

When Presidents Limit Bureaucratic Power: Evidence from Abortion Bans

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Abstract

Presidents possess vast authority to change policy unilaterally. But their power depends on the compliance of unelected officials, who typically have more information. We examine the conditions under which presidents invest in costly oversight of the bureaucracy. We identify an underlying political process—the polarization of a political issue—and argue that because this increases the potential of future policy loss for presidents, they create new means of overseeing agency behavior. To test this argument, we examine abortion restrictions in foreign aid, leveraging archival records and interviews with former officials. Most importantly, this allows us to study prohibitions that were proposed but not adopted. We find the polarization of abortion politics increased Republican presidents' investment in oversight, which eroded bureaucrats ability to moderate presidential power over abortion abroad. Our study suggests other areas of policy—such as election administration and responses to infectious diseases—may follow a similar path in the future.

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Presidents act unilaterally with effects that transcend borders of the United States. They impact migration flows, global supply chains, and the security conditions thousands of miles away—all without prior approval of Congress (e.g., Moe and Howell, 1999; Howell, 2003; Mayer, 2001). But for presidential directives to be impactful, they must induce compliance from bureaucratic agents (Lowande, 2018; Acs, 2020; Turner, 2020; Benn, 2022).

Scholars have long acknowledged this is no easy task. In standard models of delegation, principals defer to agents with different views because those agents are better informed. Were they equally informed, principals could give their agents the amount of discretion that would make the principal best off, and nothing more (or less). But this information asymmetry is endogenous, and has implications for the future. As Gailmard and Patty (2013) show, it depends on the agent's willingness to acquire expertise, and their ability to use that expertise over time. In this study, we investigate the other side of this asymmetry—the principal's willingness to make costly investments in oversight, which change the nature of future interactions with bureaucrats.

To investigate the conditions that lead presidents to invest in oversight, we study abortion restrictions in to family-planning foreign aid from 1965 to 2021. Since the latter half of the 20th century, U.S. presidents have influenced the global availability of abortion—and family planning services, generally—affecting the health of millions of women in the process. Through their control over government grant-making and contracting (Gitterman, 2017), presidents have set the conditions for the kinds of family planning and health services the federal government may sponsor. Though scholars frequently mention these restrictions as exemplary cases of presidential unilateral power, no study has investigated how those restrictions came to be, or whether they reflect the president's true preferences.

We analyze thousands of documents from six presidential libraries and over ten hours of interviews with former USAID officials who served under both Republican and Democratic administrations. This approach offers two key sources of inferential leverage. By examining the implementation and reversal of similar restrictions over time, we hold constant the policy space in question while varying the political circumstances of interest. Most importantly, our qualitative approach reveals counterfactual policies that go unobserved when one looks solely at the (public) policies signed by presidents. It allows us to pinpoint where the president and USAID wanted, but failed, to move policy. None of this is observable from government publications. In short, if one looked only at the published record, it would appear presidents got what they wanted. As it turns out, this is only partly true.

We argue that the polarization of political issues provides an explanation for why the current pres-

ident would invest in oversight, even when that oversight might be used by a future president. For presidents facing a distal bureaucratic agency, polarization increases policy losses they expect in the future. They hedge against those losses by investing in new means of oversight, which most importantly, are likely to reduce the information gap between the agencies *and all its principals*, not just future presidents.

Our evidence is consistent with this argument. Early in our period of study, unelected officials can and did limit the power of presidents over abortion. Presidents' proposals were either negotiated away, compromised, or moderated. As abortion became a more polarized issue, the political cost of these policy losses significantly increased. Thus, while bureaucrats' preferences were stable (and left-leaning), Democrats and Republicans polarized, which generated incentives for Republican presidents to invest in oversight. This resulted in a variety of presidential efforts to increase the accountability and monitoring of officials in the Office of Population within the U.S. Agency for International Development (USAID). After decades of such investments, presidents of both parties now impose, and bureaucrats comply with, abortion rules in foreign aid.

Our research has important implications for the study of presidential power, bureaucratic behavior, and American political development, more broadly. Though much has been written about presidential unilateral power (see Lowande and Rogowski, 2021), observing the failed proposals and negotiations within the executive branch is rare (but see Rudalevige, 2021). The Mexico City policy illustrates how the apparent success of presidents to propose new, unilateral policies is sometimes moderated by bureaucrats—often in ways unseen by initial observers. Second, and relatedly, our theory and evidence illustrate a developmental process that other policy areas might follow. Our framework suggests other emerging areas of political conflict where presidents may experience policy losses, invest in oversight, and significantly pull policy towards them.

Finally, our study highlights the importance of gender and reproductive rights in the study of American political development (e.g., Skocpol and Ritter, 1991; Canaday, 2009; McDonagh and Nackenoff, 2015; Teele, 2018). We demonstrate how unelected officials were able to advance a family planning agenda and moderate limitations on reproductive rights funding, which altered the strategies of family planning organizations and experiences of women of color worldwide. Political conflicts over abortion restrictions also significantly shaped the development of both international non-profit organizations and USAID. Thus, our study illustrates how a broader pivot toward the study of patriarchy and reproductive rights would improve scholars' understanding of American political development.

Theory

Interactions with bureaucrats present a classic challenge for presidents. Unelected officials can help the president implement desired policies without prior approval from Congress or Courts—but bureaucrats also have agency, and can drift. This is a well-worn problem with standard answers about how presidents, in particular, resolve it.

The most obvious tool might be to change the unelected officials doing the implementing. That could be done by appointing loyalists to the agency in question, or “politicizing” it. Lewis’ (2008) definitive work on this strategy shows presidents balance the trade-off between shared policy goals and competence. Another might be to let officials within the president’s immediate orbit make the decisions—or to “centralize” policymaking—which Rudalevige (2002) argues is limited mostly by presidents’ need for relevant information. A related answer particular to executive action, is to mimic Congress: attempt to write a complete contract by including provisions within presidential directives that attempt limit the agent’s discretion (Lowande, 2018; Acs, 2020; Turner, 2020). Recent empirical work by Benn (Forthcoming), for example, measures the degree of discretion granted in recent executive actions, which suggests (at a minimum) this behavior is quite common.

Each of these strategies hinges on, and is limited by, the information asymmetry between presidents and bureaucrats. Lewis, for example, argues presidents balance the need for effective government and political control, which is driven by the fact that career bureaucrats typically have more information. But this asymmetry is also endogenous—it is a function of choices by both presidents and bureaucrats. Gailmard and Patty (2013) show that the (costly) decision to acquire expertise by bureaucrats is, in part, determined by the policymaking latitude and autonomy they enjoy. What interests us is the flip-side of this informational gap: *When do presidents invest in (costly) means of relieving the informational gap*—that is, in oversight technologies.

