

War and Emergency Powers

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In this article we will review the evidence suggesting that the United States is operating under a state of national emergency and the implications this has on our nation.

Constitution Authority

Let's begin by looking at the Constitution for the United States of America to see what it says about War Powers. The War Powers are enumerated beginning in Article 1, Section 8, clauses 11 and continue through clause 16. These clauses provide for declaration of War, the navy, Militias, etc. Article 1, Section 8, clause 18 authorizes the federal government to "make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers" [including the War Powers]. Article 2, Section 2, clause 1, states that the President is the Commander in Chief of the military.

There are two passages in the Constitution which have language indicating that an emergency might have an impact on our Unalienable Rights. These two passages include references to "rebellion or invasion" or "time of War or Public danger" to indicate the type of emergency. These phrases could be broadly called "emergency" situations and the term "emergency powers" will be used through out this document to describe powers exercised by the government in times of national emergency. The first such reference relates to the writ of habeas corpus.

["The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion, the public Safety may require it." \[U.S. Constitution Article 1, Section 9, clause 2\]](#)

The writ of habeas corpus is one of the cornerstones of liberty in our nation. The object of filing this writ is to bring an individual before a court or judge. Its primary function is to release an individual from unlawful imprisonment (any form of detention). It does not determine innocence or guilt of the individual but only whether their liberty is

being restrained by due process. So, the writ of habeas corpus can be used to stop government abuse through false imprisonment. But the Constitution provides for the suspension of the writ during rebellion or invasion. But it is very clear that once peace is restored, the writ must also be restored.

The second reference relates to the use of grand juries.

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in times of War or public danger ...” [U.S. Constitution, 5th Amendment]

This amendment says that charging individuals with a crime is a right reserved to the people through grand jury proceedings during peace times. The government cannot charge people with a crime directly. But again, the Constitution makes a provision for suspension of indictment through grand jury in times of war or public danger.

Now we will examine how emergency powers have come into existence since our involvement in World War I.

Granting Emergency Powers

In 1917, the United States entered World War I. Under the authority granted in Article 1, Section 8, clause 18, Congress passed the Trading with the Enemy Act on October 6, 1917 [CH 106, 40 Stat. 411]. This act states in part:

“... the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licensure or otherwise, any transactions in foreign exchange, export or earmarkings of gold or silver coins or bullion or currency, transfers of credit in any form **other than credits relating solely to transaction to be executed wholly within the United States.**” [Trading with the Enemy Act, October 6, 1917, Section 5(b), emphasis added]

The intent of the act was to permit the federal government to stop any assistance of the enemies of the United States through economic means. But notice the exclusion of all transactions which were wholly within the United States. That means, the even during this time of war, residents in the U.S. were permitted to carry on normal business without government interference. So even in a time of war, the Unalienable Rights of the citizens were not abridged.

And yet, even this fairly mild form (compared to later acts) of emergency powers was seen as a grave treat by some people. For example, in 1920 retired Supreme Court Justice Charles E. Hughes expressed the belief that we could lose our government through emergency statutes and organizations if we every fought another war.

“We may well wonder in view of the precedents now establishes,” said Charles E. Hughes, Supreme Court Justice in 1920, “whether constitutional government as heretofore maintained in this Republic could survive another great war even victoriously wages. The conflict know as the World War has ended as far as military hostilities were concerned, but was not yet officially terminated. Most of the war statutes were still in effect, many of the emergency organization were still

in operation.” [from the Introduction of “American Constitutional Development” by Carl Brent Swisher]

Justice Hughes concern was well founded. The Trading with the Enemy Act was not repealed at the close of World War I even though the Constitution implies that “war powers” are only valid during times of war. The act, as we shall see, opened the door to more ominous emergency powers.

In 1929, America entered the Great Depression. At that time, most of the major economic and military powers in the world were also in a depression. You may recall that Americas were permitted to own gold and that our currency was backed by gold and silver. People could deposit their gold in Federal Reserve banks and the bank would give them a note which they could use to withdraw their gold. Due to the panic in the economic markets after the crash of 1929, people were trying to withdraw the funds from the banks in the form currency, silver and gold.

President Herbert Hoover asked the Federal Reserve Board of New York for a recommendation on how to deal with the situation. The Federal Reserve Board adopted a resolution to respond t President Hoover’s request.

