential Interventions in Lawmaking

The *veto-bargaining strand* investigates the arena in which interbranch contestation comes to the forefront most prominently. In many ways, legislative bargaining is a clear depiction of separated institutions sharing powers with one needing the other to make any significant headway – at least in terms of the constitutional baseline. However, drawing on the multiple strands elaborated so far, it seems apt to phrase this differently: In the contested balance of power, presidents seem likely to get what they want unless contextual factors help to constrain them. Embedded in the rich state of research, the consequential question asks to what extent and under which conditions do presidents really assert themselves assertively when it comes to foreign and defense policy. Going public seems to be a strategy with many loose ends, while presidential unilateralism in the form of executive orders or signing statements has been met with increased public and congressional scrutiny raising the political costs for using these tools. Therefore, I argue that presidents doubled-down on their efforts to align legislative outputs preemptively for which SAPs became their preferred choice.

When bargaining over contested outcomes with Congress, presidents have a particularly powerful tool at their disposal: the veto. It does not even have to be formerly exercised to be influential. Presidents might threaten to veto a bill in order to get legislators to adjust bills in accordance with presidential preferences prior to them reaching the White House. Faced with dim chances of overturning an actual veto, members of Congress are well advised to take these threats seriously. To illustrate, between 1789 and 2020, presidents made use of their veto power by actually exercising it at a total of 2,584 occasions. Congress only overturned 112 of these vetoes by passing the bill with the required two-thirds-majority in both houses – so only in about four percent of all cases (U.S. Senate 2021).³ Thus, challenging presidential vetoes is a rather hopeless endeavor especially in today's polarized climate, which creates strong incentives for legislators to accommodate presidential preferences when they are delivered as veto threats. In turn, Congress might attach legislation that is undesired by the president to pivotal bills such as the National Defense Authorization Act. As must-pass and high-profile legislation, these large bills are more

³ This measure includes about 1,000 pocket vetoes. When presidents receive a bill but do not sign or veto it within 10 days of a congressional adjournment, the bill does not become law and Congress cannot vote to override presidential inaction. Also, Congress does not always attempt to override the veto. Instead the vetoed bill might be reintroduced at a later point. This is why the measure should not be read as a straightforward success-rate. Cameron and Gibson (2020) provide more details on the challenges of veto override attempts (see also Gregory Martin 2012).

difficult to veto by virtue of the political costs for doing so. An intricate bargaining process ensues that has caught significant attention in the academic literature (Cameron 2000; Deen and Arnold 2002; Cameron and Nolan 2004; Cameron and Gibson 2020; Hassell and Kernell 2016; Guenther and Kernell 2020).

Academic work in the *veto-bargaining-strand* is motivated by the empirical observation that presidents increasingly rely on veto rhetoric in their deliberations with Congress – particularly so in periods of divided government (Cameron 2000; Sinclair 2000; Beckmann 2010). Accordingly, the most prevalent question in this body of literature asks to what extent and under which conditions presidents are more or less successful with their veto threats. Answers to this question are to a large extent uncovered using game-theoretic statistical models. Far from being only an act of last resort for presidents who are presented with bills they oppose, the veto is found to be a potent tool for legislative influence and they rarely come as a surprise to Congress. “Rather, these vetoes usually have been signaled well in advance with the hope that knowledge of an impending veto will shape the legislation as it moves through the process.” (Deen and Arnold 2002: 31). This is to say that the veto power is influential even when its exercise remains a threat. Veto threats are lines in the sand that Congress is cautious to cross.

It stands out that SAPs are initially not featured prominently in this body of literature even though, as my analysis emphasizes, these executive messages are frequently used to transmit targeted veto threats to both houses of Congress as the respective bills are pending floor consideration. To some extent, this is due to the fact that SAPs have only become an accessible dataset in the early 2000s. Nevertheless, SAPs are far more important than scholars of the *veto-bargaining strand* so far appear to realize. To illustrate, Scott Guenther and Samuel Kernell identify SAPs “[...] as presidents’ preferred means for transmitting credible veto threats to Congress.” (2020: 2). They are credible, because they have a substantial impact on the substance of legislation. Guenther and Kernell find strong empirical evidence for the argument that a veto threat targeting a provision of the respective bill in question indeed increases the likelihood of Congress substantially adapting the targeted section or deleting it altogether (ibid: p. 9). More than that, their study of all veto-threatened bills between 1985 and 2016 shows that the House of Representatives appears to be more likely to ward off presidential veto threats than the Senate as the latter is found to accommodate presidents more frequently (ibid: pp. 12). The key message is that SAPs as vehicles of presidential power matter and that veto threats are powerful preemptive

communications to Congress (Lewallen 2017; Guenther and Kernell 2021). This is precisely where my project is of benefit to this literature. Guenther and Kernell do not differentiate between policy fields and they do not control for the relevance of presidential approval ratings. They do include measures for polarization and the composition of government, but my measure for polarization departs from theirs by using a different data-base, as will become apparent in chapter 4, which, in sum, provides a novel and arguably more comprehensive picture of the role of contextual factors. Additionally, my carefully selected case studies help the existing large-*N*-studies to better understand the mechanism of SAPs as they gain prominence in interbranch relations.

Within these large-*N*-studies that dominate the *veto-bargaining strand*, SAPs are often viewed as an integrated part of a larger coordinated strategy. For instance, Christopher Kelley and Bryan Marshall (2009) show how signing statements can extend gains made by presidents during veto-bargaining using SAPs as their vessel for targeted veto rhetoric. In this perspective, signing statements capitalize on the presidents' last-mover advantage while SAPs have already nudged legislative content closer to presidential preferences (ibid: 528; Kelley and Marshall 2008: p. 263). Thus, bargaining tools (SAPs) can work together with unilateral tools (signing statements) to maximize presidential influence on legislation. However, Laurie Rice (2010) has raised some concerns about this complementarity-argument suggesting that presidents often opt for blindsiding Congress with signing statements without providing an early warning by means of SAPs. More interestingly, looking at particularly controversial lawmaking-processes during the Bush- and the Clinton-Administration, she identifies several cases that point to SAPs rather than signing statements for the last word on the targeted provisions' implementation (ibid: 704). She suspects that if Congress were to successfully increase the political cost for issuing signing statements, presidents might switch to SAPs instead to implement their preferences preemptively or as she writes: "[...] doing the same thing in a document called something else." (ibid). This clearly speaks to Sievert and Ostrander's (2017) finding discussed in the *unilateralism-strand* above, which took note of a sharp decline in signing statements. I follow up on this interesting observation and argue that signing statements are unnecessary when the legislative content is challenged earlier by means of assertive SAPs. *The Assertive Presidency* engages Congress preemptively on foreign policy legislation through SAPs.

As with any bargaining process and in overt connection to the *going-public strand*, timing matters greatly for interventions to be effective. With veto threats transmitted in SAPs, presidents

participate early in the legislative process, which evidently increases their prospect for success (Hassell and Kernell 2016: p. 856). Focusing on legislative riders on appropriations legislation, Hans Hassell and Samuel Kernell challenge conventional wisdom that usually considers must-pass bills to be more or less immune to presidents challenging provisions assertively early in the process. In fact, their study shows that presidents succeed in removing more than half of the legislative riders that they deem objectionable, which highlights the significant impact assertive SAPs indeed have on the substance of legislation (ibid: 857). In many ways, these findings seem to dim the prospects for Congress to tie legislation to larger appropriation bills in order to outmaneuver presidential opposition in the way indicated above. As the authors clarify, legislative riders usually have one particular purpose from the congressional point of view: “They are inserted into these ‘must-have’ bills because they could not get past the president’s veto pen as stand-alone authorization bills.” (ibid: 849). Veto threats in SAPs seem to rise to the challenge apparently blunting this previously important congressional countermeasure. Hassell and Kernell show that presidents do not shy away from aggressively challenging riders attached to must-pass legislation (ibid). Rather, by virtue of veto threats in SAPs, presidents appear to be emboldened by their apparent success even when they challenge crucial legislation arguably shifting the balance of power in the competition over contested outcomes in the process of lawmaking in such a way that lowers the bar for early executive intervention.

The consequential question is, to what extent and under which conditions does this assessment hold true when analyzed in the context of foreign and defense policy where presidents are expected to be most vocal, which is precisely where my research interest takes root. Also, the *veto-bargaining strand* is predominantly driven by game-theoretic approaches that leverage rational-choice arguments and complex statistical models. In a clear departure from this mainstream, my project assesses the explanatory power of institutional theory by testing the *gradual-change-argument* as well as the *critical-juncture-argument* as outlined in the introduction. This moves beyond viewing SAPs as just another bargaining tool, which is the prevalent notion in the *veto-bargaining strand* and which, by design, can only provide partial explanations of the messy reality in interbranch negotiations. Put differently, bargaining-models view legislative processes as self-enclosed units of analysis that are difficult if not impossible to compare over time, whereas I intend to trace change across six administrations since SAPs first emerged in 1985 in the context of foreign policy. As codified in the case selection at a later point, comparability is ensured by

focusing on a particularly influential and annual foreign and defense policy bill: The National Defense Authorization Act. My analysis presents the first systematic evidence that the role and reach of SAPs signifies gradual institutional change in more fundamental terms, which is explained well by institutional theory as outlined in the next main chapter. In a nutshell, I single out foreign policy SAPs and trace their impact over time in different settings of contextual factors rather than integrating them in models of legislative-bargaining that by design cannot accommodate temporally sensitive explanations. It follows that, while the *veto-bargaining strand* is closely associated with this project's research interest, the premises and goals of my analysis provide a beneficial change in perspective on presidential power in the arena of lawmaking.

2.6 Summary: SAPs Pinpoint Preemptive Executive Pressure

In sum, the state of research emphasizes that SAPs provide a comparatively new and promising source for understanding presidential influence in lawmaking (Kernell et al. 2019). Whether it is viewing SAPs as a bargaining tool in and of itself (Guenther and Kernell 2021) or connecting it to a more coordinated strategy including the unilateral tool of signing statements (Rice 2010), authors increasingly recognize the need for thorough scrutiny of this class of executive communication. It is also clear that foreign policy bills seem more likely to be addressed by assertive SAPs, as common knowledge about presidential position-taking and prospects of success in this policy would suggest (Wildavsky 1966; Canes-Wrone et al. 2008). However, the literature so far remains unclear on multiple accounts. First, prior to this project, systematic longitudinal studies of the change in position language in SAPs that pertain to foreign policy are missing entirely. Second, the literature on SAPs is remarkably lopsided towards game-theoretic approaches even though institutional theory has proven its worth prominently in the *unilateralism strand*. Third, the state of research in all five strands is replete with strong evidence for the crucial role that contextual factors play. Yet their role is rarely assessed in connection to foreign policy SAPs. Fourth, analyses of SAPs tend to be exclusively focused on the veto threats transmitted therein, whereas the assertiveness-score I develop at a later stage also accounts for presidents opposing provisions without veto rhetoric. This delivers a more comprehensive picture of the true extent of presidential assertiveness. Taken together, much uncertainty surrounding the use and content of SAPs prevails emphasizing the striking value of exploring this avenue of presidential

power in the ways set forth by this project. As highlighted at the end of my introductory chapter, SAPs are ripe for more empirical research.

Overall, elaborating on the five strands of the state of research that pertains to the academic environment of this project's main themes served a dual purpose. First, it disentangled the complex academic discourse on presidential power in interbranch relations by reviewing separately the *constitutional-strand*, the *unilateralism-strand*, the *war-powers-strand*, the *going-public-strand* and the *veto-bargaining-strand*, while also emphasizing links between them. Second, it allowed for a nuanced description of how my own research settles in with extant work illuminating the promise of studying an underexplored avenue of presidential power. The *unilateralism-strand* with its penchant for institutional theory and its contextual awareness together with the *veto-bargaining-strand* and its assessment of veto rhetoric voiced in SAPs is closely related to my research project. Settings of divided government and spiking partisan polarization are often tied to increasing interbranch friction and presidential assertiveness vis-à-vis the bicameral legislature. In contrast, the *constitutional-strand* extends the vision to the third branch of government – the judiciary – and is motivated by the link between constitutional ambiguity and judicial review exploring the checks-and-balances system guided by questions of constitutionality and the role of courts. As academic scrutiny continues to unravel the controversial Trump presidency, the role of courts in the checks-and-balances system will likely move further to the center of attention. While constitutional ambiguity also marks one of the cornerstones of my research interest, I focus more on the legislative dimension of presidential action that operates within the strategic leeway of regulatory ambiguity instead of investigating the judicial-presidential relationship.

The *war-powers-strand* oftentimes touches upon questions of constitutionality but it is more invested in grasping the extent of presidential power in response to critical junctures, which are usually tied to a rally-'round-the-flag moment and reviews of the imperial-presidency-argument. Assessing the salience of presidential leadership plays a crucial role in this body of literature, which is usually measured by approval ratings for the respective incumbent. In essence, leadership popularity is found to be a powerful leverage for presidents to enhance their influence. However, by virtue of longitudinal studies, researchers show that the salience of presidential power extensions in response to crises is usually short-lived pointing to broader underlying currents of change in the contested balance of power that are more difficult to understand. The analysis of my *gradual-change argument* could provide a helpful way of uncovering such broader trends. To that

effect, presidents arguably carved out a new and potent way for themselves over time to access legislative processes early by delivering to Congress red flags in the form of clear-cut objections voiced in SAPs without fearing much public backlash.

In light of the literature that I organize in the *going-public strand*, communicating to the public comes with many pitfalls for presidents. Similarly, directing public opinion from the bully pulpit, which is the White House, is no guarantee for success. Instead, this body of literature is vocal on the point that the timing of communication matters greatly. Also, legislators are oftentimes skilled communicators as well aiming to earmark presidential actions in order to alter public perceptions. Yet, in times of rising political polarization, public opinion tends to break along entrenched partisan lines raising the demands on rhetorical finesse to nudge engrained sentiments of negative partisanship. On a side note, polarization arguably facilitates the cohesion of partisan camps, which at least in part explains why it is such a pervasive theme in American politics. It is just incredibly difficult to reverse especially when political actors such as Donald Trump stand to gain electorally from extending rather than bridging the divide. New contemporary means of communication such as social media platforms play a significant and infamous role in this regard and it stands to reason that scholars will likely continue to engage in a lively debate aiming to keep up with the volatility of this research field. While there are ample research opportunities in this area, my project turns to the arena of lawmaking where two lessons of *the going-public strand* indeed apply to the study of SAPs. First, the timing of communications matters and, second, controlling for the effects of polarization is essential.

My *contextuality-argument* benefits from the state of research, because the latter points out three contextual factors that are most frequently assessed in the academic literature: the composition of government, presidential approval rating and the level of polarization. I operationalize and measure all three of them in order to trace their effect on presidential assertiveness in SAPs. As will become apparent throughout the next paragraphs, I assume divided government is a particularly influential contextual factor. The *gradual-change argument* as well as the *critical-juncture argument* are further substantiated in the next chapter, even though the latter did emerge rather prominently in the context of the *war-powers strand*. Leveraging explanations drawn from institutional theory marks one of the distinctive features of this project. However, the next chapter also provides an important distinction between assertiveness and power by working with traditional conceptions thereof within the discipline.

3 Interbranch Relations Under Pressure: Explaining Presidential Assertiveness in Legislating Foreign and Defense Policy

This chapter outlines the theoretical framework for the *gradual-change*, the *critical-juncture* and the *contextuality argument* by theorizing on explanations for change in presidential assertiveness over time. I also define the essential terms *institutions*, *agency*, *power* and *assertiveness*. In essence, gradual change and critical junctures each relate to one strand in historical institutionalism that aims to explain institutional dynamics. I rely on historical institutionalism because its premises align with the outset of my research interest. Also, historical institutionalism echoes the prevailing opinion in scholarship on American interbranch dynamics that long-term historical processes drive institutional change such as the growth of presidential power in foreign policy (Jones 1999; Burke 2016). It accentuates the importance of institutions for structuring group conflict and it aims to illuminate the dynamics that undergird institutional change over time with a focus on the role of events (i.e. 9/11) and actors (i.e. lawmakers and presidents). I recognize that historical institutionalism's scope originally focused on how institutions matter for large-scale policy change (such as the Welfare State) and that it also gained prominence in European Integration Theory (Pollack 2019). Yet, I propose that its key propositions provide valuable explanations for shifts in the way Congress and president interact in legislating foreign and defense policy. In essence, "historical institutionalism is a research tradition that examines how temporal processes and events influence the origin and transformation of institutions that govern political and economic relations." (Fioretos et al. 2016: 3).

The *critical-juncture argument* focuses on 9/11 as a pivotal event that explains increasing presidential assertiveness, while the *gradual change-argument* centers on the gradual expansion in the application of the authorization leverage by lawmakers that face an increasingly powerful executive branch in foreign policy. Consequently, legislative pressure through authorization legislation leads to an increasingly assertive presidency. The latter connects to what scholars refer to as endogenous and incremental change over time and it is a more recent advancement of historical institutionalism that accentuates institutional dynamics from a longitudinal point of view (Gerschewski 2021; Peters et al. 2005; Mahoney and Thelen 2010). I theorize that gradually

increasing presidential assertiveness in response to the wider application of the authorization leverage culminates in a substantial shift in how strongly executive assertion of power are expressed preemptively in foreign policy lawmaking. Over time, preemptive presidential intervention incrementally becomes routine, because presidents reproduce their agency assertively in practice under the impression of contextual factors that induce interbranch friction. For example, presidential restraint in releasing high levels of veto threat certainty early in the process diminishes over time because presidents try to defend their prerogatives in foreign policy, which face tougher legislative scrutiny.

Interbranch relations have become more contested. Witness how the filibuster has changed the Senate from a majoritarian to a supermajoritarian institution as the institutional forbearance mandating a cautious use of cloture motions and filibusters eroded over time. There is hardly a policy shift of significant scope imaginable that would not require 60 votes to pass, which is also consequential for the domestic underpinnings of American foreign policy. For instance, presidents effectively do not ratify international treaties anymore because they usually lack the required support by enough Senators – especially so in contemporary settings where the government is not only divided by party control of the branches but also by partisan polarization. Without ratification, however, presidents opt to govern by executive orders that assert their privilege in directing foreign policy. However, they are easily undone by successors, which undermines the constancy of American commitments in international relations. This is to say that the dynamics of domestic underpinnings matter. They are far less set-in stone than the institutional architecture and presidential dominance would suggest.

Analyzing SAPs from theoretical point of view on gradual change can help explain how institutional interaction and the output it produces has changed despite the absence of substantive alterations to the formal rules of the game. I assume that presidential preemptive interventions incrementally became more assertive over time. Presidents are more powerful than lawmakers in foreign policy, but legislating authorization legislation is a powerful tool to reinforce congressional voices. My gradual change argument suggests that the authorization-leverage attracts more assertive presidential challenges thereby confronting executive dominance in foreign policy with the congressional power of the purse. If executive assertiveness is indeed a response to congressional activity, then interbranch dynamics and legislative pressure should be revisited as domestic determinants of American foreign policy. This could mediate some of the concerns put

forward prominently by the previously discussed state of research on presidential power expansion as well as by the burgeoning literature on presidents invoking executive privilege to constrain congressional oversight (Rozell 2010; Baron 2019, 2022). I shed light on why presidents recast a rather benign class of executive messages as a vehicle of pronounced and frequent assertions of power. As the *unilateralism-strand* of the state of research shows, presidents often resort to administrative powers to enact their policy objectives for instance by invoking presidential prerogative in Statements of Administrative Policy when interbranch friction is not productive but rather adversarial. My findings show how veto threats were once a last-resort rarely used in preemptive SAPs before becoming commonplace and more frequent features early in the legislative process. This indicates that presidents might be responsive to growing legislative pressure despite their preponderance in foreign policy.

I argue that Congress uses authorization legislation to implement checks on growing presidential power in foreign policy as hearings and interbranch consultation become less viable in polarized and often divided settings in Washington D.C. Legislative constraints are also superior to other congressional tools when it comes to constraining presidents because ideological polarization has made it more difficult to sway public opinion through investigations and hearings. Statutory limits are also hard to overcome through presidential unilateralism because they reinforce subsequent judicial review and congressional pressure. Thus, I suggest that the venue of congressional efforts to constrain executive power in foreign policy has shifted to omnibus authorization legislation. President Obama pinpointed this legislative pressure in one of his communications to Congress in 2012 regarding the National Defense Authorization Act: “A number of the bill's provisions raise additional constitutional concerns, including encroachment on the President's exclusive authorities related to international negotiations.” (The White House 2012). President Trump’s remarks in his Signing Statement for the NDAA in 2017 (FY 2018) offer additional testimony to this trend: “[...] several provisions [...] could potentially dictate the position of the United States in external and military affairs and, in certain instances, direct the conduct of international diplomacy.” (The White House 2017) Hence, when Congress passes the annual defense authorization bill, it “[...] frequently incorporates unrelated foreign policy legislation.” (McKeon and Tess 2019, p. 83). Therefore, focusing on the drop in the number of hearings (Fowler 2015; Binder 2018) or in the quantity of foreign policy bills passed (Hinckley 1994; Binder 2018) runs the risk of underestimating congressional influence on foreign policy as

provisions that are attached to authorization legislation go unnoticed. My theoretical framework intends to explain presidential responses to the strategy of attaching foreign policy legislation to NDAAAs.

The change of venue for interbranch confrontation in foreign policy makes sense for Congress at least for four reasons. First, Congress invokes its power of the purse, which is a stronghold of legislative power across policy domains that is not easily overcome by executive preponderance in foreign policy. Second, this move complicates presidential opposition as the stakes in the passage of large spending and authorization bills are much higher as compared to stand-alone and issue-specific legislation. Third, the approaching October 1 fiscal year deadline for authorization legislation presses both parties to ensure progress on the bill, which creates pressure for the executive branch not to risk the proposal's failure lightly for the benefit of advancing parts of the foreign policy agenda. One qualification has to be made here: The deadline-pressure is generally more serious for appropriation legislation. Authorization legislation authorizes programs and appropriation legislation subsequently funds them. Hence, a program's authorization might expire, but appropriation could still sustain it (Hassell and Kernell 2016: 857). However, I argue that the National Defense Authorization Act (NDAA) is a particularly important annual authorization legislation because of its immediate connection to national security and foreign/defense policy. When high politics such as security and defense issues are concerned, the October 1 fiscal year deadline does loom large in interbranch negotiations and it complicates presidential opposition. Fourth, the urgency and importance of annual must-pass legislation shields the corresponding legislative processes from gridlock and obstruction that otherwise is often characteristic of lawmaking in polarized times. In my analysis, I show that conference committees usually express significant bipartisan support through veto-proof majorities for the respective draft, which lends additional credence to the usefulness of attaching foreign policy legislation to authorization bills. This way, Congress can to some extent disarm presidential veto threats because prevalent bipartisanship signals increased chances of Congress overriding vetoes. In sum, I termed this strategic maneuver the *authorization leverage* and assess an underappreciated battleground where the interbranch imbalance of power in foreign policy is contested.

I argue that omnibus bills such as the National Defense Authorization Act still provide a legislative stronghold of congressional pressure on foreign policy, which has come under heavy executive pressure through more assertive SAPs. "An agenda-control and coalition-building tool,

the omnibus bill is typically assembled in order to get something passed that otherwise faces uncertainty.” (Krutz 2000: p. 533). Thus, the authorization leverage “[...] may be seen as successful institutional adaption to a changing environment”. (ibid.: 545). The growth of presidential power in foreign policy is part of the changing environment and Congress adapts by gradually expanding the use of the authorization leverage. Focusing on legislative riders, Hassell and Kernell (2016: p. 849) argue that “they are inserted into these ‘must-have’ bills because they could not get past the president’s veto pen as stand-alone authorization bills.” Put another way, the authorization leverage compels presidents to bargain with Congress, which ensures that lawmakers are a significant part of the equation that determines American foreign policy.

Controlling for additional contextual factors, I postulate that settings of divided government foster presidential preemptive interventions in the process of lawmaking because presidents fear a loss of leeway under the impression of congressional opposition. This follows formal theories of lawmaking that originate in V. O. Key’s (1964: 688) famous argument that, “common party control of the executive and the legislature does not ensure energetic government, but division of party control precludes it.” Motivated by divided government becoming the norm rather than the exception in contemporary American politics, scholarship embraced V.O. Key’s notion theoretically (Krehbiel 1998; Chiou and Rothenberg 2003), but struggles to pinpoint it empirically. This is largely due to varying methodological approaches to measure the dependent variable, which is usually a variant of legislative productivity (Binder 2015, Kirkland and Phillips 2018). To illustrate, Mayhew’s seminal work (2005 [1991]) identifies shifts in the public’s support for an activist government and presidential election cycles to be associated with the passage of more landmark bills while the composition of government is inconsequential. However, evidence in other studies associates settings of divided government with legislative stalemate explaining a decrease in the total number of new bills introduced in respective Congresses (Binder 2003). In addition, Krehbiel’s (1998) pivotal-politics-model adds the influence of legislative actors endowed with key structural rights to block major policy change – for instance by means of the filibuster. In this view, gridlock is possible in divided as well as in unified government linking the prospect of large-scale policy change to a nonpartisan and rational-choice understanding of legislators and their voting behavior under the impression of critical institutional thresholds.

Overall, the theoretical positions on the role of divided government are mixed. I suggest that divided government is an important contextual determinant of presidential assertiveness because

lawmakers exert greater pressure on the executive in these settings, which fosters presidential assertiveness. The importance of divided government might be obscured by measures of legislative productivity because, as my gradual change argument based on the authorization leverage suggests, omnibus bills become larger and include a wider range of topics. The number of bills might decrease, but this trend is offset by the increase of the scope and reach of large bills. Hence, in divided government, legislative productivity hides in the details of larger bills, which becomes evident in the extent to which presidents engage lawmakers assertively on respective drafts.

Interestingly, both Mayhew (2005) and Krehbiel (1998) omit any analytic relevance of partisan polarization. In a leap forward for this discourse, McCarty et al. (2006: 193) argue that “the separation of powers and bicameralism require that very large majority coalitions, typically bipartisan, must be formed to pass new laws and revise old ones”, which is far more difficult when gridlock motivated by partisan polarization takes hold. In this light, settings of divided government only further diminish the prospect of bipartisanship carrying meaningful legislation through the multifaceted veto points of lawmaking. It stands out that the extent to which divided government impacts interbranch dynamics as well as the role of polarization remain somewhat obscure. Also, apart from classifying certain bills as landmark legislation, the substance of legislative content is often sacrificed for the means of large datasets. I theorize that substituting legislative productivity with presidential preemptive interventions as the response variable offers a valuable change in perspective on how contextual determinants matter for interbranch relations. Therefore, I keep the empirical universe of my research design concise to promote a fine-grained analysis of the SAPs and the bills they target. While the jury on the role of divided government for intra- and interbranch relations is still out, the increased occurrence of split control likely compounds institutional conflicts over contested outcomes that unfold within rather ambiguous institutional guardrails and shifting contextual factors. Ultimately, the *gradual-change argument* is inherently connected to the *contextuality argument* first on the theoretical and then on the empirical level. My *contextuality-argument* assesses the individual influence of selected predictors. My gradual-change argument tests if there is a broader trend of increasing presidential assertiveness over time in response to the authorization leverage.

Gradual change is incremental and endogenous in the sense that it unfolds in interbranch dynamics. Consequentially, only longitudinal studies could see such developments (Pierson 2004: 79). After all, this is an advancement of historical institutionalism’s early penchant for focusing

rather exclusively on critical junctures when aiming to explain institutional dynamics and evolution. In the early stages of theoretical engagement with institutional change, pressure was usually located outside of institutions in the shape of crises (Thelen and Steinmo 1992: 18). This strand of historical institutionalism connects to the *critical-juncture argument* and turns the focus outward to the extent that change is driven by exogenous shocks (Capoccia 2016). These sudden impacts largely depart from the antecedent conditions of interbranch relations.

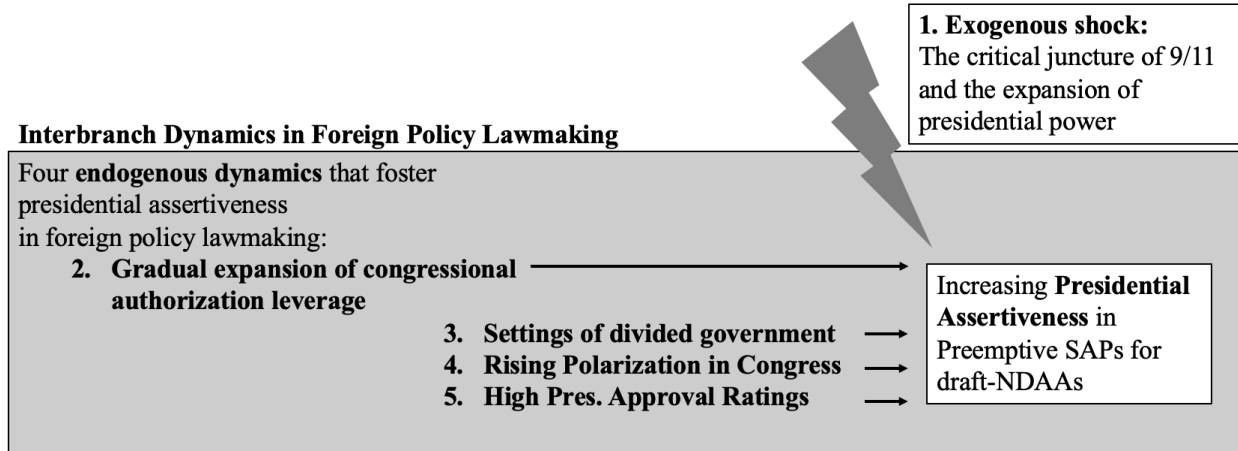
Critical junctures are transformative moments in time in which uncertainty about adequate responses to crises foster leeway for political agency (Capoccia 2015: p. 148). Hence, the cause for change is located exclusively outside the institutional structures. The New Deal and the expansion of the welfare state in the US in response to the social and economic despair of the Great Depression is an earlier but no less consequential example for the theory of interrupted institutional constancy. Similarly, the establishment of the Department of Homeland Security and the almost blanket extension of presidential power to respond swiftly exemplify the institutional adaption to the threat of terrorism made shockingly visible by the attacks of 9/11. Also, because path-dependency is such a pervasive concept for established institutions, it made sense for theoretical accounts of institutional dynamics to focus on the most evident moments of change and to study their legacy. Under the assumption of institutional persistence, it stands to reason to assume that it takes formative moments in time to bring about actual change in otherwise stable structures that derive their meaning from being change-averse. This line of thinking still has a firm standing in institutional theory, despite more contemporary debates that extend it in meaningful directions both in terms of locating the cause for change as well as regarding the time horizon of the cause (Gerschewski 2021). Still, since 9/11 arguably qualifies as a prime example for a critical juncture in interbranch relations between Congress and the presidency, the *critical-juncture argument* completes my theoretical account of shifts in presidential assertiveness over time.

Institutions are generally perceived as being stubbornly resilient to change (Steinmo et al. 1992; Pierson 2000). After all, their resilience to erratic change is in many ways their key contribution to the social world. “The idea of persistence of some kind is virtually built into the very definition of an institution.” (Mahoney and Thelen 2010: 4). Hence, their added value as rigid structures stems from installing stability and persistence by safeguarding formal and informal practices that are engrained in their nature. Over time, institutions proceed along self-reinforcing processes that stabilize institutional configurations primarily because the costs of changing course

increase (Pierson 2000: 252; North 1990; Pierson 2015). Put differently, “the resistance of institutions to change can be seen as the successful institutionalization of the structure.” (Peters et al. 2005: 1288). Therefore, the concept of institutions itself seems to foreclose or at least significantly inhibit change. Yet, change occurs because the constitutional ambiguity is continuously interpreted in the light of contemporary and often conflicting ideas about how exactly power is to be shared and checked in interbranch relations. It seems there are few questions that set contemporary Republicans and Democrats more apart than this one lending credence to the argument that presidential assertiveness runs high when incongruous ideas of the reach of the federal government and the distribution of power between the branches clash in divided government.

In sum, historical institutionalism essentially points to two explanations for institutional change: first, critical junctures that all but force sudden change on institutional frameworks and, second, gradual change that operates more subtly from within and centers on congressional activity that explains executive assertiveness. Figure 3.1 illustrates the theoretical framework that I develop in more detail in the next subchapters. The shaded box marks interbranch relations between Congress and the presidency in foreign policy lawmaking. The three contextual factors are the composition of government, ideological polarization, and presidential approval ratings. The gradual expansion of the authorization-leverage unfolds incrementally over time and accentuates interbranch contestation, whereas the exogenous shock impacts the embedded institutions suddenly and emphasizes the influence of powerful actors. Overall, figure 3.1 captures the five theoretical pathways to explaining shifts in interbranch relations (gradual change, critical juncture, divided government, polarization in Congress and presidential approval ratings).

Figure 3-1: The theoretical pathways of explaining presidential assertiveness



Source: Own illustration. Key to the figure: shaded box = interbranch dynamics and endogenous theoretical pathways to explaining presidential assertiveness; bolt-icon = sudden impact of critical juncture; arrow = determinant of presidential assertiveness; arrow-length = indication of temporality for each endogenous determinant.

Figure 3.1 encapsulates my explanatory model for understanding presidential assertiveness in foreign policy lawmaking. It illustrates the temporality and source of the causes for more assertive executive challenges in relation to interbranch dynamics. I theorize that 9/11 was an exogenous shock for interbranch relations. It is a distinct and abrupt departure from antecedent conditions, which figure 3.1 captures in the bolt-icon. My gradual change-argument explains rising presidential assertiveness with lawmakers employing their authorization leverage more widely in the face of increasing presidential power in foreign policy. The length of the arrow that connects to presidential assertiveness is to indicate the incremental nature of this part of my theoretical framework. Lawmakers gradually increase their pressure through the authorization leverage, which leads to more assertive presidential challenges in response. The three contextual factors explain variation in presidential assertiveness individually and in addition to the broader trends of the critical juncture and gradual change. Lastly, figure 3.1 also indicates the way I structure the more detailed description of the three elements of my theoretical framework (the critical juncture, gradual change, and contextuality argument). Since critical junctures preceded gradual change in the evolution of historical institutionalism, I will begin the more detailed description of my theoretical framework with the former before moving on to the latter.

In the next step, I provide definitions for the key terms power, assertiveness, institutions and agency before developing the *critical-juncture argument* in more detail. Then, I connect my

theoretical framework to contemporary literature on extending historical institutionalism beyond the focus on formative moments in time, which provides the foundation of my *gradual-change argument*. Finally, I explain the rationales for the effect of the three contextual factors that operationalize my *contextuality argument*. As my first chapters showed, the fact that presidential power grew over time is well documented in extant literature, while contemporary debates continue to evolve around different manifestations of this trend trying to put it into perspective within the checks-and-balances system. In many ways, I follow this tradition by arguing that presidential power is relational in that it is best understood within the context of interbranch relations – as the shaded box in figure 3.1 illustrates. After all, “political institutions do not operate in a vacuum.” (Thelen and Steinmo 1992: 18). I suggest that rising assertiveness in SAPs that are released for draft NDAs accentuates the importance of interbranch dynamics for the domestic underpinnings of American foreign policy despite presidential dominance in this field. I theorize that the American political system gravitates towards a more president-centered form of government which is evidenced in interbranch tension with Congress and increasing executive pressure during the legislative process. The assertive presidency describes an institution that regularly and assertively promotes executive prerogatives. The next paragraphs address the question of how I intend to connect presidential power, assertiveness and agency set in the context of interbranch dynamics and viewed through the prism of historical institutionalism.

3.1 Approaching Historical Institutionalism: Power, Assertiveness, Institutions and Agency

Assertiveness and power are connected in practice and in theory. Presidential preemptive interventions in foreign policy lawmaking are important because they come are released from a position of strength. Given presidents’ capacities to act unilaterally and in light of executive advantages in this policy area, legislators take executive messages that assert presidential power seriously. Assertiveness is understood not in binary terms of presence and absence, but rather as a matter of degree in that it is more or less present. I apply this in the analysis by relying on eight categories to classify presidential positions communicated in their SAPs. Much like interbranch relations themselves, power is relational or as Howell has famously written: “the president’s freedom to act unilaterally is defined by Congress’s ability, and the judiciary’s willingness, to subsequently overturn him.” (2003: xv). However, I posit that the authorization leverage also

allows lawmakers to set limits on the president's foreign policy agenda prior to executive action, which is why the White House intervenes preemptively to address undesired provisions that lawmakers attached to NDAs. Hence, the relational concept of power is engrained in the fabric of the American checks-and-balances system. This line of thinking about power relates to the concept of compulsory power outlined in Barnett's and Duvall's famous taxonomy of power (2005: 45). As such, power is defined along the seminal lines of Max Weber as the "probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability exists." (1947: 52) and Dahl's definition of power as the ability of actor A to get actor B to do something that B would otherwise not do (1957: 202-203). I specify this relation by introducing the role of agency in the next paragraphs. Presidents act assertively, when their SAPs challenge Congress on legislative content, while the degree of assertiveness responds to the level of opposition voiced therein. Thus, I understand power to be a prerequisite of assertiveness.

Power has a performative pivot in that it is most visible in the outcome of social interaction brought about by actors. Agency is a more complicated matter than discerning assertiveness from power, because challenging questions arise when agency and structures meet as they do in embedded institutions. Do rigid structures preclude agency and if so, do actors that materialize agency not matter in institutionalized settings? How do we reconcile individual agency and institutionalized structures that by definition reign in the choices available to the actors it encompasses? I revisit the previous theme of constitutional ambiguity to alleviate this theoretical tension. No institution is perfect in regulating behavior "[...] because the rules are never complete and definitive, there is also an indispensable role for the individual." (Greenstone following Wittgenstein 1986: 48; Sheingate 2010: 169). Constitutional ambiguity creates the room for congressional and presidential agency. Change is ultimately animated by actors and instigated by temporal dynamics and contextual factors. Therefore, agency and structure are best not perceived of as a dualism, but rather as a complex and dynamic duality (Hay and Wincott 1998: 956) – especially in the American system of checks-and-balances.

Change occurs in institutional settings without breaking the seal of contingency inherent to these structures. By the same token, structures can be restrictive by limiting choices while they can also be productive by organizing and streamlining agency. Moreover, any structure is never fully isolated from its environment. Instead, it is embedded in changing arrangements of contextual

factors that are consequential for the interpretations of constitutional ambiguity and for the expression of agency. This is to say that the extent to which imperfect regulation engenders leeway for strategic action is influenced by shifts in the respective contextual settings. For instance, mid-term elections can decidedly shift the composition of government changing everything from committee composition in Congress to interbranch negotiation tactics. Similarly, spiking partisan polarization can contribute to rising tension within and between governmental structures. External crises can suddenly increase the salience of presidential leadership boosting their prospects of successful assertions of power and creating an edge that they hesitate to let go in the future. In short, no structure is so institutionalized that it could free itself entirely from the influence of contextual pressures that are outside of its regulatory reach. I define agency to be dynamic in itself and conditioned by the temporal-relational contexts of actions (Emirbayer and Mische 1998: 1004; Emirbayer 1997). Put in a nutshell, “the core idea is that agency and structure (institutions) are integrated and mutually interactive factors.” (Fürstenberg 2016: 52).

Agency is relational by nature in a system of separated institutions sharing power in their struggle to direct American foreign policy. “At every step, actors are conceived of not as atomized individuals, but rather as active respondents within nested and overlapping systems.” (Emirbayer and Mische 1998: 969). This applies as much to collective action in the legislature as it does to presidential preemptive interventions by means of SAPs. Agency, after all, is the actor’s capacity to purposively influence outcomes in dynamic and embedded structures under the impression of ambiguity. Hence, attributes of agency are closely tied to attributes of power and power itself is a relational element in the social world. It follows that more powerful actors can take their agency further in shaping the product of institutionalized processes such as legislating foreign policy. Thus, agency is capacity turned into purposive action. In this light, presidential assertiveness characterizes executive action, which aims to reproduce and reinforce power asymmetries in foreign policy. In essence, I theorize that agency is achieved relationally through practice. Presidential agency in foreign policy legislation is recalibrated by the practice of executive engagement in lawmaking. Finally, I suggest that the extent to which preemptive interventions become more prominent across time illuminates uncovers resurgent congressional voices in foreign policy.

Ontologically, historical institutionalism leads my theoretical framework away from the rational-choice and the sociological institutionalists in meaningful ways, while still borrowing

some of their propositions. I follow a rather unique path carved out in early academic debates on institutional theory and historical institutionalism's place therein (Hay and Wincott 1998; Thelen and Steinmo 1992; Hall and Taylor 1996, 1998). As such, my account of historical institutionalism is premised on the rejection that actors have a fixed set of preferences pursuing only their self-interest that is informed by complete knowledge about antecedent conditions and likely outcomes. In essence, this rational-choice institutionalism assumes that actors are self-serving utility maximizers and that institutions explain stability in these settings of multidimensional choice (Sanders 2006: 42; Weingast 2002; Shepsle 2006; Farrell 2018). Hence, special attention is attributed to the rather narrowly framed and strategic interactions of rational actors within the respective set of stable institutional constraints. The latter are either exogenously given or interactively established by the involved actors (Shepsle 2006). Regardless of the exact definition of the term, "the fundamental argument of rational choice approaches is that utility maximization can and will remain the primary motivation of individuals [...]." (Peters 2019: 55). There is a certain gravitational pull towards game-theoretic and quantitative explanations in this tradition connecting to the *veto-bargaining stream* outlined in chapter 2. Actors are perceived of as playing a game of intersecting and discernable sets of preferences. This results in the conviction that outcomes in the social world are largely calculable. Rational-choice institutionalism can be thought of as a microscopic view on the interactions of predictable envoys of action set in structure-induced equilibrium. It follows that institutions are purely functional in that they reduce uncertainty about the procedural steps that organize the game.

In rational-choice institutionalism, the tension between stability and change is particularly obvious. How do we explain evident change such as the growth of presidential power in foreign policy when both the structures as well as the actors under study are characterized by steadiness and static preferences? Even under the assumption of bounded rationality, rational-choice institutionalism remains rather hopelessly caught in a dualism between agency and structure leaving it somewhat perplexed by institutional innovation and change unless it is linked to significant external shocks. "Therefore, institutional change happens only when *ceteris* is no longer *paribus*, that is, when shocks exogenous to the system of institutions alter the context." (Hall 2010: 205; emphasis in original). This is similar to my *critical-juncture argument* in that it locates the causal force leading to institutional change outside the institutions themselves. However, rational-choice institutionalism does not embed this within a broader theory of

institutional change, which is evidence of its restrictive ontological predispositions. This sharply separates phases of continuity from periods of change bearing witness to the dualism of structure and agency that historical institutionalism intends to overcome.

Contextualizing agency and structure historically emphasizes the logics of path-dependency and, more recently, of gradual and incremental change, which arguably breaks the impasse that institutional theory encounters when reconciling change and stability purely on rational-choice terms. I define structures to be a set of organizing principles that are institutionalized in their ongoing practice, where ambiguity in regulation and the context engender relational agency. Reversely, any structure that lacks continuity in practice cannot be an institution and it would stifle consistent agency. In this sense, I postulate that institutionalized structures and agency are not theoretical opposites. Instead, they are connected in an active dynamism that defines and shapes institutions. Therefore, institutions are stable but not static (Weaver and Rockman 1993; March and Olson 2006). With regards to the U.S., Frances Lee argues that “certainly, the system is not static. Recent decades have seen an enormous amount of institutional innovation.” (2015: 276). What I term the assertive presidency essentially encompasses my effort to isolate and study a key mechanism of actor-specific intervention and to better understand its role and evolution in interbranch relations that underpin American foreign policy.

While historical institutionalism certainly agrees with perceiving of institutions as structures predicated on stability by means of constraint, its take on institutions is less driven by pure functionalism and more by the rather open empirical and historical question about the functionality or dysfunctionality institutions exhibit in a longitudinal perspective. The difference is important and clear. For instance, it is irrational for Congress to undermine its public image by exhibiting rising gridlock and dysfunction. Policy progress should outweigh partisan bickering and rational choice institutionalism experiences a hard time explaining that the opposite is characteristic of the contemporary American legislature. In the long view, however, historical institutionalism could point to the gradual erosion of democratic norms such as institutional forbearance driven by partisan polarization and the increased occurrence of divided government offering a sense of the broader trends at play. Therefore, historical institutionalism is more interested in the longitudinal study of how institutions are maintained and how they evolve over time instead of studying the rather piecemeal dynamics of self-serving actors. As such, actors pursue certain goals instead of individualistic preferences marking an ontological shift away from

rational-choice frames of thought (Sanders 2006: pp. 42). Goals have a more public and less self-serving dimension opening the ontological vision towards collective action and the role of ideas for institutional design and adaptation under the impression of constitutional ambiguity, which sustains the dynamic relationship between structure and agency.

Despite the differences outlined above, historical institutionalism as I develop it throughout this chapter does show some proximity to the rational-choice propositions, because I theorize that the degree of presidential assertiveness in SAPs can serve as an indicator for presidential agency in legislating foreign policy. This is somewhat unconventional for historical institutionalism and its interest in the broader stories of institutional genesis and development because it turns the focus to a unit of analysis that associates more naturally with research agendas pursued by rational-choice arguments. I recognize this slight departure from convention, but I argue that it pays off in full for two reasons: first, the empirical patterns uncovered later in this project do turn out to tell a story fit for the scope of historical institutionalism's narratives. I find a clear trend towards more expansive and aggressive presidential assertions of power in SAPs – particularly so after the critical juncture of 9/11 and in settings of divided government. Second, focusing on presidential action anchors the empirical analysis in a concisely defined and relational mechanism, which helps to disentangle the dynamism between structure and agency in institutional theory. In this way, the theoretical and the empirical levels of my research are intimately connected and stimulate each other. In essence, “properly understood, the two [rational choice institutionalism and historical institutionalism] are *not* mutually contradictory, contrary to the portrayals of the discipline as one of war of paradigms.” (Greif and Laitin 2004: 649; italics in original).

The established distance to rational-choice institutionalism does not, in turn, imply a natural proximity to the ontological counterpart. Sociological institutionalism is indeed less ontologically restrictive than the rational-choice line of thinking, but it encounters similar, if not greater, difficulties with agency and structure since it underplays the former in favor of the role of culturally informed norms that underpin institutions. Norms and ideas rather than rules are moved to the spotlight. This makes for an easier separation between its ontology and historical institutionalism. In the sociological tradition, behavior is explained not by a rational calculus but rather by the institutional culture that installs a shared sense of appropriateness (Hay 2006; Meyer and Rowan 1977). To a large extent, institutional theory, much like the discipline of political science itself, is characterized by the calculus versus culture debate, which might as well be framed

as the positivist versus the constructivist debate. In the sociological line of thinking, institutions provide the cognitive scripts that are indispensable for actors to associate their actions with meaning. “It follows that institutions do not simply affect the strategic calculations of individuals, as rational choice institutionalists contend, but also their most basic preferences and very identity.” (Hall and Taylor 1996: 948; see also Hall 2010: pp. 216). Consequently, institutions are manifestations of the logic of appropriateness and individual agency is enacted by the intersubjective and often discursive reinterpretation of convention. Therefore, institutions are more than rules and self-serving actors. Rather, disaggregated processes of shifts in the meaning actors associate with an institution drive change. The departure from rational choice institutionalism is evident in these constructivist explanations of institutional development. In sociological institutionalism, “[...] change is rarely the rational, planned activity found in strategic plans but more emergent and organic occurrence.” (Peters 2019: 42). Similarly, sociological institutionalism has a much broader definition of institutions that extends beyond formal rules and their ambiguities to “[...] the symbol systems, cognitive scripts, and moral templates that provide the ‘frames of meaning’ guiding human action.” (Hall and Taylor 1996: 947), which is evidence of the strong influence of social constructivism in this line of thought.

To some extent, focusing on norms and convention is more receptive of broader trends. To illustrate this departure from rational-choice institutionalism, the electoral success of the New Deal coalition and the expansion of the welfare state was at least in part tied to a shared reinterpretation of presidential power and responsibility in the aftermath of the Great Depression. Similarly, Trump’s victory in 2016 and the multifaceted institutional changes that ensued could be explained by the erosion of normative boundaries against inappropriate behavior that began much earlier than his quick ascent to power would suggest. These rather abstract examples illustrate that sociological and normative explanations work well for making sense of formative moments for institutional settings. In this light, institutions do not simply affect the calculus of rational-choice actors. Rather, they influence the actors’ most basic preferences as well as their identity. It follows that any action is intimately connected to interpretations since sociological institutionalist “[...] posit a world of individuals and organizations seeking to define and express their identity in socially appropriate ways.” (Hall and Taylor 1998: 949; March and Olsen 2006).

At first glance, some of sociological institutionalism’s prepositions seem to resemble the role of ambiguity envisioned by historical institutionalism’s approach to deconstruct the initial

tension between agency and structure. After all, indeterminacy invites actors to leverage their agency strategically and sociological institutionalists do make a point out of emphasizing the intrinsic ambiguity of institutions (Hall 2010: p. 216). However, agency is strategic and purposive in historical institutionalism as actors pursue certain goals, whereas it is cast in more deliberative and intersubjective terms for most of sociological institutionalism's ontological landscape. In a clear departure from the sociological side, historical institutionalism suggests that ambiguity also leads to overt contention especially when power-asymmetries factor in with agency (Thelen and Conran 2016). "HI [Historical Institutionalism] has never forgotten that institutional outcomes have losers." (ibid: 65). This is perhaps the most notable difference between sociological and historical institutionalism. In the former, ambiguity is tied to the malleable norms that undergird otherwise widely regularized practices. In the latter, creative leeway emerges in the ambiguity of the rules themselves (Sheingate 2010: 169). "The institutions that are at the center of historical institutional analysis [...] can shape and constrain political strategies in important ways, but they are themselves also the outcome [...] of deliberate political strategies, of political conflict and of choice." (Thelen and Steinmo 1992: 10). This close and dynamic link between agency and structure separates my theoretical framework from both rational-choice and sociological institutionalism.

I suggest that Congress and the presidency following the constitutional invitation to struggle over the privilege of directing American foreign policy interact in the legislative arena in which the dynamic duality between agency and structure plays out. What really sets historical institutionalism apart from the other two institutional ontologies discussed here is its call to move beyond analytic snapshots towards longitudinal perspectives through complete timeseries. "If HI [Historical Institutionalism] teaches us anything, it is that the place to look for answers to big questions about class, power, war and reform is in institutions not in personalities, and over the longer landscapes of history, not the here and now." (Sanders 2006: 53). While some parallels to rational choice and sociological institutional theory emerge, historical institutionalism is a novel approach in its own right carving out a unique research agenda. Before I emphasize this point in the subsequent sections by illustrating the theoretical bearings of critical junctures and gradual change, my previous point on power-asymmetries in conjunction with presidential agency mandates some further clarifications. The following paragraphs directly refer back to the initial motivation of this project as outlined in chapter 1.

Presidents are expected to be most vocal and engaged in foreign policy lawmaking because they have a reasonably high expectation of success and because their office is better suited for handling international relations – especially so when quick action in the face of crises is required. The president’s institutional advantages over Congress in the field of foreign policy are well known and I discussed them earlier (see chapters 1 and 2). Put in a nutshell, these are the presidents’ first mover discretion (Canes-Wrone et al. 2008: 4), privileged access to information and expertise (ibid.: 5; Milner and Tingley 2015: 34), their unity of office and the separated election cycles of Congress and the president. Informational asymmetries in favor of presidents are particularly supportive of presidential authority in foreign policy (Milner and Tingley 2015: 259). By extension, political crises, congressional deferral or passivity, gridlock due to partisanship and plummeting public confidence in government (Thurber and Tama 2018: 14; Binder 2015), provide for abundant windows of opportunity for presidential assertiveness to access foreign policy lawmaking preemptively. Thus, presidents have the means (i.e. SAPs), the motive (intervention in foreign policy lawmaking) and the opportunity (constitutional ambiguity, institutional advantages and trend towards increasing executive control over foreign policy) to challenge foreign policy legislation preemptively – especially after historical circumstances shifted rapidly with 9/11 in response to the rally-‘round the flag moment. In other words, presidents can use SAPs as a device to facilitate executive involvement in the early stages of lawmaking.

However, Congress is front and center for the procedural steps of lawmaking by constitutional design and is able to force the president’s hand in this arena. Jordan Tama points out that presidents regularly sign disliked bills into law that pertain to international sanction legislation showing that Congress is indeed powerful especially when a broad consensus unites both sides of the aisle (2019: p. 14). Contrary to the common narrative of entrenched polarization reaching foreign policy positions, recent scholarship indicates that legislators continue to be far less divided on international issues as compared to domestic matters (Bryan and Tama 2022; Friedrichs and Tama 2022). My findings relate well to this notion of legislators being less tied up in obstructive polarization when it comes to foreign policy, because different measures for the extent of the partisan divide come up short in terms of explaining spiking assertiveness. Also, I demonstrate that lawmakers employ their authorization leverage more widely over time to attach foreign policy provisions to draft NDAAs, which leads to more assertive presidential opposition. The prevalence

of bipartisanship in passing large legislative proposals helps sustain congressional voices in foreign policy.

Boeller and Herr show that Congress successfully implemented securitization discourses on US-Russian relations in order to force a reluctant president to sign into law a tough sanctions regime on Russia (2019: 16). This directly speaks to previous evidence gathered by Carter and Scott (2009), Lavelle (2011) as well as Auerswald and Campbell (2012), which points to considerable congressional sway over foreign policy outcomes when viewed in the context of lawmaking. Legislating is still a shared enterprise and, in Corwin's (1984: p. 201) famous words, the American Constitution "[...] is an invitation to struggle for the privilege of directing American foreign policy." Congress continues to hold considerable sway over foreign and defense policy (Carter and Scott 2009; Lavelle 2011; Auerswald and Campbell 2012; Tama 2019) – especially so when authorizations and appropriations are used to exert pressure on the executive. Presidents are powerful in foreign policy "[...] but at the end of the day, Congress controls budgets and the financing of all government policies in addition to enacting laws regarding all policies." (Milner and Tingley 2015: 34). While rapid decision-making often precludes lawmaking in foreign policy action, consequential constraints like funding limitation, reporting requirements and limitation riders are indeed important legislative tools available to constrain presidents. In the face of presidents that invoke power asymmetries in foreign policy, legislators likely resort to their stronghold of influence and rely on their authorization leverage more frequently. Hence, assertive SAPs are a response to Congress attaching foreign policy provisions to authorization legislation more widely.

The key message is that presidential agency in the legislative arena is relational in that it is not defined by the executive's actions and powers alone, but to a large extent by congressional checks and contextual factors. Therefore, it stands to reason that the American system of government experiences shifts in competitive interbranch relations. My research suggests that SAPs convey preemptive and determined presidential interventions in the formative stages of new authorization legislation providing a rich and relatively new pool of empirical data that can help to better understand interbranch dynamics. As the next sections illustrate, historical institutionalism suggests that the source of the cause leading to change can be located both inside as well as outside the institutional arrangement under study here. In overt connection to constitutional ambiguity, I argue that the contested American checks-and-balances system, while

broadly framed by the Constitution, is in itself characterized by the competitive interbranch relations between Congress and presidents. Contestation together with constitutional ambiguity sustains room for change in an otherwise rigid institutional setting promoting individual agency.

In historical institutionalism, politics is a process structured in time and space (Peterson 2004; Streeck and Thelen 2005; Hall 2016). As such, historical institutionalism “[...] associate[s] institutions with organizations and the rules or conventions promulgated by formal organization.” (Hall and Taylor 1996: 938). A key component of this take on institutions emphasizes their permanence in ordering social interactions by continuous practice. Yet, “the persistence of institutions is not a matter of unreflective adherence, but the outcome of exercises of power and interpretation, whose result is at best a contested stability [...]” (Hall 2010: 217). Contested stability directly speaks to the inherent friction in the American checks-and-balances system where agency unfolds in ambiguity and helps to pinpoint change in interbranch dynamics over time. That is why it is important to test to what extent presidential assertiveness might be a function of congressional efforts to enhance the authorization-leverage. Hence, my analysis sets out to study institutionalized practices that are structured across time by critical junctures and incremental change (Mahoney et al. 2016: pp. 77).

In line with the two perspectives pursued in historical institutionalism, I aim to explain the variance of presidential assertiveness from different but connected perspectives in terms of temporality and location of the cause. As such, the *gradual-change argument* assumes a longitudinal perspective and locates the source of change within the interbranch relationship between Congress and the presidency. In contrast, the *critical-juncture argument* focuses on 9/11 as a formative moment in time with a lasting legacy locating the cause outside of presidential-congressional interactions. At the heart of institutional theory is the struggle to reconcile the seemingly opposing forces of dynamism and durability – between the nature of institutions themselves and the endogenous as well as exogenous forces of change. In fundamental terms, institutions are meant to “[...] constrain, constitute or limit the behavior of actors and the range of alternatives they confront.” (Sheingate 2014: 462). However, this subchapter illustrated a way to break this impasse by outlining a dynamic and relational understanding of agency. This implements the ontological signposts for my *gradual-change* and my *critical-juncture argument*. Put in a nutshell, institutions constrain action without eliminating agency. Rather, their inherent ambiguities engender and foster it. “In political life, unstructured agency is as unthinkable as are

structures with no agents.” (Conran and Thelen 2016: 66). The duality of agency and structure makes institutional change possible and likely. Institutions witness change because they are adaptive. “There will be change and evolution, but the range of possibilities for that development will have been constrained by the formative period of the institution.” (Peters 2019: 84). The consequential questions are why and how does change occur. I present and assess two modes of change. First, change in interbranch relations is spurred by an exogenous shock and manifest in spiking presidential assertiveness thereafter. Second, change occurs gradually over time and becomes visible when preemptive executive interventions by means of SAPs are traced across time. In both modes of change, presidential preemptive pressure in foreign and defense legislation is the indicator for change and SAPs are the mechanism that connects executive agency to legislative proposals.

3.2 The Critical Juncture-Argument: Exogenous Shocks and Their Legacy in Interbranch Relations

Institutions establish structures and codify procedures by ensuring their ongoing practice in order to facilitate trust and accountability. They manifest and carry on a certain equilibrium, which is particularly true for the checks-and-balances system in the U.S. that anchors liberal democracy in the dualism of separating and sharing powers between the three branches of government. Subscribing to the framework of durability and sturdiness as characterizing principles of institutions, it makes sense to assume that only powerful and external forces could meaningfully impact such resilient constructs apart from an evolution along path-dependent lines. Viewed from this angle, entrenched and path-dependent structures plausibly do not change significantly from within but rather through external shocks that are difficult if not impossible to anticipate creating an immediate need for adaption and ample leeway for agency as constraints are loosened. Hence, critical junctures inflict a high degree of pressure on the inflexible fabric of institutions. In this light, institutional change is a response to the impact of external and rapidly unfolding events that create uncertainty in an otherwise rather certain setting. When institutions are caught off guard like that, actors scramble to adjust in time to rise to the occasion often without a clear account of long-term consequences. In these circumstances, institutions can become less stringent custodians of continuity and more open to change. Also, such forceful exogenous shocks usually impact an entire ecosystem of embedded institutions that also have to sort out the question of agency in

leading the response when power and competencies are shared as they are in the political system of the U.S.

After 9/11, presidential authority over foreign and security policy was significantly extended to combat the threat of international terrorism. Congress quickly rallied behind the president and cleared the use of force in the war on terror. For instance, in a 98-0 and 420-1 vote in the Senate and the House respectively, lawmakers passed a joint resolution (PL 107-40) that authorized the president to “use all necessary and appropriate force against those nations, organizations or persons he determined planned, authorized, committed or aided the terrorist attacks occurred on September 11, 2001, or harbored such organizations or persons.” (CQ Almanac 2001). The Patriot Act of 2001 and its subsequent extensions expanded the surveillance abilities of law enforcement, reorganized interagency communication between federal agencies and adjusted the legal definition of terrorism as well as corresponding penalties. This act also allowed the indefinite detention without trial of non-citizens in facilities such as the controversial Guantanamo Bay Prison. Clearly, Congress deferred to the president to respond to the exogenous shock of 9/11 and President George W. Bush was able to use military force against Afghanistan and later Iraq with congressional consent. The Homeland Security Act of 2002 established the Department of Homeland Security, which is a federal executive department tasked with, among others, public security, anti-terrorism and cyber security. It is coordinated at the White House through the Homeland Security Council, which is an entity within the Executive Office of the President. Clearly, lawmakers deferred to the president for responding to the crisis and consequently fortified presidential control over the executive branch.

The exogenous shock led to legislation that relaxed checks on presidential war powers and streamlined executive control over federal agencies and law enforcement. It also led to the creation of a new federal department, which permanently puts presidents in charge of crisis response and management. The Department of Homeland Security also significantly expanded the president’s informational advantages vis-à-vis Congress. Overall, “[...] September 11 and its aftermath was a tidal wave accelerating this process, bringing enhanced visibility and leverage to the presidential office.” (Rudalevige 2006: 12). 9/11 was a juncture with evident institutional consequences. Presidential power in foreign, defense and security policy grew. I argue that this expansion becomes more contested over time as the urgency of extraordinary measures in response to the crisis fades and congressional checks begin to recalibrate and to adapt. As such, Congress

relies on its power of the purse and attaches foreign policy provisions to authorization legislation in order to regain some of the control over executive action in foreign policy delegated to the White House in response to 9/11. Tougher scrutiny of executive preponderance in foreign policy leads to more assertive challenges in preemptive SAPs for draft NDAs. Therefore, I expect presidential assertiveness to be significantly higher after the critical juncture.

Hypothesis 1: Presidential assertiveness in SAPs released after 9/11 increases significantly as compared to the pre-9/11-years

The *critical juncture-argument* builds on the notion that 9/11 significantly bolstered presidential power. President George W. Bush was put in charge to level a decisive response to the terrorist attacks in what can be read as a clear manifestation of the rally-‘round-the-flag effect that Congress initially supported by means of corresponding legislation – witness the Patriot Act of 2001 (PL 107-56), the Iraq Resolution of 2002 (PL 107-243) and the ensuing war on terror as well as the introduction of the Department of Homeland Security within the executive branch. These far-reaching responses provide some initial indications of a critical juncture because they significantly depart from interbranch relations prior to 9/11. “Indeed, there is good evidence to claim that 9/11 was an earthquake that loosened up institutional routines [...]” (Tarrow 2017: 10). Without much hesitation, Congress vastly expanded presidential prerogatives in waging war significantly departing from previous interbranch routine and resurgent congressional counterbalance to executive power. For instance, when President Clinton tried to sign legislators on to the war in the Balkans, he faced a far more reluctant Capitol Hill when it came to committing US forces to the missions for an extended period of time. At least since the War Powers Act of 1973, Congress frequently signaled that it was committed to rein in presidential preponderance when it came to committing the US to armed conflicts – so much that legislators even overruled President Nixon’s veto on said bill with bipartisan majorities. 9/11 was different in many ways because it was a rare attack on US soil with severe civilian casualties. A nation under shock was soon eager to fight back no matter the cost opening up previously more guarded pathways for presidential power. One rather frank and common read of this holds that “in 2002, Congress looked to have surrendered its constitutional role in foreign policymaking to the White House.” (Lindsay 2018: 219). Yet, power shifts towards the White House in times of war are not uncommon in the history of interbranch relations.

Looking back, the default option in interbranch relations when it came to responding to crises is to support the executive branch and especially the president in leading the way. As pointed out above in Chapter 2, times of crises are usually associated with rising salience of presidential leadership, which ties into the notion of critical junctures emboldening presidents to act more assertively given the relaxed constraints. I follow Capoccia and Kelemen (2007: 348) in defining a critical juncture as “[...] relatively short periods of time during which there is a substantially heightened probability that agents’ choices will affect the outcome of interest.” There are multiple examples throughout American history that further exemplify this notion, many of which figured prominently in my introduction’s review of presidential power expansion over the last 100 years. The Great Depression, for instance, led to an overhaul of the American welfare state marking the onset of the growth in presidential power domestically. In terms of foreign policy, the leadership of FDR, Harry Truman and Dwight Eisenhower during and after World War II respectively, by and large did not incur strong opposition in the legislative branch as compared to the prominent rebuke of Woodrow Wilson’s early vision for a League of Nations that was rejected by a reluctant Senate under Republican leadership in 1919 shortly after Germany’s surrender to the allied forces.⁴

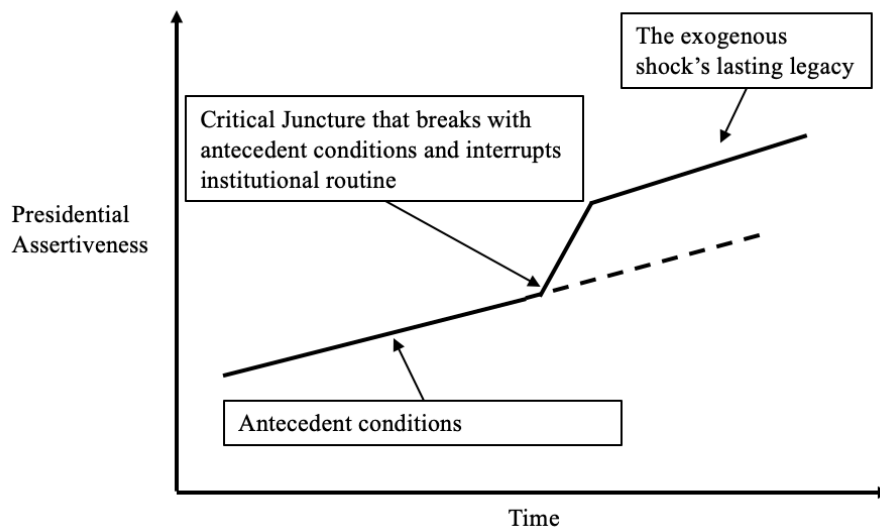
Apart from a few prominent exceptions, the key message is that “[...] all manner of crises contribute to the expansion of unchecked executive authority.” (Krebs 2010: 189). Crises tend to lead legislators as well as the public to gather around the White House expecting the president to act. Put differently, extreme circumstances tend to expand presidential first mover advantages by delegating power and by rolling back constraints. In essence, these exogenous shocks cause the path of institutional evolution to branch off in a distinct direction because “[...] for a brief phase, agents face a broader than typical range of feasible options [...]” (Capoccia and Kelemen 2007: 348). Within historical institutionalism, this line of thinking is based on the branching-tree- model as the mode of explanation as opposed to the punctuated equilibrium model. Gerschewski (2021: p. 224) reminded historical institutionalists of the importance to be clear about this distinction: “Branching tree models mark the divergence of paths due to an exogenous shock, highlighting

⁴ After the midterm elections in 1918 turned control of the Senate over to the Republicans, the senior senator from Massachusetts, Henry Lodge, was vital for Wilson to secure Senate approval of the treaty of Versailles that included the provisions for the League of Nations. However, Wilson’s mind was set on a peace without victory while Lodge demanded Germany’s unconditional surrender. Wilson did not include members of the Senate in the peace negotiations of Versailles and made the treaty’s content publicly available prior to discussing it with the Senate committee on foreign relations chaired by Lodge. This is to say that Senate approval was unlikely in the first place.

continuity. In contrast, the step function [or punctuated equilibrium] model sees exogenous shocks as causing isolation from each other and offering a new beginning, so emphasizing discontinuity.” 9/11 did not upend interbranch relations like large-scale wars upend international orders. Rather, executive-congressional relations diverged on a different path that is characterized by more assertive presidents. Hence, the juncture’s legacy is open-ended.

Next to the constitutional mandate as the commander in chief, the president’s unity of office, streamlined decision-making and informational advantages, indeed provide ample plausible arguments for pursuing ambitious goals when swift action is required. However, adjustments under the impression of exogenous shocks bear heavily on the institutional setting involved. When these sudden changes begin to cast a long shadow, contestation evolves around the durability as well as the actual impact of measures implemented under the impression of sincere urgency. This is the backdrop for thinking of institutional evolution along a branching-tree-model, which implies that institutional settings can only weather so much disturbance before the continuity they establish branches off in a crisis-inflicted direction with the presidents’ hands usually on the steering wheel (Gerschewski 2021: pp. 223). In short, crises enhance power asymmetries by expanding the room for strategic agency of presidents. Figure 3.2 illustrates this broad notion. In essence, the exogenous shock moves the institutional assemblage on a path that diverges from the pre-juncture and path-dependent evolution. A return to the antecedent conditions is unlikely, while the juncture does not upend the system itself.

Figure 3-2: The logic of critical junctures



Source: Own illustration.

In theory, the severity of the shock leads to permissive conditions for presidential agency that culminates in long-term shifts, which breaks with pre-crises conditions. To clarify, historical institutionalists note that “[...] during moments of social and political fluidity such as critical junctures, the decisions and choices of key actors are freer and more influential in steering institutional development than during ‘settled’ times.” (Capoccia 2015: p. 5). Earlier works also picked up and developed this notion of actors driving change in the aftermath of critical junctures (Capoccia and Kelemen 2007). My study of SAPs can be helpful to explore this question of agency under the impression of crises by analyzing to what extent presidents challenge legislative content in foreign policy preemptively when emergency measures have a lasting legacy for interbranch dynamics. As such, presidential assertiveness in SAPs could be indicative of emboldened presidents who are reluctant to loosen their grip on foreign policy decision-making in the legislative arena once the immediate urgency of the crises fades.

The emergency powers did not only expand presidential preponderance domestically in the sense of interpreting constitutional ambiguity in favor of more discretion over foreign policy for the White House. The expansion of presidential power also speaks to a long tradition of US-presidents taking center stage whenever large-scale crises occur. Echoing the point I made earlier, Lowande and Rogowski (2021) recently supported the notion of presidents gaining more room to maneuver in exercising their power when substantial crises occur: “The development of a strong presidency is directly tied to critical moments – like the Civil War, the Great Depression, and World War II – when American democracy was under transformative pressure. In these moments, institutional checks and balances on executive authority diminished.” (ibid: 1420). Hence, it follows precedent that President George W. Bush was able to spearhead the American response to the threat of international terrorism without being too concerned about sincere congressional scrutiny in the early stages after the critical moment occurred. In fact, “in the immediate months after 9/11, Congress’s foreign policy voice was muted and largely deferential to presidential direction.” (McCormick 2018: 5). This began to change with the start of the controversial Iraq War as Bush’s prerogatives started to meet more public resistance and legislative opposition – especially so after Democrats took control of the House of Representatives in 2006.⁵ In this light,

⁵ On an interesting side note, one of the earliest political figures to oppose the Iraq War was a young state senator from Illinois by the name of Barack Obama. His 2002 speech in Chicago at an anti-war rally, which caught nationwide attention, is somewhat famous in this regard.

more assertive preemptive challenges in SAPs are efforts to defend executive authority, which begins to meet tougher resistance. Congress as the balancer of presidential power aims to counter the lasting effect of the change set-off by the critical juncture. The causal logic that undergirds theorizing on how critical junctures set off long-term changes to a large extent centers on the legacies of emergency measures (Soifer 2012; Broschek 2013; Capoccia 2015; Gerschewski 2021).

Historical institutionalists direct their attention to theorize and study the effects critical junctures have on institutional settings and their modes of operation, which relates to an established tradition of trying to explain institutional change more broadly. Embedded in comparative-historical analysis, the seed of studying critical junctures was planted in the academic discourse by virtue of the pioneering work of Seymour Lipset and Stein Rokkan (1967). They researched the consistency of cleavage structures and party systems in connection with voter alignment and defined watershed moments like the implementation of universal suffrage in Europe as critical junctures. It stands out that in the early stages the focus rested less on exogenous shocks and more on unit-level dynamics such as societal cleavages leading up to a critical juncture-event instead of the formative moment in time suddenly appearing from without. In fact, both dynamics can be incorporated in the framework for studying critical junctures as outlined by David Collier and Gerardo Munck (2017: 3). In both scenarios, critical junctures are understood to be turning points that have lasting legacies. This is a key identifier worth highlighting: “In short: no legacy, no critical juncture.” (ibid.: 6). Legacies are enduring institutional inheritances that are tied to the ways in which institutional arrangements coped with the pressure of a formative moment in time. Yet, what does this theoretical condition for identifying critical junctures mean for the ensuing analysis? Put differently, what would empirical evidence of a critical juncture look like? Even though my analysis cannot encompass a comprehensive assessment of the lasting legacy that is tied to the way the institutional arrangement in D.C. responded to the terrorist attacks in 2001, it can identify traces of it in the study of presidential assertiveness in foreign and defense legislation. As such, evidence in support of the *critical-juncture argument* would have to indicate a severe shift in presidential assertiveness after 9/11 as compared to the years covered in the analysis that predate the exogenous shock. Also, spiking presidential pressure on legislators as they draft NDAs would need to remain a persistent theme in the aftermath of 9/11 to indicate a lasting legacy.

It becomes clear that the study of critical junctures should not be conflated with a short-term focus on a particularly shocking event. Instead, the analysis needs to cover a significant period prior to as well as after the event that triggered the juncture. With regards to 9/11, my established period of observation is sufficient to uncover meaningful results on the critical juncture because it covers the years 1985-2020. However, looking at a relatively broad period does present a pitfall for reliably identifying a critical juncture in the empirical analysis and it is well known to the literature on historical institutionalism. As such, it may prove to be difficult to disentangle the critical juncture's legacy from the effects of broader trends that cut across the comparison between pre- and post-juncture periods. For instance, what the analysis might identify as spiking presidential assertiveness in the aftermath of 9/11 could just as well be explained by rising partisan polarization or by the increased occurrence of divided government. This already points to the added significance of my *contextuality-argument* as a control for the individual effect of gradual change and the critical juncture argument. Similarly, incremental change over time might prove to be the more convincing explanation for the empirical patterns the analysis uncovers. Foreshadowing some methodological choices, I intend to test the explanatory power of both arguments rooted in historical institutionalism (the *critical-juncture* and the *gradual-change argument*) while also assessing the influence of established predictors in analyses of interbranch relations (the composition of government, presidential approval rating and the level of polarization). The empirically challenging task is to separate the broader trend traced by the *gradual-change argument*. Looking ahead to the chapter on research design, I leverage the Newey-West standard errors to rule out auto-correlations between individual predictors and I demonstrate descriptive evidence on my theory-driven propositions.

Many years after Lipset and Rokkan (1967), Stephen Krasner (1984) famously argued that politics in general reflect the dynamic of critical junctures in that history may be organized around formative events. One of the key contributions is that we should define critical junctures as moments when developments largely outside the institution render it more pliable and in need of adaptation (ibid.: 240). The seminal study of Ruth Collier and David Collier (1991) on the Labor Movement in Latin America moved critical junctures much closer towards the center of institutional theory breaking the ground for an on-going debate about how to best theorize and conceptualize research on these formative moments in time. Also, their perspective differed in important ways from the direction originally taken by Lipset and Rokkan (1967). The latter

pinpointed a critical juncture for European party systems and traced central explanatory factors in the decades leading up to the eruption of powerful change within a condensed timeframe. In contrast, Collier and Collier (1991) studied the time after critical junctures. More specifically, they emphasize that critical junctures usually have a rather lasting legacy in the sense of breaking away from antecedent conditions for an unspecified period of time (Collier and Collier 1991: pp. 30), which I illustrated in figure 3.2. Hence, their occurrence is sudden like the terrorist attacks on 9/11, but their actual impact in terms of the change they trigger becomes apparent across a broader time horizon than the actual event itself.

Building on the insights gathered so far, David Collier and Gerardo Munck (2017: p. 2) establish a considerably streamlined definition of three characteristics for an event to be understood as a critical juncture: First, the event under study must be tied to a major institutional innovation. The second posits that change must be plausibly connected to distinct ways, in which the respective institution under study adapts. Lastly, the third characteristic is closely related to Collier's and Collier's (1991) emphasis on critical junctures having a legacy that is palpable long after the sudden occurrence of an exogenous shock. Put simply, critical junctures depart from the established path-dependency instigating rapid and lasting change because the unilateral enactment of presidential power is less constrained than it is in normal times and because this trend is difficult to reverse. "Thus, scholarship on American institutions suggests that the separation of powers poses only weak institutional limits on executive aggrandizement during a crisis." (Lowande and Rogowski 2021: 1407). Executive assertiveness increases because presidents are emboldened by relaxed constraints and because Congress struggles to curb presidential power expansion through legislative activity.

Critical junctures amplify the agency of powerful actors because the structures that are designed to constrain them are shaken by the exogenous shock (Capoccia 2016; Capoccia and Kelemen 2007). Similar to Young (2013: 329), I posit that crises "[...] create an environment where the president faces little backlash from Congress, the judicial branch, or even the public.". That is to say that decision-making-processes are often rushed under the impression of urgency mandating fast-paced action of the kind only powerful and unitary actors can provide. To reiterate, agency is actor-specific capacity turned into purposive action. When crises increase the leeway for strategic action, powerful actors are poised to take the lead. In the US, this clearly applies to the presidency given its institutional advantages outlined above. Thus, the causal importance of

agency for change in institutional operations is increased during as well as after the critical juncture when compared to the pre-juncture years. Hence, “[...] critical junctures are cast as moments in which uncertainty as to the future of an institutional arrangement allows for political agency and choice to play a decisive causal role in setting an institution on a certain path of development, a path that then persists over a long period of time.” (Capoccia 2015: 148). Empirically, I expect this to show as increased presidential assertiveness in the years after 9/11.

The formative moment and the decisions made in its context set interbranch relations on a unique course where presidents are emboldened by the aggrandizement of executive privilege in the state of emergency. Presidents act more assertively after the juncture as extensions of power become more contested once the moment of institutional fluidity fades and the salience of emergency measures decreases. Growing interbranch friction that is characteristic of contemporary relations between Capitol Hill and Pennsylvania Avenue are in part be the result of 9/11’s legacy. With regards to National Defense Authorization Acts, so-called sunset clauses that define end dates for authorized programs and policies as well as reporting requirements periodically bring up debates on the emergency measures in connection to the war on terror, which regularly accentuates questions of presidential authority in foreign policy in the legislative debate on NDAAs. Hence, I understand assertiveness in SAPs to be an expression of presidential agency designed to keep congressional constraints at bay by challenging legislative content preemptively and more aggressively. The juncture is critical under the condition that the institutionalized interbranch dynamics undergo a sudden change that produces a lasting departure from antecedent conditions, which is distinct from path-dependent development. I argue that the fortification and expansion of presidential power in foreign policy after 9/11 leads to a lasting legacy of increased interbranch contestation of the shifted balance of power. Presidents communicate in significantly more assertive terms after 9/11 than before the formative moment as their relational power is contested by Congress.

The previous sections emphasized the *critical-juncture argument’s* reasoning, which is informed by historical institutionalism. However, given its institutions-as-equilibria approach, it does have an open flank regarding explanations for other modes of change, which attracted some significant criticism (Greif and Laitin 2004; Streeck and Thelen 2005; Mahoney and Thelen 2010). Relegating the momentum for change to exogenous shocks, while otherwise centering on path-dependency, creates an inherent stability bias. Institutions are still seen only as equilibria resistant

to significant change, which makes it difficult to explain modes of change that are not readily conceptualized in the context of critical junctures and stable path dependency. Given the dynamic duality of agency and structure, interbranch relations between Congress and presidents are likely to experience incremental and endogenous change that escapes the focus on critical junctures. After all, “the analysis of change does not come easily to institutionalists, for its opposite – stability – is more or less built into the very definition of the term institution.” (Conran and Thelen 2016: 51). As the next subchapter argues, historical institutionalism benefits from the propositions of gradual change in multiple ways, but one stands out: Theorizing gradual change emphasizes the immanent potential for change in institutional settings leaving behind the stability bias in institutional theory by emphasizing individual or collective agency.

3.3 The Gradual Change-Argument: Beyond Enduring Paths and Stable Equilibria

“Once created, institutions often change in subtle and gradual ways over time.” (Mahoney and Thelen 2010: 1).

The *gradual-change argument* originates in the dynamic duality of structure and agency as agency is reproduced and achieved relationally through practice under the impression of ambiguity and imperfect regulation. In this theoretical account of institutional development, change is not narrowly tied to formative moments in time that alter otherwise stable equilibria allowing for powerful actors to expand their agency. The latter approach has been criticized to turn a blind eye to the more incremental and slow changes unfolding within public institutions and among connected and embedded institutional settings (Peters 2019: 91; Thelen and Steinmo 1992; Weyland 2008; Broschek 2013). The presidency is embedded in the checks-and-balances system. The basic notion posits that “given the extensive time period covered in historical institutionalist analyses, it would almost be naive not to assume some degree of change.” (Peters et al. 2005: 1277). Addressing this caveat of critical juncture arguments, change is theorized to be incremental, endogenous and animated by powerful actors within institutional settings. This advance in institutional theory was in large part driven by Kathleen Thelen and her colleagues (Streeck and Thelen 2005, Mahoney and Thelen 2010, Hacker et al. 2015). The effects of change unfold over a long period of time and “[...] beneath the veneer of apparent institutional stability.” (Capoccia 2016: 100). This expands the understanding of institutional interplay beyond formal rules towards inherent political struggles that unfold within and consequently shape respective outcomes (Hall

1986; Thelen and Steinmo 1992). Hence, change in terms of a deviation from path-dependency does not necessarily require the sudden impact of severe crises. It might unfold slowly over time without being less consequential for the expression institutional evolution in interbranch relations. After all, “no matter how stable and well institutionalized an institution may be, there will be some drift because of interpretation of or changes in the cases about which the institution must make decisions.” (Peters 2019: 92).

It is established knowledge that presidential power in foreign policy has increased over time to the detriment of congressional checks on the executive (Rudalevige 2006; Canes-Wrone et al. 2008; Lindsay 2018). Institutional change such as the expansion of presidential power is not necessarily confined to crises. I understand executive agency to be constantly evolving in connection to congressional activity because these two branches of government are closely connected by constitutional mandate. More specifically, I argue that presidential preemptive action on draft NDAs is explained by lawmakers linking more foreign policy sections to must-pass and annual authorization legislation. In the face of presidential dominance in foreign policy, lawmakers turn to authorization legislation in order to engage presidents in playing field Congress deems more leveled. Here, Congress can leverage its power of the purse to match executive dominance in foreign policy. This move complicates presidential opposition as the stakes in the passage of large must-pass bills are much higher as compared to stand-alone legislation. Since the line-item veto was ruled unconstitutional by the Supreme Court in 1998, presidents can only veto an entire bill instead of vetoing specific sections of bills. This strengthens the authorization leverage because the political costs on the line for vetoing a large authorization bill entirely far exceed the costs of vetoing any specific provisions or standalone bills. Moreover, annual authorization bills are important to ensure the uninterrupted operations of corresponding programs. The looming deadline creates pressure for the executive branch not to risk the bill’s failure lightly for the benefit of advancing parts of the foreign policy agenda that lawmakers challenged in the draft. The strategic maneuver I termed *authorization-leverage* is employed more frequently and widely over time in response to more powerful presidents, which leads to more assertive presidential challenges in preemptive SAPs.

Rather than holding hearings or passing stand-alone bills addressing a particular issue of international affairs directly, legislators tie legislation that constrains presidents to large authorization bills. This raises the political costs for presidents to oppose the bill outright and

moves the debate to a context still dominated by Congress. “Substantively, the power of the purse is among the most significant sources of authority for Congress as well as an important arena in which serious policy questions are litigated and decisions are made.” (Bolton and Thrower 2019: p. 1279). Presidents try to access this stronghold with more assertive SAPs to curb congressional efforts to balance executive privileges in foreign policy. After all, “[...] presidents have an abiding interest in legislation throughout congressional deliberations.” (Kernell et al. 2019: 331). Hence, presidents and Congress increasingly debate foreign policy in the context of NDAs, because this is one of the still operational means for Congress to project power in this policy area as other options like hearings or standalone statutory action become more troublesome in times of polarization and divided government. Hence, legislators use their substantive power of the purse to influence foreign policy. In essence, “it [Congress] must legislate. Every year, the authorization process leads to must-pass bills that keep the government funded and give the legislative branch a chance to influence policy.” (McKeon and Tess 2019, p. 3).

The almost constant crisis mode of US politics tends to accentuate presidential discretion at least for the periods when the rally-‘round-the-flag effects are in full effect (Young 2013; Lowande and Rogowski 2021). Also, “[...] modern presidents behave as though they are the chief legislator in the U.S. political system.” (Kernell et. al. 2019: 331). This adds to the incentives for legislators already disadvantaged in foreign policy to play to their remaining strengths. Hence, they use the authorization leverage to compel the president to engage them on questions of foreign policy in the playing field they deem more leveled. Presidents, in turn, through their monitoring and negotiation strategies facilitated by the OMB leverage their superiority in foreign policy by releasing more assertive and extensive SAPs to “[...] enjoy a better prospect for success than if they had waited for their ‘take it or leave it’ choice.” (Hassell and Kernell 2016: 857). In sum, I expect to see a broader range of foreign policy issues negotiated in the context of authorization legislation as well as more presidential assertions of power in response to the expansion in the congressional use of the authorization leverage. In sum, my second hypothesis assumes that presidential assertiveness rises because lawmakers employ the authorization-leverage more widely over time:

Hypothesis 2: Presidential assertiveness rises in response to Congress increasingly attaching foreign policy legislation to authorization bills

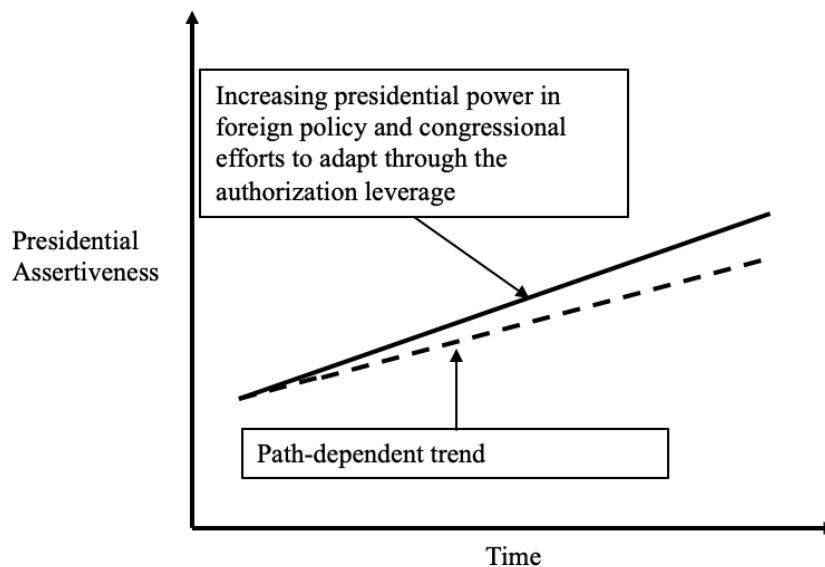
Stability in the institutional configuration does not mean stasis especially concerning the outcomes and processes in interbranch relations. Hence, the antecedent conditions that the *critical-juncture argument* takes as a baseline to identify significant exogenous shocks are themselves theorized to be the product of more piecemeal shifts driven by change agents over time (Gerschewski 2021; Mahoney and Thelen 2010). The line of thinking continues to suggest that the focus on critical junctures overstates institutional inertia in settled times, while too readily omitting interbranch dynamics in the absence of severe crises. The critical juncture model does expect some degree of evolution even in stable times along the lines set out by the institution's initial formation. Consequently, this relegates gradual change to the theoretical and analytical sidelines in favor of more consequential critical junctures. However, the gradual-change model emphasizes that "[...] institutional change is more common than the critical juncture argument suggests." (Emmenegger 2021: 610; Streeck and Thelen 2005). To illustrate this important difference in the temporal location of change, the introduction of SAPs to the presidential legislative toolkit in 1982 could hardly be explained by a critical juncture for interbranch relations at the time. Initially, they were not much more than a rather cautious comment on what the OMB has flagged as legislation or sections therein that might diverge from presidential preferences initiating early presidential position taking. Skipping ahead to 2020, Trump's SAP for the draft NDAA included a barrage of targeted veto threats setting up his presidential veto that was subsequently overturned in both houses of Congress. Clearly, the use of SAPs has changed significantly and it is an open empirical question to what extent this is due to an incremental shift in interbranch relations.

