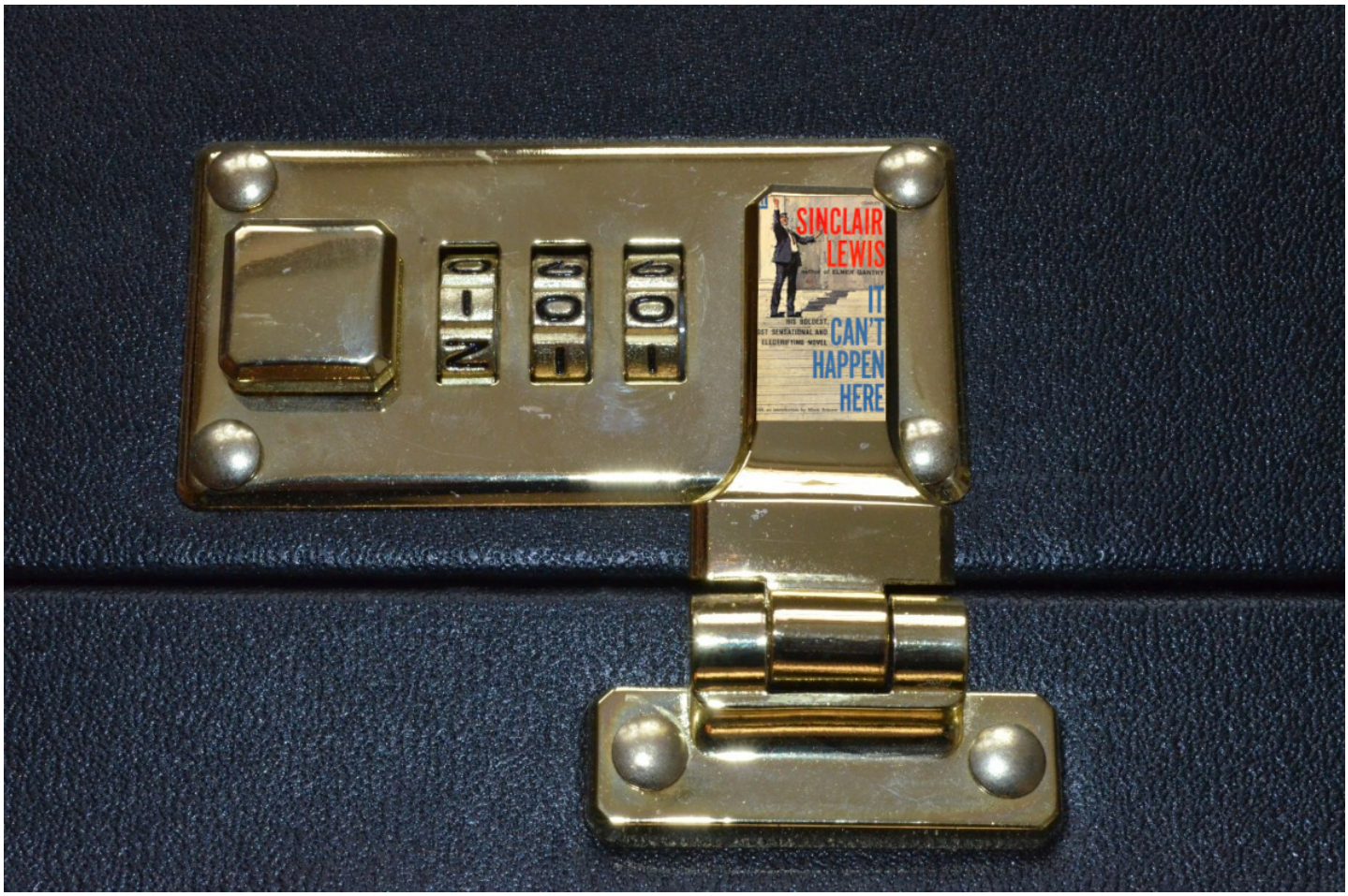
Twitter Thread by Cory Doctorow #BLM

Cory Doctorow #BLM
@doctorow

When a new president is sworn in, they gets told a lot of secret stuff - launch codes, backup plans, etc. But one of the best-kept presidential secrets is the "Enemies Briefcase," a collection of "presidential emergency action documents" (PEADs).

https://t.co/A6Jh3Gkip7

1/



These aren't just revelations about the fallback plans for things like a nuclear strike - they are a meticulously maintained collection of emergency authorities that the administrative branch claims it is entitled to.

2/

These authorities are analyzed in legal memos that give the president to unilaterally declare an emergency "imposing martial law, suspending habeas corpus, seizing control of the internet, imposing censorship, and incarcerating so-called subversives."

3/

The PEADs were incredibly well-kept secrets, known only through fragmentary redaction failures, appropriaions and declassifications...Until Trump starting bragging on 'em:

"I have the right to do a lot of things that people don’t even know about." -Donald J Trump

4/

PEADs are particularly ominous given how many non-secret emergency powers the president has - more than 100 powers granted by Congress and never rescinded, dating back to the Civil War, from freezing bank accounts to deploying troops domestically.

5/

Presidents through history have loved these. FDR invoked emergency powers granted to Wilson. Johnson relied on Truman's Korean War powers. LBJ invoked a Civil War measure (on horse forage!) to bypass Congress and fund the Vietnam War.

6/

All the great monsters of America have reveled in these powers, from Kissinger to Cheney ("It is an act of insanity and national humiliation to have a law prohibiting the president from ordering an assassination" -Dick Cheney, 1975).

7/

Even when Congress has expressed alarm at this power, it has never gone beyond cosmetic gestures. As @andrewmcockburn writes in @Harpers, the Church Committee hearings were followed by 1977's "International Emergency Economic Powers Act."

8/

The act allows the president to declare an emergency "to deal with any unusual and extraordinary threat [with] its source in whole or substantial part outside the United States." So, basically, when the president says it's an emergency...it's an emergency.

9/

Every president since Nixon has relied on - and expanded - these "emergency" powers: Reagan used them to launder cocaine money for arms to Iran. G Bush I used them to invade Panama (backstopped with a memo penned by Bill Barr).

10/

Clinton used them to bomb Serbia. GW Bush used them to invade Iraq and enact domestic mass surveillance. Obama used them to drone-assassinate US citizens far from any battlefield.

11/

Trump's access to known and secret emergency powers is a cause for real alarm. When (or if?) Trump leaves power, job one has to be dismantling these authorities and restoring the balance of power.

eof/