We use the term “oversight technologies” generally, to mean any costly, structural action that mitigates the information asymmetry between president and bureaucrat. Overseeing the bureaucracy typically requires not just effort exerted in the moment, but structures that facilitate that effort. For presidents, the canonical example is executive branch budgeting. Prior to the centralization of budgeting in the Bureau of the Budget and later the Office of Management and Budget, there was nothing in principle that limited presidents from intervening in the budgeting process of a line agency. What changed was that the president now had a consistent, structural mechanism for learning about the

agency's proposed budget figures.

The concept is not limited to "centralization" efforts like this. When presidents "politicize" they appoint loyalists and embed them in agencies to guide policy. But the appointees themselves must set up structures to make sure they have the information they need to accomplish that kind of influence. They might change reporting procedures, or set-up routine audits of programs. This is costly in the short run, but might relieve the informational gap between them and career bureaucrats.

Even when presidents do not have to exert effort to oversee any agency, some kind of underlying oversight structure needs to facilitate information transmission. Presidents sometimes rely on favored interest groups to complain when bureaucrats do something the president finds objectionable. But even that assumes an interest group environment where the informational gap between outside groups and government bureaucrats is sufficiently small. Otherwise, the president will not be able to free-ride on their effort. "Fire-alarms" are useless if there is no one to there to pull them.

This all points to another complication. Investing in oversight is not just costly up front with future payouts in terms of policy. The payout is difficult to keep exclusive to the president. When presidents set up structures that reduce the informational gap between them and the bureaucracy, they give other principals an opportunity to leech. Moreover, presidents must consider the fact that they will eventually not be the president. In other words, akin to Gailmard (2009), we argue oversight technologies present collective benefits with localized (in this case, upfront) costs to the president.

This dynamic is obvious in each of the examples we have mentioned. The routine preparation of agency budgeting and rulemaking dockets makes it easier for all external actors to learn about agency activities. Likewise, when appointees set up reporting procedures internally, they create a paper trail that can be accessed by outside parties. Finally, interest groups typically communicate publicly about the activities of agencies. Even when they do not, the interest group landscape in the U.S. is sufficiently politically balanced that complaints come from all sides.

Under what conditions would presidents pay these internalized costs, for a benefit that is non-exclusive and delayed? We argue for two necessary conditions. The first condition is (unsurprisingly) distal preferences. The president and the bureaucrat need to have known disagreements. If the president and the bureaucrat had the same vision about policy, the information asymmetry would not matter to the president—the bureaucrat would use their expertise to act as a faithful agent. The president can hand down a directive, provide the agent with wide latitude, and that would make the president better off. For investing in oversight to be worth the cost, at a minimum, the president must expect

some significant agency loss by relying on the bureaucrat.

But we argue this condition is typically not sufficient. A loss on any one policy will not be worth the administrative headache needed to set up proper oversight. What pushes the president over the line, in our view, is the prospect of future losses—and in particular, losses the president expects will become more significant. In the contemporary era of American politics, we argue there is one secular trend that drives this changing calculus: polarization.

More specifically, we argue there is a second necessary condition, the polarization of principals. In the U.S., the polarization of potential principals occurs when the two major parties hold opposing, internally disciplined views on the issue area implicated by the choices of the bureaucrat¹. Either party may control the presidency or Congress in the future. That means that either party, in turn, may hold the presidency and give the bureaucrat orders. Likewise, either party may be on the outs, and have to attempt to influence the agency from Congress, or more informally.

When polarization is relatively low, and the president and bureaucrat disagree, the current president does not stand to gain anything additional from investing in oversight. The fact that the presidency can direct the agency, and retains a privileged informational position relative to other actors, matters less because the next president—even when they are from another party—will not be giving radically different orders. Moreover, the current president can expect that the future, opposite-party president will incur a similar degree of agency loss. For an issue environment with low polarization, the policy successes of opponents are not effectively losses for the home team.

But when polarization is high, agency loss bites now, and into the future, which motivates presidents to relieve the informational advantage bureaucrats enjoy—relative to *all* political actors. Presidents who disagree with the implementing bureaucrat must always confront the possibility that the bureaucrat will have a new chief executive in the future. That future president may not share their views precisely, and may be from the other side of the political spectrum. When the ideological gap between the current president and that future president is growing, the risk of allowing that future, opponent president to command a bureaucrat who agrees with them grows. But the current president can do something about that risk. They can set up oversight mechanisms that diminish the bureaucrat's informational advantage *over all actors*. In this way, they ensure that even if they are on the outs,

¹A polarized issue is a salient issue, even if the opposite is not always true. For the purposes of this study, we do not disentangle saliency from polarization.

they will have the capacity to monitor and perhaps influence the decision-making of the bureaucrat in the future.

In this way, both *preference misalignment* and *polarization of principals* are necessary. Presidents who agree with the bureaucrat would prefer the bureaucrat retain an informational advantage over their opponent and all outside actors. It's presidents experiencing consistent agency loss that have the incentive to diminish the bureaucrat's informational advantage for all principals.

Research Design and Case Selection

Typically, observing a developmental process like the one we describe is difficult, which makes a longitudinal study of abortion restrictions on foreign aid ideal. The Mexico City Policy, known by opponents as the "Global Gag Rule," prohibits foreign family planning organizations from receiving federal funds if they promote abortion as a method of family planning. The policy has long fascinated presidency scholars because it presents a classic case of partisan-reversal, as shown in Table 1. Since implemented by President Ronald Reagan in 1984, it has been rescinded by every Democrat president and re-established by every Republican president in the first days of their term.

This gives us the variation needed to assess our theory. First, it gives us variation on the preference alignment of the bureaucrat and president. Using our data, we can approximate the preferred policies of the president and the bureaucracy as they change over time. Second, it gives us variation on political polarization, as abortion politics has polarized in the U.S. from 1960 to the present. Thus, by focusing on one policy throughout time, we are best able to hold constant all policy-invariant factors that might influence these relationships, and instead focus on how the change in our explanatory variables influenced the oversight investments exercised by presidents over bureaucrats.

Table 1 – Observed Abortion Prohibitions in Foreign Aid

President	Date Announced	Policy Movement
Ronald W. Reagan (R)	August 1984	Conservative
William J. Clinton (D)	January 1993	Liberal
George W. Bush (R)	January 2001	Conservative
Barack H. Obama (D)	January 2009	Liberal
Donald J. Trump (R)	January 2017	Conservative
Joseph R. Biden (D)	January 2021	Liberal

The Mexico City policy is a textbook-case of unilateral power (e.g., Cooper, 2002; Dodds, 2013;

Lowande, 2014). However, scholars focus on the policy proposed, not on policy development or implementation. In addition, the Mexico City Policy affects reproductive rights globally and thus has been studied extensively by public policy and public health scholars. Previous research has focused more on the outcomes of reproductive rights policies rather than on the institutional factors that lead to their development. By missing important counterfactual information on the policy that could have been and ignoring the procedure by which it is implemented, these results are incomplete.

