

FEMA's blueprint for action: NSDD 47

by Herbert Quinde

In 1989, President Bush issued National Security Directive 10 (NSD 10), creating several Policy Coordinating Committees, including one for Emergency Preparedness/Mobilization Planning under the National Security Council (NSC). The chairman of the committee was designated to be the director of FEMA. With that move, Bush put under his personal direction a proto-military "command and control" structure which can suspend or alter the letter of the law and intent of the Constitution during a real or manufactured crisis.

As one of his first acts in office, Bush issued his NSD 1, which reorganized the NSC and gave enormous power to two standing committees headed by National Security Adviser Brent Scowcroft, a former executive of Kissinger Associates, and Scowcroft's deputy, former deputy director of the CIA Robert Gates. This restructuring dispensed with more than 90 senior interagency groups set up during the Reagan administration. Their work is now handled solely by the NSC.

Bush's NSD 10 reaffirms FEMA's authorities. The core mandate of FEMA's responsibilities and prerogatives is found in Reagan's National Security Decision Directive 47 (NSDD 47), issued July 22, 1982 under the title "Emergency Mobilization Preparedness." Presidential national security directives remain in effect from one administration to the next, unless rescinded.

NSDD 47 defined a "common ground upon which mobilization programs can be developed and used at the discretion of the President to prevent avoidable emergencies, to combat and reduce the effects of those that are unavoidable, and to mitigate the effects of those that do occur."

If the domestic economy spins out of control, NSDD 47 states, "Authorities for direct economic controls (wage and price controls and consumer rationing) in national security emergencies need to be provided to give responsible policy-makers flexibility to deal with circumstances that can be judged only as they arise. . . ."

"Preparedness measures that involve the waiving or modification of socioeconomic regulations that delay emergency responses should receive priority attention" to be eliminated.

"Preparedness programs should also be designed to increase capabilities to cope with resource shortages arising from disruptions of essential supplies from foreign sources

[such as oil—ed.] . . .

"Resource management and economic stabilization programs should include standby plans and procedures for governmental intervention, as necessary, into the market place to ensure the enhancement of supply allocation of resources to military and essential civilian needs. *These mechanisms should provide for both gradual and abrupt replacement of market forces by governmental regulations* [emphasis added]."

If the banks are in trouble, NSDD 47 provides for programs that will "preserve and facilitate operations of public and private financial institution systems, and provide for any necessary restoration of their functioning after a major emergency."

It also provides "fiscal authorities with adequate *revenue-raising powers* to stabilize the economy in the face of any additional resource requirements needed to deal with or recover from an emergency."

The "general principles" of NSDD 47 stipulate that: "Plans and procedures should be designed to retain maximum flexibility for the President and other senior officials in the implementation of emergency actions *both above and below the threshold of declared national emergencies and wars*. Plans should avoid rigid 'either/or' choices that limit presidential options."

If the U.S. Constitution, or federal and state laws seem to get in the way of dealing with a "national emergency," NSDD 47 calls for "preparedness measures" that identify "legal constraints" which need to be removed so as not to impede response to an emergency.

Bringing in the Marines

If the FEMA apparatus does not feel that it can cope with an emergency solely employing civilian personnel, agencies, and domestic law enforcement, it can "call in the Marines." Department of Defense Directive 3025.1, titled "Use of Military Resources During Peacetime Civil Emergencies within the United States, its Territories, and Possessions" establishes Department of Defense policies and "assigns responsibilities, and furnishes guidance for DoD support to civil authorities under peacetime civil emergency conditions."

If there is a direct threat to law and order, the governor of a state can request assistance from the President, who instructs the Attorney General to permit military personnel to augment or replace local law enforcement or the National Guard. The action is authorized through Department of Defense Directive 3025.12, titled "Employment of Military Resources in the Event of Civil Disturbances." For example, a few years ago this directive was activated in preparation for riots in an Atlanta prison. Advanced intelligence assessed that there would be riots, which led to the DoD "pre-positioning military resources" in preparation for an assault on the prison, according to a Pentagon spokesman. The situation was defused and the "DoD components" were not deployed.

Executive Order 12656 allows rule by decree

Titled "Assignment of Emergency Preparedness Responsibilities," Executive Order 12656 was signed by President Reagan on Nov. 18, 1988, just days after George Bush won the presidential election. It has been cited by various sources as a crucial component of the Bush administration's government-by-fiat which will be put into effect under the pretext of a national security crisis.

EO 12656's stated purpose is to define "the responsibilities of the Federal departments and agencies in national security emergencies." We excerpt portions of the document here.

Section 101. National Security Emergency Preparedness Policy.

a) The policy of the United States is to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. A national security emergency is 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. Policy for national security emergency preparedness shall be established by the President. Pursuant to the President's direction, the National Security Council shall be responsible for developing and administering such policy. All national security emergency preparedness activities shall be consistent with the Constitution and laws of the United States and with preservation of the constitutional government of the United States. . . .

Section 102. Purpose.

a) The purpose of this Order is to assign national security emergency preparedness responsibilities to Federal departments and agencies. These assignments are based, whenever possible, on extensions of the regular missions of the departments and agencies. . . .

