

Continuity of Government and the “ENDGAME” Scenario

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Back in 1987 during joint congressional hearings into the Iran-Contra affair, Rep. Jack Brooks (D-TX) asked Lt. Col. Oliver North, Reagan’s point-man on the National Security Council:

Brooks: Colonel North, in your work at the N.S.C. were you not assigned, at one time, to work on plans for the continuity of government in the event of a major disaster?

Brendan Sullivan [North’s counsel]: Mr. Chairman?

Sen. Daniel Inouye (D-HI), immediately squelched Brooks’ inquiry:

Inouye: I believe that question touches upon a highly sensitive and classified area so may I request that you not touch upon that?

Brooks: I was particularly concerned, Mr. Chairman, because I read in Miami papers, and several others, that there had been a plan developed, by that same agency, a contingency plan in the event of emergency, that would suspend the American constitution. And I was deeply concerned about it and wondered if that was an area in which he had worked. I believe that it was and I wanted to get his confirmation.

Inouye: May I most respectfully request that that matter not be touched upon at this stage. If we wish to get into this, I’m certain arrangements can be made for an executive session.

Since those 1987 hearings, the “arrangements” alluded to by Sen. Inouye about this prickly topic, Continuity of Government (COG), have yet to result in an open hearing before relevant congressional committees.

Why?

On March 31, Peter Dale Scott posted an informative piece on [CounterPunch](#) asking that very question. Why is Congress being sandbagged by the Bush administration on the thorniest of issues: the suspension of the U.S. Constitution and the potential declaration of martial law in the event of a “catastrophic national emergency.” Scott writes,

In August 2007, Congressman Peter DeFazio, a member of the House Homeland Security Committee, told the House that he and the rest of his Committee had been barred from reviewing parts of National Security Presidential Directive 51, the White House supersecret plans to implement so-

called “Continuity of Government” in the event of a mass terror attack or natural disaster. (Peter Dale Scott, “Congress, the Bush Administration and Continuity of Government Planning: The Showdown,” CounterPunch, Monday, March 31, 2008)

While it is certainly a reasonable proposition to most citizens that the federal government *should* be prepared for disasters, man-made or otherwise, throughout its history COG has been tainted by its proximity to repressive police measures directed *against* the population (viewed as a hostile force to be “contained”), up to, and including the use of the bluntest of instruments: martial law.

Yet the Bush administration, driven by its desire to maximize power within the Executive branch, has used COG as a cover for creating a “post-Constitutional” police state.

After the September 11, 2001 terrorist attacks, the White House moved quickly. John C. Yoo, a Bush appointee in the Justice Department’s Office of Legal Counsel (OLC) , wrote a 20-page response to an inquiry sent to the office by White House Counsel Timothy E. Flanigan. A Federalist Society veteran of the 2000 Florida recount battle that ended when the Supreme Court handed the presidency to Bush, Flanigan sought the OLC’s advice on “the legality of the use of military force to prevent or deter terrorist activity inside the United States,” according to the [New York Times](#).

Yoo responded how the Constitution’s Fourth Amendment rights against unreasonable search and seizure might apply if the military used “deadly force in a manner that endangered the lives of United States citizens.” *Times* reporter Tim Golden wrote:

Mr. Yoo listed an inventory of possible operations: shooting down a civilian airliner hijacked by terrorists; setting up military checkpoints inside an American city; employing surveillance methods more sophisticated than those available to law enforcement; or using military forces “to raid or attack dwellings where terrorists were thought to be, despite risks that third parties could be killed or injured by exchanges of fire.”

It was all the ammunition the administration needed. Yoo’s memorandum handed the Executive branch virtual carte blanche for its “Terrorist Surveillance Program,” the Bush regime’s odious “public-private partnership” amongst telecom corporations and the National Security Agency’s (NSA) illegal monitoring of Americans’ electronic communications.

Golden went on to report,

Mr. Yoo noted that those actions could raise constitutional issues, but said that in the face of devastating terrorist attacks, “the government may be justified in taking measures which in less troubled conditions could be seen as infringements of individual liberties.” If the president decided the threat justified deploying the military inside the country, he wrote, then “we think that the Fourth Amendment should be no more relevant than it would be in cases of invasion or insurrection.” (Tim Golden, “After Terror, a Secret Rewriting of Military Law,” *The New York Times*, October 24, 2004)

Could such “infringements of individual liberties” include the preventative detention of “illegal immigrants,” political enemies, or others deemed “suspect” by a “Unitary Executive

Theory” that alleges the president possesses virtually unlimited power as “commander-in-chief” during a “time of war”?

According to Bush regime acolytes, the answer apparently is “yes.” Subsequent reporting last week by [The Washington Post](#), after reviewing the declassified version of Yoo’s memo confirm this analysis.

