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## FEATURES

# *The Contemporary Presidency: Who Wants Presidential Supremacy? Findings from the Institutions of American Democracy Project*

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*The George W. Bush administration has aggressively advanced claims of presidential supremacy in American government. We use data from surveys to explore the reactions to these claims on the part of three groups of governmental elites and the general public. Responses are shaped by partisanship and ideology, which overwhelm institutional loyalties. Democrats are generally unified in opposing practices that expand presidential power beyond established political or constitutional limits. Republicans are more divided. Some entirely reject those practices. Yet about three quarters of Republicans in all samples endorse presidential supremacy, partially or fully. We consider the implications of the findings for possible longer-term outcomes with respect to these issues.*

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The George W. Bush administration has been controversial in many respects, but for American democracy the most important issue concerns its conception of the powers of the presidency. Bush has acted aggressively and consistently to assert presidential primacy in American government. He has, for example, claimed presidential authority to contravene international laws or treaties signed by the United States, to ignore provisions of statutes that he believes conflict with his powers as commander in chief of the armed forces, to order preemptive military action without the consent of Congress even if an attack is not imminent, to order interception of telephone and e-mail communications without statutory authorization, and to issue signing statements that declare parts of statutes he signs inoperative.

The administration has defended these claims on the basis of a recently articulated constitutional doctrine of “the unitary Executive” that is now well known to presidential and constitutional scholars and needs only brief summary here. Originally formulated by conservative law school faculty and figures in the Reagan administration’s Department of Justice, and promoted by the Federalist Society, this theory of presidential power grants sweeping constitutional and policy-making prerogatives to the chief executive, from complete and singular control over executive agencies to full command of military action to a privileged position for defining the meaning of the law—all without congressional or judicial interference and contrary to prevailing scholarly conventions about checks and balances in the separation-of-powers system.<sup>1</sup> Not all of the administration’s claims, of course, are entirely new (James 2005). But the expansiveness, consistency, and forcefulness of Bush’s positions are unprecedented and have made presidential power a focal point of controversy during his two terms of office. The issues at stake are central to the way constitutional government is practiced in the United States.

Our article examines the reactions to some of these claims, and related issues, by several kinds of governmental elites in the United States and by the public at large. We use data from three surveys (part of a larger series of surveys) that were developed for the Institutions of American Democracy Project, sponsored by the Annenberg Foundation Trust at Sunnylands. The surveys we analyze, which include batteries of the same questions, were conducted from August 2004 to January 2005 and drew samples, respectively, from the political appointees of the Clinton and Bush administrations and career members of the Senior Executive Service (SES); from legislative staff in members’ offices in the Senate and the House of Representatives; and from the general public.<sup>2</sup> We are writing a book based on these surveys, with broad attention to the functioning and performance of the primary U.S. policy-making institutions—the presidency and Executive Office of the President, the executive branch departments and agencies, and the two houses of Congress. For this report, however, we focus specifically on public and elite

1. For some of the development of the unitary executive theory, see Calabresi and Rhodes (1992), Calabresi and Yoo (forthcoming), and Yoo (2005). For summaries, similar themes, assessments, and critiques, see Aberbach (2004), Drew (2006), Fisher (2006), Kelley and Barilleaux (2006), and Aberbach and Peterson (2005). A comprehensive set of assessments can be found in the March 2007 special issue of *Presidential Studies Quarterly*, “Invoking Presidential Power.”

2. All the surveys from the project are available online at the Annenberg Public Policy Center Web site, <http://www.annenbergpublicpolicycenter.org>.

views about a central issue for readers of this journal and for the American polity—the appropriate scope of presidential power. In the long run, the disposition of these issues will turn in large part on what elites inside government and citizens think about them.

### The Surveys and Measures

The surveys were designed to facilitate comparisons among legislative and executive elites and the general public. They were conducted in a period that was relatively politically favorable for President Bush. On the one hand, the Iraq War was already going poorly, and the scandals at Abu Ghraib prison had received wide publicity. The Democrats had initiated strong challenges to his conduct as president. And his public approval ratings had dropped dramatically from the astronomical levels after the 9/11 attacks. On the other hand, Bush had yet to face the devastating publicity that accompanied the president's and the federal government's responses to Hurricane Katrina or the deepening public disaffection with the Iraq War in 2006 and 2007. The separate scandals associated with Republican lobbyist Jack Abramoff and I. Lewis "Scooter" Libby, Jr., chief of staff to Vice President Dick Cheney, had yet to become dominant fixtures of media coverage. Throughout the survey period, the president's approval ratings hovered just over 50 percent, and he was reelected, this time winning the popular vote, while Republican majorities were returned to the House and Senate. In short, the data were collected at neither the best of times nor the worst of times for the Bush administration. They probably provide a reasonably representative reading of elite and public views on presidential power during his administration.

