

Executive Orders

Introduction

Even before swearing in, President Trump had [100 executive](#) orders planned out, many of them ready to go on day one.

According to reports, many of the pre-written orders will enact sweeping changes to border security and the immigration system, such as:

- Reinstating “Title 42,” allowing Border Patrol to quickly expel migrants at the border during a public health emergency
- Using state and local law enforcement to assist with illegal immigration
- Building the border wall
- Further restrictions on asylum

It is an indictment of our system that important issues are left to the president alone. Rather than work together to find lasting solutions, leaders of both parties in Congress are delegating their responsibilities to the White House.

Donald Trump is neither the first nor the last president to rule by executive decree. This practice has become all too common in American politics. In this discussion guide, No Labels will give you the key facts and context you need to understand President Trump’s executive orders.

THE BASICS

What is an Executive Order?

An [executive order](#) is a written instruction from the president that directs the federal government’s activities. An executive order has the force of law and requires no input from Congress or anyone other than the president. That said, executive orders can be easily overturned or modified by later presidents.

Neither the Constitution nor any federal statute explicitly states that the president can issue executive orders – they are just an implicit aspect of the American system of government.

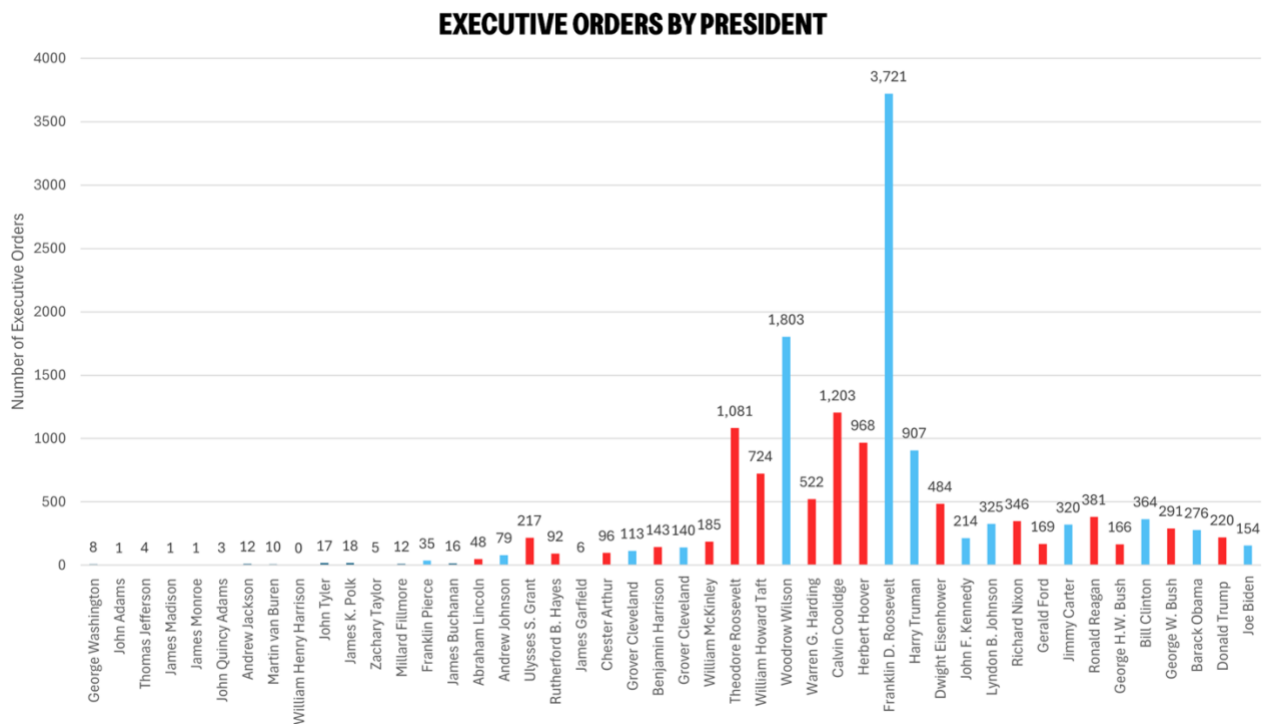
Executive orders are about as old as the presidency itself. George Washington issued the [first executive order](#) in June 1789, just a couple of months after taking office. This order’s

