

## Of Presidents and CEOs

With all the criticism of Obama over his abuse of executive orders has come the frequent refrain from the political left, “But Bush issued even *more* executive orders and you didn’t complain then!” First, there were many complaints from libertarian-minded Republicans and conservatives about Bush’s abuses of power, his signing statements, and his executive orders. Second, and more importantly, the *quantity* of executive orders is irrelevant. It is what they *intend to accomplish* that is relevant.

The job of the president is to administer the laws of the United States. He is not a law *maker*; he is a law *administrator*. If the federal government were a large corporation, Obama would be its chief executive officer (CEO) and Congress would be its board of directors. The job of the board of directors/Congress is to set corporate goals and issue general directives related to those goals. The board/Congress declares, “We want to accomplish X by doing Y.” The job of the CEO/president is to set into motion the actions needed to meet the goals and satisfy the directives issued by the board/Congress. The job of the CEO/president is *not* to change the goals and directives of the board/Congress.

If an automobile manufacturing company’s board of directors declares, “We want to boost profits by increasing SUV production and reducing subcompact production,” the CEO’s job is to accomplish that goal (greater profits) and complying with those directives (building more SUVs and fewer subcompacts). The CEO will meet with his various managers and issue orders for the purpose of increasing SUV production and reducing subcompact production. The CEO and his staff will worry about SUV designs, component sourcing, pricing, etc. The board of directors will generally not get involved with such decisions. The CEO’s focus will be on increasing SUV sales and reducing subcompact production, perhaps by converting a subcompact assembly line to an SUV assembly line. That is his job: acting to accomplish the goals and directives set by the board of directors. It is obvious that if the CEO issues orders to increase subcompact production and decrease SUV production he will be fired.

The situation is—or should be—the same with the federal government. If, for example, Congress (the board of directors) passes a law that calls for 10,000 additional border agents and increased border security by January 1, 2015, the president’s (the CEO’s) job is to administer and enforce that new law. Even if the president disagrees with the law and he issues a veto, if Congress votes to override his veto the president will nevertheless be bound by his Constitutional oath to enforce that law.

The president’s job focuses on *how* to accomplish the goals of the legislation, not *whether* to accomplish those goals. The president may, for example, decide that a majority of the 10,000 new border agents should be placed in Texas, rather than Arizona, if that will best accomplish the goal of increased border security. He may issue as many executive orders to do so as he wishes. Unless the law specified *where* the 10,000 border agents should be placed, the president is free to locate them where he believes they can

best accomplish the goal of increased border security. Because situations at the borders can change, Congress would be unlikely to require in the legislation *where* the new agents should be located. Congress would (hopefully justifiably) trust the president to act in the best interests of the nation, and would simply say with the legislation, “Here are 10,000 additional agents. Put them to good use.” But the president may certainly *not* issue orders telling border agents to “look the other way” and allow people to enter the country freely!

In the case of the Affordable Care Act (ObamaCare), Obama has issued executive orders meant *not* to implement the law as written, but *to modify its goals and delay its implementation!* It is as if he decided that an order for 10,000 border agents should be arbitrarily reduced to 3,000, and that border security need not be established until two years after the law’s 2015 deadline. CEO Obama is defying the orders of his board of directors. For doing so he should immediately be fired.

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