

Investigating the President: Committee Probes and Presidential Approval, 1953–2006

Douglas L. Kriner Boston University
Eric Schickler University of California, Berkeley

Members of Congress have long sought to combat assertions of presidential power and alleged executive misconduct through committee investigations. But are such investigations mere political theater, or do they have systematic effects on the course of politics? We argue that congressional investigations of the executive branch damage the president's support among the public, making investigations a useful tool in interbranch battles. Marshaling an original data set of more than 3,500 investigative hearings and over 50 years of public opinion data, we show that increased investigative activity in the hearing room significantly decreases the president's job approval rating. A survey experiment both confirms our assertion that investigations decrease public support for the White House and shows that committee-led charges of misconduct have a greater influence on public opinion than identical charges not attributed to a congressional actor.

Over the past century, members of Congress have held thousands of days of hearings highlighting alleged misconduct and abuses of power within the executive branch (e.g., Kriner and Schwartz 2008; Mayhew 1991; Parker and Dull 2009, 2013). Do these investigations have any impact on the president's political capital? Or are investigations better understood as simply another exercise in congressional position taking, one that serves members' electoral interests, but that ultimately has little influence on interbranch relationships?¹

This article explores one pathway through which investigations may have substantial political impact: by influencing the approval ratings of the president. At least since Neustadt ([1960] 1990), presidency scholars have argued that the president's standing with the public is a linchpin of presidential power. A wealth of research has demonstrated that low approval ratings make it more difficult for presidents to pursue their policy and political agendas (e.g., Beckmann 2010; Canes-Wrone and De Marchi 2002; Marshall and Prins 2007; Rivers and Rose 1984). If congressional investigations undermine that popular support, they may offer a counterweight to the many

tools that presidents have used to expand their power over the years, such as the use of executive orders (Cooper 2002; Howell 2003); tightened control of the bureaucracy (Lewis 2008; Moe 1985); and broad assertions of wartime power in both the international and domestic arena (Pfiffner 2008; Rudalevige 2005).

The extent to which Congress is able to counter this expansion of presidential power is perhaps the central question of interbranch scholarship. Much of this scholarship has focused on *direct* mechanisms that Congress can use to respond to presidential aggrandizement and has mostly emphasized the institutional barriers undermining Congress. Collective-action dilemmas (Moe 1994), supermajoritarian requirements (Brady and Volden 1998; Krehbiel 1998), and a legislative process riddled with transaction costs (Epstein and O'Halloran 1999) ensure that presidents will only rarely face legislation compelling them to alter their preferred policy course (Howell 2003). However, members of Congress seeking to challenge the president can do more than legislate; they can also investigate. Investigations avoid some of the problems that plague legislative efforts to check presidential power. Most obviously, veto threats are irrelevant. Transaction costs

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are also less likely to pose an important obstacle. Since adoption of the Legislative Reorganization Act of 1946, all Senate committees have had the power to issue subpoenas. On the House side, subpoena power was granted to three committees in 1946 (Appropriations, Government Operations, and Un-American Activities), with the authority extended to the rest in 1974.

More subtly, collective-action problems may pose a less severe obstacle when it comes to oversight activity than legislation. The key is that the individual members who are most active in spearheading an investigation are likely to gain publicity that is often an individual benefit—helping boost their reelection and personal power—even as they contribute to the collective good of congressional power. Investigations can thus serve as a “common carrier” for the goals of ambitious individual members and for all members’ shared stake in congressional power (Schickler 2001, 2007). Similarly, under conditions of divided party control, the partisan interests of majority-party members in undermining the president’s standing may complement individual party members’ electoral and power interests in incentivizing aggressive investigations of executive branch wrongdoing. These investigations may not *directly* force the president to give in on particular policy choices, but by undermining presidential approval ratings, they weaken the Chief Executive’s leverage in battles with Congress.

In recent years, a growing literature has begun to reexamine committee investigations. A number of studies demonstrate the influence of divided government, ideological polarization, and other factors on investigative activity (e.g., Kriner and Schwartz 2008; Mayhew 1991; Parker and Dull 2009, 2013). Other studies have examined the interrelationships between investigators and the mass media in determining which charges rise onto the political agenda and which ones fail to do so (Nyhan n.d.; Thompson 2000).² What has received comparatively little attention, however, is whether investigations have any systematic, tangible influence on the strategic calculations of presidents, and in turn, policy outcomes (notable exceptions within the field of foreign affairs include Fowler, n.d.; Fowler and Hill 2006; and Kriner 2010). The few studies investigating the actual consequences of investigations are typically individual case studies of whether specific

investigations precipitated a change in presidential policy.³ Rather than focusing on the direct impact of any single investigation, we propose and empirically test a mechanism through which congressional investigative activity could affect presidential behavior and policy-making more broadly: by influencing the president’s well of support among the American people. Using the investigative arm of its committees, we argue the president’s opponents in Congress can often weaken the president’s support among the public, reduce his political leverage, and thereby retain at least a partial check on presidential power, even when Congress is institutionally unable to constrain the president formally through legislative sanction.

The article proceeds in four parts. The following section proposes two mechanisms through which committee investigations of executive misconduct are well-positioned to shape levels of public support for the president. The second section describes an original data set of more than 3,500 investigative hearings held in Congress from 1953 to 2006 and presents a series of statistical analyses showing a strong, consistent negative relationship between investigative activity and presidential approval. The third section describes an original survey experiment that isolates the influence of congressional investigations on public opinion independent of potential confounding factors. Specifically, the experiment allows us to identify the causal influence of the investigation itself, independent of the alleged misconduct that triggers the investigation; this is all but impossible to do using observational data alone. In so doing, the experiment also affords a direct test of the mechanisms posited in the first section. The fourth section concludes.