A key premise of gradual change is that continuity and change are not incompatible forces in institutional evolution in the sense that the latter only upends the former in a sudden departure from path-dependency motivated by forces from without. Instead, they coexist within the theory of gradual change because institutions constrain action and engender agency simultaneously. Paths of institutional change are neither set in stone nor predestined. They are configured and shaped by the actors involved and by the contextual factors at play between embedded institutions. Power asymmetries, agency and variation in contextual factors install a constant degree of fluidity that path-dependency alone cannot grasp. Put in a nutshell, "[...] in critiquing the dualism of stasis and compressed moments of change, a new research agenda has emerged in recent years." (Gerschewski 2021: 225), which informs the theoretical framework for my *gradual-change argument*. Beneath presidential dominance in foreign policy, interbranch dynamics are still intact

in the form of congressional use of the authorization-leverage and the more assertive executive challenges in response.

Presidential preemptive actions are a reaction to congressional activity and as executive power grows so do congressional efforts to balance it through a pathway that is still underexplored: annual authorization legislation. By linking foreign policy provisions to large authorization bills, lawmakers channel their power of the purse and exert pressure on presidents. My argument suggests that they do so more widely as presidential power expands and becomes more difficult to check through traditional means such as hearings. This is relevant for the institutional interplay between presidents and Congress because it highlights to what extent lawmakers move interbranch foreign policy making to a venue they exert strong influence in. I posit that the gradual change rooted in historical institutionalism becomes empirically visible in the gradual change towards more assertive presidents that aim to address increasing congressional pressure in the form of undesired sections that lawmakers link to must-pass authorization legislation. Here, presidents are less powerful and their dominance in foreign policy is contested more widely over time. Figure 3.3 captures the basic notion of gradual change as opposed to path-dependency.

Figure 3-3: The logic of gradual change



Source: Own illustration.

Continuity and change are inherently connected because institutions are always situated within temporal-relational contexts and because actors within the institutional assemblage pursue certain goals often expanding the reach of their agency where conflicting interpretations of

constitutional ambiguity shape the leeway to do so. In fact, “historical institutionalists therefore encouraged researchers to pay greater attention to contextual conditions [...]” (Fioretos et al. 2016: 9). Put simply, my theoretical framework suggests that contextual factors and actors are important forces in shaping institutional continuity ongoingly. Hence, “one cannot understand the continuity without also appreciating the change.” (Mahoney et al. 2016: 80; Mahoney and Thelen 2010; Koreh et al. 2019). After all, institutions typically do not endure by repelling change entirely (Thelen 2004: 217). Rather, institutional stasis facilitates decay over time because contextual pressures and internal shifts remain unaccounted for, which is what many pundits appear to find in an increasingly unchecked American presidency. I theorize that congressional efforts to adapt to the growth in presidential power in foreign policy show in the extent to which lawmakers link sections presidents oppose to must-pass legislation, which spurs rising executive assertiveness. In line with gradual change in interbranch dynamics, I aim to show that lawmaking in Congress gains prominence when it comes to the domestic underpinnings of American foreign policy.

A key element of institutional development is continuous change that unfolds outside of formative moments in time. The influence of powerful actors might be particularly consequential for the way forward when critical junctures occur. Yet, the relational understanding of power and the dynamic connection between agency and structure engrained in interbranch relations suggests that the exclusive focus on formative moments in time understates the agency of influential actors in periods of apparent institutional stability (Koreh et al 2019: 606). Endogenous gradual explanations argue that agency needs to be taken more seriously, because powerful actors push internally for more leeway or fight back when their agency faces more constraints. Put differently, “power and authority are frequently contested and far from secure” (Sheingate 2010: 170). This speaks directly to the expansion of presidential power discussed so frequently in the literature (see chapter 2), which originally motivated this study.

The gradual change argument posits that the potential for change is already implanted in the architecture of interbranch relations. In fact, “historical institutionalism has long informed, and been informed by, the study of the United States.” (Sheingate 2016: 289). To a large extent, this is due to the intercurrent character of institutional arrangements within the American checks-and-balances system, emphasizing a rather natural fit between the theoretical framework and my research agenda. Following this line of thinking, I expect presidents to gradually release stronger opposition in their SAPs motivated by congressional efforts to implement legislative constraints.

Hence, change becomes visible at the intersection between presidential intervention and lawmaking in Congress. In reproducing a pattern of early intervention, SAPs became a mechanism of preemptive intervention in legislating foreign and defense policy. The veneer of institutional stability persists but presidential assertiveness gradually enhances the assertive expression of executive preponderance. This inside-view on presidents as actors within the checks-and-balances system directly refers back to the relational understanding of power and the dynamic duality of agency and structure as laid out above. It also hints at another theoretical blind-spot of critical-juncture-explanations.

An institution rarely comes in the singular. Instead, its ability to perform is usually tied to a broader institutional assembly. This points to interbranch relations between Congress and the presidency in lawmaking because neither branch can accomplish much lasting impact without the consent of the other, echoing the famous terms of Richard Neustadt (1990) cited in my introduction. This is to say that conflict over contested outcomes is a natural part of the checks-and-balances system. Hence, interbranch friction continuously provides the involved parties with ample opportunities to shape the reproduction of the institutionalized practice of lawmaking. In more general terms, “institutions are constantly reshaped and reinterpreted by groups vying for power, trying to bend the institution to their priorities and preferences.” (Capoccia 2016: 100). I suggest that the study of presidential assertiveness in SAPs is a promising way to better understand this constant and context-variant conflict. The empirical question tied to the gradual-change explanation asks to what extent executive challenges have indeed become incrementally more aggressive and in response to congress linking more provisions to NDAs that presidents oppose. This could identify presidential preemptive interventions as more of a driving force for expressions of executive power expansion than is recognized in previous literature (see chapter 2).

Political conflict provides a rich and continuous source for change that is masked by the focus on suddenly relaxed constraints in response to a critical juncture (Peters et al. 2005; Peters 2019; Emmenegger 2021). The notion of dynamic agency in conjunction with constitutional ambiguity suggests that conflict ensues when actors diverge on their pursued goals within institutional settings or when interpretations of authority in settings of shared powers differ. For the US and the interbranch relationship, it stands out that conflict is a constitutionally mandated facet of political life. I emphasized this point earlier in my discussion of the institutional drivers of interbranch friction (see chapter 1). To reiterate, legislative-executive interactions mark one the

most enduring and consequential rivalries in American government. In this case, contestation itself connects the branches of government and is institutionalized by on-going practice. Yet, constitutional ambiguity invites agency and change over time by leaving interpretational gaps that powerful actors can make use of. The underlying logic is that “[...] ambiguity invites conflict and contestation as actors struggle over the meaning, application, and enforcement of formal institutional rules.” (Sheingate 2010: p. 168). In these conflicts, power and agency matter for the process as well as for the outcome it generates. It follows that “these change agents constitute the movers that are needed for explaining the incremental change that is theorized to be inherent to institutions.” (Gerschewski 2021: 220; Sheingate 2010; Mahoney and Thelen 2010). In essence, piecemeal steps that over time culminate in significant change are the result of shifts in power and influence between the actors involved (Mahoney and Thelen 2010; Capoccia 2016). Conflict produces incremental change because actors vying for power continuously adapt their toolkit for strategic action in order to gain an edge on their institutional counterpart. Therefore, I assume that Congress moves to gradually include more foreign policy sections in draft NDAs to constrain presidents. Put differently, the increased use of the authorization leverage is the adaptation of the toolkit that historical institutionalism expects to see and more assertive presidents are the consequence.

Lastly, I assume that presidents will rely on veto threats more heavily over time to communicate their opposition to provisions in draft NDAs for two connected reasons: first, opposition that lacks the added pressure of a looming veto is taken less seriously in the important legislative processes on must-pass authorization legislation. The authorization leverage channels the congressional power of the purse, which is not easily persuaded by minor opposition in SAPs. Second, the widespread use of veto threats diminishes their threat potential over time as lawmakers expand on their authorization leverage. NDAs are seldom vetoed in practice and Trump’s veto was even overturned in 2020. Hence, the threat is rarely seen through and if it is, lawmakers can still prevail at great political cost for presidents. Therefore, the effect of veto threats itself might be diminished over time because the authorization leverage gives Congress the upper hand. In the absence of ways to escalate preemptive opposition further beyond degrees of veto threat certainty, presidents use veto rhetoric in their SAPs released for draft NDAs more extensively over time.

Actors are indeed rule shapers in the sense that they aim to bend the creative leeway of regulative indeterminacy to their advantage on a regular basis and not only when rare moments of

fluidity permit it (Sheingate 2010). In this view, change occurs without the force of external shocks and institutions are arenas of conflict, where stability and change are two sides of the same coin and where the causal influence of agency is emphasized. However, the more institutional theory emphasizes the role of powerful actors or specific elements of their toolkits, the more it seems to undermine the very premise of the definition of institutions as described above. An overly strong account of agency might lose sight of institutions themselves. As Powell and Colyvas (2008: 277) caution: “Institutional theory gains little by making unleashed actors the drivers of institutional change.” This refers to a conundrum historical institutionalism faces when advocating for the pronounced significance of agency that is frequently discussed in the literature (Sheingate 2010; Hall 2016; Emmenegger 2019). Focusing too much on congressional and presidential action while rooting my arguments in historical institutionalism needs to evade the paradox of plasticity (Hall 2016). In reference to my debate of agency and structure, centering on the former might render the latter inconsequential and, thus, irrelevant. Put differently, it becomes more difficult to explain how institutions establish and maintain structure across time when they themselves are depicted as malleable at the hands of powerful actors (Riker 1980; Hall 2016) and when layered institutions give them multiple avenues to pursue their goals (Streeck and Thelen 2005). If institutions are indeed plentiful and plastic, doubts arise regarding the extent to which they actually offer structure in the sense of constraining the range of available choices. At the heart of my *gradual-change argument*, there seems to be a fine line between overemphasizing agency and negating structure.

I argue that this pitfall is less threatening to my research agenda for three reasons. First, the threat of the institutions I assess losing causal efficacy entirely is minimal since they are enshrined in the Constitution. Second, the dynamic connection of agency and structure does not imply that rogue and unleashed agency can operate at will. More specifically, the way I designed my argument emphasizes that Congress and presidents are still embedded in the checks-and-balances system. Otherwise I would not attribute predictive power for presidential assertiveness to congressional action. The assumed correlation between the authorization-leverage and the extent of presidential challenges suggests that presidents cannot operate at will. Put simply, interbranch relations are still tethered to the respective institutional interplay and the practices that come with it. Also, as the case of President Trump’s overturned veto on the National Defense Authorization Act in 2020 showcased, constraints do still exist.

Third, the layered-institutions-argument does not apply because there is no alternative institutional pathway for presidents pursuing their legislative agenda, albeit multiple unilateral tools are indeed available as I have shown in my discussion of the *unilateralism-stream*. I also do not connect my *gradual-change argument* to one individual incumbent but rather to the presidency as a whole or as Sanders (2006: 53, italics in original) has put it: “[...] it may be time for a critical examination of the *institution* of the presidency, quite apart from the usual attention to the individuals that inhabit it.” Presidents certainly became more powerful, but they are no rogue actors changing the structure of interbranch relations at will. Therefore, the paradox of plasticity is not a serious concern for the theoretical basis of my arguments. To reiterate, the role of presidential agency is not limited to critical junctures because attendant struggles over contested outcomes under the impression of constitutional ambiguity persist across time. Conflict and ambiguity lead to incremental change in interbranch relations through the continuous use of strategic action such as the *authorization-leverage*.

In sum, I develop my *gradual-change argument* along three connected lines of thought that are rooted in historical institutionalism. First, I illustrate how the theoretical signposts of gradual change illuminate blind spots of the critical juncture approach by emphasizing agency as a driver of change. Second, I carved out the importance of conflict as a central stage for gradual change where diverging interpretations of ambiguity compete in a contested balance of power. Third, I tied the theory to my research agenda more clearly by explaining why Congress relies on the authorization-leverage more widely over time, which leads to more assertive executive challenges of provisions in draft NDAs. My dynamic understanding of the relationship between structure and agency leads me to assume that safeguarding agency against congressional assertiveness is an important part of explaining rising levels of opposition in executive messages. These three core components of my *gradual-change argument* resonate with the definitions of agency, power and institutions as laid out in the beginning of this chapter. Lastly, the previous elaborations give further credence to my *contextuality argument*. Instead of focusing on formative moments in time that overshadow the impact of contextual factors, gradual change suggests that the longitudinal perspective requires contextual awareness. Across the chapter, divided government featured prominently within the theoretical propositions that undergird my *critical-juncture* and my *gradual-change argument*. I assume that it plays a pivotal role in explaining rising presidential assertiveness beyond the broader trend of gradual change. I elaborate this part of my explanatory

model in more detail in the next subchapter. To carve out the extent to which this contextual factor matters more than others, I propose to also include the level of polarization among legislators and presidential approval ratings in the subsequent analyses.

On a final note, critical junctures and gradual change seem to offer decidedly different explanations for institutional change. Viewed from a comparative point of view, the difference in their predispositions indicates that they are not complementary, but separate guides to understand institutional change and, subsequently, the role of presidential agency therein. “Indeed, and *pour cause*, the concept of critical junctures (and synonyms) does not play an important analytical role in the literature on gradual institutional change.” (Capoccia 2016: 101, italics in original). Both point to different empirical patterns. Critical junctures amplify power asymmetries and my argument expects presidential assertiveness to rise in in the aftermath of the terrorist attacks of 9/11 leading to a lasting legacy of profound executive pressure. My gradual change argument expects assertiveness to rise incrementally in response to Congress employing the authorization-leverage. Given that the critical juncture and the gradual change arguments are anchored in historical institutionalism, it is arguably less a matter of exclusiveness and more a question of emphasis of different locales and temporal horizons of change. Put another way, critical juncture explanations and gradual change arguments expect different patterns of change, but I hold that they can coexist empirically when analyses cover broader periods of observation. Thus, the extent to which their theoretical differences impede their causal propositions reciprocally likely emerges more clearly on the empirical level of my analysis. Exploring both theoretical pathways certainly contributes to a comprehensive account of the explanations historical institutionalism offers.

The next subchapter turns to my contextuality argument, which focuses on the composition of government, ideological polarization in congressional voting behavior, and presidential approval ratings. Beyond the broader temporal dynamics in interbranch relations that historical institutionalism emphasizes, I expect that contextual determinants help explain variation in the extent to which presidents intervene in lawmaking through assertive SAPs. Historical institutionalism and its inherent longitudinal perspectives tend to emphasize that contextual factors matter because institutions are closely connected to political circumstances. Institutions are embedded in their environment and contextual factors, which are usually beyond the control of individual actors, shape interbranch dynamics.

3.4 Contextual Determinants of Presidential Assertiveness

In this subchapter, I explain my third main argument and specify the rationales for each contextual determinant of presidential assertiveness. I structure this subchapter by introducing the hypothesis before explaining the reasoning that supports it. Interbranch dynamics unfold in the environment of a complex system of shared powers, which neither branch controls fully, and the environment impacts the actions of each branch. As such, I expect that presidents feel more confident to act assertively when their approval ratings are higher. Likewise, lawmakers increase pressure on the executive under the condition of divided government because opposition to presidential preferences has an easier path towards a majority as compared to houses of Congress controlled by the president's party. This, in turn, leads to more assertive executive challenges. When ideological polarization increases in the voting patterns of lawmakers, presidents intervene preemptively to signal their preferences in foreign policy to copartisans in order to close the ranks and to confront undesired provisions supported by internally cohesive opposition early in the process. Lawmakers and presidents alike cannot unilaterally control the composition of government, the levels of polarization or the approval ratings. Thus, they remain embedded institutions bound by contextual factors and interbranch dynamics despite expansions of power in one branch. I argue that each contextual factor individually influences the extent of presidential assertiveness in preemptive SAPs.

My contextuality-argument is based on the notion that context matters for actions in interbranch relations, which echoes the contextual awareness historical institutionalism emphasizes. It also reflects the part of my theoretical framework that defined Congress and the presidency as embedded institutions. Similarly, my previous arguments on how my theoretical framework avoids the paradox of plasticity suggest that contextual factors continue to constrain individual agency and emphasize the effect of institutional stability in the complex checks-and-balances system despite presidential dominance in foreign policy. Contextual factors would matter less for presidential position language if presidential power was unchecked. By theorizing that contextual factors matter, I emphasize that interbranch dynamics and congressional voices still influence presidential latitude in foreign policy. More specifically, lawmaking is a shared enterprise where contextual determinants influence lawmakers and presidents alike. Lastly, scholars presented substantive empirical evidence in support of the influence of the composition of government (Fine and Warber 2012, Lindsay 2018; Bolton and Thrower 2022), ideological

polarization (Abramowitz and Webster 2018; Binder 2018; McCarty 2019) and presidential approval ratings (Rottinghaus 2010; Christenson and Kriner 2019) on interbranch relations in lawmaking and beyond.

Hypothesis 3: Divided government increases the prospect of more assertive SAPs

I argue that one contextual factor has particular explanatory power for preemptive presidential pressure: I expect that settings of divided government exhibit interbranch conflict, because presidents ramp up their assertiveness trying to safeguard their agency in the face of congressional opposition. Put differently, I suggest that divided government is a driver of presidential assertiveness because presidents experience diminishing congressional acquiescence for their agency in foreign policy when faced with oppositional party control in one or both chambers of Congress. In contemporary divided governments, “[...] the opposition majority fills the legislative agenda with its own ideas for good policy. Presidents can retreat to the sidelines to neatly arrange their veto pens.” (Guenther and Kernell 2021: 641). This matches the record of veto threats, which exhibits distinct increases in divided government (Cameron 2000; Hassell and Kernell 2016). Scholars uncovered a notable proliferation of statutory limits on executive unilateralism under the condition of divided government, which is conditioned by legislative capacity (Bolton and Thrower 2016). I theorize that the increase in such constraints will motivate more preemptive presidential assertiveness. Moreover, since Congress is more likely to retaliate against presidential unilateralism in divided government (Howell 2003), I expect presidents to opt for preemptive interventions to challenge legislative constraints more frequently.

In addition, these settings of increased contestation can help presidents justify escalating tensions in the shape of more assertive challenges of objectionable provisions in draft NDAs. Furthermore, the majority party controls the committees that work on the specifics of draft NDAs, which contributes to more objectionable provisions that move to the floor for voting, if the respective house is controlled by the president’s opposition. More broadly, divided government has become the norm rather than the exception in contemporary interbranch relations. Consequently, presidents frequently face bills that include objectionable provisions during their time in office, which contributes to more assertive messages. The constant exposure to interbranch friction in settings of divided government control also gradually erodes presidential restraint contributing to increasing assertiveness. Overall, the institutional mechanisms at play in divided government likely accentuate its effect on presidential assertiveness. Therefore, I expect divided

government to be a particularly strong predictor of rising assertiveness beyond the broader trend of gradual change in light of the authorization-leverage and the impact of 9/11 as a critical juncture.

Finally, divided government means that political appointees at the heads of executive agencies and departments, which tend to adhere to presidential cues, are inclined to thoroughly review legislative proposals that originate in a chamber controlled by the other party. I expect that executive monitoring of legislative processes in Congress under the condition of divided government are likely to yield more objectionable provisions, which are then targeted by assertive and preemptive SAPs. In sum, divided government accentuates interbranch contestation, which is why presidential assertiveness increases in these settings. The influence of this factor should stand out from other contextual determinants because it is anchored in the structural forces that govern interbranch dynamics.

Hypothesis 4: High levels of polarization positively correlate with more assertive SAPs

Peters et al. (2005) suggest that ideologies may be a major source for change in institutions, which points to a degree of explanatory power for ideological polarization in the US as well. According to Abramowitz and Webster (2018: 134) negative partisanship “[...] almost certainly reshaped the legislative process in Washington.” (see also Hetherington and Rudolph 2015). As such, deadlock and obstruction became more prominent characteristics of lawmaking in polarized times (Lee 2015; Binder 2018) and polarization has become a pervasive phenomenon in American politics (McCarty 2019) – even in foreign policy (Friedrichs and Tama 2022). When ideological differences increase, assertiveness in SAPs serves a dual purpose. It harnesses partisanship in order to close the ranks of the president’s party and it confronts resistance of opposition in Congress by preemptively signaling targeted opposition. Hence, it makes sense for presidents to assert their positions more aggressively in SAPs when polarization is high because they want to ensure that they define the substance of partisan cues. “With veto threats, presidents send strong signals identifying for both the public and copartisans in Congress those policies on which the parties disagree.” (Hassell and Kernell 2016: p. 857). Also, Jonathan Woon and Sarah Anderson (2012) find that increasing ideological distance between key actors in Congress contributes to delays in appropriation legislation. Their results indicate that “[...] delay is caused by intraparty ideological conflict – between the majority party contingent on the Appropriations Committees and the median member of the chamber’s party.” (ibid.: 429). Under the condition that their insights translate well

to authorization legislation, intra-party rifts in highly polarized settings strengthen Hassell and Kernell's (2016) argument that increasing assertiveness in SAPs through veto threats has a key signaling function for ideologically polarized lawmakers.

Ideological polarization amplifies the competition between contrasting narratives for divergent foreign policy goals. Presidents cannot allow discursive control on foreign policy issues to fall to the legislative branch and consequently intervene more assertively with preemptive SAPs to express and safeguard their dominance in matters of international affairs. This is how an increase in polarization drives presidential assertiveness in SAPs. Overall, presidents act more assertively over time in part because of the trend towards settings in which they have to fight harder for their preferences to manifest in pending legislation. This implies that the finale measures for the composition of government and ideological polarization might exhibit interaction effects that complicate the interpretation of the individual effects. Therefore, I control for interaction effects in the third level of my empirical analysis in chapter 5.

Hypothesis 5: High approval ratings correlate with more assertive SAPs

The third contextual determinant of presidential assertiveness in SAPs focuses on the public perception on the presidents' job performances. Scholars carve out two consequential ways in which approval ratings are important for interbranch dynamics: Rising approval ratings increase the frequency of major unilateral action (Christenson and Kriner 2019) and it also increases the likelihood that presidents will get more of what they want in legislation as the political costs for lawmakers to confront a popular president increases (Canes-Wrone and de Marchi 2002; Barrett and Eshbaugh-Soha 2007). Similarly, Schorpp and Finocchiaro (2017) find that popularity boosts presidential leverage over Congress. More specifically, high approval ratings translate into legislative success for presidents when the respective issue is salient and complex whereas Congress is less cautious to challenge popular presidents when the public is paying little attention to the issue at hand (Smith et al. 2013: 285). Presidents act more assertively under the condition of high approval ratings because they feel empowered by the public support for their policies and for their person. In foreign policy, presidents tend to be successful in controlling the foreign policy agenda and I argue that high approval ratings increase this advantage. This translates into more assertive rhetoric in SAPs in an effort by presidents to leverage their popularity for legislative success. As such, approval ratings help presidents to push back against the authorization-leverage

because their command over the design of foreign policy is extended by conducive perception patterns in the American public.

There is one qualification for this argument in light of historical institutionalism and my critical juncture argument. In the context of a critical juncture and the relaxed checks on presidential action in foreign policy, the presidents' approval tends to soar, which does not translate into more assertive messages because presidential action faces little scrutiny. The exogenous shock and the rally-'round-the-flag effect incentivize Congress to fall in line with public opinion in that it defers to the executive branch to respond to the crisis. Hence, assertiveness is obsolete under the impression of permissive conditions in the immediate aftermath of an exogenous shock. Congressional checks recalibrate when the dust of critical junctures settles and when presidential leadership produces controversial consequences – for example resurgent congressional voices in response to the Vietnam War culminating in the War Powers Act of 1973 or rising congressional opposition to the Iraq War.⁶ Rearticulating limits of presidential authority likely spurs presidential assertiveness as presidents try to defend a status quo that had shifted significantly in their favor under the impression of a critical juncture. In the absence of the immediate impact of an exogenous shock, high presidential approval ratings lead to more assertive challenges. Under the impression of a critical juncture, however, high approval ratings coincide with reduced assertiveness.

Tracing change in presidential assertiveness in SAPs across time implies a degree of variation that is sensitive to fluctuating contextual factors. This is to say that my theoretical framework suggests that the broader empirical image may be that the critical juncture and gradual change convincingly explain the temporal dynamics of presidential assertiveness, while contextual factors complete the explanatory model by helping to understand variation in the degree of opposition voiced in SAPs more precisely. The broader claim of my theoretical framework is that SAPs are an important resource for presidents to intervene in foreign policy lawmaking. SAPs are far less politically costly than an actual veto message or signing statements. In reference to SAPs and other executive communications, the OMB serves as a hub of institutional experience for the

⁶ Congressional opposition to the Iraq War did not culminate in a landmark law similar to the War Powers Act of 1973. However, House Democrats began to rally around the plan of phased troop withdrawal as early as 2005 and the opposition to the war also at least in part contributed to their electoral success in the congressional elections as well as in the presidential elections of 2008. More importantly, the NDAA in 2005 asserted Congress' role in overseeing the war in Iraq and the treatment of detainees in U.S.-run prisons abroad.

office of the presidency seeking to sharpen the strategic value of SAPs across administrations in response to legislative pressure in draft NDAAAs. I find that presidents time SAPs targeting the NDAA almost identically across my period of observation: just prior to the floor debate and vote. By doing so, presidents communicate their positions in the process of lawmaking prior to legislators discussing the committee report and the entire text of the respective bill. Clearly, this has been identified as an ideal point for preemptive intervention that presidents target regardless of the individual characteristics of the incumbent or the variance in contextual factors.

In sum, my contextuality argument consists of three contextual determinants of presidential assertiveness: the composition of government, the level of polarization in congressional voting behavior and the level of presidential approval rating. I place special emphasis on settings of divided government because this contextual factor aligns closely with the institutional theory that informs my gradual change and my critical juncture argument. In divided government, agenda leadership, committee processes and congressional decision making operate under the control from the party that is not the president's. Hence, opposition to the president is well positioned to exert congressional pressure on the White House. This is particularly evident in the House's largely majoritarian rules that foster a strong bargaining posture for the controlling opposition party. Therefore, I side with the body of literature that finds divided government to be a contextual factor with the most direct consequences for interbranch dynamics (Guenther and Kernell 2021; Hassell and Kernell 2016; Kriner and Schwartz 2008). Thus, I argue that party control stands out as the primary institutional determinant of assertiveness in presidential preemptive interventions through SAPs. Levels of polarization in Congress and approval ratings complement my assessment of the context in which interbranch dynamics unfold over time, but both come with less immediate institutional consequences than the setting of government. Thus, the proximity to institutional theory accentuates the contextual factor of divided government without discounting the relevance of polarization and approval ratings.

Overall, my theoretical framework establishes five hypotheses that encapsulate the empirical expectations of my three central arguments. I expect a gradual increase in presidential assertiveness in response to congressional pressure through the authorization leverage. Also, I argue that executive challenges are more assertive after 9/11 as compared to pre-9/11 years because congressional strategies to balance presidential dominance in foreign policy adapt to the legacy of the critical juncture. Lastly, divided government, high levels of polarization and high approval

ratings individually contribute to increasing presidential assertiveness in preemptive SAP. Table 3.1 lists the hypotheses per central argument and briefly summarizes their rationales. Afterwards, I consider limitations and frontiers of historical institutionalism and transition to the research design that prepares the analysis.

Table 3-1: Overview of my hypotheses

Central Argument	Hypothesis	Expectation	Rationale
Critical juncture	H1	Presidential assertiveness in SAPs released after 9/11 increases significantly as compared to the pre-9/11-years	Rally-‘round-the-flag effect extends presidential power, permissive conditions fade, tougher scrutiny of executive discretion, lasting legacy
Gradual change	H2	Presidential assertiveness in SAPs rises gradually in response to the wider application of the authorization leverage in Congress	Presidential dominance in foreign policy leads lawmakers to play to their remaining strengths, channeling power of the purse, urgency of must-pass bills, disarm veto threat
Contextuality	H3	Divided government increases the prospect of more assertive SAPs	Opposition party control accentuates interbranch friction, Congress invests more in oversight, institutional leverage (e.g. committee chairs)
	H4	High levels of polarization are positively correlated with more assertive SAPs	Preemptive assertiveness rallies copartisans and confronts opposition, defines partisan cues
	H5	High approval ratings correlate with more assertive SAPs	Public support empowers presidents to communicate opposition more assertively and complicates congressional challenges, prospect of success of preemptive SAPs increases

Source: Own illustration.

3.5 Limits and Frontiers of Historical Institutionalism

No theory comes without limits that mandate criticism. Historical institutionalism assumes a longitudinal perspective that compels institutional approaches to review longer periods of time for the benefit of uncovering temporal factors that otherwise remain unseen – regardless of whether they trace back to critical junctures or incremental shifts. This long view arguably complicates falsification. The critique rests on the question whether institutional evolution could be detached from the impact of previous actions and institutional continuity to discount the most prominent premise of historical institutionalism (Peters 2019: p. 99). Put differently, historical institutionalism’s explanatory capacity might be limited by the difficulty to discern between what it can and what it cannot explain. A similar and more fundamental critique holds that it might not be an approach in its own right given its connections to rational-choice and sociological institutionalism. I argue that my account of historical institutionalism’s ontological signposts in contrast to rational-choice and sociological institutionalism at least partly addressed this problem in the beginning of this chapter. In doing so, I emphasized historical institutionalism’s uniqueness and its explanatory capacity, which includes a certain proximity to the study of interbranch dynamics in the US. Also, the precise arguments in connection with my research interest are informed by historical institutionalism and they are indeed falsifiable in terms of the potential to find empirical patterns that contradict my claims. Hence, the question of what historical institutionalism can and cannot explain is also to some extent an empirical one with variation across the specific research interest.

Additional criticism leveled against historical institutionalism posits that it lacks the capacity to predict behavior because it omits basic premises about actors and their motivations. Put simply and given its theoretical signposts, historical institutionalism is sometimes depicted as being “[...] incapable of doing other than postdicting changes in the equilibria that otherwise characterize the predictions of this approach.” (Peters 2019: 101) leading to only descriptive accounts of change. However, historical institutionalism’s penchant for contextual variance, agency within structures and different modes of change indeed allow for detailed accounts of the mechanisms that undergird change. This is evident in its methodological frontiers where there is a noticeable shift towards multimethod approaches of the kind pursued here where inferential statistical assessments emerge more prominently (Fioretos et al. 2016). It might not be as strong in making predictive assumptions about behavior when compared to the rational utility maximizers in rational-choice approaches,

but case-specific knowledge and the contextuality of agency under the impression of imperfect regulation of shared powers do establish rather general assumptions about intra- and interbranch dynamics.

Another limitation is more serious with regard to the account of historical institutionalism presented in this chapter. The role of ideas for institutional theory does not feature prominently even though there are good reasons for doing so. “Rather than hiding the interpretative elephant in the classical historical institutionalism tent, let’s admit that ideas need to be there to make the processes and the mechanisms of gradual change into a deeper theory of ideas and institutions.” (Blyth et al. 2016). I hinted at this factor previously when I argued that the ideas about the extent of presidential privilege certainly changed across American history and between the branches of government. Not addressing ideational factors as coequal in the study of institutional change certainly is a caveat in my approach, but it is a productive limitation in the sense of ensuring ontological precision. As such, engaging in the ongoing debate on how to best incorporate ideational factors within historical institutionalism would require to explore a frontier that moves closer towards the sociological strand in institutional theory, which might reassert criticism about a lack of ontological demarcation. Also, my research agenda centers on a rather narrowly defined mechanism of presidential preemptive pressure to the benefit of empirical precision, which would imply difficulties in reaching the level of abstraction required for seeing shifts in ideas. Hence, there is a trade-off between ontological and empirical precision and the exploration of such theoretical frontiers within historical institutionalism.

Historical institutionalism’s explanations for change in institutions are open-ended, which can complicate the empirical measurement of the expected dynamics. The effects of critical junctures and gradual change have natural or at least perceivable starting points such as the increase of contemporary presidential power in foreign policy or the terrorist attacks of 9/11. Yet, the inclination for longitudinal perspectives can obscure answers to the question of when the effects of endogenous or exogenous drivers of change are expected to fade or become inconsequential and why this might occur, which complicates efforts to discern the types of change from the original path-dependency engrained in the institution’s creation. Thus, the theory can struggle to reconcile the inherent long view with precise predictions about the duration of theorized effects – especially, because it remains hypothetical how institutions might have changed in the absence of critical junctures or endogenous and incremental shifts. This difficulty engrained in

historical institutionalism's core propositions. Concerning critical junctures, the effect of the exogenous shock has a lasting legacy and interbranch dynamics never return to the antecedent conditions, which is why there is no natural endpoint by design.

The incremental nature of gradual change defies clear-cut periods of institutional stasis and fluidity and, instead, accentuates the dynamism of agency and structure. Hence, the temporal open-endedness is an integral part of the theoretical perspective, which defers the problem of measurement to the respective empirical strategies. I argue that gradual change captures a broader trend that I can capture with measuring the effect of the congressional authorization leverage on presidential assertiveness. It is an open-ended but still empirically distinct dynamic. There might be variation in between observations, but the overarching trend is increasing presidential assertiveness in foreign policy legislation. Overall, the patterns of change theorized by historical institutionalism center on the understanding of institutions as objects of ongoing contestation (Conran and Thelen 2016: p. 60). The core belief of historical institutionalists is that the long view back is indispensable for the understanding of the character of contemporary institutions. This is what makes historical institutionalism historical. Consequently, the patterns of change have to be assessed across broad periods of observation. Hence, open-ended effects are integral parts of the theory and, first and foremost, present empirical as well as methodological challenges rather than theoretical shortcomings.

There are contemporary frontiers that develop within the ontological frame of historical institutionalism as described previously. As such, Gerschewski's (2021) work indicates that theorizing along the lines of exogenous shocks and endogenous change creates an incomplete typology of institutional change. More specifically, looking at the source of the cause as well as the time horizon of the cause for change, the established strands differentiate between endogenous and gradual as well as exogenous and sudden change. His typology suggests that there are also exogenous gradual changes and endogenous sudden ruptures (Gerschewski 2021: 222). Demographic changes that pressure democratic systems could be an example of the former and military coups might exemplify the latter. To be clear, this theoretical frontier is certainly valuable for disentangling the multilayered and temporally sensitive explanations of institutional change and for generating novel research questions that explore these frontiers. However, the typology is remarkably silent on the question of the role of agency echoing the early criticism historical institutionalism faced. Also, some skepticism arises about the clear-cut distinction between time

horizons. Classifying exogenous shocks as having a short time horizon arguably understates the importance of a legacy for identifying a critical juncture in the first place. Given the increase of domestic turbulence for instance in the context of democratic backsliding, the concept of endogenously driven ruptures provides a particularly thought-provoking approach to understand institutional change (ibid. 226). However, it may become difficult to discern between the aggregated effect of incremental endogenous change and internal junctures. In sum, the typological space left unattended by the two established lines of thinking in historical institutionalism require more theoretical and empirical attention and Gerschweski's (2021) work makes significant headway in these directions.

Given the outlined limits and frontiers, my theoretical framework establishes and works with a rather traditional account of historical institutionalism, even though the *gradual-change argument* itself started out as an advancement of the initial focus on critical junctures and its research agenda is still relatively new and open for empirical exploration. I choose to pursue the rather traditional routes because it is my read that the empirical stories of critical junctures and gradual change have not been told in great detail yet when it comes to understanding individual action such as preemptive executive pressure and its temporal as well as context variant development. In order to assess my three central arguments, I propose a multimethod approach that incorporates content analysis, inferential and descriptive statistics. The next chapter elaborates my research design and begins with the conceptualization of preemptive presidential intervention in lawmaking. Next to my overarching analytic concept, I focus on a precise conceptual map of presidential challenges in SAPs, which provides the foundation for my empirical assessment of preemptive executive assertiveness. I supplement the conceptualization of the SAP's mechanism with a short case study of the 2015 NDAA and President Obama's early challenges. Finally, to prepare my statistical analysis, the next chapter also operationalizes all of my predictors and explains how I calculate the novel assertiveness score, which I use to measure my dependent variable. These elaborations then culminate in my empirical strategy, which I organize in three consecutive levels: the descriptive level, the inferential level, and the robustness-check level. Finally, I summarize my analytic approach and outline specific steps for each of the three levels.

4 Assertiveness in Action: Designing the Analysis of Preemptive Executive Challenges in SAPs

This chapter explains the research design decisions I make to empirically assess my five hypotheses established in my theoretical framework. To ensure production transparency and robustness of my results, I structure this chapter in five subchapters that each illuminates an integral part of my overall research design. First (chapter 4.1), I conceptualize presidential engagement in lawmaking through the structured agency approach engrained in my account of historical institutionalism. Presidents have the opportunities to intervene preemptively in lawmaking, but cannot control the respective context in which they do so because they are embedded in the checks-and-balances system. As such, preemptive interventions are timed and designed in light of the sequence of the legislative process and in reference to the bill's substance, which Congress primarily controls. The Constitution intertwines Congress and the presidency and neither can accomplish legislative and lasting progress without the other. Bills passed by Congress cannot become law without the president and presidents cannot realize their policies in the form of legislation without Congress. This echoes my argument that agency is relational. In conceptual terms, Congress moves first by introducing a bill and presidents intervene preemptively through SAPs. Hence, presidential preemptive action is relational because I conceptualize it to be a reaction to congressional activity in the sequence of lawmaking. My overarching analytic concept of president and Congress in the arena of lawmaking organizes the standard legislative process in five stages and depicts a schematic illustration of interbranch interaction therein. In the final step for this subchapter, I specify the mechanism of preemptive executive challenges through SAPs. I develop the dynamic of executive assertiveness in the early stages of lawmaking in detail and call this more precise concept the “conceptual map of preemptive presidential assertiveness in lawmaking” (see figure 4.3). Second, I supplement my conceptual framework with a precise and thorough description of one example of how SAPs operate in the context of NDAAs (chapter 4.2).

Third (chapter 4.3), I outline my strategy for case selection and describe the composition of my dataset as well as the characteristics of the two classes of documents (bills and presidential messages in the form of SAPs). I explain why the National Defense Authorization Acts, 1985-2020, and the corresponding Statements of Administration Policy provide an ideal fit for testing my hypotheses. In short, I choose to study SAPs that address NDAAs because these are annual

legislative processes thereby ensuring comparability across the longitudinal perspective required by historical institutionalism. Also, as must-pass legislation, these bills usually follow a rather clear and orthodox path from introduction to passage in the sense that they are not indefinitely tabled or held up endlessly by reluctant committees or filibusters. This ensures that I can isolate the mechanism of presidential preemptive intervention through SAPs and pinpoint it more clearly within the procedural steps of lawmaking. Furthermore, NDAAs can originate in both houses of Congress. While the Senate is more influential in foreign policy (e.g. treaty ratification and the advice-consent clause in the Constitution), the House is the first mover in budgetary matters. A side-effect of the increased use of the authorization leverage might be that the house of origin for draft NDAAs, which ultimately becomes law, might vary across time as more foreign policy provision are attached to authorization legislation. In addition, the scope and reach of NDAAs demand interbranch interaction and foster the struggle over the direction of foreign policy between Congress and the president. Lastly, focusing on NDAAs speaks to recent scholarship, which suggests that Congress increasingly uses authorization legislation to influence foreign policy (Carcelli 2022).

I select SAPs, because this class of executive communication upended the dearth of comprehensive data on presidential preemptive position-taking through veto threats and opposition. This echoes my review of the state of research (chapter 2). The first comprehensive compilation of SAPs emerged in 2005 and was introduced by Samuel Kernell (2005). Since then, Statements of Administration Policy have helped a growing body of literature to pinpoint presidential challenges of legislative content and to determine the White House's success in aligning legislative draft with their preferences (Rice 2010; Ainsworth et al. 2014; Hassell and Kernell 2016; Guenther and Kernell 2021). Hence, SAPs have proven their usefulness for studying presidential engagement in lawmaking and the evidence so far suggests that they are meaningful as well as consequential envoys of executive intervention. I compile the dataset by identifying the draft-NDAAs that ultimately became law and include the respective companion bill in the other house of Congress. Then, I use the American Presidency Project to gather the SAPs that targeted the previously selected draft-NDAAs (Woolley and Peters 2023). The dataset consists of 62 SAPs and the corresponding draft-NDAA per year and per house.

Fourth (chapter 4.4), I explain how I classify the character of preemptive presidential opposition in SAPs and how I use these classifications to measure the extent of executive

challenges over time. Building on the coding scheme developed by Kernell et al. (2019: 337), I calculate a novel assertiveness-score, which provides a nuanced measurement of presidential assertiveness. Hence, the assertiveness-score measures my dependent variable. My measure for the extent to which lawmakers employ the authorization leverage to attach more foreign policy provisions to draft NDAA over time identifies such provisions in the legislative document through a list of foreign policy keywords. I explain the parameters for gathering the list of keywords in more detail below. It is exhaustive because I conducted three iterations of manually coding the section summaries per draft-NDAA. The number of foreign policy sections in the pre-intervention drafts measures the independent variable “authorization leverage” (H2). The first determinant of presidential assertiveness is the critical juncture of 9/11 and its lasting legacy that echoes in interbranch dynamics. This independent variable is constructed as a dummy variable that distinguishes between pre- and post 9/11 years (H1). The variable for the composition of government is also a dummy variable that classifies the presence of divided government from the point of view of the respective SAP in respect to the majority party in the receiving house of Congress (H3).

Polarization is more difficult to measure. I rely on the Party Unity Vote Score (PUV-Score) to measure the extent to which voting behavior in Congress is polarized along partisan lines. I choose the PUV-Score because it closely aligns with the legislative process by identifying every vote that pits a majority of one party’s members against a majority of the other party per year and because it finds frequent application in other studies on Congress and the presidency (Carson et al. 2010; Oliver and Rahn 2016). I also reflect on evident shortcomings of the PUV-Score such as the problem of not being able to distinguish between party effects and the influence of ideological positions on voting patterns in Congress uncovered by the Party Unity measure (e.g. Minozzi and Volden 2013). To corroborate my findings, I calculate models that switch the PUV-based measure with two alternatives: the distance in the average ideological position of both parties per Congress measured with the Nokken-Poole data of the DW-NOMINATE scores and the ideological distance between the respective bill’s sponsor, which is generally the chairman of the Armed Services Committee and the respective ranking member (H4). Lastly, approval ratings are empirically straightforward. I rely on periodic polling data provided by the American Presidency Project (Woolley and Peters 2023) and trace presidential approval ratings two months prior to as well as two months after the release of the first SAP that addressed the draft-NDAA in the respective year.

Hence, the values for this measure are the mean of all reported values within the four-month period (H5). Overall, the previous paragraphs foreshadow the measurement of my variables thereby indicating how I operationalize my theoretical framework.

Fifth (chapter 4.5), I specify the empirical strategy by outlining the sequential steps that structure my analysis. I develop a three-leveled approach. On the descriptive level, I classify SAPs and the degree of presidential opposition therein in order to calculate my novel assertiveness-score. Then, I complete the measurement of the independent variables by identifying and counting foreign policy provisions in pre-intervention draft NDAs. I also approach the draft NDAs from a comparative and longitudinal perspective by measuring their length in order to search for an overarching trend in how these legislative processes have evolved across my period of observation. In essence, I devise the first level to complete the measurement of all variables and to prepare for the inferential stage. The latter is the second and main level of my analysis. I rely on multiple ordinary-least-squares regression modeling to test for the correlations hypothesized above. I use regression modeling because my research interest centers on explanations for presidential assertiveness. The empirical strategy aims to uncover the individual effects of my predictors on presidential assertiveness. Hence, it is explanatory, deductive, y-centered by design and leverages quantitative methods to test my hypotheses. Regression models help assess the strength and direction of the correlations hypothesized above and I employ stepwise regression-modeling to filter out statistically insignificant predictors of presidential assertiveness, which results in a conclusive model that informs my answer to the overarching research question. Prior to interpretation, however, I implement regression quality checks such as the visual evaluation of standard diagnostic plots. The third level of my empirical strategy checks the robustness of my results by calculating regression models with different compositions in the independent variables. I also change the measure of polarization as indicated above and control for possible interaction effects with the composition of government variable. This final and third stage of my analysis assesses the predictive power of my conclusive model through a series of robustness checks and prepares the final discussion of my results in my concluding chapter. The next subchapter introduces my conceptualization of interbranch dynamics in lawmaking and the conceptual map for preemptive presidential challenges through SAPs.

4.1 Conceptualization of Preemptive Presidential Intervention in Lawmaking

Lawmaking is a crucial component of the domestic underpinnings of American foreign policy. In the interbranch struggle over the direction of American foreign policy, legislation first and foremost authorizes required funds and crucial programs. In many ways, lawmaking encapsulates the essence of the checks-and-balances system. Interbranch dynamics are the consequence of constitutional design. No branch of government has independent control over its most important functions. Congress cannot pass laws without the president. Presidents require lawmakers to enshrine policies into law and judges to the Supreme Court must be appointed by the president and approved by the Senate. Despite the growth of presidential power over time, the constitutional design emphasizes the significance of interbranch dynamics as a determinant of foreign policy. The Constitution deliberately established a system of fragmented powers that serves as a bulwark against aggrandizement of power by one branch (Neustadt 1990; Jones 1999). Under the impression of abuses of British monarchs and colonial governors, the framers were weary of excessive executive power. Similarly, they intended to avoid elective despotism or excessive legislative power, which had been characteristic of the early 13 state legislatures under the Articles of Confederation (ratified in 1781 and superseded by the United States Constitution in 1789). The Constitution struck a difficult balance between individually powerful as well as effective branches of government and provisions to keep their powers in check. The result was a system that mandates cooperation and invites conflict between the branches, which establishes the signposts for my overarching analytic concept of presidential engagement in lawmaking.

Interbranch conflict is an integral part of the Constitution's strategy to ensure that the branches of government remain coequal and codependent. This is particularly evident in lawmaking. The Constitution grants all legislative powers to Congress, while it also authorizes the president to propose and veto legislation. Congress can override presidential vetoes with a two-thirds-majority in both houses. Presidents can set the agenda for Congress by proposing legislation and by proposing a budget, but lawmakers hold the power of purse. Hence, they have the power to authorize and appropriate funds for all executive agencies. Congress regulates foreign commerce, but contemporary presidents have circumvented lawmakers that were skeptical of international trade agreements through signing executive agreements rather than international treaties creating another source of interbranch conflict. Similarly, Congress has the power to declare war, but modern presidents have relied on their constitutional role as commanders in chief

to engage the US military overseas without congressional authorization. Presidents direct executive agencies and implement laws, but Congress can disband or create agencies and lawmakers can control the implementation of laws through hearings and investigations. Lastly, Congress can also impeach presidents and remove them from office, which is a rarely employed but significant power to check the executive. In short, these congressional and presidential powers compel both institutions to confront each other in governance, which leads to rivalry.

President and Congress have different constituencies, which, according to James Madison in “Federalist No. 46” is the greatest source of interbranch rivalry. Members of the House of Representatives are elected every two years in their local districts and Senators are elected every six years in their respective states, while presidents are quasi-directly elected every 4 years by the Electoral College that relies on state-level election results – not by law, but by tradition. Hence, presidents and lawmakers are elected independently and Congress consists of two equal houses. The difference in the election cycles and in the constituencies leads to different perceptions of political time and to different scopes for the respective policy preferences. Members of the House are in an almost constant campaign mode and represent a rather narrow set of preferences from their districts and even a Senator’s constituency is not as broad as the national electoral coalition that is required to win the presidency. Hence, interbranch dynamics are also a manifestation of the presidential-congressional rivalry that is already engrained in the American electoral system.

Congress is not a unitary actor. The House and the Senate are equal parts of the legislature but they differ in many respects, which is already evident in the layout of Capitol Hill where each house of Congress is situated on one side of the Capitol building. Their powers and rules are different, which contributes to interbranch conflict with the presidency. The House of Representatives consists of 435 members and is a majoritarian institution that redefines the rules that govern its daily operation after every biannual election giving significant power to the majority party. The Senate consists of 100 members and it is to a large extent governed by standing rules and precedents established in the course of the legislative history. It has turned into a largely super-majoritarian institution because the threat of a filibuster usually requires 60 votes to end the debate on pending legislation (so-called cloture motions) and to then pass legislation. In terms of interbranch dynamics, both houses of Congress contribute to the presidential-congressional rivalry in different ways next to the congressional powers outlined above. The House moves first on appropriation legislation setting up often contested interbranch budget negotiations. The Senate

has to approve of any cabinet positions, ambassadors as well as Supreme Court and federal judicial appointees. Also, the Senate has to approve a resolution to ratify international treaties.⁷ These powers specific to the Senate are derived from the constitutional advice and consent provisions. In sum, these differences between the House and the Senate need to be reflected in my overarching analytic concept to subsequently grasp the composition of government empirically. The bicameral set-up of Congress suggests that presidential engagement in lawmaking is, in conceptual terms, an engagement with the House and with the Senate. The constitutional design indicates that levels of polarization as well as the majority control in Congress should be measured per house of Congress and presidential assertiveness could vary accordingly. Overall, “in creating a separated presidency and two equal legislative chambers, the framers guaranteed checks and ongoing rivalry between executive and legislative power.” (Thurber and Tama 2018: 9).

Contrary to presidency-centered perceptions, the discussion so far indicates that labelling the American political system as being presidential simply because of its separation of powers principle and the lack of formal legislative responsibility in electing the president is to some degree misleading – an assertion already raised in earlier research (Neustadt 1990; Verney 1992; Jones 1999) and famously summarized by Charles O. Jones’ declaration that “Congress is the centerpiece of democracy.” (1999: 4). On the one hand, the constitution mandates a sharp line between the three branches, but, on the other hand, also establishes linkages that bridge this divide deliberately codifying cooperation and inviting rivalry particularly in areas where the sharp lines blur. As my theoretical framework suggests, constitutional ambiguity invites contestation and fosters interbranch dynamics that witness gradual as well as sudden change.

The complexity and nature of contemporary issues that confront the American political system far transcend what the Framers could have anticipated. This creates a certain degree of ambiguity in terms of the consequences for the balance of power between the branches and for the realignment of respective competencies in light of contemporary challenges (Smith et al. 2013: pp. 277). The increasingly prominent role of the US in international affairs during the 20th century favored interpretations of ambiguity that accentuated presidential power. For instance, the Supreme Court ruling on *United States v. Curtiss-Wright Export Corp* in 1936 argued that the

⁷ This is an important specification that should not go unnoticed. The Senate does not ratify treaties. It either approves or rejects a corresponding resolution of ratification. The formal exchange of the instruments of ratification between the US and the foreign power(s) ratifies the respective treaty.

president is best suited to control foreign affairs. However, the shared control over key government functions emphasizes that interdependence and not exclusivity characterizes presidential-congressional relations in the ongoing interpretation of constitutional ambiguity. Table 4.1 provides an overview on key government functions and the respective congressional and presidential powers to influence them, which illustrates how the Constitution ties the separated branches together to ensure reciprocal control.

Table 4-1: Overview of the constitutionally mandated system of shared powers between presidents and Congress

Presidential Power	Government Function	Congressional Power
Propose and veto	Lawmaking	Introduce and pass bills, overturn veto
Budget proposal	Funding and Spending	Appropriation and authorization legislation (+ control over taxation)
Direct and control executive agencies	Organizing governmental operations	Establish and disband executive agencies
Negotiation with foreign powers	International treaties	Deny or approve ratification
Nominate and recommend	Appointments of high-ranking positions	Deny or approve appointment
Commander in chief	Military and the use of force	Declare war, fund and authorize military operations
Diplomat in chief	Overseas engagement	Advise and consent
Summon Congress into special session and adjourn it if it cannot agree on adjournment	Interbranch control	Impeachment (+ implied in the power to pass laws: hearings and investigations)

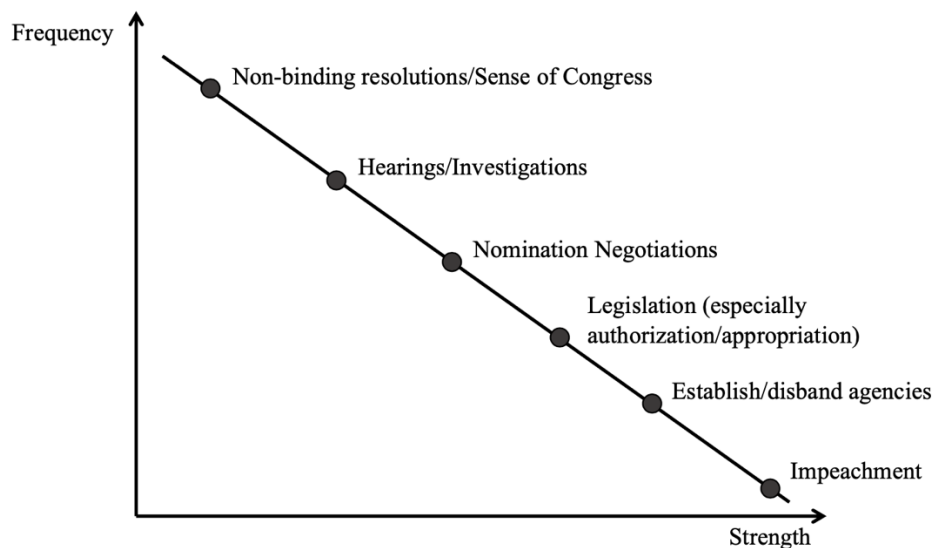
Source: Own illustration.

Table 4.1 shows where presidents and lawmakers are most powerful despite the complex system of shared powers. Congress controls lawmaking and the power of the purse grants lawmakers significant influence over all government operations including those that relate to foreign policy. In lawmaking, presidents can propose legislation and oppose it through vetoes, but they depend on Congress to pass it. Presidents are particularly powerful in implementing

legislation and in conducting foreign affairs. Hence, confrontations on foreign policy in the context of authorization legislation pit congressional and presidential strengths against each other. I argue that Congress follows the Constitution’s open invitation to struggle with presidents over foreign policy by leveraging its power of the purse against growing executive dominance in this field. Presidents react with more assertive executive messages indicating that interbranch relations are far more dynamic in foreign policy than images of unchecked executive discretion suggest. The overarching message is that preemptive presidential interventions in foreign policy lawmaking operate at the intersection of legislative-executive powers mandated by the Constitution.

Interbranch dynamics matter for American foreign policy because the system of shared powers provides ample means for congressional influence in the policy area where presidents tend to dominate. Figure 4.1 captures Congress’ constitutionally mandated means to exert control over the executive branch and arranges them tentatively by the frequency of application and their strength. It is helpful in two ways: First, it shows that measures decrease in likelihood the stronger their expected effects get, which points to the level of structural hurdles to be overcome in order for the respective measure to be executed. Second, it emphasizes that legislation is frequent and powerful already underscoring its significance for any inquire on interbranch relations.

Figure 4-1: Tentative arrangement of congressional powers by frequency and strength



Source: Own illustration.

The arrangement in figure 4.1 is tentative. Still, it accentuates the value of legislation in the congressional toolkit for foreign policy influence in comparison to the other options. Legislation is frequent because it is the core function of Congress and because lawmaking in the

US is characterized by annual appropriation and authorization legislation, which influences all policy areas directly. Laws are also not easily undone and their binding character is upheld by the judiciary. Non-binding resolutions as well as hearings and investigations can be powerful tools in swaying public opinion. Both can be precursors to binding legislation, but their individual effect is limited. Impeachment is the most powerful but also the least employed way to check the executive. The institutional barriers that have to be overcome along the procedural steps towards impeachment exceed all other congressional means, but the first impeachment trial of Donald Trump showcased that presidential conduct of foreign policy can lead Congress to deploy its most serious control mechanism over the president.⁸ The establishment of the department of homeland security in response to the terrorist attacks in 2001 illustrates the significant impact of the congressional power to establish and disband executive agencies. It is rarely employed to such an extent, but it can significantly reshape how the executive operates. Overall, Congress is far from powerless and has many resources to check presidents and to influence foreign policy.

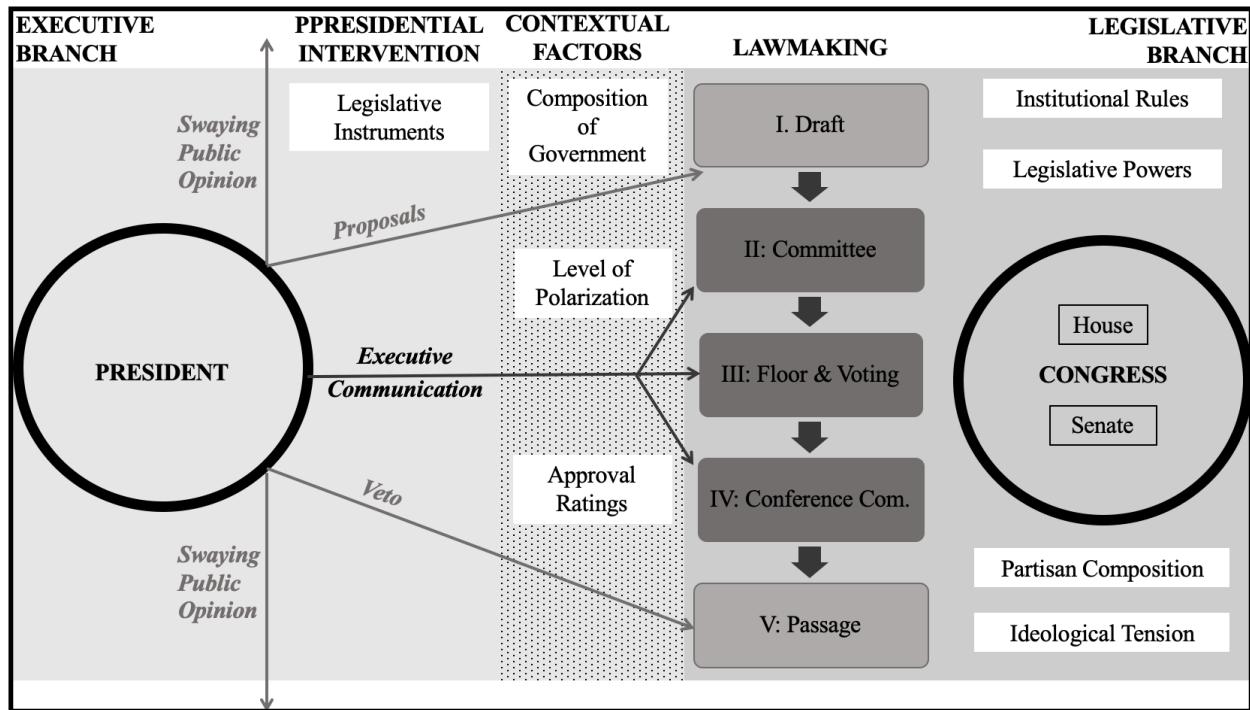
My overarching analytic concept pinpoints presidential action in the arena of lawmaking where much of congressional opportunities of influence foreign policy unfold. Hence, preemptive challenges intervene in the arena that Congress controls. The conceptual attributes originate from the constitutional blueprint as described above. It centers on the process of lawmaking and illustrates the main avenues of presidential intervention therein. It positions the president in the legislative arena and includes the contextual determinants of preemptive interventions: the composition of government, the level of polarization in Congress and presidential approval ratings. Figure 4.2 presents the conceptual framework for my analysis of preemptive presidential interventions in foreign policy lawmaking. On the most abstract level, interbranch dynamics in the arena of lawmaking unfold within the parameters enshrined in the Constitution (Edwards 2009). Informed by my account of the dynamic relationship between agency and structure within the theoretical framework of historical institutionalism, the following framework captures the structural composition of interbranch relations as well as the strategic options for presidents to

⁸ Trump is the only president in American history who faced an impeachment trial twice. The first trial is directly linked to foreign policy because the corresponding House inquiry found that he had solicited foreign interference in the 2020 presidential election to bolster his re-election bid. He predicated military aid for Ukraine and a visit to the White House for the Ukrainian president Volodymyr Zelenskyy on Ukraine launching an investigation against Trump's competition for the White House, Joe Biden. The impeachment trial failed to reach the required two-thirds majority in the Senate.

exert influence in the arena of lawmaking. My framework depicts how presidential agency intervenes in the process of lawmaking that is structured by Congress. In this sense, it is an illustration of interbranch dynamics that exhibit abrupt and gradual change according to historical institutionalism. After all, “[...] our concepts are always shaped and rendered meaningful by theory.” (Mair 2008: 179).

The framework accentuates that presidents have opportunities and means to intervene in lawmaking despite the lack of explicit legislative powers in the Constitution. The principle of shared powers engrained in the American political system enables presidents to be actively involved in lawmaking despite the separation of legislative and executive power. As such, Figure 4.2 indicates three main avenues of presidential involvement in the sequence of lawmaking proposing legislation for the consideration in Congress, communicating support or opposition (including veto threats) in the main drafting stages and exercising the veto power to block legislation. The fourth category indicates the indirect intervention in lawmaking by aiming to sway public opinion. In figure 4.2, these avenues of influence are conceptual manifestations of presidential agency in lawmaking. My overarching analytic illustrates how presidential engagement in the legislative arena is relational to congressional dominion over lawmaking. Congressional activity and contextual factors determine presidential strategies for interventions in the process of lawmaking. Lastly, my framework also incorporates the factors that shape congressional activism in lawmaking: the institutional rules per house, the explicit constitutional powers of lawmaking, the partisan composition and ideological tensions between members of Congress.

Figure 4-2: The overarching analytic concept of preemptive interventions – Presidential activism in the arena of lawmaking



Source: Own illustration. Key to the figure: Bold text = Dimensions of my background concept; Circles = the two branches of government involved in lawmaking; thin arrows = presidential strategies to influence legislation; white boxes = defining conceptual attributes per dimension; boxes on darker grey = the stages of lawmaking.

The shaded box in the conceptual framework depicted in Figure 4.2 encompasses interbranch relations in the context of lawmaking. Therein, I use the proximity between the process of lawmaking and Congress to illustrate congressional preeminence in the legislative arena. My conceptual approach is organized along five key components: the executive branch, presidential intervention, contextual factors, lawmaking and the legislative branch. As heads of the executive branch, presidents have multiple legislative strategies at their disposal. Their power to sway public opinion is not directly linked to the stages of lawmaking, but it can be influential in shaping legislative substance (Kernell 2007; Cohen 2015) under the condition of conducive contextual factors (Tedin et al. 2011) – especially through public speeches in the stages of agenda-setting and roll-call voting (Eshbaugh-Soha and Miles 2011). The arrows for swaying public opinion leave the context of interbranch relations in lawmaking because presidents sidestep Congress and

address the public directly. This strategy is also not clearly connected to any stage of lawmaking. Overall, the arena of lawmaking is not a place but a configuration of factors and actors that determine legislative outcomes.

Presidents can also set the agenda for Congress by proposing specific legislation (Edwards and Barrett 2000), which can set in motion the process of lawmaking beginning with the introduction of a draft if Congress moves to adopt the proposition. This is the first arrow that connects presidential activity with the process of lawmaking. Furthermore, presidents can bargain with lawmakers on Capitol Hill over the content of legislation (Beckmann 2010; Guenther and Kernell 2021). They often rely on executive communications to convey their positions to Congress frequently challenging specific provisions in targeted drafts with veto threats (Cameron and Nolan 2004; Hassell and Kernell 2016). This is the second arrow in Figure 4.2 and it relates to the stages of lawmaking where the content of legislation is determined. I highlight this connection in a darker grey because my research interest focuses on this specific dynamic in interbranch dynamics. Accordingly, my more precise conceptual map of preemptive presidential intervention focuses on this core element of my overarching analytic concept. The third arrow captures the presidents' veto power and completes concept's illustration of the presidents' strategies in the legislative arena (Cameron 2000; Cameron and Gibson 2020). The exercise of the veto power connects to the final stage of lawmaking as it prevents the passage of a bill sent to the White House for signature under the condition that it is not overruled by Congress.

Presidential interventions operate in the context that presidents cannot control. My theoretical framework established that presidential activism in interbranch relations is relational and sensitive to the given context. Therefore, Figure 4.2 positions the composition of government, the degree of ideological polarization in Congress and the level of presidential approval ratings as part of a permeable and variable barrier that executive interventions have to navigate as they aim to access the process of lawmaking. For illustrative purposes, Figure 4.2 does not distinguish between the contextual factors even though my theoretical framework accentuates the significance of the composition of government for interbranch dynamics. I organize the legislative process itself along five sequential steps from the introduction of the draft to its passage. After its introduction, bills usually move to the responsible committees for close inspection and for first negotiations between lawmakers. With regard to the National Defense Authorization Act, the responsible committees are the House Armed Services Committee (HASC) and the Senate Armed Services

Committee (SASC). Subsequently, the committees report bills to the respective floor for consideration and for voting. Bills can be punted back to the Committees after floor consideration, which stalls the proposal's project. After a bill passes the respective house of Congress, a conference committee meets to reconcile differences between the House and the Senate or a bill that passed in one house is considered in the other house for final passage. My overarching analytic concept labels this stage as the Conference Committee stage because authorization legislation is usually considered in both houses simultaneously before the Conference Committee convenes. Hence, legislating national defense authorization legislation tends to proceed differently from other bills in the sense that the urgency and significance of the legislation tends to discourage a time-consuming back and forth between and within the houses of Congress. The Conference Committee report is considered on both floors and the bill is passed to the president for signature if both houses vote to do so.

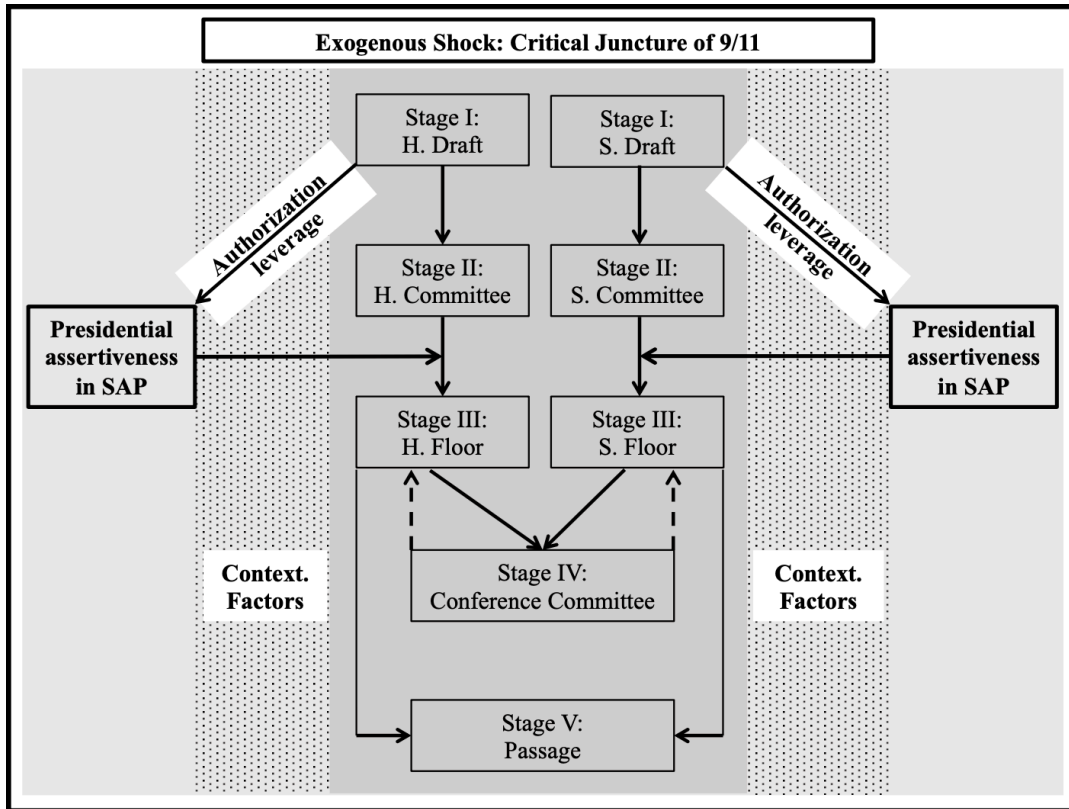
In reference of my evaluation of the state of research (see chapter 2), I find that presidential interventions in lawmaking within the drafting stages is less thoroughly understood as compared to swaying public opinion, setting the agenda for Congress through proposals and veto bargaining. Also, the focus on presidential means to intervene in lawmaking often sidetracks congressional activity as a parameter of interbranch dynamics. Therefore, my overarching analytic concept emphasizes congressional dominion over the process of lawmaking and includes four factors that shape legislative processes in Congress. First, institutional rules determine how the process unfolds. These rules change over time – witness the Senate's evolution to a super-majoritarian modus operandi and the revisited House rules when majorities shift. Still, the institutional rules are less volatile for individual legislative processes. Second, lawmakers hold the substantive and explicit legislative powers by constitutional design. Third, the partisan composition can shape institutional rules, while it certainly influences the exercise of the legislative powers – witness the Republican-controlled Senate's reluctance to consider House proposals passed by majority Democrats during the Obama administration. Lastly, the extent to which these ideological tensions determine voting behavior in Congress affects legislative activity. In short, institutional rules and formal legislative powers are rather stable determinants of lawmaking in Congress, while the partisan composition and the level of polarization shift frequently, which directly translates into the variation of contextual factors for presidential interventions.

In the next step, I specify the conceptual map of preemptive presidential interventions in foreign policy lawmaking through SAPs. In many ways, the concept depicted in figure 4.3 resembles a “structured-agency-approach” in which “presidents have opportunities to lead, but not under the circumstances they choose or control.” (Jacobs and King 2010: 794), which speaks to the impact of contextual factors. This conceptual approach is often used to position the president in the legislative arena (Jones 2005; Edwards and Wayne 2014) and builds on my overarching analytic concept. It also resonates well with the theoretical propositions and ontological guardrails of historical institutionalism established above. Lastly, it centers on the institutionalized sequence of lawmaking where interbranch dynamics on authorization legislation for foreign policy unfold. In sum, Figure 4.3 focuses on the mechanism and timing of preemptive executive challenges through SAPs in reference to the sequence of lawmaking.

Figure 4.3, differentiates between the House and the Senate because their many differences (i.e. constituency, election cycle, institutional rules, checks on the executive) suggest a house-specific assessment of preemptive presidential interventions. Also, given their separated elections, the corresponding contextual factors can differ significantly. For instance, the president’s party could hold a considerable majority in the House of Representatives with less ideological polarization, whereas the Senate could be controlled by the president’s opposition and witness more polarized voting behavior. Similarly, my conceptual map suggests that the use of the authorization leverage can vary between the houses of Congress. This is an important specification as compared to the overarching analytic concept because it prepares a more fine-grained analysis of presidential assertiveness under the impression of the critical juncture’s lasting legacy and endogenous gradual change in the interbranch dynamics. Hence, figure 4.3 incorporates my three central arguments and illustrates the conceptual connection of the corresponding hypotheses. Lastly, the legislative process for authorization bills has to adhere to the constitutional requirement that both houses of Congress pass the same bill prior to presenting it to the President. “To this end, each chamber must pass its own version of the same measure and then attempt to reach agreement with the other chamber about its provisions.” (Heitshusen and McGarry 2022: 2). This usually means that House and Senate conferees resolve differences in a conference committee. Lastly, the drafts consider the presidential budget request, which precedes lawmaking and which is not illustrated in the concept as depicted in figure 4.3. Overall, the illustration in figure 4.3 of my more precise concept echoes the relational understanding of presidential agency in lawmaking and

adheres to the distinction between endogenous and exogenous factors set up as part of my theoretical framework.

Figure 4-3: The conceptual map of preemptive presidential intervention in lawmaking



Source: Own illustration. Key to the figure: Highlighted in bold = conceptual components of my three central arguments; vertical arrows = movement of the bill along the sequence of lawmaking; horizontal arrows = preemptive presidential interventions; boxes on darker grey = the stages of lawmaking.

Lawmakers deploy their authorization leverage in the drafting stage and presidents react to the increased connection of foreign policy provisions to draft legislation with more assertive Statements of Administration Policy (SAP) when the responsible Committee reports the draft to the respective floor for voting. Hence, the illustrated hierarchy in figure 4.3 captures the temporal sequence of the mechanism of preemptive presidential interventions. It is a preemptive intervention because it communicates presidential positions on pending legislation prior to lawmakers voting on the proposal and prior to conference committees strengthening intrabranh agreement between the House and the Senate. In the longitudinal perspective proposed by historical institutionalism, this mechanism is shaped by the lasting legacy of 9/11 as a critical

juncture for interbranch dynamics and by congressional efforts to balance executive power in foreign policy through the authorization leverage. Also, presidential interventions consider the given contextual factors and the degree of assertiveness is adjusted accordingly. I predict that divided government, high polarization in Congress and high presidential approval ratings correlate with more assertive messages. The conceptual map of preemptive executive interventions illustrates this connection as moderating tiers for the extent of presidential assertiveness in SAPs per house of Congress. In sum, figure 4.3 brings together the key conceptual parts and centers on presidential intervention by means of more or less assertive SAPs.

The SAP's timing in reference to the procedural stages of lawmaking is crucial: Once a bill has reached the fourth stage, it is more difficult for presidents to challenge specific provisions assertively because Congress appears to have reached at least a tentative consensus at this point and often times might even be capable to form broader bipartisan support for the respective bill. For instance, President Trump suffered a severe political defeat with Congress overturning his veto on the National Defense Authorization Act (NDAA) for the fiscal year 2021. Empirically, all SAPs that are included in the sample for this project reached Congress prior to the third stage of lawmaking, which emphasizes the shared belief between the Office of Management and Budget (OMB) and the sitting president that timing is crucial. Presidents stand to gain a more favorable bill if they intervene early (Beckmann 2010; Hassell and Kernell 2016) and preemptive interventions face an uphill battle if lawmakers proceed to convene in the Conference Committee. To illustrate the extent of bipartisan support for authorization legislation that made it past the conference committee (stage IV), table 4.2 lists the votes per house of Congress on the Conference Committee reports for the annual National Defense Authorization Act. A "Voice Vote" is a vote that proceeded without a roll-call. "Un. Consent" refers to a house of Congress passing the conference committee report without objections. The respective report did not receive a formal vote and passed because no member of the respective house opposed it.

Table 4-2: Votes on Conference Committee Reports, 1985-2020

Year	House	Senate	Year	House	Senate
1985	Voice Vote	94-5	2002	Voice Vote	Voice Vote
1986	283-128	Voice Vote	2003	362-40	95-3
1987	264-158	86-9	2004	359-14	Un. Consent
1988	369-48	91-4	2005	374-41	Voice Vote
1989	236-172	91-8	2006	398-23	Un. Consent
1990	271-156	80-17	2007 (V)	369-45	91-3
1991	329-82	79-15	2008	392-39	88-8
1992	304-100	Un. Consent	2009	281-146	68-29
1993	271-135	77-22	2010	341-48	Un. Consent
1994	280-137	80-18	2011	283-136	86-13
1995	287-129	56-34	2012	315-107	81-14
1996 (V)	285-132	73-26	2013	Voice Vote	84-15
1997	286-123	90-10	2014	300-119	89-11
1998	373-50	96-2	2015 (V)	270-156	70-27
1999	375-45	93-5	2016	375-34	92-7
2000	382-31	90-3	2017	356-70	Voice Vote
2001	382-40	96-2	2018	359-54	87-10
			2019	377-48	86-8
			2020 (V)	335-78	84-13

Source: Own illustration. Key to the table: (V) = Presidential veto exercised; Voice vote = No roll call; Unanimous consent = no opposition and no vote.

Table 4.2 highlights the importance of timing for presidential interventions in lawmaking. Prior to the conclusion of the legislative process, substantial agreement on the provisions included in the NDAA is widespread in the voting patterns concerning the Conference Committee reports. The degree of bipartisanship regularly reaches veto-proof majorities. This voting behavior raises fears of political defeat for presidents threatening or exercising their veto power and it also underscores the potency of the authorization leverage. Given the tradition of bipartisan agreement towards the end of legislating NDAAAs, presidents feel compelled to intervene earlier through SAPs in order to communicate their opposition prior to the consolidation of congressional agreement. Presidents could blindside Congress by not communicating their opposition during the process and by releasing a signing statement that directs the agencies on the interpretation of new laws.

However, bypassing negotiations like that would result in undesired provisions passing Congress unchallenged and it would likely incur severe congressional opposition in the form of public investigations, hearings and renewed legislative constraints. Preemptive intervention as mapped out in figure 4.3 are the president's best option. In Congress, the combination of the prospect of bipartisanship and the constitutional power of the purse emphasizes the strategic value of the authorization leverage. This is important for the conceptual map of preemptive presidential interventions through SAPs because it provides another facet to the power of the authorization leverage. The likelihood of bipartisan agreement towards the end of the legislative process looms large in presidential and congressional strategies. It supports the authorization leverage and incentivizes presidents to intervene earlier and more assertively.

Overall, my conceptual map of preemptive presidential interventions in lawmaking is helpful three respects. First and foremost, it connects the theoretical framework with the mechanism of early executive challenges in the process of lawmaking that underpins many of the key guardrails of American foreign policy. Second, it pinpoints the location and timing of the mechanism in reference to the stages of lawmaking and thereby highlights a key venue of the interbranch struggle over foreign policy that is hitherto underrepresented in the literature. Third, it illustrates the main connections between the conceptual attributes, which originate in the constitutional blueprint as well as in the theoretical propositions for interbranch dynamics. In sum, my conceptual specifications prepare the analysis of my five hypotheses by clarifying the key components of the respective correlations and by illustrating their connections. Put differently, it sets up the operationalization of the predictors as well as the measurement of presidential assertiveness.

In the next step, I define SAPs and their functions in more detail in order to explain the mechanism. Then, I rely on the 2015 NDAA to demonstrate how this class of executive communication operates. In essence, "SAPs by design always include policy position language and are often the first formal written document indicating the President's intent to sign or veto a legislative measure." (Stuessy 2016: 1). They are "[...] a contained summation of the Administration's positions regarding a specific bill." (ibid.). Hence, SAPs gather executive positions on pending legislation that might already have appeared separately elsewhere. In SAPs, presidential opposition is often issue specific or targets individual sections. Since the line item veto was ruled unconstitutional by the Supreme Court in 1998, presidents can only veto an entire bill

instead of specific provisions. Accordingly, presidents list objectionable provisions or broader topics and state a summary of their position, which is the key operative language for interbranch dynamics: “If this bill were presented to the President, the President’s senior advisors would recommend to the President that he veto it.” (The White House 2015a: 1). Hence, presidents use SAPs as a vehicle of executive pressure by highlighting undesired provisions that would lead to the exercise of the veto power (Guenther and Kernell 2021). The goal of SAPs is to deliver to Congress a sophisticated bill statement that allows presidents to access the legislative process directly and to notify lawmakers about degrees of support or opposition for respective proposals under consideration in the House or the Senate.

SAPs are issued by the Office of Management and Budget (OMB) on behalf of the Executive Office of the President, while presidents themselves have the final say on their release and substance. In their early iterations, they were usually received in Congress by the respective bill’s sponsors, by the responsible committee or by individual lawmakers who share it on the floor to make it part of the congressional record. Modern SAPs are released online on the OMB’s website. In a clear example of constitutional ambiguity, presidents rely on their interpretation of the recommendations clause in the Constitution to legitimize their early interventions through SAPs. Through the Resource Management Office within the OMB, all agencies that are deemed affected by pending legislation get to voice their concerns. Based on these consultations within the Executive branch, the OMB drafts an SAP for presidential clearance. This process is regulated in the last revision of circular number A-19 on legislative coordination and clearance between the executive departments and establishments (The White House 1979). The White House Office of Legislative Affairs (WHLA) is also consulted on draft SAPs prior to their release. The extensive consultations are an important attribute of SAPs. The positions voiced in these communications combine the views of all affected agencies. “Agencies can indicate opposition through formal documents, like a Statement of Administration Policy or views letters (both of which allow an agency to publicly state that it is opposed to a bill and why) [...]” (Shobe 2017: 494). Hence, presidents channel the collective expertise and institutional memory of their branch as a whole in releasing substantive SAPs early in the legislative process. These communications are taken seriously on Capitol Hill because presidents release them in a joint effort of the executive branch and lawmakers know that the successful implementation of ultimately passed bills depends on the executive agencies’ compliance.

SAPs are the result of the OMB tracking bills in Congress and comparing their content to the presidents' preferences. In their early days during the Reagan Administration, SAPs concentrated on individual appropriation bills and used the presidential budget proposal as the baseline to track different configurations of spending bills in Congress (Tomkin 2015). SAPs provide the president and all concerned agencies within the branch with the opportunity to formally comment on legislation that is under consideration by lawmakers. Next to their crucial role as a direct link between the White House and the two houses of Congress, SAPs foster internal cohesion and consultation across the intricate network of disparate departments within the executive branch. In this way, they consolidate the internal institutionalization of the presidency and showcase presidential control over executive agencies (Ragsdale and Theis 1997; Dickinson and Rudalevige 2004). In essence, SAPs facilitate early presidential engagement in lawmaking by consolidating the executive's stance on pending legislation and I argue that this avenue of influence is increasingly characterized by executive assertiveness.

The challenging task of tracking bills and coordinating consultations within the executive branch results in a complex administrative procedure that precedes the release of SAPs. Originally, the main concerns of the agencies involved in drafting SAPs were the administrative aspects of the respective bill's implementation leading to negotiations that unfolded more along technical terms and precise budget levels. This was also evident in informal consultations between executive agencies and lawmakers on Capitol Hill, who weighed the administrative implications of their drafts (Shobe 2017). However, SAPs just like the OMB itself experienced a significant politicization. As such, presidential appointees rather than career professionals began to hold high ranking positions in the OMB more frequently, which increased the office's responsiveness to the policy preferences of individual presidents. "Politicization blurred the line between the OMB's governmental authority as an institution of the presidency and its political power as an extension of the president's personal staff." (Dickinson and Rudalevige 2004: 637; see also Michaels 1997). Other than the administration of the complex review procedure to ensure due process in preparation of executive positioning on pending legislation, no internal institutional barriers moderate presidential assertiveness in SAPs. Presidential political objectives by and large set the tone and define the substance of SAPs under the impression of increasing politicization of the OMB.

Political goals began to feature more prominently in SAPs in part because SAPs increasingly became more public in the sense that they were widely accessible online. Since 2009,

the OMB publishes the Statements of Administration Policy on its website and there is no privileged access to them for Congress, while this does not preclude informal warnings of incoming veto threats. In 2012, the OMB also began to tweet about the release of SAPs through its own Twitter-Account @OMBPress. Lawmakers are still the main audience because they are meant to consider presidential opposition, but the dynamic of presidents going public about their agency in lawmaking adds a rather novel facet to SAPs that adapts their purpose in light of the broader audience. Contemporary presidents communicate their preferences in SAPs not exclusively to legislators but also to the American public in order to explain and pinpoint their opposition and to garner support for their preemptive interventions. Also, SAPs often foreshadow presidential interpretations of how corresponding legislation should be interpreted and implemented as spelled out in respective signing statements (Rice 2010). News outlets also use SAPs as a prime source of information for presidential positions on pending legislation, which often alerts journalists and lawmakers alike to imminent interbranch clashes on certain provisions (Nather 2015; Khan 2020; Edmondson 2020). Since presidents are held responsible for foreign policy, rising assertiveness in SAPs in response to Congress employing its authorization-leverage is also a function of the extended reach of these executive communications. SAPs draw the public's attention to the early stages of interbranch bargaining on legislation and when foreign policy is concerned, presidents tend to have more to lose than Congress. In this light, assertiveness in SAPs is a double-edged sword for presidents in reference to the broader audience. SAPs signal to Congress and to the public early determination to prevent undesired provisions and to assert executive dominion over foreign policy, but they also alert Americans to congressional efforts to check executive power. Regardless to what extent individual presidents consider this conundrum for the degree of assertiveness in SAPs, the main message is that the audience for this class of executive communication has increased significantly in the internet age.

Overall, I define SAPs to serve a dual purpose. First, they unify the executive branch and thereby strengthen the president's posture in opposing undesired provisions included in legislative proposals. They are the product of a complex effort to rally the executive branch behind the president and to ensure the prevalence of presidential preferences, which is a goal more frequently aided by political appointees. Second, they communicate specific position language to lawmakers as they draft and discuss legislative proposals. Therefore, I argue that SAPs are an integral part of interbranch dynamics and they are crucial to understand the domestic underpinnings of American

foreign policy if they intervene in legislative processes that relate to this policy area and the extent of presidential power therein. In essence, SAPs stand for a deliberately timed, carefully crafted, prominently received and frequently employed mean for presidential interventions in lawmaking. In the following paragraphs, I use the SAPs on the 2015 draft NDAs to illustrate how this mechanism operates in practice.

4.2 A Descriptive Case Study: The 2015 NDAA and President Obama's Opposition

Interbranch dynamics between the presidency and Congress are more complex than my specialized concept of preemptive presidential interventions in lawmaking suggest, which is a necessary trade-off for concept specification in light of my research interest. Informal consultation, closed-door meetings and classified information remain a black box in my conceptual approach. For instance, SAPs include text that is exclusively meant for distribution within the Executive Office of the President (OMB). This part of SAPs remains hidden from the public eye and cannot be considered in my empirical analysis.⁹ Still, my descriptive example of how the mechanism of SAPs operates within the practice of interbranch relations showcases their key purposes as outlined above. I choose SAPs in connection to the 2015 draft NDAs because it is a case that most likely exhibits significant interbranch struggles over the direction of American foreign policy. President Obama's second term was characterized by extensive Republican pushback against most of his policy objectives and interbranch tensions peaked (Binder 2018; Wiedekind and Lemke 2022), which accentuates the importance of domestic determinants of foreign policy (Marshall and Prins 2016). Also, the 2016 presidential election already loomed large on Capitol Hill. Senate majority leader Mitch McConnell was determined to set the stage for a Republican victory with legislative accomplishments that firmly positioned the party as the right of center alternative to President Obama's progressive reforms. Legislation on authorizations and appropriations offered prime opportunities to pressure President Obama and to signal to voters that Republicans are in control. Hence, I argue that 2015 is a fitting case for elaborating the mechanism of SAPs in more detail.