Our approach has limitations. We expect our results to generalize to policy areas where the U.S. government funds a service or program, and the president can attach strings to it. This is not uncommon. USAID alone has provided assistance to a plethora of U.S. and non-U.S organizations, individuals, nonprofits, and for-profit entities through corporate arrangements. For instance, USAID has given \$580 million to the Global Alliance for Vaccines and Immunization and \$2.962 billion to the World Food Program. We return to areas of policy we expect our theory to apply to in the concluding section.

Evidence

We present evidence from presidential archives and elite interviews. Each source has its own limitations. The Presidential Records Act effectively embargoes all relevant records for 12 years after U.S. presidents leave office. This means that archival coverage only runs through the second Bush administration. For each open archive, we contacted archivists and searched all indexed materials for records relating to foreign aid and abortion. Naturally, the vast majority of records are irrelevant for our analysis or duplicate what is available outside of archives. To render this approach more transparent, we make all documents used in the following descriptions available through active hyperlinks in footnotes, and store them in a separate data repository. The advantage of these records is that mostly contain private commentary and recommendations of presidential subordinates, in a historical record unadjusted by memory or retrospective biases.

Alongside these materials, we conducted elite interviews of former USAID officials who had a role in implementing the policies. We contacted every living USAID administrator for an interview. We then proceeded with “snowball” sampling, and obtained more interviews by referral. Ultimately, we interviewed 11 former officials for a total of over 10 hours. Lower-level officials served in both Republican and Democratic administrations, whereas we were able to speak with one USAID head appointed by a Democratic president—and two appointed by Republicans.

We were careful to avoid common pitfalls in elite interviews. Most relevant in our case are present-day claims by former officials that may make their actions look better in the “eyes of history.” In particular, it may be these officials have an incentive to present their efforts to moderate the moves of conservative presidents as more successful than they actually were. There are two ways to guard against this particular bias. First, by speaking to both conservative and liberal officials, we can validate accounts when they are told similarly by both sides. Second, we check them against archival materials and public records. Finally, if we are unable to do either check, we can exclude the material as hearsay or note it in our summary. These are the rules we follow in the analytic narrative below.

Background: Family Planning in Foreign Aid, 1964-1983

Prior to the first presidential directive in 1984, the issue of family planning in foreign aid was shaped by large informational gaps between presidents and unelected officials. The result was largely unchecked bureaucratic discretion. In the 1960s, outside researchers argued that population growth would hinder economic development and lead to significant food shortages and unrest worldwide. These concerns² reached the White House, but it often responded with either little interest or significant caution, and left agencies alone to implement their preferred policies.

In 1965, for example, Horace Busby, a close advisor to President Lyndon Johnson, wrote to the President with concerns about the number of “women in the child bearing” years, arguing the administration ought to discuss the consequences of unchecked population growth.³ However, political aides consistently advised President Johnson to remain strategically silent on whether population growth should be addressed by contraception and family planning services.⁴ Johnson took this advice, making only general public statements about the “population problem” without policy prescriptions,

²These concerns were tied to Malthusian projections of overpopulation, which proved incorrect.

³Horace Busby to Lyndon Johnson, Friday, June 11, 1965, WHCF, Lyndon Baines Johnson Presidential Library (LBJ-PL).

⁴In that same Busby memo, for example, Busby writes “much good can be done by simply discussing the facts without ever entering or touching the field of birth control. If the Administration discreetly indicated interest [...] there would be considerable favorable response from within the several intellectual communities currently estranged from the Administration.”

behavior that he maintained until the end of his time as president .⁵

Even as the international community in the West came to a consensus that global population was a problem, and key advocates successfully introduced the issue to officials at the White House and Department of State, the President and his advisers believed a public stance might reduce their policy options. One memo to the President is particularly revealing:

“The whole area of family planning, birth control, and population growth is marked with potential political booby traps. [...] It has not been necessary to join ‘ideological’ battle. Getting the President involved in an ideological fight might *arrest* progress” (emphasis in original).⁶

Johnson established a Presidential Commission on Population, but only as he was leaving office and had decided not to run for re-election. The commission, which mostly focused on family planning domestically, turned in its report less than two months before the president left office. Furthermore, given that many of its participants were outsiders⁷, it is dubious if it actually reflected the presidential interests.⁸ While it could have developed into a presidential unit tasked with family planning oversight over time, it was not organized again.

Officials at USAID had wide latitude to implement policy, and began aggressively pursuing family planning services as a means of limiting population growth. This led to the establishment of the Office of Population within USAID in 1969, which was headed by Reimert T. Ravenholt—an epidemiologist described by many as a family planning “zealot.”⁹ It focused on contraception to the exclusion of

⁵Officials at the State Department recommended Johnson include the population “explosion” as a concern in his first State of the Union in 1964 (Dean Rusk to Bill D. Moyers, Jr., November 9, 1964, WHCF, LBJ-JP; Memorandum from Leon A. Schertler to Bill D. Moyers, November 24, 1964, WHCF, LBJ-PL). It would be included in several others at the urging of supportive members of Congress (Ernest Grueling Legislative File, April 1, 1967, LBJ-PL).

⁶Memorandum for Joseph A. Califano, Jr., June 10, 1967, LBJ-PL.

⁷For example, John D. Rockefeller 3rd, one of the biggest lobbyist of the issue, was co-chair. Nov 1968 CPFP Report

⁸Nov 1968 CPFP Report

⁹Interview with Steven Sinding, December 27, 2021.

alternatives. Former AID officials still refer to this as the “Ravenholt approach.”¹⁰ Moreover, as a later head of the Office of Population put it:

“[Ravenholt] constructed [the Office’s] whole strategy and approach. And he had enormous power, unlike that of any other office director of a central program in AID, because he had the power to hire and fire field officers working in the program. It was the only technical program in AID that was not managed, geographically by the regional bureaus.”¹¹

The Office of Population began to fund the development of contraceptives, advocate for sterilization experiments,¹² and develop new methods of abortion.¹³ More specifically, menstrual regulation kits (MRKs)—a handheld, disposable means of abortion were developed under contract of the Office of Population and widely distributed.¹⁴

The policy drift was eventually curbed by conservatives in Congress. Outraged by the funding and wide use of MRKs, Senator Jesse Helms (R-NC) introduced an amendment to the Foreign Assistance Act in 1973, which would prohibit the direct funding of abortion. Months after the Supreme Court’s decision in *Roe v. Wade* (410 U.S. 113, 1973), the Helms Amendment prohibited the use of foreign assistance to pay for the performance of abortion as a method of family planning, or to motivate or coerce any person to practice abortion. Every USAID official interviewed stated that they complied with the Helms amendment, even if they were opposed to it. However, most agreed there was some time before they settled on what an abortion service was, and that even then, there was “grey area” in the prohibition.

