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STAFF REPORT ON EMERGENCY PREPAREDNESS
IN THE UNITED STATES

SENATE SPECIAL COMMITTEE ON NATIONAL EMERGENCIES AND
DELEGATED EMERGENCY POWERS

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EMERGENCY PREPAREDNESS IN THE UNITED STATES

In its investigations the Special Committee on National Emergencies and Delegated Emergency Powers has concentrated on determining the extent of emergency power delegated to the President and recommending procedures for the declaration, administration, and termination of emergencies. It has not attempted to evaluate the state of emergency preparedness in the United States. Only in its final days did the Committee probe this question at all, and then only briefly. ~~HA~~

The range and complexity of emergency issues make any evaluation extremely difficult.¹ Too often government units, trapped within their particular fragment of the bureaucratic puzzle, fail to examine issues in all their parameters. In its brief probing of emergency preparedness issues, the staff of the Committee attempted to cut across customary lines of fragmentation and to take a broad view. To do this, the staff solicited the views of representatives of Federal emergency agencies, Congressional staff members, and nongovernmental experts.

The exploration raised serious questions, and the staff believes that it is time to assess the effects of the 1973 administrative reorganization and to evaluate the operation of the new structure with particular attention to emergency preparedness, coordination, planning, and civil liberties questions.

To facilitate such a study and to stimulate interest in and awareness of the many issues involved, this report will summarize the findings of the staff's brief survey.^{1a}

Background

Until 1973 responsibility for emergency coordination was vested in the Office of Emergency Preparedness (OEP), located in the Executive Office of the President. OEP drew its authority from many sources, some by delegation from the President and others directly by statute. Its resource planning and mobilization functions were founded in part on the National Security Act of 1947,² the Defense Production Act of 1950,³ and the Strategic and Critical Materials Stockpiling Act.⁴ In the Eisenhower administration, civil and defense

A ¹ To evaluate planning and preparedness efforts in a comprehensive manner, it is useful to develop analytical frameworks which will help structure an overview. Two frameworks may be useful to later investigators. One method involves classifying the specific types of emergency that could occur:

Economic: Depression, inflation, strikes, housing, agricultural, commodity trading, municipal or corporate bankruptcies, domestic program failures, etc.

Natural Catastrophe: Drought, agricultural pests, plagues, climatic changes, famine, floods, earthquakes, etc.

National Security: Defense, civil defense, internal security, hostilities, war, terrorism, embargoes, nuclear threats (peacetime and wartime), etc.

Another method would be to assess: (1) Organizational capabilities, (2) material resources, and (3) manpower availability.

^{1a} This report represents an initial probing of preparedness issues, rather than a final statement on them. The staff was not able to conduct a thorough examination, and its findings must be viewed with caution.

² 61 Stat. 495, 499; 50 U.S.C. 404.

³ 60 Stat. 596; 50 U.S.C. app., sec. 2061 et seq.

⁴ 64 Stat. 798; 50 U.S.C. 98 et seq. See also 50 U.S.C. app., sec. 2271 note and Executive Order 11051 set out therein.

mobilization functions were merged when Reorganization Plan No. 1 of 1958 joined the functions of the Federal Civil Defense Administration and the Office of Defense Mobilization in a new component of the Executive Office of the President called the Office of Defense and Civilian Mobilization.⁵ The plan provided for a Director and Deputy Director, three Assistant Directors, and ten Regional Directors; made the Director a member of the National Security Council; and attached to the new entity the Civil Defense Advisory Council, originally created by the Federal Civil Defense Act of 1950.⁶ By successive statutes, the Office was renamed Office of Civil and Defense Mobilization,⁷ Office of Emergency Planning,⁸ and, finally, Office of Emergency Preparedness.⁹

Through the years, OEP lost some functions and gained others. By Executive Order 10952, dated July 20, 1961,¹⁰ President Kennedy withdrew designated civil defense functions from OEP and assigned them to the Department of Defense, where they still remain. OEP's responsibility for telecommunications policy was withdrawn (and an Assistant Director eliminated) when the Office of Telecommunications Policy was established by Reorganization Plan No. 1 of 1970.¹¹ Important new responsibilities for supervising disaster relief were thrust upon OEP by the Disaster Relief Act of 1970.¹² The OEP Director was authorized to form emergency support teams of Federal personnel; to draw upon outside organizations; to establish regional offices; to determine qualifications for assistance; to guide the activities of emergency personnel; to provide temporary housing, transportation, communications, and other facilities in emergencies; and to take other actions in major disaster areas. Other laws added to OEP's responsibilities in disaster relief, such as those which authorize Federal assistance to educational institutions which have suffered damage or destruction.¹³

