Presidential Proclamations: Questions and Answers

Q: What is a presidential proclamation?
A: A proclamation is a kind of presidential document. Other kinds of presidential documents include executive orders, memoranda, administrative memos, and other communications from the president. Proclamations, like executive orders, are published in the Federal Register. Most proclamations are used for purely ceremonial purposes, such as declaring a holiday. Other proclamations are substantive, and usually deal with issues within the executive purview, such as tariffs, pardons, or sanctions against a foreign country.

Q: How is a proclamation different from an executive order?
A: There is no clear line between an executive order and a proclamation. Both serve the same functions and are subject to the same checks and balances. They are also treated rather interchangeably by courts. One significant difference is that an executive order is usually directed at people within the government (such as the members of a federal agency) whereas a proclamation is usually directed at people outside the government, such as the public. Because of this, proclamations are legally “weaker” than executive orders, and thus are more often used for ceremonial rather than legal purposes. A proclamation can be directed at the entire nation (e.g. when declaring a federal holiday) or at specific individuals (e.g. when granting a presidential pardon). In that sense it is broader than the usual executive order.

Q: Do presidential proclamations have the force of law?
A: Yes. Presidential proclamations have the force of law, though only with appropriate statutory backing.

Q: Must proclamations be published in the Federal Register?
A: Yes. It is mandatory that proclamations and executive orders be published in the Federal Register. Other executive actions, such as memoranda, may be published, but it is not required.

Q: Can presidential proclamations be challenged in federal court?
A: Yes. In some cases, proclamations, like executive orders, are subject to review in a federal court.

This document was last updated September 27, 2017 and does not constitute legal advice.

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2 Id.
3 Id.
4 Id.
5 Id.

7 Id.


9 See Duncan, *supra* note 8.

10 Id.

11 Juarez-Escobar, 25 F. Supp. 3d. at 782.

12 See Bunk, *supra* note 1.