“Resolution Adopted By The Federal Reserve Board of New Your. Whereas, in the opinion of the Board of Directors of the Federal Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country **has now created a national emergency ...**” [Herbert Hoover private papers of March 3, 1933, emphasis added]

The Federal Reserve board is stating that the run on banks is causing a “national emergency”. They went on to proposed that President Hoover issue an Executive Order with the following language:

“Whereas, it is provided in Section 5(b) of the Act of October 6, 1917, as amended, that ‘the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe by means of licensure or otherwise, any transaction in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency, ***’”. [Herbert Hoover private papers of March 3, 1933]

So, the Federal Reserve Board is proposing that the President declare a state of national emergency using the Trading With the Enemy Act of 1917 as the model. The original act of 1917 said “other than credits relating solely to transaction to be executed wholly within the United States” where the “***” was located. So, the Federal Reserve Board is proposing President Hoover modify the 1917 act via an executive order to include transactions within the United States. But President Hoover declined to issue this order.

One might well ask how the Federal Reserve Board could make such a bold request of the President. Part of the answer can be found in the Bankruptcy of America article which demonstrates that the UNITED STATES is bankrupt and that the Federal Reserve is the creditor.

Some researchers have take the explanation even further by speculating that the depression was engineered by the Federal Reserve and the international bankers that they

represent. The banker's motive was to further consolidate (they already controlled the monetary policy of the UNITED STATES) their power. It is also speculate that the government was told that it could cooperate with the Federal Reserve (international bankers) or the depression would remain indefinitely. Under such political blackmail, the President, Congress and courts were willing to acquiesce to the demands of the bankers. Bear these speculations in mind as you read who quickly the Federal Reserve got what it wanted. These speculations will be an area for further research.

On March 4, 1933, President Franklin D. Roosevelt was inaugurated. His inaugural address states in part:

“I am prepared under my constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require. These measures, or such other measures as the Congress may build out of its experience and wisdom, I shall seek, within my constitutional authority, to bring to speed adoption. But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. **I shall ask the Congress for the one remaining instrument to meet the crisis – broad Executive power to wage a war against the emergency**, as great as the power that would be given to me if we were in fact invaded by a foreign foe.” [emphasis added]

On March 5, 1933, the day after his inauguration, President Roosevelt issued Proclamation 2038 requesting a Special Session of Congress beginning on March 9, 1933, to deal with the banking emergency. On March 6, 1933, President Roosevelt issued Proclamation 2039 to indicate to the Congress what kind of emergency powers he was asking for.

“Whereas there has been heavy and unwarranted withdrawals of gold and currency from our banking institutions for the purpose of hoarding ... Whereas, it is provided in Section 5(b) of the Act of October 6, 1917, (48 Stat. 1, 411) as amended, that ‘the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe by means of licensure or otherwise, any transaction in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency, ***’” [President Roosevelt's Proclamation 2039].

So, President Roosevelt issued the Proclamation exactly as proposed by the Federal Reserve Board. But the Proclamation had not authority until Congress met to give him the required authority. Congress passed the first act during the emergency session which is recorded at 48 Statute 1. The preamble of the act says:

“Be it enacted by the Senate and the House of Representative of the United States of America in Congress assembled, That the Congress hereby declares that a **serious emergency exists** and that it is imperatively necessary speedily to put into effect remedies of uniform national application.” [emphasis added]

The first day of the Special Session, Congress approved Proclamation 2039. Then President Roosevelt re-issued it as Proclamation 2040.

“Whereas, under the Act of March 9, 1933, all Proclamations heretofore or hereafter issued by the President pursuant to the authority enforced by section 5(b)

of the Act of October 6, 1917, as amended, are approved and confirmed;”
[President Roosevelt’s Proclamation 2040].

In this proclamation, President Roosevelt is in essence saying that Congress has delegated him broad powers under the Trading With the Enemy Act.

