

Executive Orders Part 1 of 2

When the Framers drafted and debated the US Constitution, there was concern that a monarch type leader would take the reigns of the young nation and orders such as those sent to the colonies from King George III would only replace the edicts from on high. Setting up the new Republic was only possible after much consideration to the separation of powers, where one branch of government would have “checks” on other branches and so no one branch would be able to subvert the will of the people. Unchecked power, in the form of Executive Orders has been a blemish on that separation, however, since the Presidency of George Washington, though it was far less utilized when King George III was fresh in the minds of Americans.

Though its usage has dramatically declined since the first half of the Twentieth Century, it is still used far more often to simply bypass the legislative process than I, like so many Americans, would care for. First, a little history. According to a study by the University of California Santa Barbara, no American President topped 100 Executive Orders until President Grant, who had 217 over two terms. The following Presidents issued Executive Orders, their average per year is in parenthesis after their name and total. I only included some noteworthy Cleveland 113 (28) and 140 (35) *note Cleveland had two non-consecutive terms; Benjamin Harrison 143 (36); William McKinley 185 (41); Theodore Roosevelt 1081 (145); Taft 724 (181); Wilson 1803 (225); Harding 522 (217); Coolidge 1203 (215); Hoover 968 (242); FDR 3,721 (307); Truman 907 (117); Eisenhower 484 (61); JFK 214 (75); LBJ 325 (63); Nixon 346 (62); Ford 169 (69); Carter 320 (80); Reagan 381 (48); George H.W. Bush 166 (42); Clinton 364 (46); George W. Bush 291 (36); Obama 276 (35); Trump 220 (55); and Biden 133 (43) so far.

The trend has been down since pre-Cold War, however each Executive Order is a legally binding order from the White House that dismisses the Congress from having say in many issues. Now some administrations will claim that it is because of a dysfunctional and slow-moving Congress, which has points and is a whole different discussion. Upon study, the Framers chose the Legislative Branch as Article One, because they wanted many decision including use of force, approval of judicial appointments, treaties, and the “power of the purse” to remain in the many rather than the few...or one.

The other point to make in this first of two parts on Executive Orders is that no party is innocent of using them, the administrations of both Roosevelts and their Vice President successors Truman and Taft, and Wilson accounted for 8,236 Orders, roughly 1000 more than all the other Presidents I listed whose total came in at 7,281. All Executive Orders since Lincoln topped out at 15,644. This averages out to almost one hundred per year. One hundred instances where the people’s voice was discounted, over-ruled, or ignored by the Commander in Chief. I write these numbers so that we can look at this issue, not as a partisan issue, but as a power grab by an administration, certainly elected, but nonetheless not as accountable to the people, and concentrated in one person rather than the 535 elected members of the US Senate and US House of Representatives.

So, what do we do with these numbers and the issue of Executive orders? Join me next time as I delve deeper into what this means for legislation, for accountability, and for what a staggering number of Executive Orders have become used for.



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