

Executive Orders

Herbert Hoover 1929-1933 EO's 5075-6070 1011 EO's issued	Franklin D. Roosevelt 1933-1945 EO's 6071-9537 3728 EO's issued	Harry S. Truman 1945-1953 EO's 9538-10431 896 EO's issued	<u>Dwight D. Eisenhower</u> 1953-1961 EO's 10432-10913 486 EO's issued
<u>John F. Kennedy</u> 1961-1963 EO's 10914-11127 214 EO's issued	<u>Lyndon B. Johnson</u> 1963-1969 EO's 11128-11451 324 EO's issued	<u>Richard Nixon</u> 1969-1974 EO's 11452-11797 346 EO's issued	<u>Gerald R. Ford</u> 1974-1977 EO's 11798-11966 169 EO's issued
<u>Jimmy Carter</u> 1977-1981 EO's 11967-12286 320 EO's issued	<u>Ronald Reagan</u> 1981-1989 EO's 12287-12667 381 EO's issued	<u>George Bush</u> 1989-1993 EO's 12668-12833 166 EO's issued	<u>William J. Clinton</u> 1993-Present EO's 12834- <u>13158</u> 325 EO's issued

Frequently-Asked Questions

- **What is a presidential executive order?**
- **How many executive orders have been issued?**
- **Does the U.S. Constitution permit presidential executive orders?**
- **To what extent can the president enact legislation by executive order?**
- **How long does Congress have to disapprove executive orders before they become law?**
- **Why repeal the War Powers Resolution of 1973?**
- **Does the law require all executive orders to be published?**
- **Who is behind this effort to stop executive order abuse?**
- **Do you have a bibliography so I can learn more?**

What is a presidential executive order?

Since there is no provision in the U.S. Constitution or any federal statute which defines a presidential executive order, it is difficult to answer this question briefly. A presidential executive order should be a directive which is issued by a president to exercise a power which he has been given by the U.S. Constitution or by a federal statute. For example, a president can use an executive order to direct those in the executive branch of government, because they work for him. However, executive orders frequently have been issued improperly to exercise powers which only the Congress has, and, in this way, legislate by decree. Further, some presidents have used executive orders to exercise powers which the entire federal government was never intended to have.

How many executive orders have been issued?

Executive orders have been issued since President Washington. There are estimated to be tens of thousands which have been issued - many which have been lost over the years. The government assigns numbers to executive orders, but only beginning with those issued by President Lincoln. Since the Civil War, there have been over 13,100 executive orders issued.

Does the U.S. Constitution permit presidential executive orders?

The U.S. Constitution does not make any reference to executive orders. Clearly, certain powers are delegated by the U.S. Constitution to the president to exercise, such as the pardon power or commanding the armed forces, and these orders certainly could be labeled executive orders. But presidents have been creative in reading the Constitution to grant them broad authority - such as the provision "he shall take Care that the Laws be faithfully executed."

To what extent can the president enact legislation by executive order?

A president cannot legislate by himself, but President Clinton acts as though he has a different view. Article I of the Constitution provides, "All legislative powers herein granted shall be vested in a Congress of the United States." The Supreme Court has stated that, even if presidents have, without congressional authority, taken actions only the Congress may take, "Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution in the Government of the United States, or any Department or Officer thereof." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952) Unfortunately, the Congress has delegated rule making authority and emergency powers to the President and cabinet heads and agency heads, and although executive branch actions taken pursuant to these delegations of power have been viewed as constitutional by the U.S. Supreme Court, this lax attitude wrongly allows presidents to, in effect, legislate.

How long does Congress have to disapprove executive orders before they become law?

There is no time period for congressional approval or disapproval of executive orders, and the Congress almost never takes any action regarding them. When executive orders are based on the authority of the president derived from the U.S. Constitution or a federal statute, they can have the force and effect of law. However, executive orders should generally govern actions only by executive branch officials and agencies. Although they would normally be obeyed by those who worked for the president, they normally should not be viewed as having the force of law.

Why repeal the War Powers Resolution of 1973?

