

**International Politics and Domestic
Institutional Change**
The Rise of Executive War-Making Autonomy in the
United States

by

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Abstract

Executive autonomy is a critical factor for explaining foreign policy behavior because states with less constrained executives are often able to act more quickly, decisively, and flexibly. Yet, while IR scholars have studied the role autonomy plays in foreign policy behavior, less attention has been paid to its origins. What are the institutional sources of autonomy and why and when are such institutions likely to crystallize? The dissertation constructs a theoretical framework to study these questions using a macro-micro-macro model embedded with a series of mechanisms. Based on a second-image reversed approach and drawing on bellicist theories of state formation, the dissertation then develops a theory of the state as a *dynamic* set of institutions that decision-makers attempt to redesign when interstate security competition increases. In democracies, this entails building and streamlining national security decision-making organizations and processes, and centralizing decision-making authority in the executive. The dissertation uses this theory to explain the development of executive war-making autonomy in the United States. Using a longitudinal research design, it focuses on comparative case studies of three temporal phases—1787-1890, 1890-1941, and 1941-1960—to observe the relationship between security competition, institutional stress, and state-building. The research shows that the three periods vary in terms of the systemic pressure faced by the United States and that this variation in turn helps explain three distinct institutional logics: institutional *formation* in the first period, institutional *resistance* in the second, and institutional *adaptation* in the third. The dissertation shows theoretically how international security competition produces and reproduces states that are prone to war. Empirically, it shows the importance of America’s original institutional arrangement for national security, but also the profound transformation that arrangement underwent in the postwar period and the continuing relevance of that transformation today.

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International Politics, State-Building, and the Rise of Executive War-Making Autonomy in the United States

Americans have traditionally thought of the post-World War II period in terms of Henry Luce's vision of the "American century"—a time when America's power, ideas, and values transformed the world.¹ Indeed, it would be difficult to overstate America's impact on world politics since Luce's article first appeared in February 1941. Later that year the United States became a full—and ultimately decisive—participant in the Allied victory in World War II. After the war, America led a massive effort to help stabilize and rebuild war-torn countries in Europe and elsewhere, as well as to create new international institutions of economy, law, and security.² To shore up these more legal-internationalist efforts, the United States also actively shaped elections, engineered coups, supported subversives, propped up strongmen, and conducted a

¹ Luce's article appeared on the eve of America's entry to World War II with the purpose of persuading the country to take responsibility for being a world power. He argued that while American culture and products had already found their way around the world, a more expansive form of internationalism was required—one which would be driven by "a sharing with all peoples of our Bill of Rights, our Declaration of Independence, our Constitution, our magnificent industrial products, our technical skills." Andrew Bacevich contends it is "the most famous essay" ever published in "arguably the most influential popular periodical in American history." Reprinted as Henry R. Luce, "The American Century," *Diplomatic History* 23, no. 2 (1999): 159–71; Andrew J. Bacevich, "Life at the Dawn of the American Century," in *The Short American Century: A Postmortem*, ed. Andrew J. Bacevich (Cambridge: Harvard University Press, 2012), 3–4.

² See G. John Ikenberry, *Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order* (Princeton: Princeton University Press, 2012).

range of military interventions around the world.³ Together, America's actions to build and police a new international order molded the domestic politics and economies of countries both in and outside of the western bloc, as well as the international politics of the Cold War period.

Yet for as much as the United States helped shape and transform world politics in the second half of the twentieth century, American politics, society, and culture were similarly reconstituted by the country's global responsibilities. Nowhere was this change more profound than with respect to America's national security institutions and practices.⁴ Looking back retrospectively after the Cold War, Senator Daniel Patrick Moynihan noted the significance of the transformation: "The Cold War changed us. We used to be pretty much what we started out to be: a republic that expected normally to be at peace. If we were more warlike than we pretended, we rarely prepared for war as if it were always imminent... With the cold war all this changed. We became a national security state, geared for war at all times."⁵ The noted legal scholar John Hart Ely includes in the legacies bequeathed to the United States by the Cold War: "...a sense of permanent emergency, a consequent condition of continuous large-scale military preparation; covert military operations of a sort we never ran or sponsored before; the infectious attitude of secrecy, even dishonesty toward the American people that such operations necessarily involve us in; the ruinous borrowing required to finance it all."⁶

³ See for example Daniele Ganser, *NATO's Secret Armies: Operation Gladio and Terrorism in Western Europe* (New York: Frank Cass, 2005); Stephen Kinzer, *Overthrow: America's Century of Regime Change from Hawaii to Iraq* (New York: Henry Holt, 2006); John Prados, *Safe for Democracy: The Secret Wars of the CIA* (Chicago: Ivan R. Dee, 2006).

⁴ The impact was far wider and helped transform the country's domestic politics, economic life, and culture. Here I am interested solely in the structure of the American state and government as they relate to national security. On the wider domestic effects of the Cold War see for example Michael S. Sherry, *In the Shadow of War: The United States Since the 1930s* (New Haven: Yale University Press, 1995).

⁵ Daniel Patrick Moynihan, "The Peace Dividend," *New York Review of Books*, June 28, 1990, 3.

⁶ John Hart Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath* (Princeton: Princeton University Press, 1993), ix.

By nearly any measure, the changes in America's national security capabilities, architecture, and decision-making processes from the period before World War II to the postwar period were tremendous. The postwar construction of a "national security state" has received considerable attention from security scholars in recent years.⁷ Much of the literature has sought to explain how the United States managed to *build* greater military power in the postwar period without sacrificing its democratic institutions and becoming, in the words of Harold Lasswell, a "garrison state."⁸ A related and equally important part of the development of the national security state, however, has not received sustained and systematic treatment: how did the United States manage to *project* military power overseas on a regular basis since World War II despite the constraints built into the country's democratic system of government. Solving this puzzle, I contend, requires a greater focus on America's state structure and decision-making procedures and how they were adapted to deal with the country's changing international security environment. The explanation that I advance focuses specifically on the development of executive war-making autonomy in the United States.

I define autonomy as *the degree to which state structure and decision-making procedures provide executive officials with the ability to translate their preferences into policy outcomes*

⁷ The broader literature in this area is enormous. Several works that look specifically at the development of the American national security state include Daniel Yergin, *Shattered Peace: The Origins of the Cold War and the National Security State* (Boston: Houghton Mifflin, 1977); Bartholomew H. Sparrow, *From the Outside In: World War II and the American State* (Princeton: Princeton University Press, 1996); Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State* (Cambridge: Cambridge University Press, 1998); Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton: Princeton University Press, 2000); Amy Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC* (Palo Alto: Stanford University Press, 2000); Douglas T. Stuart, *Creating the National Security State: A History of the Law That Transformed America* (Princeton: Princeton University Press, 2008).

⁸ Harold D. Lasswell, "Sino-Japanese Crisis: The Garrison State versus the Civilian State," *China Quarterly* XI (1937): 643–49; Harold D. Lasswell, "The Garrison State," *The American Journal of Sociology* 46, no. 4 (1941): 455–68.

*notwithstanding societal preferences.*⁹ Here I am specifically concerned with the degree to which the executive is able to employ military force in the conduct of foreign policy. The main question I address in the dissertation is: where does such autonomy come from?

Today, we take executive war-making autonomy for granted to some extent in the United States. When President Obama considered launching military strikes against Syria in retaliation for its use of chemical weapons in September 2013, for example, many observers were surprised the President decided to engage in a public debate at all.¹⁰ As one prominent foreign policy analyst noted, Obama would upend decades of precedent in unilateral Presidential military action by seeking congressional authorization.¹¹ Just two years earlier he had launched a far more extensive military campaign in Libya not only without similar authorization, but also in the face of both public and Congressional opposition.¹² At the same time, moreover, he was single-handedly directing drones wars in Afghanistan, Yemen, Iraq, and Somalia.¹³

⁹ This definition relates to other prominent ones, but differs in an important way. Norrin Ripsman and others suggest the measure of autonomy is defined by the ability of the executive to act even “when faced with public or legislative opposition.” I agree this is the strongest test of autonomy, but suggest this definition unnecessarily limits our understanding of how decision-makers pursue their policy preferences. When possible, decision-makers, especially in democracies, prefer to circumvent tests of their ability to act independently. In the area of national security, they do things like obscure their policies and resort to using instruments of force that limit or completely evade public attention. Eric A. Nordlinger, *On the Autonomy of the Democratic State* (Cambridge: Harvard University Press, 1981), 8, 39; John M. Hobson, *The State and International Relations* (Cambridge: Cambridge University Press, 2000), 7; Norrin M. Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements* (University Park: The Pennsylvania State University Press, 2002), 43.

¹⁰ Even though the President made a decision to take the question to Congress, he claimed in his speech to the public “to possess the authority to order military strikes,” irrespective of congressional authorization. It is not clear whether he would have ordered strikes if Congress had denied authorization.

¹¹ Fareed Zakaria, “Crisis in Syria,” *The Situation Room* (CNN, September 5, 2013), <http://edition.cnn.com/TRANSCRIPTS/1309/05/sitroom.02.html>.

¹² Polls in early March 2011 showed that only 27% of the American public thought the United States had a “responsibility to act in Libya,” while only 17% favored “bombing Libyan air defenses” and 13% favored “sending troops into Libya.” Pew Research Center News Interest Index, March 10-13, 2011, N=1,001. The Congressional response was mixed. There was more opposition to the Presidential use of force than in recent cases, but Congress was ultimately unwilling to defund military operations in Libya.

This degree of autonomy, however, was unknown for much of American history. Before developing the explanation further, therefore, it is necessary to compare the use of force in pre- and post-World War II eras briefly to show just how much changed in this period. Doing so helps elaborate the theoretical and empirical puzzles that lie at the heart of the dissertation.

Pre- and Postwar Force Projection: A Study in Contrasts

During the 1930s President Franklin Roosevelt watched with frustration as the world slid gradually toward World War II, dragging the United States along with it. Roosevelt had some foresight about the war to come, but the lack of capacity, organization, and flexibility within the still embryonic American national security state prevented him from acting more decisively to prevent the slide toward war. The United States had acquired the means to become the world's most powerful state decades earlier. Yet as late as September 1939 the Army ranked nineteenth in the world—behind Portugal and only slightly ahead of Bulgaria. Its less than half-strength divisions were scattered across 130 locations and armed with obsolete equipment.¹⁴ The armed forces were not only undersized but also disorganized. Decades after various reform efforts they were still riddled with limited planning capabilities, decentralized authority structures, and at times unclear chains of command. Cooperation between the War and Navy Departments, moreover, was mostly absent or dysfunctional. The lack of a centralized body to coordinate their

See Ryan C. Hendrickson, "Libya and American War Powers: War-Making Decisions in the United States," *Global Change, Peace & Security* 25, no. 2 (2013): 179–182.

¹³ David Rhode, "The Drone Wars," *Reuters Magazine*, January 26, 2012, <http://www.reuters.com/article/2012/01/26/us-david-rohde-drone-wars-idUSTRE80P11I20120126>; Jo Becker and Scott Shane, "Secret 'Kill List' Proves a Test of Obama's Principles and Will," *New York Times*, May 29, 2012, http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?_r=0.

¹⁴ George C. Marshall, "Biennial Report of the Chief of Staff of the United States Army to the Secretary of War: July 1, 1943, to June 30, 1945," in *Biennial Reports of the Chief of Staff of the United States Army to the Secretary of War: 1 July 1939 - 30 June 1945* (Washington, DC: Government Printing Office, 1996), v, 3–4.

intelligence efforts, for example, was later widely viewed as contributing to the surprise attack on Pearl Harbor. Equally problematic was the lack of a central organization to tie together the views of the military departments with their counterparts engaged in diplomacy. There was in fact no formal institution in the American state below the President himself to help plan and direct overall national security policy.

Perhaps most disconcerting for Roosevelt was his lack of discretion to utilize what military capabilities the country did have. Presidents had always used the armed forces independently to protect American citizens and property in foreign countries, and since 1900 more loosely to defend and advance the country's growing overseas interests. Such discretion was limited, however, and in the 1930s even that was under threat of being rolled back. Beginning in 1935, Congress passed a series of Neutrality Acts partly to check what Senator Hiram Johnson called "the President's sinister...grasp of the war-making power."¹⁵ Throughout the decade, moreover, some congressmen proposed amending the Constitution to include the requirement of a national referendum in the event of war. Both efforts were broadly popular with the American public. Without the United States entering a full-scale war, therefore, Roosevelt had few options to use the country's military power to prevent the slide toward war or to affect its outcome once under way in September 1939. Between 1939 and 1941, Congress began to back greater preparedness and loosen restrictions on executive action. Importantly, however, America remained on the sidelines until Congress declared war after the attack on Pearl Harbor.

