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**POLITICS & GOVERNMENT**


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taneously reduced. The Virginia Department of Transportation, for example, lowered statewide hydrocarbon emissions from its road surfacing operations by switching to water-based asphalt, thus allowing construction of an oil refinery in Portsmouth.

*Performance standards* also leave industries free to reach regulatory goals in their own way. The Occupational Safety and Health Administration last year dropped 900 specific workplace regulations and replaced them with broad standards.

*Information approaches* are used by the Federal Trade Commission and other agencies; the idea is that if consumers are given enough information about a product (e.g., a used car), they will make intelligent choices. The Food and Drug Administration, Clark says, has proposed that drug manufacturers tell consumers in greater detail "the purposes of their products and possible adverse reactions to them."

*Self-regulation* (now being tested by the Consumer Product Safety Commission in the manufacture of chainsaws) asks simply that industry set and meet voluntary standards.

So far, Clark reports, reaction to new regulatory methods has not been favorable. Businessmen appear suspicious of the changes, environmentalists fear lower pollution standards, and labor unions worry about trade-offs in worker safety. Acceptance, Clark concludes, will come slowly.

### *Emergency Powers*

"Preparing for the Hour of Need: Emergency Powers in the United States" by A. S. Klieman, in *The Review of Politics* (Apr. 1979), University of Notre Dame, Notre Dame, Ind. 46556.

American Presidents' emergency powers have been expanding since the Civil War, says Klieman, a political scientist at Tel Aviv University.

In 1861, President Abraham Lincoln adopted emergency measures "previously thought to fall entirely within the competence of the Congress or at least to require its approval," writes Klieman. But the Constitution offered no guidelines for governing during crisis. Congress was out of session, and Lincoln invoked his duty as the commander in chief to defend national security; he proclaimed a naval blockade of the Confederate States and authorized military tribunals to hear cases against civilians in non-military areas.

During World War I, Woodrow Wilson carefully sought congressional approval before issuing emergency orders (including establishment of a military draft and national administration of the railroads). His presidential proclamations were revoked soon after war's end. Franklin Roosevelt, however, greatly expanded the concept of "national security," Klieman says, when he declared a state of emergency to "wage a war" against the economic Depression. (His first measure: the national bank holiday of 1933.)

Harry S Truman declared a national emergency in 1950 to speed

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mobilization for the Korean War and cited "national security" in an attempt to take over the steel industry threatened by a strike in 1952. The Supreme Court overturned the action (in *Youngstown Sheet & Tube Co. v. Sawyer*) on the grounds that Truman acted without required congressional sanction. Later, President Nixon declared national emergencies to thwart a postal strike in 1970 and to impose import quotas during a 1971 "international monetary crisis."

Roused by administration mismanagement of the Vietnam War and by Watergate, Congress sought to regain some of its lost authority in 1973. A Senate subcommittee was shocked to find that, technically, the country had been in a state of emergency since March 4, 1933; since that date, 470 laws had been enacted giving the President various emergency powers—to seize property and certain commodities, mobilize industry, restrict travel, regulate private capital, control transportation and communication. In 1973, Congress passed (over Nixon's veto) the War Powers Act limiting the emergency commitment of U.S. military forces to combat, in the absence of congressional approval, to 60 days. Finally, the National Emergencies Act of 1976 empowered Congress to end any declaration of emergency unilaterally. This act, Klieman observes, marked the "resumption of institutional checking and balancing."

### *Misplaced Fears*

"Campaign Financing and the 'Special' Interests" by Michael J. Malbin, in *The Public Interest* (Summer 1979), P.O. Box 542, Old Chelsea, New York, N.Y. 10011.

Spurred by revelations of illegal corporate contributions to the 1972 Nixon presidential campaign, Congress enacted legislation in 1974 to control business donations to federal office-seekers. Now liberals are worried that corporate "special interest" money can buy favors on Capitol Hill. Malbin, a Resident Fellow at the American Enterprise Institute, says such fears are misplaced.

The Federal Elections Campaign Amendments of 1974 (drafted by the "citizens' lobby," Common Cause) allowed corporations and others to establish committees, funded by voluntary contributions from employees, to distribute money to federal candidates—presidential and congressional. Called "political action committees" (PACs), they are required to register with the Federal Elections Commission and are limited to gifts of \$5,000 to each candidate they support. The reformers hoped that the \$5,000 ceiling would curb the influence of corporate political action committees. But they didn't count on the corporations' eagerness to engage in politics. There were 89 corporate PACs in 1974; by 1978, there were 646.

Despite their popularity, Malbin observes, PACs do not really spend enough money to "buy" congressional favors. In the 1978 campaign, for example, 17 of the 25 largest American businesses (as rated by *Fortune*)