Then you can look at 48 Stat. 1, Section 2 from March 9, 1933 you see that it matches the language of the Trading with the Enemy Act of October 6, 1917 with one critical difference. It substitutes “by any person within the United States or any place subject in the jurisdiction thereof” for “other than credits relating solely to transaction to be executed wholly within the United States.” It no longer excludes domestic transactions. The effect of this change was to make every person residing in America subject to the provisions of this act. The final language looks like this:

“During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise investigate, regulate, or prohibit under such rules and regulations as he may prescribe by means of licensure or otherwise, any transaction in foreign exchange, transactions of credit between or payments by banking institutions as defined by the President and export, hoarding, melting, or ear markings of gold or silver coin or bullion or currency, **by any person within the United States or anyplace subject to the jurisdiction thereof.**” [Title 1, Sec. 2, 48 Statute 1, March 9, 1933, emphasis added]

This statute granting the President emergency powers was Chapter 1, Title 1, Sec. 1, 48 Stat 1, March 9, 1933.

“The actions, regulations, rules, license, orders, and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March the 4th, 1933, pursuant to the authority conferred by subsection (b) of Section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.” [Title 1, Sec. 1, 48 Statute 1, March 9, 1933]

This statute can now be found in the United States Code at 12 USC § 95b. This is the current version of the statute. Notice that the wording is almost identical to that found in the 1933 statute (shown in above paragraph).

“The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by section 95a of this title, are approved and confirmed” [12 USC § 95b]

This version says that the authority is granted in 12 USC § 95a. But if you look in that notes to that statute you will see that the original source authority is located in “Oct. 6, 1917, ch. 106, Sec. 5(b), 40 Stat. 415” and later in “Mar. 9, 1933, ch. 1, title I, Sec. 2, 48 Stat. 1”. So, the President still has the authority as it was originally granted in 1917 and later modified in 1933.

In 1973, the U.S. Senate formed a “Special Committee on the Termination of the National Emergency.” to investigate the war and emergency powers that have been granted to the President. We will quote from their final report, Senate Report 93-549,

1973, on a number of occasions. The report notes that domestic transactions were no longer excluded.

“48 Stat. 1. The exclusion of domestic transactions, formerly founding the Act, was deleted from Sect. 5(b) at this time.” [Senate Report 93549, 1973]

To resolve the banking crisis, President Roosevelt used the authority in Proclamations 2039 and 2040 to declared a banking holiday. This can be verified in the definition for the “Banking holiday of 1933”:

“Bank holiday of 1933. Presidential Proclamations No. 2039, issued March 6, 1933, and No. 2040, issued March 9, 1933, temporarily suspended banking transactions by member banks of the Federal Reserve System. Normal banking functions were resumed on March 13, subject to certain restrictions. The first proclamation, it was held, had no authority in law until the passage on March 9, 1933, of a ratified act (12 U.S.C.A. § 95b). The present law forbids member banks of the Federal Reserve System to transact banking business, except under regulations of the Secretary of the Treasury, during an emergency proclaimed by the President. 12 U.S.C.A. § 95.” [Black’s Law Dictionary, 5th Edition]

More information about the Banking Holiday and it’s implications for our nation can be found in the essay on the “Bankruptcy of America”.

The Senate report indicates that we are still in a state of national emergency and in fact there are four overlapping emergencies.

“Since March 9, 1933, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidentially-proclaimed states of national emergency: In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970, and August 15, 1971” [Senate Report 93-549]

The report gives further clarification to the two emergencies declared by President Nixon.

“On March 23, 1970, confronted by a strike of Postal Service employees, President Nixon declared a national emergency. (3) The following year, on August 15, 1971, Nixon proclaimed another emergency (4) under which he imposed stringent import controls in order to meet an international monetary crisis.” [Senate Report 93-549]

All four of these national emergencies still exist. Now, lets examine the ways in which these emergencies have affected every American.

Implications of the National Emergency

The authority of the federal government has been expanded in two broad areas by the national emergency powers: the jurisdiction of federal courts and the executive powers. First we’ll examine the jurisdiction of the federal courts.

Article 3, Section 2 of the Constitution describes the “judicial Power” of the federal courts. Clause 1 authorizes the “supreme Court and ... such inferior Courts as the

Congress may .. establish.” Clause 3 defines the jurisdiction of the Supreme Court but also indicates that Congress has the authority to regulatory the jurisdiction of federal courts. Clause 2 lists the specific limited jurisdiction of federal courts. This clause specifically mentions that the federal courts have jurisdiction over “all Cases of admiralty and maritime Jurisdiction”. However, at that time, it was understood that admiralty and maritime cases only included those that occurred on the high seas. They did not include cases on land.