Thus on the eve of the United States' largest foreign war, the American state was militarily feeble and unorganized, and decision-makers were constrained from acting earlier to prevent such an outcome. What is important to highlight is that this was all *by design*. The

¹⁵ Robert Dallek, *Franklin D. Roosevelt and American Foreign Policy, 1932-1945* (New York: Oxford University Press, 1979), 140.

country's domestic institutions had always been informed by republican ideas about the dangers of standing armed forces, centralized military authority, and executive war-making powers. These ideas were codified in the Constitution and embedded into the very fabric of the American state. They also informed the country's historical preference to avoid war for fear that prolonged or persistent preparation for war might undermine its domestic institutional arrangement. Thus, while America's actions—or lack thereof—in the 1930s appear perplexing from a great power perspective, they were perfectly in line with the country's long-standing domestic preferences.

It is far from certain whether President Roosevelt might have averted or even contained the magnitude of World War II if given greater military resources, better national security organization, and a freer hand to employ the country's armed forces. Regardless, the view of practitioners and scholars was that the failure of the United States and other Western countries to deter the Axis powers in the 1930s demonstrated the weakness of democracies in conducting foreign policy.¹⁶ A young John F. Kennedy captured the crux of the problem in 1940. He argued that there is a “fundamental instinct of man against war,” which in representative government trickles up and “binds the hands of democratic leaders.”¹⁷ Like others at the time and later,

¹⁶ The idea that America's democratic political institutions would inhibit policymakers from acting effectively is what Peter Gourevitch characterizes as the “insufficiency position.” Some important scholars who articulated this view include Hans J. Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy* (Washington, DC: University Press of America, 1950), 221–242; George F. Kennan, *American Diplomacy*, Expanded Edition (Chicago: University of Chicago Press, 1951), 93–100; Walter Lippmann, *Essays in the Public Philosophy* (Boston: Little, Brown and Company, 1955); Dean Acheson, *A Citizen Looks at Congress* (New York: Harper & Brothers, 1957), 86; Hans J. Morgenthau, *Dilemmas of Politics* (Chicago: Chicago University Press, 1958), 324–339; George F. Kennan, *The Cloud of Danger: Current Realities of American Foreign Policy* (Boston: Little, Brown and Company, 1977), 3–9; Samuel P. Huntington, *American Politics: The Promise of Disharmony* (Cambridge: Harvard University Press, 1981), 18; Peter A. Gourevitch, “Reinventing the American State,” in *Shaped By War and Trade: International Influences on American Political Development*, ed. Ira Katznelson and Martin Shefter (Princeton: Princeton University Press, 2002), 304.

¹⁷ John F. Kennedy, *Why England Slept* (New York: W. Funk, Inc., 1940), 228, 224.

Kennedy suggested these constraints made the United States ill-suited for a new era, which required military preparedness and the use of force as an instrument of foreign policy.

The view that the United States could not effectively build or project military power, however, persisted even after the country prevailed in World War II and reoriented its foreign policy to confront the Soviet Union in the Cold War. As the prominent practitioner/scholar George Kennan later reflected, the problem in democracies was in “the machinery of government” or “the machinery of decision-making.” He was particularly concerned about the lack of executive autonomy under democratic government and the fact that decision-makers were “beholden to short-term trends of public opinion.”¹⁸ Walter Lippmann likewise argued that legislatures and publics in democracies act “to devitalize, to enfeeble, and to eviscerate the executive powers.” The problem was that no state could act decisively and effectively in questions of war and peace, Lippmann warned, if “the executive and judicial departments...have lost their power to decide.”¹⁹

One area that struck observers as particularly problematic was the reluctance of democracies to adhere to the logic of force in world politics. This belief was endemic in the United States. Kennan, for example, lamented “the sweeping moral rejection of international violence which bedevils so many Americans in times of peace.”²⁰ Lippmann meanwhile took Kennan to task for not recognizing this very problem as the flaw in containment. He argued that the United States could not operate a policy that required applying “counter-force” around the world under a democratic Constitution. Even if decision-makers did pursue such a strategy, Lippmann warned, the American public would tire of it before Soviet leaders without similar

¹⁸ George F. Kennan, “Diplomacy in the Modern World,” in *American Diplomacy*, Expanded Edition (Chicago: University of Chicago Press, 1951), 93, 94, 99.

¹⁹ Lippmann, *Essays in the Public Philosophy*, 47–57, quotes on 27, 55.

²⁰ Kennan, “Diplomacy in the Modern World,” 90.

domestic constraints did.²¹ During the Cold War, others such as Zbigniew Brzezinski and Samuel Huntington frequently contrasted the competitiveness of the Soviet state of war with the “American reluctance to use force”—a reluctance they argued was “deeply rooted in the American tradition and political beliefs.”²² Or as Stanley Hoffmann would observe, the dominant “liberal view of international affairs” in America “suffers from a complete misunderstanding of the role of force in world history.” Writing two decades after World War II, he lamented that there still remained “an instinctive inhibition in America's approach to the use of national force.”²³

America’s pre-World War II record does provide some evidence for the notion that as a democracy the country both resisted and struggled to build and project military power. By the turn of the twentieth century, America’s economy was the largest in the world and its interests extended far beyond North America. The United States easily could have afforded to build a large and powerful military and engage in an extensive program of overseas expansion. Yet, even as the United States rose to power, it kept a small standing army, seldom resorted to large-scale use of force to secure or advance its interests, and in many ways under-expanded relative to the opportunities it had to do so.²⁴ During the height of the age of imperialism between 1870 and 1900, when the United States made its greatest gains overseas, it seized about 125,000 square

²¹ Lippmann feared that a strategy of applying counterforce at “constantly shifting geographical and political points corresponding to the shifts in and maneuvers of Soviet policy” actually played right into the strengths of the Soviet Union, which was much better suited to such a policy. Walter Lippmann, *The Cold War: A Study in U.S. Foreign Policy* (New York: Harper & Brothers, 1947), 14–17, 20.

²² Zbigniew Brzezinski and Samuel P. Huntington, *Political Power: USA/USSR* (New York: The Viking Press, 1964), 383.

²³ Stanley Hoffmann, *The State of War: Essays on the Theory and Practice of International Politics* (New York: Frederick A. Praeger, 1965), 174.

²⁴ Fareed Zakaria, shows that the United States “under-expanded” at least up until the Spanish-American War in 1898. But even after a brief bout of expansionist activity during the post-1898 years, the United States continued to act relatively passively relative to its potential. Fareed Zakaria, *From Wealth to Power: The Unusual Origins of America’s World Role* (Princeton: Princeton University Press, 1999).

miles of land, most of which consisted of uncharted parts of the Philippine Islands.²⁵ Germany in contrast seized more than 1 million square miles during these years, while Great Britain seized about 5 million square miles or roughly forty times as much land as the United States.²⁶ Many American leaders supported a more ambitious foreign policy in the early twentieth century and by the eve of World War I called for permanent peacetime war preparation. But even after World War I, the United States rolled back its military and attempted to pursue a policy of diplomacy without force.

During the Cold War, the notion that the United States—as a democracy—could not build and project military power continued, even as it clearly no longer applied. The country had already shown itself capable of building the military power required to win World War II and then constructed a powerful national security state to match and eventually outlast the Soviet Union in the Cold War. Moreover, the United States did not struggle to project military power during the war or in the postwar period. In fact, since 1940 the country has waged six large-scale foreign interventions, at least seventy-seven more limited interventions, and hundreds of other covert and clandestine operations.²⁷ In addition, force (short of open hostilities) has been used for political purposes in several hundred instances.²⁸ Barry Blechman and Stephen Kaplan

²⁵ Beginning in 1916, the United States would begin the slow process of giving the Philippines self-rule and eventual independence.

²⁶ Walter LaFeber, “The ‘Lion in the Path’: The US Emergence as a World Power,” *Political Science Quarterly* 101, no. 5 (1986): 712.

²⁷ The number of times the United States has used force since World War II is notoriously difficult to define and calculate. The number of limited interventions is a conservative estimate that was compiled based on Richard F. Grimmett, “Instances of Use of United States Armed Forces Abroad, 1798-2010,” CRS Report R41677, 2010.

²⁸ All told, scholars have identified over four hundred such instances. See Barry M. Blechman and Stephen S. Kaplan, *Force Without War: U.S. Armed Forces as a Political Instrument* (Washington, DC: The Brookings Institution, 1978); Philip Zelikow, “The United States and the Use of Force: A Historical Summary,” in *Democracy, Strategy, and Vietnam: Implications for American Policymaking*, ed. George K. Osborn et al. (Lexington, MA: Lexington Books, 1987), 31–81; Benjamin O. Fordham and Christopher C. Sarver, “Militarized Interstate Disputes and United States Uses of Force,” *International*

estimate that from 1946 through the mid-1970s the United States actually used force roughly twice as often as the Soviet Union to achieve its political goals.²⁹ During the decade after the Cold War, at a time when the United States was arguably more secure, America used force even more freely in the Persian Gulf, Somalia, Haiti, Bosnia, Kosovo, and across no-fly zones in northern and southern Iraq. And in the decade following the September 11 attacks, the country conducted major interventions in Afghanistan and Iraq, along with other significant military operations.

All told, the United States was roughly four times more likely to be involved in either a militarized interstate dispute or an actual interstate war in any given year between 1941 and 2007 than between 1816 and 1940.³⁰ This excludes the use of covert operations, which were non-existent previously, but are known to have exploded in the postwar period. Clearly there is a gap between the historical expectations of practitioners and scholars about the willingness and ability of the United States as a democracy to build and use military power. Such a view may have applied to the prewar period, but the country's actual record over the last seven decades suggests something changed dramatically halfway through the twentieth century with democracy no longer operating as quite the constraint many believed it to be.

The discontinuity between the prewar and postwar actions of the United States presents a pair of seemingly contradictory puzzles about the relationship between international and domestic politics that have still not been fully reckoned with by international relations scholars.

Studies Quarterly 45, no. 3 (2001): 455–66; William G. Howell and Jon C. Pevehouse, *While Dangers Gather: Congressional Checks on Presidential War Powers* (Princeton: Princeton University Press, 2007).

²⁹ Blechman and Kaplan, *Force Without War: U.S. Armed Forces as a Political Instrument*.

³⁰ Faten Ghosn, Glenn Palmer, and Stuart A. Bremer, "The MID3 Data Set, 1993–2001: Procedures, Coding Rules, and Description," *Conflict Management and Peace Science* 21, no. 2 (2004): 133–54; Meredith Reid Sarkees and Frank Wayman, *Resort to War: 1816-2007* (CQ Press, 2010).

Why as the most powerful country in the world in the 1930s was the United States so unprepared and so unwilling to act more forcefully during the run-up to World War II? And why if America's democratic political system acted to constrain the state so much before World War II did it not do so afterward? In the next section I explain why the prevailing views on the democracy/foreign policy nexus in international relations theory have trouble explaining this divergence and how I propose to resolve this gap in the literature.

The Democracy/Foreign Policy Nexus Reconsidered: International Security Competition and a Realist Theory of the *Dynamic* State

At the risk of oversimplifying some important distinctions, there are roughly three approaches to understanding the relationship between democracy and foreign policy in international relations theory today.³¹ The first comprises a variety of classical realist, liberal, and rational choice theories, which argue that democracy acts as an important constraint on state action in world politics.³² In particular, they contend democratic institutions create a “policy bias” toward the non-use of force.³³ The second consists of system-level theories, which argue that international political pressure trumps domestic pressure and therefore states are likely to respond to environmental factors despite constraints at home. The most notable systemic theory

³¹ I discuss these theories at greater length in chapter one.

³² Paradigmatic statements from each of these theoretical families include Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy*, 221–242; Michael W. Doyle, “Kant, Liberal Legacies, and Foreign Affairs, Part 2,” *Philosophy & Public Affairs* 12, no. 4 (1983): 323–53; Bruce Bueno De Mesquita et al., “An Institutional Explanation of the Democratic Peace,” *American Political Science Review* 93, no. 4 (1999): 791–807.

³³ This is particularly true of liberal and rational choice theories. As I explain in chapter one, the position of classical realists is more complicated. Their concern is that democracy makes states reluctant to use force as a rational instrument of policy to mitigate inter-state competition until major wars are required. Thus, paradoxically, democracy creates a policy bias toward the non-use of force, but ultimately may result in wars that are more destructive. On the concept “policy bias” see Ronald Rogowski, “Institutions as Constraints on Strategic Choice,” in *Strategic Choice and International Relations*, ed. David A. Lake and Robert Powell (Princeton: Princeton University Press, 1999), 115–36.

is Kenneth Waltz's structural realism in which states are conceptualized as autonomous vis-a-vis their domestic publics and "passive military-adaptive," meaning they are expected to adjust to changes in the international security environment similarly—including by building military power and using force when necessary—regardless of their domestic political constitutions.³⁴ These two approaches together constitute two sides of a coin where democracy is either seen as an important factor in explaining world politics or not. This binary logic has long shaped debates about the relationship between democracy and foreign policy.

