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## **President Bush, President Obama, and Executive Orders**

**Catie Witt**

Executive orders are a large part of the American Presidency. Each American President, besides William Henry Harrison due to his short term after dying thirty-two days after taking office, has had at least one executive order in their term as President (*Woolley & Peters 2014*). Even America's first President, George Washington, had executive orders during his presidency. An executive order is a directive that requires or authorizes some action within the executive branch of the federal government (*Mayer 1999*). In my research, I will be discussing the powers of the President, focusing on the process of executive orders and how Presidents use this power. I am focusing on executive orders because in explaining this process it can help one better understand the American Presidency. This will help one better understand the Presidency because it shows how much power the President has. My research will also compare executive orders used by both President Bush and President Obama.

Each President is different and therefore each executive order is different as well. Even the way Presidents go about their executive orders are different. Executive orders are personal and depends on what is happening in the United States at the time. Executive orders and the leadership of the president is the direct result of public policy (*Mayer & Price 2002*). I am studying the executive order of the American Presidency because I am trying to find out what makes a President go through with an executive order, is this process influenced by what is happening in the country at the time or is it influenced by a President's personality? I am going to answer this question by comparing the most high profile executive orders put in place by both

President George W. Bush and President Barack Obama. Although President Bush had hundreds of executive orders and President Obama's executive orders are increasing, they both used them differently. I want to find the answer to possible explanations on why President Bush and President Obama used their executive orders the way they did. Did one President use executive orders to focus more on foreign policy? What about domestic policy? Does the political affiliation of a president have a relationship with how a president uses executive orders? Did their decision factor in with what events were occurring during their presidency? I hope that in this research I will find an answer to these questions.

In finding an answer to my research question I will be using two methods: qualitative and quantitative research. I will use qualitative research by looking at case studies for both President Bush and President Obama and comparing these two. This will help me research what their executive orders dealt with and whether it had anything to do with foreign or domestic affairs. I will look more closely at the most high profile executive orders by both President Bush and President Obama. I will also be using the method of quantitative research to explain my research in charts and graphs so one can have a visual aid. I will be observing the executive orders from the first year of both President Bush and President Obama's presidency and compare the two by looking closely to find the executive orders that deal with foreign policy and the ones that cover domestic policy. Both of the methods I will use will be a great factor in answering my research question.

This research question is timely, valuable and relevant, especially with the uproar on President Obama's most recent executive order on Immigration. Many people do not completely comprehend what an executive order is. After the media covered President Obama's executive order on immigration, there were many people who were upset because they believed that

Obama had too much power and shouldn't have been able to do what he did. What most people do not know is that executive orders have been around for a long time and that the President has the power to create an executive order. I have hope that this research paper can better inform others not only on how President Bush and President Obama went about their executive orders, but also inform others about the truth of what executive orders actually are.

### **Literature Review**

I found a lot of interesting information in my research over this topic. Although the majority of my research I found was helpful in directing me towards further research and my findings, there were some deficiencies that presented themselves. My research is supposed to help find the answer to the explanations of why both President George W. Bush and President Barrack Obama use their executive orders the way they did. I plan on comparing and analyzing the different executive orders during their first term as President of the United States and separating their foreign and domestic policies in regards to executive orders. I will be looking at whether each president focused more on foreign affairs or domestic affairs. I will also be looking for different factors, such as certain events that occurred during the time of the executive order or the events that occurred during the president's term in office.

The majority of executive order literature I found during my research focuses more thoroughly of why the number of executive orders have varied over time and when a president will most likely execute an executive order and why. In one article I found the authors explained their results of when presidents use the power of executive orders during their term in office. One piece of information that interested me was that the researchers found that presidents are more likely to use executive orders when their approval ratings are dropping (*Deering & Maltzman 1999*). Deering and Maltzman (1999) also found strong support for determinates of

executive orders by the president. They found the number of executive orders correlates with the level of congressional support the president has at the time and the likelihood of a congressional veto being able to overturn the executive order.

In an article by Adam L. Warber, which was reviewed by Louis Fisher (2006/2007), Warber separates executive orders into three different categories and then studies these categories by three different events. He separates executive orders into three groups: symbolic, policy, and routine. Warber then studies these three kinds of executive orders by looking at times where the government was divided, times where there was a presidential scandal, and the president's last year in office (Fisher 2006/2007).