Two sets of survey items, asked in all three surveys, measured respondents' views about appropriate presidential power and authority. The first addressed three issues about deference to presidential judgments and decisions. Should other policy makers defer if the president believes something should be done about an important national issue? Should the president have a right to keep his communications with others on policy matters private, even without invoking executive privilege? And, finally, should Congress go along if the president and the majority leadership in Congress agree on a policy matter? These items were designed to tap the notion that other policy makers should voluntarily accept the president's leadership and refrain from intruding on his decision processes; they do not concern novel claims of legal or constitutional authority on the president's part. They do, however, propose forms of deference that have never been part of American constitutional or political norms, even though extreme forms of deference have sometimes occurred.

The second set of items more directly confronted the Bush administration's distinctive legal and constitutional claims. It included measures of respondents' views on three highly controversial issues concerning the president's authority to act unilaterally. These issues were the president's authority—"without the consent of Congress"—to "suspend constitutional protections for certain individuals," to "take military action even if an attack is not imminent," and to "contravene international laws or treaties to which the US is a signatory." In contrast with the first set, these items were designed to tap

respondents' support for the president's formal authority to act—in ways not recognized in established constitutional doctrine—even if other policy makers, and specifically Congress, oppose his actions.

All six items are correlated. However, as indicated by a factor analysis, the two sets represent distinct dimensions of positions on presidential power, and we therefore combine each set into an index: the first set of items is combined into an index of support for voluntary deference to the president (the *deference index*); the second set is combined into an index of support for presidential authority to act without congressional consent (the *unilateral authority index*). Because all of the component items were written to gauge support for expansive notions of appropriate presidential power, low scores on both indices indicate either full or somewhat qualified adherence to established constitutional and political norms. Scores in the middle ranges of each scale indicate considerable willingness to expand the president's power. For the unilateral authority index in particular, values between the top and bottom ranges represent positions that overturn standard constitutional doctrine about checks and balances on the executive, with deviations of increasing magnitude as scores run up the index. Scores near the high ends of the scales indicate support for a sweeping enhancement of the presidency, comparable to what is contemplated by the Bush administration's theory of the unitary executive. One can think of those who do not subscribe to any of the three forms of unilateral presidential action as traditional "checks and balancers" (at least as revealed by the items in this index). Those who accept only some of the unilateralist positions we call "selective" supremacists. Those at the top of the unilateral authority index might be called "full-bore" presidential supremacists.

Other items include measures of the respondents' political party identification, ideology, policy views, education, religious orientation, career background, and trust in the executive branch. (We will provide more details on other variables as we describe the analyses using them.) We will analyze the data separately for each sample identified above, but also emphasize comparisons across samples. Just how similar or different are the executive and congressional elites in their views? Why? And how does the general public compare? What factors influence opinion among individuals, both among elites and the general public? Finally, we will speculate about the implications of the findings for the future of the presidency, the separation of powers, and the constitutional system.

## The Balance of Support and Opposition

The Bush administration's advocacy of enlarged presidential powers in numerous areas has put core issues about the separation of powers in play in the political system. Heated debate over various Bush claims of privilege and prerogative has been a pervasive theme of his presidency. How the contested issues will be resolved in the long run, with what consequences for the constitutional system, is unclear. One important set of questions, therefore, concerns the support for far more expansive presidential power—and the intensity of conflict over the president's role—in various parts of the political system. How widespread is support for deference to presidential leadership? Going even further,

for unilateral presidential authority free of congressional constraints? Do elites from the two branches defend their respective institutional interests? Or do Republicans and Democrats line up in opposition within each branch? How severe are the differences in underlying attitudes and beliefs about the proper functioning of the constitutional system? What are the implications of these differences? And how will the public weigh in, if at all? In this section, we look broadly at levels of support for an expanded presidency in the executive branch (among political appointees and high-level civil servants), in Congress (among congressional staff), and in the general public. Because we are interested in the shape of conflict over these issues, we compare simple frequencies on our two indices of support for an expanded presidency.