In recent years, however, scholars working either explicitly or implicitly within a neoclassical realist framework have elaborated a third approach in which the democracy/foreign policy nexus is viewed in more varied terms. Neoclassical realists start from a structural realist perspective, but look at the way states respond to systemic pressure in light of domestic factors.³⁵ They argue that not just regime type (i.e. democracy vs. non-democracy), but also the nature of the state (i.e. strong vs. weak, centralized vs. decentralized, autonomous vs. constrained) matters for explaining democracy's actual influence on state behavior. By looking at state structure, they find in fact that "not all democracies are alike."³⁶ Of particular importance is the fact that some democratic institutional arrangements provide decision-makers in the executive branch with

³⁴ Kenneth N. Waltz, *Theory of International Politics* (Boston: McGraw-Hill, 1979); The term "passive military-adaptive" comes from Hobson and is discussed at greater length in chapter two. Hobson, *The State and International Relations*.

³⁵ The term "neoclassical realism" was coined by Gideon Rose, "Neoclassical Realism and Theories of Foreign Policy," *World Politics* 51, no. 1 (1998): 144–72; For other introductions to neoclassical realism see Randall L. Schweller, "The Progressive Power of Neoclassical Realism," in *Progress in International Relations Theory*, ed. Colin Elman and Miriam Fendius Elman (Cambridge: MIT Press, 2003), 144–72; Brian C. Rathbun, "A Rose by Any Other Name: Neoclassical Realism as the Logical and Necessary Extension of Structural Realism," *Security Studies* 17, no. 2 (2008): 294–321; Jeffrey W. Taliaferro, Steven E. Lobell, and Norrin M. Ripsman, "Introduction: Neoclassical Realism, the State, and Foreign Policy," in *Neoclassical Realism, the State, and Foreign Policy*, ed. Steven E. Lobell, Norrin M. Ripsman, and Jeffrey W. Taliaferro (Cambridge: Cambridge University Press, 2009), 1–41.

³⁶ Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*, 1.

more autonomy than others. This in turn explains variation in state behavior across a range of issues including crisis negotiation, the use of force, and peacemaking.³⁷ By “bringing the state back in,” neoclassical realists have corrected some of the gaps in the first two approaches and shown that the constraints faced by leaders in democracies often vary in important ways.

The American case offers evidence at different times for each of these approaches. The prewar American reluctance to pursue policies that might embroil the country in war tends to confirm the expectations of the first. Americans for much of their history normally expected to be at peace and the Framers of the Constitution purposefully designed the country’s institutional arrangement to reflect that preference. Specific checks were included to make sure the development of a vast military establishment, the concentration of military authority, and the employment of the armed forces were all limited by cumbersome restrictions. The resilience of these constraints can be seen in the post-1890 period (especially the interwar period). During this time the United States became the most powerful country in the world and faced increasing systemic pressure. Yet the American state did not pursue a traditional great power foreign policy, contrary to what structural realism would expect.

In the postwar period, however, America’s foreign policy began to conform better with structural realism’s expectation that states ultimately respond to increases in systemic pressure irrespective of their domestic political constitutions. In an important yet often neglected study *Foreign Policy and Democratic Politics*, Waltz found the American state no more disadvantaged in the Cold War than the authoritarian Soviet state. He noted that after World War II both

³⁷ Exemplary works include Susan Peterson, *Crisis Bargaining and the State: The Domestic Politics of International Conflict* (Ann Arbor: University of Michigan Press, 1996); David P. Auerswald, *Disarmed Democracies: Domestic Institutions and the Use of Force* (Ann Arbor: University of Michigan Press, 2000); Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*.

countries were quickly able to “extend their influence globally and compete at all levels of power.”³⁸ Looking back on the Cold War years later, moreover, he pointed to the fact that the United States and the Soviet Union behaved similarly throughout the conflict despite their different domestic political systems.³⁹ America’s democratic constraints were less constraining than others suggested, he argued.⁴⁰

Neoclassical realism can account for American foreign policy behavior both before and after the war by looking not only at systemic pressure but also the constraints decision-makers faced in each period. It is possible American decision-makers before the war were constrained by tighter democratic constraints that favored non-involvement in world affairs, whereas afterward they operated with fewer constraints. In other words, it is possible the American state of the Cold War was no longer the same American state it was in the 1930s and that this in part explains behavioral variation over time. The problem with this explanation is not that it is wrong. The changing nature of the American state at this time is an obvious factor. Instead, the problem is that neoclassical realism—indeed realism as a whole—lacks a framework for explaining why and how the American state changed.

To account for cases like the United States and others, I propose what might be called a realist theory of the *dynamic* state. At the center of the theory is the idea that states are produced, reproduced, and often transformed by their interactions with other states in the international system. This is particularly true with respect to their security interactions—both actual war and

³⁸ Kenneth N. Waltz, *Foreign Policy and Democratic Politics: The American and British Experience* (Boston: Little, Brown and Company, 1967), quote on 5.

³⁹ Kenneth N. Waltz, “America as a Model for the World? A Foreign Policy Perspective,” *PS: Political Science and Politics* 24, no. 4 (1991): 667–70.

⁴⁰ Waltz is often criticized for ignoring domestic politics. A careful reading of his work, however, shows he pays attention to it but simply finds it less important a factor in determining international political outcomes than others assume.

the need to prepare for possible war in the future. Structural realism acknowledges this state dynamism implicitly, but simply takes it for granted. The theory assumes states will do whatever it takes to survive, but elides the question of how they adapt internally by conceiving of them as “black boxes” or “billiard balls” that automatically adjust their behavior in the face of systemic pressure.⁴¹ The problem with this explanation is that such behavioral adaptation depends on a state’s underlying institutional ability to act accordingly. What is critically missing in this story is what happens when states lack such ability. Neoclassical realism meanwhile takes state dynamism for granted in a different way. Neoclassical realist theories assume that states are institutionally heterogeneous, both across case and over time. But they treat this heterogeneity as given and static.

To account for these shortcomings in the various strands of contemporary realist theory, I argue, requires a more explicit and nuanced theory of the state and state-building—something realists to this point have largely eschewed.⁴² What is needed is a processual theory that marries the functionalism of structural realism with the institutionalism of neoclassical realism to explain how systemic pressure actually *causes* institutional variation at the domestic level. In chapter two, I construct this theory by returning to the insights of Peter Gourevitch’s second image reversed approach and particularly “bellicist” theories of state formation, which look to international security competition as a source of domestic institutional change.⁴³ Drawing on this

⁴¹ As J. David Singer observed in his seminal article on the levels of analysis, the black box or billiard ball assumption is necessary and common to all truly system-level theories. J. David Singer, “The Level-of-Analysis Problem in International Relations,” *World Politics* 14, no. 1 (1961): 81–82.

⁴² Some important works that have begun this effort in recent years include Jeffrey W. Taliaferro, “State Building for Future Wars: Neoclassical Realism and the Resource Extractive State,” *Security Studies* 15, no. 3 (2006): 464–95; João Resende-Santos, *Realism, States, and the Modern Mass Army* (Cambridge: Cambridge University Press, 2007).

⁴³ The term second image reversed was originally used by Peter Gourevitch to characterize theories that in part attempt to explain domestic political transformation in light of changes at the international level.

tradition, I first develop a conception of states as institutional-functional units, which are torn between the dual-constraints imposed by domestic institutions on the one hand, and life in the international system on the other. I then turn to developing a theory of the *dynamic* state using a macro-micro-macro model embedded with a series of mechanisms to explain how state behavior at the system level depends on state-building efforts to carve out greater institutional capacity and autonomy at the unit level.

The core of the theory is as follows: When international security competition is severe, it creates systemic pressure on states and causes what I call “institutional stress” when existing institutions do not enable the state to act. This institutional stress in turn leads policymakers to undertake two broad sets of state-building activities to transform existing institutions and improve the state’s ability to respond to greater systemic pressure: First, they attempt to extract more resources from society in order to create greater military capacity. This includes raising taxes, conscripting or hiring professional soldiers, increasing industrial production, and developing new military technologies. Second, they attempt to carve out a greater degree of state autonomy in order to better project military power when necessary. This includes streamlining and centralizing national security institutions and decision-making procedures to better insulate

Peter Gourevitch, “The Second Image Reversed: The International Sources of Domestic Politics,” *International Organization* 32, no. 4 (1978): 896–900. The term “bellicist” was coined by Philip Gorski to describe the literature on the state that focuses on “international military competition as the driving force behind state formation.” Important works in this literature include Charles Tilly, “Reflections on the History of European State-Making,” in *The Formation of National States in Western Europe*, ed. Charles Tilly (Princeton: Princeton University Press, 1975), 3–82; Charles Tilly, “War Making and State Making as Organized Crime,” in *Bringing the State Back In*, ed. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985), 169–91; Charles Tilly, *Coercion, Capital, and European State, AD 990-1990* (Cambridge: Basil Blackwell, 1990); Brian Downing, *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton: Princeton University Press, 1992); Thomas Ertman, *The Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997); Philip S. Gorski, *The Disciplinary Revolution: Calvinism and the Rise of the State in Early Modern Europe* (Chicago: University of Chicago Press, 2003), 5–10, quote on 5.

policymakers to do things like initiate the use of force. When systemic pressure is low or moderate, we should expect indeterminate or incremental institutional change, as existing institutions (and their related ideational foundations) are often resistant to outside-in generated stress. When systemic pressure is severe, we should expect institutional change that is more episodic in nature. It is under these latter conditions in particular that we should expect states to be constitutively adaptive—meaning they institutionally adapt to malign international security environments—and thus *dynamic*.

The American Case in Comparative-Historical Perspective

To analyze the relationship between international security competition and domestic institutional change, I study the development of American national security institutions in comparative-historical perspective using a longitudinal research design. I periodize the country's development into three temporal phases—1787-1890, 1890-1941, and 1941-1960—and conduct case studies of each period to observe the relationship between international politics and stability and change in the state's institutional structures and decision-making procedures over time. In each period I pay particular attention to how policymakers thought about the international environment in relation to the country's domestic institutions. I show that the three periods vary in terms of the systemic pressure faced by the United States and that this variation in turn helps explain three distinct institutional logics: institutional *formation* in the first period, institutional *resistance* in the second, and ultimately institutional *adaptation* in the third.

The United States provides fertile ground to study the relationship between international security competition and domestic institutional change in part because it is the only modern great power to develop in isolation from great power politics. As Aristide Zolberg explains, the United

States “did not yet exist as an actor during the global wars of the early modern era, which shaped the structure of the major European states, and...it participated only marginally in the global war of 1792-1815, which further stimulated the development of state structures among the European belligerents. This allowed for a developmental pattern that diverged sharply from the European norm.” Most relevant here is that fact that while other states “achieved [great power] status before the age of liberal democracy, and by and large managed to insulate their externally oriented decision-making apparatus from the pressures of accountability, the United States rose to global leadership well after such accountability was institutionalized.”⁴⁴

The result of this distinct developmental pattern has been two-fold: first, the American state originally—and for a long time—lacked many features of stateness, including autonomy.⁴⁵ Second, any state-building efforts to carve out greater autonomy since have generally generated strong congressional and public resistance. This has certainly been the case in domestic affairs, but it has also impacted the structure of state control over foreign affairs (particularly up until World War II, as I show). As Eric Nordlinger argues, the United States’ developmental legacy makes the American state “close to being an unquestionably least likely case” for exhibiting autonomy.⁴⁶ Observing when and how state-building for autonomy occurred in such an adverse institutional environment during the country’s rise to power, therefore, serves as an important proving ground for a second image reversed approach. To be clear, the specific explanation offered for the American case likely does not travel to other cases in exact form. As I show, variation in domestic factors across cases ensures this is doubtful. Rather, the purpose is to

⁴⁴ Aristide R. Zolberg, “International Engagement and American Democracy: A Comparative Perspective,” in *Shaped By War and Trade: International Influences on American Political Development* (Princeton: Princeton University Press, 2002), 29, 30.

⁴⁵ Many have gone so far as to consider the United States stateless for much of its history. J.P. Nettl, “The State as a Conceptual Variable,” *World Politics* 20, no. 4 (1968): 559–92.

⁴⁶ Nordlinger, *On the Autonomy of the Democratic State*, 183–184.

develop a formal theoretical framework within which to examine institutional change. Focusing on the United States as a least likely case helps develop and show the value of the framework, but I do not presuppose that all instances of institutional change unfold the same exact way.

