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# The Danger of Militarization in an Endless “War” on Terrorism\*



Richard H. Kohn

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## Abstract

Since the early 1930s, the United States has become significantly militarized in government, economy, society, and culture. While never quite slipping over the edge into militarism either in behaviors, policies, or norms and values, the American people's identification with and use of war images and thinking, and a belief in the primacy of standing military forces for American safety, have become normalized. The danger of an endless “war” on terrorism is that the militarization common to America society in wartime will become permanent, infecting the country with militarism, and transforming the United States incrementally, over time, into a nation its founders would recognize, but abhor.

In 1935 at the depth of the Great Depression, the historian Charles A. Beard warned of a dangerous war fever sweeping the United States. Worried by “the spectre of armed violence, foreign and domestic,” Congress was considering, along with large increases in military spending, “a whole flock of alien and sedition bills” so “harsh and sweeping” as to make “the old laws of 1798 . . . pale” by comparison.

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Among them were authorization to deport any nonresident alien who “engages in any political activities,” and any resident alien “whose presence in the United States is inimical to the public interest” or who belonged to a group that “teaches or advises ‘a change in the form of government . . . or engages in any way in domestic political agitation’”; the instituting of mandatory loyalty oaths for all teachers and employees in public education; and fines or prison for anyone “counseling, advising or urging any man” in the army or navy “to disobey any military or naval regulations,” including allowing “the search of homes and other places and the seizure of books, papers and pamphlets counseling, advising, or urging such disobedience.” While these measures were eventually defeated, the trend frightened Beard; “it may be that the Supreme Court will provide the last shelter for civil liberty in the United States,” he wrote.<sup>1</sup>

Beard clothed his fears in the discourse common to wartime threats to American civil liberties. Two years later, a gifted young political scientist used the language of scholarship to express a deeper, more disturbing thought about the character of modern societies. Surveying trends in government as World War II broke out in Asia, Harold Lasswell identified a systemic threat to freedom. “If the existing emergency is permitted to careen from bad to worse, it may be doubted whether civilian institutions are equal to the strain. The upshot may be the rise of the garrison state to displace the civilian state,” wrote Lasswell. “In the garrison state the specialist on violence is at the helm, and organized economic and social life is systematically subordinated to the fighting forces,” with “the predominating influence in . . . the hands of men who specialize in violence.”<sup>2</sup> Writing in 1937 after Japan invaded Manchuria, Lasswell believed that “the iron heel of protracted military crisis” could “subdue civilian influences and pass ‘all power to the general.’”<sup>3</sup> By 1941 he found the idea “probable.” With the development of military people who possessed the skills of “modern civilian management,” with the need to harness everything to the creation of military power, with the blurring of civilian and military functions—the “socialization of danger” making “the nation . . . one unified technical enterprise”—freedom would be replaced by “compulsion” and the “duty to obey, to serve the state, to work” would become the “cardinal virtues in the garrison state.” Propaganda would begin to characterize government communication “as an instrument of morale. . . . Decisions will be more dictatorial than democratic” while “elections” or “referendums on issues” would give way to “government

1. Charles A. Beard, “Preparedness: An American Issue,” *Current History* 42 (May 1935): 179–80. The reference came first from Andrew J. Bacevich, *American Empire: The Realities and Consequences of U.S. Diplomacy* (Cambridge, Mass.: Harvard University Press, 2002), 246 n. 30.

2. Harold Lasswell, “Sino-Japanese Crisis: The Garrison State versus the Civilian State,” originally published in *The China Quarterly* 11 (Fall 1937): 643–49, reprinted in Harold Lasswell, *Essays on the Garrison State*, ed. Jay Stanley (New Brunswick, N.J.: Transaction Publishers, 1997), quotation p. 43.

3. Lasswell, “Sino-Japanese Crisis,” 53–54.

by plebiscite." Parties, legislatures, and other institutions would wither along with "instrumental democracy," although "symbols of mystic 'democracy' will doubtless continue." But "all organized social activity will be governmentalized," power "highly concentrated, as in any dictatorial regime."<sup>4</sup>

The warnings of these two giants of twentieth-century scholarship have been largely forgotten today, whispers left over from an age of apocalypse. Despite a half century of world and cold war, their prophecies never materialized in America or western Europe. Democracy not only survived the challenges of fascism, militarism, and communism but beginning in the 1970s began to spread.<sup>5</sup> Individual liberty and human rights expanded to encompass racial and ethnic minorities, and women, not least inside the United States, where the status of women and minorities improved and old definitions of Americanism gave way to a new pride in racial, ethnic, and gender identification.<sup>6</sup> With the end of the Cold War military budgets around the world declined. War became more an internal problem than an international one of conflict between the great powers.<sup>7</sup> With the new wave of democratization came civilian control of the military, one of four criteria (along

4. Lasswell, "The Garrison State," originally published in *American Journal of Sociology* 46 (January 1941): 455–68, reprinted in Lasswell, *Essays on the Garrison State*, 57, 61, 63, 64, 65, 66, 67. Other scholars wrote similarly, if not so extremely, on Lasswell's fundamental point: "War and extensive defense preparation mean an increase in centralization . . . human activities are more closely regimented . . . Men must adapt . . . Political ideals of individualism or freedom must find new meaning. . . ." Pendleton Herring, *The Impact of War: Our American Democracy Under Arms* (New York: Farrar and Rinehart, Inc., 1941), 242.

5. Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991). Democracy develops and exists in many complex forms and degrees, and with many vulnerabilities. For a sense of current frailties, see Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York: W.W. Norton and Company, 2003); Juan Forero, "Latin America Graft and Poverty Trying Patience With Democracy," and Vaclav Havel, "Strangling Democracy," *New York Times*, 24 June 2004, pp. A1, A27; Azar Gat, "The Return of Authoritarian Great Powers," *Foreign Affairs* 86 (July–August 2007): 59–69; Larry Diamond, "The Democratic Rollback: The Resurgence of the Predatory State," *Foreign Affairs* 87 (March–April 2008): 36–48.

6. The sociologist James Burk charts the adjustment of the American military to these trends in "The Military's Presence in American Society, 1950–2000," in *Soldiers and Civilians: The Civil–Military Gap and American National Security*, ed. Peter D. Feaver and Richard H. Kohn (Cambridge, Mass.: MIT Press, 2001), 247–74.

7. For warfare at the turn of the twenty-first century, see Colonel Daniel Smith, "The World At War, January 1, 2001," *Defense Monitor* 30 (January 2001): 1–5, and "The 2001 Chart of Armed Conflict," enclosed in International Institute for Strategic Studies, *The Military Balance, 2001–2002* (Oxford: Oxford University Press, 2001). For defense expenditures, see "International comparisons of defence expenditure and military manpower, 1985, 1999 and 2000," *ibid.*, 297ff. Global arms sales, however, did not show any real decline. See "Value of global arms deliveries and market share, 1993–2000," *ibid.*, 296.

with the rule of law, free elections, and a free press) the North Atlantic Treaty Organization (NATO) levied on countries wishing to join the alliance.<sup>8</sup>

And yet the problem of militarization during a “Global War on Terror” that may stretch out for a generation or more recalls Beard’s and Lasswell’s warnings. This will be a war, predicted scholars and politicians, unlike any the United States has experienced: indefinite in duration, fought less with military forces than through intelligence, law enforcement, attacks on terrorist financing, diplomatic cooperation with allies, and a concerted effort to beef up homeland defenses. It will be fought against an ill-defined and shifting enemy, and so far without a clear explanation of American strategy, a specific definition of victory, or even a way to measure progress in the struggle.<sup>9</sup> Such a conflict, even one lacking national mobilization or prosecuted primarily by government agencies other than the armed forces, already has produced internal stresses similar to other American wars in the area of civil liberty. Indeed because the threat is primarily internal, and the attackers anonymous terrorists willing to sacrifice their own lives, the impact on American society and particularly on American freedoms could be much more long lasting. Thus the problem of militarization identified so precisely by Lasswell could pose a danger to the very character of American government and society.

8. Simon Lunn, “The Democratic Control of Armed Forces in Principle and Practice,” *Connections: The Quarterly Journal Partnership for Peace Consortium of Defense Academies and Security Studies Institutes* 1 (December 2002): 84; John Mueller, *The Remnants of War* (Ithaca, N.Y.: Cornell University Press, 2004).

9. For American strategy, see Donald Rumsfeld, “A New Kind of War,” *New York Times*, 27 September 2001, p. A21; *The National Security Strategy of the United States of America* (Washington: The White House, 20 September 2001), <http://www.whitehouse.gov/nsc/nss.html> (accessed 24 June 2004); Dr. Condoleezza Rice Discusses President's National Security Strategy (Wriston Lecture), 1 October 2002, Waldorf Astoria Hotel, New York, New York, <http://www.whitehouse.gov/news/releases/2002/10/print/20021001-6.html> (accessed 24 June 2004); Remarks by the President at 2002 Graduation Exercise of the United States Military Academy, West Point, New York, 1 June 2002, <http://www.whitehouse.gov/news/releases/2002/06/print/20020601-3.htm> (accessed 24 June 2004); Douglas Feith, “U.S. Strategy for the War on Terrorism,” speech to the Political Union, University of Chicago, 14 April 2004, <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&cy=2004&m=April&cx=20040416153859FRllehctiM0.7145197&ct=xarchives/xarchitem.html> (accessed 23 June 2004). In 2004, the struggle changed from a war on “terrorism” to a war on “terror,” implying not “conscious decisions by editors or speechwriters” but “often unnoticed changes in the way people perceive their world,” suggesting “a campaign aimed not at human adversaries but at a pervasive social plague, . . . an enduring state of struggle. . . .” Geoffrey Nunberg, “The -IsM Schism: How Much Wallop Can a Simple Word Pack? Terrorism,” *New York Times*, 11 July 2004, p. wk7. For problems with the strategy, see the memorandum, Rumsfeld to Gen. Dick Myers, Paul Wolfowitz, Gen. Pete Pace, Doug Feith, “Global War on Terrorism,” 16 October 2003, *USA Today*, <http://www.usatoday.com/news/washington/executive/rumsfeld-memo.htm> (accessed 13 August 2008); Anonymous, *Imperial Hubris: Why the West Is Losing the War on Terrorism* (Washington: Brassey’s, Inc., 2004). The Bush Administration has published numerous strategy documents, the most recent being “National Defense Strategy: June 2008,” <http://www.defenselink.mil/pubs/2008NationalDefenseStrategy>.

The framers of the Constitution recognized such dangers when they carefully subordinated the military to civilian authority and attempted to limit the power of the President to initiate war. At first, the constitutional convention assigned to Congress the power "to make war," but the delegates quickly changed the wording to "declare war," believing that the executive should conduct a war while the representatives of the people should make the decision whether to enter into conflict. War inevitably expanded the power of the executive, often drastically. "In time of actual war, great discretionary powers are constantly given to the Executive Magistrate," asserted James Madison. "Constant apprehension of War, has the same tendency to render the head too large for the body. . . . The means of defence agst. Foreign danger, have been always the instruments of tyranny at home."<sup>10</sup> Aware that war frequently curtailed domestic freedoms, the framers authorized the suspension of "The Privilege of the Writ of Habeas Corpus" only when in "Cases of Rebellion or Invasion the public Safety may require it."<sup>11</sup>

The problem is not simply whether the war on terrorism threatens to militarize the United States. Over the last seventy years—decades of depression, World War, Cold War, and international primacy—the United States has already experienced a degree of militarization heretofore unknown in American history.<sup>12</sup> The larger question is whether the war on terrorism will blur militarization into militarism, in which American institutions, practices, values, thinking, and behaviors assume the

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pdf (accessed 7 August 2008), but many knowledgeable observers find no description or definition of "victory" that could be recognized when it may occur. See pp. 9, 21; Daniel Benjamin and Steven Simon, *The Next Attack: The Failure of the War on Terror and a Strategy for Getting It Right* (New York: Times Books, 2005); United States Government Accountability Office, *Combating Terrorism: The United States Lacks Comprehensive Plan To Destroy The Terrorist Threat And Close The Safe Haven In Pakistan's Federally Administered Tribal Areas*, GAO-08-622 (Washington: GAO, April 2008); Josh White, "Gates Sees Terrorism Remaining Enemy No. 1: New Defense Strategy Shifts Focus From Conventional Warfare," *Washington Post*, 31 July 2008, p. A01.

