CONSTITUTIONAL EROSION ANALYSIS SYSTEM

EO_14266.PDF

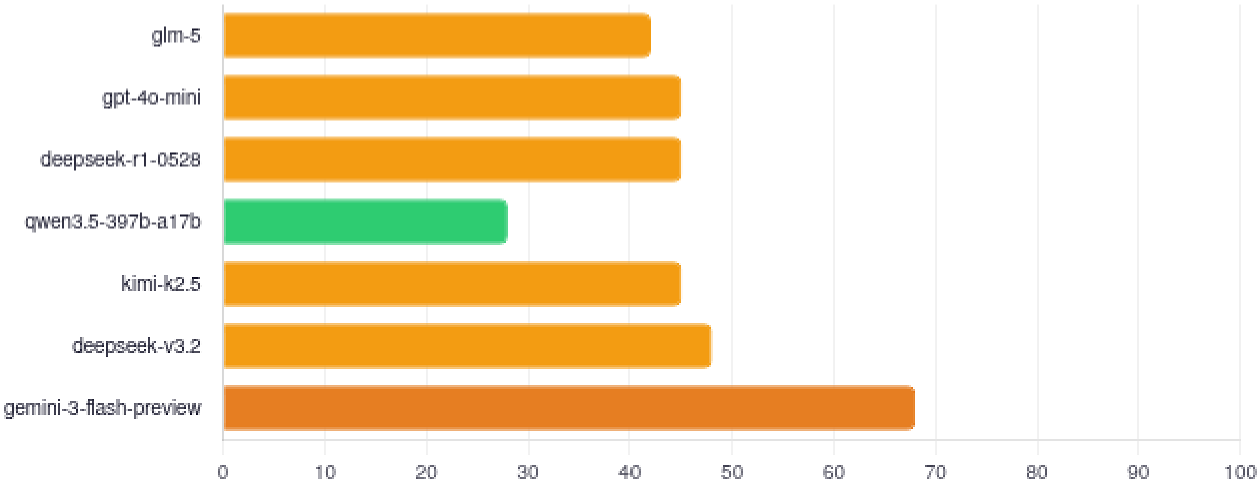
EO 14266 — Multi-Model Comparison Report

AVG THREAT LEVEL: MODERATE [46/100]