The distinctive origins of the American state make it necessary to return to America's Founding Period in order to understand both what the country's original institutional arrangement was with respect to executive war-making powers and why it was originally constructed that way. The first temporal phase of American history from 1787-1890 can be defined as a period of institutional *formation*. Systemic pressure at this time was relatively weak.⁴⁷ Ideas about republican government consequently were able to play an outsized role in determining the original design of America's security institutions in the Constitution, as well as the subsequent development of those institutions in the country's early years. At a general level, the Framers of the Constitution shared a common concern that war, or even preparation for war, might imperil the country's framework of limited government.⁴⁸ This general concern was manifested in the form of more specific fears about the dangers of standing armed forces, centralized military authority, and independent executive war-making powers. The Constitution reflected these fears and was designed to fragment and disperse power and authority within institutional structures and decision-making procedures related to war and peace. This

⁴⁷ As Samuel Huntington noted, in the early years of the American Republic, "national security was a simple given fact—the starting point of political analysis—not the end result of conscious policy." Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Harvard University Press, 1957), 145.

⁴⁸ In this sense it is important to note that they conceived of domestic and foreign affairs powers as deeply intertwined. If the latter grew, they feared the former would also.

arrangement worked to make “obstruction easy” and “positive action difficult” in the American state, marking an institutional legacy that would shape its later development.⁴⁹

The second phase from 1890-1941 can be characterized as a period of institutional *resistance*. By 1890, the United States was the world’s largest economy and manufacturer, and second most populous country. At home it faced expansionary pressure in the form of a fast growing economy and at least the perception of a closing frontier, while abroad it began to face some competition from European countries as the second wave of imperialism (1870-1914) peaked and threatened to endanger American interests in the Western Hemisphere and East Asia. Near the close of the decade, the country began to conduct a more assertive foreign policy and even flirted with outright imperialism after the Spanish-American War. America’s oceanic barriers continued to provide an important degree of safety. But with its growing power and foreign commercial interests, and changes in technology, the United States faced a moderate increase in systemic pressure, which would continue to grow in this period.⁵⁰

During this time, the United States built larger standing forces, attempted to reform and modernize the War and Navy Departments, and provided the executive with greater discretion to use force overseas for the protection of American citizens and property. These state-building activities were important, but they were incremental and did not result in a fundamental break in

⁴⁹ Stephen D. Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy* (Princeton: Princeton University Press, 1978), 61.

⁵⁰ It was around this time that the “shrinking globe” theory of American foreign policy emerged, which conceived of the world as increasingly foreshortened by technology with the United States becoming more vulnerable. A line from the report, “Statement of a Proper Military Policy for the United States,” produced by the Army General Staff in 1915 provides a snapshot of this view: “The safeguard of isolation no longer exists. The oceans, once barriers, are now easy avenues of approach by reason of the number, speed, and carrying capacity of ocean-going vessels. The increasing radii of action of the submarine, the aeroplane, and wireless telegraphy all supplement ocean transport in placing both our Atlantic and Pacific coasts within the sphere of hostile activities of overseas nations.” On the shrinking globe theory see chapters four and six. Army War College, *Statement of a Proper Military Policy for the United States* (Washington, DC: Government Printing Office, 1916), 1.

institutional development. If the American state acquired any of the features of a national security state in this period, those features can at best be described as embryonic. Instead, the traditional republican institutional arrangement of the American state demonstrated remarkable resilience. Policymakers resisted efforts to build large standing forces in peacetime, centralize military authority, and shift even greater war-making powers to the executive. This can be seen most clearly after World War I, when the country's massive military machine and the executive's accumulated wartime powers were all rolled back. As the case study of the period shows, though many of the seeds of greater executive war-making autonomy were sown at this time, they would not bear fruit until after World War II.

Finally, the third phase from 1941 to 1960 can be considered a period of institutional *transformation*. Beginning with the attack on Pearl Harbor in December 1941, the United States faced intense systemic pressure that placed a tremendous amount of institutional stress on the American state. This pressure was driven by the rapidly changing nature of warfare technologies and later the emerging Cold War with the Soviet Union. Together, these factors gave birth to a new logic of force, which dictated the United States build, maintain, and project military power in the postwar period. America's national security institutions, however, were poorly equipped for such a task. Resolving this gap required policymakers to transform the country's institutions and build what we now know today as the national security state.

At the heart of constructing a new national security state was the requirement of carving out greater executive power and autonomy to enable the United States to act more decisively. Thomas Bailey captured this sentiment well, arguing that Americans now had to be "willing to give our leaders in Washington a freer hand." He argued, "the yielding of some of our democratic control of foreign affairs is the price that we may have to pay for greater physical

security.”⁵¹ A “freer hand” in foreign policy largely meant shifting authority from Congress to the executive branch, which by virtue of the fact that it was more hierarchically structured and more insulated from popular pressures could act with greater “Decision, activity, secrecy, and despatch.”⁵² Looking back on the period, Senator J. William Fulbright, one of the most prominent critics of executive power later, explained “it was not difficult to be persuaded that modern realities required greater latitude for the President” at the time⁵³ In fact, he himself was an important proponent of vesting greater power in the executive, arguing, “the price of democratic survival in a world of aggressive totalitarianisms is to give up some of the democratic luxuries of the past.”⁵⁴

The question for American policymakers in the postwar period, however, was how to give the executive a freer hand to conduct foreign policy—which inevitably meant compromising some of the republican principles that had long militated against such change—without turning into the full-blown garrison state or dictatorial regime that many feared it might. As Lasswell had warned, in a garrison state “the political élite...will find it necessary to make certain adaptations in the fundamental practices of the state. Decisions will be more dictatorial than democratic, and institutional practices long connected with modern democracy will

⁵¹ Thomas A. Bailey, *The Man in the Street: The Impact of American Public Opinion on Foreign Policy* (New York: The Macmillan Company, 1948), 18; See also Hanson W. Baldwin, *The Price of Power* (New York: Harper & Brothers, 1947); Clinton L. Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (Princeton: Princeton University Press, 1948).

⁵² This well known description of executive advantages is from Alexander Hamilton, “Federalist Number 70,” in *The Federalist*, ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), 363.

⁵³ J. William Fulbright, “Forward,” in *Constitutional Diplomacy*, by Michael J. Glennon (Princeton: Princeton University Press, 1990), xi.

⁵⁴ J. William Fulbright, “American Foreign Policy in the 20th Century under an 18th-Century Constitution,” *Cornell Law Quarterly* 47, no. 1 (1961): 7.

disappear.”⁵⁵ Figuring out how to provide a freer hand to the executive to project power without “destroying the very qualities and virtues and principles we originally set about to save” was part of the “grand dilemma” of the time, in the words of Hanson Baldwin.⁵⁶

In the dissertation, I attempt to show that American decision-makers were able to redesign the country’s domestic political institutions and shift war-making powers to the executive through a three-part institutional transformation that together made force a more “usable” foreign policy tool without resulting in the consequences envisioned by Lasswell. The first institutional transformation was the construction of significant standing forces for the first time in the country’s history and the development of new instruments of warfare including the Central Intelligence Agency (CIA) in 1947. As I will discuss later, the construction of a large peacetime army represented a monumental shift in institutional power to the executive branch, as legislative acts were no longer needed to build military force on an ad hoc basis. This shifted the initiative to project and use military power away from Congress to the President, enabling the latter, by virtue of his newly empowered role as Commander in Chief, to send and station forces overseas (as President Truman did in Europe in 1951) or even commit American forces to large-scale war (as President Truman did in Korea in 1950). The construction of new instruments of warfare such as the CIA meanwhile provided Presidents with the capacity to use force short of committing the country to large-scale war. In cases where large-scale actions were ill-advised or public opinion prevented them, these new organizations provided the executive with the ability to use more discreet forms of force.

Second, and related to the first shift, not only was the military expanded and new instruments of warfare created, but their control was better organized and centralized in the

⁵⁵ Lasswell, “The Garrison State,” 461.

⁵⁶ Baldwin, *The Price of Power*, 19, 20.

executive branch. This reorganization was part of a much larger effort on the part of the federal government to streamline the executive branch of government, which had grown large and unwieldy under the Roosevelt Administration. But unlike much of the domestic state institutions connected to New Deal programs, which Congress attempted to dismantle after the war, efforts to reorganize the national security apparatus actually served to consolidate executive administrative control without subjecting new agencies like the CIA to extensive congressional control. The most important reform efforts centered on unifying the military, creating the Department of Defense and a Secretary of Defense, and establishing the National Security Council as a small and authoritative decision-making unit within the executive office of the President. The effect of these efforts was to streamline the organizational structure of the national security apparatus.

Finally, there was a shift in the procedural norms governing the country's war powers, which transferred the authority to initiate hostilities from Congress to the President. From the ratification of the United States Constitution and the election of the first President in 1789 through the Korean War in 1950, war powers in the United States had remained firmly vested in the legislative process with Presidents wielding those powers outside of established procedures only in rare circumstances. Beginning with the Korean War, however, a clear break occurred. Presidents began to claim inherent and often preclusive authority to make decisions about the use of force. This did not stem from a formal Constitutional change—Congress still holds the formal power to declare war today—but from a change in the informal procedures by which the government initiates the use of force. Whereas the initiative previously lay with Congress and Presidents, the development of new procedures enabled Presidents to take a range of military actions without first seeking a declaration of war or even securing congressional authorization.

By expanding and creating new instruments of warfare, by organizing their control, and by rebalancing the decision-making procedures for their use, American decision-makers were effectively able to transfer the authority to project military power from the legislature to the more insulated executive branch in a few short years. This process was riddled with organizational difficulties and produced less than perfect results in many cases, but in sum they helped provide the American executive with greater autonomy to use force when necessary.

Contributions

The dissertation aims to make three general contributions to the study of international relations. First, the general purpose of the dissertation is one of theory-building/refinement. In particular, the dissertation contributes to the ongoing debate in international relations theory about the influence of international vs. domestic factors in determining state behavior. Since the development of structural realism reshaped the study of world politics more than three decades ago, international relations theorists have struggled with questions about what role systemic pressures play in shaping state behavior and how to incorporate domestic-level factors into realism. A variety of structural realist approaches maintain that important aspects of state behavior can be explained by focusing solely on system-level factors.⁵⁷ Liberalism and a host of other *Innenpolitik* theories meanwhile claim that domestic politics matter far more than realism is able to account for.⁵⁸ Andrew Moravcsik, for example, provides a forceful rebuttal to realism,

⁵⁷ Waltz, *Theory of International Politics*; John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, 2001); Patrick James, *International Relations and Scientific Progress: Structural Realism Reconsidered* (Athens, OH: Ohio State University Press, 2002); Eric J. Hamilton and Brian C. Rathbun, "Scarce Differences: Toward a Material and Systemic Foundation for Offensive and Defensive Realism," *Security Studies* 22, no. 3 (2013): 436–65.

⁵⁸ This literature is vast. Representative examples include Richard N. Rosecrance and Arthur A. Stein, eds., *The Domestic Bases of Grand Strategy* (Ithaca: Cornell University Press, 1993); Peter Trubowitz,

arguing, “the configuration of state preferences matters most in world politics,” not the system-level factors favored by realists.⁵⁹

Neoclassical realists have responded to these criticisms by using the expectations of structural realism as a baseline for state behavior but then turning to internal characteristics to explain “the actual diplomatic, military, and foreign economic policies states select.”⁶⁰ This line of inquiry has provided an innovative and powerful approach for explaining state behavior but has been critiqued for diluting the theoretical value of realism by introducing unit-level variables into its analysis.⁶¹ As Brian Rathbun argues, however, neoclassical realism is not “degenerative” per se. Rather, it should be viewed more properly as “a necessary and logical extension of structural realism” that fleshes out many of the unstated assumptions of the latter and explains why states do or do not adapt to systemic pressure.⁶²

My research joins the theory building/refinement efforts made by neoclassical realists to develop structural realism by crossing the system/unit-level boundary. My effort is complementary to those of neoclassical realists, but distinct. Instead of looking at whether domestic institutions lead to adaptive or maladaptive state behavior, I am more interested in how decision-makers attempt to redesign state institutions as a means of producing better policy responses to systemic pressure. In other words, while I start from a similarly intuitionist

Defining the National Interest: Conflict and Change in American Foreign Policy (Chicago: University of Chicago Press, 1998); Kevin Narizny, *The Political Economy of Grand Strategy* (Ithaca: Cornell University Press, 2007).

⁵⁹ Andrew Moravcsik, “Taking Preferences Seriously: A Liberal Theory of International Politics,” *International Organization* 51, no. 4 (1997): 513.

⁶⁰ Taliaferro, Lobell, and Ripsman, “Introduction: Neoclassical Realism, the State, and Foreign Policy,” 4.