In this initial period, policy loss was mostly experienced because of officials like Ravenholt used information gaps to their advantage, with little regard to presidential preferences. Thus, in a period in which the president and unelected officials largely agreed, and polarization over the issue of family planning and abortion was relatively low, the president neither imposed explicit policy directives, nor

¹⁰*Ibid.*; Interview with Sander Levin, January 6, 2022.

¹¹*Ibid.*

¹²Chester Bowles to Philander P. Claxton, May 15, 1968, WHCF, LBJ-PL; for context, see also Mosher (2008).

¹³Case, Joseph Young. 1967. “Report on a Visit to Korea” September.

¹⁴Interview with Steven Sinding, December 27, 2021; Fortney, Judith A. 1980. “Disposable Menstrual Regulation Kits in a Non-Throw-Away Economy,” *March*, Vol 21, No. 3, 235-244.

did he invest in oversight.

How Bureaucrats Moderated the Mexico City Policy

As party polarization on abortion policy increased—pushing party elites to the left and right—the behavior of USAID became more politically costly to social conservatives.¹⁵ Officials at the Office of Population had been supporting family planning services while treading as close as possible to activities prohibited by the Helms Amendment. In the Carter administration, they permitted organizations that performed abortions to continue receiving funds, as long as the funds themselves did not go toward abortion services.

In response, the Reagan White House, attempting to incorporate conservative Catholic voters in their voting coalition, took measures to limit and supervise how foreign aid could be used in family planning. At this stage, however, bureaucrats still held a large informational advantage that forced the White House to stray from its initial policy preferences. Following the development of the initial policy, the administration invested in novel forms of oversight which reduced the informational advantage of AID in the future.

Policy Development. Reagan wished to expand the prohibitions of the Helms amendment. The 1984 world population conference in Mexico City gave them the opportunity. John A. Svahn, Assistant to the President for Policy Development, chose Carl A. Anderson to oversee writing the Mexico City statement (Fox, 1986). Anderson was a former congressional staffer for Jesse Helms, and at the time, taught part-time at the Pontifical Lateran University—known colloquially as the “Pope’s University.”¹⁶ The White House then chose James L. Buckley, former Senator from New York, to head the conference delegation.¹⁷ Buckley led the 1973 attempt to pass a constitutional amendment that would have ap-

¹⁵According to O’Brian (2019), popular polarization over abortion existed prior to the Reagan administration, but it was this period which saw elite officials leverage that popular polarization into an electoral strategy.

¹⁶Anderson later went on to lead the Knights of Columbus, a global fraternal order of Catholics that opposes abortion.

¹⁷Memorandum for John Herrington, Fred F. Fielding, OA/Box CFOA 891, Counsel to the President: Appointee Files, Ronald Reagan Presidential Library (RR-PL).

plied the Fourteenth amendment to human embryos (H. J. Res. 769, 93rd Congress). According to the Administrator of USAID at the time, “there was lots of pressure on the White House on this, and Buckley was a very trusted person.”¹⁸

But the leadership of USAID was chosen for reasons that had nothing to do with abortion. M. Peter McPherson, a lawyer for the Reagan transition team, was chosen as AID administrator because of his experience in the Peace Corps. At the time, USAID was the major funder of family planning programs internationally.¹⁹ Republicans believed they were interpreting the Helms amendment in ways that allowed the U.S. to indirectly fund abortions. In the words of one former legal counsel under Reagan,

“They came to us and said, words to the effect of ‘We can’t do abortions. We know we can’t do abortions. We want this program here to train doctors on how to do abortions. Now, that’s not doing abortions, you understand. We’re just giving them medical training.’ There’s a red line that Congress had drawn. And, the professionals wanted to get as—they wanted the lawyers to tell them, ‘How close can we get to that red line without crossing over it?’ ”²⁰.

The Department of State and the National Security Council, while not involved in the abortion debate, considered population to be an issue of national security. The National Security Council received memos from the CIA to consider long-term strategies for population growth.²¹ It was their concern that growing population in developing countries would destabilize governments leading them to pursue authoritarian forms of governance and partnerships with the Soviet Union. Thus, their missions did not preclude or emphasize any particular form of family planning services.

The discrepancy between the White House and bureaucrats led to several weeks of draft negotiations. The State Department produced the original draft statement of the policy. The White House edited the original draft, concerned its emphasis on the urgency of the problem would lead to increased spending on family planning. In a memo to Svahn, he wrote

“The arrangement of certain paragraphs has been changed and some words deleted in

¹⁸Interview with M. Peter McPherson, December 20, 2021.

¹⁹*Ibid.*; Interview with Richard A. Derham, December 22, 2021.

²⁰Interview with Richard A. Derham, December 22, 2021

²¹Note to RADM John Poindexter, Robert M. Gates, February 14, 1984, Population [2], Box 82, Executive Secretariat, NSC, RR-PL.

order to set a more moderate tone and reduce the sense of crisis that pervades sections of the statement. Also gone are terms such as ‘essential priority element’ and ‘urgent’ which seem to establish a basis for budget increases in the near future”.²²

The next day, the draft was returned to the State Department, now including an explicit abortion prohibition:

“The United Nations Declaration of the Rights of the Child (1959) calls for legal protection for children before birth as well as after birth: and *the United States accordingly does not consider abortion an acceptable element of family planning programs and will not contribute to those of which it is a part.* Nor will it any longer contribute directly or indirectly to family planning programs funded by governments or private organizations that advocate abortion as an instrument of population control”(emphasis added).²³

USAID, State, and some at the NSC did not want any kind of abortion restriction. It was absent from their early drafts.²⁴

The weeks afterward were a fraught tug-of-war, with USAID and State on one side and the White House on another. The policy proposed in the White House draft would have prohibited family planning funds for any organization that provided abortions. This meant three groups: international NGOs, foreign governments, and domestic NGOs. Buckley introduced the most prohibitive language, Officials at the NSC, State Department, and USAID objected strenuously on the grounds that such a provision would infringe on the sovereignty of other nations.²⁵

²²Memorandum for John A. Svahn, Carl A. Anderson, May 16, 1984, Svahn, John: Files, Box OA 13531, RR-PL.

²³Memorandum for Charles Hill, Robert H. Kimmitt, May 30, 1984, Svahn, John: Files, Box OA 13531, RR-PL.

