

CONSTITUTIONAL EROSION ANALYSIS SYSTEM



EO_14388.PDF

EO 14388 — Multi-Model Comparison Report

AVG THREAT LEVEL: MODERATE [41/100]

Models Compared: glm-5 • grok-4-fast • qwen3.5-397b-a17b • kimi-k2.5 • phi-4 • gpt-4o-mini • gemini-3-flash-preview • deepseek-v3.2 • deepseek-r1-0528 • claude-sonnet-4.6

Models Analyzed

10

Score Range

18 – 58

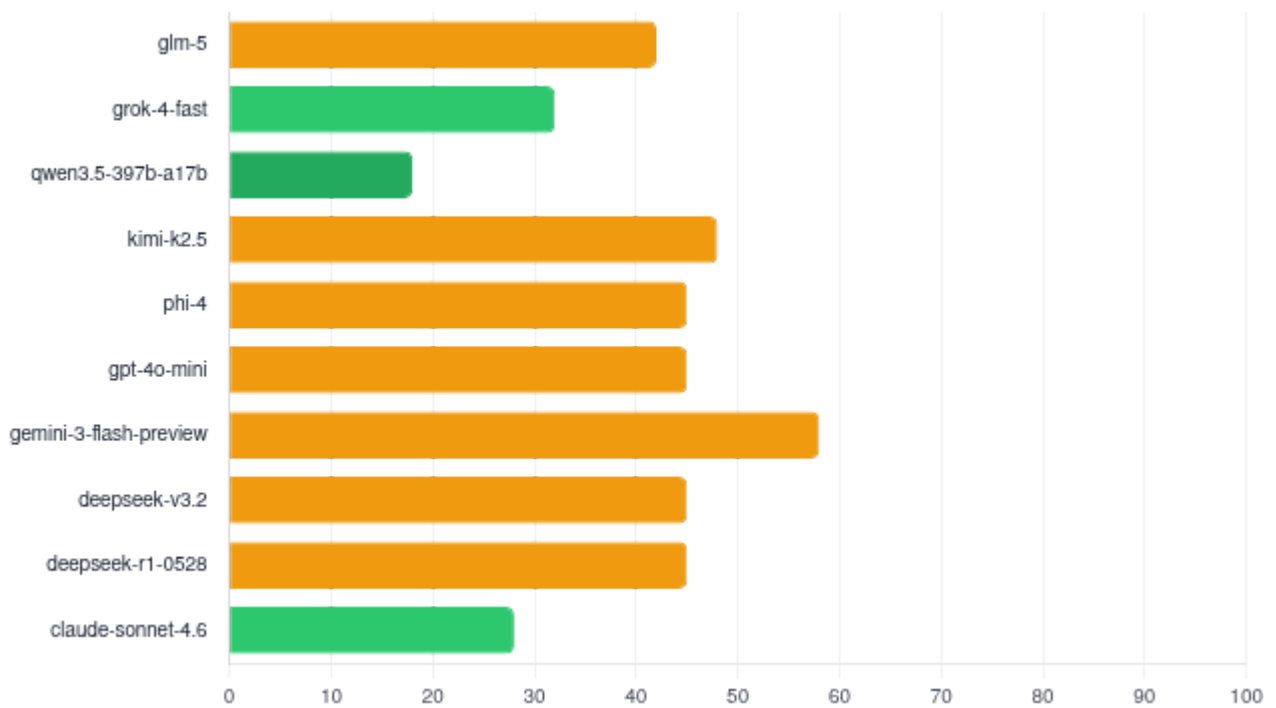
Model Agreement

89%

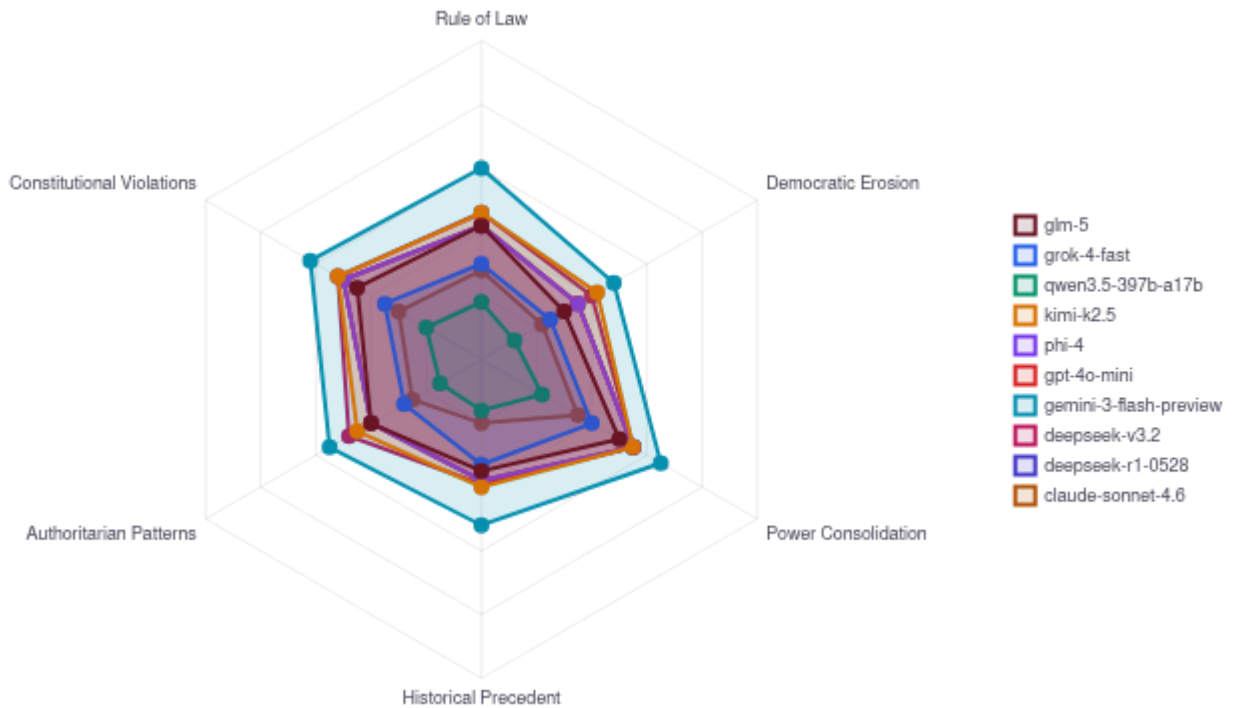
Generated

March 14, 2026

Overall Score Comparison



Framework Score Comparison (Radar)



