

# *The K.F. Stone Weekly*

*(Formerly "Beating the Bushes")*



February 08, 2016

## "ON MY FIRST DAY I'LL . . ."

If we are to take the various Republican presidential candidates at their word, their first day in the Oval Office will need to consist of somewhere around 35,000 hours. How's that? Well, simply that the lion's share of all they have pledged to accomplish "On my first day . . ." is the work of a four-year presidency (that's



35,040 hours), not a single day. Moreover, much of what they have pledged to achieve requires employing the very muscular use of executive power which they so loudly classify as "utterly dictatorial" when it is employed by the man they all hope to succeed, President Barack Obama. For the past six months, as an example, Texas Senator Ted Cruz has stonily committed himself to a "first

day" on which "I intend to end every single illegal and unconstitutional executive action taken by this president." Asked to innumerate precisely which executive actions were "illegal and unconstitutional," Cruz named "the Iranian nuclear deal," which he pledged to "rip to shreds," and President Obama's ". . . efforts to restrict the Second Amendment [which will] go away with the strike of a pen." The junior senator from Texas has also stated that he will repeal every word of Obamacare and "end Common Corps on the federal level." Of course, Obamacare is in no wise the product of an executive order, and thus cannot be repealed through another executive order.

For his part, Donald Trump has sworn before both God and man that on day one he will immediately boot out all of the immigrants who have moved to the country illegally: *"It starts with getting the bad ones. Day One. If I win, Day One of my presidency, they're getting out. We're getting them out. We're getting them out fast."* Retired neurosurgeon Dr. Ben Carson said his day one plan was to tackle cyber security issues. Florida Senator Rubio recently [tweeted](#) "As president I would reverse the Iran deal and increase sanctions on day one." And virtually every Republican candidate has pledged that the first act on their first day in office will be moving the America's Embassy from Tel Aviv to Jerusalem.

*(It should be noted that more than 20 years ago, Congress passed the [Jerusalem Embassy Act of 1995](#), subtitled "A bill to provide for the relocation of the United States Embassy in Israel to Jerusalem." Due to a serious question about whether the bill would run afoul of the Constitutionally-mandated separation of powers, then-Senator Robert Dole - the bill's original sponsor - amended his legislation to include a presidential waver -- essentially turning the legislation into a recommendation rather than a law. Over the past 16 years, Presidents Bill Clinton, George W. Bush and Barack Obama have availed themselves of 32 waivers. While pledging to move the American embassy from Tel Aviv to Jerusalem may be wonderfully cosmetic and decorous during a presidential campaign, it is woefully convoluted and dangerous once one takes up occupancy at 1600 Pennsylvania Avenue.)*

Last Saturday night's [Republican presidential debate](#) up in New Hampshire had plenty of these "On my first day I'll . . ." moments. It also had Donald Trump setting some sort of record for the use of a single adjective ("tremendous" - which he employed precisely 14 times) and Senator Marco Rubio having a meltdown at the hands of New Jersey Senator Chris Christie. Rubio came off rather robotically, resorting to the same 25-second sound byte three times in a row. Donald Trump took a swipe at President Obama, suggesting that he spends far too much time playing golf in Hawaii than leading a nation. Truth to the last president to take fewer vacations than President Obama was Jimmy Carter nearly 40 years ago. **(n.b. President Obama took 160 vacation days during his first seven years in office, as compared to 405 for George W. Bush and 395 for Ronald Reagan. It would seem that the problem isn't [the number of days](#) one takes; its the person who's taking them.)**

But what concerns us today is the issue of that first day; what various candidates promise they'll accomplish during their first 24 hours in the Oval Office. The only way to accomplish anything on the day after the inauguration - and all the attendant hoopla - is to issue an executive order. Again, as with presidential holidays and vacations, it isn't a matter of the number or the nature of the presidential edicts; it's a matter of whether or not the president exercising the executive privilege is a member of your party or "the enemy." If your guy issues an executive order, it's both legal and done for the common good; if it's "the other

guy," the order is both unconstitutional and for purely partisan reasons. That's the nature of politics in the modern era; it stinks. To listen to the "loyal opposition," Barack Obama is the first, worst and most egregious abuser of Executive Orders. For the past 3 years there has been [an email](#) making its way through cyberspace wailing about how President Obama has ". . . *signed 900 executive orders, some of which create martial law.*" This is, to say the least, utter stuff and nonsense . . .

President George Washington issued precisely 8 executive orders during his two terms in office. Since then every president - save William Henry Harrison, who caught cold during his inaugural address and died 30 days later - has availed himself of his constitutional privilege. As of last week, the 44 presidents have issued precisely [13,716 executive orders](#). Not surprisingly, the all-champ at issuing said orders was the man who served the longest: President Franklin Delano Roosevelt, who was responsible for a staggering 3,721 during his 12.2 years in office - an average of 307 a year. FDR's cousin Teddy was no slouch: during his nearly seven-and-a-half years as president, he signed 1,081 executive orders - an average of 145 a year. Ronald Reagan and George W. Bush, who both served two terms, signed, respectively, 381 and 281 orders. By comparison, Presidents Clinton and Obama have been responsible for, respectively, 364 and 228. The last president to issue fewer executive orders on an annual basis (Obama's yearly average is 33) was Grover Cleveland back in 1893-1897. So, when it comes to executive orders, Barack Obama is a virtual skinflint.

Interestingly, the three governors in the Republican field - Kasich, Bush and Christie - are far more comfortable talking about what they hope to accomplish in their first 100 *days* (shades of FDR!) rather than their first 24 hours. This adds a breath of fresh, mature air to the conversation; a recognition that in order to get anything of significance done, it takes Congress, conversation, compromise and citizenship. And for that, they deserve their props.

I can tell you that regardless of whom the next president will be, on that first day, I'll be invoking prayers . . .

Copyright©2016 Kurt F. Stone