

Did Obama sign Executive Order for Peace time Martial Law or are we over reacting?

Not Exactly ... because since the redefinition of "National Emergency" a president can declare Marshall Law, even in peacetime.

So, let's take a look all this history

"The Seven Deadly Social Sins: Politics without Principle; Wealth without Work; Commerce without Morality; Pleasure without Conscience; Education without Character; Science Without Humanity; Worship without Sacrifice."
Gandhi

According to Wikipedia (retrieved between 19 September 2011 and 19 March 2012 when it was updated again):

"The Defense Production Act (Pub.L. 81-774) is a United States law enacted on September 8, 1950, in response to the start of the Korean War. It was part of a broad civil defense and war mobilization effort in the context of the Cold War. Its implementing regulations, the Defense Priorities and Allocation System (DPAS), are located at 15 CFR §§700 to 700.93. The Act has been periodically reauthorized and amended, and remains in force as of 2009.

The Act contains three major sections. The first authorizes the President to require businesses to sign contracts or fulfill orders deemed necessary for national defense. The second authorizes the President to establish mechanisms (such as regulations, orders or agencies) to allocate materials, services and facilities to promote national defense. The third section authorizes the President to control the civilian economy so that scarce and/or critical materials necessary to the national defense effort are available for defense needs.

The Act also authorizes the President to requisition property, force industry to expand production and the supply of basic resources, impose wage and price controls, settle labor disputes, control consumer and real estate credit, establish contractual priorities, and allocate raw materials to aid the national defense.

The President's authority to place contracts under the DPA is the part of the Act most often used by the Department of Defense (DOD) since the 1970s. Most of the other functions of the Act are administered by the Office of Strategic Industries and Economic Security (SIES) in the Bureau of Industry and Security in the Department of Commerce."

According to FEMA (<http://www.fema.gov/about/programs/dpa/dpa.shtm>)

"The Defense Production Act (DPA) is the primary source of Presidential authorities to expedite and expand the supply of critical resources from the U.S. industrial base to support the national defense and homeland security. In addition to military, energy, and space activities, the DPA definition of "national defense" includes emergency preparedness activities conducted pursuant to title VI of the Stafford Act and protection and restoration of critical infrastructure. The President's DPA authorities are delegated to the heads of Federal departments and agencies in Executive Order (E.O.) 12919."

"Power concedes nothing without a demand. It never did, and it never will. Find out just what people will submit to, and you have found out the exact amount of injustice and wrong which will be imposed upon them; and these will continue till they have resisted with either words or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they suppress."

Frederick Douglas

Now we need to understand that two meanings have been redefined by our government since this Act was first passed: "National Emergency" and "National Defense".

The definition of **National Emergency** has changed from natural disaster type stuff to include terrorism (domestic and foreign). **National Defense** changed to include terrorism

(domestic and foreign) committed not only on our own soil, but to US citizens traveling abroad and the transportation used to do so.

Both of these definition changes drastically altered the scope of **Presidential Emergency Powers**, long before 9/11 and the Patriot Act.

Starting with the *Trading with the Enemy Act* passed on October 6, 1917 which contained a direct violation of that portion of *Article V, Bill of Rights*; and then the "National Emergency" of the Great Depression spawned many Executive Orders, Presidential Proclamations and Directives, as well as on March 9, 1933, Congress passed "AN ACT To provide relief in the existing national emergency in banking, and for other purposes." Where it appears that all reference to "enemy" is deleted and the law now acts on "any person within the United States or any place subject to the jurisdiction thereof".

"It is the silent acquiescence of millions that supports the system. When you don't oppose a system, your silence becomes approval, for it does nothing to interrupt the system... Many people say it is insane to resist the system, but actually, it is insane not to."

Mumia Abu-Jamal

Since these redefinitions and acts, people have screamed bloody murder over "Peacetime Marshal Law" and other similar or related encroachments on US Citizen Constitutional Rights (against actions by presidents from all the various political parties of the time), as well as against the many laws referring to changes to Civil Defense, creation and actions of FEMA, National Emergency Powers Act, Defense Production Act, Public Health Security and Bioterrorism Preparedness and Response Act of 2002, various US Code changes involving United States Code TITLE 50 - WAR AND NATIONAL DEFENSE, various National Emergencies Laws, Executive Orders/Directives/Proclamations;

National Emergencies Act, to various Anti-Terrorism laws and of course The Patriot Act in all its horrendous wonder.

In fact the Congressional Report Service (CRS) has written several reports to congress about the various changes to “*National Emergency Powers*”. The 2 that are most ‘eye opening’ are:

“*National Emergency Powers*” was originally written in November 1973 (original can be read @ <http://famguardian.org/Subjects/LawAndGovt/Articles/SenateReport93-549.htm>), then updated and re-published September 18, 2001 *after* the public outcry that Mr. B gave himself the ability to declare “*Peacetime Marshall Law*” (can be downloaded from <http://fpc.state.gov/documents/organization/6216.pdf>) are great resources on all this kind of stuff and well worth the read.