Figure 1 shows the percentages of respondents in each sample, by partisan group, who scored at the various levels of the two indices. (The exact numerical values are available from the authors.) Overall, the data support five major conclusions: first, comparing the two indices, all samples show greater support for deference to the president by other policy makers than for presidential authority to act unilaterally. The difference probably reflects the constraining effect of constitutional norms. Because nothing in the Constitution explicitly bars voluntary deference, and Congress has often deferred to presidents throughout American history, support for deference is less directly and overtly in conflict with those norms than support for unilateral authority unchecked by Congress.

Second, the two political parties differ profoundly in their attitudes toward expanded presidential power. Large proportions of Republicans endorse fully, and a majority endorses partially, various items that represent departures from long-standing constitutional doctrines and receive scores ranging up to the maximum values of the two indices. Democrats, by contrast, generally decline to accommodate greater presidential power or authority. We find evidence of potential for pitched partisan battles over issues of presidential power that had appeared largely settled for generations. Third, the two branches nevertheless also differ considerably in their perspectives. Members of each branch are prone to defend its respective institutional interests, although the effects are significantly weaker than those of party. Taking the second and third points together, we can say that party trumps institutional loyalty in elites' views about the president's power.

Fourth, because Democrats oppose a more powerful presidency much more strongly and consistently than Republicans support it, the balance of opinion in every sample favors a more limited and traditional presidential role. Separation-of-powers traditionalists clearly predominate in every institutional elite group and in the public. Finally, support for a hard-line notion of presidential primacy—one that would apparently comport with the full scope of claims actually made by and on behalf of President Bush—varies even among Republicans, with some accepting the entire Bush position and others accepting only pieces of it. As a group they are at once far more aggressive on these issues than Democrats, often pushing the boundaries of generally recognized presidential authority, and yet lacking a majority willing to sign on to the most extreme version of the presidency subscribed to by President Bush and Vice President Cheney.

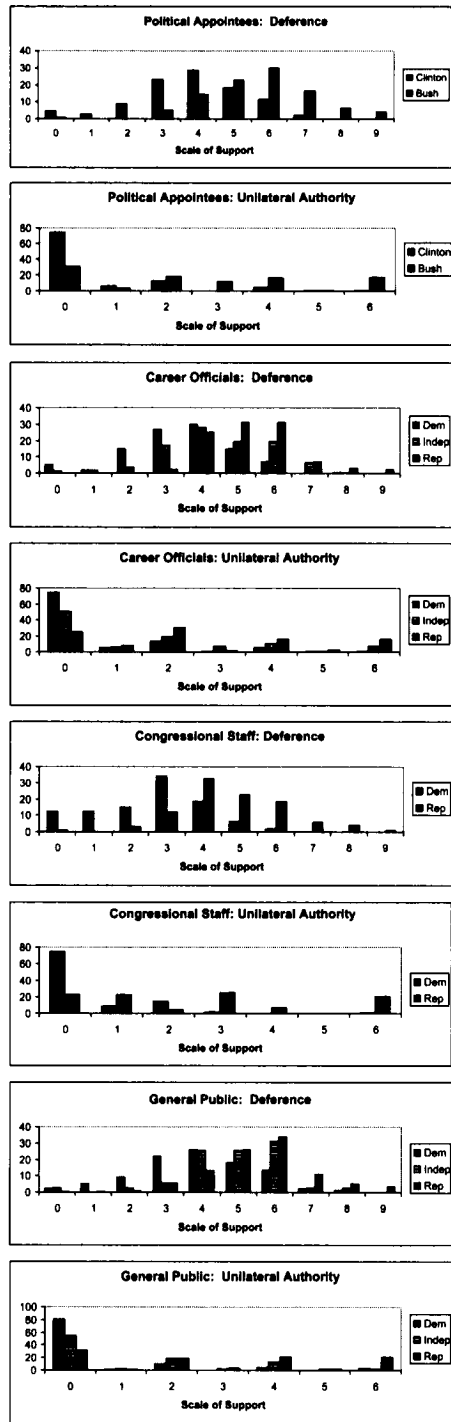


FIGURE 1. Percentages Approving Presidential Action without Consent of Congress and Deference to the President, Total and by Party, for Elite and Public Samples.

Turning first to the executive branch (see Figure 1), we find that instead of executives marching in lockstep to the positions articulated by the elected head of the branch, President Bush, opinions largely reflect partisan differences. Republicans appear more frequently than Democrats in the highest five categories of the deference index by 79 to 32 percent (appointees) and 78 to 21 percent (SES) and in the top four categories of the unilateral action index by huge margins of 47 to 6 percent (Bush versus Clinton political appointees) and 45 to 7 percent (Republican versus Democratic career SES officials). As the figures indicate, the Independents in the career SES sample resemble the Democrats more closely than the Republicans. Interestingly, we see no substantial differences in the severity of disagreement between the Bush and Clinton political appointees, on the one hand, and the Republican and Democratic career SES officials, on the other. One might have expected partisanship to more be subdued among senior civil servants, compared with political appointees. On these issues, at least, it is not.