Section 104. Management of National Security Emergency Preparedness.

a) The National Security Council is the principal forum for consideration of national security emergency preparedness policy.

b) The National Security Council shall arrange for Executive branch liaison with, and assistance to, the Congress and

the Federal judiciary on national security-emergency preparedness matters.

c) The Director of the Federal Emergency Management Agency shall serve as an advisor to the National Security Council on issues of national security emergency preparedness, including mobilization preparedness, civil defense, continuity of government, technological disasters, and other issues, as appropriate. . . . The Director [of FEMA] also shall assist in the implementation and management of the National Security Council process . . . [and] also shall assist in the implementation of national security emergency preparedness policy by coordinating with the other Federal departments and agencies and with State and local governments, and by providing periodic reports to the National Security Council on implementation of national security emergency preparedness policy.

e) There shall be a national security emergency exercise program that shall be supported by the heads of all appropriate Federal departments and agencies.

Section 201. *General.* The head of each Federal department and agency, as appropriate, shall:

1) Be prepared to respond to all national security emergencies, including those that are international in scope, and those that may occur within any region of the Nation. . . .

3) Appoint a senior policy official as Emergency Coordinator, responsible for developing and maintaining a multi-year, national security emergency preparedness plan for the department or agency to include objectives, programs, and budgetary requirements.

4) Design preparedness measures to permit a rapid and effective transition from routine to emergency operations, and to make effective use of the period following initial indication of a probably national security emergency. This will include:

a) Development of a system of emergency actions that defines alternatives, processes, and issues to be considered during various stages of national security emergencies;

b) Identification of actions that could be taken in the early stages of a national security emergency or pending national security emergency to mitigate the impact of or reduce significantly the lead times associated with full emergency action implementation;

6) Identify areas where additional legal authorities may be needed to assist management and, consistent with applicable Executive Orders, take appropriate measures toward acquiring those authorities.

The following is a sampling of the responsibilities which EO 12656 appropriates to the various departments:

Department of Commerce

The Secretary of Commerce shall:

1) Develop control systems for priorities, allocation, production, and distribution of materials and other resources

that will be available to support both national defense and essential civilian programs in a national security emergency; . . .

6) In cooperation with the Secretaries of State, Defense, Transportation, and the Treasury, prepare plans to regulate and control exports and imports in national security emergencies.

Department of Defense

The Secretary of Defense shall:

7) Develop national plans for assisting State and local governments in rehabilitation of persons injured or disabled during national security emergencies; . . .

12) Develop, in coordination with the Attorney General of the United States, specific procedures by which military assistance to civilian law enforcement authorities may be requested, considered, and provided.

Department of Justice

The Attorney General of the United States shall:

3) Coordinate contingency planning for national security emergency law enforcement activities that are beyond the capabilities of State and local agencies;

4) Develop national security emergency plans for regulation of immigration, regulation of nationals of enemy countries, and plans to implement laws for the control of persons entering or leaving the United States; . . .

8) Develop intergovernmental and interagency law enforcement plans to respond to civil disturbances that may result in a national security emergency or that occur during such an emergency; . . .

Support responsibilities. The Attorney General shall:

3) Support the Secretary of the Treasury in developing plans to control the movement of property entering and leaving the United States.

Department of the Treasury

Support responsibilities. The Secretary of the Treasury shall:

3) Develop plans, in coordination with the Secretary of State, for the formulation and execution of economic measures with respect to other nations in national security emergencies.

Part 17—Federal Emergency Management Agency Sec. 1701. *Lead Responsibilities.* In addition to the applicable responsibilities covered in Parts 1 and 23, the Director of the Federal Emergency Management Agency shall:

1) Coordinate and support the initiation, development, and implementation of national security emergency preparedness programs and plans among Federal departments and agencies;

2) Coordinate the development and implementation of plans for the operation and continuity of essential domestic

emergency functions of the Federal Government during national security emergencies;

3) Coordinate the development of plans, in cooperation with the Secretary of Defense, for mutual civil-military support during national security emergencies;

4) Guide and assist State and local governments and private sector organizations in achieving preparedness for national security emergencies, including development of plans and procedures for assuring continuity of government, and support planning for prompt and coordinated Federal assistance to States and localities in responding to national security emergencies;

5) Provide the President a periodic assessment of Federal, State, and local capabilities to respond to national security emergencies;

6) Coordinate the implementation of policies and programs for efficient mobilization of Federal, State, local and private sector resources in response to national security emergencies;

7) Develop and coordinate with all appropriate agencies civil defense programs to enhance Federal, State, local, and private sector capabilities for national security emergency crisis management, population protection, and recovery in the event of an attack on the United States;

8) Develop and support public information, education and training programs to assist Federal, State, and local government and private sector entities in planning for and implementing national security emergency preparedness programs;

9) Coordinate among the heads of Federal, State, and local agencies the planning, conduct, and evaluation of national security emergency exercises;

10) With the assistance of the heads of other appropriate Federal departments and agencies, develop and maintain capabilities to assess actual attack damage and residual recovery capabilities as well as capabilities to estimate the effects of potential attacks on the Nation;

11) Provide guidance to the heads of Federal departments and agencies on the appropriate use of defense production authorities, including resource claimancy, in order to improve the capability of industry and infrastructure systems to meet national security needs;

12) Assist the Secretary of State in coordinating the formulation and implementation of United States policy for NATO and other allied civil emergency planning, including the provision of:

a) advice and assistance to the departments and agencies in alliance civil emergency planning matters;

b) support to the United States Mission to NATO in the conduct of day-to-day civil emergency planning activities; and

c) support facilities for NATO Civil Wartime Agencies in cooperation with the Departments of Agriculture, Commerce, Energy, State, and Transportation.