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The Power of Presidential Rhetoric: The State of the Union and Legislative Productivity

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ABSTRACT

THE POWER OF PRESIDENTIAL RHETORIC: THE STATE OF THE UNION AND LEGISLATIVE PRODUCTIVITY

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Congressional scholars have long debated what factors influence legislative productivity. Mayhew argues that “landmark enactments” are more likely to occur under divided-party control of government, while Binder takes exception to this contention by incorporating legislative demand and different types of divided-party governments. Dodd and Schraufnagel argue that topical legislative productivity is the best measure of legislative competence and quasi-divided government is especially counterproductive, when accounting for polarization. This research incorporates all of these factors: divided government, legislative demand, and polarization; however, my interest is more about the imperial presidency thesis, which argues that presidents have become too powerful relative to Congress, especially since the Franklin D. Roosevelt Administration. In studying legislative productivity, I argue it is essential for scholars to account for presidential action and, more specifically, the bully pulpit as measured by mentions in annual State of the Union addresses. In the end, I find that if the president mentions a topic in the State of the Union, it increases the probability of a new topical public law passing. I also examine the partisanship of presidents as well as the different time periods. I show that Democratic presidents associate with more topical legislative productivity, and consistent with the imperial presidency thesis, the effect of the bully pulpit on legislative productivity has been increasing during the time period studied.

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THE POWER OF PRESIDENTIAL RHETORIC: THE IMPACT OF THE STATE
OF THE UNION ON LEGISLATIVE PRODUCTIVITY

BY

KAYLAR RECKER
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CHAPTER 1

INTRODUCTION

The executive branch is one of three branches of government in the United States, but instead of holding an equal amount of power in comparison to the judicial and legislative branches, the president has come to “dominate the American political system in the 20th century” (Piffner and Eastland 2002, 3; Wolfensberger 2002). Some argue the presidency has become increasingly out of control, as contemporary presidential actions routinely surpass constitutional limits placed on the office (Schlesinger Jr.1973; Rudalevige 2006). The imperial presidency was in full view during the Donald Trump Administration. The former president, aided by the Department of Justice and with the help of Attorney Generals Jeff Sessions and Bill Barr, consistently overstepped the boundaries of presidential authority. Together, President Trump and his accomplices were able to “claim authority to fire the FBI director for any reason, argued that the president is immune from criminal investigation let alone prosecution, and bypassed the congressional appropriations process to use military funds to build a wall on the southern border” of the United States (Feingold 2020).¹

Due to the lack of checks by Congress, President Trump was able to abuse the executive office, especially with the use of the 21st century bully pulpit -- social media, in particular his Twitter account. Theodore Roosevelt, the 26th president of the United States, coined the term

¹ This quote comes from <https://www.acslaw.org/expertforum/trumps-unconstitutional-view-presidential-power/> (Last accessed January 27, 2021).

“bully pulpit” to describe the tendency for presidents to go directly to the public with appeals for policy action. In the case of Trump, he took to Twitter, often multiple times each day, to relay his agenda to his followers. In fact, in March of 2020, a study was undertaken to see just how long Trump spent on Twitter during his years in the oval office. The results found that from 2017 to mid-2020, he spent 9 days, 16 hours, and 30 minutes tweeting original tweets during normal work hours (Bump 2020).

Presidents did not always have the luxury of using social media to promote their political agendas, yet one of the greatest theoretical stages for the president to use the bully pulpit has been around for a long time: the annual State of the Union address. The U.S. Constitution makes it clear that the president “shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such measures as he shall judge necessary and expedient,” which gives the president an ideal opportunity to use this constitutionally prescribed address as a medium to relay political agendas while setting policy goals for Congress and the American people (U.S. Const. Art. II, § 3).

Past research has looked at the imperial presidency in a variety of ways. Arthur M. Schlesinger, Jr. (1973) mentions in his interpretation of presidential history how presidential power steadily grew until it peaked in the early 1970s during the Watergate/Vietnam War era. Others note the presidency was “set in the direction of abuse soon after the office commenced its operations in 1789” (Koenig 1981, 31). However, there are scholars who negate this argument. For instance, Richard Neustadt (1960) argues against Schlesinger with a more nuanced point. Neustadt’s claim is that presidents yield relatively little power of command but instead hold immense powers of persuasion that in turn lead the president to influence other political actors to act in his interest. Stephen Skowronek (1993) argues that presidents gain different levels of

power based on when they hold office in comparison to their predecessors, otherwise known as the politics of regime change. Skowronek's work fits into a similar stream of literature: Woodrow Wilson's *Constitutional Government* (1908), Wilfred E. Binkley's *President and Congress* (1947) and Clinton Rossiter's *The American Presidency* (1960), in that the authors share a common narrative in which a "powerful presidency gained acceptance over time in a nation born in rebellion against a powerful executive, instituted by representative bodies acting without an executive, and constituted with the most constrained national executive as well as the most powerful legislature in the world" (Young 1995, 510).

This thesis argues that the imperial presidency is very much a part of the American political culture of the 21st century. This research measures the imperial presidency using Neustadt's frame of persuasion. Specifically, it measures the role of presidential rhetoric and the impact it has on legislative success by looking at annual State of the Union addresses.² The State of the Union address is defined as a yearly speech delivered by the president to a joint session of Congress that elaborates on the pressing matters of the day. An original database was assembled that tracks whether certain legislative initiatives are mentioned in these speeches and whether they subsequently became public law. To put it differently and more simply, does what the president say matter in terms of congressional productivity? To answer this question, this research looks at policy topic mentions in State of the Union addresses from 1921 through 2020 and compares those mentions to the topics discussed in the *Congressional Digest* during the

² The University of California-Santa Barbara American Presidency Project notes that Roosevelt's 1956 annual message and Eisenhower's annual message were not delivered before a joint session of Congress; thus, technically they are not State of the Union addresses. Additionally, Reagan's 1981 speech, G. H.W. Bush's 1989 speech, Clinton's 1993 speech, G. W. Bush's 2001 speech, Obama's 2009 speech, and Trump's 2017 speech are also archived as annual message, because they were given shortly after their inaugurations and technically are not "State of the Union" addresses.

same time period. The period of this research is defined by *Congressional Digest* coverage of Congress, which began in 1921 as a way to provide newly franchised women voters information concerning the major issues facing Congress.

This research tests whether a presidential mention in a State of the Union address promotes passage of these topical legislative initiatives. In the end, the research finds that if the president mentioned an issue, it increased the probability of a new public law passing. This research also examines the partisanship of presidents as well as different time periods and finds that Democratic presidents associate more with topical legislative productivity and that the effect of a State of the Union on legislative productivity has increased during the period studied.

The next chapter of the thesis establishes the academic foundation on which this research is built. A review of literature is included on how legislative productivity has been measured and what others note influences productivity. This provides the necessary control variables for my test of the imperial presidency as apparent in State of the Union addresses. It is also imperative to discuss past research on the general influences of presidential rhetoric and speeches, more specifically, State of the Union addresses. The third chapter of the thesis discusses the research methods. It explains how legislative productivity is measured and how the original data collection efforts track policy mentions in the State of the Union speeches. In the fourth chapter, an elaboration of the quantitative findings is provided, including a discussion of how presidential power of persuasion has changed from 1921 to 2020. Specifically, this research illustrates causal mechanisms in which State of the Union addresses have affected legislative productivity and consequently public laws. The final chapter provides a summary of the research and concludes with questions that have been left unanswered as well as opportunities for future research.