The story in Congress is similar. We see dramatic partisan differences on both indices. Congressional staff of both parties are more prone to endorse deference to the president than to endorse unilateral presidential power.<sup>3</sup> Most Democratic staff appear in the lower half of the scale, generally opposing deference to the president; a majority of Republicans (52 percent) are in the upper half, generally endorsing it. Democratic congressional staff are massively opposed to unilateral presidential action. Seventy-five percent of them occupy the lowest category on the unilateral action index, indicating that they gave flat *no* responses to all three items composing the index; almost all the Democrats received scores in the lowest three categories. Republican congressional staff often held very different views; in fact, they are distributed almost evenly across segments of the index. In short, Democratic staff oppose expansive presidential power on both indices. In a finding that would surely disappoint the author of Federalist no. 51, a bare majority of Republican staff are actually willing to subordinate their institution to the president—provided that it assumes this subordinate role voluntarily.

Overall, members of each branch stand up for their respective institutional interests, but only in a subdued and selective way. In fact, the effects of institutional loyalty do not appear on the unilateral action index, but only on the deference index. The executive respondents answered questions about the president's authority to act without the consent of Congress almost identically to the staff of Congress. The congressional staff, if anything, were only slightly more polarized along party lines. Compared with congressional staff, however, executives were significantly more willing to see deference to the president's decisions. With parties combined, 48 percent of career SES officials scored in the top five categories of the deference index, about 20 percentage points higher than that proportion of the congressional staff.

One might expect the general public to answer survey questions about the appropriate functioning of political institutions very differently from institutional elites. On

3. A small part of the difference between the distributions on the two indices is probably attributable to the different sizes of their respective scales. Because the deference index has three more categories than the unilateral action index, one would expect slightly fewer respondents to appear in the lowest or highest categories. However, even if we collapsed the deference index from ten to five categories, most Democrats would not appear in the lowest category.

the whole, however, they do not. Partisan divisions play essentially the same role in their opinions—with Republicans appearing more often than Democrats in the top five categories of the deference index by 79 to 35 percent and in the top four categories of the unilateral action index by 48 to 7 percent. The main distinctive feature of the public responses is a greater tendency to endorse deference to the president among Democrats (with 35 percent in the top categories) and Independents (with 63 percent). As we will see below, the public's responses on the deference index—the ones that differ significantly from those of elites—are also the ones most affected by education.

Taking all the elite groups and the general public together, therefore, we find evidence of quite severe division over the role of the president, and the conflict follows partisan lines more than any division between institutions or between institutional elites and the public. Both in the public and among governmental elites, however, Republicans take a variety of stances. Only about a fifth of each sample are full-bore supporters—at the very top of the unilateral authority index—of a major expansion of the presidency's unilateral powers in the policy-making system. But many buy into it to an important extent. Indeed, only about 20-30 percent of the Republicans in the various samples reject the Bush position on all three issues of presidential authority without congressional consent. Thus, there is a preponderance of support among Republicans for a conception of the presidency that is significantly more assertive than established doctrines, though often more modest than the position of the president and his enthusiastic supporters. We will explore the differences among Republicans below. But we can observe at this point that, however successful Bush and his administration have been at acting on his claims of superior authority, they have been less successful in winning the battle of hearts and minds on these issues. They have certainly not persuaded many Democrats or Independents. And they also have at least some distance to go to get the full backing of Republicans, most of whom now fall into the "selective" supremacist categories.

### Sources of Individual Support

The findings in the previous section reveal a sharp divergence between Republicans and Democrats—among ordinary citizens and all three groups of institutional elites and on both indices of support for an expansive presidential power. The surveys provide opportunity to explore the nature of this partisan divide, and to test the robustness of the bivariate relationship, by bringing into play additional factors that may help to explain individual differences. These other attributes may even help to account for some of the effects of party. In this section, we present parallel multivariate analyses of individual differences on the two indices for each of our samples.

