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Continuity of Government: Coup d'Etat Authority in America

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Continuity of Government: Coup d'Etat Authority in America - by Stephen Lendman

This article reviews the historical roots and America's current Continuity of Government authority, initially planned and developed by Ronald Reagan. More on that below.

On March 1, 2002, Washington Post writers Barton Gellman and Susan Schmidt headlined, "Shadow Government Is at Work in Secret," saying:

"President Bush has dispatched a shadow government of about 100 senior civilian managers to live and work secretly outside Washington, activating for the first time longstanding plans to ensure survival of federal rule after a catastrophic attack on the nation's capital."

Shortly after 9/11, a classified "Continuity of Operations Plan" (aka "continuity of government") was implemented. Legal documents were then drafted, creating a shadow government in case of a catastrophe, George Bush saying:

"We take the continuity of government issue seriously because our nation was under attack. Until this country has routed out terrorists wherever they hid, we're not safe."

In other words, the plan, like the "war on terror," is open-ended, in violation of the Constitution's Separation of Powers, the document George Bush called "just a goddamn piece of paper," and governed accordingly throughout his tenure, a practice Obama continues. More on that below.

On April 4, 2007, the Bush administration issued a combined White House/Department of Homeland Security (DHS) National Security/Homeland Security Presidential Directive NSPD 51/HSPD 20, extending for one year the 9/11 emergency for the sixth time, and establishing Continuity of Government (COG) procedures under Catastrophic Emergency conditions, defined as:

"any incident (such as a terrorist attack), regardless of location, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the US population, infrastructure, environment, economy, or government functions."

COG is then defined as:

"a coordinated effort within the Federal Government's executive branch to ensure that National Essential Functions continue to be performed

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during a Catastrophic Emergency."

The combined directive gave the president and DHS unprecedented police state powers to declare martial law without congressional approval, and be able to rule extrajudicially, free from constitutional constraints. It also let the vice-president assume dictatorial powers, George Bush left a figurehead by clever wording, saying:

NSPD 51 "shall be implemented in a manner that is consistent with, and facilitates effective implementation of, provisions of the Constitution concerning succession to the Presidency or the exercise of its powers, and the Presidential Succession Act of 1947 (3 U.S.C. 19), with consultation of the Vice President and, as appropriate, others involved. Heads of executive departments and agencies shall ensure that appropriate support is available to the Vice President and others involved as necessary to be prepared at all times to implement those provisions."

Related to this was Dick Cheney's 2005 "Contingency Plan" in case of another 9/11 type attack, authorizing preemptive measures, including war, against suspected terrorists, individuals and/or sponsor states, depending on who's designated.

COG authority is renewed annually. Thus, on September 10, 2009, the White House extended the Bush administration's 9/11 national emergency, a press release saying:

"CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS

Consistent with sections 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), I am continuing for 1 year the national emergency declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks of September 11, 2001, and the continuing and immediate threat of further attacks on the United States.

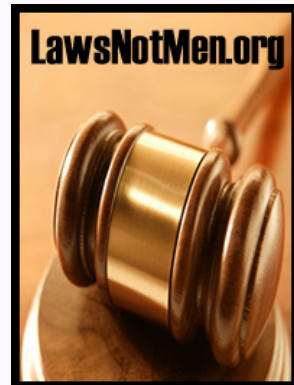
Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the powers and authorities adopted to deal with that emergency, must continue in effect beyond September 14, 2009. Therefore, I am continuing in effect for an additional year the national emergency the former President declared on September 14, 2001, with respect to the terrorist threat.

This notice shall be published in the Federal Register and transmitted to the Congress."

On September 14, 1982, Ronald Reagan's (secret) National Security Decision Directive/NSDD 55 established a National Program Office (NPO), tasked with ensuring the federal government's survive in case of a national emergency, specifically a nuclear attack.

Reporting to Vice President Bush, NPO developed and coordinated secret plans with the Federal Emergency Management Agency (FEMA), CIA, and Departments of State and Defense to maintain large underground bunkers, high-tech software, and procedures to let government function under emergency conditions - originally in case of nuclear attack, now terrorist ones or any "emergency," including natural disasters.

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In 1988, Reagan's Executive Order 12656 authorized a COG response, including full-scale militarization in case of a "national security emergency," defined as:

"Any occurrence, including natural disaster, military attack, technological or other emergency, that seriously degrades or seriously threatens the national security of the United States."