In early 2006, Peter Dale Scott uncovered a \$385 million open-ended government contract awarded a Halliburton subsidiary, KBR, from the Department of Homeland Security (DHS) to provide “temporary detention and processing capabilities.” [Scott](#) wrote,

The contract — announced Jan. 24 by the engineering and construction firm KBR — calls for preparing for “an emergency influx of immigrants, or to support the rapid development of new programs” in the event of other emergencies, such as “a natural disaster.” The release offered no details about where Halliburton was to build these facilities, or when. ...

After 9/11, new martial law plans began to surface similar to those of FEMA in the 1980s. In January 2002 the Pentagon submitted a proposal for deploying troops on American streets. One month later John Brinkerhoff, the author of the 1982 FEMA memo, published an article arguing for the legality of using U.S. troops for purposes of domestic security. (Peter Dale Scott, “Homeland Security Contracts for Vast New Detention Camps,” Pacific News Service, February 8, 2006)

The DHS contract to KBR followed the April 2002 creation of the Pentagon’s Northern Command (NORTHCOM), specifically empowered for domestic U.S. military operations. Defense Secretary Donald Rumsfeld called this “the most sweeping set of changes since the unified command system was set up in 1946.”

Scott, citing Rumsfeld’s announcement, said that NORTHCOM is responsible for “homeland defense and also serves as head of the North American Aerospace Defense Command (NORAD)... He will command U.S. forces that operate within the United States in support of civil authorities. The command will provide civil support not only in response to attacks, but for natural disasters.”

But state moves to entangle the American people in a seemingly inextricable web of repressive measures don’t stop there. In a follow-up article on KBR detention camp contracts, Scott described how the construction of these facilities are part of a long-term DHS plan titled ENDGAME, whose goal is the “removal” of “all removable aliens” and “potential terrorists.”

According to the [Department of Homeland Security](#),

Endgame is the Immigration and Customs Enforcement (ICE), Office of Detention and Removal (DRO) multi-year strategic enforcement plan. It stresses the effective and efficient execution of the critical service DRO provides its partners and stakeholders to enforce the nation’s immigration and naturalization laws. The DRO strategic plan sets in motion a cohesive enforcement program with a ten-year time horizon that will build the capacity to “remove all removable aliens,” eliminate the backlog of unexecuted final order removal cases, and realize its vision. ...

Detention can be affected by unforeseen events occurring in other countries, such as natural disasters (i.e., earthquakes, hurricanes, etc.), war, and economic/political crises. These events can produce a “shock” to DRO detention. Such shocks can produce large numbers of illegal aliens, additional detention needs, and the inability to remove aliens from the U.S. back to countries in crisis. Though these immigration emergencies are relatively short-term in nature, they can have a drastic and enduring impact on available detention space. (U.S. Department of Homeland Security, Bureau of Immigration and Customs Enforcement, “ENDGAME, Office of Detention and Removal Strategic Plan, 2002-2012,” June 27, 2003)

Commenting on ENDGAME, [Scott](#) wrote,

Significantly, both the KBR contract and the ENDGAME plan are open-ended. The contract calls for a response to “an emergency influx of immigrants, or to support the rapid development of new programs” in the event of other emergencies, such as “a natural disaster.” “New programs” is of course a term with no precise limitation. So, in the current administration, is ENDGAME’s goal of removing “potential terrorists.”

It is relevant that in 2002, Attorney General John Ashcroft announced his desire to see camps for U.S. citizens deemed to be “enemy combatants.” On Feb. 17 of this year, in a speech to the Council on Foreign Relations, Defense Secretary Donald Rumsfeld spoke of the harm being done to the country’s security, not just by the enemy, but also by what he called “news informers” who needed to be combated in “a contest of wills.” Two days earlier, citing speeches critical of Bush by Al Gore, John Kerry, and Howard Dean, conservative columnist Ben Shapiro called for “legislation to prosecute such sedition.” (Peter Dale Scott, “10-Year U.S. Strategic Plan for Detention Camps Revives Proposals from Oliver North,” Pacific News Service, February 21, 2006)

But is the DHS’ ENDGAME “only” a program for “removing all removable aliens”? Writing in the [San Francisco Chronicle](#), environmental activist Lewis Seiler and former congressman Dan Hamburg ponder the real questions posed by such antidemocratic initiatives:

What kind of “new programs” require the construction and refurbishment of detention facilities in nearly every state of the union with the capacity to house perhaps millions of people?

Sect. 1042 of the 2007 National Defense Authorization Act (NDAA), “Use of the Armed Forces in Major Public Emergencies,” gives the executive the power to invoke martial law. For the first time in more than a century, the president is now authorized to use the military in response to “a natural disaster, a disease outbreak, a terrorist attack or any other condition in which the President determines that domestic violence has occurred to the extent that state officials cannot maintain public order.”

