

# Secret Bush Administration Plan to Suspend US Constitution

## "Continuity of Government" (COG) Provisions activated in 2001

By Tom Burghardt

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[Antifascist Calling...](#)

Several months before the September 11, 2001 terrorist attacks, Secretary of Defense Donald Rumsfeld approved an updated version of the U.S. Army's secret operational Continuity of Government (COG) plans.

A draft [document](#) published by the whistleblowing website [Wikileaks](#) entitled, "Army Regulation 500-3, Emergency Employment of Army and Other Resources. Army Continuity of Operations (COOP) Program," dated 19 January 2001, spells out changes in Army doctrine.

Issued by Headquarters, Department of the Army and signed off by Secretary of Defense Donald Rumsfeld and the Secretary of the Army, the document is affixed with a warning: "Destruction Notice: Destroy by any method that will prevent disclosure of contents or reconstruction of the document." The restricted document as published by Wikileaks states:

***History.** This regulation is a revision of the original regulation that was effective on 10 July 1989. Since that time, no changes have been published to amend the original.*

***Summary.** This regulation on the Army Continuity of Operations (COOP) Program has been revised to update Army COOP policy and extend the requirement for all-hazards COOP planning to all Army organizations. Classified information contained in the 1989 version of this AR has been removed and placed in a classified HQDA Operations Plan (OPLAN).*

***Applicability.** This regulation applies to the Active Army, the U.S. Army Reserve (USAR), **and when federalized to the Army National Guard (ARNG)**. In the event of conflict between this regulation and approved OSD or JCS publications, the provisions of the latter will apply. ("Army Regulation 500-3, Emergency Employment of Army and Other Resources. Army Continuity of Operations (COOP) Program," 19 January 2001, p. 3) [emphasis added]*

"All-hazards COOP planning" is described as the means by which "the Army remains capable of continuing mission-essential operations during any situation, including military attack, terrorist activities, and natural or man-made disasters." While the Army stresses the updates described in AR 500-3 relate to chemical, biological, nuclear attacks, "natural disasters" and "technical or man-made disasters or accidents," current Army doctrine is also heavily weighted towards contingency planning for "civil disturbances."

Two national "civil disturbance" plans, Garden Plot and Cable Splicer have been operational since the 1960s. Researcher Frank Morales has detailed how,

*Under the heading of "civil disturbance planning," the U.S. military is training troops and*

*police to suppress democratic opposition in America. The master plan, Department of Defense Civil Disturbance Plan 55-2, is code-named, "Operation Garden Plot". Originated in 1968, the "operational plan" has been updated over the last three decades, most recently in 1991, and was activated during the Los Angeles "riots" of 1992, and more than likely during the recent anti-WTO "Battle in Seattle." ...*

*Equipped with flexible "military operations in urban terrain" and "operations other than war" doctrine, lethal and "less-than-lethal" high-tech weaponry, US "armed forces" and "elite" militarized police units are being trained to eradicate "disorder", "disturbance" and "civil disobedience" in America. Further, it may very well be that police/military "civil disturbance" planning is the animating force and the overarching logic behind the incredible nationwide growth of police paramilitary units, a growth which coincidentally mirrors rising levels of police violence directed at the American people, particularly "non-white" poor and working people. (Frank Morales, "U.S. Military Civil Disturbance Planning: The War at Home," in *Police State America*, ed. Tom Burghardt, Toronto/Montreal: Arm The Spirit/Solidarity, 2002, P. 59)*

AR 500-3 should be viewed in this context. Plans for Continuity of Government have been in place since the 1950s. Originally conceived during the Cold War when fears of a nuclear strike envisaged by atomic war-gamers at the RAND Corporation, believed that an immobilization of government functions and a breakdown of civilian rule would follow a nuclear attack. But from their inception, COG planning has been shrouded in secrecy.

In addition to constructing nuclear-proof underground facilities where the civilian leadership could escape a decapitation strike, other COG provisions included a series of executive orders designating which officials would assume Cabinet-level posts and other Executive Branch positions. Officials so designated would constitute a "shadow government" should office holders be killed in an attack "or otherwise incapacitated."

