

CONSTITUTIONAL EROSION ANALYSIS SYSTEM



EO_14164.PDF

EO 14164 — Multi-Model Comparison Report

AVG THREAT LEVEL: MODERATE [54/100]

Models Compared: glm-5 • gpt-4o-mini • deepseek-r1-0528 • qwen3.5-397b-a17b • kimi-k2.5
• gemini-3-flash-preview • deepseek-v3.2

Models Analyzed

7

Score Range

45 – 66

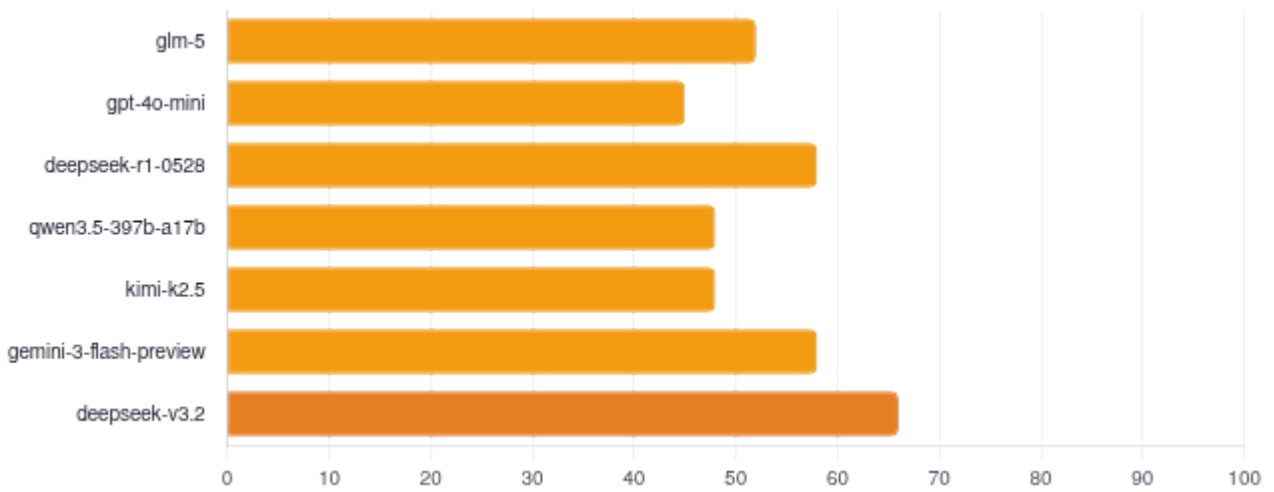
Model Agreement

93%

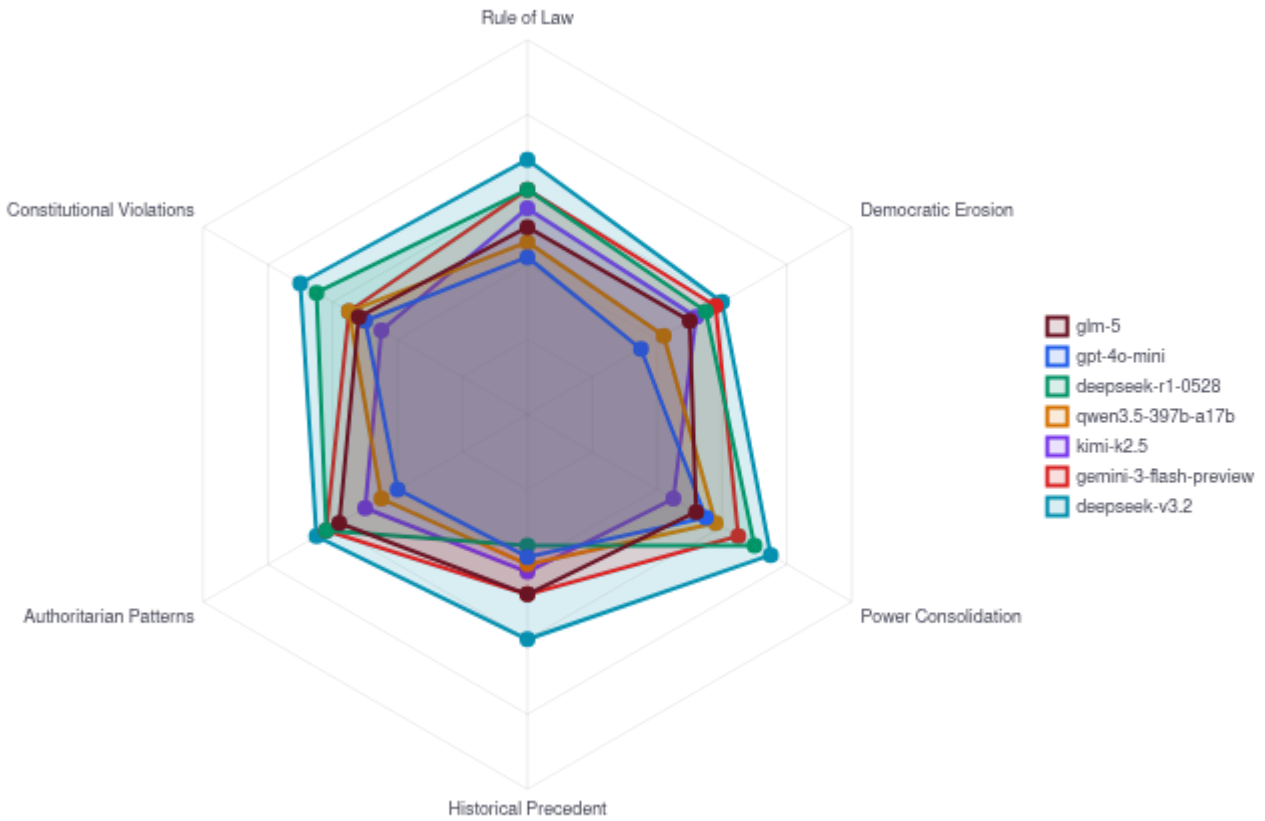
Generated

February 23, 2026

Overall Score Comparison



Framework Score Comparison (Radar)



Models Compared

7

Average Score

54

Score Range

45–66

Model Agreement

93%

Highest Score

66
deepseek-v3.2

Lowest Score

45
gpt-4o-mini

Consensus Scorecard

Average scores across 7 models per framework, with agreement levels and outlier detection.



Rule of Law

 Strong Agreement (92%)

⚠️ [gpt-4o-mini](#) scored lower (42) · ⚠️ [deepseek-v3.2](#) scored higher (68)