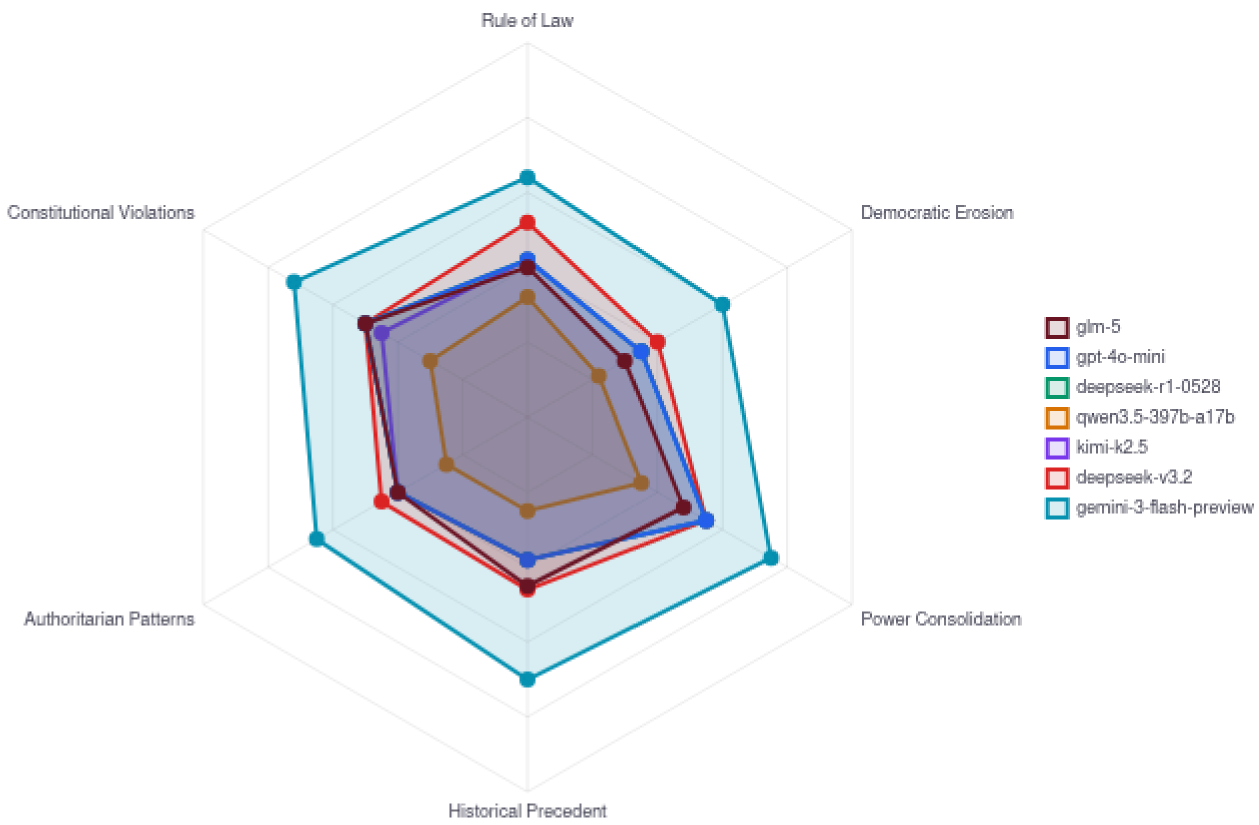
Models Compared: glm-5 • gpt-4o-mini • deepseek-r1-0528 • qwen3.5-397b-a17b • kimi-k2.5 • deepseek-v3.2 • gemini-3-flash-preview

Models Analyzed	Score Range	Model Agreement	Generated
7	28 – 68	89%	February 23, 2026

Overall Score Comparison



Framework Score Comparison (Radar)



Models Compared	Average Score	Score Range	Model Agreement	Highest Score	Lowest Score
7	**46**	**28–68**	**89%**	**68** **gemini-3-flash-preview**	**28** **qwen3.5-397b-a17b**

Consensus Scorecard

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

45 MODERATE

Rule of Law

Strong Agreement (91%)

⚠️ **qwen3.5-397b-a17b** scored lower (32) · ⚠️ **gemini-3-flash-preview** scored higher (64)

32–64
spread: 32pts

37 LOW

Democratic Erosion

Strong Agreement (89%)

⚠️ **qwen3.5-397b-a17b** scored lower (22) · ⚠️ **gemini-3-flash-preview** scored higher (60)

22–60
spread: 38pts

54 MODERATE

Power Consolidation

Strong Agreement (89%)

⚠️ **qwen3.5-397b-a17b** scored lower (35) · ⚠️ **gemini-3-flash-preview** scored higher (75)

35–75
spread: 40pts

43 MODERATE

Historical Precedent

Strong Agreement (87%)

⚠️ **qwen3.5-397b-a17b** scored lower (25) · ⚠️ **gemini-3-flash-preview** scored higher (70)

25–70
spread: 45pts

42 MODERATE

Authoritarian Patterns

Strong Agreement (89%)

⚠️ **qwen3.5-397b-a17b** scored lower (25) · ⚠️ **gemini-3-flash-preview** scored higher (65)

25–65
spread: 40pts

50 MODERATE

Constitutional Violations

Strong Agreement (89%)

⚠️ **qwen3.5-397b-a17b** scored lower (30) · ⚠️ **gemini-3-flash-preview** scored higher (72)