The policy remained largely in place under GHW Bush's April 1990 National Security Directive (NSD) 37, June 1992 NSD 69 (both titled Enduring Constitutional Government), and Bill Clinton's October 1998 Presidential Decision Directive/National Security Council (PDD/NSC) 67, titled Enduring Constitutional Government and Continuity of Government Operations, stating:

It "relates to enduring constitutional government, continuity of operations (COOP) planning, and continuity of government (COG) operations....to ensure survival of a constitutional form of government and the continuity of essential Federal functions."

The earlier notion of "enduring" or "continuity" of government became changing it extrajudicially under George Bush, ideas secretly plotted in the 1980s and 1990s by Dick Cheney, Donald Rumsfeld and other neocon extremists (so-called Project 908), implemented on 9/11.

According to the 9/11 Commission, it was without elaboration, but consider what followed - an array of police state actions by Executive Orders (EOs), National and Homeland Security Presidential Directives, legislation, and other disturbing measures, targeting designated domestic and foreign adversaries, dissent, civil liberties, human rights, and other democratic freedoms, including an assault on the Bill of Rights. What followed included:

-- the October 8, 2001 Executive Order (EO) 13228 establishing two Executive agencies: the Office of Homeland Security (OHS) "to develop and implement a national strategy to coordinate federal, state, and local counterterrorism efforts to secure the country from and respond to terrorist threats or attacks;" and the Homeland Security Council (HSC) "to advise the President on homeland security matters, mirroring the role the National Security Council (NSC) plays in national security;"

-- the October 2001 USA Patriot Act, eroding First, Fourth, Fifth, and Fourteenth Amendment protections, including free association, due process, freedom from illegal searches and seizures, and privacy; the crime of "domestic terrorism" was also established, thereafter targeting animal and environmental activists and other US citizens; in February 2010, Obama extended the law with little notice;

-- the November 2001 Military Order Number 1, authorizing the president to capture, kidnap or otherwise arrest non-citizens (and later citizens) anywhere in the world for any reason, and detain them indefinitely without charge, evidence, due process or judicial fairness protections of law;

-- in April 2002, the US Northern Command (NORTHCOM) was established, militarizing the homeland for the first time, authorizing federal troops in American communities in case of emergencies, including terrorist attacks and civil unrest;

-- the November 2002 Homeland Security Act (HSA), creating the Department of Homeland Security (DHS), combining previously separate

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federal agencies under one authority to prepare for, prevent, and respond to domestic emergencies and give Washington new police state powers; the US Immigration and Customs Enforcement agency (ICE) is its largest investigative and enforcement arm, targeting suspected criminal and terrorist threats, including undocumented immigrants by their presence, treating them repressively like common criminals;

-- the October 2006 Military Commissions Act authorized torture and sweeping unconstitutional powers to detain, interrogate, and prosecute alleged suspects and collaborators (including US citizens), detain them indefinitely in military prisons, and deny them habeas and other legal protections;

-- in October 2006, provisions in Sections 333 and 1076 of the FY 2007 Defense Authorization Act amended the 1807 Insurrection Act and 1878 Posse Comitatus Act, prohibiting federal or National Guard troops use for law enforcement unless congressionally authorized in emergencies like an insurrection; now the president can claim a public emergency, declare martial law, suspend the Constitution, and deploy military forces on US streets, including to suppress dissent;

-- extrajudicial domestic surveillance became institutionalized;

-- a vast, secret offshore gulag was established, besides the few known ones at Guantanamo, in Iraq, and Afghanistan;

-- indefinite preventive detentions were authorized for persons who can't be prosecuted, yet are claimed (without evidence) to endanger America;

-- torture became official policy;

-- In January 2009, HR 645: National Emergency Centers Establishment Act was introduced, referred to committee, but thus far not passed "To direct the Secretary of Homeland Security to establish national emergency centers on military installations," six in major regions, modeled on Guantanamo, militarizing FEMA to run them; and

-- various other measures were enacted, hardening repressive domestic rule, heading for extrajudicial martial law to quell expected or ongoing civil disturbances.

Historical Roots of COG Authority

COG roots go back to the June 1947 National Security Act (as amended) that merged the Departments of War and Navy into the National Military Establishment (NME), including a separate Department of the Air Force headed by a Secretary of Defense - in August 1949, NME renamed the Department of Defense.