42–68

spread: 26pts



Democratic Erosion

 Strong Agreement (92%)

⚠️ [gpt-4o-mini](#) scored lower (35)

35–60

spread: 25pts



Power Consolidation

 Strong Agreement (90%)

⚠️ [kimi-k2.5](#) scored lower (45) · ⚠️ [deepseek-v3.2](#) scored higher (75)

45–75

spread: 30pts



Historical Precedent

 Strong Agreement (92%)

⚠️ [deepseek-v3.2](#) scored higher (60)

35–60

spread: 25pts



Authoritarian Patterns

 Strong Agreement (91%)

⚠️ [gpt-4o-mini](#) scored lower (40)

40–65

spread: 25pts



Constitutional Violations

 Strong Agreement (92%)

⚠️ [kimi-k2.5](#) scored lower (45) · ⚠️ [deepseek-v3.2](#) scored higher (70)

45–70

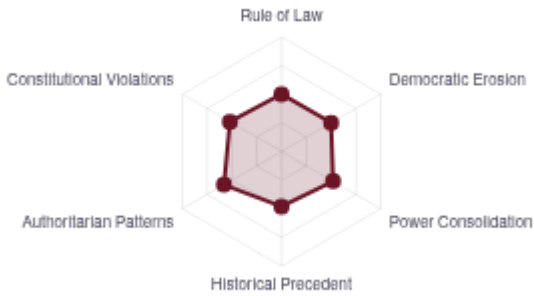
spread: 25pts

Model Comparison Matrix

Score heatmap across all 7 models and 6 analysis frameworks. Color intensity indicates threat level.



