

The original documents are located in Box 118, folder “Emergency Powers” of the Ron Nessen Papers at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Ron Nessen donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

October 8, 1974

SUBJECT: SENATE TERMINATES EMERGENCY
POWERS OF THE PRESIDENT

The Senate yesterday approved the National Emergency Act which terminates four states of emergency imposed by Presidents since 1933, repeals ten emergency related laws, and suspends 460 other laws that have given extraordinary powers to the Executive Branch.

Does the President support the Senate action in approving the National Emergency Act?

GUIDANCE: We do strongly support the bill. President Ford did meet with Senators Mathias and Church prior to their introduction of the legislation, and the Administration has been working with the Senate Committee staff on the details of the bill.

Doesn't passage of this Act greatly curtail the powers of the President?

GUIDANCE: The Congress is not repealing the emergencies but merely deactivating them. We feel this removes uncertainties, ambiguities, and confusion. As you know, we have at the present time, emergencies existing that were proclaimed by Presidents in 1933, 1950, 1970, 1971, and never repealed. Having these emergencies on the books and not really understanding which laws have been triggered by these emergencies, and which haven't, leaves us with a very antiquated and out-of-date system. We are pleased by the action by the Senate and will work with the House to assure passage.

Under what authority could the President impose export controls?

GUIDANCE: Section 5b of the Trading with the Enemy Act is exempted from the Senate action yesterday and will remain in effect and the emergencies relating to this section will not be repealed or deactivated.