Models Compared

10

Average Score

41

Score Range

18–58

Model Agreement

89%

Highest Score

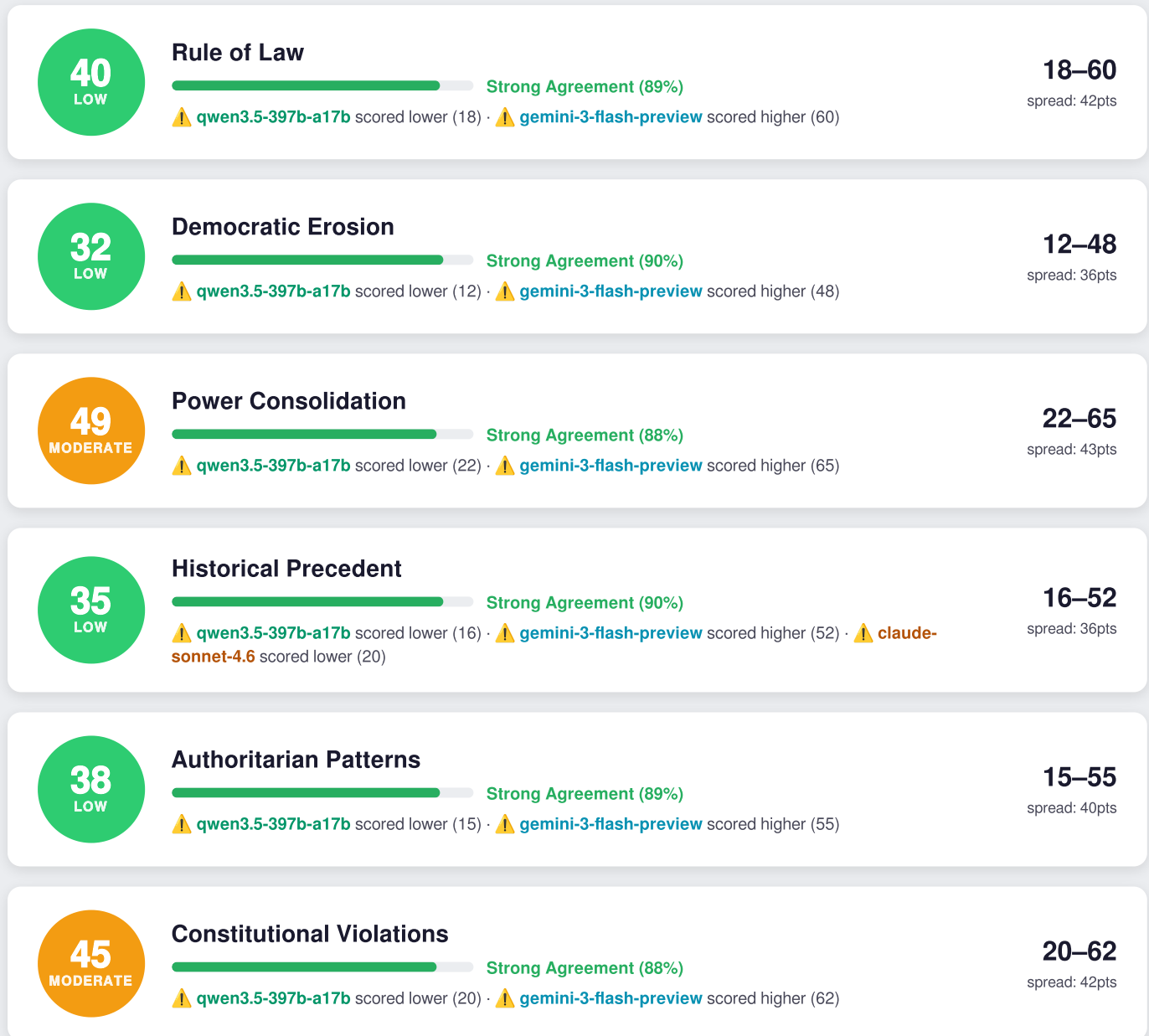
58
gemini-3-flash-
preview

Lowest Score

18
qwen3.5-397b-
a17b

Consensus Scorecard

Average scores across 10 models per framework, with agreement levels and outlier detection.

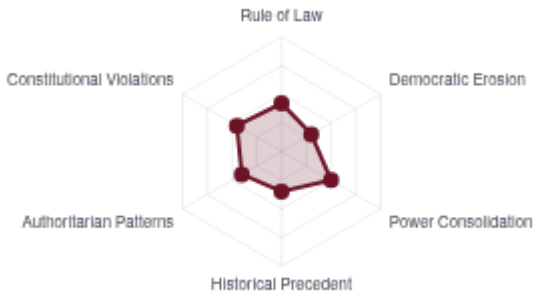


Model Comparison Matrix

Score heatmap across all 10 models and 6 analysis frameworks. Color intensity indicates threat level.



Framework Scores



Rule of Law	<div style="width: 42%;"></div>	42
Democratic Erosion	<div style="width: 30%;"></div>	30
Power Consolidation	<div style="width: 50%;"></div>	50
Historical Precedent	<div style="width: 35%;"></div>	35
Authoritarian Patterns	<div style="width: 40%;"></div>	40
Constitutional Violations	<div style="width: 45%;"></div>	45

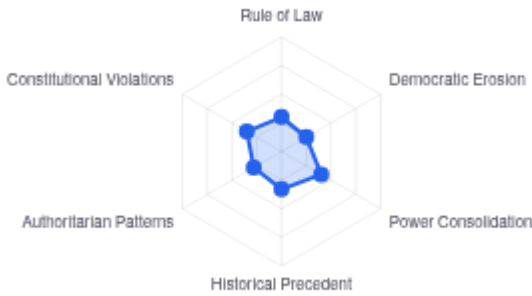
Executive Summary

This document shows moderate constitutional concerns with an overall threat score of 42/100. Key concerns include: The cumulative pattern of using declared national emergencies to fundamentally alter trade policy and suspend statutory provisions represents a significant expansion of unilateral executive authority.; The executive branch is unilaterally suspending a statutory provision (de minimis exemption) that Congress enacted, representing a potential violation of separation of powers..