Framework Scores



Rule of Law	50
Democratic Erosion	50
Power Consolidation	52
Historical Precedent	48
Authoritarian Patterns	58
Constitutional Violations	52

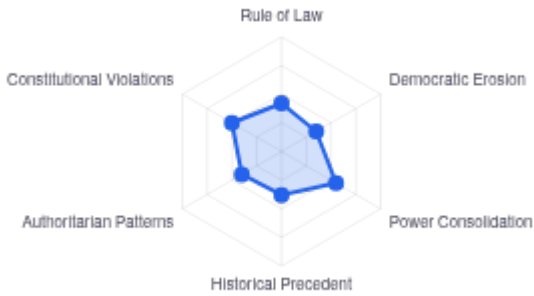
Executive Summary

Executive Order 14164 represents a significant departure from democratic norms across multiple dimensions. While capital punishment policy itself falls within legitimate executive authority, this order goes far beyond policy direction. It systematically attacks judicial independence, delegitimizes political opposition, targets specific individuals for vindictive action, mandates discriminatory application of law based on immigration status, and attempts to influence Supreme Court precedent. The order's rhetoric frames policy disagreements as existential threats and constitutional exercises of power (clemency) as lawlessness. The combination of attacking institutional checks (judiciary), targeting vulnerable groups (undocumented immigrants), and pursuing specific individuals (the 37 commuted prisoners) represents a coherent authoritarian pattern that, while not the most severe example of democratic backsliding, poses a genuine threat to constitutional governance and the rule of law.

Top Key Findings

- ✓ **[Rule of Law]** Attacks judicial independence by characterizing constitutional interpretation as 'false claims' and lawlessness
- ✓ **[Rule of Law]** Undermines prosecutorial discretion by mandating outcomes 'regardless of other factors'
- ✓ **[Democratic Erosion]** Denies legitimacy of political opponents by framing policy disagreements as betrayal and lawlessness

Framework Scores



Rule of Law	<div style="width: 42%;"><div style="width: 42%;"></div></div>	42
Democratic Erosion	<div style="width: 35%;"><div style="width: 35%;"></div></div>	35
Power Consolidation	<div style="width: 55%;"><div style="width: 55%;"></div></div>	55
Historical Precedent	<div style="width: 38%;"><div style="width: 38%;"></div></div>	38
Authoritarian Patterns	<div style="width: 40%;"><div style="width: 40%;"></div></div>	40
Constitutional Violations	<div style="width: 50%;"><div style="width: 50%;"></div></div>	50

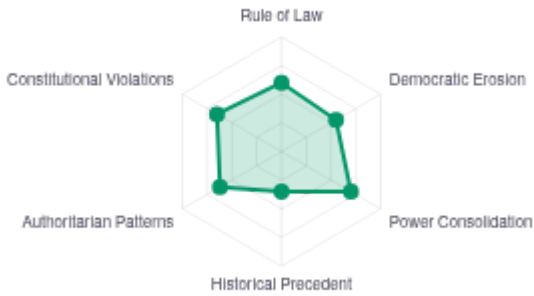
Executive Summary

The Executive Order represents a significant step towards authoritarian governance through its punitive stance on capital punishment and its attempts to undermine judicial independence. It consolidates power within the executive branch, challenges the separation of powers, and reflects a concerning trend of escalating punitive measures against dissent.

Top Key Findings

- ✓ **[Rule of Law]** The order's framing suggests a selective adherence to the rule of law, prioritizing certain victims over others.
- ✓ **[Rule of Law]** It implies a disregard for judicial interpretations that do not align with the Administration's stance.
- ✓ **[Democratic Erosion]** The document reflects a trend of escalating punitive measures that can marginalize dissent.

Framework Scores



Rule of Law	<div style="width: 60%;"></div>	60
Democratic Erosion	<div style="width: 55%;"></div>	55
Power Consolidation	<div style="width: 70%;"></div>	70
Historical Precedent	<div style="width: 35%;"></div>	35
Authoritarian Patterns	<div style="width: 62%;"></div>	62
Constitutional Violations	<div style="width: 65%;"></div>	65

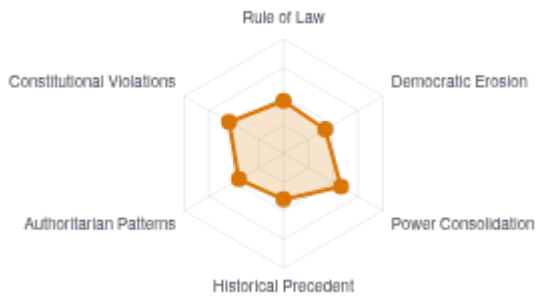
Executive Summary

The executive order demonstrates significant authoritarian tendencies through its systematic delegitimization of judicial independence, mandatory sentencing requirements that bypass proportionality principles, and weaponization of the DOJ against political opponents. While capital punishment itself isn't unconstitutional, the mechanisms established—particularly the directive to overturn Supreme Court precedents, differential treatment based on immigration status, and retroactive targeting of commuted individuals—collectively threaten constitutional governance. The order consolidates executive power over justice administration while eroding institutional checks, though it maintains nominal adherence to legal processes through provisions about 'applicable law' and appropriations.