10. Madison's notes, 29 June 1787, in Max Farrand, ed., *The Records of the Federal Convention of 1787*, rev. ed., 4 vols. (New Haven, Conn.: Yale University Press, 1937), 1:465. See also Richard H. Kohn, "The Constitution and National Security: The Intent of the Framers," in *The United States Military under the Constitution of the United States, 1787–1987*, ed. Richard H. Kohn (New York: New York University Press, 1991), 79–80. More recent analyses of the war powers in the Constitution are Louis Fisher, *Presidential War Power*, 2d ed. rev. (Lawrence: University Press of Kansas, 2004), chaps. 1–2; John Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11* (Chicago: University of Chicago Press, 2005); Kenneth Moss, *Undeclared War and the Future of U.S. Foreign Policy* (Washington: Woodrow Wilson Center Press, 2008), chap. 1.

11. Constitution of the United States, Article I, Section 9, paragraph 2, in *The Documentary History of the Ratification of the Constitution*, ed. Merrill Jensen, John P. Kaminsky, Gaspare J. Saladino, et al. (Madison: University of Wisconsin Press, 1976–), 1:310–11.

12. Michael S. Sherry, *In the Shadow of War: The United States Since the 1930s* (New Haven, Conn.: Yale University Press, 1995). Sherry synthesized a large literature into a general narrative history; Andrew J. Bacevich, *The New American Militarism: How Americans Are Seduced by War* (New York: Oxford University Press, 2005) took the analysis further with a more narrow focus.

ideals and ethos of the military in response to the challenge — whether the very character of the American people changes, with the emphasis on freedom and individualism displaced by obedience, discipline, hierarchy, collectivism, authoritarianism, pessimism, and cynicism. In such a case, whether slowly over time or quickly in response to a dramatic event or series of events, the very nature of American society—beyond government and other institutions—could change into one its founders and succeeding generations would not only recognize but abhor.

Militarization and militarism have differed in western history. The historian of Germany Michael Geyer has defined militarization as “the contradictory and tense social process in which civil society organizes itself for the production of violence.”<sup>13</sup> Michael Sherry gives the term a broader meaning: “the process by which war and national security became consuming anxieties and provided the memories, models and metaphors that shaped broad areas of national life.”<sup>14</sup> My understanding leans toward the broader definition but encompasses both: the degree to which a society’s institutions, policies, behaviors, thought, and values are devoted to military power and shaped by war. The more elusive term “militarism” came into usage in the 1860s in France and Germany as a term of political criticism to describe the adoption of war and military behaviors as ideals: the glorification of war and military power as ends in themselves, as dominant or even defining values in a society in which the military establishment has disproportionate social and political influence relative to other elites or institutions.<sup>15</sup> Or, as one historian sums up, “the dominance of

13. Michael Geyer, “The Militarization of Europe, 1914–1945,” in *The Militarization of the Western World*, ed. John R. Gillis (New Brunswick, N.J.: Rutgers University Press, 1989), 79.

14. Sherry, *In the Shadow of War*, xi.

15. For the origin and development of militarism as a term, see Volker R. Berghahn, *Militarism: The History of an International Debate, 1861–1979* (Cambridge: Cambridge University Press, 1984), 2–28; Nicholas Stargardt, *The German Idea of Militarism: Radical and Socialist Critics, 1866–1914* (Cambridge: Cambridge University Press, 1994). A good review of the literature is Dirk Bönker, “Militarizing the Western World: Navalism, Empire, and State-Building in Germany and the United States Before World War I” (Ph.D. dissertation, Johns Hopkins University, 2002), chap. 1. The standard work is Alfred Vagts, *A History of Militarism: Civilian and Military*, rev. ed. (1937; London: Hollis and Carter, 1959). Vagts defined militarism (pp. 13ff) as “a vast array of customs, interests, prestige, actions, and thought associated with armies and wars and yet transcending true military purposes,” and thus unnecessary, irrelevant, and in some cases dysfunctional to war making. Militarism has existed in varying types and to varying degrees. See Hans Speier, *Social Order and the Risks of War: Papers in Political Sociology* (New York: George W. Stewart, Publisher, 1952), chap. 19: “Militarism in the Eighteenth Century.” Speier (p. 230) defined “the most extreme form . . . [as] when the distribution of power and esteem assumes the form of centralization of control, an attendant state monopoly of raising, controlling and equipping armies, and a universality of military mores.” In the introduction to *The New American Militarism*, note 5, p. 226, Bacevich applied the term to the United States using a portion of the Oxford English Dictionary (VI, 438) definition: “the prevalence of military sentiments or ideals

the military over civilian authority, or, more generally, . . . the prevalence of warlike values in a society."<sup>16</sup>

Until the middle of the twentieth century, militarization in the United States was temporary, limited to the periods when the nation mobilized for war. Militarization developed in the West as early as the sixteenth and seventeenth centuries when monarchs organized the modern state in order to create and support standing military institutions and to make war over protracted periods of time.<sup>17</sup> Deficit financing perfected by Britain in the late seventeenth and eighteenth centuries produced powerful land and naval military forces out of all proportion to the size and wealth of that country's economy and society.<sup>18</sup> During the late eighteenth and early nineteenth centuries, the United States and revolutionary France pioneered systems of mobilization that permitted the state to convert a far larger proportion of society's human and material resources into military power to be thrown into battle against their enemies. During the last half of the nineteenth century, in a wave of professionalization in the land and naval forces in the great powers in the West, military establishments began to assume much greater prominence in the foreign and domestic policies of several western nations. Governments in Europe began increasingly to organize their nations on a permanent basis to generate military power and to devote greater proportions of national wealth to armaments.<sup>19</sup> Armed forces began to assert their expertise to try to dictate the size, equipment, organization, and internal administration of their institutions, and thus to contest control with their political authorities in the name of

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among a people; the political condition characterized by the predominance of the military class in government or administration; the tendency to regard military efficiency as the paramount interest of the state." A more recent review of the literature and problem of definition is Kathleen J. Nawyn, "Striking at the Roots of German Militarism: Social and Cultural Demilitarization in American-Occupied Württemberg-Baden, 1945–1949" (Ph.D. dissertation, University of North Carolina at Chapel Hill, 2008), 13–26.

16. John Gillis, "Introduction," in Gillis, ed., *Militarization of the Western World*, 1.

17. The now classic explanation is Charles Tilly, *Coercion, Capital, and European States, AD 990–1992*, rev. paperback ed. (Cambridge, Mass.: Blackwell, 1992). Vagts, *History of Militarism*, 41, calls "the standing army in peacetime . . . the greatest of all militaristic institutions" because it did not disband when not needed for war, taking the side of "early writers on military topics" who found "the notion of maintaining large numbers of fighting men in idleness, constantly ready for combat . . . utterly foreign." Vagts, *History of Militarism*, 41–47, thus dates "militarization" earlier, to the fifteenth century. For the relationship between state and army in this formative period, see also John A. Lynn, *Giant of the Grand Siècle: The French Army, 1610–1715* (New York: Cambridge University Press, 1997).

18. John Brewer, *The Sinews of Power: War, Money and the English State, 1688–1783* (New York: Knopf, 1989).

19. Walter Millis, *Arms and Men: A Study in American Military History* (New York: G. P. Putnam's Sons, 1956), chaps. 1–3; Michael Howard, *War in European History* (Oxford: Oxford University Press, 1976), chaps. 5–6; Geoffrey Best, "The Militarization of European Society, 1870–1914," in Gillis, ed., *Militarization of the Western World*, 14–20.



effective, economical, and efficient preparation and war making.<sup>20</sup> These new professional militaries strove to maximize their autonomy and succeeded to varying degrees in both democracies and autocracies.

Until well into the twentieth century, the United States lagged behind Europe in militarization. As one historian has written, this organizing and shaping of society and social behavior to generate military power has not been “a singular, unified process, moving lockstep throughout society” but “uneven and sectional, different nation by nation.”<sup>21</sup> Not until the Cold War did a large military establishment become a regular feature of American life. In the late nineteenth and early twentieth centuries, the United States underwent a surge of nationalist fervor and public idealization of military and martial values, even among some pacifists and anti-imperialists, yet the American armed forces remained small and funding for defense consumed a tiny proportion of the American economy. The United States lacked the government machinery even after the modernization of the army and navy, and those services devoted scant attention to planning for war or mobilization until after World War I.<sup>22</sup> War and peace were highly differentiated in American experience, thinking, and behavior—militarization a brief interruption when citizens took up arms and the nation mobilized behind the shield of its ocean borders (which also provided strategic warning time) and coast artillery fortifications. When the crisis passed, the government wasted little time in disbanding the land and naval forces created temporarily for the crisis so that the country could return to its normal civilian pursuits.

World War I marked a major turning point, for in that conflict the government and American business began the partnership that would transform the halting, fumbling conversion of the nation's youth and productive industry into military power during World War I into the overpowering “Arsenal of Democracy” of World War II. The business-military combination became institutionalized in agencies that were themselves part of a larger planning process within the government. The Wilson Administration yoked the whole nation to the war effort: conscription; federal agencies to run major industries when committees of businessmen and government officials failed to manage the changes, allocations, and schedules required to meet the demands of expansion; official and volunteer organizations to sell the war, motivate the population, encourage conservation, and adjudicate conflict; new laws to ensure

20. Allan R. Millett, *The American Political System and Civilian Control of the Military: A Historical Perspective* (Columbus: Mershon Center of Ohio State University, 1979), 19, 27–30; Peter Karsten, *The Naval Aristocracy: The Golden Age of Annapolis and the Emergence of Modern American Navalism* (New York: Free Press, 1972), 301–13, 362–71; Bönker, “Militarizing the Western World,” chap. 3; James L. Abrahamson, *America Arms for a New Century: The Making of a Great Military Power* (New York: Free Press, 1981), 147–50; Lance Betros, “Officer Professionalism in the Late Progressive Era,” in *The Future of the Army Profession*, ed. Don M. Snider, Gayle L. Watkins, and Lloyd J. Mathews (New York: McGraw Hill Primis Custom Publishing, 2002), 271–90.