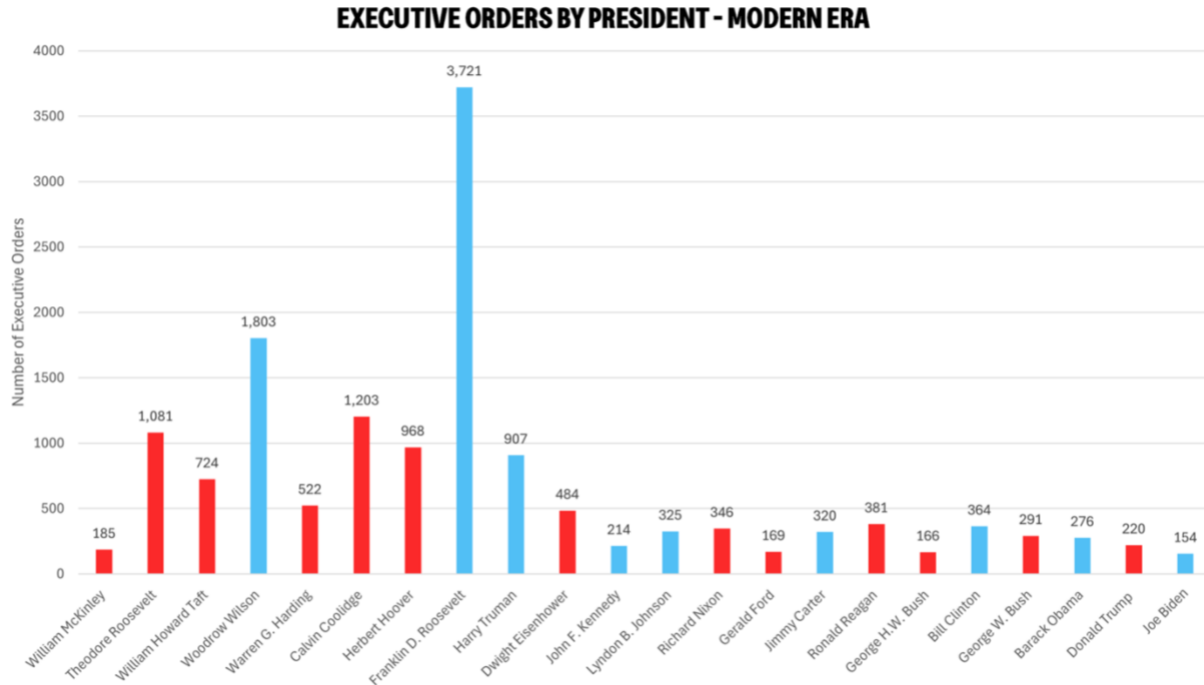
purpose was simple: directing the heads of executive departments to provide “a clear account” of their departments’ responsibilities.

George Washington would sign a total of [eight](#) executive orders during his two terms in the White House. In the modern era, the average president churns out eight executive orders every *two months*.

William Henry Harrison signed the fewest executive orders of any president: zero. That makes sense given that Harrison served only 32 days in office. Of the presidents that completed two full terms, James Madison and James Monroe are tied for the fewest executive orders at one each.

Franklin Roosevelt issued the most executive orders of any president with a staggering 3,721. This is not just because Roosevelt was the longest-serving president; he holds the highest average number of orders per year in office at 307, which is 65 more orders than second place.





While many executive orders are minor tweaks to the day-to-day operations of the government, some highly consequential policies have been enacted through executive order:

