

Ask Wartime Powers For Schlesinger's Energy Dept

Months before President Carter's energy policy address to the U.S. Congress, a team of policy makers headed by James R. Schlesinger had set forth their plans for implementing Carter's April 21 proposals.

To scrap U.S. scientific and technological capacities in a "predictable and certain" fashion, these Rockefeller-linked think tankers announced that they required a cabinet-level Department of Energy, chiefed by former Secretary of Defense Schlesinger, and invested with dictatorial war-time powers to set energy production levels and to determine fuel prices — with the aid of the U.S. armed forces if necessary.

The creation of such a national energy police bureau, demanded by Carter "without delay" on April 21, is the meat of the Energy Reorganization Act (Senate Bill 826, H.R. 4263), introduced by pro-Carter Senators Ribicoff (D-Conn.), Humphrey (D-Minn.), Nunn (D-Ga.), Percy (R-Ill.), and others in March and scheduled to be considered by Congress next month.

This legislation would institutionalize under Schlesinger's control an extra-constitutional branch of the U.S. government, exercising what British empiricist John Locke characterized as the "fourth, coercive power of government." An April 7 amendment to the bill by

Massachusetts Senator Ted Kennedy tells the whole story. The Kennedy amendment would authorize the Energy Department to create its own consumer affairs office responsible nationally for "every aspect of energy production, transportation, distribution, retailing, and even use." Moreover, Schlesinger's agency would be empowered to carry out any program of control it chose, completely bypassing the Congress in the process.

Cutting out the Congress

The Energy Reorganization Act "eliminates entirely the requirement for any further authorization," Rep. Walter Flowers (D-Ala.), charged at recent hearings on the bill before the House Government Operations Subcommittee on Legislation and National Security (see EIR, April 19, 1977; Vol. IV, No. 16). Flowers' aide, following the hearings, added that the bill gives Schlesinger a "blank check," while congressional oversight would be virtually eliminated."

According to the testimony of American Federation of Government Employees President Kenneth Braylock at the same hearings, the new Energy Department is modeled on the CIA's personnel structure. Braylock condemned provisions in the bill authorizing former CIA Di-

The Energy Reorganization Act

The following are excerpts from Senate Bill 826, the Energy Reorganization Act, which was introduced for the Administration on March 1 by Senators Ribicoff, (D-Conn.), Byrd (D-W.Va.), Chiles (D-Fla.), Cranston (D-Calif.), Glenn (D-Ohio), Heinz (R-Pa.), Humphrey (D-Minn.), Inouye (D-Haw.), Jackson (D-Wash.), Javits (R-N.Y.), Nunn (D-Ga.), Percy (R-Ill.), Randolph (D-W.Va.), Roth (R-Del.) and Stevenson (D-Ill.). A house version of the bill, H.R. 4263, has also been introduced.

The excerpts are limited to sections dealing with the creation of a "volunteer" force and bringing in other personnel outside of Civil Service accountability. The Energy Secretary's authorization to use the armed forces is also included:

Sec. 607 "...he (the Secretary) may appoint not more than six hundred of the scientific, engineering, professional, and administrative personnel of

the Department without regard to such (Civil Service) laws..."

Sec. 611 "(a) The Secretary is authorized to recruit, train, accept, and utilize, without regard to the civil service and classification laws, rules, and regulations, the services of individuals without compensation as volunteers for or to the aid or facilitate the work of the Department..."

(c) Except as otherwise provided in this section, a volunteer under this section shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to Federal employment..."

Sec. 612 "(a) The Secretary is authorized to provide for participation of Armed Forces personnel in carrying out his functions. Members of the Armed Forces may be detailed for service in the Department by the Secretary concerned....pursuant to cooperative agreements with the Secretary."

rector Schlesinger to "recruit, train, accept, and utilize, without regard to the civil service and classification laws, rules and regulations" an unlimited number of "volunteers" still on company or foundation pay rolls. A well informed Capitol Hill source described these powers as an "absolute prerequisite for enforcing Carter's energy program." Particularly important, he added, is the provision authorizing the use of the volunteers, which will bring "Nader's raiders" of every stripe directly into the Department. An assistant to Braylock pointed out in an interview that the Ford Foundation's zero-growth president, McGeorge Bundy, for example, could join the Department in a top position and "do as he damn pleases without being subject to conflict of interest regulations." The legislation also designates Schlesinger — not Congress — the task of defining the functions of five out of eight assistant secretaries in the new department.