We introduce several additional variables into the picture. Two political variables had potential merit. First, because the so-called unitary executive theory has been articulated by conservative legal thinkers, endorsed by conservative advocacy organizations, and relied upon by President Bush and Vice President Cheney, we expected that ideology would play a role, alongside that of party, in views about the president's place in the governing system. Our analyses include the respondents' self-reported ideology,



measured on a five-point scale ranging from very liberal to very conservative. Second, we posited that respondents' willingness to grant broad authority to the president would also depend on their trust in the executive branch to work "in the best interest of the American people," a four-level ordinal variable going from "not at all" to a "great deal." (To enhance clarity for less sophisticated respondents, the question on the survey of the general public asked about the "president" instead of the "executive branch.") People who have confidence in the executive to serve the public interest are more likely to want the president to have greater sway in policy making.

We considered a number of demographic attributes that are plausibly related to attitudes about appropriate presidential roles. The most obvious place to begin is education. As Peterson (2007) showed in earlier work reporting on these surveys, level of education is strongly correlated among the general public with understanding accurately that the Founders intended the president, Congress, and the Supreme Court to have "different but equal powers." Higher levels of education accordingly may reduce support for views of presidential power that extend far beyond traditional constitutional doctrines. More specifically, we anticipated that individuals who have a law degree and thus formal training in constitutional interpretation—significant proportions of the elite samples—may demonstrate greater allegiance to traditionally understood limits on presidential power and authority. In addition, we explored the possible influence of religion. People whose religious beliefs play a prominent role in their lives have quite varied political orientations. Nevertheless, in view of the religious right's support for the use of force in foreign policy, and for President Bush's positions in other domains, we suspected that born-again and evangelical Christians may tend to support an enlarged conception of the presidency.

For the executive and congressional samples, we looked at when respondents came to their positions in government. Although unitary presidency ideas have roots in previous administrations, especially Ronald Reagan's, they have been more prominent and explicitly applied during the George W. Bush presidency than in any other period. Elites who were recruited or promoted during the Bush administration may have been selected partly for their support of these views or may support them out of gratitude, loyalty, personal connections, or other identification with the Bush presidency. We thus looked for support for expansive presidential power among three groups of respondents: political appointees whose cumulative time of executive branch service was less than five years at the time of the 2005 survey (that is, Bush appointees with little or no experience in previous administrations); career officials who joined the SES after 2000 (and thus were promoted to leadership roles after Bush had entered office); and congressional staffers who had less than five years of experience in Congress (so their employment on Capitol Hill overlapped entirely with the Bush presidency).

To simplify interpretation and comparison of findings, we have employed ordinary least squares (OLS) regression, even though our dependent variables—the two presidential power indexes—provide only ordinal, rather than interval, measurement and thus, strictly speaking, might be analyzed more effectively with ordered probit. The large sizes of the two indices (with scales ranging from 0 to 9 and 0 to 6, respectively) should reduce the hazards of relying upon the more straightforward and accessible OLS analysis.

Table 1 presents the results of the final regression model, which we have estimated with the same specification for both the deference and unilateral authority indices, with the data from each of the four samples—political appointees, career SES officials, congressional staff, and the public. The model includes the five variables, among those discussed above, whose coefficients were statistically significant at the .05 level in at least one of the eight equations.

Several important conclusions can be drawn from these results. First, the preeminence of party in shaping normative views about the primacy of the presidency is strongly confirmed. With respect to both indices and all categories of respondents, and even in the multivariate setting, the political party of the respondent is always a major factor explaining individuals' views of the role of the president. Republicans are far more likely to endorse deference and unilateral authority and Democrats are far more likely to reject them. Second, ideology is an additional powerful and consistent source of variation in perspectives on the president's role. It failed to reach a conventional level of statistical significance only in one case—that of the public's responses on unilateral authority. Conservatives leaned heavily in favor of an expanded presidency, liberals against. Third, the level of trust a respondent has in the executive branch or (for the general public) in the president shapes views on presidential power nearly as strongly as ideology. Because party, ideology, and trust in the executive are all undoubtedly causally related, we expected, as we indeed found, that adding the trust variable to the equation reduces the coefficients for party and ideology. Indeed, in the general public data, trust in the president has a dramatic impact on support for unilateral action, but it reduces the party coefficient from .627 to .248. In general, however, all three variables play nearly consistent roles in explaining support for an expanded presidency in all four of our samples. Once party, ideology, and trust in the executive are included in the equations, their impact remains largely unchanged by the introduction of other variables.

The other variables we examined—legal education (for the executive samples), level of education, and born-again or evangelical Christian—were generally inconsequential. We are somewhat surprised that formal education in law evidently does nothing to reinforce historically and constitutionally grounded notions of the president's role in the political system. Of course, the leading proponents of the Bush administration's unorthodox unitary executive theory are lawyers—some of whom, such as John Yoo, a deputy assistant attorney general in Bush's first term and a former Supreme Court clerk, now a law professor, have had sound legal credentials. We plan to undertake further analysis to explain the absence of an effect of legal education.