⁶¹ John A. Vasquez, “The Realist Paradigm and Degenerative versus Progressive Research Programs: An Appraisal of Neotraditional Research on Waltz’s Balancing Proposition,” *American Political Science Review* 91, no. 4 (1997): 899–912; Jeffrey W. Legro and Andrew Moravcsik, “Is Anybody Still a Realist?,” *International Security* 24, no. 2 (1999): 5–55.

⁶² Rathbun, “A Rose by Any Other Name: Neoclassical Realism as the Logical and Necessary Extension of Structural Realism.”

baseline as neoclassical realists and agree that domestic institutions often do constrain decision-makers from pursuing optimal strategies, I do not assume that decision-makers sit by idly and allow themselves to be constrained indefinitely. Instead, faced with increasing international pressures, decision-makers are compelled to redesign state institutions in a way that enables them to act more effectively. Such restructuring takes time, but can be observed longitudinally.

To explain this process I follow an alternative but equally “necessary and logical” theoretical pathway—namely, a second image reversed approach. Given that Peter Gourevitch’s “The Second Image Reversed: The International Sources of Domestic Politics” coincided exactly with the publishing of Kenneth Waltz’s *Theory of International Politics*, it is actually surprising in hindsight that no one married the important insights of the two together earlier. This pathway has long been open to realist scholars, but was never explicitly followed. Doing so provides a way to explain the important but underdeveloped assumption of domestic agency in structural realism.

Structural realism gives primacy to the international security environment and expects states will respond to important changes in their environment irrespective of domestic political constraints. *Innenpolitik* theories and neoclassical realist theories have shown why this is often not an appropriate expectation. Though not explicitly stated, a logical assumption in structural realism is that *with time* states should adapt their domestic institutions to better meet foreign threats and take advantage of foreign opportunities. The theory of the state as a *dynamic* unit that I propose develops this assumption and shows that the ability of states to act effectively may ultimately depend on whether or not leaders are able to redesign domestic institutions over time to cope with international pressures. Making this move expands our conception of “balancing”

and offers the opportunity to create a more robust theory of “omnibalancing” for developed democratic states.⁶³

Second, the dissertation joins a well-developed but still growing body of work that “unpacks” our understanding of democratic foreign policy and helps to blur the distinction between democracies and non-democracies by looking at variation in factors like state structure and decision-making procedures *within* regime type categories.⁶⁴ Most relevant to the dissertation, a strand of this literature finds that the fewer the institutional constraints placed on a country’s executive, the more capable they are of initiating the use of force.⁶⁵ Much of this literature looks at the variation in institutional constraints on executive war-making, but does not consider the origins of such variation. My research in part contributes to explaining that variation by showing why, when, and how those constraints may be relaxed over time in democratic countries.

⁶³ David’s theory originally applied to the external and internal factors of balancing to better explain the foreign politics of third world countries. Steven R. David, “Explaining Third World Alignment,” *World Politics* 43, no. 2 (1991): 233–56.

⁶⁴ Thomas Risse-Kappen, “Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies,” *World Politics* 43, no. 4 (1991): 479–512; Peterson, *Crisis Bargaining and the State: The Domestic Politics of International Conflict*; Auerswald, *Disarmed Democracies: Domestic Institutions and the Use of Force*; Miriam Fendius Elman, “Unpacking Democracy: Presidentialism, Parliamentarism, and Theories of Democratic Peace,” *Security Studies* 9, no. 4 (2000): 91–126; Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*; Tom Dyson, “Convergence and Divergence in Post-Cold War British, French, and German Military Reforms: Between International Structure and Executive Autonomy,” *Security Studies* 17, no. 4 (2008): 725–74.

⁶⁵ This finding, moreover, appears to hold for both democracies and non-democracies alike. T. Clifton Morgan and Sally Howard Campbell, “Domestic Structure, Decisional Constraints, and War So Why Kant Democracies Fight?,” *Journal of Conflict Resolution* 35, no. 2 (1991): 187–211; Dan Reiter and Erik R. Tillman, “Public, Legislative, and Executive Constraints on the Democratic Initiation of Conflict,” *Journal of Politics* 64, no. 3 (2002): 810–26; David Leblang and Steve Chan, “Explaining Wars Fought by Established Democracies: Do Institutional Constraints Matter?,” *Political Research Quarterly* 56, no. 4 (2003): 385–400; John Ferejohn and Frances McCall Rosenbluth, “Warlike Democracies,” *Journal of Conflict Resolution* 52, no. 1 (2008): 3–38; Jessica L. Weeks, “Strongmen and Straw Men: Authoritarian Regimes and the Initiation of International Conflict,” *American Political Science Review* 106, no. 2 (2012): 326–47.

Third, and more concretely, the dissertation helps to broaden and deepen the study of what Aaron Friedberg calls “the interior dimensions of American grand strategy.”⁶⁶ The issue of American state-building in the postwar period and how policymakers attempted to grapple with Baldwin’s dilemma is not entirely new and there is a rich body of scholarship that has been produced on the subject in recent years. Several books in this line of research deserve specific mention including Michael Hogan’s *A Cross of Iron*, Aaron Friedberg’s *In the Shadow of the Garrison State*, Amy Zegart’s *Flawed By Design*, and Douglas Stuart’s *Creating the National Security State*.⁶⁷ These works, in related but separate ways, all focus on the construction of the American national security state during and after World War II. Hogan and Friedberg both seek to explain how policymakers attempted to build greater state capacity without becoming a garrison state. Zegart and Stuart meanwhile focus on the debates over the 1947 National Security Act and in Zegart’s case the subsequent development of the institutions created by it.

My research is informed by the works of these scholars and in many ways builds on their scholarship. It departs from them, however, in several ways. First, I am interested in the process of institutional resistance and change in the United States over a much larger period of time. I contend that to explain why and how the American state changed in the postwar period requires understanding the roots of the country’s prewar institutional arrangement. Second, when I turn to the postwar period, I look specifically at the state-building efforts that provided greater autonomy to the executive branch to conduct American foreign policy. In particular, I focus on efforts to shift greater war-making capacity to the executive and the subsequent implications of

⁶⁶ Friedberg, *In the Shadow of the Garrison State: America’s Anti-Statism and Its Cold War Grand Strategy*, 3.

⁶⁷ Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State*; Friedberg, *In the Shadow of the Garrison State: America’s Anti-Statism and Its Cold War Grand Strategy*; Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC*; Stuart, *Creating the National Security State: A History of the Law That Transformed America*.

those efforts. Third, in contrast to the Zegart's conclusions in particular, I argue that decision-makers have demonstrated a reasonable degree of success in their ability to design and redesign state institutions when forced to. It is in this sense that the American state must be viewed in functional terms, as well as institutional terms, and seen as constitutively adaptive and dynamic.

Plan of the Manuscript

The dissertation has seven substantive chapters and a brief conclusion. The first chapter serves as the literature review of the dissertation and focuses on how democracy is thought to constrain state decision-makers from acting autonomously in foreign policy. I distinguish three different approaches to the relationship between democracy and the state: 1) Liberals, rationalists, and classical realists all see the state as an “arena” of sorts in which domestic political actors struggle for political office and societal preferences are aggregated as a means of determining policy. 2) Structural realists see the state as a largely autonomous and functionally adaptive unit that responds to opportunities and threats in the international environment regardless of domestic institutions. 3) Neoclassical realists see the state as a differentiated-institutional unit that is more or less capable of responding to opportunities and threats in the international environment based on the extent to which decision-makers are granted domestic agential power to shape policy. I argue that neoclassical realism offers an improvement over the other two, but is incomplete. While it accounts for institutional variation across different states, it does not account for institutional variation over time within states.

The second chapter elaborates a second-image reversed theory of institutional adaptation to account for the gap identified in the first chapter. I first provide a conception of the state as an institutional-functional unit; in others words states are sets of institutions that can (sometimes

with great difficulty) be adapted to new purposes. I then draw on the works of Otto Hintze and other continental theorists to explain why and how decision-makers attempt to redesign state institutions when interstate security competition increases. By using a macro-micro-macro model embedded with a series of mechanisms, the theory explains how state behavior at the system level depends on state-building efforts to carve out greater institutional capacity and autonomy at the unit level. In democracies, this entails building and streamlining national security decision-making organizations and processes, and centralizing decision-making authority in the executive.

The remaining five chapters of the dissertation then focus on three empirical questions: 1) What are the domestic institutional constraints in the United States that prevent decision-makers from acting autonomously? 2) Given the country's powerful domestic constraints on executive war-making powers, why did decision-makers ultimately choose to reimagine and transform the office in the post-World War II period to provide it with greater autonomy? 3) Equally puzzling, why did they not do so earlier when the country began its ascent to power beginning in the 1890s? The third chapter focuses on the first period described above from 1787-1890 and specifically on the first question. It provides an overview of three important domestic constraints during the Founding Period and how they were institutionalized in the American structure of government. The chapter then turns to explain how these institutions remained relatively stable over the first century and a half of American history.

The next two chapters then focus on the second period from 1890-1941. The fourth chapter looks at America's rise to world power beginning in the 1890s and why the United States did not build a national security state after it became a great power. The analysis shows that there was an increase in the degree of systemic pressure faced by the United States that required decision-makers to consider reconstituting some of the basic institutional arrangements that to

that point were largely stable. In particular, the Spanish-American War followed by World War I forced the country to consider building a large standing army for the first time in its history and reorganizing its military establishment to centralize authority. The chapter shows that while some important reforms did take place in this period, greater institutional change was thwarted by the continuing strength of the constraints discussed in chapter three.

While chapter four focuses on the attempt to develop the country's military institutions in a way that would have shifted greater war-makers powers to the executive, chapter five focuses on specific claims during this period for such powers. It looks at how beginning in the 1890s decision-makers began to recognize that for the country to project its growing power overseas it would need more flexibility to do so. This meant challenging what Alfred Mahan called "the Constitutional lion in the path," or the constraints on executive war-making. I show how certain Presidents sought to make this challenge. Importantly, however, they did so by personalizing the Presidency, not by institutionalizing the means to make war. This enabled Presidents to use limited forms of force more frequently, but did not fundamentally alter the institutional arrangement put in place at the Founding. Instead, Congress pushed back against such usurpations of power and attempted to hem in the executive, particularly in the 1930s precisely when greater executive action was required.

The next two chapters then focus on the final period from 1941 to 1960. In chapter six I focus on why the United State's domestic institutions were finally transformed in a substantial way after World War II to provide the executive with greater war-making powers. I focus first on why systemic pressure was perceived to be so intense at this time and the institutional stress this pressure placed on the country's national security institutions. In chapter seven I then show that three institutional shifts were initiated to better enable the U.S. to project force: 1) the creation of

new organizations and instruments of warfare, 2) the reorganization of national security institutions, and 3) a shift in the procedural norms governing the country's war powers from Congress to the President.

The conclusion then summarizes the key takeaways of the dissertation, suggests new potential avenues of research based on my findings, and concludes by discussing the contemporary consequences of executive war-making autonomy in the United States since September 11.

Democracy, the State, and War

Foreign policy poses a unique set of challenges for democracies. The conduct of foreign policy throughout history has mostly been the purview of a small autonomous group of statesmen with specialized knowledge and access to privileged information. The ideal type decision-making unit operates largely in secret and makes calculated decisions about war and peace on behalf of the country they govern. Moreover, by virtue of their position atop the state, decision-makers' preferences are shaped to a great extent by the responsibility to ensure the general security and prosperity of their nation in an often-dangerous world. Their decisions, therefore, are often guided by a distinctive *realpolitik* logic, or what realists call 'reasons of state'—the idea that “the state”, or more specifically statesmen atop the state, have a particular set of interests, defined in terms of national power and security, that “*should* predominate over all other interests and values” in foreign policy decision-making.¹

At the heart of democratic government, in contrast, lies the idea of popular sovereignty. Central to popular sovereignty is the notion that elected and appointed state decision-makers are ultimately responsible to and therefore must be responsive to the preferences of the broader public. In other words, leaders cannot, or at least in theory should not, make decisions

¹ Jonathan Haslam, *No Virtue Like Necessity: Realist Thought in International Relations Since Machiavelli* (New Haven: Yale University Press, 2002), 17–88, 17.

autonomously from the preferences of the members of the societies they govern. The decision-making environment in a democracy, moreover, is one in which transparency and public debate are valued, and where all citizens are thought to have an equal voice in the formation and practices of government. Unlike statesmen, however, ordinary citizens lack foreign policy expertise and access to state secrets. Furthermore, they are less informed about and habituated to thinking in terms of broader national security questions.