By law or delegation of Presidential authority, OEP also served in various other capacities. Under section 232 of the Trade Expansion Act of 1962, for example, the OEP Director was responsible for investigating imports which might threaten to impair the national security.¹⁴ He served by Presidential appointment as Chairman of the Oil Policy Committee, established by President Nixon in February, 1970, following the report of a Cabinet task force on oil import policy.¹⁵

On January 26, 1973, President Nixon submitted to the Congress Reorganization Plan Number 1 of 1973. That plan called for the abolition of the Office of Emergency Preparedness, the Office of Science and Technology and the National Aeronautics and Space Council and the transfer of their functions to old line agencies. Nixon

⁵ 72 Stat. 1799; 5 U.S.C., app. 565. Also printed at 50 U.S.C., app., sec. 2271 note.

⁶ 64 Stat. 1245, 1247; 50 U.S.C. app., secs 2251-2297.

⁷ 72 Stat. 861; see 50 U.S.C. app., sec. 2271 note.

⁸ 75 Stat. 630; see 50 U.S.C. app., sec. 2271 note.

⁹ 82 Stat. 1194; see 50 U.S.C. app., sec. 2271 note.

¹⁰ 3 CFR, 1959-1963 Comp., p. 479.

¹¹ 5 U.S.C., app., p. 605.

¹² 42 U.S.C. sec. 4401 et seq.

¹³ 81 Stat. 810. 86 Stat. 299.

¹⁴ 19 U.S.C. 862(b).

¹⁵ The information on pages 3-5 was excerpted from: U.S. Congress. House. Committee on Government Operations. Reorganization Plan No. 1 of 1973: House Report No. 93-106. 93rd Congress, 1st Session. Washington, U.S. Government Printing Office, 1973, pp. 12-13.

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described the changes in the emergency preparedness area in the following words:

In the interest of efficiency and economy, we can now further streamline the Executive Office of the President by formally relocating those responsibilities and closing the Office of Emergency Preparedness.

I propose to accomplish this reform in two steps. First, reorganization plan No. 1 would transfer to the President all functions previously vested by law in the office or its director, except the director's role as a member of the National Security Council, which would be abolished; and it would abolish the Office of Emergency Preparedness.

The functions to be transferred to the President from OEP largely incidental to emergency authorities already vested in him. They include functions under the Disaster Relief Act of 1970; the function of determining whether a major disaster has occurred within the meaning of (1) Section 7 of the Act of September 30, 1950, as amended, 30 U.S.C. 241-1, or (2) Section 762 (a) of the Higher Education Act of 1965, as added by Section 161 (a) of the Education Amendments of 1972, Public Law 92-318, 86 Stat. 288, 299 (relating to the furnishing by the Commissioner of Education of disaster relief assistance for educational purposes); and functions under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), with respect to the conduct of investigations to determine the effects on national security of the importation of certain articles.

The Civil Defense Advisory Council within OEP would also be abolished by this plan, as changes in domestic and international conditions since its establishment in 1950 have now obviated the need for a standing council of this type. Should advice of the kind the council has provided be required again in the future, state and local officials and experts in the field can be consulted on an ad hoc basis.

Second, as soon as the plan became effective, I would delegate OEP's former functions as follows:

All OEP responsibilities having to do with preparedness for and relief of civil emergencies and disasters would be transferred to the Department of Housing and Urban Development. This would provide greater field capabilities for coordination of federal disaster assistance with that provided by states and local communities, and would be in keeping with the objective of creating a broad, new Department of Community Development.

OEP's responsibilities for measures to ensure the continuity of civil government operations in the event of major military attack would be reassigned to the General Services Administration, as would responsibility for resource mobilization including the management of national security stockpiles, with policy guidance in both

cases to be provided by the National Security Council, and with economic considerations relating to changes in stockpile levels to be coordinated by the Council on Economic Policy.