Two Mechanisms of Investigative Influence

Public opinion scholars have long recognized that the reactions of other political elites often drive support for presidents and their policy initiatives. Because most citizens are relatively inattentive to politics and lack sophisticated information on which to base their political judgments (Delli Carpini and Keeter 1997), most look to cues from political elites when forming their opinions (Lupia 1994; Popkin 1991). Bipartisan consensus bolsters support for the president and his

²And still other studies have focused on congressional oversight more generally (Inter alia Aberbach 1990, 2002).

³See, for example, Hinckley’s (1994) study of the limited effects of the Iran-Contra investigation on the Reagan administration’s conduct of Central American policy.

policies, while dissension among political elites causes a two-sided information flow and decreases in public support (Berinsky 2009; Brody 1991; Howell and Pevehouse 2007; Zaller 1992). For example, in the context of foreign policy, Groeling and Baum (2008) demonstrate that the level of media coverage showing congressional criticism of the president's policies is one of the single largest predictors of the size of the rally effect in approval that the president enjoys in the immediate wake of a military action.

There are two primary mechanisms through which committee investigations of alleged executive wrongdoing can influence levels of public support for the president. First, investigative activity can play an important agenda-setting role. As Mayhew (1991) noted, committee investigations are consciously designed to attract high-profile media attention. Moreover, media norms emphasize conflict (Graber 1997; Groeling 2010), particularly conflict from official Washington sources (Bennett 1990; Mermin 1999). As a result, what committees investigate inherently becomes newsworthy. Through their very nature, investigative committee hearings, which can span many days or even months, also provide a public forum through which congressional investigators can endeavor to secure *sustained* coverage of their proceedings over time. This may be particularly critical, as repeated media coverage of a political challenge to a president over an extended period of time is much more likely to reach and inform an inattentive public than a story which grabs headlines for a single day but then vanishes.

Yet, investigations hold the potential to do more than merely set the agenda by bringing certain facts, disputes, and allegations to light and then keeping them in the public eye. A second key mechanism is that formal committee inquiries imbue such charges with institutional legitimacy. Past scholarship has shown that the credibility of a source can be just as important as the substance of the cue itself in determining its influence on public opinion (e.g., Druckman 2001; Lupia and McCubbins 1998). Charges of misconduct or abuse of power formally investigated by a congressional committee may be more credible than identical charges that are not taken up by actors within the legislature. And while past research has shown that even criticism by individual legislators may be influential, formal committee hearings represent a genuine institutional challenge to the executive branch, one which may resonate more with reporters and citizens alike.

As a result, because of their agenda-setting capacity and the institutional credibility they lend charges of executive misconduct, we hypothesize that committee

investigations are well-positioned to depress presidential job-approval ratings.

Investigations and Presidential Approval, 1953–2006

To assess whether committee investigations can erode the president's political capital by weakening his popular standing requires a comprehensive measure of investigative activity over time. We focus on trends in actual investigative activity rather than media coverage of such actions because we want to know whether the volume of congressional investigations influences the public's assessment of the president's job performance. Using media measures would pose a related, though substantively different question: *when the media reports on congressional investigations of the executive branch, do such reports influence public opinion?*⁴ To be sure, the media is the key link between actions in the committee room and public awareness; investigations are unlikely to sway public assessments without any reporting in the mass media. However, to assess the degree to which investigative activity erodes the president's political capital, we must examine the relationship between all investigative activity—not just actions that attract significant media attention—and shifts in public opinion. If we were to use media coverage of congressional investigations as our independent variable of interest, it could lead us to seriously overestimate Congress' ability to inflict damage on the president precisely because many investigations go relatively unnoticed by the media and therefore will have little to no influence on the public. Instead, we assess whether, on average, investigations influence presidential approval. This does not imply that all investigations have the *same* impact, but it does provide a window into how much one would typically expect approval to change with increased investigative activity.

Mayhew (1991) pioneered the systematic study of committee investigations in his analysis of the impact of divided government. For this aim, Mayhew sought to identify only high-profile "publicity probes," those that attracted 20 or more days of front-page coverage in the *New York Times*. Some subsequent studies have continued to use Mayhew's list but disaggregated it to account for the varying intensity of the investigations in question (Kriner and Schwartz 2008). Others have endeavored to cast a wider net and identify a broader

⁴See Nyhan (n.d.) on the media's role in scandal politics.

range of investigations than those captured by Mayhew's criteria (Parker and Dull 2009). We build on this recent work and use Congressional Information Service (CIS) abstracts to create the most comprehensive catalogue to date of committee hearings investigating alleged misconduct by some entity within the executive branch.

Full details of our coding procedures and additional description of the data are provided in the online supporting information. In brief, to identify relevant committee hearings, we engaged in a two-step process. First, we ran a basic textual search on Lexis-Nexis to identify all hearings that involved some official or entity within the executive branch, as well as at least one key word that could imply some allegation of misconduct or abuse. A team of coders then examined the summary and testimony descriptors provided by CIS for each hit and identified those hearings that contained specific allegations of possible abuse or misconduct by some entity within the executive branch. Hearings that involved oversight of the executive branch, even explicit criticism of its actions, but that did not contain a specific allegation of abuse or misconduct were excluded from the analysis.

