

August 2010 Legislative Report

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The 2010 Republican Party platform calls for the elimination of executive orders.

“Elimination of Executive Orders – We demand elimination of presidential authority to issue executive orders and other mandates lacking congressional approval, as well as repeal of all previous executive orders and mandates.”

https://www.1888932-2946.ws/TexasGOP/E-ContentStrategy/userfiles/2010_RPT_PLATFORM.pdf

After becoming aware of the power of an executive order I think everyone will agree what a wise statement that is. What exactly is an executive order? How does the President “order” legislation? How do you repeal of an executive order?

Executive orders are not new, but have been utilized since 1789. However, they were not well known until the early 1900s when the State Department started cataloguing them.

Executive orders are not **meant** to legislate, but are to be utilized to clarify or amplify a law passed by the Congress or expressed in the Constitution. In 1952 the Supreme Court stated that President Truman could not issue an executive order placing steel mills under federal control because this constituted making a law as opposed to clarifying or acting under an existing law. The Supreme Court also invalidated a 1996 order issued by President Clinton that attempted to prevent the U.S. government from contracting with organizations that had “strike-breakers” on the payroll. Presidents since the 1950’s have generally been careful to cite which specific laws they are enhancing when issuing new executive orders.

Critics have stated that executive orders can divert a law from its original purpose and that the regulations issued under executive orders circumvent the legislative process.

Congress may overturn an executive order by passing legislation negating it or by refusing to approve funding to enforce it. In the former, the President retains the power to veto such a decision; however, the Congress may override a veto with a two-thirds majority to end an executive order. It has been argued that a Congressional override of an executive order is nearly impossible due to the supermajority vote required and the fact that such a vote leaves individual lawmakers very vulnerable to political criticism. The only remaining option is a Supreme Court challenge.

[http://en.wikipedia.org/wiki/Executive_order_\(United_States\)](http://en.wikipedia.org/wiki/Executive_order_(United_States))

It is important to adhere to the Constitution which mandates that laws should be enacted by the Legislature. Let's get rid of executive orders.

Representative Phil King was very kind to send us talking points and information on the tenth amendment. In the interests of space, I did not include those articles in full, but I did include the links to the Texas Conservative Coalition website where you may view those articles and other information as well. Thank you Representative Phil King.

<http://www.txcc.org/reading-room>

<http://www.txcc.org/letters>

Grassroots Action Project

It is also important to submit the names of teachers who may be helpful to the Grassroots Action Project as soon as possible. Send the teacher's name and contact information to mm_grier@yahoo.com at the Texas Women's Education Foundation. That organization will deliver the materials for you, or alternatively, you may submit only the name of the teacher and request that they send you the materials for you to deliver yourself.

**PLEASE do not put this aside thinking that you will think of a teacher at a later date!
Your contribution of teacher names is very important to the success of this project.**