21. Gillis, “Introduction,” in Gillis, ed., *Militarization of the Western World*, 7.

22. Peter Karsten, “Militarization and Rationalization in the United States, 1870–1914,” in *ibid.*, 32–39, 43–44.

internal security and suppress dissent; and more. All of this was dismantled after the Armistice in 1918, but it was this experience that Charles Beard called to mind in the mid-1930s and Harold Lasswell feared would become archetypal. Indeed the effects were lasting in the United States. In the words of the historian of American war economy, "the nation" took "a major and seemingly irrecoverable step in the direction of becoming a warfare or national security state."<sup>23</sup>

In the 1920s and 1930s, war and the military began to shape American culture and institutions in deeper, more influential ways. American foreign policy became more focused on arms limitations and avoiding involvement in the gathering European crisis. War and intervention—both in the previous world war and in the coming one—emerged as continuing political issues. The American armed forces began systematically to develop war plans and to engage in exercises that simulated complex air, ground, and fleet operations.<sup>24</sup> The services reached out to business to plan for mobilizing industry and the economy for mass conflict. Both adopted new technologies and organized themselves to integrate improvements in weapons on a continuous basis.<sup>25</sup> Once the Great Depression started, the spillover from World War I spread into the domestic institutions of government, some of which formed around "the analogue of war," as William Leuchtenburg has so artfully argued. Words, symbols, metaphors uncover "the bedrock of . . . beliefs," how "a nation . . . perceives reality; . . . they shape ideas and behaviors," as he put it, and war was a central paradigm.<sup>26</sup> War was an image Herbert Hoover and Franklin Roosevelt used to describe the Depression. World War I committees, boards, and offices became the templates for New Deal agencies, their leaders many of the same men

23. Paul A. C. Koistinen, *Mobilizing for Modern War: The Political Economy of American Warfare, 1865–1919* (Lawrence: University Press of Kansas, 1997), 298. Koistinen's is the most recent analysis of the 1917–18 economic mobilization. For the broader story, see Paul L. Murphy, *World War I and the Origin of Civil Liberties in the United States* (New York: W. W. Norton, 1979); Neil A. Wynn, *From Progressivism to Prosperity: World War I and American Society* (New York: Holmes and Meier, 1986); Ronald Schaffer, *America in the Great War: The Rise of the War Welfare State* (New York: Oxford University Press, 1991).

24. Louis Morton, "Germany First: The Basic Concept of Allied Strategy in World War II," in *Command Decisions*, ed. Kent Roberts Greenfield (Washington: Office of the Chief of Military History, 1960), 11–48; Edward S. Miller, *War Plan Orange: The U.S. Strategy to Defeat Japan, 1897–1945* (Annapolis, Md.: U.S. Naval Institute Press, 1991); Henry G. Gole, *The Road To Rainbow: Army Planning for Global War, 1934–1940* (Annapolis, Md.: Naval Institute Press, 2003); Craig C. Felker, *Testing American Sea Power: U.S. Navy Strategic Exercises, 1923–1940* (College Station: Texas A&M University Press, 2007); Maurer Maurer, *Aviation in the U.S. Army, 1919–1939* (Washington: Office of Air Force History, 1987), chaps. 14–15, 21.

25. Paul A. C. Koistinen, *Planning War, Pursuing Peace: The Political Economy of American Warfare, 1920–1939* (Lawrence: University Press of Kansas, 1998); David Johnson, *Fast Tanks and Heavy Bombers: Innovation in the U.S. Army, 1917–1945* (Ithaca, N.Y.: Cornell University Press, 1998).

26. William E. Leuchtenburg, "The New Deal and the Analogue of War," in *Change and Continuity in Twentieth-Century America*, ed. John Braeman, Robert H. Bremner, and Everett Walters (n.p. [Columbus]: Ohio State University Press, 1964), 81.

who had worked in the war mobilization of the Wilson Administration, not least Franklin Roosevelt himself, who had been the number two official in the Navy Department.<sup>27</sup> War was the theme in his first inaugural address in 1933, and as Michael Sherry has written, “war-related models and metaphors . . . suffused culture in the early 1930s” even while the overall atmosphere of the interwar decades was antimilitary and antiwar.<sup>28</sup>

During World War II, the state and American society as a whole focused on marshaling the military power necessary to wage global war. The United States fully militarized: young men drafted into uniformed service or channeled into defense work; price and wage controls, and rationing, to control the economy and particularly to subordinate civilian consumption to the war effort; as much of industry converted to war production as necessary and feasible; American foreign and domestic policy subordinated to defeating the Axis and planning a postwar future; every area of American life that could contribute to the war effort, such as universities, professional organizations, and local groups organized to contribute what they could; the press and Hollywood filled with war news and martial themes; and exhortations to the population pervasive throughout society. The B. F. Goodrich Company importuned Americans to conserve tires because “Hitler smiles when you waste miles.” The shipbuilder Andrew Higgins put pictures of Hitler, Mussolini, and Hirohito in the men’s lavatories with the caption “Come on in, brother. Take it easy. Every minute you loaf here helps us plenty.”<sup>29</sup> Certainly aspects of American life remained superficially immune to these influences, escaping the more direct impact other societies at war felt, especially those under direct attack or suffering occupation. But for Americans, no other mobilization since colonial times, or perhaps the Civil War, matched the totality and pervasiveness of World War II.

Militarization during the Cold War, while less noticeable and pervasive, took on a more permanent character. The federal government reorganized to fuse foreign relations, the economy, finance, and internal security with military power to serve the needs of national security, which after two world wars was understood to be far broader than military power and the industrial capacity to support armed forces. American foreign policy became in large measure the handmaiden of the need to contain and deter the Soviet Union, and communist regimes more or less allied with it. A system of alliances connected the United States to countries across the world for mutual defense and to combat communist infiltration and subversion of governments in areas thought to be of importance to western defense. Indeed the strategic began to displace the economic and the political as determinants of regional and bilateral relationships with the United States, a process that had roots antedating the Cold War, but which became, in the late 1940s, the determining

27. Ibid., 82ff. “There was scarcely a New Deal act or agency that did not owe something to the experience of World War I” (p. 109).

28. Sherry, *In the Shadow of War*, 14.

29. Quoted in John Morton Blum, *V Was for Victory: Politics and American Culture During World War II* (New York: Harcourt Brace Jovanovich, 1976), 110–11.

factor in American foreign policy. The military leadership, now institutionalized as the Joint Chiefs of Staff and regional and unified "commanders-in-chief," became much more influential than before World War II, voicing uniformed perspectives in the interagency formulation of policy on a continuing basis, commanding greater respect and enjoying more prominence, independence, and power than at any prior time in American history.<sup>30</sup> There grew up a large body of veterans groups and industrial organizations promoting military preparedness, amplifying the armed services' and Pentagon's own press and public information organs in pressing for massive expenditures for national defense.<sup>31</sup> George Kennan, the diplomat most influential in the formulation of "containment," always lamented its militarization, which is exactly what happened very soon after his famous 1946 telegram analyzing Soviet conduct and how to combat it. Writing in 1972 a generation later, Kennan argued that "today no political issues between the Soviet Union and the United States . . . could conceivably be susceptible of solution by war. . . . Even the smattering of information that leaks out . . . suggests that the greater part of the military activity carried on by both sides" assumed "the other party as the major antagonist . . . the encounter . . . an inevitable certainty. . . . And who, with even a superficial glance at the historical record, could doubt the self-fulfilling quality of most military planning of this nature?"<sup>32</sup>

The United States waged military campaigns of deterrence, using fleets of bombers and missiles based on land and at sea ready for combat to prevent nuclear war with the Soviet Union. American conventional forces were expanded and their readiness upgraded in order to deter communist expansion without resort to nuclear suicide. To support this large establishment and position it in the most convincing places, the United States constructed foreign bases around the communist periphery, devoting much of American diplomacy to focus on status of forces agreements, overflight rights, military exercises and operations, and the fostering of American military power. Military assistance and advisory groups, and American arms sales and giveaways, spread all over the globe to bolster allies in any military showdown, but also to influence foreign militaries and to avert communist subver-

30. Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State, 1945–1954* (New York: Cambridge University Press, 1998), 469–75, summarizes much of the scholarship on this point, but see also Daniel Yergin, *Shattered Peace: The Origins Of The Cold War And The National Security State* (Boston: Houghton Mifflin Company, 1977); Brian Waddell, *Toward the National Security State: Civil-Military Relations during World War II* (Westport, Conn.: Praeger Security International, 2008); Douglas T. Stuart, *Creating the National Security State: A History of the Law that Transformed America* (Princeton, N.J.: Princeton University Press, 2008).

31. Adam Yarmolinsky, *The Military Establishment: Its Impacts on American Society* (New York: Harper and Row, 1971), chaps. 3, 9, 13–15.

32. George F. Kennan, "After the Cold War: American Foreign Policy in the 1970s," *Foreign Affairs* 51 (October 1972): 220. See also George F. Kennan, *Memoirs, 1925–1950* (Boston: Little, Brown and Company, 1967), 363–67; Walter Hixson, *George F. Kennan: Cold War Iconoclast* (New York: Columbia University Press, 1989), chap. 4.

sion or slippage into neutrality. Theater commands with four-star commanders and large staffs to plan military campaigns and conduct security relations with allied and neutral nations grew up to prepare for war in Europe, Asia, Latin America, the Middle East, and their ocean lines of communication. A huge intelligence apparatus—over a dozen different agencies, tens of thousands of people supported by thousands more contractors, billions of dollars annually—came into existence not only to ascertain the capability and intentions of American enemies but also to combat them politically, economically, psychologically, and sometimes militarily, both overtly and covertly around the world. The support for foreign political parties and student and professional groups, the radio stations broadcasting into communist countries, the collecting of immense amounts of all sorts of information ranging from political personalities to the electronic signatures of military equipment to crop and weather data, the actual or virtual overturning of foreign governments—in Guatemala, Iran, the Congo, the Dominican Republic, Chile—and covert wars waged against communist insurgencies, were all part of a world war just as assuredly as were the hot wars in Korea and Vietnam, or the military interventions in Lebanon, Grenada, and elsewhere.<sup>33</sup>

At home, the needs of the military establishment and the possibility of war pervaded the economy and American society more deeply, and for a more extended period of time, than ever before, with the exception of those brief periods when the nation engaged in a shooting war. A large portion of the economy fed military needs on a continuing basis, from weapons systems to basic supplies of food, clothing, computers, vehicles, and other goods and services consumed by the armed services.<sup>34</sup> Whole communities and areas became dependent on military bases for jobs and contracts and other spending. Economists and social critics wrote worriedly about a “military industrial complex” that produced an excess of unneeded weapons, fueled the arms race and made war more likely, or distorted the American economy, not least by altering business practices to conform to government oversight or by soaking up so much research, scientific, or engineering talent as to weaken American industrial

33. There is a large literature on the intelligence community and its activities, from scholarly analyses like Harry Howe Ransom, *The Intelligence Establishment* (Cambridge, Mass.: Harvard University Press, 1971); and John Prados, *Safe for Democracy: The Secret Wars of the CIA* (Chicago: Ivan Dee, 2006) to descriptions and histories by journalists James Bamford, Jeffrey Richelson, Thomas Powers, Tim Weiner, and others. The reviews in the unclassified edition of the journal *Studies in Intelligence* from the Central Intelligence Agency’s Center for the Study of Intelligence are indispensable.