Although these seems to be the systematic way executive orders are used based on timing and events, I think there is more to configure. I believe that there is a more general purpose of executive orders when it comes to the American Presidency and there are different motives behind why the president does what he does when it comes to this specific power the president has.

According to Adam L. Warber (2014), the president is an actor who seeks to have a public policy record that forms support among a variety of groups in the United States. The president could use executive orders to build support from a specific group in particular, such as African-Americans, Latin-Americans, religious organizations, women, and even certain labor unions. Depending on which group he may need the most support from could have a relationship with what the executive order is and how he presents the executive order. I found this interesting because looking at executive orders by both President George W. Bush and President Barack Obama I can see specific orders that correlate with different groups.

In my research I also found that there was a discussion of the two presidencies theory and how it mainly relates to Republicans (*Bond & Fleisher 1988*). The researchers discuss this theory that there are two types of presidents, presidents who focus more on foreign affairs and those who focus on domestic disputes (*Sigelman 1979*). In this article I was consistently confused on what the authors were trying to prove. Many of their arguments were later contradicted by themselves further in the research. I found this flawed because although I do believe that Republican presidents and Democrat presidents are different when it comes to executive orders, I do not believe that this theory only pertains to one particular party. Both a Republican president and a Democrat president will come face to face with executive orders that have to deal with foreign policy and domestic policy. That is what is expected of the President of the United States, whether they have 4 years or 8 years in office.

My research will fill the gap missing in the literature found on executive orders because unlike other researchers, I will find information regarding executive orders by looking at two specific executive orders and comparing them. I will also use my information to prove that there is a more general purpose behind the decision-making process of executive orders by American Presidents. I will further go into detail by proving that presidents are rational actors who have a variety of motives and are influenced by the environment they are in during their time in office.

### **Methodology**

In my research I will be conducting a case study comparing both President George W. Bush and President Barack Obama on their executive orders throughout their terms as President of the United States. I will be analyzing President Bush and President Obama's highest profile executive order and compare the two. I will be examining President Obama's most recent action, Executive Order 13682, which will move immigration reform forward. I will be comparing this

executive order to President Bush's executive order on prohibiting transactions with those who commit, threaten to commit, or support terrorism, Executive Order 13224 (*National Archives 2014*).

When analyzing these two executive orders I will be looking at what these two executive orders deal with and what they are all about. Although an American President has many executive orders throughout their presidency and they can all vary from different things, many presidents have a majority that are similar depending on what is happening in the country and the world at the time they are serving in office. Some U.S. Presidents tend to deal with more foreign policy executive orders, while others tend to deal with domestic policy here at home. I will be looking at the way both President Bush and Obama handled executive orders, especially the two I mentioned earlier, Executive Order 13224 with the Bush Administration and Executive Order 13682 with the Obama Administration. I will also be doing a case study between President Bush and President Obama. I will be looking at the different factors that influence executive orders and compare the two presidents.

In my quantitative research I will be focusing on the first year of their presidencies. I will be looking at the executive orders from both President Bush and President Obama's first year in office. After going through their executive orders from their first year, I will then compare both President Bush and President Obama on the executive orders that were related to foreign policy or domestic policy. To get more in depth I will closely look at the most high profile and significant executive orders of both Bush and Obama, rather than looking at the amount each president had.

## **Findings**

Throughout my research I came across many executive orders that were from the Bush administration and the Obama administration that dealt with both foreign policy and domestic policy. The President of the United States of America passes hundreds of executive orders during their time as the leader of one of the most powerful countries in the world. Of course both Republican presidents and Democrat presidents have had executive orders for each category, but the number of executive orders a president has does not equal the significance of those executive orders. Presidents use executive orders in order to emphasize their strengths, so if they are stronger in one area, foreign or domestic, then they will focus more on their strongest suit.

