

Trump uses executive orders to impose hiring and regulatory freezes

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In the first days of his presidency, Donald Trump has issued a series of executive orders and memoranda that outline his administration's far-right agenda: economic nationalism and war abroad; attacks on living standards and democratic rights at home.

On Friday, immediately following his inauguration, Trump issued an executive order weakening the Affordable Care Act, also known as Obamacare. The order, titled "Executive Order Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal," directs the Department of Health and Human Services and other federal agencies involved in the ACA's administration, to the greatest extent possible under the law, to "waive, defer, grant exemptions from, or delay" any part of the act that imposes financial burdens on states, insurance corporations, pharmaceuticals, HMOs, or individual health care consumers.

The ACA was not a social reform, as the Obama administration and its allies presented it, but pro-corporate legislation designed to shift the burden of health care onto workers, while providing new revenue streams for the insurance giants. But Trump has cynically exploited widespread popular disillusionment with Obamacare to attack it from the right. It is not clear what portions of the ACA will be preserved, if any, but those measures that were designed to provide some pretense of concern for workers—such as that barring insurers from refusing policies to individuals with preexisting medical conditions—will be scrapped.

Also on Friday, Trump issued an executive memorandum designed to hold up all federal regulations that were in the process of implementation in the Obama administration. It instructs all heads of all federal agencies to clear any new regulation not yet published or implemented with "a department or

agency head appointed or designated by the President after noon on January 20, 2017."

On Monday morning, Trump signed three more orders, this time defined as executive memoranda, in front of media and administration officials in the Oval Office.

The first scuttles US entry into the 12-nation Trans-Pacific Partnership (TPP). Promoted by the Obama administration, the TPP would have created a massive free trade zone to isolate China and drive down the wages of US workers.

However, Trump's scrapping of the TPP actually represents an intensification of Washington's rivalry with China. Trump will "negotiate" with Beijing through the threat of war—both economic and military. Meanwhile, Trump's claim that his "America First" policies will be "a great thing for American workers" is a bald lie. His intention is to lift all restraints on the exploitation of American workers, as his freeze on all federal regulation makes clear.

Trump's real attitude toward helping American workers was revealed by the second order he signed on Monday, imposing a hiring ban on all federal agencies. The ban on new hires comes under conditions in which the US labor force participation rate stands at about 62 percent, a low not seen since the mid-1970s, prior to the mass entry of women into the workforce. It puts the lie to Trump's claims, frequently made on the campaign trail, that he would rebuild America's crumbling infrastructure.

Before signing, Trump looked up and stated, twice, "except for the military"—that is, the federal hiring ban will not affect the sprawling military-intelligence apparatus, which he has repeatedly promised massively increased funding—though the US already spends more on its military than the planet's next nine largest

military spenders combined. The text of the memorandum, issued later in the day, also exempts “any positions ... necessary to meet national security or public safety responsibilities.”

Finally, Trump reinstated the reactionary “Mexico City policy,” which blocks federal funding for international health care charities in poor countries if those charities provide information to women about abortion. The rule, a reward handed to his party’s narrow “base” among Christian fundamentalists and the Catholic clergy, was first imposed in the Reagan administration and has been alternately repealed and reinstated by Democratic and Republican administrations ever since.

None of the three items signed by Trump on Monday were actually “executive orders,” but “executive memoranda.” Between the two forms of executive document—both of which order or instruct federal employees on policy—there is no clear distinction. However, since a 1962 rule adopted by President John Kennedy, executive orders have always explicitly invoked a legal rationale for the dictated presidential action. In other words, they attempt to root presidential authority in law, and are published in the *Federal Register*. Presidential memoranda, which were used more by Obama than any other president in history, do not include any such legal explanation and frequently go unpublished.

The US Constitution provides for neither executive orders nor executive memoranda. Their use is bound up with the emergence of what historians have called “the imperial presidency.” Executive orders began to be numbered and entered into the federal registry only in 1907, in the wake of the American turn to empire during the administration of Theodore Roosevelt, who issued over 1,000. His cousin, Franklin Roosevelt, easily surpassed that, issuing 3,721, including the infamous Executive Order 9066, which was used to sweep up and imprison over 110,000 Japanese-Americans in concentration camps.

Since the late 1970s, executive orders, along with a third type of presidential edict, executive proclamations, have been used dozens of times to impose a “state of emergency” that grants the president broad, quasi-dictatorial powers, authorities granted by the 1976 National Emergencies Act. Presidents repeatedly renew “states of emergencies” imposed by

their predecessors, so that there are presently over 30 such ongoing emergencies.

Every year during his administration, Obama renewed George W. Bush’s Proclamation 7463, which provides much of the legal basis for “the war on terror.” Bush cited the state of emergency declared by the Executive Order to justify the prison camp at Guantanamo Bay.

Obama last renewed this order, Proclamation 7463, “National Emergency with Respect to Certain Terrorist Attacks,” on September 15, 2016, with the US presidential election less than two months away. The powers inherent in that order now fall to the Trump administration.



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