34. From a high of over 10 percent of the Gross National Product during some years in the 1950s, the proportion of defense spending declined but still remained a large sector of the American economy. An excellent overview is Benjamin O. Fordham, “Paying for Global Power: Assessing the Costs and Benefits of Postwar U.S. Military Spending,” in *The Long War: A History of U.S. National Security Policy since World War II*, ed. Andrew J. Bacevich (New York: Columbia University Press, 2007), 371–404. For some figures over time, see Stephen Daggett and Amy Belasco, *Defense Budget for FY2003: Data Summary* (Washington: Congressional Research Service, Library of Congress, March 29, 2002), 2–21.

competitiveness.<sup>35</sup> "For better and for worse, the Cold War redefined American science," one historian has written; the Pentagon became "the biggest single patron of American science," forging a partnership with industry and universities, and militarizing a large proportion of the scientific research in the country.<sup>36</sup> Defense technologies and analytical methodologies were applied to urban planning and problems.<sup>37</sup> Indeed, the "original differentiating conditions" that "define[d] 'military'" were eroding "to a fantastic degree" during the Cold War, in the words of a leading social scientist in the mid-1960s. "More and more civil society has had to cope with essentially the same problem of rationally organizing vast numbers of people for economic and other social functions. For doing so, civil society has borrowed to a degree probably even greater than we recognize, cultural and organizational innovations developed for meeting military requirements and adapted these forms to its own needs."<sup>38</sup>

For the first time in American history, American youth in huge numbers served in the military as a regular obligation of citizenship on a continuing basis without there being a shooting war. They joined the ranks of the many who served during the world wars so that by 1969, some 45 percent of the adult male population was veterans.<sup>39</sup> The draft (which "potentially touches every household in the nation" as the noted anthropologist Margaret Mead put it in 1967) shaped American behavior. Young men pursued education, chose careers, married, became fathers, and ordered their lives in countless ways either to serve or to avoid service in the armed forces.<sup>40</sup>

35. For the economic impacts and a sense of the military-industrial complex debates, see Yarmolinsky, *Military Establishment*, chaps. 16–19; James L. Clayton, comp. and ed., *The Economic Impact of the Cold War: Sources and Readings* (New York: Harcourt, Brace and World, Inc., 1970); Ann Markusen, et al., *The Rise of the Gunbelt: The Military Remapping of Industrial America* (New York: Oxford University Press, 1991); and Seymour Melman, *The Permanent War Economy: American Capitalism in Decline* (New York: Simon and Schuster, 1974). One 2004 study showed that military bases, contracts, and retirees contributed over 18 billion dollars to the North Carolina economy alone, some 6 percent of the state's economic activity, and more than tobacco and textiles combined. "N.C. study: Bases add \$18 billion," *Raleigh News & Observer*, 11 February 2004, p. 1A. In 2008, there were nearly 800,000 veterans and 100,000 active duty members in a state of some 8 million people. Rob Christensen, "Hagan, Dole weigh in for military vote," *ibid.*, 13 September 2008, p. 1B.

36. Stuart W. Leslie, *The Cold War and American Science: The Military-Industrial-Academic Complex at MIT and Stanford* (New York: Columbia University Press, 2003), 1.

37. Jennifer S. Light, *From Warfare to Welfare: Defense Intellectuals and Urban Problems in Cold War America* (Baltimore, Md.: Johns Hopkins University Press, 2003).

38. Albert D. Biderman, "What Is Military?" in *The Draft: A Handbook of Facts and Alternatives*, ed. Sol Tax (Chicago: University of Chicago Press, 1967), 12–25.

39. James Donovan, *Militarism, U.S.A.* (New York: Charles Scribner's Sons, 1970), 29.

40. Margaret Mead, "A National Service System as a Solution to a Variety of National Problems," in Tax, ed., *The Draft*, 100. For the draft system and how it shaped behavior in the 1960s (and by implication earlier), see Lawrence M. Baskir and William A. Strauss, *Chance and Circumstance: The Draft, the War, and the Vietnam Generation* (New York: Alfred A. Knopf, 1978), 15–17, 20–22, 26, 29–61.

In alliance with civilian groups and leading political figures, the military services established programs to indoctrinate American youth in citizenship and American (and military) values "to strengthen the national character and . . . to transform society along lines favorable to a martial mind-set," an effort that had strong roots back to the early twentieth century and indeed antecedents back to the eighteenth century.<sup>41</sup> A civil defense program brought war and preparedness down to local communities: building bomb shelters, formulating evacuation plans, staging air raid drills in thousands of schools across the country.<sup>42</sup> Less than a decade after World War II, the United States mobilized, if not totally, at least psychologically. "We must clearly assume a military attitude if we are to survive," argued the American Historical Association president in 1949. "Total war, whether it be hot or cold, enlists everyone and calls upon everyone to assume his part. The historian is no freer from this obligation than the physicist."<sup>43</sup>

American politics from the late 1940s through the 1980s were shaped as much by the Cold War as any other single factor.<sup>44</sup> Fears of internal subversion roiled the 1940s; antinuclear protest and antiwar demonstrations recurred in the 1950s, 1960s, 1970s, and 1980s. For the first time on a continuing basis, military preparedness and spending, weapons systems, and the shape and character of the military establishment periodically intruded into partisan politics and may have decided some elections. All sorts of domestic needs, from superhighways to the reform of education and even racial integration were justified by the overwhelming need to combat the communist menace. That threat filled the nation's newspapers, magazines, and airwaves early in the Cold War. The drumbeat continued in less obvious and more popular forums into the 1970s and 1980s. Many aspects of life in the United States came to be measured against the ability of Americans to compete

41. Lori Lyn Bogle, *The Pentagon's Battle for the American Mind: The Early Cold War* (College Station: Texas A&M University Press, 2004), 16.

42. Laura McEnaney, *Civil Defense Begins at Home: Militarization Meets Everyday Life in the Fifties* (Princeton, N.J.: Princeton University Press, 2000).

43. Conyers Read, "The Social Responsibilities of the Historian," quoted in Stephen J. Whitfield, *The Culture of the Cold War*, 2d ed. (Baltimore, Md.: Johns Hopkins University Press, 1996), 58. Elsewhere in the address, Read asserted that "Confronted by such alternatives as Mussolini and Hitler and last of all Stalin have imposed, we must clearly assume a militant attitude if we are to survive. . . . This sounds like the advocacy of one form of social control as against another. In short, it is. But I see no alternative in a divided world. Probably in any planned world we can never be altogether free agents, even with our tongue and our pen. The important thing is that we shall accept and endorse such controls as are essential for the preservation of our way of life." The complete address is at [http://www.historians.org/info/AHA\\_History/cread.htm](http://www.historians.org/info/AHA_History/cread.htm) (accessed 1 October 2008).

44. According to the Gallup polls, national security and foreign policy dominated Cold War presidential elections from 1948 into the 1970s but then fell behind economic issues as the most important. Pew Research Center for the People and the Press, "Foreign Policy Attitudes Now Driven by 9/11 and Iraq: Eroding Respect for America Seen as Major Problem," 18 August 2004, <http://people-press.org/reports/display.php3?PageID=863> (accessed 19 August 2004).

with communism: the divorce rate, race relations, worker productivity, the moral fiber of American youth, even the viability of the American family itself.<sup>45</sup>

Popular culture reflected and reinforced images of the United States at war. World War II created the genre of the combat film and following "something of a postwar lull," films of this kind "poured out of the major studios in 1949" to be supplemented with documentaries and then television series.<sup>46</sup> Science fiction films in the 1950s expressed "both the deepest fear (the nuclear is everywhere, inescapable) and reassuring comfort (the nuclear is a recognizable fear in the form of such things as giant insects, uncanny doubles, and aliens from outer space)."<sup>47</sup> Comic books provided reassurance to youth that the bomb aided American defense and that the "red menace" could be defeated.<sup>48</sup> When civil defense and bomb shelters burst into national consciousness, schoolchildren practiced hiding under desks in case of atomic attack. Hundreds of movies, according to the leading historian of war films, "created the image of combat as exciting, as a place to prove masculinity, as a place to challenge death in a socially acceptable manner with the 'result, until the late 1960s, of' portraying 'the image of the American military as all-conquering, all-powerful, always right' and thus helping to 'justify war and the use of violence to achieve national goals.'"<sup>49</sup> John Wayne became not only the "symbolic, mythical American hero," "an American legend" whose "military image" came "to pervade American society and culture," but in many respects he came to represent the ideal American male and "a powerful influence on the nation's youth"—and by the 1970s, "Hollywood's all-time leading star."<sup>50</sup> War infected language, not only as a metaphor for efforts to ameliorate major social problems but also in the everyday idioms of social life, from sport to business. The United States declared war on cancer, crime, drugs, and poverty; military terms became part of the common vocabulary; methods of military organization, planning, management, and operations influenced organizational behavior in business

45. See, for example, Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, NJ: Princeton University Press, 2000); Natasha Zaretsky, *No Direction Home: The American Family and The Fear of National Decline, 1968–1980* (Chapel Hill: University of North Carolina Press, 2007).

46. William L. O'Neill, "The 'Good' War: National Security and American Culture," in Bacevich, ed., *The Long War*, 522. O'Neill, a social historian who has written histories of the United States in World War II and in the 1960s among other works, wrote (p. 518) that "World War II put movies at the very center of American popular culture. . . ."

47. Cyndy Hendershot, *Paranoia, the Bomb, and 1950s Science Fiction Films* (Bowling Green, Ohio: Bowling Green State University Popular Press, 1999), 128.

48. William W. Savage, Jr., *Comic Books and America, 1945–1954* (Norman: University of Oklahoma Press, 1990), chaps. 2, 3.

49. Lawrence H. Suid, *Guts and Glory: The Making of the American Military Image in Film*, rev. and expanded ed. (Lexington: University Press of Kentucky, 2002), 5.

50. *Ibid.*, 130, 116, 129, 117.



and elsewhere.<sup>51</sup> Even popular taste in sport reflected the pervasiveness of war and the military in American life, as football, with its violence, hierarchy, specialization, and similarity to battle rose in the 1960s to displace baseball as the most popular national team sport.<sup>52</sup>

To be sure, many factors prevented the United States from ever developing a command economy or anything approaching a garrison state.<sup>53</sup> But there is little doubt that the vast expansion of the military and its spreading influence across society during and after World War II militarized many aspects of American life. "For better or worse, we now are all quasi-civilians in a quasi-military, quasi-civilian, society," concluded a former Pentagon official in 1971, one of the most balanced analysts of the impact of the military establishment.<sup>54</sup> Another scholar offered a harsher assessment: "Once military spending began to escalate rapidly, . . . the nation simply lacked the policies, the institutional structures, the traditions, and the experience for controlling its war machine. The voice of the armed services would grow," concluded Paul Koistinen, "the military's influence would become pervasive throughout society, and various industries, whole communities, and entire regions would become economically dependent upon military spending for their prosperity, even their existence. Once that occurred, America would become a warfare state."<sup>55</sup>

In 1989, the year the Berlin Wall came down, the Pentagon, "since World War II . . . a symbol of American power and influence to the nation and the world,"

51. Philip B. Heymann, *Terrorism, Freedom, and Security: Winning without War* (Cambridge, Mass.: MIT Press, 2003), 21; Donovan, *Militarism*, 18, 195–97. On how language can and has perpetuated militarization, see Robert Hinde, "War: Some Psychological Causes and Consequences," paper presented at the summary conference, Study of War Project, Triangle Institute for Security Studies and the First Division Museum, Cantigny, Illinois, 11–13 June 1997.

52. Michael Mandelbaum, *The Meaning of Sports: Why Americans Watch Baseball, Football, and Basketball and What They See When They Do* (New York: PublicAffairs, 2004), 128–43, 167–68, 184–86, 194–98. Mandelbaum argues (194–98, 253ff, 276–77) that an aversion to war beginning after 1945 and to violence by the end of the century led to modifications of football and to basketball's outstripping football in popular appeal and as a reflection of society—an argument that I do not find persuasive. See also Michael McCambridge, *America's Game: The Epic Story of How Pro Football Captured a Nation* (New York: Random House, 2004). For connections between the military and sports, see Donald J. Mrozek, "The Military, Sport, and Warrior Culture," in *The Columbia History of Post-World War II America*, ed. Mark C. Carnes (New York: Columbia University Press, 2007), 131–54; "The postwar years saw nothing less than a partial 'militarization' of America's sporting culture," p. 133.

53. This is the argument of Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton, N.J.: Princeton University Press, 2000).