Investigations of importa which might threaten the national security—assigned to OEP by Section 232 of the Trade Expansion Act of 1962—would be reassigned to the Treasury Department, whose other trade studies give it a ready-made capability in this field; the National Security Council would maintain its supervisory role over strategic imports.

Those disaster relief authorities which have been reserved to the President in the past, such as the authority to declare major disasters, will continue to be exercised by him under rapid interagency coordination, the federal response will be coordinated by the Executive Office of the President in charge of executive management.

The Oil Policy Committee will continue to function as in the past, unaffected by this reorganization, except that I will designate the Deputy Secretary of the Treasury as chairman in place of the Director of OEP. The Committee will operate under the general supervision of the Assistant to the President in charge of economic affairs.

The functions which would be abolished by this plan, and the statutory authorities for each, are:

(1) The functions of the Director of the Office of Emergency Preparedness with respect to being a member of the National Security Council (Sec. 101, National Security Act of 1947, as amended, 50 U.S.C. 402; and Sec. 4, Reorganization Plan No. 1 of 1958);

(2) The functions of the Civil Defense Advisory Council (Sec. 102(a) Federal Civil Defense Act of 1950; 50 U.S.C. App. 2272 (a)). . . .¹⁶

Under the Reorganization Act of 1949, Executive reorganization proposals take effect automatically unless either House of Congress disapproves the plan within sixty days of its submission to Congress. Both the House and Senate Government Operations Committee held hearings on Reorganization Plan No. 1 of 1973. The Senate took no action, while the House issued a report approving the plan. The House group observed that "the President cannot be compelled to utilize a policymaking and advisory apparatus in the Executive Office against his own preferences." The House report concluded:

We cannot predict how well the agencies will execute the functions and responsibilities transferred to them by the reorganization plan. The quality of leadership, the funds and resources available, management techniques, and other factors will make a large difference. The fear expressed by some critics of the plan is that the transferred functions will be buried at lower levels in departmental or agency bureaucra-

¹⁶ U.S. President. Message. "Reorganization Plan No. 1, 1973." Hearings, before a Subcommittee of the Committee on Government Operations, House of Representatives, 93rd Congress, 1st Session. Washington, U.S. Government Printing Office, 1973, pp. 100-102.

cies, and that performance will suffer accordingly. This result is possible, but it will not follow automatically if common sense, good management, and sufficient resources are brought to bear.¹⁷

Neither house having disapproved, the reorganization plan went into effect. OEP was dismantled, and its authorities were split up between different Executive agencies. The Federal Preparedness Agency within GSA—known during a transitional period as the Office of Preparedness—assumed responsibility for coordination and planning. The Federal Disaster Assistance Administration within HUD became the central agency in charge of natural disasters. The Department of the Treasury assimilated those OEP functions regarding investigation of imports which might threaten national security. The Deputy Secretary of the Treasury replaced the OEP director as Chairman of the Oil Policy Committee, and FPA lost the seat which OEP had had on the National Security Council. The Civil Defense Advisory Council within OEP was abolished, while the Defense Civil Preparedness Agency, set up in 1972, continued as before.

Two investigations explored emergency preparedness issues in the two years following the reorganization. Hearings conducted in 1973 by the Subcommittee on Disaster Relief of the Senate Public Works Committee focused on the adequacy and effectiveness of federal disaster relief legislation. In 1974, hearings held by a House Appropriations Subcommittee indicated the need for a more complete investigation. There was confusion about the exact relationship of the DCPA and the Office of Preparedness (known as the FPA now). Georgiana Sheldon, Deputy Director of the DCPA, decried the lack of Congressional oversight.

Recently more studies have been launched. In January 1976, the House Armed Services Subcommittee on Investigations set up a panel to examine the nation's civil defense. The inquiry is particularly important since the Senate Armed Services Preparedness Investigating Subcommittee has not held any hearings in the last year and a half.

In December 1975, GAO initiated its own examination of the Nation's civil defense program. The study will focus on the Defense Civil Preparedness Agency as an effort to determine its operating efficiency. GAO plans to investigate the practicality of the Agency's programs and the effectiveness of its assistance to states and local communities. GAO is particularly concerned about possible overlap and inefficiency between DCPA, FDAA, and FPA. Recently DCPA has been helping anticipate and prepare for possible crises. Once a disaster has occurred, the FDAA has assumed operational responsibility. FPA has played an overall supervisory and coordinating role. GAO will investigate how these divided responsibilities operate in practice.