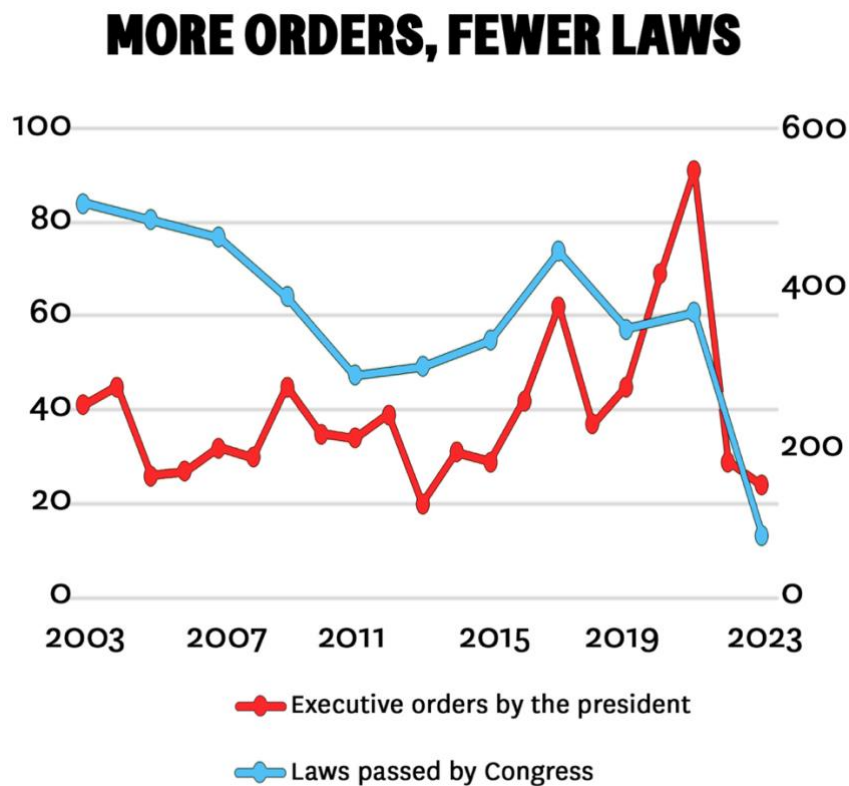
- Abraham Lincoln’s [Emancipation Proclamation](#) to free the slaves
- The infamous [Executive Order 9066](#), which created the Japanese American internment camps during World War II
- [Desegregating](#) the U.S. military
- [Deploying](#) the National Guard to desegregate public schools
- [Creating](#) the Peace Corps

More recent presidents have gotten in on the action, too; especially for border and immigration issues, with Congress often unable to pass legislation that would make more durable changes. President Obama’s DACA program to provide legal status for Dreamers, President Trump’s “Muslim Ban” and “Remain in Mexico” policies, and President Biden’s continuation of Title 42 during the pandemic all came by executive action.

THE PROBLEMS

While the pace of executive orders has trended downward over the last 70 years, they may be making a comeback. On an annual basis, Donald Trump [averaged](#) more executive orders per year than any president since Jimmy Carter. And in 2021, President Biden signed 77 executive orders – the most in a single year since 1979.

Why are executive orders on the rise again? Simply put, Congress is often outsourcing its duties to the White House. The last two years saw the [least productive Congress](#) in modern history. As slim majorities and polarization cause Congress to pass fewer and fewer laws, presidents of both parties have signed more executive orders to fill the gap in federal policymaking:



Part of the spike in recent years can also be attributed to a key weakness of executive orders – their potential to be quickly undone. Just as easily as one president can enact a policy change with an executive order, his or her successor can overturn it with another.

From 2000 to 2020, over [800](#) executive orders were issued, and roughly 22 percent of them were revoked or superseded by subsequent orders. When a new president takes office, they often rush to reverse their predecessor’s orders. In his first year in office, 38 percent of

Joe Biden's executive orders undid policies implemented by Donald Trump. Trump, in turn, used 29 percent of his first-year executive orders to undo Obama-era policies.

Not only do dramatic swings in policy from one president to the next create instability for America – and therefore, the world – they also highlight how an overreliance on executive orders circumvents the checks and balances between the branches of government envisioned by the Founders. Unlike legislation, which requires Congress and the president to work together to enact and is more likely to stand the test of time, executive orders are decided by just one individual. Few would call that a model of democracy.

A BETTER WAY

Executive orders are a necessary tool for managing the federal government, but they were never meant to be the primary means of policymaking. When Congress fails to act, presidents of both parties use executive orders to fill the gap. This creates policies that are often temporary and unstable, leaving Americans without the certainty and balance that come from lasting legislative solutions.

To address this issue, Congress must step up and fulfill its role as the legislative branch. By working together to craft durable laws, lawmakers can reduce the overreliance on executive orders and ensure that policies reflect a broader, more democratic consensus.

DISCUSSION QUESTIONS

- Should executive orders be limited in scope or duration to ensure they do not overstep their intended role?
- What can Congress do to break through gridlock and reclaim its authority in policymaking?
- How do frequent reversals of executive orders by successive presidents affect the country's stability and global standing?
- Do you expect President Trump to enact his agenda primarily through legislation or by executive order?
- What sorts of orders do you expect President Trump to issue in his first 100 days? Would you support or oppose them?