CHAPTER 2

FOUNDATIONAL RESEARCH

The systematic study of Congress has been taking place over many decades, with some work dating back to the early 20th century (Wilson 1908; Eulau 1993; Polsby and Schickler 2002; Fiorina 2011). Presidential rhetoric, likewise, has drawn the attention of academics for many years, although this field of study is much newer in comparison (Windt 1984; Zarefsky 2004; Aune and Medhurst 2008). The following section includes the necessary foundational research on which this paper is built while also trying to contribute to these ongoing debates.

Congressional Productivity and Performance

There have been many attempts to better understand congressional productivity (Mayhew 1991; Kelly 1993; Binder 1999; Howell, Adler, Cameron, and Riemann 2000; Frensdreis, Tatalovich, and Schaff 2001; Dodd and Schraufnagel 2016). Much of the focus has been on the role of divided-party control of the executive and legislative branches of government. Mayhew (1991) examines divided government extensively in his attempt to isolate its potential impact on congressional productivity, particularly as it relates to landmark legislative productivity. Prior to Mayhew, scholars assumed that divided government would inhibit the creation of laws, but Mayhew provides evidence that Congress can still pass significant laws under divided-party control. Since Mayhew's work, other scholars have critiqued his research, many with further refinement of what constitutes landmark laws (Kelly 1993). Sarah Binder (2003), for her part,

notes that unified-party control of the government does have a positive effect on legislative productivity, in a rebuttal of Mayhew, particularly after one controls for the demand for legislation.

Furthermore, Binder (2003) differentiates between purely divided government, wherein one party controls both chambers of Congress and another controls the presidency, versus quasi-divided government, in which one party controls the presidency and one chamber of Congress. In her analysis, Binder concludes that purely divided governments are more apt to produce periods of stalemate and gridlock as opposed to quasi-divided governments. Binder's contribution is to look at both government types as well as demand for congressional legislation.

This paper addresses both of Binder's (2003) concerns in this thesis. In short, this means the research accounts for both quasi-divided government and purely divided government.¹ To account for legislative demand, topical legislation found in the pages of the *Congressional Digest* is used, in the same manner as Lawrence Dodd and Scot Schraufnagel (2016). Topical laws are not necessarily retrospectively judged landmark laws as Mayhew proposes, but they are major issues facing Congress each year. Because there are only ten topics picked each year, dating back to 1921, one can assume these are major issues facing each Congress. The advantage of using the *Congressional Digest* is that it covers laws that are both controversial and salient, suggesting their importance. By covering only ten topics each year, the editors at the *Digest* are forced to pick and choose carefully the topics they cover. Moreover, the *Digest* remains nonpartisan in its coverage of each issue and provides contrasting viewpoints on each topic. For example, in the 116th Congress (2019-2020), police reform in the aftermath of the Black Lives

¹ In the end, control of divided government was accounted for in three different ways as a robustness check, but I only report on the effects of purely divided government in the models reported in the text of this thesis.

Matter movement during the summer of 2020 was one of the topics discussed in the *Digest*.

Other historical pieces of legislation mentioned in the *Digest* include the 1960 Civil Rights Act, the Americans with Disabilities Act of 1990, the 1993 Family Medical Leave Act, and the 1993 Hatch Act.

Divided government, initially, seems like an important factor for helping us better understand what influences congressional productivity, but when it is factored alongside other considerations, the effect starts to lose its power. Jones (2001) incorporated party polarization, party seat division, and an interaction of these two variables in conjunction with divided government in his attempt to illuminate legislative productivity. He finds that divided government does not cause gridlock once party polarization and party seat division are accounted for. Dodd and Schraufnagel (2016) concur with Jones. Their research finds that both purely divided governments and unified-party governments can be productive under a moderate polarization scenario. In contrast, they find that quasi-divided governments are mostly unproductive. Dodd and Schraufnagel are quick to point out that the Congress must be moderately polarized as opposed to highly or slightly conflicted. As polarization moves to opposite ends of this theoretical spectrum, it results in congressional stalemate. Based on the findings of Jones (2001) and Dodd and Schraufnagel (2016), party polarization is incorporated into the models by averaging the median House and Senate polarization scores for each session of Congress from 1921 through 2020.

There are other factors that influence congressional productivity, such as presidential honeymoon periods (Frendreis, Tatalovich, and Schaff 2001; Dominguez 2005; Barrett and Eshbaugh-Soha 2007). In fact, Light (1999) argues that presidential capital is at its peak right after inauguration, and if presidents immediately get to work on their job as executive,

“presidents should be successful on policies they prioritize during their honeymoon periods” (Eshbaugh-Soha 2010, 711). In their research, Beckmann and Godfrey (2007) find that presidential honeymoons always improve a president’s policy-making prospects, although the effect varies under different circumstances, such as “lawmakers’ preference distribution, the president’s electoral coalition, and the threshold required to invoke cloture” (250).

In addition to presidential honeymoons, scholars argue that presidential popularity, as measured by public approval, impacts legislative productivity, although the findings vary (Ostrom and Simon 1985; Rivers and Rose 1985; Brace and Hinckley 1992, Collier and Sullivan 1995; Cohen, Bond, Fleisher and Hamman 2000). Late into the 1980s, research shows that presidential public approval was positively associated with the success of passing a president’s legislative agenda (Ostrom and Simon 1985; Rivers and Rose 1985). Yet later research shows that presidential approval has no influence on legislative vote positions of members of Congress (Collier and Sullivan 1995). Even though some of the previous research provides caveats and/or is contradicting, both presidential honeymoons and presidential approval have been accounted for in my modeling, but because there is conflicting evidence on presidential approval, that factor has been tabulated in the appendix.

Presidential Rhetoric

When studying presidential rhetoric and the power it yields, seminal works remain relevant today, such as Richard Neustadt’s *Presidential Power* (1960) and Samuel Kernell’s *Going Public* (1997). Both Neustadt and Kernell make convincing, yet contradicting, arguments. As stated earlier, Neustadt suggests that presidential power comes with the power to persuade and bargain with others. Kernell uses Neustadt’s initial argument but then takes exception,

arguing that the power of the president is really found in the power to go public or openly share his agenda with the public body. Kernell's argument runs counter to Neustadt's persuasion argument in four different ways. First, going public rarely includes the types of interactions necessary for the American political system to function according to design. Second, going public does not elicit benefits for compliance, but rather welcomes costs for noncompliance. Third, going public necessitates public posturing, which makes compromises with others more difficult. Finally, and what Kernell argues is the most egregious to bargaining, is that going public undermines the legitimacy of other politicians.

Going public has, theoretically, three short-term impacts. First, it allows the president to inject his position on issues into contemporaneous political debates, which in turn leads to more exposure of his views while addressing opposing messages (Cohen 1995; Cavari 2013). Second, by involving the public to gain support for their agendas, presidents have the opportunity to create momentum to effect mass opinion in the long run (Cavari 2013). Third, presidents can use "going public" as a means to "pressure congressional deliberations, swing key legislative votes, and gain public attention" (Cavari 2013, 338).