The emergency powers have been used to expand the Admiralty jurisdiction of the federal courts. (See the essay on Admiralty/Maritime Jurisdiction for more details.) In cases relating to property taken in war, a distinction was made between enemy property captured on the high seas and property capture on land. The federal courts used Admiralty jurisdiction over property captured at sea but they had no jurisdiction over property captured on land (on U.S. soil or otherwise). This made sense given the jurisdiction of Admiralty courts was originally over cases occurring on the high seas. But, the Trading with the Enemy Act of 1917 gave the federal courts jurisdiction over enemy’s property on U.S. soil. This statute was valid since the Congress has the constitutional authority to regulate jurisdiction of federal courts. Since Admiralty jurisdiction was used, it is evident that the high sea jurisdiction had been brought inland.

“That the district courts of the United States are hereby given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees; and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act.” [Trading with the Enemy Act of Oct. 6, 1917, Section 17]

When the 1933 Trading with the Enemy Act made residence of American (including citizens) the enemy, the authority of the federal courts had to be expanded to cover the jurisdiction of the enemies (Americans) property as well. Again, Admiralty jurisdiction was used for inland cases. This was accomplished through the Federal Rules of Civil Procedures Act of June 19, 1934. The provisions of this act went into effect in 1938 after an action by the Supreme Court. This implies that the federal courts can use Admiralty jurisdiction on anyone within the U.S.

In our article on Admiralty/Maritime courts, we point out that the flags in all the courts in America are military flags and symbolize the fact that the courts are military tribunals. One could speculate that the gold fringe on the flags also indicate that the courts are operating under the authority of the President under martial law.

The second broad area where expansion of power occurred was in the executive branch. The first thing to note is the large number of statutes that Congress passed giving various emergency powers to the President.

“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.**” [Senate Report 93-549, emphasis added]

The highlighted section in the quote above seems to indicate that the Constitution (as we think of it) has been suspended. But the report goes on to list some specific powers that have been granted which could easily be used impact everyone in America.

“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.** ...

“Over the course of at least the last 40 years, then, Presidents have had available an enormous-seemingly expanding and never-ending -range of emergency powers. Indeed, at their fullest extent and during the height of a crisis, these ‘prerogative’ powers appear to be virtually unlimited.... 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.” [Senate Report 93-549, emphasis added]

Again, the report seems to be saying that the Constitution has been suspended since the President has enormous powers well beyond the intent of the Constitution and Founders. There is further evidence that this may be the case. In 1933, President Roosevelt sent the Agricultural Adjustment Act to Congress for approval. During debate on this measure, Congressman Beck expressed his belief that once an emergency is declared, the Constitution is suspended.

“I think of all of the damnable heresies that have ever been suggested in connection with the Constitution, the doctrine of emergency is the worst. **It means that when Congress declares an emergency, there is no Constitution.** This means its death. It is the very doctrine that the German chancellor is invoking today in the dying hours of the parliamentary body of the German republic, namely, that because of an emergency, it should grant to the German chancellor absolute power to pass any law, even though the law contradicts the Constitution of the German republic. Chancellor Hitler is at least frank about it. We pay the Constitution lip service, but the result is the same. But **the Constitution of the United States**, as a restraining influence in keeping the federal government within the carefully prescribed channels of power, **is morbid, if not dead.** We are witnessing its death agonies, for **when this bill becomes a law**, if unhappily it become a law, **there is no longer any workable Constitution to keep the Congress within the limits of its constitutional powers.**” [Congressional Record, 1933, emphasis added]

The Agricultural Adjustment Act was another emergency powers bill proposed by President Roosevelt. The pass by a margin of three to one despite the dire warning of Congressman Beck.

Another quote from the Senate report expresses concern that in our current state of emergency, we could end up with a totalitarian state.

“If the President can create crimes by fiat and without congressional approval, our system is not much different from that of the Communists, which allegedly threaten

our existence. ... The enormous scope of powers ... is a time bomb.” [Senate Report 93-549]

The report goes on to admit that our rights have been abridged.

“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.**” [Senate Report 93-549, emphasis added]

One example of how our freedoms have been abridged is the increased licensing power granted by these statutes. You will recall that 12 USC § 95b grants the President authority to issue licenses. A “license” is defined as:

“The permission by competent authority to do an act which, without such permission, would be illegal ...” [Black’s Law Dictionary, 5th Edition]

The Senate report, in a section analyzing the Trading with the Enemy Act, indicates that virtually every imaginable transaction we engage in is now covered by the President’s emergency powers.