There are some signs that level of education can matter. Among political appointees, the better educated are less likely to endorse presidential authority to act without the consent of Congress ( $p < 0.10$ ).<sup>4</sup> Among the general public, they are less likely to endorse deference to the president. Even though education is associated with knowing the Framers' intentions for the separation of powers, however, it apparently does not reduce support for unilateral presidential action to limit civil liberties, abrogate treaties, or

4. Because most political appointees are college graduates, most of the variance in education in this sample is between having only a college degree and having various levels of graduate education.

**TABLE 1**  
**Ordinary Least Squares Regressions: Support for Deference to the President and Support for Unilateral Presidential Authority**

	<i>Political Appointees (Clinton and Bush)</i>		<i>Career SES</i>		<i>Congressional Staff (Personal Offices)</i>		<i>Public</i>	
	<i>Deference</i>	<i>Authority</i>	<i>Deference</i>	<i>Authority</i>	<i>Deference</i>	<i>Authority</i>	<i>Deference</i>	<i>Authority</i>
Party (Democrat to Republican)	.67 <sup>b</sup> (.15/.00) <sup>c</sup>	.80 (.15/.00)	.61 (.13/.00)	.40 (.15/.01)	.70 (.15/.00)	1.08 (.16/.00)	.24 (.07/.00)	.62 (.09/.00)
Ideology (very liberal to very conservative)	.28 (.14/.05)	.52 (.15/.00)	.39 (.13/.00)	.77 (.15/.00)	.52 (.14/.00)	.26 (.16/.09)	.25 (.06/.00)	.10 (.08/.22)
Trust in the executive <sup>a</sup> (not at all to great deal)	.62 (.14/.00)	.20 (.14/.18)	.50 (.12/.00)	.48 (.14/.00)	.24 (.13/.07)	.05 (.14/.72)	.57 (.06/.00)	.56 (.08/.00)
Education (<high school to graduate degree)	-.16 (.14/.24)	-.24 (.14/.09)	.02 (.09/.82)	.08 (.11/.47)	.02 (.11/.83)	.11 (.12/.36)	-.15 (.04/.00)	-.005 (.05/.91)
Born-again or evangelical Christian (0 if no, 1 if yes)	-.67 (.32/.04)	.49 (.36/.17)	-.17 (.30/.58)	.23 (.35/.51)	-.29 (.27/.29)	-.17 (.30/.56)	.07 (.10/.52)	-.13 (.13/.33)
R <sup>2</sup> /adjusted R <sup>2</sup>	.38/.37	.40/.39	.28/.27	.25/.24	.44/.43	.39/.38	.33/.33	.30/.30
N	234	248	352	370	213	218	870	876

a. Political appointees, members of the career Senior Executive Service, and congressional staff were asked about trust in the executive branch; the public was asked about trust in the president.

b. Coefficients in bold are statistically significant at the .05 level (two-tailed).

c. (Standard error/significance).

intervene abroad militarily. At least at the time of the general public survey in late 2004 and early 2005, post-9/11 fear of terrorism may have trumped constitutional scruples, even among educated citizens.

Finally, religious orientation plays a very small role, at most, in explaining the variation in positions on the two indices of presidential power; moreover, its impact is unexpected. We find a statistically significant effect in only one sample, on only one of the indices, and in the opposite of the expected direction: among political appointees, born-again or evangelical Christians were somewhat *less* likely to support deference to the president—even though the questions were asked during a conservative presidential administration. The results suggest that born-again and evangelical Christianity has no independent effect of increasing support for an expanded presidency.

### Who Are the Down-the-Line Presidential Supremacists?

Thus far, we have examined sources of variation in respondents' positions across the full range of each index of support for substantially increased presidential power and authority. Here we add another layer to the analysis by looking at the individuals in each sample whose responses place them concurrently at the top of both indices, indicating thoroughgoing endorsement of presidential primacy in the nation's policy-making. We define this group as the respondents scoring in the highest third of both scales (a cumulative score of 6-9 on the deference index and 4-6 on the unilateral authority index). The surveys did not include some items that we would now identify as relevant to the Bush administration's theory and practice of the unitary executive. In the 2004-2005 surveys, we have no questions, for example, about a president using signing statements to nullify parts of statutes or about his ordering domestic surveillance without judicial authorization. Nevertheless, we will treat those scoring high on both indices as "down-the-line presidential supremacists."