Persuasion, bargaining, and going public grant the president a considerable amount of power, but there are other ways the net power of the president can increase through the use of rhetoric. A plethora of scholars have researched presidential speeches to understand their influence on legislative success (Kernell 1997; Canes-Wrone 2001; Barrett 2004; Eshbaugh-Soha 2005). As it relates to the presidents' political agendas, Cohen (1995) recognizes that presidential rhetoric increases the public's attention to the chief executive's goals. Presidential rhetoric can also influence how the public approves of the president, as the president can prime issues that "underlie approval evaluations" (Druckman and Holmes 2004, 774). Similarly, Joslyn

(1997) finds that people sharing the same political commitments with the president increases presidential support and that those with no prior political commitments or with low levels of political knowledge and interest also side with the president's message when delivered effectively. With ever-increasing modes of communication available to the president, it should come as no surprise that the rhetorical presidency is on the rise (Ceasar, Thurow, Tulis, and Bessette 1981).

The influence of the State of the Union on policymaking is something very few scholars have researched in depth. Moen (1988) looks at the content of State of the Unions, but only during Ronald Reagan's presidency. Lim (2002) identifies rhetorical trends in inaugural addresses and annual messages and finds these speeches have become more anti-intellectual, more abstract, more assertive, more democratic, and more conversational. Cohen (1995), more consistent with this research, argues that the more attention a president gives to a policy area in the annual address, the more likely the public will be concerned about the topic. While it is true that a host of scholars have researched either congressional productivity or presidential rhetoric, nobody has looked at the direct impact of the State of the Union on topical legislative productivity. My research sought to close that gap. By acknowledging and implementing the research noted, three hypotheses have been deduced regarding policy mentions in presidential State of the Union addresses and topical legislative productivity. The first pertains to the rhetorical presidency:

H1: A policy mention in the president's State of the Union address will increase the probability of topical legislative productivity.

In a similar vein, this research tests presidential partisanship and its effect on the relationship between State of the Union mentions and topical legislative productivity. Because

there is no existing research on this topic, a null hypothesis was proposed for a presidential party effect:

H1A: The party of the president delivering a State of the Union address will not affect the relationship between policy mentions and topical legislative productivity.

And consistent with the imperial presidency thesis:

H2: The relationship between presidential mentions in the State of the Union and topical legislative productivity will become stronger over time.

All of the previous research suggests this thesis has a proper academic foundation on which to build. In the next chapter, the methodology and research design of the tests are explained and further used to examine the hypotheses outlined above.

CHAPTER 3

METHODOLOGY AND RESEARCH DESIGN

To test the strength of the presidential rhetoric thesis, my central research strategy was to look at the quantitative relationship between State of the Union addresses and topical legislative productivity going back to 1921 and continuing through 2020. This provides almost 100 years of analysis of how presidential rhetoric and, in turn, presidential power have grown over time.

Dependent Variable

As stated previously, this research is built on Dodd and Schraufnagel's (2016) measurement of topical legislative productivity by using the *Congressional Digest*. These are topics that are salient, nonpartisan, and controversial. Using this journal allows the analysis to date back to pre-World War II and include all postwar Congresses up to the 116th (2019-2020). The *Digest* identifies the major policy struggles of each Congress, which allows for examination of how productive each contemporaneous Congress was on these salient matters. The *Digest* is a suitable measure of topical legislative productivity. It can be noted that when it is compared to the Mayhew (1991), Binder (2003), and Clinton and Lapinski (2006) measurements, the *Digest* correlates with these databases better than these databases correlate with one another.

Importantly, *Digest* coverage postdates women's suffrage, the implementation of an elective Senate, and adoption of the Senate cloture rule (Dodd and Schraufnagel 2016). These significant changes all occurred before 1921, so we can rule out these major changes to the

American political system as possible explanations for the level of congressional productivity. Dodd and Schraufnagel (2016) counted the number of policy topics that received lengthy coverage in the *Digest*, usually denoted by the first topic listed in each *Digest* issue. The first topic is granted the most coverage, and in many issues each year, only one topic is discussed. There is a range of 17 to 23 policy topics discussed in each biennial Congress that are prominently featured by *Digest* editors. In each instance, the editors provide their readers with both supporting and opposing viewpoints on the suitability of the proposed legislation. Obviously, many more policy issues were brought before each Congress, but the assumption made is that coverage in the *Digest* is demonstrative of legislative demand, a factor Binder (2003) argues must be considered.

While the number of policy topics discussed is relatively similar in quantity for each Congress, the subject of the topics differs depending on the party that has majority control. For example, when Republicans are the majority party in Congress, the topics discussed are largely economic in nature. For example, in the 107th Congress (2002-2003), in President George W. Bush's Administration, the Pension Security Act was mentioned and passed, which gave greater control to employees over their retirement investments. When looking at the subjects of policies for a congressional Democratic majority, many of the topics are socially based. For example, in the 113th Congress (2013-2014), the Supplemental Nutrition and Assistance Program (SNAP), commonly known as food stamps, was a topic in the *Digest*, was mentioned by President Obama, and was later passed into law. For both parties, Electoral College reform has been mentioned on numerous occasions, usually after there has been some controversy surrounding how we choose the president. To date, no changes were ever enacted into law.

It is important to note that *Digest* topics were further narrowed by using only topics that had not yet become public laws. In a few instances, the idiosyncrasies of the publishing process caused *Digest* editors to publish an issue about a particular topic after legislation had already passed and became law. These topics were eliminated from the empirical modeling because presumably the *Digest* coverage could no longer demonstrate demand for legislative action. Additionally, *Digest* issues that covered presidential and legislative elections were dropped from consideration to control for irregularities in legislative productivity associated with election cycles. Topical legislative productivity is measured as a binary variable, wherein a case was scored a 1 if the topic passed in the contemporaneous Congress and a 0 if it did not.¹ The dependent variable is coded as Passed into Law in Table 1. Out of the 880 total useable topical pieces of legislation, about 23% passed within the contemporaneous Congress.

Key Explanatory Variable

To measure my key explanatory variable, presidential State of the Union mentions, this research uses the University of California–Santa Barbara’s (UCSB) American Presidency Project database of annual presidential addresses.² Specifically, it determines whether a given topic discussed in the *Digest* was mentioned during a president’s State of the Union address (SOTU).³

¹ It should be noted that there is some careful coding required. For example, even when a November issue from 1964 was technically published when the 88th Congress was the Congress of record, legislation was scored 1 if it passed in the 89th Congress. Although technically the 88th Congress is the Congress of record, it had adjourned *sine die* and cannot be expected to pass this legislation, and the next Congress with an opportunity would have been the 89th. Importantly, this exception was only allowed if the same president was in office.

² The website for this dataset can be found at <https://www.presidency.ucsb.edu/documents/presidential-documents-archive-guidebook/annual-messages-congress-the-state-the-union> (Last accessed February 20, 2021).

³ There are 17 presidents incorporated into the dataset. The seven Democratic presidents include F. Roosevelt, Truman, Kennedy, Johnson, Carter, Clinton, and Obama. The 10 Republican presidents are Harding, Coolidge, Hoover, Eisenhower, Nixon, Ford, G. H. W. Bush, G. W. Bush, and Trump.

