Reading Number 35
from *With A Stroke of a Pen*
by Kenneth Mayer

p. 232, ¶ 1– “Among political scientists the conventional wisdom is that the president is weak, hobbled by the separation of powers and the short reach of his formal legal authority.”

Ibid. – “Yet throughout U.S. history presidents have relied on their executive authority to make unilateral policy with interference from either Congress or the courts.”

Note: This article was written before it became known to the public that President George W. Bush was employing a little-used devise called a “signing statement” as yet another form of unchecked executive authority.

Question: What are executive orders?

Ibid., ¶ 3– “A president can declare a national emergency by executive order, a step that authorizes an immense range of unilateral warrants, including theoretically– the power to restrict travel, impose martial law, and seize proper, transportation networks, and communications facilities.”

p. 233, ¶ 2– “Technically, although the term was not in use at the time, the Louisiana Purchase was carried out by executive order.”

Ibid., ¶ 4– “The phrase ‘stroke of a pen’ is now virtually synonymous with executive prerogative, and it is often used specifically to refer to the president’s ability to make policy via executive order.”

p. 234, ¶ 2– “Observers who are even less sympathetic cast executive orders in an altogether sinister light, seeing in them evidence of a broad conspiracy to create a presidential dictatorship. The common theme of these complaints is that the executive order is an example of unaccountable power and a way of evading both public opinion and constitutional constraints.”


p. 237, ¶ 2– “The percentage of executive orders that deal with foreign affairs, executive branch administration, and domestic policy has grown significantly since the 1930s.”

Ibid., ¶ 3– “The second area of relative growth in executive orders is in foreign and military affairs.”

p. 239, ¶ 2– “Even within the constitutional constraints of the separation of powers, presidents can use executive orders to alter and adapt governmental structure, processes, and policies. A president’s ability to effect major policy change on his own is in many instances less dependent on personality or powers of persuasion than on the office’s formal authority and inherent characteristics of governing institutions.”