I begin by briefly outlining the context of the 2015 draft NDAs that were considered in Congress for the upcoming fiscal year. In the 114th Congress (January 2015 – January 2017), both

⁹ After SAPs conclude, a line of asterisks ends the publicly available document. Below the asterisks, SAPs contain information only to be shared within the executive branch, which is why it is also referred to as "below the stars" text (Stuessy 2016: 2).

houses of Congress were controlled by Republicans with a slim margin in the Senate of 54 to 46 seats in the Senate and a more substantial margin of 247 to 188 in the House. Voting behavior in Congress measured in the frequency of party unity votes indicates significant polarization (CQ Press 2021) and President Obama's approval ratings stagnated at around 46 percent (Woolley and Peters 2020). Hence, the context was detrimental to the realization of presidential preferences in the arena of lawmaking and Republicans were determined to take advantage of their control of Congress in the run-up to the 2016 election cycle. I use the bill tracker function on the website of Congress to gather the subsequent information. The formal legislative process on the annual NDAA began on April 13, 2015 (Stage I, see figures 4.2 and 4.3), when Representative Mac Thornberry (R-TX) introduced House Resolution 1735, which was co-sponsored by his Democratic colleague Representative Adam Smith (D-WA).¹⁰

Bipartisan co-sponsorship is a common practice in Congress. When large authorization or appropriations bills are introduced, bipartisan co-sponsorship signals a certain willingness to compromise across the aisle. Referring to the NDAAs, the chair of the House or Senate Armed Services Committee introduces the respective bill together with the ranking member. The House-bill was reported by the Committee on Armed Services on May 5, 2014 and a supplemental report was filed soon thereafter on May 15, 2015 (Stage II) before the bill passed in the House with a 269-151 vote. 143 Representatives from the Democratic Party voted no, while 41 copartisans voted with 228 Republican colleagues in support of the bill's passage. Prior to the vote, President Obama intervened with a Statement of Administration Policy that he released on May 12, 2015. He threatens to veto the bill if it were presented to him in its current form (The White House 2015a). Hence, prior to the House vote and after the Committee Report was filed, President Obama intervenes preemptively as illustrated in figure 4.3.

President Obama's primary concern was that the draft NDAA would limit an overseas contingency operations (OCO) account that was primarily designed for emergencies and the costs of troop deployments. The proposal "[...] risks undermining a mechanism meant to fund incremental costs of overseas conflicts and fails to provide a stable, multi-year budget to which defense planning is based." (The White House 2015a; see also Towell 2015). More specifically, the Republican controlled Congress moved to bypass the Budget Control Act of 2011 spending

¹⁰ R-TX = Republican from the state of Texas; D-WA = Democrat from the state of Washington. The first letter indicates party membership and the two subsequent letters indicate the representative's state.

caps by allocating nearly \$90 billion to the OCO account. Additionally, President Obama criticizes in his SAP that the draft “[...] fails to adopt many of the needed force structure and weapons system reforms included in the President’s Budget [...]” (The White House 2015a: 1), which called for a new Base Realignment and Closure round (BRAC). Two insights emerge clearly from this position language. First, NDAs directly relate to foreign policy and influence America’s overseas engagement. Second, SAPs are integrated in the broader legislative strategy as the reference to the President’s budget proposal underscores. Another area of severe presidential opposition voiced in this SAP relates to the Guantanamo Detainee provisions in the draft:

The Administration strongly objects to several provisions of the bill that relate to the detention facility at Guantanamo Bay, Cuba. As the Administration has said many times before, operating this facility weakens our national security by draining resources damaging our relationships with key allies and partners, and emboldening violent extremist. Rather than taking steps to bring this chapter of our history to a close, as the President has repeatedly called upon Congress to do, this bill aims to extend it. (ibid.: 2).

It stands out that SAPs convey long-standing foreign policy positions that clearly characterized interbranch dynamics in lawmaking across Obama’s Administration. Also, President Obama is specific about this area of opposition to the draft as he targets multiple sections explicitly (i.e. Sections 1036-1041 of the House draft). These sections impose limits on the transfer of Guantanamo Bay detainees to the US or to other countries thereby effectively ensuring the facility’s continued operation despite President Obama’s opposition. In this SAP, President Obama went on to challenge a total of 48 provisions and issued a blanket veto threat. The fact that the prison stayed open indicates that Congress does not automatically cave in the face of presidential pressure. Interbranch relations in foreign policy are characterized by presidential power but they are not determined by it. The extent and substance of opposition communicated to Congress in the SAP for the 2015 draft NDAA is a testament to the continued importance of interbranch dynamics for foreign policy outcomes.

After the presidential veto threat was received on Capitol Hill, the House proceeded to vote on the proposal and passed it with a bipartisan majority as outlined above. The resistance of 151 Democratic Representatives foreshadowed possible difficulties to overturn Obama’s looming veto in the House. “Obama is confident, based on substantial Democratic opposition to the defense spending package, that the House will uphold his veto.” (Mufson 2015; see also Demirjian 2015).

Afterwards, the Republican controlled Senate quickly followed suit and passed the bill sent by the House with a 71-25 vote on June 18, 2015, which indicates that the Senate could muster a two-thirds majority to overturn the threatened veto. After multiple hearings in subcommittees such as the Subcommittee on Strategic Forces or on Emerging Threats and Capabilities, which is a common practice leading up to the draft NDAA, Senator John McCain (R-AZ)¹¹ introduced the Senate companion bill to the original House draft on May 19, 2015 before the Senate subsequently adopted the House version. It is constitutionally mandated practice that the Senate considers a companion bill concurrent to the original House version and vice versa when Congress legislates large authorization and appropriation bills. These versions can differ significantly and foreshadow negotiations between Senators and Representatives in the Conference Committee (Stage IV). This is also why there are usually two SAPs per legislative process. In accordance with my conceptual map of preemptive interventions, President Obama released an SAP for the Senate companion bill on June 2, 2015 – about two weeks prior to the Senate vote on the version that already passed the House (The White House 2015b).

President Obama’s veto rhetoric remained largely unchanged in the SAP addressed to the Senate bill and he outlined a similar list of objectionable topics, while the contingency funds, force structure and weapons system related issues and the restrictions on Guantanamo Bay policy continued to be the focal points of executive opposition. He targeted a total of 48 topics in the Senate Bill, which is only slightly more as compared to the number of targeted sections in the House draft. With regard to Guantanamo policy, he also targets reporting requirements implemented in both drafts and asserts his constitutional authority in this area to dissuade Congress from keeping them in the final bill. In both SAPs, President Obama connects his veto threat to his concern that multiple sections on the issue of the Guantanamo Bay detention facility “[...] violate constitutional separation-of-powers principles [...]” (The White House 2015a: 2; The White House 2015b: 2). In this instance, President Obama uses his SAPs to communicate to Congress his conviction that congressional restrictions on his policy goals regarding the Guantanamo Bay issue and connecting reporting requirements exceed congressional authority in foreign policy and infringe on his constitutional powers. It stands out that tensions seem to already peak prior to representatives of both houses of Congress convening in the Conference Committee. Clearly,

¹¹ R-AZ = Republican from the state of Arizona

President Obama used the SAPs in 2015 to face congressional pressure head on in the early stages of lawmaking.

Congress moved the draft NDAA to a vote in both houses of Congress in just above two months' time and President Obama intervened assertively with two SAPs – one per draft under consideration in Congress. Hence, there was only a limited period for members of both houses to review the respective Committee reports and to process extensive as well as assertive presidential opposition. However, more time passed between the vote in the Senate that passed the House draft and the filing of the Conference Committee report (H. Rpt. 114-270) on September 29, 2015. Conference Committee reports cannot be amended prior to both floors voting on their adoption and they represent the result of the selected conferees' efforts to resolve differences between the houses of Congress (Rybicki 2021). The presidents SAP evidently echoed in the conference report. For instance, both SAPs demanded a new Base Realignment and Closure round and Congress responds in the conference report with an overt rejection of this policy goal: "Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round." (U.S. Congress 2015). Section 2702 is accordingly entitled "Prohibition on conducting additional base realignment and closure round" (ibid.). Similarly, under subtitle D "Counterterrorism", the report showcased continued determination to prohibit President Obama from using funds to transfer or release individuals detained at the Guantanamo Bay site. The conference report also kept the OCO provisions (U.S. Congress 2015). Overall, congressional Republicans prevailed and made a point of continued resistance to compromise on the issues Obama's SAPs targeted early in the process with a widespread veto threat, which included separation-of-powers concerns. Despite the looming veto, the conference report was agreed to in the House in a 270-156 vote on October 1, 2015 and with a 70-27 vote in the Senate on October 7, 2015. An affirmative vote in both houses of Congress on the Conference Committee reports means that the bill has passed Congress and will be passed on to the White House (Stage V). The vote pattern is similar to the votes that passed the bills and moved the legislative process along to the Conference Committee indicating that only the Senate vote to present the bill to the President is veto-proof whereas the House is shy of the two-thirds-mark.

The 2015 NDAA was presented to President Obama on October 21, 2015 and included the provisions the SAPs had specifically targeted with a veto threat (i.e. authorizations on OCO funds, objectionable force structure and BRACS provisions, as well as restrictions on using funds for the

closure of the Guantanamo Bay detention facility). On October 22, 2015 – well within the new fiscal year – President Obama vetoed the bill and signed the corresponding veto message to the House of Representatives where the draft originated in front of invited journalists in the Oval Office:

I am returning herewith without my approval H.R. 1735, the ‘National Defense Authorization Act for Fiscal Year 2016’. [...] the bill would, among other things, constrain the ability of the Department of Defense to conduct multi-year defense planning and align military capabilities and force structure with our national defense strategy, impede the closure of the detention facility at Guantanamo Bay, and prevent the implementation of essential defense reforms. (The White House 2015c).

The veto message mirrors the concerns preemptively voiced in the SAPs. His remarks in the Oval Office after signing the veto message pinpoint the same three most objectionable themes in the bill: “Unfortunately, it falls woefully short in three areas. [...] Congress keeps on stepping back in, and we end up wasting money. [...] Guantanamo is one of the premiere mechanisms for jihadists to recruit.” (The White House 2015d). Congress defied the veto threat and attempted to force the president’s hand on key foreign policy decisions. Obama responded early and assertively through SAPs because the OMB flagged significant departures from the President’s policy goals in the initial drafts. The legislative process of the 2015 NDAA emphasizes that SAPs are the main gateway for preemptive presidential opposition and it also underscores the power of the authorization-leverage. Furthermore, the setting of divided government contributed to increased interbranch tensions especially because the next presidential election was only a year away by the time President Obama vetoed the bill. In accordance with the standard veto override procedure, the house of Congress where the vetoed bill originated moved first to consider the president’s veto on the floor (Rybicki 2019). If the first-acting house fails to muster the required two-thirds majority to override the veto with a quorum being present, the other house cannot consider it and the presidential veto is sustained. If the first override attempt fails, the vetoed bill cannot become law. The first-acting house can also refrain from challenging the veto, which means that no floor vote is taken to override the veto, in which case the veto is sustained without the attempt to override it and the second-acting house cannot save the bill. President Obama’s veto was not overridden because the House did not challenge it.

The fiscal year of 2016 had already begun and after the original bill was successfully vetoed a revised NDAA had to move quickly through Congress on to the president's desk. On May 14, 2015, just two days after the SAP for the original House draft communicated President Obama's veto threat to Congress, Senator Ron Johnson (R-WI) introduced a draft NDAA in the Senate (S. 1356) cosponsored by Senator John McCain (R-AZ), Senator Jon Tester (D-MT) and Senator Benjamin Cardin (D-MD). On the same day, the bill passed the Senate with unanimous consent and was sent to the House. On still the same day, the House moved to hold the Senate bill at the desk, which means that the full House reserved the right of action on the draft and that the bill would not be sent to the responsible Committee. This is a common move in Congress when one house receives a draft from the house on legislation that it is already working on. To reiterate, the House draft was introduced in April 13, 2015, which resulted in the maneuver of holding the Senate draft at the House's desk. After President Obama's veto of the original House bill was not overridden, Representative Mac Thornberry's (R-TX, who introduced the vetoed House bill) motion to suspend the rules and to pass the previously tabled bill with amendments was agreed to in the House in a 370-58 vote on November 5, 2015. The Senate passed the amendments to the bill in a 91-3 vote on November 10, 2015 and the revised draft NDAA was presented to President Obama on November 17, 2015. The short timeline indicates the urgency of annual authorization legislation. Given the fact that the process had to be rushed and that President Obama's objections were well known from the original SAPs and the veto message, it is not surprising that no new SAPs were released on the revised bill. Also, SAPs are preemptive by design and the issuance of such a message after the legislative process had concluded in the veto would have defeated their purpose. On November 25, 2015, President Obama signed the revised NDAA into law and issued a signing statement that illustrates the interbranch deal that was struck.

Congress forced President Obama's hand and kept the Guantanamo provisions in the revised draft. In his signing statement, he states that he is "[...] deeply disappointed that the Congress has again failed to take productive action toward closing the detention facility at Guantanamo. Maintaining this site, year after year, is not consistent with our interests as a Nation and undermines our standing in the world." (The White House 2015e). However, the statement also showcases presidential victories. Congress passed the Bipartisan Budget Act of 2015, which saves discretionary spending caps for the two subsequent fiscal years, which had been a main concern with the OCO account in the ultimately vetoed House draft NDAA. Furthermore,

Congress altered the funding authorization provisions that the president had objected to in both SAPs and in the veto message. The overarching message of this outcome is that Congress can constrain presidential power in foreign policy by virtue of the authorization leverage and presidents can intervene preemptively through SAPs to pinpoint their most serious concerns and to foreshadow the content of veto messages. More generally, the 2015 NDAA emphasizes that interbranch dynamics in lawmaking continue to influence foreign policy despite the growth of presidential power therein. Lastly, the multitude of bipartisan votes in this legislative process indicates that compromises across the aisle on key legislation are still possible and in fact characteristic of defense authorization legislation.

In sum, the example of the legislative process for the 2015 NDAA illustrated the main characteristics of SAPs as a mechanism for preemptive and assertive presidential intervention in foreign policy lawmaking. Their timing is strategic and their content is integrated in the broader executive strategy for interbranch bargaining. Presidents try to avoid the exercise of an actual veto by intervening assertively in the early stages of lawmaking especially in defense authorization legislation where veto-proof majorities are common. My conceptual map for these preemptive interventions captures their timing and the congressional cues in the first draft as well as their responsiveness to contextual factors. Hence, my conceptual framework pinpoints the empirical scope of my subsequent analysis to these preemptive interventions. Consequently, my analysis does not assess the SAPs' success in altering legislative text. I focus on presidential position language in SAPs and I aim to uncover what factors explain variation in the level of assertiveness. This echoes the gap in the literature outlined in chapter 2. Presidential unilateralism, presidents going public and executive veto bargaining are well researched. The SAPs for the 2015 NDAA's targeted 43 and 48 section in the drafts respectively, which suggests that there is more position language included in these preemptive interventions than is hitherto realized. It is important to understand the variation in presidential assertiveness in SAPs because these interventions are an important factor in the interbranch dynamics that underpin American foreign policy.

The next subchapter explains my strategy for case selection and described the process of compiling the dataset. Afterwards, I outline the details of my empirical strategy, which encompasses the operationalization of my predictors of presidential assertiveness in SAPs. I also describe how I trace the extent of assertiveness in SAPs based on a coding framework established by Kernell et al. (2019). At this point, I specify the methodological innovation of my aggregate

assertiveness-score and its advantages in understanding the true extent of presidential opposition in preemptive SAPs. I conclude this chapter by sequencing the subsequent analysis, along a three-leveled procedure.

4.3 Case Selection Strategy: SAPs on the National Defense Authorization Acts, 1985-2020

“One of the most fundamental powers of the U.S. Congress is the power of the purse, and exercising that power is a core legislative activity.” (Woon and Anderson 2012: 409; see also Fenno 1966).

My analysis focuses on one particular annual must-pass law with evident and extensive impact on foreign policy: The National Defense Authorization Act (NDAA). In essence, this large bill “[...] establishes policy and authorizes appropriations for the DOD [Department of Defense], nuclear weapons programs of the Department of Energy, and other defense-related activities.” (McGarry and Heitshusen 2022: 1). As an annual must-pass law, other pieces of legislation or significant amendments like economic sanctions are often attached to it.¹² In this subchapter I present four reasons that explain my selection of National Defense Authorization Acts (NDAAs) for the analysis of presidential assertiveness in SAPs. First, presidential and congressional powers prominently collide in authorization legislation that includes foreign policy provisions. Hence, I expect that interbranch dynamics emerge clearly in this contested arena. Second, NDAAs ensure comparability over time, which is a requirement that stems from the longitudinal perspective engrained in my theoretical framework. Third, I argue that NDAAs exhibit increasing and substantial foreign policy relevance, which endorses their value in studying presidential assertiveness in lawmaking. Fourth, the focus on NDAAs ensures an almost equal distribution of SAPs across my period of observation (1985-2020). Thus, my case selection adheres to the parameters set by the theoretical framework (chapter 3) and ensures the empirical precision engrained in my conceptual framework (chapter 4.1). Overall, my case selection combines the theoretical and conceptual parameters of my research design with initial considerations of the empirical analysis. I conclude this subchapter with a critical review of my case.

¹² See, for instance, Senate Amendment 1414 to the NDAA for the fiscal year 2012 (S. 1867), which imposed new sanctions on Iran leading to interbranch friction in the face of Obama’s opposition.

Regarding the first reason for selecting NDAAAs, Woon and Anderson (2012: 409) pinpoint in the opening quote of this subchapter the arena where interbranch relations are prone to exhibit manifestations of the constitutionally mandated struggle over the direction of American foreign policy. Presidential and congressional power overlap in the arena of lawmaking. Authorization and appropriation legislation are the main stage therein. Legislating authorization legislation stands out in the way that Congress can rely on its fundamental power of the purse. Also, the Constitution mandates that both houses of Congress agree on the bill in precisely the same form before it is presented to the president. Therefore, conference committees are the norm, which shores up intrabranch agreement in the face of assertive presidents. However, if lawmakers move foreign policy provisions to the center stage of legislative activity, it draws in presidential interventions on account of the executive's preeminence in this policy area. Hence, the collision of key congressional and presidential powers in authorization legislation with foreign policy relevance accentuates interbranch dynamics, which are at the core of my research interest and my theoretical framework. This also echoes the constitutional blueprint of interbranch relations in lawmaking and pinpoints the system of shared powers in the context of a specific legislative process. Therefore, the analysis of presidential interventions in legislating authorizations allows insights into contemporary interbranch relations under the impression of growing presidential power in foreign policy.

My theoretical framework relied on constitutional ambiguity to deconstruct the inherent tension in institutional theory between structure and agency. The latter is relational and dynamic in the American system of shared powers because the former implements guardrails rather than perfect regulation. Ambiguity draws in interbranch contestation. Consequently, lawmakers and presidents struggle over the content and direction of foreign policy. While the interpretation of constitutional ambiguity historically favored presidential discretion in foreign policy, Congress has multiple resources to check the executive. "Because funding is required for much international activity, control of appropriations inserts Congress as a critical factor in foreign and defense policy." (Smith et al. 2013: 295). When other means to check the executive are hamstrung by ideological polarization or decreasing legislative capacity, the power of the purse continues to be an important source of interbranch power and conflict.

Presidential power in foreign policy is impactful but constrained by the congressional power of the purse. "Substantively, the power of the purse is among the most significant sources

of authority for Congress as well as an important arena in which serious policy questions are litigated and decisions are made.” (Bolton and Thrower 2019: 1279). Therefore, NDAs are a promising vehicle to bring to the fore a dimension of interbranch dynamics in foreign policy where Congress is powerful. Understanding presidential preemptive interventions in this dimension is important because it indicates the extent of substantial interbranch tensions in foreign policy making. It illuminates how presidents engage lawmakers that leverage the power of the purse against executive control over matters concerning international relations. The NDA also stands for resurgent congressional efforts to control presidents in the exercise of their foreign policy powers. Prior to the 1960s, defense authorizations did not include sunset clauses, which meant that programs that were authorized once ran indefinitely without regular legislative control by Congress. Sunset provisions set an end date for authorized programs or policies and require the executive to justify the respective programs’ continuation to lawmakers, who would have to pass corresponding legislation. This ensures periodic legislative review and control over the executive.

Beginning in the 1970s, Congress moved to add more programs and policies to the annual defense authorization bill to exert greater control over executive activities in foreign policy. The addition to the NDA meant that each authorized program would be revisited annually thereby strengthening legislative control. “The long-term effect was to give all members of Congress a regular opportunity to influence the direction of defense policy.” (Smith et al. 2013: 302). These efforts to extend regular legislative control over foreign and defense policy ultimately contributed to increased executive monitoring of respective legislative processes through the OMB. SAPs are a direct consequence of the growth in authorization legislation. Clearly, interbranch dynamics in connection to the NDA witness historical patterns of growing presidential power in foreign policy and congressional efforts to counter this development. Leveraging the power of the purse is the primary way to do so. In essence, I select NDAs because this legislative process embodies the evolution of interbranch struggles over foreign policy as presidential and congressional powers converge.

The second reason for selecting NDA is also informed by my theoretical framework. More specifically, it includes one key requirement for the strategy of selecting cases for the empirical assessment of the patterns of changes theorized by historical institutionalism. The longitudinal perspective requires comparable units of analysis across time. Without comparability over time between the analyzed cases, patterns of change would be obscured by the variation in

the parameters for the units of analysis. This is to say that assertiveness in SAPs for different legislative processes would be more difficult to compare because the frame of references for the executive communications would change. Tracing presidential position language on NDAAAs between 1985 and 2020 adheres to the comparability requirement because the basic parameters for passing these authorization bills have not changed significantly across my period of observation. They continue to be annual and must-pass bills that the House and the Senate must agree on, which usually results in an unamendable conference committee report. The NDAAAs' structure has also remained largely unchanged. Division A addresses Department of Defense authorizations, division B includes military construction authorizations, division C focuses Department of Energy, National Security and other authorization and division D shows the funding tables (McGarry and Heitshusen 2022). The substance of these divisions might vary over time as new programs are added and others are not continued. Also, legislation under the jurisdiction of Committees other than the HASC and the SASC is often attached to the NDAA precisely because it is continuously enacted. Legislation that would otherwise face a rather uncertain path to enactment can pass more easily on the coattails of the NDAA. I argue that this is especially true for foreign policy provisions as the checks and balances system adjusts to the growth in presidential power in this area. In this sense, the NDAA illustrates how structure does not preclude dynamic and relational agency. The legislative process of authorization legislation is structured by the Constitution but the interpretation of the extent to which the power of the purse is defined as a tool to constrain increasingly powerful presidents is shaped by lawmakers. Therefore, the study of presidential interventions through SAPs in the context of NDAAAs reveals broader trends in interbranch dynamics. In sum, the NDAA is an ideal vehicle for longitudinal analyses of preemptive executive challenges in foreign policy lawmaking.

The third reason for selecting the NDAA focuses on the foreign policy relevance of this legislation. A first indication of this trend emerges in the changing title for NDAAAs. Prior to 1986, the NDAA was called the Department of Defense (DoD) Appropriation Authorization Act or the Armed Forces Appropriation Authorization Act (House Armed Service Committee 2023). The change from these rather precise frames of reference to the broader title indicates the increasing scope and reach of this legislative process. The NDAAAs legacy of regular bipartisan passage attracts other legislation that might be attached to it for better prospects of enactment. The former Representative Mac Thornberry (R-TX), who introduced the 2015 draft NDAA that I relied on to

illustrate the mechanism of SAPs, adequately captured this trend in a publication with the *Harvard Journal on Legislation*: “The NDAA has become a sturdy ox pulling a legislative wagon on which a lot of legislative baggage is carried.” (2021: 9). Most of this added baggage is related to foreign policy provisions such as economic sanctions policy or counterterrorism programs. Its substantive impact on foreign policy is also evidenced by the addition of provisions that range from troop levels for NATO missions to treaty politics such as the Strategic Arms Reduction Treaty (START). In addition, foreign aid policy in terms of Department of Defense assistance is regularly legislated in the context of NDAAs, whereas Congress has not passed a comprehensive and standalone foreign aid authorization bill since 1985 (Lawson and Morgenstern 2019: 27). Notably, scholars uncovered an almost universal decline in roll-call votes on legislation that is concerned with international relations, whereas only defense policy is somewhat consistent in part due to legislative productivity on National Defense Authorization Acts (Marshall and Haney 2022). Lastly, the American response to the terrorist attacks of September 11, 2001, required multiple authorizations that were often passed as legislative bundles within the NDAA. For instance, the NDAA for fiscal year 2003 included subtitle XV, which was entitled “activities relating to combating terrorism” (U.S. Congress 2002). Lastly, I follow John Lapinski’s (2008) policy classification schema, which includes defense policy such as the National Defense Authorization Act as pursuant to international relations.

The change in the title from DoD appropriations authorization to national defense authorization temporally coincides with the first SAP released for a draft-NDAA by President Reagan in 1985, which is the natural starting point for my period of observation. It ends with President Trump’s administration in 2020 to be able to control for president specific effect on preemptive assertiveness in SAPs, which is conceptually challenging for a presidential term that has not concluded by the time the subsequent dataset was compiled. Therefore, I exclude President Biden’s SAPs. The fourth reason for selecting NDAAs refers to the distribution of SAPs across the established temporal scope of my analysis. As there are generally two versions of NDAAs for each fiscal year and because I cover 36 fiscal years between 1985 and 2020, the expected number of SAPs is 72. However, the actual N for SAPs in my period of observation is 62. President George Bush did not release an SAP for the 1989 draft NDAA (-2). Furthermore, President Trump in 2019 and 2020, President Obama in 2014 as well as President Reagan in the years 1985 to 1987 only issued one SAP (-6). Lastly, President Trump in 2018 did not release SAPs to the respective bills

at all, which departs significantly from previous presidential practice (-2). Thus, my dataset consists of 62 observations of presidential assertiveness in SAPs that targeted the annual draft NDAAAs. On the pragmatic side of my case selection strategy, NDAAAs are the result of a fairly routinized legislative process that occurs annually and the equal distribution of SAPs ensures comparisons between levels of presidential assertiveness therein. Overall, the focus on preemptive presidential engagement in connection to NDAAAs benefits the empirical analysis in the sense that it ensures an almost equal and recurring distribution of SAPs across the annual legislative processes.

All four reasons combined make a strong case for focusing the analysis of preemptive presidential interventions in lawmaking on SAPs that target NDAAAs. However, this selection also entails a number of issues. First and foremost, the empirical scope is confined to a medium- N design, which complicates the assessment of how individual predictors explain variation in presidential assertiveness. In essence, the analysis of correlations is still possible but the results have to withstand rigorous quality checks and they have to explain a convincing amount of variation in the response variable. While I can address this concern by implementing a range of quality checks in the empirical strategy as described below, the problem regarding generalizability remains. NDAAAs are unorthodox in the sense that they continue to adhere to the orthodox procedure of legislating authorizations. Other authorization legislation routinely lapses for extended periods of time (Bolton and Thrower 2019), while legislating in polarized times is predominantly characterized by more frequent legislative deadlock (Binder 2018) and strengthened party leadership positions in Congress to expedite partisan legislation (Lee 2015). Therefore, the results on assertiveness in SAPs that relate to NDAAAs are not easily transferable to other legislative processes and corresponding presidential interventions. However, the impactful substance and broad scope of NDAAAs suggest that important lessons can be drawn from assessing SAPs in the context of this particular legislative process. Also, the empirical scope is direct consequence of adhering to my conceptual specifications and to my theoretical framework, which ensures internal validity of my results but comes at the price of reduced generalizability. This problem of external validity is further alleviated by the fact that my hypotheses relate well to established determinants of interbranch dynamics. Furthermore, my hypotheses as well as my research design can be applied to authorization legislation more broadly even if my results themselves are specific to NDAAAs.

Given that my research interest focuses on presidential preemptive interventions in lawmaking, the analysis focuses exclusively on legislative processes that witnessed such challenges. NDAs are prone to exhibit presidential assertiveness because executive stakes in this legislation are high and because the OMB's procedures are finetuned to tracking authorization bills. Hence, I select only positive cases where preemptive presidential challenges through SAPs are present, which echoes the focus of my research question. The variation in the dependent variable "presidential assertiveness" is center stage and I aim to uncover its determinants. This y-centered orientation is mirrored in my case selection, but it excludes legislative processes that lack presidential interventions in the form of SAPs. Put differently, my analysis covers variation in presidential assertiveness but it cannot explain why it may be missing entirely in a given legislative process other than the NDA. I argue that this specification is justified on account of the conceptual focus on the mechanism of SAPs and because of the theoretical propositions on patterns of assertiveness therein. Hence, I cannot test my hypotheses on legislative processes in the absence of SAPs, which is why the focus on these messages for NDAs is a practical necessity. I also address this issue by ensuring measurement validity in the subsequent operationalization of my predictors. This supports the transferability of my measurements to other policy areas.

The legislative process for NDAs largely centers on the responsible committee in the houses of Congress (HASC and SASC). These committees usually provide the legislative text and funding tables for draft NDAs and their reports describe the rationales behind the legislation prior to considerations on the floors. Both committees also conduct so-called posture hearings as a prelude to the legislative process where executive officials usually testify on the president's budget request (Heitshusen and McGarry 2022). The committee reports provide all members of the respective house with summaries on all divisions included in the NDA. These reports are the primary source of information for legislators prior to the vote. Also, both committees establish relevant subcommittees that are routinely tasked with more detailed areas of NDAs. Lastly, members of HASC and the SASC usually comprise the conference committee in which a compromise between both houses of Congress is negotiated. Hence, a subset of lawmakers is of critical importance for the passage of NDAs. Yet, my hypotheses as well as my conceptual map for preemptive presidential challenges refer to the broader audience of all lawmakers on Capitol Hill. I argue that this is not a significant challenge for the integrity of my case selection because SAPs are primarily meant to reach each house of Congress as a whole. The central position of the

responsible committees is an expression of congressional rules designed to overcome collective action problems on such an extensive legislative proposal. The timing of SAPs additionally suggests that presidential interventions are informed by the draft bill and the committee reports, while their purpose is to deliver to Congress a sophisticated bill statement that communicates executive position language on pending legislation.

In sum, I argue that the benefits of selecting SAPs that target draft NDAs outweigh the limitations. The y-centered orientation of my research interest as well as the tension between concept specification and external validity complicate generalizations. Much of the internal validity and measurement validity depends on the operationalization of all variables, which is why the next subchapter begins by explaining how I measure presidential assertiveness in SAPs and moves on to operationalize the predictors.

4.4 Classification of Executive Opposition and Measuring the Predictors – The Compilation of the Dataset

In this subchapter, I prepare my empirical strategy by explaining how I measure presidential assertiveness and all independent variables. I employ a multi-method research design. It leverages content analysis and descriptive statistics to measure the dependent variable. Then, my inferential statistical analysis relies on ordinary least squares regression modeling to assess my five hypotheses (Gschwend and Schimmelfennig 2007; Faraway 2014; Panke 2018; Montgomery et al. 2021). I outline the sequence and details of my analytic approach in the next subchapter. To measure presidential assertiveness, my content analysis codes the content of SAPs along the structured coding framework as established by Kernell et al. (2019 p. 337). It codes SAPs along eight categories ranging from strong support (1) to the highest degree of veto threat certainty (8). I extend its application by coding the entire text of SAPs before summing up the numeric values of the applied codes that indicate presidential opposition arriving at a comprehensive assertiveness-score instead of subsuming the entire SAP under the highest applied category only. I conducted three coding cycles to ensure measurement precision.

My comprehensive approach is particularly beneficial for the assessment of presidential assertiveness over time because it captures more nuance than any other measure has done before, which sets up a more precise assessment of long-term shifts in assertiveness. This way, I ensure that my measure of the dependent variable matches the theoretical and conceptual guardrails that

channel and organize my research interest. I intend to uncover context sensitive patterns of change across time in preemptive presidential assertiveness in foreign policy lawmaking. Such patterns would remain hidden for measures of presidential assertiveness that only account for the highest level of opposition voiced in SAPs. My comprehensive assertiveness-score provides a remedy for this problem by manually coding the entirety of opposition voiced SAPs. In addition, my research design advances previous work on SAPs methodologically (Kernell 2005; Rice 2010; Lewallen 2017) in that it applies the novel assertiveness score to comparable units of analysis in a time series, which promises to estimate the contextual determinants of presidential opposition in foreign and defense legislation accurately. Thus, my assertiveness-score enables the analysis to uncover broader trends as well as individually significant contextual factors for the extent to which presidents challenge legislative content in NDAs preemptively.

SAPs are a rich source of presidential preferences in lawmaking in the sense that they provide systematic evidence of executive efforts to influence pending legislation. In this sense, they help address problems in grasping presidential preemptive engagement in lawmaking. “Until now, scholars have lacked systematic information on all but the presidents’ highest priorities. Similarly, presidents’ efforts to influence pending legislation in letters and memoranda to Congress have fallen through archival cracks.” (Kernell et al. 2019: 331). Beyond presidential legislative proposals, veto messages and signing statements, SAPs illuminate presidential interventions in the particularly active stages of lawmaking. This provides a more complete picture of presidential positions on pending legislation. “So, in addition to supplying more observations than previously available, SAPs complement the other sources by supplying information about presidents’ preferences beyond their initiatives.” (ibid.: 341). I suggest that the analytic value of SAPs is not just found in the increase of observations for the study of presidential legislative preferences. These messages also regularly spell out presidential positions in more detail than any other source of executive communication. Therefore, the coding framework established by Kernell et al. (2019) organizes the content of SAPs, but its full potential has not yet been unlocked. The coding framework can be applied to every position communicated by presidents to Congress in SAPs. Table 4.3 outlines the complete coding scheme including a short description for each category for the content analysis with only minor adjustments on my end regarding the wording for position language in SAPs, which resulted from the first two rounds of coding. On average, the coding itself is rather straightforward as the language in the categories’ description and the words used in

the SAPs are identical with only minor deviations. I test the reliability of my coding results with the standard inter-coder-reliability measure of Fleiss'-Kappa.

Table 4-3: Coding framework for position language in SAPs

Category	Description	Example
1	The Administration strongly supports the bill with no objections.	/
2	The Administration supports the bill with minor objection.	“The Administration supports Senate passage of S. 2638 at a higher authorization level than was reported by the Committee on Armed Services.” (The White House 1986: 1).
3	The Administration defers to Congress on the enactment of the bill	/
4	The Administration has no objections to the bill.	/
5	The Administration is opposed to, objects to or is concerned about the bill or certain sections of it.	“In particular, the Administration objects to the restrictions placed on incorporating advanced conventional capability on bombers. The Administration urges the House to eliminate these restrictions.” (The White House 1993: 2).
6	The Secretary of the relevant agency will recommend to the president that he should veto the bill.	“If the final version of the bill that is presented to the President does not contain proper funding and flexibility to pursue the most promising technologies for the Strategic Defense Initiative (SDI), flexibility for the management of the drawdown of the armed forces, sufficient troop levels, proper funding of strategic modernization programs, and if it includes items not needed for the national defense, the Secretary of Defense would recommend that the President veto the bill.” (The White House 1990: 1).
7	Senior advisors will recommend to the president that he should veto the bill.	“If H.R. 6395 were presented to the President in its current form, his senior advisors would recommend that he veto it.” (The White House 2020b: 1).
8	The president will veto the bill, if it remains in its current form.	“If the President were presented a bill that includes such provisions [on a fixed date for withdrawing troops from Iraq], he would veto the bill.” (The White House 2007: 3).

Source: Kernell et al. 2019: 337 with minor adaptations.

SAPs addressing NDAs are usually structured along an almost institutionalized sequence that applies across presidencies. Presidents would begin by voicing their general support for the passage of the bill, while most of them also thank the respective House and Senate Committee for working on the legislative content. This is established practice given the fact that much of the legislative content is based on the president's budget proposal. Also, the broad scope and substantial meaning of NDAs makes it unlikely that presidents reject draft NDAs entirely. However, presidents proceed by outlining a list of the sections that they object to, with most presidents referring to the specific sections of the draft accurately or addressing an issue area as a whole such as funding levels for a specific program. SAPs tend to close with presidents saying that they look forward to working with Congress on the identified issues, which echoes a primary goal of SAPs outlined above: setting the agenda for interbranch negotiations. As a pre-processing step, my coding excludes the brief and routine prelude and instead focuses on the specific position language as presidents move through the sequence of sections in the draft that they target in SAPs.

A reference to a specific section or a broader theme in the NDA is one coding unit, which covers the bulk of the textual data. I assigned each coding unit one code that contributes to the assertiveness score if the coded section is category 5 or higher. To illustrate the coding procedure, I provided examples per coding category in tables 4.3. Categories 1, 3 and 4 were never coded across the sample, which is a consequence of selecting SAPs that address NDAs. The stakes for presidents are far too high for them to defer to Congress for the enactment of NDAs (category 3) or to voice no objection at all either with (category 1) or without strong support for the bill (category 4). In sum, challenging more sections of the NDA specifically will lead to a higher assertiveness score and the response variable "presidential assertiveness" is a continuous measure based on the calculated values for the score. The values are not weighed against non-assertive sections of the SAPs, because, as SAPs grew more extensive over time, they almost exclusively added presidential opposition that factors in with the aggregated assertiveness score. Put differently, no additional sections with presidential support would provide significant counterweights to the added opposition.

I also refrain from weighing the values of the assertiveness score against the length of NDAs for two main reasons. First, the length of the draft bill is only a rather arbitrary approximation of the bill's substance that adds little information to the extent of presidential assertiveness in SAP other than estimating the maximum assertiveness level if all provisions were

to feature in the communication. In more substantive terms, this is an extremely unlikely scenario because the NDAA considers the president's budget proposal and a blanket opposition in SAPs would mean that presidents contradict their own proposals. Second, the length of NDAs is difficult to compare across time due to format changes – especially regarding the transition of older draft to contemporary digital formats. Similarly, the length is shaped by factors such as the level of detail in the funding tables of division D in draft NDAs. This is why I decided against weighing the assertiveness scores against the draft lengths. An overview of all coded elements for the calculation of the assertiveness score and anchor examples per category from the texts of the analyzed SAPs is available in Appendix A. The measure of my dependent variable is based on categorical data on applied codes to coding units as the result of my content analysis of all 62 SAPs. The assertiveness scores, however, provide a continuous measure that merits its definition as the response variable in my subsequent regression analysis.

The following paragraphs focus on the operationalization of the predictors of presidential assertiveness. I follow the sequence of my five hypotheses to do so. Hence, I first explain how I measure the effect of 9/11 as a critical juncture. As such, H1 predicts that presidential assertiveness rises distinctly after 9/11 and remains on high levels because of the critical juncture's lasting legacy in interbranch dynamics on foreign policy lawmaking. The operationalization of this independent variable is rather straightforward given that the hypothesis implies a dichotomous distinction between pre- and post 9/11 years within my period of observation (1985-2020). Hence, the corresponding variable is coded as a dummy variable (years prior to 9/11 = 0; after 9/11 = 1). The SAPs in 2001 are coded as a "0" even though President George W. Bush released them shortly after the terrorist attacks, because the rally-'round-the-flag effect and the short-lived salience of the expansion of presidential prerogatives delay the juncture's effect on presidential assertiveness. It only becomes visible in more pronounced assertiveness in the following years as interbranch relations adjust to significantly increased executive authority in foreign and defense policy. Also, sunset clauses, mandatory reauthorizations and reporting requirements periodically bring up debates on authorized programs in connection to the war on terror, which regularly returns questions of presidential authority in foreign policy to the legislative debate on NDAs. However, the immediate urgency of emergency measures fades and human as well as monetary costs for overseas military engagement are less readily accepted. Put differently, the hypothesis expects that presidents face tougher scrutiny on their extended discretion in foreign policy, which translates

into increasing executive assertiveness in SAPs. In theory, this will be a lasting impact on interbranch relations in that levels of assertiveness never return to pre-juncture levels. Hence, the dummy-variable design is an adequate strategy to measure the effect of 9/11 as a critical juncture.

For H2, I measure the effect of gradual change based on the extent to which Congress attached foreign policy legislation to draft NDAAAs. H2 is based on the argument that Congress relies more heavily on its authorization-leverage to constrain presidential power and that this is evident in increasing presidential assertiveness in SAPs. Presidents try to access this stronghold with more assertive SAPs to curb congressional efforts to balance executive privileges in foreign policy. Hence, presidents and Congress increasingly fight about foreign policy in the context of NDAAAs, because this marks one of the still operational means for Congress to influence foreign policy as other options like hearings or standalone statutory action become more troublesome in times of polarization and divided government. On one end, lawmakers try to capitalize on their authorization-leverage. On the other end, presidents invoke the imbalance of power in foreign policy. In consequence, interbranch tension as measured here in the quantity and quality of preemptive executive challenges to draft NDAA increase, which maps on to the pattern of gradual change rooted in historical institutionalism.

Each draft NDAA includes a summary of all provisions including their titles, which varies in length in correspondence to the overall number of sections included in each bill. I reviewed all summaries for each draft NDAA and compiled a list of keywords to identify sections with a direct link to American foreign policy. The final list of foreign policy identifiers includes these terms: foreign, international, treaty, North Atlantic Treaty Organization (NATO), Anti-Ballistic-Missile treaty (ABM), Open Skies Treaty, abroad, alliance, United Nations (UN), multinational, multilateral, bilateral, Buy American, trade, Strategic Arms Reduction Treaty (START), counterterrorism, Taliban, ISIS (ISIL), Missile Defense Act, peacekeeping, intervention, Europe, European Union, Russia, China, human rights, aid. In the few cases where the title of the respective session in the summary was not clear on the possible link to foreign policy, I reviewed the section in full. Lastly, I cross-referenced my list of foreign policy identifiers with Lapinski' (2008: 240) policy classification schema. However, despite multiple cycles of reviewing the draft NDAAAs, the resulting values should be understood as estimates of the range of foreign policy issues per bill since the lines between domestic and foreign policy are often blurry in times of globalization and transnationally engaged societies. Also, the foreign policy identifiers listed above exclude issues

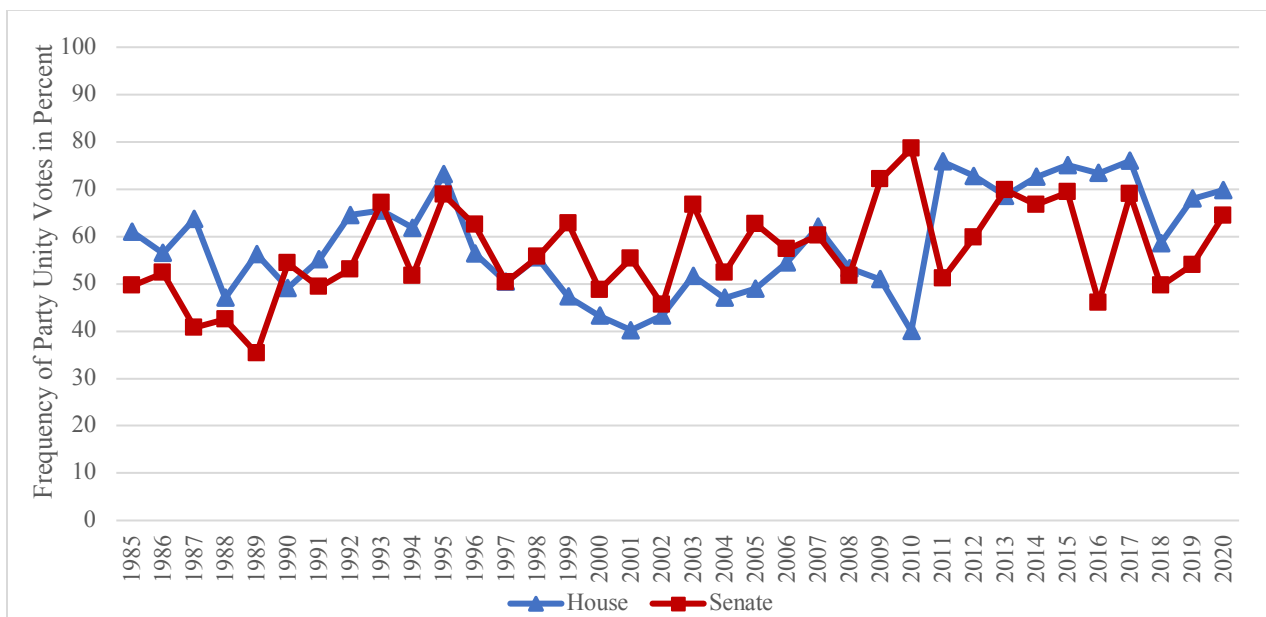
of procurement and organizational aspects of government (e.g. spending on military equipment, property management, salary issues, matters concerning national guard, border protection and military governance). The corresponding independent variable “Congress” is a continuous measure for the subsequent ordinary least squares (OLS) regression analysis as each value reports the number of foreign policy sections attached to the corresponding NDAA draft. Appendix B shows the identified sections per draft and the values for the corresponding independent variable.

H3 predicts that divided government correlates with more assertive SAPs. I devise a dummy variable to capture the composition of government empirically. The code (1) indicates that the government is divided, whereas the code (0) stands for unified government. However, I implement an important specification to this measure that answers to the conceptual signposts of my specified concept of preemptive presidential interventions in foreign policy lawmaking. As such, I code the composition of government from the SAPs’ point of view per house of Congress. If the president’s party controls the receiving house, the setting is coded as unified (0), while I define it to be divided when the president’s opposition holds the majority of seats in the targeted house of Congress (1). This echoes the procedure of previous work on interbranch relations: “Chamber-president distinctions” (Bolton and Thrower 2019: 1275); “mapping legislative sequence of veto-threatened legislation” (Guenther and Kernell 2021: 632) and “party control per chamber” (Hassell and Kernell 2016: 851).

I leverage the Party Unity Vote Score (PUV-Score) to grasp polarization because it associates naturally with the lawmaking process and because it provides annual rather than biannual values (i.e. the DW-NOMINATE scores) for the dataset. The PUV-score measures the frequency of all roll call votes on which a majority of voting Democrats opposed a majority of voting Republicans in a given year (CQ Press, 2021). Roll call votes are “yea” or “nay” votes with a record of the names of the voting members of Congress. In essence, the PUV-score is interpreted as a measure of the members’ loyalty to their party, which identifies degrees of polarization based on the frequency of party votes. A higher PUV-score indicates higher polarization because lawmakers regularly coalesce around partisan lines in their voting behavior. Therefore, it is an identity-based approach to measuring polarization that does not control for specific issue areas but rather encompasses voting behavior in each house of Congress as a whole. The PUV approach to measuring polarization is frequently used as an approximation of the cohesiveness of partisan lines in congressional voting patterns (Carson et al. 2010; Smith et al. 2013; Oliver and Rahn 2016).

However, its rather broad approach comes with limitations such as the difficulty to distinguish between actual party effects and the influence of individual ideological positions on the voting patterns in Congress uncovered by the Party Unity measure. “Party votes may occur simply because of an alignment of ideological preferences. And party-support scores do not account for how frequently a member would already support the party absent party influence, merely based on ideology or other factors.” (Minozzi and Volden 2013: 792). I argue that this deficiency in the PUV-scores weighs less heavily on my operationalization of polarization in Congress because it is inconsequential for the assumed effect on presidential assertiveness. For presidents weighing the extent of their preemptive assertiveness in SAPs, it is less important why party unity votes occur. It is more important for the presidents’ strategy in communicating early objection that their frequency increases or decreases as an indicator of the extent to which voting behavior on Capitol Hill is generally polarized along partisan lines. Figure 4.4 illustrates the values for the independent variable “Polarization” per house of Congress and per year, which vary substantial across the period of observation.

Figure 4-4: Polarization in Congress measured by the PUV-score



Source: Own illustration based on the data provided by CQ Press (2021).

Figure 4.4 shows that parties in the U.S. are never completely cohesive per reported year. Even at the peaks of the reported PUV-scores per house in 2010 (Senate) and 2017 (House), about 20 percent of all recorded roll call votes did not pit a majority of Democrats against a majority of Republicans. While increasing polarization fosters inter- and intra-party factionalism, lawmakers

remain primarily attached to their separate constituencies because the winner-takes-all election system limits systematic opportunities for parties to help their candidates' fortunes. Hence, voting strictly along partisan lines does not come natural to the American political system, which is important to consider when measures of polarization are concerned. The link between elected member of Congress and the political views of their constituencies is particularly strong in the U.S. not least because of the primary system, which decides who gets to run for office prior to the election. Therefore, variation in policy preferences is primarily a function of different constituencies. "In fact, nothing in the way that members are elected or reelected guarantees that members of the same party will agree with one another on important issues or that Democrats and Republicans will take opposing views." (Smith et al. 2013: 136). Lastly, Congress regularly considers and passes legislation that is of little political contention and thus widely agreed upon such as veteran's health programs. Hence, every Congress has a certain number of roll call votes with little incentive for partisan strife given the routine and often rather trivial substance of respective bills (ibid.). These important clarifications help put the measurements for polarization in the U.S. into perspective.

The share of party unity votes is particularly high during the second Obama administration, while his first term in office saw the House party unity votes outpacing the party unity in Senate for the first time since 1995. Voting patterns in the House remained more polarized than in the Senate with only one exception in 2013. This is a clear departure from the late 1990s and early 2000s where the Senate was more polarized in terms of the PUV-score. Also, more recent PUV-scores indicate that party unity votes tend to be higher in odd-numbered years and lower in even-numbered years. This trend could reflect the congressional election cycles in the sense that newly elected majorities at the beginning of a new congressional session, which is always at an odd-numbered year, are strengthened by electoral victories. A looming midterm or general election might caution against widespread adherence to partisan lines given the differences in constituencies. Beyond these broader trends, the PUV-scores exhibit substantial variation that is specific to each house of Congress, which aligns the structure of the data perfectly with the data for my response variable "presidential assertiveness". Also, my contextuality argument focuses on the nuanced variation in presidential assertiveness as opposed to the broader patterns of change assumed by H1 (critical juncture) and H2 (gradual change). Hence, the PUV-measure is a good fit

for testing H4 (the effect of polarization). The PUV-based variable for polarization is a continuous measure that I include in the regression modeling below.

Given that ideological polarization is such a complex phenomenon that is difficult to gauge empirically, I employ two different measures of polarization to corroborate my findings: The distance between the means of the first dimension DW-NOMINATE Nokken-Poole-Estimates for Republicans and Democrats as well as the DW-NOMINATE ideological distance between the bills' respective main sponsor in Congress, which is generally the committee chair of the HASC or the SASC, and the respective ranking member (Lewis et al. 2023). The latter mirrors previous approaches to gauge ideological polarization in interbranch veto-bargaining and presidential communications through SAPs (Guenther and Kernell 2021). DW-NOMINATE stands for "Dynamic Weighted Nominal Three-step Estimation" and calculates ideological positions on a spatial map that indicates how closely aligned or far apart legislators are based on their roll-call voting records (ibid.).¹³ This measure is widely used in academic and public discourses on ideological polarization in the U.S. It is even referred to as the "industry standard" (Svensen 2019: 100) or "the most prominent measure" (Lee 2015: 265) even though it does not distinguish between policy areas.

The DW-NOMINATE score captures trends of polarization on an abstract level, but it does so in a more sophisticated manner as compared to the PUV-scores. It outperforms PUV-scores in the approximation of legislators' ideological positions and it is superior in its methodological foundations given that it does not rely on the frequency of polarized voting behavior. Instead, DW-NOMINATE in its most frequently used variant scales House and Senate members "[...] in a single space (*Common Space*) and individual legislators have a constant ideal point throughout their time in the Congress (*Constant*)." (Boche et al. 2018: 23; italics in original). On the most frequently relied upon dimension that organizes legislators on a liberal-conservative scale, positions are estimated between -1 (most liberal) and 1 (most conservative). Among other benefits, this data was critical in identifying the asymmetry of polarization in that it helped uncover that the broad trend of ideological polarization is largely driven by increased Republican conservatism that is not matched by an equal movement in Democrats towards more liberal positions (Lemke and Wiedekind 2022: pp. 51). The dataset receives updates with every new roll-call vote taken

¹³ For a detailed discussion of the mathematical foundations of the NOMINATE model and estimator see Poole 2005.

adjusting the ideal points of voting lawmakers almost instantly for their entire time in Congress (Boche et al. 2018).

There are a number of limitations to consider for this source of data on polarization. I already mentioned that it does not allow for distinctions between policy areas and a burgeoning literature finds that broad arguments of increasing polarization apply less clearly to foreign policy (Chaudion 2010 et al. 2010; Wagner 2020; Bryan and Tama 2022). Similar to the PUV-score and other vote-scaling approaches, the DW-NOMINATE score cannot clarify if partisan teamanship, strong party leadership, electoral incentives or ideological rigor influences roll-call voting (Lee 2015: 265). The DW-NOMINATE model also depends on the assumption that lawmakers consider policy distances from their own ideal points as they participate in roll-call voting. In essence, the notion that congressional voting patterns follow a spatial logic of legislators weighing a given policy's proximity to their ideological ideal points remains debatable. Lastly, the composition of the dataset delivers biannual values per session of Congress, which means that the values for this alternative independent variable varies less than the annual PUV-score. Still, "regardless of whether we view polarization as a function of ideological differences, strategic disagreement by partisans seeking electoral advantage, or a mix of the two, the results are clear: when ideological or electoral incentives yield intensely partisan behavior, lawmakers and the President struggle to find broadly palatable solutions to the range of problems they face." (Binder 2015: 96). Thus, the DW-NOMINATE database and the PUV-scores provide a rich and feasible source to measure the effect of polarization on presidential assertiveness in SAPs from a different angle.

The Nokken-Poole estimates apply a modification to the DW-NOMINATE scores in that they do not hold lawmakers' ideological positions constant across their time in Congress but allows the ideal points to change per session. This is beneficial for my empirical purposes because it aligns the data's structure closer to the response variable. Put differently, the frame of reference for the Nokken-Poole variant is each session of Congress rather than a representative's entire time in office. This adaption also slightly increases the variation. I calculated the distance between the means of the Nokken-Poole estimates for Republicans and Democrats per house of Congress on the liberal-conservative dimension. The corresponding independent variable is labeled "Polarization_NP" and it is continuous.

Next to the Nokken-Poole (“NP”) measure, I leveraged the first-dimension estimates of the Common-Space Constant DW-NOMINATE scores to identify the net distance in the estimated ideological position of the respective bill’s main sponsor (the chair of the Armed Service Committee) in each house of Congress and the corresponding ranking member. The ranking member is the most senior member of the committee from the minority party. I argue that this measure provides an adequate robustness check for my findings on the effect of polarization because it is designed to map the ideological distance between one of the central actors in each party for legislating NDAAs. Thus, it contributes a narrower approach to gauging polarization in Congress as compared to the more encompassing measures that rely on congressional voting behavior. This third measure of polarization is labeled “Polarization_Committee” and it is also continuous. Table 4.4 shows the values for the Nokken-Poole measure and for the distance measure. Since the scope of my dataset is defined by the expressions of the response variable “presidential assertiveness”, I subsequently only report the values for both additional polarization measures that coincide with the issuance of an SAPs in a given year across my period of observation. Hence, I report 62 values per alternative polarization measure (see chapter 4.3 for case selection). I also note the house of Congress addressed by the SAP indicating the respective draft’s origin. The data for the calculations is available in Appendix C.

Table 4-4: Values of the additional polarization measures

Year (Bill Origin)	Polarization_ NP	Polarization_ Committee	Year (Bill Origin)	Polarization_ NP	Polarization_ Committee
1985 (S)	0.62	0.786	2002 (H)	0.8	0.875
1986 (S)	0.62	0.786	2002 (S)	0.68	0.657
1987 (H)	0.65	0.718	2003 (H)	0.81	0.642
1989 (H)	0.65	0.718	2003 (S)	0.67	0.657
1989 (S)	0.62	0.407	2004 (H)	0.81	0.642
1990 (H)	0.66	0.718	2004 (S)	0.67	0.657
1990 (S)	0.62	0.407	2005 (H)	0.83	0.642
1991 (H)	0.66	0.718	2005 (S)	0.71	0.657
1991 (S)	0.63	0.407	2006 (H)	0.83	0.642
1992 (H)	0.66	0.718	2006 (S)	0.71	0.657
1992 (S)	0.63	0.407	2007 (H)	0.82	0.642
1993 (H)	0.72	0.964	2007 (S)	0.73	0.776
1993 (S)	0.64	0.536	2008 (H)	0.82	0.642
1994 (H)	0.72	0.964	2008 (S)	0.73	0.776
1994 (S)	0.64	0.536	2009 (H)	0.82	0.568
1995 (H)	0.77	0.964	2009 (S)	0.76	0.776
1995 (S)	0.66	0.536	2010 (H)	0.82	0.568
1996 (H)	0.77	0.964	2010 (S)	0.76	0.776
1996 (S)	0.66	0.536	2011 (H)	0.87	0.683
1997 (H)	0.79	0.964	2011 (S)	0.78	0.776
1997 (S)	0.7	0.786	2012 (H)	0.87	0.683
1998 (H)	0.79	0.964	2012 (S)	0.78	0.776
1998 (S)	0.7	0.786	2013 (H)	0.87	0.683
1999 (H)	0.79	0.492	2013 (S)	0.85	0.947
1999 (S)	0.68	0.657	2014 (H)	0.87	0.683
2000 (H)	0.79	0.492	2015 (H)	0.88	0.812
2000 (S)	0.68	0.657	2015 (S)	0.86	0.748
2001 (H)	0.68	0.875	2016 (H)	0.88	0.812
2001 (S)	0.8	0.657	2016 (S)	0.86	0.748
			2017 (H)	0.89	0.812
			2017 (S)	0.84	0.748
			2019 (H)	0.88	0.812
			2020 (H)	0.88	0.812

Source: Own calculations based on the data available at the voteview project (Lewis et al. 2023).

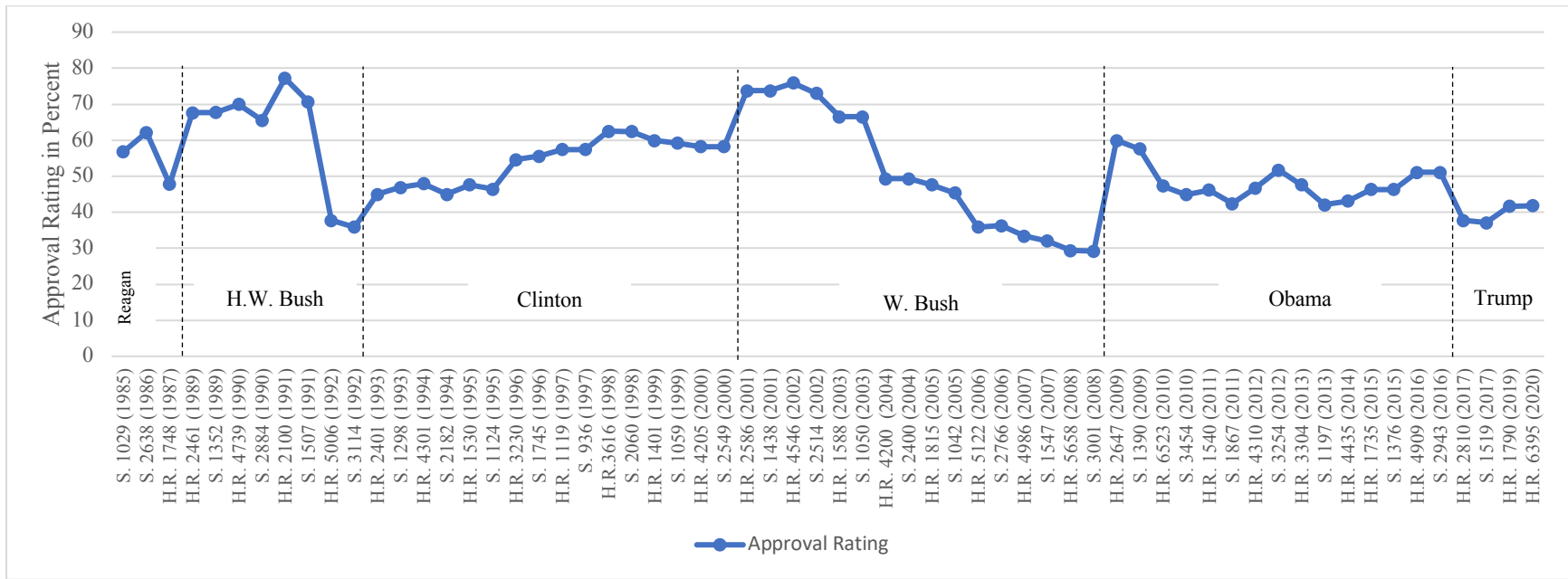
Table 4.4 shows that the extent of the variation in the “Polarization_Committee” measure is broadly similar to the aggregate measure of the distance in the parties’ mean ideological position captured by the “Polarization_NP” variable. On average, the House is more polarized than the Senate and there is a tentative trend towards more polarized positions, which is more pronounced in the averages per party as compared to the committee leadership positions. Yet, there are also notable differences. There is a notable shift towards higher polarization after 9/11 in the averages per party, which is not as evident in the distance between committee chairs and the ranking members. Referring to the latter, peaking ideological polarization in the House during the 1990s overshadows all other reported values, which coincides with Newt Gingrich’s tenure as Speaker of the House and his corresponding influence on committee negotiations. His aggressive rhetoric and partisan warfare shifted the Republican’s ideological center of gravity further to the right (Lemke and Wiedekind 2022: pp. 60). After 9/11, the average ideological distance between both parties is almost generally more pronounced than the polarization in the committee leadership. Prior to 9/11, this was frequently the other way around. As polarization increases after 2001, it appears that more polarized parties do not necessarily select equally polarized committee leadership personnel. This might be conducive to bipartisan cooperation on the committee-level.

In sum, I rely on roll-call driven measures to operationalize ideological polarization in Congress in order to test H4, which predicts that an increase in polarization correlates with more assertive presidents. I opted to not include a measure that incorporates the presidents’ ideological positions because such an approach would lead to a correlation with the composition of government measure. Such correlations between predictors seriously complicates interpretations of regression results as it clouds reliable insights on individual effects. Also, since presidents are not involved in roll call voting, the algorithm that computes the DW-NOMINATE scores interprets presidential position taking as reported by the Congressional Quarterly Roll Call as a “synthetic ‘pseudovote’” (Boche et al. 2018: 21). This approximation of presidential positions on roll-call votes is arguable less accurate than the more substantive empirical record of actual voting behavior by lawmakers.

H5 predicts that presidents communicate more assertively in SAPs if their approval ratings increase. To measure approval ratings, I rely on periodic survey data provided by the American presidency project (Woolly and Peters 2023). I traced the approval ratings two months prior to as well as two months after the release of each SAP that addresses the NDAA. This ensures that the

measure captures the period in which each SAP is drafted as well as the stage in which Congress considers it. The respective values are the mean of all reported values within the four-month period, which precisely measures presidential approval ratings in correspondence with the timing of SAPs. This way, I ensure that the values for my measure of approval ratings is less likely to be influenced by unrelated issues that might depress or increase approval ratings outside the time when presidents and the OMB draft respective SAPs. Also, this more precise approach is superior to annual averages in that it ensures a good fit with the dependent variable “presidential assertiveness”. Hence, my operationalization of approval ratings ensures that the values are calculated in close temporal connection to each SAP within my period of observation. This variable is continuous. Figure 4.5 reports the values and Appendix D provides the data retrieved from the American presidency project used to calculate the values for my independent variable “Approval”.

Figure 4-5: Presidential approval ratings per SAP



Source: Own calculations based on the data retrieved from the American Presidency Project (Woolley and Peters 2023).

Figure 4.5 shows that approval ratings beyond 60 percent are rare and, on average, about half of the respondents to the respective survey tend to approve of the president's job performance. The data indicates a clear rally-'round-the-flag effect for President George W. Bush's approval ratings, which is indicative of the logic that stands behind my critical juncture argument. Since 2010, approval ratings seldom go beyond the 50 percent mark. Since the share of respondents who reported to be unsure about how they would evaluate the president is rarely higher than 6 percent, the reported values in figure 4.5 indicate that the majority more often disapproves of the president. This could complicate the interpretation of the individual effect of this contextual factor on presidential assertiveness because a relative increase in approval might not be sufficient to embolden presidents, if a majority of respondents still disapproves of their performance. While, as H5 suggests, such increases could still positively correlate with presidential assertiveness, the values outlined in figure 4.5 suggest that the interpretation of the subsequent regression analysis should reconsider the substantive disapproval evident in the data.

I complete my dataset with two sets of control variables. First, I control for an effect of the typical phases of a president's term in office. The first year of a presidential term is commonly referred to as the honeymoon year and I include a dummy variable that codes such a year as (1) and all others as (0). Similarly, looming elections and the end of presidential terms can impact interbranch dynamics significantly as illustrated in my example for the mechanism of preemptive interventions through SAPs (see chapter 4.1). The control variable "end-of-term" codes the last year of a presidential term as (1) and all other as (0). Next to these two controls, I also control for president specific effects on the degree of assertiveness voiced in SAPs. My period of observation covers six presidencies. Hence, I add six control variables that each code the years of the respective term in office as (1) and all other as (0). To avoid the dummy-variable trap in my regression analysis, I calculate six different models each with a different presidential control variable added to the comprehensive model that includes all other variables including the controls for common phases of executive terms.

In sum, I operationalize all my variables as follows. The dependent variable is based on content analysis of the entire textual data of SAPs along a categorical coding framework and I use the values of the applied codes for executive opposition to calculate the novel assertiveness score. I rely on a dummy variable design to test if there is a consistent and marked increase in presidential

assertiveness in response to the critical juncture of 9/1 (H1). For H2, I rely on content analysis of draft NDAA summaries, which is guided by a list of foreign policy identifiers rooted in preliminary coding and extant literature resulting in a continuous independent variable. To test if settings of divided government correlate with more aggressive executive challenges, I devise another dummy variable that codes this contextual factor in specific connection to each SAP in the sense that the setting is defined as divided government when the receiving house is not controlled by the president's party (H3). The effect of polarization on executive assertiveness is difficult to capture because the phenomenon is as impactful as it is difficult to measure. I employ three different measures of polarization: the PUV-score, the distance in the parties' respective ideological position based on the Nokken-Poole variation of DW-NOMINATE scores and the distance between the committee chair of the Armed Services Committee in each house of Congress and the corresponding ranking member (H4). Lastly, I rely on periodic polling data and a narrowly defined timeframe to measure presidential approval ratings (H5). A comprehensive list of all variables that compile my dataset is available in Appendix E. In the next and final subchapter, I explain how I sequence my empirical analysis along three consecutive levels: the descriptive level, the inferential level and the robustness-check level.

4.5 Sequencing the Analysis: The three levels of my empirical strategy

In this final subchapter, I elaborate my empirical strategy in more detail and along a three-leveled approach that structures the analysis. I employ a multiple methods research design. It leverages content analysis and descriptive statistics to measure the dependent variable and one independent variable ("authorization leverage". Then, my inferential statistical analysis relies on ordinary least squares regression modeling to assess my five hypotheses (Montgomery et al. 2021: pp.69; Panke 2018: pp. 121; Gschwend and Schimmelfennig 2007; Faraway 2014) before I implement quality controls and calculate alternative models to ensure robustness of my results. For the latter, I primarily rely on the standard regression diagnostic as gathered and explained by Julian Faraway (2014: pp. 73; see also Montgomery et al. 2021: pp. 134). The first level encompasses descriptive statistics on presidential assertiveness (dependent variable) and the congressional authorization leverage (independent variable for H2). It also includes insights on the growth of draft NDAA's over times in terms of their length. I label the first level "the descriptive level". The second level concentrates on the regression models. This is where I test the correlations predicted by my five

hypotheses and adjust the models to reach conclusive results that focus on statistically significant predictors of presidential assertiveness in SAPs. I call this second level of my analysis the “inferential level”. The third level supports the discussion of my main conclusions through robustness checks that rely on regression diagnostics as well as alternative regression models. I refer to this third and final level of my analysis as the “robustness check level”. The three levels increase in statistical precision and thereby report reliable findings on my central arguments. I proceed by outlining individual steps per level and their goals in light of my research question: *To what extent and under what conditions do presidents challenge foreign policy legislation through SAPs?*

Level 1 includes six consecutive steps. I first classify SAPs according to the highest degree of presidential opposition, which mirrors the approach of previous classifications of this class of executive messages (Kernell et al. 2019). This results in an overview of the highest applied coding category based on the content analysis as outlined in the previous subchapter. The underlying assumption of H1 is that presidents are more assertive over time and the review of the highest applied coding category provides an initial descriptive assessment of how executive opposition in SAPs has evolved over time. The second step includes the methodological innovation in terms of my novel assertiveness score. I calculate and illustrate presidential opposition for the entire textual data available per SAPs across my period of observation (1985-2020). My response variable “presidential assertiveness” consists of this more fine-grained measure of preemptive executive pressure. Therefore, the second step on the descriptive level presents the values for my novel assertiveness score. The third step controls for phases of presidential terms in the assertiveness-scores resulting in the addition of two control variables: the honeymoon and the end-of-term phase. Then, I assess the content of SAPs through a narrow foreign policy prism and highlight key foreign policy provisions challenged preemptively by presidents before pinpointing their share in the assertiveness scores. This fourth step emphasizes the important substance of the coded content that would otherwise remain hidden behind the values of the applied codes.

Turning to the independent variable “authorization leverage” (H2), I rely on the previously established foreign policy identifiers to count the number of foreign policy provisions attached to pre-intervention draft NDAs. Hence, I assess the extent to which Congress attaches such provisions to these drafts and the results provide the values for my measure of the congressional authorization leverage that gradually rises in its application over time to contest growing

presidential power in foreign policy. I supplement this fifth step with a sixth step that compares the length of draft NDAs over time to provide an additional perspective on the congressional work on NDAs as part of the interbranch dynamics with the executive. Overall, the “descriptive level” follows the operationalizations outlined above and calculates the measures for my dependent variable “presidential assertiveness” and for my independent variable “authorization leverage”. It highlights the innovation of my assertiveness-score and illustrates broader trends in congressional work on draft NDAs in terms of their length as well as regarding the extent to which foreign policy provisions are attached more frequently over time. I use the letter to operationalize gradual change towards broader use of the authorization leverage as an explanation for more assertive presidents.

Level 2 is the center stage for assessing my five hypotheses as it calculates the comprehensive regression model based on the complete dataset that consists of the response variable and all predictors including the controls prior to limiting the results to the statistically significant independent variables.¹⁴ I rely on ordinary least squares regression modeling. However, the first step on level 2 approaches the individual effect of the all predictors on presidential assertiveness through scatterplots that indicate the direction and strength of the hypothesized correlations. I briefly interpret each plot and its meaning for the subsequent regression models. While these insights are tentative, the plots approximate potential correlations as predicted by the hypotheses and they set up the subsequent discussion of the regression results.

For step 2, I proceed with the first regression model that includes all predictors and briefly discuss the results. The comprehensive review of the hypotheses in light of the complete regression model serves the purpose of assessing the direction and strength of the assumed correlations. In this second step on level 2, I also briefly discuss the results against the backdrop of standard visual regression diagnostics and the goodness of fit to the data based on the adjusted R^2 indicator and the residuals’ standard error. The visual quality checks include the evaluation of four diagnostic plots: Residual vs Fitted, Normal Q-Q, Scale-Location, Residuals vs Leverage. This step ensures that the central regression assumptions are not compromised. The Residual vs Fitted plot checks if residuals have non-linear patterns, which would compromise the assumption of a linear

¹⁴ As outlined above, including all dummy-variables established for president-specific effects would be detrimental to the predictive capacity of the model which is why I calculate six separate models that each includes one presidential control.

relationship between predictors and the response variable. The Normal Q-Q plots illustrates the distribution of residuals. They need to be normally distributed for this assumption to hold. The Scale-Location plot indicates if the residuals are spread equally along the ranges of the predictors. The goal is equal variance (i.e. homoscedasticity). The Residual vs Leverage plot identifies influential outliers and establishes boundaries for critical outliers based on the cook's distance scores. The diagnostic plots for all calculated regression models are made available in Appendix F.

The goal for the third step is to specify the complete model and limit the predictors to the ones that have a statistically significant effect on the response variable. This way, I corroborate the findings indicated by the comprehensive model. The result is a more precise model that estimates the effect of the remaining predictors on presidential assertiveness. I rely on stepwise regression modeling to do so. Hence, predictors that are excluded in this step indicate the rejection of the corresponding hypothesis while predictors that survive the stepwise regression modeling are interpreted as influential explanations for increasing presidential assertiveness. The third model is based on the stepwise regression modeling and excludes remaining statistically insignificant predictors. Put differently, the third model outlines my main findings. After I calculated all models, step 4 implements a number of quality checks to ensure the findings' reliability. For instance, I rely on the visual evaluation of all diagnostic plots (see Appendix F), the adjusted R^2 values and residual standard errors to warrant the subsequent discussion of the conclusive model's findings. I also employ additional quality checks that go beyond the visual evaluation of regression diagnostic plots and the standard controls in the regression output itself. I rely on the variance inflation factor (vif) to control for multicollinearity. In essence, the vif tests if the predictors are related to each other or, put differently, how much the variance of the coefficient estimate is increased by existing multicollinearity. While a high vif (above 5) does not generally downgrade the model's quality, it does complicate the interpretation of individual effects independent of the between-predictor correlations. Also, there is no straightforward fix to this problem other than to exclude affected variables. Next to the vif, I leverage the Durbin-Watson-test as well as the Breusch-Godfrey-test to control for auto-correlation in my predictors. Auto-correlation means that the residuals are correlated and not independent from each other which would compromise a core assumption of OLS regressions that often times occurs in the context of time series data. The Breusch-Pagan-test controls for heteroskedasticity (see the assumption of homoscedasticity for the

Scale-Location diagnostic plot), which refers to the problem of non-identical variance of residuals that is detrimental to the efficiency of OLS estimators in the sense that they cannot calculate the corresponding least squares. The standard countermeasure for the latter two potential issues is the heteroskedasticity and autocorrelation consistent Newey-West-standard-errors estimator. Overall, I move beyond the standard diagnostic plots and support the robustness of my results with additional quality checks. In step 5, I interpret and discuss the results of my conclusive model in light of the five hypotheses.

The third level concludes the analysis by checking the robustness of my findings in multiple respects. The first step on level 3 controls for a possible interaction effect between the composition of government and polarization. Hence, I calculate models that interact the composition of government variable with my three polarization measures respectively. The concern is that the effects of polarization on assertiveness might be conditional on divided government and therefore invisible in the OLS regression model as presented in my conclusive model. However, the interpretation of the coefficient estimates for the variables that are part of the interaction term is troublesome as they only report the effect of $X_{\text{Polarization}}$ on assertiveness under the condition that $X_{\text{Divided government}}$ is “0”. Hence, I can only see conditional effects for the individual independent variables that are part of the interaction term and these conditional effects preclude any meaningful interpretation of predictors that cannot assume the value zero. Since polarization is never “0” in the data, I cannot interpret the conditional effect of divided government if I include the interaction-term. With these limitations in mind, the interaction term is beneficial as it controls for a possible link between two prominent contextual factors of interbranch dynamics.

The second step calculates models with different measures of polarization and run separate models to corroborate my findings on the predictor that is most difficult to grasp empirically. I also discuss the results of the robustness checks in light of the main conclusion drawn from the conclusive regression model in level 2. This concludes the empirical assessment and leads over to my concluding remarks in light of my research question (chapter 6). To summarize, table 4.5 outlines the sequence and substance of my empirical strategy as described in this subchapter.

Table 4-5: Summary of my empirical strategy

Level of analysis	Individual steps per level	Goals per step
I: The descriptive level	<ol style="list-style-type: none"> 1. Classify SAPs according to the highest degree of presidential opposition (table 5.1) 2. Measure the dependent variable “presidential assertiveness” (figure 5.1) 3. Compare assertiveness-scores per term phases (table 5.2) 4. Identify foreign policy sections in SAPs and their share in the assertiveness scores (table 5.3; figure 5.2) 5. Count the number of foreign policy sections in draft NDAAAs (figure 5.3) 6. Compare the length of draft NDAAAs (figure 5.4) 	<ol style="list-style-type: none"> 1. Approaching my dependent variable 2. Precise measurement of DV 3. Substantiate relevance of controlling for term phases 4. Capturing the nuance and foreign policy relevance in SAPs 5. Precise measurement of IV “Authorization Leverage” 6. Supplementing the independent variable for authorization leverage
II: The inferential level	<ol style="list-style-type: none"> 1. Discuss scatter plots per IV (figures 5.5-5.7) 2. Calculate regression model with all predictors (table 5.4) 3. Stepwise regression modeling and conclusive model (table 5.4) 4. Quality checks (table 5.5 & Appendix F) 5. Discuss results in light of the hypotheses 	<ol style="list-style-type: none"> 1. Approaching the effect of all predictors 2. Assessing correlations in the OLS regression analysis output with all predictors 3. Corroborating evident correlations in model that excludes insignificant predictors and report conclusive model 4. Supporting the interpretation of the results 5. Reviewing the evidence
III: The robustness-check level	<ol style="list-style-type: none"> 1. Control for interaction effects (table 5.6) 2. Calculate models with different measures of polarization and president-specific effects and review results from the second level (tables 5.7-5.10) 	<ol style="list-style-type: none"> 1. Corroborate results on the effects of the individual predictors 2. Assessing predictive power of my conclusive model in comparison to models with different measures of polarization and president-specific models and revisit results from the second level and outline conclusive assessments of the hypotheses

Source: Own illustration.

The next chapter follows the levels and the corresponding steps as outlined above and assesses the correlations predicted in my five hypotheses. It begins by briefly revisiting my core assumptions and moves on to the descriptive level of my analysis. In chapter 5.2, I test the correlations predicted by my hypotheses through regression modeling. This yields the findings that I rely on to answer my overarching research question. Finally, I implement robustness-checks to substantiate the validity of my results.

5 From Careful Opposition to Assertive Challenges: SAPs as Preemptive Interventions in Foreign Policy Lawmaking

My analysis traces the extent to which presidents assertively intervene in foreign policy legislation over time and illuminates contextual determinants of presidential opposition. I employ a multi-method approach that combines descriptive and inferential statistical analysis. Consistent with my research design, this chapter is organized along three levels of analysis: At the first level, which I refer to as the ‘descriptive stage’, I use descriptive statistics and content analysis to assess preemptive presidential intervention in the legislative process of NDAs. To approach my dependent variable, I leverage an established coding framework (Kernell et al. 2019: 337) to rank SAPs according to the highest coding category applied. Put differently, I classify all SAPs released by presidents for NDAs from 1985-2020 according to the highest degree of presidential opposition. To get a more detailed picture of the true extent of presidential challenges, I identify and code all references to presidential pressure in each SAP and sum up the values of all coded segments expressing opposition to arrive at my assertiveness score. This score measures my dependent variable.

Next, I provide more detail on the number of foreign policy provisions included in each SAP by identifying them through selected keywords. I then assess the extent to which my measure of presidential assertiveness is driven by references to the foreign policy sections identified in the draft NDAs. As my theoretical framework suggests, preemptive action by presidents may be driven by congressional efforts to use the authorization leverage more extensively. Therefore, I also compare the length of draft NDAs across my period of observation to see whether these bills

have become more expansive over time, which is a first indicator of increased congressional action in this particular legislative process. I then trace the prominence of foreign policy provisions in these draft NDAs in order to uncover trends that might correlate with increasing presidential assertiveness. The number of foreign policy sections in draft NDAs measures my independent variable for the congressional authorization leverage. Lastly, the variation in presidential assertiveness over time indicates that the phases of each executive term may be valuable additions to my explanatory model for increasing presidential challenges of provisions in draft NDAs. Thus, I complete the first level of my analysis by comparing the honeymoon year to the end-of-term year for each term covered by my sampling period, which results in the addition of two corresponding dummy-variables to my regression analyses at the second level.

I test my propositions (H1-H5) through regression analyses in order to assess my three main arguments: the critical-juncture argument (presidents become more assertive as permissive conditions for the unconstrained exercise of their power in foreign policy erodes), the gradual-change argument (lawmakers employ the authorization leverage more widely), and the contextuality argument (divided government, high levels of polarization in congressional voting behavior and high presidential approval ratings correlate with increasing presidential assertiveness). I focus on these relationships at the second level of my analysis and assess the correlations in two steps. I begin with a model that includes all predictors and then exclude statistically insignificant independent variables through stepwise regression modeling. The third and conclusive model excludes remaining statistically insignificant predictors. To underscore the validity of my results, I employ and review multiple quality checks on both models before discussing the results for each hypothesis in the order outlined above.

On the third level of my analysis, I test the robustness of my results by calculating models with different measures of ideological polarization Congress to corroborate my findings on H4. Polarization is difficult to measure accurately, so I choose to test two additional approaches of capturing this broader trend in American politics empirically. I also control for interaction effects between divided government and polarization in order to disentangle the individual effects of each predictor with greater confidence. In light of the robustness checks outlined here, I reflect on my conclusive model calculated in the second stage of my analysis. Finally, I report conclusive and robust results on all my hypothesis, which leads over to my conclusion. Overall, these three levels (see table 4.5) encapsulate my empirical strategy for answering my main research question: *To*

what extent and under what conditions do presidents challenge foreign policy legislation through SAPs?

I test the following hypotheses, which are derived from my theoretical framework and the three overarching arguments related to my research question:

- Hypothesis 1: Presidential assertiveness in SAPs released after 9/11 increases significantly as compared to the pre-9/11-years [theoretical nexus: *critical juncture argument* in historical institutionalism.]
- Hypothesis 2: Presidential assertiveness increases in response to Congress increasingly attaching foreign policy legislation to authorization bills [Theoretical nexus: *gradual change argument* in historical institutionalism – In the face of presidential preponderance in foreign policy, legislators rely more heavily on their authorization-leverage to implement legislative constraints on presidents, which motivates more assertive responses from the White House.]
- Hypothesis 3: Divided government increases the prospect of more assertive SAPs [theoretical nexus: *contextuality argument* – increasing interbranch hostility in divided government and rising congressional checks on executive discretion.]
- Hypothesis 4: High levels of polarization are positively correlated with more assertive SAPs [theoretical nexus: *contextuality argument* – assertiveness harnesses partisanship in the president’s party and confronts resistance of opposition in Congress.]
- Hypothesis 5: High approval ratings correlate with more assertive SAPs [theoretical nexus: *contextuality argument* – high approval ratings embolden presidents and increase the salience of their leadership, while also increasing the political costs for legislators to confront a popular president.]

5.1 Level I: Descriptive Statistical Analysis of Presidential Assertiveness and the Authorization Leverage

In this subchapter, I report and discuss the descriptive statistical evidence of my analysis. The six steps for this level proceed as follows. First, I classify SAPs according to their highest coded category of presidential opposition. Second, I rely on a comprehensive assessment of presidential position language to calculate my novel assertiveness score, which measures my dependent variable. Third, I control the trends in presidential assertiveness for established temporal

dynamics in presidential terms in office (Burke 2016). This results in the addition of two control variables: The honeymoon period and the end-of-term period. Fourth, I emphasize the foreign policy content of SAPs and illustrate its share in the assertiveness score. The final steps, five and six, turn to measuring Congress's use of the authorization leverage to attach more foreign policy sections to draft NDAs and conclude with a review of how the length of these drafts has evolved over my period of observation.

My analysis at this level reveals that most SAPs targeting NDAs present Congress with strong presidential opposition, which becomes far more pronounced after 9/11. Presidents engage legislators preemptively and assertively on NDAs demonstrating the importance of these legislative processes to presidential legislative agendas and, by extension, to presidential foreign policy goals. Congress experiences considerable pressure from the executive as each house of Congress moves its respective draft NDAs through the legislative process. This suggests that preemptive interventions play an important role in the broader executive strategy for interbranch negotiations. The dynamics of preemptive interventions through SAPs thus mark an important expression of the interbranch struggle over the direction and substance of American foreign policy as envisioned by Corwin (1984). The fact that presidents deem assertive preemptive interventions necessary and expedient suggests that checks-and-balances dynamics prominently play out in these legislative processes. The descriptive level of my analysis emphasizes that presidential assertiveness is a relevant, recurring, and substantive force in foreign policy legislation.

In table 5.1, I rank an SAP according to the highest category that I assigned to one of the coding units in each SAP, which reflects the initial approach as outlined by Kernell et al. (2019). This initial approximation of my dependent variable illustrates the differences in presidential position language in each SAP over time. This perspective is important because it disentangles the variance in the most assertive challenges issues by presidents in each of the legislative processes covered by my sampling period (1985-2020). It also illuminates an initial view on the range of codes applied across the sample of 62 SAPs that address draft NDAs in each year. Overall, table 5.1 approaches the assessment of H1 and H2 by uncovering trends in the most assertive challenges over the period of observation.

Table 5-1: Highest applied coding category per SAP

SAPs (draft NDAA origin; S for Senate and H for House)	Highest applied coding category	SAPs (draft NDAA origin; S for Senate and H for House)	Highest applied coding category
1985 (S)	2	2003 (H)	7
1986 (S)	2	2003 (S)	7
1987 (H)	7	2004 (H)	7
1989 (H)	5	2004 (S)	7
1989 (S)	5	2005 (H)	7
1990 (S)	7	2005 (S)	7
1990 (H)	6	2006 (H)	7
1991 (H)	6	2006 (S)	5
1991 (S)	5	2007 (H)	7
1992 (H)	5	2007 (S)	8
1992 (S)	7	2008 (H)	7
1993 (H)	5	2008 (S)	8
1993 (S)	5	2009 (H)	7
1994 (H)	5	2009 (S)	8
1994 (S)	5	2010 (H)	7
1995 (H)	5	2010 (S)	5
1995 (S)	5	2011 (H)	7
1996 (H)	7	2011 (S)	7
1996 (S)	7	2012 (H)	7
1997 (H)	7	2012 (S)	7
1997 (S)	7	2013 (H)	7
1998 (H)	7	2013 (S)	5
1998 (S)	5	2014 (H)	7
1999 (H)	8	2015 (H)	7
1999 (S)	5	2015 (S)	7
2000 (H)	5	2016 (H)	7
2000 (S)	5	2016 (S)	7
2001 (S)	5	2017 (H)	5
2001 (H)	5	2017 (S)	5
2002 (H)	7	2019 (H)	7
2002 (S)	7	2020 (S)	7

Source: Own illustration.

