

What is an Executive Order?



One of the most common “presidential” documents in our modern government is an **Executive Order**. Every American president has issued at least one, totaling more than (as of this writing) 13,731 since George Washington took office in 1789.

An executive order is a signed, written, and published directive from the President of the United States that manages operations of the federal government. They are numbered consecutively, so executive orders may be referenced by their assigned number, or their topic.

Other presidential documents are sometimes similar to executive orders in their format, formality, and issue, but have different purposes:-

Proclamations, which are also signed and numbered consecutively, communicate information on holidays, commemorations, federal observances, and trade.

Administrative orders—e.g. memos, notices, letters, messages—are not numbered, but are still signed, and are used to manage administrative matters of the federal government.

All three types of presidential documents—executive orders, proclamations, and certain administrative orders—are published in the *Federal Register*, the daily journal of the federal government that is published to inform the public about federal regulations and actions.

Executive orders are **not** legislation; they require no approval from Congress, and Congress cannot simply overturn them. Congress may pass legislation that might make it difficult, or even impossible, to carry out the order, such as removing funding. Only a sitting U.S. President may overturn an existing executive order by issuing another executive order to that effect.

(https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/what-is-an-executive-order/ ed.)

Presidential executive orders, once issued, remain in force until they are canceled, revoked, adjudicated unlawful, or expire on their terms.

The Checks and Balances of Executive Orders

The President in the executive branch can veto a law, but the legislative branch can override that veto with enough votes. The legislative branch has the power to approve Presidential nominations, control the budget, and can impeach the President and remove him or her from office.

How is an Executive Order overturned?

Congress may try to overturn an executive order by passing a bill that blocks it. But the president can veto that bill. Congress would then need to override that veto to pass the bill. Also, the Supreme Court can declare an executive order unconstitutional.

Do Executive Orders have the force of the law?

Executive Orders state mandatory requirements for the Executive Branch and have the effect of law. They are issued in relation to a law passed by Congress or based on powers granted to the President in the Constitution and must be consistent with those authorities.

Can the State Governor issue an Executive Order?

Governors can issue executive orders that require public health agencies to take specific actions.

What happens if I violate an Executive Order?

These laws make violations of Executive Orders a “disorderly persons” offense, punishable by a fine not to exceed \$1,000 and/or imprisonment in the county jail for a period not to exceed six months. These penalties are left to the discretion of municipal courts, which have jurisdiction over these matters.



Executive Order Details

Issued on Dec. 11, 2019

The infographic consists of four vertical panels, each with a distinct icon and text. The first panel features an icon of three people with equals signs between them, representing equality. The second panel features a Star of David. The third panel features a magnifying glass icon. The fourth panel features a clipboard icon.

STRENGTHENS enforcements of Title VI of the Civil Rights Act of 1964, which “prohibits discrimination on the basis of **race, color, and national origin** in programs and activities receiving Federal financial assistance.”

Requires Title VI to include the enforcement against discrimination
“rooted in anti-Semitism.”
This does not include discrimination against other religions as well.

Urges executive departments **to consider the definition** of anti-Semitism as that which is laid out by the International Holocaust Remembrance Society (IHRA) to aid in finding
“evidence of discriminatory intent.”

Asks agency heads in charge of enforcing Title VI to identify and report
“additional nondiscrimination authorities” within its authority with respect to the IHRA definition of anti-Semitism **within 120 days of the order.**

Source: <https://www.whitehouse.gov/presidential-actions/executive-order-combating-anti-semitism/>

The Executive Order and Martial Law

On a national level, both the US President and the US Congress have the power to impose martial law since both can be in charge of the militia. In each state, the governor has the right to impose martial law within the borders of the state.

Typically, the imposition of martial law accompanies curfews; the suspension of civil law, civil rights, and habeas corpus; and the application or extension of military law or military justice to civilians. Civilians defying martial law may be subjected to military tribunal (court-martial).

Martial Law versus a National Emergency

Emergency powers: The president can declare three types of emergencies: **national, state, and financial.**

When the President declares a national emergency, no powers or authorities made available by statute for use in the event of an emergency shall be exercised unless and until the President specifies the provisions of law under which he proposes that he, or other officers will act.