NSA also established the CIA, National Security Resources Board (NSRB), and National Security Council (NSC) to advise the president on domestic, foreign, and military policies at the onset of the Cold War.

In the early 1950s, Truman approved construction of a massive 200,000 square foot underground facility along the Maryland - Pennsylvania border, 65 miles north of Washington. Officially called the Alternate Joint Communications Center (Site-R at Raven Rock), it was one of 96 Federal Relocation Centers (or Federal Relocation Arc) around the nation's capital for government and Pentagon use in case of nuclear war.

Later, they became the "backbone" for COG operations, where Cheney and other top officials went after (or perhaps hours before) 9/11.

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On December 1, 1950, Truman's EO 10186 established the Federal Civil Defense Administration (FCDA) within the Office of Emergency Management (OEM), to oversee federal emergency planning.

On December 16, 1950, EO 10193 created the Office of Defense Mobilization (ODM), to mobilize civilians, industries, and government agencies to defend the nation in an emergency. Other measures followed to establish procedures under emergency conditions if the country was attacked.

On April 17, 1952, Truman's EO 10346 ordered the FCDA to coordinate "continuity" plans within the federal government in case of nuclear war.

On July 1, 1958, Reorganization Plan No. 1 merged the FCDA and ODM into the Office of Civil and Defense Mobilization (OCDM), to ensure continuation of essential government and industry functions under national emergency conditions.

On October 28, 1969, Nixon's EO 11490 directed government officials to ensure the continuation of "essential functions" in case of an emergency. It also directed department heads to develop succession of office plans, overseen by the Office of Emergency Preparedness (OEP) - called a thin line between government and dictatorship, according to some.

In 1970, future Reagan administration FEMA head, Louis O. Giuffrida, advocated martial law in case of mass civil unrest, specifically recommending placing millions of "American negroes" in "assembly centers or relocation camps."

On May 5, 1972, the Office of Civil Defense (OCD) became the Defense Civil Preparedness Agency (DCPA) to "provide preparedness assistance planning in all areas of civil defense and natural disasters."

In March 1976, The Progressive published an article about Mount Weather, a secret underground facility, 50 miles north of Washington, to house a parallel executive branch ready to take over government under emergency conditions.

On April 1, 1979, FEMA was established to oversee federal planning for natural disasters, including nuclear and terrorist attacks. Purportedly to help victims, it, in fact, serves federal authorities, including administering continuity measures if needed. Its Office of National Continuity Programs (NCP) is the "Lead Agent for the Federal Executive Branch on matters concerning continuity of national operations under the gravest of conditions."

Measures in the 1980s and 1990s were reviewed above. On May 8, 2001 (four months before 9/11), George Bush established the Office of National Preparedness under FEMA - empowering Dick Cheney to oversee a "coordinated national effort" to integrate Washington's response to a chemical, biological, radiological, or nuclear attack.

On 9/11, from 9:45 - 9:56AM EDT, NSC counterterrorism adviser Richard A. Clarke activated COG, ordering all federal agencies "to activate an alternative command post, an alternative headquarters outside of Washington, DC, and to staff it as soon as possible."

In addition, key officials went to secure locations, including Dick Cheney, House Speaker Dennis Hastert, and other Republican and Democrat leaders, after which a "shadow government" was formed, perhaps still in

ready to be reactivated under emergency conditions.

On July 27, 2009, The New York Times reported that its activation remained intact under Obama, saying:

White House officials draw "no distance between their own policies and those left behind by the Bush administration." The White House said only that current policy is "settled." The full article can be accessed through the following link:

http://www.nytimes.com/2009/07/28/us/politics/28continuity.html?_r=1&em

A Final Comment

Under the 1947 Presidential Succession Act, the Vice President becomes Chief Executive if a President dies, followed by the House Speaker, Senate President Pro Tempore, Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, and 11 other cabinet officers in line of succession according to when their office was established, Secretary of Homeland Security the newest in 2001.

Key is who's empowered, not inaugurated - authority given Dick Cheney under George Bush's NSPD 51 as explained above. Most worrisome is if COG subverts constitutional protections, ends democratic freedoms, and makes America another banana republic ruled by wealthy, unelected, despotic, corrupted elites - a status largely descriptive of present day conditions.

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