Concurrently, the Senate Government Operations Committee has begun to examine the DMPA, FPA, FDAA, and the Emergency Preparedness Office of the Secretary of the Interior. The Government Operations staff has concerned that considerable overlap existed in the programs of these agencies.

¹⁷ U.S. Congress. House. Committee on Government Operations. Reorganization Plan No. 1 of 1973: House Report No. 93-106, 93rd Congress, 1st Session. Washington, U.S. Government Printing Office, 1973, p. 19.

Organization

While promising, these inquiries will stop short of an overall assessment of both emergency preparedness and planning efforts in this country and the wisdom of the new administrative structure set up under Reorganization Plan Number 1 of 1973.

The Committee staff believes that now—three years after that reorganization—an investigation into preparedness operations is in order. During recent years a trend toward decentralizing governmental functions has emerged, but serious questions exist about whether the nation benefits from decentralization of emergency preparedness activities. Alternatives to the present arrangement must be examined for their possible benefits.

The current policy of the U.S. is to operate a decentralized system, coordinated by an agency located in GSA, the Federal Preparedness Agency. FPA retains some of the operational duties of OEP, most notably in maintaining stockpiles and underground facilities and supplies, but compared to its predecessor, FPA is relatively free of operational responsibility. Its main responsibility is to provide policy guidance for emergency preparedness programs and to coordinate programs throughout the U.S. government. The Agency operates with a staff of over 200 people and with an unclassified administrative budget of about \$7 million. Ten regional offices provide guidance to other Federal field offices and to state and local governments in planning and developing their readiness programs. Beyond its administrative structure, FPA has three main divisions: (1) Conflict Preparedness runs emergency facilities, "Continuity of the U.S. Government" operations, and other programs; (2) Civil Crisis Preparedness handles stockpiles, industrial mobilization, and crisis management; and (3) Research, Development, and Program Development explores increasingly-sophisticated technologies.

A discussion of the relative merits of the present and alternate administrative structures might start with an examination of the decision to dismantle OEP and to establish FPA. Nixon said that he was acting "in the interest of efficiency and economy." Later, in testimony, Fred Malek, Deputy Director of the Office of Management and Budget, stated:

One objective is to reduce the size of the Executive Office, but, more important is the need for reorienting the Executive Office to focus on its original mission as a staff for top-level policy formation and monitoring of policy execution in broad functional areas. These actions are also consistent with the President's overall purpose of strengthening and upgrading the capacity of our line departments and agencies, and to press for further decentralization of Federal activity to field offices and even to the communities themselves, wherever we can bring the Government closer to the people.¹⁸

The staff found that most people interviewed placed great stress on the political pressure to cut back the Executive Office. One FPA official argued that the President was trying to prod agencies and depart-

¹⁸ U.S. Congress, House, Committee on Government Operations, "Reorganization Plan No. 1 of 1973. Hearings," before a subcommittee of the Committee on Government Operations, House of Representatives, 93rd Congress, 1st sess., February 26, 1973, p. 3.

ments to rethink and restructure their administrative organizations. Others pointed to a longstanding antagonism between OMB and OEP and noted that a committee chaired by OMB director Roy Ash had recommended a restructuring of OEP. According to this argument, OMB had always seen OEP as a rival, so when the idea of reorganizing government gained favor and OEP issued some reports embarrassing to the Administration, OMB seized the occasion and moved to revamp OEP.

Whatever the reasons, current debate on different administrative arrangements should focus on several key questions. One policy matter is whether the lead coordinating agency should have operational responsibility, and if so, how much.

The staff found agreement that the lead agency is probably better off without responsibility for oil and natural disaster programs. FPA spokesmen and critics generally agree that reduction of natural disaster responsibilities has benefitted FPA. One official observed that OEP's work had always been characterized by a stop-and-go quality. People would begin a project only to be interrupted when some natural disaster would demand their attention. Now that FDAA has taken over the handling of natural disasters, the problem has been alleviated. Similarly, a consensus seemed to exist that oil matters had become so complex and vital that they were better handled separately.