Table 5.1 shows that releasing SAPs that pose a high degree of veto threat certainty to Congress became a penchant of contemporary presidents – especially in the aftermath of 9/11. Over the period under study, veto threats become more prominent, but the degree of opposition rarely peaks with a category 8 veto threat. On average, presidents communicate the high degree of veto threat certainty by pointing to their senior advisors, who advise them to veto the respective bill, if it included the targeted section(s). For much of the first half of my sample period, SAPs conveyed executive opposition without veto threats. Tensions rose in the late 1990s, however, with

President Clinton issuing the highest veto threat certainty (category 8) in 1999. The corresponding draft NDAA (H.R. 1401) sought to prohibit the use of fiscal year 2000 funds for the Kosovo mission. No such provision remained in the final document (P.L. 106-65) without President Clinton actually issuing a veto or addressing the issue in the corresponding signing statement. Notably, the remainder of peaking presidential assertiveness (category 8) in SAPs is limited to the second George W. Bush administration and the first year of President Obama's administration. In 2007, George W. Bush primarily challenged Congress on amendments to the draft NDAA (S. 1547) that would set a date for the withdrawal of American troops from Iraq. It is clear that presidents and Congress negotiate consequential matters of foreign policy in draft NDAs and that the former challenge provisions that seek to constrain their room for maneuver. In other words, SAPs communicate presidential opposition that aims to protect their dominance in foreign policy against legislative constraints.

Presidential preemptive intervention follows an emerging pattern of more aggressive SAPs after 9/11, suggesting the legacy of a critical juncture (H1). To illustrate this shift toward more assertive presidents, the mean of the values for the highest applied coding category in the 31 SAPs prior to 9/11 is 5.6. For the 31 SAPs released after 9/11, it is 6.8.¹⁵ On average, presidents exert strong pressure on Congress by stating that one or multiple sections of the bill would lead their senior advisors to recommend a veto. There is a clear escalation in the intensity of presidential challenges after 9/11. Similarly, presidential support with minor opposition appears to be a relic of the past, while presidents generally voice some level of opposition, which points to the high stakes in this particular legislative process. The data also points to an evolution of SAPs towards prominent envoys of executive pressure. As suggested in my theoretical framework, presidents are particularly vocal and involved in the NDAs' design. However, the apparent similarity between SAPs suggested by table 5.1 is somewhat misleading as it fails to capture the full extent of preemptive presidential challenges. Presidents may issue veto threats for multiple sections, signaling broader opposition and pressure that is not apparent when focusing only on the highest applied coding category. Therefore, my analysis evaluates the entire text of the SAPs in order to fully capture the presidential assertiveness conveyed in SAPs.

¹⁵ To reiterate, I consider the SAPs of 2001 as prior to the juncture and all SAPs afterwards as post-juncture. My theoretical framework expects a lasting legacy of the critical juncture as soon as the rally-'round-the-flag-effect fades.

I identified and coded a total of 1518 coding units within my sample of 62 SAPs. I manually coded them according to the structured coding framework introduced by Kernell et al. (2019). I then calculated the assertiveness-score by summing up the values of all coded categories for each SAP that expressed opposition (categories 5-8, see chapter 4.3 for the argument against weighing the results against non-assertive categories). I conducted three rounds of coding. The first round resulted in the minor adaptations to the code-descriptions as outlined above (see table 4.3). The second round found only few additional coding units as a result of the minor adjustments to the coding framework that resulted from the first round. The third and final round of coding confirmed the results of the second round, which, in combination with the Fleiss-Kappa reliability test, ensures measurement accuracy.¹⁶ A complete list of coded sections and themes per SAP is available in Appendix A.

Figure 5.1 illustrates the presidential assertiveness-scores per year. It also distinguishes between SAPs addressed to the House (H) and the Senate (S). The scores as outlined in figure 5.1 report the values for my dependent variable, which I use in the inferential statistical analysis that follows. It also shows the composition of the assertiveness-scores in more detail by distinguishing between the proportion of veto threats (red) and the proportion of category 5 opposition (blue). The result is a more fine-grained view of the dependent variable “presidential assertiveness”. With respect to this more precise measure of presidential position language in SAPs, the years 1990, 1991, 1995, 2012-2016, 2019 and 2020 stand out as the only years in the data-set with communications, in which presidents express opposition exclusively through veto threats.

In 1990, President George H.W. Bush’s confined his category 6 opposition (a veto suggested by the secretary of defense) to five issue areas, in which the Senate draft (S. 2884) falls short from his point of view: pursuing the most prominent technologies for the Strategic Defense Initiative (SDI), management of the drawdown of the armed forces, sufficient troop levels, proper funding for strategic modernization programs and items not needed for national defense. Similarly, he released category 6 veto threats for the following issues in the House draft NDAA (H.R. 2100) of 1991: underfunding the SDI, unrequested funds for low priority programs (like the F-14

¹⁶ Inter-coder-reliability is established using the Fleiss-Kappa measure for two coders resulting in an almost perfect agreement ($\kappa = 0.94$). The second coder was a trained colleague with knowledge of the coding framework. This close match is not surprising since the coding framework is tailored to be closely aligned with the actual language generally used in SAPs. Also, it was established inductively and thus closely aligned with the textual data.

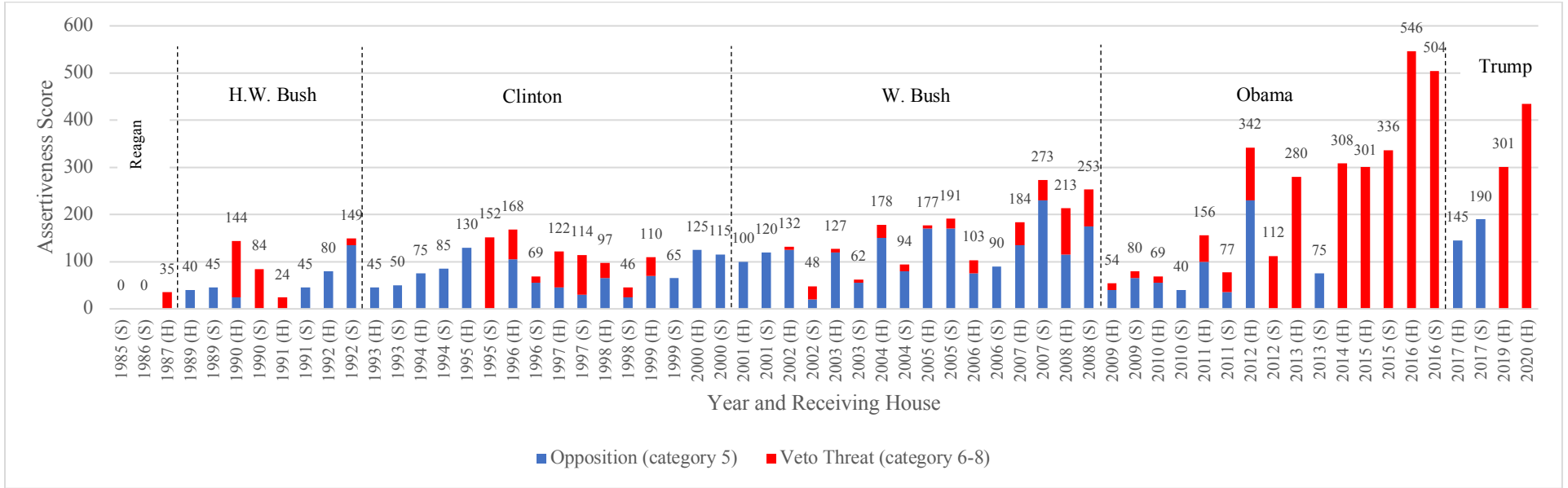
fighters), elimination of funding for the B-2 stealth bomber and limitations to planned reductions in Reserve and National Guard forces.

President Obama issued an SAP in 2016 targeting the House draft NDAA (H.R. 4909) and introduced his list of objectionable sections included in the draft by stating that “If the President is presented with H.R. 4909, his senior advisors would recommend he veto the bill.” The SAP targeted 78 sections, which includes sections on important foreign policy issues such as the efforts to counter the Islamic State in Iraq and the Levant, the Guantanamo Bay detention facility and restrictions on the use of Coalition Support Funds for bilateral cooperation with Pakistan. In a clear example of Congress forcing the president’s hand, President Obama signed the bill despite unwanted provisions that prevented him from achieving a key foreign policy goal: closing Guantanamo Bay. This echoes the insights of my brief case study of the 2015 NDAA (see chapter 4.2). In fact, this issue was prominent in his SAPs during both of Obama’s terms, and it appears that congressional resistance prevailed.

In 2020, President Trump’s SAP to the House draft NDAA (H.R. 7120), among other issues, targeted the restrictions lawmakers sought to place on military force reductions in Afghanistan and Germany. He also challenged congressional efforts to implement notification requirements on his administration’s actions on American participation in the Open Skies Treaty and the Indo-Pacific Reassurance Initiative. He threatened a category 7 veto for a total of 62 sections in the House draft. Ultimately, Trump vetoed the bill but is overridden by clear bipartisan majorities in both the House (322-87) and the Senate (81-13). This underscores that NDAs and the SAPs that address their drafts have overt foreign policy implications. The extent to which presidents increasingly communicate blanket veto threats also suggests that interbranch tensions over foreign policy issues that are part of the respective drafts increase significantly over the period of observation – especially when compared to the earlier SAPs in the dataset. This suggests a significant shift in interbranch dynamics: Foreign policy becomes more prominent in the context of authorization legislation. As the balance of power shifted further in favor of the president in the immediate aftermath of 9/11, lawmakers appear to find that authorization legislation offers the best chance to constrain more powerful presidents. Another explanation in light of my hypotheses might be that foreign policy issues were prominent in the earlier draft NDAs. Put differently, lawmakers may have relied more heavily on their authorization-leverage over time to enact sections that would otherwise be easier targets for presidential opposition. Overall, one finding

stands out so far: the nature and extent of presidential assertiveness in SAPs targeting draft NDAAs has changed significantly over time. Presidents have become more assertive and intervened more widely in the early stages of foreign policy lawmaking.

Figure 5-1: Assertiveness-Scores per draft NDAA and proportion of opposition and veto threats, 1985-2020



Source: Own illustration.

A key message of figure 5.1 is that there is an increase in the values of the dependent variable over time, with President Obama challenging the legislative content of NDAs more than any other president examined in this study. For the years 2015 and 2016, this pronounced opposition may indicate that the Republican controlled Congress (both houses) more rigorously challenged President Obama's foreign policy objectives in the draft NDAs. Throughout his tenure, Republicans have been particularly hostile to his foreign policy agenda, and it may be that this hostility manifested itself in interbranch friction with the transition to a Republican-controlled Congress in 2015. In addition, President Obama ran on a campaign of sweeping change in 2008 and 2012, setting the stage for an ambitious policy agenda that frequently and significantly clashed with Republican preferences, contributing to executive assertiveness. Furthermore, international politics and American engagement in them were facing significant challenges at the time. The war in Syria, the military engagement in Afghanistan, Russia's annexation of the Crimean Peninsula, diplomatic efforts to secure the Iran nuclear deal, Brexit, and the notable growth of China's foreign policy ambitions all complicated interbranch negotiations over the direction of American foreign policy. President Obama was a vocal proponent of liberal internationalism as a guiding principle for addressing these multifaceted challenges. But Republicans and segments of the American public became increasingly skeptical of commitments to costly overseas engagements, setting the stage for interbranch conflicts over foreign policy especially after Republican victories in the 2014 midterm elections.

The more precise measure of presidential assertiveness suggests greater variation in the extent of preemptive challenges than table 5.1 suggests. Similar to the findings on the highest applied coding category, the comparison between the 18 pre-9/11 years and the 18 post-9/11 years in figure 5.1 tentatively indicates a critical juncture, because presidents have been more assertive on average after the terrorist attacks. The average assertiveness score for all SAPs from 1985 to 2001 is 83.6, while it is 196.2 for the rest of the dataset. The average presidential assertiveness more than doubled. In terms of descriptive statistics, this piece of evidence suggests that 9/11 is a critical juncture that seems to be associated with increasing presidential assertiveness. My theoretical framework suggests a lagged effect of the critical juncture as the rally-'round-the-flag-effect that initially supports presidential leadership fades. President George W. Bush was more assertive in his second term than in his first, which may have been a response to growing opposition to his foreign policy actions particularly in Iraq. However, President Obama's first SAPs and his

message in 2013 seem to contradict the narrative of the lasting legacy of the critical juncture, as the assertiveness-scores are lower than many scores prior to 9/11, running counter to the rationale of H1. Figure 5.1 also tentatively suggests a gradual shift toward more assertive presidential interventions. The rightward skew in the values for presidential assertiveness appears to reflect the pattern of gradual change as theorized in chapter 3 (H2). Beyond these broader trends, the notable variance in the values within administrations stands out, suggesting the influence of contextual determinants that H3-H5 seek to disentangle.

President Obama shows the most notable variation in assertiveness during his tenure, while George W. Bush's second term exceeds his first term in the extent to which he challenges pending NDAs in his SAPs. Interestingly, President George W. Bush is the only president who has never issued a SAP that exclusively voiced opposition through veto threats, while the extent of assertiveness varies. Clinton on the other hand was rather consistent in his opposition and he was more assertive than his predecessors, while his overall assertiveness is on a much lower level as compared to the only other Democratic President in the dataset – President Obama. Looking at the contextual determinants that I hypothesize to influence presidential assertiveness, this observation is particularly interesting. President Clinton faced a Republican-controlled Congress for most of his time in office after control of the House and the Senate shifted to the Republicans in his first midterm election in 1994. President Obama also faced a divided government, with Republicans controlling the Senate after the 2010 midterm elections and winning a majority in the House in 2014. However, these settings of divided government produced vastly different assertiveness scores: President Obama's SAPs in his final year in office are about four times more assertive than President Clinton's messages in 2000. From this perspective, it appears that the effect of divided government on presidential assertiveness may be exacerbated by increasing interbranch tensions.

Trump stands out from contemporary presidencies in that he broke with the pattern of previous administrations by not releasing a SAP for the NDA drafted in 2018, and by not addressing the companion bills in the Senate in 2019 and in 2020. This fits well with his rather unconventional and often norm-breaking style of running the executive branch. 2019 and 2020 are particularly interesting because he released assertive SAPs for the Republican-controlled House but refrained from addressing the Democratic-controlled Senate. In fact, his opposition in 2019 and 2020 consists entirely of veto rhetoric, whereas his 2017 SAPs did not contain any veto threats at all when Republicans held majorities in both houses of Congress. This runs counter to

hypothesis 3, because its rationale holds that houses with an opposition majority from the president's perspective receive more assertive SAPs. While this does not undermine H3 fundamentally, it underscores that the correlations I later assess cannot establish perfect predictors of presidential assertiveness. Rather, they provide plausible pieces of the broader puzzle of understanding preemptive presidential interventions in foreign policy lawmaking. Finally, not addressing the Senate companion bills in 2019 and 2020 risks allowing undesirable provisions to advance to the conference committee without preemptively signaling targeted opposition through SAPs, as previous administrations have done. It also misses an established opportunity to rally copartisans in the Senate to support presidential opposition as Senators debate the pending legislation. This may have contributed to President Trump's veto of the 2020 NDAA, which was subsequently overridden by Congress.

President Trump's SAPs show a clear trend toward more assertive messages over the course of his term, which is broadly similar to his predecessors. He was least assertive in his first year in office and most assertive in his last year. This is indicative of established temporal dynamics in presidential terms. When presidents begin their terms, the commitment to prevent or to mediate interbranch friction through a renewed commitment to work together with copartisans and the opposition alike is stronger than in election years. Thus, the level of assertiveness is lower during the so-called honeymoon period at the beginning of a president's term. This is consistent with Guenther and Kernell's (2021) findings that showed that honeymoon-years significantly reduce the likelihood of presidential veto threats (see also Hassell and Kernell 2016). The end-of-term is associated with increased assertiveness, which previous studies have identified as the effect of time remaining before congressional elections on presidential communication to Congress during the legislative process (Ostrander and Sievert 2020) or, more broadly, as the effect of the election cycle (Kelley and Marshall 2009). In election years, presidents are likely to adopt more assertive positions that help voters to distinguish their positions from those of the other party – especially in foreign policy, where presidents rather than legislators are typically held accountable. These temporal dynamics also imply that contextual determinants influence presidential assertiveness over the course of their terms.

5.1.1 Accounting for Phases in Presidential Terms

In the U.S., the incumbent president's party typically loses seats in the Senate and in the House in the midterm elections, often resulting in divided government for the second half of a president's term. Polarization in Congress tends to rise as elections approach, while a broader trend toward a more polarized Congress, even on foreign policy issues, is well established in previous studies (Schulz 2017; Jeong and Quirk 2019). Hence, the last year of presidential terms often witness the convergence of contextual factors that I argue to be associated with increasing presidential assertiveness. The opposite expressions of the variables for H3-H5 may support the finding of less assertiveness in honeymoon-years. Referring to figure 5.1 and looking at table 5.1, the analysis so far suggests that two additional control-variables for the subsequent regression models are valuable for my explanatory approach: the honeymoon-year and the end-of-term-year with theoretical ties to the rationales for H3-H5.

Table 5.2 compares the different phases in presidential terms to corroborate the added value of the two additional control-variables in explaining presidential assertiveness in the context of NDAs. To do so, I calculate the difference between the first year of each term and the last year. Thus, the right column in table 5.2 reports the extent to which presidents are more assertive in their final years of a given term than in the first year in office. The "Honeymoon"-column reports the sum of assertiveness-scores per first year in each term covered by my period of observation. The "End-of-Term"-column does the same for the last years in each term. To reiterate, there are usually two SAPs per year – one for the House and one for the Senate. The "Average Assertiveness per SAP"-column calculates the total sum of assertiveness-scores per administration and divides it by the total number of SAPs issued in each term. It thus provides an estimate of how assertive presidents were on average per released SAP in the respective term. This abstract measure captures broader trends at the aggregate level, while keeping in mind its susceptibility to being driven by singular spikes in assertiveness. Overall, table 5.2 is helpful by highlighting the difference in presidential assertiveness between the first and last years of a given term and by comparing the results against the overall average per administration. The latter helps illuminate the levels of assertiveness that might otherwise remain hidden behind the values for the "Difference in Assertiveness-Scores"-column. I exclude the Reagan administration because only one assertiveness score is reported in figure 5.1.

Table 5-2: Comparison of honeymoon and end-of-term periods

President	Average Assert. per SAP	Honeymoon (Year)	End-Of-Term (Year)	Difference in Assert.-Scores
H.W. Bush	80,75	85 (1989)	229 (1992)	+144
Clinton I	96,75	95 (1993)	237 (1996)	+142
Clinton II	99,25	236 (1997)	240 (2000)	+4
W. Bush I	107,63	220 (2001)	272 (2004)	+52
W. Bush II	185,5	368 (2005)	466 (2008)	+98
Obama I	116,25	134 (2009)	454 (2012)	+320
Obama II	335,71	355 (2013)	1050 (2016)	+695
Trump	267,5	335 (2017)	434 (2020)	+99

Source: Own illustration.

For the most part, the values indicate a significant increase in assertiveness at the end of a president’s term— especially for both Obama administrations. Presidents are particularly assertive when their respective term ends. Having served two terms, George W. Bush and Barack Obama left office with a peak in assertiveness in their respective final years, which may be influenced by the divided government at the time. President Clinton’s first and last year in office during his second term are not significantly different. Republicans controlled the House and the Senate throughout his second administration and H3 suggests that the similar assertiveness-scores in the honeymoon-year and the end-of-term-year may be a result of the divided government. As the difference in assertiveness-scores indicates, I find lower assertiveness-scores early in the analyzed presidencies and significantly increased assertiveness in the last year of each term, supporting the notion of the honeymoon phase and fresh presidential commitments to reach out across the aisle. The latter fades over time, and presidents tend to become more assertive as their terms progress. Thus, the initial findings speak to established dynamics of interbranch relations in legislative bargaining (i.e. lame duck presidents in Bolton and Thrower 2016). Therefore, I have added two dummy variables to the subsequent regression models that control for the phases of presidential terms. The variable “honeymoon” codes the first year of any term as 1 and all others as 0. The end-of-term variable codes the last year of any term as 1 and all others as 0.

Regarding H1, pre-9/11 presidents were on average less assertive than their post-9/11 successors. The honeymoon vs end-of-term comparison also suggests that the temporal dynamics within presidential terms suggested by figure 5.1 become more pronounced in the aftermath of 9/11. The difference in assertiveness-scores is greater on average and levels of assertiveness are higher in each category after 9/11. However, given that the difference in assertiveness-scores is

greater in the George H.W. Bush administration and the first Clinton administration than in the George W. Bush administration and the Trump administration, it remains difficult to identify a lasting legacy of the critical juncture for the impact of the end-of-term variable. Similarly, President Clinton released SAPs in 1997 (his honeymoon-year for his second term) that are more assertive than President Obama's first SAPs, which deviates from the critical-juncture argument. With respect to H2, the average assertiveness per SAP in each term reported in table 5.2 points to a gradual expansion of presidential preemptive challenges in foreign policy legislation that peaked in President Obama's second term. Again, it appears that presidents become more assertive over time from this perspective as well. It is an incremental dynamic with evident variation within presidencies. In the next phase of my analysis, I assess the substance of presidential challenges in more detail.

5.1.2 Assessing the foreign policy substance of SAPs

In accordance with my research design (Level I, step 4), I relied on content analysis based on the coding scheme introduced by Kernell et al. (2019) to identify presidential challenges in SAPs that specifically target sections in draft NDAs that directly refer to foreign policy. To reiterate, I identify targeted sections as foreign policy if the provision in question refers to America's bilateral or multilateral engagement in international affairs. Essentially, I focus on sections related to international diplomacy, military deployment, alliance politics, partnership funds, intelligence and information sharing as well as trade relations while I exclude issues of procurement and organizational aspects of government that feature frequently in NDAs as well (e.g. spending on military equipment, property management, salary issues, matters concerning national guard, border protection and military governance). Table 5.3 illustrates the results of my content analysis of all SAPs and focuses on the range of foreign policy topics addressed in the respective message, while it also highlights those issues that presidents addressed in their signing statement (table 5.3, in bold). The latter facet of my content analysis is interesting, because it indicates the extent to which targeted opposition in SAPs may be a part of a broader executive legislative strategy employed by the executive branch that transcends the formal legislative process. Moreover, sections that presidents include in their signing statements after the legislative process concluded appear to have survived the preemptive challenges in SAPs requiring presidential action post-signature. To be clear, SAPs still contain presidential opposition even

when table 5.3 classifies them as not addressing prominent foreign policy issues directly (see figure 5.1), and the corresponding NDAs may still include foreign policy related issues in their drafts. I analyze the extent of foreign policy section included in NDA at a later stage.

Table 5.3 is important for determining the content of presidential position-taking in these large-scale legislative processes. Put differently, the results of my content analysis, which focuses on foreign policy topics in SAPs, illustrate the substance of presidential opposition. The shaded cells in the “bill”-column indicate the version that ultimately became law each year. Table 5.3 shows that foreign policy provisions in presidential SAPs on draft NDAs only began to feature prominently during Clinton’s tenure, suggesting a resurgence congressional voices in foreign policy after the end of the Cold War. Also, presidential opposition in signing statements appears to be more focused on particularly undesirable provisions that often recur in different SAPs. This is interesting because it suggests that presidential interventions through SAPs may signal interbranch confrontations that cut across annual drafts. NDAs may not be self-enclosed legislative processes. Rather, they appear to have become an arena for interbranch contestation over key foreign policy disagreements that extend beyond individual fiscal years. In the late 1980s and early 1990s, fewer provisions in each NDA faced targeted opposition from the White House. Prominent topics included nuances in the U.S. commitments to NATO in terms of military personnel and funding. In addition, interbranch negotiations on treaty matters focused on the ABM treaty and the SALT II treaty. In the late 1990s President Clinton faced congressional opposition on the mission to Kosovo as well as the Bosnia and Herzegovina.

Table 5-3: Foreign Policy Topics in SAPs for draft NDAs

Year	Bill	Foreign Policy Topics in SAPs (in bold: issue addressed in corresponding Signing Statement after the bill passed)
1985	S. 1029	X
1986	S. 2638	X
1987	H.R. 1748	Restrictive ABM provisions; Opposing amendments that would mandate compliance with SALT II despite Soviet violations
1989	H.R. 2461	X
	S. 1352	X
1990	H.R. 4739	Troops Deployment to NATO (Fighter Wing in Italy), General overseas deployment matters
	S. 2884	X
1991	H.R. 2100	X
	S. 1507	X
1992	H.R. 5006	X
	S. 3114	X
1993	H.R. 2401	X
	S. 1298	Limit the President's flexibility on the mission in Somalia, "Accelerate the withdrawal of the U.S. from Europe"
1994	H.R. 4301	Reduce funding for NATO
	S. 2182	X
1995	H.R. 1530	Limits the assignment of military forces under United Nations (UN), fulfilling treaty obligations, regulations of ABM treaty; presidential veto
	S. 1124	Antiballistic Missile (ABM) Treaty , Missile Defense Matters, Peacekeeping , international inspections of Department of Energy facilities, US-Russia relations, Strategic Cooperation Between the United States and Israel
1996	H.R. 3230	restrictions on implementing the ABM Treaty, preclude any agreement to "multilateralize" the ABM Treaty, retiring any strategic systems
	S. 1745	infringe upon the President's conduct of foreign affairs
1997	H.R. 1119	Bosnia Withdrawal Amendment, Bosnia Operations
	S. 936	Bosnia Withdrawal Amendment
1998	H.R.3616	imposes an expenditure limitation on funds for U.S. participation in Bosnia peacekeeping operations , any amendment that would further restrict or prohibit licensing of commercial satellite launches by China, the amendment which would cap expenditures for NATO enlargement
	S. 2060	Mandated Bosnia Withdrawal Amendments
1999	H.R. 1401	Cuts in funding for the Kosovo mission, several Kosovo floor amendments, US-Russia relations
	S. 1059	cooperative programs with Russia, violations of international agreements
2000	H.R. 4205	Kasich Kosovo Amendment, chemical weapons destruction facility at Schuch'ye, the prohibition on building fossil fuel plants as a means of shutting down the three Russian nuclear reactors, Restrictions on armed forces personnel on duty in the Republic of Colombia
	S. 2549	Kosovo Amendment
2001	H.R. 2586	X
	S. 1438	X
2002	H.R. 4546	Constraints on the president's authority to solely manage foreign affairs
	S. 2514	X
2003	H.R. 1588	X
	S. 1050	X
2004	H.R. 4200	restricts U.S. exports to countries making certain shipments to China, Train and Equip assistance to Iraq and Afghanistan military forces, Restrictions of Plan Colombia, trade contracts with European firms
	S. 2400	UN Oil-for-Food
2005	H.R. 1815	Procurement from Foreign Persons who Trade with China, Prohibition on Procurement from Beneficiaries of Foreign Subsidies, Fossile Material Disposition Program, China and Taiwan related issues, impediments of president's ability to negotiate with foreign countries
	S. 1042	Buy American Act Amendments , Fossile Material Disposition Program, Capital Security Cost Sharing
2006	H.R. 5122	China and Taiwan related issues, Support for Counter-Drug Activities of Certain Foreign Governments, Expansion of Operations of Civil Support Teams
	S. 2766	X
2007	H.R. 4986	Amendments on Iran, Guantanamo-Related Amendments
	S. 1547	Guantanamo related issues, Amendment on U.S. Withdrawal from Iraq, Amendments on Iran, Guantanamo-Related Amendments, missile defense site in Europe, Security cooperation Pakistan, US-Thailand relations, missions in Haiti and Lebanon; <i>Presidential Veto Message</i>

2008	H.R. 5658	date for Iraq withdrawal, changing legal traditions with Iraq, Iran issue, international trade agreements, European Missile Defense program, limits CERP obligations for Iraq
	S. 3001	date for Iraq withdrawal, legal traditions with Iraq, Iran sanctions legislation, Iraq and Afghan Security Forces, restrict president's abilities to conduct foreign affairs
2009	H.R. 2647	Missile Defense and US engagement with NATO allies, Limits on Building Partner Capacity (Afghanistan & Iraq), International Agreement with Japan
	S. 1390	Pakistan Counterinsurgency Fund, Building Partnership Capacity (Afghanistan & Iraq); Constitutional concerns sharing information on ongoing diplomatic negotiations
2010	H.R. 6523	Building Partnership Capacity (Afghanistan and Iraq); Phased Adaptive Approach for Missile Defense in Europe
	S. 3454	Building Partnership Capacity (Afghanistan and Iraq); Phased Adaptive Approach for Missile Defense in Europe; Iraqi Security Forces Fund, Guantanamo Bay Prison , prevent conflict with passed legislation on Iran sanctions
2011	H.R. 1540	Conditions on the Executive's ability to implement the new START treaty, Guantanamo Bay Prison; Negotiations with Russia on missile defense matters; military requirements in Europe
	S. 1867	Guantanamo Bay Prison, Overseas Construction Funding, international treaties (Bahrain + Japan/Guam), Activities with partner nations in Yemen
2012	H.R. 4310	impinge on the President's ability to implement the New START Treaty, Guantanamo Bay Prison; Missile Defense issues; i.e. Israel's Iron Dome, European Phased Adaptive Approach, NATO; Medium Extended Air Defense System, Italy and Germany; limit the President's ability to determine U.S. military requirements in Europe, Military Deployment in the Middle East; restriction in reimbursement for Pakistan from Coalition Support Funds, Activities w. partner nation Afghanistan
	S. 3254	Guantanamo Bay Prison; Medium Extended Air Defense System Italy and Germany; restriction in reimbursement for Pakistan from Coalition Support Funds; Office of Security Cooperation Iraq
2013	H.R. 3304	Detainee Matters Guantanamo Bay Prison , New START treaty; Missile Defense requirements East Asia + NATO; hamper the President's ability to enter into an executive agreement with a foreign country, by decreasing U.S. negotiating leverage with the Afghan Government); Nuclear Treaty Matters; Special Visas for Iraqi and Afghan Nationals; Foreign Commercial Satellite Communication
	S. 1197	Detainee Matters Guantanamo Bay Prison ; Marine Corps Presence in Asia-Pacific Region; Limitation on the Availability of Funds for the Task Force for Business and Stability Operations, Afghanistan; Special Visa Programs for Iraqi and Afghan Nationals; Joint Training Exercises with friendly foreign nations; Constitutional Concerns President's authority as commander in chief and international negotiations
2014	H.R. 3979	Guantanamo Bay Prison ; Open Skies Treaty in regards to Russia; Missile Defense Cooperation Poland, Aegeis System; Cooperative Threat Reduction and Security Cooperation with Russia; Iran Nuclear Negotiations
2015	H.R. 1735	Guantanamo Bay Prison ; Assistance for Iraq in the fight against IS; Counterterrorism Partnership Fund; Sense of Congress on the Negotiations with Iran; Open Skies Treaty; Missile Defense Poland and Romania; Striking the Afghanistan exception for the notification requirement on presidents to Congress for military operations; Joint Intelligence Project with Great Britain; Naval Nuclear Propulsion Program with other countries; Special Visas for Afghan nationals; <i>Presidential Veto Message</i>
	S. 1376	Guantanamo Bay Prison ; Counterterrorism Partnership Funds; Open Skies Treaty; Missile Defense Programs Poland Romania; Limitations to the Ukrainian Security Assistance Initiative
2016	H.R. 4909	Funding cuts for fight against IS; fight against IS in Iraq and Reporting Requirement; Guantanamo Bay Prison ; Coalition support fund Pakistan; Counterterrorism Partnership Fund; Joint Intelligence Analysis Complex Alliance with Europe; Hiring staff to step-up intelligence gathering on Russia; Cuts to funds for assistance to Russia on nuclear security; Reporting requirement on Russian violations of the INF-treaty; Open Skies Treaty; New START-treaty; Special Visas for Afghan nationals
	S. 2943	Guantanamo Bay Prison; US-Cuba military engagement; Counterterrorism Partnership Fund; Pakistan Security Enhancement Authorization; Security Cooperation Enterprise Reform; Security Programs in Afghanistan; Special immigrant visas for Afghan nationals
2017	H.R. 2810	Limits on operations in Syria and Iraq; Reporting requirement on military cybersecurity activities; Overseas Contingency Operations funds for Israel; Weapon Systems in regards to the INF treaty and US-Russian relations; Open Skies Treaty and US-Russian Relations; Usage of foreign commercial satellite services; Missile Defense Cooperation Romania; ongoing national security initiatives with the Republic of Palau; Constitutional concerns regarding executive power in foreign affairs
	S. 1519	requires the Secretary to provide a 30-day notice to Congress on new initiatives regarding military operations to counter ISIS; "would enact certain foreign policy and military determinations that are traditionally within the purview of the President in Cybersecurity); Weapon Systems in regards to the INF treaty and US-Russian relations; Foreign Military Sales, reconstruction, development, and stabilization efforts globally, including foreign disaster relief and humanitarian assistance; Constitutional concerns regarding executive authority in recognizing foreign nations, commanding the armed forces, diplomacy
2019	S. 1790	Nuclear deterrence matters; INF-Treaty matters; Information sharing broadly; Sharing of information on sensitive military operations; Guantanamo Bay Prison, keeping it operational; Open Skies Treaty; 15-day holding period of assistance to Syrian opposition; Special Visas for Afghan nationals, Reduced funding for foreign policy objectives
2020	H.R. 6395	Force Reduction Afghanistan Limitations; Force Reduction Germany Limitation; Open Skies Treaty; Indo-Pacific-Reassurance Initiative); Nonimmigrant status for certain nationals of Portugal, underfunding in terms of the implementation of executive authorities in foreign policy; <i>Presidential veto message</i>

Key to the table: Bold = topic included in signing statement after the legislative process concluded; shaded cells = the bill became law; Italics = Presidential veto; "X" = No provision with immediate relevance for foreign policy

As the respective SAPs show, President Clinton's power over the use of force was challenged by successive NDAs that incorporated a sense of Congress¹⁷ and statutory provisions requiring the withdrawal of the US military from the conflict zone. Nevertheless, the range of topics was rather limited, which began to change after the terrorist attacks of 9/11. While Congress appears to have steered clear of challenging items on the presidential agenda in the immediate aftermath of the terrorist attacks, interbranch tensions on foreign policy resurfaced in 2005 as President G.W. Bush complained of encroachment on his constitutional right to conduct foreign affairs. This is indicative of H1's rationale in the sense that President George W. Bush enjoyed relaxed constraints due to the rally-'round-the-flag-effect immediately after 9/11, which begins to fade toward his second administration. The range of topics is also broadening. Issues such as China-Taiwan matters, Buy American Act Amendments and security assistance to Afghanistan and Iraq draw substantial presidential opposition. Towards the end of President George W. Bush's tenure, legislators and the president disagreed on multiple high-profile foreign policy issues including Guantanamo Bay Prison, the U.S. withdrawal from Iraq, amendments on Iran policy, missile defense sites in Europe, security cooperation Pakistan and missions in Haiti and Lebanon.

The emerging trend of more presidential challenges to foreign policy provisions included in the NDAA continues and accelerates during President Obama's tenure – particularly so in his second term. To illustrate this proliferation of preemptive pressure, in his SAP for the draft NDAA in 2015, Obama pushed back against sections on Guantanamo Bay Prison matters, security assistance for Iraq in the fight against ISIS, the counterterrorism partnership fund, a sense of Congress on the negotiations with Iran regarding the nuclear deal, the Open Skies Treaty, Missile Defense posture Poland and Romania, the Afghanistan exception for the notification requirement on presidents to Congress for military operations, the Joint Intelligence Project with Great Britain, Naval Nuclear Propulsion Program with other countries and Special Visas for Afghan nationals. Treaty-matters also feature more prominently ranging from the Open Skies treaty to the New START-treaty and the INF-treaty, while Obama's pressure to close Guantanamo Bay Prison did not prevent lawmakers from reaffirming their constraints on this matter in every NDAA during his presidency.

¹⁷ A sense of Congress is a provision or a stand-alone bill that communicates a congressional opinion on subjects of national interests. They are usually designed to send a stern message on a particularly salient issue.

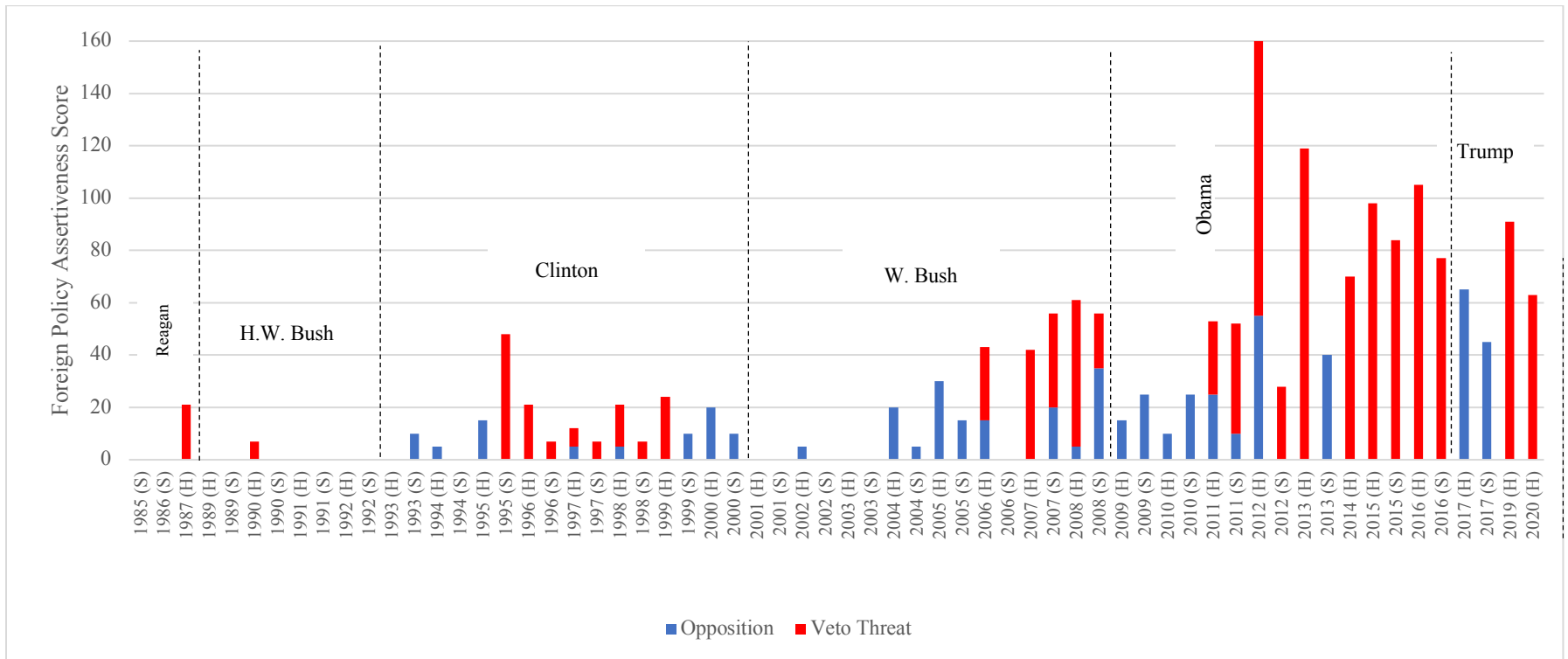
President Trump addressed a similar range of topics, but the substance of his opposition was different. He aimed to safeguard his presidential authority in matters concerning the operations in Syria and Iraq, reporting requirement on military cybersecurity activities, Overseas Contingency Operations funds for Israel, Weapon Systems in regards to the INF treaty and US-Russian relations, the Open Skies Treaty, the usage of foreign commercial satellite services, Missile Defense Cooperation with Romania, ongoing national security initiatives with the Republic of Palau, all of which lead President Trump to raise constitutional concerns regarding executive power in foreign affairs. In 2019, he asserted executive privilege in foreign policy broadly in his SAP for the NDAA: “While Congress’s spending power is broad, it cannot be deployed to accomplish unconstitutional ends, including through the use of authorizations restrictions to prevent the President from exercising his constitutional authority to suspend, terminate, or withdraw from a treaty.” (Trump 2019).

Clearly, Trump targeted parts of the respective draft NDAA that he believed violated the principles of checks and balances, and he used the SAP to link undesirable sections to broad constitutional concerns and veto rhetoric. Similar to the evaluation of the assertiveness-scores per year (figure 5.1), table 5.3 also supports H2 in that the number of foreign policy sections in SAPs increases over my period of observation. It appears that the notable expansion in presidential assertiveness uncovered above is increasingly driven by addressing undesired sections that have a direct relevance for American foreign policy. This indicates an evolution of SAPs within the presidents’ legislative toolbox. In the context of draft NDAAs, preemptive interventions are increasingly linked to foreign policy, and presidents signal their opposition early on. However, they often appear to sign into law sections that they intended to alter or delete, as evidenced by the corresponding issues included in signing statements. Presidents frequently release signing statements that include every foreign policy item addressed in the preemptive SAP, indicating that Congress has successfully forced their hand.

Figure 5.2 illustrates the extent to which foreign policy related topics contribute to the assertiveness-scores in SAPs as reported in figure 5.1 by summing up the values of the applied codes that express opposition to sections with a direct link to foreign policy. It also differentiates between presidential challenges that include a veto threat (categories 6-8, red) on the targeted provision and those that do not (category 5, blue). It is striking that presidential challenges in SAPs did not only address a growing set of foreign policy issues. Presidents also adopted increasingly

assertive rhetoric that released veto threats more frequently. Figure 5.2 finds that high-pitched interbranch battles on foreign policy topics have become the norm rather than the exception in the context of authorization legislation, indicating a notable shift in the venue in which interbranch friction on America's international engagement plays out.

Figure 5-2: Foreign Policy Assertiveness-Score per SAP, 1985-2020



Source: Own illustration.

Figure 5.2 also shows that no president has had to assert his foreign policy powers more vigorously than President Obama – particularly so in his second term. By 2014, he exclusively released veto threats on multiple foreign policy provision that lawmakers had attached to the NDAA. In H2, I argue that lawmakers increasingly employ the authorization-leverage more broadly leading to more assertive executive reactions in response. Hence, table 5.3 and figure 5.2 raise one key question: to what extent does congressional assertiveness through the authorization-leverage drive preemptive presidential assertiveness expressed in SAPs?

5.1.3 The Congressional Authorization Leverage and Foreign Policy

Lawmakers face an increasingly powerful and assertive presidency in foreign policy. As my theoretical framework suggests, lawmakers explore new options to implement checks on the executive and more often turn to their constitutional power of the purse to attach sections with relevance to foreign policy to authorization legislation. As part of larger must-pass bills, their chances of passage increase relative to stand alone bills that presidents can target more easily and with less political capital on the line. I have dubbed this congressional strategy the “authorization-leverage”. If used more broadly, the authorization leverage may explain increasing presidential assertiveness as conflicting interpretations of constitutional authority and contrasting foreign policy preferences collide. On the one hand, presidents are the commander in chief and they are generally perceived as responsible for the conduct of foreign and defense policy. On the other hand, Congress controls the budget through authorization and appropriation legislation. Presidents challenge more sections of draft NDAAs in an effort to preemptively confront legislative activity designed constrain them in the policy domain they want to control. The authorization leverage may be a last-resort of congressional influence over foreign policy that presidents seek to access through more assertive preemptive interventions. I suggest that presidential assertiveness is less an expression of an unchecked executive and more a response to congressional efforts to force the presidents’ hand in foreign policy through authorization legislation. The fifth step at the descriptive level of my analysis counts the number of foreign policy section in each draft NDAA addressed by a SAP. Each draft NDAA includes a summary of all provisions including their titles, which varies in length according to the total number of sections included in each bill. I reviewed all summaries for each draft NDAA and compiled a list of keywords to identify sections with a direct

connection to American foreign policy.¹⁸ In the few cases where the section title in the summary did not clearly indicate a possible foreign policy nexus, I reviewed the section in its entirety. Despite multiple cycles of reviewing the draft NDAAs, the resulting values should be understood as estimates of the range of foreign policy issues per bill since the lines between domestic and foreign policy are often blurred in an era of globalization and transnationally engaged societies. The foreign policy identifiers listed above also exclude issues of procurement and organizational aspects of government (e.g. spending on military equipment, property management, salary issues, matters concerning national guard, border protection and military governance).

Overall, figure 5.2 provides an instructive measure of congressional assertiveness through the use of the authorization leverage to pass foreign policy legislation as part of the annual NDAAs. Figure 5.3 shows the number of foreign policy sections for each pre-intervention draft NDAA per year. For the years 1985-1988, the full text for the pre-intervention draft NDAAs is not available. Instead, only a summary provided by Congress is available. I used the same keyword search and identified foreign policy themes addressed in the summary, rather than identifying the respective sections. This limits the comparability for those years as the extent of foreign policy topics featured in these drafts cannot be measured as accurately as for the remainder of the dataset. Nevertheless, a number of foreign policy topics could be identified for those years and I included them in figure 5.3 to provide a complete picture for my measure of congressional assertiveness in foreign policy lawmaking. Figure 5.3 illustrates my measure to assess congressional assertiveness by means of employing the authorization leverage to pass foreign policy legislation as part of the annual NDAAs. It displays the number of foreign policy sections for each pre-intervention draft NDAA per year. Also, figure 5.3 contains 72 observations because there are two versions of draft NDAAs across the 36 years included in my period of observation, which deviates from the SAP-centered figures 5.1 and 5.2 because not every version received an SAP as explained above. Finally, figure 5.3 also labels the version that ultimately became law with “PL”.

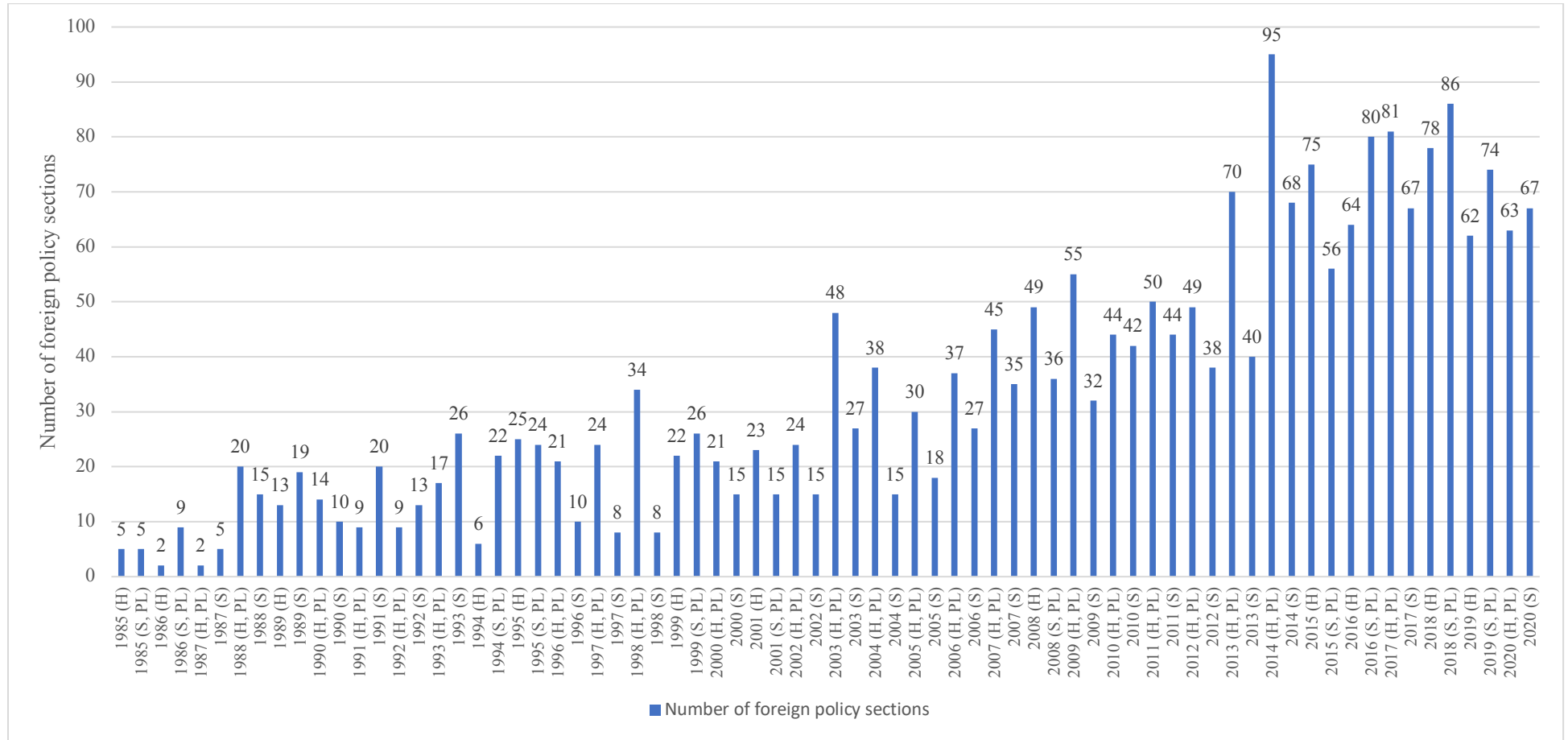
The values for the number of foreign policy sections in draft NDAAs, shown in figure 5.3, exhibit similar trends to those captured by figure 5.1. There is a rightward skew over the assessed

¹⁸ The final list of foreign policy identifiers included these terms: foreign, international, treaty, North Atlantic Treaty Organization (NATO), Anti-Ballistic-Missile treaty (ABM), Open Skies Treaty, abroad, alliance, United Nations (UN), multinational, multilateral, bilateral, Buy American, trade, Strategic Arms Reduction Treaty (START), counterterrorism, Taliban, ISIS (ISIL), Missile Defense Act, peacekeeping, intervention, Europe, European Union, Russia, China, human rights, aid

period towards more foreign policy sections that are tied to draft NDAs. This trend peaks in the second Obama administration, while 2014 instead of 2016 stands out with the highest reported value. Also, figure 5.3 reports notable variation within each term and a tangible shift in the post-9/11 context as compared to the years prior to the attacks. The patterns of change I pinpointed throughout this subchapter (critical juncture and gradual change) also show in the number of foreign policy sections in the draft NDAs. Yet, there are two novel observations. First, the honeymoon vs end-of-term dynamic does not emerge as clearly as it did for presidential assertiveness and lawmakers appear to ramp up their assertiveness in midterm-election years of 1998, 2002, 2006, 2010, 2014 and 2018.

The first observation may arise because topics of foreign policy generally rank low in congressional elections, which center on domestic policy such as health care or employment. For presidents, however, foreign policy features more prominently in their policy portfolios and in the public's perception of responsibility suggesting that they assert their positions more strongly in election years that include a presidential election. Regarding the second novel observation, the absence of a presidential election could render the respective midterm elections to be a referendum on the president's performance not just on domestic policy but also on foreign policy, which could boost foreign policy's salience in elections where only lawmakers are on the ballot. Thus, it would make sense for lawmakers to include more foreign policy sections to emphasize their role as balancers of presidential power in this domain when competing for votes.

Figure 5-3: Number of foreign policy sections per pre-intervention draft NDAA, 1985-2020¹⁹



Source: Own illustration.

¹⁹ A complete list of all coded sections is available in Appendix B.

The key message of figure 5.3 is that there is evidence to suggest that Congress became more assertive over time in terms of attaching more foreign policy issues to the pre-intervention draft NDAs. This suggests that presidential assertiveness increases in lockstep with congressional action as the comparison between figure 5.1 and figure 5.3 suggests. The temporal sequence supports the argument that gradual change in congressional activity on the pre-intervention draft NDAs is a predictor of presidential assertiveness. As theorized in chapter 3, the evident increase of congressional assertiveness underscores that interbranch dynamics can constrain executive agency even in foreign policy where presidents are most powerful. It appears that Neustadt (1990) was correct in arguing that presidents must bargain to influence legislative processes, even when it comes to foreign policy. Figure 5.3 also indicates that the debate on congressional abdication of its foreign policy powers has yet to fully grasp the impact of lawmakers using the authorization leverage more broadly.

The trend towards the proliferation of foreign policy provisions in NDAs in figure 5.3 indicates that even previously routine and standalone bills are regularly attached to these drafts. As such, Congress has not passed comprehensive and standalone authorizations for the State Department since 2002. More recently, such provisions have been more frequently included in NDAs instead (Gill 2023a). Similarly, lawmakers have not passed a comprehensive foreign relations reauthorization law since 2002. Instead they “[...] passed progressively more expansive authorization laws that include new State Department authorities, congressional oversight provisions, and limited authorizations of appropriations.” (Gill 2023b: 1). Hence, legislation to authorize programs and funds for the State Department that used to pass in separate and recurring legislative processes are often enacted as part of the NDA. This echoes my reasoning for the gradual expansion of legislative effort to attach more foreign policy sections to draft NDAs. The authorization leverage gains momentum over time, anchoring foreign policy legislation in fewer and more expansive package deals. The timing of the collapse of other routine authorization bills indicates that the emerging trend is amplified by the critical juncture of 9/11.

Overall, there appears to be more to legislative efforts in foreign policy than first meets the eye. Significant congressional ambition to influence foreign policy remain unseen when studies focus on hearings or stand-alone bills or other measures of legislative productivity (see chapter 2). Omnibus and annual must-pass legislation emerge as an important arena of interbranch dynamics in foreign policy lawmaking – especially so with regards to NDA. So far, I have shown that

presidents are increasingly battling with lawmakers on a widening range of foreign policy issues, and that they are resorting to more assertive language to do so, including more frequent use of decisive and targeted veto threats. The argument for an omnipotent presidency in foreign policy is less compelling in light of the extent to which interbranch negotiations on foreign policy now appear to take place in a context where Congress exerts significant influence – authorization legislation.

In the sixth and final step, I assess the length of the pre-intervention draft bills per year. A key assumption underlying the argument of H2 is that draft NDAs become longer over time as lawmakers attach more foreign policy related sections to these bills. Thus, I assume that the increasing use of the authorization-leverage is expressed on an abstract level in the increasing length of draft NDAs over time as standard procurement measures are often recurring sections for every NDA. I rely on the pre-intervention drafts because these are the bills' versions the respective SAPs refer to thereby connecting to the mechanism of SAPs. In other words, the pre-intervention drafts are the legislative proposals that presidents and the OMB review for sections that should be targeted with presidential preemptive challenges. The formatting is largely identical over time ensuring comparability of the total number of pages per draft. Figure 5.4 reports the length of each draft per chamber. For 1985-1988, only summaries of the pre-intervention drafts are available, which is why I did not include them in figure 5.4. For the House version in 1988, parts of the draft appear to be missing from the file that is available on Congress' website, so only the Senate draft version can be included. The formatting for the Senate version in 1993 and the House version in 1994 is similar between these two versions but slightly deviates from the other drafts in my sample. However, the impact of the rather minor differences in borders for each page results only in insignificant changes to the overall length. In general, there are always two versions – one for each house of Congress and the differences are usually reconciled in the Conference Committee prior to the bill moving to the White House for signature. Finally, figure 5.4 also indicates the version that ultimately became law with "PL".

As figure 5.4 illustrates, the length of NDAs increased over time, indicating that Congress attached more sections to the annual authorization legislation. Hence, the assessment of the pre-intervention drafts tentatively points to a more expansive use of the authorization-leverage. On an abstract level, the range in the length of draft NDAs stands out. The longest draft was introduced in the Senate in 2016 and covered 1600 pages, while the shortest draft with only 80 pages was

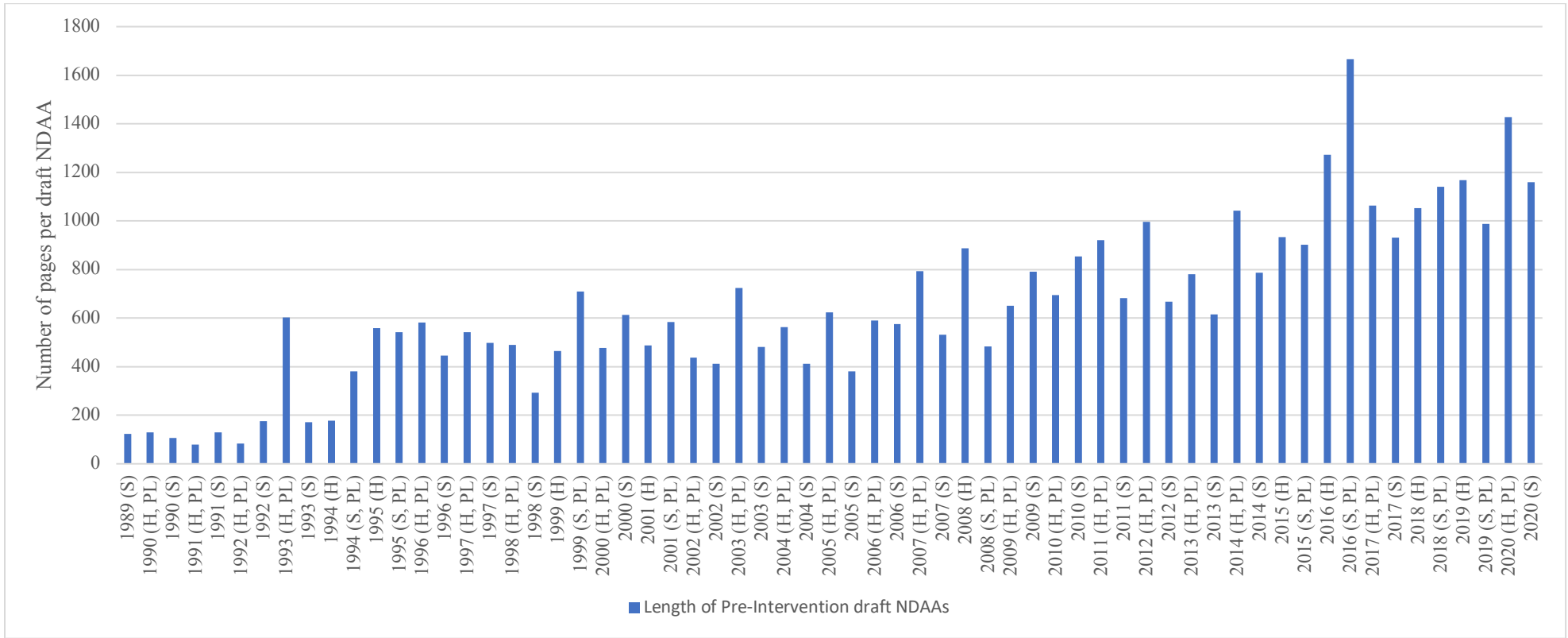
introduced in the House in 1991. Clearly, contemporary NDAAs are larger and more expansive legislative proposals as compared to the drafts in the 1990s and early 2000s. This is consistent with previous research on the trend in Congress toward longer, omnibus legislation (Lowande and Shipan 2021), which evidently increases the prospect of executive action on such bills (Moraguez 2020). I revisit the connection of my findings to this broader trend in American politics in my concluding chapter. While the length seems to have plateaued between 1995 and 2007 with some variance in between, there is a clear trend towards longer pre-SAP draft NDAAs beginning in 2008 and peaking in 2016.

On average, the House bills become public law in the end, and these versions tend to be the longer drafts within a given year. Consequently, the Senate bills are more often than not the companion bills to the House drafts. There are some evident similarities to the trends in the assertiveness-scores as reported in figure 5.1. First, there is a rightward skew in the length of NDAAs indicating a gradual rise similar to presidential assertiveness scores. Second, end-of-term peaks in presidential assertiveness per administration appear to often coincide with longer draft NDAAs. Third, on average, draft NDAAs after 9/11 are longer than draft NDAAs prior to the external shock, which coincides with a narrower focus of the authorization leverage on NDAAs. These three observations indicate that presidential assertiveness might be associated with more expansive congressional efforts to tie sections the president opposes to authorization legislation. A closer look, however, raises some doubts.

The House draft in 1993 is notably longer than the companion bill in the Senate, but assertiveness levels in the corresponding SAPs remain similar and at comparatively lower levels. Also, President George W. Bush's SAP for the Senate drafts in 2002 and 2003 are much less assertive than his opposition to the House drafts despite their similar length in comparison to the drafts introduced during his first administration. Similarly, the presidential assertiveness levels in 2009, 2010 and 2011 (see figure 5.1) drops sharply despite the continuity in the length of targeted bills, which remains on relatively high levels. Finally, the expansion over time might also be a function of reauthorizing programs from previous fiscal years for the next fiscal year in addition to new provisions. This may be particularly important for the long-term military engagements in Afghanistan and Iraq, which likely accumulated continuous authorizations for many consecutive years in addition to new sections contributing to the overall growth of draft NDAAs in the second half of the assessed timeframe. In sum, there is preliminary descriptive evidence to suggest that

congressional efforts to employ the authorization leverage have become more expansive. More assertive SAPs might be a way for presidents to respond to these congressional efforts preemptively in order to target foreign policy provisions that Congress tries to pass as part of authorization legislation. Beyond the link to presidential assertiveness, figure 5.4 suggests that the NDAAAs are important legislative processes that draw interbranch attention and friction annually. Lastly, table 5.3 illustrated that foreign policy topic began to feature more prominently in SAPs in the Clinton-administration and became particularly pronounced during the second George W. Bush-administration, the Obama-administration as well as the Trump-administration. This appears to correspond to the trend in the length of draft NDAAAs, suggesting that foreign policy topics contribute to the overall growth of draft NDAAAs.

Figure 5-4: Length of pre-intervention draft NDAAAs, 1989-2020



In sum, two key messages emerge from the descriptive statistical evidence reviewed in this subchapter. First, I have shown that the values for my response variable “presidential assertiveness” and for the predictor “Authorization leverage” rooted in my gradual change argument exhibit patterns of change that reflect the arguments for H1 (critical juncture) and H2 (gradual change). As such, presidents are more assertive after 9/11 and the extent of their preemptive challenges gradually increases across the period of observation. Together with the added control variables for the phases of presidential terms in office, I also completed the dataset for my subsequent inferential statistical analysis. Second, I went beyond the numeric values of the applied codes for all SAPs by examining their foreign policy content in connection to congressional use of the authorization leverage. In doing so, I emphasized the connection between presidential assertiveness and interbranch dynamics. The spotlights on specific years in administrations along with specific examples of foreign policy content in SAPs indicate somewhat mixed results for the individual effects of contextual determinants. The next level of my analysis tests the correlations outlined in my five hypotheses.

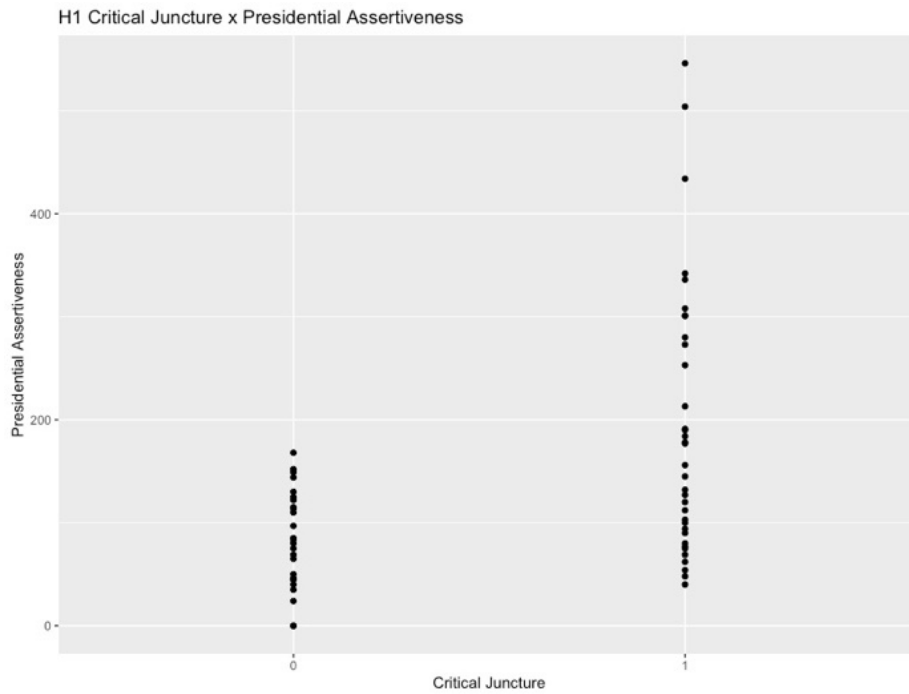
5.2 Level II: Inferential statistical analysis of preemptive executive pressure

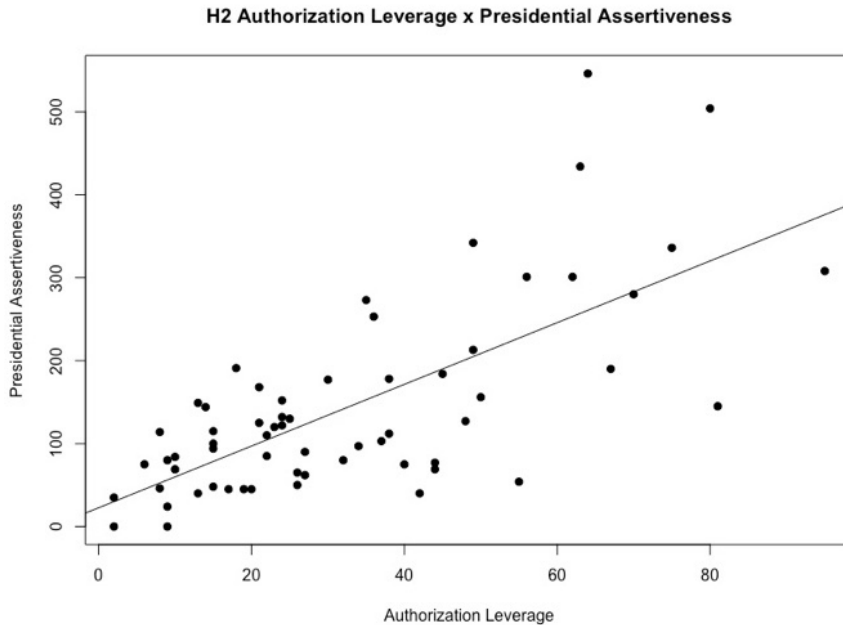
In this subchapter, I leverage OLS-regression modeling to assess the hypothesized correlations between all of the predictors of presidential assertiveness (H1 critical juncture, H2 authorization leverage, H3 divided government, H4 high ideological polarization in Congress, H5 high presidential approval ratings, added controls: honeymoon and end-of-term). I start with scatterplots for each predictor’s association with presidential assertiveness, which approximate the correlations my regression models calculate in more detail. The second and third step together extract the main conclusions of my analysis by calculating a comprehensive model that includes all predictors before relying on stepwise regression modeling to exclude irrelevant independent variables. The third regression model excludes remaining statistically insignificant predictors and, thus, presents my conclusive model, on which I rely to interpret my results in light of my hypotheses. I conclude this subchapter with quality checks for all models considered at this stage, which sets up the transition to the third level of my analysis where I check the robustness of my results.

For the first step, I organize the scatter plots as follows: Figure 5.5 includes the predictors that are informed by historical institutionalism’s patterns of change (H1 and H2). Then, figure 5.6

shows the scatterplots for the contextual determinants of presidential assertiveness (H3, H4, H5) and figure 5.7 approximates the individual effect of both added control variables (honeymoon and end-of-term periods). To enhance comparability to the descriptive level of my analysis, I rely on the actual values for the assertiveness scores as outlined above prior to the subsequent square-root transformation, which ensures a normal distribution in the dependent variable for the regression analyses.

Figure 5-5: Scatterplots for H1 (critical juncture, top) and H2 (gradual change, bottom)





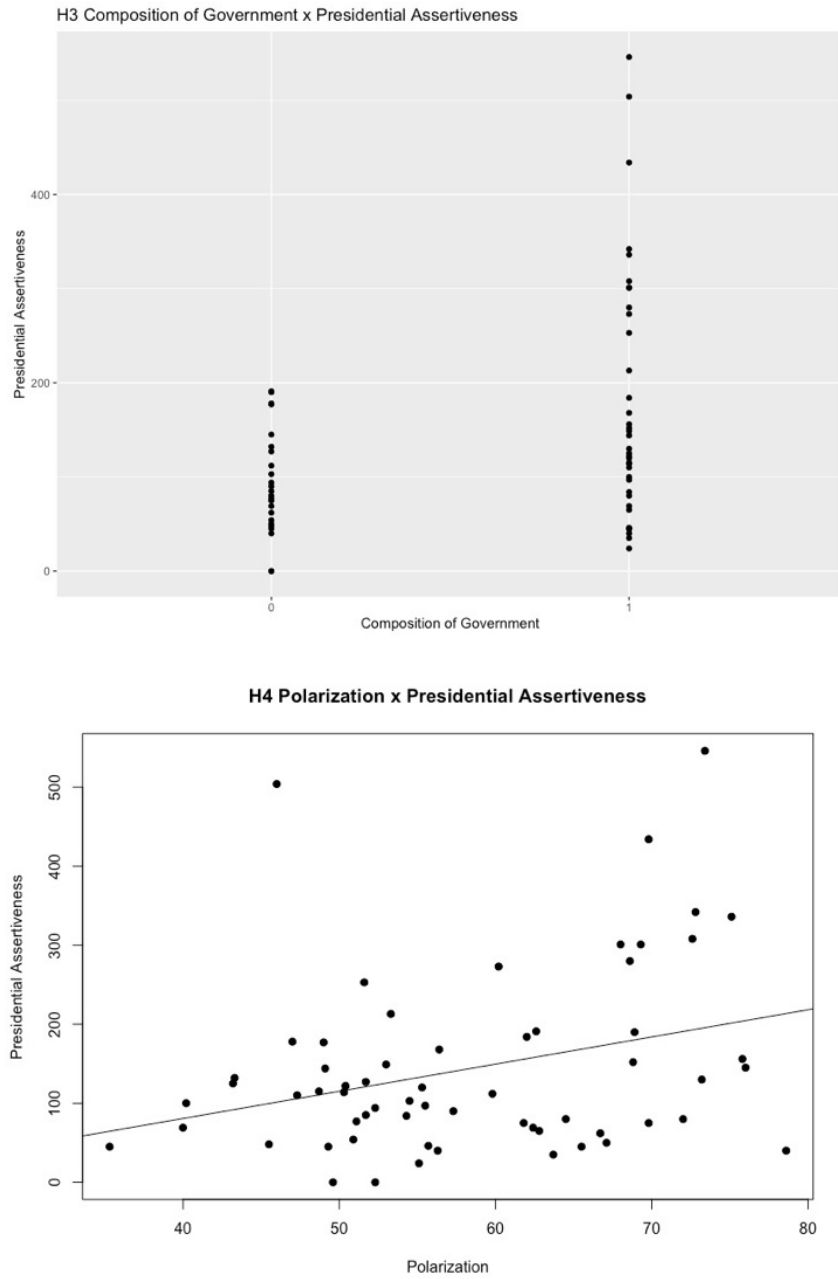
Source: Own illustration.

The plots in figure 5.5 tentatively corroborate the correlations as hypothesized in H1 and H2. Visual evaluation of the left plot suggests that SAPs released after the critical juncture of 9/11 are more assertive than those issued before the terrorist attacks. Each point in the plots represents the assertiveness score per observed SAP and its association with each predictor. The results also suggest that peaking assertiveness in SAPs is associated with years following the critical juncture. Regarding H2, the scatter plot suggests that more foreign policy sections in draft-NDAAs contribute to more assertive preemptive interventions through SAPs. Put differently, the evidence suggests that the gradual change in the use of the congressional authorization leverage towards the attachment of more foreign policy provisions to the draft NDAA is associated with increasing presidential assertiveness in the corresponding SAPs. In sum, the scatterplots suggest that the hypotheses assume the correct direction of the correlations and they support the notion that the predictors rooted in historical institutionalism are positively correlated with presidential assertiveness. More broadly, figure 5.5 strengthens my argument that both independent variables help explain variation in preemptive executive pressure on draft NDAA.

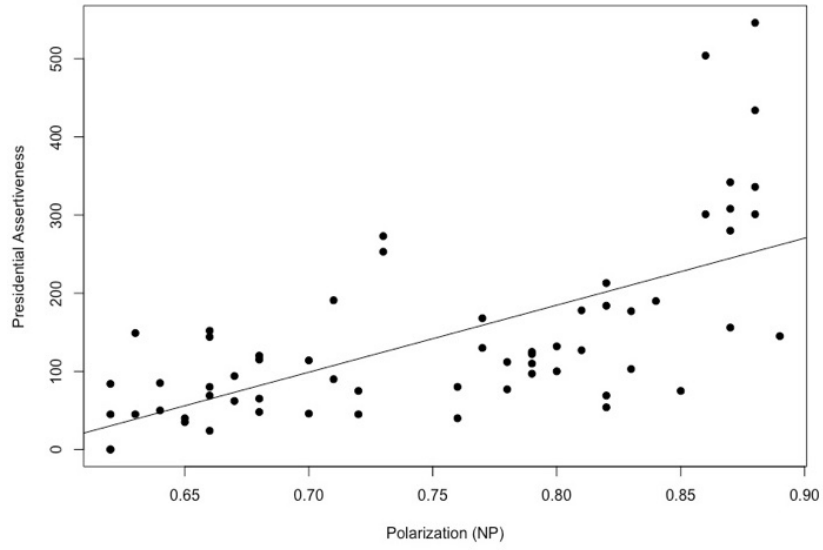
The next set of scatterplots shown in figure 5.6 focuses on the contextual determinants of presidential assertiveness in SAPs (H3-H5). To reiterate, the divided-government predictor is a dummy variable, while the polarization measures as well as the approval-rating measure are continuous. I include all polarization measures here even though the Nokken-Poole measure and

the ideological distance between the respective bill's sponsor and president measure are only included in the robustness-check stage of my analysis (chapter 5.3). My main measure of polarization is based on the PUV-score.

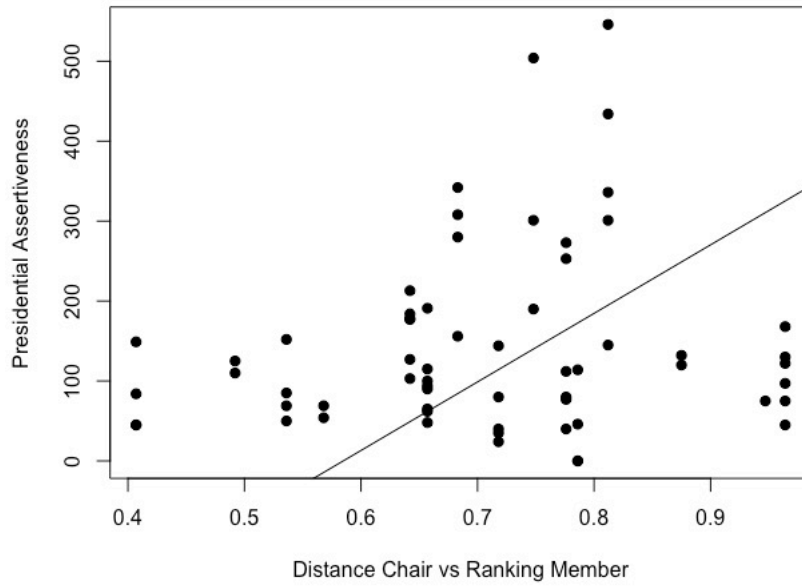
Figure 5-6: Scatterplots for all contextual predictors (H3-H5)

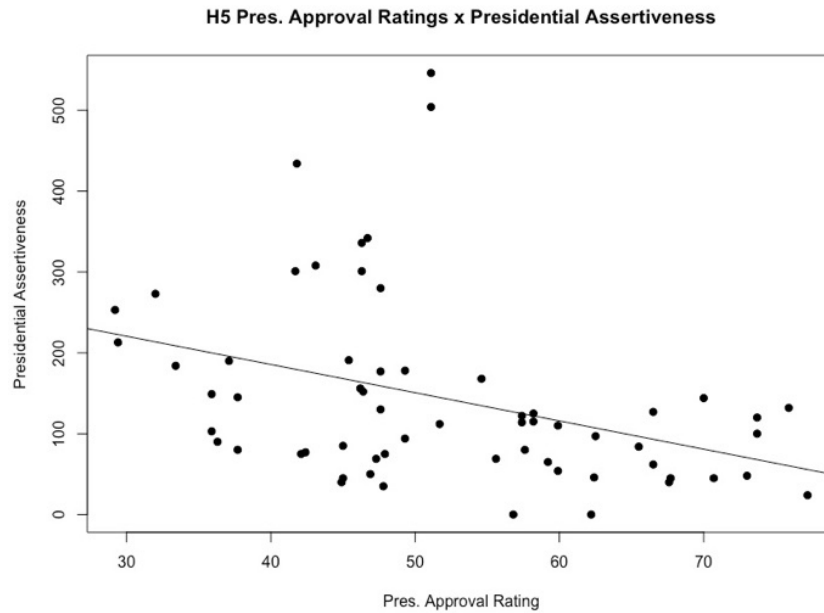


H4 Polarization (NP) x Presidential Assertiveness



Polarization: Distance Committee Leadership





Source: Own illustration.

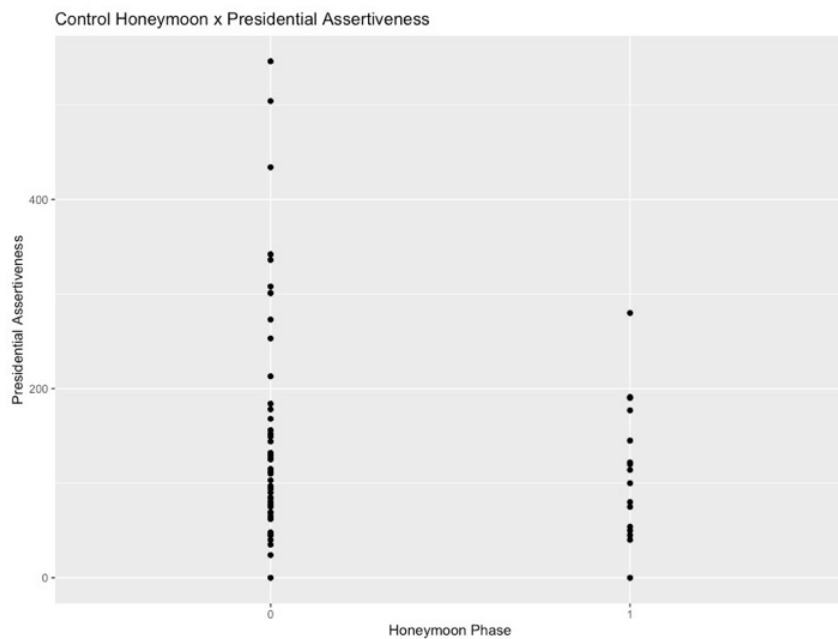
Visual evaluation of the scatterplot for the effect of divided government suggests that there is a positive correlation between split government control and presidential assertiveness. This supports H3. The distribution of assertiveness scores across the dichotomous definition of the composition of government variable shows that peaking assertiveness-scores beyond the value of 200 are found exclusively in settings of divided government. Turning to the polarization measures, the overarching message of the scatterplots is that a more ideologically polarized Congress is associated with increasing presidential assertiveness. The effects appear to be most pronounced in the plot measures polarization by the distance between the committee chair and the ranking member, while the Nokken-Poole-based measure shows a less pronounced trendline. Both alternative polarization measures rely on the biannual DW-NOMINATE scores, which explains why multiple values of the dependent variable are stacked on almost identical values for ideological polarization. The overall trend is similar in the PUV-based measure. However, one observation seems to stand out in the PUV-data with peaking assertiveness in a relatively less polarized setting. Overall, all three measures of polarization indicate a similar connection to presidential assertiveness, which supports the premises of H4 from multiple angles.

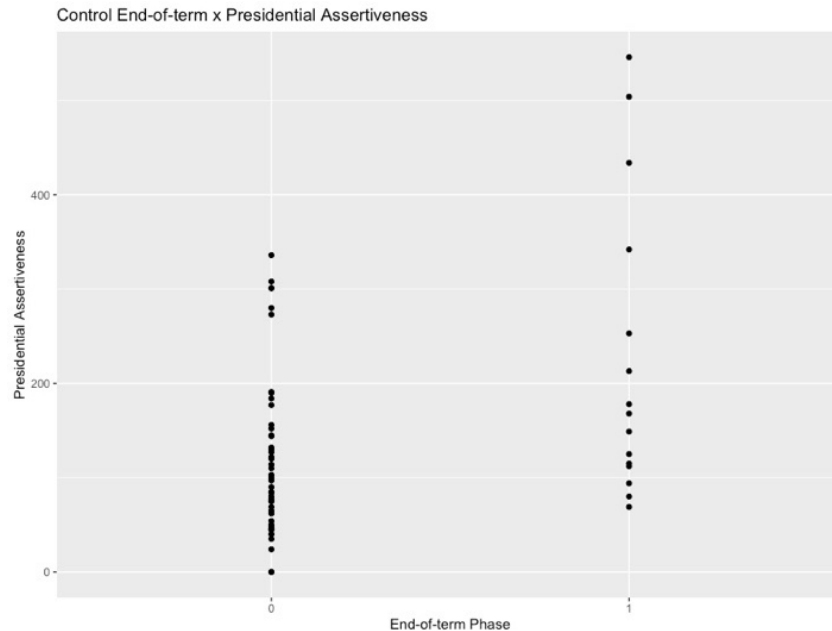
The results for presidential approval ratings run counter to my hypothesis. The negative slope in the trendline indicates that increasing presidential approval ratings are associated with lower assertiveness-scores. Put differently, presidents seem more inclined to communicate their

preferences to Congress with increasing assertiveness if their approval ratings decrease. One explanation for this could be that higher presidential approval ratings were more common in the 1980s and 1990s when levels of assertiveness had not yet increased significantly in response to gradual change and the critical juncture of 9/11. Returning to the descriptive level of my analysis, assertiveness-scores increased distinctly during the Obama administration as well as during Trump's years in office. During both presidencies, presidential approval ratings rarely increased beyond 50 percent, while the opposite is true for the Reagan, H.W. Bush and Clinton administrations. Nevertheless, the scatterplot for H5 requires careful interpretation of the predictor's individual effect on presidential assertiveness in the context of my subsequent regression analyses.

The next set of scatterplots turns to the added predictors that control for effects of phases in executive terms on presidential assertiveness. The descriptive stage of my analysis uncovered trends in presidential assertiveness that appear to coincide with established temporal patterns of presidential terms in office. The honeymoon phase is commonly associated with less hostile interbranch relations whereas looming elections and ending presidential terms tend to be understood as a predictor of more pronounced position language in interbranch dynamics.

Figure 5-7: Scatterplots for the added control variables





Source: Own illustration.

The results of the visual assessment of both scatterplots is mixed in terms of the expected effect of the added control variables. While the patterns for the end-of-term phase (right) support the notion that presidents communicate more assertively in the last year of a given term, the results for the honeymoon-phase (left) contradict the assumption that there is a fresh impetus for less assertive communications when presidents begin a new term. Instead, increasing assertiveness scores appear to be rather common in honeymoon years indicating that presidents may be eager to control key legislation right away. I also suggest that presidents are emboldened by their new mandate. Winning an election for the highest public office provides presidents with new political capital that they express in more assertive messages to Congress in order to capitalize on this momentum. Lastly, in the early days of their presidencies, presidents are particularly ambitious to implement the policy goals they campaigned on, which contributes to assertive preemptive challenges of draft NDAs. Pending the subsequent regression analyses, the scatterplots suggest that the rationales for the effect of approval ratings and honeymoon years may need to be reconsidered. In the next steps (step 2 and 3), I calculate three regression models: The first linear regression model includes all independent variables, while the second model excludes irrelevant predictors using the method of stepwise regression modeling. The third model includes only statistically significant predictors by excluding those predictors that survive the stepwise regression modeling but still lack significance. Also, the dependent variable is continuous, but it lacks normality as the histogram

showed a leftward (or positive) skew. I corrected this by applying a square-root transformation to the values of the dependent variable, which established a sufficient level of normality (Osborne, 2013, pp. 176). The overview of all variables is available in Appendix E. Table 5.4 reports the coefficient estimates as well as the standard errors (in parentheses) for each predictor included in the respective model.

Table 5-4: Results of the regression analyses

	Presidential Assertiveness		
	(1)	(2)	(3)
Critical Juncture	2.919** (0.962)	2.921** (0.941)	2.883** (0.950)
Authorization Leverage	0.088*** (0.023)	0.088*** (0.021)	0.099*** (0.020)
Divided Government	4.095*** (0.758)	4.062*** (0.729)	3.894*** (0.728)
Polarization	-0.0001 (0.036)		
Approval Rating	-0.043 (0.032)	-0.043 (0.029)	
Honeymoon	0.186 (0.769)		
End of Term	2.441** (0.827)	2.388** (0.767)	2.704*** (0.745)
Constant	5.700+ (3.179)	5.762** (1.834)	3.257*** (0.709)
N	62	62	62
R ²	0.753	0.753	0.743
Adjusted R ²	0.721	0.731	0.725
Residual Std. Error	2.436 (df = 54)	2.393 (df = 56)	2.418 (df = 57)
F Statistic	23.527*** (df = 7; 54)	34.108*** (df = 5; 56)	41.231*** (df = 4; 57)

*p < .05; **p < .01; ***p < .001

Source: Own illustration.

Before discussing the results in light of my hypotheses, step 4 implements a series of quality checks to ensure that my interpretations are based on reliable evidence. The adjusted R²-values for my three regression models suggest that they explain considerable variation in the response variable. Also, the significant F-statistics suggest that the inclusion of my independent variables jointly provides a better fit to the data than the intercept-only-model. Furthermore, the basic regression assumptions are not compromised as the visual evaluation of the diagnostic plots indicate. The plots for each model are included in Appendix F. Hence, the R²-values as well as the

significant F-statistics indicate goodness of fit between the observations and my models, while the diagnostic plots point to the reliability of my models. Since my N of 62 observations is rather small for regression analyses, I decided to apply additional quality controls, which can be reproduced by my R-script available in Appendix G. The variance inflation factor (vif)-test convincingly ruled out multicollinearity for all models. Only the authorization leverage (gradual change) predictor appears to be slightly correlated with the critical juncture variable. However, the corresponding vif-values across all models calculated above are not high enough to require further attention, ranging from 2.1 to 2.6 for the potentially correlated predictors. Relying on the cook's distance measure, no particularly influential observation impacts the regression results. In addition to the R-script, I include the respective plots in Appendix H. The Breusch-Pagan-test does convincingly rule out issues of heteroskedasticity, which is in line with the scale-location diagnostic plots for each model. The Durbin-Watson-test as well as the Breusch-Godfrey test indicate that autocorrelation might be a problem in all models. The most prominent countermeasure relies on the heteroskedasticity and autocorrelation consistent Newey-West-standard-errors, which yields robust results for the significant predictors in all models. Table 5.5 shows the results of this quality check for my conclusive model (3).²⁰

Table 5-5: Results of the Newey-West-standard-errors for model 3

t test of coefficients:

	Estimate	Std. Error	t value	Pr(> t)	
(Intercept)	3.257096	1.261694	2.5815	0.01243	*
Diss\$CritJunc	2.882838	1.200166	2.4020	0.01959	*
Diss\$Congress	0.098855	0.018166	5.4416	1.157e-06	***
Diss\$CompGov	3.893930	0.899341	4.3298	6.106e-05	***
Diss\$End.of.Term	2.703583	0.576327	4.6911	1.743e-05	***

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

Source: Own illustration.

Overall, the quality checks strengthen my findings and emphasize that the regression models uncover substantial and reliable evidence to support the subsequent discussion of my five hypotheses.

