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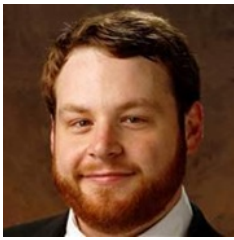
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Presidential Pandering: How Elections Determine the Exercise of Executive Power in the U.S. and Colombia

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EXECUTIVE SUMMARY



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Campaigns consume presidents. They raise funds, hire staff, hold rallies, and give speeches all to advance their electoral goals. However, they also use their official powers to do the same. The electorally-strategic exercise of executive power is not a strictly American syndrome, but is also true



Reuters

throughout the world, write Brian Faughnan and John Hudak. Because electoral success matters for the political survival of the world's executives, their actions reflect these interests and the rules governing elections. Faughnan and Hudak note that presidents rely heavily on direct actions—directives unchecked by other elected branches—to target policy benefits to critical constituencies. Such strategies have substantial consequences for public policy and affect the daily lives of citizens.

In this paper, Faughnan and Hudak examine presidential behavior in the United States and Colombia. They illustrate how presidents in both countries employ an electoral strategy when using direct actions. This strategy ensures presidents have nearly total control over the character of public policy and can select precisely which constituents will benefit. Although the motivation for such behavior is consistent across nations, the precise strategies vary by electoral system. Executives seek to satisfy “key constituencies,” and a nation’s electoral rules determine the identity of those constituencies. Juan Manuel Santos thinks not about residents of Risaralda or Nariño or Bolívar, but about Colombians.

To know *who gets what, where, and when*, Faughnan and Hudak argue what matters are the incentives that presidential elections create.

President Obama cannot focus broadly on Americans, but rather must think about Ohioans, Virginians and Floridians.

Presidents are always considered unique players in their respective political systems, and often notably distinct actors *across* democracies. However, executives throughout the world are motivated by similar needs and interests that lead them to exercise official powers in predictable ways. Understanding similarities in the uses of executive power is essential to determining the causes and consequences of public policy. In the context of electoral motivations, presidents discriminate when delivering public policy to constituents. To know *who gets what, where, and when*, Faughnan and Hudak argue what matters are the incentives that presidential elections create.

Hudak and Faughnan offer important observations about presidential behavior and its impact on public policy:

- The same electoral forces motivate presidents in the US and Colombia. Despite a tendency to distinguish the American president from his counterparts abroad, he, like them, is an election-driven actor.
- Executives use official powers to target constituencies that are critical in elections.
- Differences in the Electoral College in the US and the two-round national vote in Colombia do not affect the motivation for executive action, but instead influences who benefits from such actions.
- Electorally-strategic executive action can moderate policy and induce presidents to be highly responsive to citizen needs.
- Electoral rules drive the US president to target policy to small subsets of the population—swing states. Alternatively, Colombia’s rules actually motivate the president to deliver policy to a broad portion of the electorate.
- Despite the attention paid to each nation’s presidential elections, we know little about how they influence domestic policy throughout the world. More work must seek to connect electoral motives to policy decisions.

Introduction

Leaders across the world rely on unchecked power at critical times. During war, economic crisis, and natural disaster, presidents and other executives take liberties to act quickly and decisively and affect policy. Sometimes these moves are extralegal or unconstitutional; however, in many democracies, these direct actions are observed to be consistent with laws and governing documents.

The emphasis on crisis when examining presidential direct power often glosses over more common uses of such authority. In this paper, we consider how regular elections drive the exercise of executive power. Specifically, we consider how electoral incentives influence governance strategies of chief executives in the United States and Colombia. These two cases offer unique insight into presidential power. First, we illustrate that leaders—not autocrats,

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but democrats—use direct actions to ensure electoral success. Second, we show that while elections motivate similar behaviors, governing strategies that employ direct actions differ according to a nation’s electoral rules. In the next year and a half, Americans and Colombians will go to the polls to decide whether to reelect their incumbent presidents. In advance of each Election Day, both presidents will single-handedly shift policy in ways that they hope will be rewarded.

The Election-Driven Executive

Electoral interests motivate elected officials in the US and across the world.¹ How do politicians advance those interests? In broad terms, they use their official powers in ways that seek to increase support among voters. They do so by taking positions in key policy areas,² distributing federal funds,³ or demonstrating their value to voters.

While some work has examined the electoral interests among political executives, it is quite limited in American and other cases. Some argue that executives are normally too concerned with broader, national issues such as war and the macroeconomy to focus policy endeavors on the targeted micro-level of electoral politics.

Others argue that presidents are well positioned—or even best positioned—to engage in such behaviors. This research illustrates both systematically and anecdotally that presidents are profoundly motivated by elections, and they behave in ways that advance those electoral interests. Despite such behaviors, we know surprising little about how the structures of presidential elections interact with executive powers to produce policies that pander to the public.

The United States and Colombia provide ideal settings to examine this question. Both currently have first term presidents who face reelection. However, the two leaders—Barack Obama and Juan Manuel Santos—will seek a second term under very different electoral systems. Despite these differences, Obama and Santos can use direct actions to connect with key constituencies, enhance their images, and dramatically affect policy without the input or obstruction of other actors.

Through this analysis, it becomes clear that election-driven presidents in the United States and abroad employ direct actions to advance their electoral goals. The result is that the use of direct actions is unavoidable in democracies but the beneficiaries of such unchecked executive powers are determined not by the president but by the rules that deliver him to office.