From 1953 to 2006, we identified 3,507 hearings from the CIS abstracts that constituted committee investigations of alleged misconduct by the executive branch.⁵ While published as a single document with a unique identification number, a single "hearing" could stretch over multiple days, even months. However, because CIS also reported the specific dates on which hearings were held, we were able to construct measures of the number of days of investigative hearings held by

congressional committees in each month.⁶ Figure 1 presents the time series. We see the end of the McCarthy era, with investigations of communism in the executive branch continuing into 1953–54. Another burst of activity occurs during the Watergate years, with further spikes in 1978 amid continuing probes of alleged intelligence abuses, and towards the end of the Reagan administration. There are noteworthy investigative bursts under Clinton reflecting Whitewater and the Lewinsky scandals, but on the whole, Congress has held fewer days of investigations since 1990 than before (we discuss the implications of this development in the conclusion).

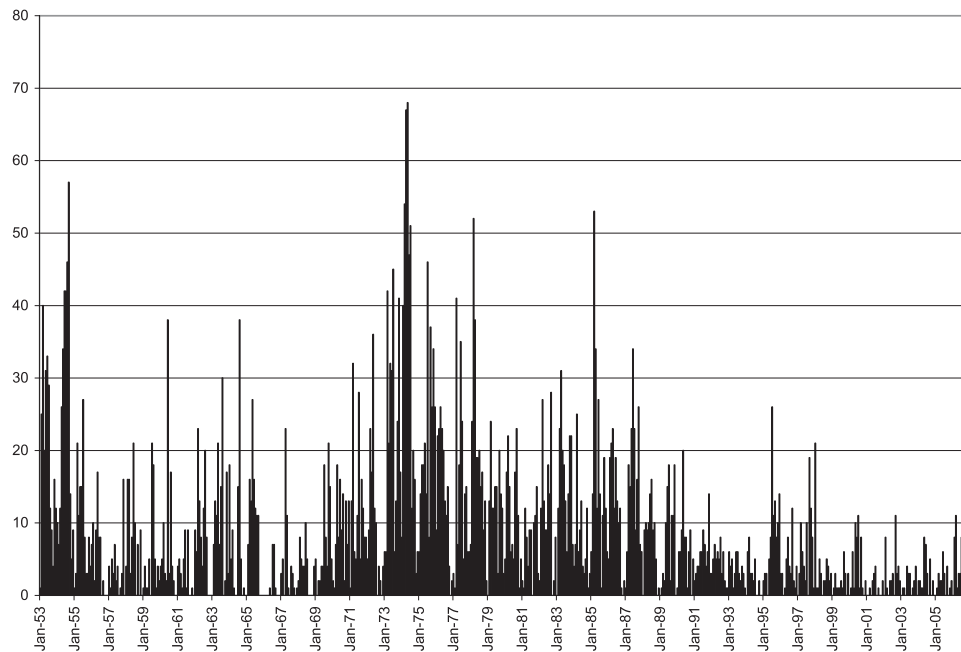
In addition to modeling presidential approval as a function of committee activity, we also include in our models several standard control variables drawn from the literature. Given the central role of the economy in almost every model of presidential approval, we include monthly measures of the Index of Consumer Sentiment (ICS), which incorporates both Americans' prospective and retrospective evaluations of the economy.⁷ To account for the role of major international and domestic events, we include two variables drawn from Brace and Hinckley (1992) and updated by Gronke and Brehm (2002) and Kriner and Schwartz (2009) capturing the number of positive and negative "rally events" that occurred in each month. To further account for the influence of war on popular support for the president, we also include the number of American casualties in both the Vietnam and Iraq wars in the preceding six months. To allow for different base levels of support due to personal and environmental factors not captured in the model, all specifications also include unreported fixed effects for each administration. Following Clarke and Stewart (1994), we also include a variable capturing the presidential honeymoon. Finally, the models include a lagged realization of the dependent variable. Failing to include lagged approval leads to autocorrelation in the residuals. However, after including the lagged

⁵Our measure of investigative activity is broader than that devised by Parker and Dull (2009). Through their method, Parker and Dull identified 1,015 investigative hearings from 1947 to 2004. In addition to the hearing tallies mentioned in the text, we identified 9,761 hearings that constituted oversight, but that did not explicitly allege misconduct in the summary or testimony descriptors. Including an oversight variable in the models below yields null results; only investigations, not more routine oversight, depress presidential approval. In 1970, CIS began indexing hearings in the more detailed *CIS Index*. This raises the possibility that new reporting metrics might cause a big temporal shift in our data. Fortunately, the time series of investigative activity in Figure 1 shows no such phase shift in or near 1970, significantly alleviating concerns that changes in reporting have led to a temporal issue in our data. By contrast, the oversight time series does increase dramatically in 1971. We believe that the reporting changes brought about by CIS increasingly captured lower-profile, general oversight hearings beginning in 1970, but that the sorts of higher-profile, accusatory investigations that we focus on were included in both periods. We also show below that our results are robust to splitting the data into distinct periods (e.g., pre- and post-Watergate). This makes it unlikely that peculiarities of data coding surrounding the CIS change are driving our findings.

⁶The use of days of investigative activity in a month frees us from making subjective judgments about grouping different CIS items into single "investigations." For example, scholars may disagree on whether there was a single Whitewater investigation that began in 1993 and culminated in impeachment or instead multiple distinct investigations of various alleged improprieties over this eight-year period. Using days of investigative activity as the independent variable captures this activity without having to make potentially arbitrary distinctions.

⁷MacKuen, Erikson, and Stimson (1992) have shown that after controlling for public perceptions of the state of the economy, objective indicators such as unemployment and inflation have little additional explanatory power. When monthly data is not available, quarterly data is used.

FIGURE 1 Days of Committee Investigative Hearings by Month, 1953–2008



dependent variable on the right-hand side of the equation, Breusch-Godfrey tests show no evidence of autocorrelation (for a review of the use of lagged dependent variables in time-series models, see Keele and Kelly 2006).