Top Key Findings

- ✓ **[Rule of Law]** Erosion of prosecutorial discretion through mandatory sentencing directives
- ✓ **[Rule of Law]** Undermining stare decisis by targeting established precedents
- ✓ **[Democratic Erosion]** Undermining institutional forbearance by attacking judicial independence

Framework Scores



Rule of Law	46
Democratic Erosion	42
Power Consolidation	58
Historical Precedent	40
Authoritarian Patterns	45
Constitutional Violations	55

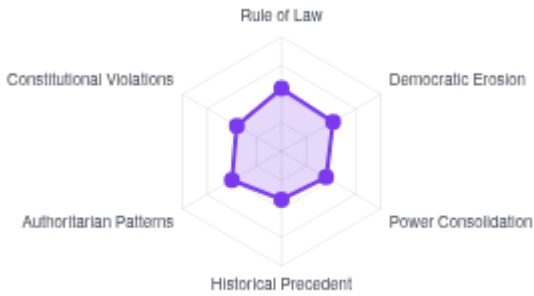
Executive Summary

Executive Order 14164 presents a moderate to high threat to democratic norms and the rule of law, primarily through its rhetorical framing and operational mandates. While the reinstatement of the federal death penalty is a policy choice within the President's purview, the manner in which this order is constructed raises significant concerns. It characterizes legitimate judicial review and the constitutional power of clemency as acts of 'subversion,' thereby eroding trust in independent institutions. Crucially, Section 3(b)'s mandate to seek the death penalty 'regardless of other factors' appears to conflict with Eighth Amendment requirements for individualized sentencing, suggesting a potential constitutional violation. Furthermore, Section 5's directive to the Attorney General to seek the overruling of Supreme Court precedents blurs the separation of powers, positioning the Executive Branch as an adversary to the Judiciary rather than a co-equal branch bound by its rulings. The attempt to leverage federal resources to coerce state compliance further stretches executive authority. The document represents a significant escalation in executive assertiveness over the justice system, moving from policy administration to ideological enforcement.

Top Key Findings

- ✓ **[Rule of Law]** The order conflates disagreement with legal interpretation (e.g., Eighth Amendment challenges) with 'subversion' of the law.
- ✓ **[Rule of Law]** It mandates outcomes that appear to contradict existing binding Supreme Court rulings without waiting for judicial review to alter them.
- ✓ **[Democratic Erosion]** The document utilizes 'us vs. them' framing, labeling opponents as those who 'make a mockery of justice' and 'insult the victims'.

Framework Scores



Rule of Law	55
Democratic Erosion	52
Power Consolidation	45
Historical Precedent	42
Authoritarian Patterns	50
Constitutional Violations	45

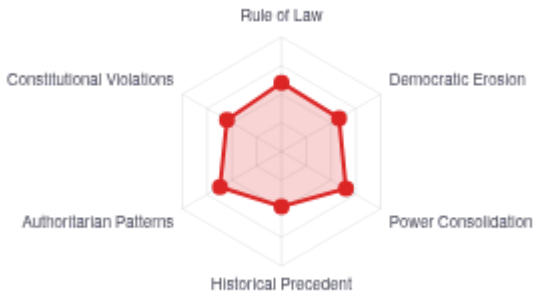
Executive Summary

This document shows moderate constitutional concerns with an overall threat score of 48/100. Key concerns include: The explicit directive to pursue capital punishment 'regardless of other factors' for crimes committed by 'aliens illegally present' creates a tiered justice system based on immigration status, while the targeting of specific previously-sentenced individuals for harsher confinement constitutes retrospective punishment.; Section 3(e) effectively singles out 37 named individuals for legislative-style punishment (harsh confinement) based on a political act (Biden's commutation), raising serious Bill of Attainder concerns under Article I, Section 9..