¹ Fenno 1978; Fiorina 1977; Mayhew 1974; Ames 1995a; Ames 1995b; Ingall and Crisp 2001; Tavits 2009.

² Mayhew 1974; Fenno 1978

³ Shor 2006, Hudak 2012, Berry, et al 2011, Bertelli and Grose 2009, Berry and Gersen 2010, Anagnoson 1982, Hamman 1993, Larcinese et al 2006, Gasper and Reeves 2011.

The American Model

Presidential electoral institutions in the United States are certainly unique, but provide a prime example of how the structure of elections induces specific behaviors. In the US, presidents are elected using a single round, Electoral College where candidates compete in 50 state-level, first-past-the-post, winner-take-all, plurality races for electoral votes.

While national issues may play a role, the election is anything but national. In fact, while national popular vote totals are reported, they are hardly relevant.

Because every American voter is eligible to cast a ballot for president, the race is often characterized as a national election that engages national issues. In fact, echoing a chorus of other scholars, political scientists David Lewis and Terry Moe recently noted that presidents “think in grander terms...about social problems and the public interest.”⁴ While national issues may play a role, the election is anything but national. In fact, while national popular vote totals are reported, they are hardly relevant.

Instead, the Electoral College forces presidential campaigns to focus not on individuals but states. States matter the most. However, in American elections, not all states are created equal. In fact, presidential campaigns largely ignore a majority of states. For example, most of the TV advertising in the US presidential campaign airs in just nine states that compose 21.2% of the national population.⁵ In essence, presidential candidates cannot think about *American* voters, but about Ohioans, Floridians, and Michiganders.

Presidential campaigns avoid expending resources in most states because the outcome of the presidential race in those states is essentially predetermined. On the other hand, campaigns target resources—staff, advertising, visits from candidates, local media appearances—in competitive swing states in an effort to boost the turnout of their base and persuade undecided voters.⁶

However, the structure of elections affects more than presidential campaign behavior. It also influences policy decisions. Incumbent presidents use campaign resources to help achieve electoral success, but they can also use the powers of their office to do the same. As a result, policy outcomes often aim to benefit key constituencies in critical states. Research illustrates that presidents influence the distribution of federal funds (Berry and Gersen 2011; Hudak 2012; Shor 2006), the timing of fund distribution (Anagnoson 1982; Hamman 1993), and even the location of enforcement actions (Hudak and Stack 2012) according to an electoral calculus. In the administration of such micro-level policy, we know presidents target key swing states specifically.

Of course, presidents have a host of powers, techniques and tools to pursue their goals and influence policy. In the context of affecting policy in order to advance electoral goals, direct actions have particular appeal. William Howell in

⁴ Also quoted in Hudak 2012. Lewis, David and Terry Moe. 2012. “Struggling over Bureaucracy: The Levers of Presidential Control.” In *Handbook of Organizational Economics*, eds. R. Gibbons and J. Roberts. Washington, DC: CQ Press.

⁵<http://www.brookings.edu/events/2012/07/23-campaign-ads>

⁶ See Shaw 2006.

a book on direct actions notes, “[when] considering how to enact their legislative agendas, presidents can either engage the legislative process, and all of the uncertainties that come along with it, or, by issuing some kind of directive, they can just act on their own (2003, 26). Through direct actions, presidents can often shift certain policies so they are in line with their preferences—political, policy, electoral. And while the (liberal) use of direct actions have drawbacks, they are effective at signaling to the public that work is being done and progress is being made.

To this end, an election-driven president will broadly use the powers of his office—particularly direct action—to advance his electoral goals. Direct actions allow presidents to capitalize on executive power to target policy to swing states and single-handedly reap the benefits of those policies. Thus, an examination of the beneficiaries of direct presidential action can shed light on the incentives and motivations behind such behavior.

Obama’s Reelection and the Appeal of Direct Action

Direct actions come in many forms, vary by country, and emerge from different sources of executive authority. We outline a few here, but offer far from an exhausting review of the types of tools presidents wield or the extent to which they can shore up electoral support. Instead, we offer examples of ways in which President Obama has capitalized on such powers in the run up to his reelection and how these actions reflect the incentives of the Electoral College.

Supporting the Auto Industry

President Obama’s assistance to the American auto industry has received much attention, primarily with regard to the auto bailout. This set of loans is widely believed to have staved off bankruptcy and “saved” the sector. The loans targeted not only a sector of the American economy but a specific and critical geographic region. While one can argue the motivation for this action was macroeconomic and not electoral, Obama’s support for this industry extends beyond the bailout itself. In fact, after stabilization, the administration continued a broader relief effort, targeted at this key geographic constituency. We describe both efforts in turn.

Early into his presidency, Barack Obama authorized billions of dollars in federally-backed loans to American automakers.⁷ The policy problem that motivated this decision was a recession-induced collapse of car companies in the US.⁸ Many argued that bankruptcy threatened the survival of an industry that

⁷ The bailout funding came from a controversial executive branch decision to use the Trouble Asset Relief Program (TARP). The use of TARP for this purpose was not the original intent of Congress. In fact, TARP was passed shortly after Congress failed to approve a legislative auto bailout.

⁸ While financial troubles for American automakers began before the 2008-9 recession, that event dramatically precipitated the bankruptcy risks.

