

Bush Extends 9/11 National Emergency Yet Again

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Though few Americans realize it, Cheney and Rumsfeld worked through the 1980s and 1990s on emergency nuclear-response plans which allegedly suspended the American constitution and also Congress.^[1] (Through these decades Rumsfeld was CEO of a major pharmaceutical firm, and in the later 1990s Cheney was CEO of Halliburton; but their private status did not deter them from continuing to exercise a supra-constitutional planning power conferred on them by Ronald Reagan.)

Even fewer Americans know that these rules, originally dealing with a nuclear attack on America, were extended by Reagan Executive Order 12656 to cover “any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States.”^[2] And few Americans realize that at least some of these rules, known technically as Continuity of Government or COG rules, were invoked before 10:00 AM on September 11, 2001.^[3]

As he did in 2007, President Bush has again, on August 28, 2008, continued for another year the national emergency first officially proclaimed on September 14, 2001, along with “the powers and authorities adopted to deal with that emergency:”

Notice: Continuation of the National Emergency with Respect to Certain Terrorist Attacks

Consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency I declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks at the World Trade Center, New York, New York, the Pentagon, and aboard United Airlines flight 93, 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, 2008. Therefore, I am continuing in effect for an additional year the national emergency I 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.

GEORGE W. BUSH

THE WHITE HOUSE,

August 28, 2008.[\[4\]](#)

Once again appropriate personnel in Congress should learn and review what those “powers and authorities” are, since almost certainly they include COG (Continuity of Government) rules. In 2007 National Security Presidential Directive 51 (NSPD 51), issued by the White House, also extended for one year the emergency proclaimed in 2001; and it empowered the President to personally ensure “continuity of government.”[\[5\]](#)

NSPD 51 also contained “classified Continuity Annexes” to “be protected from unauthorized disclosure.” Congressman DeFazio twice requested to see these Annexes, the second time in a letter cosigned by House Homeland Security Committee Chairman Bennie Thompson and Oversight Subcommittee Chairman Christopher Carney. The White House denied these requests, claiming that the congressmen lacked the requisite clearances. But as I wrote earlier this year,

“Congress has a right to be concerned about Continuity of Government (COG) plans refined by Dick Cheney and Donald Rumsfeld over the past quarter century....The story, ignored by the mainstream press, involved more than the usual tussle between the legislative and executive branches of the U.S. Government. What was at stake was a contest between Congress’s constitutional powers of oversight, and a set of policy plans that could be used to suspend or modify the constitution.”[\[6\]](#)

Oliver North, who worked on COG planning with Rumsfeld and Cheney in the 1980s, was asked in the Iran-Contra Hearings about his work on an emergency plan “that would suspend the American constitution.” Democratic Senator Inouye, who was presiding, pounded his gavel and interjected that this was a “highly sensitive and classified matter,” not to be dealt with in an open hearing.[\[7\]](#) Congress has never discussed COG plans publicly since that time.

According to Wikipedia, “The National Emergencies Act (50 U.S.C. 1601-1651) is a United States federal law passed in 1976 to stop open-ended states of national emergency and *formalize Congressional checks and balances* on Presidential emergency powers. The act sets a limit of two years on states of national emergency. It also imposes certain “procedural formalities” on the President when invoking such powers, and provides a means for Congress to *countermand a Presidential declaration of emergency and associated use of emergency powers* (emphasis added).

Bush’s denial of the Homeland Security’s right to review the COG plans in the classified Appendices of NSPD-51 should have been seen as a constitutional crisis — a line in the sand for Congress to assert its constitutional rights and duties. Now, one year later, I understand (although I cannot corroborate it from the Internet) that Congressman Kucinich has introduced or will introduce a bill for Congress, under the terms of the National Emergencies Act, to countermand the presidentially proclaimed national emergency. This is an important move, but it should not obviate the need for Congress to review rules which allegedly restrict its own powers under the constitution.

Between now and November the American electorate have an opportunity to present this demand to everyone running for office: that they will insist on vigorous congressional action to expose and dispose of these secret COG rules — rules that allegedly suspend the American constitution.

Notes

[1] “One of the awkward questions we faced was whether to reconstitute Congress after a nuclear attack. It was decided that no, it would be easier to operate without them,” said one of the COG planners in the 1980s, who spoke to James Mann (*The Rise of the Vulcans*, 141-42). James Bamford reported the same remark in his book *Pretext for War* (p. 74).

[2] The provisions of Executive Order 12656 of November 18, 1988, appear at 53 FR 47491, 3 CFR, 1988 Comp., p. 585, “Executive Order 12656—Assignment of Emergency Preparedness Responsibilities,” <http://www.archives.gov/federal-register/codification/executive-order/12656.html>. The *Washington Post*

(Gellman and Schmidt, “Shadow Government Is at Work in Secret,” March 1, 2002) later claimed, incorrectly, that Executive Order 12656 dealt only with “a nuclear attack.”

[3] Peter Dale Scott, *The Road to 9/11: Wealth, Empire, and the Future of America* (Berkeley and Los Angeles: University of California Press, 2007), 228; citing 9/11 Commission Report, 38, 326; Richard A. Clarke, *Against All Enemies: Inside America’s War on Terrorism* (New York: Simon & Schuster, 2004), 8.

[4] <http://www.whitehouse.gov/news/releases/2008/08/20080828-7.html> .

[5] National Security Presidential Directive 51, <http://www.whitehouse.gov/news/releases/2007/05/20070509-12.html>.

[6] Peter Dale Scott, “Congress, the Bush Administration and Continuity of Government Planning: The Showdown,” <http://www.counterpunch.org/scott03312008.html>.

[7] Scott, *Road to 9/11*, 9, 23, 184. The *New York Times* published a complete transcript of the interchange on July 14, 1987, but did not mention it in its news story about North’s testimony.

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