The War Powers Resolution: Time to Say Goodbye, Louis Fisher, David Gray Adler, Political Science Quarterly, Volume 113 Number 1 1998

The War Powers Resolution (WPR) of 1973 is generally considered the high-water mark of congressional reassertion in national security affairs. In fact, it was ill conceived and badly compromised from the start, replete with tortured ambiguity and self-contradiction. The net result was to legalize a scope for independent presidential power that would have astonished the Framers, who vested the power to initiate hostilities exclusively in Congress. The resolution, however, grants to the president unbridled discretion to go to war as he deems necessary against anyone, anytime, anywhere, for at least ninety days. As Arthur Schlesinger Jr. has observed, before “the passage of the resolution, unilateral presidential war was a matter of usurpation. Now, at least for the first ninety days, it was a matter of law.”¹

Implementation of the War Powers Resolution has revealed further deficiencies. After occupying Haiti, the Clinton administration actually cited the resolution favorably as another weapon to add to its ever-expanding arsenal of claims for presidential warmaking power. After nearly twenty-five years of experience, it would be better for both branches - and for constitutional government - to repeal the War Powers Resolution and rely on traditional political pressures and the regular system of check and balances, including impeachment. There is some risk that repeal might indirectly signal a reduced role for Congress, but that role has reached a minimal level anyway in part because of the War Powers Resolution. Over the long term, outright repeal would be less risky than continuing along the present path.

NOTE: Louis Fisher is senior specialist in separation of powers at the Congressional Research Service of the Library of Congress. David Gray Adler is professor of political science at Idaho State University. To obtain the complete 21-page article, please order from the Political Science Quarterly at www.psqonline.org

¹ Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston: Houghton Mifflin, 1989), 434-35.

Please note that an amendment to repeal the War Powers Resolution of 1973 lost by only six votes in the U.S. House in 1995 (201-207).

Does the law require all executive orders to be published?

The Federal Register Act requires that executive orders and proclamation be published in the Federal Register. 44 U.S.C. Sec. 1505. They can be found on the internet at the [National Archives](http://www.nationalarchives.gov) web site.

A specialized search engine for U.S. government documents is available by [clicking here](#).

Who is behind this effort to stop executive order abuse?

The Liberty Study Committee (LSC) is leading the effort to stop the abuse of presidential executive orders. The LSC is a nationwide, grassroots organization of Americans who believe that we will all be better served when we all adhere to the principles expressed in the Declaration of Independence and when our national government is kept within its constitutional limits. For more information about the Liberty Study Committee, please [click here](#).

Bibliography

Executive Orders and Emergency Powers

Current Sources

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7. William J. Olson and Alan Woll, *Presidential Power to Use Martial Law and the Military in the United States*. This source book available at <http://www.wjopc.com/presbook.html>.

Other Sources

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<http://www.executiveorders.org/faq.htm#What is a presidential>

Executive Orders Bypass Congress

This is a call for the people of the United States to defend their rights. What are Executive Orders? They are laws established by U.S. presidents. These laws are not passed by the House or the Senate and create an end-run around the Constitution. These executive orders are simply printed in the Federal Register. After 30 days, these orders become law and carry the full impact of any laws passed by Congress. These laws are unconstitutional, because the Constitution does not afford any person the right to create laws by himself that negate the Constitution.

Executive orders:

1. 10995: Seizure of all communications media in the United States.
2. 10997: Seizure of all electric power fuels and minerals, public and private.
3. 10999: Seizure of all means of transportation, including personal cars, trucks or vehicles of any kind and total control of highways, seaports and waterways.
4. 11000: Seizure of all American people for work forces under federal supervision including the splitting of families if the government finds it necessary.
5. 11001: Seizure of all health, education and welfare facilities, public and private.
6. 11002: Empowered the postmaster general to register all men, women and children in the U.S.
7. 11003: Seizure of all airports and aircraft.
8. 11004: Seizure of all housing and finance authorities to establish Forced Relocation Designated areas to be abandoned as "unsafe".
9. 11005: Seizure of all railroads, inland waterways and storage facilities, public and private.
10. 12919: Signs June 3, 1994, by President Clinton. Encompasses all the above executive orders.

This is all part of the new world order, to have the United Nations run us. This is all part of the Biodiversity Treaty. Refuse to become sheep; become informed citizens before it is too late. There is evidence of all of this if you would but ask and seek the truth. *Jean A. Oswald. Shaler*

If the above information worries you, and it should, send a copy to your representative and your senators. Ask why they allowed these Executive Orders to become law, and what they are going to do about them. Or call the Senate at 1-800-962-3524 and the House at 1-800-972-3524.

http://www.warroom.com/exec_orders.htm

Captain Nemo Presents

Presidential Executive Orders

On February 16, 1962, and February 27, 1962, President John F Kennedy signed documents giving the President of the United States the possibility of complete dictatorial control over our lives. This control would be exercised through unelected officials in the Office of Emergency Planning. These officials cannot be voted out of power; you have no recourse no matter how detrimental their actions may be to you; you must submit. These controls can be imposed "in any time of increased international tension or economic or financial crisis".