30–72
spread: 42pts

Model Comparison Matrix

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

Framework	glm-5	gpt-4o-mini	deepseek-r1-0528	qwen3.5-397b-a17b	kimi-k2.5	deepseek-v3.2	gemini-3-flash-preview	AVG
Rule of Law	40 LOW	42 MODERATE	42 MODERATE	32 LOW	42 MODERATE	52 MODERATE	64 HIGH	45 AVG
Democratic Erosion	30 LOW	35 LOW	35 LOW	22 LOW	35 LOW	40 LOW	60 MODERATE	37 AVG
Power Consolidation	48 MODERATE	55 MODERATE	55 MODERATE	35 LOW	55 MODERATE	55 MODERATE	75 HIGH	54 AVG
Historical Precedent	45 MODERATE	38 LOW	38 LOW	25 LOW	38 LOW	46 MODERATE	70 HIGH	43 AVG
Authoritarian Patterns	40 LOW	40 LOW	40 LOW	25 LOW	40 LOW	45 MODERATE	65 HIGH	42 AVG
Constitutional Violations	50 MODERATE	50 MODERATE	50 MODERATE	30 LOW	45 MODERATE	50 MODERATE	72 HIGH	50 AVG
OVERALL THREAT	42 MODERATE	45 MODERATE	45 MODERATE	28 LOW	45 MODERATE	48 MODERATE	68 HIGH	46 AVG

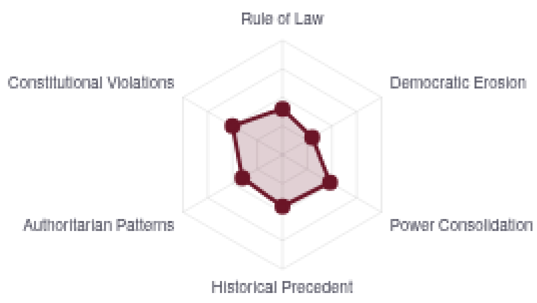
Threat Level: Minimal Low Moderate High Critical

z-ai/glm-5

Framework: comprehensive — Analyzed: February 23, 2026

MODERATE
42
/100

Framework Scores



Rule of Law	40
Democratic Erosion	30
Power Consolidation	48
Historical Precedent	45
Authoritarian Patterns	40
Constitutional Violations	50

Executive Summary

This Executive Order represents a concerning expansion of executive power through the strategic use of emergency statutes for trade policy. While trade authority has increasingly shifted to the executive branch over decades, this order accelerates that trend by declaring a 'national emergency' based on persistent trade deficits—a chronic economic condition rather than an acute crisis. The constitutional architecture gives Congress commerce powers, but this order effectively nullifies that role through creative statutory interpretation. The retaliatory escalation against China (raising tariffs from 84% to 125%) and the suspension mechanism for other countries creates a transactional system where executive favor determines trade terms. While the order cites legal authority and follows procedural forms, it represents a moderate threat to constitutional governance by normalizing emergency powers for routine policy disputes. The Levitsky & Ziblatt democratic erosion framework captures this as institutional degradation rather than direct attack—democracy is weakened not by overthrow but by gradual accumulation of unilateral executive power.

Top Key Findings

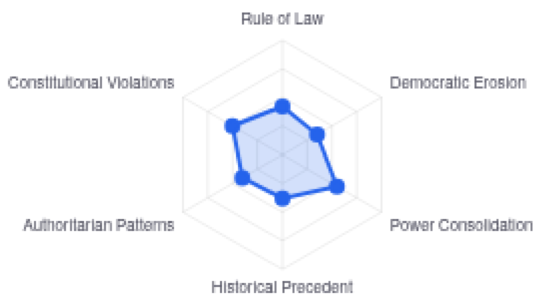
- **[Rule of Law]** Cites specific statutory authority (IEEPA, National Emergencies Act, Trade Act) providing legal veneer
- **[Rule of Law]** Includes standard legal provisions and 'consistent with applicable law' language
- **[Democratic Erosion]** Bypasses legislative deliberation on major economic policy affecting all Americans

gpt-4o-mini

Framework: comprehensive — Analyzed: February 22, 2026

MODERATE
45
/100

Framework Scores



Rule of Law		42
Democratic Erosion		35
Power Consolidation		55
Historical Precedent		38
Authoritarian Patterns		40
Constitutional Violations		50