A final concern is the strong potential for endogeneity in the relationship between committee investigations and presidential approval. Chief executives with lower approval ratings may be more attractive targets for investigations; indeed, both Kriner and Schwartz (2008) and Parker and Dull (2009) find evidence of an inverse relationship between approval and investigative activity.⁸ To account for this potential endogeneity, we use two-stage least-squares regression to estimate the effect of investigative activity on presidential approval purged of any reciprocal relationship. To identify the equation, we use the number of days that Congress was in session in a given month as an instrument. This is a strong predictor of investigative activity, but it has no independent influence on presidential approval. The congressional calendar should be correlated with a number of factors, including the level of pressing business before each chamber and the electoral calendar; however, there is no theoretical reason drawn from existing literatures to expect the

calendar to be independently correlated with presidential approval.⁹ As noted below and detailed in the supporting information, our results are robust to a variety of specifications and modeling strategies.

Results

The first column in Table 1 presents the results of our base model assessing the effect of committee investigations on presidential approval from 1953 to 2006.¹⁰ Consistent with expectations, the coefficient for days of investigative hearings is negative and statistically significant. Figure 2 illustrates the influence of changes in investigative activity on presidential approval. The solid line plots the predicted level of public

⁸As scholarship moves to consider the effects of investigative activity on policy, it is important to recognize a second source of endogeneity: presidents who anticipate an aggressive investigative response from Congress may have an incentive to adapt their behavior in an effort to forestall potentially costly public inquests.

⁹We also estimated models using three-stage least-squares to model simultaneously the influence of approval on the level of investigative activity and of investigative activity on presidential approval. To identify the former equation in which approval predicts investigations, we used the Index of Consumer Sentiment as an instrument for presidential approval. As expected, the coefficient for presidential approval in the model of investigative activity is negative and statistically significant; high presidential approval ratings decrease Congress' willingness to aggressively investigate the executive branch. For full results, interested readers are referred to the supporting information.

¹⁰In all three models, the instrumental variables are statistically significant predictors of investigative activity, $p < .01$; the Anderson canonical correlation statistics allow us to reject the null of model underidentification, $p < .01$; and the Anderson-Rubin test statistics, which are robust to weak instruments, allow us to reject the null hypothesis of no relationship between investigative activity and presidential approval, $p < .01$.

TABLE 1 Influence of Investigations on Presidential Approval (Two-Stage Least-Squares Models)

	(1)	(2)	(3)
Days of investigative hearings	-0.13** (0.04)	-0.11* (0.05)	-0.13* (0.06)
Days of investigative hearings * unified government		-0.05 (0.11)	
Days of investigative hearings * pre-1974			-0.00 (0.09)
Index of consumer sentiment	0.07** (0.02)	0.07** (0.02)	0.07** (0.03)
Positive events	3.57** (0.58)	3.56** (0.58)	3.57** (0.59)
Negative events	-0.61 (0.43)	-0.66 (0.44)	-0.61 (0.43)
Vietnam casualties in last six months (100s)	-0.03* (0.01)	-0.03* (0.01)	-0.03* (0.01)
Iraq casualties in last six months (100s)	-0.71** (0.25)	-0.68* (0.28)	-0.70** (0.25)
Honeymoon	1.54** (0.51)	1.61** (0.53)	1.53** (0.51)
Lagged approval	0.86** (0.02)	0.86** (0.02)	0.86** (0.02)
Unified government		0.10 (1.46)	
Pre-1974			-1.18 (3.59)
Observations	636	636	636
R-squared	0.90	0.90	0.90

Note: All models include unreported presidential fixed effects. Robust standard errors are in parentheses. Significance tests are two-tailed. For full results of the first-stage equations that calculate predicted values of investigative activity using the number of days that Congress was in session in a given month as an instrumental variable, we refer interested readers to the supporting information. In each specification, our instrument(s) is a strong and statistically significant predictor of investigative activity ($p < .001$).

* $p < 0.05$; ** $p < 0.01$.

support for the president at each level of investigative activity; dotted lines represent the 95% confidence interval, obtained from simulations, around the point estimates. For example, increasing the number of days of investigative hearings in a month from 0 to 20, slightly less than a two standard deviation shift, decreases presidential approval by about 2.5%. This drop in approval is comparable to that produced by a two standard deviation decrease in the Index of Consumer Sentiment, a factor long held to be one of the strongest predictors of presidential approval. This suggests that sustained congressional investigative activity over time has the potential to seriously diminish a president's well of popular support.

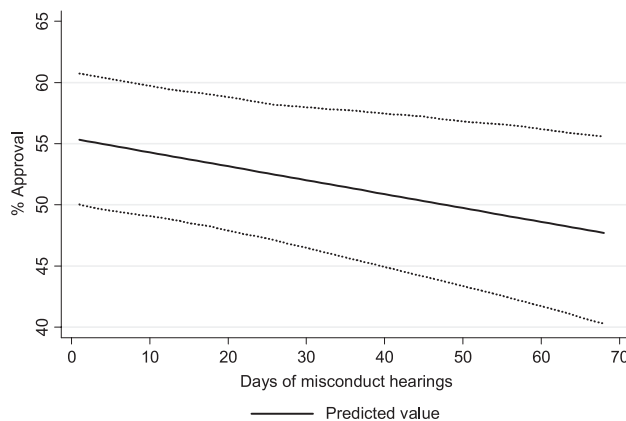
The control variables also performed according to expectations. Public evaluations of the economy, as captured by the ICS, are strong predictors of presidential approval. Approval ratings also respond systematically to the unfolding of major events. In the wake of positive events, the public rallies behind the president,

with each event generating a roughly 3.6% increase in popular support. Negative events lower the president's standing, but the decrease is substantially smaller in magnitude than the increase he enjoys from a positive event. We also find a significant honeymoon effect, with presidential approval ratings being higher in the first six months of a new presidential administration.¹¹ Finally, recent American casualties in both the Vietnam and Iraq wars depress popular support for the commander in chief.