- 1) **Executive Order Number 10995 takes over all communications.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1519-1520.
"Assigning Telecommunications Management Functions".
- 2) **Executive Order Number 10997 takes over all electrical power, petroleum, gas, fuel, and minerals.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1522-1524.
"Assigning Emergency Preparedness Functions to the Secretary of the Interior".
- 3) **Executive Order Number 10998 takes over all food resources.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1524-1527.
"Assigning Emergency Preparedness Functions to the Secretary of Agriculture".
- 4) **Executive Order Number 10999 takes over all means of transportation and controls all highways and seaports.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1527-1532.
"Assigning Emergency Preparedness Functions to the Secretary of Commerce".
- 5) **Executive Order Number 11000 drafts all citizens into work forces under governmental supervision.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1532-1534.
"Assigning Emergency Preparedness Functions to the Secretary of Labor".
- 6) **Executive Order Number 11001 takes over all health, welfare, and educational functions.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1534-1538.
"Assigning Emergency Preparedness Functions to the Secretary of Health, Education, and Welfare".
- 7) **Executive Order Number 11002 empowers the Postmaster General to register all citizens nationwide.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1539-1540.
"Assigning Emergency Preparedness Functions to the Postmaster General".
- 8) **Executive Order Number 11003 takes over all airports and aircraft.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1540-1542.
"Assigning Emergency Preparedness Functions to the Administrator of the Federal Aviation Agency".
- 9) **Executive Order Number 11004 takes over housing and finance authorities, designates areas to be abandoned as "unsafe", establishes new locations for populations, relocates communities, and builds new housing with public funds.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1542-1544.
"Assigning Certain Emergency Preparedness Functions to the Housing and Home Finance Administrator".
- 10) **Executive Order Number 11005 takes over all railroads, inland waterways, and public storage facilities.**
Federal Register, Tuesday, Feb. 20, 1962, pg. 1544-1547.
"Assigning Emergency Preparedness Functions to the Interstate Commerce Commission".
- 11) **Executive Order Number 11051 designates responsibilities of the Office of Emergency Planning, gives authorization to put the above orders into effect in times of increased international tension or economic or financial crisis.**
Federal Register, Tuesday, Oct. 2, 1962, pg. 9683-9689.
"Prescribing Responsibilities of the Office of Emergency Planning in the Executive Office of the President".
- 12) **Under President Richard Nixon, all these Orders were combined into one - Executive Order Number 11490.**
Federal Register, V. 34, No. 209, Thursday, Oct. 30, 1969, Part II, pg. 17566-17599.
"Assigning Emergency Preparedness Functions to Federal Departments and Agencies".

President Jimmy Carter added a few minor amendments on July 20, 1979. Now all of them can be imposed upon us in one moment, anytime there is, in the President's opinion, "international tension, internal unrest, or financial crisis". Note well that -all- these Executive Orders transfer power from legally elected officials (who, in theory, are controlled by the voters) to appointed officials (who owe their power and authority to no one but the President).

What will you do?

Help find some Solutions to the Current Crisis!

FLASH! President Clinton has recently added new Presidential Executive Orders to this list! They include the now infamous "Federalism" Act!

<http://home.rica.net/CaptainNemo/free/orders.htm>

The Robert T. Stafford Disaster Assistance And Emergency Relief Act,
13CFR123.1 Chapter I--Small Business Administration Part 123--Disaster Loan Program
United States Code TITLE 50 - WAR AND NATIONAL DEFENSE
CHAPTER 34 - NATIONAL EMERGENCIES

Executive Orders

Executive Order 10995

Assigning Telecommunications Management Functions

Executive Order 10997

Assigning Emergency Preparedness Functions To The Secretary Of The Interior:

- electric power, petroleum and gas, solid fuels, and minerals

Executive Order 10998

Assigning Emergency Preparedness Functions To The Secretary Of Agriculture

- Food resources, farm equipment, fertilizer, and food resource facilities

Executive Order 10999

Assigning Emergency Preparedness Functions To The Secretary Of Commerce

- transportation, the production and distribution of all materials

Executive Order 11000

Assigning Emergency Preparedness Functions To The Secretary Of Labor

- Manpower management employment stabilization

Executive Order 11001

Assigning Emergency Preparedness Functions To The Secretary Of Health, Education, And Welfare

