



Congressional Briefing

The History of Executive Orders

Friday, February 17, 10 a.m. to 11 a.m.
#nhcbriefing

Meet the Presenters

Julia Azari (Marquette University) is an associate professor, assistant chair, and director of graduate studies in the department of political science at Marquette University. She is the author of *Delivering the People's Message: The Changing Politics of the Presidential Mandate* (Cornell, 2014). She is a regular contributor to the political science blog *Mischiefs of Faction* at Vox.com and a contributor at FiveThirtyEight.com. You can follow Julia on twitter @julia_azari.

Matt Dallek (George Washington University), an associate professor at George Washington University's Graduate School of Political Management, is the author of *Defenseless Under the Night: The Roosevelt Years and the Origins of Homeland Security* (OUP, 2016) and *The Right Moment: Ronald Reagan's First Victory and the Decisive Turning Point in American Politics* (The Free Press, 2000). His articles and reviews have appeared in the *Washington Post*, the *L.A. Times*, Yahoo News, Politico, the Forum, and the *Journal of Policy History* among other scholarly and popular publications. You can follow Matt on twitter @mattdallek.

Andrew Rudalevige (Bowdoin College) is Thomas Brackett Reed Professor of Government at Bowdoin College and chair of the Presidents and Executive Politics section of the American Political Science Association. His books include *Managing the President's Program: Presidential Leadership and Legislative Policy Formulation*, which won the Neustadt prize; *The New Imperial Presidency: Renewing Presidential Power after Watergate*; the co-authored textbook *The Politics of the Presidency*; and a series of edited volumes on the Bush and Obama presidencies. Rudalevige's current research centers on presidential management of the executive branch. He writes frequently on executive power and national politics as a contributor to the *Washington Post's* *The Monkey Cage* blog and is the creator of "Founding Principles," a series of videos on American government and civics available on the Bowdoin College website and as a PBS LearningMedia resource. In a former life he was a city councilor and state senate staffer in his native Massachusetts. You can follow Andrew on twitter @rudalev.

**The National History Center
Congressional Briefing on the History of Executive Orders
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Historical evolution of Executive Orders (EOs) and other directives:

- All presidents have used executive orders (EOs) by various names.
- An early, prominent directive was George Washington's Neutrality Proclamation (1793).
- State Dept. began systematic compilation of EOs in 1907, assigning "EO 1" to an 1862 Lincoln directive.
- Officially, 13,776 EOs have been issued as of 2/9/17, though as many as 40,000 other, mainly routine orders not in series.
- Number of EOs has declined to 30-60 per year in recent years, with directives and memoranda often substituting for EOs.

National Security and EOs:

- Wartime presidents claim powers as commander-in-chief to issue EOs (e.g., FDR in 1942).
- Cold War presidents have made similar claims based on security threat posed by USSR.
- EOs an important source of tension between executive and other branches of govt over presidential powers.

Civil rights and EOs:

- EOs connected to civil rights issues in FDR administration.
- EOs used to enforce civil rights policies in military, federal govt contracting, housing.
- Civil rights EOs influenced Congressional action.
- Politics and lobbying pressures shape EOs.

EOs have become more substantive, less routine. They serve four main purposes:

- As direct orders or interpretations of law (e.g. Obama and Trump's competing interpretations of immigration law).
- To prod the development of future action, such as regulatory action or guidance.
- To structure institutions and governmental processes (e.g., regulatory review).
- To make a symbolic or political point (e.g., tough on crime).

EO process (delineated by 1933 EO, strengthened in 1962):

- Proposed orders are supposed to go through clearance by OMB and Dept of Justice.
- Majority (60%) of EOs have come from executive agencies, not White House.