²⁴According to USAID officials, the White House reneged after in-person meetings that seemed to indicate that it would approve revised language that excluded abortion restrictions—adding back in “90 percent” of the prohibitions from the early Svahn drafts. This delayed the final decision on the draft, as officials outside the White House believe it was not negotiating “in good faith.”

²⁵Memorandum From Richard Levine of the National Security Council Staff to the President’s Assistant for National Security Affairs (McFarlane), June 15, 1984, FOREIGN RELATIONS OF THE UNITED

This was the first aspect of the White House proposal the others sought to remove. According to McPherson, “The White House had a draft that said we couldn’t...give money for family planning generally to countries whose official policy was to support abortion. And I did go to the White House and get them to exclude the countries.”²⁶ In a hand-written note attached to his own draft, Richard Levine, Director for Policy Development at NSC, wrote “I understand from [McPherson] that the original language on no US aid for countries or groups that practice abortion has been removed from the Svahn draft.”²⁷ Buckley continued to insist the prohibition be included in the statement, and threatened to exit the delegation several times.²⁸ It was not included, but he headed the delegation anyway. The preferences of USAID, NSC and the State, in this instance, overrode those of the White House.

The officials working outside the White House were also able to change White House’s proposed position on population growth. The White House statement was dismissive of the dangers of population growth and the utility of family planning programs. The language was eliminated and, less negative, and more concise wording replaced it.²⁹

Greater restrictions were, however, imposed on other potential sources of family planning services. Abortion opponents considered the United Nations Population Fund UNFPA a backdoor means of funding abortions abroad. Particularly salient were reports of forced abortion and sterilization as a result of China’s One Child policy. Some were concerned that UNFPA’s funding of family planning programs in China directly or indirectly supported the policy. In the first drafts, UNFPA was left out entirely. But this changed late in the drafting process.³⁰ Now, UNFPA would have to show it was not engaged in abortion or coercive family planning programs, or it would lose its largest single funder.

STATES, 1981-1988, VOLUME XLI, GLOBAL ISSUES II, Office of the Historian, Department of State;
Interview with Richard A. Derham, December 22, 2021.

²⁶Interview with M. Peter McPherson, December 20, 2021

²⁷Memorandum for Robert C. McFarlane, Richard Levine, June 26, 1984, Executive Secretariat, NSC, RR-PL.

²⁸See, for example: James Buckley to Becky Norton Dunlop, May 7, 1984, John: Files, United Nations Population, Aid, Abortion (6), Box OA 13531, RR-PL.

²⁹“Population Paper, Marked up Draft,” Robert C. McFarlane, June 26, 1984, Population [too late to file], Executive Secretariat, NSC: Subject File, Box 83, RR-PL

³⁰See, for example: “Revised Draft Statement,” July 3, 1984, John A. Svahn, Svahn, John: Files, Box OA 13531, RR-PL.

Policy Implementation. Policy moderation did not stop at the writing stage. As written, the statement applied to “non-governmental organizations” that conducted family planning programs abroad. This left open whether NGOs headquartered in the U.S. would be subject to the policy. Shortly after the conference, officials at USAID solicited legal advice from the Department of Justice on potential litigation from U.S. NGOs. The strongly worded advice indicated that the government would likely lose in court on first amendment grounds, and advised USAID to exclude U.S. NGOs from the policy.

“...we should also advise AID that the degree of risk of an adverse court decision depends on whether the regulations reach the speech and conduct of U.S. and U.S.-based NGOs or only foreign NGO’s. The risk would be highest if, for example, AID wrote regulations which would disqualify U.S. NGO’s who use private funds to speak in favor of abortion in foreign countries as a method of family planning.”³¹

USAID followed this recommendation, and the advice proved correct, as the final policy survived court challenges.

Domestic NGOs were not the only ones spared, as USAID continued funding of UNFPA for one more year—to the surprise of the White House. UNFPA refused to end its support of China’s population program, which had been implied as a pre-condition for continued funding in the Mexico City policy. McPherson ordered a comprehensive internal review of UNFPA activities, and withheld just \$10 million dollars from the earmarked \$46 million destined for UNFPA.³² His public position was that since UNFPA itself was not engaging in involuntary family planning, then removing the whole \$46 million would not stand up in court. Only subsequent amendments to the Foreign Affairs Act in 1985 (Nowels, 2000) resulted in the defunding of UNFPA.³³

Ultimately, just two organizations with existing USAID contracts—International Planned Parent-

³¹“AID Implementation of New Anti-Abortion Policy,” Richard K. Willard to Neil H. Koslowe, October 30, 1984, Box OA 11733, Counsel to the President, Office of the, Cooksey, Sherrie M.: Files (Counsel), RR-PL.

³²“AID Review of UNFPA Program for Compliance with US Law and Policy,” March 1985, Box OA 11733, Counsel to the President, Office of the, Cooksey, Sherrie M.: Files (Counsel), RR-PL.

³³Richard Derham, then director of that office, explained “[UNFPA] is inextricably linked with the family policy program that leads to coerced abortion. Therefore, I recommend rejecting.”

hood Fund (IPPF) and the Pathfinder Fund—lost funding. Even in the case of IPPF, its affiliates in Latin America (where abortion was mostly illegal) continued to receive and accept USAID funding under Mexico City.

Oversight investment. Most importantly, the Reagan administration identified shortfalls in oversight capacity, and took steps so that both it, and future presidents, would have more information in the future. The first came in the form of oversight of the population office by the Secretary's office. This was a stark departure from past administrations, and required significant effort on the part of Republican appointees like McPherson and Derham. However, it seemed only to reveal how little direct control the Secretary's office had over the agency's worldwide programs.

It was unclear how abortion prohibitions like those generated by the Mexico City conference would be carried out, which grantees and contractors they would apply to, or when they would apply. Legal counsel at the Department of Justice clearly identified the main issue:

“Although the books of the 40 prime grantees and contractors and 1800 sub-grantees and sub-contractors must be made available to AID auditors, AID apparently has only about three auditors to conduct such audits. While in theory audits may also be conducted by AID's Inspector General, who has regional offices, the IG's chief mission is to uncover internal waste, fraud, and abuse. Similarly, the audit rights of the General Accounting Office apparently are not regularly exercised. Therefore, AID must rely on good-faith compliance by the primes and subs.”³⁴

Compliance with the final policy would require USAID career officials who opposed the policy to implement it faithfully.