The challenge for democracies in conducting foreign policy, therefore, stems from the tension that often exists between the need for exclusivity and autonomy in statecraft and the principles of open debate and responsiveness to public preferences that are fundamental to democratic government. The significance of this “tension” created by differences in international and democratic domestic decision-making environments has not been lost on international relations scholars. In fact, it has been at the crux of the larger debate in international relations about the relative importance of domestic vs. international factors in explaining state behavior. As I discuss below, the extent to which this tension is thought to matter has tremendous significance for expectations about foreign policy conduct, particularly in matters of war and peace, and has raised important questions for international relations scholars: What exactly is the relationship between democracy and foreign policy? To what extent are democratic decision-makers constrained by their domestic publics? What if anything mitigates the tension between democracy and foreign policy decision-making?

This chapter explores how international relations scholars have answered these questions. The chapter begins by first providing a definition and discussion of the concept democracy. I then explore the primary explanations of the relationship between democracy and foreign policy with a particular emphasis on the use of force. I suggest that what distinguishes these approaches

is the conception of the state they hold and ultimately whether or not they assume decision-makers have domestic agential power. The debate has traditionally been defined by two broad arguments about the relationship between democracy and foreign policy. First, the prevailing conventional wisdom holds that democratic political institutions serve to fundamentally constrain political leaders in foreign policy. The various theories that take this approach hold what can be characterized as a “state as arena” conception in which societal interests and the domestic political process are thought to determine state behavior. Second, a less conventional argument contends that systemic pressures at the international level are more decisive than domestic level pressures and that domestic factors are less important than commonly believed. This second approach relies on an under-developed but nonetheless extant functional theory of state, which contains an implicit autonomous state assumption. After reviewing the content and stakes of this important debate, I then proceed to discuss how neoclassical realism has sought to push the international-domestic distinction forward by returning a greater focus to the state and taking a more interactionist approach that bridges the international-domestic divide. Neoclassical realists have taken what I characterize as a differentiated-institutionalist approach toward the state in which domestic agential power varies based on the structural autonomy enjoyed by decision-makers.

After reviewing and summarizing these three approaches, I return to the literature on the state and state formation in the last part of the chapter as a means of pushing forward the argument made by neoclassical realists and filling what I contend is a gap in the prevailing approaches to the state—the idea that states are often adaptive over time.

Democracy

One reason why it is important to foreground the chapter with a discussion of the concept democracy is that, as Norrin Ripsman points out, international relations scholars often use terms such as “democratic,” “liberal,” “liberal/democratic,” and “republican” interchangeably.² This usage can sometimes lead to conceptual confusion; specifically the conflation of democracy as a set of governing institutions with a preference for compromise and nonviolence that may or may not be endogenous to democratic government. This is reflected most importantly in the divide between institutional and normative explanations of the democratic peace.³

The confusion over conceptualizing democracy is not just a specific problem for international relations theorists. To some extent it has been imported into the study of international relations through the work of democratic theorists who themselves are divided over how to delimit and define the concept.⁴ The main axis that divides democratic theorists can be characterized in terms of ‘minimalist’ versus ‘maximalist’ conceptions of democracy.⁵ Purely minimalist definitions focus almost exclusively on democracy as a set of procedures that ensure universal suffrage and regular competitive elections. They are based on Schumpeter’s narrow conception of democracy as “a political method” for choosing leaders where democracy is

² Norrin M. Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements* (University Park: The Pennsylvania State University Press, 2002), 28.

³ “Institutional” or “structural” explanations of the democratic peace focus on the way formal and informal institutions in a democracy act to constrain leaders from pursuing an aggressive foreign policy, while “normative” explanations focus on the way liberal norms act to guide democratic leaders to pursue a more peaceful foreign policy. See David L. Rousseau, *Democracy and War: Institutions, Norms, and the Evolution of International Conflict* (Palo Alto: Stanford University Press, 2005), 20–28.

⁴ As Collier and Levitsky highlight, democracy is one of Gallie’s classic “essentially contested concepts.” In a review of recently published books and articles in the mid-1990s, they found more than 550 different subtypes of democracy. See David Collier and Steven Levitsky, “Democracy with Adjectives,” *World Politics* 49, no. 3 (1997): 430–51.

⁵ Gerardo L. Munck and Jay Verkuilen, “Conceptualizing and Measuring Democracy Evaluating Alternative Indices,” *Comparative Political Studies* 35, no. 1 (2002): 7–14.

defined specifically as an “institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.”⁶ Maximalist definitions, on the other hand, accept the minimalist version but criticize it for focusing too much on elections at the expense of other important characteristics of government that are needed to assess the *quality* of democracy. Maximalist definitions, therefore, also define democracy in terms of the norms, values, and rights that have come to be associated with contemporary Western liberal democracies.⁷

A host of scholars, building on the work of Robert Dahl, have staked out a middle ground in this debate and elaborated an expanded procedural conception of democracy.⁸ These scholars have built on the work of Schumpeter, but have moved beyond his narrow focus on basic political rights and elections to include additional aspects of democratic governance such as the rule of law, government responsiveness to citizen preferences, and other mechanisms of government accountability besides elections. An important part of this move has been a greater focus on decision-making and implementation, not just government formation. As Gerardo Munck, following Dahl, explains, “democracy is all about guaranteeing a political process in

⁶ Joseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper, 1942); Adam Przeworski, “Minimalist Conception of Democracy: A Defense,” in *Democracy’s Values*, ed. Ian Shapiro and Casiano Hacker-Cordsn (Cambridge: Cambridge University Press, 1999), 23–55.

⁷ The maximalist definition is most visible in the indicators used to measure democracy in Freedom House’s annual Freedom in the World report. See also Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: The Johns Hopkins University Press, 1999), 10–13; Larry Diamond and Leonardo Morlino, eds., *Assessing the Quality of Democracy* (Baltimore: The Johns Hopkins University Press, 2005).

⁸ See Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), 4–6; Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 218–223; Philippe C. Schmitter and Terry Lynn Karl, “What Democracy Is...and Is Not,” *Journal of Democracy* 2, no. 3 (1991): 75–88; Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 1998); Guillermo A. O’Donnell, “Democracy, Law, and Comparative Politics,” *Studies in Comparative International Development* 36, no. 1 (2001): 7–36; Charles Tilly, *Democracy* (Cambridge: Cambridge University Press, 2007). In this section I am mainly following the work of Gerardo Munck who has synthesized these views in Gerardo L. Munck, *Measuring Democracy: A Bridge between Scholarship and Politics* (Baltimore: The Johns Hopkins University Press, 2009), 120–132.

which no outcomes are placed beyond the reach of the people.”⁹ Or as Charles Tilly contends, the “fundamental standard of democracy is the extent to which the state behaves in conformity to the expressed demands of its citizens.”¹⁰ What is important about this view is that democratic government is not seen just as a political method for selecting leaders, but also as a broader set of institutionalized procedures that ensure popular preferences are considered in the decision-making process once leaders assume office. This does not necessarily ensure that decision-makers will follow public preferences, but at least means that “when they deviate from such a policy, say on grounds of ‘reason of state’ or ‘overriding national interest,’ they must ultimately be held accountable for their actions through regular and fair processes.”¹¹

Based on these insights, Munck provides a conception of democracy as “a set of rules regarding the political process, extending from the formation of government through public decision making all the way to the implementation of binding decisions, which reflects the principle that voter preferences are weighed equally.”¹² For the purposes of the dissertation, I adopt this expanded procedural definition and focus on the institutional dimensions of democracy that constrain leaders, while excluding from consideration what types of norms may or may not be socialized into them. To be clear therefore, I conceive of democracy specifically as a set of basic political rights and institutionalized procedures for determining how a government is formed and reaches decisions. Political rights include inclusive suffrage, alternative sources of information, freedom of expression, and associational autonomy, while procedures include regular elections that are conducted freely and fairly. This definition captures the fundamental essence of democracy, which is the idea that the government’s authority should ultimately be

⁹ Munck, *Measuring Democracy: A Bridge between Scholarship and Politics*, 124.

¹⁰ Tilly, *Democracy*, 13, 140.

¹¹ Schmitter and Karl, “What Democracy Is...and Is Not,” 84.

¹² Munck, *Measuring Democracy: A Bridge between Scholarship and Politics*, 128.

derived from the people and that state decisions should be either directly or indirectly held accountable by popular mechanisms.

Domestic, International, and Interactionist Theories of the Democracy/Foreign Policy Nexus

International relations scholars hold a diverse range of views on the relationship between democracy and foreign policy. Again, while acknowledging that doing so risks overly simplifying these perspectives, they have historically been grouped into two overarching views about the effect democratic institutions have on the ability of decision-makers to conduct foreign policy.¹³ One perspective sees democracy—for better or worse—as a constraint on foreign policy, while the other sees regime type as less determinative. A third perspective, however, has emerged in recent years, which shows that there are in fact considerable differences among the world’s democracies and that these differences help explain importation aspects of variation in states’ foreign policy behavior. In this section I review these views as a means of situating my own work.

The State as Foreign Policy “Arena”

The first view, which today remains the prevailing conventional wisdom, holds that democratic political institutions serve to fundamentally constrain state leaders in foreign policy, as they are designed to. The “democracy as a constraint” view is rooted in the works of republican theorists stretching from Montesquieu through Kant and Paine to Tocqueville.¹⁴ This

¹³ This distinction similar to the one made by Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*, 30–42; See also John M. Hobson, *The State and International Relations* (Cambridge: Cambridge University Press, 2000).

¹⁴ Charles de Secondat baron de Montesquieu, *Montesquieu: The Spirit of the Laws*, ed. Anne M. Cohler, Basia C. Miller, and Harold S. Stone (Cambridge: Cambridge University Press, 2002); Immanuel Kant, “Perpetual Peace: A Philosophical Sketch,” ed. H.S. Reiss (Cambridge: Cambridge University Press,

perspective is informed by the idea that when a broad base of citizens participate either directly or indirectly in government, they will look to their own interests (as opposed to leader or national interests) and act to constrain decision-makers from undertaking foreign policies that are risky and costly, particularly ones that involve war or the prospect of war.¹⁵ This tradition diverges in answering the question of whether such a domestic constraint is positive (Kant) or negative (Tocqueville), but nonetheless agreed it had a restraining affect on a state's foreign policy.

Among international relations theorists in recent years, classical realists, liberals, and rational choice theorists alike have articulated variations of the “democracy as a constraint” argument. Scholars associated with classical realism in the postwar period such as Hans Morgenthau, George Kennan, and Walter Lippmann, for example, warned that democracy undermined the ability of Western leaders to craft effective foreign policies in the face of authoritarian states.¹⁶ Recognizing that the ability for decision-makers to act independently has varied historically based on a state's domestic political institutions, they contended that whereas leaders in absolutist and aristocratic states previously had the autonomy required to conduct diplomacy and use force when necessary, the introduction of popular sovereignty and mass

2003), 93–130; Thomas Paine, *Rights of Man* (London: Watts & Co., 1906); Alexis de Tocqueville, *Democracy in America and Two Essays on America* (New York: Penguin, 2003).

¹⁵ The quintessential statement of this logic was penned by Kant who argued that when “the consent of the subjects is required to decide whether or not war is to be declared, it is very natural that they will have great hesitation in embarking on so dangerous an enterprise. For this would mean calling down on themselves all the miseries of war, such as doing the fighting themselves, supplying the costs of war from their own resources, painfully making good the ensuing devastation, and, as the crowning evil, having to take upon themselves a debt of burden which embitter peace itself and which can never be paid off on account of the constant threat of new wars.” Kant, “Perpetual Peace: A Philosophical Sketch,” 100.

¹⁶ Hans J. Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy* (Washington, DC: University Press of America, 1950), 221–242; George F. Kennan, *American Diplomacy*, Expanded Edition (Chicago: University of Chicago Press, 1951), 93–100; Walter Lippmann, *Essays in the Public Philosophy* (Boston: Little, Brown and Company, 1955); Hans J. Morgenthau, *Dilemmas of Politics* (Chicago: Chicago University Press, 1958), 324–339; George F. Kennan, *The Cloud of Danger: Current Realities of American Foreign Policy* (Boston: Little, Brown and Company, 1977), 3–9.

public opinion in the twentieth century ushered in an era where decision-makers were now subject to greater social forces. As Lippmann argued, this transformation had led to a “derangement in powers,” dangerously shifting decision-making capacities from executives to elected assemblies and voters.¹⁷ According to classical realists, the result was that democratic statesmen have low domestic agential power and therefore have greater difficulty responding to international pressures than their non-democratic counterparts, particularly with respect to using military force.