This situation can be categorized as two different types of presidents: Presidency for domestic matters and Presidency for foreign affairs (*Canes-Wrone, Howell, & Lewis 2008*). Foreign policy has been shown to be more effective due to the fact that Congress leaves this issue to the president to handle himself. It is also shown, that foreign policies are more influential than domestic affairs (*Canes-Wrone, Howell, & Lewis 2008*). Executive orders regarding foreign issues have a tendency to be more successful compared to executive orders that deal with domestic policy (*Bond et al. 2000*). With this being said, executive orders that are for domestic policies can sometimes frustrate presidents because congressional resistance can occur and make the process much longer than if it was an executive order dealing with foreign issues (*Sigelman 1979*). Many researchers would agree that the system of checks and balances regarding cooperation between the President of the United States and Congress can put a variety of items on hold. That is why executive orders dealing with foreign policies are more successful and quick due to the president being able to make a unilateral decision on his own.

President George W. Bush had a total number of 291 executive orders during his 8 years serving as the President of the United States of America (*National Archives*). Although President



Bush had many executive orders that pertained to both domestic and foreign policy, it is not the quantity of his executive orders for each category, but rather the quality and significance of certain executive orders that is important. There is a tendency where Republican Presidents, more often than not, are known for their significant executive orders that deal with foreign policy. In my research, I saw that President Bush had many executive orders that fell under the category of domestic policy, but he significantly left an impact on our country with his use of executive orders over foreign policy. This proves that the number, big or small, of executive orders each president has does not determine the impact he leaves on our country. What matters is the executive orders that are significant and that leave a mark on the American Presidency.

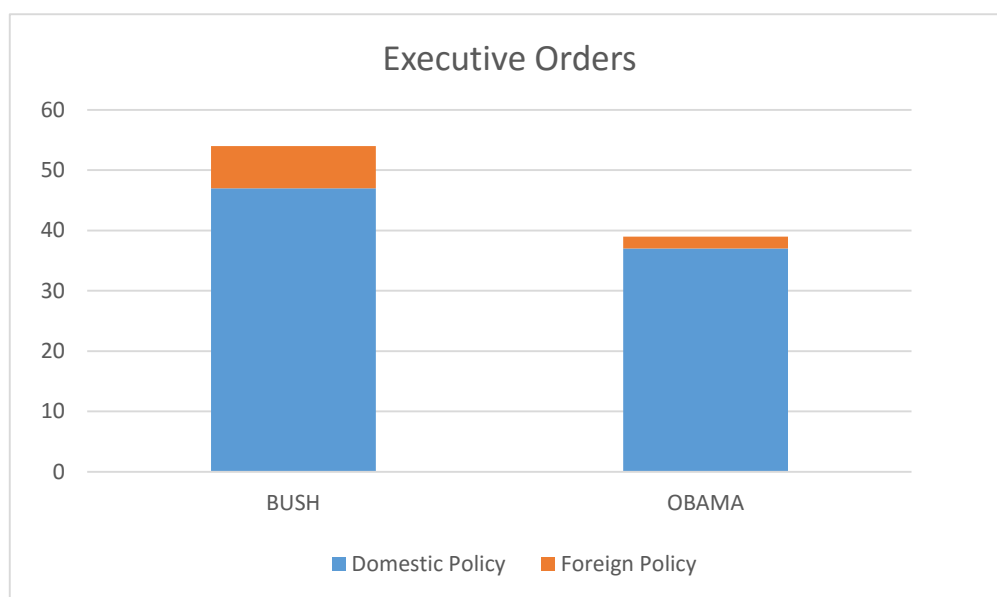
With President Bush being a member of the Republican Party, I expected to see a great deal of significant executive orders for foreign policy when investigating through his executive orders. Although I did find a great deal that dealt with foreign policy, another factor I had to add to this research was the events that took place during President Bush's presidency. With 9/11 and the war on terror, President Bush was most certainly going to have a great deal of interaction with foreign policy. President Bush, like many wartime presidents, quickly took control of the national crisis after September 11, 2001 (*Mayer & Price 2002*). The first executive order by President Bush after the attack on September 11, 2001 froze the assets of terrorist groups with the Executive Order 13224. I thought this executive order in particular was important and significant. After Executive Order 13224 came many others. President Bush established the Office of Homeland Security within the Executive Office of the President, redefined airline security, and began prosecuting in Afghanistan against the Taliban through the power of executive orders (*Mayer & Price 2002*). This small glimpse of President Bush's presidency just goes to show how significant the unilateral power of executive orders can be.

