

# EAGA Business Builder

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## There was not a meeting today because of the 4th of July Holiday

It is probably safe to say that most people have a pretty good idea why we celebrate the holiday. There are, however, interesting details about the events that led up to the Declaration of Independence, and about subsequent events, that may, or may not, be common knowledge.

The Constitutional Convention (also called the Federal Convention) took place in Philadelphia and was originally intended as a meeting to revise the Articles of Confederation (the regulations that were governing the colonies at the time). Before long - or, from the very start in the minds of some of the delegates - the decision was made to use the gathering as a forum to create a new government, instead of trying to fix the old one. The most contentious disputes revolved around composition and election of the Senate, how "proportional representation" was to be defined (whether to include slaves or other property), whether to divide the executive power between three persons or invest the power into a single president, how to elect the president, how long his term was to be and whether he could run for re-election, what offenses should be impeachable, the nature of a fugitive slave clause, whether to allow the abolition of the slave trade, and whether judges should be chosen by the legislature or executive. Most of the time during the Convention was spent on deciding these issues, while the powers of legislature, executive, and judiciary were not heavily dispute.<sup>1</sup>

The Founders attempted to create a set of rules that were to be used, from then forward, to guide actions and authority of the government and its officials. They did a magnificent job of trying to think of everything, but nothing can be so detailed and exact as to cover every situation that may arise. There have been controversies about interpretation of wording and intent of the Constitution, and it is certain that others will appear in the future. During the past few years, one such controversy - Presidential Executive Orders - has become a major topic of discussion.

The constitutional basis for the executive order is the President's broad power to issue executive directives. According to the Congressional Research Service, there is no direct "definition of executive orders, presidential memoranda, and proclamations in the U.S. Constitution, there is, likewise, no specific provision authorizing their issuance." But Article II of the U.S. Constitution vests executive powers in the President, makes him the commander in chief, and requires that the President "shall take Care that the Laws be faithfully executed." Laws can also give additional powers to the President. While an executive order can have the same effect as a federal law under certain circumstances, Congress can pass a new law to override an executive order, subject to a presidential veto.<sup>2</sup>

There is also a separate, but similar, action called a Presidential Memorandum. As a practical matter, there is little legal difference between executive orders and presidential memoranda, as both are used by presidents to direct the actions of government officials and agencies. However, under the law, executive orders are required to be published in the Federal Register and are numbered; there is no such requirement for presidential memoranda. Memoranda are published in the Federal Register only when the president determines that they have "general applicability and legal effect".<sup>3</sup> Because they are not always recorded in a specific place or manner, it would, obviously, be very hard to review (or even count) presidential memoranda. All presidents, from Washington forward, have issued Executive Orders (except for William Henry Harrison who died of pneumonia after serving as president for only 1 month). The following page lists the quantity of executive orders issued by each president. It ranges from 3,721 by F. Roosevelt, to only 1 by a couple of early presidents. Simply reviewing the quantity, however, will not yield any beneficial conclusion about the president's exercise, or abuse, of executive power. The orders do not contain directives of like importance; and they are not all the same regarding their affect on the public in general. More importantly, as noted above, executive orders are not the only way for a president to take action without congressional approval. Many agree with the conclusion: any president that issues an executive order or a presidential memorandum; and any congress that allows them to go uncontested, are both in violation of the intent, and the directive of the Constitution.

1. [https://en.wikipedia.org/wiki/Constitutional\\_Convention\\_\(United\\_States\)](https://en.wikipedia.org/wiki/Constitutional_Convention_(United_States))

2. <https://constitutioncenter.org/>

3. John T. Woolley, co-director of the American Presidency Project—University of California at Santa Barbara

The numbering of Executive Orders did not begin until 1907 and the law requiring that Executive Orders be published in the congressional record did not exist until 1935. <sup>4</sup>

Chart contains information through June 20, 2017 from American Presidency Project, University of California at Santa Barbara <http://www.presidency.ucsb.edu/>

President	Total	EO Number Range	President	Total	EO Number Range
George Washington	8	<i>unnumbered</i>	Benjamin Harrison	143	<i>unnumbered</i>
John Adams	1	<i>unnumbered</i>	Grover Cleveland - II	140	<i>unnumbered</i>
Thomas Jefferson	4	<i>unnumbered</i>	William McKinley	185	<i>unnumbered</i>
James Madison	1	<i>unnumbered</i>	Theodore Roosevelt	1,081	
James Monroe	1	<i>unnumbered</i>	William Howard Taft	724	
John Quincy Adams	3	<i>unnumbered</i>	Woodrow Wilson	1,803	
Andrew Jackson	12	<i>unnumbered</i>	Warren G. Harding	522	
Martin van Buren	10	<i>unnumbered</i>	Calvin Coolidge	1,203	
William Henry Harrison	0	<i>unnumbered</i>	Herbert Hoover	968	5075 - 6070
John Tyler	17	<i>unnumbered</i>	Franklin D. Roosevelt	3,721	6071 - 9537
James K. Polk	18	<i>unnumbered</i>	Harry S. Truman	907	9538 - 10431
Zachary Taylor	5	<i>unnumbered</i>	Dwight D. Eisenhower	484	10432 - 10913
Millard Fillmore	12	<i>unnumbered</i>	John F. Kennedy	214	10914 - 11127
Franklin Pierce	35	<i>unnumbered</i>	Lyndon B. Johnson	325	11128 - 11451
James Buchanan	16	<i>unnumbered</i>	Richard Nixon	346	11452 - 11797
Abraham Lincoln	48	<i>unnumbered</i>	Gerald R. Ford	169	11798 - 11966
Andrew Johnson	79	<i>unnumbered</i>	Jimmy Carter	320	11967 - 12286
Ulysses S. Grant	217	<i>unnumbered</i>	Ronald Reagan	381	12287 - 12667
Rutherford B. Hayes	92	<i>unnumbered</i>	George Bush	166	12668 - 12833
James Garfield	6	<i>unnumbered</i>	William J. Clinton	364	12834 - 13197
Chester Arthur	96	<i>unnumbered</i>	George W. Bush	291	13198 - 13488
Grover Cleveland - I	113	<i>unnumbered</i>	Barack Obama	276	13489 - 13764
			Donald J. Trump	37	13765 - 13801

4. [https://www.washingtonpost.com/news/fact-checker/wp/2014/12/31/claims-regarding-obamas-use-of-executive-orders-and-presidential-memoranda/?utm\\_term=.61906cc6d264](https://www.washingtonpost.com/news/fact-checker/wp/2014/12/31/claims-regarding-obamas-use-of-executive-orders-and-presidential-memoranda/?utm_term=.61906cc6d264)

## Badge Board Greeters

- July 11th Mark Bidwell—Rio Grande Title Company
- July 18th Rick Reese—Blue Ristra
- July 25th Kevin Lorenzen—Aflac
- Aug 1st Mike Melloy—Petroglyph Animal Hospital
- Aug 8th Scott Peck—MP Group
- Aug 15th Mark Abramson—Los Ranchos Gun Shop
- Aug 22nd Andrew LoBue—The Grove Cafe

## Upcoming Speakers

- July 11th Scott Gorman—Gorman Industries
- July 18th Soren Thomsen—Tema Furniture
- July 25th Tom McMahon—Sunquest Advertising
- Aug 1st Brandon Sayler—Interim Healthcare
- Aug 8th Guy Berger—Palms Trading
- Aug 15th
- Aug 22nd Andrew LoBue—The Grove Cafe

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