- health services, civilian health manpower, health resources, welfare services, and educational programs

Executive Order 11002

Assigning Emergency Preparedness Functions To The Postmaster General

- national emergency registration system

Executive Order 11003

Assigning Emergency Preparedness Functions To The Administrator Of The Federal Aviation Agency

- emergency management of the Nation's airports, operating facilities

Executive Order 11004

Assigning Certain Emergency Preparedness Functions To The Housing And Home Finance Administrator

- all aspects of lodging or housing and community facilities

Executive Order 11005

Assigning Emergency Preparedness Functions To The Interstate Commerce Commission

- railroad utilization, motor carrier utilization, inland waterway utilization

Executive Order 11051

Prescribing Responsibilities Of The Office Of Emergency Planning In The Executive Office Of The President

Executive Order 11490

Assigning emergency preparedness functions to Federal departments and agencies

Executive Order 12472

Executive Order 12472--Assignment of national security and emergency preparedness telecommunications functions

- In order to provide for the consolidation of assignment and responsibility for improved execution of national security and emergency preparedness telecommunications functions, it is hereby ordered as follows:

Executive Order 12656

Executive Order 12656 Assignment of Emergency Preparedness Responsibilities

- National Security Emergency Preparedness Policy: Continuity of Government

Executive Order 12919

National Defense Industrial Resources Preparedness

- (a) Identify requirements for national emergencies, including military, industrial, and essential civilian demand
- (b) Assess continually the capability of the domestic industrial and technological base to satisfy requirements in peacetime and times of national emergency, specifically evaluating the availability of adequate industrial resource and production sources, including subcontractors and suppliers, materials, skilled labor, and professional and technical personnel;
- (c) Be prepared, in the event of a potential threat to the security of the United States, to take actions necessary to ensure the availability of adequate industrial resources and production capability, including services and critical technology for national defense requirements;
- (d) Improve the efficiency and responsiveness, to defense requirements, of the domestic industrial base; and
- (e) Foster cooperation between the defense and commercial sectors for research and development and for acquisition of materials, components, and equipment to enhance industrial base efficiency and responsiveness.

Executive Order 12938

Proliferation Of Weapons Of Mass Destruction

- weapons of mass destruction constitutes an unusual and extraordinary threat to the national security, and hereby declare a national emergency to deal with that threat.

Executive Order 13074

- Amends Executive Order 12656 adding a new section 501(16) regarding Noncombatant Evacuation Operations

"The President has the power to seize property, organize and control the means of production, seize commodities, assign military forces abroad, call reserve forces amounting to 2 1/2 million men to duty, institute martial law, seize and control all means of transportation, regulate all private enterprise, restrict travel, and in a plethora of particular ways, control the lives of all Americans...

Most [of these laws] remain a potential source of virtually unlimited power for a President should he choose to activate them. It is possible that some future President could exercise this vast authority in an attempt to place the United States under authoritarian rule.

While the danger of a dictatorship arising through legal means may seem remote to us today, recent history records Hitler seizing control through the use of the emergency powers provisions contained in the laws of the Weimar Republic."

--Joint Statement, Sens. Frank Church (D-ID) and Charles McMathias (R-MD) September 30, 1973

The Disaster Center Year 2000 Page Executive Orders and Laws relating to National Emergencies
webmaster@disastercenter.com

<http://www.disastercenter.com/laworder/laworder.htm>

Executive Orders and National Emergencies:

How Presidents Have Come to "Run the Country" by Usurping Legislative Power

by William J. Olson and Alan Woll

William J. Olson heads a McLean, Virginia, law firm (www.wjopc.com) that focuses on constitutional, administrative, and civil litigation. Alan Woll is an attorney in Blevins, Arkansas (akewoll@arkansas.net).

Executive Summary

During the recent presidential scandals, concluding with the impeachment of President Clinton, many people were heard to say that the investigations should end so that the president could get back to "the business of running the country." Under a constitution dedicated to individual liberty and limited government—which divides, separates, and limits power—how did we get to a point where so many Americans think of government as embodied in the president and then liken him to a man running a business?

The answer rests in part with the growth of presidential rule through executive orders and national emergencies. Unfortunately, the Constitution defines presidential powers very generally; and nowhere does it define, much less limit, the power of a president to rule by executive order—except by reference to that general language and the larger structure and function of the Constitution. The issue is especially acute when presidents use executive orders to legislate, for then they usurp the powers of Congress or the states, raising fundamental concerns about the separation and division of powers.