Do investigations in unified government have the same effect on presidential approval as those undertaken when a member of the partisan opposition wields the gavel? Competing hypotheses suggest themselves. On the one hand, the incentives governing the committee majority holding an investigation

¹¹Following Clarke and Stewart (1994), this variable was coded 2 for the first quarter of a new presidential administration, 1 for the second quarter, and 0 otherwise.

FIGURE 2 The Influence of Misconduct Hearings on Presidential Approval



Note: Dotted lines delineate the 95% confidence interval, obtained from simulations, about the predicted values. The x-axis of the figure stretches to 70 days, because when multiple committees are holding hearings there can be more than 30 hearing days per month. The highest monthly total is 68 hearing days, which occurred in May of 1974, when Congress was investigating not only the Watergate scandal, but also allegations of abusive domestic wiretapping programs, the solicitation of improper presidential campaign contributions, and corruption or misconduct at the Department of Health, Education and Welfare, Small Business Administration, and Internal Revenue Service, among others. The average number of days of investigative hearings in a month in 1953–2006 is just over 9 (the median is 5), and the standard deviation is almost 11.

in unified government are significantly different than those guiding the majority in divided government (Kriner 2009). In divided government, the opposition party may use committee investigations in an effort to score political points against the president in the hopes of bolstering its party's prospects in the next election. By contrast, in unified government, committee chairs and majority members, who typically set the ground rules for committee inquests in the contemporary Congress, stand to gain little by aggressively pursuing and bringing to light evidence of executive-branch misconduct. As a result, the character of the investigative hearings themselves may be qualitatively different in unified versus divided government, with the latter being more likely to attract press and public scrutiny and generate a popular response.

However, media scholars have long noted that the press gives extra prominence to same-party congressional criticism of a president (e.g., Groeling 2010; Groeling and Baum 2008). Moreover, opinion scholars have argued that criticism of the president by members of his own party is particularly influential in swaying public opinion (Baum and Groeling 2009; Kriner 2010). Thus, even if members of the president's own party

might try to blunt the force of investigations while they control the committees, the mere presence of same-party criticism may threaten the president's standing among the public.

To test these competing hypotheses, column 2 of Table 1 interacts days of hearings with a dummy variable for unified government.¹² The point estimate for the interaction is negative but small and statistically insignificant. The main effect for days of hearings remains strongly negative and statistically significant. Thus, the results show that greater investigative activity leads to a significant reduction in approval ratings under both unified and divided government.

An additional question is whether investigations have always significantly undermined the president's standing among the public or whether this relationship is a distinctly post-Watergate phenomenon. Political scientists and historians alike have long documented the changes dating to Watergate, from the rise of new media norms of investigative and combative journalism to the growing ideological polarization between the parties. It is possible that only investigations in the post-Watergate era are able to generate the requisite attention to effect major changes in public support for the president.

Column 3 of Table 1 reports the results when the days of investigative hearings variable is interacted with a dummy variable identifying pre-1974 observations. Once again, the main effect is negative and statistically significant, while the interaction term is small and statistically insignificant. In short, there is no evidence that Congress' ability to use committee investigations to reduce the president's support among the public is exclusively a post-Watergate phenomenon.¹³

In the supporting information, we conduct a series of additional robustness checks. Perhaps most importantly, we consider a potential methodological

¹²The models reported in Columns 2 and 3 of Table 1 employ two instrumental variables: days in session and days in session * unified government; and days in session and days in session * pre-1974 respectively. The models also include dummy variables for periods of unified government and to indicate observations from 1953 to 1973, respectively.

¹³We also used an additional series of interactions to explore the effects of investigative activity in periods of unified government and divided government both before and after Watergate. Despite the limited number of observations in each period/condition, we found consistent evidence that investigations erode presidential approval. In each period/condition, the estimated effect was negative, and in all but pre-Watergate periods of unified government, the effect was statistically significant. Finally, we also considered the potential for interchamber differences in the impact of investigations on presidential approval. We found that both House and Senate investigative activity erode presidential approval.

concern with our data: whether presidential approval is a stationary series. We addressed such concerns in two ways. First, we reestimated our models using a fractionally differenced approval series (e.g., Box-Steffensmeier and Smith 1998; Lebo and Cassino 2007). Second, we reestimated all of our preceding analyses with the change in approval as the dependent variable. In both rounds of additional analysis, we find strong evidence that investigative activity significantly decreases presidential approval and that our results are not an artifact of a time-series complication with the data.

An Experimental Approach

The preceding analyses drawing on more than five decades worth of public opinion data showed evidence of a robust and significant inverse relationship between congressional investigative activity and public support for the president. Even after accounting for endogeneity in this relationship, we found considerable evidence that investigative activity systematically erodes public support for the president.

However, one important lingering question is whether congressional investigations themselves depressed the president's approval rating or whether the scandal or alleged improprieties that precipitated the committee inquests would have produced similar drops in support independent of congressional action. This concern is particularly acute in periods of unified government. Given that the president's copartisans have little incentive to seize upon relatively minor infractions in the hopes of exposing more politically costly revelations, it is possible that the president's copartisans only investigate the administration when all but compelled by circumstance to do so. Thus, the nature of the charge or misconduct, not the investigation per se, may be causing the observed drops in approval.