Executive Summary

The executive order reveals notable authoritarian patterns through the unilateral exercise of power, potential constitutional violations regarding trade authority, and a concerning trend towards power consolidation in the executive branch. The erosion of democratic norms is evident in the lack of legislative oversight and public engagement, while the degradation of the rule of law threatens the established trade framework. Historical precedents suggest that such actions could lead to detrimental long-term effects on both domestic and international fronts.

Top Key Findings

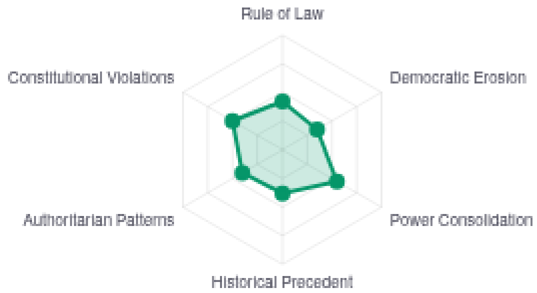
- ✓ **[Rule of Law]** The order raises questions about adherence to established trade laws and international agreements.
- ✓ **[Rule of Law]** There is a risk that modifications to tariff rates may contravene existing trade treaties.
- ✓ **[Democratic Erosion]** The modification of tariffs in response to foreign actions shows a reactive rather than deliberative policy approach.

deepseek/deepseek-r1-0528

Framework: comprehensive — Analyzed: February 22, 2026

MODERATE
45
/100

Framework Scores



Rule of Law	42
Democratic Erosion	35
Power Consolidation	55
Historical Precedent	38
Authoritarian Patterns	40
Constitutional Violations	50

Executive Summary

The order demonstrates moderate threats across frameworks, primarily through expansive use of emergency powers for trade policy. While operating within statutory authorities (IEEPA, Trade Act), it stretches their intent by declaring trade deficits a national emergency. The unilateral tariff adjustments—especially retaliatory escalations to 125%—consolidate executive power and bypass congressional commerce authority. However, the temporary nature (90-day suspension for allies), agency implementation protocols, and lack of direct institutional attacks prevent higher threat levels. Historical parallels exist but don't yet reach severe authoritarian precedents.

Top Key Findings

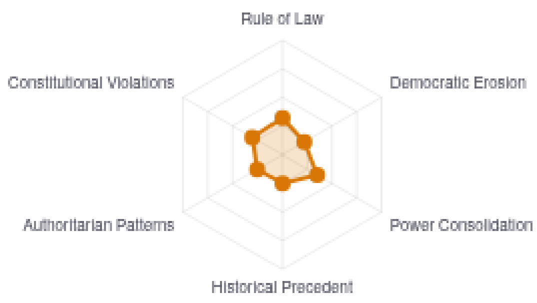
- ✓ **[Rule of Law]** Arbitrary tariff adjustments without clear statutory standards
- ✓ **[Rule of Law]** Retroactive application affecting goods in transit
- ✓ **[Democratic Erosion]** Bypassing legislative deliberation on trade policy

qwen/qwen3.5-397b-a17b

Framework: comprehensive — Analyzed: February 22, 2026

LOW
28
/100

Framework Scores



Rule of Law		32
Democratic Erosion		22
Power Consolidation		35
Historical Precedent		25
Authoritarian Patterns		25
Constitutional Violations		30

Executive Summary

This Executive Order represents trade policy action that, while aggressive, operates within established legal frameworks for presidential tariff authority. The primary concerns center on the use of national emergency declarations for routine trade policy and the concentration of tariff-setting authority in the executive branch. However, this does not constitute severe authoritarian threat as it does not suspend civil liberties, undermine elections, dissolve institutions, or prevent judicial review entirely. The order cites established statutes (IEEPA, Trade Act of 1974) and maintains implementation through existing agency structures. The threat level is moderate-low because while it expands executive discretion in trade policy, it remains within the bounds of recent presidential practice and statutory authority.