However, when these and other Pentagon "civil disturbance" plans surfaced in the 1980s during the Iran-Contra hearings, they were roundly criticized by members of Congress, civil liberties groups and the media before disappearing once again, down Orwell's "memory hole." The inherent dangers implicit in such plans are that unelected Executive Branch officers could assume the Presidency and other appointed offices subject neither to congressional scrutiny nor judicial oversight.

Exercising sweeping emergency powers buried within Presidential Decision Directives (PDDs), unelected officials could suspend the Constitution, declare martial law and create an Executive Branch dictatorship that rests solely on the power of the U.S. military.

Most troubling, Executive Branch officials under secret rules of a COG regime could suppress and usurp the lawful powers of Congress and the Judicial Branch (by force of arms if deemed necessary) as a means of ensuring "cooperation" under a "unitary executive."

As we have seen, the "unitary executive" theory has been a salient feature of Bushist rule since the December 2000 **judicial coup d'état**, when the Supreme Court's *Bush v. Gore* decision handed a contested election to George W. Bush by stopping the vote count in Florida.

Since assuming office, the administration has ruthlessly wielded executive power in order to achieve their antidemocratic agenda: from the looting of the economy through "deregulation," massive deficit spending and tax cuts for their corporate "clients," to waging a preemptive war of conquest in Iraq, the "unitary executive" has systematically shredded America's constitutional system of checks and balances.

The Bush administration put COG plans into operation for the first time in U.S. history in the

hours directly following the September 11, 2001 terrorist attacks. They have never been rescinded.

Their implementation involves a rotating staff of 75-150 senior government officials and others from every Cabinet department in two "secure, undisclosed locations" on the East Coast. However, key congressional representatives have been kept out of the loop and House and Senate leaders have said they were not informed the "shadow government" had "gone live."

So secretive are Bush administration plans that Peter DeFazio (D-OR), a member of the House Committee on Homeland Security, was denied access in 2007 to the classified version of the COG plans contained in top secret Presidential Decision Directive annexes. This too, is unprecedented.

While the Bush administration admitted that COG was activated in 2001, their disclosure came only after [The Washington Post](#) broke the story based on confidential administration sources troubled by the scope of the program and its secretive implementation.

Since the late 1980s, Rumsfeld was a habitu  of COG exercises along with Vice President Dick Cheney. Indeed early COG drills had been organized by the right-wing Center for Strategic and International Studies (CSIS). As investigative journalist Andrew Cockburn revealed in his definitive political biography of the former Defense Secretary:

*This highly secret program was known as Project 908, and among the individuals earmarked to take power when disaster struck was Donald Rumsfeld. ... There, for several days, he would be immured in artificial caverns, staring at electronic displays streaming data of disaster and confusion, sleeping on cots and subsisting on the most austere rations. ...*

*Insofar as the COG games gave the illusion of reality, they taught Rumsfeld and his fellow players some dangerous lessons, particularly when the fall of the Soviet Union induced some changes in the usual scenarios. Although the exercises continued, still budgeted at over \$200 million in the Clinton era, the vanished Soviets were now customarily replaced by terrorists. The terrorism envisaged however, was almost always state-sponsored. ...*

*There were other changes, too. In earlier times the specialists selected to run the "shadow government" had been drawn from across the political spectrum, Democrats and Republicans alike. But now, down in the bunkers, Rumsfeld found himself in politically congenial company, the players' roster being filled almost exclusively with Republican hawks. (Andrew Cockburn, *Rumsfeld: His Rise, Fall, and Catastrophic Legacy*, New York: Scribner, 2007, pp. 85-86, 88)*

As researcher Peter Dale Scott revealed, in early 2006 the Department of Homeland Security awarded a \$385 million contract to a Halliburton subsidiary, KBR, to provide "temporary detention and processing facilities." Scott [wrote](#),

*The contract--announced Jan. 24 by the engineering and construction firm KBR--calls for preparing for "an emergency influx of immigrants, or to support the rapid development of new programs" in the event of other emergencies, such as "a natural disaster." The release offered no details about where Halliburton was to build these facilities, or when. ...*