Table 1

Summary of Descriptive Statistics

Statistic	N	Mean	St. Dev.	Minimum	Maximum
State of the Union Mention (1=Mentioned)	880	0.494	0.500	0	1
Passed into Law within 2 Years (1=Passed)	880	0.234	0.424	0	1
Any Type of Divided Government (1=Divided)	880	0.491	0.500	0	1
Average Median House and Senate Polarization Score	880	0.632	0.100	0.490	0.856
Presidential Honeymoon Period	880	0.364	0.481	0	1
Legislation Passed the House (1=Passed)	880	0.206	0.404	0	1
Legislation Passed the Senate (1=Passed)	880	0.133	0.340	0	1
Time Left For Congress	880	12.886	6.942	1	29

The data starts with Warren Harding's 1921 address and ends with Donald Trump's 2020 address. Importantly, two State of the Union addresses were forced to be dropped. First, Herbert Hoover's 1929 address had multiple corresponding Congresses, which could have hindered the analysis because, prior to 1934, State of the Union addresses were given at the end of the calendar year. This practice posed complications for collecting the data for all speeches in this earlier time period, as it often meant a change of Congress happened in the middle of a president's first two years in office as well as during the president's last two years. When this occurred, the research needed to look at the two addresses already given by the president for that given Congress and then one speech given to the Congress after that to make sure credit was given to the appropriate president. In Hoover's 1929 address, this was especially difficult, as a new president immediately followed this address, meaning credit could no longer be given to Hoover if a presidential State of the Union mention later translated into a new public law. The second address dropped was Franklin D. Roosevelt's 1933 State of the Union Address, as the American Presidency Project did not have this speech in its archives.

Much like topical legislative productivity, this variable was coded binomially, meaning that if a president mentioned a *Digest* topic, or words similarly associated with a given topic within his SOTU address that are recorded or appear in the *Digest*, the case was scored 1. Correspondingly, a 0 was assigned to the case if there was no evidence the president mentioned the topic. There are two State of the Union addresses per Congress, meaning topical legislation mentioned in the *Digest* must be looked for in both the president's first and second SOTU addresses. Table 1 shows that presidents mentioned topical legislation covered by the *Digest* about 50% of the time.

Finding words associated with a public laws mentioned by the president in a State of the Union address requires patience and precision. For example, the first entry in the dataset is the Sheppard-Towner Bill, which was commonly known as the Maternity Bill. Both Harding's first and second SOTU addresses were used to determine if Harding spoke about this legislation. The bill discusses the education of hygiene for mothers and infants, so when looking for evidence that this bill was part of Harding's policy agenda, various words relating to the bill were searched for, terms such as "mothers," "infants," "family," "hygiene," "Sheppard-Towner," and "maternal."⁴

Control Variables

To complete the multivariate regression models, a series of control variables were used to improve each model's content validity. These models needed to account for other possible alternative explanations for topical legislative productivity. The first consideration was *Any Type of Divided Government*. For the purpose of this thesis, this research looks at whether there was any difference in partisan control of either the House or Senate in relation to the presidency, similar to Mayhew's (1991) work. A case was scored a 1 if either the House or the Senate majority party differed from the president's party, and the case was scored 0 if the government was unified, meaning the president's party held a majority in both chambers. In Table 1, any type of divided government occurred 49% of the time between 1921 and 2020. In other words, the mean value of .49 suggests that unified governments and any type of divided government in the dataset happened at roughly the same rate. My measurement strategy accounts for Mayhew's

⁴ Other scholars such as Moen (1988) and Lim (2002) analyzed State of the Union addresses for content purposes. The same methodology of content analysis can be deployed effectively to find presidential mentions of specific legislative topics.

(1991) purely divided government as well as the distinction Binder (2003) made regarding quasi-divided governments. As the literature suggests, there is conflicting evidence on divided-party governments, especially once party polarization is taken into account, which consequently led me to hypothesize a null relationship in the empirical modeling.

The second possible explanation necessary to control for in the models was *Average Median House and Senate Polarization Score*. This variable was created by taking the absolute value of the difference between the two major parties' median polarization scores in each chamber in each Congress. Then the two chamber scores were averaged. The actual polarization numbers are the DW-NOMINATE scores created by Poole and Rosenthal's (1984) methodology, which taps into the two-party difference in roll call voting. Importantly, the two chamber scores individually are very highly correlated (Pearson $R = .87$). Others use the two-chamber average (Dodd and Schraufnagel 2016) in their modeling. These polarization scores are entered into the models as a continuous variable to account for party differences in policy preference, which previous research shows can influence congressional productivity (Jones 2001; Dodd and Schraufnagel 2016). Table 1 shows that the average median polarization score for both chambers in Congress is about 63. The least polarized Congress appeared during Truman's tenure in the 80th Congress (1947 – 1948). The most highly polarized Congress occurred during the second half of the Trump Administration, the 116th Congress (2019-2020). The high polarization value appearing in the contemporary period makes sense, as Congress has increasingly become polarized in the 21st century (Newport 2019).

The last possible substantive explanation was *Presidential Honeymoons*. As past research has shown, presidential honeymoons are likely to increase productivity (Frendreis, Tatalovich, and Schaff 2001; Dominguez 2005; Barrett and Eshbaugh-Soha 2007; Beckmann and Godfrey

2007). In contrast, when laws are created outside of a presidential honeymoon period, it is expected that productivity would drop. Cases in the dataset that occurred during presidential honeymoons were scored 1, and if the topic was discussed any other time in a presidential administration, it was scored 0. Importantly, if a president served more than a single term, the research counts only their first two years in office as part of their honeymoon. Out of the 880 cases analyzed, about 36% took place during presidential honeymoons.

Three other variables are controlled for that are essentially technical in nature. They include whether there was *Legislation That Passed House*, *Legislation That Passed Senate*, and *Time Left for Congress*.⁵ Legislation that passed House and passed Senate was controlled because when the *Digest* published some of its issues, certain bills had already passed either the House or the Senate. One can infer that if legislation already passed one of the chambers, it had a better chance of becoming law as opposed to having to start anew. Both legislation that passed the House and legislation that passed the Senate were coded binomially, with a 1 being used to measure if the legislation already passed at the time of publication of the specified topic in the *Digest* and 0 being used if the topical legislation had not passed either chamber. For Passed House, the mean score is roughly 20% meaning that 20% of the time legislation had already passed the House before the *Digest* discussed the topic. As for Passed Senate, the mean score was lower, or about .13, meaning legislation passed the Senate before the *Digest* issue went to press roughly 13% of the time. Lastly, Time Left in each Congress equates to the number of months left in a given Congress when the *Digest* discussed the topic. It is important to note that

⁵ Of course, there are other control variables that could be used in the models. They include Purely Divided Government, President's Party Not in White House, and Presidential Approval Rating. Specifically, because presidential approval has mixed results, it has been included in Table A1 in the appendix. Other considerations have been anticipated and are included in Table A1.

if a *Digest* issue covered two months, the time left in the Congress used an average value.⁶ Time Left was coded as a continuous variable, with the minimum amount of time left equaling one month and the maximum amount of time left equaling 29 months, which occurred during Franklin D. Roosevelt's tenure in the executive office.