The Military Commissions Act of 2006, rammed through Congress just before the 2006 midterm elections, allows for the indefinite imprisonment of anyone who donates money to a charity that turns up on a list of “terrorist” organizations, or who speaks out against the government’s policies. The law calls for secret trials for citizens and noncitizens alike. (Lewis Seiler and Dan Hamburg, “Rule by Fear or Rule by Law?” *San Francisco Chronicle*, February 4, 2008; Page B-7)

While the deployment of NORTHCOM and ENDGAME scenarios are singular features of the Bush administration's power-grab following the 9/11 attacks, its repressive architecture was built upon already-existing plans for suspending the Constitution and implementing a martial law regime.

During the urban rebellions of the 1960s and 1970s, the Pentagon drew up a series of blueprints for precisely those contingencies. Various code-named "Cable Splicer" and "Garden Plot," the U.S. military and local police who served as Pentagon auxiliaries (falling under the purview of the military's chain of command) performed a series of exercises that envisioned the suspension of civil liberties, the rounding up of dissidents and their incarceration in detention camps for the duration of an (unspecified) "crisis."

During the 1980s, the Federal Emergency Management Agency (FEMA) was designated the lead agency that would implement Ronald Reagan's 1988 Executive Order 12656, stating that COG procedures come into play in the event of "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."

Some aspects of Reagan's Rex-84 "emergency preparedness" operations advocated rounding up and detaining some 400,000 "refugees," in the context, as Peter Dale Scott reported, of "'uncontrolled population movements' over the Mexican border into the United States."

Since then, but especially in the wake of the 9/11 attacks, the Pentagon has continuously updated-and trained for-their implementation. Indeed, one can view the creation of NORTHCOM as perhaps the single most important "mission critical" link driving current COG planning.

According to researcher Frank Morales,

Training under [U.S. Army Field Manual] FM 19-15/Garden Plot must be "continuous" and "must develop personnel who are able to perform distasteful and dangerous duties with discipline and objectivity." Dangerous to the local citizenry given that "every member of the control force must be trained to use his weapon and special equipment (including) riot batons, riot control agent dispersers and CS grenades, grenade launchers, shotguns, sniper rifles, cameras, portable videotape recorders, portable public address systems, night illumination devices, fire fighting apparatus, grappling hooks, ladders, ropes, bulldozers, Army aircraft, armored personnel carriers, and roadblock and barricade materials." (Frank Morales, "U.S. Military Civil Disturbance Planning: The War at Home," in [Police State America](#), ed. Tom Burghardt, ATIS/Solidarity, Toronto, Montreal, 2002, p. 73)

COG is predicated on the assumption that the military will act as a "force-multiplier" for local law enforcement, which in this age of militarized policing are already highly-repressive organizations replete with military-grade firepower, but also "less than lethal" weaponry, equipment and "special operations" units better-suited for the battlefield than an urban setting in a typical American city.

While September 11 may have been the "catastrophic and catalyzing event," referenced by the now-defunct Project for a New American Century, COG planning has been in the works for decades, as were Pentagon blueprints for the invasion and occupation of Central Asia

and the Middle East.

Predating 9/11, COG is viewed by elite policy planners as an instrument for the *continuity* of a repressive national security state, one targeting first and foremost, the American people. COG, as an instrumentality for containing the *internal threat*, is predicated on defending the capitalist mode of production and the political/social relations of class society as it enters a period of profound crisis.

In terms of a repressive discourse, NORTHCOM, under Public Law 109-364, or the “John Warner Defense Authorization Act of 2007” (H.R. 5122)(2), signed into law by president Bush on October 17, 2006, allows the chief executive to declare a “public emergency” and station troops anywhere in the U.S. The law also permits the president to usurp control of state-based national guard units, even without the consent of the governor or local authorities in the affected region, to “suppress public disorder.” [Frank Morales](#), exposing the onerous nature of the law writes,

President Bush seized this unprecedented power on the very same day that he signed the equally odious Military Commissions Act of 2006. In a sense, the two laws complement one another. One allows for torture and detention abroad, while the other seeks to enforce acquiescence at home, preparing to order the military onto the streets of America. Remember, the term for putting an area under military law enforcement control is precise; the term is “martial law.” ...

The law also facilitates militarized police round-ups and detention of protesters, so called “illegal aliens,” “potential terrorists” and other “undesirables” for detention in facilities already contracted for and under construction by Halliburton. That’s right. Under the cover of a trumped-up “immigration emergency” and the frenzied militarization of the southern border, detention camps are being constructed right under our noses, camps designed for anyone who resists the foreign and domestic agenda of the Bush administration. ...

The historic and ominous re-writing of the Insurrection Act, accomplished in the dead of night, which gives Bush the legal authority to declare martial law, is now an accomplished fact. (Frank Morales, “Bush Moves Toward Martial Law,” *Toward Freedom*, October 26, 2006)

In the absence of massive public opposition to existing martial law plans by the Bush regime or future U.S. administrations—Democratic as well as Republican—the prospect of America continuing as a free and open society is a mirage at best.

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