²⁰ "Diss\$Congress" is the dataset-equivalent of "Authorization Leverage" as labelled in the regression output. "CritJunc" = Critical Juncture variable; "CompGov" = Composition of Government variable; "End.of.term" = final year of a presidential term.

5.2.1 Significant Predictors of Increasing Presidential Assertiveness

Regarding H1 (critical juncture), my findings provide compelling evidence that presidential assertiveness increased significantly in the aftermath of 9/11. My theoretical framework suggests that the severity of the critical juncture leads to a short period of permissive conditions for largely unchallenged presidential leadership that turns into a long-term shift as interbranch relations grapple with the effects of the short-lived yet distinct departure from pre-crises conditions. My critical-juncture argument holds that the expansion of presidential power becomes contested as the permissive conditions fade. This contributes to interbranch friction on how to recalibrate checks on the executive branch, which is why I expected the critical juncture to cast a long shadow in terms of rising presidential assertiveness in post-9/11 years. In terms of interpreting the strength of the individual predictors' effect on presidential assertiveness through the coefficient estimates, it is important to remember that I used a square-root transformation for the values of my response variable to ensure normality of distribution prior to regression modeling. This results in much lower values for my dependent variable as compared to the descriptive level of my analysis.²¹ Across all three models, I find that my critical juncture measure predicts increasing presidential assertiveness. The coefficient estimates indicate a strong and positive correlation between post-juncture years and more assertive presidents. More specifically, holding all other variables constant, the value 2.883 in the third and conclusive model indicates that a change in the independent variable from a pre-juncture to a post-juncture year increases the mean of presidential assertiveness by 2.883. I interpret this statistically significant and substantial effect of the critical juncture as convincing evidence in support of H1. Thus, my analysis demonstrates that increasing presidential assertiveness is characteristic of post 9/11 interbranch dynamics, suggesting a lasting legacy of the critical juncture that resonates in foreign policy lawmaking.

The evidence is equally compelling for the correlation hypothesized in H2. The variation in presidential assertiveness is at least in part explained by a pattern of gradual change that is driven by lawmakers employing their authorization leverage more widely. Put differently, the strategy of attaching more foreign policy sections to draft NDAs is positively correlated with more assertive

²¹ The values for my response variable range from 0 to 546 prior to the square-root transformation. After this step, the response variable ranges from 0.003 to 23.4. Hence, a coefficient estimates of 2.8 should be interpreted as a rather strong effect of the critical juncture measure on presidential assertiveness.

preemptive SAPs. Hence, congressional activity is associated with the extent of assertive position language in preemptive presidential interventions in pending legislation. Congress using its authorization leverage helps explain rising presidential assertiveness independent of the individual effects of established contextual determinants. I find that, other things equal, presidents become more assertive over time in response to a gradual shift in the extent to which lawmakers incorporate foreign policy provisions to draft NDAs as a means of constraining more powerful presidents. As I elaborate in my theoretical framework, continuity and change are inherently connected in institutional settings of checks-and-balances because institutions are always situated within temporal-relational contexts and because actors within the institutional assemblage pursue their goals under the impression of conflicting interpretations of constitutional ambiguity. I demonstrate that lawmakers adapt to an increasingly powerful executive by channeling their power of the purse and pressuring presidents to negotiate prominent foreign policy goals in the context of authorization legislation.

The respective coefficient estimates remain largely unchanged across my regression models, while the effect is less pronounced as compared to the effect of the critical juncture. Nevertheless, all else equal, the positive correlation indicates that the addition of one foreign policy provision to a draft NDAs signifies a 0.099 increase in presidential assertiveness. This is a substantial effect given the fact that the descriptive evidence showcased how, by and large, the gradual expansion in the use of the authorization leverage is driven by lawmakers adding multiple foreign policy provisions in every new iteration of drafting NDAs. Overall, the regression models present compelling evidence for the critical-juncture (H1) as well as for the gradual-change argument (H2). Beneath the veneer of institutional stability, my analysis of presidential preemptive interventions uncovers substantial change in interbranch dynamics in the shape of a critical juncture and gradual change.

Turning to the contextual determinants of presidential assertiveness in preemptive SAPs (H3-H5), I find that settings of divided government predict more assertive executive communication particularly well. However, the evidence for the effect of ideological polarization and presidential approval ratings is sparse. In clear support of H3, the coefficient for divided government indicates that it is a strong predictor of more assertive SAPs. Model 3 in table 5.4 suggests that divided government increases assertive challenges in presidential preemptive interventions in foreign policy lawmaking. The results suggest that a SAP is more assertive when

it is intended for a house of Congress that is not controlled by the presidents' party. A cross-validation with figure 5.1 shows that Obama's spiking assertiveness in 2015 and 2016 occurred in a period in which both houses were controlled by the Republicans. Also, Obama's lowest assertiveness-scores date back to the first years of his time as president, in which Democrats held the majority in the House as well as in the Senate. George W. Bush was most assertive in his SAPs in 2008 when Congress was controlled by Democrats, while the PUV-score indicates relatively modest levels of partisan strife. It is striking that divided government correlates with heightened assertiveness and that this contextual determinant overshadows polarization and approval ratings. In the ongoing discussion about the extent to which divided government control matters for lawmaking, my results attribute a sizable effect to split government control for the interbranch dynamics at least when executive position language on National Defense Authorization Acts is concerned. This validates previous studies that find a considerable impact of divided government on lawmaking on Capitol Hill (Howell et al. 2000; Kriner and Schwartz 2008; Binder 2018; Guenther and Kernell 2021). In fact, the significance and strength of the effect of divided government on presidential assertiveness in the context of pivotal legislation such as the NDAA qualifies more skeptical studies that attribute either a virtually negligible (Ansolabehere et al. 2018) or no effect at all (Mayhew 2005) to the composition of government.

The coefficient estimates for divided government are rather consistent across the three models shown in table 5.4. In terms of the conclusive model, a shift from unified government to divided government (i.e. in response to midterm elections) is associated with an increase by 3.894 in presidential assertiveness. This signifies a substantial and statistically significant effect of divided government on preemptive presidential position language in SAPs. More specifically, I find that presidents are more likely to be more assertive in their SAPs if they communicate their opposition to a chamber that is controlled by their opposition. Overall, the composition of government is the dominant contextual determinant for interbranch dynamics, which is consistent with established wisdom on the institutional drivers of interbranch friction as described in chapters 1 and 2. In sum my results indicate that divided government contributes to a more assertive presidency. This trend appears to be rather independent of the level of polarization.

5.2.2 Counterintuitive Findings on Polarization and Approval Ratings

The findings on H4 suggest that levels of ideological polarization in Congress have no significant impact on presidential assertiveness in SAPs. The stepwise regression modeling already excludes this predictor in the second model, despite the effect shown in the scatterplot above. The first model finds only a minor effect, which is contrary to my expectation in the sense that the negative coefficient implies that presidential assertiveness decreases in more polarized settings on Capitol Hill. However, this weak effect (coefficient estimates of -0.0001) is not statistically significant, which precludes meaningful interpretations in light of the other more convincing predictors. In reference to the state of research (chapter 2) and my theoretical framework (chapter 3), this finding is rather surprising.

The literature is mostly characterized by studies that emphasize how increasing ideological polarization has changed lawmaking on Capitol Hill for the worse in terms of legislative productivity and the propensity for gridlock (Sinclair 2000; McCarty 2007; Binder 2018). Interbranch dynamics appear to be hamstrung by the growing ideological distance between both parties. Similarly, a burgeoning literature suggests that polarization as a pervasive force in contemporary American politics has also engulfed foreign policy (Schultz 2017; Jeong and Quirk 2019). In contrast to these studies and their emphasis on the explanatory power of polarization for interbranch dynamics, I find only a negligible effect of ideological polarization that is statistically insignificant. The design of presidential preemptive interventions in draft NDAs is not correlated with growing polarization. While this contradicts H4, it does speak to recent work that is more skeptical of the role and reach of partisan polarization.

Curry and Lee emphasize that “lawmaking remains a process of bipartisan accommodation.” (2019: 60). They find that increasing polarization does not increase the propensity of the majority party to successfully enact their policy agendas, and that legislative success is still a bipartisan endeavor (*ibid.*). Similarly, Bryan and Tama accentuate the prevalence of bipartisanship in U.S. foreign policy as “[...] strong polarization, which should be of greatest concern, is remarkably rare in major foreign policy debates.” (2022: 890). My findings strengthen the arguments presented by Curry and Lee (2019) as well as those emphasized by Bryan and Tama (2022) and cast additional doubt on explanatory models that focus on polarization when pivotal foreign policy legislation is concerned. In fact, the broad bipartisan support reported in chapter 4 for the conference committee reports of draft NDAA together with the results of my regression

analysis suggest that ideological polarization adds little to the explanation for increasing presidential assertiveness in the early stages of foreign and defense legislation.

Overall, my analysis reveals that polarization is virtually inconsequential for presidential position language on draft NDAAAs. In fact, this important legislative process is mostly characterized by bipartisan accommodation, as described by Curry and Lee (2019). The NDAA stands out from other pivotal and recurring legislation as it been passed consecutively since 1985. Moreover, the growth in foreign policy provisions attached to draft NDAAAs is contingent on the acquiescence of at least some lawmakers from the minority in order for such provisions survive veto points such as the filibuster. I corroborate these important findings with additional polarization measures in the next subchapter. Lastly, my findings should be interpreted as evidence for institutional continuity in the face of the influence of ideological polarization on interbranch dynamics in lawmaking.

Turning to H5 (presidential approval ratings), I find no statistically significant effect of increasing job approval for presidents on their position language in SAPs. However, the reported coefficient indicates a much stronger effect as compared to polarization. Also, stepwise regression modeling suggests to keep approval ratings in the second regression model, which warrants interpretation despite the fact that this measure is not included in the conclusive model (3). The fact that the coefficient is negative points to a correlation that challenges hypothesis 4. I find that increasing approval ratings are associated with less assertive messages. Specifically, the results indicate that a one-unit increase in approval ratings is associated with a 0.043 decrease in presidential preemptive assertiveness. Given the fact that approval ratings often shift by multiple percentage points (see figure 4.5), this effect could be more substantial than the low coefficient and the lack of statistical significance suggest. The result on H4 runs counter to my prediction and suggest that popular presidents are less and not more assertive.

It is established knowledge that high approval ratings increase the presidents' chances of legislative success (Canes-Wrone and de Marchi 2002; Barrett and Eshbaugh-Soha 2007). This might help explain the counterintuitive results on H4. If high approval ratings by themselves increase the prospect of legislative success, more assertiveness in SAPs may not be necessary to advance presidential positions on Capitol Hill. Put differently, popular presidents require less assertiveness in SAPs because they already have better chances for legislative success. Also, my hypothesis largely relied on recent work that demonstrated how high approval ratings increase the

frequency of unilateral action (Christenson and Kriner 2019), which I translated to my research as a higher propensity for more assertive messages. The empirical evidence suggests the opposite. One reason for this could be that studies on the effect of approval ratings on presidential unilateral action tend to cover broader periods of observation (i.e. 1953-2018 in Christenson and Kriner 2019). Under the impression of increasing ideological polarization, modern presidents rarely have approval ratings beyond 50 percent, which was much more common during the presidencies of Eisenhower, John F. Kennedy or Lyndon B. Johnson. Hence, my data on approval ratings per SAP, 1985-2020, samples a period of comparatively low presidential approval ratings, which complicates comparisons to broader periods of observations and their corresponding findings. Also, previous studies focus on major, rather than routine, executive orders. Thus, increasing approval ratings may be influential on singular and controversial issues and less so in omnibus legislation where attention is diffused across an increasingly diverse set of issues. This diffuses the effect of higher approval ratings and adds to the strength of the authorization leverage.

Another part of the explanation for the negative coefficient could be the fact that the critical juncture is a strong predictor for presidential assertiveness. The underlying reasoning has implications for how approval ratings might matter for presidents weighing the extent of assertiveness in SAPs for NDAs. The critical juncture creates an emergency that leads to permissive conditions for the exercise of presidential power. At the same time, approval ratings peak in moments where the public and lawmakers alike rally around the president. In light of permissive conditions and in order to signal interbranch unity in responding decisively to 9/11, assertiveness is minimal in the immediate aftermath of the critical juncture. This coincides with peaking approval ratings before the critical juncture's legacy leads to distinct executive pressure against resurgent controls. The juncture's lasting legacy evidently increasing the prospect of more assertive challenges (H1) while George W. Bush's approval ratings decrease significantly during his second term under the impression of increasing costs for the wars in Afghanistan and Iraq. As permissive conditions fade in response to resurgent congressional checks on executive foreign policy powers through the authorization leverage, presidents must assert their preferences more vigorously in preemptive SAPs. Declining approval ratings downgrade prospects of legislative success further. In this light, it makes sense for less popular presidents to be more assertive. Overall, I reject H5 and find that increasing presidential approval ratings are associated with less assertive position language in presidential interventions.

5.2.3 Control Variables and Interim Summary

The control variables uncover a statistically significant connection between presidential assertiveness and the end of presidential terms (“End of Term”). The honeymoon-phase is statistically insignificant and the stepwise regression suggests to remove this predictor. The comparatively large standard error as well as the relatively weak effect additionally contribute to the exclusion of this predictor. This finding qualifies previous studies who found a statistically significant effect of honeymoon years for interbranch dynamics (Hassell and Kernell 2016; Guenther and Kernell 2021). Yet, there is reliable evidence to suggest that presidents act more assertively when their term ends. In support of the trend carved out on the descriptive level of my analysis, the coefficient for the “end-of-term”-variable indicates that the last year of presidential terms is positively correlated with an increase in presidential assertiveness. The estimated effect is strong and points to a 2.704 increase (conclusive model 3) in presidential assertiveness if the corresponding SAP is released in a presidential election year.

Even if presidents are lame ducks, their assertive position language in SAPs is important to enhance their party’s posturing in the electoral competition with the opposition. More assertive SAPs can also pressure the opposition to clarify their positions on controversial issues in order to emphasize certain policy choices over others. Elections have become more contested and campaigns notably rely heavily on attacking the political opponent. The strength of the effect of end-of-term years is indicative of negative and contested campaigns spoiling the appeasing effect of honeymoon years. The NDAA is particularly instructive for electoral competition since entire communities in the U.S. are often dependent on the economy surrounding domestic military bases. Therefore, in the U.S., military matters and the authorization of corresponding funds resonate widely in the electorate, which enhances the NDAA’s importance in election years. Trump’s veto of the NDAA illustrates this domestic dimension of the NDAA well as he was particularly opposed to a provision that requires the military to rename all bases that were named after figures from the Confederacy – a position that was unpopular in large parts of Trump’s electorate in southern states.

Next to the electoral component, I interpret my findings to be indicative of presidents aiming to make a last stand for their foreign policy goals. Reelection is not guaranteed and lame-duck presidents cannot run for office again. Also, the NDAA for the respective fiscal year extends far into the post-election calendar year. This presents a unique opportunity for presidents to define

and safeguard their legacy and to raise awareness for their policy successes or to blame Congress for still standing in the way. After at least three previous rounds of interbranch negotiations on NDAs, there might also be a learning effect at play in the executive branch. Towards the end of a respective term, the OMB as well as the White House Office of Legislative Affairs are finetuned to track and respond to congressional activity in light of consolidated presidential preferences. This more institutional explanation suggests that SAPs in presidential elections years are not only special for their electoral and legacy-related meaning. They also signify consolidated procedures in the executive branch to convey preemptive executive assertiveness on pending legislation. Overall, established phases of presidential terms matter for executive challenges in SAPs only when a presidential election nears. Thus, presidents are more assertive at the end of their terms.

In light of the empirical evidence uncovered in this subchapter, I find that my explanation for increasing presidential assertiveness consists of four key components: the critical juncture, the congressional authorization leverage, divided government and the end of presidential terms. I also demonstrate that levels of ideological polarization as well as honeymoon-years are not helpful in explaining variation in preemptive executive pressure on draft NDAs. Despite lacking statistical significance, I argue that approval ratings matter for preemptive challenges in SAPs. Since approval ratings are negatively correlated with presidential assertiveness, I argue to adjust the expectation of H4 to the effect that popular presidents should be expected to be less and not more assertive when NDAs are concerned. The third and concluding level of my analysis checks the robustness of these results by controlling for interaction effects and by testing different measures of ideological polarization.

5.3 Level III: Checking the robustness of my results

In this subchapter, I corroborate the results from my regression analyses. In step 1, I interact divided government with polarization to test whether polarization matters more for presidential assertiveness when government is divided, which may not have been accounted for in my previous regression analyses. Under high polarization and unified government, the president and his party may be in lockstep or presidents may take advantage of their upper hand in foreign policy and demand changes to the NDAA from their party in Congress. In settings of high polarization and divided government, presidents may be inclined to be particularly assertive in the face of more internally cohesive opposition. Hence, the concern for possible interaction effects is valid because

the effects of polarization on presidential assertiveness might be conditional on divided government and therefore invisible in the regression model as initially presented. I calculated models that interact the composition of government variable with my PUV-based polarization measure for all three of my regression models as outlined in the previous subchapter (see table 5.4). Table 5.6 reports the results for each model including the additional interaction term. The inclusion of the interaction terms also means that the polarization variable is included throughout. To reiterate, I cannot interpret the conditional effect of divided government if I include the interaction-term because polarization is never “0” in my dataset (see chapter 4.5 for a detailed explanation as part of my research design).

Table 5-6: Controlling for interaction effects between polarization and divided government

	Presidential Assertiveness		
	(1)	(2)	(3)
Critical Juncture	2.763** (0.974)	2.801** (0.965)	2.809** (0.972)
Authorization Leverage	0.088*** (0.023)	0.088*** (0.023)	0.094*** (0.022)
Divided Government	0.184 (3.927)	0.875 (3.717)	0.579 (3.736)
Polarization	-0.039 (0.053)	-0.030 (0.050)	-0.013 (0.049)
Approval Rating	-0.042 (0.032)	-0.042 (0.031)	
Honeymoon	0.473 (0.819)		
End of Term	2.521** (0.831)	2.392** (0.795)	2.745*** (0.755)
Interaction DivGov:Pol	0.067 (0.066)	0.054 (0.062)	0.056 (0.062)
Constant	7.941* (3.870)	7.551+ (3.787)	4.248 (2.873)
N	62	62	62
R ²	0.758	0.756	0.748
Adjusted R ²	0.721	0.725	0.721
Residual Std. Error	2.435 (df = 53)	2.420 (df = 54)	2.437 (df = 55)
F Statistic	20.726*** (df = 8; 53)	23.935*** (df = 7; 54)	27.254*** (df = 6; 55)

*p < .05; **p < .01; ***p < .001

Source: Own illustration.

I find no significant interaction effect. The critical-juncture-variable, the variable for gradual change (authorization leverage) as well as the end of term variable remain statistically significant predictors of increasing presidential assertiveness as these predictors are still positively correlated with my response variable. Also, the strength of their individual effects on presidential

assertiveness as indicated by the respective coefficients remains largely unchanged as compared to the original three models. The inclusion in the interaction term cautions against interpreting the individual effect of the respective variables (“Divided Government” and “Polarization”). The coefficients’ estimate of 0,056 for the interaction term’s effect on presidential assertiveness in model 3, which mirrors my conclusive model with the PUV-based measure, is so weak that its interpretation does not call my findings into question. Put differently, there is no statistically significant interaction effect between ideological polarization on Capitol Hill and the composition of government. Hence, my main findings as outlined above hold, which provides additional support for the quality of my conclusive regression model.

5.3.1 Testing Different Polarization Measures

Turning the step 2, the findings on H4 suggest that the level of polarization has no significant impact on presidential assertiveness in SAPs. In light of the state of research (Lee 2015; Abramowitz and Webster 2018) and my theoretical framework (chapter 3), this finding is rather surprising. I test two alternative measures of polarization to corroborate the conclusions outlined above. First, I relied on the first dimension estimate of the Nokken-Poole score and focused on the ideological gap between Democrats and Republicans (Lewis et al. 2023). The DW-NOMINATE Scores place legislators and presidents in an abstract ideological space on two dimensions leveraging a liberal-conservative scale to estimate their positions. The Nokken- Poole Scores are a variation of the DW-NOMINATE Estimates. "These scores allow legislators’ ideal points to move freely over time, and thus make less restrictive assumptions about legislator ideological fixedness." (Boche et al. 2018: p. 25). I calculated the net difference in the mean values between Democrats and Republicans for each chamber in a given Congress. Second, I leveraged the first dimension estimate of the DW-NOMINATE score to determine the net difference in the ideological position of the chairman of the Armed Services Committees and the corresponding ranking members. The calculations of these measures are available in Appendix C. Tables 5.7 and 5.8 report the results with the different measures for polarization and the respective second model is the results after stepwise regression modeling.

Table 5-7: Regression results with the Nokken-Poole measure of polarization (distance between party averages)

	Presidential Assertiveness	
	(1)	(2)
Critical Juncture	2.428*	2.427*
	(0.978)	(0.969)
Authorization Leverage	0.060*	0.059*
	(0.027)	(0.027)
Divided Government	3.910***	3.908***
	(0.744)	(0.723)
Polarization NP	11.097 ⁺	11.112 ⁺
	(6.614)	(6.492)
Approval Rating	-0.042	-0.042
	(0.029)	(0.028)
Honeymoon	0.012	
	(0.755)	
End of Term	2.342**	2.339**
	(0.793)	(0.755)
Constant	-1.300	-1.305
	(4.556)	(4.505)
N	62	62
R ²	0.765	0.765
Adjusted R ²	0.735	0.740
Residual Std. Error	2.375 (df = 54)	2.353 (df = 55)
F Statistic	25.155*** (df = 7; 54)	29.891*** (df = 6; 55)

+p < 0.1; *p < .05; **p < .01; ***p < .001

Source: Own illustration.

Table 5-8: Regression results with the DW-NOMINATE measure of polarization (Distance between Committee Chair and Ranking Member)

	Presidential Assertiveness	
	(1)	(2)
Critical Juncture	2.899** (0.948)	2.921** (0.941)
Authorization Leverage	0.087*** (0.022)	0.088*** (0.021)
Divided Government	4.099*** (0.747)	4.062*** (0.729)
Polarization Comm.	2.349 (2.199)	
Approval Rating	-0.041 (0.029)	-0.043 (0.029)
Honeymoon	0.039 (0.771)	
End of Term	2.468** (0.804)	2.388** (0.767)
Constant	4.029 (2.432)	5.762** (1.834)
N	62	62
R ²	0.758	0.753
Adjusted R ²	0.727	0.731
Residual Std. Error	2.411 (df = 54)	2.393 (df = 56)
F Statistic	24.187*** (df = 7; 54)	34.108*** (df = 5; 56)

*p < .05; **p < .01; ***p < .001

Source: Own illustration.

The results with different polarization measures are largely on par with the findings of my conclusive model, which excluded the PUV-based measure through stepwise regression modeling. Similarly, model 2 in table 5.8 suggest to exclude committee-based measure. Replacing the PUV-measure with the DW-NOMINATE based measures in separate regression models (NP = Distance between the mean ideological position of both parties; Comm. = Ideological distance between chairman and ranking member) also finds only weak evidence for an effect of polarization on presidential assertiveness. The set of statistically significant predictors remains unchanged and the strength of the respective positive correlations with presidential assertiveness are largely consistent with my conclusive model. The critical juncture, the gradual increase in congressional pressure

through the authorization leverage, divided government and the end-of-term years are the prevalent components of my explanation for variation in presidential assertiveness in preemptive SAPs directed at draft NDAs. Lastly, the approval ratings' negative correlation with presidential assertiveness is consistent with my main conclusions.

There is one noteworthy difference that emerge with the alternative polarization measures. Most prominently, the coefficient for the Nokken-Poole measure in table 5.7 indicates a strong positive effect on my response variable. Yet, I remain skeptical about the reliability of this finding mainly for three reasons. First, the standard error is relatively high, which points to the measurement issue explained in my research design (chapter 4). The DW-NOMINATE scores provide biannual data for an annual response variable. The high standard error for the NP predictor signifies a bad fit to the data that I argue to be the result of this measurement issue. In consequence, the NP-based values, on average, deviate much further from the regression line than any other predictor included in the model. Second, the statistical significance for this predictor is established with less confidence (p-value = 0.09261 in model 2) as compared to all other significant independent variables (p-value in the same model for the critical juncture = 0.01521, the authorization leverage = 0.03194, divided government = 0.00000143, end of term = 0.00307).²² The higher p-value as compared to the other statistically significant predictors indicates that the evidence against the null-hypothesis, which assumes that there is no effect of the NP-based measure, is fairly weak. Put differently, the data is more compatible with the null-hypothesis than it is for any other predictor across all models calculated in my analysis. This cautions against emphasizing the predictive qualities of the NP-based predictor, which speaks to the problem of the high standard error as well.

Third, the comprehensive picture across all three measures of polarization only uncovers weak evidence in favor of H4. The PUV-based measure as well as the committee-based measure are excluded by stepwise regression modeling. These measures provide annual data and show lower standard errors (0.036 for the PUV-based measure in table 5.4; 2.199 for the committee-based distance measure in table 5.8). Still, they are statistically insignificant in the models that include them. Together with the problems surrounding the interpretation of the results for the NP-

²² To enhance readability and comparability across all models calculated in my analysis, I continued to only report the coefficient estimates and the standard errors (in parentheses). The p-values are replicable through the R-script that is available in Appendix G.

based measure, I conclude that levels of polarization are far less predictive of increasing presidential assertiveness in SAPs than other predictors such as divided government. In sum, the robustness check corroborates my findings that question the wisdom in emphasizing levels of polarization as an influential force in the context of legislating NDAs. My results emphasize that polarization is not a significant contextual determinant of how presidents engage lawmakers preemptively by means of SAPs.

I argue that ideological polarization matters less for presidential assertiveness in SAPs because NDAs are still characterized by prevailing bipartisanship. These legislative processes regularly culminate in broad bipartisan support for the conference committee report (see table 4.2 in chapter 4.1). Also, their success story of uninterrupted annual passage would be impossible without prevailing bipartisanship. Thus, levels of polarization feature less prominently in the executive branch's strategy of preemptive interventions, which shows in the exclusion of polarization from my explanatory model for variation in presidential assertiveness. In conjunction with the fact that I find the increasing use of the authorization leverage to be an important predictor for more aggressive presidential position language, I emphasize that my findings are indicative of anti-presidential bipartisanship (Tama 2019; Bryan and Tama 2022).

Congressional pressure through the attachment of more foreign policy topics to draft NDAs resonates in more assertive executive challenges that are not moderated by levels of polarization on Capitol Hill. This makes the NDA a particularly viable option for legislative efforts to constrain presidents. Despite the presidents' latitude in foreign policy, Congress still has an important voice that exhibits bipartisanship to the effect of passing provisions that constrain the presidents' foreign policy powers despite their pronounced opposition voiced early in SAPs. Similarly, it stands out that party control in the addressed chamber helps to explain variation in the degree of presidential assertiveness while measures of polarized voting behavior and ideological distances do not. This should caution against overestimating the explanatory power of broad measures of polarization in the context of specific and pivotal lawmaking processes such as NDAs. Overall, my findings reinforce the notion that legislators are not always hamstrung by increasing polarization. Instead, I find substantial legislative efforts to constrain presidents which echoes in more assertive position language. This resonates well with studies that find substantial legislative influence on foreign policy not just in the U.S., but across multiple democracies

(Wagner et al. 2017; Mello and Peters 2018). The next and final step of my robustness checks concentrates on potential president-specific effects.

5.3.2 Controlling for President-Specific Effect

To conclude my robustness-checks, I calculated six separate regression models to control for president-specific effects that might have remained unseen in my conclusive regression model. I opted to calculate separate models with each president-specific variable (“0” respective president was not in office; “1” respective president was in office) to avoid the dummy-variable trap of perfect multicollinearity between dichotomous predictors. The concern is that the variable for one presidency can be predicted entirely from the values of the other presidencies. In a model that includes dummy-variables for all presidencies, a particular presidency could be predicted by the other president-specific variables assuming the value “0”. This leads to incorrect calculations of coefficients and their respective p-values. The conclusions would not be reliable. Hence, calculating six separate regression models for each included president in my sampling period is the best choice to control for president specific effects. To enhance readability, I split this robustness-check into two separate tables. Table 5.9 includes the presidencies of Reagan, George H.W. Bush (Bush 41) and Clinton, while table 5.10 focuses on George W. Bush (Bush 43), Obama and Trump.

Table 5-9: Controlling for president specific effects (Reagan, Bush 41, Clinton)

	Presidential Assertiveness		
	(1)	(2)	(3)
Critical Juncture	2.579** (0.923)	2.762** (0.980)	4.672*** (1.157)
Authorization Leverage	0.081*** (0.022)	0.087*** (0.023)	0.081*** (0.022)
Divided Government	3.822*** (0.728)	4.241*** (0.777)	4.286*** (0.728)
Polarization	0.002 (0.034)	-0.003 (0.036)	-0.005 (0.035)
Approval Rating	-0.048 (0.030)	-0.039 (0.032)	-0.037 (0.030)
Honeymoon	0.153 (0.731)	0.150 (0.771)	0.077 (0.735)
End of Term	2.264** (0.789)	2.425** (0.829)	2.293** (0.792)
Reagan	-3.824* (1.472)		
Bush 41		-0.956 (1.083)	
Clinton			2.346* (0.941)
Constant	6.654* (3.045)	5.858+ (3.191)	4.326 (3.086)
N	62	62	62
R ²	0.781	0.757	0.779
Adjusted R ²	0.748	0.720	0.746
Residual Std. Error (df = 53)	2.316	2.441	2.326
F Statistic (df = 8; 53)	23.622***	20.599***	23.347***

*p < .05; **p < .01; ***p < .001

Source: Own illustration.

Table 5-10: Controlling for president specific effects (Bush 43, Obama, Trump)

	Presidential Assertiveness		
	(1)	(2)	(3)
Critical Juncture	0.997 (1.463)	3.127** (0.959)	2.955** (0.978)
Authorization Leverage	0.118*** (0.028)	0.102*** (0.024)	0.086*** (0.024)
Divided Government	3.871*** (0.756)	3.998*** (0.751)	4.113*** (0.767)
Polarization	0.024 (0.038)	0.013 (0.037)	-0.001 (0.037)
Approval Rating	-0.030 (0.032)	-0.032 (0.032)	-0.042 (0.032)
Honeymoon	0.303 (0.758)	0.150 (0.759)	0.151 (0.785)
End of Term	2.651** (0.822)	2.552** (0.820)	2.430** (0.835)
Bush 43	2.038 ⁺ (1.185)		
Obama		-1.449 (0.939)	
Trump			0.421 (1.459)
Constant	3.282 (3.425)	4.194 (3.288)	5.762 ⁺ (3.214)
N	62	62	62
R ²	0.766	0.764	0.753
Adjusted R ²	0.731	0.728	0.716
Residual Std. Error (df = 53)	2.393	2.405	2.457
F Statistic (df = 8; 53)	21.702***	21.410***	20.247***

*p < .05; **p < .01; ***p < .001

Source: Own illustration.

I find no statistically significant president-specific effect for George H.W. Bush, Obama and Trump. More importantly, my main conclusions hold as the set of strong predictors of presidential assertiveness remain consistent with only one noteworthy exception. In the George W. Bush model (table 5.10, model 1), the critical juncture variable's effect is notably lower as compared to the other models and it lacks statistical significance. I argue that my main conclusions still hold for two reasons. First, from a theoretical point of view, I assumed that the juncture's lasting legacy in the shape of higher presidential assertiveness sets in when permissive conditions for emergency measures fade. Thus, the president specific effect for George W. Bush may be indicative of the onset of the critical juncture's lasting legacy. Given the fact that the critical

juncture measure expects an effect across a longer period (all post-juncture years), the temporally narrower president specific effect might be more closely aligned to the fitted line of gradually increasing presidential assertiveness – particularly so in George W. Bush’s second term. Thus, in terms of my theoretical framework, the significant Bush effect is not detrimental to the validity of my main conclusions on the critical juncture. Also, the findings on the other predictors are consistent with my conclusive model.

Second, from an empirical point of view, my conclusive model (table 5.4) is more predictive than the Bush 43 model. More specifically, the confidence in the critical juncture measure as a predictor of presidential preemptive assertiveness in my conclusive model outweighs the George W. Bush specific effect reported in table 5.10. I rely on three metrics for this assessment. The standard error for the critical juncture predictor in my conclusive model (0.962) is lower as compared to the Bush 43 predictor (1.185). Also, the p-value for the former (0.003623) is considerably lower in comparison to the latter (0.091244). Lastly, the coefficient for the critical juncture measure (2.919) is notably higher than the coefficient for the Bush 43 predictor (2.038). Overall, these three metrics support the corroborating findings for H1 despite the president specific effect uncovered by my robustness checks.

Model 1 in table 5.9 points to a statistically significant negative correlation between the second Reagan administration and presidential assertiveness. This finding is largely driven by the fact that only one observation in the Reagan years reports presidential assertiveness and it is on a comparatively low level. As my descriptive analysis shows (see chapter 5.1), the earliest SAPs voiced substantial support with only minor opposition for the respective draft NDAs (category 2 in the coding framework) and only the SAP for the House draft in 1987 (H.R. 1748) included five veto threats. Thus, there is only one relatively low value for assertiveness in the response variable in the dataset for the Reagan specific effect. I argue that this speaks to the trend in SAPs towards more assertive position language, which emerged prominently in the descriptive level of my analysis. Interestingly, the coefficients for each pre-juncture president gradually increase and turn positive for the Clinton administration. This temporal sequence in the president specific dummy variables and the trend in the associated coefficients indicate a gradual increase in presidential assertiveness that began prior to the exogenous shock of 9/11.

My rationale for gradually increasing president specific assertiveness between 1985 and 2000 emphasizes the statistically significant authorization leverage variable that predicts executive

assertiveness well across all six president specific models. Since this measure is based on the number of foreign policy provisions attached to the draft NDAA, I interpret the trend to be indicative of gradually increasing congressional pressure on the post-Cold War presidents George H.W. Bush and Clinton. The coefficient for the latter finds a statistically significant and positive correlation with preemptive executive pressure in SAPs. In the absence of the confrontation with the Soviet Union and under the impression of the unipolar moment, interbranch dynamics during the Clinton administration were characterized by pronounced congressional criticism on U.S. interventions abroad – especially so in divided government (Hendrickson 2002; Böller and Herr 2018). Resurgent congressional assertiveness, in turn, contributed to Clinton’s more assertive SAPs, which explains the positive coefficient. Hence, I interpret the Clinton-specific effect to be a sign of the post-Cold War period that does not undermine the broader trends uncovered by the corroborating results for H1 (critical juncture) and H2 (gradual change), both of which remain statistically significant predictors in the respective model.

The president-centered robustness-checks lend additional credence to my findings on contextual determinants of preemptive presidential assertiveness. Divided government is the predominant contextual factor across all six president specific regression models, which echoes the strong evidence of this predictor’s correlation with more assertive position language in SAPs. Similarly, the effect of the end-of-term years is on par with the findings of my conclusive model. For both measures, the coefficient is consistent across all models with only marginal variation. Ideological polarization’s effect calculated with the PUV-based measure remains minimal and statistically insignificant throughout. The same is true for honeymoon years. Approval ratings continue to be negatively correlated with presidential assertiveness, which supports my interpretation of this effect as described in chapter 5.2. As such, more popular presidents are less assertive in their SAPs. Lastly, the adjusted R^2 -values as well as the significant F-statistics for all six regressions indicate that the president-specific models are largely on par with the quality of my conclusive model. Together with the quality checks discussed above, the robustness checks implemented in this subchapter emphasize that the main conclusions I draw from model 3 in table 5.4 hold.

My analysis reinforces studies that attribute a key role to SAPs in the presidential toolbox (Rice 2010; Ainsworth et al. 2014; Kernell et al. 2019; Guenther and Kernell 2021) as executive unilateralism faces tougher public and congressional scrutiny (Lowande and Grey 2017; Reeves

and Rogowski 2018). Congress is ramping up oversight on executive unilateralism in foreign policy leading presidents to explore other avenues to advocate for their preferences. SAPs are an important avenue of assertive and preemptive executive interventions in foreign policy lawmaking, which lawmakers more frequently move to the context of authorization legislation. Overall, I find convincing evidence for H1 (critical juncture), H2 (gradual change in congressional use of the authorization leverage), H3 (divided government) and the added predictor for end-of-term-years. My results point to a negative effect of increasing approval ratings on presidential assertiveness, which runs counter to H5 and indicates that popular presidents communicate less assertively. Lastly, I reject H4 (ideological polarization) and I also find no convincing evidence for a honeymoon-effect on preemptive position language in SAPs. Overall, my analysis reveals that the NDAA has become a prominent venue for the interbranch struggle to influence American foreign policy.

5.3.3 Interim Summary

In conclusion, my analysis found that presidents predominantly challenge lawmakers with assertive SAPs pertaining to NDAAAs after 9/11 and in response to gradually increasing congressional pressure through the authorization leverage. In terms of contextual determinants of presidential assertiveness, I demonstrated that divided government and the last year of a presidential term correlate with increasing executive pressure early in the legislative process. Lawmakers increasingly rely on their authorization-leverage to exercise their role as balancers of executive preponderance in foreign policy, which advances our understanding of the domestic underpinnings of American foreign policy. Congress continues to have an active and important voice in foreign policy through the authorization leverage. To what extent this congressional tool is employed in virtue of resurgent checks on more powerful presidents may critically depend on the composition of government. I suspect that peaking presidential assertiveness in post-juncture divided governments is at least to some extent driven by ideologically sharpened obstructionism rather than by commitments to more balanced interbranch dynamics.

In practice, presidents conduct foreign policy largely outside the realm of lawmaking and invoke assertive autonomy to do so even under the impression of concerted congressional opposition. Still, lawmaking and authorization legislation in particular can impose undesired restrictions on incumbents and often does so, for example by means of limitation riders, spending

restrictions and releasing a sense of Congress within NDAs. Legislation can add reporting requirements to programs covered in the NDA or restrict presidents in using funds for certain purposes like closing the Guantanamo Bay Detention Camp. Interestingly, my analysis also uncovered that presidents increasingly frame their veto rhetoric with constitutional concerns in the sense that certain provisions would violate their interpretations of executive privilege. Congress responds by invoking its power of the purse emphasizing how the analysis of SAPs in the context of NDAs illuminates interbranch dynamics under the impression of conflicting interpretations of constitutional powers in the American checks-and-balances system.

SAPs targeting NDAs grew more extensive over time and presidents almost exclusively added opposition and veto rhetoric. Veto threats used to be a last reserve because interbranch negotiations on the NDA were less expansive. Now, preemptive veto threats are commonplace. The rise in cloture motions, more legislative gridlock, strengthened agenda setting powers of party leadership and frequent settings of divided government only compound this broader trend in interbranch dynamics. Respective majorities in Congress are likely inclined to fight presidents from the other party on a broad array of issues contributing to more assertive SAPs in response. Given their institutional advantages, presidential narratives on what defines national interests in foreign affairs are usually successful in establishing the signposts for American engagement in international relations. Hence, it is generally assumed that presidents release assertive SAPs from a position of strength when it comes to foreign policy. Yet, the proliferation of veto threats could also be a sign of frustration with the rather limited presidential means to preemptively challenge undesired provisions that are part of must-pass authorization legislation. Put differently, a strong bargaining posture would not have to rely on the most assertive position language so frequently.

Partisan polarization is still more powerful in domestic policy making, which might make it a more consequential contextual factor for presidential assertiveness in this area. My results emphasize the need to incorporate more nuance into the measure of polarization since biannual measures of the popular DW-NOMINATE score can be detrimental to the goodness-of-fit of regression models that rely on more specific response variables. Also, on the scope of executive power, divisions between Congress and presidents and within the parties themselves might be more salient than the measures of polarization indicate. This would also help to explain why divided government is such a strong predictor for presidential assertiveness. Overall, my study indicates that extensive and assertive presidential challenges are characteristic of contemporary

interbranch relations – at least with regards to NDAAs. Lastly, it seems that SAPs are part of a larger strategy for interbranch bargaining, which is evidenced in that signing statements often mirror presidential challenges in SAPs. This also implies that Congress does not automatically cave or compromise on policy provisions when presidents release targeted opposition in SAPs.

The next chapter concludes my study of preemptive presidential interventions in foreign policy lawmaking. I connect my findings to broader trends in American politics and summarize my main contributions in light of the overarching research question. Hence, the next chapter discusses my findings on each main argument (critical juncture, gradual change, contextuality) and the associated five hypotheses. I also provide a critical review of my research design, which points to a few caveats of the design decisions as explained in chapter 4. In the last step, I illuminate future research potentials that build on my work. This emphasizes one of my key messages: The study of interbranch dynamics and domestic underpinnings of American foreign policy has much to gain from increased attention to SAPs and authorization legislation.

6 Preemptive Presidential Assertiveness Over Time: Patterns of Change and the Importance of Interbranch Dynamics

Presidents are not unconstrained in foreign policy. Instead, they communicate assertively to confront legislative efforts designed to constrain them. While presidents have extensive clout in foreign policy, Congress continues to have an important voice, which emerges prominently in legislating the National Defense Authorization Act. The assertive presidency is therefore not an expression of executive autonomy. Rather, presidents are more assertive in their preemptive interventions because NDAAs include more foreign policy provisions they oppose as interbranch relations grapple with the growth in presidential power. Also, the critical-juncture of 9/11 echoes in contemporary interbranch dynamics. Its legacy shows in more widespread and aggressive position language in SAPs as the fading immediacy of the exogenous shock reinforces congressional checks. Also, presidents are more assertive in divided government and when their terms end. I uncovered strong empirical evidence in support of these explanations for variation in preemptive executive pressure.

In this concluding chapter, I begin by pinpointing two larger trends with significant implications for lawmaking in the US and for American democracy that are connected to the results of my research. Then, I revisit my main contributions and caveats in light of avenues for future research. My findings show that the NDAA gains prominence in foreign policy lawmaking and that presidents communicate more assertively over time. These two conclusions directly speak to two trends in American politics: the proliferation of omnibus legislation and the increasing centralization of executive power in the White House.

6.1 Connections to Broader Trends in American politics

In this subchapter, I connect my findings to the ongoing discussion on two overarching trends in American politics and I discuss their implications. First, the growth in foreign policy provisions attached to authorization legislation signifies a trend in lawmaking in the U.S. towards the proliferation of omnibus bills (Curry and Lee 2016; Sinclair 2016; Krutz 2021). Omnibus legislation refers to large legislative package deals that are treated as one-piece bills despite including multiple topics often covering many policy areas. This trend enhances the importance of appropriation and authorization legislation as central venues where extensive package deals are made and where interbranch dynamics focus on. “The budget process, established in the mid-1970s but peripheral to legislative decision making until the 1980s, has become central.” (Sinclair 2016: 114). This coincides with the introduction of SAPs to the legislative toolbox of presidents. As the substance of omnibus bills grew more complex so did executive monitoring and position taking through SAPs. I find that this trend has reached foreign policy lawmaking through the National Defense Authorization Act, which reinforces congressional voices in the policy area otherwise dominated by presidents. In short, omnibus bills help Congress to have a voice in foreign policy despite presidential dominance. This connection between omnibus and budget related measures with foreign policy making has only been picked up recently by few studies (i.e. Carcelli 2022; Wiedekind 2022). In consequence, my results challenge the lopsided literature that tends to overestimate unchecked presidential discretion in studies that omit the authorization leverage. Thus, my research draws attention to the largely overlooked interbranch dynamics on authorization legislation, which exhibit notable congressional pressure on presidents in foreign policy.

Echoing my reasoning for my gradual-change argument, omnibus bills are too big to fail boosting the prospect of passage for measures designed to constrain presidents in foreign policy

that would otherwise be easier and more likely targets for presidential vetoes. My analysis of executive position language emphasizes that this authorization leverage is prominently used by lawmakers to pass provisions that presidents oppose with increasing assertiveness. In consequence, interbranch dynamics on foreign policy lawmaking coalesce around fewer but more expansive and complex pieces of legislation. Hence, I make a strong argument against defining a decrease in legislative productivity measured in the number of successful bills as an indicator for relaxed legislative constraints (Binder 2015; Binder et al. 2020). In fact, recent studies show that accounting for proposals that become law as attachments of larger bills uncovers a more productive and active Congress than previous measures of bill success indicate (Casas et al. 2020). Legislating in Congress has changed. Contemporary lawmaking, especially when foreign policy is concerned, has become more centralized around fewer and larger legislative processes, which has far-reaching implications for the study of interbranch relations.

Package deals and larger bills in the context of must-pass legislation diffuse accountability and strengthen party leadership. This is why I find abstract measures of polarization to matter less in the context of NDAAAs. Omnibus bills increase the propensity for the respective piece of legislation to include provisions that either party and presidents can declare as wins for themselves and for their different constituencies. Controversial issues can pass more easily under the premise of urgency given necessary (re)authorizations and (re)appropriations for urgent matters of foreign affairs, while obstruction of these important legislative processes comes with heightened political costs. Together, issue complexity, provision urgency and incentive plurality obscure accountability because the legislative bargains are difficult to disentangle. Also, the increasing size of NDAAAs and other large bills, puts rank-and-file members of Congress at an informational disadvantage as compared to party leadership positions that usually have a more encompassing view of the process and wider institutional leverage to access relevant information. This strengthens the position of party leaders as chief negotiators in interbranch dynamics with the president, which is detrimental to the weight of individual and less prominent lawmakers.

In the process of lawmaking, omnibus legislation is treated as one-piece legislation, which limits the choice of individual members and presidents alike while it also clouds the voters' certainty on where lawmakers stand on specific issues among many. Hence, the increased use of the authorization-leverage to pressure presidents reduces opportunities to scrutinize specific provisions and it may come at the cost of broader participation of lawmakers. Together with

diffused accountability, this raises some concerns about democratic representation and unequal access to decision making by elected members of Congress in the wake of the proliferation of omnibus legislation. Thus, the authorization leverage is useful in enacting policy constraints on more powerful presidents in foreign policy but it also signifies a meaningful shift in the *modus operandi* on Capitol Hill, which changes the process of lawmaking that is at the core of the institution. This trend encapsulates the patterns of change in interbranch dynamics that I expected to see in light of historical institutionalism.

The governing circumstances compound the increasing prominence of the strategy to attach multiple issues of foreign policy to the NDAA. Legislating under the impression of frequent divided government and increasing ideological polarization accentuates veto points like the filibuster and obscures the path to passage for standalone bills. Thus, the decline in legislative productivity enhances the value of omnibus legislation for lawmakers seeking to pass legislation under difficult circumstances. Omnibus bills decrease uncertainty about the prospects of passage for respective provisions when contextual determinants stand in the way of legislating individual bills with a narrower scope. Hence, presidential position language in SAPs is influenced by the composition of government because Congress is more inclined to opt for omnibus legislation to enact policies and because the share of provisions presidents support decreases when their opposition is in control of the legislative process. Put differently, houses of Congress controlled by the president's opposition rely more heavily on the authorization leverage in a show of more widespread policy disagreements with presidents.

The fact that this trend is also evident in foreign policy stands out as one of my key contributions. Presidents and lawmakers disagree more frequently on foreign policy provisions and their struggle to direct American international engagements more often plays out in the arena of legislating authorizations. The NDAA gives Congress a reasonable chance of enacting foreign policy despite presidential opposition. Facing an uphill battle against a powerful executive, lawmakers, who are often less starkly divided along inter- and intra-party lines on foreign policy (Bryan and Tama 2022), channel their power of the purse in the NDAA. The formula to constrain presidents in contemporary interbranch relations has changed. The prevalence of bipartisanship and the proliferation of omnibus legislation together exert substantial congressional pressure on presidents, which echoes in the extent of their preemptive assertiveness. Therefore, interbranch dynamics and congressional voices (particularly those of congressional leaders and committee

chairs) are of critical importance for our understanding of the domestic underpinnings of American foreign policy. Overall, my study emphasizes that lawmaking matters for the range of options that are available for presidents in the conduct of international affairs.

The second larger trend in American politics that my study relates to centers on the increasingly insistent style and assertive purpose of presidential position language in interbranch relations with Congress as an expression of a more president-centered executive. As such, presidents' resolve in rhetorically pushing for substantial executive autonomy concentrated in the Executive Office of the President increased over time and distinctly so after the terrorist attacks of 9/11 (Moe 1985, 1998; Rudalevige 2009; Gordon 2011). The trend towards more political appointees in the Office of Management and Budget and in the executive branch at large is emblematic of this trend (Lewis 2008). Executive branch communication is more president-centered, which signifies an increasing politicization of the balance of power in the American political system. The centralized administrative capabilities support the assertive presidency. There are only few SAPs after 9/11 that do not leverage constitutional concerns of congressional encroachment on presidential power in foreign policy. Despite individual differences between presidents, an overarching trend towards the amplification of assertive claims of presidential power emerges, which often relies on arguments of separation of powers.

This trend has previously been uncovered by a number of studies in connection to a declining relevance of approval ratings as presidential control over executive agencies peaks (Beasley 2010) or in reference to distinct executive pushback against public access to privileged information (Baron 2019, 2022). The George W. Bush administration fortified the primacy of the White House as the spearhead of the Executive unifying all agencies behind the president. President Obama continued the penchant for governing through administrative powers and through implementing rule changes within the executive branch “[...] partly as a substantive end run around legislative gridlock.” (Rudalevige 2016: 885). Despite aiming to chart a new course for American politics, the Trump administration witnessed substantial continuity in this regard (Potter et al. 2019). The result is a centralization of executive power in the presidents' hands, which increased distinctly in response to 9/11 and boosts preemptive assertiveness of presidents continuously because “history reveals that such power is not something presidents are likely to give back voluntarily” (Beasley 2010: 31). This trend echoes in the lasting legacy of the critical juncture of 9/11 uncovered in the increasing presidential assertiveness in preemptive SAPs.

The more president-centered executive branch accentuates the prevalence of individual political preferences of incumbents in preemptive messages to Congress. Consequentially, SAPs have gained political weight for intra- and interbranch relations delivering prominent cues. They highlight to the executive branch those provisions that presidents might opt to correct through executive orders and signing statements, if congressional pressure prevails in the legislative process. Hence, SAPs are meaningful cues for the executive branch that foreshadow the exercise of administrative and unilateral powers after the legislative process concluded. Simultaneously, they convey executive unity to lawmakers weighing the prospect of implementation for policy designed to constrain presidents in foreign policy. As my findings emphasize, most of presidential opposition in SAPs after 9/11 is framed as a veto threat suggested to presidents by their senior advisors. These advisors much like top-level positions in the OMB charged with tracking legislative processes are presidential appointees. Hand-picked advisors likely do not stray too far from presidential preferences given their political fortunes are entirely dependent on the presidents' support, which ensures that recommended vetoes are in fact fully responsive to the presidents' dictate.

The wording of my coding scheme adapted from Kernell et al. (2019) is telling in light of a more president-centered executive. In category 5, it is the administration as a whole that objects to certain sections of the bill. This is rather vague and it does not refer to presidents specifically. Hence, this could imply that presidents are ready to defer to concerned departments and agencies within their branch to negotiate the details of targeted provisions with lawmakers. In categories 6 and above, however, either presidents receive recommendations for a veto or they threaten the veto themselves. This accentuates the presidents' position as chief legislator outside of Congress and connects executive opposition closely to the person occupying the highest public office in the U.S. The substance and extent of increasing assertiveness in contemporary SAPs is thus a presidential endeavor that is supported by the presidents' most trusted allies. Hence, SAPs become more president-centered because only presidents have the power to veto a bill and to threaten the use thereof. The proliferation of veto threats in preemptive challenges therefore reinforces presidential stewardship of executive communication and consolidates the centrality of the White House in interbranch dynamics with Congress. It also reproduces distinct assertiveness that amplifies presidential voices in the early stages of legislative processes. Furthermore, increasing presidential assertiveness is indicative of more adversarial interbranch relations, in which veto threats are not

rare escalations but common characteristics of presidential position language in preemptive SAPs. Lastly, increasing assertiveness signals that targeted provisions are unacceptable to presidents, which signifies a decline in the willingness to compromise in interbranch relations.

All of the above has multiple implications for interbranch dynamics. From my point of view, the following three stand out: First, more president-centered and assertive communication results in short-term political motivations outweighing the consideration of long-term effects of respective policies. Ambitious policy goals such as President Obama's active foreign policy collide more overtly with the status quo bias built into the American political system (Gilens and Page 2014). The structural forces of the separation of power principles together with congressional bicameralism and pronounced veto points such as the filibuster tilt the playing field towards preservation of the status quo. After all, as my theoretical framework emphasized, institutions are geared towards preserving continuity to the detriment of large policy changes. Even if presidents rally broad support, enactment remains uncertain in the face of the anti-majoritarian rules in Congress. Therefore, pronounced presidential opposition that is backed by the more president-centered executive branch may also be a sign of frustration with the difficulties of attaining congressional acquiescence for presidential agendas.

Second, it also means that transitions of power are more disruptive for institutional routine in interbranch dynamics given the staff turnover associated with the increase in political appointees. This was arguably most evident in the transition from Obama to Trump in the shape of a lack of presidential appointees in, for instance, the State Department, which seriously impaired diplomatic relations. With regards to foreign policy, contemporary transition periods also witness a notable departure from the notion of "one president at a time" because the looming transition to a newly elected administration blurs foreign policy authority (Michaels and Payne 2022). The prospect of presidential authority is so pronounced that incoming presidents are important foreign policy influencers prior to their inauguration. Hence, the interregnum witnesses the challenging constellation of parallel foreign policies between lame-duck presidents protecting their legacy and president-elects signposting their preferences early. This echoes in increasing presidential assertiveness in end-of-term years as demonstrated in my analysis. Also, the honeymoon period of presidential terms might be a misleading concept in foreign policy where presidential assertiveness appears to already begin shortly after the election.

Third, more assertive presidents pass on a difficult inheritance to their successors. Increasing assertiveness implements a way of framing presidential dominance that successors can hardly turn their backs on without appearing to relax their grip on the executive branch and without coming across as weak in interbranch posturing. The latter point is most consequential in matters of foreign policy. Here, the precedent of extensive presidential assertiveness in contemporary interbranch dynamics bears heavily on sitting presidents. Thus, more aggressive challenges have a self-perpetuating momentum that echoes in the gradual increase as my analysis uncovered. Presidents are poised to lead in foreign policy. This is why assertiveness in preemptive SAPs will not subside as long as legislative constraints survive in authorization legislation, which I assume to be the most likely scenario for many administrations to come. Congress is largely out of other options to check the more powerful executive. Hearings and investigations are easily polarized and hamstrung by partisan bickering even when presidential misconduct is as obvious as Trump's efforts to solicit external interference in the 2022 presidential elections. Standalone legislation faces substantial uncertainty and the diminishing public trust in Congress disarms non-binding resolutions. In other words: Presidential assertiveness in response to congressional authorization leverage is here to stay. This also means that congressional voices in foreign policy now critically depend on the continued passage of the NDAA.

In sum, my findings speak to the proliferation of omnibus legislation as well as to the more president-centered executive. Together, both trends signify centralization dynamics in American politics. Large legislative proposals accentuate congressional leadership positions and the assertive presidency gravitates towards the individuals sitting in the Oval Office. I argue that the perpetual crises mode is a key driver for both of these overarching trends. Since 9/11, it is difficult to pinpoint times without some variant of an international crises or a lasting legacy thereof. Beyond specific examples such as the financial crises of 2008/09 or the Coronavirus pandemic, the American hegemonic position in international relations has to grapple with the erosion of the liberal international order in the face of substantial challenges from within (i.e. the rise of populism) and from without (i.e. the rise of China). Simultaneously, climate change, migration dynamics and global inequality, elevate complex questions of redistribution and accountability, while such transnational issues also complicate government action. The interbranch struggle to adjust America's role and reach in concerting and leading international responses to these complex

challenges becomes more contested and the assertive presidency signifies consequential patterns of change in presidential-congressional dynamics across time.

The next subchapter summarizes my main conclusions based on my empirical analysis of presidential assertiveness. I also draw attention to caveats in my study, which contributes to my account of future research potential.

6.2 My Main Contributions and Caveats in Light of Future Research Potential

Turning to my overarching research question the short answer would be as follows: Presidents challenge foreign policy legislation more broadly and more assertively across time. The critical juncture of 9/11 and the congressional authorization leverage uncover and explain significant patterns of change in presidential assertiveness, while settings of divided government and end-of-term years are important contextual determinants. These findings support my three core arguments. First, my theoretical framework informed by historical institutionalism explained why I expected to see a significant departure from antecedent conditions in connection with the lasting legacy in interbranch relations of 9/11. The exogenous shock relaxed congressional constraints and boosted public support for presidential leadership. Yet, these permissive conditions quickly fade, which reinforces congressional efforts to balance presidential aggrandizements of power. The political system of separated institutions that share power comes under pressure as presidents communicate more assertively in the face of resurgent congressional voices in foreign policy. Hence, interbranch dynamics after the critical juncture are characterized by more assertive presidents.

Second, my institutional perspective on foreign policy lawmaking emphasized that gradual change in presidential assertiveness is driven by congressional activity on authorization legislation. Facing presidential dominance in foreign policy, lawmakers turn to their authorization leverage to enact policy constraints despite more pronounced opposition from the White House. I identified this legislative strategy as the most viable option for Congress to balance a more powerful executive. This theoretical perspective emphasized political conflict in light of constitutional ambiguity as a driver of gradual change in interbranch dynamics. Incremental and endogenous in nature, this pattern of change expected that presidential assertiveness increases gradually across my sampling period (1985-2020) in response to the proliferation of foreign policy related sections in the annual and must-pass NDAs. In a show of resurgent congressional voices in foreign policy,

I found that the authorization leverage is deployed more widely in the context of NDAAAs which contributes to more assertive presidential communication in response.

Third, the state of research as well as my theoretical framework accentuated the importance of contextual determinants for interbranch dynamics. Accordingly, my contextuality-argument encompasses three factors that are predominantly associated with the ways in which presidents and Congress interact: the composition of government, levels of polarization and presidential approval ratings. First and foremost, the empirical evidence emphasized the role of divided government for presidential assertiveness in preemptive SAPs. Opposition party control amplifies interbranch friction and lawmakers are poised to invest more heavily in oversight and legislative constraints. Institutional leverage such as the control of committees is in the hands of the president's opposition, which evidently increases the prospect of more assertive presidential communications. Therefore, I expect future shifts in congressional majorities to accurately predict more assertive preemptive challenges in SAPs that target draft NDAAAs.

More polarized voting behavior in Congress is not associated with the variation in presidential assertiveness. I tested three measures of polarization without finding convincing empirical evidence in support of a correlation with presidential assertiveness. Instead, the prevalence of bipartisanship in passing the NDAA adds to the strategic value of this legislative process for lawmakers seeking to pass foreign policy constraints on presidents. It appears that package deals that are characteristic of contemporary NDAAAs facilitate bipartisan accommodation when foreign policy is concerned. Therefore, measures of legislative productivity to the effect of balancing presidential power have to account for the proliferation of foreign policy in authorization legislation. Here, polarization is less pronounced and there is more substantial pressure to reach across the aisle given the deadline for necessary reauthorizations for the new fiscal year. This insulates NDAAAs against the effects of significant polarization. Given the broad range of provisions negotiated in the context of NDAAAs, it is more difficult to effectively accentuate specific polarized issues without risking progress on the entire bill.

My findings on the connection between presidential approval ratings and assertiveness in SAPs run counter to established knowledge that informed my corresponding hypothesis. Instead of a positive correlation that would indicate a boosting-effect of higher approval ratings for presidential assertiveness, I found a negative effect. More popular presidents are less assertive. I considered multiple explanations for this result. Congress might be more accommodating of

popular presidents to begin with precluding more assertiveness in SAPs. Consequently, less popular presidents have to advocate more assertively for their preferences on Capitol Hill in the absence of conducive public opinion. In this light, assertiveness in SAPs compensates for decreasing public approval, which is common as contemporary presidential terms progress. The latter point indicates a potential problem in the sampling period.

Relative to the presidencies during the Cold War, I sample a time where presidents tend to be less popular on average. The conjunction with gradually increasing assertiveness adds to the explanation for the negative effect of approval ratings. Overall, approval ratings have a limited and negative effect on preemptive presidential assertiveness. Future research might explore to what extent there is a threshold for approval ratings to have a positive effect on assertiveness. Put differently, presidents might only feel emboldened to communicate more assertively by approval ratings that indicate that at least half of all respondents approve of the president's job performance. Empirically, this could be done, for instance, by extending the period of observation and by adjusting the measure of approval ratings to differentiate between scores that are above or beyond a respective threshold.

Approval ratings tend to be particularly low at the end of presidential terms and midterm elections often result in divided government. In such configurations of contextual factors, presidents push for enactment of their policies prior to the election. Echoing temporal dynamics within presidential terms, I added two additional control variables to my dataset: the end-of-term and the honeymoon-variable. The former significantly outmatches the latter in predicting variation in presidential assertiveness. My interpretation of this result centered on the effects of the looming elections. Sitting presidents are critically important for their party's strategy for a general election even if the two-term limit keeps them from running again. Together with the cross-pressure of contextual factors and the overall importance of NDAs, election years witness peaking executive challenges in corresponding preemptive SAPs. Future research might illuminate these explanations for the effect of end-of-term years in more detail relying on a comparative case study design. It would be interesting to see to what extent the increasingly negative styles in presidential elections together with more assertive presidents spoil the appeasing effect of honeymoon-year in interbranch dynamics.

Overall, I found substantial and convincing evidence to support most of my explanatory approach for understanding preemptive position language released by presidents through SAPs.

The data matches the broader patterns of change as developed in my theoretical framework, while divided government and end-of-term years are significant contextual determinants of presidential assertiveness. I leveraged multiple quality and robustness checks all of which corroborated the quality of my regression models and the conclusions I drew from them. Therefore, I am confident that my research can inspire valuable additions to the ongoing discourse in the future. From my point of view, two strands of future research stand out: first, new projects could build on the caveats of the present study or, second, they might utilize my findings to test and expand the reach of my conclusions.

Turning to the caveats, I limited my analysis to presidential-congressional relations omitting the increasing importance of judicial review for interbranch dynamics (Thrower 2017; 2019). While my focus is a consequence of my research interest and justified design decisions, there are evident omissions that should motivate future research. For instance, I concentrate on presidential position language in preemptive SAPs, which signifies interbranch conflict on a broadening range of foreign policy topics. Yet, “[...] it is important to study how courts adjudicate such conflicts and how anticipation of possible judicial decisions impacts the behavior of other political actors.” (Thrower 2017: 141). The prospect of judicial review features prominently in presidential decision making and it might already emerge in the design of SAPs. Preemptive communications foreshadow signing statements and there is evidence that the propensity of the Supreme Court ruling in favor of presidents increases under the condition that a signing statement was released (Thrower 2019). Thus, efforts to look past presidential-congressional relations and beyond the process of lawmaking itself should include judicial review. From my point of view, one argument pending empirical assessment could hold that presidents communicate less assertively fearing unfavorable judicial review under the impression of an ideologically distant majority in the Supreme Court. Authorization legislation may be a perfect subject of study for such an argument given the increasing prominence of constitutional concerns raised by presidents.

Authorizing funds is not the same as appropriating funds, which means that my research excludes a significant part of the broader budget process. Appropriation legislation features prominently in research on the domestic underpinnings of American foreign policy and presidential power therein (Howell and Pevehouse 2007b; Canes-Wrone et al. 2008). Also, there is a notable focus on appropriations in research on the politics of U.S. foreign aid (Milner and Tingley 2010; Ahmed 2016; Lawson and Morgenstern 2019). As such, “because Congress must

approve foreign aid allocations every year, their votes – more than, say, public opinion polls – provide a powerful lens for understanding support and opposition to aid.” (Milner and Tingley 2010: 201). This echoes my emphasis of congressional voices in foreign policy and similar to authorization legislation, preemptive presidential position language received little systematic attention in academic work. Therefore, it would be interesting to research the extent to which the patterns of change as well as the influence of divided government and end-of-term years as uncovered in my study translate to appropriation legislation as well. This would contribute to a more complete understanding of preemptive presidential interventions in legislative processes where the power of the purse supports legislative constraints on executive foreign policy.

My study omits a measure of presidential success in adapting legislative content through SAPs, which is another caveat that should motivate further research. There are only few studies that comprehensively gauge the success rate of preemptive opposition communicated in SAPs (Hassell and Kernell 2016; Guenther and Kernell 2021). Yet, these studies exclusively focus on veto threats and their success rate in comparison to unthreatened sections. In contrast, my study calls for a broader review of presidential position language in SAPs and its success rates given the prevalence of opposition without veto threats prior to the critical juncture of 9/11. My encompassing documentation of all challenged provisions in draft-NDAAs could be leveraged to assess the extent to which these targeted provisions are deleted or adapted by lawmakers. Thus, future research could uncover how successful veto threats are relative to less assertive challenges. Similarly, less assertive challenges might not lead to the deletion of a targeted provision, but lawmakers may still carefully adapt the provision. From my point of view, such approaches are still missing from the literature. All of the above would contribute to a deeper understanding of interbranch dynamics in contemporary lawmaking. I would expect that contemporary presidents experience serious limitations of their legislative success given resurgent congressional voices in foreign policy and the proliferation of the authorization leverage in omnibus bills over time.

Lastly, future research should leverage my compelling insights on the extent to which presidents rely on assertive communication, advocating for their interpretations of executive authority, to explore theoretical implications of constitutional ambiguity in more detail. Specifically, my theoretical framework is rooted in historical institutionalism’s definition of institutions as objects of ongoing contestation, in which two patterns of change are expected: exogenous critical junctures and endogenous incremental change. Recent work on discursive

institutionalism, however, emphasized shortcomings of historical institutionalism in explaining variation in actor-specific interests (Rees 2020; see also Carstensen and Schmidt 2016). In this light and considering the more president-centered executives, I omitted a deeper theoretical account of how presidents as change agents exhibit variation in their interpretation of implicit foreign policy powers and to what extent such differences might echo in my assertiveness scores. Future theoretical innovations should bring my insights into conversation with the role of polarized and socially constructed ideas about properly balanced interbranch relations. The reason for the perpetual increase in presidential assertiveness might be that contemporary presidents find their interpretive flexibility increasingly restricted by competing ideas in Congress and in courts about the reach of presidential power.

Turning to the second strand of future research, which should test the reach of my conclusions, my research design is open for expansion in the number of studied cases. My sample included 62 observations of preemptive SAPs as I confined the empirical scope of my study to the NDAAAs, 1985-2020. While the NDAA is special in multiple respects, which warranted its selection, its uniqueness also might complicate the translation of my findings to different and broader frames of reference. However, the robustness of my results as well as the echoes in previous studies and broader trends in American politics support the notion that my conclusions are not exclusive to legislating NDAAAs. One particularly fruitful endeavor would be to include domestic authorization legislation and pursue a comparative perspective in order to test to what extent the seminal two-presidencies-theory holds up in the context of increasing presidential assertiveness (Wildavsky 1966; Canes-Wrone et al. 2008).

Another direction to expand the empirical scope could explore additional presidential position language next to SAPs in order to further enhance our vision for the broader legislative strategy of assertive presidents in interbranch relations with resurgent congressional voices in foreign policy. For instance, I did not review presidential budget proposals that often establish the points of reference for the OMB to highlight departures from presidential preferences in draft NDAAAs. Also, the presidents' state of the union address usually encompasses their broader legislative agenda and frequently refers to foreign policy. Other additional points of reference could be press releases and presidential memoranda. Since presidential ways of communications are diverse and speak to different audiences, it could prove useful to retain the focus on NDAAAs for a systematic review of corresponding executive communications before looking beyond

authorizations. In line with the more president-centered executive, I expect that such efforts would uncover a consistent executive communication strategy from budget proposal all the way through to signing statements. Despite the congressional authorization leverage, presidential capabilities to act alone in foreign policy are still substantial. Therefore, there might be a shift in presidential communication during lawmaking and after the enactment of respective bills.

From a methodological point of view, my calculation of the novel assertiveness-score can easily be transferred to SAPs in other contexts. This might also bring up further refinement of the measure. For instance, in domestic policy, presidential preemptive signaling should differ substantially from foreign policy given that presidents tend to experience tougher scrutiny in the former. Domestic policy is also more polarized which might show in presidents supporting copartisans more notably in SAPs. This requires a weighted assertiveness score that accounts for presidential preemptive support, which aims to ensure certain provisions make it across the finish line. Additionally, the length of targeted bills may vary to such an extent that the assertiveness-score requires to be normalized against the sum of included provisions in the targeted draft. Both updates to my assertiveness-score would help to gauge the true extent of preemptive presidential pressure more accurately across policy areas.

Ideological polarization is difficult to grasp empirically. While I support my findings with three different measures, there are alternative routes for future research to scrutinize my results. For instance, Adam Bonica (2013) relies on campaign finance data to measure the ideological ideal points of political actors, while Michael Barber (2016) demonstrates higher limits on contributions from political action committees (PACs) are associated with the selection of more moderate legislators. Similarly, Jeffrey Harden and Justin Kirkland (2016) focus on the influence of campaign donors on polarization. Thus, there are options beyond the PUV-scores and the DW-NOMINATE-based measures to gauge the extent of polarization. Adapting the approach to measure polarization in line with one of the alternatives outlined above should motivate additional inquiries on the role of polarization in interbranch dynamics.

A substantial field of research opens up in light of my findings on the effect of the critical juncture of 9/11 on assertive presidential position language. One key contribution of my research is that I found a lasting legacy of the formative moment in time that echoes in contemporary interbranch dynamics. It is striking that prominent studies on preemptive presidential interventions do not control for the effect of the critical juncture (Rice 2010; Ainsworth et al. 2014; Hassell and

Kernell 2016; Guenther and Kernell 2021). My study stresses the importance of controlling for the effect of the substantial break with antecedent conditions brought about by the terrorist attacks in September 2001. Historical institutionalists are right in emphasizing the long-term effect of such critical moments in time and to date too few studies incorporate this factor in their explanatory models for interbranch dynamics. Hence, I emphasize that previous studies should be revisited with the added control for the effect of 9/11 and future analyses should adopt it as a standard component of considered explanations.

Beyond the focus on preemptive presidential interventions in lawmaking through SAPs, I contribute an indicator for resurgent congressional voices to the ongoing discourse on interbranch dynamics in foreign policy. The increased use of the authorization leverage alters our understanding of how Congress might constrain presidential power. The NDAA plays a crucial role and omnibus legislation deserves a more prominent place in assessments of congressional checks on presidents. I recommend that future projects evaluate the authorization leverage and the extent of bipartisan support in major authorization legislation more extensively. For instance, it would be interesting to illuminate the extent to which bipartisanship is leveraged in the service of forcing the president's hand. Similarly, the precise composition of bipartisan coalitions that support NDAs stand out as promising avenues for future studies. The gradual change towards the proliferation of the authorization leverage indicates that such legislative processes are critically important for our understanding of the domestic underpinnings of American foreign policy. In sum, there are ample opportunities for future research to build on my study of preemptive presidential position language in SAPs. The final section highlights my key insights on the president's role in foreign policy in light of my conclusions.

6.3 The Assertive Presidency and American Foreign Policy

This subchapter highlights what my main conclusions mean for the role of the president in American foreign policy. I have emphasized throughout that presidents are more powerful in foreign policy than Congress, which is often hamstrung by partisan bickering and divided government. However, authorization legislation emerges as a prominent tool for Congress to regularly pressure presidents sign foreign policy provisions to which they communicated early objections. Beyond the political circumstances and individual personalities, my institutional perspective uncovers long term shifts in interbranch dynamics and congressional efforts to balance

presidents in foreign policy. My longitudinal approach informed by historical institutionalism sharpens our vision for two broader trends in interbranch dynamics, which have significant implications for the role of the presidency in foreign policy. In this concluding subchapter, I reflect on the implications of my findings for the changing role of presidential power in directing American foreign policy.

The critical juncture of 9/11 fortified presidential dominance and tilted the balance of power further in the president's favor. The presidency expanded its foreign policy powers in response to the formative moment in time. In the immediate aftermath of 9/11 President George W. Bush's authority in foreign policy grew substantially and decision making was concentrated in the White House with little congressional control. However, this only temporarily interrupted legislative constraints. 9/11 did not upend the checks-and-balances system that is engrained in the American political system. Seeking ways to challenge the skewed balance of power, lawmakers deploy their most powerful and constitutionally mandated tool. In the face of executive dominance, the power of the purse gives Congress an influential way to reassert its legislative voices in foreign policy through authorization legislation. Unchecked presidential discretion requires congressional passivity or support. Contemporary lawmakers, however, are active and confront presidents on many foreign policy issues. Therefore, the study of presidential power in foreign policy must take into account the resurgent legislative constraints that presidents oppose with increasing assertiveness. Presidents are powerful in foreign policy, but their latitude is still contested. Thus, the assertive presidency remains an embedded institution that cannot escape the strings of domestic legislative constraints at will when conducting foreign policy. In this light, my study deflates the specter of unchecked presidents in foreign policy and underscores the prevalence of a contested balance of power in interbranch relations with Congress. Through the NDAA, Congress can impose legislative constraints on foreign policy and force presidents to negotiate prominent parts of their foreign policy agendas with lawmakers.

The study of presidential power in foreign policy needs to take interbranch dynamics and temporal patterns of change seriously despite executive advantages in this policy area. Fascinating personalities, the intricacies of political circumstances and shocking events should not distract us from broader trends in the institutional interplay between presidents and Congress. There is more to the congressional voice in foreign policy than the attention to partisan polarization suggests. All presidents covered in my period of observation were vastly different officeholders. They had

different personalities, unique rhetorical styles and distinct foreign policy priorities. Yet, the gradual expansion of preemptive assertiveness spans their times in office. They all relied on Congress to authorize funds for their foreign policy agendas. When lawmakers use this leverage to implement legislative constraints, presidents communicate more assertively, which means that the domestic underpinnings of American foreign policy are still a process characterized by interbranch accommodation. The authorization leverage is an institutional facet of interbranch relations in foreign policy that has gradually become more important as other means to balance powerful presidents, such as hearings and landmark laws, have declined. Put another way, when it comes to presidential latitude in foreign policy, the NDAA reveals legislative efforts to channel Congress's authorization leverage to the effect of constraining executive power. In terms of presidential foreign policy leadership, this means that the ability to negotiate effectively with Congress remains a critical skill that presidents must master in order to achieve their goals internationally.

Contemporary presidents are difficult to control in foreign policy because they are largely in control of the daily business of international relations. In this regard, the strengthened presidential control over the State Department and the Department of Defense is immensely important for presidents. My emphasis on the authorization legislation does not negate institutional and informational advantages that keep presidents in the driver's seat of international affairs. However, my study emphasizes that Congress and interbranch dynamics continue to play an important role in defining the limits of what presidents can accomplish internationally. Resurgent congressional voices during the 1990s in opposition to an interventionist mindset in presidential foreign policy were interrupted and largely muted by 9/11. The critical juncture enhanced the association of American national security with achieving international security, which contributed to the concentration of foreign policy powers in the hands of the presidency. The war against international terrorism initially enhanced presidential power, but it also enhanced executive primacy to a degree that increasingly drew public and congressional concern. My study provides the first systematic evidence that congressional efforts to balance presidential discretion in foreign policy after the critical juncture are resurgent rather than stifled. The lasting legacy of the formative moment in time is found in congressional efforts to revitalize legislative constraints that were already resurgent after the Cold War. Presidents might appear particularly powerful at times,

especially in moments of crisis, but even increased executive unilateralism cannot circumvent legislative constraints without substantial political capital on the line.

Assertive presidents are not in sole control of defining the premises of American foreign policy. Much like the containment of communism during the Cold War, the war against international terrorism initially fostered presidential power expansions. However, these expansions depend critically on congressional support through corresponding authorization legislation – both in terms of funds and the use of force for extended periods of time. The checks-and-balances system ensures that such expansions will eventually be contested by the same constitutional power that helped establish them. Continuity and change coexist in interbranch dynamics between Congress and the president. I find that there is continuity in congressional contestation of the growth of presidential power in foreign policy, while there is change in the arena in which interbranch dynamics in foreign policy making unfold. Presidential dominion over foreign policy is contested more frequently in the arena of omnibus authorization legislation and executive pressure to address resurgent congressional voices predates unilateral action because it is increasingly communicated preemptively through assertive SAPs. Thus, the time and locale of important interbranch negotiations on foreign policy has changed, while Congress's power of the purse has always been a potent tool to balance presidential power.

The resurgence of interbranch competition means that presidential primacy in defining foreign policy goals faces legislative challenges. The assertive presidency experiences growing congressional efforts to thwart executive frames of references for complex international issues. Wielding rhetorical power over how threats are perceived has direct consequences on the range of associated and acceptable policy options. Thus, the extent of presidential assertiveness in SAPs is also an expression of the interbranch struggle to control the narrative on international challenges such as climate change. Thus, the assertive presidency is an institution that is heavily invested in advocating for presidential preferences in the legislative process underscoring the prevalence of interbranch bargaining. On a broad level, this is good news for the constitutional guardrails, which have proven capable of weathering severe storms. However, this also raises some normative concerns about the way the authorization leverage is used. It is clear that Republican obstructionism during Obama's second term was politically motivated, suggesting that the power of the purse can be politicized rather than used in the service of a more level playing field in foreign policy. Moreover, congressional voices in foreign policy seem to be largely contingent on the

continued passage of the NDAA. Should this streak be interrupted by partisan strife, a significant stronghold of congressional influence on foreign policy may be lost and presidential power would face less legislative scrutiny. In sum, interbranch dynamics in American foreign policy lawmaking are alive and well. The authorization leverage and the patterns of change over time help us to understand them better. Presidents are the preeminent and assertive actor, but the presidency remains an institution that is embedded in interbranch relations, historical circumstances and political pressures.

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Eidesstattliche Erklärung gemäß §9 Abs. 4 der Promotionsordnung

Hiermit versichere ich,

Vorname, Name: Jakob Wiedekind,

dass ich die anliegende Arbeit

Studienfach, Prüfer/in : Politikwissenschaft (Dissertation), Prof. Dr. Christiane Lemke

Titel der Arbeit : The Assertive Presidency – Understanding Preemptive Executive Pressure on Foreign Policy Legislation in the US

selbst angefertigt und alle für die Arbeit verwendeten Quellen und Hilfsmittel in der Arbeit vollständig angegeben habe.

Ich habe die beigefügte Arbeit in keiner anderen Fakultät eingereicht.

