

Emergency and Quarantine Powers of the US Government

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Two very dangerous thoughts are held by many Americans:

#1 COVID was an isolated episode – it came out of the blue and the response was irrational but fear driven, never happened before #2 Thankfully the emergency is over, our rights have been restored, and we can go back to our lives as usual.

Neither of these are true. Events similar to COVID but on a smaller scale have been taking place for decades, and it is almost certain that another such event will take place soon.

The first broad powers granted by the federal government concerning public health date back to 1944 with the Public Services Act, which was signed by President Roosevelt. This was not a new law, but rather a “strengthening” of laws already passed by Congress. The Act included the establishment of a tuberculosis control program and allowed for federal grants to state health departments with the goal of eliminating tuberculosis. It significantly increased the budget for “disease eradication” and – perhaps most important – authorized Public Health Service personnel to commission officers with grades, ranks and rates of pay similar to officers of the Army and Navy.

Public Health at this time consisted of the Office of the Surgeon General, The National Institute of Health, the Bureau of State Services, and the Bureau of Medical Services. This Act was the beginning of giving significant power to public health authorities over citizens of the U.S.¹

Over the years, the powers vested in public health increased, but in incremental ways that most people did not notice. Americans tend to think that if something does not affect them right now, it’s not worth paying attention to.

For example, in 2005 there was considerable hysteria about Bird Flu, driven by predictions made by Neil Ferguson, who promotes himself as an epidemiologist but is actually a very bad fortune teller. He predicted that 150,000,000 people would die from bird flu, but the actual number was only 455. His prediction was 32,967 times too high.²

The federal government responded to Ferguson’s prediction with publication of The National Strategy for Pandemic Influenza which included these guidelines:

- “Where appropriate, use governmental authorities to limit non-essential movement of people, goods, and services into and out of areas where an outbreak occurs.
- “Provide guidance to all levels of government on the range of options for infection-control and containment, including those circumstances where social distancing measures, limitations on gatherings, or quarantine authority may be an appropriate public health intervention.”

Concerning Vaccines:

- “In combination with traditional public health measures, vaccines and antiviral drugs form the foundation of our infection control strategy. Vaccination is the most important element of this strategy, but we acknowledge that a two-pronged strategy incorporating both vaccines and antivirals is essential.”
- “Establish domestic production capacity and stockpiles of countermeasures to ensure:
 - Sufficient vaccine to vaccinate front-line personnel and at-risk populations, including military personnel;
 - Sufficient vaccine to vaccinate the entire U.S. population within six months of the emergence of a virus with pandemic potential”³

Sounds eerily familiar doesn't it? The foundation for the government's response to COVID-19 was included in documents published in 2005.

Here's is just a little of what is posted on the CDC website **right now** concerning quarantine:

- “Isolation and quarantine help protect the public by preventing exposure to people who have or may have a contagious disease.
- “Isolation separates sick people with a quarantinable communicable disease from people who are not sick.
- “Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.
- “In addition to serving as medical functions, isolation and quarantine also are ‘police power’ functions, derived from the right of the state to take action affecting individuals for the benefit of society.”
- “Public health authorities at the federal, state, local, and tribal levels may sometimes seek help from police or other law enforcement officers to enforce a public health order
- “Breaking a federal quarantine order is punishable by fines and imprisonment.
- “Federal law allows the conditional release of persons from quarantine if they comply with medical monitoring and surveillance.”⁴

These are the laws right now. This means that legally there is nothing to prevent another debacle, like the one we just endured and which hurt so many people, from taking place again. It is unlikely that Congress will do anything to change this. In fact, it is highly unlikely that there is anyone in government who could even compile a complete list of all of the agencies involved in emergency response, let alone all of the documents and rules that have been developed during the last few decades that have given government almost unlimited power over our lives.

What can we do? Lawsuits! One branch of government is still functioning – the court system. It's not perfect, but there is no hope that the executive branch is going to reign

in its own power. And we have one party in Congress – the useless and spineless party – that does nothing about anything except hold hearings and scream at people in front of the camera.

Build a parallel society. This is the strategy that eventually ended communism in several Eastern block countries a few decades ago. We've been doing this through our local tribes for three years now, and we need to increase our efforts.

Interested in learning more? Join one of my "Build Your Own Tribe" workshops.

Upcoming sessions:

Thurs June 8 9:00PM

Fri June 23 8:30PM eastern time

To reserve a space email pampopper@msn.com

¹ Public Health Service Act, 1944. *Public Health Rep* 1944 Jul-Aug;109(4):468

² James Sturcke. Bird flu pandemic could kill 150,000. *The Guardian* Sept 30 2005

<https://www.theguardian.com/world/2005/sep/30/birdflu.jamessturcke#:~:text=%22The%20consequences%20in%20terms%20of,between%20five%20and%20150%20million%22.>

³ National Strategy for Pandemic Influenza. Homeland Security council November 2005

<https://www.cdc.gov/flu/pandemic-resources/pdf/pandemic-influenza-strategy-2005.pdf>

⁴ Centers for Disease Control. Legal Authorities for Isolation and Quarantine.

<https://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html>