Importantly, we do not argue that respondents who scored lower on one or both indices were therefore moderates or that they took positions consistent with established doctrines of separation of powers. As we have noted, given the content of the component items, even middling positions on the two scales—especially the one on unilateral presidential authority to act without the consent of Congress—represent endorsement of quite significant departures from established constitutional practice. We focus on these down-the-line presidential supremacists because they seem to project firm and consistent support for a truly dramatic expansion of presidential power.

Even in our various executive branch sample, these most extreme proponents of presidential power comprise minorities of respondents, ranging from less than 2 percent of Clinton's appointees, to 9 percent of the SES, to 32 percent of the Bush appointees. They have the attributes that one would expect given the analysis presented earlier in the article. Seventy-two percent are Republicans—and when we include "Republican leaning" Independents, 97 percent. Of these executive branch down-the-line supremacists, 64 percent self-identify as "very conservative" or "conservative," compared with just 17 percent of the others sampled. Very significant, in our view, at the time of the survey,

the down-the-line supremacists were more than four times as likely as the others (27 to 6 percent) to have less than a total of five years of service in the federal government; a significant number, in other words, joined the government during the Bush administration. Here religion does seem to play a role, too, with 70 percent reporting that their religion provided "a great deal" or a "fair amount" of guidance during their time in government; the figure for the others is 47 percent.

The down-the-line supremacist group is a minority in almost any identifiable subsample. Even among Bush political appointees, who serve at the pleasure of the very president who has pushed radical notions of the president's power, only a third fall into the outermost of the supremacist categories (although having even a third of the Bush administration taking such a radical position on a fundamental feature of the separation of powers is noteworthy). Among all the executive branch officials, 70 percent of Republicans and an equal proportion of "conservatives" do not take the full-bore presidential supremacist position. Thus, being Republican and conservative (and one might add, being guided by religious conviction) are nearly necessary, but not sufficient, conditions for adopting the supremacist position.<sup>5</sup> In addition, we have found one important corner of the government where presidential supremacists apparently predominate, the political layers of the current Executive Office of the President: six of the seven political appointees in the Bush Executive Office of the President who participated in the survey fit our definition of presidential supremacists.

Recognizing that members of Congress and their staffs are generally thought to protect the constitutional prerogatives of the legislative branch, the congressional staff should be far less a hotbed of presidential supremacists than executive branch officials. That supposition is confirmed by the data: only 6 percent—thirteen respondents—fit the profile. It is of course striking that anyone in Congress would hold such positions, thoroughly subordinating his or her own branch. Those who do are uniformly Republican and 77 percent are conservative or very conservative, with no liberals. As with the presidential supremacists in the executive branch, religion plays a significant role for the congressional group—eight out of the nine in this group who responded to the question said that their religion provided a great deal or a fair amount of guidance to their work, compared with 57 percent of the others in the congressional sample.

Certain kinds of college educations—those obtained in Washington, DC; at prestigious private universities; or at major state universities—appear to provide some inoculation of future congressional staff against the doctrines of the unitary executive. Eighty-five percent of Capitol Hill presidential supremacists received undergraduate degrees at less prestigious institutions outside the capitol. Only half of the non-supremacists graduated from such institutions. None of the supremacists in the sample went to the nation's top private campuses, while a quarter of the others did. Legislative supporters of concentrated presidential power are thus an unusual group—Republican, conservative, religious, and without prior ties to the Washington or elite academic

5. Self-identified "conservatives" are 66 percent economic and social conservatives (those who support both low taxes and oppose abortion) who tend to dominate the top of both presidential power indices, and 22 percent "libertarian" (support low taxes and do not favor abortion restrictions) who fall more in the middle of these indices. Among economic and social liberals, 99 percent are not presidential supremacists.

establishments. It is also worth noting, however, that one thing this group does not do is denigrate Congress. They all have a great deal or fair amount of trust that *both* Congress and the executive branch “operate in the best interest of the American people.”

Of the samples in the study, the general public has the largest proportion of down-the-line presidential supremacists—15 percent—among whom, as with the executive and legislative insiders, Republicans (88 percent) and conservatives (65 percent) predominate. More than government elites, the public apparently focuses largely on individuals currently in office when making judgments about political institutions. Among the general public, 63 percent of the supporters of the full Bush-Cheney doctrine of presidential supremacy had a great deal of trust, and 94 percent had at least a fair amount of trust, that the president operated in the best interests of the people—a proposition endorsed by just half of the other respondents in the public sample.<sup>6</sup> There is also evidence that the presidential supremacists are somewhat more religious (49 percent are born-again or evangelical Christians compared with 37 percent of the other public respondents), slightly more likely to have only a high school degree, and less likely to have any graduate education (significant at the .10 level).