Throughout the data collection effort, it was discovered that, indeed, many notorious public laws were mentioned in the *Digest* and also had been discussed by the president during a State of the Union address that later became public law. For example, Barack Obama's Affordable Care Act was mentioned in the *Digest* and then in his 2009 State of the Union address. Soon after, it became law. George W. Bush's Patriot Act was discussed in the *Digest*, acknowledged in his 2005 State of the Union address, and later became law. Discussion of these topics in the *Congressional Digest* before they were passed suggests these were salient issues with some demand for action. Importantly, the modeling strategy accounts for Binder's (2003) theory that demand for legislation must be taken into consideration. As a final piece of evidence, when the country was anxious about the turn of the 21st century, fearing technology would go awry in the year 2000, Bill Clinton addressed Y2K issues in his 1999 State of the Union address, and Public Law 106–37 was later passed to address the issue. Again the *Digest* had previously covered this topic in one of its issues. The next chapter encompasses all of these infamous laws, and others that failed to pass, in the multivariate regressions that produce the results.

⁶ For instance, the *Digest* produces only two issues over the four months of summer (June-September). If a Congress was set to adjourn *sine die* in December and the topic was discussed in the June/July issue, the Time Left variable is scored 5.5.

CHAPTER 4

RESULTS

Multiple logit models are employed to test the hypotheses listed above because the dependent variable is dichotomous (Le 2018). The different models highlight the relationship between presidential State of the Union mentions and topical legislative productivity. Table 2 displays two models. Only the key explanatory variable was used in Model 1 to simply expose the bivariate relationship between a presidential State of the Union mention and topical legislative productivity. Model 2 shows the relationship between presidential State of the Union mentions and topical legislative productivity, controlling for presidential honeymoons, congressional polarization scores, and any type of divided-party control of government. In addition, it controlled for the technical factors mentioned above, such as whether legislation passed the House, legislation passed the Senate, and how much time was left in Congress.

The results for the initial two models can be found in Table 2. As hypothesized, a presidential State of the Union mention is a highly statistically significant predictor of topical legislative productivity, as seen in Model 1. To reiterate, topical legislative productivity is measured by legislation becoming public law within the Congress in which it was introduced. This model is strictly a bivariate regression and only accounts for the relationship between a presidential State of the Union mention and topical legislative productivity. The coefficient for a State of the Union mention in Model 1 suggests that we can expect a 1.12 increase in the log-odds of a public law being passed.

Table 2

State of the Union Mentions and Topical Legislative Productivity: 1921-2020

	Model 1 Coefficient (Std. Err.)	Model 2 Coefficient (Std. Err.)
<i>Key Explanatory Variable:</i>		
State of the Union Mention (1 = mentioned)	1.117*** (0.171)	1.096*** (0.177)
<i>Other Possible Explanations:</i>		
Any Type of Divided Government (1 = divided)		0.126 (0.192)
Average Median House and Senate Polarization Score		-3.850*** (1.001)
Presidential Honeymoon Period		0.493** (0.192)
<i>Control Variables:</i>		
Legislation Passed the House (1 = passed)		0.694*** (0.215)
Legislation Passed the Senate (1 = passed)		0.679*** (0.242)
Time Left in Congress (in months)		0.051*** (0.013)
Constant	-1.821*** (0.137)	-0.603 (0.619)
Observations	880	880
Log Likelihood	-455.85	-430.08
Akaike Inf. Crit (AIC)	915.697	876.161

* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$ (two-tailed test)

In Model 2, containing other explanatory and control variables, we find the effect of presidential influence on legislative productivity continues to have a positive and highly statistically significant relationship. We can expect a 1.10 increase in the log-odds of a public law passing, holding all other independent variables constant. Two of the three other possible explanations incorporated into Table 2 are also statistically significant. As expected, presidential

honeymoon periods increase the log-odds of public laws by .49, which is statistically significant at the $p < 0.05$ level. Also as expected, average median House and Senate polarization scores have a detrimental effect on public law production. As polarization increases, there is a decrease in the log-odds of 3.85 that a new public law will be enacted. Out of the three substantive explanatory variables, the polarization scores are the most strongly linked to productivity and the only variable statistically significant at the $p < 0.01$ level.

When converting the log-odds into predicted probabilities, the data tells a similar story. Holding all other variables constant at their means, when a president does not mention a topic in his State of the Union address, the probability of that topic being passed into law is roughly 15%. Once a president mentions the topic in an annual address, the probability that the topic will become a new law increases to almost 33%. Both Models 1 and 2 provide support for Hypothesis 1, indicating a positive correlation between State of the Union mentions and the passing of topical public laws.

Table 3 provides analysis that incorporates the partisanship of the president into the models. In Model 3, we see that when a Democratic president mentions a topic in the State of the Union, it produces a highly statistically significant relationship with the passing of a public law. For Democratic presidents, we can expect a 1.195 increase in the log-odds of a public law passing, holding all other independent variables constant at their average value. A similar, statistically significant relationship can be found in Model 4 with Republican presidents but the relationship is not as substantively important. Now we can expect a .895 increase in the log-odds of a public law being passed.

Table 3

State of the Union Mentions and Topical Legislative Productivity: 1921-2020
Presidential Partisanship Effect

	Model 3 Democratic President Coefficient (Std. Err.)	Model 4 Republican President Coefficient (Std. Err.)
<i>Key Explanatory Variable:</i>		
State of the Union Mention (1 = mentioned)	1.195*** (0.263)	0.895*** (0.251)
<i>Other Possible Explanations:</i>		
Any Type of Divided Government (1 = divided)	-0.138 (0.351)	0.231 (0.333)
Average Median House and Senate Polarization Score	-1.998 (1.481)	-4.426** (1.810)
Presidential Honeymoon Period	1.074*** (0.272)	-0.109 (0.302)
<i>Control Variables:</i>		
Legislation Passed the House (1 = passed)	0.568* (0.315)	0.743** (0.309)
Legislation Passed the Senate (1 = passed)	0.722* (0.375)	0.644* (0.332)
Time Left in Congress (in months)	0.055*** (0.018)	0.045** (0.019)
Constant	1.857** (0.883)	-0.001 (1.267)
Observations	426	454
Log Likelihood	-212.20	-208.07
Akaike Inf. Crit (AIC)	440.39	432.14

* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$ (two-tailed test)\

The findings in Table 3 show that while either presidential party can mention a topic in a State of the Union address and translate the topic into a new public law, Democratic presidential rhetoric is associated with the enactment of public laws at a higher rate than Republican

presidents. There was no prior research that looked at the different rhetorical success of presidents based on partisanship, but these results suggest that presidents from both political parties can effectively use the bully pulpit, although Democratic presidents were better at it during the time period studied. We must reject the null hypothesis, as there appears to be a substantive difference in presidential partisanship.¹

We can better understand this relationship with the predicted probability seen in Figure 1, which suggests that the probability of a topical law passing from a Republican president is on average about 26%. When the president is a Democrat, this relationship grows to roughly 34%. This eight percent increase shows that Democratic presidents are more effective at using the bully pulpit. The results, as reported in Tables 2 and 3 and shown in Figure 1, cause one to conclude that presidential rhetoric does matter in the production of new topical public laws, but there is also an unexpected difference when considering the party of the president.