Top Key Findings

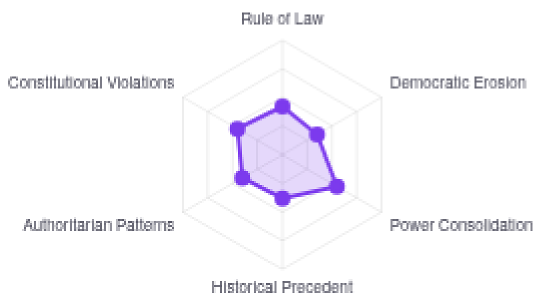
- ✓ **[Rule of Law]** Order explicitly limits judicial enforceability
- ✓ **[Rule of Law]** Retroactive tariff application provisions
- ✓ **[Democratic Erosion]** Policy implemented through executive order rather than legislation

moonshotai/kimi-k2.5

Framework: comprehensive — Analyzed: February 22, 2026

MODERATE
45
/100

Framework Scores



Rule of Law	42
Democratic Erosion	35
Power Consolidation	55
Historical Precedent	38
Authoritarian Patterns	40
Constitutional Violations	45

Executive Summary

This executive order represents a significant but bounded threat to constitutional governance, scoring in the moderate range (42-45) across frameworks. While operating within facially valid statutory authority (IEEPA, Trade Act of 1974), the document exemplifies the 'normalization of exception' wherein structural economic conditions (trade deficits) are reframed as 'national emergencies' to bypass congressional authority over taxation and commerce. The order consolidates unilateral power to determine tariff rates (0-125%) based on presidential assessment of foreign 'alignment' and retaliatory behavior, creating a personalized trade regime. Unlike authoritarian repression of civil liberties, this represents 'institutional warfare'—the erosion of separation of powers through aggressive use of delegated emergency authorities. The escalation dynamic with China (retaliation begetting 125% tariffs) and the arbitrary 90-day suspension for 'cooperative' nations demonstrates rule by executive discretion rather than statutory law. While not unprecedented (following 2018 steel tariff patterns), the scale and the explicit 'emergency' framing for chronic trade conditions pushes constitutional boundaries and establishes dangerous precedents for unilateral economic governance.

Top Key Findings

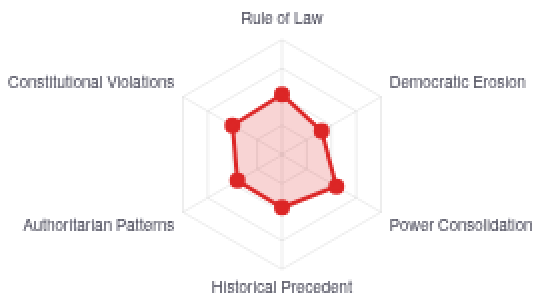
- ✓ **[Rule of Law]** Arbitrary distinctions between trading partners (China vs. others) based on executive discretion rather than statutory classification
- ✓ **[Rule of Law]** Retroactive modification of tariff schedules with immediate effective dates creating uncertainty
- ✓ **[Democratic Erosion]** Erosion of institutional forbearance by bypassing congressional approval for major economic restructuring

deepseek/deepseek-v3.2

Framework: comprehensive — Analyzed: February 17, 2026

MODERATE
48
/100

Framework Scores



Rule of Law	52
Democratic Erosion	40
Power Consolidation	55
Historical Precedent	46
Authoritarian Patterns	45
Constitutional Violations	50

Executive Summary

The document represents a moderate threat to democratic norms through its expansion of executive power in trade policy under questionable emergency declarations. While trade policy has traditionally involved significant executive discretion, the framing of persistent trade deficits as a 'national emergency' constitutes a concerning expansion of emergency powers into routine policy domains. The unilateral nature of the decision-making, the lack of transparent criteria for evaluating trading partner 'alignment,' and the aggressive tariff escalation (125% on China) collectively represent a shift toward executive-dominated economic statecraft that bypasses normal legislative and diplomatic channels. However, the document operates within existing statutory frameworks (IEEPA, NEA) and includes standard legal caveats, preventing it from reaching the level of severe constitutional violation.