Top Key Findings

- ✓ **[Rule of Law]** Statutory provisions being suspended by executive order rather than legislative amendment
- ✓ **[Rule of Law]** Broad regulatory suspension authority granted to executive agency without clear limitations
- ✓ **[Democratic Erosion]** Bypassing normal legislative process for significant trade policy changes through emergency declarations

Framework Scores



Rule of Law	<div style="width: 30%;"></div>	30
Democratic Erosion	<div style="width: 25%;"></div>	25
Power Consolidation	<div style="width: 40%;"></div>	40
Historical Precedent	<div style="width: 33%;"></div>	33
Authoritarian Patterns	<div style="width: 28%;"></div>	28
Constitutional Violations	<div style="width: 35%;"></div>	35

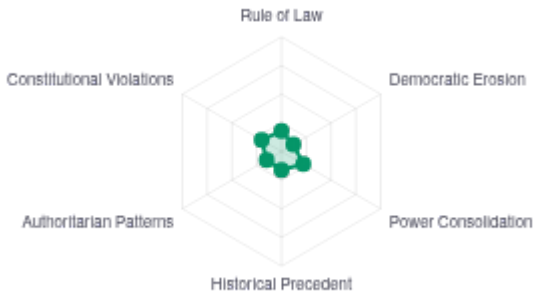
Executive Summary

Across frameworks, the order exhibits moderate risks through executive reliance on emergency powers for trade policy, potentially consolidating power and straining constitutional trade authority without overt authoritarian intent. While legally permissible, it contributes to gradual democratic erosion by normalizing bypasses of Congress, akin to historical precedents, warranting vigilance on rule-of-law implications.

Top Key Findings

- ✓ **[Rule of Law]** The order operates within statutory frameworks like IEEPA but stretches 'emergency' definitions for non-acute issues like trade deficits.
- ✓ **[Rule of Law]** Severability clause protects the order's core but highlights potential judicial challenges to its breadth.
- ✓ **[Democratic Erosion]** The order does not directly reject elections or opponents but indirectly erodes democratic norms by using emergency pretexts for routine policy adjustments.

Framework Scores



Rule of Law	<div><div style="width: 18%;"></div></div>	18
Democratic Erosion	<div><div style="width: 12%;"></div></div>	12
Power Consolidation	<div><div style="width: 22%;"></div></div>	22
Historical Precedent	<div><div style="width: 16%;"></div></div>	16
Authoritarian Patterns	<div><div style="width: 15%;"></div></div>	15
Constitutional Violations	<div><div style="width: 20%;"></div></div>	20

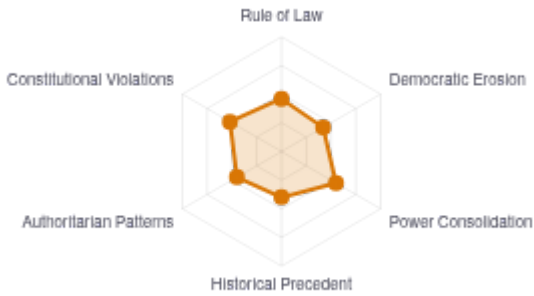
Executive Summary

This Executive Order represents routine trade and customs policy administration rather than authoritarian overreach. The document follows standard legal procedures, cites established statutory authorities, and operates within traditional executive branch functions. The primary concern is the repeated use of emergency declarations for trade policy matters, which could normalize emergency powers usage. However, this does not constitute a significant threat to democratic institutions, constitutional rights, or rule of law. The order maintains standard legal safeguards including severability clauses, Federal Register publication, and adherence to applicable law. Compared to genuinely threatening documents (suspending habeas corpus, dissolving courts, suppressing elections), this represents normal executive governance.