While both factors undoubtedly matter, there are compelling reasons to believe that whether Congress formally investigates a scandal or charge of misconduct has significant ramifications for the size of its impact on public opinion. First, the media will give greater credence and attention to allegations that are made by a congressional committee than those that lack such institutional legitimacy. Indeed, some media scholars have argued that the media relies so heavily on official Washington sources that it all but excludes criticisms that are not also expressed by government sources (Bennett, Lawrence, and Livingstone 2007; Mermin 1999).

Second, congressional committees and their chairs have considerable discretion in what they choose to investigate and how intensely they decide to do so. Consider, for example, the myriad allegations of abuse of power, government waste, and gross mismanagement that arose during the Iraq War and American occupation. To be sure, many such instances received some coverage in the mainstream media. However, few allegations—despite their severity—became full-fledged political scandals, in large part because Republican committee chairmen repudiated virtually every call by congressional Democrats to hold formal inquests backed with subpoena power. Some scandals, such as the furor over prisoner abuse at Abu Ghraib fueled by irrefutable proof in the form of leaked photographs, were so egregious that even Republican committee chairs could not turn completely deaf ears to calls for hearings. However, as Rep. Henry Waxman (D, CA) ruefully noted, the Republican-controlled Armed Services Committee held only five hours of testimony on Abu Ghraib, compared to 140 hours of House testimony on whether Bill Clinton improperly used the White House Christmas card list.¹⁴ Supporting such claims, recent research by Nyhan (n.d.) investigating the emergence of presidential scandals over a more than 30-year period suggests that political factors, not events themselves, often drive when scandals take hold. For example, Nyhan argues that when presidents enjoy little support among opposition-party identifiers in the mass public, they may find themselves besieged by allegations of misconduct despite a dearth of factual evidence; by contrast, when presidents maintain a moderate level of support among opposition-party identifiers, they may escape sustained congressional scrutiny despite clear signs of misconduct.

As a result, because sustained media attention is needed for charges of wrongdoing to seep into the consciousness and political evaluations of a relatively inattentive public, we argue that formal congressional investigations and the coverage they generate play a critical role in shaping popular attitudes toward the president and his job performance. However, testing this hypothesis with observational data alone is exceedingly difficult. Except in the rare cases of a completely manufactured claim of abuse, it is almost impossible to examine the influence of congressional investigative activity in the absence of the scandal or misconduct itself.

An experimental approach, however, can afford such a test. By creating a realistic, but hypothetical

¹⁴Henry Waxman, *Congressional Record*, June 21, 2005, H4829, Vol. 151, No. 83.

charge of executive misconduct and varying the identity of the source alleging the impropriety, we can isolate the influence of the investigation itself on public support for the president. In so doing, the experiment can also offer a direct test of the credibility mechanism posited previously. In addition to bringing charges of executive malfeasance to an otherwise inattentive public, investigations may be particularly influential because they lend institutional credibility to charges of misconduct. This increased credibility may allow a charge of executive misconduct levied by Congress to hold more sway over public opinion than an identical charge not attributed to a congressional source. Finally, by exploiting the presence of split partisan control of the House and Senate in the 112th Congress, our experiment also allows us to examine whether the influence of the investigation is conditional on which party controls the committee holding the investigative hearings.

In April of 2011, we embedded an experiment within an online survey of 1,167 adult Americans recruited via Mechanical Turk.¹⁵ While not nationally representative, our sample shows considerable diversity. Subjects hailed from 49 states; only 77% were white; and 43% possessed a bachelor's degree. Younger Americans are overrepresented in the sample (median age 28), and Republicans are somewhat underrepresented (16%, 28% including "leaners"); however, the sample is considerably more diverse than undergraduate samples routinely used in many studies of public opinion (e.g., Gartner 2008; Nyhan and Reifler 2010). Moreover, recent research by Berinsky, Huber, and Lenz (2012) demonstrates that replicating experiments on samples recruited in this way yields very similar results to previously published studies with nationally representative samples. Thus, while the nature of our sample provides some barriers to generalizability, we believe that the observed results are reflective of how a large segment of the American public would respond to the experimental stimuli. Summary statistics for the sample's demographics are presented in the supporting information.

The treatments consist of a series of mock newspaper stories, an example of which is presented in the supporting information. All subjects received the following prompt at the beginning of the article: "Under President Obama, the Environmental Protection Agency (EPA) has prepared new regulations to curb the emission of greenhouse gasses." Subjects

were then randomly assigned to one of the four groups. Those in the control group received no additional information. Subjects in the first treatment group were told in the course of the article that the Democratic-controlled Senate Energy and Natural Resources Committee "is investigating allegations that the Obama administration has abused its regulatory powers to dramatically expand the power of the EPA." These subjects were further told that: "The committee's Democratic chairman and other Democrats on the committee warn that the new proposed regulations of greenhouse gasses could increase the price of energy and slow economic growth." We consciously chose to examine the potential of a fairly mundane allegation of executive misconduct to shape public opinion; more politically explosive allegations of corruption or abuse of power should have even larger effects on presidential approval.

Subjects in the second treatment group were given an identically worded experimental cue. However, the sources for the allegations in this treatment were the Republican-controlled House Natural Resources Committee, its chairman, and Republican members.

Finally, to test whether a charge of presidential misconduct has more influence over public opinion when made by a congressional committee than an identical charge made by a source that lacks such institutional legitimacy, we included a third treatment. Subjects in this group received an almost identically worded experimental cue, except that "some political observers" were the source for the charge that the Obama administration was abusing its regulatory powers and for the claim that the proposed regulations of greenhouse gasses could increase energy prices and slow economic growth. All respondents were then asked whether they approved or disapproved of the way Barack Obama is handling his job as president on a 5-point scale, ranging from strongly disapprove to strongly approve.