At a March 1 White House press conference where the Energy Department legislation was first unveiled, Schlesinger tried to pass off the Administration's proposal as being "purely a reorganization statute... What we are talking about today, I should stress is not policy," Schlesinger said. "It is an instrument."

Yet following Schlesinger's briefing, one quick-witted reporter asked him why "the same agency would be setting home installations standards and producing nuclear weapons." Others chided him on leaked specifics of his energy package.

The Fourth Branch

Beginning as early as 1832 with the passage of the British Reform Act, government reorganization actions have characteristically been instituted to further the looting and plundering rights of monetarist actioneers. From the World War I era, the War Industries Board and similar extra-constitutional bodies created during Roosevelt's New Deal to the Hoover Commission restructuring of government during the Korean War, the fundamental premise of these bodies have been based on carrying out

Locke's "fourth coercive power of government."

The proposed Department of Energy most strikingly resembles President Woodrow Wilson's War Industries Board (WIB) created during World War I to conserve resources, set prices and determine priorities of production and distribution in industry — exactly the charges of Carter's Department of Energy. Implementation of the WIB's full war powers was rammed through Congress in an atmosphere of crisis following the severe 1917-18 winter when heavy snows blocking the railroads resulted in East Coast fuel shortages. WIB power was further enhanced when Wilsonites in Congress, like George E. Chamberlain (D-Ore.), charged that the war effort was collapsing because of "inefficiency in every bureau and in every department of the Government." This crisis-induced control of industry was repeated by President F.D. Roosevelt in the National Recovery Act and World War II's War Production Board. In fact, New York Times columnist C. L. Sulzberger has praised Schlesinger as a "more intellectual" reincarnation of FDR braintruster Harold Ickes.

GAO: Not Far Enough

On March 24 the Brookings Institution-founded General Accounting Office — the Administration's own Capitol Hill think tank — issued a report, "Energy Policy Decisionmaking, Organization, and National Energy Goals," which urged Congress to amend the legislation by giving the Secretary of Energy even greater powers! Specifically, the GAO report urged Congress to place "health and safety" regulations, a code term for environmental regulations, under Schlesinger's control since it is these regulations which will "more than anything else... pace nuclear development in the years ahead." The GAO also recommends that sections of the legislation be reversed to give the Energy Secretary veto power over the automobile fuel economy standards program" rather than the Secretary of Transportation who would be left with an advisory role.

GAO Urges Congress To Toughen Up Energy Dept. Bill

The General Accounting Office (GAO) issued a report on March 24 which characterizes the Carter Administration proposal to create a new Department of Energy with wartime powers over U.S. energy use as a "step in the right direction." The report, in fact, urges Congress to amend the legislation to give the Secretary of the new department even more power. The report, "Energy Policy Decisionmaking, Organization, And National Energy Goals," was written at the request of Senators Ribicoff (D-Conn.) and Percy (R-Ill.), chairman and ranking minority member of the Senate Committee on Governmental Affairs which has jurisdiction over the energy reorganization legislation.

In summary, the GAO report urges Congress to view the Administration's reorganization proposal as a first step towards enacting a more comprehensive Depart-

ment of Energy and Natural Resources (DENR) which would give the Secretary of Energy and Natural Resources control not only over energy functions but power over policy making now invested in the Department of Agriculture, the Army Corp of Engineers, the Water Resources Council, the Environmental Protection Agency, the bulk of the Department of the Interior and other agencies dealing with Natural Resources. The GAO — the government's Capitol Hill thinktank which has been under the control of Wall Street financial interests from the time it was formed by the Brookings Institution in 1921 — first proposed the DENR in 1974. On Jan. 15, 1975, a bill to create such a department was introduced into the 94th Congress as S. 27.

"Nothing in the (energy reorganization, ed.) legislation proposed by the Administration is inconsistent with