In fact, after examining the strategy and results of the 2008 presidential election, the electoral appeal of the decision becomes clearer. Ten of the most competitive states in that year—either through campaign attention or election results—compose a large part of the auto industry.

supports 1 in 17 American jobs and would worsen the economic crisis.⁹ Although the choice to bail out Detroit had national economic implications, the focus of the program—helping auto manufacturers—involved easily identifiable electoral implications. Inaction would have had consequences for all Americans, but the benefits of action were particularly concentrated in blue collar states in the Midwest such as Ohio, Indiana, Pennsylvania, Michigan, Wisconsin, Minnesota, and Illinois. These states are all competitive in presidential elections, with the exception of the president’s home state, Illinois.

In fact, after examining the strategy and results of the 2008 presidential election, the electoral appeal of the decision becomes clearer. Ten of the most competitive states in that year—either through campaign attention or election results—compose a large part of the auto industry.¹⁰ According to CNN and the Center for Automotive Research, these 10 states employed over 921,000 people in car and car part manufacturing.¹¹

Either president Obama sought to reward these key states for helping secure his election. Or, more likely, this policy move signaled a forward-thinking president laying the groundwork for reelection in the environment of the permanent campaign.¹² As evidence of the latter and as 2012 approaches, he touts this policy decision when campaigning in these swing states.¹³

Even after crisis was averted in Detroit, the president continued to use executive power to shower the automaking region with further federal benefits. Obama signed two Executive Orders that directed additional relief to “automotive communities and workers.”¹⁴ Order 13509 intended to “help ensure that officials across the executive branch...advance the President’s agenda for automotive communities and support the Director of Recovery’s coordination of Federal economic adjustment assistance activities.”

Two years later, as election season began, Order 13578 reiterated the progress made among auto manufacturers and ordered the Secretary of Labor to “conduct outreach...that will assist in bringing to the President’s attention concerns, ideas, and policy options for expanding and improving efforts to revitalize automotive communities.” The president was clear that he wanted to use the discretionary (spending) power of the executive branch to move policy. It is also clear that the Electoral College-generated incentives that motivate an emphasis on swing states

⁹ <http://www.autoalliance.org/index.cfm?objectid=68B719D0-9F91-11E1-B5BF000C296BA163>

¹⁰ To be clear, the ten states we refer to are Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, Virginia, North Carolina, Florida, Missouri, and Colorado.

¹¹ <http://www.cnn.com/2008/US/12/12/map.us.auto/index.html>

¹² Blumenthal 1992; Mann and Ornstein 2000.

¹³ The auto bailout is a unique case because it offers both national and swing state-specific benefits for presidents. As a result, it is not clear that under a different electoral system, the president would absolutely have chosen a different path. Because of the national benefits, a president facing a national plebiscite may have opted for the same choice; however, the broader efforts targeted at auto manufacturing provides evidence of the electoral motive.

¹⁴ Executive Order 13509 “Establishing a White House Council on Automotive Communities and Workers,” June 23, 2009. Executive Order 13578 “Coordinating Policies on Automotive Communities and Workers,” July 6, 2011.

help explain this multi-policy, multi-year targeting of manufacturing states.

Immigration Policy and Prosecutorial Discretion

After Republicans filibustered the DREAM Act in 2010, Obama saw the opening both in terms of policy failures in Congress and the power of prosecutorial authority to respond directly to Latino needs.

Direct actions that assist the auto industry illustrate the president's geographic strategy. However, presidents can also use directives to target key demographic constituencies. Because of differences in the composition of state populations, appealing to specific groups can have substantial effects within key states. History is filled with examples of presidential candidates targeting key ethnic and religious constituencies as a means to win elections.

In this vein, there is no question that President Obama's strategy for reelection includes an [emphasis on support and turnout among Latinos](#). Moreover, Latino populations are growing across the country and compose large segments of the populations of several swing states. There are 7.7 million Latinos in the nine swing states that President Obama and Governor Romney are targeting. In Colorado, Latinos make up over 18% of the population. Florida's population is 21% Latino. And more than 1 in 4 Nevadans are Latino.

Obama's support within the Latino community nationally is critical to campaign messaging, but campaigns are truly interested in Latino support in key states. In several states, the Obama campaign believes that Latino support will make the difference in capturing electoral votes. While the campaign has worked to ensure that its message reaches this community, the administration has used direct action in order to gather meaningful support.

On June 15, 2012, Homeland Security Secretary Janet Napolitano, at the direction of the White House, issued a memorandum to the agencies handling customs and immigration issues. It declared that undocumented individuals can apply to stay in the US without threat of deportation if they meet specific criteria.¹⁵ While this policy covers individuals from all countries, the directive targets undocumented Latinos as a response to Congress' failure to pass the DREAM Act in 2010. The goal of this order was, in President Obama's words, to avoid punishing people who, "studied hard, worked hard, maybe even graduated at the top of [their] class,"¹⁶ a clear reference to a story earlier in the year about [an undocumented Latina student](#) at a Miami-area high school.

In fact, while the electoral implications of this move are clear *prima facie*, the precise timing of this memorandum provides additional evidence. The administration issued the memorandum days before Republican Senator and then-Vice Presidential prospect [Marco Rubio \(FL\) planned a public introduction of similar legislation](#). The Obama administration capitalized on the powerful

¹⁵ These criteria include arrival in the US before age 16; extended residence in the US; is a successful product of the education system or is a veteran; has not committed major crimes nor poses a national security threat; and is under age 30. (Criteria drawn directly or paraphrased from the June 15, 2012, Department of Homeland Security Memorandum.)