Table 4 teases out the relationship of the imperial presidency and begs the question: Does the influence of presidential mentions on legislative productivity grow over time? In short, the answer is yes. Three time periods studied are from 1921 to 1932, which is the era immediately before Franklin D. Roosevelt's presidency. The next time period ranges from 1933 to 1974, which ends two years after Nixon's Watergate scandal and his subsequent resignation from office. Finally, the last time period goes from 1974 – 2020.

¹ Because the rhetoric, as found in State of the Union addresses, is linked to more productivity for both Democrat and Republican presidents, one could say we cannot reject the null hypothesis of no partisan difference. However, the stronger substantive relationship between productivity and Democratic presidents is being used to suggest there is an important difference.

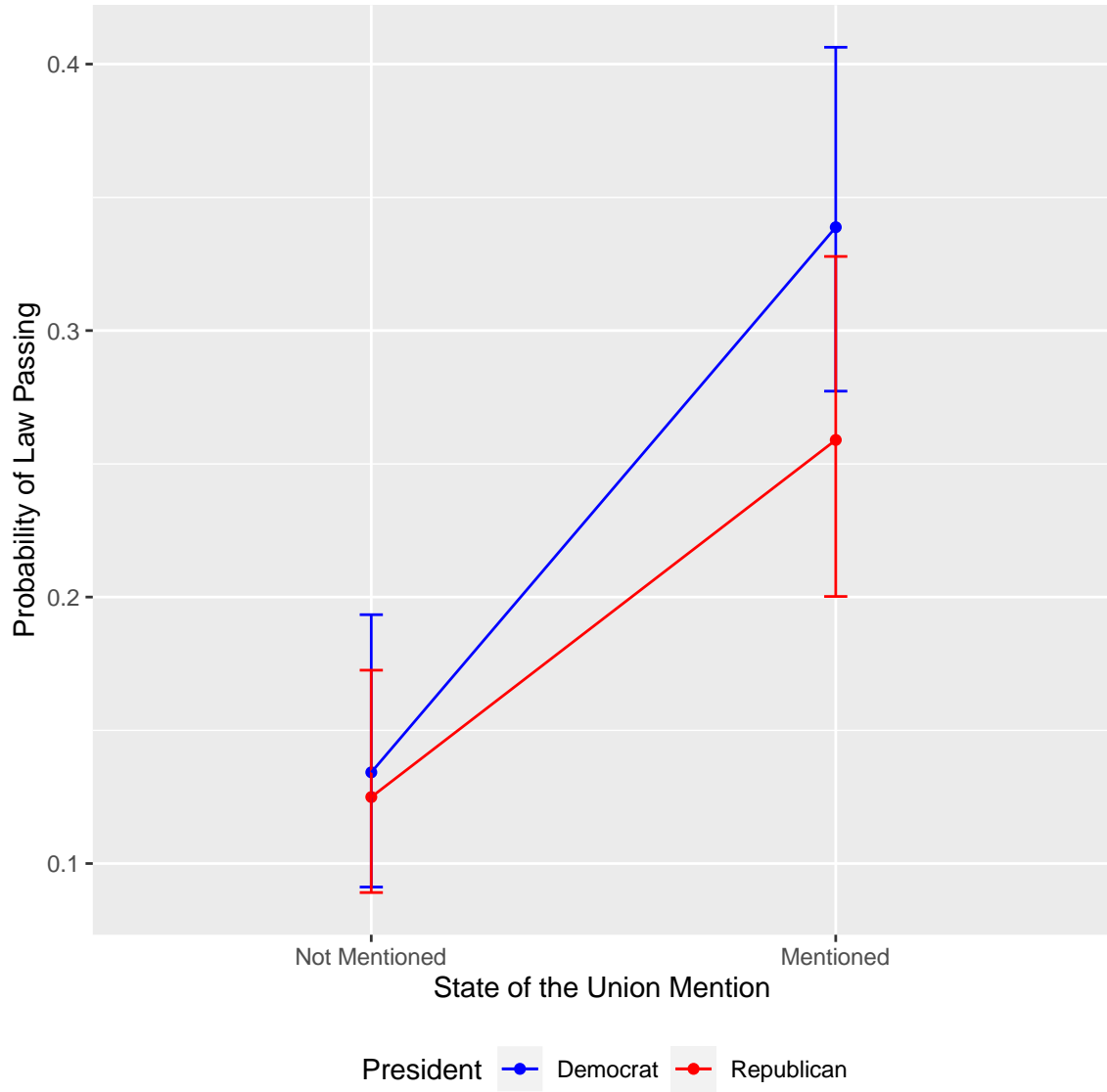


Figure 1. Predicting Passage of Topical Laws Based on Presidential Partisanship.

Table 4

State of the Union Mentions and Topical Legislative Productivity: 1921-2020
Comparing Time Periods

	Model 5 1921-1932 Coefficient (Std. Err.)	Model 6 1933-1974 Coefficient (Std. Err.)	Model 7 1975 - Present Coefficient (Std. Err.)
<i>Key Explanatory Variable:</i>			
State of the Union Mention (1 = mentioned)	1.160 (0.805)	1.152*** (0.257)	1.207*** (0.276)
<i>Other Possible Explanations:</i>			
Any Type of Divided Government (1 = divided)	0.074 (1.757)	0.385 (0.287)	-0.566* (0.309)
Average Median House and Senate Polarization Score	2.212 (26.573)	7.441* (3.878)	-4.292** (1.809)
Presidential Honeymoon Period	0.447 (1.119)	0.305 (0.291)	0.322 (0.305)
<i>Control Variables:</i>			
Legislation Passed the House (1 = passed)	1.529* (0.867)	0.400 (0.390)	0.965*** (0.291)
Legislation Passed the Senate (1 = passed)	2.278** (1.036)	0.552 (0.452)	0.680** (0.319)
Time Left in Congress (in months)	0.167** (0.067)	0.052*** (0.018)	0.034* (0.020)
Constant	-6.963 (17.882)	6.649*** (2.103)	0.219 (1.325)
Observations	87	381	412
Log Likelihood	-31.23	-205.95	-178.24
Akaike Inf. Crit (AIC)	78.45	427.91	372.47

* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$ (two-tailed test)

These specific time periods were prompted to test the imperial presidency argument, which asserts the president has become much more powerful since the FDR Administration (Schlesinger 1973; Koenig 1981). If this is a true, the period 1921-1932 should produce the least amount of evidence that a State of the Union mention can influence legislative productivity. The subsequent time periods, which includes FDR's Administration, should produce more evidence of the power of presidential rhetoric. The post-FDR period was divided because the Watergate scandal in the Nixon Administration caused a great deal of change to the manner in which Congress operates. Some of the reforms implemented after Watergate were intended to decentralize legislative power, such as the Federal Campaign Act Amendments of 1974 and 1976 and the Ethics in Government Act of 1978 (Smoller 1992). These, arguably, created new legislative dynamics that might be expected to influence the relationship between the president and Congress. All three pieces of legislation attempted to provide ethical and transparent government and combat the corrupting influence of money in politics. Presumably, the decentralization of power in Congress depressed the ability of Congress to be productive. In turn, we can imagine the president picks up the slack and consequently expect presidential rhetoric to be the most consequential in the third time period.