The introduction of the old report starts like this:

"A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years [now 66 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. The problem of how a constitutional democracy reacts to great crises, however, far antedates the Great Depression. As a philosophical issue, its origins reach back to the Greek city-states and the Roman Republic. And, in the United States, actions taken by the Government in times of great crises have - from, at least, the Civil War - in important ways, shaped the present phenomenon of a permanent state of national emergency."

"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.

These proclamations give force to 470 provisions of Federal law [hundreds more since 1973, particularly in the Clinton administration since Jan 21, 1993]. 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.

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."

"All that the evil forces need to win the world is for good men to do nothing."

Edmund Burke

Ok so we have discovered that this not new, so just how many other changes have occurred that threaten our US Citizenship Rights under the Constitution? Well let's see ...

Keep in mind that according to the Federal Register or National Archives (<http://www.archives.gov/>), Congress has 30 days from number assignment of an EO to request the Judicial Branch to determine if the EO is constitutional or not; although the Judicial can do this type review on its own without a request from the legislator branch.

Also remember that when congress changes 'session' from say 111th to 112th, any bills not passed at that time are **Dead** and **must start the process all over again** by being re-introduced and assigned a new number.

With that in mind I did a series of searches on "*Defense Production Act*" from 1993 (103rd Congress) to Mar 18, 2012 (112th Congress) at govtrack.us and it produced the following counts:

Note: Bills that are returned by this search are either getting their authorization from the original Act of 1950 or are an actual amendment or re-authorization of the bill "as amended".

(Years and Session Dates of the U.S. Congress from http://www.gpoaccess.gov/help/congress_table.html A complete guide to the Sessions of Congress which includes the beginning and ending dates, recesses, number of days in the session, the name of the Speaker of the House and the President Pro Tem of the Senate, may be found online by searching the Congressional Directory. Type in the search term "sessions" and select the result "Sessions of Congress")

Years	Congress	Dates	Search Results @ govtrack.us
2011-2012	112th Congress	Session 1: January 5, 2011 - TBD	6148 bill(s) matched your search for <i>Defense Production Act</i>

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Years	Congress	Dates	Search Results @ govtrack.us
2009-2010	111th Congress	Session 1: January 6, 2009 - December 24, 2009 Session 2: January 5, 2010 - December 29, 2010	9600 bill(s) matched your search for <i>Defense Production Act</i>
2007-2008	110th Congress	Session 1: January 4, 2007 - December 31, 2007 Session 2: January 3, 2008 - January 3, 2009	11412 bill(s) matched your search for <i>Defense Production Act</i>
2005-2006	109th Congress	Session 1: January 4, 2005 - December 22, 2005 Session 2: January 3, 2006 - December 8, 2006	10719 bill(s) matched your search for <i>Defense Production Act</i>
2003-2004	108th Congress	Session 1: January 7, 2003 - December 9, 2003 Session 2: January 20, 2004 - December 8, 2004	8490 bill(s) matched your search for <i>Defense Production Act</i>
2001-2002	107th Congress	Session 1: January 3, 2001 - December 20, 2001 Session 2: January 23, 2002 - November 22, 2002	8738 bill(s) matched your search for <i>Defense Production Act</i>
1999-2000	106th Congress	Session 1: January 6, 1999 - November 22, 1999 Session 2: January 24, 2000 - December 15, 2000	8809 bill(s) matched your search for <i>Defense Production Act</i>
1997-1998	105th Congress	Session 1: January 7, 1997 - November 13, 1997 Session 2: January 27, 1998 - December 19, 1998	7372 bill(s) matched your search for <i>Defense Production Act</i>
1995-1996	104th Congress	Session 1: January 4, 1995 - January 3, 1996 Session 2: January 3, 1996 - October 4, 1996	6358 bill(s) matched your search for <i>Defense Production Act</i>
1993-1994	103rd Congress	Session 1: January 5, 1993 - November 26, 1993 Session 2: January 25, 1994 - December 1, 1994	6043 bill(s) matched your search for <i>Defense Production Act</i>
1991-1992	102nd Congress	Session 1: January 3, 1991 - January 3, 1992 Session 2: January 3, 1992 - October 9, 1992	Govtrack.us did not exist
1989-1990	101st Congress	Session 1: January 3, 1989 - November 22, 1989 Session 2: January 23, 1990 - October 28, 1990	Govtrack.us did not exist
1987-1988	100th Congress	Session 1: January 6, 1987 - December 22, 1987 Session 2: January 25, 1988 - October 22, 1988	Govtrack.us did not exist
1985-1986	99th Congress	Session 1: January 3, 1985 - December 20, 1985 Session 2: January 21, 1986 - October 18, 1986	Govtrack.us did not exist
1983-1984	98th Congress	Session 1: January 3, 1983 - November 18, 1983 Session 2: January 23, 1984 - October 12, 1984	Govtrack.us did not exist

Years	Congress	Dates	Search Results @ govtrack.us
1981-1982	97th Congress	Session 1: January 5, 1981 - December 16, 1981 Session 2: January 25, 1982 - December 23, 1982	Govtrack.us did not exist

This is just to give you an idea of what has to be researched to determine if people are “crying wolf” or not.