¹⁶ Obama, Barack. "Remark by the President on Immigration." June 15, 2012. The White House.

*prosecutorial discretion*¹⁷ in order to stop a Republican Senator—a Latino himself—from introducing legislation that panders to this key electoral constituency.

After [Republicans filibustered the DREAM Act in 2010](#), Obama saw the opening both in terms of policy failures in Congress and the power of prosecutorial authority to respond directly to Latino needs. In so doing, he timed the policy announcement less than five months before the election and to take effect just before the party conventions in August.

The electoral benefits of this immigration policy are clear and its timing was strategic. Moreover, this issue provides an excellent example of the benefits of direct action. Obama could not rely on Congress to pass the DREAM Act—his original strategy. Instead, the president asserted himself. Not only was he able to produce policy more consistent with his interests, but he was able to construct this policy without having to thank others for their efforts. The policy was *his*. His expectation, of course, is that voters—specifically Latino voters in swing states—will reward this effort with their support.

Energy Efficient Manufacturing

Presidents can reap electoral benefits from policy in multiple ways. They can specifically target policy to key geographic areas or critical demographic groups. A third approach involves the use of universally-accessible policies that have critical geographic emphasis.

On the last day of the 2012 Republican National Convention, President Obama issued an Executive Order entitled, “Accelerating Investment in Industrial Energy Efficiency.” The Order focuses on an energy production process known as combined heat and power (CHP).¹⁸ CHP provides energy to a manufacturing facility through an on-site unit that recycles secondary or lost energy and redirects it into the facility to control climate. CHP is most commonly used in manufacturing facilities with both tremendous energy demands and substantial climate control needs. While many facilities could use CHP, the Executive Order targets manufacturers, as the president explains the purpose is “to promote American manufacturing by helping to facilitate investments in energy efficiency at industrial facilities.”¹⁹

The order generally calls for the facilitation of private sector and public investment in this energy process. While the president seeks to spur private efforts, he also orders his administration to “use existing Federal authorities, programs, and policies to support investment in industrial energy efficiency and

¹⁷ Prosecutorial discretion is considered a nearly absolute discretionary power of the president/executive branch. See *Heckler v. Chaney* 470 US 821 (1985).

¹⁸ For a discussion of CHP and the opportunities to politicize it, see <http://www.lasvegassun.com/news/2012/sep/23/strategy-rebuild-manufacturing/>

¹⁹ Obama, Barack. “Accelerating Investment in Industrial Energy Efficiency.” Executive Order. August 30, 2012. The White House.

Like American presidents, Juan Manuel Santos uses institutional power and authority to advance his electoral interests.

CHP.”²⁰ Ultimately, the president orders administration officials—often his hand-picked political appointees—to use discretionary federal funds as part of the investment effort into CHP.

Policy focused on manufacturing has appeal in all 50 states, as manufacturers operate nationwide. However, the distribution of manufacturers among the states varies dramatically. This distribution illustrates the electoral benefits of distributing funds for manufacturing investment. Substantial work illustrates that presidents play (electoral) politics with the distribution of federal discretionary funds, and this manufacturing program is no different.²¹

In the nine most competitive states in this presidential election, there were 2.5 million manufacturing employees in 2011.²² Adding Michigan, a state both candidates visit with regularity, that total exceeds 3 million. Those 10 states are home to 26% of all of the nation’s manufacturers. As a result, this program targeting manufacturing will provide substantial economic benefits in highly competitive states.

A plan to help the economy has appeal for any elected official being held to account for it. Yet, the election-driven president will be uninterested in efforts with blunt or misguided emphasis. Instead, presidents predominantly focus on the interests of swing state voters, and this Executive Order shows such focus in action. Separate efforts targeting the auto industry and the broader manufacturing sector show that the goals of economic recovery run through swing states, especially as reelection approaches—a reflection of the motivations of the Electoral College.

An Emerging Colombian Model

If the politics of presidential reelection is an institutionalized and engrained part of the American political system, it is anything but in the case of Colombia. Indeed, the upcoming presidential election in 2014 is likely to be the first competitive reelection campaign in the country’s modern history. Although the constitutional amendment allowing presidents to run for two subsequent terms was ratified in 2005 and President Álvaro Uribe became the first to win a second term, he faced no real competition or actual question as to whether he would win.

However, the current political climate suggests that President Juan Manuel Santos will face a competitive reelection campaign. Since taking office in 2010, President Santos has overseen controversial land redistribution and right of return programs, an economy that has left many average Colombians behind, and at least a perceived (if not real) [increase in the levels of violence](#) occurring in

²⁰ Ibid.

²¹ Ibid at 3.

²² Data from the Bureau of Labor Statistics most recent annual estimates of manufacturing jobs.

the country's cosmopolitan and urban areas.²³

Despite the novelty of Colombian reelection, the institution induces predictable presidential behaviors. Through a theoretical lens and a comparison to the American case, we illustrate the effects of the electoral motivation on governance. Like American presidents, Juan Manuel Santos uses institutional power and authority to advance his electoral interests. Specifically, we take note of the Colombian executive's strategic use of unilateral actions as a method for credit claiming.

Like the American president, Colombia's chief executive must ensure that key constituencies and population segments are not only supportive of his reelection bid, but motivated to show-up at the polls on election day. To do this, the election-driven president must not only enact policies seen as beneficial to the key groups, but must do so in a way in which he is able to claim credit for their success; this is most effectively done through direct actions such as executive orders, decrees, and mandates.