The first time period dates from 1921 to 1932, as seen in Model 5, and shows that while holding all other variables constant, we can expect a 1.16 increase in the log-odds of a public law being passed. These findings are not significant though, and in this particular model, we would fail to reject the null hypothesis. However, the next two models argue otherwise. In Model 6, covering the years of 1933 to 1974, the effect of a presidential mention in a State of the Union address becomes highly statistically significant at the $p < 0.01$ level. We can expect a 1.152 increase in the log-odds of public law passing.

Finally, in Model 7, covering the years from 1975 to 2020, the impact of a presidential mention remains statistically significant but at an even higher level, as we can now expect a 1.207 increase in the log-odds of a public law passing. The relationship between presidential mentions and a public law passing in Model 7 grows even more when excluding the Trump Administration, as there is an increase of .009, bringing the public law passing to 1.216. One could argue we could omit Trump's four years because of the very unusual character of this particular presidential administration. Impeachment hearings and legal challenges notwithstanding, the Trump presidency was like no other in that established norms for governance were routinely tossed aside, suggesting that Administration is a potential outlier case and should not be compared with other Administrations.² Regardless of whether Trump is included in the Model 7 analysis, the effect of presidential rhetoric does increase over time. Table 4 and Figure 2 also demonstrates that certain presidents are more endowed with the power to persuade.

We can see the predicted probability of this relationship in Figure 2, which provides us partial evidence of an increase in the imperial presidency. To be certain, the green line representing the time period from 1934 – 1974 is starkly different from the orange line representing the time period from 1921- 1933. The evidence is somewhat incomplete, however, because when we look at the most current time period, represented by the blue line, the effectiveness of rhetorical presidency seems to have declined. Much of the decline could be due to the presence of the FDR Administration. It is FDR's Administration that is driving much of the bully pulpit during that time period. Future research will look at how to disentangle these

² There are other situational reasons why Trump should be omitted from this analysis, such as Trump incited an insurrection on the U.S. Capitol shortly before leaving office, contesting the 2020 election, and being impeached not once, but twice.

trends and checks for outliers to get a more robust test on whether the imperial presidency is indeed increasing or not. Overall, Table 4 and Figure 2 both demonstrate that certain presidents are more endowed with the power to persuade.

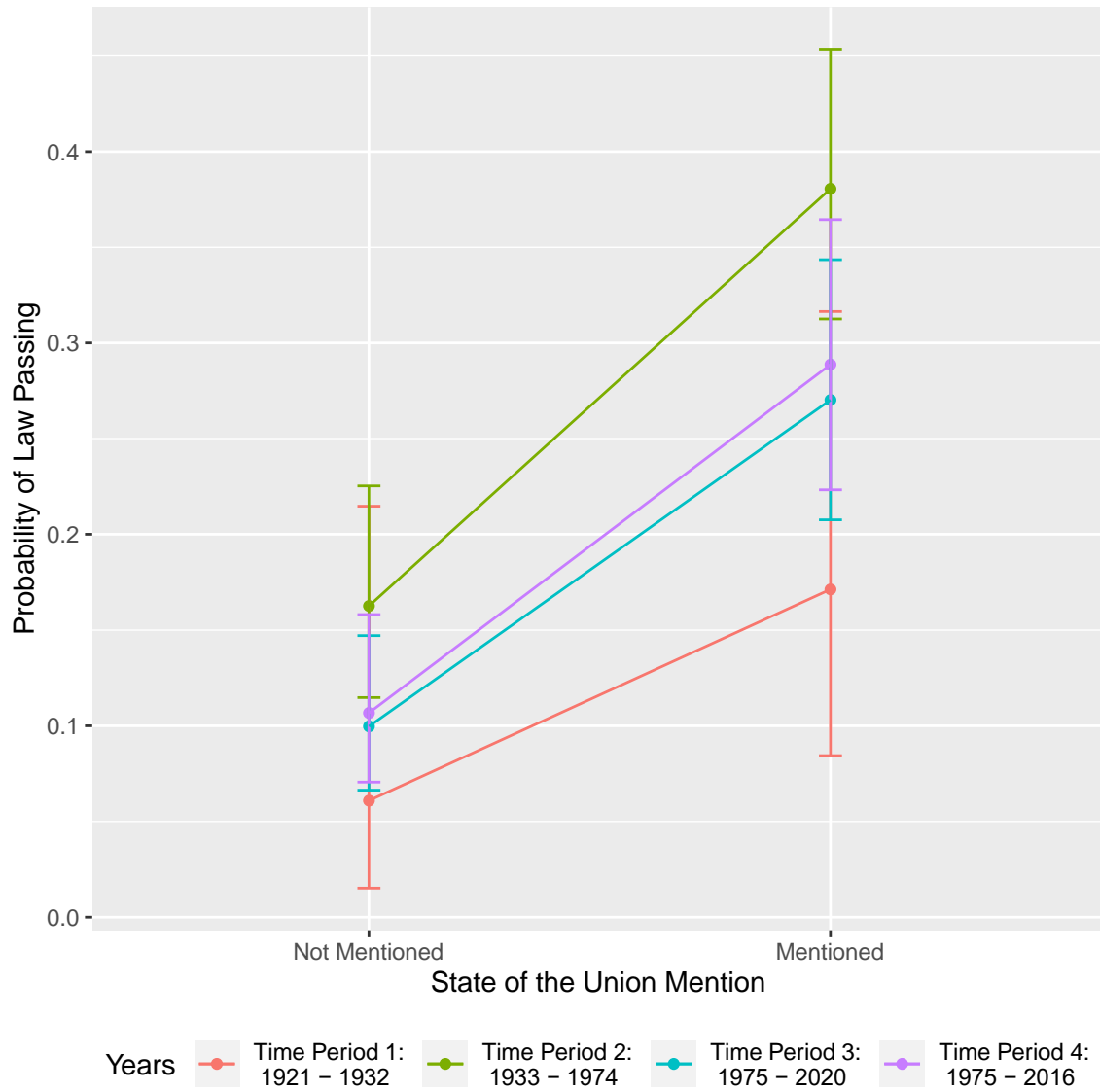


Figure 2. Predicting Passage of Topical Laws Based on Different Time Periods.

CHAPTER 5

DISCUSSION AND CONCLUSION

According to Ceasar, Thurow, Tulis, and Bessette (1981), the rhetorical presidency is on the rise due to the ever-increasing opportunities and access to communication. The current research concurs with these scholars, but instead it set out to test the extent of an old and well-established form of presidential rhetoric, the State of the Union address, and its effect on legislative productivity. All findings suggest that the rhetorical presidency is alive and well in one of the oldest modes of political communication presidents have at their disposal. The State of the Union remains a significant and crucial opportunity for presidents to accomplish their policy goals.

Table 2 looks purely at the dichotomous relationship between a presidential State of the Union mention and topical legislative productivity. The relationship is both substantively and statistically strong. When accounting for other possible explanations as well as controlling for other factors, a State of the Union mention remains a positive significant predictor of productivity as hypothesized. There is a correlation between presidential mentions and the passage of public laws.