*After 9/11, new martial law plans began to surface similar to those of FEMA in the 1980s. In January 2002 the Pentagon submitted a proposal for deploying troops on*

*American streets. One month later John Brinkerhoff, the author of the 1982 FEMA memo, published an article arguing for the legality of using U.S. troops for purposes of domestic security. (Peter Dale Scott, "Homeland Security Contracts for Vast New Detention Camps," Pacific News Service, February 8, 2006)*

The DHS contract to KBR had been preceded by the April 2002 creation of the Pentagon's Northern Command (**NORTHCOM**), specifically empowered by the Bush administration for domestic U.S. military operations in direct violation of Posse Comitatus prohibitions forbidding the use of the military for domestic law enforcement. At the time, Defense Secretary Rumsfeld called NORTHCOM's launch "the most sweeping set of changes since the unified command system was set up in 1946."

Sweeping indeed! Last month *Army Times* reported that the Army's "3rd Infantry Division's 1st Brigade Combat Team [BCT] has spent 35 of the last 60 months in Iraq patrolling in full battle rattle, helping restore essential services and escorting supply convoys. Now they're training for the same mission--with a twist--at home." According to **Army Times**,

*Beginning Oct. 1 for 12 months, the 1st BCT will be under the day-to-day control of U.S. Army North, the Army service component of Northern Command, as an on-call federal response force for natural or manmade emergencies and disasters, including terrorist attacks. ...*

*But this new mission marks the first time an active unit has been given a dedicated assignment to NorthCom, a joint command established in 2002 to provide command and control for federal homeland defense efforts and coordinate defense support of civil authorities. ...*

*They may be called upon to help with civil unrest and crowd control or to deal with potentially horrific scenarios such as massive poisoning and chaos in response to a chemical, biological, radiological, nuclear or high-yield explosive, or CBRNE, attack. ...*

*The 1st BCT's soldiers also will learn how to use "the first ever nonlethal package that the Army has fielded," 1st BCT commander Col. Roger Cloutier said, referring to crowd and traffic control equipment and nonlethal weapons designed to subdue unruly or dangerous individuals without killing them.*

*"It's a new modular package of nonlethal capabilities that they're fielding. They've been using pieces of it in Iraq, but this is the first time that these modules were consolidated and this package fielded, and because of this mission we're undertaking we were the first to get it."*

*The package includes equipment to stand up a hasty road block; spike strips for slowing, stopping or controlling traffic; shields and batons; and, beanbag bullets. (Gina Cavallaro, "Brigade Homeland Tours Start Oct. 1," Army Times, September 8, 2008)*

While senior Pentagon brass have downplayed the significance of deploying a BCT that has taken part in aggressive occupation duties to suppress the Iraqi people's resistance, Col. Lou Vogler, NORTHCOM's chief of future operations said in an interview that the military "will integrate with law enforcement to understand the situation and make sure we're aware of any threats." An article published by the **Army News Service** disclosed,

*During the exercise, commanders and staff of the force will train, rehearse and exercise--from academic classes to making decisions and executing orders--all to help prepare*



*them for the mission they will assume on Oct. 1, said Vogler.*

*"It's an opportunity for network building in an unprecedented assignment of forces," said [Marine Corps Lt. Col.] Shores. "DOD always had allocated contingency sourced forces-- but this is precedent-setting network building with the forces that we ultimately will go out and execute with. It's an opportunity to get to know our forces, to see them in execution, to mission-orient them and be that much better--to be that much more responsive."*

*One goal of the exercise is to exercise with partners from the civilian agencies they would support. To that end, the Federal Emergency Management Agency (FEMA) and other interagency representatives are participating to ensure integration with civilian consequence managers who would lead a response, said Vogler.*

*"The overall federal response builds on the local and state response in accordance with the incident command system and existing plans and processes that are out there," said Vogler. "The response force would supplement local efforts." ("Consequence Management Response Force to join Army Northern Command," *Army News Service*, September 15, 2008)*

Vogler and Shores were discussing an exercise code-named Vibrant Response, that took place September 8-19 at Fort Stewart in Georgia. Three brigades form the core of NORTHCOM's Consequence Management Response Force: the 1st Brigade Combat Team, 3rd Army Division; the 1st Medical Brigade, Fort Hood, Texas, and the 82nd Combat Aviation Brigade, Fort Bragg, North Carolina. All three units participated in Vibrant Response.