Whether the central coordinating agency should be free of all operational responsibility is a more controversial subject. Critics argue that first-hand exposure to emergencies and personal experience in handling them insure that planning preparedness, and coordination efforts remain realistic. They insist that cutting administrators and planners off from immediate contact with emergency conditions leads to an isolation that has a detrimental effect on efforts to make efficient, realistic preparations.

A top FPA official admitted that he was not certain what structure would be most advantageous. He ended up suggesting that the best solution might be not a "restored OEP" or the present setup, but a hybrid structure—a centralized agency with operational responsibilities which stopped short of natural disasters and oil policies.

Another issue centers on the importance of the specific location of the coordinating agency within the government¹⁹ OEP, by virtue of its location in the Executive Office of the President, exercised considerable "clout." The staff found universal agreement that FPA carries less political prestige and muscle than its predecessor. As a result, FPA requests elicit slower responses, involve more red tape, and, generally, take a longer time.

The diminished "clout" of FPA raises serious questions about the importance and effectiveness of its leadership role. Some argue that it is imperative that the Agency be moved from GSA and either be set up

¹⁹ An Arthur D. Little study on "Industrial Preparedness in an Arms Control Environment," prepared in December 1974 for the Arms Control and Disarmament Agency (ACDA), also raised the issue of location: "It is possible to point out areas in the preparedness system where effort might be rewarded with improvement. One such area is the standby organization for industrial mobilization. The principal issue here appears to be the level at which the primary mobilization coordination responsibility is fixed within the Executive Branch. * * * The link with arms control * * * may not have been fully appreciated when the 1973 decision was made and its emerging significance suggests that a different disposition should at least be considered."

by itself or be attached to the National Security Council, Domestic Council, or the Office of Management and Budget. This line of argument is based on the view that the coordinating agency has to occupy a significant position to possess enough authority to command respect and to be effective. Prime location is important, if only to insure that the President is aware of the coordinating agency's services and makes use of them. Proponents of this view believe that under the present structure Executive decisionmakers are frequently unaware that FPA has information which would be of use to them.

It seems clear that FPA does not play a major policy role in crisis situations. Frequently, when a project has needed to be organized quickly and political muscle has been required, the Office of Management and Budget has taken command of the situation. As an OMB official observed, "crisis direction was required, and it had to be out of the President's office."

A The issue is whether OMB is suited to its new role. Critics contend that it is not. They stress that while OMB has Executive clout, it does not have the expertise required to successfully handle emergencies. They argue that there is high pay-off in using people who have had experience in planning for and coping with emergency situations. Reliance on those with prior experience is particularly important in improving efficiency during the first seventy-two hours of the emergency. In the view of critics, OMB is ill-suited to its fire-fighting role: it cannot provide the expertise necessary to expedite the handling of emergencies.

Another major policy question concerns the effectiveness of coordination. Critics charge that present efforts are inefficient and fragmented. A 1974 Arthur D. Little study lent credence to this view, finding that "officials familiar with the preparedness system feel concern over divisions of responsibility, possible gaps between agencies, and a lack of full coordination." The study concluded, "An effort to confirm these views and develop remedies for such deficiencies as are verified seems warranted."²⁰

In its own investigation, the staff found particular concern over the uneven coordination between state and local agencies and the Federal bureaucracy. States apparently find it difficult to work with the reorganized Federal structure. They would prefer to deal with a single unified Federal agency capable of granting them lump sum grants. The present fragmented system—in which agencies have overlapping jurisdictions and coordination efforts prior to an emergency are distinct from those following a disaster—frustrates and confuses them. States have problems identifying the source of needed funds, and they have trouble complying with the "strings" frequently attached to grants. The use of funds allocated by the Defense Civil Preparedness Agency seems to have been a subject of particular controversy.

FPA officials acknowledge these problems. They were eager to improve coordination with state and local agencies. In addition, they (and FDAA officials) indicated that contact between FPA and FDAA is minimal and that coordination between the two agencies is in need of improvement.

Despite these problems, FPA representatives believe that the system works better than critics charge. Problems that have surfaced reflect

²⁰ Arthur D. Little, "Industrial Preparedness in an Arms Control Environment," p. 68.

in large part the settling out of the new administrative apparatus, and generally, coordination within the Federal bureaucracy is effective. Difficulties are being worked out through administrative arrangements and informal agreements.