"The problems we face will not be solved by the minds that created them."
Albert Einstein

Some additional reports/studies that can put all this “hype” into perspective are listed below:

Executive Orders and Proclamations March 9 1999 a CRS report 95-772A

<http://www.llsdc.org/attachments/wysiwyg/544/crs-95-772.pdf>

National Emergency Powers CRS Report for Congress Sept 18 2001 6216/98-505

<http://fpc.state.gov/documents/organization/6216.pdf>

Executive Orders and Presidential Power

<http://users.polisci.wisc.edu/kmayer/Professional/Executive%20Orders%20and%20Presidential%20Power.pdf>

Unilateral Presidential Powers-Significant Executive Orders 1949-99

<http://users.polisci.wisc.edu/kmayer/Professional/Unilateral%20Presidential%20Powers.pdf>

Defense Production Act Amendments of 2001 HR 2510 PL 107–47 Text

<http://www.gpo.gov/fdsys/pkg/PLAW-107publ47/pdf/PLAW-107publ47.pdf>

Defense Production Act DPA-Purpose and Scope CRS Report May 14 2009

<http://www.fas.org/sgp/crs/natsec/RS20587.pdf>

Defense Production Act-Agencies Lack Policies and Guidance for Use of Key Authorities GAO-08-854 Jun 2008 <http://www.gao.gov/new.items/d08854.pdf>

USA PATRIOT Improvement and Reauthorization Act of 2005 HR 3199 A Legal Analysis of the Conference Bill CRS Report for Congress-RL33239
<http://www.fas.org/sgp/crs/intel/RL33239.pdf>

For some non-government non-law school information see:

Executive Orders & Police State Legislation May 2011

http://www.indianamilitia.org/files/Publications/Exec_Orders_and_police_state_legislation.pdf

Executive Orders and National Emergencies-How Presidents Have Come to Usurping Legislative Power Oct 28 2009 <http://www.cato.org/pubs/pas/pa358.pdf>

Executive Orders and National Emergencies

<http://www.breadoflifebiblestudy.com/Lessons/25TheNewWorldOrder/Articles/Executive%20Orders.pdf>

The Impact of Executive Orders on the Legislative Process-Executive Lawmaking TESTIMONY of William J. Olson Oct 27 1999

<http://www.breadoflifebiblestudy.com/Lessons/25TheNewWorldOrder/Articles/ExecutiveOrders05.pdf>

Executive Orders and Laws relating to National Emergencies

<http://www.disastercenter.com/laworder/laworder.htm>

Analysis of Primary Authorities Supporting and Governing DHS to Secure Cyberspace May 24 2011 <http://www.homelandsecurity.org/docs/reports/MHF-and-EG-Analysis-of-authorities-supporting-efforts-of-DHS-to-secure-cyberspace-2011.pdf>

"The means of defense against foreign danger historically have become the instruments of tyranny at home."

James Madison

Kinda puts it all into perspective when one realizes that we have been under this threat a very long time and it is not inherent to solely to this administration or political party. In fact when I look over old news archives it *seems* that only those opposed to the existing administration are the ones screaming at any given time.

All of this points to the fact that our Presidents and Federal Government have been abusing their authority and powers for quite some time now. This is

nothing new, Mr. BO is *not* the first to do this and unfortunately, most likely not the last.

"Patriotism is supporting your country all the time, and your government when it deserves it."

Mark Twain

I haven't trusted my government for decades, so I wouldn't put it past ANY administration to do something stupid ... however: "Peacetime Martial Law" has been "allowed" since about WWI, so that in and of itself is not new. Couple that with all the "authorization" changes that by pass the constitution since the creation of DHS and the abuse of these "authorizations" by the previous and current administration so far – and well let's just say that I believe the Republic of United States of America is indeed dead and buried. It will take a miracle to bring it back to life – soo very, very sad ...

Bottom Line: Did Obama sign Executive Order for Peace time Martial Law or are we over reacting? NO that was actually accomplished in the early 1900's. However Mr.BO (like his predecessors) is taking advantage of all the various changes to this 1950 Act done by previous bills, laws, orders, etc. and most especially the Patriot Act, that in my book are 100% unconstitutional. I'm not freaked out, but am a bit suspicious. When in doubt I always err on the cautious side.

*"I am prepared for the worst
but hope for the best"*

Benjamin Disraeli

(British Prime Minister & novelist 1804-1881)

TNT