Mit der Übermittlung meiner Arbeit auch an externe Dienste zur Plagiatsprüfung durch Plagiatssoftware erkläre ich mich einverstanden (bitte unten ankreuzen).

ja

nein

Hannover, 11.04.2023

Ort, Datum

Unterschrift

8 Appendix

8.1 Appendix A: Coded Elements and Calculation of Assertiveness-Score

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
1985	S. 1029	2	No opposition and only one coded element (category 2, which does not factor in with the assertiveness score)	0
1986	S. 2638	2	No opposition and only one coded element (category 2, which does not factor in with the assertiveness score)	0
1987	H.R. 1748	7	Section 224, "Aspin substitute", "cutoff of funding for U.S. nuclear testing", "SALT II", "ASAT"	$5 \times 7 = 35$
1989	H.R. 2461	5	"lowering the statutory ceiling", "prohibiting severance pay", "authorizing the use of CHAMPUS", "requiring the Secretary of Defense", "tests of MIRACL", Nichols Amendment, "authorizing the Secretaries of Army and Navy", "increasing ACIP"	$8 \times 5 = 40$
	S. 1352	5	"authorization B-2 program", "authorization SDI program", "limiting SDI testing", "limitations on (...) B-2 program funds", "Prohibiting the Secretary of Defense from paying rent", "Intruding into internal Executive branch", "Requiring the Defense Department to establish procedures", "President's proposal for governmentwide special pay authority", "conflict-of-interest provisions be amended"	$9 \times 5 = 45$
1990	H.R. 4739	5	AuCoin-Machtley amendment, Gilman amendment, Bennett amendment, Wyden amendment, second Wyden amendment	$5 \times 5 + 17 \times 7 = 144$
		7	"insufficient funding for crucial strategic and conventional modernization", "insufficient funding and funding and flexibility to pursue SDI", "insufficient troop levels", "funding for items not needed", sections 2811, section 2812, section 2813, section 2814, section 2815, section 2816, section 2817, section 2818, section 2819, section 2820, section 2821, section 2821, section 2823	

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
	S. 2884	6	"Restoration of funding" for SDI, "Restoration of funds for key programs", "Elimination of programs", "Deletion of provisions which legislate", "Deletion of the uniform strength reduction", "Deletion of a provision expanding notification", "Restoration of funding for the National Aerospace Plane", "Inclusion of alternative language", "Deletion of provisions giving Defense authority", "Deletion of a requirement", "Inclusion of the Administration's Base Closure", "Deletion of a provision that transfers", "Deletion of a provision which repeals", "Deletion of required activities"	14x6= 84
1991	H.R. 2100	6	"eliminate funding for continuation", "underfund the SDI program", "fund unrequested or low priority programs", "limit planned reductions"	4x6= 24
	S. 1507	5	"limit necessary reductions", "prevent the Department of Defense", "terminate the National Aerospace Plane", "fund unrequested programs", "fund items", "impede necessary warhead production, "use the Defense Cooperation Account", section 801, section 802	9x5= 45
1992	H.R. 5006	5	"Authorize only \$4.2 billion for the Strategic Defense Initiative", "eliminate the entire \$576 million request", "complicate the acquisition of missile defenses", "Reduce funding for Operation and Maintenance to \$79.7billion", "\$1.0 billion for economic conversion", "\$755 million for three additional", "\$635 million for unrequested Guard", "\$420 million for a replacement", "\$150 million for at panel", "Substantial health care benefits", " Fail to approve the Administration's", "Restructure and reorient development", "Prohibit the Secretary of Defense", "Impose inappropriate and counterproductive", "Grant piecemeal exemptions", "Prohibit the obligation of funds"	16x5= 80

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
	S. 3114	5	"Authorize \$81.7 billion", "Authorize only four of the eight C-17", "Reduce the authorization for intelligence programs", "Delete the Administration's request of \$443 million", "Delete the Administration's request of \$175 million", "Require competitive prototyping", "Cut procurement of the 48 F/A-18C/D", "Terminate procurement of the requested 24 F-16", "\$630 million for unrequested Guard", "Dental and other health care benefits", "More than \$800 million for unrequested aircraft programs", "\$1.2 billion for one LHD-1", "Cargo Preference Act of 1904", "Authorize \$200 million for the Economic", "Authorize early retirement for active duty personnel", "Authorize early retirement and separation", "Authorize over \$600 million for defense", "Mandate a toll-free telephone", "Continue the government premium", "Allow certain former active", "Fail to approve the Administration's", "Establish an unnecessary National", "Reduce by \$25 million Defense drug", "Extend the chemical stockpile", "Prohibit foreign government-owned", "Require Defense contractors", "Fund Defense Medical programs"	27x5 + 2x7= 149
		7	"abortions on demand", "any amendment which would further cut the SDI program"	
1993	H.R. 2401	5	"Reduce funding for intelligence programs", "Increase funding for military equipment", "Impose burdensome obligation restrictions", "Terminate the Defense Business Operations Fund", "Reduction of Operations and Maintenance funds", "Authorize a 2.2 percent pay", "Transfer \$200 million to the Maritime Administration", "DoD Contracting-Out", "Plutonium Disposition"	9x5 = 45
	S. 1298	5	"Reduce funding for intelligence programs", "Allow for concurrent payment", "Authorize \$3 million more than requested", "Authorize unrequested funds for military equipment", "Authorize \$635 million for unrequested Guard and Reserve Equipment", "Authorize a 2.2 percent pay raise", "Reduce funding for the Ballistic Missile Defense", "Limit the President's flexibility on the mission in Somalia", "Accelerate the withdrawal of U.S. from Europe", "Preclude any option for plutonium disposition"	10x5= 50

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
1994	H.R. 4301	5	"cuts in the Defense Business Operations Fund (DBOF) and information technology", "Fail to approve authority to use funds for payments", "Authorize only four C-17 airlift", "Require the Department of Defense to convert", "Impose new and severe constraints on the Department's ability", "Reduce authorizations for operation and maintenance", "Reduce funding for the NATO", "Prohibit modifications to deploy", "Authorize Civil Reserve Air Fleet", "Restructure the civil defense program responsibilities", "Authorize a 2.6 percent pay raise", "a cost-of-living allowance for military personnel", "Authorize unrequested military construction projects", "Require the Department to leave all personal property", "Require the Department of Defense to develop and procure new space launch vehicles"	15x5 = 75
	S. 2182	5	"Reduce funding for high priority programs", "Divert \$601 million", "Divert \$43.0 million", "Authorize more than \$1.5 billion", "Authorize a 2.6 percent pay raise", "Authorize unrequested military", "Authorize Reserve end strengths", "Prevent closure", "Require 15-day advance", "Reauthorize a joint committee", "Transfer responsibility", "Assign the Secretary of Defense", "Create new exemptions", "Require the Secretary of the Army", "(1) extending civil service", "(2) requiring the Department of Defense", "fund entitlement programs (retiree COLAs)"	17x5 = 85

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
1995	H.R. 1530	5	"imposes restrictions on the ability of the President to conduct contingency operations", "restrictions on funding available to the Administration", "limits the assignment of military forces", section 235(b), section 233(b), "Nunn-Lugar Program Reductions", "unjustified resumption of B-2 bomber", "unnecessarily authorizes \$770 million", "refit of roll-on/roll-off ships", "terminates the Technology Reinvestment Project", "puts at risk the submarine industrial base", "unwisely cuts the Defense Environmental Restoration Account", "requires military personnel who have HIV to be discharged", "obtaining abortions in U.S. military hospitals", "acceleration of the military retirees' COLA", "(1) prohibits (...) reductions in military", "(2) exempts military technicians", "(3) requires the Department to convert", "(4) restricts the authority", "(5) prohibits the transfer", "(6) prohibits the practice", "a program to issue loan guarantees", "pursue a multipurpose light water", "reduces by \$742 million the authorization", "reduces by 90 percent the authorization", "authorizes 28 percent less"	26x5 = 130
	S. 1124	8	"Article VI(a) of the Antiballistic Missile (ABM) Treaty", "deployment by 2003 of a multiple-site system", "\$7 billion the Administration's FY 1996 request", "refit of roll-on/roll-off ships", "Peacekeeping", "Technology Reinvestment Project", "Humanitarian and Disaster Relief Reductions", "initiation of a nuclear weapons manufacturing infrastructure program", "not provide the \$249 million requested for technology transfer", "micromanage the nuclear weapons stockpile", "prohibit international inspections of Department of Energy facilities", "transition of nuclear weapon scientists", "withhold \$50 million", "Incremental Funding of DDG-51 Destroyers", "Personnel", "International Military Education and Training", "Defense Export Loan Guarantees", "Strategic Cooperation Between the United States and Israel", "affect direct spending and receipts"	19x8 = 152

Year	NDAA addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
1996	H.R. 3230	5	"Spence amendment", "(1) impose end strength floors", "(2) require the retention", "(3) require arbitrary civilian", "(4) reduce the Secretary's ability", "(5) require the Department to procure", "(6) impose unnecessary restrictions", "(7) require procurement", section 1211, section 10171(b), "(ITMRA)", "Privatization", section 3151-3157, section 3138, section 3133	21x5 + 9x7= 168
		7	"Funding Levels", "restrictions on implementing the ABM Treaty", "preclude any agreement to "multilateralize" the ABM Treaty", "retiring any strategic systems in FY 1997", "halt or delay the CTR program", "Homosexuals in the Military", "(HIV)", section 335, section 343,	
	S. 1745	5	"expenditure of Department intelligence funds by other agencies", "President's ability to appoint either a civilian or a uniformed military", section 1032, "establishes a Director of Military Intelligence", "Dual Use Applications Program", "authorize \$450 million more than the President's FY 1997 Budget", section 3154, "National Oceanographic PartnershipProgram", "Nonrecurring Cost Recoupment", section 314, section 1004	11x5 + 2x7= 69
		7	"(1) authorize excessive Defense funding levels", "(2) infringe upon the President's conduct"	
1997	H.R. 1119	5	"Micromanagement of the Department of Defense", "Bosnia", "Counter-drug Humanitarian Demining", "Active Duty End Strength", "(WHCA)", "MARAD Ship Disposal", "Military Pay Raise", "Ready Reserve Mobilization Income Insurance Program", "Defense Reform Amendment"	9x5 + 11x7= 122

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
	S. 936	7	"Violation of Bipartisan Budget Agreement", "Depot Maintenance Competition", "Bosnia Withdrawal Amendment", "Base Closure and Realignment", Arms Control Programs", "(FYDP)", "B-2 Bombers", "F/A-18E/F", "Attack Submarine Procurement", "DOE Program Direction", "DOE Community Assistance"	6x5 + 12x7 = 114
		5	"Strategic Forces", "Ready Reserve Mobilization Income Insurance Program", "Executive Compensation", "Delay of Federal Agency Actions Determined to Affect Readiness", "(NPR)", "(PCC)"	
		7	"Violation of Bipartisan Budget Agreement", section 1068, "Bosnia Withdrawal Amendment", "Base Closure and Realignment", "Threat Reduction Programs", "(FYDP)", "Dual Use Applications Program", "Incremental Funding of the CVN-77", "F-22 Fighter Aircraft", "Strategic Sealift Ships", "(ACTD)", "TITAN IV"	
1998	H.R.3616	5	"reduction of \$401 million from DOE's", "\$230 million reduction", "failure to provide adequate funding", "expense of higher priority defense programs", "(1) accounting procedures", "(2) the performance of core", "Gender Integrated Training", "Weapons of Mass Destruction", section 1201, section 337, section 336, section 331, "(CTR)",	13x5 + 4x8 = 97
		8	"any amendment that would further restrict or prohibit", "any amendment to require licenses", "the amendment which would cap", "prohibit the use of commercial light"	
	S. 2060	5	"Base Realignment and Closure", "Unrequested Funding", "Small and Disadvantaged Businesses", "Early Retirement Authority for Civilian Employees", "Spectrum"	5x5 + 3x7 = 46
		7	"Mandated Bosnia Withdrawal", "Reduction of DOE Funds", "Reduction in Request for Intelligence Budget"	

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
1999	H.R. 1401	5	"Funding Levels", "(BRAC)", "Military Pay and Benefits", section 901, "(CTR)", section 1033, section 1031, section 904, section 1014, section 1032, section 3166, "\$63 million less for Arms Control", "25 percent spending limit", "TRICARE"	14x5 + 5x8= 110
		8	section 1006, "several Kosovo floor amendments", "Ryun amendment", "Spence amendment", section 3165	
	S. 1059	5	"Funding Levels", "(BRAC)", "Military Pay and Benefits", section 1007, "reductions to the Nuclear Cities Initiative", "cooperative programs with Russia", "Secretary of Energy to accept loans", section 1049, section 1050, section 806, section 221, section 1024, "Voluntary Early Retirement Authority"	13x5= 65
2000	H.R. 4205	5	"Kasich Kosovo Amendment", "Funding Levels", "Vieques", "Chemical Weapons Demilitarization", "chemical weapons destruction facility at Schuch'ye", "prohibition on building fossil fuel plants", section 1204, "Congressional Review Time for Computer Export Notice Level", section 902, "Unrequested Adds for Procurement and R&D", "Army Transformation Programs", section 121, section 618, section 619, section 735, section 1106, "\$231 million reduction in the Environmental Privatization", section 3131, section 3133(c), section 3133(d), section 312, section 364, section 2813, section 542, section 905	25x5= 125
	S. 2549	5	"extensions or expansions and changes in the reimbursement structure", "(JSF)", section 3131 (b), section 3133, section 3134, section 342, section 344, section 902, subsection 553(c), subsection 376, "restoration of funds for programs", section 1109, section 616, section 618, "amendment to section 3341", section 366, section 1112, section 3152, section 3136 (c), section 3136 (d), "Overseas Humanitarian", section 655, "Land Transfers"	23x5 = 115

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
2001	H.R. 2586	5	section 331, section 333, section 361-366, "Defense Acquisition and Support Workforce Reductions", section 2906, section 2812, "\$330 million reduction to Operation and Maintenance", section 2863, "Medical Product Enhancement", "VA Disability Compensation", section 1022, section 1023, section 2408, "(MSP)", section 1110	20x5= 100
	S. 1438	5	"Vieques", "B-1 Bomber Retirement", section 902, "VA Disability Compensation", section 539, section 1002, section 822, section 801, section 803, section 821, section 2804, section 2842, section 1041, section 1042, section 1043, section 1044, section 1045, section 1046, section 1047, section 1048, section 1049, section 1050, section 1051, section 3134	24x5 = 120
2002	H.R. 4546	5	section 402, section 641, section 335, "Wireless Priority Access Service", "Base Closure Process Changes", section 807, section 144, section 213, section 404, section 572, section 1007, section 1022, section 1102, section 2814, section 3152, section 1202, section 211, section 1403, section 1403, section 215, section 313, section 1005, section 3129, section 3130, section 3144	25x5 + 1x7 = 132
		7	"Cancellation of the Crusader-Program"	
	S. 2514	5	"opposes the \$850 million reduction", section 811, section 344, section 3105	4x5 + 4x7 =48
		7	"funding request for missile defense", "impose burdensome statutory restrictions", "Crusader-Program", section 641	
2003	H.R. 1588	5	"changes to the budget request", "Defense Industrial Base Provisions", "hinder DoD's and DoE's ability", section 911, "Military End Strength", section 1111, section 1109, section 615, section 619, section 620, section 622, section 651, section 641, section 910, "F/A-22", "Acquisition Increases", section 1031, section 1032, section 1033, "Information Technology", section 1444, section 1454, "Defense Working Capital Funds", "Sealift Ship Construction Pilot Program"	24x5 + 1x7 = 127
		7	"BRAC-authority"	
	S. 1050	5	"Overseas Basing Commission", "F-22", section 913, section 851, section 604, section 606, section 615, section 616, section 643, section 831, "caveats in section 812"	11x5 + 1x7 = 62

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
		7	"BRAC-authority"	
2004	H.R. 4200	5	section 1214, section 1402, section 1403, section 1404, section 1405, section 1412, "Train and Equip", "Mandatory End Strength Increases", "Restrictions on Transfer of Funds", section 1032, "Survivor Benefit Plan", section 605, section 615, "bill's \$750 million reduction", section 332, "Transformation Programs", "Presidential Helicopters", section 811, section 812, section 812, section 823, "hamper DHS' mission", section 907, section 3131, section 1074, section 2841, section 571, section 1002, section 1531, section 2823	30x5 + 4x7 = 178
		7	"BRAC-authority", section 323, section 324, section 326	
	S. 2400	5	"Restrictions on Transfer of Funds", "hamper DHS' mission", "Reduction to Proposed Investment Programs", "Prohibition on Aircraft Retirement", section 123, section 1032, section 3118, section 905, section 1033, section 914, section 803, section 815, "EEOICPA", "(ESPCs) authority from DOE to DOD", "expansion of ESPC authorities", "withhold assessed contributions to the UN"	16x5 + 2x7 = 94
		7	"BRAC-authority", "Competitive Sourcing"	
2005	H.R. 1815	5	section 128, section 1521, section 1522, section 1212, section 817, section 801, section 802, section 803, section 813, "Joint Striker Fighter", section 227, "major reductions to transformational programs", "C-17 cargo aircraft production", "Operations and Maintenance Funding", section 608, section 515, section 825, section 911, section 932, section 1044, section 931, "Fissile Material Disposition Program", section 1203, section 1213, section 662, section 322, section 323, section 2812, "Capital Security Cost Sharing", "Contract Dispute Settlement", "Contractors Dispute Settlement", section 1222, section 3504, section 1522	34x5 + 1x7 = 177
		7	"BRAC-authority"	

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
	S. 1042	5	section 321, section 401, section 402, section 122, section 132, section 134, section 135, "Unrequested Additions", section 137, section 1004, "Reductions to Transformational Programs", "Fissile Material Disposition Program", section 1008, section 802, section 328, "Competitive Sourcing", section 652, section 531, section 832, section 572, "Military-Civilian Conversion", "Hardship Duty Pay", section 504, section 1031, section 814, section 505, section 923, section 1002, section 212, section 537, section 591, section 902, section 1042, section 581	34x5 + 3x7 = 191
		7	Amendments Interfering with Effective Conduct of War on Terror, "BRAC-authority", "Buy American Act Amendments"	
2006	H.R. 5122	5	section 709, section 589, "End-Strength", "Military Pay Raise", section 1104, section 1503, "Various Reductions and Weapons Retirements Restrictions", "Unrequested Funding", "Limitations on Contracts for the Acquisition of Services", section 1206, "Fissile Materials Disposition Program", section 1012, section 1013, "Funding restrictions on crew-served weapons", "Expansion of Operations of Civil Support Teams"	15x5 + 4x7 = 103
		7	section 812, section 831, section 832, section 1211	
	S. 2766	5	section 1206, section 705, section 706, section 642, "End-Strength", section 1061, section 1081, "Various Restrictions and Weapons Retirement Restrictions", "Incremental Funding of Aircraft Carriers", "Unrequested Procurement", "Acquisition Restrictions", section 807, "Missile Defense", "Military to Civilian Conversions", section 2807, section 331, section 1043, section 504	18x5 = 90
2007	H.R. 4986	5	"Competitive Sourcing", section 1612, section 1621, section 1624, section 525, section 644, section 601, section 606, section 703, section 704, section 1105, section 645, section 806, section 821, section 822, section 824, section 843, "Future Combat System", "Space and Global Position System", section 131, "Littoral Combat Ship", "Missile Defense", section 1054, "Unrequested Procurement Funding", "Leasing of Foreign-Built Vessels", "Naval Base Guam Kilo Wharf Extension", "Study on Climate Change"	27x5 + 7x7 = 184

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
	S. 1547	7	section 1106, section 804, section 809, section 845, section 846, "Amendments on Iran", "Guantanamo-Related Amendments"	46x5 + 5x7 + 1x8 = 273
		5	"Modifications to NSPS", section 601, section 701, section 655, section 653, "B-52 Retirements", "(LCS)", section 141, section 142, "Joint Strike Fighter Alternate Engine", "JNN and WIN-T program", "Space Radar", "(EFV)", "(GPS)", "W76 Life Extension Program Cut", "reductions of \$85 million for the U.S. missile defense site in Europe", "Research Funding", section 801, section 821, section 823, section 824, section 845, section 1068, section 1232, section 1215, section 1217, "OHDACA", section 1022, section 902, "CIIR-Program", section 211, section 3122, section 861, section 573, section 701, section 114, section 212, section 234, section 1531, section 12313, section 231, section 255, section 341, section 864, section 904, section 1068	
		7	section 1023, section 1063, "Anti-Coordination Provision", "Amendments on Iran", "micromanage the detention of enemy"	
		8	"Amendment on U.S. Withdrawal Date from Iraq"	
2008	H.R. 5658	5	Civilian Employee Furloughs During Contingency Operations, "Clean Contracting Act Amendment", section 1214, "DDG-1000 Destroyer", section 703, section 1004, "Implementing U.S. Counterinsurgency Operations", "High Integrity Global Position System", section 601, section 608, "Reliable Replacement Warhead", section 221, section 323, section 334, section 802, section 1064, "(TMTI)", "C-17 Transport Plane", "F-22", "F-35", "Nuclear Powered Amphibious Ships", "Navy Shipbuilding", section 132	23x5 + 14x7 = 213
		7	"BRAC-authority", "Competitive Sourcing", "Detainees", "Earmark Reform", "Habeas Corpus", "Iraq withdrawal date", "diplomatic agreements with Iraq", "Iran", section 801, section 804, section 805, section 807, "Missile Defense", section 2828	

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
	S. 3001	5	"Iran sanctions legislation", section 601, section 831, "Iraq and Afghan Security Forces", "Defense Nuclear Waste Disposal", section 823, section 1515, section 1615, section 1616, "F-35 Joint Strike Fighter Alternate Engine Program", "B-52 program", "Missile Defense", section 213, "Chemistry and Metallurgy Research Building Replacement", "Nuclear Weapons", section 1103, section 1221, "Classified Programs", section 232, section 841, section 2913, section 586, section 905, section 921, section 923, section 1037, section 1052, section 1054, section 1055, section 171, section 1053, section 1002, section 586, section 853, section 921	$35 \times 5 + 10 \times 7 + 1 \times 8 = 253$
		7	section 841, "Prohibition on Interrogation of Detainees by Contractor Personnel", section 1101, section 921, section 922, section 923, "Intelligence Interrogations", "Withdrawal Date Iraq", "diplomatic agreements with Iraq", "Iran"	
		8	section 1002	
2009	H.R. 2647	5	"Missile Defence and Engagement with NATO and European Allies", "Strategic Airlift", section 2836, section 1112, Section 1113, "Aircraft Retirements", "Extended Range Multi-Purpose Unmanned Aerial Vehicle", "Defense Environmental Cleanup"	$2 \times 7 + 8 \times 5 = 59$
		7	"F-22 Advance Procurement", "F-35 Joint Strike Fighter Program"	
	S. 1390	5	Section 823, Section 1517, "Future Combat Systems", "Strategic Airlift Force Levels", "Joint Tactical Ground Station", "Guam Realignment", Section 901, section 1101, section 244, section 341, section 1221, "Imagery Satellite", "Funding for Military Construction Projects"	$13 \times 5 + 1 \times 7 + 1 \times 8 = 80$
		7	"F-35 Joint Strike Fighter Program"	
2010	H.R. 6523	5	"Aircraft Retirements", section 122, section 1022, "Unified Medical Command", "Building Partner Capacity", section 111, "Defense Civilian Intelligence Personnel System", section 221, "Guam Infrastructure Improvements", section 2711, "Incremental and Forward Funding"	$11 \times 5 + 2 \times 7 = 69$
		7	"F-35 Joint Strike Fighter Extra Engine", "F35 Strike Fighter Program"	

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
	S. 3454	5	"National Guard Deployment to Secure the Southwest Border", "Iraqi Security Forces Fund", "Restrictions on Guantanamo Detainee Transfers", "Guam Basing", "National Nuclear Security Administration Program Reductions", section 214, "Incremental and Full Funding of military construction projects", section 314	$8 \times 5 = 40$
2011	H.R. 1540	5	section 252, section 533, section 534, section 535, section 1228, section 1229, section 1230, section 1094, section 2307, section 2705, section 2862, section 711, section 220, section 1433, section 4501, "Reductions to the PATRIOT/MEADS Combined Aggregate Program", section 121, section 962, section 3113, section 4101	$20 \times 5 + 8 \times 7 = 156$
		7	section 215, section 1055, section 1056, section 1034, section 1039, section 1040, section 1036, section 1042	
	S. 1867	5	"Medium Extended Air Defense Systems", "Overseas Construction Funding for Guam and Bahrain", "Unrequested Authorization Increases", section 131, section 702, section 233, section 1241	$7 \times 5 + 6 \times 7 = 77$
		7	section 1031, section 1032, section 1033, section 1034, section 1035, section 1036,	
2012	H.R. 4310	5	"Limitations on Retirement of Weapon Systems", section 1076, section 403, section 2713, section 2712, section 2867, section 2868, section 536, section 537, section 223, section 230, section 1236, section 2204, section 2403, section 4601, section 229, section 1060, section 1221, section 1222, section 941, section 913, section 1061, section 1062, section 3202, section 3115, section 3113, section 3151, section 953, section 1077, "Incremental Funding", section 711, section 352, section 211, section 1211, section 1214, section 821, section 313, section 314, section 4101, section 552, section 355, section 2813, section 334, section 1631, section 1671, section 1532	$46 \times 5 + 16 \times 7 = 342$
		7	section 1053, section 1054, section 1055, section 1056, section 1057, section 1058, section 1059, section 1035, section 1036, section 1037, section 1038, section 1039, section 1040, section 1041, section 1042, section 1043	

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
	S. 3254	7	section 1031, "Structure of the Air Force", section 341, section 313, section 2823, section 236, section 3111, section 1216, section 925, section 929, "Unrequested Authorization", section 881, section 2208, section 930, "Incremental Funding", section 941	16x7 = 112
2013	H.R. 3304	7	section 1032, section 1033, section 1034, section 1035, section 1052, section 1054, section 1053, section 4101, section 4301, section 232, section 233, section 238, section 1253, "Overseas Contingency Operations", section 402, section 530, section 2711, section 1224, section 132, section 1022, section 218, section 3121, section 3132, section 316, section 318, section 319, section 1254, section 1055, "Joint Urgent Operational Needs Fund", section 1201, section 923, section 924, section 1082, "Unrequested Funding", section 585, section 3122, section 3202, section 4201, section 4301, section 1605	40x7 = 280
	S. 1197	5	section 2702, section 1043, "Research & Development Funding Reductions", section 124, section 2801, section 2821, section 905, section 1533, section 1217, section 1218, section 931, section 343, "Science, Technology, Engineering and Mathematics Programs", section 1065, section 1236	15x5 = 75
2014	H.R. 4435	7	section 1032, section 1033, section 1050, section 131, section 132, section 1026, section 2711, section 513, section 1222, section 1634, section 1641, section 1223, section 1224, section 4601, section 1303, section 3120, section 3121, section 1221, section 1225, section 1264, section 314, section 315, section 316, section 317, section 903, section 907, section 1078, "Operation and Maintenance Reductions", section 1611, section 1024, section 213, "Littoral Combat Ship", section 714, section 512, "Military Land Withdrawals", section 1048, section 3117, "Second Line of Defense Funding Reduction", section 3114, section 3111, section 3116, section 3112, section 3102, section 3203	44x7 = 308

Year	NDAA addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
2015	H.R. 1735	7	"Sequestration and Misuse of OCO Funds", section 1031, section 1032, section 1033, section 1035, section 1037, section 1036, section 843, section 2702, section 134, section 131, section 132, section 133, section 135, section 136, section 137, section 138, section 1044, section 1045, section 351, section 1603, section 1604, section 1605, section 1606, "Counterterrorism Partnerships Fund", section 1662, section 1641, section 1642, section 1643, section 1251, section 111, section 1041, section 4401, section 604, section 878, "Unrequested Funding", "Operation and Maintenance and Military Personnel Reductions", section 535, "Marine Corps Base Camp Pendleton Raw Water Pipeline Military Construction Project", section 607, section 3115, section 3117, section 1607	43x7 = 301
	S. 1376	7	section 1038, section 1039, section 1036, section 1037, section 1034, section 1040, section 1041, "Sequestration and Misuse of OCO Funds", section 2702, section 1223, section 1603, "Counterterrorism Partnerships Fund", section 1232, section 1244, section 1668, section 1401, section 1673, section 315, section 316, section 905, section 1084, section 1061, section 1032, section 133, "Modernization of Tinconderoga Class Cruisers", section 515, section 2310, section 602, "Unrequested Funding", section 4301, section 1021, section 711, section 713, section 1057, section 582, section 3116, section 3121, section 3120, section 3119, section 3117, section 3111, section 3141, section 4701, section 2862, section 2853, "Military Land Withdrawals", section 1262, section 3504	48x7 = 336

Year	NDAA addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
2016	H.R. 4909	7	"Reduction, Expiration, and Misuse of OCO Funds", "Counter Islamic State in Iraq and the Levant Efforts", section 1221, section 1222, section 1032, section 1033, section 1034, section 401, section 411, section 402, section 701, section 704, "Modifications to the Newly-Created Military Retirement System", section 601, section 2702, section 1601, section 1024, section 4013, section 1212, section 1510, section 4303, section 2301, section 1623, section 311, section 3118, section 3116, section 3117, section 3115, section 3113, section 1095, section 1656, section 1663, section 1658, section 216, section 904, section 702, section 703, section 1232, section 1231, section 1645, section 1216, section 217, section 808, section 603, section 1085, section 1609, section 1657, section 911, section 219, section 1646, section 910, section 840, section 514, section 4301, section 4302, section 1086, "Joint Urgent Operational Needs Fund", section 2812, section 1109, section 1110, section 1804, section 1094, section 346, section 2864, section 2865, section 2866, section 2855, section 2841, section 2842, section 3023, section 3031, "Ballast Water", section 3507, section 3508, section 503, "Senior Reserve Officers' Training Corps Programs at Schools That Display the Confederate Battle Flag", section 1236, section 1234	78x7 = 546
	S. 2943	7	section 1029, section 1027, section 1021, section 1026, section 128, section 1089, section 901, section 941, section 942, section 923, section 894, section 1204, section 2702, section 1665, section 4502, section 726, section 721, section 631, section 632, section 633, section 604, section 532, section 904, section 905, section 501, section 1112, section 1214, section 1213, section 1036, section 1037, section 1038, section 1611, section 1046, section 1606, section 3113, section 3114, section 671, section 111, "Warfighter Information Network-Tactical", section 662, section 903, section 945, section 844, section 826, section 827, section 1610, section 829H, section 862, section 973, section 145, section 146, section 1086, section 1087, section 1663, section 811, section 816, section 828, section 829G, section 829, section 901, section 1531, section 864, section 1096, section 901, "Asia-Pacific Rebalance Infrastructure", section 4501, section 806, section 536, section 1052, section 1049, section 1056, "Special Immigrant Visas",	72x7 = 504

Year	NDAAs addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
2017	H.R. 2810	5	section 2702, section 1601, section 1222, section 1223, section 1615, section 1699, section 1651, section 1244, section 1245, section 1235, section 1612, section 601, section 604, section 602, section 711, section 4301, section 4401, section 4501, section 802, section 1686, section 1685, section 143, section 1031, section 1683, section 2822, section 3119, "Incremental Funding for National Geospatial-Intelligence Agency's New Campus West", section 1232, section 921	29x5 = 145
	S. 1519	5	section 2702, "Mixed Oxide Fuel Fabrication Facility", section 1232, section 604, section 901, section 902, section 910, section 921, section 912, section 931, section 603, section 616, section 617, section 125, section 543, section 951, section 1621, section 4101, section 4201, section 112, section 234, section 1635, "Next National Geospatial-Intelligence Agency West Campus", section 1630, section 701, section 1283, section 1281, section 867, section 1083, section 863, section 811, section 817, section 865, section 1242, section 1265, section 1653, section 1241, section 901	38x5 = 190
2019	H.R. 1790	7	section 2802, section 1044, section 1046, section 2801, section 1011, section 1001, section 1512, section 1646, section 1684, section 1082, section 3114, section 4701, section 4201, "NNSA Warhead Modernization", section 4201, section 4201, section 125, section 1628, section 538, section 1032, section 1033, section 4602, section 1048, section 1049, section 1231, section 318, section 323, section 602, section 4201, section 1222, section 1601, section 4201, section 1645, section 335, section 123, section 4201, section 4601, section 3118, "Nuclear Counterterrorism and Incident Response", section 841, section 897, section 1031, section 1255	43x7 = 301

Year	NDAA addressed by SAP	Coded Categories	Coded Elements*	Assertiveness Score
2020	H.R. 6395	7	section 2829, section 2801, section 513, section 1213, section 1241, section 1234, section 1251, section 912, section 1022, section 1641, section 3116, section 3103, section 1631, section 1632, section 1721, section 921, section 122, section 123, section 124, section 125, section 1045, section 1047, section 129, section 825, section 131, section 4601, section 549A, section 542, section 602, section 1753, section 715, section 1048, section 517, section 1012, section 1755, section 1102, section 1106, section 213, section 2807, section 4201, section 841, section 613, section 361, section 1656, section 1624, section 902, section 716, section 3113, section 3111, section 3115, section 833, section 1213, section 1258, section 1259, section 1266, section 534, section 817, section 1110, section 1651, section 1653, section 217, section 1614	62x7= 434

8.2 Appendix B: Foreign Policy Sections in the NDAA drafts

Year	Chamber	Number of FP sections/themes	Respective sections/themes
1985	House	5	authorizes the sale of L119 howitzers to friendly foreign governments; foreign military sales program under the Arms Export Control Act; International Pan American Games; acquisition in connection with cooperative defense programs of the North Atlantic Treaty Organization (NATO); NATO AWACS program
	Senate	5	International Pan American Games; NATO AWACS program; ceiling on U.S. forces assigned to NATO; contributions for the North Atlantic Treaty Organization (NATO) Infrastructure program; appropriations for the NATO Infrastructure program
1986	House	2	International Pan American Games; NATO AWACS program
	Senate	9	Reporting Requirement on defense procurement contracts with foreign firms; pay the incremental expenses of a developing foreign country; NATO AWACS program; authorizes the President to transfer to certain NATO member nations on the southern flank of NATO defense equipment; Authorizes the Secretary of Defense to enter into bilateral or multilateral Weapon System Partnership Agreements with one or more NATO member nations; Amends the Arms Export Control Act to authorize the President to enter into a cooperative project agreement with any friendly foreign country not a member of NATO; Amends Federal armed forces provisions to authorize the Secretary of Defense to acquire logistic support, supplies, and services from certain NATO; Urges and requests the President and the Secretary of Defense to diligently pursue opportunities for the United States and our major non-NATO allies to cooperate; contributions for the North Atlantic Treaty Organization (NATO) Infrastructure program
1987	House	2	NATO Airborne Warning and Control System; make limited contributions to the North Atlantic Treaty Organization (NATO) Infrastructure program
	Senate	5	NATO Airborne Warning and Control System; (2) North Atlantic Treaty Organization (NATO); (3) NATO should vigorously pursue the development; Part A: Fiscal Year 1988 - Authorizes the Secretary of Defense to make contributions for the North Atlantic Treaty Organization; Part B: Fiscal Year 1989 - Authorizes the Secretary of Defense to make contributions to the NATO Infrastructure Program

Year	Chamber	Number of FP sections/themes	Respective sections/themes
1988	House	20	<p>as well as the military balance between the NATO countries and the Warsaw Pact countries; Increases the amount of liability that the United States may accrue in a fiscal year for the acquisition of supplies from NATO-member countries; DOD to the Maintenance and Supply Agency of NATO; to report to the Congress detailing the programs to be included in the NATO Defense Program; annual report by the Secretary of Defense to the defense committees designating major non-NATO allies; (2) the objective of such discussions should be to establish a gradual increase in Japanese overseas development assistance to approximate the average level of such spending by current NATO-member nations; make contributions to the North Atlantic Treaty Organization (NATO) Infrastructure Program; contributions to the NATO Infrastructure Program shall expire on October 1, 1990; Directs the Secretary, in the negotiation and renegotiation of memoranda of understanding between DOD and one or more foreign countries relating to defense research; Prohibits any U.S. official from entering into a memorandum of understanding or other agreement with a foreign government; Requires any U.S. firm entering into a contract with a foreign firm subject; Directs the President to enter into negotiations with foreign countries; Directs the President, no later than November 15, 1988, to report to the defense committees on contractual offset arrangements required of U.S. firms for the supply of weapon systems to foreign countries or foreign firms; Directs the President, no later than March 15, 1990, to report to the defense committees a discussion of appropriate actions to be taken by the United States with respect to purchases from U.S. firms by a foreign country; Prohibits the obligation or expenditure of any assistance to the Panamanian Defense Force; Outlines specific conditions for the transfer by the United States to Saudi Arabia of F-15 fighter aircraft; Prohibits, during FY 1989, the sale of arms by the United States to any nation; Directs the Secretary, no later than six months after the enactment of this Act, to report to the Congress on such facilities there; Directs the Secretary to provide to the Congress an annual assessment of security at U.S. bases in the Philippines; Urges and authorizes the President to impose such economic sanctions upon Ethiopia (conference report)</p>

Year	Chamber	Number of FP sections/themes	Respective sections/themes
	Senate	15	to loan to a foreign government supplies; equipment loaned to a foreign government under this provision to be consumed if the Secretary concerned; Directs the Secretary to consult with the Secretary of Commerce in the negotiation and renegotiation of memoranda of understanding between DOD and one or more foreign countries; Prohibits any U.S. official from entering into a memorandum of understanding or other agreement with a foreign government; Requires any U.S. firm entering into a contract with a foreign firm subject; Directs the Secretary to enter into negotiations with foreign countries; Directs the Secretary, no later than November 15, 1988, to report to the defense committees on contractual offset arrangements required of U.S. firms for the supply of weapon systems to foreign countries; Directs the Secretary, no later than March 15, 1989, to report to the defense committees a discussion of appropriate actions to be taken by the United States with respect to purchases from U.S. firms by a foreign country; International Elementary and High School project in Brunssum; require an annual report concerning the designation of major non-NATO allies; Directs the President, no later than December 1 annually, to submit to the Congress a report containing a comprehensive discussion and analysis of the arms control strategy of the United States; Increases the amount of liability that the United States may accrue in a fiscal year for the acquisition of supplies from NATO- member countries; Maintenance and Supply Agency of NATO in support of certain weapon system partnership agreements; make contributions to the North Atlantic Treaty Organization (NATO) Infrastructure Program; contributions to the NATO Infrastructure Program shall expire on October 1, 1990
1989	House	13	109, 124, 135, 206, 311, 321, 402, 509, 1214, 1216, 1242, 2501, 2502
	Senate	19	236, 251, 304, 702, 804, 805, 905, 906, 909-912, 2501, 2502, 2521, 2522, 2701, 2808, 3133
1990	House	14	304, 311, 343, 402, 833, 1344, 2501, 2502, 2802, 3142, 3143, 3144, 3145, 3146
	Senate	10	304, 311, 852, 905, 1101, 1102, 2501, 2502, 2701, 2812
1991	House	9	305, 313, 802, 812, 2501, 2502, 2521, 2522, 2811
	Senate	20	211, 229, 305, 306, 402, 810, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 2501, 2502, 2503, 2521, 2522, 2523
1992	House	9	367, 1054, 2501, 2502, 3141, 3142, 3143, 3144, 3145

Year	Chamber	Number of FP sections/themes	Respective sections/themes
	Senate	13	221, 305, 361, 824, 825, 1041, 1043, 1050, 1057, 1111, 2501, 2502, 2828
1993	House	17	234, 236, 344, 1034, 1035, 1038, 1041, 1108, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 2501, 2502
	Senate	26	221, 223, 226, 822, 823, 824, 1041, 1042, 1043, 1044, 1045, 1051, 1052, 1053, 1054, 1055, 1105, 1202, 1203, 1204, 1205, 1206, 1207, 2501, 2502, 2815
1994	House	6	305, 313, 318, 721, 2501, 2502
	Senate	22	221, 222, 241, 306, 823, 824, 923, 1011, 1012, 1013, 1014, 1015, 1016, 1025, 1031, 1032, 1041, 1042, 1065, 2501, 2502, 2846
1995	House	25	232, 233, 234, 235, 236, 237, 238, 349, 1201, 1202, 1211, 1212, 1213, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 2501, 2502, 3141, 3144, 3524
	Senate	24	237, 238, 240, 1012, 1041-1044, 1051-1064, 1098, 1099F
1996	House	21	233, 234, 237, 806, 829, 905, 1037, 1101-1105, 1305-1307, 2501, 2502, 2801, 3135, 3136,
	Senate	10	232, 233, 236, 806, 1041-1043, 2501-2503
1997	House	24	232, 316, 546, 804, 904, 1042, 1101-1111, 1201-1204, 2501, 2502, 3151
	Senate	8	521, 801, 1003, 1013, 1056, 2501, 2502, 3132
1998	House	34	233, 804, 1043, 1044, 1201-1216, 1301-1311, 2501, 2502, 3132
	Senate	8	231, 325-327, 1013 1041, 1042, 1044
1999	House	22	541, 905, 1006, 1023, 1201-1205, 1301-1309, 2501, 2502, 2801, 3132
	Senate	26	211, 311, 532, 533, 1005, 1007, 1008, 1013, 1031, 1034, 1044-1046, 1061, 1063, 1064, 1068, 1073, 1075, 1077, 1081, 1082, 1085, 2501, 2502, 3156
2000	House	21	233, 538, 1005, 1021, 1201-1204, 1301-1311, 2501, 2502
	Senate	15	219, 542, (652), 907, 1003, 1201-1209, 2501, 2502
2001	House	23	533, 1003, 1011, 1021, 1201-1208, 1301-1309, 2501, 2502
	Senate	15	536, 1004, 1201-1205, 1211-1216, 2501, 2502
2002	House	24	1011, 1024, 1031, 1032, 1034, 1201-1206, 1301-1309, 2501, 2502, 3142, 3143

Year	Chamber	Number of FP sections/themes	Respective sections/themes
	Senate	15	1003, 1005, 1201-1204, 1211-1214, 2501, 2502, 3136, 3151, 3153
2003	House	48	514, 821-826, 828, 829, 1022, 1023, 1047, 1056, 1058, 1059, 1201-1213, 1301-1308, 1456, 2501, 2502, 3622, 3623, 3631-3636, 3641
	Senate	27	834, 1002, 1022, 1023, 1201-1208, 1301-1305, 2501, 2502, 2842-2848, 3141
2004	House	38	811-815, 902, 1013, 1014, 1027, 1031, 1032, 1072, 1201-1206, 1211-1214, 1301-1303, 1401, 1402, 1403, 1404, 1405, 1406, 1411, 1412, 1421-1423, 2501, 2502
	Senate	15	843, 865, 1002, 1021, 1051-1054, 1201-1204, 2501, 2502, 3131
2005	House	30	528, 817, 818, 1016, 1022, 1045, 1201-1206, 1211-1213, 1221-1224, 1301-1305, 1510, 1514, 1531, 2501, 2502, 3112
	Senate	18	811, 812, 813, 1003, 1033, 1201-1204, 1301-1305, 1409, 2501, 2502, 3113
2006	House	37	524, 534, 572, 607, 812, 912, 931, 1004, 1011, 1012, 1016, 1021-1025, 1033, 1045, 1201-1206, 1211, 1221-1223, 1301-1304, 1513, 2501, 2502, 3113, 3503
	Senate	27	374, 825, 912, 1005, 1012, 1021, 1103, 1201-1208, 1221, 1222, 1301-1303, 1410, 1413, 2501, 2502, 3112, 3113, 3118
2007	House	45	225, 804, 805, 831-834, 1002, 1011, 1053, 1201-1209, 1221-1226, 1231-1234, 1241-1244, 1301-1306, 1511-1513, 2501, 2502, 3117
	Senate	35	231, 251, 872, 1004, 1011, 1027, 1201-1204, 1211-1217, 1231-1233, 1301-1306, 1511-1513, 1531-1534, 2501, 2502
2008	House	49	222, 542, 655, 804, 832, 833, 849, 852, 911, 1002, 1003, 1012, 1021, 1023-1026, 1074, 1201-1209, 1211-1221, 1222-1225, 1301, 1302, 1512, 1513, 2501, 2502, 3111
	Senate	36	232, 555, 584, 841-844, 1003, 1022, 1052, 1201-1207, 1211-1214, 1221, 1231, 1232, 1301, 1302, 1512, 1515, 1516, 1612, 1613, 1615, 1616, 2501, 2502, 2913
2009	House	55	223, 226, 553, 801, 812, 827, 921, 1013, 1023, 1034, 1050, 1201-1204, 1211-1229, 1231-1238, 1301-1306, 1513, 1514, 1516, 1517, 2501, 2502, 3122
	Senate	32	123, 244, 534, 822, 831, 911, 1021, 1023, 1053, 1071, 1201-1210, 1221, 1231, 1301-1304, 1516, 1517, 2501, 2502, 3114, 3115

Year	Chamber	Number of FP sections/themes	Respective sections/themes
2010	House	44	221, 222, 223, 805, 813, 822, 823, 1002, 1011, 1013, 1014, 1032-1034, 1037, 1201-1204, 1211-1220, 1231-1236, 1301, 1302, 1512, 1513, 1519, 1520, 2501, 2502, 2803
	Senate	42	232, 567, 818, 852, 1021, 1022, 1024, 1025, 1043, 1044, 1064, 1201-1204, 1211-1216, 1231-1238, 1301-1304, 1531-1533, 1534, 1536, 2501, 2502, 3116, 3119
2011	House	50	144, 213, 821-824, 963, 1013, 1014, 1031, 1034, 1036-1038, 1040, 1052, 1054, 1055, 1056, 1077, 1099, 1099B, 1201-1203, 1211-1216, 1221-1230, 1301-1303, 1531-1533, 2501, 2502, 3124
	Senate	44	233, 807, 846, 861, 882, 1012, 1013, 1015, 1033-1035, 1046, 1074, 1201-1209, 1221-1229, 1241, 1242, 1301-1303, 1531-1534, 2501, 2502, 3114, 3123
2012	House	49	230, 821, 822, 913, 914, 1012, 1013, 1036-1043, 1052-1056, 1058, 1057, 1064, 1201-1203, 1211-1217, 1221-1223, 1231-1237, 1301, 1302, 1532, 1533, 1602, 2501, 2502
	Senate	38	233, 342, 865-867, 868, 921, 1012, 1013, 1031, 1042, 1071, 1201-1204, 1211-1220, 1231, 1232, 1241-1245, 1301, 1302, 1531, 1534, 2501, 2502
2013	House	70	233, 238, 821, 822, 832, 1011, 1013, 1031-1040, 1040A, 1052, 1053-1055, 1057, 1059, 1073, 1201-1206, 1211-1217, 1221-1224, 1231-1233, 1241-1258, 1301-1303, 1531, 1534, 2501, 2502
	Senate	40	233, 343, 802, 861, 862, 1011, 1013, 1031-1033, 1044, 1201-1207, 1211-1219, 1231-1236, 1301-1303, 1532, 1533, 2501, 2502
2014	House	95	551, 801, 814, 1011, 1013, 1015, 1032-1034, 1047, 1066, 1080, 1201-1204, 1211-1220, 1220A, 1220B, 1220C, 1220D, 1221-1230, 1230A, 1231-1240, 1240A, 1241-1258, 1261-1272, 1301-1303, 1521, 1523, 1617, 1635, 1636, 1644, 2501, 2502, 3120, 3121
	Senate	68	534, 828, 1011, 1013, 1031-1034, 1045, 1201-1212, 1221-1231, 1241-1246, 1261-1267, 1301, 1302, 1321-1325, 1331-1333, 1341-1344, 1351, 1352, 1523, 1524, 1605, 2501, 2502, 2805, 2806
2015	House	75	325, 641, 1011, 1031, 1034-1041, 1059, 1066, 1201-1204, 1211-1216, 1221-1227, 1231-1233, 1241-1246, 1251-1254, 1261-1268, 1301, 1302, 1531, 1532, 1541, 1604, 1610, 1654, 1655, 1661-1663, 1667, 1668, 1670, 2501, 2502, 2802, 2821, 2822, 3117-3119

Year	Chamber	Number of FP sections/themes	Respective sections/themes
	Senate	56	827, 1011, 1012, 1031-1039, 1082, 1201-1208, 1221-1229, 1241, 1251-1256, 1261-1263, 1271-1273, 1281, 1282, 1301, 1302, 1531, 1533, 1603, 1643, 1649, 1661, 1662, 2501, 2502
2016	House	64	1011, 1013, 1032-1037, 1062, 1201-1206, 1211-1216, 1221, 1225, 1231-1238, 1241-1255, 1261, 1301-1303, 1510, 1531, 1533, 1602, 1606, 1645, 1647, 1648, 1653, 1666, 2501, 2502, 2804, 3115
	Senate	80	828, 881-886, 1006, 1007, 1021, 1022, 1024-1030, 1036-1038, 1056, 1079, 1201-1204, 1211-1215, 1221-1223, 1226, 1231-1235, 1241-1246, 1251-1265, 1271-1276, 1301, 1302, 1511, 1532, 1533, 1602, 1666, 2501, 2502, 2511, 2803, 3113
2017	House	81	864, 1022-1024, 1201-1206, 1211-1213, 1221-1224, 1231-1238, 1241-1248, 1251-1259, 1261-1270, 1271-1281, 1301, 1302, 1521, 1522, 1611, 1612, 1637, 1642, 1670, 1685, 1687, 1741, 2501, 2502, 2511, 2512, 2841, 3117
	Senate	67	111, 861, 865-867, 1011, 1031-1035, 1201-1205, 1211-1217, 1231-1234, 1241-1251, 1261-1270, 1270A-1270D, 1271, 1272, 1281-1284, 1301, 1302, 1531, 1635, 1651, 2501, 2502, 2511, 2512
2018	House	78	873, 876, 1032-1034, 1042, 1201-1208, 1211-1214, 1221-1228, 1231-1236, 1237-1240, 1251-1264, 1271-1287, 1301, 1302, 1521, 1522, 1672, 1685, 2501, 2502, 2511, 2906, 3116
	Senate	86	820, 1021-1025, 1061, 1065, 1201-1207, 1211-1214, 1221-1225, 1231-1238, 1241-1249, 1251-1256, 1261-1270, 1301, 1302, 1531, 1606, 1623, 1637-1640, 1648, 1654, 1702, 1705, 1706, 1708, 1710, 1711, 1714, 1717, 1718, 1724-1727, 1729-1731, 2501, 2502, 2511
2019	House	62	897, 1032-1034, 1201-1204, 1211-1216, 1221-1226, 1231-1238, 1241-1249, 1251-1257, 1261-1267, 1271-1274, 1301, 1302, 1521, 1644, 2501, 2502, 2511
	Senate	74	238, 804, 834, 864, 1011, 1021-1026, 1043, 1082, 1201-1206, 1211-1216, 1221-1225, 1231-1246, 1251-1261, 1271, 1281-1289, 1301, 1671, 2501, 2502, 2511, 2802, 3124
2020	House	63	228, 229, 722, 736, 842, 843, 1031, 1041, 1201-1205, 1211-1214, 1221-1226, 1231-1234, 1241-1246, 1251-1259, 1261-1272, 1301, 1521, 1659, 1755, 1756, 2501, 2502, 2511, 2512

Year	Chamber	Number of FP sections/themes	Respective sections/themes
	Senate	67	149, 1031-1034, 1047, 1201-1209, 1211-1215, 1221-1223, 1231-1241, 1251-1261, 1271-1273, 1281-1286, 1301, 1531, 1532, 1655, 1661, 2501-2503, 2511, 2512, 2882, 2883, 3159

8.3 Appendix C: Calculations of the two alternative measures of polarization

8.3.1 Calculation of the distance between the average ideological position of Republicans and Democrats

99th Congress (1985-87)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.205	House	0.352		-0.056	Senate	0.426
-0.019	-0.6522441	0.352		-0.229	-0.619602	0.277
-0.173		0.196		-0.329		0.275
-0.038		0.406		-0.315		0.597
-0.076		0.643		-0.373		0.363
-0.42		0.292		-0.477		0.538
-0.462		0.38		-0.254		0
-0.262		0.273		-0.337		0.363
-0.021		0.519		-0.193		0.219
-0.521		0.419		-0.136		0.279
-0.613		0.545		-0.381		0.574
-0.465		0.493		-0.366		0.634
-0.668		0.669		-0.416		0.482
-0.251		0.36		-0.169		0.348
-0.653		0.524		-0.503		0.111
-0.566		0.259		-0.284		0.363
-0.453		0.553		-0.026		0.224
-0.511		0.377		-0.206		0.299
-0.472		0.459		-0.33		0.11
-0.415		0.616		-0.498		-0.076
-0.313		0.432		-0.383		0.318
-0.417		0.462		-0.366		0.13
-0.521		0.324		-0.415		0.305
-0.472		0.524		-0.413		0.217
-0.458		0.412		-0.095		0.493
-0.745		0.374		-0.348		0.559
-0.332		0.419		-0.489		0.651
-0.427		0.564		-0.354		0.373
-0.254		0.478		-0.081		0.34
-0.448		0.463		-0.293		0.107

-0.292		-0.056		-0.225		0.391
-0.534		0.058		-0.347		0.698
-0.396		0.204		-0.257		0.611
-0.443		0.32		-0.272		0
-0.48		0.427		-0.467		0.303
-0.571		0.389		-0.493		0.083
-0.14		0.387		-0.261		0.113
-0.203		0.407		-0.14		0.069
-0.375		0.351		-0.325		-0.058
-0.312		0.579		-0.166		0.126
-0.44		0.416		-0.349		0.397
-0.112		0.508		-0.375		0.199
-0.166		0.501		-0.13		0.206
-0.369		0.374		-0.326		0.541
-0.416		0.794		-0.32		0.501
-0.205		0.287		-0.304		0.477
-0.134		0.124		-0.5		0.137
-0.178		0.35				0.275
-0.554		0.259		-14.372		0.268
0.038		0.386		-0.3057872		0.244
-0.235		0.385				0.255
-0.047		0.415				0.128
-0.139		0.187				0.682
-0.257		0.233				0.401
-0.006		0.324				
-0.096		0.428				16.946
-0.189		0.552				0.31381481
-0.213		0.122				
0.072		0.288				
-0.14		0.301				
-0.134		0.344				
-0.051		0.347				
-0.499		0.414				
-0.146		0.228				
-0.482		0.248				
-0.058		0.286				
-0.365		0.293				
-0.358		0.231				
-0.513		0.342				

-0.316		0.102			
-0.551		0.175			
-0.243		0.292			
-0.676		0.253			
-0.22		-0.048			
-0.473		0.247			
-0.232		0.314			
-0.673		0.123			
-0.242		0.106			
-0.346		0.424			
-0.16		0.221			
-0.057		0.306			
-0.145		0.353			
-0.249		0.31			
-0.335		0.426			
-0.256		0.432			
-0.317		0.305			
-0.126		0.312			
-0.073		0.278			
-0.313		0.313			
-0.096		0.465			
0.076		0.221			
-0.584		0.256			
-0.723		0.412			
-0.019		0.441			
-0.417		0.477			
0.004		0.553			
0.023		0.037			
0.134		0.281			
-0.34		0.145			
-0.995		0.029			
-0.363		0.26			
-0.425		0.238			
-0.033		0.287			
-0.017		0.33			
-0.54		-0.044			
-0.37		0.048			
-0.538		0.266			
-0.382		0.229			

-0.508		0.035				
-0.362		-0.045				
-0.512		0.351				
-0.383		0.467				
-0.369		0.2				
-0.501		0.216				
-0.392		0.258				
-0.451		0.17				
-0.728		0.102				
-0.49		0.171				
-0.358		0.411				
-0.17		0.273				
-0.55		0.307				
-0.494		0.467				
-0.352		0.416				
-0.601		0.294				
-0.272		0.403				
-0.399		0.376				
-0.532		0.18				
-0.413		0.136				
-0.518		0.189				
-0.032		0.406				
-0.181		0.323				
-0.28		0.439				
0.054		0.404				
-0.23		0.311				
-0.995		0.343				
-0.375		0.594				
-0.138		0.367				
-0.131		0.051				
-0.356		0.158				
-0.546		0.448				
-0.461		0.242				
-0.228		0.267				
-0.55		0.582				
-0.427		0.111				
-0.371		0.274				
-0.325		0.395				
-0.108		0.173				

-0.344		-0.022			
-0.398		0.323			
-0.284		0.319			
-0.305		0.488			
-0.057		0.201			
-0.558		0.19			
-0.455		0.382			
-0.292		0.507			
-0.594		0.425			
-0.377		0.548			
-0.216		0.555			
-0.399		0.548			
-0.352		0.455			
-0.402		0.443			
-0.332		0.659			
-0.6		0.357			
-0.596		0.712			
-0.353		0.563			
-0.517		0.492			
-0.313		0.588			
-0.603		0			
-0.605		0.286			
-0.41		0.281			
-0.5		0.345			
-0.355		0.256			
-0.309		0.231			
-0.309		0.394			
-0.154		0.186			
-0.239		0.257			
-0.13		0.186			
-0.206		0.363			
-0.633		0.483			
-0.452		0.241			
-0.192		0.238			
-0.096		0.608			
-0.529					
-0.307		60.7			
-0.228		0.33351648			
-0.221					

-0.294						
-0.281						
-0.274						
-0.047						
-0.005						
-0.161						
-0.262						
-0.126						
-0.2						
-0.416						
-0.213						
-0.281						
-0.176						
-0.314						
-0.362						
-0.306						
-0.164						
-0.288						
-0.509						
-0.539						
-0.45						
-0.38						
-0.275						
-0.196						
-0.351						
-0.146						
-0.199						
-0.103						
-0.232						
-0.244						
-0.545						
0.072						
-0.22						
-0.207						
-0.222						
-0.389						
-0.44						
-0.805						
-0.158						

-0.342						
-0.251						
0.097						
-0.361						
0.025						
-0.667						
0.24						
0.16						
-0.15						
-0.275						
-0.308						
-0.357						
-0.402						
-0.12						
0.11						
-0.298						
-0.075						
-0.185						
-0.413						
-0.322						
-0.339						
-0.498						
-0.437						
-0.538						
-0.32						
-0.278						
-0.298						
-0.498						
-0.409						
-0.307						
-0.421						
-0.314						

100th Congress (1987-1989)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.205	House	0.392		-0.036	Senate	0.248
-0.03	-0.651543	0.365		-0.004	-0.6154763	0.357
-0.093		0.212		-0.141		0.37
-0.039		0.777		-0.307		0.344
-0.035		0.37		-0.403		0.547
-0.366		0.573		-0.43		-0.026
-0.438		0.4		-0.272		0.206
-0.325		0.31		-0.298		0.509
-0.01		0.484		-0.29		0.708
-0.452		0.369		-0.219		0.469
-0.62		0.585		-0.194		0.291
-0.493		0.494		-0.159		0.28
-0.583		0.705		-0.272		0.31
-0.293		0.366		-0.329		0.198
-0.647		0.541		-0.421		0.333
-0.574		0.24		-0.423		0.109
-0.462		0.632		-0.179		0.27
-0.479		0.402		-0.443		0.097
-0.445		0.593		-0.285		0.265
-0.482		0.548		-0.236		0.176
-0.37		0.347		-0.27		0.343
-0.435		0.539		-0.356		0.344
-0.549		0.451		-0.405		0.486
-0.479		0.441		-0.441		0.584
-0.429		0.49		-0.44		0.286
-0.726		0.373		-0.368		0.245
-0.313		0.479		-0.367		0.211
-0.421		0.408		-0.418		0.696
-0.278		0.43		-0.184		0.508
-0.454		-0.039		-0.322		0.083
-0.238		0.118		-0.308		0.115
-0.464		0.191		0.014		0.081
-0.389		0.057		-0.229		0.112
-0.438		0.342		-0.256		0.043
-0.435		0.426		-0.247		0.353
-0.536		0.413		-0.344		0.291

-0.203		0.32		-0.205		0.585
-0.156		0.4		-0.294		0.507
-0.22		0.41		-0.345		0.393
-0.429		0.521		-0.388		0.021
-0.309		0.433		-0.475		0.303
-0.437		0.514		-0.421		0.251
-0.132		0.13		-0.284		0.25
-0.123		0.51		-0.117		0.33
-0.335		0.393		-0.346		0.645
-0.363		0.802		-0.17		0.318
-0.16		0.318		-0.315		
-0.179		0.351		-0.379		14.445
-0.495		0.239		-0.373		0.31402174
0.039		0.39		-0.171		
-0.26		0.315		-0.376		
-0.112		0.392		-0.415		
-0.163		0.425		-0.291		
-0.383		0.219		-0.32		
-0.211		0.307		-0.613		
-0.001		0.386				
-0.128		0.616		-16.58		
-0.197		0.134		-0.3014545		
0.005		0.276				
-0.14		0.389				
-0.156		0.245				
-0.126		0.346				
-0.541		0.371				
-0.471		0.221				
-0.078		0.375				
-0.447		0.313				
-0.344		0.472				
-0.5		0.354				
-0.33		0.367				
-0.556		0.437				
-0.209		0.327				
-0.656		0.078				
-0.341		0.273				
-0.504		-0.053				
-0.118		-0.057				

-0.67		0.265				
-0.297		0.308				
-0.507		0.138				
-0.257		0.058				
-0.174		0.288				
-0.088		0.24				
-0.144		0.366				
-0.306		0.352				
-0.345		0.362				
-0.342		0.356				
-0.258		0.412				
-0.33		0.307				
-0.148		0.274				
-0.091		0.34				
-0.41		0.35				
-0.154		0.481				
-0.035		0.234				
-0.553		0.212				
-0.355		0.415				
-0.016		0.455				
-0.002		0.455				
0.139		0.568				
-0.139		0.065				
-0.297		0.247				
-0.011		0.164				
-0.109		0.066				
-0.49		0.24				
-0.363		0.232				
-0.28		0.315				
-0.4		0.301				
-0.36		-0.004				
-0.468		0.043				
-0.516		0.431				
-0.308		0.182				
-0.512		0.028				
-0.328		-0.022				
-0.396		0.505				
-0.555		0.203				
-0.494		0.206				

-0.438		0.278			
-0.5		0.222			
-0.681		0.079			
-0.497		0.261			
-0.406		0.193			
-0.218		0.399			
-0.54		0.299			
-0.499		0.432			
-0.396		0.412			
-0.659		0.529			
-0.349		0.339			
-0.387		0.24			
-0.54		0.17			
-0.462		0.224			
-0.527		0.367			
-0.044		0.395			
-0.241		0.348			
-0.359		0.306			
-0.01		0.407			
-0.287		0.486			
-0.406		0.575			
-0.995		0.367			
-0.383		0.097			
-0.102		0.178			
-0.104		0.406			
-0.458		0.244			
-0.495		0.258			
-0.164		0.596			
-0.569		0.168			
-0.461		0.261			
-0.359		0.478			
-0.301		0.173			
-0.156		0.202			
-0.305		-0.019			
-0.349		0.281			
-0.299		0.17			
-0.258		0.214			
-0.061		0.197			
-0.396		0.384			

-0.368		0.545				
-0.562		0.533				
-0.407		0.447				
-0.239		0.542				
-0.366		0.519				
-0.357		0.46				
-0.377		0.657				
-0.594		0.38				
-0.503		0.64				
-0.392		0.409				
-0.522		0.533				
-0.395		0.532				
-0.619		-0.006				
-0.575		0.294				
-0.468		0.365				
-0.489		0.27				
-0.318		0.245				
-0.233		0.356				
-0.355		0.13				
-0.321		0.261				
-0.233		0.128				
-0.139		0.352				
-0.201		0.522				
-0.082		0.272				
-0.125		0.199				
-0.173		0.572				
-0.218						
-0.603		60.294				
-0.151		0.33683799				
-0.09						
-0.441						
-0.297						
-0.286						
-0.217						
-0.309						
-0.281						
-0.354						
-0.355						
-0.019						

-0.156						
-0.302						
-0.137						
-0.278						
-0.263						
-0.323						
-0.348						
-0.17						
-0.32						
-0.351						
-0.048						
-0.288						
-0.465						
-0.485						
-0.469						
-0.419						
-0.272						
-0.286						
-0.346						
-0.175						
-0.15						
-0.046						
-0.069						
-0.146						
-0.28						
-0.508						
-0.004						
-0.238						
-0.163						
-0.277						
-0.215						
-0.427						
-0.648						
-0.592						
-0.219						
-0.333						
-0.123						
-0.355						
0.013						

-0.55						
0.184						
0.147						
-0.123						
-0.34						
-0.405						
-0.351						
-0.395						
-0.144						
-0.236						
0.134						
-0.335						
-0.121						
-0.149						
-0.207						
-0.103						
-0.431						
-0.308						
-0.309						
-0.432						
-0.39						
-0.22						
-0.303						
-0.327						
-0.24						
-0.435						
-0.463						
-0.316						
-0.358						
-0.373						
-82.138						
-0.314705						

101st Congress (1989-1991)

House Dem.	Average Distance	House Rep.	Senate Dem.	Average Distance	Senate Rep.
-0.182	HOUSE	0.402	-0.083	SENATE	0.169
-0.138	-0.6573235	0.374	-0.018	-0.6161825	0.326
-0.085		0.292	-0.206		0.314
-0.117		0.908	-0.348		0.281
-0.12		0.366	-0.368		0.631
-0.416		0.601	-0.417		0.337
-0.438		0.41	-0.334		0.476
-0.305		0.374	-0.311		0.529
-0.409		0.259	-0.252		0.668
-0.605		0.49	-0.298		
-0.455		0.369	-0.173		0.343
-0.643		0.548	-0.164		0.388
-0.35		0.748	-0.231		0.371
-0.666		0.359	-0.276		0.368
-0.584		0.245	-0.329		0.233
-0.53		0.609	-0.34		0.36
-0.488		0.378	-0.424		0.059
-0.455		0.448	-0.156		0.32
-0.376		0.516	-0.383		0.115
-0.343		0.308	-0.245		0.304
-0.58		0.494	-0.184		0.408
-0.422		0.454	-0.201		0.223
-0.455		0.425	-0.323		0.353
-0.413		0.568	-0.401		0.371
-0.708		0.167	-0.429		0.559
-0.299		0.494	-0.442		0.271
-0.371		0.503	-0.35		0.209
-0.323		0.427	-0.378		0.153
-0.462		0.438	-0.322		0.701
-0.266		0.489	-0.214		0.483
-0.488		0.114	-0.176		-0.02
-0.377		0.097	-0.302		0.071
-0.421		0.11	-0.208		0.081
-0.469		0.334	-0.219		0.089
-0.531		0.411	-0.349		0.146
-0.12		0.371	-0.339		0.385

-0.187		0.279		-0.286		0.263
-0.1		0.348		-0.35		0.463
-0.3		0.435		-0.275		0.486
-0.394		0.22		-0.441		0.335
-0.335		0.388		-0.381		-0.02
-0.322		0.326		-0.518		0.211
-0.196		0.398		-0.234		0.297
-0.06		0.242		-0.093		0.274
-0.35		0.371		-0.329		0.692
-0.46		0.057		-0.203		0.329
-0.237		0.506		-0.381		Senate Rep
-0.571		0.355		-0.306		14.405
0.047		0.844		-0.402		0.32011111
-0.161		0.33		-0.185		
-0.375		0.33		-0.397		
-0.229		0.217		-0.161		
-0.019		0.315		-0.436		
-0.091		0.35		-0.363		
-0.201		0.424		-0.33		
0.022		0.233		-0.316		
-0.141				Senate DEM		
-0.112		0.388		-16.58		
-0.126		0.648		-0.2960714		
-0.575		0.16				
-0.191		0.305				
-0.399		0.485				
-0.093		0.333				
-0.284		0.35				
-0.508		0.408				
-0.243		0.185				
-0.543		0.43				
-0.179		0.365				
-0.731		0.535				
-0.407		0.375				
-0.474		0.438				
-0.202		0.513				
-0.705		0.29				
-0.327		0.104				
-0.259		0.333				

-0.233		-0.07			
-0.18		-0.055			
-0.135		0.261			
-0.023		0.272			
-0.152		0.176			
-0.359		0.103			
-0.324		0.27			
-0.392		0.304			
-0.182		0.379			
-0.43		0.42			
-0.334		0.362			
-0.169		0.345			
-0.111		0.497			
-0.301		0.261			
-0.26		0.292			
-0.005		0.312			
-0.52		0.795			
-0.375		0.56			
0.021		0.28			
0.04		0.211			
-0.115		0.466			
-0.323		0.591			
-0.012		0.52			
-0.151		0.059			
-0.453		0.245			
-0.371		0.177			
-0.235		0.056			
-0.416		0.157			
-0.407		0.164			
-0.471		0.269			
-0.236		0.177			
-0.482		-0.022			
-0.261		0.062			
-0.34		0.195			
-0.401		0.007			
-0.402		-0.003			
-0.442		0.432			
-0.328		0.253			
-0.477		0.161			

-0.636		0.31			
-0.534		0.058			
-0.362		0.163			
-0.191		0.42			
-0.478		0.14			
-0.479		0.213			
-0.343		0.43			
-0.787		0.307			
-0.363		0.469			
-0.391		0.448			
-0.535		0.423			
-0.47		0.255			
-0.517		0.209			
-0.036		0.226			
-0.224		0.418			
-0.284		0.373			
-0.027		0.337			
-0.364		0.306			
0.044		0.217			
0.034		0.391			
-0.981		0.45			
-0.498		0.518			
-0.095		0.421			
-0.156		0.121			
-0.438		0.224			
-0.326		0.415			
-0.205		0.264			
-0.193		0.292			
-0.286		0.641			
-0.274		0.213			
-0.157		0.291			
-0.215		0.534			
-0.336		0.214			
-0.301		0.181			
-0.154		-0.009			
-0.545		0.099			
-0.26		0.296			
-0.481		0.157			
-0.575		0.263			

-0.459		0.417			
-0.225		0.428			
-0.358		0.511			
-0.318		0.584			
-0.396		0.421			
-0.587		0.555			
-0.506		0.515			
-0.376		0.665			
-0.506		0.713			
-0.396		0.392			
-0.606		0.545			
-0.643		0.5			
-0.364		0.062			
-0.511		0.291			
-0.332		0.365			
-0.329		0.277			
-0.41		0.251			
-0.377		0.412			
-0.259		0.128			
-0.556		0.247			
-0.375		0.159			
-0.341		0.342			
-0.224		0.621			
-0.125		0.364			
-0.16		0.216			
-0.066		0.46			
-0.13		0.39			
-0.244					
-0.279					
-0.592		House REP			
-0.291		60.983			
-0.085		0.34068715			
-0.457					
-0.296					
-0.255					
-0.211					
-0.353					
-0.362					
-0.209					

-0.361						
-0.016						
-0.073						
-0.39						
-0.112						
-0.356						
-0.318						
-0.418						
-0.208						
-0.108						
-0.307						
-0.399						
-0.035						
-0.278						
-0.455						
-0.558						
-0.453						
-0.326						
-0.255						
-0.252						
-0.165						
-0.176						
-0.052						
-0.039						
-0.18						
-0.511						
-0.089						
-0.115						
-0.288						
-0.216						
-0.187						
-0.427						
-0.873						
-0.593						
-0.219						
-0.303						
-0.146						
-0.371						
-0.067						

-0.66						
0.051						
0.166						
-0.174						
-0.34						
-0.395						
-0.293						
-0.351						
-0.255						
-0.064						
-0.033						
-0.129						
-0.649						
-0.276						
-0.346						
-0.19						
-0.119						
-0.099						
-0.105						
-0.441						
-0.282						
-0.401						
-0.508						
-0.444						
-0.217						
-0.403						
-0.375						
-0.344						
-0.596						
-0.456						
-0.292						
-0.343						
-0.371						
-83.592						
-0.3166364						

102nd Congress (1991-93)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.228	HOUSE	0.346		-0.024	SENATE	0.244
-0.05	-0.6635752	0.397		-0.077	-0.6320321	0.319
-0.106		0.252		-0.271		0.32
-0.157		0.8		-0.374		0.298
-0.135		0.328		-0.296		0.497
-0.724		0.512		-0.381		0.403
-0.328		0.433		-0.329		0.421
-0.428		0.32		-0.24		0.641
-0.345		0.51		-0.192		0.609
-0.235		0.414		-0.371		0.336
-0.389		0.542		-0.194		0.383
-0.53		0.696		-0.202		0.269
-0.579		0.307		-0.314		0.383
-0.316		0.346		-0.237		0.217
-0.646		0.513		-0.337		0.334
-0.477		0.516		-0.42		0.124
-0.465		0.315		-0.194		0.142
-0.531		0.409		-0.455		0.295
-0.473		0.494		-0.242		0.416
-0.358		0.416		-0.157		0.212
-0.285		0.524		-0.189		0.295
-0.523		0.317		-0.351		0.367
-0.476		0.491		-0.453		0.259
-0.466		0.588		-0.329		0.761
-0.691		0.301		-0.422		0.279
-0.328		0.571		-0.376		0.159
-0.354		0.426		-0.396		0.747
-0.428		0.468		-0.342		0.428
-0.397		0.527		-0.61		0.032
-0.18		0.576		-0.305		0.064
-0.475		0.117		-0.227		0.086
-0.503		0.124		-0.253		0.056
-0.537		0.326		-0.234		0.095
-0.028		0.265		-0.226		0.341
-0.188		0.419		-0.371		0.374
-0.621		0.358		-0.38		0.493

-0.262		0.278		-0.3		0.488
-0.122		0.336		-0.313		0.378
-0.342		0.406		-0.296		-0.023
-0.403		0.418		-0.331		0.264
-0.347		0.363		-0.362		0.259
-0.332		0.494		-0.368		0.23
-0.126		0.235		-0.526		0.643
-0.09		0.397		-0.252		0.327
-0.451		0.346		-0.152		
-0.222		0.908		-0.38		Senate Rep
-0.514		0.532		-0.34		14.265
0.076		0.319		-0.178		0.32420455
-0.421		0.216		-0.351		
-0.299		0.376		-0.34		
-0.225		0.399		-0.421		
-0.207		0.353		-0.217		
-0.017		0.249		-0.379		
-0.206		0.659		-0.176		
-0.233		0.131		-0.484		
0.011		0.379		-0.315		
-0.113		0.31		-0.366		
-0.139		0.434		-0.236		
-0.215		0.488				
-0.579		0.224				
-0.245		0.401		Senate Dem		
-0.482		0.462		-17.854		
-0.577		0.285		-0.3078276		
-0.11		0.514				
-0.22		0.346				
-0.349		0.49				
-0.578		0.535				
-0.405		0.346				
-0.59		0.092				
-0.298		0.243				
-0.748		-0.014				
-0.355		0.219				
-0.426		-0.064				
-0.147		0.272				
-0.687		0.301				

-0.238		0.214			
-0.194		0.148			
-0.17		0.277			
-0.224		0.276			
-0.31		0.329			
-0.146		0.357			
-0.102		0.28			
-0.196		0.258			
-0.394		0.3			
-0.323		0.787			
-0.344		0.451			
-0.235		0.253			
-0.097		0.413			
-0.424		0.419			
-0.381		0.437			
-0.142		0.112			
-0.126		0.127			
-0.378		0.126			
-0.315		0.19			
-0.032		0.247			
-0.528		0.331			
-0.021		0.211			
0.024		0.185			
-0.021		0.02			
-0.459		0.063			
-0.369		0.244			
-0.041		-0.003			
-0.408		-0.05			
-0.375		0.46			
-0.173		0.262			
-0.445		0.114			
-0.438		0.018			
-0.45		0.141			
-0.247		0.378			
-0.459		0.159			
-0.329		0.215			
-0.352		0.511			
-0.431		0.311			
-0.39		0.501			

-0.385		0.479			
-0.395		0.448			
-0.427		0.285			
-0.42		0.186			
-0.674		0.272			
-0.514		0.473			
-0.479		0.373			
-0.177		0.283			
-0.568		0.216			
-0.475		0.289			
-0.47		0.506			
-0.484		0.381			
-0.369		0.495			
-0.581		0.433			
-0.559		0.136			
-0.499		0.21			
-0.505		0.401			
-0.051		0.307			
-0.297		0.303			
-0.205		0.621			
-0.318		0.219			
-0.012		0.238			
-0.378		0.412			
-0.006		0.204			
0.062		0.259			
-0.981		0.329			
-0.452		0.091			
-0.08		0.304			
-0.131		0.133			
-0.549		0.281			
-0.285		0.378			
-0.203		0.525			
-0.249		0.565			
-0.187		0.552			
-0.129		0.342			
-0.365		0.528			
-0.189		0.459			
-0.25		0.648			
-0.352		0.722			

-0.257		0.378				
-0.149		0.528				
-0.613		0.478				
-0.17		0.379				
-0.313		0.297				
-0.535		0.241				
-0.585		0.365				
-0.415		0.477				
-0.378		0.101				
-0.378		0.293				
-0.367		0.248				
-0.368		0.385				
-0.62		0.625				
-0.353		0.294				
-0.463		0.184				
-0.383		0.19				
-0.628		0.432				
-0.582		-0.481				
-0.398						
-0.508						
-0.357		House Rep				
-0.353		58.714				
-0.376		0.34335673				
-0.407						
-0.352						
-0.56						
-0.333						
-0.391						
-0.269						
-0.135						
-0.046						
-0.128						
-0.303						
-0.144						
-0.612						
-0.103						
-0.444						
-0.314						
-0.293						

-0.309						
-0.344						
-0.325						
-0.249						
-0.366						
-0.098						
-0.042						
-0.389						
-0.129						
-0.149						
-0.361						
-0.346						
-0.399						
-0.52						
-0.254						
-0.245						
-0.341						
-0.349						
-0.093						
-0.49						
-0.502						
-0.547						
-0.382						
-0.284						
-0.279						
-0.56						
-0.315						
-0.231						
-0.211						
-0.143						
-0.053						
-0.18						
-0.393						
-0.061						
-0.133						
-0.257						
-0.184						
-0.118						
-0.386						

-0.614						
-0.229						
-0.315						
-0.155						
-0.324						
0.052						
0.102						
-0.139						
-0.326						
-0.377						
-0.294						
-0.386						
-0.232						
-0.131						
-0.065						
-0.019						
-0.201						
-0.817						
-0.2						
-0.016						
-0.348						
-0.171						
-0.097						
-0.119						
-0.119						
-0.255						
-0.629						
-0.292						
-0.473						
-0.52						
-0.506						
-0.293						
-0.247						
-0.362						
-0.31						
-0.425						
-0.275						
-0.294						
-0.392						

House Dem						
-86.459						
-0.3202185						

103rd Congress (1993-1995)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.254	HOUSE	0.457		0.06	SENATE	0.193
-0.169	-0.7206705	0.381		-0.092	-0.6412959	0.361
-0.195		0.472		-0.217		0.426
-0.585		0.271		-0.384		0.534
-0.428		0.784		-0.374		0.306
-0.235		0.302		-0.436		0.373
-0.296		0.455		-0.29		0.377
-0.323		0.405		-0.175		0.497
-0.169		0.367		-0.315		0.489
-0.492		0.494		-0.176		0.27
-0.593		0.571		-0.328		0.346
-0.707		0.282		-0.233		0.347
-0.594		0.318		-0.118		0.385
-0.487		0.563		-0.341		0.17
-0.504		0.543		-0.375		0.379
-0.512		0.402		-0.436		0.135
-0.416		0.441		-0.382		0.074
-0.76		0.37		-0.386		0.271
-0.495		0.531		-0.289		0.455
-0.432		0.528		-0.23		0.208
-0.461		0.667		-0.231		0.24
-0.336		0.621		-0.402		0.297
-0.345		0.413		-0.42		0.445
-0.468		0.499		-0.325		0.687
-0.176		0.442		-0.37		0.215
-0.509		0.334		-0.323		0.258
-0.602		0.431		-0.397		0.787
-0.021		0.153		-0.364		0.714

-0.18		0.656		-0.542		0.508
-0.678		0.413		-0.255		0.452
-0.554		0.335		-0.144		0.037
-0.503		0.501		-0.172		0.15
-0.412		0.53		-0.285		0.1
-0.449		0.624		-0.234		0.066
-0.57		0.3		-0.327		0.347
-0.538		0.12		-0.271		0.391
-0.236		0.109		-0.208		0.475
-0.43		0.24		-0.387		0.34
-0.254		0.249		-0.287		0.364
-0.504		0.32		-0.331		0.344
-0.252		0.381		-0.524		-0.045
-0.387		0.311		-0.297		0.221
-0.442		0.328		-0.196		0.252
-0.358		0.442		-0.307		0.708
-0.365		0.435		-0.397		0.298
-0.352		0.489		-0.269		
0.011		0.209		-0.353		Senate Rep
-0.403		0.3		-0.334		15.247
-0.277		0.476		-0.328		0.33882222
-0.252		0.396		-0.102		
-0.439		0.42		-0.389		
-0.22		0.184		-0.212		
-0.568		0.397		-0.39		
-0.28		0.423		-0.319		
-0.626		0.467		-0.358		
-0.103		0.469		-0.204		
-0.261		0.521		-0.47		
-0.551		0.358				
-0.381		0.756			Senate Dem	
-0.038		0.297		-17.241		
-0.167		0.204		-0.3024737		
-0.576		0.382				
-0.59		0.386				
-0.543		0.398				
-0.252		0.481				
-0.409		0.283				
-0.637		0.646				

-0.625		0.428			
-0.364		0.156			
-0.479		0.361			
-0.135		0.268			
-0.159		0.452			
-0.087		0.488			
-0.245		0.21			
-0.581		0.278			
-0.488		0.51			
-0.437		0.455			
-0.144		0.347			
-0.081		0.45			
-0.286		0.297			
-0.372		0.134			
-0.39		0.264			
-0.232		-0.024			
-0.173		0.193			
-0.365		0.546			
-0.195		0.198			
-0.134		0.188			
-0.42		0.832			
-0.203		0.28			
-0.309		0.359			
-0.179		0.415			
0.044		0.297			
-0.045		0.444			
-0.47		0.496			
-0.497		0.353			
-0.412		0.519			
-0.386		0.351			
-0.351		0.79			
-0.437		0.384			
-0.436		0.224			
-0.437		0.397			
-0.461		0.364			
-0.468		0.444			
-0.55		0.159			
-0.412		0.145			
-0.376		0.172			

-0.533		0.252			
-0.289		0.323			
-0.441		0.262			
-0.639		0.286			
-0.531		0.243			
-0.28		0.1			
-0.552		0.029			
-0.345		0.53			
-0.336		0.066			
-0.651		0.139			
-0.258		0.579			
-0.122		0.211			
-0.505		0.272			
-0.484		0.214			
-0.529		0.379			
-0.019		0.347			
-0.043		0.258			
-0.119		0.366			
-0.339		0.577			
-0.143		0.274			
-0.76		0.528			
-0.026		0.507			
0.123		0.212			
-0.512		0.275			
-0.406		0.363			
-0.45		0.28			
-0.117		0.181			
-0.19		0.271			
-0.432		0.553			
-0.217		0.384			
-0.245		0.327			
-0.197		0.314			
-0.187		0.505			
-0.151		0.442			
-0.271		0.401			
-0.284		0.445			
-0.246		0.194			
-0.605		0.453			
-0.144		0.348			

-0.285		0.629			
-0.32		0.192			
-0.338		0.432			
-0.627		0.207			
-0.31		0.263			
-0.359		0.263			
-0.411		0.2			
-0.586		0.14			
-0.602		0.358			
-0.358		0.181			
-0.515		0.452			
-0.356		0.257			
-0.376		0.33			
-0.53		0.571			
-0.404		0.588			
-0.282		0.566			
-0.546		0.543			
-0.627		0.471			
-0.586		0.667			
-0.357		0.726			
-0.458		0.415			
-0.371		0.636			
-0.321		0.414			
-0.208		0.451			
-0.116		0.38			
-0.145		0.314			
-0.32		0.199			
-0.492		0.413			
-0.698		0.374			
-0.215		0.427			
-0.624		0.689			
-0.18		0.423			
-0.286		0.191			
-0.237		0.289			
-0.177		0.402			
-0.399					
-0.214		House Rep			
-0.302		68.1			
-0.189		0.37833333			

-0.32						
-0.089						
-0.467						
-0.112						
-0.121						
-0.351						
-0.299						
-0.61						
-0.419						
-0.374						
-0.078						
-0.582						
-0.538						
-0.352						
-0.333						
-0.534						
-0.274						
-0.168						
-0.22						
-0.203						
-0.381						
-0.293						
-0.234						
-0.466						
-0.208						
-0.385						
-0.133						
-0.044						
-0.213						
-0.184						
-0.097						
-0.434						
-0.624						
-0.282						
-0.254						
-0.234						
-0.283						
0.068						
0.097						

-0.148						
-0.337						
-0.411						
-0.257						
-0.191						
-0.155						
-0.102						
-0.04						
-0.149						
-0.833						
-0.279						
-0.331						
-0.528						
-0.008						
-0.244						
-0.365						
-0.102						
-0.132						
-0.151						
-0.351						
-0.526						
-0.257						
-0.407						
-0.326						
-0.531						
-0.556						
-0.558						
-0.209						
-0.248						
-0.292						
-0.265						
-0.328						
-0.423						
-0.454						
-0.29						
-0.169						
-0.288						
-0.512						

House Dem						
-89.35						
-0.3423372						

104th Congress (1995-97)

House Dem.	Average Distance	House Rep.	Senate Dem.	Average Distance	Senate Rep.
-0.196	HOUSE	0.36	-0.083	SENATE	0.358
-0.162	-0.7693286	0.407	-0.378	-0.6635902	0.234
-0.145		0.373	-0.396		0.373
-0.563		0.273	-0.446		0.503
-0.43		0.744	-0.233		0.628
-0.293		0.365	-0.174		0.557
-0.167		0.63	-0.318		0.152
-0.501		0.742	-0.191		0.268
-0.661		0.545	-0.266		0.418
-0.609		0.406	-0.233		0.428
-0.521		0.413	-0.126		0.477
-0.482		0.441	-0.296		0.468
-0.486		0.522	-0.414		0.287
-0.422		0.271	-0.361		0.457
-0.442		0.314	-0.342		0.336
-0.42		0.491	-0.356		0.381
-0.403		0.441	-0.256		0.177
-0.424		0.374	-0.21		0.49
-0.383		0.377	-0.214		0.38
-0.405		0.572	-0.414		0.04
-0.461		0.313	-0.327		0.069
-0.483		0.617	-0.431		0.33
-0.077		0.702	-0.344		0.522
-0.17		0.283	-0.41		0.325
-0.681		0.573	-0.474		0.471
-0.481		0.428	-0.164		0.291
-0.373		0.621	-0.199		0.538
-0.395		0.66	-0.229		0.351
-0.631		0.433	-0.221		0.395
-0.53		0.182	-0.252		0.631
-0.197		0.758	-0.335		0.266
-0.509		0.455	-0.391		0.229
-0.588		0.353	-0.269		0.658

-0.412		0.508		-0.333		0.714
-0.505		0.538		-0.337		0.241
-0.551		0.371		-0.347		0.544
-0.363		0.305		-0.303		0.585
-0.431		0.542		-0.361		0.104
-0.322		0.895		-0.35		0.189
-0.382		0.57		-0.245		0.03
-0.435		0.454		-0.381		0.342
-0.435		0.161		-0.382		0.091
-0.26		0.145		-0.201		0.405
-0.475		0.247		-0.385		0.327
-0.279		0.221		-0.319		0.338
-0.541		0.325		-0.335		0.392
-0.296		0.358		-0.272		0.581
-0.599		0.34		-0.394		0.413
-0.61		0.345				0.346
-0.337		0.417				0.325
-0.027		0.64		Senate Dem		-0.005
-0.552		0.2		-14.698		0.299
-0.496		0.314		-0.3062083		0.268
-0.527		0.46				0.215
-0.566		0.348				0.424
-0.611		0.435				
-0.404		0.165				
-0.484		0.415				Senate Rep
-0.205		0.352				19.656
-0.287		0.88				0.35738182
-0.232		0.432				
-0.571		0.369				
-0.496		0.519				
-0.486		0.441				
-0.522		0.563				
-0.168		0.397				
-0.18		0.501				
-0.328		0.358				
-0.166		0.515				
-0.144		0.745				
-0.347		0.669				
0.084		0.35				

-0.012		0.272				
-0.47		0.34				
-0.438		0.454				
-0.311		0.391				
-0.344		0.517				
-0.286		0.26				
-0.504		0.328				
-0.437		0.282				
-0.437		0.349				
-0.415		0.563				
-0.471		0.365				
-0.467		0.563				
-0.431		0.721				
-0.406		0.681				
-0.395		0.155				
-0.499		0.319				
-0.329		0.437				
-0.453		0.334				
-0.711		0.394				
-0.543		0.321				
-0.383		0.242				
-0.377		0.502				
-0.669		0.655				
-0.343		0.318				
-0.25		0.53				
-0.371		0.439				
-0.492		0.227				
-0.483		0.332				
-0.488		0.347				
-0.111		0.345				
-0.208		0.315				
-0.268		0.334				
-0.01		0.267				
0.149		0.057				
-0.064		0.227				
-0.588		0.452				
-0.634		0.315				
-0.461		0.182				
-0.129		0.125				

-0.375		0.281			
-0.205		0.376			
-0.292		0.607			
-0.377		0.27			
-0.268		0.512			
-0.336		0.334			
-0.637		0.494			
-0.198		0.343			
-0.337		0.636			
-0.343		0.399			
-0.541		0.387			
-0.43		0.366			
-0.321		0.778			
-0.404		0.501			
-0.63		0.222			
-0.514		0.346			
-0.348		0.572			
-0.458		0.361			
-0.454		0.301			
-0.48		0.431			
-0.398		0.377			
-0.247		0.125			
-0.502		0.177			
-0.538		0.287			
-0.609		0.228			
-0.418		0.249			
-0.578		0.235			
-0.267		0.19			
-0.315		0.294			
-0.479		0.284			
-0.6		0.18			
-0.301		0.124			
-0.537		0.469			
-0.315		0.119			
-0.328		0.161			
-0.094		0.506			
-0.35		0.185			
-0.384		0.313			
-0.034		0.229			

-0.333		0.242			
-0.382		0.159			
-0.397		0.157			
-0.382		0.267			
-0.231		0.244			
-0.503		0.225			
-0.554		0.508			
-0.379		0.432			
-0.33		0.426			
-0.31		0.543			
-0.244		0.43			
-0.258		0.301			
-0.592		0.416			
-0.247		0.568			
-0.298		0.242			
-0.351		0.349			
-0.384		0.475			
-0.253		0.31			
-0.539		0.298			
-0.266		0.466			
-0.419		0.371			
-0.177		0.381			
-0.228		0.324			
-0.163		0.602			
-0.386		0.388			
-0.28		0.256			
-0.179		0.227			
-0.34		0.56			
-0.079		0.39			
0.093		0.667			
-0.414		0.888			
-0.448		0.361			
-0.256		0.861			
-0.208		0.179			
-0.001		0.216			
-0.01		0.393			
-0.233		0.286			
-0.329		0.533			
-0.429		0.245			

-0.303		0.353			
-0.257		0.239			
-0.358		0.235			
-0.496		0.201			
-0.174		0.226			
-0.253		0.367			
-0.103		0.627			
-0.134		0.411			
-0.166		0.583			
-0.264		0.311			
-0.448		0.224			
-0.339		0.392			
-0.584		0.536			
-0.294		0.469			
-0.357		0.535			
-0.321		0.451			
-0.365		0.581			
-0.266		0.523			
-0.324		0.538			
-0.517		0.571			
House Dem		0.387			
-76.266		0.642			
-0.3649091		0.991			
		0.568			
		0.359			
		0.462			
		0.454			
		0.421			
		0.379			
		0.253			
		0.269			
		0.159			
		0.375			
		0.407			
		0.378			
		0.43			
		0.46			
		0.364			
		0.476			

		0.38				
		0.467				
		0.725				
		0.545				
		0.22				
		0.344				
		0.702				
		0.512				
		House Rep				
		95.443				
		0.40441949				

105th Congress (1997-99)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.123	HOUSE	0.358		-0.423	SENATE	0.582
-0.529	-0.7894619	0.417		-0.376	-0.6991253	0.416
-0.368		0.361		-0.255		0.226
-0.3		0.447		-0.289		0.338
-0.279		0.406		-0.19		0.376
-0.524		0.319		-0.245		0.579
-0.561		0.681		-0.196		0.509
-0.607		0.328		-0.271		0.556
-0.628		0.729		-0.321		0.249
-0.509		0.731		-0.402		0.233
-0.388		0.52		-0.422		0.371
-0.473		0.387		-0.3		0.401
-0.361		0.355		-0.43		0.452
-0.396		0.272		-0.279		0.42
-0.42		0.338		-0.157		0.277
-0.363		0.423		-0.228		0.433
-0.525		0.493		-0.456		0.349
-0.545		0.347		-0.348		0.364
-0.139		0.315		-0.487		0.505
-0.239		0.577		-0.365		0.448
-0.656		0.321		-0.378		0.096

-0.511		0.574		-0.724		0.132
-0.432		0.732		-0.2		0.37
-0.453		0.372		-0.242		0.499
-0.592		0.614		-0.248		0.261
-0.491		0.408		-0.236		0.408
-0.289		0.635		-0.391		0.281
-0.692		0.441		-0.28		0.692
-0.399		0.185		-0.286		0.385
-0.478		0.817		-0.234		0.359
-0.28		0.295		-0.346		0.412
-0.351		0.347		-0.326		0.715
-0.25		0.544		-0.351		0.247
-0.334		0.395		-0.287		0.116
-0.311		0.3		-0.425		0.69
-0.749		0.505		-0.279		0.672
-0.404		0.4		-0.331		0.278
-0.461		0.485		-0.312		0.569
-0.456		0.663		-0.309		0.675
-0.379		0.402		-0.191		0.242
-0.479		0.732		-0.332		-0.001
-0.262		0.106		-0.279		0.355
-0.428		0.13		-0.306		0.08
-0.355		0.166		-0.275		0.407
-0.468		0.302		-0.396		0.335
-0.374		0.437				0.423
-0.594		0.306				0.597
-0.172		0.363		Senate Dem		0.388
-0.301		0.456		-14.404		0.285
-0.369		0.645		-0.3200889		0.271
-0.663		0.246				0.009
-0.254		0.393				0.299
-0.47		0.401				0.273
-0.549		0.381				0.452
-0.413		0.485				0.491
-0.535		0.21				
-0.42		0.485				
-0.146		0.363				Senate Rep
-0.298		0.768				20.847
-0.318		0.501				0.37903636

-0.493		0.531			
-0.48		0.536			
-0.539		0.447			
-0.321		0.692			
-0.501		0.384			
-0.2		0.516			
-0.359		0.542			
-0.164		0.414			
-0.47		0.676			
-0.177		0.698			
-0.151		0.346			
-0.457		0.241			
-0.128		0.311			
-0.347		0.422			
-0.406		0.316			
-0.35		0.557			
-0.301		0.304			
-0.369		0.253			
-0.423		0.323			
-0.412		0.491			
-0.502		0.371			
-0.524		0.666			
-0.419		0.507			
-0.41		0.673			
-0.58		0.386			
-0.45		0.123			
-0.47		0.382			
-0.483		0.283			
-0.518		0.336			
-0.402		0.594			
-0.741		0.433			
-0.583		0.54			
-0.281		0.526			
-0.369		0.307			
-0.44		0.345			
-0.184		0.419			
-0.351		0.347			
-0.314		0.319			
-0.502		0.327			