54. Yarmolinsky, *Military Establishment*, 84.

55. Paul Koistinen, "Toward a Warfare State: Militarization in America during the Period of the World Wars," in Gillis, ed., *Militarization of the Western World*, 64.

joined the National Register of Historic Places.<sup>56</sup> Four years later, on its fiftieth anniversary, the building became a National Historic Landmark and in the words of a popular history, "a national treasure."<sup>57</sup>

The end of the Cold War and the collapse of the Soviet Union promised for a brief moment to reduce the emphasis on war in American life, and the percentage of national wealth devoted to the military, but the shrinkage was relatively brief and ultimately illusory.<sup>58</sup> Indeed, Andrew Bacevich argued that Americans in the wake of the Vietnam War became "enthralled with military power," so embracing it that it became "central to our national identity," the primary phenomenon by which Americans "signify who we are and what we stand for." Bacevich even believes "Americans" have "fallen prey to a variant of militarism, manifesting itself in a romanticized view of soldiers, a tendency to see military power as the truest measure of national greatness," to view "international problems as military problems," and "to define the nation's strength and wellbeing in terms of military preparedness, military action, and the fostering of (or nostalgia for) military ideals."<sup>59</sup>

Without national discussion, the American people agreed to maintain a large military establishment so as to remain the dominant military power on the planet. In a now-famous draft of the Defense Policy Guidance in early 1992, Undersecretary of Defense Paul Wolfowitz suggested indirectly that the United States should strive for military capability superior to any other nation in the world and a leadership position of dominance beyond any competitor. While disavowed by the first Bush Administration, the policy nevertheless undergirded the spending and force structure throughout the decade.<sup>60</sup> At the end of the 1990s, before the terrorist attacks on 11 September 2001, U.S. defense expenditures surpassed those of the next ten countries combined, seven of which were American allies, and the most thorough review of American national security in a generation concluded that the "United States will remain the principal military power in the world . . . both absolutely and relatively stronger than any other state or combination of

56. Alfred Goldberg, et al., *Pentagon 9/11*, Defense Studies Series (Washington: Historical Office, Office of the Secretary of Defense, 2007), 1, 4.

57. Steve Vogel, *The Pentagon: A History; The Untold Story of the Wartime Race to Build the Pentagon—and to Restore It Sixty Years Later* (New York: Random House, 2007), 405.

58. Sherry, *In the Shadow of War*, published in 1995, titled the last chapter "A Farewell to Militarization? 1988–1995," and in his conclusion (p. 501), speculated that "the process of demilitarization" would be "ragged, partial, and protracted," lacking in "clarity" and "preciseness of moment," and "would plausibly take as long as" militarization itself, "especially in a still strife-torn world."

59. Bacevich, *New American Militarism*, 1, 2. Bacevich (p. 5) understood that from Sherry's perspective in 1995, "America's preoccupation with war and military matters might at long last be waning," but concluded in 2005 that "far from bidding farewell to militarization, the United States has nestled more deeply into its embrace."

60. Bacevich, *American Empire*, 44–45, chap. 5, 143–65.

states.”<sup>61</sup> American bases continued to ring the globe.<sup>62</sup> The military was larger—and defense outlays three times the percentage of gross domestic product—than at any other peacetime period in American history. Rather than being demobilized or restructured as after prior American wars, the military was reduced in size but left essentially intact in its Cold War configuration.<sup>63</sup> While foreign policy in the Clinton Administration in the 1990s focused upon economic relationships with the rest of the world, an increasing portion of diplomacy and bilateral relationships, particularly in the Pacific and the Middle East, were absorbed by the military, specifically by the regional commanders responsible for defense planning and security relationships around the world. Military-to-military exchanges, personal contacts, cooperative training missions, and joint and combined exercises increased so dramatically that on some of the most important political and alliance issues, the military displaced other government agencies as the chief tool of American foreign relations.<sup>64</sup> The United States began to use the military much more frequently: to intervene in places and in ways heretofore avoided, for humanitarian as well as political and economic reasons; and to assert American primacy or warn or retaliate

61. United States Commission on National Security/21st Century, *New World Coming: American Security in the 21st Century. Major Themes and Implications* (n.p. [Washington]: United States Commission on National Security/21st Century, 15 September 1999), 3, 4. Defense spending can be found in “International comparisons of defence expenditure and military manpower, 1985, 1999 and 2000,” *Military Balance, 2001–2002*, 299–304. Those countries were Britain, China, France, Germany, India, Japan, Russia, Saudia Arabia, South Korea, and Taiwan.

62. Chalmers Johnson, *The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic* (New York: Henry Holt and Company, 2004), 152–60.

63. “International comparisons of defence expenditure and military manpower, 1985, 1999 and 2000,” *Military Balance, 2001–2002*, 297ff. To compare the military establishment at the end of the 1990s and the Cold War, see Eliot A. Cohen, “Defending America in the Twenty-first Century,” *Foreign Affairs* 79 (November–December 2000): 40–56; William Greider, *Fortress America: The American Military and the Consequences of Peace* (New York: PublicAffairs, 1998). Comparative GDP figures are in table 11, Daggett and Belasco, *Defense Budget for FY2003*, 20–21. My definition of peacetime is pre-1939, before the World War II buildup and Cold War expenditures. See also *Historical Statistics of the United States, Colonial Times to 1970*, II: 1114, “Series Y 457–465. Outlays of the Federal Government: 1789–1970,” <http://www2.census.gov/prod/statcomp/documents/CT1970p2-12.pdf> (accessed 26 July 2008).

64. Bacevich, *American Empire*, chap. 7; Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (New York: W. W. Norton and Company, 2003), 44–54, 71–77. Describing General Anthony Zinni's tenure at Central Command, the veteran diplomat and former Undersecretary-General of the United Nations Brian Urquhart, called “the CINC of CENTCOM . . . by the 1990s, the most powerful American abroad,” in part because so many “sensitive issues, military, political, and humanitarian, also come under his authority.” See “The Good General,” *New York Review of Books* 51 (23 September 2004): 28. For the rise in military influence, see in addition David Halberstam, *War in a Time of Peace: Bush, Clinton, and the Generals* (New York: Scribner, 2001); Robert Schlesinger, “Expanding Role Of Defense Department Spurs Concerns; Some say officials overstep bounds, limit other agencies,” *Boston Globe*, 8 June 2003, p. 8.

against enemies, seemingly because the instrument was available and effective at least in the short term, and because no rival existed to induce hesitation.<sup>65</sup> "Look, many in the Russian leadership resent the United States," a Russian foreign policy expert told an American reporter in Moscow in the fall of 2003, explaining why Russia had not opposed the American invasion of Iraq more strenuously. However, "they have decided that it is better to adapt to American power . . . because the Middle East, Pakistan, and Iran—it can all go up in flames, in revolutions and wars . . . the United States is the only steamboat we can hitch ourselves to and go in the direction of modernity."<sup>66</sup>

At home, the manifestations of militarization persisted, although scholarship has yet to catalog them comprehensively or plumb them in depth. The war metaphor for addressing national problems continued, used so loosely that one sardonic editorial in the *New York Times*, noting a National Academy of Sciences study reporting a quarter of the western world's dogs and cats "seriously overweight," called for "a war on pet gluttony."<sup>67</sup> In the early 1980s a backbench Republican congressman spent two weeks at Fort Leavenworth reading military strategy because "he was at war" with House Speaker "Tip" O'Neill. When asked if O'Neill knew he was at war, Newt Gingrich replied: "if he doesn't, he'll soon find out."<sup>68</sup> Gingrich applied the war paradigm to wrest control of Congress from the Democrats in the mid-1990s, and national politics spiraled down into an atmosphere characterized by one moderate Republican senator as "trench warfare."<sup>69</sup> Action movies with combat themes, violence in public entertainment from television to video toys and games, continued and seemed to intensify.<sup>70</sup> Styles shifted away from the androgynous to the more boldly masculine associated with physical strength and violence: more boots, informal clothing, the outdoor ideal, a few days' growth of beard, muscle

65. Bacevich, *American Empire*, 143–64. Citing a Congressional Research Service enumeration, the United States Commission on National Security/21st Century noted almost four dozen military inventions compared with sixteen during the Cold War. *New World Coming*, 128. For an analysis of the rhetoric used to frame and justify these interventions, see Kathryn M. Olson, "Democratic Enlargement's Value Hierarchy and Rhetorical Forms: An Analysis of Clinton's Use of a Post-Cold War Symbolic Frame to Justify Military Interventions," *Presidential Studies Quarterly* 34 (2004): 307–40.

66. David Remnick, "Letter from Moscow: Post-Imperial Blues," *New Yorker*, 13 October 2003, p. 87.

67. "Porky Pets," *New York Times*, 15 September 2003, p. A18.

68. Personal conversation with the author, Fort Leavenworth, Kansas, officers' club, 1983.

69. Lincoln Chafee, *Against the Tide: How a Compliant Congress Empowered a Reckless President* (New York: St. Martin's Press, 2008), 33. For a sense of how bitter and polarized politics became, see also James M. Jeffords, *My Declaration of Independence* (New York: Simon and Schuster, 2001); Robert C. Byrd, *Losing America: Confronting a Reckless and Arrogant Presidency* (New York: W. W. Norton, 2004), 24, 32, 34–36.

70. See, for example, Seth Schiesel, "Online Game, Made in U.S., Seizes the Globe," "After the Months of Marketing Comes the Day of Reckoning," *New York Times*, 5 September 2006, 15 January 2007, p. A1, B5.

cars and SUVs—the Hummer—and Arnold Schwarzenegger governing the largest state. Criminal justice institutions adopted military forms, with S.W.A.T. teams in the police and boot camps in the correctional system, more cooperation between the two worlds with the spillover in language, concepts, and mentality.<sup>71</sup> While American trust in the federal government declined dramatically, accompanied by a sense of disillusionment and public cynicism about not only government, political parties, and political leaders but public institutions generally, the military rose to iconic status in American culture: World War II's "greatest generation" memorialized and venerated; veterans revered (and feared) as a constituency in Congress and in public rhetoric; and Americans registering more trust and confidence in the military than any other institution, by a wide margin, for the last twenty years.<sup>72</sup>

A Global War on Terrorism that may last a generation or more promises to continue and even intensify militarization. Such a war even poses the possibility of militarism—the domination of war values and frameworks in American thinking, public policy, institutions, and society to the point of dominating rather than influencing or simply shaping American foreign relations and domestic life.

Today American foreign policy relies overwhelmingly on the military because it is so powerful and so effective—and so available. Immediately after the September 2001 attacks, the Bush Administration suggested that the struggle against terrorism would not be a traditional war. "We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and to the defeat of the global terror network," the President told Congress and the American people. "This war will not be like the war against Iraq a decade ago, with a decisive liberation of territory and a swift conclusion. . . . Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen."<sup>73</sup> Foreign policy shifted dramatically to prosecuting this

71. The latter is described in Peter B. Kraska, ed., *Militarizing the American Criminal Justice System: The Changing Roles of the Armed Forces and the Police* (Boston: Northeastern University Press, 2001).

72. For the decline of government in public esteem, see Susan J. Pharr and Robert D. Putnam, "Preface" and "Introduction: What's Troubling the Trilateral Democracies?" in *Disaffected Democracies: What's Troubling the Trilateral Countries?* ed. Susan J. Pharr and Robert D. Putnam (Princeton, N.J.: Princeton University Press, 2000), xviii–xx, 8–10, 27; Anthony King, "Distrust of Government: Explaining American Exceptionalism," in *ibid.*, 74–98. The rise of public trust and confidence in the military is documented and analyzed in David C. King and Zachary Karabell, *The Generation of Trust: Public Confidence in the U.S. Military since Vietnam* (Washington: AEI Press, 2003). College students possess the same high trust for the military ("Prime Numbers," *Chronicle of Higher Education* 49 [13 December 2002]: A7). *Time Magazine* named "The American Soldier" "Person of the Year" for 2003. See the 4 January 2004 issue.