Liberals, on the other hand, agree with classical realism’s assessment of the constraints imposed by democratic political institutions on state leaders. Importantly, however, liberals depart from classical realists in their belief that democratic constraints have a positive effect on foreign policy, not a negative one. This view is most evident in the literature on the democratic or liberal peace, where the capacity of democratic institutions to restrain leaders is one of the primary mechanisms thought to prevent conflict between democracies.¹⁸ Though less well established, some scholars argue that democracy not only has a dyadic effect, reducing conflict

¹⁷ Lippmann explained, the “devitalization of the governing power is the malady of democratic states. As the malady grows, the executive becomes highly susceptible to encroachment and usurpation by elected assemblies; they are pressed and harassed by the haggling of parties, by the agents of organized interests, and by the spokesmen of sectarians and ideologues. The malady can be fatal. It can be deadly to the very survival of the state as a free society if, when the great and hard issues of war and peace, of security and solvency, of revolution and order are up for decision, the executive and judicial departments, with their civil servants and technicians, have lost their power to decide.” Lippmann, *Essays in the Public Philosophy*, 26.

¹⁸ Michael W. Doyle, “Kant, Liberal Legacies, and Foreign Affairs,” *Philosophy & Public Affairs* 12, no. 3 (1983): 205–35; Michael W. Doyle, “Kant, Liberal Legacies, and Foreign Affairs, Part 2,” *Philosophy & Public Affairs* 12, no. 4 (1983): 323–53; Michael W. Doyle, “Liberalism and World Politics,” *American Political Science Review* 80, no. 4 (1986): 1151–69; Bruce Russett, *Controlling the Sword: The Democratic Governance of National Security* (Cambridge: Harvard University Press, 1990); Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton: Princeton University Press, 1993); Michael W. Doyle, *Ways of War and Peace* (New York: W. W. Norton & Company, 1997); Bruce Russett and John Oneal, *Triangulating Peace: Democracy, Interdependence, and International Organizations* (New York: W. W. Norton & Company, 2001); Michael W. Doyle, “Three Pillars of the Liberal Peace,” *American Political Science Review*, 2005, 463–66.

between democracies, but also that it has a monadic effect, reducing the incentives for democracies to use force against non-democracies as well.¹⁹

Rational choice theorists, moreover, have further developed the structural-institutional arguments made by liberals using formal models. One strand of this literature focuses on how the costs of potentially losing office deters democratic political leaders from undertaking risky foreign policy initiatives—most importantly by initiating a war they might lose.²⁰ A second strand emphasizes the fact that higher audience costs in democracies makes them more likely to signal resolve to potential adversaries and therefore less likely to bluff by threatening to use force. These “audience costs,” in turn, are thought to reduce uncertainty about the willingness of a democracy to fight, which increases the probability an adversary backs down in a crisis.²¹

Common to classical realist, liberal, and rational choice logics is a conception of the state as an “arena” for political competition among societal actors. Within this arena, democratic decision-makers are thought to have little autonomy vis-à-vis their domestic publics to conduct foreign policy, particularly to use of force. Given the expected preferences of the public (i.e. more pacific) and the institutional mechanisms that give the public a voice, democratic states are considered more likely to have a “policy bias” toward pacifism.

¹⁹ The monadic argument is more tenuous and has been argued to be null by some scholars. For a systematic argument that details the monadic effect see Rousseau, *Democracy and War: Institutions, Norms, and the Evolution of International Conflict*.

²⁰ Bruce Bueno De Mesquita and David Lalman, *War and Reason: Domestic and International Imperatives* (New Haven: Yale University Press, 1992); Bruce Bueno De Mesquita and Randolph M. Siverson, “War and the Survival of Political Leaders: A Comparative Study of Regime Types and Political Accountability,” *American Political Science Review* 89, no. 4 (1995): 841–55; Bruce Bueno De Mesquita et al., “An Institutional Explanation of the Democratic Peace,” *American Political Science Review* 93, no. 4 (1999): 791–807.

²¹ James D. Fearon, “Domestic Political Audiences and the Escalation of International Disputes,” *American Political Science Review* 88, no. 3 (1994): 577–92; Kenneth A. Schultz, “Domestic Opposition and Signaling in International Crises,” *American Political Science Review* 92, no. 4 (1998): 829–44; Kenneth A. Schultz, “Do Democratic Institutions Constrain or Inform? Contrasting Two Institutional Perspectives on Democracy and War,” *International Organization* 53, no. 2 (1999): 233–66.

The State as Functional “Passive Military-Adaptive” Unit

The second view, espoused mainly by structural realists, holds that democracy poses less of a constraint on state behavior than is widely believed. Structural realism, as elaborated by Kenneth Waltz, marked a significant departure from both classical realist and liberal theories of international relations by placing the anarchic structure of the international system at the center of explaining international political outcomes.²² Because survival can never be guaranteed under anarchy, Waltz argued all states by necessity must pursue their security-related interests irrespective of domestic constraints. In other words, he argued the constraints of international politics should and mostly do trump those of domestic politics and that therefore democracy should be thought of as less limiting than either classical realists or liberals believe.

According to Waltz, because decision-makers are constantly confronted by the problem of state survival in a competitive international system, they must be guided by the dictates of *Realpolitik* rather than domestic political considerations when devising state policy. As Waltz explains in *Theory of International Politics*:

The elements of *Realpolitik*, exhaustively listed, are these: The ruler's, and later the state's, interest provides the spring of action; the necessities of policy arise from the unregulated competition of states; calculation based on these necessities can discover the policies that will best serve a state's interests; success is the ultimate test of policy, and success is defined as preserving and strengthening the state... *Realpolitik* indicates the methods by which foreign policy is conducted and provides a rationale for them. Structural constraints explain why the methods are repeatedly used despite differences in the persons and states who use them.²³

²² See Kenneth N. Waltz, *Theory of International Politics* (Boston: McGraw-Hill, 1979). For more developed discussions on the implicit or implied view of the state in structural realism see Michael Mastanduno, David A. Lake, and G. John Ikenberry, “Toward a Realist Theory of State Action,” *International Studies Quarterly* 33, no. 4 (1989): 457–74; Barry Buzan, Charles A. Jones, and Richard Little, *The Logic of Anarchy: Neorealism to Structural Realism* (New York: Columbia University Press, 1993), 116–119; Hobson, *The State and International Relations*, 17–44.

²³ Waltz, *Theory of International Politics*, 117.

To be clear, Waltz does not argue that domestic factors do not intervene at all in state decision-making processes. Rather, he infers that because such considerations can lead to suboptimal policies that are penalized by other states, decision-makers tend to (or at least are wise to) ignore them.²⁴ *Realpolitik* policies based on considerations of power and security, therefore, are thought to predominate.

Because system-level factors are so important, according to Waltz, he assumes all states take the same functional form and therefore can be considered “functionally undifferentiated.” Where domestic political institutional factors do enter into structural realism, they are viewed in instrumental terms as a means of balancing effectively—or not— against other states. As Waltz explains, when faced with changes in the international security environment that makes them more vulnerable to aggression, states must pursue one or more of several strategies against potential adversaries, most importantly balancing.²⁵ He draws an important distinction between external and internal balancing strategies.²⁶ External balancing strategies seek to increase a state’s relative power capabilities (i.e. security) through either temporary coalitions or more permanent alliances with other states. Conversely, internal balancing strategies seek to increase state power by generating greater domestic capabilities. The latter is more important, according to Waltz. Oddly, however, he simply assumes it occurs and instead devotes his attention to

²⁴ Similar to other defensive realists Waltz attributes the problems of miscalculation and overreaction to a variety of “domestic pathologies.” Kenneth N. Waltz, “The Origins of War in Neorealist Theory,” *Journal of Interdisciplinary History* 18, no. 4 (1988): 615–28; Jack Snyder, “Tensions Within Realism: 1954 and After,” in *The Invention of International Relations Theory: Realism, the Rockefeller Foundation, and the 1954 Conference on Theory*, ed. Nicholas S. Guilhot (New York: Columbia University Press, 2011), 68–72.

²⁵ When faced with a potential aggressor upsetting the balance of power, Mearsheimer suggests the two principal strategies employed by states are balancing and buck-passing. Appeasement and bandwagoning are other options, but are considered less effective. See John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, 2001), chapter 5.

²⁶ Waltz, *Theory of International Politics*, 168.

developing the implications of his theory for external balancing. Part of the reason Waltz seems to avoid the question of internal balancing is that it dips down to the unit level and requires a theory about the relationship between international security competition and state structure and decision-making procedures, which inevitably invites the question of domestic politics back into a model he aims to keep entirely systemic.

Instead, as Waltz explains, it is sufficient to expect, given the competitive nature of the international system, that states' behaviors and to a lesser degree their attributes will be "selected for their consequence." Successful states (i.e. those that manage to survive), therefore, will end up sharing similar characteristics, by which he seems to refer nearly exclusively to military-security imitation in weapons and strategies.²⁷ Thus, contrary to the critiques of some scholars, structural realism does have at the least a minimalist conception of the state. But it is solely functional.²⁸ As John Hobson explains, in structural realism the state essentially "functions as a factor of anarchic systemic cohesion." It is assumed to be nearly absolute in its domestic agential power (i.e. autonomous from society), but is merely a "victim" of the international security environment where it must be "passive military-adaptive"—emulating others' security attributes and behaviors—in order to survive.²⁹ Waltz does not develop the logic and implications of this conception of the state further, but it is consistent with his earlier work *Foreign Policy and Democratic Politics* where he argues that domestic political institutions in democratic states such as the United States and Great Britain are more flexible and adaptive (and conversely that authoritarian states are more constraining) than commonly assumed. This explains why,

²⁷ Ibid., 74–77, 127; It is clear that Waltz believes state behavior will be produced by the system, but the extent to which this applies to state attributes is less clear as Wendt points out. Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), 100–101.

²⁸ Buzan, Jones, and Little, *The Logic of Anarchy: Neorealism to Structural Realism*, 116–119; Hobson, *The State and International Relations*, 24–30.

²⁹ Hobson, *The State and International Relations*, 24–30, quotes on 24, 30.

according to Waltz, and contrary to the beliefs of critics of democratic foreign policy, the United States was able to compete with the Soviet Union in the Cold War.³⁰ Others, particularly João Resende-Santos, have built on Waltz's work to build a theory of emulation to explain why and when states are more likely to emulate the military-security practices of leading states.³¹

In structural realism, therefore, war and the use of force are explained largely by the constraints inherent in the very nature of international politics. Great powers—irrespective of their domestic political constitution—especially are thought to be prone to use force frequently. As Waltz explains, great powers are “Gullivers’, more or less tightly tied” and usually condemned to “lead troubled lives” in which they “fight more wars than lesser states do.”³² In the postwar period, Waltz acknowledges that there has been less direct military action between great powers because of the increased costs of war. Nonetheless, he maintains they continued to use force frequently, arguing “Seldom if ever has force been more variously, more persistently, and more widely applied; and seldom has it been more consciously used as an instrument of national policy.”³³ Again, as evidence that regime type explains less variation in the use of force than believed, Waltz cites the case of the United States and the Soviet Union during the Cold

³⁰ Kenneth N. Waltz, *Foreign Policy and Democratic Politics: The American and British Experience* (Boston: Little, Brown and Company, 1967), see especially 306–311; As Michael Desch points out, the biggest problem for what he calls “democratic defeatists” is the fact that “over the past 200 hundred years, democracies have been on the winning side of most of their wars.” Michael C. Desch, *Power and Military Effectiveness: The Fallacy of Democratic Triumphalism* (Baltimore: The Johns Hopkins University Press, 2008), 169.

³¹ João Resende-Santos, *Realism, States, and the Modern Mass Army* (Cambridge: Cambridge University Press, 2007).

³² Waltz, *Theory of International Politics*, 187.

³³ *Ibid.*, 188–189, quote on 189.

War, when, as he points out, they behaved similarly despite the presumably dissimilar domestic decision making environments of each.³⁴

Structural realism provides a stark counterpoint to “the state as arena” approaches and helps show why decision-makers may be less constrained by domestic politics than commonly believed. But if the problem with the previous approaches was that they failed to account for the possibility that democratic institutions need not always constrain decision-makers, the problem with structural realism is that it makes an overly homogenous assumption about the domestic agential power of decision-makers. As the next section shows, this homogeneity assumption has caused structural realism to overlook the variation in the capacity of states to respond to systemic pressure.

The State as Differentiated-Institutional Unit

A third view has emerged in recent years, as a growing body of international relations scholars have begun to show that the extent to which democratic foreign policy makers are constrained varies.³⁵ As Norrin Ripsman explains, this literature begins with the premise that “not all democracies are alike.”³⁶ Democracies differ, for example, in whether or not they are large or small countries; have presidential or parliamentary systems; proportional representation or single-member districts; ‘strong’ or ‘weak’ states; and autonomous or constrained executives.³⁷ This literature argues that these differences can translate into substantially different

³⁴ Kenneth N. Waltz, “America as a Model for the World? A Foreign Policy Perspective,” *PS: Political Science and Politics* 24, no. 4 (1991): 667–70.