Finally, in this time of government deficits and tight budgets, comparative budgetary figures will also have to be considered. When the Nixon Administration presented Reorganization Number 1, official spokesmen heralded savings of some \$2 million, but none of the savings was to result from the restructuring of the emergency agencies. In fact, a high FPA official has suggested that the present decentralized set-up is more expensive to operate. If true, it is only natural to examine what advantages the new structure offers and to ask whether they warrant the additional expenditures.

Planning

An evaluation of planning efforts within the government seems wise in light of widespread skepticism about planning. Critics contend that the level of planning has been excessive in the past and that efforts that are undertaken in the future should be more realistic, emphasizing existing structures and resources rather than relying on contingency structures and plans. They view planning efforts as an academic exercise, an impractical activity conducted in a world of contingencies too often separated from more mundane realities. They argue that planning is an expensive luxury that is hard to justify when all programs are being scrutinized for possible savings and other programs provide more concrete and visible results.

Former OEP officials and current FPA spokesmen strongly defend the need for advance planning. In defining planning, they speak of the anticipation of potential crises and preparation of appropriate governmental responses, including the establishment of procedures, the perfection of methodologies, the collection of important data, and the identification of skilled personnel. These officials argue that the complexity and increasing interdependence of the world and the concurrent growth in the potential for and ramifications of devastating disasters make advance work absolutely essential.

FPA officials expressed concern that the present administrative apparatus and appropriations process were biased against planning efforts. No single appropriations control point exists to insure that enough money has gone into planning. Individual committees of the Congress make independent decisions on each agency's request without any concern for the overall outcome. FPA cannot exert the political muscle that OEP could, and no one else has a big stake in contingency planning. Consequently, when agencies negotiate their budgetary requests and Congressional committees give them further examination, funds requested for planning efforts are particularly vulnerable.

The ending of the delegate agency funding process was of particular concern to FPA officials. Under this system the lead preparedness agency maintained control over funds, when it used to insure that vital planning efforts went ahead. According to FPA representatives, the existence of the fund gave the lead agency both latitude and leverage, while also simplifying the accounting of expenditures in the emergency area. Congress eliminated the system, in part, because it

made more difficult efforts to keep track of the exact sums each department was spending on preparedness efforts. FPA officials did not recommend restoration of the delegate agency funding process, but insisted that some type of budgetary pool was necessary to insure continuity of planning and to guarantee completion of any planning whose impact extends beyond a single department.

FPA officials were more concerned about the future implications of the decreasing interest in preparedness planning than about the present results. They worried that the cumulative effort of the small incremental steps in which planning efforts were receiving less and less support would be extremely serious. They emphasized that certain types of planning were dynamic and in need of constant revision, and they expressed fears that this planning would become obsolescent and would deteriorate to a dangerous point.

The staff believes that further investigation of these issues is warranted. In the face of an evident decline in planning efforts, the amount of planning the nation should support is an obvious area of inquiry. The problem is to find the elusive mean between excessive and inadequate planning. The staff believes that concerns expressed by FPA officials are legitimate, but that they must be coupled with a recognition that planning inevitably has diminishing returns. It does not seem wise to prepare elaborate plans for every possible contingency. Certain types of planning might be carried out in specific parts of the nation and then be applied elsewhere as required. Planning may be most viable for crises of a limited nature, as a former OEP official suggested. Some thought is required to insure that planning is conducted not just with an eye to maximizing efficiency, but also with an eye to confining actions to the restraints of the Constitution and the law. Efforts must be made to make certain that advance planning is formulated to provide procedures for the protection of civil liberties and that all emergency preparations are in accordance with constitutional processes. It is essential to assess the impact of specific planning in a broader framework. For instance, plans for relocating whole segments of the population in the event of a nuclear threat must be considered within the perspective of an overall policy of nuclear parity. Such plans might be viewed by an enemy as our preparation for a first strike and be escalatory in ways that were unintended. At the same time, relocation plans may violate important civil liberties.

The quality and efficiency of current planning efforts must be examined along with other questions, such as the extent to which affected agencies are involved in advance planning. It will be important to judge how well officials are anticipating the diverse types of emergencies that might occur. War and natural disasters are the commonest but the near default of New York City suggests an entirely different realm of economic emergencies and raises the question whether other possible calamities have been anticipated.