Top Key Findings

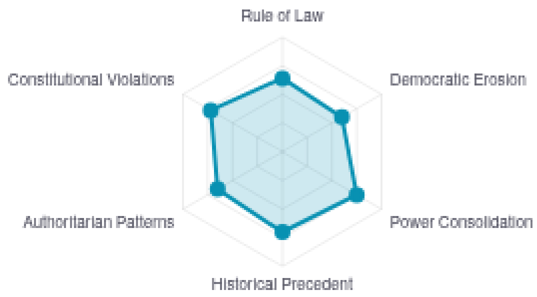
- ✓ **[Rule of Law]** Expansive interpretation of statutory authorities (IEEPA, NEA) beyond original intent
- ✓ **[Rule of Law]** Lack of clear legal standards for what constitutes "sufficient alignment" with U.S. interests
- ✓ **[Democratic Erosion]** Bypassing normal democratic processes for trade policy (negotiation, congressional consultation)

google/gemini-3-flash-preview

Framework: comprehensive — Analyzed: February 16, 2026

HIGH
68
/100

Framework Scores



Rule of Law	64
Democratic Erosion	60
Power Consolidation	75
Historical Precedent	70
Authoritarian Patterns	65
Constitutional Violations	72

Executive Summary

Executive Order 14266 represents a significant escalation of executive power by redefining long-standing economic imbalances as 'national emergencies' to justify unilateral taxing authority. By bypassing Congress and attempting to insulate itself from judicial review (Sec 6c), the order challenges the separation of powers. The rapid-fire escalation—moving from 84% to 125% tariffs in 48 hours—undermines the Rule of Law by making international commerce subject to the immediate 'judgment' of a single individual rather than established legislative or regulatory frameworks.

Top Key Findings

- ✓ **[Rule of Law]** Arbitrary application of law: 90-day 'suspensions' used as a carrot/stick for political alignment
- ✓ **[Rule of Law]** Erosion of predictability in the legal system through overnight 125% tariff shifts
- ✓ **[Democratic Erosion]** Weakening of institutional gatekeeping by bypassing Congress on trade war escalations

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)

⚠️ Historical Precedent — Range: 25–70 — Spread: **45pts**
High variance between models

⚠️ Constitutional Violations — Range: 30–72 — Spread: **42pts**
High variance between models

⚠️ Power Consolidation — Range: 35–75 — Spread: **40pts**
High variance between models

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

⚠️ Democratic Erosion — Range: 22–60 — Spread: **38pts**
High variance between models

⚠️ Rule of Law — Range: 32–64 — Spread: **32pts**
High variance between models

📋 Consolidated Recommendations

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

Congress should amend the Trade Act of 1974 to clarify that Section 604 does not authorize unilateral tariff modifications exceeding specific statutory ceilings without affirmative legislative approval
Suggested by 1 model: kimi-k2.5

Congress should assert its Article I commerce powers by passing legislation clarifying that trade deficits do not constitute national emergencies under IEEPA
Suggested by 1 model: glm-5

Congress should clarify statutory limits on emergency-based tariff authority
Suggested by 1 model: qwen3.5-397b-a17b

Congress should invoke Section 502(c) of the National Emergencies Act to terminate the emergency declaration regarding trade deficits, restoring legislative control over tariff policy
Suggested by 1 model: kimi-k2.5

Congress should require congressional approval for any tariffs exceeding 25% or lasting longer than 60 days
Suggested by 1 model: glm-5

Congressional review of emergency declaration authority and its application to trade policy
Suggested by 1 model: deepseek-v3.2