Top Key Findings

- ✓ **[Rule of Law]** Order published in Federal Register following proper procedure
- ✓ **[Rule of Law]** Includes standard legal safeguards (severability, non-enforceability clauses)
- ✓ **[Democratic Erosion]** No interference with electoral processes or political opposition

Framework Scores



Rule of Law	<div><div style="width: 46%;"></div></div>	46
Democratic Erosion	<div><div style="width: 42%;"></div></div>	42
Power Consolidation	<div><div style="width: 55%;"></div></div>	55
Historical Precedent	<div><div style="width: 40%; background-color: #28a745;"></div></div>	40
Authoritarian Patterns	<div><div style="width: 45%;"></div></div>	45
Constitutional Violations	<div><div style="width: 52%;"></div></div>	52

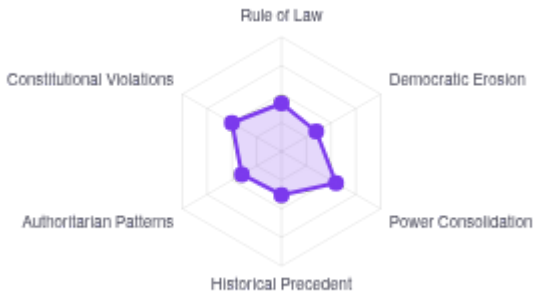
Executive Summary

Executive Order 14388 represents a moderate threat to constitutional governance through the institutionalization of emergency economic powers. While operating within the technical bounds of delegated statutory authority (IEEPA), the document exemplifies democratic erosion through the normalization of emergency declarations to address non-emergency conditions (trade deficits, routine postal imports). The order consolidates executive control over revenue functions constitutionally reserved to Congress (Article I, Section 8), while delegating legislative authority to the Secretary of Homeland Security to suspend regulations without congressional oversight. The severability provisions and effective date mechanisms create rule-of-law concerns by retroactively imposing duties on previously exempt shipments. Though falling short of critical authoritarian measures (court packing, habeas suspension), the order continues a trajectory of executive aggrandizement that erodes the separation of powers, using technical trade regulations as vehicles for permanent emergency governance.

Top Key Findings

- ✓ **[Rule of Law]** Retroactive application risks with goods entered for consumption after arbitrary effective date
- ✓ **[Rule of Law]** Delegation of adjudicative authority to unelected officials for duty assessment
- ✓ **[Democratic Erosion]** Erosion of institutional forbearance: Using emergency powers to circumvent normal legislative bargaining over trade policy

Framework Scores



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

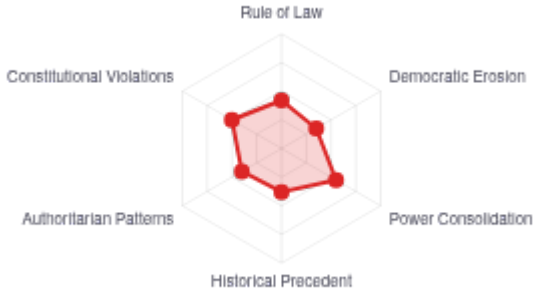
Executive Summary

Across all frameworks, the document reflects a moderate threat to democratic governance and constitutional order. The reliance on emergency powers to justify economic measures, coupled with the centralization of decision-making authority, indicates a shift towards authoritarian patterns and power consolidation. The potential degradation of the rule of law and historical parallels with past executive overreach further underline these concerns.

Top Key Findings

- ✓ **[Rule of Law]** The document raises concerns about the degradation of the rule of law due to the broad interpretation of emergency powers.
- ✓ **[Rule of Law]** There is potential for unchecked executive action, which undermines the rule of law.
- ✓ **[Democratic Erosion]** The document illustrates elements of democratic erosion as it centralizes decision-making power.

Framework Scores



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

Executive Summary

The Executive Order reflects a troubling combination of authoritarian governance patterns, constitutional violations, and a trend towards power consolidation that undermines democratic norms. While certain aspects may appear administrative, the overarching implications suggest a significant threat to the integrity of democratic processes and the rule of law.

Top Key Findings

- ✓ **[Rule of Law]** The modification of laws through executive action raises concerns about adherence to the rule of law.
- ✓ **[Rule of Law]** The potential for arbitrary enforcement of duties without transparent procedures undermines legal norms.
- ✓ **[Democratic Erosion]** The document exemplifies a gradual erosion of checks and balances inherent in a democratic system.