“... the trade or commerce regulated or prohibited in Subsections (a), (b), (c), (d) and (e) page 4. **This trade covers almost every imaginable transaction, and is forbidden and made unlawful except when allowed under the form of license issued by the Secretary of Commerce** (p. 4). This authorization of trading under license constitutes the principle modification of the rule of international law forbidding trade between the citizens of the belligerents, for the power to grant such licenses, and therefore exemption from the operation of law, is given by the bill.” [Senate Report 93-549, emphasis added]

Since Americans are viewed as enemies of the state, and since any trade with the enemy (other Americans) is illegal except when done under a license issued by the government, then all trade must be done under license in order to be legal. The war powers and state of national emergency is what gives the government the authority to require a license in order to conduct business. The government is now in a position where a license is required to do almost everything, including those things which can be considered natural rights.

This principle was first applied during the Banking Holiday of 1933. Roosevelt’s papers indicate that banks would have to have a license before they could re-open.

“The Secretary of the Treasury will issue licenses to banks which are members of the Federal Reserve system whether national bank or state, located in each of the 12 Federal Reserve bank cities, to open Monday morning.” [President Roosevelt’s papers]

The next business sector where the principle was applied was agriculture using provisions in the Agricultural Adjustment Act of 1933.

“To issue licenses permitting processors, associations of producers and others to engage in the handling, in the current of interstate or foreign commerce, of any

agricultural commodity or produce thereof or any competing commodity.”
[Agricultural Adjustment Act]

Other laws were passed during President Roosevelt’s first 100 days in office granting authority to issue licenses of one industry after another.

The Senate report admits that Roosevelt and subsequent Presidents have greatly expand their war powers well beyond the original intent of dealing with a crisis caused by war.

“The Trading With the Enemy Act had, however, been specifically designed by its originators to meet only wartime exigencies. By employing it to meet the demands of the depression, Roosevelt greatly extended the concept of ‘emergencies’ to which expansion of executive powers might be applied. And in so doing, he established a pattern that was followed frequently: In time of crisis the President should utilize any statutory authority readily at hand, regardless of its original purposes, with the firm expectation of ex post facto congressional concurrence.

“Beginning with F.D.R., then, extensive use of delegated powers exercised under an aura of crisis has become a dominant aspect of the presidency. Concomitant with this development has been a demeaning of the significance of "emergency." It became a term used to evoke public and congressional approbation, often bearing little actual relation to events...” [Senate Report 93-549]

The report goes on to admit that the Trading with the Enemy Act of 1917 was never terminated and that the President and Congress have not correctly yielded the powers granted during an emergency after the crisis was over.

“Following the allied victory, Wilson relinquished his wartime authority and asked Congress to repeal the emergency statutes, enacted to fight more effectively the war. Only a food-control measure and the 1917 Trading With the Enemy Act were retained. This procedure of terminating emergency powers when the particular emergency itself has, in fact, ended has not been consistently followed by his successors.” [Senate Report 93-549]

The authority given to the President seems to allow him to do virtually whatever he wishes. It is very common for Presidents to issue an executive order and cite as his authority the Trading with the Enemy Act. They generally don’t refer to the act by name but instead just say “the act of October 6, 1917 as amended.” At this point, the President has unbridled power.

The Way Out

Our Founding Fathers intended to assure our freedom by used the principles of separation of powers between the three branches of government, and the checks and balances between them. The breakdown of these principles cannot be blamed solely upon the Presidents. One would hope that the Supreme Court would overturn the use of emergency powers when there is not apparent emergency. But the report indicates that the court has not done so, and are not likely to do so. It would appear that the Supreme Court has shirked its responsibility to guard our freedom.

“During the New Deal, the Supreme Court initially struck down much of Roosevelt's emergency economic legislation (*Schechter v. United States*, 295 U.S. 495). However, political pressures, a change in personnel, and presidential threats of court-packing, soon altered this course of decisions (*NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1). Since 1987, the Court has been extremely reluctant to invalidate any congressional delegation of economic powers to the President. It appears that this will not change in the foreseeable future.” [Senate Report 93-549]

The Congress also bears a great deal of responsibility. It was Congress that transferring extraordinary powers to the President with very little debate, providing little or no oversight of the powers granted, and largely given away their “law making” responsibilities.