-0.513		0.368			
-0.503		0.352			
-0.483		0.401			
-0.136		0.326			
-0.253		-0.016			
-0.296		0.213			
-0.02		0.578			
-0.488		0.409			
-0.553		0.329			
-0.511		0.393			
-0.173		0.57			
-0.137		0.325			
-0.337		0.462			
-0.465		0.333			
-0.602		0.282			
-0.381		0.438			
-0.391		0.378			
-0.313		0.4			
-0.301		0.331			
-0.328		0.487			
-0.497		0.448			
-0.429		0.35			
-0.346		0.405			
-0.426		0.402			
-0.577		0.237			
-0.514		0.284			
-0.306		0.499			
-0.318		0.689			
-0.49		0.514			
-0.42		0.354			
-0.419		0.497			
-0.489		0.182			
-0.484		0.222			
-0.497		0.234			
-0.566		0.252			
-0.406		0.252			
-0.573		0.259			
-0.263		0.361			
-0.575		0.275			

-0.39		0.116			
-0.287		0.301			
-0.444		0.305			
-0.51		0.127			
-0.28		0.516			
-0.124		0.116			
-0.271		0.129			
-0.477		0.508			
-0.226		0.19			
-0.356		0.255			
0.075		0.204			
-0.382		0.195			
-0.481		0.172			
-0.329		0.069			
-0.437		0.202			
-0.599		0.453			
-0.564		0.188			
-0.393		0.619			
-0.322		0.434			
-0.203		0.451			
-0.496		0.603			
-0.515		0.442			
-0.425		0.541			
-0.336		0.254			
-0.282		0.296			
-0.202		0.459			
-0.247		0.332			
-0.474		0.369			
-0.232		0.421			
-0.248		0.388			
-0.535		0.355			
-0.442		0.571			
-0.329		0.257			
-0.285		0.213			
-0.49		0.549			
-0.199		0.411			
-0.234		0.613			
-0.176		0.732			
-0.433		0.448			

-0.389		0.362			
-0.318		0.342			
-0.076		0.219			
0.103		0.407			
-0.233		0.405			
-0.282		0.34			
-0.438		0.243			
-0.439		0.244			
-0.283		0.229			
-0.234		0.272			
-0.16		0.373			
-0.305		0.446			
-0.341		0.389			
-0.323		0.74			
-0.365		0.432			
-0.313		0.536			
-0.481		0.371			
-0.253		0.545			
-0.146		0.511			
-0.175		0.672			
-0.264		0.467			
0.08		0.351			
-0.461		0.502			
-0.286		0.955			
-0.732		0.55			
-0.281		0.461			
-0.285		0.545			
-0.311		0.522			
-0.261		0.359			
-0.471		0.588			
-0.275		0.523			
-0.304		0.596			
-0.323		0.482			
-0.438		0.347			
-0.473		0.362			
		0.424			
		0.349			
House Dem		0.572			
-80.579		0.378			

-0.3800896		0.307				
		0.275				
		0.235				
		0.41				
		0.357				
		0.328				
		0.299				
		0.47				
		0.404				
		0.42				
		0.726				
		0.488				
		0.369				
		0.647				
		0.541				
		House Rep				
		94.565				
		0.40937229				

106th Congress (1999-2001)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.124	HOUSE	0.51		-0.185	SENATE	0.497
-0.575	-0.7883585	0.29		-0.51	-0.6805854	0.415
-0.407		0.447		-0.233		0.253
-0.206		0.305		-0.298		0.416
-0.292		0.445		-0.22		0.347
-0.47		0.38		-0.244		0.507
-0.738		0.295		-0.254		0.458
-0.641		0.592		-0.247		0.594
-0.493		0.329		0.028		0.327
-0.414		0.652		-0.307		0.208
-0.39		0.705		-0.398		0.41
-0.418		0.594		-0.391		0.441
-0.143		0.376		-0.235		0.497

-0.411		0.39		-0.459		0.458
-0.498		0.256		-0.149		0.285
-0.155		0.361		-0.209		0.242
-0.237		0.406		-0.418		0.335
-0.731		0.441		-0.43		0.376
-0.515		0.379		-0.398		0.449
-0.379		0.239		-0.312		0.399
-0.434		0.604		-0.402		0.609
-0.469		0.325		-0.654		0.099
-0.473		0.6		-0.225		0.135
-0.699		0.716		-0.198		0.23
-0.406		0.61		-0.359		0.466
-0.436		0.421		-0.282		0.359
-0.276		0.591		-0.435		0.424
-0.336		0.369		-0.214		0.346
-0.361		0.149		-0.22		0.411
-0.309		0.729		-0.255		0.371
-0.679		0.331		-0.318		0.366
-0.404		0.487		-0.297		0.422
-0.377		0.307		-0.329		0.87
-0.266		0.473		-0.279		0.292
-0.436		0.299		-0.296		0.701
-0.438		0.276		-0.444		0.237
-0.425		0.22		-0.375		0.294
-0.421		0.531		-0.336		0.552
-0.248		0.357		-0.273		0.685
-0.367		0.69		-0.348		0.224
-0.394		0.459		-0.25		0.061
-0.353		0.846		-0.332		0.319
-0.474		0.689		-0.236		0.075
-0.327		0.17		-0.347		-0.048
-0.579		0.239		-0.281		0.394
-0.169		0.226		-0.405		0.35
-0.266		0.279				0.412
-0.372		0.314				0.614
-0.566		0.294		Senate Dem		0.338
-0.187		0.302		-14.259		0.295
-0.543		0.429		-0.3099783		0.299
-0.431		0.6				0.057

-0.343		0.257				0.247
-0.439		0.348				0.293
-0.199		0.419				0.483
-0.366		0.37				0.558
-0.507		0.49				
-0.529		0.23				SenateRep
-0.627		0.457				20.754
-0.316		0.241				0.37060714
-0.536		0.535				
-0.531		0.522				
-0.239		0.574				
-0.51		0.536				
-0.155		0.639				
-0.467		0.356				
-0.241		0.43				
-0.181		0.3				
-0.234		0.418				
-0.067		0.872				
-0.374		0.386				
-0.126		0.692				
-0.343		0.324				
-0.406		0.133				
-0.355		0.434				
-0.344		0.372				
-0.381		0.625				
-0.45		0.356				
-0.389		0.293				
-0.563		0.342				
-0.51		0.327				
-0.412		0.583				
-0.561		0.43				
-0.412		0.467				
-0.531		0.464				
-0.528		0.772				
-0.466		0.442				
-0.602		0.168				
-0.427		0.382				
-0.694		0.167				
-0.508		0.399				

-0.332		0.566			
-0.377		0.429			
-0.466		0.577			
-0.141		0.313			
-0.403		0.391			
-0.281		0.312			
-0.496		0.321			
-0.606		0.295			
-0.539		0.349			
-0.57		0.349			
-0.145		0.348			
-0.312		0.263			
-0.374		0.392			
-0.103		0.338			
-0.536		-0.038			
-0.091		0.198			
-0.638		0.526			
-0.426		0.397			
-0.169		0.291			
-0.159		0.347			
-0.379		0.584			
-0.273		0.338			
-0.463		0.494			
-0.619		0.336			
-0.327		0.496			
-0.364		0.589			
-0.311		0.38			
-0.35		0.396			
-0.373		0.34			
-0.453		0.447			
-0.458		0.284			
-0.394		0.429			
-0.442		0.476			
-0.552		0.241			
-0.503		0.342			
-0.516		0.471			
-0.425		0.447			
-0.409		0.343			
-0.406		0.615			

-0.444		0.272			
-0.54		0.156			
-0.535		0.195			
-0.365		0.266			
-0.556		0.225			
-0.28		0.19			
-0.503		0.305			
-0.413		0.231			
-0.423		0.098			
-0.166		0.098			
-0.314		0.182			
-0.435		0.183			
-0.495		0.221			
-0.271		0.179			
-0.119		0.133			
-0.302		0.084			
-0.259		0.204			
-0.361		0.411			
0.034		0.287			
-0.401		0.312			
-0.516		0.205			
-0.387		0.638			
-0.578		0.444			
-0.517		0.529			
-0.603		0.564			
-0.396		0.404			
-0.343		0.533			
-0.372		0.37			
-0.204		0.263			
-0.484		0.4			
-0.447		0.531			
-0.318		0.279			
-0.365		0.301			
-0.209		0.471			
-0.528		0.403			
-0.245		0.354			
-0.257		0.669			
-0.502		0.266			
-0.33		0.216			

-0.434		0.508			
-0.324		0.368			
-0.279		0.638			
-0.5		0.853			
-0.181		0.44			
-0.212		0.369			
-0.179		0.379			
-0.391		0.34			
-0.316		0.423			
-0.103		0.337			
0.081		0.23			
-0.239		0.21			
-0.293		0.241			
-0.423		0.348			
-0.445		0.537			
-0.302		0.266			
-0.225		0.631			
-0.191		0.373			
-0.298		0.935			
-0.329		0.49			
-0.301		0.653			
-0.356		0.33			
-0.376		0.603			
-0.307		0.475			
-0.472		0.558			
-0.221		0.43			
-0.14		0.369			
-0.199		0.605			
-0.254		0.935			
0.211		0.579			
-0.452		0.469			
-0.319		0.592			
-0.736		0.538			
-0.212		0.406			
-0.294		0.662			
-0.41		0.471			
-0.301		0.575			
-0.238		0.481			
-0.197		0.347			

-0.478		0.39				
-0.327		0.386				
-0.286		0.394				
-0.526		0.607				
-0.451		0.369				
-0.532		0.235				
		0.306				
		0.279				
House Dem		0.502				
-80.714		0.464				
-0.3771682		0.461				
		0.374				
		0.384				
		0.818				
		0.518				
		0.527				
		0.452				
		0.509				
		House Rep				
		92.929				
		0.41119027				

107th Congress (2001-03)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.083	HOUSE	0.654		-0.159	SENATE	0.476
-0.524	-0.796273	0.354		-0.484	-0.6823478	0.362
-0.389		0.467		-0.231		0.276
-0.192		0.368		-0.372		0.383
-0.248		0.421		-0.274		0.214
-0.233		0.407		-0.289		0.651
-0.746		0.383		-0.176		0.329
-0.63		0.525		-0.279		0.526
-0.441		0.36		-0.262		0.304
-0.391		0.958		-0.171		0.483
-0.39		0.693		0.063		0.379

-0.397		0.563		-0.368		0.244
-0.492		0.367		-0.402		0.348
-0.26		0.371		-0.401		0.367
-0.542		0.338		-0.191		0.424
-0.295		0.34		-0.367		0.425
-0.508		0.376		-0.071		0.429
-0.498		0.418		-0.189		0.521
-0.329		0.347		-0.467		0.075
-0.175		0.552		-0.374		0.093
-0.728		0.565		-0.455		0.264
-0.556		0.694		-0.334		0.501
-0.389		0.373		-0.431		0.393
-0.481		0.534		-0.366		0.42
-0.471		0.337		-0.488		0.37
-0.464		0.521		-0.632		0.367
-0.257		0.349		-0.239		0.417
-0.784		0.173		-0.117		0.565
-0.394		0.782		-0.043		0.292
-0.4		0.346		-0.333		0.744
-0.282		0.42		-0.22		0.261
-0.37		0.286		-0.489		0.358
-0.395		0.227		-0.252		0.595
-0.354		0.513		-0.323		0.516
-0.69		0.807		-0.363		0.178
-0.429		0.462		-0.261		0.057
-0.428		0.949		-0.299		0.457
-0.333		0.848		-0.33		-0.003
-0.508		0.153		-0.279		0.522
-0.471		0.244		-0.467		0.439
-0.397		0.188		-0.379		0.384
-0.217		0.17		-0.28		0.62
-0.363		0.338		-0.251		0.359
-0.402		0.317		-0.394		0.395
-0.325		0.377		-0.287		0.413
-0.428		0.399		-0.314		0.003
-0.342		0.627		-0.31		0.255
-0.527		0.269		-0.332		0.357
-0.194		0.586		-0.239		0.554
-0.256		0.369		-0.279		0.525

-0.366		0.469		-0.285	
-0.544		0.418		Senate Dem	Senate Rep
-0.223		0.402		-15.535	18.887
-0.518		0.441		-0.3046078	0.37774
-0.484		0.285			
-0.341		0.566			
-0.427		0.26			
-0.166		0.631			
-0.321		0.491			
-0.425		0.577			
-0.456		0.443			
-0.544		0.624			
-0.305		0.384			
-0.477		0.482			
-0.607		0.346			
-0.166		0.472			
-0.462		0.617			
-0.207		0.368			
-0.42		0.741			
-0.226		0.375			
-0.236		0.481			
-0.306		0.25			
-0.012		0.184			
-0.391		0.494			
-0.105		0.369			
-0.351		0.274			
-0.406		0.341			
-0.32		0.34			
-0.318		0.521			
-0.332		0.631			
-0.411		0.726			
-0.477		0.361			
-0.531		0.45			
-0.587		0.796			
-0.425		0.077			
-0.393		0.363			
-0.638		0.174			
-0.424		0.326			
-0.568		0.465			

-0.547		0.479			
-0.506		0.61			
-0.597		0.315			
-0.437		0.401			
-0.703		0.342			
-0.511		0.329			
-0.329		0.316			
-0.374		0.376			
-0.448		0.387			
-0.157		0.363			
-0.436		0.461			
-0.457		0.377			
-0.564		-0.026			
-0.535		0.293			
-0.424		0.563			
-0.17		0.296			
-0.327		0.306			
-0.161		0.385			
-0.483		0.368			
-0.091		0.561			
-0.439		0.345			
-0.17		0.528			
-0.477		0.35			
-0.375		0.569			
-0.32		0.583			
-0.453		0.457			
-0.571		0.398			
-0.339		0.396			
-0.371		0.647			
-0.338		0.412			
-0.33		0.451			
-0.458		0.292			
-0.513		0.357			
-0.459		0.335			
-0.413		0.233			
-0.4		0.271			
-0.549		0.415			
-0.449		0.472			
-0.527		0.322			

-0.345		0.453			
-0.391		0.22			
-0.438		0.244			
-0.259		0.265			
-0.419		0.287			
-0.488		0.179			
-0.502		0.316			
-0.363		0.326			
-0.631		0.242			
-0.26		0.112			
-0.409		0.163			
-0.364		0.217			
-0.417		0.236			
-0.338		0.24			
-0.464		0.296			
-0.52		0.179			
-0.299		0.266			
-0.194		0.37			
-0.252		0.257			
-0.236		0.341			
-0.401		0.224			
0.202		0.598			
-0.411		0.38			
-0.519		0.489			
-0.406		0.654			
-0.598		0.392			
-0.559		0.538			
-0.199		0.377			
-0.624		0.286			
-0.459		0.384			
-0.317		0.312			
-0.39		0.452			
-0.192		0.333			
-0.485		0.386			
-0.423		0.405			
-0.239		0.34			
-0.173		0.601			
-0.473		0.329			
-0.281		0.213			

-0.248		0.454			
-0.496		0.356			
-0.339		0.389			
-0.367		0.509			
-0.378		0.395			
-0.292		0.384			
-0.392		0.334			
-0.174		0.133			
-0.204		0.319			
-0.199		0.194			
-0.314		0.373			
-0.305		0.39			
-0.111		0.244			
0.115		0.264			
-0.22		0.278			
-0.219		0.355			
-0.502		0.597			
-0.441		0.355			
-0.274		0.7			
-0.282		0.437			
-0.188		0.371			
-0.306		0.463			
-0.298		0.276			
-0.286		0.578			
-0.372		0.205			
-0.35		0.729			
-0.317		0.328			
-0.451		0.422			
-0.194		0.426			
-0.264		0.386			
-0.157		0.935			
-0.275		0.535			
-0.453		0.42			
-0.291		0.541			
-0.749		0.519			
-0.355		0.365			
-0.252		0.625			
-0.388		0.598			
-0.416		0.479			

-0.319		0.582				
-0.22		0.462				
-0.49		0.329				
-0.384		0.42				
-0.3		0.419				
-0.57		0.539				
-0.426		0.255				
-0.542		0.464				
		0.412				
		0.431				
House Dem		0.538				
-81.313		0.337				
-0.3799673		0.581				
		0.908				
		0.407				
		0.374				
		0.364				
		0.229				
		0.791				
		0.538				
		0.499				
		0.502				
		0.555				
		House Rep				
		95.334				
		0.41630568				

108th Congress (2003-05)

House Dem.	Average Distance	House Rep.	Senate Dem.	Average Distance	Senate Rep.
-0.293	HOUSE	0.413	-0.189	SENATE	0.552
-0.08	-0.8087861	0.352	-0.232	-0.6664846	0.386
-0.595		0.493	-0.43		0.282
-0.445		0.403	-0.28		0.228
-0.265		0.377	-0.364		0.245
-0.321		0.353	-0.249		0.608

-0.244		0.35		-0.267		0.573
-0.691		0.936		-0.202		0.229
-0.607		0.292		-0.235		0.399
-0.485		0.908		-0.345		0.521
-0.391		0.774		0.287		0.493
-0.394		0.519		-0.327		0.329
-0.388		0.393		-0.399		0.301
-0.477		0.341		-0.435		0.332
-0.507		0.377		-0.179		0.341
-0.343		0.381		-0.434		0.37
-0.518		0.428		-0.084		0.422
-0.532		0.372		-0.19		0.48
-0.318		0.577		-0.465		0.067
-0.229		0.569		-0.36		0.092
-0.504		0.707		-0.442		0.228
-0.165		0.37		-0.41		0.367
-0.682		0.389		-0.427		0.453
-0.624		0.438		-0.363		0.304
-0.397		0.374		-0.358		0.31
-0.507		0.428		-0.136		0.428
-0.467		0.379		-0.04		0.311
-0.435		0.717		-0.319		0.453
-0.292		0.326		-0.445		0.385
-0.67		0.445		-0.401		0.477
-0.431		0.297		-0.259		0.346
-0.433		0.356		-0.318		0.365
-0.327		0.539		-0.393		0.193
-0.404		0.667		-0.362		0.251
-0.395		0.637		-0.278		0.66
-0.43		0.506		-0.23		0.52
-0.671		0.502		-0.289		0.208
-0.369		0.714		-0.439		0.112
-0.436		0.269		-0.309		0.462
-0.325		0.168		-0.32		0.032
-0.441		0.181		-0.304		0.372
-0.42		0.164		-0.37		0.352
-0.459		0.345		-0.313		0.349
-0.431		0.305		-0.318		0.472
-0.382		0.419		-0.411		0.273

-0.422		0.368		-0.349		0.389
-0.333		0.655		-0.295		0.353
-0.579		0.31		-0.352		0.258
-0.133		0.755		-0.26		0.378
-0.275		0.354				0.597
-0.407		0.492		Senate Dem		0.586
-0.626		0.421		-14.889		
-0.14		0.362		-0.3038571		
-0.362		0.431				Senate Rep
-0.201		0.666				18.494
-0.245		0.499				0.36262745
-0.396		0.394				
-0.223		0.332				
-0.461		0.437				
-0.194		0.332				
-0.32		0.477				
-0.389		0.367				
-0.47		0.507				
-0.473		0.591				
-0.568		0.538				
-0.497		0.59				
-0.654		0.514				
-0.402		0.612				
-0.49		0.742				
-0.262		0.353				
-0.253		0.59				
-0.249		0.353				
-0.207		0.488				
-0.087		0.301				
-0.084		0.169				
-0.389		0.504				
-0.113		0.344				
-0.304		0.232				
-0.423		0.457				
-0.357		0.345				
-0.311		0.458				
-0.269		0.655				
-0.406		0.531				
-0.317		0.429				

-0.444		0.427			
-0.533		0.618			
-0.534		0.059			
-0.43		0.621			
-0.33		0.366			
-0.59		0.285			
-0.412		0.434			
-0.539		0.384			
-0.539		0.495			
-0.502		0.359			
-0.604		0.413			
-0.399		0.306			
-0.707		0.34			
-0.363		0.241			
-0.354		0.429			
-0.39		0.424			
-0.489		0.502			
-0.576		0.368			
-0.462		0.326			
-0.422		0.719			
-0.096		0.206			
-0.152		0.392			
-0.488		0.322			
-0.364		0.336			
-0.199		0.356			
-0.517		0.511			
-0.401		0.257			
-0.331		0.645			
-0.455		0.353			
-0.574		0.52			
-0.387		0.475			
-0.348		0.465			
-0.36		0.55			
-0.352		0.375			
-0.468		0.335			
-0.464		0.639			
-0.479		0.474			
-0.417		0.455			
-0.536		0.263			

-0.518		0.405				
-0.493		0.392				
-0.369		0.178				
-0.335		0.311				
-0.383		0.502				
-0.29		0.254				
-0.353		0.503				
-0.45		0.33				
-0.498		0.405				
-0.529		0.199				
-0.403		0.235				
-0.562		0.265				
-0.305		0.654				
-0.365		0.203				
-0.348		0.291				
-0.405		0.406				
-0.298		0.199				
-0.445		0.186				
-0.254		0.249				
-0.352		0.284				
-0.516		0.253				
-0.293		0.232				
-0.224		0.233				
-0.212		0.478				
-0.425		0.247				
-0.411		0.4				
-0.483		0.205				
-0.421		0.565				
-0.646		0.41				
-0.523		0.433				
-0.163		0.456				
-0.507		0.289				
-0.43		0.61				
-0.282		0.42				
-0.326		0.31				
-0.196		0.394				
-0.301		0.327				
-0.201		0.421				
-0.436		0.34				

-0.333		0.311				
-0.42		0.44				
-0.346		0.362				
-0.362		0.339				
-0.423		0.566				
-0.291		0.296				
-0.434		0.214				
-0.231		0.5				
-0.253		0.396				
-0.184		0.446				
-0.234		0.362				
-0.162		0.307				
-0.347		0.242				
-0.299		0.447				
-0.092		0.395				
0.044		0.295				
-0.24		0.256				
-0.339		0.321				
-0.188		0.317				
-0.484		0.275				
-0.481		0.331				
-0.263		0.557				
-0.198		0.344				
-0.331		0.757				
-0.292		0.365				
-0.264		0.547				
-0.367		0.64				
-0.289		0.598				
-0.331		0.264				
-0.46		0.644				
-0.132		0.576				
-0.21		0.384				
-0.283		0.413				
-0.463		0.935				
-0.298		0.511				
-0.704		0.427				
-0.368		0.486				
-0.235		0.389				
-0.375		0.538				

-0.399		0.707			
-0.332		0.545			
-0.27		0.546			
-0.427		0.5			
-0.437		0.616			
-0.267		0.543			
-0.548		0.585			
-0.514		0.556			
		0.364			
		0.378			
House Dem		0.319			
-79.625		0.504			
-0.3809809		0.589			
		0.275			
		0.429			
		0.471			
		0.432			
		0.496			
		0.306			
		0.464			
		0.431			
		0.415			
		0.297			
		0.392			
		0.236			
		0.743			
		0.536			
		0.569			
		0.488			
		0.574			
		House Rep			
		98.823			
		0.42780519			

109th Congress (2005-07)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.254	HOUSE	0.382		-0.218	SENATE	0.656
-0.1	-0.8254138	0.345		-0.211	-0.7124881	0.408
-0.604		0.463		-0.527		0.298
-0.485		0.437		-0.293		0.279
-0.273		0.384		-0.243		0.354
-0.315		0.367		-0.33		0.544
-0.256		0.411		-0.232		0.556
-0.753		0.935		-0.243		0.343
-0.56		0.273		-0.145		0.473
-0.476		0.825		-0.212		0.486
-0.385		0.789		-0.293		0.411
-0.374		0.599		-0.434		0.45
-0.445		0.354		-0.44		0.259
-0.527		0.367		-0.34		0.392
-0.331		0.51		-0.271		0.379
-0.499		0.361		-0.476		0.407
-0.554		0.395		-0.19		0.457
-0.344		0.456		-0.398		0.555
-0.245		0.355		-0.391		0.544
-0.485		0.532		-0.448		0.063
-0.233		0.58		-0.369		0.1
-0.426		0.662		-0.397		0.171
-0.621		0.426		-0.347		0.355
-0.647		0.381		-0.454		0.422
-0.373		0.626		-0.19		0.386
-0.498		0.415		0.014		0.261
-0.471		0.324		-0.334		0.347
-0.396		0.342		-0.415		0.378
-0.291		0.374		-0.357		0.528
-0.566		0.63		-0.469		0.462
-0.424		0.369		-0.256		0.501
-0.4		0.482		-0.309		0.293
-0.354		0.518		-0.343		0.5
-0.368		0.344		-0.342		0.394
-0.345		0.544		-0.245		0.132
-0.452		0.677		-0.336		0.25
-0.679		0.622		-0.385		0.757

-0.373		0.541		-0.228		0.985
-0.442		0.791		-0.395		0.213
-0.35		0.224		-0.277		0.102
-0.26		0.107		-0.335		0.348
-0.418		0.15		-0.346		-0.006
-0.37		0.252		-0.297		0.398
-0.431		0.375		-0.233		0.659
-0.446		0.343		-0.381		0.357
-0.352		0.42		-0.302		0.376
-0.405		0.654				0.405
-0.416		0.329				0.521
-0.588		0.641				0.321
-0.176		0.371		Senate Dem		0.357
-0.282		0.47		-14.663		0.335
-0.379		0.402		-0.3187609		0.246
-0.603		0.414				0.412
-0.134		0.469				0.534
-0.264		0.689				0.541
-0.157		0.44				
-0.228		0.532				Senate Rep
-0.614		0.443				21.655
-0.443		0.331				0.39372727
-0.186		0.443				
-0.422		0.294				
-0.39		0.534				
-0.359		0.622				
-0.294		0.688				
-0.174		0.505				
-0.468		0.619				
-0.482		0.634				
-0.52		0.641				
-0.489		0.738				
-0.648		0.334				
-0.381		0.38				
-0.485		0.484				
-0.261		0.275				
-0.254		0.194				
-0.25		0.497				
-0.171		0.318				

-0.373		0.281			
-0.364		0.347			
-0.374		0.364			
-0.343		0.532			
-0.336		0.729			
-0.261		0.609			
-0.371		0.423			
-0.321		0.478			
-0.41		0.388			
-0.538		0.62			
-0.507		0.086			
-0.439		0.697			
-0.377		0.359			
-0.595		0.33			
-0.457		0.47			
-0.53		0.341			
-0.492		0.53			
-0.489		0.367			
-0.559		0.392			
-0.452		0.425			
-0.634		0.335			
-0.404		0.352			
-0.376		0.451			
-0.412		0.394			
-0.496		0.453			
-0.557		0.344			
-0.483		0.376			
-0.437		0.241			
-0.16		0.579			
-0.215		0.261			
-0.458		0.434			
-0.232		0.358			
-0.5		0.273			
-0.323		0.244			
-0.43		0.337			
-0.316		0.479			
-0.445		0.345			
-0.637		0.381			
-0.363		0.382			

-0.338		0.464			
-0.351		0.308			
-0.383		0.596			
-0.374		0.376			
-0.482		0.29			
-0.49		0.621			
-0.488		0.421			
-0.463		0.426			
-0.561		0.252			
-0.484		0.317			
-0.475		0.37			
-0.345		0.302			
-0.417		0.32			
-0.421		0.463			
-0.329		0.263			
-0.35		0.534			
-0.296		0.399			
-0.534		0.423			
-0.542		0.185			
-0.522		0.262			
-0.413		0.294			
-0.607		0.73			
-0.319		0.211			
-0.388		0.33			
-0.386		0.447			
-0.414		0.182			
-0.354		0.193			
-0.355		0.284			
-0.343		0.294			
-0.531		0.273			
-0.308		0.247			
-0.196		0.423			
-0.252		0.257			
-0.391		0.337			
-0.385		0.224			
-0.41		0.546			
-0.396		0.617			
-0.704		0.684			
-0.507		0.412			

-0.101		0.226			
-0.457		0.641			
-0.517		0.4			
-0.327		0.301			
-0.44		0.415			
-0.219		0.367			
-0.29		0.426			
-0.324		0.305			
-0.25		0.376			
-0.441		0.35			
-0.389		0.407			
-0.441		0.383			
-0.346		0.307			
-0.392		0.563			
-0.268		0.252			
-0.385		0.228			
-0.244		0.542			
-0.288		0.399			
-0.171		0.557			
-0.26		0.385			
-0.167		0.321			
-0.315		0.202			
-0.283		0.389			
-0.432		0.456			
-0.172		0.196			
-0.2		0.164			
-0.441		0.284			
-0.491		0.151			
-0.289		0.243			
-0.299		0.338			
-0.309		0.341			
-0.327		0.633			
-0.494		0.358			
-0.151		0.395			
-0.219		0.533			
-0.338		0.695			
-0.5		0.571			
-0.27		0.72			
-0.758		0.673			

-0.347		0.414			
-0.277		0.458			
-0.36		0.879			
-0.384		0.519			
-0.372		0.454			
-0.286		0.379			
-0.475		0.476			
-0.483		0.773			
-0.29		0.631			
-0.568		0.439			
-0.449		0.447			
		0.557			
		0.549			
House Dem		0.38			
-80.24		0.482			
-0.3933333		0.504			
		0.468			
		0.664			
		0.543			
		0.64			
		0.503			
		0.389			
		0.419			
		0.401			
		0.514			
		0.55			
		0.3			
		0.446			
		0.38			
		0.468			
		0.375			
		0.324			
		0.434			
		0.378			
		0.442			
		0.227			
		0.395			
		0.255			
		0.722			

		0.57				
		0.604				
		0.433				
		0.485				
		House Rep				
		101.971				
		0.43208051				

110th Congress (2007-09)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.291	HOUSE	0.401		-0.187	SENATE	0.501
-0.208	-0.8249823	0.343		-0.174	-0.7276471	0.427
-0.584		0.388		-0.486		0.221
-0.099		0.419		-0.254		0.23
-0.137		0.36		-0.202		0.442
-0.477		0.291		-0.373		0.583
-0.241		0.937		-0.133		0.563
-0.37		0.256		-0.386		0.344
-0.3		0.79		-0.166		0.457
-0.888		0.748		-0.247		0.436
-0.579		0.37		-0.259		0.429
-0.428		0.351		-0.355		0.459
-0.375		0.525		-0.392		0.256
-0.382		0.474		-0.357		0.332
-0.432		0.416		-0.078		0.326
-0.589		0.423		-0.423		0.425
-0.334		0.513		-0.152		0.43
-0.506		0.598		-0.258		0.546
-0.54		0.555		-0.343		0.565
-0.345		0.497		-0.35		0.053
-0.315		0.775		-0.365		0.097
-0.549		0.468		-0.336		0.174
-0.257		0.445		-0.388		0.335
-0.455		0.457		-0.3		0.437
-0.185		0.689		-0.21		0.397
-0.426		0.377		-0.237		0.344
-0.474		0.502		-0.278		0.308
-0.581		0.531		-0.084		0.554
-0.622		0.351		-0.317		0.452
-0.382		0.483		-0.421		0.376
-0.483		0.536		-0.423		0.264
-0.476		0.732		-0.366		0.517
-0.446		0.726		-0.369		0.352
-0.318		0.19		-0.393		0.24
-0.553		0.245		-0.308		0.7
-0.439		0.323		-0.28		0.808

-0.587		0.555		-0.46		0.134
-0.354		0.227		-0.323		0.122
-0.39		0.645		-0.292		0.47
-0.389		0.377		-0.367		0.82
-0.484		0.451		-0.382		0.431
-0.712		0.479		-0.204		0.339
-0.307		0.374		-0.416		0.372
-0.48		0.615		-0.231		0.487
-0.377		0.298		-0.31		0.36
-0.272		0.595		-0.35		0.333
-0.268		0.35		-0.433		0.351
-0.41		0.356		-0.28		0.252
-0.243		0.478		-0.286		0.541
-0.328		0.28		-0.988		0.58
-0.316		0.485		-0.599		0.567
-0.422		0.588				
-0.444		0.628				
-0.39		0.671		Senate Dem		Senate Rep
-0.451		0.84		-16.571		20.539
-0.441		0.55		-0.3249216		0.40272549
-0.162		0.612				
-0.261		0.975				
-0.406		0.653				
-0.507		0.643				
-0.22		0.278				
-0.463		0.488				
-0.552		0.243				
-0.087		0.216				
-0.352		0.47				
-0.037		0.474				
-0.48		0.279				
-0.347		0.224				
-0.508		0.413				
-0.521		0.386				
-0.35		0.573				
-0.358		0.696				
-0.272		0.476				
-0.128		0.414				
-0.341		0.635				

-0.18		0.318			
-0.419		0.373			
-0.538		0.354			
-0.537		0.376			
-0.541		0.425			
-0.545		0.42			
-0.417		0.299			
-0.073		0.382			
-0.102		0.399			
-0.383		0.369			
-0.466		0.331			
-0.063		0.55			
-0.304		0.337			
-0.337		0.144			
-0.283		0.447			
-0.192		0.339			
-0.271		0.405			
-0.237		0.295			
-0.34		0.318			
-0.23		0.51			
-0.025		0.429			
-0.443		0.487			
-0.304		0.349			
-0.359		0.339			
-0.436		0.543			
-0.319		0.571			
-0.379		0.303			
-0.419		0.352			
-0.534		0.333			
-0.502		0.615			
-0.42		0.401			
-0.523		0.483			
-0.562		0.249			
-0.453		0.365			
-0.355		0.329			
-0.488		0.296			
-0.589		0.519			
-0.49		0.445			
-0.525		0.233			

-0.471		0.489			
-0.492		0.161			
-0.516		0.235			
-0.473		0.221			
-0.55		0.651			
-0.367		0.184			
-0.368		0.309			
-0.277		0.471			
-0.518		0.288			
-0.428		0.223			
-0.472		0.274			
-0.292		0.294			
-0.596		0.449			
-0.224		0.35			
-0.105		0.211			
-0.007		0.533			
-0.506		0.631			
-0.285		0.597			
-0.544		0.226			
-0.325		0.581			
-0.487		0.325			
-0.273		0.271			
-0.336		0.276			
-0.337		0.401			
-0.46		0.274			
-0.57		0.466			
-0.376		0.647			
-0.349		0.489			
-0.428		0.314			
-0.388		0.566			
-0.473		0.301			
-0.336		0.543			
-0.439		0.223			
-0.403		0.543			
-0.505		0.378			
-0.552		0.413			
-0.382		0.371			
-0.383		0.316			
-0.391		0.407			

-0.344		0.286			
-0.369		0.232			
-0.364		0.208			
-0.611		0.248			
-0.315		0.257			
-0.187		0.332			
-0.304		0.572			
-0.537		0.373			
-0.456		0.573			
-0.556		0.673			
-0.385		0.58			
-0.592		0.689			
-0.343		0.622			
-0.44		0.554			
-0.453		0.429			
-0.379		0.741			
-0.459		0.522			
-0.459		0.433			
-0.353		0.523			
-0.084		0.765			
-0.53		0.598			
-0.298		0.488			
-0.151		0.51			
-0.261		0.489			
-0.345		0.567			
-0.408		0.448			
-0.272		0.582			
-0.455		0.576			
-0.168		0.64			
-0.589		0.555			
-0.954		0.587			
-0.494		0.486			
-0.144		0.44			
-0.273		0.418			
-0.476		0.502			
-0.301		0.638			
-0.346		0.29			
-0.391		0.329			
-0.358		0.407			

-0.308		0.594			
-0.096		0.409			
-0.266		0.375			
-0.168		0.326			
-0.099		0.463			
-0.256		0.464			
-0.438		0.388			
-0.43		0.228			
-0.441		0.451			
-0.361		0.253			
-0.402		0.699			
-0.287		0.496			
-0.469		0.585			
-0.205		0.458			
-0.201					
-0.182					
-0.195					
-0.201					
-0.382					
-0.34		House Rep			
-0.433		91.76			
-0.223		0.44543689			
-0.269					
-0.387					
-0.538					
-0.025					
-0.37					
-0.341					
-0.306					
-0.432					
-0.333					
-0.532					
-0.122					
-0.452					
-0.314					
-0.414					
-0.45					
-0.316					
-0.626					

-0.395						
-0.298						
-0.414						
-0.243						
-0.411						
-0.423						
-0.402						
-0.566						
-0.278						
-0.281						
-0.575						
House Dem						
-91.85						
-0.3795455						

111th Congress (2009-11)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.234	HOUSE	0.34		-0.238	SENATE	0.53
0.069	-0.8182159	0.29		-0.112	-0.7551462	0.386
-0.045		0.355		-0.194		0.218
-0.565		0.328		-0.338		0.499
0.001		0.384		-0.336		0.532
-0.08		0.242		-0.237		0.288
-0.066		0.964		-0.592		0.339
-0.427		0.719		-0.211		0.476
-0.218		0.818		-0.367		0.433
-0.301		0.451		-0.209		0.508
-0.285		0.356		-0.741		0.533
-0.502		0.468		-0.259		0.33
-0.494		0.371		-0.389		0.26
-0.5		0.382		-0.396		0.387
-0.445		0.58		-0.219		0.432
-0.562		0.612		-0.397		0.419
-0.534		0.61		-0.428		0.458

-0.383		0.565		-0.5		0.632
-0.63		0.81		-0.468		0.478
-0.554		0.485		-0.073		0.095
-0.384		0.745		-0.518		0.087
-0.252		0.47		-0.248		0.177
-0.522		0.377		-0.4		0.281
-0.207		0.677		-0.437		0.399
-0.468		0.347		-0.735		0.248
-0.194		0.463		-0.402		0.402
-0.364		0.366		-0.52		0.516
-0.413		0.374		-0.417		0.344
-0.494		0.397		-0.352		0.491
-0.466		0.711		-0.207		0.163
-0.574		0.564		-0.432		0.595
-0.651		0.263		-0.146		0.843
-0.422		0.267		-0.242		0.111
-0.488		0.554		-0.214		0.421
-0.507		0.213		-0.007		0.801
-0.503		0.591		-0.323		0.501
-0.355		0.309		-0.293		0.283
-0.556		0.316		-0.411		0.371
-0.451		0.341		-0.362		0.549
-0.368		0.233		-0.32		0.372
-0.448		0.59		-0.372		0.353
-0.331		0.3		-0.393		0.312
-0.462		0.368		-0.418		0.538
-0.726		0.386		-0.592		0.53
-0.35		0.454		-0.212		
-0.486		0.401		-0.266		
-0.375		0.221		-0.26		
-0.278		0.54		-0.454		
-0.355		0.674		-0.33		Senate Rep
-0.371		0.691		-0.382		17.921
-0.189		0.924		-0.347		0.40729545
-0.428		0.867		-0.32		
-0.353		0.613		-0.462		
-0.322		0.651		-0.539		
-0.195		0.606		-0.344		
-0.448		0.195		-0.438		

-0.461		0.279		-0.151		
-0.328		0.274		-0.218		
-0.425		0.398		-0.264		
-0.434		0.482		-0.318		
-0.265		0.34		-0.3		
-0.346		0.509		-0.343		
-0.162		0.467		-0.741		
-0.364		0.277		-0.114		
-0.432		0.564		-0.259		
-0.491		0.632		-0.23		
-0.197		0.789		-0.549		
-0.447		0.399				
-0.536		0.431				
-0.135		0.666		Senate Dem		
-0.395		0.281		-23.306		
-0.187		0.529		-0.3478507		
-0.427		0.473				
-0.34		0.521				
-0.465		0.309				
-0.542		0.406				
0.091		0.326				
-0.288		0.293				
-0.251		0.521				
-0.176		0.564				
-0.426		0.132				
-0.17		0.51				
-0.181		0.487				
-0.306		0.35				
-0.363		0.472				
-0.45		0.323				
-0.491		0.408				
-0.464		0.284				
-0.518		0.394				
-0.311		0.349				
-0.096		0.554				
-0.108		0.31				
-0.464		0.537				
-0.062		0.584				
-0.399		0.4				

-0.306		0.45			
-0.286		0.626			
-0.263		0.489			
-0.244		0.484			
-0.357		0.433			
-0.137		0.274			
-0.236		0.329			
-0.468		0.311			
-0.422		0.519			
-0.333		0.403			
-0.408		0.496			
-0.411		0.191			
-0.584		0.72			
-0.037		0.307			
-0.437		0.203			
-0.469		0.264			
-0.532		0.318			
-0.43		0.527			
-0.355		0.238			
-0.471		0.155			
-0.564		0.567			
-0.533		0.708			
-0.46		0.578			
-0.492		0.194			
-0.472		0.565			
-0.448		0.413			
-0.549		0.229			
-0.404		0.505			
-0.419		0.674			
-0.238		0.534			
-0.178		0.415			
-0.352		0.566			
-0.501		0.197			
-0.449		0.516			
-0.446		0.315			
-0.268		0.478			
-0.546		0.356			
-0.219		0.373			
0.018		0.354			

-0.011		0.261			
-0.468		0.245			
-0.233		0.184			
-0.451		0.237			
-0.342		0.325			
-0.459		0.539			
-0.244		0.351			
-0.339		0.524			
-0.322		0.606			
-0.208		0.587			
-0.44		0.694			
-0.537		0.602			
-0.419		0.495			
-0.113		0.457			
-0.423		0.991			
-0.378		0.48			
-0.415		0.339			
-0.493		0.455			
-0.263		0.74			
-0.141		0.64			
-0.398		0.588			
-0.451		0.472			
-0.404		0.601			
-0.511		0.586			
-0.5		0.462			
-0.444		0.655			
-0.393		0.619			
-0.368		0.542			
-0.273		0.612			
-0.358		0.596			
-0.565		0.592			
-0.322		0.546			
-0.353		0.395			
-0.162		0.427			
-0.155		0.529			
-0.403		0.736			
-0.244		0.268			
-0.199		0.407			
-0.11		0.547			

-0.189		0.374			
-0.528		0.557			
-0.504		0.457			
-0.522		0.191			
-0.368		0.423			
-0.595		0.252			
-0.321		0.69			
-0.412		0.539			
-0.46		0.588			
-0.399		0.697			
-0.475					
-0.443					
-0.386					
-0.035					
-0.25					
-0.508					
-0.273					
-0.116		House Rep			
-0.276		84.987			
-0.272		0.46440984			
-0.405					
-0.342					
-0.416					
-0.16					
-0.183					
-0.565					
-0.316					
-0.181					
-0.286					
-0.12					
-0.303					
-0.263					
-0.476					
-0.316					
-0.413					
-0.328					
-0.333					
-0.129					
-0.273					

-0.254						
-0.143						
-0.176						
-0.273						
-0.261						
-0.466						
-0.483						
-0.468						
-0.374						
-0.45						
-0.346						
-0.547						
-0.138						
-0.167						
-0.285						
-0.23						
-0.262						
-0.433						
-0.359						
-0.426						
-0.239						
-0.242						
-0.318						
-0.502						
-0.398						
-0.407						
-0.31						
-0.385						
-0.383						
-0.542						
-0.164						
-0.464						
-0.247						
-0.03						
-0.122						
-0.282						
-0.43						
-0.426						
-0.353						

-0.608						
-0.38						
-0.26						
-0.356						
-0.187						
-0.42						
-0.374						
-0.448						
-0.593						
-0.366						
-0.236						
-0.557						
House Dem						
-93.051						
-0.3538061						

112th Congress (2011-13)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.364	HOUSE	0.31		-0.267	SENATE	0.525
-0.655	-0.8684258	0.291		-0.16	-0.7794676	0.468
-0.542		0.36		-0.471		0.183
-0.3		0.564		-0.322		0.444
-0.475		0.339		-0.244		0.445
-0.114		0.327		-0.225		0.408
-0.587		0.338		-0.153		0.549
-0.458		0.913		-0.372		0.449
-0.428		0.689		-0.232		0.415
-0.368		0.507		-0.31		0.591
-0.439		0.705		-0.201		0.65
-0.529		0.644		-0.326		0.267
-0.343		0.322		-0.45		0.286
-0.346		0.424		-0.637		0.403
-0.227		0.308		-0.453		0.418
-0.485		0.295		-0.507		0.414

-0.172		0.355		-0.231		0.406
-0.424		0.345		-0.407		0.467
-0.319		0.367		-0.406		0.933
-0.301		0.572		-0.273		0.586
-0.341		0.631		-0.358		0.107
-0.506		0.53		-0.264		0.073
-0.346		0.463		-0.214		0.083
-0.524		0.919		-0.437		0.291
-0.43		0.471		-0.099		0.397
-0.506		0.919		-0.253		0.361
-0.56		0.588		-0.21		0.361
-0.336		0.408		-0.062		0.328
-0.402		0.329		-0.265		0.8
-0.491		0.655		-0.281		0.425
-0.452		0.315		-0.465		0.486
-0.329		0.322		-0.326		0.294
-0.752		0.411		-0.301		0.375
-0.347		0.5		-0.426		0.565
-0.345		0.701		-0.344		0.673
-0.372		0.486		-0.432		0.573
-0.392		0.411		-0.212		0.37
-0.72		0.508		-0.285		0.908
-0.395		0.318		-0.403		0.431
-0.529		0.623		-0.346		0.311
-0.383		0.219		-0.399		0.417
-0.261		0.659		-0.261		0.508
-0.256		0.297		-0.41		0.353
-0.406		0.224		-0.406		0.513
-0.372		0.694		-0.304		0.935
-0.275		0.409		-0.434		0.645
-0.252		0.401		-0.163		0.49
-0.449		0.55		-0.192		0.502
-0.425		0.526		-0.353		
-0.22		0.588		-0.405		
-0.422		0.516		-0.377		Senate Rep
-0.393		0.465		-0.075		21.882
-0.444		0.6		-0.242		0.455875
-0.472		0.452		-0.823		
-0.447		0.57				

-0.51		0.254			
-0.552		0.503		Senate Dem	
-0.351		0.575		-17.474	
-0.184		0.652		-0.3235926	
-0.486		0.655			
-0.282		0.903			
-0.48		0.856			
-0.388		0.687			
-0.302		0.605			
-0.231		0.552			
-0.304		0.707			
-0.559		0.266			
-0.449		0.398			
-0.582		0.404			
-0.503		0.281			
-0.655		0.74			
-0.396		0.212			
-0.178		0.295			
-0.411		0.483			
-0.317		0.369			
-0.276		0.535			
-0.252		0.303			
-0.2		0.238			
-0.396		0.616			
-0.469		0.621			
-0.236		0.752			
-0.434		0.63			
-0.41		0.399			
-0.311		0.543			
-0.39		0.511			
-0.476		0.25			
-0.56		0.558			
-0.495		0.708			
-0.535		0.59			
-0.407		0.689			
-0.438		0.287			
-0.339		0.337			
-0.353		0.394			
-0.345		0.312			

-0.601		0.879			
-0.507		0.471			
-0.455		0.593			
-0.562		0.621			
-0.431		0.455			
-0.569		0.61			
-0.466		0.29			
-0.388		0.534			
-0.271		0.424			
-0.469		0.408			
-0.416		0.426			
-0.425		0.435			
-0.289		0.36			
-0.522		0.569			
-0.147		0.592			
-0.546		0.651			
-0.519		0.821			
-0.387		0.393			
-0.46		0.511			
-0.288		0.624			
-0.519		0.412			
-0.602		0.365			
-0.413		0.354			
-0.411		0.484			
-0.429		0.457			
-0.394		0.561			
-0.482		0.493			
-0.43		0.459			
-0.287		0.509			
-0.342		0.62			
-0.479		0.295			
-0.429		0.309			
-0.53		0.293			
-0.483		0.495			
-0.426		0.407			
-0.385		0.711			
-0.394		0.308			
-0.338		0.447			
-0.329		0.433			

-0.646		0.257			
-0.418		0.228			
-0.171		0.742			
-0.219		0.337			
-0.511		0.228			
-0.502		0.226			
-0.537		0.246			
-0.389		0.502			
-0.559		0.47			
-0.317		0.347			
-0.435		0.236			
-0.412		0.286			
-0.404		0.233			
-0.43		0.238			
-0.389		0.57			
-0.444		0.283			
-0.06		0.227			
-0.143		0.495			
-0.46		0.682			
-0.13		0.606			
-0.401		0.456			
-0.438		0.144			
-0.428		0.518			
-0.609		0.333			
-0.79		0.32			
-0.071		0.254			
-0.277		0.467			
-0.174		0.731			
-0.389		0.508			
-0.39		0.326			
-0.344		0.463			
-0.342		0.271			
-0.164		0.395			
-0.331		0.429			
-0.315		0.052			
-0.409		0.622			
-0.462		0.179			
-0.534		0.471			
-0.385		0.289			

-0.397		0.535			
-0.468		0.295			
-0.165		0.366			
-0.401		0.316			
-0.412		0.217			
-0.226		0.209			
-0.358		0.356			
-0.489		0.253			
-0.367		0.233			
-0.36		0.295			
-0.357		0.296			
-0.276		0.202			
-0.472		0.381			
-0.046		0.25			
-0.37		0.496			
-0.278		0.615			
-0.356		0.682			
-0.398		0.738			
-0.35		0.696			
-0.626		0.802			
-0.316		0.362			
-0.287		0.658			
-0.291		0.642			
-0.304		0.476			
-0.272		0.488			
-0.562		0.507			
-0.239		0.57			
-0.475		0.521			
		0.648			
		0.474			
		0.396			
House Dem		0.529			
-79.437		0.669			
-0.397185		0.685			
		0.636			
		0.389			
		0.612			
		0.623			
		0.44			

		0.661				
		0.597				
		0.505				
		0.604				
		0.562				
		0.529				
		0.552				
		0.553				
		0.619				
		0.607				
		0.341				
		0.479				
		0.562				
		0.664				
		0.254				
		0.382				
		0.482				
		0.355				
		0.441				
		0.569				
		0.512				
		0.56				
		0.457				
		0.222				
		0.395				
		0.362				
		0.251				
		0.254				
		0.689				
		0.549				
		0.49				
		0.598				
		0.547				
		0.623				
		House Rep				
		115.454				

		0.47124082				
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113th Congress (2013-15)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.406	HOUSE	0.331		-0.241	Senate	0.619
-0.511	-0.8706787	0.451		-0.16	-0.8470298	0.515
-0.249		0.316		-0.537		0.124
-0.097		0.576		-0.346		0.412
-0.12		0.571		-0.248		0.476
-0.405		0.332		-0.246		0.429
-0.507		0.356		-0.499		0.663
-0.463		0.265		-0.512		0.343
-0.453		0.707		-0.254		0.321
-0.492		0.63		-0.308		0.661
-0.389		0.657		-0.276		0.772
-0.388		0.71		-0.507		0.345
-0.47		0.332		-0.478		0.407
-0.176		0.387		-0.336		0.501
-0.439		0.331		-0.171		0.626
-0.308		0.642		-0.316		0.484
-0.42		0.669		-0.196		0.488
-0.53		0.463		-0.413		0.914
-0.271		0.357		-0.46		0.467
-0.533		0.617		-0.536		0.101
-0.424		0.4		-0.178		0.33
-0.426		0.735		-0.718		0.349
-0.202		0.531		-0.433		0.383
-0.374		0.273		-0.317		0.391
-0.271		0.57		-0.419		0.461
-0.361		0.432		-0.269		0.458
-0.429		0.247		-0.378		0.341
-0.199		0.297		-0.159		0.256
-0.461		0.563		-0.155		0.434
-0.474		0.296		-0.171		0.367
-0.383		0.335		-0.248		0.369
-0.161		0.622		-0.289		0.594

-0.531		0.458		-0.26		0.786
-0.379		0.473		-0.562		0.525
-0.439		0.426		-0.525		0.681
-0.508		0.351		-0.47		0.348
-0.48		0.245		-0.252		0.467
-0.361		0.574		-0.398		0.312
-0.322		0.282		-0.447		0.372
-0.329		0.231		-0.565		0.539
-0.361		0.423		-0.175		0.887
-0.651		0.471		-0.191		0.346
-0.392		0.549		-0.514		0.949
-0.477		0.44		-0.375		0.685
-0.282		0.493		-0.407		0.562
-0.247		0.467		-0.255		0.573
-0.4		0.419		-0.489		
-0.342		0.493		-0.419		
-0.275		0.73		-0.348		
-0.303		0.694		-0.555		Senate Rep
-0.421		0.698		-0.209		22.433
-0.388		0.66		-0.245		0.48767391
-0.292		0.232		-0.436		
-0.438		0.515		-0.375		
-0.486		0.572		-0.336		
-0.394		0.658		-0.041		
-0.415		0.658		-0.457		
-0.454		0.991		-0.944		
-0.144		0.753		-0.178		
-0.421		0.699				
-0.201		0.549		Senate Dem		
-0.429		0.651		-21.202		
-0.522		0.69		-0.3593559		
-0.549		0.765				
-0.344		0.29				
-0.134		0.392				
-0.478		0.297				
-0.302		0.282				
-0.361		0.549				
-0.271		0.33				
-0.205		0.277				

-0.233		0.736			
-0.342		0.596			
-0.274		0.443			
-0.188		0.448			
-0.244		0.405			
-0.211		0.403			
-0.45		0.561			
-0.444		0.528			
-0.453		0.259			
-0.445		0.537			
-0.731		0.821			
-0.401		0.55			
-0.409		0.643			
-0.249		0.282			
-0.228		0.426			
-0.407		0.45			
-0.415		0.329			
-0.291		0.986			
-0.43		0.397			
-0.427		0.604			
-0.32		0.667			
-0.448		0.43			
-0.524		0.399			
-0.6		0.277			
-0.285		0.611			
-0.479		0.397			
-0.481		0.383			
-0.435		0.487			
-0.316		0.563			
-0.422		0.456			
-0.322		0.652			
-0.438		0.879			
-0.495		0.722			
-0.666		0.405			
-0.366		0.446			
-0.525		0.581			
-0.405		0.496			
-0.515		0.326			
-0.419		0.468			

-0.226		0.601			
-0.41		0.46			
-0.326		0.423			
-0.361		0.459			
-0.254		0.559			
-0.526		0.463			
-0.145		0.595			
-0.494		0.324			
-0.419		0.485			
-0.414		0.262			
-0.336		0.492			
-0.348		0.4			
-0.303		0.325			
-0.261		0.397			
-0.567		0.252			
-0.434		0.671			
-0.535		0.375			
-0.413		0.214			
-0.401		0.22			
-0.573		0.258			
-0.484		0.441			
-0.382		0.26			
-0.321		0.198			
-0.413		0.186			
-0.455		0.238			
-0.404		0.383			
-0.375		0.201			
-0.382		0.484			
-0.339		0.666			
-0.384		0.551			
-0.598		0.379			
-0.426		0.699			
-0.148		0.582			
-0.157		0.622			
-0.381		0.668			
-0.488		0.31			
-0.197		0.35			
-0.515		0.406			
-0.515		0.253			

-0.575		0.747			
-0.368		0.522			
-0.313		0.464			
-0.435		0.331			
-0.471		0.345			
-0.412		0.427			
-0.422		0.557			
-0.442		0.246			
-0.451		0.231			
-0.084		0.645			
-0.403		0.287			
-0.384		0.593			
-0.571		0.746			
-0.446		0.523			
-0.354		0.322			
-0.188		0.344			
-0.392		0.39			
-0.432		0.233			
-0.386		0.367			
-0.434		0.196			
-0.443		0.242			
-0.435		0.276			
-0.495		0.338			
-0.39		0.243			
-0.407		0.333			
-0.439		0.272			
-0.216		0.601			
-0.436		0.464			
-0.433		0.548			
-0.23		0.573			
-0.366		0.815			
-0.387		0.669			
-0.206		0.719			
-0.423		0.617			
-0.288		0.686			
-0.38		0.377			
-0.449		0.644			
-0.369		0.59			
-0.295		0.493			

-0.521		0.488			
-0.085		0.637			
-0.414		0.557			
-0.346		0.553			
-0.326		0.542			
-0.413		0.502			
-0.655		0.395			
-0.364		0.652			
-0.296		0.677			
-0.323		0.683			
-0.379		0.435			
-0.254		0.776			
-0.183		0.653			
-0.524		0.507			
-0.593		0.621			
-0.303		0.73			
		0.567			
		0.608			
		0.509			
		0.786			
House Dem		0.596			
-78.392		0.568			
-0.3842745		0.919			
		0.538			
		0.536			
		0.556			
		0.426			
		0.478			
		0.609			
		0.598			
		0.479			
		0.264			
		0.353			
		0.427			
		0.427			
		0.467			
		0.562			
		0.53			
		0.547			

		0.508				
		0.43				
		0.231				
		0.357				
		0.32				
		0.291				
		0.311				
		0.66				
		0.55				
		0.538				
		0.699				
		0.52				
		0.659				
		House Rep				
		116.737				
		0.48640417				

114th Congress (2015-2017)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.398	HOUSE	0.389		-0.485	Senate	0.635
-0.765	-0.881244	0.398		-0.244	-0.8558808	0.587
-0.25		0.919		-0.175		0.299
-0.11		0.518		-0.376		0.46
-0.483		0.782		-0.337		0.464
-0.499		0.399		-0.187		0.686
-0.528		0.291		-0.293		0.469
-0.409		0.694		-0.299		0.611
-0.384		0.762		-0.453		0.405
-0.507		0.629		-0.424		0.617
-0.149		0.321		-0.416		0.416
-0.433		0.637		-0.11		0.68
-0.346		0.432		-0.427		0.57
-0.405		0.346		-0.366		0.589
-0.501		0.466		-0.635		0.268
-0.289		0.526		-0.702		0.537

-0.61		0.612		-0.319		0.461
-0.342		0.501		-0.309		0.505
-0.442		0.335		-0.258		0.434
-0.248		0.475		-0.497		0.452
-0.36		0.711		-0.127		0.355
-0.276		0.496		-0.197		0.83
-0.361		0.26		-0.502		0.434
-0.289		0.556		-0.266		0.479
-0.495		0.39		-0.36		0.157
-0.397		0.256		-0.516		0.329
-0.352		0.446		-0.321		0.406
-0.199		0.39		-0.395		0.364
-0.491		0.485		-0.369		0.567
-0.266		0.296		-0.544		0.489
-0.324		0.653		-0.119		0.827
-0.368		0.461		-0.589		0.546
-0.571		0.526		-0.39		0.276
-0.374		0.729		-0.607		0.381
-0.494		0.204		-0.295		0.443
-0.485		0.618		-0.437		0.375
-0.518		0.303		-0.42		0.325
-0.409		0.227		-0.525		0.521
-0.347		0.369		-0.17		0.624
-0.36		0.519		-0.208		0.596
-0.374		0.601		-0.287		0.634
-0.638		0.458		-0.295		0.321
-0.368		0.463		-0.085		0.429
-0.545		0.499		-0.461		0.386
-0.315		0.49		-0.164		0.307
-0.254		0.667		-0.861		0.513
-0.429		0.631				0.463
-0.331		0.587		Senate Dem		0.876
-0.26		0.23		-16.822		0.381
-0.312		0.192		-0.3656957		0.919
-0.424		0.443				0.308
-0.368		0.635				0.487
-0.275		0.597				0.477
-0.467		0.632				0.5
-0.429		0.597				

-0.333		0.602				
-0.428		0.659				Senate Rep
-0.509		0.551				26.47
-0.244		0.713				0.49018519
-0.428		0.668				
-0.236		0.617				
-0.508		0.719				
-0.47		0.252				
-0.538		0.411				
-0.276		0.339				
-0.477		0.252				
-0.308		0.479				
-0.515		0.284				
-0.291		0.174				
-0.364		0.279				
-0.219		0.428				
-0.279		0.325				
-0.333		0.715				
-0.304		0.559				
-0.274		0.363				
-0.429		0.464				
-0.475		0.45				
-0.507		0.363				
-0.505		0.554				
-0.58		0.574				
-0.453		0.521				
-0.472		0.443				
-0.32		0.532				
-0.421		0.919				
-0.489		0.556				
-0.386		0.634				
-0.418		0.298				
-0.296		0.522				
-0.473		0.488				
-0.495		0.608				
-0.474		0.308				
-0.259		0.991				
-0.512		0.364				
-0.392		0.517				

-0.346		0.678			
-0.385		0.487			
-0.32		0.49			
-0.443		0.371			
-0.476		0.681			
-0.337		0.31			
-0.46		0.384			
-0.443		0.513			
-0.538		0.407			
-0.434		0.596			
-0.433		0.573			
-0.464		0.429			
-0.455		0.437			
-0.275		0.373			
-0.457		0.394			
-0.261		0.392			
-0.481		0.423			
-0.107		0.345			
-0.534					
-0.483		0.487			
-0.488		0.542			
-0.181		0.376			
-0.297		0.429			
-0.257		0.509			
-0.454		0.505			
-0.361		0.44			
-0.375		0.609			
-0.525		0.412			
-0.409		0.318			
-0.524		0.557			
-0.388		0.364			
-0.362		0.323			
-0.498		0.353			
-0.485		0.429			
-0.429		0.278			
-0.404		0.622			
-0.394		0.374			
-0.362		0.207			
-0.594		0.233			

-0.434		0.266			
-0.38		0.509			
-0.481		0.278			
-0.258		0.205			
-0.271		0.199			
-0.471		0.358			
-0.47		0.331			
-0.503		0.204			
-0.378		0.197			
-0.397		0.217			
-0.401		0.22			
-0.447		0.566			
-0.441		0.506			
-0.475		0.384			
-0.387		0.647			
-0.381		0.535			
-0.532		0.62			
-0.437		0.652			
-0.269		0.619			
-0.156		0.609			
-0.404		0.416			
-0.388		0.396			
-0.395		0.349			
-0.361		0.246			
-0.26		0.744			
-0.436		0.541			
-0.403		0.383			
-0.459		0.314			
-0.373		0.372			
-0.386		0.486			
-0.487		0.594			
-0.171		0.273			
-0.343		0.733			
-0.469		0.149			
-0.24		0.618			
-0.299		0.284			
-0.418		0.651			
-0.391		0.461			
-0.321		0.453			

-0.401		0.351			
-0.484		0.348			
-0.397		0.323			
-0.353		0.339			
-0.529		0.221			
-0.405		0.225			
-0.308		0.322			
-0.363		0.327			
-0.456		0.226			
-0.492		0.342			
-0.346		0.306			
-0.298		0.681			
-0.325		0.524			
-0.467		0.21			
-0.309		0.492			
-0.475		0.513			
-0.547		0.683			
-0.251		0.641			
		0.739			
		0.563			
House Dem		0.919			
-75.411		0.417			
-0.3969		0.919			
		0.668			
		0.578			
		0.488			
		0.703			
		0.623			
		0.5			
		0.489			
		0.57			
		0.515			
		0.641			
		0.665			
		0.671			
		0.48			
		0.724			
		0.537			
		0.505			

		0.582				
		0.634				
		0.602				
		0.61				
		0.585				
		0.644				
		0.614				
		0.737				
		0.414				
		0.713				
		0.658				
		0.442				
		0.6				
		0.518				
		0.393				
		0.529				
		0.567				
		0.548				
		0.582				
		0.506				
		0.555				
		0.336				
		0.57				
		0.565				
		0.846				
		0.269				
		0.565				
		0.434				
		0.225				
		0.383				
		0.369				
		0.331				
		0.563				
		0.307				
		0.667				
		0.524				
		0.539				
		0.591				
		0.485				

		0.717				
		House Rep				
		121.086				
		0.484344				

115th Congress (2017-2019)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.398	HOUSE	0.397		-0.113	Senate	0.57
-0.632	-0.894074	0.41		-0.693	-0.8426945	0.357
-0.097		0.672		-0.331		0.394
-0.432		0.577		-0.2		0.229
-0.167		0.763		-0.299		0.47
-0.438		0.395		-0.448		0.394
-0.395		0.277		-0.183		0.586
-0.324		0.621		-0.214		0.853
-0.539		0.991		-0.193		0.383
-0.2		0.586		-0.441		0.581
-0.403		0.391		-0.406		0.44
-0.303		0.991		-0.324		0.538
-0.358		0.718		-0.415		0.359
-0.452		0.495		-0.134		0.517
-0.291		0.437		-0.302		0.583
-0.689		0.494		-0.348		0.711
-0.431		0.59		-0.585		0.367
-0.259		0.609		-0.783		0.459
-0.355		0.449		-0.276		0.525
-0.317		0.374		-0.366		0.342
-0.427		0.464		-0.288		0.475
-0.267		0.919		-0.339		0.386
-0.482		0.527		-0.346		0.879
-0.478		0.238		-0.152		0.437
-0.458		0.519		-0.192		0.482
-0.179		0.348		-0.395		0.166
-0.565		0.248		-0.229		0.368
-0.308		0.311		-0.258		0.413

-0.417		0.522		-0.38		0.41
-0.351		0.477		-0.645		0.367
-0.508		0.386		-0.406		0.606
-0.297		0.641		-0.419		0.448
-0.275		0.424		-0.395		0.824
-0.613		0.404		-0.847		0.481
-0.307		1		-0.093		0.442
-0.611		0.213		-0.396		0.396
-0.529		0.236		-0.435		0.38
-0.33		0.349		-0.568		0.324
-0.761		0.503		-0.317		0.561
-0.452		0.57		-0.312		0.683
-0.428		0.366		-0.354		0.776
-0.314		0.611		-0.308		0.533
-0.738		0.472		-0.176		0.359
-0.383		0.726		-0.243		0.459
-0.457		0.687		-0.349		0.413
-0.248		0.24		-0.36		0.326
-0.27		0.501		-0.051		0.5
-0.379		0.913		-0.348		0.415
-0.342		0.333		-0.707		0.679
-0.242		0.566		-0.14		0.356
-0.341		0.346				0.902
-0.365		0.236		Senate Dem		0.362
-0.354		0.625		-17.502		0.637
-0.324		0.564		-0.35004		0.6
-0.366		0.488				0.593
-0.466		0.516				
-0.331		0.614				
-0.486		0.857				
-0.362		0.67				
-0.21		0.595				Senate Rep
-0.346		0.522				27.096
-0.254		0.494				0.49265455
-0.152		1				
-0.382		0.271				
-0.545		0.303				
-0.68		0.25				
-0.269		0.45				

-0.488		0.27			
-0.342		0.239			
-0.359		0.47			
-0.295		0.327			
-0.194		0.694			
-0.283		0.363			
-0.351		0.484			
-0.14		0.373			
-0.234		0.589			
-0.505		0.653			
-0.313		0.467			
-0.484		0.54			
-0.572		0.538			
-0.434		0.439			
-0.714		0.5			
-0.399		0.487			
-0.437		0.572			
-0.263		0.494			
-0.365		0.549			
-0.58		0.335			
-0.382		0.534			
-0.441		0.547			
-0.254		0.597			
-0.523		0.644			
-0.282		0.542			
-0.342		0.543			
-0.552		0.525			
-0.46		0.531			
-0.446		0.575			
-0.376		0.338			
-0.349		0.711			
-0.328		0.291			
-0.387		0.535			
-0.495		0.606			
-0.273		0.558			
-0.652		0.349			
-0.576		0.476			
-0.601		0.364			
-0.435		0.427			

-0.351		0.429				
-0.37		0.328				
-0.436		0.456				
-0.569		0.506				
-0.36		0.402				
-0.359		0.47				
-0.291		0.618				
-0.551		0.415				
-0.218		0.44				
-0.566		0.468				
-0.395		0.472				
-0.466		0.562				
-0.349		0.699				
-0.397		0.539				
-0.244		0.423				
-0.302		0.284				
-0.236		0.512				
-0.633		0.432				
-0.434		0.322				
-0.472		0.231				
-0.721		0.262				
-0.135		0.204				
-0.374		0.2				
-0.563		0.34				
-0.347		0.475				
-0.267		0.243				
-0.517		0.355				
-0.408		0.415				
-0.409		0.242				
-0.37		0.227				
-0.66		0.24				
-0.436		0.234				
-0.385		0.275				
-0.492		0.239				
-0.293		0.537				
-0.31		0.469				
-0.623		0.7				
-0.2		0.592				
-0.568		0.618				

-0.549		0.626			
-0.497		0.607			
-0.597		0.609			
-0.419		0.709			
-0.339		0.293			
-0.509		0.43			
-0.439		0.269			
-0.383		0.242			
-0.465		1			
-0.362		0.558			
-0.414		0.375			
-0.613		0.262			
-0.404		0.423			
-0.41		0.54			
-0.231		0.585			
-0.392		0.23			
-0.388		0.88			
-0.297		0.306			
-0.429		0.645			
-0.456		0.285			
-0.09		0.623			
-0.231		0.562			
-0.603		0.51			
-0.465		0.418			
-0.53		0.388			
-0.411		0.285			
-0.376		0.317			
-0.5		0.263			
-0.162		0.271			
-0.402		0.285			
-0.484		0.336			
-0.225		0.217			
-0.245		0.33			
-0.389		0.298			
-0.4		0.771			
-0.343		0.493			
-0.363		0.227			
-0.419		0.215			
-0.567		0.397			

-0.388		0.509			
-0.477		0.747			
-0.393		0.548			
-0.359		0.349			
-0.411		0.558			
-0.393		0.693			
-0.383		0.633			
-0.345		0.469			
-0.342		1			
-0.287		0.643			
-0.702		0.486			
-0.395		0.393			
-0.295		0.637			
-0.528		0.572			
-0.512		0.541			
-0.25		0.541			
		0.491			
		0.473			
House Dem		0.645			
-80.37		0.576			
-0.40185		0.433			
		0.991			
		0.594			
		0.482			
		0.557			
		0.591			
		0.558			
		0.582			
		0.636			
		0.641			
		0.599			
		0.76			
		0.309			
		0.643			
		0.549			
		0.652			
		0.67			
		0.451			
		0.522			

		0.479				
		0.431				
		0.509				
		0.417				
		0.534				
		0.481				
		0.55				
		0.588				
		0.606				
		0.811				
		0.293				
		0.991				
		0.456				
		0.585				
		0.469				
		0.257				
		0.353				
		0.352				
		0.239				
		0.616				
		0.329				
		0.666				
		0.477				
		0.667				
		0.566				
		0.31				
		0.517				
		House Rep				
		123.056				
		0.492224				

116th Congress (2019-2021)

House Dem.	Average Distance	House Rep.		Senate Dem.	Average Distance	Senate Rep.
-0.43	HOUSE	0.52		-0.081	SENATE	0.437

-0.594	-0.8843927	0.346		-0.065	-0.8493704	0.283
-0.369		0.772		-0.064		0.51
-0.431		0.702		-0.729		0.338
-0.333		0.669		-0.263		0.354
-0.313		0.449		-0.3		0.471
-0.399		0.336		-0.165		0.355
-0.427		0.919		-0.456		0.517
-0.341		0.521		-0.19		0.547
-0.523		1		-0.21		0.336
-0.373		0.591		-0.575		0.474
-0.42		0.508		-0.466		0.556
-0.428		0.382		-0.287		0.492
-0.316		0.421		-0.376		0.573
-0.437		0.557		-0.277		0.46
-0.303		0.462		-0.38		0.837
-0.572		0.424		-0.625		0.491
-0.428		0.645		-0.792		0.544
-0.363		0.637		-0.296		0.339
-0.521		0.507		-0.397		0.452
-0.369		0.323		-0.476		0.297
-0.45		0.386		-0.413		0.879
-0.392		0.321		-0.237		0.504
-0.408		0.636		-0.321		0.681
-0.482		0.445		-0.354		0.139
-0.554		0.73		-0.216		0.364
-0.227		0.288		-0.214		0.363
-0.453		0.342		-0.382		0.341
-0.443		0.406		-0.551		0.618
-0.592		0.538		-0.393		0.58
-0.395		0.56		-0.435		0.48
-0.492		0.715		-0.416		0.717
-0.357		0.547		-0.654		0.342
-0.341		0.593		-0.374		0.426
-0.323		0.455		-0.376		0.373
-0.306		0.486		-0.409		0.371
-0.416		0.416		-0.339		0.314
-0.377		0.462		-0.313		0.617
-0.344		0.66		-0.291		0.687
-0.386		0.411		-0.279		0.707

-0.305		0.664		-0.222		0.557
-0.353		0.501		-0.255		0.325
-0.179		0.56		-0.36		0.394
-0.336		0.595		-0.4		0.437
-0.589		0.596		-0.052		0.695
-0.395		0.856		-0.396		0.322
-0.399		0.715		-0.167		0.44
-0.461		0.756		-0.775		0.908
-0.454		0.655				0.91
-0.545		0.628		Senate Dem		0.39
-0.441		0.332		-17.064		0.326
-0.479		0.297		-0.3555		0.61
-0.301		0.234				0.602
-0.273		0.292				0.587
-0.466		0.473				
-0.4		0.395				
-0.36		0.452				Senate Rep
-0.32		0.39				26.669
-0.372		0.326				0.49387037
-0.378		0.634				
-0.347		0.403				
-0.399		0.427				
-0.356		0.457				
-0.417		0.583				
-0.394		0.546				
-0.538		0.622				
-0.345		0.549				
-0.29		0.336				
-0.314		0.442				
-0.262		0.497				
-0.177		0.638				
-0.363		0.919				
-0.345		0.577				
-0.351		0.607				
-0.54		0.42				
-0.449		0.587				
-0.361		0.546				
-0.461		0.749				
-0.249		0.24				

-0.392		0.464			
-0.338		0.493			
-0.195		0.919			
-0.258		0.399			
-0.146		0.43			
-0.414		0.421			
-0.387		0.489			
-0.295		0.459			
-0.299		0.288			
-0.445		0.601			
-0.359		0.676			
-0.402		0.486			
-0.459		0.518			
-0.552		0.391			
-0.48		0.398			
-0.483		0.552			
-0.517		0.391			
-0.453		0.582			
-0.548		0.435			
-0.3		0.306			
-0.239		0.562			
-0.224		0.382			
-0.25		0.399			
-0.444		0.2			
-0.657		0.179			
-0.427		0.238			
-0.123		0.328			
-0.383		0.417			
-0.588		0.231			
-0.294		0.187			
-0.416		0.327			
-0.307		0.253			
-0.486		0.562			
-0.268		0.415			
-0.385		0.481			
-0.432		0.587			
-0.302		0.534			
-0.367		0.671			
-0.444		0.544			

-0.425		0.659				
-0.231		0.858				
-0.29		0.594				
-0.472						
-0.462		0.466				
-0.489		0.307				
-0.396		0.768				
-0.467		0.511				
-0.534		0.426				
-0.3		0.304				
-0.337		0.506				
-0.255		0.517				
-0.458		0.284				
-0.311		0.676				
-0.278		0.418				
-0.235		0.285				
-0.156		0.493				
-0.553		0.302				
-0.586		0.553				
-0.453		0.687				
-0.374		0.338				
-0.393		0.281				
-0.308		0.336				
-0.332		0.457				
-0.299		0				
-0.423		0.582				
-0.422		0.146				
-0.395		0.441				
-0.463		0.535				
-0.171		0.559				
-0.273		0.358				
-0.26		0.507				
-0.184		0.497				
-0.147		0.714				
-0.353		0.63				
-0.51		0.822				
-0.31		0.599				
-0.324		0.474				
-0.163		0.459				

-0.45		0.411				
-0.391		0.562				
-0.385		0.512				
-0.52		0.678				
-0.361		0.704				
-0.281		0.673				
-0.499		0.611				
-0.312		0.514				
-0.273		0.709				
-0.455		0.323				
-0.293		0.612				
-0.32		0.593				
-0.154		0.587				
-0.216		0.519				
-0.222		0.728				
-0.176		0.565				
-0.437		0.654				
-0.544		0.219				
-0.478		0.708				
-0.416		0.655				
-0.528		0.656				
-0.38		0.397				
-0.422		0.724				
-0.429		0.919				
-0.432		0.551				
-0.363		0.709				
-0.552		0.502				
-0.474		0.579				
-0.17		0.421				
-0.316		0.573				
-0.139		0.535				
-0.448		0.54				
-0.473		0.528				
-0.305		0.563				
-0.392		0.703				
-0.502		0.478				
-0.14		0.409				
-0.534		0.285				
-0.365		0.331				

-0.514		0.321				
-0.312		0.581				
-0.46		0.469				
-0.292		0.573				
-0.428		0.515				
-0.131		0.606				
-0.386		0.411				
-0.264		0.421				
-0.406		0.59				
-0.42		0.519				
-0.359		0.358				
-0.618						
-0.339						
-0.447		House Rep				
-0.533		104.432				
-0.448		0.50450242				
-0.387						
-0.445						
-0.726						
-0.41						
-0.558						
-0.405						
-0.069						
-0.53						
-0.246						
-0.345						
-0.301						
-0.177						
-0.165						
-0.413						
-0.38						
-0.374						
-0.415						
-0.312						
-0.504						
-0.348						
-0.359						
-0.353						
-0.433						

-0.472						
-0.261						
House Dem						
-90.034						
-0.3798903						

8.3.2 Calculations of the measure of polarization based on ideological distance between Committee Chair and Ranking Member

Year	Chairman Armed Services House	DW-NOMINATE Score*	Ranking-Member	DW-NOMINATE Score	Distance	Final-Data-Collection	Chairman Armed Services Senate	DW-NOMINATE Score	Ranking Member	DW-NOMINATE Score	Distance
S. 1029 (1985)	/	/	/	/	/	0.786	Barry Goldwater (R-AZ)	0.641	Sam Nunn (D-GA)	-0.145	0.786
S. 2638 (1986)	/	/	/	/	/	0.786	Barry Goldwater (R-AZ)	0.641	Sam Nunn (D-GA)	-0.145	0.786
H.R. 1748 (1987)	Leslie Aspin (D-WI)	-0.32	William Dickinson (R-AL)	0.398	-0.718	0.718	/	/	/	/	
H.R. 2461 (1989)	Leslie Aspin (D-WI)	-0.32	William Dickinson (R-AL)	0.398	-0.718	0.718	/	/	/	/	
S. 1352 (1989)	/	/	/	/	/	0.407	Sam Nunn (D-GA)	-0.145	John Warner (R-VA)	0.262	0.407
H.R. 4739 (1990)	Leslie Aspin (D-WI)	-0.32	William Dickinson (R-AL)	0.398	-0.718	0.718	/	/	/	/	
S. 2884 (1990)	/	/	/	/	/	0.407	Sam Nunn (D-GA)	-0.145	John Warner (R-VA)	0.262	0.407
H.R. 2100 (1991)	Leslie Aspin (D-WI)	-0.32	William Dickinson (R-AL)	0.398	-0.718	0.718	/	/	/	/	
S. 1507 (1991)	/	/	/	/	/	0.407	Sam Nunn (D-GA)	-0.145	John Warner (R-VA)	0.262	0.407
H.R. 5006 (1992)	Leslie Aspin (D-WI)	-0.32	William Dickinson (R-AL)	0.398	-0.718	0.718	/	/	/	/	
S. 3114 (1992)	/	/	/	/	/	0.407	Sam Nunn (D-GA)	-0.145	John Warner (R-VA)	0.262	0.407
H.R. 2401 (1993)	Ronald Dellums (D-CA)	-0.644	Floyd Spence (R-SC)	0.32	-0.964	0.964	/	/	/	/	
S. 1298 (1993)	/	/	/	/	/	0.536	Sam Nunn (D-GA)	-0.145	Strom Thurmond (R-SC)	0.391	0.536
H.R. 4301 (1994)	Ronald Dellums (D-CA)	-0.644	Floyd Spence (R-SC)	0.32	-0.964	0.964	/	/	/	/	
S. 2182 (1994)	/	/	/	/	/	0.536	Sam Nunn (D-GA)	-0.145	Strom Thurmond (R-SC)	0.391	0.536

Year	Chairman Armed Services House	DW-NOMINATE Score*	Ranking-Member	DW-NOMINATE Score	Distance	Final-Data-Collection	Chairman Armed Services Senate	DW-NOMINATE Score	Ranking Member	DW-NOMINATE Score	Distance
H.R. 1530 (1995)	Floyd Spence (R-SC)	0.32	Ronald Dellums (D-CA)	-0.644	0.964	0.964	/	/	/	/	
S. 1124 (1995)	/	/	/	/		0.536	Strom Thurmond (R-SC)	0.391	Sam Nunn (D-GA)	-0.145	0.536
H.R. 3230 (1996)	Floyd Spence (R-SC)	0.32	Ronald Dellums (D-CA)	-0.644	0.964	0.964	/	/	/	/	
S. 1745 (1996)	/	/	/	/		0.536	Strom Thurmond (R-SC)	0.391	Sam Nunn (D-GA)	-0.145	0.536
H.R. 1119 (1997)	Floyd Spence (R-SC)	0.32	Ronald Dellums (D-CA)	-0.644	0.964	0.964	/	/	/	/	
S. 936 (1997)	/	/	/	/		0.786	Strom Thurmond (R-SC)	0.391	Carl Levin (D-MI)	-0.395	0.786
H.R.3616 (1998)	Floyd Spence (R-SC)	0.32	Ronald Dellums (D-CA)	-0.644	0.964	0.964	/	/	/	/	
S. 2060 (1998)	/	/	/	/		0.786	Strom Thurmond (R-SC)	0.391	Carl Levin (D-MI)	-0.395	0.786
H.R. 1401 (1999)	Floyd Spence (R-SC)	0.32	Ike Skelton (D-MO)	-0.172	0.492	0.492	/	/	/	/	
S. 1059 (1999)	/	/	/	/		0.657	John Warner (R-VA)	0.262	Carl Levin (D-MI)	-0.395	0.657
H.R. 4205 (2000)	Floyd Spence (R-SC)	0.32	Ike Skelton (D-MO)	-0.172	0.492	0.492	/	/	/	/	
S. 2549 (2000)	/	/	/	/		0.657	John Warner (R-VA)	0.262	Carl Levin (D-MI)	-0.395	0.657
H.R. 2586 (2001)	Bob Stump (R-AZ)	0.703	Ike Skelton (D-MO)	-0.172	0.875	0.875	/	/	/	/	
S. 1438 (2001)	/	/	/	/		0.657	Carl Levin (D-MI)	-0.395	John Warner (R-VA)	0.262	-0.657
H.R. 4546 (2002)	Bob Stump (R-AZ)	0.703	Ike Skelton (D-MO)	-0.172	0.875	0.875	/	/	/	/	
S. 2514 (2002)	/	/	/	/		0.657	Carl Levin (D-MI)	-0.395	John Warner (R-VA)	0.262	-0.657
H.R. 1588 (2003)	Duncan Hunter (R-CA)	0.47	Ike Skelton (D-MO)	-0.172	0.642	0.642	/	/	/	/	
S. 1050 (2003)	/	/	/	/		0.657	John Warner (R-VA)	0.262	Carl Levin (D-MI)	-0.395	0.657

Year	Chairman Armed Services House	DW-NOMINATE Score*	Ranking-Member	DW-NOMINATE Score	Distance	Final-Data-Collection	Chairman Armed Services Senate	DW-NOMINATE Score	Ranking Member	DW-NOMINATE Score	Distance
H.R. 4200 (2004)	Duncan Hunter (R-CA)	0.47	Ike Skelton (D-MO)	-0.172	0.642	0.642	/	/	/	/	
S. 2400 (2004)	/	/	/	/		0.657	John Warner (R-VA)	0.262	Carl Levin (D-MI)	-0.395	0.657
H.R. 1815 (2005)	Duncan Hunter (R-CA)	0.47	Ike Skelton (D-MO)	-0.172	0.642	0.642	/	/	/	/	
S. 1042 (2005)	/	/	/	/		0.657	John Warner (R-VA)	0.262	Carl Levin (D-MI)	-0.395	0.657
H.R. 5122 (2006)	Duncan Hunter (R-CA)	0.47	Ike Skelton (D-MO)	-0.172	0.642	0.642	/	/	/	/	
S. 2766 (2006)	/	/	/	/		0.657	John Warner (R-VA)	0.262	Carl Levin (D-MI)	-0.395	0.657
H.R. 4986 (2007)	Ike Skelton (D-MO)	-0.172	Duncan Hunter (R-CA)	0.47	-0.642	0.642	/	/	/	/	
S. 1547 (2007)	/	/	/	/		0.776	Carl Levin (D-MI)	-0.395	John McCain (R-AZ)	0.381	0.776
H.R. 5658 (2008)	Ike Skelton (D-MO)	-0.172	Duncan Hunter (R-CA)	0.47	-0.642	0.642	/	/	/	/	
S. 3001 (2008)	/	/	/	/		0.776	Carl Levin (D-MI)	-0.395	John McCain (R-AZ)	0.381	0.776
H.R. 2647 (2009)	Ike Skelton (D-MO)	-0.172	Buck McKeon (R-CA)	0.396	-0.568	0.568	/	/	/	/	
S. 1390 (2009)	/	/	/	/		0.776	Carl Levin (D-MI)	-0.395	John McCain (R-AZ)	0.381	0.776
H.R. 6523 (2010)	Ike Skelton (D-MO)	-0.172	Buck McKeon (R-CA)	0.396	-0.568	0.568	/	/	/	/	
S. 3454 (2010)	/	/	/	/		0.776	Carl Levin (D-MI)	-0.395	John McCain (R-AZ)	0.381	0.776
H.R. 1540 (2011)	Buck McKeon (R-CA)	0.396	Adam Smith (D-WA)	-0.287	0.683	0.683	/	/	/	/	
S. 1867 (2011)	/	/	/	/		0.776	Carl Levin (D-MI)	-0.395	John McCain (R-AZ)	0.381	0.776
H.R. 4310 (2012)	Buck McKeon (R-CA)	0.396	Adam Smith (D-WA)	-0.287	0.683	0.683	/	/	/	/	

Year	Chairman Armed Services House	DW-NOMINATE Score*	Ranking-Member	DW-NOMINATE Score	Distance	Final-Data-Collection	Chairman Armed Services Senate	DW-NOMINATE Score	Ranking Member	DW-NOMINATE Score	Distance
S. 3254 (2012)	/	/	/	/		0.776	Carl Levin (D-MI)	-0.395	John McCain (R-AZ)	0.381	-0.776
H.R. 3304 (2013)	Buck McKeon (R-CA)	0.396	Adam Smith (D-WA)	-0.287	0.683	0.683	/	/	/	/	
S. 1197 (2013)	/	/	/	/		0.947	Carl Levin (D-MI)	-0.395	James Inhofe (R-OK)	0.552	-0.947
H.R. 4435 (2014)	Buck McKeon (R-CA)	0.396	Adam Smith (D-WA)	-0.287	0.683	0.683	/	/	/	/	
H.R. 1735 (2015)	Mac Thornberry (R-TX)	0.525	Adam Smith (D-WA)	-0.287	0.812	0.812	/	/	/	/	
S. 1376 (2015)	/	/	/	/		0.748	John McCain (R-AZ)	0.381	Jack Reed (D-RI)	-0.367	0.748
H.R. 4909 (2016)	Mac Thornberry (R-TX)	0.525	Adam Smith (D-WA)	-0.287	0.812	0.812	/	/	/	/	
S. 2943 (2016)	/	/	/	/		0.748	John McCain (R-AZ)	0.381	Jack Reed (D-RI)	-0.367	0.748
H.R. 2810 (2017)	Mac Thornberry (R-TX)	0.525	Adam Smith (D-WA)	-0.287	0.812	0.812	/	/	/	/	
S. 1519 (2017)	/	/	/	/		0.748	John McCain (R-AZ)	0.381	Jack Reed (D-RI)	-0.367	0.748
H.R. 1790 (2019)	Adam Smith (D-WA)	-0.287	Mac Thornberry (R-TX)	0.525	-0.812	0.812	/	/	/	/	
H.R. 6395 (2020)	Adam Smith (D-WA)	-0.287	Mac Thornberry (R-TX)	0.525	-0.812	0.812	/	/	/	/	