Framework Scores



Rule of Law	<div style="width: 60%;"></div>	60
Democratic Erosion	<div style="width: 48%;"></div>	48
Power Consolidation	<div style="width: 65%;"></div>	65
Historical Precedent	<div style="width: 52%;"></div>	52
Authoritarian Patterns	<div style="width: 55%;"></div>	55
Constitutional Violations	<div style="width: 62%;"></div>	62

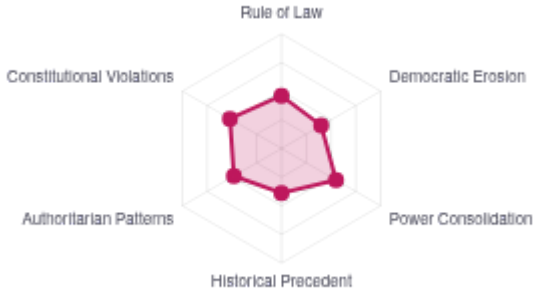
Executive Summary

Executive Order 14388 represents a significant expansion of executive power over the national economy. By leveraging the International Emergency Economic Powers Act (IEEPA), the executive branch is effectively rewriting tax and trade law—powers constitutionally reserved for Congress. The most alarming feature is the 'severability' logic in Section 1, which attempts to insulate the policy from judicial oversight by stating the suspension remains in effect even if the underlying legal justification is struck down. This creates a 'heads-I-win, tails-you-lose' legal environment that degrades the Rule of Law.

Top Key Findings

- ✓ **[Rule of Law]** Erosion of legal predictability by making trade status dependent on subjective 'notifications' from the Secretary of Commerce rather than statute.
- ✓ **[Rule of Law]** Severability clauses designed to maintain executive control even when specific actions are ruled illegal.
- ✓ **[Democratic Erosion]** Subversion of the 'power of the purse' by shifting the cost of government enforcement onto private transportation carriers.

Framework Scores



Rule of Law	46
Democratic Erosion	40
Power Consolidation	55
Historical Precedent	39
Authoritarian Patterns	48
Constitutional Violations	52

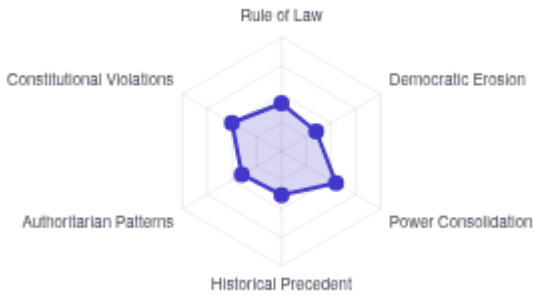
Executive Summary

This executive order represents a concerning but not yet critical pattern of democratic erosion through the aggregation of emergency powers. While focused on trade policy, it demonstrates systematic use of national emergency declarations to bypass normal legislative processes. The document shows moderate threat characteristics: it centralizes power in the executive branch, uses emergency authorities for what appear to be routine policy objectives, and creates self-reinforcing legal structures. However, it maintains procedural formalities, cites specific statutory authorities, and includes standard severability and implementation clauses. The threat lies more in the pattern it represents—the normalization of emergency governance—than in any single provision.

Top Key Findings

- ✓ **[Rule of Law]** Potential abuse of emergency powers for non-emergency policy goals
- ✓ **[Rule of Law]** Creation of complex tariff systems through executive action rather than legislation
- ✓ **[Democratic Erosion]** Normalization of emergency powers for routine policy implementation

Framework Scores



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

Executive Summary

The order demonstrates concerning normalization of emergency powers for non-emergency policy goals, particularly through its self-insulating mechanisms against judicial review and aggregation of trade authorities. While operating within statutory frameworks (IEEPA/NEA), it stretches their original intent through perpetual emergencies and implementation shortcuts. The absence of direct democratic institution attacks or civil liberties violations prevents higher severity, but the pattern of executive overreach in economic policy warrants institutional monitoring.

Top Key Findings

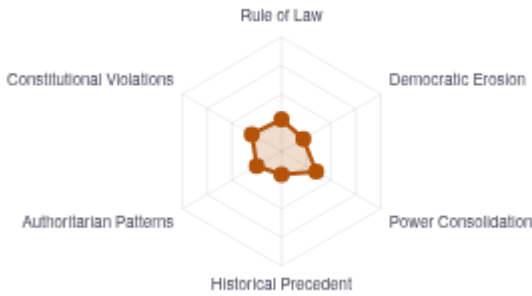
- ✓ **[Rule of Law]** Weakening of judicial review safeguards
- ✓ **[Rule of Law]** Procedural shortcuts in implementation
- ✓ **[Democratic Erosion]** Incremental normalization of emergency governance

anthropic/claude-sonnet-4.6

Framework: comprehensive — Analyzed: March 6, 2026

LOW
28
/100

Framework Scores



Rule of Law	<div><div style="width: 28%;"></div></div>	28
Democratic Erosion	<div><div style="width: 22%;"></div></div>	22
Power Consolidation	<div><div style="width: 35%;"></div></div>	35
Historical Precedent	<div><div style="width: 20%;"></div></div>	20
Authoritarian Patterns	<div><div style="width: 25%;"></div></div>	25
Constitutional Violations	<div><div style="width: 30%;"></div></div>	30