The problem of presidential usurpation of legislative power has been with us from the beginning, but it has grown exponentially with the expansion of government in the 20th century. In enacting program after program, Congress has delegated more and more power to the executive branch. Thus, Congress has not only failed to check but has actually abetted the expansion of presidential power. And the courts have been all but absent in restraining presidential lawmaking.

Nevertheless, the courts have acted in two cases—in 1952 and 1996—laying down the principles of the matter; the nation’s governors have just forced President Clinton to rewrite a federalism executive order; and now there are two proposals in Congress that seek to limit presidential lawmaking. Those developments offer hope that constitutional limits—and the separation and division of powers, in particular—may eventually be restored.

<http://www.cato.org/pubs/pas/pa-358es.html>

Environmental Executive Orders

Type:Environmental Auditing

Date:May 98

Federal Component:Executive Branch

Size:495 KB

OPR:The White House

CD Location:\\envaudit\079

Format:Microsoft Word

This document contains the text of a number of Executive Orders. The orders covered are:

- EO 11514 Protection And Enhancement Of Environmental Quality
- EO 11541 Terminating The Cabinet Committee On The Environment And Assigning Its Functions To The Domestic Council
- EO 11564 Transfer Of Certain Programs And Activities To The Secretary Of Commerce
- EO 11644 Use Of Off-Road Vehicles On The Public Lands
- EO 11738 Providing For Administration Of The Clean Air Act And The Federal Water Pollution Control Act With Respect To Federal Contracts, Grants, Or Loans
- EO 11742 Delegating To The Secretary Of State Certain Functions Under The Federal Water Pollution Control Act With Respect To Negotiation Of International Agreements
- EO 11987 Exotic Organisms
- EO 11988 Floodplain Management
- EO 11990 Protection Of Wetlands
- EO 12088 Federal Compliance With Pollution Control Standards
- EO 12114 Environmental Effects Abroad Of Major Federal Actions
- EO 12372 Intergovernmental Review Of Federal Programs
- EO 12549 Debarment And Suspension
- EO 12580 Superfund Implementation
- EO 12777 Implementation Of Section 311 Of The Federal Water Pollution Control Act Of October 18, 1972, As Amended, And The Oil Pollution Act Of 1990
- EO 12843 Procurement Requirements And Policies For Federal Agencies For Ozone-Depleting Substances
- EO 12856 Federal Compliance With Right-To-Know Laws And Pollution Prevention Requirements
- EO 12866 Regulatory Planning And Review
- EO 12873 Federal Acquisition, Recycling, And Waste Prevention
- EO 12875 Enhancing The Intergovernmental Partnership
- EO 12898 Federal Actions To Address Environmental Justice In Minority Populations And Low-Income Populations
- EO 12915 Federal Implementation Of The North American Agreement On Environmental Cooperation
- EO 12916 Implementation Of The Border Environment Cooperation Commission And The North American Development Bank
- EO 11288 Prevention, Control, and Abatement of Water Pollution by Federal Facilities
- EO 11593 Protection and Enhancement of the Cultural Environment
- EO 12146 Management of Federal Legal Resources
- EO 12196 Occupational Safety and Health Programs for Federal Employees
- EO 12344 Naval Nuclear Propulsion Program
- EO 12778 Civil Justice Reform
- EO 12780 Federal Agency Recycling and the Council on Federal Recycling and Procurement Policy
- EO 12844 Federal Use of Alternative Fueled Vehicles
- EO 12845 Requiring Agencies to Purchase Energy Efficient Computer Equipment
- EO 12902 Energy Efficiency and Water Conservation at Federal Facilities
- EO 12962 Recreational Fisheries
- EO 12969 Federal Acquisition and Community Right-To-Know
- EO 12995 Amends EO 12873 Federal Acquisition, Recycling, and Waste Prevention
- EO 12996 Natural Wildlife Refuge System and General Public Use of the National Wildlife Refuge System

- EO 12996 Natural Wildlife Refuge System and General Public Use of the National Wildlife Refuge System
- EO 13007 Native American Religious Practices
- EO 13021 Tribal Colleges & Universities
- EO 13031 Amends EO 12844 Federal Use of Alternative Fueled Vehicles
- EO 13045 Protection of Children from Environmental Health Risks and Safety Risks

<http://www.afcee.brooks.af.mil/EQ/p2cd/envaudit/079.htm>