While the electoral motivation is similar in the US and Colombia, the strategies each country's leaders take varies dramatically. Unlike the Electoral College used in the US, Colombian presidents are elected through a national plebiscite with a second round runoff. This electoral structure forces Colombian presidents with electoral goals to focus on a national constituency and how best to satisfy the median voter. However, what remains the same across the two countries is the use of direct actions to appease and motivate key constituencies in time for reelection.

Having taken the oath of office in 2010, Juan Manuel Santos is the first Colombian president in the modern era to have entered office knowing that he would have the opportunity to be reelected. Here, we argue, that this opportunity will have a direct effect not only on how Santos governs, but how he utilizes the unilateral powers to subvert Congress and claim credit for the successes of the national government. Furthermore, Santos' preoccupation with reelection requires him to address a wide range of issues that appeal to a wide range of voters. In the two and a half years since taking office, Santos has done just that. He used his executive power to address a variety of issues including agrarian reform and peace negotiations with the *Fuerzas Armadas Revolucionarias de Colombia* (FARC). Additionally, as chief executive, he has used his authority to influence the bureaucracy in electorally advantageous ways.

Unilateral Activities in an Effort to Ensure Electoral Success

As in the case of the United States, direct actions in Colombia come in many forms. However, given the differences in electoral institutions (i.e. the Electoral College in the US), Colombian presidents will not be as concerned in making

²³ President Santos has faced these challenges while contending with an unending barrage of sometimes flamboyant attacks and criticisms from his former ally and co-partisan, Álvaro Uribe.

Since the beginning of the Santos administration in 2010, the conditions in Colombia provided an election-driven president a prime opportunity to capitalize on this issue.

appeals that resonate in certain states (*departamentos*) or geographic regions, but will instead look to influence key groups and constituencies on a national basis. Therefore, different from the United States, the Colombian president is most interested in appealing to the median voter, and one strategy to achieve this is to enact policies that have widespread support among the population. Appealing to members of large, economically relevant, national organizations such as the National Coffee Federation (Faughnan 2012) or the National Business Association of Colombia (ANDI) is one method that President Santos has used to gain broad, national support. Of course, there also exist more informal segments of the population to whom the president can use direct actions to make appeals. These include victims of the on-going violence or the overwhelming portion of the electorate that desperately wishes for a conclusion to the long-lasting conflict. Below we provide three examples that illustrate this point.

Peace Negotiations with the FARC

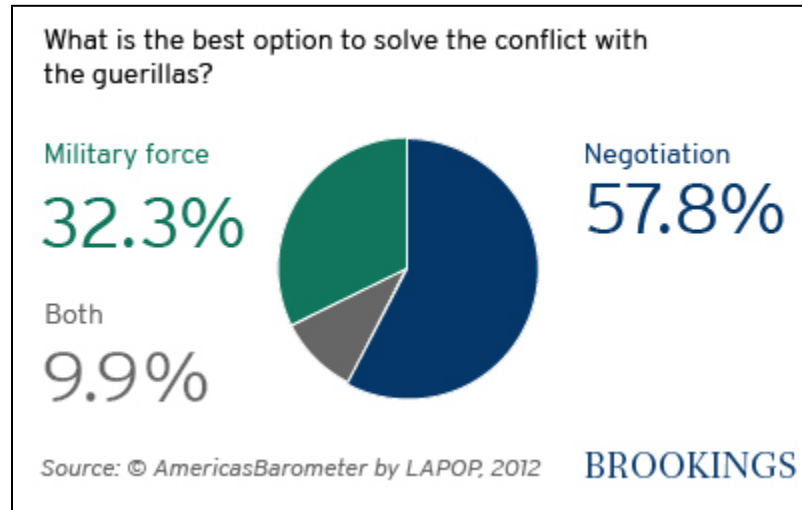
Undoubtedly, the most enduring national issue that has faced presidents in Colombia for the past 50 years has been the ongoing civil war between leftist guerillas, government forces, and right-wing paramilitaries. It is through this conflict where hundreds of thousands of Colombians have been killed, millions more have been forced to flee their homes, and the production and exportation of illicit drugs has prospered. As a result, the war with the FARC weighs heavily on the minds of many Colombians. Public interest in this issue has driven Colombian political elites to engage in negotiations with FARC at various times throughout history; however, these efforts have never succeeded in bringing lasting peace.²⁴

Between 2002 and 2010, President Uribe adopted a strategy that centered exclusively on a military approach aimed at destroying the guerilla group by force. During Uribe's two terms, leftist guerillas were removed from the country's population centers, inter-country travel on national roadways became possible, and high-profile hostage rescues occurred like that of former presidential candidate Ingrid Betancourt. However, these actions were plagued with allegations of human rights abuses and collusion between the government and right-wing paramilitaries. The result left Colombians starving for a decisive and honest solution to this deadly conflict.

Since the beginning of the Santos administration in 2010, the conditions in Colombia provided an election-driven president a prime opportunity to capitalize on this issue. FARC's popularity has never been so low. Recent AmericasBarometer data estimate that only 1.3% of the population hold positive views toward the organization. However, in the same AmericasBarometer

²⁴ The last concerted efforts made by the government to negotiate with the FARC came in 1998 during the administration of the Andrés Pastrana when a land area roughly the size of Switzerland in the department of Caquetá was demilitarized and ultimately used by the FARC to organize and stage attacks across the country. For more information on the failed negotiations during the Pastrana administration, see Kline (2007).

survey conducted in the first quarter of 2012 by Vanderbilt University's Latin American Public Opinion Project, 68% of Colombians support a resolution strategy based at least partly on negotiations.