8.4 Appendix D: Calculations of Presidential Approval Ratings

President Reagan:

Presidential Approval Rating					
1_SAP Release Date			2_SAP Release Date		
1985	End Date	Approving	1985	End Date	Approving
RD: 10.05.85	7/15/85	63			
	6/10/85	58			
	5/20/85	55			
	4/15/85	52			
	3/11/85	56			
		56.8	No changes: only one SAP		
1986	End Date	Approving	1986	End Date	Approving
RD: 10.05.85	9/17/86	63			
	9/15/86	61			
	8/11/86	61			
	7/14/86	63			
	6/16/86	64			
	6/9/86	61			
		62.2	No changes: only one SAP		
1987	End Date	Approving	1987	End Date	Approving
RD:	7/13/87	49			
	6/14/87	53			
	6/8/87	47			
	4/13/87	48			
	3/18/87	47			
	3/9/87	43			
		47.8	No changes: only one SAP		
1988	End Date	Approving	1988	End Date	Approving
No SAP					

President George H. W. Bush:

Presidential Approval Rating						
1_SAP Release Date			2_SAP Release Date			Difference
1989	End Date	Approving	1989	End Date	Approving	
1_RD: 14.07.89	9/10/89	70	2_RD: 26.07.89	10/8/89	68	
	8/13/89	69		9/10/89	70	
	7/9/89	66		8/13/89	69	
	6/11/89	70		7/9/89	66	
	5/18/89	63		6/11/89	70	
			5/18/89	63		
		67.6			67.7	0.1
1990	End Date	Approving	1990	End Date	Approving	
1_RD: 02.08.90	10/4/90	66	2_RD: 10.09.90	11/11/90	58	
	9/30/90	67		11/4/90	58	
	9/16/90	73		10/28/90	54	
	9/11/90	76		10/21/90	53	
	9/2/90	74		10/14/90	56	
	8/26/90	76		10/4/90	66	
	8/19/90	75		9/30/90	67	
	8/12/90	74		9/16/90	73	
	7/22/90	60		9/11/90	76	
	7/8/90	63		9/2/90	74	
	6/17/90	69		8/26/90	76	
	6/10/90	67		8/19/90	75	
					8/12/90	74
			7/22/90	60		
			7/8/90	63		
		70.0			65.5	4.5
1991	End Date	Approving	1991	End Date	Approving	
1_RD: 15.05.91	7/14/91	72	2_RD: 30.07.91	9/29/91	66	
	6/30/91	72		9/15/91	68	
	6/16/91	71		9/8/91	70	
	6/2/91	74		9/3/91	69	
	5/26/91	76		8/25/91	74	
	5/19/91	77		8/11/91	71	
	5/5/91	74		7/28/91	71	
	4/28/91	76		7/21/91	70	
	4/14/91	77		7/14/91	72	
	4/6/91	83		6/30/91	72	
	3/30/91	82		6/16/91	71	
	3/24/91	84		6/2/91	74	
	3/17/91	86				
		77.2			70.7	6.6

1992	End Date	Approving	1992	End Date	Approving	
1_RD: 02.06.92	8/2/92	29	2_RD: 07.08.92	10/3/92	33	
	7/26/92	32		9/20/92	36	
	6/30/92	38		9/15/92	39	
	6/14/92	37		9/2/92	39	
	6/7/92	37		8/22/92	40	
	5/20/92	41		8/12/92	35	
	5/10/92	40		8/2/92	29	
	4/22/92	42		7/26/92	32	
	4/12/92	39		6/30/92	38	
	3/29/92	42		6/14/92	37	
				6/7/92	37	
		37.7			35.9	1.8

President Bill Clinton:

Presidential Approval Rating						
1_SAP Release Date (RD)			2_SAP Release Date			Difference
1993	End Date	Approving	1993	End Date	Approving	
1_RD: 04.08.93	10/10/93	50	2_RD: 08.09.93	11/4/93	48	
	9/26/93	56		10/30/93	48	
	9/15/93	46		10/18/93	47	
	12/9/93	47		10/10/93	50	
	8/25/93	44		9/26/93	56	
	8/10/93	44		9/15/93	46	
	7/21/93	41		9/12/93	47	
	7/11/93	45		8/25/93	44	
	6/30/93	46		8/10/93	44	
	6/21/93	39		7/21/93	41	
	6/6/93	37		7/11/93	45	
		45			46.9	1.9
1994	End Date	Approving	1994	End Date	Approving	
1_RD: 16.05.94	7/17/94	42	2_RD: 23.06.94	8/16/94	39	
	7/3/94	43		8/9/94	43	
	6/28/94	44		7/17/94	42	
	6/12/94	49		7/3/94	43	
	6/6/94	46		6/28/94	44	
	5/22/94	51		6/12/94	49	
	4/24/94	48		6/6/94	46	
	4/18/94	51		5/22/94	51	
	3/30/94	51		4/24/94	48	
	3/27/94	52				
	3/13/94	50				
		47.9			45.0	2.9
1995	End Date	Approving	1995	End Date	Approving	
1_RD: 13.06.95	8/14/95	46	2_RD: 31.07.95	9/24/95	48	
	8/7/95	46		9/17/95	44	
	7/23/95	46		8/30/95	46	
	7/9/95	48		8/14/95	46	
	6/6/95	47		8/7/95	46	
	5/14/95	51		7/23/95	46	
	4/24/95	51		7/9/95	48	
	4/19/95	46		6/6/95	47	
		47.6			46.4	1.3

1996	End Date	Approving	1996	End Date	Approving		
1_RD: 13.05.96	7/21/96	57	2_RD: 11.06.96	8/7/96	57		
	6/30/96	52		7/28/96	58		
	6/19/96	58		7/21/96	57		
	5/29/96	53		6/30/96	52		
	5/12/96	55		6/19/96	58		
	4/28/96	56		5/29/96	53		
	4/10/96	54		5/12/96	55		
	3/17/96	52		4/28/96	56		
	3/10/96	54		4/10/96	54		
					54.6	55.6	1.0
1997	End Date	Approving	1997	End Date	Approving		
1_RD: 19.06.97	8/25/97	60					
	8/13/97	61					
	7/27/97	58					
	6/29/97	55					
	6/1/97	57					
	5/7/97	57					
	4/20/97	54					
					57.4	No changes: 2x SAPs, but same Release Date	
1998	End Date	Approving	1998	End Date	Approving		
1_RD: 14.05.98	7/14/98	63	2_RD: 20.05.98	7/14/98	63		
	7/8/98	61		7/8/98	61		
	6/23/98	60		6/23/98	60		
	6/7/98	60		6/7/98	60		
	5/10/98	64		5/10/98	64		
	4/19/98	63		4/19/98	63		
	3/22/98	66		3/22/98	66		
	3/9/98	63					
					62.5	62.4	0.1

1999	End Date	Approving	1999	End Date	Approving
1_RD: 24.05.99	7/25/99	64	2_RD: 09.06.99	8/4/99	60
	7/18/99	58		7/25/99	64
	7/14/99	59		7/18/99	58
	6/27/99	57		7/14/99	59
	6/13/99	60		6/27/99	57
	6/5/99	60		6/13/99	60
	5/24/99	53		6/5/99	60
	5/9/99	60		5/24/99	53
	5/2/99	60		5/9/99	60
	4/27/99	60		5/2/99	60
	4/14/99	60		4/27/99	60
	4/7/99	59		4/14/99	60
	3/31/99	64		4/7/99	59
	3/21/99	64			
		59.9			59.2
					0.6
2000	End Date	Approving	2000	End Date	Approving
1_RD: 17.05.00	7/16/00	59	2_RD: 06.06.00	8/5/00	57
	7/9/00	59		7/26/00	57
	6/25/00	55		7/16/00	59
	6/7/00	60		7/9/00	59
	5/21/00	57		6/25/00	55
	5/7/00	57		6/7/00	60
	4/30/00	59		5/21/00	57
	4/2/00	62		5/7/00	57
	3/19/00	56		4/30/00	59
					4/2/00
		58.2			58.2
					0.0

President George W. Bush:

Presidential Approval Rating						
1_SAP Release Date			2_SAP Release Date			Difference
2001	End Date	Approving	2001	End Date	Approving	
1_RD: 24.09.01	11/27/01	87				
	11/11/01	87				
	11/4/01	87				
	10/21/01	88				
	10/14/01	89				
	10/6/01	87				
	9/22/01	90				
	9/15/01	86				
	9/10/01	51				
	8/26/01	55				
	8/19/01	57				
	8/12/01	57				
	8/5/01	55				
	7/22/01	56				
	73.7			No changes: 2x SAPs, but same Release Date		
2002	End Date	Approving	2002	End Date	Approving	
1_RD: 09.05.02	7/8/02	76	2_RD: 19.06.02	8/21/02	65	
	6/30/02	76		8/8/02	68	
	6/23/02	73		7/31/02	71	
	6/19/02	74		7/28/02	69	
	6/8/02	74		7/24/02	69	
	6/6/02	70		7/11/02	73	
	5/29/02	77		7/8/02	76	
	5/22/02	76		6/30/02	76	
	5/9/02	76		6/23/02	73	
	5/1/02	77		6/19/02	74	
	4/24/02	77		6/8/02	74	
	4/11/02	75		6/6/02	70	
	4/7/02	76		5/29/02	77	
	3/24/02	79		5/22/02	76	
	3/20/02	79		5/9/02	76	
3/9/02	80	5/1/02	77			
			4/24/02	77		
75.9			73.0			2.9

2003	End Date	Approving	2003	End Date	Approving
RD: 20.05.03	7/20/03	59			
	7/9/03	62			
	6/29/03	61			
	6/15/03	63			
	6/10/03	62			
	6/1/03	64			
	5/21/03	66			
	5/7/03	69			
	4/23/03	70			
	4/16/03	71			
	4/9/03	69			
	4/6/03	70			
	3/30/03	71			
	3/25/03	69			
3/23/03	71				
		66.5	No changes: 2x SAPs, but only 2x days apart (same calculation dates)		
2004	End Date	Approving	2004	End Date	Approving
1_RD: 19.05.04	7/21/04	49			
	7/11/04	47			
	6/23/04	48			
	6/6/04	49			
	5/23/04	47			
	5/9/04	46			
	5/4/04	49			
	4/18/04	52			
	4/8/04	52			
	3/28/04	53			
	3/11/04	50			
		49.3	No changes: 2x SAPs, but same Release Date		
2005	End Date	Approving	2005	End Date	Approving
1_RD: 25.05.05	7/24/05	49	2_RD: 21.07.05	9/18/05	40
	7/10/05	49		9/15/05	45
	6/30/05	46		9/11/05	46
	6/26/05	45		8/30/05	45
	6/19/05	47		8/25/05	40
	6/8/05	47		8/11/05	45
	5/26/05	48		8/7/05	45
	5/22/05	46		7/28/05	44

	5/5/05	50		7/24/05	49	
	5/1/05	48		7/10/05	49	
	4/21/05	48		6/30/05	46	
	4/7/05	50		6/26/05	45	
	4/2/05	48		6/19/05	47	
	3/23/05	45		6/8/05	47	
				5/26/05	48	
				5/22/05	46	
		47.6			45.4	2.1
2006	End Date	Approving	2006	End Date	Approving	
1_RD: 11.05.06	7/9/06	40	2_RD: 14.06.06	8/10/06	37	
	6/25/06	37		7/30/06	40	
	6/11/06	38		7/23/06	37	
	6/4/06	36		7/9/06	40	
	5/11/06	33		6/25/06	37	
	5/7/06	31		6/11/06	38	
	4/30/06	34		6/4/06	36	
	4/13/06	36		5/11/06	33	
	4/9/06	37		5/7/06	31	
	3/16/06	37		4/30/06	34	
	3/12/06	36		4/13/06	36	
		35.9			36.3	0.4
2007	End Date	Approving	2007	End Date	Approving	
1_RD: 16.05.07	7/15/07	31	2_RD: 10.07.07	9/8/07	33	
	7/8/07	29		8/16/07	32	
	6/14/07	32		8/5/07	34	
	6/3/07	32		7/15/07	31	
	5/13/07	33		7/8/07	29	
	5/6/07	34		6/14/07	32	
	4/15/07	36		6/3/07	32	
	4/5/07	38		5/13/07	33	
	3/25/07	34				
	3/14/07	35				
		33.4			32.0	1.4

2008	End Date	Approving	2008	End Date	Approving
1_RD: 22.05.08	7/27/08	32	2_RD: 09.09.08	11/9/08	28
	7/13/08	31		11/2/08	25
	6/19/08	28		10/26/08	31
	6/12/08	30		10/12/08	25
	6/1/08	28		10/5/08	25
	5/11/08	29		9/27/08	27
	5/3/08	28		9/11/08	31
	4/20/08	28		9/7/08	33
	4/9/08	28		8/23/08	29
	3/16/08	32		8/10/08	33
				7/27/08	32
				7/13/08	31
		29.4			29.2
					0.2

President Obama:

Presidential Approval Rating							
1_SAP Release Date			2_SAP Release Date			Difference	
2009	End Date	Approving	2009	End Date	Approving		
1_RD: 24.06.09	8/23/09	52	2_RD: 15.07.09	9/13/09	52		
	8/16/09	54		9/6/09	53		
	8/9/09	56		8/30/09	50		
	8/2/09	54		8/23/09	52		
	7/26/09	56		8/16/09	54		
	7/19/09	59		8/9/09	56		
	7/12/09	58		8/2/09	54		
	7/5/09	60		7/26/09	56		
	6/28/09	60		7/19/09	59		
	6/21/09	59		7/12/09	58		
	6/14/09	61		7/5/09	60		
	6/7/09	62		6/28/09	60		
	5/31/09	63		6/21/09	59		
	5/24/09	64		6/14/09	61		
	5/17/09	64		6/7/09	62		
	5/10/09	66		5/31/09	63		
	5/3/09	65		5/24/09	64		
	4/26/09	65		5/17/09	64		
					59.9	57.6	2.3
2010	End Date	Approving	2010	End Date	Approving		
1_RD: 27.05.10	7/25/10	45	2_RD: 21.09.10	11/21/10	46		
	7/18/10	46		11/14/10	44		
	7/11/10	46		11/7/10	45		
	7/4/10	46		10/31/10	45		
	6/27/10	45		10/24/10	44		
	6/20/10	47		10/17/10	45		
	6/13/10	46		10/10/10	46		
	6/6/10	47		10/3/10	46		
	5/30/10	46		9/26/10	44		
	5/23/10	48		9/19/10	46		
	5/16/10	49		9/12/10	46		
	5/9/10	50		9/5/10	45		
	5/2/10	48		8/29/10	43		
	4/25/10	50		8/22/10	43		
	4/18/10	48		8/15/10	44		

	4/11/10	47		8/8/10	45	
	4/4/10	49		8/1/10	45	
	3/28/10	49		7/25/10	45	
				7/18/10	46	
		47.3			44.9	2.4
2011	End Date	Approving	2011	End Date	Approving	
1_RD: 24.05.11	7/24/11	43	2_RD: 17.11.11	1/15/12	45	
	7/17/11	44		1/8/12	46	
	7/10/11	46		1/1/12	42	
	7/3/11	46		12/25/11	45	
	6/26/11	43		12/18/11	42	
	6/19/11	47		12/11/11	43	
	6/12/11	46		12/4/11	42	
	6/5/11	50		11/27/11	43	
	5/29/11	49		11/20/11	43	
	5/22/11	50		11/13/11	43	
	5/15/11	49		11/6/11	43	
	5/8/11	51		10/30/11	43	
	5/1/11	44		10/23/11	41	
	4/24/11	43		10/16/11	41	
	4/17/11	43		10/9/11	40	
	4/10/11	45		10/2/11	41	
	4/3/11	48		9/25/11	41	
	3/27/11	45		9/18/11	40	
		46.2			42.4	3.8
2012	End Date	Approving	2012	End Date	Approving	
1_RD: 15.05.12	7/15/12	46	2_RD: 29.11.12	1/27/13	52	
	7/8/12	45		1/20/13	50	
	7/1/12	47		1/13/13	54	
	6/24/12	46		1/6/13	53	
	6/17/12	46		12/30/12	53	
	6/10/12	47		12/23/12	57	
	6/3/12	46		12/16/12	52	
	5/27/12	48		12/9/12	50	
	5/20/12	47		12/2/12	51	
	5/13/12	47		11/25/12	52	
	5/6/12	48		11/18/12	53	
	4/29/12	48		11/11/12	51	
	4/22/12	48		11/4/12	52	

	4/15/12	47		10/28/12	50	
	4/8/12	47		10/21/12	50	
	4/1/12	46		10/14/12	50	
	3/25/12	46		10/7/12	52	
	3/18/12	46		9/30/12	48	
		46.7			51.7	4.9
2013	End Date	Approving	2013	End Date	Approving	
1_RD: 11.06.13	8/11/13	44	2_RD: 18.11.13	1/19/14	40	
	8/4/13	45		1/12/14	41	
	7/28/13	46		1/5/14	41	
	7/21/13	47		12/29/13	43	
	7/14/13	46		12/22/13	40	
	7/7/13	46		12/15/13	42	
	6/30/13	47		12/8/13	41	
	6/23/13	46		12/1/13	42	
	6/16/13	47		11/24/13	40	
	6/9/13	48		11/17/13	41	
	6/2/13	48		11/10/13	41	
	5/26/13	49		11/3/13	41	
	5/19/13	49		10/27/13	43	
	5/12/13	49		10/20/13	43	
	5/5/13	50		10/13/13	42	
	4/28/13	51		10/6/13	44	
	4/21/13	50		9/29/13	45	
	4/14/13	49		9/22/13	44	
				9/15/13	45	
		47.6			42.1	5.6
2014	End Date	Approving	2014	End Date	Approving	
1_RD: 19.05.14	7/20/14	43				
	7/13/14	42				
	7/6/14	43				
	6/29/14	42				
	6/22/14	41				
	6/15/14	42				
	6/8/14	44				
	6/1/14	44				
	5/25/14	43				
	5/18/14	44				
	5/11/14	45				

	5/4/14	44					
	4/27/14	44					
	4/20/14	44					
	4/13/14	43					
	4/6/14	44					
	3/30/14	43					
	3/23/14	44					
	3/16/14	40					
		43.1	No changes: only one SAP				
2015	End Date	Approving	2015	End Date	Approving		
1_RD: 12.05.15	7/12/15	46	2_RD: 02.06.15	8/2/15	46		
	7/5/15	46		7/26/15	46		
	6/28/15	47		7/19/15	46		
	6/21/15	45		7/12/15	46		
	6/14/15	45		7/5/15	46		
	6/7/15	46		6/28/15	47		
	5/31/15	47		6/21/15	45		
	5/24/15	46		6/14/15	45		
	5/17/15	47		6/7/15	46		
	5/10/15	47		5/31/15	47		
	5/3/15	48		5/24/15	46		
	4/26/15	45		5/17/15	47		
	4/19/15	46		5/10/15	47		
	4/12/15	48		5/3/15	48		
	4/5/15	47		4/26/15	45		
	3/29/15	46		4/19/15	46		
	3/22/15	45		4/12/15	48		
	3/15/15	47		4/5/15	47		
		46.3			46.3	0.0	

2016	End Date	Approving	2016	End Date	Approving	
1_RD: 16.05.16	7/17/16	49	2_RD: 07.06.16	8/7/16	52	
	7/10/16	51		7/31/16	53	
	7/3/16	51		7/24/16	49	
	6/26/16	50		7/17/16	49	
	6/19/16	53		7/10/16	51	
	6/12/16	53		7/3/16	51	
	6/5/16	51		6/26/16	50	
	5/29/16	52		6/19/16	53	
	5/22/16	51		6/12/16	53	
	5/15/16	51		6/5/16	51	
	5/8/16	52		5/29/16	52	
	5/1/16	51		5/22/16	51	
	4/24/16	51		5/15/16	51	
	4/17/16	48		5/8/16	52	
	4/10/16	51		5/1/16	51	
	4/3/16	51		4/24/16	51	
	3/27/16	53		4/17/16	48	
	3/20/16	50		4/10/16	51	
	3/13/16	51				
		51.1			51.1	0.0

President Trump:

Presidential Approval Rating						
1_SAP Release Date			2_SAP Release Date			Difference
2017	End Date	Approving	2017	End Date	Approving	
1_RD: 11.07.17	9/10/17	37	2_RD: 07.09.17	11/5/17	38	
	9/3/17	36		10/29/17	35	
	8/27/17	35		10/22/17	36	
	8/20/17	37		10/15/17	37	
	8/13/17	36		10/8/17	38	
	8/6/17	37		10/1/17	37	
	7/30/17	38		9/24/17	38	
	7/23/17	37		9/17/17	38	
	7/16/17	39		9/10/17	37	
	7/9/17	38		9/3/17	36	
	7/2/17	39		8/27/17	35	
	6/25/17	39		8/20/17	37	
	6/18/17	38		8/13/17	36	
	6/11/17	37		8/6/17	37	
	6/4/17	38		7/30/17	38	
	5/28/17	41		7/23/17	37	
	5/21/17	38		7/16/17	39	
	5/14/17	38		7/9/17	38	
		37.7			37.1	0.6
2018	End Date	Approving	End Date	Approving		
No SAP						

2019	End Date	Approving	2019	End Date	Approving
1_RD: 09.07.19	9/15/19	43			
	8/30/19	39			
	8/14/19	41			
	7/31/19	42			
	7/12/19	44			
	6/30/19	41			
	6/16/19	43			
	5/30/19	40			
	5/12/19	42			
		41.7	No changes: only one SAP		
2020	End Date	Approving	2020	End Date	Approving
1_RD: 09.12.2020	11/19/20	43			
	12/17/20	42			
	1/15/21	41			
		41.8	No changes: only one SAP		

8.5 Appendix E: List of all variables

Origin	CompGov	App	CritJunc	Assert	Pol	Pol_NP	Pol_Com	Honeymoon	End of Term	Congress	Reagan	Bush41	Clinton	Bush43	Obama	Trump
1985	0	57	0	1E-05	50	0.62	0.786	1	0	2	1	0	0	0	0	0
1986	0	62	0	1E-05	52	0.62	0.786	0	0	9	1	0	0	0	0	0
1987	1	48	0	35	64	0.65	0.718	0	0	2	1	0	0	0	0	0
1989	1	68	0	40	56	0.65	0.718	1	0	13	0	1	0	0	0	0
1989	1	68	0	45	35	0.62	0.407	0	0	19	0	1	0	0	0	0
1990	1	70	0	144	49	0.66	0.718	0	0	14	0	1	0	0	0	0
1990	1	66	0	84	54	0.62	0.407	0	0	10	0	1	0	0	0	0
1991	1	77	0	24	55	0.66	0.718	0	0	9	0	1	0	0	0	0
1991	1	71	0	45	49	0.63	0.407	0	0	20	0	1	0	0	0	0
1992	1	38	0	80	65	0.66	0.718	0	1	9	0	1	0	0	0	0
1992	1	36	0	149	53	0.63	0.407	0	1	13	0	1	0	0	0	0
1993	0	45	0	45	66	0.72	0.964	1	0	17	0	0	1	0	0	0
1993	0	47	0	50	67	0.64	0.536	1	0	26	0	0	1	0	0	0
1994	0	48	0	75	62	0.72	0.964	0	0	6	0	0	1	0	0	0
1994	0	45	0	85	52	0.64	0.536	0	0	22	0	0	1	0	0	0
1995	1	48	0	130	73	0.77	0.964	0	0	25	0	0	1	0	0	0
1995	1	46	0	152	69	0.66	0.536	0	0	24	0	0	1	0	0	0
1996	1	55	0	168	56	0.77	0.964	0	1	21	0	0	1	0	0	0
1996	1	56	0	69	62	0.66	0.536	0	1	10	0	0	1	0	0	0
1997	1	57	0	122	50	0.79	0.964	1	0	24	0	0	1	0	0	0
1997	1	57	0	114	50	0.7	0.786	1	0	8	0	0	1	0	0	0
1998	1	63	0	97	56	0.79	0.964	0	0	34	0	0	1	0	0	0
1998	1	62	0	46	56	0.7	0.786	0	0	8	0	0	1	0	0	0
1999	1	60	0	110	47	0.79	0.492	0	0	22	0	0	1	0	0	0
1999	1	59	0	65	63	0.68	0.657	0	0	26	0	0	1	0	0	0
2000	1	58	0	125	43	0.79	0.492	0	1	21	0	0	1	0	0	0

Origin	CompGov	App	CritJunc	Assert	Pol	Pol_NP	Pol_Com	Honeymoon	End of Term	Congress	Reagan	Bush41	Clinton	Bush43	Obama	Trump
2000	1	58	0	115	49	0.68	0.657	0	1	15	0	0	1	0	0	0
2001	1	74	1	120	55	0.68	0.875	1	0	23	0	0	0	1	0	0
2001	1	74	1	100	40	0.8	0.657	1	0	15	0	0	0	1	0	0
2002	0	76	1	132	43	0.8	0.875	0	0	24	0	0	0	1	0	0
2002	0	73	1	48	46	0.68	0.657	0	0	15	0	0	0	1	0	0
2003	0	67	1	127	52	0.81	0.642	0	0	48	0	0	0	1	0	0
2003	0	67	1	62	67	0.67	0.657	0	0	27	0	0	0	1	0	0
2004	0	49	1	178	47	0.81	0.642	0	1	38	0	0	0	1	0	0
2004	0	49	1	94	52	0.67	0.657	0	1	15	0	0	0	1	0	0
2005	0	48	1	177	49	0.83	0.642	1	0	30	0	0	0	1	0	0
2005	0	45	1	191	63	0.71	0.657	1	0	18	0	0	0	1	0	0
2006	0	36	1	103	55	0.83	0.642	0	0	37	0	0	0	1	0	0
2006	0	36	1	90	57	0.71	0.657	0	0	27	0	0	0	1	0	0
2007	1	33	1	184	62	0.82	0.642	0	0	45	0	0	0	1	0	0
2007	1	32	1	273	60	0.73	0.776	0	0	35	0	0	0	1	0	0
2008	1	29	1	213	53	0.82	0.642	0	1	49	0	0	0	1	0	0
2008	1	29	1	253	52	0.73	0.776	0	1	36	0	0	0	1	0	0
2009	0	60	1	54	51	0.82	0.568	1	0	55	0	0	0	0	1	0
2009	0	58	1	80	72	0.76	0.776	1	0	32	0	0	0	0	1	0
2010	0	47	1	69	40	0.82	0.568	0	0	44	0	0	0	0	1	0
2010	0	45	1	40	79	0.76	0.776	0	0	42	0	0	0	0	1	0
2011	1	46	1	156	76	0.87	0.683	0	0	50	0	0	0	0	1	0
2011	0	42	1	77	51	0.78	0.776	0	0	44	0	0	0	0	1	0
2012	1	47	1	342	73	0.87	0.683	0	1	49	0	0	0	0	1	0
2012	0	52	1	112	60	0.78	0.776	0	1	38	0	0	0	0	1	0
2013	1	48	1	280	69	0.87	0.683	1	0	70	0	0	0	0	1	0
2013	0	42	1	75	70	0.85	0.947	1	0	40	0	0	0	0	1	0
2014	1	43	1	308	73	0.87	0.683	0	0	95	0	0	0	0	1	0

Origin	CompGov	App	CritJunc	Assert	Pol	Pol_NP	Pol_Com	Honeymoon	End of Term	Congress	Reagan	Bush41	Clinton	Bush43	Obama	Trump
2015	1	46	1	336	75	0.88	0.812	0	0	75	0	0	0	0	1	0
2015	1	46	1	301	69	0.86	0.748	0	0	56	0	0	0	0	1	0
2016	1	51	1	546	73	0.88	0.812	0	1	64	0	0	0	0	1	0
2016	1	51	1	504	46	0.86	0.748	0	1	80	0	0	0	0	1	0
2017	0	38	1	145	76	0.89	0.812	1	0	81	0	0	0	0	0	1
2017	0	37	1	190	69	0.84	0.748	1	0	67	0	0	0	0	0	1
2019	1	42	1	301	68	0.88	0.812	0	0	62	0	0	0	0	0	1
2020	1	42	1	434	70	0.88	0.812	0	1	63	0	0	0	0	0	1

8.6 Appendix F: Diagnostic Plots for all calculated regression models
 Table 5.4: Model 1

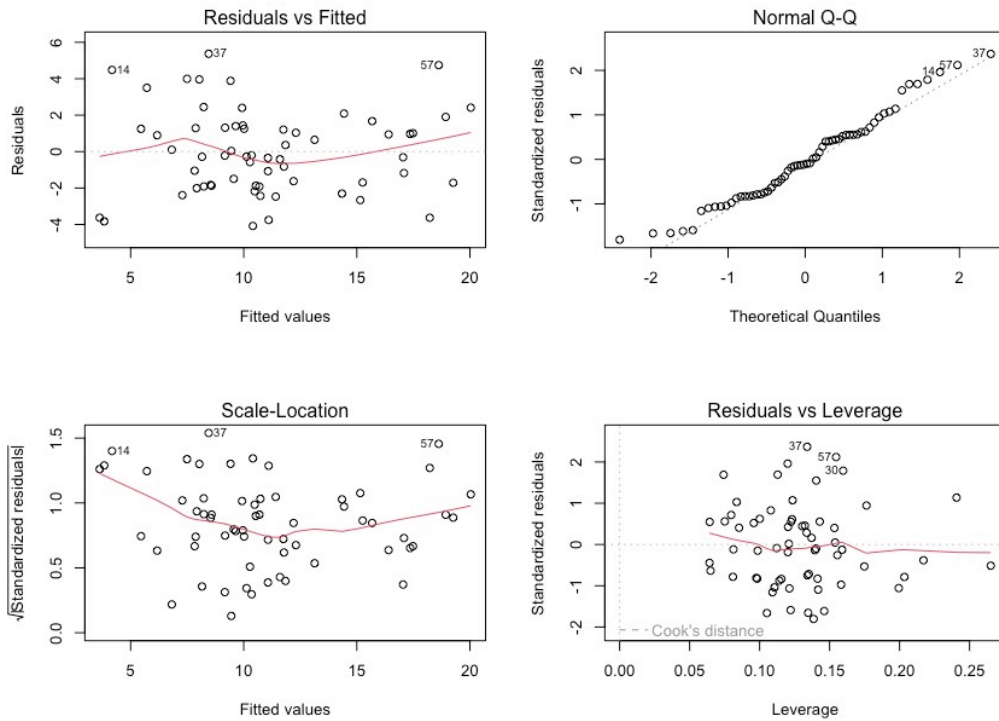


Table 5.4: Model 2

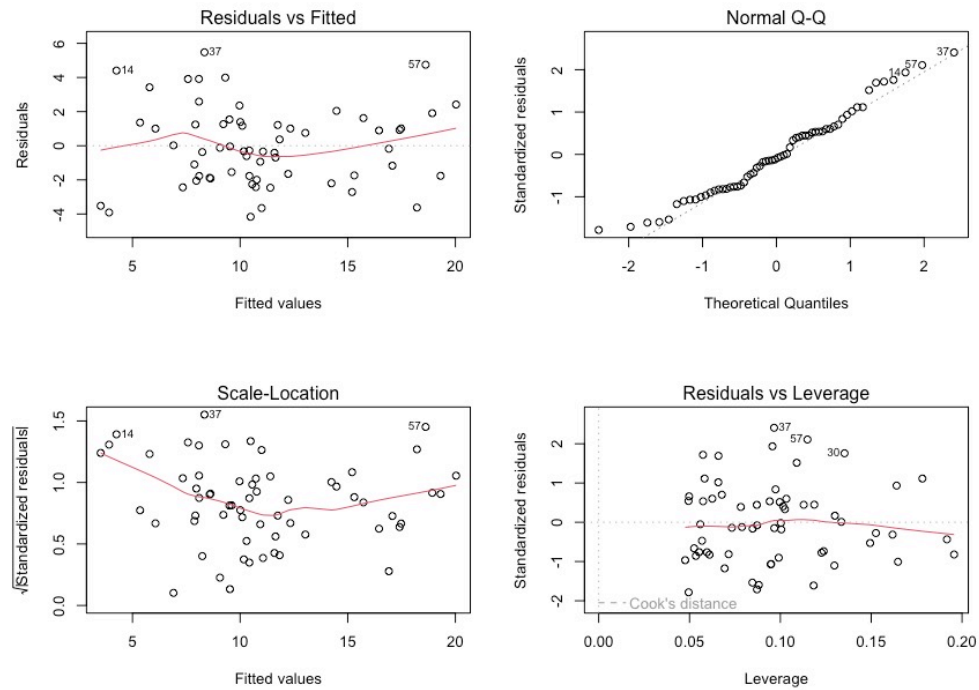


Table 5.4: Model 3 (Conclusive Model)

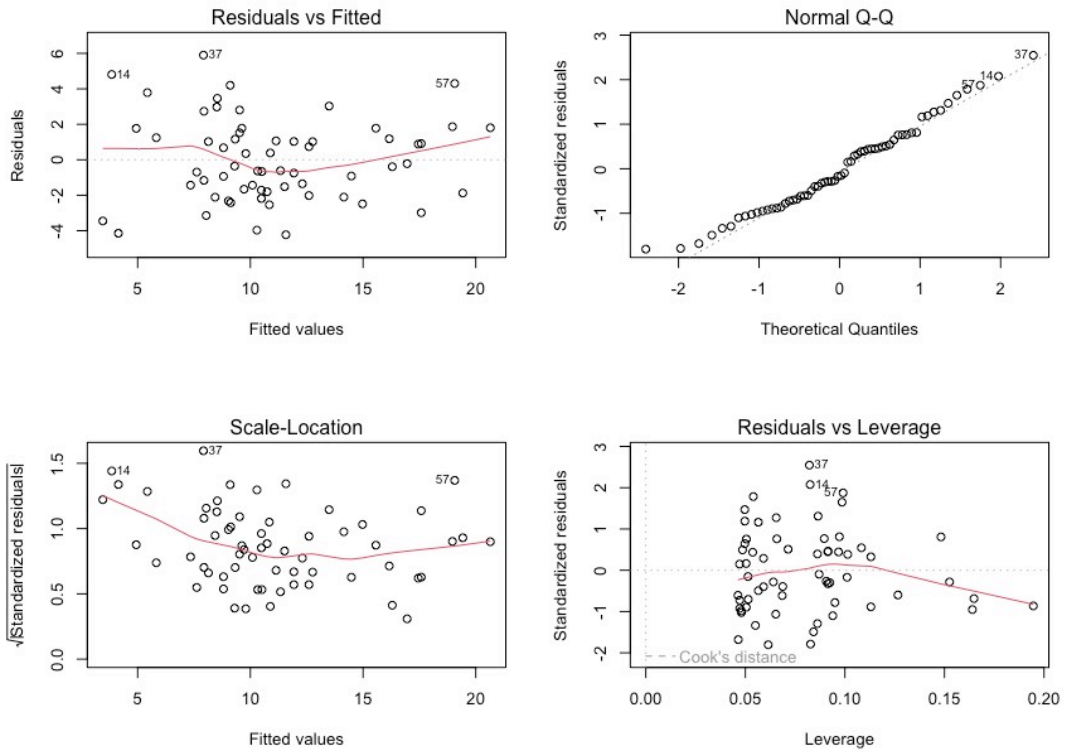


Table 5.6: Model 1 (Controlling for Interaction Effects)

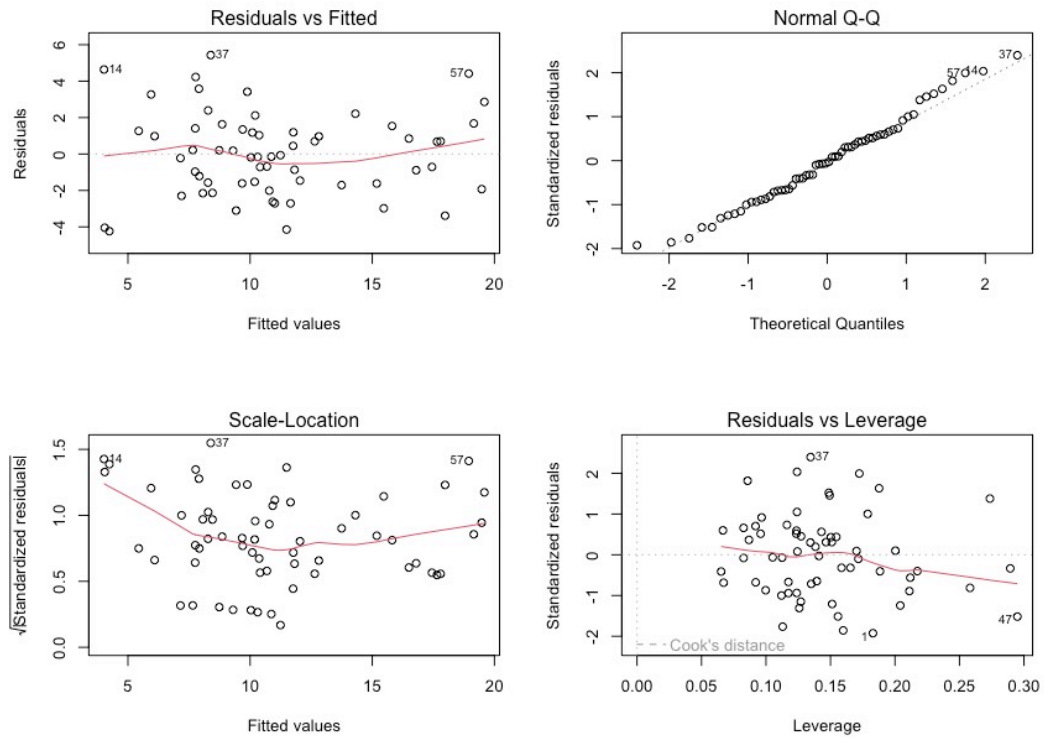


Table 5.6: Model 2

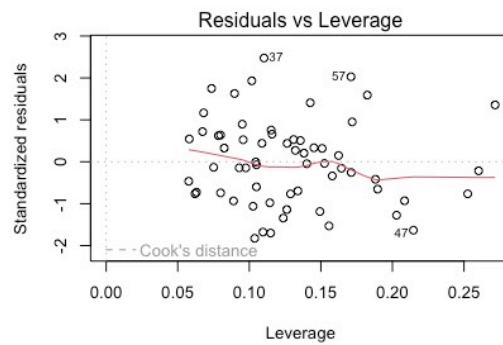
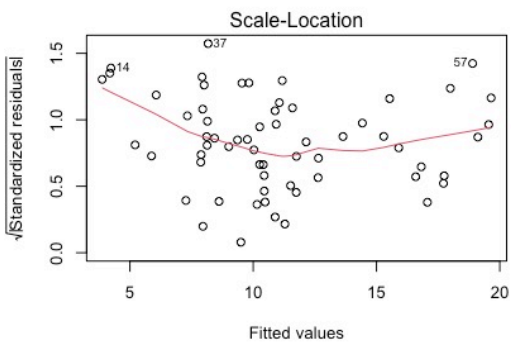
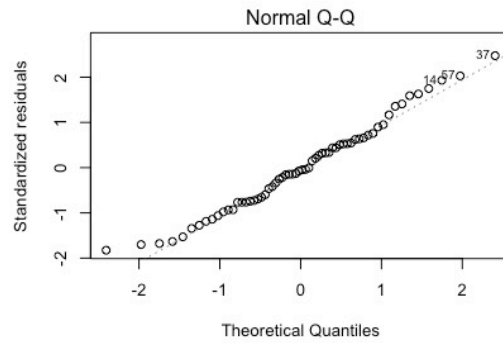
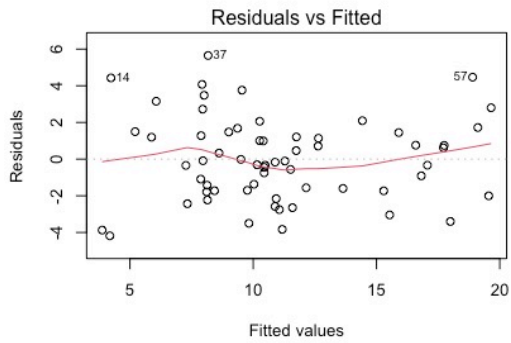


Table 5.6: Model 3

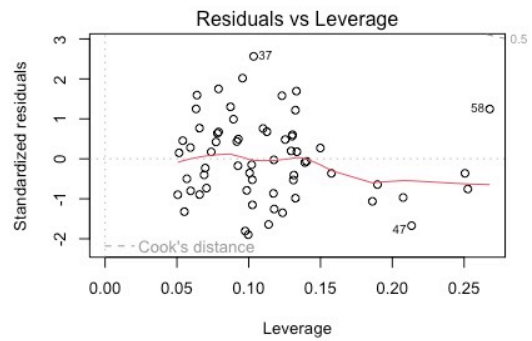
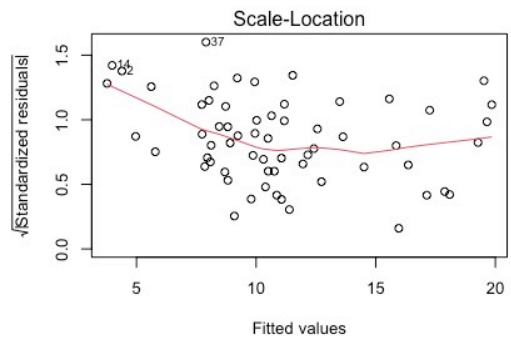
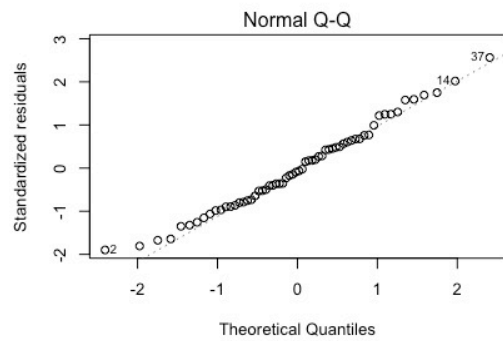
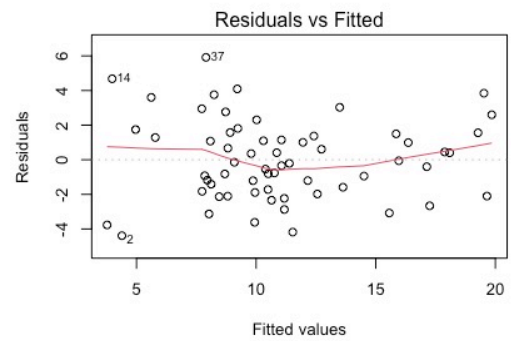


Table 5.7: Model 1 (Nokken-Poole measure of polarization; distance between average ideological position per party)

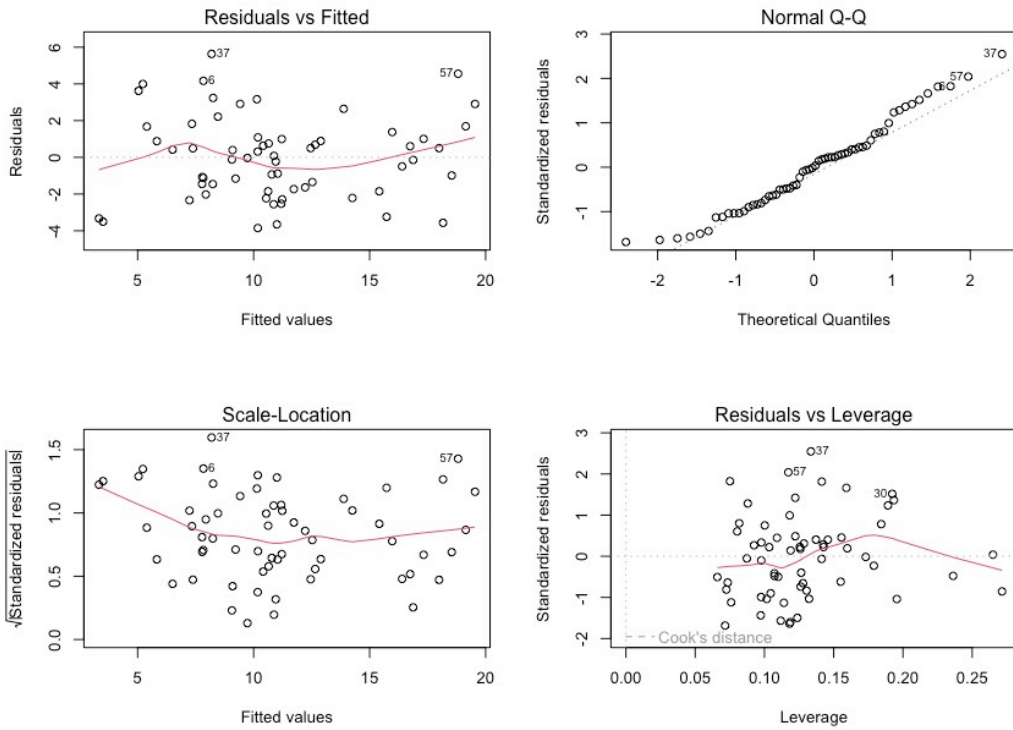


Table 5.7: Model 2

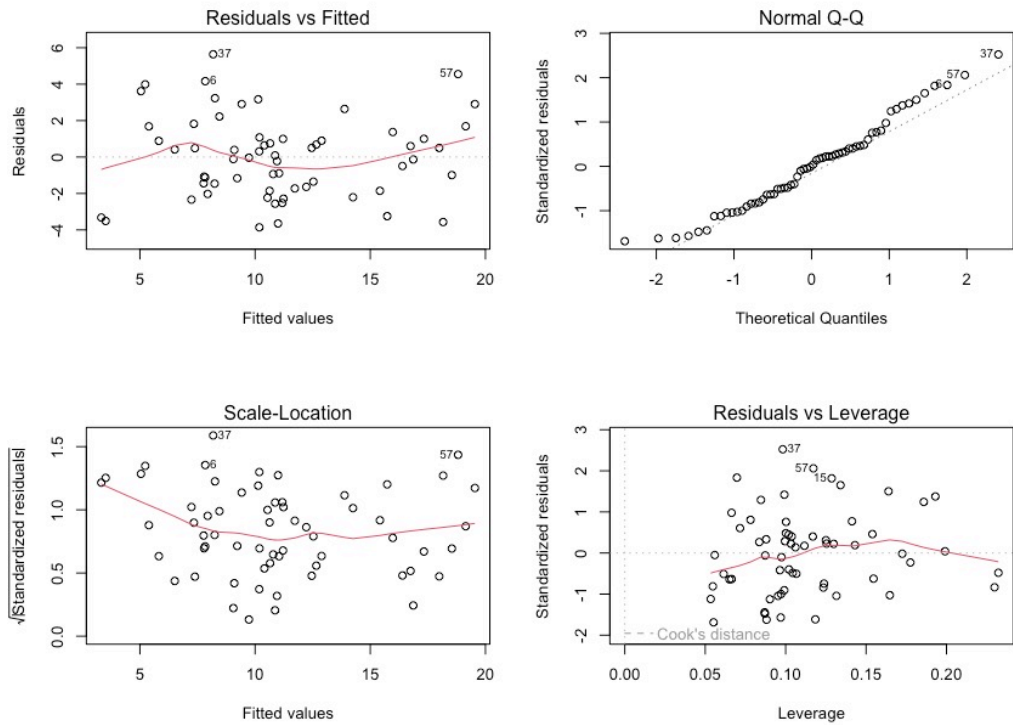


Table 5.8: Model 1 (DW-NOMINATE measure of polarization; distance between Committee Chair and Ranking Member)

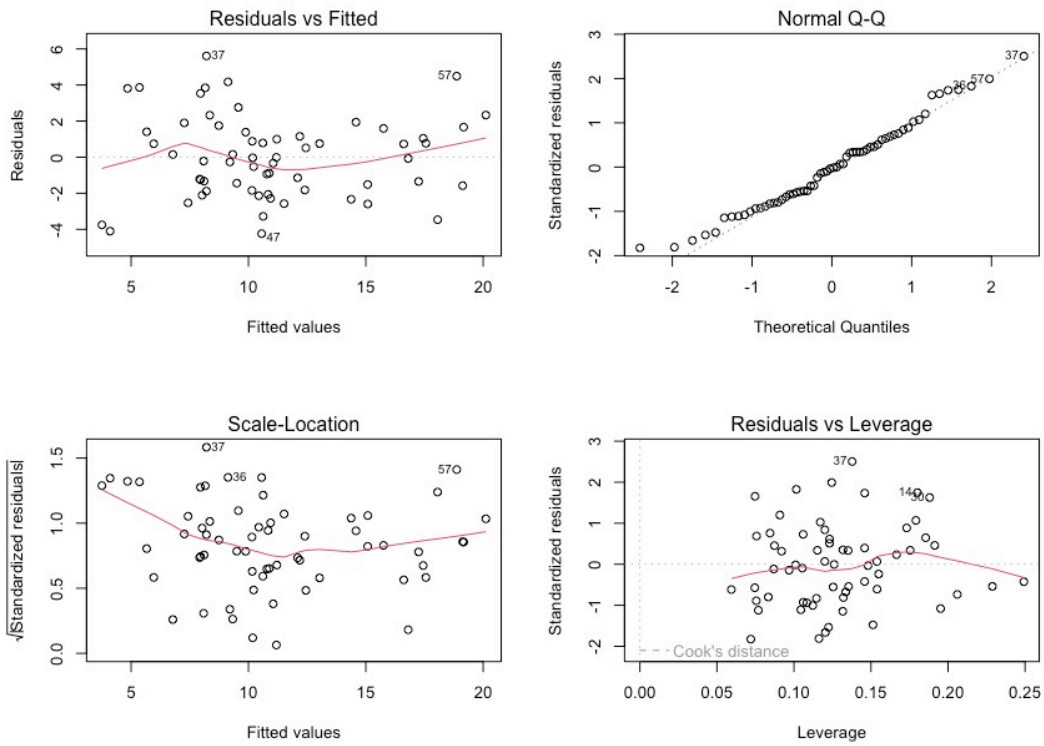


Table 5.8: Model 2

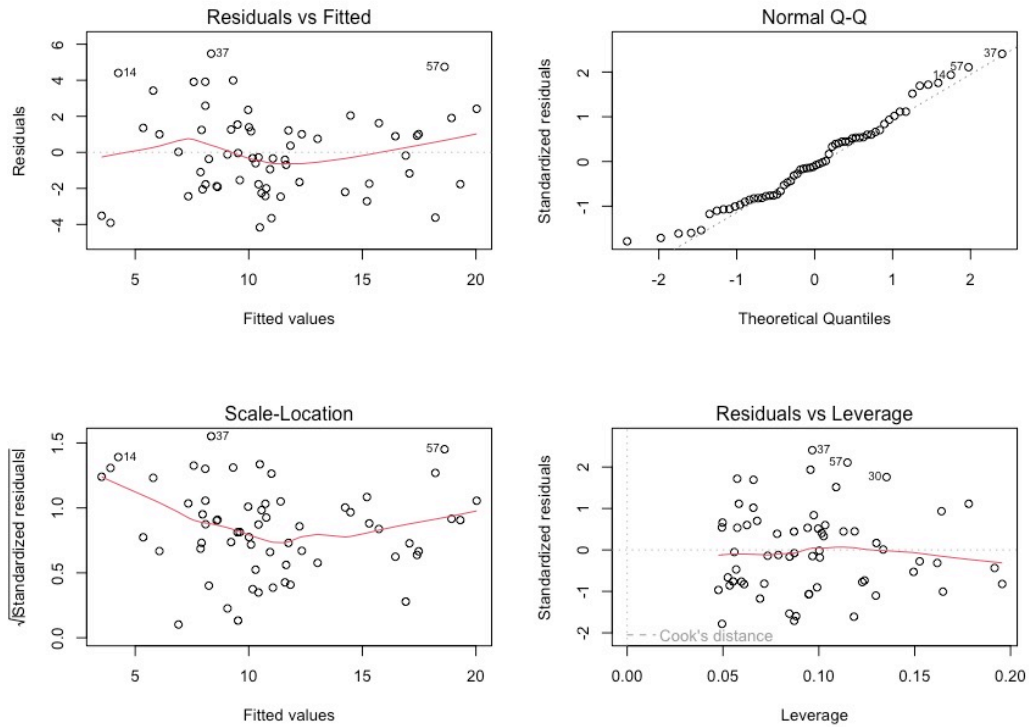


Table 5.9: Model 1 (President Specific effect: Reagan)

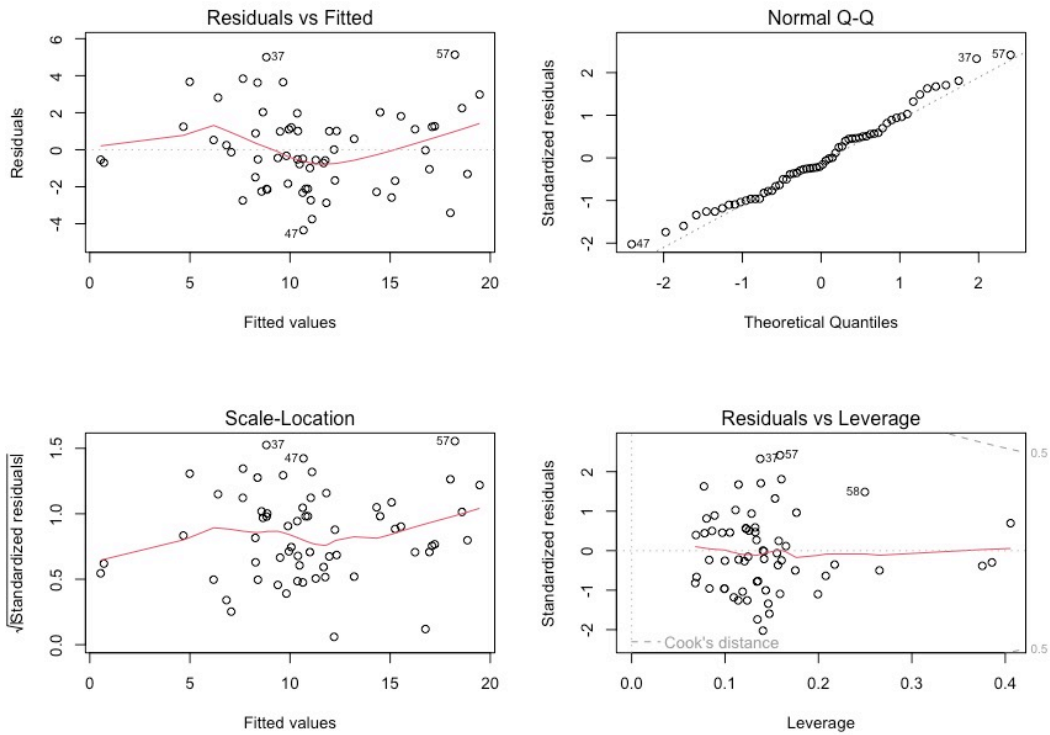


Table 5.9: Model 2 (Bush 41)

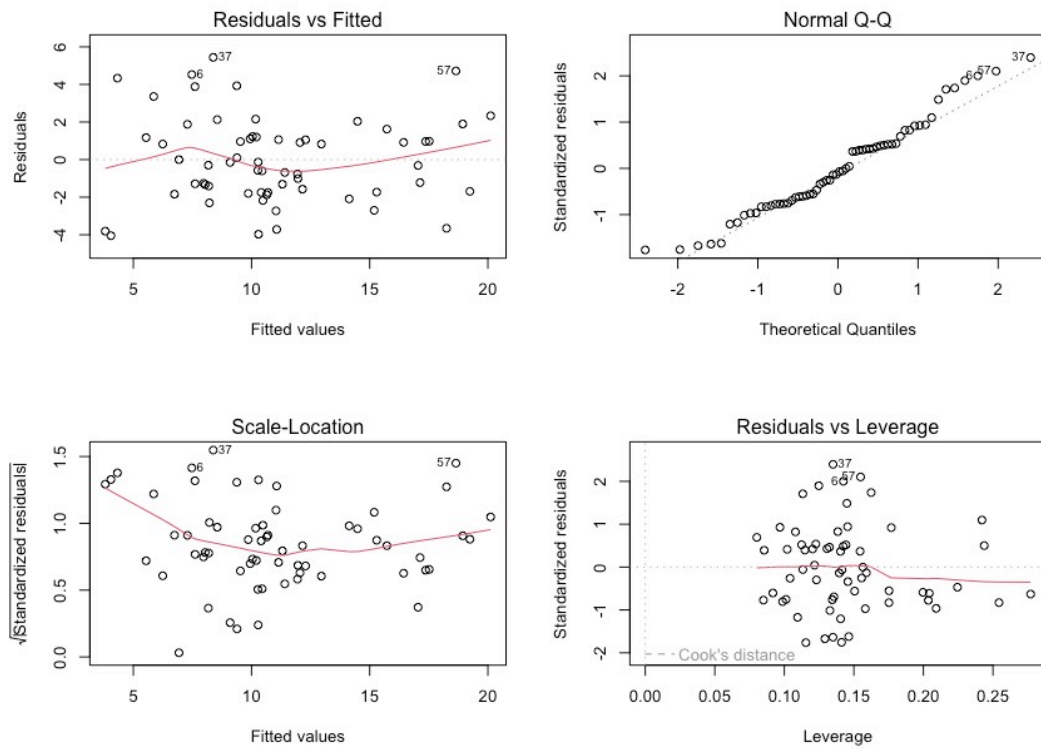


Table 5.9: Model 3 (Clinton)

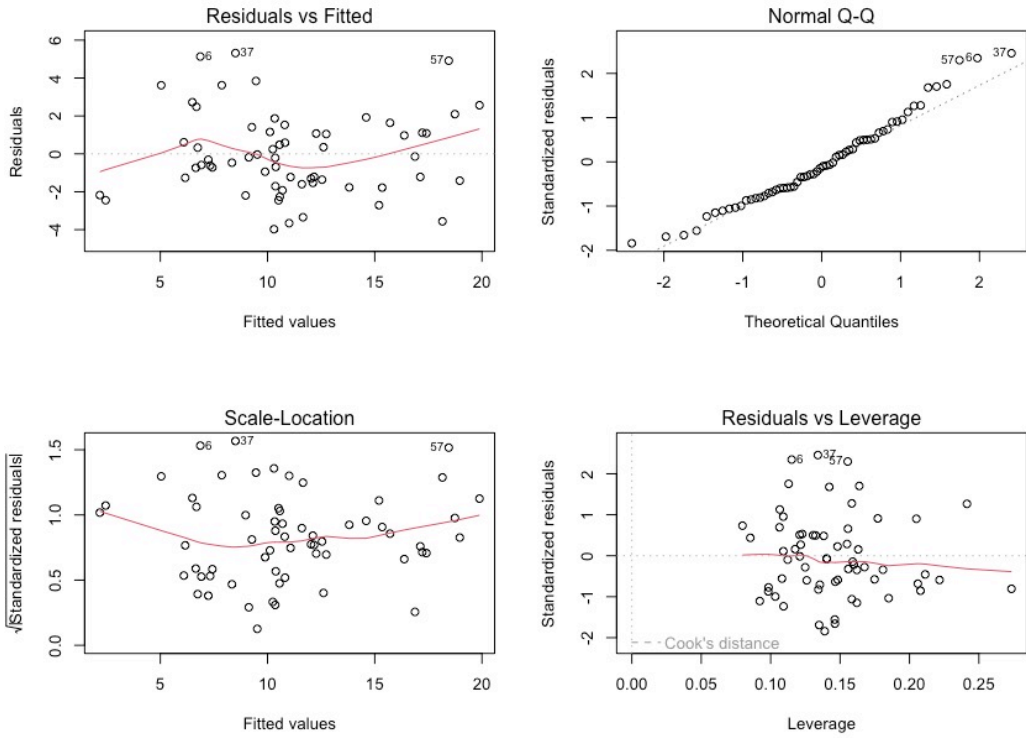


Table 5.10: Model 1 (Bush 43)

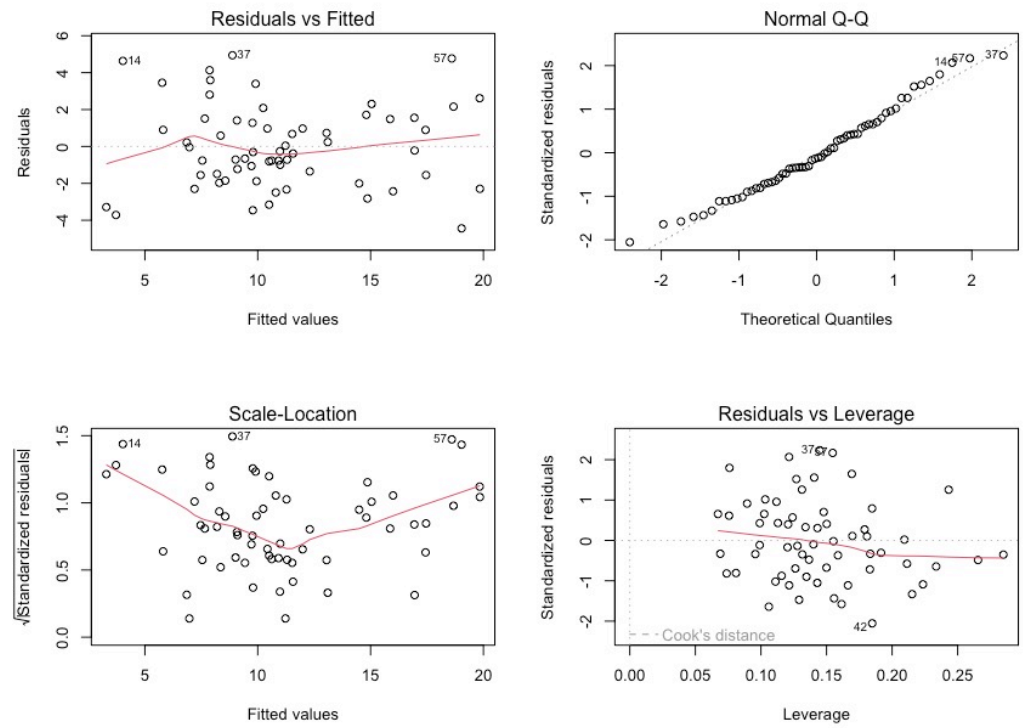


Table 5.10: Model 2 (Obama)

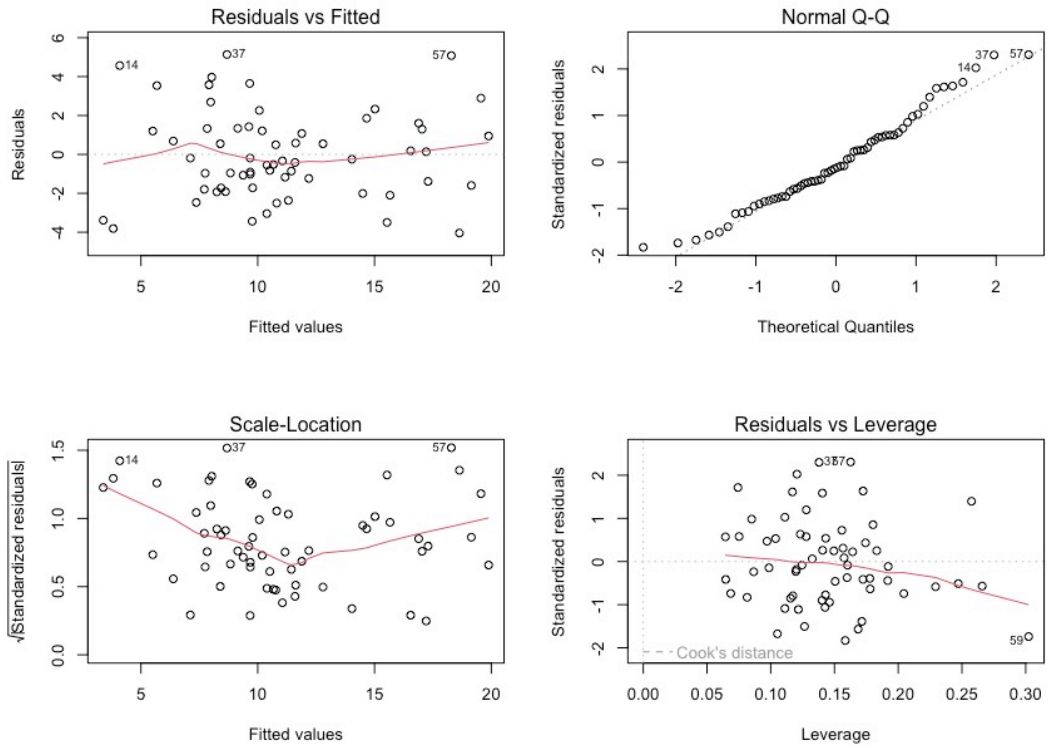
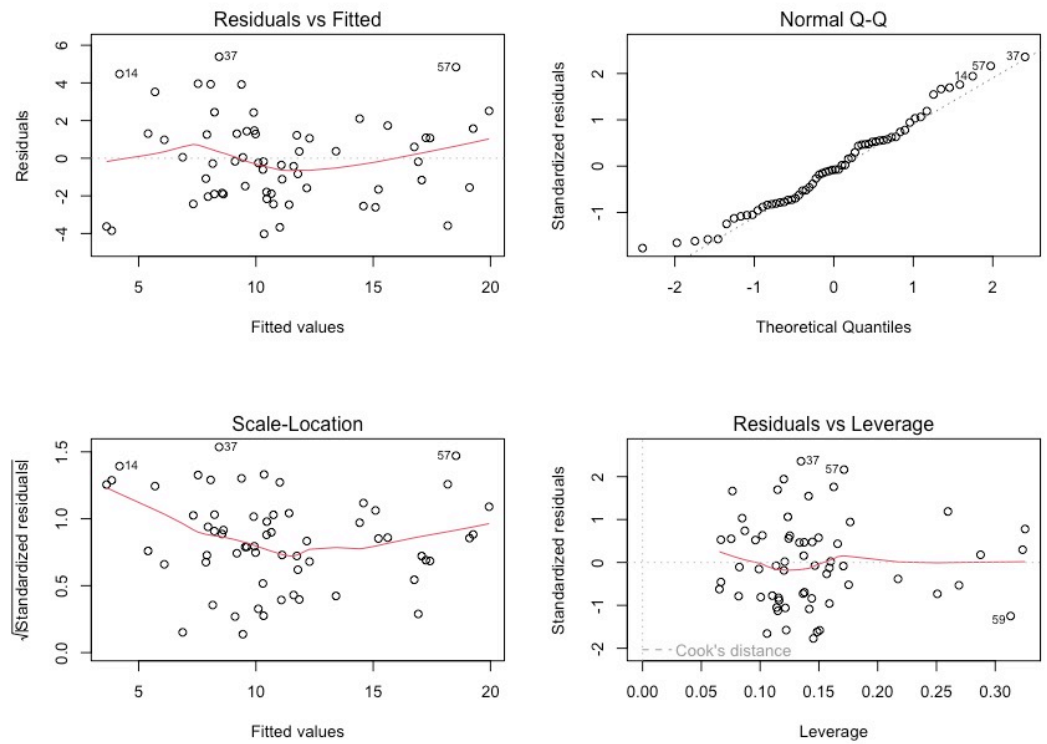


Table 5.10: Model 3 (Trump)



8.7 Appendix G: R-Script

```
# Dissertation R-Script

# Level 2 of my analysis

# DV = Assert (Score of presidential assertiveness in SAPs,
continuous)

# IV = CritJunc (Critical Juncture measured in years prior vs after
9/11, dichotomous)
#       Congress (Gradual Change towards broader use of the
authorization-leverage, number of foreign policy sections in
draft, continuous)
#       CompGov (Composition of Government, dichotomous);
#       Pol (Polarization in addressed chamber measured with the
annual PUV-score, continuous);
#       Pol NP (Polarization measured with Nokken-Poole score,
continuous);
#       Pol Dist (Polarization measured in the ideological distance
between bill's sponsor & president on DW-nominate first dimension
estimate, continuous)
#       App (Approval Rating President measured in periodic polling
data two months prior and after issuance of first SAP targeting
NDAA, continuous)
#
#       Additional controls:
#       Honeymoon (first year of respective term, dichotomous)
#       End of Term (last year of respective term, dichotomous)
```

```

# Load complete data set
Diss <- read.csv(file.choose(), sep = ",")

#Histogram of DV

hist(Diss$Assert)
table(Diss$Assert)

# Normalize distribution of values on the dependent variable
(presidential assertiveness)
Diss$Assert_SquareRoot <- sqrt(Diss$Assert)

hist(Diss$Assert_SquareRoot)
table(Diss$Assert_SquareRoot)

#Running Lowess-Plots

install.packages("gplots")
library(gplots)

plotLowess(APR$Assert_SquareRoot ~ Diss$Congress, main =
"lowess (APR) ")
plotLowess(APR$Assert_SquareRoot ~ Diss$Pol, main = "lowess (APR) ")
plotLowess(APR$Assert_SquareRoot ~ Diss$Pol_NP, main =
"lowess (APR) ")
plotLowess(APR$Assert_SquareRoot ~ Diss$Pol_Com, main =
"lowess (APR) ")
plotLowess(APR$Assert_SquareRoot ~ Diss$App, main = "lowess (APR) ")

```

```

plotLowess(APR$Assert ~ Diss$CompGov, main = "lowess (APR) ")
plotLowess(APR$Assert_SquareRoot ~ Diss$CritJunc, main =
"lowess (APR) ")
plotLowess(APR$Assert_SquareRoot ~ Diss$Honeymoon, main =
"lowess (APR) ")
plotLowess(APR$Assert_SquareRoot ~ Diss$End.of.Term, main =
"lowess (APR) ")

install.packages("MASS")
library(MASS)
library(tidyverse)
library(ggplot2)

# Scatterplots per predictor in the order of the hypotheses

# Critical Juncture
Diss$CritJunc <- as.character(Diss$CritJunc)

Diss$CritJunc <- as.character(Diss$CritJunc)
ggplot(Diss,
       aes(x = Diss$CritJunc,
           y = Diss$Assert, )) +
  labs(x = "Critical Juncture", y = "Presidential Assertiveness")
+
  geom_point()

# Gradual Change in congressional use of the authorization leverage
plot(Diss$Congress, Diss$Assert, main="H2 Authorization Leverage
x Presidential Assertiveness",

```

```

        xlab="Authorization      Leverage",      ylab="Presidential
Assertiveness",
        abline(lm(Diss$Assert ~ Diss$Congress)),
        pch=19)

#Composition of government
Diss$CompGov <- as.character(Diss$CompGov)

Diss$CompGov <- as.character(Diss$CompGov)
ggplot(Diss,
        aes(x = Diss$CompGov,
            y = Diss$Assert)) +
  labs(title = "H3 Composition of Government x Presidential
Assertiveness", x = "Composition of Government", y = "Presidential
Assertiveness") +
  geom_point()

# Polarization (including alternative measures)

plot(Diss$Pol, Diss$Assert, main="Polarization: Party Unity Vote
Scores",
      xlab="PUV-Score", ylab="Presidential Assertiveness",
      abline(lm(Diss$Assert ~ Diss$Pol)),
      pch=19)

plot(Diss$Pol_NP, Diss$Assert, main="Polarization: DW-NOMINATE
Nokken-Poole",
      xlab="Polarization      DW-NOMINATE",      ylab="Presidential
Assertiveness",
      abline(lm(Diss$Assert ~ Diss$Pol_NP)),
      pch=19)

```



```

plot(Diss$Pol_Com, Diss$Assert, main="Polarization: Distance
Committee Leadership",
      xlab="Distance Chair vs Ranking Member", ylab="Presidential
Assertiveness",
      abline(lm(Diss$Assert ~ Diss$Pol_)),
      pch=19)

```

```

# Presidential Approval Ratings
plot(Diss$App, Diss$Assert, main="Presidential Approval Ratings",
      xlab="Approval Ratings", ylab="Presidential Assertiveness",
      abline(lm(Diss$Assert ~ Diss$App)),
      pch=19)

```

```

# Control Variables
Diss$Honeymoon <- as.character(Diss$Honeymoon)
ggplot(Diss,
        aes(x = Diss$Honeymoon,
            y = Diss$Assert, )) +
  labs(x = "Honeymoon Year", y = "Presidential Assertiveness") +
  geom_point()

```

```

Diss$End.of.Term <- as.character(Diss$End.of.Term)
ggplot(Diss,
        aes(x = Diss$End.of.Term,
            y = Diss$Assert, )) +
  labs(x = "End of Term Year Year", y = "Presidential
Assertiveness") +

```

```
geom_point()
```

```
# Model with all independent variables
```

```
Reg_All <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol + Diss$App +  
Diss$Honeymoon + Diss$End.of.Term )  
summary(Reg_All)
```

```
# Complete model with Polarization variable based on Nokken-Poole
```

```
Reg_All_1 <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol_NP + Diss$App +  
Diss$Honeymoon + Diss$End.of.Term )  
summary(Reg_All_1)
```

```
# Complete model with Polarization variable based on ideological  
distance between Committee Chair and Ranking Member
```

```
Reg_All_2 <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol_Com + Diss$App +  
Diss$Honeymoon + Diss$End.of.Term )  
summary(Reg_All_2)
```

```
#Stepwise regression modelling to exclude irrelevant IVs (+  
Regression model with different polarization variables)
```

```
step(Reg_All)
```

```
step(Reg_All_1)
```

```
step(Reg_All_2)
```

```
#Excluding statistically insignificant predictor approval rating  
Reg_Final <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$End.of.Term )  
summary(Reg_Final)
```

```
Reg_Step_1 <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$App + Diss$End.of.Term)  
summary(Reg_Step_1)
```

```
Reg_Step_NP <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol_NP + Diss$App +  
Diss$End.of.Term)  
summary(Reg_Step_NP)
```

```
Reg_Step_2 <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$App + Diss$End.of.Term)  
summary(Reg_Step_2)
```

```
# Quality Control
```

```
# Plotting the Step-Models and the complete model
```

```
# Diagnostic Plots (including the models that control for  
president-specific effects)
```

```
par(mfrow = c(2,2))  
plot(Reg_All)
```

```
par(mfrow = c(2,2))  
plot(Reg_Step_1)
```

```
par(mfrow = c(2,2))  
plot(Reg_Final)
```

```
par(mfrow = c(2,2))  
plot(Reg_All_1)
```

```
par(mfrow = c(2,2))  
plot(Reg_Step_NP)
```

```
par(mfrow = c(2,2))  
plot(Reg_Step_1)
```

```
par(mfrow = c(2,2))  
plot(Reg_Reagan)
```

```
par(mfrow = c(2,2))  
plot(Reg_Bush_1)
```

```
par(mfrow = c(2,2))  
plot(Reg_Clinton)
```

```
par(mfrow = c(2,2))  
plot(Reg_Bush_2)
```

```
par(mfrow = c(2,2))
```

```

plot(Reg_Obama)

par(mfrow = c(2,2))
plot(Reg_Trump)

#Controlling for influential observations using Cook's Distance
for the models in table 5.4 (conclusive results)

cook = cooks.distance(Reg_All)
plot(cook, pch="*",
      cex=2, main="Cook's distance for Model 1")

cook = cooks.distance(Reg_Step_1)
plot(cook, pch="*",
      cex=2, main="Cook's distance for Model 2")

cook = cooks.distance(Reg_Final)
plot(cook, pch="*",
      cex=2, main="Cook's distance for Model 3")

# Testing for heteroscedasticity using the Breusch-Pagan-Test

install.packages("lmtest", dependencies = TRUE)
library(lmtest)

bptest(Reg_All, studentize = FALSE)
bptest(Reg_All)

bptest(Reg_Step, studentize = FALSE)
bptest(Reg_Step)

```

```
bptest(Reg_Final, studentize = FALSE)
bptest(Reg_Final)

#Testing for Multicollinearity in all models

library(car)

vif(Reg_All)
1/vif(Reg_All)

vif(Reg_Step)
1/vif(Reg_Step)

vif(Reg_Step_1)
1/vif(Reg_Step_1)

vif(Reg_All_2)
1/vif(Reg_All_2)

#Testing for non-normally-distributed-disturbances using the
Jarque Bera Test and the Shapiro Wilks Test

install.packages("tseries")
library(tseries)

jarque.bera.test(Reg_All$residuals)

jarque.bera.test(Reg_Step$residuals)

jarque.bera.test(Reg_Final$residuals)
```

```
shapiro.test(Reg_All$residuals)
```

```
shapiro.test(Reg_Step$residuals)
```

```
shapiro.test(Reg_Final$residuals)
```

```
#Testing for Auto-Correlation using the Durbin-Watson-Test and the  
Breusch-Godfrey-Test
```

```
dwtest(Reg_All)
```

```
dwtest(Reg_Step)
```

```
dwtest(Reg_Final)
```

```
bgtest(Reg_All, order = 5)
```

```
bgtest(Reg_Step, order = 5)
```

```
bgtest(Reg_Step, order = 5)
```

```
#Countermeasure for issues of autocorrelation: Newey-West-  
Standard-Error
```

```
install.packages("sandwich")
```

```
library(sandwich)
```

```

coefstest(Reg_All, vcov. = vcovHAC(Reg_All))
coefstest(Reg_Step, vcov. = vcovHAC(Reg_Step))
coefstest(Reg_Final, vcov. = vcovHAC(Reg_Final))

coefstest(Reg_Step_1, vcov. = vcovHAC(Reg_Step_1))

#####

#Level 3 of the Analysis: Robustness checks

#Control for interaction effect

Reg_All_Int <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +
Diss$Congress + Diss$CompGov * Diss$Pol + Diss$App +
Diss$Honeymoon + Diss$End.of.Term )
summary(Reg_Int)

Reg_Step_Int <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +
Diss$Congress + Diss$CompGov * Diss$Pol + Diss$App +
Diss$End.of.Term)
summary(Reg_Step_Int)

Reg_Final_Int <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +
Diss$Congress + Diss$CompGov * Diss$Pol + Diss$End.of.Term )
summary(Reg_Final_Int)

#Interaction Effect with different polarization measure

```



```
Reg_All_Int_NP <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +
Diss$Congress + Diss$CompGov * Diss$Pol_NP + Diss$App +
Diss$Honeymoon + Diss$End.of.Term )
summary(Reg_Int)
```

```
Reg_Step_Int_NP <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +
Diss$Congress + Diss$CompGov * Diss$Pol_NP + Diss$App +
Diss$End.of.Term)
summary(Reg_Step_Int)
```

```
Reg_Final_Int_NP <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +
Diss$Congress + Diss$CompGov * Diss$Pol_NP + Diss$End.of.Term )
summary(Reg_Final_Int)
```

```
Reg_Pol_Int <- lm(Pol$Assert_SquareRoot ~ Pol$CritJunc +
Pol$Congress + Pol$CompGov * Pol$Pol_Dist + Pol$App +
Pol$Honeymoon + Pol$End.of.Term )
summary(Reg_Pol_Int)
```

```
Reg_Step_Pol_Int <- lm(Pol$Assert_SquareRoot ~ Pol$CritJunc +
Pol$Congress + Pol$CompGov * Pol$Pol_Dist + Pol$End.of.Term)
summary(Reg_Step_Pol_Int)
```

#Controlling for President-specific effects

```
Reg_Reagan <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +
Diss$Congress + Diss$CompGov + Diss$Pol + Diss$App +
Diss$Honeymoon + Diss$End.of.Term + Diss$Reagan)
summary(Reg_Reagan)
```

```
#Negative Reagan effect
```

```
Reg_Bush_1 <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol + Diss$App +  
Diss$Honeymoon + Diss$End.of.Term + Diss$BushSen)  
summary(Reg_Bush_1)
```

```
#No Bush 41 effect
```

```
Reg_Clinton <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol + Diss$App +  
Diss$Honeymoon + Diss$End.of.Term + Diss$Clinton)  
summary(Reg_Clinton)
```

```
#Positive Clinton effect
```

```
Reg_Bush_2 <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol + Diss$App +  
Diss$Honeymoon + Diss$End.of.Term + Diss$BushJun)  
summary(Reg_Bush_2)
```

```
#Positive Bush 43 effect
```

```
Reg_Obama <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol + Diss$App +  
Diss$Honeymoon + Diss$End.of.Term + Diss$Obama)  
summary(Reg_Obama)
```

```
#No Obama effect
```

```
Reg_Trump <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$Pol + Diss$App +  
Diss$Honeymoon + Diss$End.of.Term + Diss$Trump)  
summary(Reg_Trump)
```

```
#No Trump effect
```

```
#Control stepwise regression models with presidents
```

```
step(Reg_Reagan)
```

```
#negative Reagan effect remains with a weak effect and less  
confidence in rejecting the null-hypothesis of no effect (i.e. low  
p-value)
```

```
#main predictors hold
```

```
step(Reg_Bush_1)
```

```
#No effect for Bush 41
```

```
#main predictors hold
```

```
step(Reg_Clinton)
```

```
Reg_Step_Clinton <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$End.of.Term + Diss$Clinton)
```

```
summary(Reg_Step_Clinton)
```

```
#Positive effect of Clinton presidency
```

```
#main predictors hold
```

```
step(Reg_Bush_2)
```

```
Reg_Step_Bush_2 <- lm(Diss$Assert_SquareRoot ~ Diss$Congress +  
Diss$CompGov + Diss$End.of.Term + Diss$BushJun)
```

```
summary(Reg_Step_Bush_2)
```

```
#Positive Bush 43 effect
```

```
step(Reg_Obama)
```

```
Reg_Step_Obama <- lm(Diss$Assert_SquareRoot ~ Diss$CritJunc +  
Diss$Congress + Diss$CompGov + Diss$End.of.Term + Diss$Obama)
```

```
summary(Reg_Step_Obama)
```

```
#negative Obama effect remains with a weak effect and less
confidence in rejecting the null-hypothesis of no effect (i.e. low
p-value)
```

```
#main predictors hold
```

```
step(Reg_Trump)
```

```
#No Trump effect
```

```
#Main predictors hold
```

```
# R-Output for inclusion in LaTeX/Docx
```

```
#Main Models
```

```
stargazer::stargazer(Reg_All,          Reg_Step,          Reg_Final,
out="Regression.tex", align = TRUE,
                    star.char = c("+", "*", "**", "***"),
                    star.cutoffs = c(.1, .05, .01, .001),
                    style = "apsr", notes.append=F,
                    notes = "*p < .05; **p < .01; ***p < .001",
                    dep.var.labels      =      "Presidential
Assertiveness",
                    covariate.labels    =c("Critical
Juncture","Authorization Leverage", "Divided Government",
"Polarization",
                    "Approval Rating",
"Honeymoon", "End of Term",
                    "Constant"))
```

```
#Interaction Effects
```

```

stargazer::stargazer(Reg_All_Int, Reg_Step_Int, Reg_Final_Int,
out="Regression.tex", align = TRUE,
                    star.char = c("+", "*", "**", "***"),
                    star.cutoffs = c(.1, .05, .01, .001),
                    style = "apsr", notes.append=F,
                    notes = "*p < .05; **p < .01; ***p < .001",
                    dep.var.labels = "Presidential
Assertiveness",
                    covariate.labels =c("Critical
Juncture","Authorization Leverage", "Divided Government",
"Polarization",
"Approval Rating",
"Honeymoon", "End of Term", "Interaction DivGov:Pol",
"Constant"))

```

```

stargazer::stargazer(Reg_All_Int_NP, Reg_Step_Int_NP,
Reg_Final_Int_NP, out="Regression.tex", align = TRUE,
                    star.char = c("+", "*", "**", "***"),
                    star.cutoffs = c(.1, .05, .01, .001),
                    style = "apsr", notes.append=F,
                    notes = "*p < .05; **p < .01; ***p < .001",
                    dep.var.labels = "Presidential
Assertiveness",
                    covariate.labels =c("Critical
Juncture","Authorization Leverage", "Divided Government",
"Polarization NP",
"Approval Rating",
"Honeymoon", "End of Term", "Interaction DivGov:Pol",
"Constant"))

```

```

stargazer::stargazer(Reg_Pol_Int,          Reg_Step_Pol_Int,
out="Regression.tex", align = TRUE,
                    star.char = c("+", "**", "***", "****"),
                    star.cutoffs = c(.1, .05, .01, .001),
                    style = "apsr", notes.append=F,
                    notes = "*p < .05; **p < .01; ***p < .001",
                    dep.var.labels      =      "Presidential
Assertiveness",
                    covariate.labels      =c("Critical
Juncture","Authorization Leverage", "Divided Government",
"Polarization Dist.",
                    "Approval Rating",
"Honeymoon", "End of Term", "Interaction DivGov:Pol",
                    "Constant"))

```

#Different Polarization Measure

```

stargazer::stargazer(Reg_All_2,  Reg_Step_2,out="Regression.tex",
align = TRUE,
                    star.char = c("+", "**", "***", "****"),
                    star.cutoffs = c(.1, .05, .01, .001),
                    style = "apsr", notes.append=F,
                    notes = "*p < .05; **p < .01; ***p < .001",
                    dep.var.labels      =      "Presidential
Assertiveness",
                    covariate.labels      =c("Critical
Juncture","Authorization Leverage", "Divided Government",
"Polarization Comm.",
                    "Approval Rating",
"Honeymoon", "End of Term",
                    "Constant"))

```

```

stargazer::stargazer(Reg_All_1, Reg_Step_1, out="Regression.tex",
align = TRUE,
                    star.char = c("+", "*", "**", "***"),
                    star.cutoffs = c(.1, .05, .01, .001),
                    style = "apsr", notes.append=F,
                    notes = "*p < .05; **p < .01; ***p < .001",
                    dep.var.labels = "Presidential
Assertiveness",
                    covariate.labels = c("Critical
Juncture", "Authorization Leverage", "Divided Government",
"Polarization NP",
"Approval Rating",
"Honeymoon", "End of Term",
"Constant"))

```

```

stargazer::stargazer(Reg_Reagan, Reg_Bush_1, Reg_Clinton,
out="Regression.tex", align = TRUE,
                    star.char = c("+", "*", "**", "***"),
                    star.cutoffs = c(.1, .05, .01, .001),
                    style = "apsr", notes.append=F,
                    notes = "*p < .05; **p < .01; ***p < .001",
                    dep.var.labels = "Presidential
Assertiveness",
                    covariate.labels = c("Critical
Juncture", "Authorization Leverage", "Divided Government",
"Polarization",
"Approval Rating",
"Honeymoon", "End of Term", "Reagan", "Bush 41", "Clinton",
"Constant"))

```

```

stargazer::stargazer(Reg_Bush_2,      Reg_Obama,      Reg_Trump,
out="Regression.tex", align = TRUE,
                    star.char = c("+", "*", "**", "***"),
                    star.cutoffs = c(.1, .05, .01, .001),
                    style = "apsr", notes.append=F,
                    notes = "*p < .05; **p < .01; ***p < .001",
                    dep.var.labels      =      "Presidential
Assertiveness",
                    covariate.labels      =c("Critical
Juncture","Authorization Leverage", "Divided Government",
"Polarization",
                    "Approval Rating",
"Honeymoon", "End of Term", "Bush 43", "Obama", "Trump",
                    "Constant"))

```


8.8 Appendix H: Cook's Distance measure for the regression models of table 5.4