Partly to address this gap, the Reagan administration supported the development of a broader non-profit community that could render “fire-alarm” oversight more reliable. At this time, the international NGO community had not polarized over abortion, as even segments of IPPF (mostly in Latin America) still sought and accepted USAID funding under the Mexico City policy. At the same time, the Reagan administration channeled foreign aid dollars to Catholic non-profit organizations. The best

³⁴“New Accounting Rules for AID Enforcement of Anti-Abortion Policy,” Richard K. Willard to Neil Koslowe, November 8, 1984, Box OA 11733, Counsel to the President, Office of the, Cooksey, Sherrie M.: Files (Counsel), RR-PL.

example related to family planning is the administration's insistence that the Office of Population fund providers of "natural" family planning, who were often opposed to any kind of contraception. By the end of the Reagan administration, the Secretary's Office and the White House fielded complaints from religious charities that USAID dollars were being used in violation of the Mexico City policy.

In summary, with a new Republican administration opposed to abortion, the administration took steps to restrict funding. Yet, given large information asymmetries, the final policy and outcomes differed from the preferences revealed by the original White House draft in several ways, even as it shifted the status quo to the right. The Republican appointees in USAID could see that the sprawling agency would only present problems for enforcement, under the backdrop of an abortion politics quickly polarizing along party lines. Oversight on the part of the presidency and other actors was needed to limit future policy loss, so the administration invested in structural changes that would eventually shorten the gap.

Clinton and The Cairo Shift

The Mexico City Policy had been in place for almost ten years when Clinton won the presidency. On January 22, 1994, he rescinded the policy via presidential memorandum. The next eight years solidified abortion's polarization across party lines. A key example of this polarization came with changes to the discourse around population issues. It would no longer center the economic threat of a population explosion, but instead, on a women's right to bodily autonomy. The Clinton administration and USAID officials tended to agree on abortion issues, but notably, the agency's remaining autonomy still led to some minor policy loss. As expected, however, the administration did not invest in new oversight technologies—in fact, they did their best to ensure the agency would have *more* information by providing them more unrestricted funds for population programs. This came in response to challenges from conservatives in Congress.

A key indicator of the international discourse shift on population was the International Conference on Population in Cairo in 1994, which presented Clinton with the same policy opportunity the Reagan administration had. The United States' message on population no longer focused on the population growth "problem," but on women's control over their bodies. This Cairo shift was mainly brought by the women rights groups, and it reflected an international shift over the discourse over abortion and family planning policy as "the voluntary nature of family planning, for one thing and the right of

women to have a full menu of reproductive rights...became very, very important”³⁵.

The policy statement differed from the Clinton administration’s objectives in a notable way: it limited the extent the administration publicly supported abortion. The President took strong positions supporting the provision of abortions at military hospitals.³⁶ Timothy E. Wirth, then Under Secretary of State for Global Affairs at the State Department, “was very insistent on pushing the US Government to say that abortion was a method of family planning.”³⁷ As J. Brian Atwood, then-Administrator of USAID later told us, he “saw that as a real threat to our family planning program, and so [...] strongly opposed him.” Here, USAID officials prevented policy movement in a more liberal direction.

By 1996, Republicans had control of both chambers in Congress. International abortion policy had become domestically salient and sorted along party lines. Republicans imposed greater restrictions on USAID’s family planning program. While USAID officials were able to initially negotiate the terms and creatively find solutions to the funding limitations, they were significantly affected by budget cuts, “metering,” and a policy they referred to as “Mexico City Lite.”

House Republicans tried to reinstate the Mexico City Policy through law in the FY1996 Foreign Operations Appropriations, but the Democrat-control Senate refused.³⁸ For FY 1997, Congress tried again, and for the third year in a row, the conflict over abortion bans on international family planning funds delayed the foreign operations spending bill until the end of session ³⁹. They were again unsuccessful, but succeeded in limiting USAID’s family planning program. Originally, the bill provided \$356 million for family planning activities (a 35% cut), “but none of the money could be spent until July 1, 1997, unless both chambers of Congress voted to release the aid by Feb. 28.”⁴⁰

Atwood drafted and Clinton signed a determination concluding that the delay in funding would have “significant negative impacts on the proper functioning of the U.S.-supported international population program.”⁴¹ Congress agreed to early release of the money, and increased the budget to a total

³⁵(Interview with J. Brian Atwood, August 2, 2022)

³⁶Clinton, William J. “Abortion at Military Hospitals,” *Compilation of Presidential Documents*, January 22, 1993.

³⁷Interview with J. Brian Atwood, August 2, 2022.

³⁸“Abortion Fight Halts Foreign Aid Bill.” In *CQ Almanac 1995*, 51st ed., 11-40-11-47.

³⁹*CQ Almanac Foreign Aid: GOP Relents on Abortion*

⁴⁰“Abortion Disputes Slow Aid Bill.” In *CQ Almanac 1996*, 52nd ed., 10-48-10-53.

⁴¹“Justification for a Presidential Determination on the Negative Impact of FY97 Obligation Limitations

of \$385 million, but it implemented a system in which “funds were to be disbursed at a maximum rate of 8 percent a month.”⁴² This was known to USAID officials as “metering,” a practice that continued through FY 1998.

On its face, this practice generated significant obstacles for the contracting and grant operations of the Office of Population. It is typical for foreign aid programs to provide substantial financial commitments, up front, to enable contractors and grantees to pay for start-up costs. Some up-front costs are unavoidable, and cannot be defrayed on a month-to-month basis, which meant that many who would normally receive funding could not operate. There is no public accounting reasoning for this outlay structure. In the words of Scott Radloff, then Deputy Director of the Office of Population,

“It’s all for pain—to inflict pain on the program. [They] couldn’t impose Mexico City. [...] we thought they were going to cut our funding. That’s what you usually do. [...] Well, they did that, then they added this metering. [...] I don’t know any other program that’s had to work with those conditions.”⁴³

Despite this, officials at the time adapted to the practice to prevent it from impacting their programs. This required the help of the USAID director and very careful accounting. Atwood authorized the use of roughly \$70 million in discretionary funds controlled by the Administrator, which allowed them to fund programs most in need of up-front commitments, as well as partly compensate for the budget cut.⁴⁴ Margaret Neuse, Deputy Director of the Office of Population and Reproductive Health at the time, described how this was done, along with its effects: “[Y]ou would have to figure out which programs, which countries, which projects are going to need what money when so that they can keep going [...] they thought this was going to be a really crippling thing for the program.”⁴⁵

After the imposition of significant administrative obstacles, USAID used creative accounting to limit the effects of political intrusion. Yet, Congressional interference did not stop there. In 1999, Congress passed what came to be known as “Mexico City Lite.” The provision, which expired at the

on the USAID Population Assistance Program,” Memorandum for the President, J. Brian Atwood, January 15, 1997.

⁴²“Abortion Foes Limit Battles to Small Number of Bills.” In CQ Almanac 1996, 52nd ed., 6-44-6-45.

⁴³Interview with Scott R. Radloff, January 6, 2022.