In August 2012, President Santos announced (following a series of rumors and leaks) that his administration had been engaged in secret negotiations with the FARC in Havana, Cuba, to establish official peace talks between the two parties to begin in Fall 2012 in Oslo, Norway. Although both chambers of the National Congress were quick to give their blessing, it is important to recognize that this process was initiated and controlled by actors within the executive branch and that per the terms of the pre-negotiations, congressional actors will hold only advisory roles during the process. Santos positioned himself to solve the crisis and to take all the credit (or blame) for the result.

It did not take long for researchers and analysts to connect the renewed peace efforts to the presidential election in 2014. A [Washington Office on Latin America \(WOLA\) analysis](#) argued in part that "President Santos' approval ratings have declined recently, making his 2014 reelection less certain and perhaps pushing up his timetable for starting talks." It is widely argued, and accepted, that if Santos is able to accomplish the improbable and come to an agreement with the FARC, his reelection prospects would be greatly enhanced; however, recent analyses have also highlighted the high risks that are associated with the process. As the talks proceed, the eyes of many Colombian voters will be on the performance of their president and his effort to end a war that has plagued Colombia for half a century.

Reparations and Agrarian Reform

On June 10, 2011, the National Congress passed, and the president signed the Victims and Land Restitution Law (*Ley de Víctimas y Restitución de Tierras*). The

primary purpose of this law is to return land to Colombians who were forced to flee because of the ongoing conflict and to pay monetary reparations to families of Colombians killed in the conflict since the mid-1980s. Although this law was passed through the legislative process, it has been categorized as vague and non-specific, offering the president profound discretion in its implementation. Therefore, in December 2011, President Santos signed a series of regulatory decrees instructing the Colombian bureaucracy on how it should carry out the Victims and Land Restitution Law. It is in these decrees where not only mundane bureaucratic processes are expanded, but where definitions and concepts essential to the law are also developed and substantive policy prescriptions are outlined.²⁵ In short, per [the regulatory decrees signed by President Santos](#), it is estimated that the government will pay approximate \$26 billion to over 4 million Colombians in the next 10 years and that by 2014 over 5 million acres of land will be returned to its rightful owners.

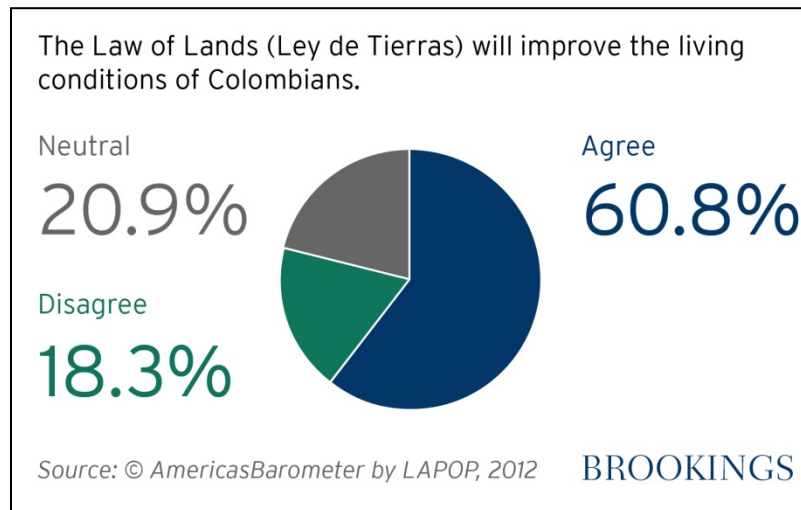
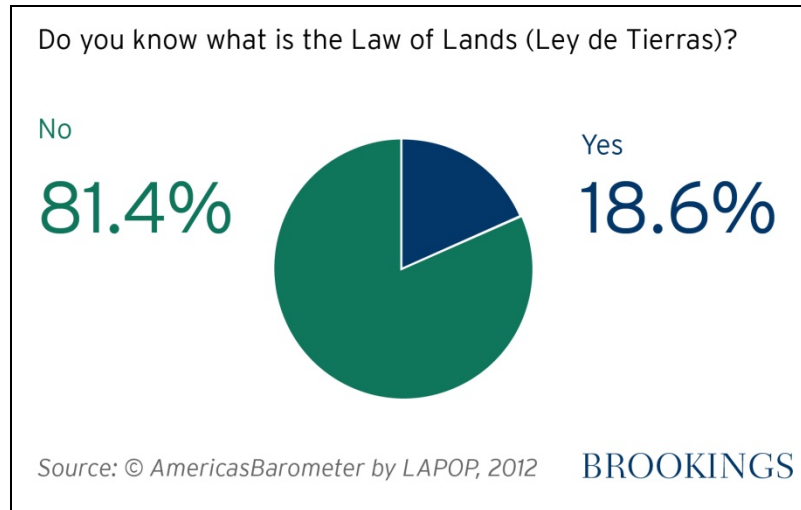
In a country that has typically been seen as unresponsive to the victims of on-going conflict, the potential political and electoral benefits of the Victims Law are very real. This law addresses a serious, widespread policy failure and uses distributive (porkbarrell) politics as the platform to solve it.²⁶ Unlike the micro-targeted nature of such distributions in the US, Santos ensured this policy reached a broad and diverse portion of the electorate. Even among those Colombians who may not benefit directly from the law, it appears that support, up until now is positive and widespread. In its annual survey of Colombian citizens, LAPOP asked if they had heard of the law; of those who had, 60% believed the law would help to improve the living conditions of Colombians. These results suggest that if Santos is successful in implementing the law and educate the Colombian electorate on its benefits, it is likely to serve as an advantage to him come reelection.