Table 3 illustrates a minimal, but arguably important, difference in the influence of presidential rhetoric based on presidential partisanship. Considering the predicted probabilities, Democratic presidents are .30 times more likely to see the passage of public laws, as opposed to their Republican counterparts. When looking at the absolute number of laws passed for each

presidential party, the research shows 27% of laws passed within contemporaneous Congresses with a Democratic presidential mention, compared to 20% of laws passing for a Republican presidential mention. What is important to note here is that both Democratic and Republican presidents have a highly statistically significant impact on topical legislative productivity, so it would be wrong to argue that only Democratic presidents have rhetorical power. Both political parties assert influence on the passage of public laws; it just so happens that Democratic presidents have more influence than Republican presidents. The null hypothesis can be rejected and the partisanship of the president does seem to matter for topical legislative productivity.

This research concludes that the imperial presidency has been on the rise since FDR's Administration. This is evident in Table 4, particularly in Model 6. The effect a State of the Union mention by the president has on legislative productivity increases substantially from pre- to post-Roosevelt. When looking at the absolute number of laws passed within each time period, we see that 17% of laws passed within contemporaneous Congresses with a presidential mention from 1921 to 1932. During FDR's Administration and successive administrations until 1974, 28% of laws were passed. During post-Watergate years, 1975 to 2020, the data show that 20% of *Digest* topics were created into laws after being mentioned by the president.

The effect of the bully pulpit has grown and remains a strong source of power for presidents. Even in different time periods, presidents have been able to achieve topical legislative productivity by merely mentioning a topic in their State of the Union addresses. Some scholars might argue that it is polarization rather than the president's rhetoric that limits or improves legislative productivity, but various presidents who operated under higher levels of congressional polarization were still able to pass the same amount of legislation as their presidential counterparts who worked under lower levels of congressional polarization. For example,

President Coolidge presided over the American people from 1924 through 1928. During his time in office, Coolidge worked with a highly polarized Congress, with an average House and Senate median polarization score of more than 67 points. Even with the theoretical odds stacked against him, Coolidge remained effective, mentioned topics in his State of the Unions 26 times, and achieved six new public laws within each contemporary Congress he worked with. Some of the State of the Union agenda items passed during his administration included PL 69–639, better known as the McFadden Bill. This bill reorganized the banking industry and gave national banks more autonomy. Additionally, PL 68–506, also known as the Kelly Bill, was passed, which provided increased pay for postal workers.

Between 1921 and 1932, most presidents dealt with high polarization in Congress, but between 1933 and 1974, there were times when the congressional polarization was relatively low. For example, Truman had an average House and Senate median polarization score of about 52 points while he served in office from 1949 to 1952. Even with a low polarization score, Truman was only able to achieve five public laws total for the two Congresses he worked with, even though he mentioned *Digest* topics 23 different times.¹ These results are consistent across parties as well. For example, President Eisenhower's first term ran from 1953 to 1956 and he also had a relatively low congressional polarization to deal with, as the average House and Senate median polarization score equated to just over 52 points. Taking into account the low

¹ The Truman administration expanded federal social security benefits to citizens who are over 65 years old in PL 81-734, and PL 81-815 allowed the federal government to give \$300 million annually to several state elementary and secondary schools based on economic need.

polarization score, the Eisenhower Administration only signed into law six new public laws, even though topical legislation was mentioned in his State of the Unions 22 times.²

Finally, in the time period ranging from 1975 to 2020, we see congressional polarization scores start to rise yet again. For instance, President Obama's first term wielded a high average House and Senate median polarization score (about 78 points), yet he was still able to accomplish more policy goals than most of his modern predecessors. Obama mentioned topical legislation in his State of the Unions 23 different times, which resulted in 11 topical laws being passed. Some of Obama's greatest accomplishments included PL 111-148, which was his notorious Affordable Care Act. Obama was also able to get passed PL 111-321, which allowed citizens to serve in the military regardless of their sexuality. Importantly, both topics in the Obama Administration were deemed so sufficiently salient that they received issue-length coverage in the *Digest*.

This thesis provides multiple avenues for future research. For example, one should consider the creation of an interaction term between presidential approval and presidential mentions. One might expect when presidential approval is higher, the effect of a presidential mention would be greater. This could be further advanced by combining the two party-specific presidential models reported in this research into a single model; in effect, this could be done by creating a dummy variable for presidential partisanship. A second interaction term could be implemented by taking the presidential partisanship dummy variable and interacting it with presidential mentions. This should give us the same results as this research reports here; however, the interpretation of the results might be more straightforward.

² During Eisenhower's first term, he succeeded in passing PL 84-627, which improved the U.S. highway system over a 10-year period.

Additionally, scholars have the opportunity to look at the topics mentioned in the State of the Union addresses in more depth. When a president speaks on certain types of topics, does this make a difference? Moreover, does the president mentioning a topic in the introduction or the closing of a State of the Union matter? In effect, does the placement of the mention give a topic more or less weight? These findings would complement nicely the research implications uncovered in this thesis.

Finally, the results of this research only point toward the role of the president and presidential speeches and cannot be extrapolated to other elected officials. This leads to another question that deserves research and analysis: Does rhetorical power only lie in the hands of the president alone, or does it transcend to high-ranking officials in Congress? What about state and local chief executives? Can they expect a similar level of success? Plenty of questions arise after considering the contribution this research makes to the rhetorical presidency.

Overall, this study makes an important contribution to the literature on the imperial presidency by focusing on presidential rhetoric mentioned in a State of the Union address and its influence on topical legislative productivity. Presidential honeymoons, congressional polarization scores, and divided-party governments all have influence on legislative productivity, but now scholars must start to think about adding presidential rhetoric as a predictor of productivity in their research models. This research topic is important to demonstrate that presidential rhetoric does matter. It is likely that in the foreseeable future we will see a continued rise in the imperial presidency and the continued and dominant role played by the president in the American political system.

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APPENDIX

ADDITIONAL TABLE

Table A1

State of the Union Mentions and Topical Legislative Productivity: 1921-2020
Controlling for Purely Divided Government, President's Party Not in White House and
Presidential Approval Rating

	Model 1a Coefficient (Std. Err.)	Model 2a Coefficient (Std. Err.)
<i>Key Explanatory Variable:</i>		
State of the Union Mention (1 = mentioned)	1.117*** (0.171)	1.202*** (0.208)
<i>Other Possible Explanations:</i>		
Presidential Honeymoon Period		0.702** (0.273)
Average Median House and Senate Polarization Score		-4.103*** (1.206)
Purely Divided Government (1 = purely divided)		0.049 (0.224)
<i>Control Variables:</i>		
Legislation Passed the House (1 = passed)		0.768*** (0.245)
Legislation Passed the Senate (1 = passed)		0.498* (0.273)
Time Left in Congress (in months)		0.047*** (0.015)
President's Party Not Occupying the White House (in years)		-0.042 (0.026)
Presidential Approval		-0.002 (0.008)
Constant	-1.821*** (0.137)	-0.212 (0.936)
Observations	880	655
Log Likelihood	-455.85	-319.605
Akaike Inf. Crit (AIC)	915.697	659.209

* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$ (two-tailed test)