EXECUTIVE ORDERS IN FIVE MINUTES

WHAT IT IS

A written directive from the President to the officials and agencies of the executive branch. It is signed, numbered and published in the Federal Register. It is not a law passed by Congress.

WHERE THE POWER COMES FROM

The Constitution, which makes the President head of the executive branch and commander in chief, or a law in which Congress gave the President power to act.

NOT THE ONLY TOOL

DOCUMENT	WHAT IT IS
Executive order	A numbered directive to executive-branch officials, published in the Federal Register
Proclamation	Usually ceremonial, such as a holiday; some have legal force under specific laws (tariffs, travel bans)
Presidential memorandum	A directive to agency heads, similar to an order but not numbered and not always published

HOW COURTS REVIEW THEM

Judges often cite Justice Robert Jackson's opinion in *Youngstown Sheet & Tube Co. v. Sawyer* (1952): a President's power is greatest when he acts with Congress's approval and "at its lowest ebb" when he acts against Congress's will. In *Trump v. CASA* (June 27, 2025, 6–3), the Supreme Court ruled that nationwide "universal injunctions" likely exceed the power Congress gave federal courts.

THREE WAYS AN ORDER ENDS

1. A court blocks it.
2. Congress overrides it by law (a veto can be overridden by two-thirds of each chamber) or denies the money to carry it out.
3. A future president revokes it. Revoking an order does not automatically undo regulations written under it.

BY THE NUMBERS

PRESIDENT	YEARS	FIRST-YEAR ORDERS	TOTAL ORDERS
Donald J. Trump (second term)	2025–	225	285 (to Sept. 2026)
Joseph R. Biden Jr.	2021–2025	77	162
Donald J. Trump (first term)	2017–2021	55	220
Barack Obama	2009–2017	40	277
George W. Bush	2001–2009	54	291
Bill Clinton	1993–2001	57	364

Source: Federal Register counts by president and year. First-year orders are those signed in the calendar year of the inauguration.

DISCUSSION QUESTIONS

1. Why might a president choose an executive order over asking Congress for a law?
2. Which of the three checks has been used most on the 2025–26 orders?
3. Why doesn't revoking an order automatically undo the regulations written under it?

From *Executive Order: The People's Guide to Presidential Power, 2025–2026* · eo-book.com · Class sets available