²⁵ In all, President Santos signed eight regulatory decrees (*decretos reglamentarios*) with respect to the Law 1448 of 2011 (Law of Victims and Land Restitution). For the text of all eight documents see:

<http://www.leydevictimias.gov.co/reglamentacion>

²⁶ The literature on distributive politics in Latin America and throughout the developing world tends to focus on the type that can be labeled as “non-programmatic” such as vote-buying and other forms of clientelism. While we recognize the occurrence of this form of distributive politics (Faughnan and Zechmeister 2011), in this paper we focus on the programmatic forms of distributive politics, including “pork”. For more information on the distinction, see Stokes (2009).

The ability to control, directly and decisively, who runs ministries empowers the president to make policy responsive to his electoral interests.



Millions of people have been affected negatively by the 50-year conflict between the government and various non-state actors and while the above-mentioned program seeks to aid them, the potential electoral benefits to a first term president cannot be denied. The Victims and Land Restitution Law speaks to and seeks to assist a segment of the Colombian population that has been marginalized in the contemporary political and social system. Through this distributive program, President Santos has the opportunity to appeal to these potential voters (and others) and in doing so, attempt to boost his reelection bid in 2014.

Dissolution of Cabinet

As is the case in the United States, much of national-level Colombian policy making is conducted within the bureaucracy. The president relies on high profile cabinet ministers that he appoints to ensure that the bureaucracy and those who

work within it are behaving in accordance with his views and expectations. The president's influence over the bureaucracy, particularly through his constitutional responsibility to appoint cabinet ministers is another prerogative whose strategic value appears to be increasing in light of the changing electoral landscape in Colombia.

On August 22, 2012, about halfway into his first term in office, President Santos requested [that all 16 cabinet ministers submit letters of resignation](#) so that he may have the option of retaining them. In the weeks since, the president has opted to retain some, dismiss others and promote lower level ministers to more prominent portfolios. Although President Santos has repeatedly denied a link between the mass resignations and electoral politics, pundits and journalists are not convinced, "The overhaul of his cabinet two years into his presidency is aimed at strengthening his support based within the ruling national coalition ahead of his likely re-election run in 2014."²⁷ These individuals administer micro-level policy. The ability to control, directly and decisively, who runs ministries empowers the president to make policy responsive to his electoral interests.

Unlike the US president, President Santos' reelection prospects rest on his ability to gain the vote of a majority share of the national electorate. To this end, the Colombian president will look to direct his direct actions toward persuading the median Colombian voter that he deserves a second four-year term. Through actions that appeal not only to certain segments of the population, but that are more universally popular, President Santos is successfully adapting the powers and prerogatives of the office to that of an electorally-driven presidency in a 21st century democracy.

Policy Implications

When electoral interests motivate presidents, their approach to governing changes. Such behaviors—particularly the use of direct actions—have substantial consequences for policy. Specifically, the electorally-motivated use of direct actions affects the timing and beneficiaries of new policy, the ideological temperament of that policy, and the perceptions of the leaders exercising that power. Each is critical to understanding executive governing strategies and the policies that emerge from them.

Timing

While electoral motives should influence the psyche of any national executive, those interests surely become salient around election time. Research suggests that the proximity of an election affects an elected official's policy making calculus.²⁸

²⁷ <http://www.reuters.com/article/2012/08/24/us-colombia-politics-idUSBRE87N0WQ20120824>

²⁸ Hudak 2012; Anagnoson 1982; Hamman 1993; Hudak and Stack 2012

As elections draw near, presidents should use direct actions in more strategic ways that respond to constituency needs or interests. This is not to say that direct actions will increase in number or even scope. Although such an increase may happen, it is more likely that these actions will be substantially targeted in ways that are more electorally significant and malleable. Presidents will use direct actions for myriad purposes, but the timing of elections should affect the motivation for their use.

For example, in September 2012, while campaigning in Ohio, President Obama announced that his administration filed a complaint with the World Trade Organization about China's unfair trade practices. While this complaint could have been filed at any time—as many had been previously—the president's time and place on the campaign trail provided daily opportunities to use direct actions to connect with key constituencies. Presidents will use active campaigning as a means to capitalize on the powers of the office for electoral gain.

Beneficiaries

A driving question in the study of politics is “who benefits?” This question is an important one in the policy context of this paper. The determination of who benefits requires a two part answer. First, many groups can benefit from executive actions. However, the motivation for the use of such actions helps identify the intended beneficiaries. If a direct action serves a ceremonial purpose, a small group of stakeholders gains the praise of the executive. If the action seeks to expand or solidify executive power, the beneficiary is the executive himself. However, if electoral considerations motivate the use of direct actions, whatever group or groups an executive must capture in order to be electorally successful will reap the benefits of such policy.