73. "Address to a Joint Session of Congress and the American People," 20 September 2001, <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html> (accessed 24 September 2004).

struggle. Cooperation among national police and intelligence agencies to identify terrorist cells and abort their plans and arrest their members increased. So also did efforts to dry up their sources of money as well as prevent or disrupt their transfer of funds. But very quickly the military campaigns in Afghanistan and Iraq came to dominate American foreign policy in the minds of the American public and people around the world. The face of the United States overseas become war's stark simplicity: "Either you are with us, or you are with the terrorists," as the President put it in September 2001.<sup>74</sup>

National security pervaded American foreign relations with the same intensity as during the Cold War, and at the center lay military power because terrorism drove and even defined American foreign policy. "America is at war," asserted the President in the first words of his introduction to *The National Security Strategy of the United States of America* in March 2006, reflecting his first thoughts during the shock of the attacks on 11 September 2001 and his many statements since.<sup>75</sup> The two National Security Strategy documents issued in 2002 and 2006 breathed an implicit bellicosity and unilateralism: the United States would promote what it declared to be the universal values and norms of democracy, freedom, liberty, and human rights as the only true safety against terrorism; and the United States possessed the right to invade countries or overturn governments suspected of developing or possessing weapons of mass destruction and harboring or cooperating with terrorists—and would do so on the basis of a military superiority it intended to maintain.<sup>76</sup> In the summer of 2004, a senior defense official hinted to congressional staff that a second Bush administration might well apply its preemptive policy to as many as six other nations.<sup>77</sup> The Pentagon created two new regional commands (for North America and Africa) and the latter, together with Southern Command

74. Ibid.

75. George Bush, introduction to *The National Security Strategy of the United States of America* (Washington: The White House, March 2006), n.p., <http://www.whitehouse.gov/nsc/nss/2006/nss2006.pdf> (accessed 27 July 2008). For Bush on 11 September 2001, see Bob Woodward, *Bush at War* (New York: Simon and Schuster, 2002), 15, 17; Robert Draper, *Dead Certain: The Presidency of George W. Bush* (New York: Free Press, 2007), 135–45; Jacob Weisberg, *The Bush Tragedy* (New York: Random House, 2008), 101–6.

76. "[T]he United States will use this moment of opportunity to extend the benefits of freedom across the globe. We will actively work to bring the hope of democracy, development, free markets, and free trade to every corner of the world." George Bush, introduction to *The National Security Strategy of the United States* (Washington: The White House, September 2002), v, 2, <http://www.whitehouse.gov/nsc/nss.pdf> (accessed 30 September 2004). For the intention to maintain military superiority, see p. 30. For an interpretation of the document that de-emphasizes its unilateralism and bellicosity, and discounts its discontinuity with international norms and American historical practice, see John Lewis Gaddis, *Surprise, Security, and the American Experience* (Cambridge, Mass.: Harvard University Press, 2004), particularly 80–94.

77. Elaine Grossman, "Advisers To Rumsfeld: DOD Can't Sustain Current Stability Operations," *Inside the Pentagon*, 23 September 2004, p. 1.

(covering Latin America), intended to focus more on broader political, economic, and security issues than on traditional war planning and fighting.<sup>78</sup> In the summer of 2008, the Secretary of State explained that “our policy has been sustained not just by our strength but also by our values. The United States has long tried to marry power and principle—realism and idealism.”<sup>79</sup>

Inside the United States, the war on terrorism reinforced much of the militarization of the previous seven decades: increased power in the presidency and corresponding weakness in Congress and the judiciary; increased weight for the military in government and policy-making; war language, images, assumptions, and approaches conspicuous in everyday discourse and thinking; national security prominent and sometimes paramount in national politics; war and security themes important in movies, literature, games, and other aspects of popular culture; and more. The only thing missing was the mobilization of the world and cold wars. The President urged the American people to return as much as possible to “normal” after the September 2001 attacks: no calls for expanding the armed forces, no draft, no rise in taxes (quite the opposite), no conversion to a war economy, comparatively little change in the government beyond consolidating a number of law enforcement and border security agencies into another department of defense called the Department of Homeland Security, and expanding the intelligence establishment. Missing was any rhetoric of sacrifice, leading to the normalization of war: “the military at war and America at the mall.”

The most threatening consequences of militarizing the struggle against terrorism arose in the realm of internal security. Immediately after the 2001 attacks, the Bush Administration proposed legislation to expand authority to monitor voice and email messages, broaden the definition of terrorism, punish people who even unknowingly supported or harbored terrorists, intensify attacks on money laundering that could support terrorism, break down the barriers between intelligence gathering and criminal investigations, allow the government authority to detain immigrant suspects indefinitely or expel them without court review, and permit other heretofore prohibited or unprecedented police powers. The Administration hurried its proposals through the House and Senate in the frantic month after 11 September, and when both chambers balked at the extremity of some of the provisions, the Administration attacked the opposition as unpatriotic and intensified the pressure. Committed to expanding presidential power even before the September attacks, the Administration went forward without Congress and using its own interpretations of the constitution and legal opinions rendered in secret, took mat-

78. Thom Shanker, “Command For Africa Established By Pentagon,” *New York Times*, 5 October 2008, p. 10; “United States Northern Command: Defending Our Homeland . . . US Northern Command History,” [http://www.northcom.mil/about/history\\_education/history.html](http://www.northcom.mil/about/history_education/history.html) (accessed 6 October 2008).

79. Condoleezza Rice, “Rethinking the National Interest: American Realism for a New World,” *Foreign Affairs* 87 (July–August 2008): 3.

ters into its own hands on the detention and interrogation of prisoners it designated as "unlawful enemy combatants" and in wiretapping foreign nationals and even American citizens. As the head of the Justice Department's Office of Legal Counsel later explained, "top officials in the administration dealt with FISA [the Foreign Intelligence Surveillance Act] the way they dealt with other laws they didn't like: they blew through them in secret based on flimsy legal opinions that they guarded closely so no one could question the legal basis for the operations."<sup>80</sup>

The Administration's penchant for secrecy extended far beyond the areas of intelligence and detention. The Executive Branch made every effort to cloak as much of its activity as possible in secrecy, "a sea change in government openness" according to a reporter who consulted "dozens of experts."<sup>81</sup> A November 2001 executive order restricted the release of documents from previous administrations, contradicting the Presidential Records Act of 1978; immigration court proceedings were closed to the public; the identities of over 1,000 immigrants swept up after 11 September and the prisoners designated "unlawful enemy combatants" at Guantanamo and overseas were kept secret; the Freedom of Information Act and Federal Advisory Committee Act were narrowed and administered in ways to hinder the release of documents and information; classification of records increased and declassification slowed; documents were denied to Congress in circumstances in which previous administrations had cooperated; and even the National Commission investigating the 2001 attacks had to subpoena executive agencies to gain access to important materials. At one point, after leaks on Capitol Hill, the President threatened to share classified information only with the heads of the committees involved in national security—to the dismay and sometimes outrage of lawmakers, including Republicans.<sup>82</sup>

80. Jack Goldsmith, *The Terror Presidency: Law and Judgment Inside the Bush Administration* (New York: W. W. Norton, 2007), 181. For the domestic wiretapping program and other initial efforts by the Administration, see James Risen, *State of War: The Secret History of the CIA and the Bush Administration* (New York: Free Press, 2006), chap. 2; Eric Lichtblau, *Bush's Law: The Remaking of American Justice* (New York: Pantheon, 2008); Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals* (New York: Doubleday, 2008).

81. Adam Clymer, "Government Openness at Issue as Bush Holds Onto Records," *New York Times*, 3 January 2003, p. 1.

82. Stanley I. Kutler, "An Executive Order Richard Nixon Would Love," *Washington Spectator*, reprinted in *History News*, <http://www.historynewsnetwork.org/articles/article.html?id=493> (accessed 7 January 2002); Jack Nelson, *U.S. Government Secrecy and the Current Crackdown on Leaks*, Joan Shorestein Center on the Press, Politics and Public Policy, Working Paper Series, 2003-1 (Cambridge, Mass.: Harvard University John F. Kennedy School of Government, 2002). The executive order, the responses of the American Historical and Political Science Associations, and background are in *Presidential Studies Quarterly* 32 (2002): 185–211. In 2001, the number of document "classification actions . . . increased by 44 percent." Information Security Oversight Office, *2001 Report to the President* (n.p. [Washington]: Information Security Oversight Office, n.d.), <http://www.fas.org/sgp/isoo/2001rept.pdf> (accessed 22 November 2002), p. 2. See also Jerry Seper, "Ashcroft Creates Interagency Force On Security Leaks," *Washington Times*, 16 December 2001, p. 3; David E. Rosenbaum, "When Government Doesn't Tell," *New York Times*



Surveillance of American citizens and immigrants expanded. Two weeks after the terrorist attacks in New York and Washington, the Attorney General suggested in a White House meeting that Americans spy on each other: "We want to convey the message that you're likely to be detected if you're doing something wrong."<sup>83</sup> The Terrorism Information and Prevention System (TIPS), described by the Administration as "a nationwide program to help thousands of American truck drivers, letter carriers, train conductors, ship captains, and utility workers report potential terrorist activity," appeared so intrusive that Congress actually prohibited it.<sup>84</sup> A program of surveillance targeted on "hundreds of young, mostly Muslim men" began, instituted to find Al Qaeda sleeper agents planted inside the United States.<sup>85</sup> The government won broad authority to use the permission of the Foreign Intelligence Surveillance Court to institute wiretaps and other undercover investigations against suspects, and to use the information gathered in criminal proceedings, thus erasing a barrier protecting the Fourth Amendment guarantee against "unreasonable searches and seizures" and warrants based on "probable cause."<sup>86</sup> According to a December 2002 analysis, "From New York City to Seattle, police officials are looking to do away with rules that block them from spying on people and groups without evidence that a crime has been committed," and "At the same time, federal and local police agencies are looking for systematic, high-tech ways to root out terrorists before they strike."<sup>87</sup> One Defense Department research

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*on the Web*, 3 February 2002, [wysiwyg://3/http://www.nytimes.com/2002/02/03/weekinreview/03ROSE.html?pagewanted=print](http://www.nytimes.com/2002/02/03/weekinreview/03ROSE.html?pagewanted=print) (accessed 3 February 2002); Laurence McQuillan, "For Bush, Secrecy Is A Matter Of Loyalty," *USA Today*, 14 March 2002, p. 1; Steve Chapman, "Excessive Secrecy In The War On Terror," *Chicago Tribune*, 18 August 2002; James G. Lakely, "GOP Veterans Rap Secrecy On Defense Issues," *Washington Times*, 14 January 2003, p. 1; Robert D. Novak, "Disaffected Troops," *Washington Post*, 13 January 2003, p. 21; Amy Goldstein and Juliet Eilperin, "Congress Not Advised of Shadow Government," *ibid.*, 2 March 2002. Overall studies of the expanding secrecy in the Bush Administration are United States House of Representatives, Committee on Government Reform—Minority Staff Special Investigations Division, *Secrecy In the Bush Administration Prepared For Rep. Henry A. Waxman*, 14 September 2004, [http://democrats.reform.house.gov/features/secrecy\\_report/pdf/pdf\\_secrecy\\_report.pdf](http://democrats.reform.house.gov/features/secrecy_report/pdf/pdf_secrecy_report.pdf) (accessed 10 October 2004); and Ted Gup, *Nation of Secrets: The Threat of Democracy and the American Way of Life* (New York: Doubleday, 2007).

83. Woodward, *Bush at War*, 169.

84. *National Strategy for Homeland Security* (n.p. [Washington]: Office of Homeland Security, July 2002), [http://www.whitehouse.gov/homeland/book/nat\\_strat\\_hls.pdf](http://www.whitehouse.gov/homeland/book/nat_strat_hls.pdf) (accessed 20 January 2003), 12; Gail Russell Chaddock, "Security Act To Pervade Daily Lives," *Christian Science Monitor*, 21 November 2002, p. 1.