Top Key Findings

- ✓ **[Rule of Law]** Attacks on judicial independence and legitimacy undermine the authority of courts to interpret the Constitution
- ✓ **[Rule of Law]** Mandatory sentencing directives remove individualized case assessment required by due process
- ✓ **[Democratic Erosion]** Delegitimization of institutional checks and balances, particularly the judiciary and prior administration

Framework Scores



Rule of Law	60
Democratic Erosion	58
Power Consolidation	65
Historical Precedent	48
Authoritarian Patterns	62
Constitutional Violations	55

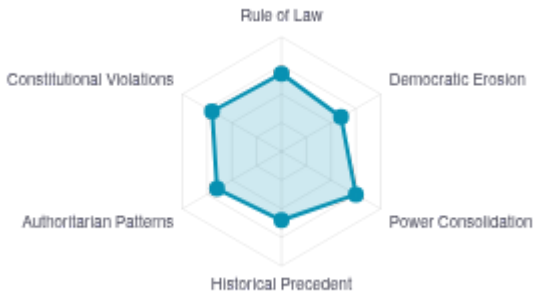
Executive Summary

The Executive Order represents a significant shift toward an 'imperial presidency' model by challenging the constitutional clemency power of a predecessor and the independence of the judiciary. While ostensibly about capital punishment, the document's framework prioritizes executive will over established legal norms, specifically targeting non-citizens and attempting to circumvent the finality of the commutation process. The rhetoric framing judges and political opponents as enemies of the law is a classic indicator of democratic erosion.

Top Key Findings

- ✓ **[Rule of Law]** Undermining the finality of legal processes (commutations).
- ✓ **[Rule of Law]** Mandating outcomes ('seek the death penalty regardless of other factors') which removes the individualized assessment required by the Rule of Law.
- ✓ **[Democratic Erosion]** Rejection of the legitimacy of political opposition (Biden's commutations) as 'defiance' rather than a lawful exercise of Article II clemency.

Framework Scores



Rule of Law	68
Democratic Erosion	60
Power Consolidation	75
Historical Precedent	60
Authoritarian Patterns	65
Constitutional Violations	70

Executive Summary

The executive order represents a significant threat to democratic norms through multiple overlapping mechanisms: (1) It politicizes the Department of Justice by directing specific prosecutorial outcomes; (2) It attacks judicial independence by delegitimizing judges who interpret the Constitution differently and directing challenges to established precedents; (3) It targets a vulnerable population (undocumented immigrants) for enhanced punishment, raising equal protection concerns; (4) It uses moralistic rhetoric to frame political opponents as lawless, undermining norms of mutual toleration. While capital punishment itself is constitutionally permissible, the order's specific provisions and rhetoric demonstrate patterns consistent with democratic erosion and authoritarian governance.

Top Key Findings

- ✓ **[Rule of Law]** Disrespects stare decisis by directing challenges to established precedents
- ✓ **[Rule of Law]** Encourages rigid application of death penalty "regardless of other factors"
- ✓ **[Democratic Erosion]** Attacks legitimacy of judicial opponents as acting in bad faith

Consensus Analysis

Where models agree and disagree across the 7 analyses.

✓ Areas of Agreement (<10pt spread)

No frameworks had close agreement (<10pt spread).

⚠ Areas of Disagreement (≥10pt spread)

⚠ **Power Consolidation** Range: 45–75 — Spread: **30pts**
High variance between models

⚠ **Rule of Law** Range: 42–68 — Spread: **26pts**
High variance between models

⚠ **Democratic Erosion** Range: 35–60 — Spread: **25pts**
High variance between models

⚠ **Historical Precedent** Range: 35–60 — Spread: **25pts**
High variance between models

⚠ **Authoritarian Patterns** Range: 40–65 — Spread: **25pts**
High variance between models

⚠ **Constitutional Violations** Range: 45–70 — Spread: **25pts**
High variance between models

📋 Consolidated Recommendations

Merged and deduplicated across all 7 models — prioritized by how many models suggested each.

Bar associations and legal organizations should speak out against the characterization of legitimate constitutional interpretation as judicial lawlessness

Suggested by 1 model: glm-5

Civil society organizations should document and publicize the order's attacks on judicial independence

Suggested by 1 model: glm-5

Congress should exercise oversight regarding the targeting of the 37 commuted individuals and conditions of their confinement

Suggested by 1 model: glm-5

Congressional oversight hearings to examine the separation of powers implications of Section 5 and the use of federal resources to coerce state policies.

Suggested by 1 model: qwen3.5-397b-a17b

Congressional oversight into the 'supply of drugs' directive to ensure compliance with the FDA and Controlled Substances Act.

Suggested by 1 model: gemini-3-flash-preview

Congressional oversight of DOJ implementation to ensure equal protection compliance

Suggested by 1 model: deepseek-v3.2