Electorally-strategic direct actions will always benefit key constituencies, but the rules governing specific presidential elections will determine who precisely benefits from such policies. As noted above, in the American system, swing state voters tend to benefit from these actions. American presidents either target these states specifically or critical demographic groups who compose important voting blocs within these states. In Colombia, where presidential elections take the form of a national plebiscite, direct actions have broader reach and appeal, seeking to win the support of the median voter, rather than geographic sub-constituencies. Thus, the motivation and the rules of the game influence who benefits from the exercise of executive power.

Moderation by Decree: The Positives of a Pandering President

The constituency connection certainly influences who benefits from electorally-motivated direct action. Yet, this connection also has an intriguing and critical effect on the policies emanating from the use of direct actions.

In fact, when electoral considerations motivate the use of direct actions, they will necessarily be moderate.

Observers often argue that executives use direct actions as a means of bypassing legislative or other actors in order to institute policy that aligns with their own (more ideologically extreme) interests. For example, tools like signing statements in the US and decree-laws (*decretos-leyes*) in Colombia offer presidents wide latitude in the implementation and execution of laws. Although signing statements and decree-laws may shift policy away from legislative preferences, these shifts will not instinctively be extreme in nature. In fact, when electoral considerations motivate the use of direct actions, they will necessarily be moderate. The ultimate goal of such actions is for the resultant policy to reflect the interests of key electoral constituencies, not necessarily the true policy preferences of the executive. This means that the constituency connection will moderate policies for fear backlash among key voters (in state or national electorates) will dash electoral hopes.

Electorally-strategic direct actions—pandering by decree—may initially appear to be a cynical approach to presidential policy making. However, there is irony in this scenario. The tools of direct action offer executives the *ability* to dictate extreme policies. Yet, pandering presidents are *required* to be moderate.

Perceptions of Presidents

The incentives generated by the electoral rules in the US and Colombia induce unique behaviors. These behaviors are often at odds with the traditional views of those countries' executives.

American presidents are seen as the ultimate statesmen. With informal titles like, "Leader of the Free World," they are in charge of a world power on the world stage. From international and domestic perspectives, the US president focuses on the broad at the expense of the minute—always the macro and rarely the micro.

While the characterization of the universalist American president is true in some contexts, the rules governing the Electoral College in the US motivate the president to behave entirely differently. The Electoral College drives presidents to be purveyors of particularism, targeting goods and benefits to swing states. For a leader functioning within the *permanent campaign*, he is forced to focus on the micro. The common good, the national interest, or what Andrew Jackson called, "matters of transcendent importance," must be secondary to understanding how American presidential power can satiate the needs of a small number of voters in a handful of states. What results is a view of the president—that of a leader using official powers to pander for votes and win elections—that is inconsistent with widespread perceptions of the American executive.

On the other hand, a president as panderer-in-chief well reflects the stereotype of the Latin American executive. Latin America has a storied history of executives—elected or otherwise—who use the powers of their office to advance electoral interests, reward supporters, shore up popularity, and/or maintain power. When American officials engage in such behaviors, scholars and

The Colombian example shows that its electoral rules motivate more universalistic policy because presidents must satisfy the national median to realize electoral success.

observers euphemistically label it “particularism” or “porkbarrell politicking.” For Latin American presidents, it is called corruption. These behaviors are essentially expected of Latin American presidents because of historical legacy and the strength of that region’s executives.

Despite such expectations, Latin American electoral rules often incentivize less targeted particularism than the American model. The Colombian example shows that its electoral rules motivate more universalistic policy because presidents must satisfy the national median to realize electoral success. While targeting occurs in Colombia, the benefits will reach larger, diffuse groups than in the United States.

Ultimately, the result, as has been described above, is yet another irony at the hand of electoral institutions. American presidents behave in a manner that we expect from Latin American leaders. Latin American leaders embody a type of universalism we come to expect from American presidents. Juan Manuel Santos thinks not specifically about residents of Risaralda or Nariño or Bolívar, but about Colombians. President Obama cannot focus broadly on Americans, but rather must think about Ohioans, Virginians and Floridians.

Conclusions

Electoral issues are never far from the minds of elected officials, regardless of the country in which they operate. Especially among those eligible for reelection, the desire and temptation to use the powers that come with the office is nothing more than rational behavior among ambitious politicians seeking to keep their jobs. In many respects, no office is better able to adapt the available powers to an electoral strategy than chief executives in presidential systems. Although research has focused on the use of unilateral power by presidents during times of crisis and war, we show in this paper that regular elections also influence how and when presidents choose to engage in direct actions.

Through the examination of uses of direct action by two first term presidents in two different electoral contexts, we conclude that electoral institutions influence *how* a president might use the unilateral powers available to him or to *whom* he might target such actions. However, these institutions do not alter the calculus of deciding *if* to use such a strategy. For example, President Juan Manuel Santos the first Colombian president in modern history to enter office knowing he will have to opportunity to be reelected, will face voters in 2014 through a national plebiscite with a second round runoff. As the cases discussed above suggest, this institutional arrangement motivates Santos to use direct actions to implement policies that will produce broad national support and appeal to the median Colombian voter. Alternatively, given the realities of the Electoral College in the United States, President Obama focuses direct actions toward swing states. However, regardless of the electoral institutions, we demonstrate that presidents in both countries engage in direct action as way to support their electoral aspirations. Unilateral powers are not reserved only for times of crisis or

war, but are part of the everyday governing strategies in presidential democracies and have dramatic effects public policy.

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