Experimental Results

Because subjects were randomly assigned to one of the three treatments or to the control, the resulting differences in means are unbiased. In the control-group baseline, informed only that under Obama the EPA was preparing new greenhouse gas regulations, 48% of respondents either strongly approved or approved of Barack Obama's performance in office. For comparison, the realclearpolitics.com presidential approval poll average for April 18, 2011, the last day our survey was in the field, stood at 49.2%.

¹⁵For a comprehensive overview of MTurk recruitment and the use of MTurk samples for survey experimental research, see Berinsky, Huber, and Lenz (2012).

Learning of a congressional investigation into potential abuse of power by the administration significantly decreased levels of popular support for the President. The president's approval rating plummeted by 8% among subjects told that the Democratic Senate was investigating the administration's regulatory actions ($p = .03$). Similarly, the President's approval rating among subjects told that the Republican House Natural Resources committee was investigating the administration fell by a smaller, but still borderline significant, 5.5% ($p = .09$).

The experiment also strongly suggests that congressional investigations play an important role in shaping public opinion beyond simply raising policy critiques that might not otherwise enter the public sphere. Rather, the institutional legitimacy that a formal congressional investigation affords increases the influence that a charge of misconduct has on public support for the president. Subjects in the final treatment group received the same charge of administration misconduct and an identical policy critique that the administration's actions could raise energy costs and stunt economic growth. However, in the final treatment, these positions were attributed only to "some political observers." And in this group, 47% of subjects replied that they approved of President Obama's job performance; this figure is statistically indistinguishable from that observed in the control group.

As an additional test for the relative influence of the various experimental cues, we estimated an ordered logit model that used the dependent variable's full 5-point scale and controlled for respondents' demographic characteristics, including their partisanship, gender, age, race, and education. Results are presented in Table 2. Consistent with the simple differences in means, both of the investigation treatment variables are negative and statistically significant. Learning of a congressional investigation into President Obama's regulatory powers significantly decreased a respondent's approval for his job performance. The coefficient for the Republican-led investigation, however, is smaller than that for the Democratic investigation, and a Wald test suggests that the difference is borderline statistically significant ($p < .10$). While presidents stand to lose political capital in the form of public support from congressional investigations in general, our results suggest that they risk losing the most when their copartisans lead the investigative charge. This is consistent with a considerable literature on the importance of "costly" signals (e.g., Calvert 1985; Groeling and Baum 2008).

TABLE 2 Experimental Results Showing Effect of Investigations on Presidential Approval

	(1)
Democratic investigation	-0.54** (0.15)
Republican investigation	-0.34* (0.15)
Generic criticism	-0.12 (0.15)
Democrat	1.68** (0.14)
Republican	-1.81** (0.16)
Male	-0.10 (0.11)
Age	-0.01** (0.01)
Nonwhite	-0.67** (0.15)
Education	0.15** (0.04)
Observations	1,238

Note: Ordered logit models. Robust standard errors are in parentheses. Significance tests are two-tailed.

* $p < 0.05$; ** $p < 0.01$.

The coefficient for the generic "some political observers" treatment is negative, but substantively small and statistically insignificant. This strongly suggests that the institutional legitimacy lent to a charge of misconduct by a formal congressional investigation plays an important role in driving the negative influence of investigative activity on presidential approval. Finally, the control variables performed as expected. Democrats were significantly more likely to support Obama than were Independents, and Republicans were less so. Whites and older respondents were less supportive of the president than nonwhites and younger respondents. And support for the president's job performance also rose with educational attainment.

Finally, we also considered the possibility that respondent partisanship would condition the response to the experimental stimuli. To assess this possibility, we interacted each experimental treatment with dummy variables for each partisan group (Republican, Democrat, and Independent; full model results are reported in Table 7 of the supporting information). We find that when Democrats are identified as doing the investigating, all three partisan groups seem to respond to the costly signal of members taking on a president of their own

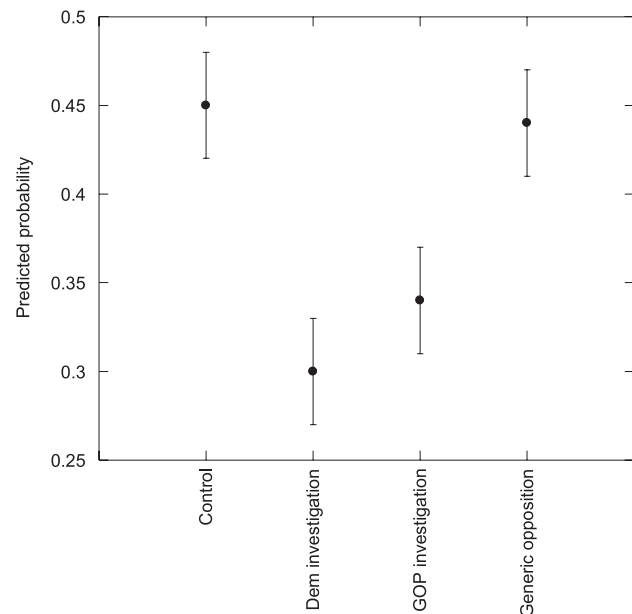
party and roughly to the same degree.¹⁶ The Republican-led investigation had a significant negative effect on support for President Obama among Independents (58% of our sample using a 3-point party ID measure); the coefficient for this treatment's influence on Republican respondents is also negative and substantively large, though it narrowly fails to meet conventional levels of statistical significance. By contrast, Democrats did not respond at all to charges of executive misconduct levied by congressional Republican inquisitors. Finally, no partisan group responded to the identical, but generic, criticism of the Obama administration that was not attributed to a congressional actor.¹⁷