As researcher and analyst Michel Chossudovsky [comments](#):

*The BCT is an army combat unit designed to confront an enemy within a war theater.*

*With US forces overstretched in Iraq, why would the Pentagon decide to undertake this redeployment within the USA, barely one month before the presidential elections?*

*The new mission of the 1st Brigade on US soil is to participate in "defense" efforts as well as provide "support to civilian authorities".*

*What is significant in this redeployment of a US infantry unit is the presumption that North America could, in the case of a national emergency, constitute a "war theater" thereby justifying the deployment of combat units.*

*The new skills to be imparted consist in training 1st BCT in repressing civil unrest, a task normally assumed by civilian law enforcement.*

*What we are dealing with is a militarization of civilian police activities in derogation of the Posse Comitatus Act. ("Pre-election Militarization of the North American Homeland. US Combat Troops in Iraq repatriated to 'help with civil unrest'," *Global Research*, September 26, 2008)*

One scenario envisaged by Chossudovsky is that "civil unrest resulting from from the financial meltdown is a distinct possibility, given the broad impacts of financial collapse on lifelong savings, pension funds, homeownership, etc."

One might reasonably inquire, what "precedent-setting network" does the Army have in mind

that would "ensure integration" with "civilian agencies" such as FEMA (a branch of Homeland Security)? As the *World Socialist Web Site* [reports](#):

*It is noteworthy that the deployment of US combat troops "as an on-call federal response force for natural or manmade emergencies and disasters"--in the words of the Army Times--coincides with the eruption of the greatest economic emergency and financial disaster since the Great Depression of the 1930s.*

*Justified as a response to terrorist threats, the real source of the growing preparations for the use of US military force within America's borders lies not in the events of September 11, 2001 or the danger that they will be repeated. Rather, the domestic mobilization of the armed forces is a response by the US ruling establishment to the growing threat to political stability. (Bill Van Auken, "Army deploys combat unit in U.S. for possible civil unrest," *World Socialist Web Site*, 25 September 2008)*

As the 2001 COOP planning document describes, a host of on-going Army plans and exercises have been revised by the Bush administration. In addition to Vibrant Response discussed above, they include: Plan EXCALIBUR, a COG Army training exercise; ADOBE, described by investigative journalist William M. Arkin as a "FEMA continuity of government special access program designation." Arkin describes special access programs or SAPs as,

*Classified research and development, acquisition program, operation, intelligence activity, or plan that is so sensitive or critical that the value of the information warrants enhanced protection beyond that normally provided for access to Confidential, Secret, or Top Secret information. (William M. Arkin, *Code Names: Deciphering U.S. Military Plans, Programs, and Operations in the 9/11 World*, Hanover, NH: Steerforth Press, 2005, p. 598)*

The impetus for revising Army COOP was, according to AR 500-3 primarily because,

*The end of the Cold War and the breakup of the former Soviet Union significantly reduced the probability of a major nuclear attack on CONUS but the probability of other threats has increased. Army organizations must be prepared for any contingency with a potential for interruption of normal operations. To emphasize that Army continuity of operations planning is now focused on the full all-hazards threat spectrum, the name "ASRRS" has been replaced by the more generic title "Continuity of Operations (COOP) Program." (p. 13)*

Towards this end, the Rumsfeld-era document states that the Army's new "mission-critical" functions will be restructured so that, "Army COOP plans must ensure that the Army remains capable of continuing mission-essential operations during any situation, including military attack, terrorist activities, and natural or man-made disasters." (p. 13) The Army, following various contingencies analyzed in the document will "coordinate with mission-essential external organizations and agencies." (p. 14)

So sensitive are the political ramifications of these plans that under the heading, 3-12 Operational Security (OPSEC), the Army avers,

*a. The success of COOP planning relies on denying access by unauthorized parties to information on COOP plans, procedures, capabilities and facilities.*