A) Any investigation should not neglect the critical importance of the lead organizational agency. The coordinating agency plays a key role, particularly in charting unexplored terrain, such as the possible dangers of world terrorism and peacetime nuclear emergencies. It seems wise to examine both the contention of FPA officials that the

central agency should serve as a control point in the allocation of funds and the suggestion of others that the diminished political muscle of the FPA has materially hurt planning efforts.

Any assessment of planning and preparedness efforts in the United States should give certain areas special scrutiny. In April 1973, the strategic and critical materials stockpile objectives were reduced by a quantity valued at more than \$4 billion. The rationale for this abrupt change in policy is unclear. An investigation by GAO seems to be leading to a reevaluation of stockpile assumptions, but it is essential that Congress insure that the nation's policies in this area are not subject to dramatic fluctuation or political whim.

Another issue concerns Executive Reserves. Under this program, selected American citizens are assigned key governmental roles which they are to assume in an emergency. In effect, these officials constitute a type of "shadow government." Serious questions—such as the extent of the program, the type of individuals involved, the advisability of public disclosure, and the manner of activation of these reserves—suggest the need for further investigation. In December 1973, in testimony before the Senate Interior Subcommittee on Integrated Oil Operations, Senator Lee Metcalf expressed concern about the extent of industry representation in the Emergency Petroleum and Gas Administration Executive Reserve. The staff of the Special Committee feels that the extent of industry control in all Executive Reserve programs merits investigation. An inquiry seems wise in view of the findings of the House Small Business Subcommittee on Energy and the Environment that "politicalization" and "disregard for conflict of interest considerations" plague the Presidential Executive Interchange Program created by President Johnson in 1969.

Another issue involves representation of the chief preparedness agency on the National Security Council. OEP was represented on that body, but the preparedness representative was removed in the 1973 reorganization. The staff heard different views on this issue. A former OEP official felt that it would be difficult to make a compelling case for representation, since most of the items on the National Security Council agenda are matters concerning the CIA and State and Defense Departments. An FPA official felt that the chief preparedness agency should naturally be represented on that group, but was under no illusion that membership would bring immediate influence.

Civil Liberties

Finally, there are a range of government programs which warrant investigation because they pose a potential threat to civil liberties. Emergency censorship demands more thorough scrutiny. In 1972, the House Government Operations Subcommittee on Foreign Operations and Government Information held hearings on the "Wartime Information Security Program," but these hearings did not constitute an exhaustive inquiry.

The maintenance of lists of people to be watched or to be detained in time of national emergency is another sensitive area. Of particular concern are contingency plans, developed by the Justice Department, for a domestic emergency. In an article by Harvard law professor Alan Dershowitz appearing in the March/April, 1973, *Liberty*, Richard Kliendienst, the Deputy Attorney General at that time, is

quoted as saying: "We have careful plans ready to be put into effect in the event of any emergency requiring Federal troops." The Senate Select Committee on Intelligence Activities and the House Judiciary Subcommittee on Civil Liberties have begun investigations of these matters, but the Congress still awaits the results of these inquiries.

Another matter of concern is the number of organizations which have been established in a dormant status to be activated upon the President's determination in a national emergency. Planned agencies, such as the Office of Defense Resources and the Office of Economic Stabilization, may require further study.

Perhaps the operation most in need of scrutiny is the series of government relocation centers operated under the FPA's "continuity of government" program. Recent articles by Richard P. Pollock in *The Progressive*²¹ and the new Washington weekly, *Newsworks*,²² have detailed the operations of Mount Weather and other relocation sites operated outside Washington, D.C. The staff is concerned about the lack of Congressional oversight and the absence of evidence that these facilities are being run in accordance with constitutional processes. If these programs are to continue, it is imperative that adequate safeguards exist in the activation and operation of Mount Weather and other relocation sites. The Senate Judiciary Subcommittee on Constitutional Rights has begun to probe this area but has found it difficult to penetrate the veil of secrecy surrounding these programs.

²¹ Richard P. Pollock, "The Mysterious Mountain," *The Progressive*, Madison, Wis., March 1976, pp. 12-16.

²² Richard P. Pollock, "Flight 514 and the Secret of Mount Weather." *Washington Newsworks*, Washington, D.C., February 12-18, 1976, pp. 7-8.

