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### Does One Man Hold Too Much Power?

“President Obama’s anticipated executive order dealing with immigration in the United States has drawn the ire of many conservatives. Names like “king” and “monarch” are being tossed about. “Impeachment” and “illegal” are the popular i-words du jour” (Hudak). What nonsense! To consider impeaching our president for finally bringing an end to the stand-still over immigration is laughable. It is time for all Americans, especially those in Congress, to accept the fact that our president has a right and a duty to exercise his/her executive power to pass laws. Writing for the non-partisan website, [ThisNation.com](http://ThisNation.com), Jeff Fox defines executive orders as “legally binding orders given by the president, acting as the head of the Executive Branch, to Federal Administrative Agencies.” It is not illegal for the president to write an executive order, but rather a commonly used tool of the executive branch. Consider what would ensue if we didn’t have the president to step in and, by issuing an executive order, end the often grid-locked battles in Congress. It is important to note a third reason executive orders should not be questioned: if an executive order is truly seen unjust, it can be repealed.

Of primary concern in this debate is the legal basis of executive orders. In Article II, of the Constitution the duties of the executive branch are outlined; Section 1 states that the president must: “take care that the Laws be faithfully executed.” According to the “Executive Order” summary from the Legal Information Institute of Cornell University Law School, Section 1 is interpreted to mean the president “can issue executive orders,

which have the force of law but do not have to be approved by Congress.” In fact, Mr. Fox notes that executive orders, “have been used by every chief executive since the time of George Washington.” Every single president has used executive power to pass laws ranging from freeing Thanksgiving turkeys, to protecting laborers building the Panama Canal, to establishing Civil Rights! Evidently, the only time it becomes an issue, is when one people group feels like a law unfairly favors another people group (no one seems too upset about the turkeys). Exercising executive power to pass a law is clearly legal according to the Constitution.

One of the positive aspects of living in a democracy is that opposing ideas can be presented and debated, but sometimes this means of political governance results in grid-lock, when both sides of the argument are unable to compromise (Fox). This brings up a second reason to end this ridiculous stance against Executive Orders; it is essential, and logical to allow the president to function as a deciding body who can end ongoing debate by making a decision. As John Hudak says in his article about immigration reform: “It is ultimately up to the executive branch and/or courts to interpret the law in order to administer it.” When enacting an executive order, the president isn’t trying to overthrow the laws, he/she is simply trying to interpret the most productive and moral way to function as a society. Using executive orders is a logical way to keep the U.S. legal system working smoothly.

Besides the legal basis, and the logical basis for supporting the use of executive orders, there is also the fact that executive orders are not necessarily permanent. Congress can still take action when the president uses his/her executive power to pass a law. Congress can amend laws before they get to the president, encourage citizens to sue the Executive Branch, or cut funding to the programs the president institutes by

Executive Order (Hudak). Mr. Fox, writes about congressional recourse that may be taken: “Congress may rewrite or amend a previous law, or spell out in greater detail how the Executive Branch must act.” Fox points out that it does take “a 2/3 majority... to override an Executive Order.” This is just another example of democracy in action; if 2/3 of Congress are really opposed to a law being passed, then no president has the power to overrule it. If the legal and logical process still results in a bad law, it can be repealed!

Gregory Korte, a journalist who represents the voice of the people who think executive orders should be made obsolete, has accused Obama of “imperial overreach,” implying that Obama is acting as an all-powerful emperor instead of a democratic president. However, even Korte, in arguing against the use of executive power, admits: “executive actions are binding on future administrations unless explicitly revoked by a future president.” In other words, in the worst case scenario that there is a law established by the presiding president, which Congress cannot get amended, unfunded or litigated against, the next president can simply repeal it! Clearly, all of the uproar over executive orders is merely posturing, there is no legal or logical basis to undermine the president’s use of his/her executive power to enact laws.

The American people, and especially our congressional representatives need to quite wasting time and money arguing about whether or not to “allow” the president to make executive orders. If Congress is really upset about the use of executive power to override their grid-lock, they should quit spending so much time stubbornly refusing to cooperate, and come up with some thoughtful compromises that don’t necessitate intervention! Executive orders have legal basis, make logical sense in keeping our legal process running smoothly, and can be undone if deemed inappropriate; it’s time to quite arguing about their use and be grateful for them!

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US Const. art. II, sec. 1, cl. 1. Print.