

SENATE REPORT 93-549

War and Emergency Powers Acts

From data available on the web.

93d Congress }
1st Session }

Senate

{ Report
{ No. 93-549

EMERGENCY POWERS STATUTES:

PROVISIONS OF FEDERAL LAW
NOW IN EFFECT DELEGATING TO THE
EXECUTIVE EXTRAORDINARY AUTHORITY
IN TIME OF NATIONAL EMERGENCY

REPORT
of the
SPECIAL COMMITTEE ON THE
TERMINATION OF THE NATIONAL EMERGENCY
UNITED STATES SENATE



NOVEMBER 19, 1973

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1973

IMPORTANT QUOTES FROM SENATE REPORT 93-549 (original copy)

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Since March 9, 1933, the United States has been in a state of declared national emergency.

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These proclamations give force to 470 provisions of Federal law. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. **This vast range of powers, taken together, confer enough authority to rule the country without reference to normal Constitutional processes.**

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Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens.

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The Special Committee on the Termination of the National Emergency was created to examine the consequences of terminating

the declared states of national emergency that now prevail . . .

In accordance with this mandate, the Special Committee-in conjunction with the Executive branch, expert constitutional authorities, as well as former high officials of this Government is now engaged in a detailed study to determine the most reasonable ways to restore normalcy to the operations of our Government.

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A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency.

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In his first important official act, Roosevelt proclaimed a National Bank Holiday on the basis of the 1917 Trading With the Enemy Act . . . [Which made the American people the "enemy" during a declared war or national emergency.]

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Because Congress and the public are unaware of the extent of emergency powers, there has never

been any notable congressional or public objection made to this state of affairs. Nor have the courts imposed significant limitations.

[NOTE: It was 40 years in 1973. It is 80 years in 2013.]

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For example, the economic measures that were passed in 1933 pursuant to the proclamation of March 5, 1933, by President Roosevelt, asserting that a state of national emergency now existed, were enacted in the most turbulent circumstances. There was a total of only 8 hours of debate in both houses. There were no committee reports; indeed, only one copy of the bill was available on the floor.

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But emergency powers laws are of such significance to civil liberties, to the operation of domestic and foreign commerce, and the general functioning of the U.S. Government, that, in microcosm, they reflect dominant trends in the political, economic, and judicial life in the United States.

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It became apparent, too, that the United States Government has been operating under an unrelieved state of emergency of 40 years' duration.

On September 14, 2018 Trump signed the continuation of the national emergency notice based on the "terrorist threat".

<https://www.washingtonexaminer.com/news/white-house/trump-renews-extraordinary-post-9-11-powers>

Since 1976, under federal law, a national emergency declaration lasts for only one year, meaning that the 9/11 terrorist-threat national emergency has now been re-declared 18 times.

For more information on the "state of emergency" in the United States, read Dr Eugene Schroder's *War and Emergency Power*.