“A review of the laws passed since the first state of national emergency was declared in 1933, reveals a consistent pattern of lawmaking. It is a pattern showing that the **Congress, through its own actions, transferred awesome magnitudes of power to the executive** ostensibly to meet the problems of governing effectively in times of great crisis. Since 1933, Congress has passed or recodified over 470 significant statutes **delegating to the President powers that had been the prerogative and responsibility of the Congress since the beginning of the Republic**. No charge can be sustained that the Executive branch has usurped powers belonging to the Legislative branch; on the contrary, **the transfer of power has been in accord with due process of normal legislative procedures...**

“... Congress has in most important respects, except for the final action of floor debate and the formal passage of bills, permitted the Executive branch to draft and in large measure to ‘make the laws.’ This has occurred despite the constitutional responsibility conferred on Congress by Article I Section 8 of the Constitution which states that it is Congress that ‘makes all Laws...’

“Most of the statutes pertaining to emergency powers were passed in times of extreme crisis. Bills drafted in the Executive branch were sent to Congress by the President and, in the case of the most significant laws that are on the books, **were approved with only the most perfunctory committee review** and virtually no consideration of their effect on civil liberties or the delicate structure of the U.S. Government of divided powers. 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.

“For example, one of the very first provisions passed in 1933 was the Emergency Banking Act based upon Section 5(b) of the Trading With the Enemy Act of 1917. The provisions gave to President Roosevelt, with the full approval of the Congress, the authority to control major aspects of the economy, an authority which had formerly been reserved to the Congress...” [Senate Report 93-549, emphasis added throughout]

The report goes on to say that most of the emergency statutes do not provide for congressional oversight or termination of the statute:

“... what the magnitude of emergency powers affirm is that **most of these laws do not provide for congressional oversight or termination**. There are two reasons which can be adduced as to why this is so. First, few, if any, foresaw that the temporary states of emergency declared in 1938, 1939, 1941, 1950, 1970, and 1971 would become what are now regarded collectively as virtually permanent states of emergency (the 1939 and 1941 emergencies were terminated in 1952). Forty years can, in no way, be defined as a temporary emergency. Second, the various administrations who drafted these laws for a variety of reasons were understandably not concerned about providing for congressional review, oversight, or termination of these delegated power's which gave the President enormous powers and flexibility to use those powers.” [Senate Report 93-549, emphasis added]

The report also suggests a way out of this situation. It recommends that Congress should take action to end the state of national emergency.

“In the view of the Special Committee, **an emergency does not now exist**. Congress, therefore, should act in the near future to terminate officially the states of national emergency now in effect.” [Senate Report 93-549, emphasis added]

Even in the light of the terrorist activity of September 11, 2001, it would seem advisable to end the emergency powers that still exist. The powers granted to the President are simply too broad and do not provide for adequate congressional oversight. The report goes on to recommend future actions which need to be taken by Congress.

“...the task that remains for the Special Committee is to determine - in close cooperation with all the Standing Committees of the Senate and all Departments, Commissions, and Agencies of the Executive branch - which of the laws now in force might be of use in a future emergency. Most important, a legislative formula needs to be devised which will provide a regular and consistent procedure by which any emergency provisions are called into force. It will also be necessary to establish a means by which Congress can exercise effective oversight over such actions as are taken pursuant to a state of national emergency as well as providing a regular and consistent procedure for the termination of such grants of authority.” [Senate Report 93-549]

These actions have not been taken to date. For the good of the nation and our personal liberty, it is imperative that the Congress address this urgent issue.

We have demonstrated that the nation has gotten into a situation where the checks and balances provided for by the Constitution no longer work. We have not uncovered (at least thus far) direct evidence of undue influence by the Federal Reserve (international bankers). However, their position as creditor to the UNITED STATES does provide a plausible explanation as to why all three branches of government has failed so miserably in their sworn duty to “protect and defend the Constitution.” Every American owes it to themselves and their children to do everything within their power to bring our government back into reasonable constitutional constraints. We must take every peaceful

and lawful step available to accomplish this objective. Our freedoms and the future of our nation are at stake.