Those who would grant the president an unambiguously preeminent role in policy making do not constitute the major share of officials working at high levels of the federal government nor of the electorate to which government is ultimately accountable. Majorities even of Republicans and conservatives do not support the most extreme stance on the primacy of the president in the American system. The executive branch officials, congressional staff, and members of the public who in contrast do endorse presidential supremacy are overwhelmingly Republican and conservative and often feel they are guided by religious principles. Thus, the Bush administration’s push for a dramatic expansion of the president’s role—amounting to advocacy of presidential supremacy in what is constitutionally intended to be a system of checks and balances—has reflected the views of an unrepresentative group of government elites and members of the public. Despite their limited numbers, they have nonetheless been well positioned within the government to advocate and implement important elements of their vision of an unrestrained presidency.

## Discussion

We have explored attitudes toward presidential power held by American political, administrative, and legislative elites and by the mass public. Several findings stand out. First, not unexpectedly, deference to presidential leadership receives greater support than does the unilateral exercise of presidential power. Second, support for the president’s right to exercise power unilaterally varies significantly and systematically. Democrats and liberals firmly oppose such unilateral action, while Republicans vary a great deal in their responses—ranging from about a fifth who answered in the negative on all three questions about support for such action to about another fifth who affirmed the president’s

6. Political party affiliation serves as a particularly important lens through which people evaluate the incumbent president—93 percent of the Republican respondents reported having a great deal or fair amount of trust in the president.

right, without the consent of Congress, to do everything we asked about. The effects of party are especially striking for political appointees, the senior government officials likely to be the most influenced by the sitting president. Fully 75 percent of those appointed by Bill Clinton rejected all of the provisions for unilateral presidential action, whereas 70 percent of the Bush appointees endorsed such unilateral action in at least one domain. The overall party and ideological differences vary somewhat by sample, but overall are remarkably uniform.

What are we to make of these findings, and what should they lead us to expect for the future of the presidency and the separation of powers? We can see alternative scenarios. One emphasizes that the doctrines of the Bush administration have had only modest apparent impact on the beliefs of its followers. Only about a fifth of the Republicans, and close to a third of Bush appointees, are totally sold on its claims of presidential power and authority ("down-the-line" supremacists, in our terms). The level of Republican support could suggest that later Republican presidents, more likely than not, would come to Washington with a more modest outlook than Bush's on their entitlement to act on their own judgment. It would also imply that such later changes in the views of a Republican president—not to mention the election of a Democratic president—might lessen the huge differences that now exist between Republicans and Democrats and, in particular, might diminish Republican approval of unilateral presidential authority. In that scenario, the travails of the separation of powers during the Bush presidency could prove historically anomalous.

A second scenario is more ominous from the perspective of those who oppose the notion of presidential primacy in the American system. It would emphasize that only about a fifth of the Republicans questioned are firm and consistent in their opposition to the unilateral exercise of presidential power—the position that, in our view, comports with the original design and historical practice of American constitutional government, including checks and balances. Apart from that group, Republicans are spread across the spectrum, with another one fifth anchoring the most extreme position. Although varying in degrees, the tolerance of and support for presidential unilateralism found among Republicans in effect would provide a base of acceptance and cooperation when the next assertive Republican president (in the mold of Nixon, Reagan, or George W. Bush) took office. The history of the presidency has often been one of step increases in presidential assertiveness and power. The remarkably expansive unitary theory of the executive began to take hold, below the radar of media and public attention, among some political appointees in the Reagan administration. It became the public doctrine of the George W. Bush presidency. Even if it is now rebuffed considerably during the waning years of his second term, under attack by a new Democratic Congress, the unilateral approach may reemerge in a subsequent Republican administration—and even, quite possibly, in a Democratic one. Whatever their constitutional dispositions, presidents of either party will continue to have strong incentives to maximize their immediate impact on policy outcomes.

Our cross-sectional surveys do not enable us to identify how attitudes about the role and authority of the presidency have changed as a result of the Bush administration's advocacy, the post-9/11 political environment, or the policy failures and political troubles

of Bush's second term. As we noted above, they give us a reading on those attitudes at a single, and yet reasonably representative, period of the Bush administration. Along with the events of his presidency, they suggest that the ability of the American constitutional system to maintain effective limits on presidential power will likely remain a problematic issue, and one worthy of close attention by scholars, for years to come.

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