President Barack Obama, so far in his presidency, has had a total number of 194 executive orders and still has a little over a year left of his presidency (National Archives). Every president, Republican or Democrat, is going to have executive orders that pertain to domestic policy. They are the President of the United States so they must focus on domestic policies to a point. However, the majority of Democratic presidents tend to have a significant impact on executive orders dealing with domestic policy. Just after researching President Obama's executive orders thus far, his most significant ones cover domestic issues.

President Obama has continually focused on immigration as a domestic issue. Not only with Executive Order 13682, but the Dream Act as well. Both executive orders deal with immigration as a large issue in the United States. Just like I did with President Bush, I looked over different occurrences in the United States during Obama's Presidency so far. What I found was that the amount of illegal immigrants in the United States was and still is gradually growing to large amounts. With this happening, and Democratic presidents often have strength when it comes to domestic policy over foreign policy, I see why President Obama would go through with these executive orders surrounding the problem of immigration and trying to find a solution for this increasing issue.

To back my argument about Republicans being more likely to have their strength in foreign policy, and Democrats to have their strength in domestic policy, I searched through both President Bush and President Obama's first year as President of the United States. I divided each President's executive orders by putting them into two categories: foreign policy and domestic policy. During President Bush's first year as President of the United States, in the year 2001, he signed 54 executive orders (*The White House*). Of those 54 executive orders, 47 of them covered domestic issues and regulations and only 7 of them were related to foreign policy. After looking

at President Bush's first year in his presidency it showed me that it is true that the quantity of executive orders is not what matters, but the significance has the long term effect on a country. On the other hand, President Obama's first year consisted of 39, lower than President Bush (which was expected with September 11, 2001 and the war on terror). Out of President Obama's first year of executive orders I found that 37 of the 39 supported domestic policy and only 2 had anything to do related to foreign policy and regulations (*The White House*). Although the vast majority of the executive orders, for both President Bush and President Obama, were more domestic related, we must keep in mind that the role of a president is to guide the United States and in order to do so must focus much of their attention on policies and regulations in their own country. In the chart below you can see this information delivered in the form of a chart.



### Discussion and Conclusions

There are a variety of different aspects one can look at when studying the American Presidency. Through my research I focused on two recent presidents, both President George W. Bush and President Barack Obama. While investigating these two recent presidents, I focused on the way they used their unilateral power of executive orders. What my research showed me

was a large amount of information regarding the executive orders of both President Bush and President Obama. I continued my research by comparing their most high profile executive orders, Executive order 13224 and Executive Order 13682. When comparing these two executive orders I looked at whether they were about foreign policy or domestic policy, the events that were taking place at the time of their presidency, and which political party the president belonged to. I believe the most important information I found was in regards to the president's political party and how this can affect whether they focus more on foreign policy or domestic policy with the use of executive orders during their presidency.

The important information in my research regarding executive orders surrounding the presidency of both President Bush and Obama was the finding of the two presidencies theory comparing foreign policy executive orders and domestic policy executive orders. This is important in my research because this can answer why President Bush was successful in his executive orders regarding foreign policies, including Executive Order 13224, and why President Obama focuses more on domestic policies, including the Dream Act and Executive Order 13682. President Bush can be seen as more successful in his executive orders with foreign policy because foreign policy is not Congress's main concern, so President Bush was not held up waiting for Congress. This can also answer the questions regarding President Obama and his executive orders that surround domestic problems, such as immigration. President Obama, with his executive orders, has not always been successful or effective due to the usual hold Congress can put on legal matters.

In comparing my research in regards to authors from my literature review, I found that I did find an answer to some of the flaws found in their research. I thought my findings on how executive orders in correlation with domestic policies were harder to get processed through

Congress was linked to Maltzman's (1999) research. This is linked to how executive orders correlate with the level of congressional support the president has at the time and the chances of a veto by congress will overturn the executive order regarding domestic matters (*Maltzman 1999*). These two finding are similar because it just proves further how Congress can resist particular executive orders, especially regarding domestic problems and policies, based on partisanship.

In terms of expanding this research, I believe we, as social scientists, can look further into our nation's history of the American Presidency and research even farther than our most recent two presidents, President Bush and President Obama. I believe that researching more in-depth could make this argument stronger and more valid. Researchers can also expand this research even more by looking at the different events a president experiences during his term as President of the United States. Comparing these two could produce an interesting outcome that can expand our knowledge of the American Presidency.

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