



Heavy Reliance on Executive Orders Shows Need for Stronger Political Parties

JEFF BRINDLE | March 03, 2021, 11:15 am | in [Edward Edwards](#)

These are unsettling times. Social unrest, braced by an increasingly polarized politics, made worse by the pandemic, has brought about a heightened sense of division in society and dissatisfaction with government.

Given the circumstances, it may be time to take a serious look toward strengthening political parties as a means of restoring regular order to government and calmness to society.

Gladden Pappin, Assistant Professor of Politics at the University of Dallas, writing in American Affairs, pointed out that “satisfaction with American political institutions is decreasing.”

In his February 2020 article Pappin continued, “It is evident that there is no institution within which the country’s disparate interests can negotiate their differences with real consequences for political decision-making.”

Political parties may be able to fill this void. As important historical institutions, they have been an integral part of American electoral and governmental processes. As such, they can help restore trust and efficacy to government and decision-making.

Americans right now feel alienated toward their own government.

No better example exists than the seeming blind eye they show toward the use of executive orders by recent presidents to effectuate policy.

If government was working effectively the Congress would address policy making through the legislative process rather than surrendering its responsibility to presidents who have turned to executive orders to bring about policies.

There has been little public outcry over the use of executive orders. This suggests the public wants government to get things done, regardless of whether the best constitutional process is followed.

Article I, Section 7 of the U.S. Constitution sets forth the process for passing legislation. Laws should be enacted by Congress subject to presidential veto and potential override.

Too often, however, presidents have relied on executive orders to bypass Congress in order to bring about policies that remain stalled due to congressional inaction.

An executive order is supposed to direct the bureaucracy as to how to implement legislation. However, presidents have come to rely on executive orders to cut through the quagmire that plagues Congress. In doing so, presidents look to Article II of the Constitution to justify their use of executive orders.

Article II vests the executive power in the president and states that the president shall “take care that the laws be faithfully executed.”

President George Washington was the first to issue an executive order. But he issued just eight during two terms. President Lincoln relied on an executive order to declare the Emancipation Proclamation. He issued a total of 48.

President Franklin Roosevelt set the record with 3,721 over four terms. But he was struggling to save the country from the Great Depression and World War II. A major- and legitimate- purpose for executive orders is to deal with emergencies.

It is not that executive orders constitute a new approach to using executive power. Used properly, they are an effective tool for managing the bureaucracy. Nor should it be assumed it is always an abuse of power. It is just that in recent years, the deluge of executive orders often has been viewed as an attempt to make law rather than to clarify it.

The last five presidents, which includes President Biden, have readily used executive orders. They have been employed as follows: Clinton 364; Bush 291; Obama 276; and Trump 220. In the first month of his administration President Biden has issued 32 executive orders, according to the federal register.

It has been noted by political scientists that a government divided, with high levels of dissatisfaction associated with it, is less able to accomplish goals. This being the case it is understandable that in present times presidents would be more inclined to use executive orders, and the public more inclined to accept them to move public policy forward.

This public attitude toward the government may be a harbinger of a changing political culture in America. The people are becoming more complacent in the face of a Congress that cannot seem to get its act together.

Compromise is hard to achieve when parties are ideologically opposed and weak. Adding to the gridlock are the disparate special interests that seek to influence those parties and the legislative process. It seems the public is becoming more accepting of strong action to bring about results- something Alexander Hamilton would have preferred.

This is where political parties may come in. As historical institutions that have been integral to the government and electoral processes, they can be instrumental in stemming the tide toward a rush to executive oriented government and polarized politics. Parties can help to foster a healthy balance between the legislative and executive sides of government.

Political parties organize government and through discipline can bring about compromise between opposing interests. Strong parties have always encouraged leaders on opposing sides to work together, thus encouraging majorities to form and policies to be enacted. Unlike independent groups, which in recent years have grown in influence, contributing in turn to the segmentation of American politics, political parties can be useful in bringing disparate groups to the bargaining table to find solutions to what seem to be intractable problems.

There could be no better prescription for a now polarized and teetering nation.

In New Jersey, which is not facing the same problems as face those in Washington D.C., there nevertheless has been an issue with a weakened party system. Through columns like these, analytical press releases, and white papers, the Election Law Enforcement Commission (ELEC) has demonstrated that a weakened party system has taken a back seat to ever increasing activities by independent groups.

While it is up to Congress to act on the national level, ELEC has set forth numerous proposals that would strengthen political parties, offset the growing influence of independent groups, and forestall and avoid any severe polarization of the state's governmental processes.

The proposals include removing parties from pay-to-play; including PACs under pay-to-play; increasing contribution limits frozen since 2005; requiring independent groups engaged in election related activity to disclose contributions and expenditures; allowing parties to participate in gubernatorial elections; and requiring public contractors to disclose contributions to independent groups.

Strengthening parties would bring about more effective government and unity in the public square by bringing about compromise between competing interests. By taking up these measures the Legislature can accomplish the twin goals of an even more effective government and unity within the civil society.

Strengthening parties at the federal level would help to bring back constitutional balance between Congress and the executive branch.

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The opinions presented here are his own and not necessarily those of the Commission.