*b. Overhead imagery, signals intelligence, human sources, and exploitation of open literature during peacetime are threat capabilities used to gain knowledge of Army emergency plans, command and control systems, and facilities.*

*c. See Appendix B, Security Classification Guide, for guidance on the level of classification of COOP-related information. (COOP, op. cit., p. 20)*

Appendix A of AR 500-3 lists relevant references for changes included in the COOP planning document. These include:

## **Section I**

### **Required Publications**

***HQDA Operations Plan EXCALIBUR, 30 April 1999 (Being Revised)***

*HQDA Continuity of Operations Plan (cited in para 1-4.f)*

## **Section II**

***Related Publications*** *a related publication is merely a source of additional information. The user does not have to read it to understand this publication.*

### **Executive Order 12656**

*National Security Emergency Preparedness (NSEP), 18 November 1988*

### **DoD Directive (Dodd) 2000.12**

*DoD Antiterrorism/Force Protection (AT/FP) Program, 13 April 1999*

### **CJCSM 3410.01**

*Continuity of Operations Plan for the Chairman of the Joint Chiefs of Staff (COOP-CJCS), 1 March 1999*

### **Executive Order 12787**

*Prescribing the Order of Succession of Officers to Act as Secretary of Defense, 31 December 1991*

### **DoDD 3020.26**

*Continuity of Operations (COOP) Policy and Planning, 26 May 1995*

### **DoD 3020.26P**

*Continuity of Operations Plan, 21 June 2000 (Classified SECRET)*

**DoDD 3020.36**

*Assignment of National Security Emergency Preparedness (NSEP) Responsibilities to DoD Components, 2 November 1988*

**DoDD 3025.15**

*Military Support to Civil Authorities (MSCA), 18 February 1997*

**The Federal Response Plan, April 1999**

**Presidential Decision Directive (PDD) 67, (Top Secret) Enduring Constitutional Government (ECG) and Continuity of Government (COG) Operations, Oct 21, 1998**

**Federal Preparedness Circular 65, Federal Executive Branch Continuity of Operations, (COOP), July 26, 1999**

As Peter Dale Scott **reported** in *CounterPunch*, apparently members of Congress are considered "unauthorized parties" to be denied access "to information on COOP plans, procedures, capabilities and facilities." Congressman DeFazio had been denied access to the classified annexes of National Security and Homeland Security Presidential Directive (**NSPD 51/HSPD 20**) Scott wrote,

*NSPD 51 contains "classified Continuity Annexes" which shall "be protected from unauthorized disclosure." Congressman DeFazio twice requested to see these Annexes, the second time in a letter cosigned by House Homeland Security Committee Chairman Bennie Thompson and Oversight Subcommittee Chairman Christopher Carney. It was these requests that the White House denied. ...*

*DeFazio's inability to get access to the NSPD Annexes is less than reassuring. If members of the Homeland Security Committee cannot enforce their right to read secret plans of the Executive Branch, then the systems of checks and balances established by the U.S. Constitution would seem to be failing.*

*To put it another way, if the White House is successful in frustrating DeFazio, then Continuity of Government planning has arguably already superseded the Constitution as a higher authority. (Peter Dale Scott, "The Showdown," *CounterPunch*, March 31, 2008)*

With the stunning revelations published by Wikileaks, it is abundantly clear that top Bush administration officials were busily revising Continuity of Government plans, including "civil disturbance" contingencies for suspending the Constitution and imposing martial law, long before the 9/11 attacks.

Since that fatal and tragic day seven long years ago, we have been told repeatedly by the government and their media sycophants that 9/11 was the day "when everything changed."

We now know thanks to Wikileaks, that as with the invasion and occupation of Iraq, the unprecedented and lawless surveillance of Americans, the illegal detention and torture of prisoners of war, that Bush administration assertions are no more than a pack of murderous



lies.

One fact is abundantly clear from the mass of conflicting evidence and assertions made by proponents of various theories surrounding the 9/11 events: AR 500-3 demonstrates that from the very first moments after being installed in office, the Bush regime was involved in a "controlled demolition" of the U.S. Constitution.

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