⁴⁴Interview with Scott R. Radloff, January 6, 2022.

⁴⁵Interview with Margaret Neuse, January 19, 2022.

end of fiscal year 2000, “bared any of the \$385 million in U.S. international family planning assistance for organizations that perform abortions—except in cases of rape, incest or where the life of the woman is in danger—or lobby to change abortion laws or government policies in other countries.”⁴⁶ The president had vetoed a bill that contained this language the previous year.⁴⁷ It was “lite” because it still allowed organizations that talked about or gave information about abortions to receive funding, provided the funding did not exceed a cap and the organization agreed to not actively promote abortion.⁴⁸ Officials at USAID worked to ensure these new restrictions were less onerous on those that typically received funding.⁴⁹

Thus, the Clinton administration and USAID officials reversed the direction of Reagan-era restrictions on abortion in foreign aid. They met resistance from conservatives in Congress. Because the administration and agency agreed, however, Clinton did not invest in new oversight—quite the contrary. They released unrestricted discretionary funds for compensate for losses imposed by Congress, which the agency used without external audit.

Bush and Investments in Presidential Oversight

George W. Bush was elected President on January 22, 2001, and signed a memo reinstating the Mexico City policy that same day.⁵⁰ Once an obscure program during Johnson’s term, family planning in foreign aid had become one of the most salient and polarized issues in American politics. The Republican party was now far to the right of USAID, and invested in oversight to further close any information gaps.

It started by appointing Andrew Natsios as head of USAID. Neither McPherson nor Atwood were known to have strong opinions about family planning prior to their appointments.⁵¹ However, by

⁴⁶“President Accepts Limits on Family Planning Funds in Exchange for Other Priorities,” In CQ Almanac 1999, 55th ed.

⁴⁷See the text of President Clinton’s October 21, 1998, veto message on H.R. 1757, the State Department authorization bill.

⁴⁸Interview with Scott R. Radloff, January 6, 2022.

⁴⁹Interview with Margaret Neuse, January 19, 2022.

⁵⁰Bush, George W. “Memorandum on Restoration of the Mexico City Policy,” Compilation of Presidential Documents, January 23, 2001.

⁵¹Interview with M. Peter McPherson, December 20, 2021; Interview with Scott R. Radloff, January 6,

2001, USAID candidates were being selected *on the basis* of their abortion positions. Andrew Natsios had been a Massachusetts state legislator, and had a public, anti-abortion stance. Moreover, as the former head of World Vision, he also had deep connections to the faith-based NGO community, the kind that had been promoted by foreign aid policies that began in the Reagan administration. According to him, he later learned “there [were] a group of Conservative Catholics who were supporting [his] nomination.”⁵²

Furthermore, by Bush’s term, past investment in the Mexico City Policy yielded returns. During the Reagan administration, USAID officials described the difficulty of finding care providers that would have both the expertise and mission-orientation desired by the White House.⁵³ By the early 2000s, there were no shortage of providers willing to accept family planning funds when the Mexico City policy was reinstated. Additionally, Bush made it easier for them to receive funding. By 2004, USAID issued regulations through notice-and-comment rulemaking implementing Executive Order 13279, which made it more accessible for faith-based organizations to receive funding⁵⁴. This coupled with an infrastructure of religious organizations (more than 42 Christian NGOs) made it possible for these organizations to pull fire alarms when needed.

Auditing was also made easier. Natsios centralized management of USAID. In 2002, the Office of Population was moved under the Bureau of Global Health. Historically, the Office of Population had a great deal of autonomy from the rest of the USAID programs, dating back to the leadership of R.T. Ravenholt. Originally located in Rosslyn, VA, it was even physically separate from other agency bureaus. Natsios’ reforms ensured the office lost its original independence. It could be audited and

2022.

⁵²Interview with Andrew Natsios, June 11, 2022.

⁵³For example, Sarah Seims, the Population Office in Senegal, described how she went about finding care providers to provide “natural family planning” services demanded by the Reagan administration: “I was forced to add a natural family planning component and a promotion of abstinence component into the range of reproductive healthcare. [...] Fortunately, I found, a Togolese physician who was a health educator who worked with the government, and we supported that to come up with public education for women on all forms of contraception, including so-called natural methods”(Interview with Sarah Seims, January 11, 2022).

⁵⁴Federal Register. December 2017. E0 13279

monitored with more facility.

The second Bush administration did not decrease USAID's funding or expand the Mexico City Policy. However, most of the opposed officials we spoke with described a "chilling" effect, whereby grantees and contractors were extremely cautious about violating the policy. Some grantees believed that if they gave medical attention to women who were hemorrhaging after a poorly performed abortion, they would be in violation of the policy. Officials at USAID organized a study to demonstrate the chilling effect on post-abortion care, and notified the White House.⁵⁵

Thus, unlike previous administrations, President Bush detailed implementation guidelines for the policy in a second presidential memorandum issued March 28, 2001. It included the line USAID asked for: "[E]xcluded from this definition [of abortion services] is the treatment of injuries or illnesses caused by legal or illegal abortions, for example, post-abortion care."⁵⁶ Officials were quick to notify partners of the exemption and emphasize that President Bush saw family planning programs as the best way to "prevent" abortions abroad.⁵⁷ They went on to form a post-abortion care (PAC) working group that advised and evaluated new post-abortion care programs.⁵⁸ Thus, after signing an initial directive that would have reinstated the Reagan policy, President Bush signed another directive that carved out a new exemption and opened a door to a new initiative, all at the request of the agency. If any policy loss occurred at this stage, it was this exemption.

Furthermore, the heightened polarization in this period made ceding on abortion policy more costly not only to Presidents, but to proponents of abortion care services. These organizations changed their tactics to mitigate the effects of the policy, while remaining uncompromising. For example, IPPF prohibited its Latin American affiliates from accepting USAID funds. Instead, it took a hardline stance and used Bush reinstatement to fundraise, since other countries were in a position to provide foreign aid to international family planning organizations.

Therefore, during this period there is strong evidence that principals overseeing the policy became

⁵⁵Interview with Scott R. Radloff, January 6, 2022.

⁵⁶Bush, George W. "Restoration of the Mexico City Policy," *Federal Register*, 66 (61) 17303-17313, March 28, 2001.

⁵⁷"Dear Colleague," Duff Gillespie, September 10, 2001.

⁵⁸See: Solo, Julie, Carolyn Curtis, Shawn Malarcher, and Amy Leonard. "Post Abortion Care Strategy Paper," October 2004.

more polarized on abortion services. Simultaneously, policy loss decreased for Republicans as the information asymmetry between USAID and the President was reduced. We attribute this to structural investments in oversight, which began during Reagan, but dramatically increased under Bush II. These factors restructured the interactions of the Office of Population with the White House, and ultimately, led to fewer opportunities for unelected officials to the moderate policy proposals of the President.