85. Philip Shenon and David Johnston, "Seeking Terrorist Plots F.B.I. Is Tracking Hundreds of Muslims," *New York Times*, 6 October 2002, p. 1.

86. Dan Eggen, "Broad U.S. Wiretap Powers Upheld; Secret Court Lifts Bar on Terror Suspect Surveillance," *Washington Post*, 19 November 2002, p. 1. The Fourth Amendment to the U.S. Constitution can be found in Kohn, ed., *United States Military under the Constitution*, 30.

87. Michael Moss and Ford Fessenden, "New Tools for Domestic Spying, and Qualms," *New York Times*, 10 December 2002, p. 1.

initiative provoked special outrage and anxiety: the Total Information Awareness (TIA) program at the Defense Advanced Research Projects Agency. TIA would sift thousands of disparate databases in order to detect suspicious activity in an effort to anticipate terrorist behavior, that is, "mine" computer records generated by Americans' private behavior—credit card charges, phone usage, travel behavior, medical data, email messages, and more. The invasion of privacy, and opportunity for government abuse (acknowledged by the system's developers) was so egregious that Congress prohibited further development without permission from Capitol Hill.<sup>88</sup> Similarly the government planned, according to one report, to require "Internet service providers to help build a centralized system to enable broad monitoring of the Internet and, potentially, surveillance of its users."<sup>89</sup>

The White House created military tribunals to try alien prisoners who might be involved with Al Qaeda or terrorism. The government labeled hundreds of foreign nationals "unlawful enemy combatants" in order to hold them indefinitely, without charges or access to counsel or the courts, incarcerating a few in secret prisons overseas and the rest mostly at the naval base at Guantanamo Bay, Cuba, so as to locate them beyond the reach of American courts. The label was applied to two American citizens, one transferred from Guantanamo and the other arrested in Chicago, both of whom were then imprisoned indefinitely in naval brigs without counsel, without charges, and without any contact with the world outside. Thousands of immigrants and resident aliens were rounded up after 11 September, and tried, released, or deported, most often in secret and without due process or adequate representation. As in wartime, Congress assigned virtual carte blanche to the executive to make war; and the Courts deferred to the military and the executive.<sup>90</sup>

88. John Markoff, "Pentagon Plans A Computer System That Would Peek At Personal Data Of Americans," *ibid.*, 9 November 2002, p. A10; J. Michael Waller, "Fears Mount Over 'Total' Spy System," *Insight Magazine*, 24 December 2002; Dan Eggen and Robert O'Harrow, Jr., "Surveillance Plan Worries GOP Senator," *Washington Post*, 22 January 2003, p. 13; William Safire, "Privacy Invasion Curtailed," *New York Times*, 13 February 2003, p. A33; Audrey Hudson, "'Supersnoop' Scheme Blocked Pending Review By Congress," *Washington Times*, 13 February 2003, p. 1.

89. John Markoff and John Schwartz, "Bush Administration to Propose System for Wide Monitoring of Internet," *New York Times*, 20 December 2002, p. A16.

90. For these developments, see David Cole and James X. Dempsey, *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security* (New York: New Press, 2002), chap. 11; David Cole, *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism* (New York: New Press, 2003), chap. 2; Christian Parenti, *The Soft Cage: Surveillance in America from Slavery to the War on Terror* (New York: Basic Books, 2003), 199–202; Barbara Olshansky, *Secret Trials and Executions: Military Tribunals and the Threat to Democracy* (New York: Seven Stories Press, 2002); Richard C. Leone and Greg Anrig, Jr., eds., *The War on Our Freedoms: Civil Liberties in an Age of Terrorism* (New York: PublicAffairs, 2003); Byrd, *Losing America*, 45–51. An early catalog of the Bush Administration's invasions of, and threats to, civil rights and liberties was Michael Ratner, "The War on Terrorism: A Threat to Freedom and the Rule of Law," *Global Dialogue* 4 (Spring 2002): 35–46.

These changes occurred in the wake of the September 2001 attack when the government, in a panic over what further attacks were in train, and fearing the worst, tilted instinctively in favor of security over liberty in order to prosecute what topmost officials considered as an extremely difficult, ambiguous war against a ruthless, suicidal enemy with no “center of gravity,” an enemy clearly capable of using the American legal system and the openness of American society to its advantage.<sup>91</sup>

Yet from the beginning, there was pushback to the Administration’s reaching for new powers and opposition to the extent of the tilt toward security over liberty. Even in that atmosphere, laws and programs that could more seriously erode civil liberty failed. Congress inserted sunset clauses in the USA Patriot Act that cancelled some of the changes in four years unless explicitly re-authorized by new legislation. The conservative chairman of the House Judiciary Committee, Wisconsin’s James Sensenbrenner, refused to consider renewal in 2004 during the heat of the presidential election, as the President requested, making clear that Congress would not renew the Patriot Act without hearings and a sober reevaluation, which it performed in renewing the act in 2005. In 2007 and 2008 Congress passed controversial updates to FISA that forced enough compromise on the President’s wire-tapping authority to anger first the White House and then civil libertarians.<sup>92</sup> The Administration’s *National Strategy for Homeland Security* issued in the summer of 2002 limited the role of the armed forces at home to defending American territory in “extraordinary” situations “such as combat air patrols or maritime defense operations” where the military would lead with support “by other agencies”; “responding” to “emergencies such as . . . an attack or . . . forest fires, floods, tornadoes, or other catastrophes” because the Defense Department could react “quickly to provide capabilities that other agencies do not have”; and “limited scope” situations “where other agencies have the lead—for example, security at a special event like the recent

91. Mayer, *Dark Side*, titles her second chapter “Panic,” a description confirmed in other accounts including Richard Clarke, *Against All Enemies: Inside America’s War on Terror* (New York: Free Press, 2004), chap. 1; Ron Suskind, *The One Percent Doctrine: Deep Inside America’s Pursuit of Its Enemies Since 9/11* (New York: Simon and Schuster, 2006); and the luncheon address by Michael Chertoff, October 2003, University of North Carolina at Chapel Hill Law School. Chertoff, currently the Secretary of Homeland Security, was then a federal appellate judge but in 2001 and 2002 was the Assistant Attorney General of the United States in charge of the Criminal Division at the Justice Department. I attended that speech presentation. Draper, *Dead Certain* (p. 134 ff), describes a sense of anger and outrage in the President in the wake of the September 2001 attacks.

92. The “Protect America Act of 2007” and the “FISA Amendments Act of 2008” are at <http://thomas.loc.gov/cgi-bin/query/D?c110:3:/temp/~c1108sUe3M::> and <http://thomas.loc.gov/cgi-bin/query/F?c110:4:/temp/~c110Wg9U8E:e1022::>. For White House reaction, see “Fact Sheet: The Protect America Act of 2007,” 6 August 2007, and “President Bush Signs H.R. 6304, FISA Amendments Act of 2008,” 10 July 2008, at <http://www.whitehouse.gov/news/releases/2007/08/20070806-5.html> and <http://www.whitehouse.gov/news/releases/2008/07/20080710-2.html> (all accessed 28 July 2008). Reactions to both can be found on the Web.

Olympics.”<sup>93</sup> The Supreme Court, while accepting a state of war and ducking one habeas corpus case, decidedly rejected the idea that the President can lock up an American citizen indefinitely, without access to an attorney, and without being charged, or keep foreigners imprisoned at Guantanamo in a legal “black hole” beyond both American and international law without a fair judicial proceeding or review. The Court forced the Administration to seek congressional assent to the military tribunals and insisted upon due process and the right of American citizens to challenge their detention in civilian courts.<sup>94</sup>

The great danger to the Republic lies in the reaction to another successful attack on the United States that wreaks great damage and kills thousands or even tens or hundreds of thousands of Americans. Seven years after the attacks in New York and Washington, the United States remains acutely vulnerable: the intelligence community still weak in clandestine agents and still separated into different agencies of uncertain cooperativeness; millions of uninspected containers flooding into American ports annually; borders that are porous; local officials, first responders, and public health systems still underfunded and unable to deal effectively with mass casualties and what public health officials call the “walking well but worried.” Most frightening, the U.S. government and international community, despite declarations of priority, have not moved aggressively to control nuclear technology. “With the exception of the G8 initiative to enlist other states to help fund this activity, and the Proliferation Security Initiative to search vehicles suspected of transporting WMD [weapons of mass destruction] cargo, no one observing the behavior of the U.S. Government after 9/11 would note any significant changes in activity aimed at preventing terrorists from acquiring the world’s most destructive technologies,” wrote the leading scholar on this subject in 2004. “Americans are no safer from a nuclear terrorist attack today than we were on September 10, 2001.”<sup>95</sup>

93. *National Strategy for Homeland Security*, 13.

94. See the Supreme Court decisions *Rasul v. Bush*, 542 U.S. 466 (2004); *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006); *Boumediene v. Bush*, 553 U.S. \_\_\_\_ (2008).

95. Graham Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe* (New York: Times Books, 2004), 131–33. For other discussions of vulnerability, see Stephen Flynn, *America the Vulnerable: How Our Government Is Failing to Protect Us from Terrorism* (New York: HarperCollins, 2004); Committee on Science and Technology for Countering Terrorism, National Research Council of the National Academies, *Making the Nation Safer: The Role of Science and Technology in Countering Terrorism* (Washington: National Academies Press, 2003); Clark Kent Ervin, *Open Target: Where America is Vulnerable to Attack* (New York: Palgrave Macmillan, 2006); Fran Pilch, *The Worried Well: Strategies for Installation Commanders* (Colorado Springs, Colo.: USAF Institute for National Security Studies, USAF Academy, April 2004); George J. Annas, Wendy K. Mariner, and Wendy E. Parmet, *Pandemic Preparedness: The Need for a Public Health—and not a National Security/Law Enforcement—Approach* (Washington: American Civil Liberties Union, January 2008), [http://www.aclu.org/pdfs/privacy/pemic\\_report.pdf](http://www.aclu.org/pdfs/privacy/pemic_report.pdf) (accessed 7 October 2008); and numerous press reports about reform of the intelligence community, funding homeland security, regulating the chemical industry, worries over the food supply, and other threats, the most recent at this writing being “After Anthrax Attacks, Bioterrorism Threat Still Looms,”

Tangled negotiations with North Korea and Iran since and statements about the primacy of the issue from leading retired national security officials suggest that the danger has only increased.<sup>96</sup> The nuclear threat is only one of several cataclysmic dangers likely to result from the accelerated application of science and technology to war. "Annihilation from within is not a temporary peril, but the end point and ultimate impact of this elemental historic force that has gained ever more strength over two centuries," warned the defense scholar and former Undersecretary of Defense Fred Iklé. "Let us admit it: mankind became trapped in a Faustian bargain" and "our exuberance about unending progress is tempered by the premonition that our 'bargain with the devil' might end badly."<sup>97</sup>

Nearly every war in American history has involved one or more serious infringements of civil liberties and freedoms: suppression of political criticism of the government, government censorship, arrests, the intimidation and closing of newspapers; preventive detention of individuals and groups deemed a threat to security; jailings and deportations of immigrants and resident aliens; trials of civilians in military courts; hysteria about traitors and disloyalty; the use of the military and other government agencies to gather intelligence on citizens and organizations; even the mass incarceration of an ethnic group in the case of Japanese Americans during World War II.<sup>98</sup> Liberty and freedom have flourished in the United States, indeed expanded over time, in part because until the mid-twentieth century, Americans sharply differentiated war and peace, and repudiated the abuse of civil liberty once the danger passed. But if the struggle against terrorism is "war" and if the threat (and its definition as "war") last indefinitely, then the danger to civil liberty will be ongoing and any diminishing of it permanent. Historical experience and the bitter battles over detaining and interrogating suspected terrorists, wire-tapping, immigration control, and other provisions of the USA Patriot Act and its

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The NewsHour with Jim Lehrer, 7 August 2008, [http://www.pbs.org/newshour/bb/terrorism/july-dec08/bioterrorprep\\_08-07.html](http://www.pbs.org/newshour/bb/terrorism/july-dec08/bioterrorprep_08-07.html) (accessed 8 August 2008). An argument that the United States is not likely to be attacked, and even if so, can absorb the damage, is John Mueller, "Is There Still a Terrorist Threat?: The Myth of the Omnipresent Enemy," *Foreign Affairs* 85 (September–October 2006): 2–14. See also Philip H. Gordon, "Winning the Right War," *Survival* 49 (Winter 2007–2008): 17–46.