Executive Summary

Executive Order 14388 is a technically focused trade and customs administration order that continues the suspension of duty-free de minimis treatment for international shipments. Analyzed across all six frameworks, the order presents low-to-moderate concerns primarily related to the expansive use of IEEPA emergency authority and the concentration of implementation power in the executive branch, but does not exhibit the defining characteristics of authoritarian governance, constitutional violation, or democratic erosion as those concepts are rigorously defined in political science and constitutional law literature. The order cites recognized statutory authority, is published through standard administrative channels, acknowledges judicial review, and includes severability provisions. The most legitimate concerns are (1) the normalization of cascading emergency declarations as a trade policy tool, reducing the meaningful threshold for emergency governance; (2) the authorization for the Secretary of Homeland Security to suspend regulations without standard notice-and-comment, compressing administrative due process; and (3) the rapid effective date limiting affected parties' ability to seek pre-enforcement judicial relief. These are real concerns warranting legislative and judicial attention, but they fall within the category of aggressive-but-precedented executive trade action rather than authoritarian overreach. The order's subject matter — import duties on small packages — is commercially significant but does not implicate fundamental civil liberties, political rights, or core democratic institutions.

Top Key Findings

- ✓ **[Rule of Law]** The order is published in the Federal Register, cites specific statutory authority, includes severability provisions, and references judicial review — all consistent with rule-of-law norms.
- ✓ **[Rule of Law]** The acknowledgment that prior orders may have been 'held to be invalid' (Section 1) and the contingency planning around such invalidation demonstrates awareness of judicial oversight rather than defiance of it.
- ✓ **[Democratic Erosion]** Levitsky and Ziblatt identify four key indicators of democratic backsliding: rejection of democratic rules, denial of legitimacy of opponents, tolerance of violence, and readiness to curtail civil liberties.

Consensus Analysis

Where models agree and disagree across the 10 analyses.

✓ Areas of Agreement (<10pt spread)

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

⚠ Areas of Disagreement (≥10pt spread)

⚠ **Power Consolidation** Range: 22–65 — Spread: **43pts**
High variance between models

⚠ **Rule of Law** Range: 18–60 — Spread: **42pts**
High variance between models

⚠ **Constitutional Violations** Range: 20–62 — Spread: **42pts**
High variance between models

⚠ **Authoritarian Patterns** Range: 15–55 — Spread: **40pts**
High variance between models

⚠ **Democratic Erosion** Range: 12–48 — Spread: **36pts**
High variance between models

⚠ **Historical Precedent** Range: 16–52 — Spread: **36pts**
High variance between models

📋 Consolidated Recommendations

Merged and deduplicated across all 10 models — prioritized by how many models suggested each.

Affected commercial parties (importers, international postal carriers, small businesses reliant on de minimis treatment) should be provided clearer CBP guidance and a reasonable transition period before full duty collection is enforced, consistent with administrative fairness norms.

Suggested by 1 model: **claude-sonnet-4.6**

Congress should reassert its Article I authority over import duties by reviewing the scope of IEEPA delegations and considering whether cumulative emergency trade orders require affirmative congressional ratification after a defined period, consistent with the National Emergencies Act's review mechanisms.

Suggested by 1 model: **claude-sonnet-4.6**

Congress should review and potentially limit IEEPA applications to true emergencies via legislation.

Suggested by 1 model: **grok-4-fast**

Congress should review whether IEEPA emergency declarations are appropriate for trade policy

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

Congressional Review Act resolution of disapproval to challenge the statutory basis for IEEPA application to postal shipment duties

Suggested by 1 model: **kimi-k2.5**

Congressional review and potential repeal of the underlying emergency declarations under the National