Recent Presidents and Minimal Policy Loss

There is no evidence after the Bush administration that USAID officials were able to moderate abortion policies demanded by the White House. The Obama administration rescinded the Bush policy in its first days in office, as well as restrictions to UNFPA.⁵⁹ Officials at USAID favored the removal of restrictions, and even set up a “fast-track” system for re-funding organizations previously denied under the Bush administration.⁶⁰ Thus, consistent with Clinton, we find no evidence that the Obama administration invested in oversight, because it wouldn’t have needed too.

The opposite is true for the presidency that followed. The Trump administration reinstated and expanded the Mexico City policy—this time, applying it to all global health assistance.⁶¹ Specifically, the directive ordered the Secretary of State develop and implement a plan “to extend the requirements of the reinstated Memorandum to global health assistance furnished by all departments or agencies.” Then-Secretary of State, Rex Tillerson, subsequently convened senior officials later that year to implement the expansion.⁶² A GAO report confirms that the policy had been expanded to include over 1,300 global health awards, both those that had been “grandfathered” in under previous Republican administrations, as well as new awards. It also estimated that the under the new policy, about \$261.6

⁵⁹Obama, Barack. “Memorandum on Mexico City Policy and Assistance for Voluntary Population Planning,” January 23, 2009.

⁶⁰Interview with Scott R. Radloff, January 6, 2022

⁶¹Trump, Donald J. “Memorandum on the Mexico City Policy,” January 23, 2017

⁶²According to State Department public pages: “On May 15, 2017, after a thorough process involving senior-level staff from all relevant U.S. government agencies, former Secretary Rex Tillerson announced a plan that outlined the manner in which U.S. government departments and agencies would apply the provisions of the Mexico City Policy to all foreign non-governmental organizations (NGOs) that receive U.S. funding for global health assistance.”

million in global health funding had been *decline* by aid organizations unwilling to accept the Trump administration's terms. This represented a significant expansion of the application of the policy.⁶³

Furthermore, the Trump administration attempted to merge USAID with the Department of State. Secretary of State Rex Tillerson proposed a plan for a State Department and USAID merger. Officials quickly claimed that this extreme attempt at oversight would destroy decades of expertise and infrastructure. One of them was former Administrator Natsios. He argued that "The misguided absorption of USAID into State is a much graver danger to the effectiveness of U.S. government aid program...A merger, however, could permanently diminish our ability to help and save lives around the world"⁶⁴. Congress did not approve the merger.

Thus, in this period, at the height of polarization, we find limits to abortion access and investments in oversight continued. Furthermore, in Trump's period, we find that the expansion of the Mexico City policy was largely carried out and successful. There is no indication that, in either of these instances, officials at USAID or elsewhere were able to secure concessions or moderate the president's preferences.

One potential concern, however, is that our coverage of the earlier periods relied heavily on first-hand accounts and archival material. Both are scarce during this period. Practitioners working in the Obama and Trump administrations were less likely to respond to requests for interviews—or, in some cases, still worked for USAID, so were not permitted to be interviewed. The Presidential Records Act embargoes most relevant documents for 12 years after the end of an administration, so records for President Obama and Trump will not be available until 2028 and 2032, respectively. This raises the possibility that there were moderating influences on the Obama and Trump policy changes—we simply have not observed them, because we only have public records and news reports.

We do not think this is the case, for several reasons. First, in the Reagan, Clinton and Bush presidencies, the moderated policy was readily observable. What could not be determined, however, was that those moderating effects were attributable to officials outside the White House. In the case of both Obama and Trump, the public announced policy did not differ from the one USAID implemented. Second, during the earlier periods, leaks to journalists often confirmed political conflict going on behind

⁶³"Global Health Assistance: Awardees' Declinations of U.S. Planned Funding Due to Abortion-Related Restrictions," United States Government Accountability Office, March 2020: GAO-20-347.

⁶⁴Natsios 2017

the scenes. In the Trump administration, there are plenty of anonymous sources claiming to be from within USAID and State, that voice discontent over the expansion of the Mexico City policy. But none of that discontent appears to have resulted in moderation. As the GAO report suggests, a significant, conservative expansion of the policy was imposed despite the preferences of the agency.

Discussion

Presidential power is often only as real as the compliance of unelected officials. With superior information, bureaucrats may drift from the President's preferences in the development and implementation of policy. By observing both the outcome of the policy and counterfactuals that would have happened if not for bureaucratic interference, we highlight the conditions that lead presidents to attempt to solve this problem by investing in oversight.

As polarization over abortion increased, Republican presidents stood to lose more under the existing autonomy of USAID and its Office of Population. In these circumstances, these presidents sought not just to direct the activities of the agency, but to invest in new and innovative forms of oversight. They appointed like-minded officials, and those officials set up routine audits. They fostered like-minded non-profit groups around the world, who would eventually perform "fire-alarm" oversight on the cheap. They attempted several times to restructure USAID so that population programs came under the watchful eye of temporary appointees. At the start, the Reagan administration's preferred policies were significantly moderated by USAID officials. This is a key finding of this study, as from the published record, there is nothing that would lead one to that conclusion. By the Trump administration, however, Presidents were able to secure the policies they desired. We attribute this turnaround to decades of investment in oversight, driven largely by a key contextual factor—the polarization of competing principals.

Beyond this application, our more general argument is subject to several scope conditions. First, our argument is a developmental one. These conditions do not seem to be revertible. Second, our theory should apply best to policy areas where the president has similar discretion. These are policy areas where the United States government funds a service or program, and the president can attach strings under their authority as chief executive of the federal government.

These findings also imply some important considerations for future work. This longitudinal case study of abortion bans demonstrates that even in a case widely considered an example of unilateral

presidential power, bureaucrats were able to negotiate with the president and significantly shape the policy in its early years, in a way that held decades after. It was only after costly investments in oversight that the policy moved closer to presidential expectations. Furthermore, as we demonstrate, family planning is complex and has centered debates about both population control and women's rights. As reproductive health policy is becoming the purview of chief executives at the federal and state level, we encourage political scientists to use institutional frameworks to study its development and effects taking into consideration all affected actors.

Our work also builds a framework through which to study the impacts of presidential interventions in emerging policy areas, such as pandemic response and electoral administration. Pandemic response is an area that has received a large influx of federal funds, with NIH receiving \$4.9 billion to fund COVID-19 research on diagnostic tests, vaccines, and treatments. Another area is election administration, with policy becoming more polarized across party elites with time. Ultimately, our argument may be applied explain changes in presidents' efforts in these other areas to address agency problems in executive action.

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