To illustrate the substantive size of the effect of each treatment variable for the median Independent respondent, Figure 3 presents a series of predicted probabilities of approving or strongly approving of the President's job performance. Error bars indicate plus or minus one standard error around each point estimate. The predicted probability of the median Independent respondent in the control group approving of Obama's job performance is .45. Hearing of a Democratic-led congressional investigation decreases that figure sharply to just over .30; the Republican-led investigation treatment also significantly decreased the probability of a respondent approving of Obama, but not to the same degree as the copartisan investigation. In the generic opposition treatment, the median Independent respondent has a predicted probability of approving of Obama that is statistically indistinguishable from that in the control group.

¹⁶Wald tests cannot reject the null that all three coefficients are statistically indistinguishable from one another. The negative coefficient for the Republican interaction, while roughly equivalent to the other two partisan groups in magnitude, narrowly fails to meet conventional levels of statistical significance.

¹⁷We also used a nonparametric rank-sum test to ensure that our conclusions were not driven by particular modeling choices. The test offers similar results; among all respondents the Democratic investigation is statistically different from the control ($p < .01$; two-tailed test); the Republican investigation is borderline statistically different from the control ($p < .10$; two-tailed test); and the generic criticism treatment is not statistically different from the control ($p = .52$; two-tailed test). If we look only at Independent respondents, both the Democratic and Republican investigation treatments were statistically different from the control ($p < .01$; two-tailed test); again, the generic criticism had no effect ($p = .84$).

FIGURE 3 Predicted Probabilities of Presidential Approval for Median Independent Subject



Note: The figure plots predicted probabilities for the median Independent respondent in each treatment group. First differences derived from interaction models in Table 7 in the supporting information. Error bars indicate one standard error above and below each point estimate.

Conclusion

We find that committee-based investigations are an important tool that members of Congress can use to impose political costs on the President. The combination of observational and experimental data strongly suggests that congressional investigations are more than mere political theater allowing members of Congress to grandstand before the cameras in search of personal glory. Rather, investigations systematically impose political costs on the president by diminishing his levels of support among the public. This suggests an informal pathway of congressional influence over an ascendant executive; even when it cannot legislatively compel the president to change course, Congress can raise the political costs of certain executive actions by alleging abuses of power and battling the president in the public sphere.

Two cautionary notes about this potential source of congressional leverage over the executive branch merit discussion. First, the media is undoubtedly a critical player in this interbranch dynamic. If investigators are unable to secure media coverage of their charges, committee probes are unlikely to materially

affect the president's standing among the public. In this article, we consciously focused on all investigative activity rather than media coverage of it to determine if fluctuations in congressional investigative activity writ large influence trends in presidential approval. Additional research explicitly modeling the intervening process and determining what types of investigations in what political settings are most likely to gain public attention would greatly bolster our understanding of the larger dynamic.

Second, members of Congress have spent less time investigating the executive branch in the past two decades than in the 1950s to the 1980s (see Figure 1). This is in part attributable to members spending less time in committee rooms and more time either in their districts, raising money, or on other activities. Sustained, serious investigative activity has become a less common occurrence, meaning that members of Congress are not making full use of this tool for challenging the executive branch. This tendency is exacerbated under conditions of unified party government in recent years, when investigative activity is especially low. For example, during World War II and the Vietnam War, Congress launched important probes of the war effort even under unified party control. In today's highly polarized Congress, the majority party appears loath to seriously question the actions of a president of the same party. Nevertheless, when the contemporary Congress does investigate alleged executive misconduct—witness, for example, the flurry of Democratic inquests into the Bush administration's failings in Iraq during the 110th Congress (e.g., Kriner 2009)—it imposes serious political costs on the president, a blow that is only compounded in an era of lower base levels of public support for the President.

Despite these caveats, our results showing the systematic impact of investigative activity on the president's support among the public offer a partial corrective to much of the separation of powers literature. Most game-theoretic approaches emphasize the institutional barriers and political incentives that hinder congressional efforts to counter presidential aggrandizement. Partisan loyalties often conflict with institutional ones. And members who seek to challenge the executive face a legislative process beset with supermajoritarian requirements and transaction costs. As a result, Congress often appears all but helpless in its efforts to counter presidential aggrandizement.

However, Congress may retain a measure of influence over the executive through informal means. In sharp contrast to legislative remedies, launching an investigation does not require complex procedures

and the assemblage of large, cross-partisan coalitions. Similarly, investigative efforts can often overcome collective-action dilemmas by serving as common carriers to further both the individual goals of members and broader institutional or partisan interests. To be sure, investigations may rarely formally compel presidents to adjust their behavior. Yet, our results show that they do consistently weaken the president by undermining his reservoir of public support.

Thus, strategic presidents must anticipate more than simply whether a proposal will be filibustered or a veto overridden, as most separation-of-powers models emphasize (e.g., Cameron 2000; Krehbiel 1998). They must also anticipate how members of Congress, particularly committee chairs, will react to various maneuverings within the executive branch, for congressional investigations—even if they fail to result in new legislation or formal charges of wrongdoing—may undermine public confidence in the White House and jeopardize presidents' ability to move on other key items of their programmatic agendas.

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Douglas L. Kriner is Associate Professor of Political Science at Boston University, Boston, MA, 02215.

Eric Schickler is Jeffrey & Ashley McDermott Professor of Political Science at the University of California, Berkeley, CA, 94720.