

TRANSCRIPT: HOW DO EXECUTIVE ORDERS WORK? - CHRISTINA GREER

i *The following transcript is a verbatim account of the video or audio file accompanying this transcript.*

On January 1, 1863, Abraham Lincoln legally changed the status of over 3 million enslaved blacks across ten states from slave to free. His Emancipation Proclamation wasn't a law, or a presidential decree. It was an executive order. The framers of the American Constitution made the power of executive order available to the executive branch. But what exactly is this tool? How does it work? And what is the extent of its power? Well, an executive order isn't a law, but it can carry the weight of one. Passing laws involves a fairly lengthy process. First, a member of Congress proposes a piece of legislation in the form of a bill. After many committees and revisions, if the bill is approved by a majority votes in Congress, that is both the House and Senate, the bill is then sent to the president for signature. If the president signs the bill, it then becomes a law. An executive order, on the other hand, is something the president issues without consultation or permission from Congress. They are, however, enforced like laws, and are subject to judicial review by the court system to make sure they're within the limits of the Constitution. That means the courts have the power to invalidate any executive decisions that they determine are an overreach of the president in trying to assert power. And once the president leaves office, if his or her successor wants to eliminate the executive order, they can do so. So when does a president use an executive order? Sometimes a president feels the need to exert power without working with Congress, and in times of crisis, quick decisions can be justified. But most executive orders are not responses to emergencies. They're often directed towards agencies in the federal government in order to expand or contract their power. Others determine the extent to which legislation should be enforced. And sometimes, a president may use an executive order to clarify and help implement a policy that needs to be easily defined. Some of the most famous executive orders have changed the course of American history. FDR issued an executive order to establish the Works Progress Administration, which helped build thousands of roads, bridges, and parks throughout the country. The WPA also employed thousands of writers, painters, sculptors, and artists to create works of art in public spaces. Additionally, Harry Truman used an executive order to desegregate the armed forces in 1948. And in 1965, Lyndon Johnson signed an executive order to establish requirements for nondiscriminatory practices in hiring and employment. Executive orders have often been used in positive and inclusive ways, but they've also been used to exclude and divide. One of the most notable examples being FDR's 1942 executive order. He gave the military authority to target predominantly Japanese-Americans, as well as German-Americans and Italian-Americans, in certain regions across the country. This executive order also removed any or all of those people into military zones, most commonly known as internment camps. Beginning in the early 1960s, each president has issued roughly 300 executive orders, but FDR issued over 3,500. At the other end of the spectrum, William Henry Harrison never issued an executive order, probably because his presidency only lasted 31 days. The U.S. Constitution is somewhat ambiguous on the extent of the president's power. That's resulted in executive orders expanding over time. For instance, since Lyndon Johnson, presidents have begun issuing orders to create faith-based initiatives, establish federal agencies, and remove barriers for scientific research. There are checks and balances in the U.S. political system. Congress can pass laws to counteract executive orders, and judges can halt them by deeming them unconstitutional. But in the time it takes for those things to happen, an executive order can go into effect and possibly change the course of history, for better or for worse.