96. George P. Schultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "Toward a Nuclear-Free World," *Wall Street Journal Online*, 15 January 2008, [http://online.wsj.com/public/article\\_print/SB120036422673589947.html](http://online.wsj.com/public/article_print/SB120036422673589947.html) (accessed 8 August 2008); Joseph Cirincione, "The Greatest Threat to Us All," *New York Review of Books* 55 (6 March 2008): 18–21; Thomas B. Cochran and Matthew G. McKinzie, "Detecting Nuclear Smuggling," *Scientific American*, April 2008, 98–103; Mark Mazzetti and David Rohde, "Amid U.S. Policy Disputes, Qaeda Grows in Pakistan," *New York Times*, 30 June 2008, p. 1.

97. Fred Charles Iklé, *Annihilation from Within: The Ultimate Threat to Nations* (New York: Columbia University Press, 2006), xiii.

98. See, for example, Joan M. Jensen, *Army Surveillance in America, 1775–1980* (New Haven, Conn.: Yale University Press, 1991).

successor suggest a willingness on the part of the American people to support radical infringements or even suspensions of freedoms in order to gain security against catastrophic terrorism.<sup>99</sup> "War generates a powerful mass psychology," concludes the legal scholar Geoffrey R. Stone in a comprehensive history of free speech in wartime. "Emotions run high. . . ."<sup>100</sup>

Because the country remains highly vulnerable to terrorism, the greatest danger lies in the reaction to future attacks, particularly ones even more shocking and destructive than those in September 2001. In the aftermath, the American people could demand a radical tilt of the balance between liberty and security that over time would become permanent. Even without another catastrophic attack, if the American people continue to think of the struggle against terrorism as war, the nation could very well move incrementally and unknowingly toward diminishing freedoms, changing imperceptibly the relationship between the individual and the state. In the event of another attack, neither Congress nor the judiciary is likely to stand in the way. One defers to the executive in war. The other, the judiciary, has rarely limited the executive in such circumstances.<sup>101</sup> As Supreme Court Justice Robert Jackson wrote in his concurring opinion to one of the few rulings to restrict a president in wartime, the Court can be "indecisive because of the judicial practice of dealing with the largest questions in the most narrow way."<sup>102</sup>

99. For the willingness of a group traditionally sensitive to civil liberty "to give up some of their personal freedoms in order to make the country safe from terrorist attacks," see Laurie Goodstein, "Jewish Groups Endorse Tough Security Laws," *New York Times*, 3 January 2002, p. A12.

100. Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime From The Sedition Act of 1798 to the War on Terrorism* (New York: W. W. Norton and Company, 2004), 2. A different interpretation of diminished civil liberty during American wars is Mark A. Graber, "Counter-stories: Maintaining and Expanding Civil Liberties in Wartime," in *The Constitution in Wartime: Beyond Alarmism and Complacency*, ed. Mark Tushnet (Durham, N.C.: Duke University Press, 2005), 95–123.

101. William H. Rehnquist, *All the Laws But One: Civil Liberties in Wartime* (New York: Alfred A. Knopf, 1998), 221–25. For renewed presidential power and the reluctance of Congress or the Judiciary to oppose presidential power in wartime, see Louis Fisher, *Congressional Abdication on War and Spending* (College Station: Texas A&M University Press, 2000); Andrew Rudalevige, *The New Imperial Presidency: Renewing Presidential Power after Watergate* (Ann Arbor: University of Michigan Press, 2005); Matthew Crenson and Benjamin Ginsberg, *Presidential Power: Unchecked and Unbalanced* (New York: W. W. Norton and Company, 2007), particularly chaps. 7–8; Frederick A. O. Schwarz, Jr., and Aziz Z. Huq, *Unchecked and Unbalanced: Presidential Power in a Time of Terror* (New York: New Press, 2007); Thomas E. Mann and Norman J. Ornstein, *The Broken Branch: How Congress Is Failing America and How to Get It Back on Track* (New York: Oxford University Press, 2006), particularly chap. 5, "Institutional Decline."

102. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). Discussions with attorneys and federal judges support the interpretation that during a crisis, with public opinion and the two political branches of government in agreement, the courts would be unlikely to stand in the way of change that would lessen, perhaps radically, civil liberties.

In militarizing the threat of terrorism, the United States differs from almost every other country in the world and ignores its own historical experience, which at various times has included terrorism in many forms. Some countries today face internal terrorist threats in the form of nationalist or ethnic separatists—Russia, China, Spain, Turkey, Sri Lanka, to name a few examples. For some, like Israel, the threat is existential and connected to hostile neighbors. But many are targeted, like the United States, by radical Islam and are, because of their location or demographic makeup, even more vulnerable: European, Mediterranean, Middle Eastern, and Muslim countries in Asia such as Pakistan and Indonesia. Many, of course, have much less commitment to civil liberty and personal freedom than the western democracies. But none have declared a “war on terror” or approached the struggle in apocalyptic or military terms. Britain in particular experienced a violent terrorist campaign from the Irish Republican Army for over thirty years and today labors under the same threat as the United States, but has never defined the problem as war, without undermining civil liberties or losing civic equilibrium. Until the 1940s, the United States avoided Europe’s militarization and militarism; when after 1945 Europe turned away from both to construct peaceful civic societies, the United States went in the opposite direction.<sup>103</sup> The closest parallel to the United States may be Israel, which views the threat of terrorism as existential and has militarized to a greater extent than any other developed nation, but without forfeiting traditional internal freedoms.<sup>104</sup>

Perhaps American military leaders have been the most explicit about the internal danger to the United States that terrorism truly presents. “The United States may have to declare martial law someday . . . in the case of a devastating attack with weapons of mass destruction causing tens of thousands of casualties,” retired

103. For Europe’s history, see Volker R. Berghahn, *Europe in the Era of Two World Wars: From Militarism and Genocide to Civil Society, 1900–1950* (2002; Princeton, N.J.: Princeton University Press, 2006); David Edgerton, *Warfare State: Britain, 1920–1970* (Cambridge: Cambridge University Press, 2006); James J. Sheehan, *Where Have All the Soldiers Gone? The Transformation of Modern Europe* (Boston: Houghton Mifflin Company, 2008); Sheehan, “The Future of the European State: Some Historical Reflections on the German Case,” and Cornelia Rauh-Kühne, “Comment on James Sheehan’s Lecture,” *Bulletin of the German Historical Institute*, no. 42 (Spring 2008): 9–25.

104. For an indication of the extent of military influence in Israel, see Oren Barak and Gabriel Sheffer, “Israel’s Security Network and its Impact: an Exploration of a New Approach,” *International Journal of Middle East Studies* 38 (2006): 235–61. For a list of conflicts and non-state organizations engaged in organized violence, see the International Institute for Strategic Studies, *The Military Balance 2008* (Oxford: Oxford University Press, 2008), 461–82. For terrorist incidents, see the Worldwide Incidents Tracking System on the National Counterterrorism Center website: <http://wits.nctc.gov/> (accessed 28 July 2008). For British and Israeli reaction to terrorist attacks, see Michael Sheehan, *Crush The Cell: How to Defeat Terrorism Without Terrorizing Ourselves* (New York: Crown Publishers, 2008), 3–4.

Army General Wayne A. Downing speculated at the end of 2002, some six months after leaving the White House as Deputy National Security Adviser for Combating Terrorism.<sup>105</sup> The first head of Northern Command, created in 2002 to provide military support for the defense of the American homeland, expressed a similar thought: "There may be situations if we ever got into a major chemical biological nuclear attack problem where we may, in fact, be in charge," if "it's become so bad that the lead federal agency in working with the state governors say[s] . . . 'we give up'" and "then the president and the Secretary of Defense . . . decide, 'yes, that is appropriate.'"<sup>106</sup> In his first public interview after retiring from active duty in 2003, General Tommy Franks identified the single most dangerous possibility offered by an endless war on terrorism. An attack with weapons of mass destruction "just to create casualties . . . to terrify" could lead "the western world, the free world" to forfeit its "freedom and liberty," to lose its democracy, and "begin to militarize our country in order to avoid a repeat of another mass-casualty event, . . . to potentially unravel the fabric of our Constitution."<sup>107</sup> The Chairman of the Joint Chiefs from 2001 to 2005, General Richard Myers, called "this terrorist threat . . . the biggest threat our nation has faced at least since the Civil War, perhaps ever."<sup>108</sup> Historians would undoubtedly disagree but might conclude nevertheless that the chief danger posed to the United States is internal: what the American people might do to themselves. As Myers put it, "the biggest long-term impact is fear."<sup>109</sup> A half century earlier, Supreme Court Justice Robert Jackson concluded exactly that. "It is easy," he wrote, "by giving way to the passion, intolerance and suspicions of wartime, to reduce our liberties to a shadow, often in answer to exaggerated claims

105. Quoted in Barton Gellman, "In U.S., Terrorism's Peril Undiminished: Nation Struggles on Offense and Defense, and Officials Still Expect New Attacks," *Washington Post*, 24 December 2002, p. A1.

106. Kwame Holman, *The NewsHour With Jim Lehrer: Focus: Guarding the Homeland*, PBS television broadcast (27 September 2002); for the full interview, see Interview by Dan Sagalyn with Air Force General Ralph Eberhart, *Online NewsHour* (24 September 2002), <http://www.pbs.org/newshour/terrorism/ata/eberhart.html> (accessed 28 February 2003).

107. "General Tommy Franks: An Exclusive Interview with America's Top General in the War on Terrorism," *Cigar Aficionado*, November–December 2003, p. 90. Franks claimed he expressed a similar thought three days before the September 2001 attacks to a "young sergeant." See Tommy Franks with Malcolm McConnell, *American Soldier* (New York: Regan Books, 2004), 236–37, 554.

108. General Richard B. Myers, speech to the Baltimore chapter of the Council on Foreign Relations, 23 February 2004, [http://www.usembassy.it/file2004\\_02/alia/a4022606.htm](http://www.usembassy.it/file2004_02/alia/a4022606.htm) (accessed 15 March 2004).

109. Quoted in Vince Devlin, "Joint Chiefs of Staff chairman speaks at annual chamber banquet," *Missoula (Montana) Missoulain*, 6 October 2004, *Missoulain.com* online news, <http://www.missoulain.com/articles/2004/10/06/news/top/news01.txt> (accessed 10 October 2004). See also Peter N. Stearns, *American Fear: The Causes and Consequences of High Anxiety* (New York: Routledge, 2006), particularly 201ff.



of security.”<sup>110</sup> After reviewing American history on the subject, Geoffrey Stone agreed: “the United States has a long and unfortunate history of overreacting to the dangers of wartime. Again and again, Americans have allowed fear to get the better of them.”<sup>111</sup>

110. “Wartime Security and Liberty under Law,” *Buffalo Law Review*, 1951, quoted in Stone, *Perilous Times*, 528.

111. Stone, *Perilous Times*, 528.