³⁵ As was pointed out in the introduction, this move has been mirrored more recently in the literature on autocracies as well.

³⁶ Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*, quote on 1.

³⁷ Thomas Risse-Kappen, “Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies,” *World Politics* 43, no. 4 (1991): 479–512; T. Clifton Morgan and Sally Howard Campbell, “Domestic Structure, Decisional Constraints, and War So Why Kant Democracies Fight?,” *Journal of*

policy outcomes and therefore should merit theoretical concern. Ripsman, for example, demonstrates how the ability to negotiate postwar treaties has varied across democratic states in different periods. He uses these differences to help explain the negotiations and ultimate success of the two respective post-World War settlements. He does so by showing that institutional differences and the subsequent degree of structural autonomy enjoyed by executives in the United States, Britain, and France mapped nearly perfectly onto the degree to which each was beholden to or sanctioned by their respective domestic political environments. In the United States case, for example, he finds that President Truman enjoyed a considerably greater amount of autonomy than previous presidents, which explains why he was able to negotiate and get a deal accepted after World War II unlike President Wilson who failed to do so after World War I. In Wilson's case, he was able to pursue policy independence during negotiations in Paris, but was later defeated decisively back at home in the United States Senate. Truman, on the other hand, not only had greater leeway during negotiations, but was also able to push through policies like early German rearmament despite domestic opposition.³⁸

What is important about the scholarship in this third group of literature is that it incorporates in many ways the insights of the first two. Like structural realists, these scholars

Conflict Resolution 35, no. 2 (1991): 187–211; Susan Peterson, “How Democracies Differ: Public Opinion, State Structure, and the Lessons of the Fashoda Crisis,” *Security Studies* 5, no. 1 (1995): 3–37; Susan Peterson, *Crisis Bargaining and the State: The Domestic Politics of International Conflict* (Ann Arbor: University of Michigan Press, 1996); David P. Auerswald, *Disarmed Democracies: Domestic Institutions and the Use of Force* (Ann Arbor: University of Michigan Press, 2000); Miriam Fendius Elman, “Unpacking Democracy: Presidentialism, Parliamentarism, and Theories of Democratic Peace,” *Security Studies* 9, no. 4 (2000): 91–126; Dan Reiter and Erik R. Tillman, “Public, Legislative, and Executive Constraints on the Democratic Initiation of Conflict,” *Journal of Politics* 64, no. 3 (2002): 810–26; Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*, quote on 1; Tom Dyson, “Convergence and Divergence in Post-Cold War British, French, and German Military Reforms: Between International Structure and Executive Autonomy,” *Security Studies* 17, no. 4 (2008): 725–74.

³⁸ Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*.

acknowledge that democratic states are constrained by international security competition, just as all states are. Thus in questions of war and peace, they assume decision-makers are likely to look first at the international security context when making decisions.³⁹ But like classical realists, liberals, and rational choice theorists, they acknowledge that democratic political institutions also shape the possibility for state action. In other words, domestic constraints determine the boundaries for what types of strategies leaders can actually pursue given the requirement of some level of domestic public support in democracies.⁴⁰

Jennifer Sterling-Folker nicely sums up the potential contribution of a greater focus on domestic institutional variables for structural realism in the following way:

The differences between domestic processes obviously matter to [international] outcomes because they encourage or prevent actors from recognizing and addressing external threat in an effective manner. While the anarchic environment encourages the goal of survival and the comparative assessments of process, it is domestic process that is responsible for the ability of states to emulate the processes of others. Thus it is domestic process that acts as the final arbiter for state survival within the anarchic environment.⁴¹

This insight does not so much negate structural realism as it advances an implicit but under-developed part of the theory. While clearly privileging system level factors, Waltz also acknowledges “Structure...does not by any means explain everything...To explain outcomes one must look at the capabilities, actions, and the interactions of states, *as well as at the structure of*

³⁹ This is particularly true of those scholars writing explicitly under the banner of neoclassical realism.

⁴⁰ This is consistent with Key’s observation that democratic public opinion serves as a “system of dikes,” channeling the policy options open to leaders within limits that are acceptable to the public. V.O. Key, *Public Opinion and American Democracy* (New York: Knopf, 1961); James N. Rosenau, *Public Opinion and Foreign Policy: An Operational Formulation* (New York: Random House, 1961); Russett, *Controlling the Sword: The Democratic Governance of National Security*; Richard Sobel, *The Impact of Public Opinion on U.S. Foreign Policy Since Vietnam* (New York: Oxford University Press, 2001); John H. Aldrich et al., “Foreign Policy and the Electoral Connection,” *Annual Review of Political Science* 9 (2006): 477–502.

⁴¹ Jennifer Sterling-Folker, “Realist Environment, Liberal Process, and Domestic-Level Variables,” *International Studies Quarterly* 41, no. 1 (1997): 19.

their systems.”⁴² This third group of institutionalist scholars, therefore, in many ways builds on this latter insight and explores questions about how much domestic institutions constrain leaders, and when they more or less likely to do so.

The development of neoclassical realism has gained perhaps the most traction within this larger body of work. Neoclassical realism is best thought of as a theoretical approach to international relations that begins from a structural realist perspective, but analyzes how effectively decision-makers are able to respond to systemic pressures given the domestic constraints they face.⁴³ Neoclassical realism, therefore, begins with many of the same assumptions as structural realism, but opens up the “black box” of the state to examine the domestic conditions in which state leaders make decisions. By doing so, neoclassical realists have shown, for example, that domestic level factors like leaders’ perceptions, status quo vs. revisionist state interests, state capacity, risk aversion/acceptance, culture, economic interests, and elite and social cohesion alter foreign policy decision-making in important ways that cannot be explained by focusing solely on system level factors.⁴⁴

⁴² Waltz, *Theory of International Politics*, 174 (italics added).

⁴³ The term “neoclassical realism” was coined by Gideon Rose, “Neoclassical Realism and Theories of Foreign Policy,” *World Politics* 51, no. 1 (1998): 144–72. For other introductions to neoclassical realism see Randall L. Schweller, “The Progressive Power of Neoclassical Realism,” in *Progress in International Relations Theory*, ed. Colin Elman and Miriam Fendius Elman (Cambridge: MIT Press, 2003), 144–72; Brian C. Rathbun, “A Rose by Any Other Name: Neoclassical Realism as the Logical and Necessary Extension of Structural Realism,” *Security Studies* 17, no. 2 (2008): 294–321; Steven E. Lobell, Norrin M. Ripsman, and Jeffrey W. Taliaferro, eds., *Neoclassical Realism, the State, and Foreign Policy* (Cambridge: Cambridge University Press, 2009).

⁴⁴ William C. Wohlforth, *The Elusive Balance: Power and Perceptions during the Cold War* (Ithaca: Cornell University Press, 1993); Randall L. Schweller, *Deadly Imbalances: Tripolarity and Hitler’s Strategy of World Conquest* (New York: Columbia University Press, 1998); Fareed Zakaria, *From Wealth to Power: The Unusual Origins of America’s World Role* (Princeton: Princeton University Press, 1999); Jeffrey W. Taliaferro, *Balancing Risks: Great Power Intervention in the Periphery* (Ithaca: Cornell University Press, 2004); Colin Dueck, *Reluctant Crusaders: Power, Culture, and Change in American Grand Strategy* (Princeton: Princeton University Press, 2006); Christopher Layne, *The Peace of Illusions: American Grand Strategy from 1940 to the Present* (Ithaca: Cornell University Press, 2006); Randall L.

One of the central insights of neoclassical realists, according to Gideon Rose, has been to appreciate the fact that “leaders and elites do not always have complete freedom to extract and direct national resources as they wish.”⁴⁵ As a result, neoclassical realists have recognized the need to “examine the strength and structure of states relative to their societies” in order to understand whether decision-makers can actually respond to systemic pressure in the way structural realism expects they should.⁴⁶ Scholars have built on this insight to conceptualize the state in more institutional terms. Specifically, they have focused on the *foreign policy executive*—the individuals and institutions in the executive branch responsible for formulating and executing national security policy—and conceptualized it as semi-autonomous but also potentially constrained by other branches of government, interest groups, and the public.⁴⁷ This places state decision-makers more appropriately at the nexus of international and domestic political constraints, engaged in something akin to what Robert Putnam refers to as a “two-level game.”⁴⁸

This conception of the state highlights the fact that the capacity of decision-makers to respond to changes in the international security environment often hinges on the relative

Schweller, *Unanswered Threats: Political Constraints on the Balance of Power* (Princeton: Princeton University Press, 2006).

⁴⁵ Rose, “Neoclassical Realism and Theories of Foreign Policy,” 147.

⁴⁶ *Ibid.*

⁴⁷ The foreign policy executive comprises “the high ranking bureaucrats and elected officials charged with overall conduct of defense and foreign affairs,” and is distinctly different from the representative (legislature) and constituent agencies of the state. The foreign policy executive is the core of “the state” and for the purposes of this research the two are used interchangeably as I explain at the beginning of chapter two. David A. Lake, “The State and American Trade Strategy in the Pre-Hegemonic Era,” *International Organization* 42, no. 1 (1988): 36–37. See also Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*, 43–44; Jeffrey W. Taliaferro, Steven E. Lobell, and Norrin M. Ripsman, “Introduction: Neoclassical Realism, the State, and Foreign Policy,” in *Neoclassical Realism, the State, and Foreign Policy*, ed. Steven E. Lobell, Norrin M. Ripsman, and Jeffrey W. Taliaferro (Cambridge: Cambridge University Press, 2009), 23–28.

⁴⁸ Robert D. Putnam, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization* 42, no. 3 (1988): 427–60.

autonomy they enjoy from the societies they govern. Indeed, a substantial body of scholarship demonstrates that variations in state autonomy across cases can explain different outcomes for a range of foreign security policy issue areas.⁴⁹ One particular expectation is that in states where the structure of government provides greater autonomy to executive decision-makers, the state is more easily able to employ force when necessary.⁵⁰

Thus neoclassical realists and other scholars who take a similar research approach conceive of the state as an “imperfect transmission belt,” which, depending on domestic factors, is sometimes adaptive and at other times maladaptive to systemic pressure.⁵¹ One of the most important factors, as explained above, is the extent to which the foreign policy executive is autonomous from societal pressures. Neoclassical realists find that the state is “potentially autonomous,” but not necessarily if domestic institutions “compel it to bargain with domestic actors in order to enact policy and extract resources to implement policy choices.”⁵² In this sense, the state must be seen as a differentiated-institutional unit, in which decision-makers are more or less capable of practicing the *Realpolitik* expected by structural realism based partly on the institutional autonomy they enjoy in the domestic political arena.

⁴⁹ See, for example, Stephen D. Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy* (Princeton: Princeton University Press, 1978); Risse-Kappen, “Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies”; Peterson, “How Democracies Differ: Public Opinion, State Structure, and the Lessons of the Fashoda Crisis”; Peterson, *Crisis Bargaining and the State: The Domestic Politics of International Conflict*; Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*; Dyson, “Convergence and Divergence in Post-Cold War British, French, and German Military Reforms: Between International Structure and Executive Autonomy.”

⁵⁰ Auerswald, *Disarmed Democracies: Domestic Institutions and the Use of Force*.

⁵¹ Taliaferro, Lobell, and Ripsman, “Introduction: Neoclassical Realism, the State, and Foreign Policy,” 4.

⁵² *Ibid.*, 23–28, quote on 25.

The State of the State in International Relations

In contemporary international relations theory, there are roughly four views on the relationship between democracy and foreign policy based on a matrix of where decision-maker preferences are derived from; whether or not democratic political institutions are thought to constrain them from acting according to their preferences; and whether or not the state provides an autonomous institutional platform from which to enact policies. Table 1.1 highlights the differences between these approaches.

Figure 1.1: The State of Democratic State Autonomy

| Research Program | Decision-Maker Preferences Derived From? | Democracy Constrains? | State Autonomous? |
|------------------------------------|--|-----------------------|-------------------|
| <i>Liberalism/ Rational Choice</i> | Domestic | Yes | No |
| <i>Classical Realism</i> | International | Yes | No |
| <i>Neorealism</i> | International | No | Yes |
| <i>Neoclassical Realism</i> | International | Sometimes | Variable |

In sum, the state can be conceived of as operating in three ways in international relations theories: First, as an *arena* in which domestic political actors struggle for political office and societal preferences are aggregated as a means of determining policy. Second, as a largely *autonomous and functional passive-military adaptive* unit that responds to opportunities and threats in the international environment based on state interests. Third, as a *differentiated-*

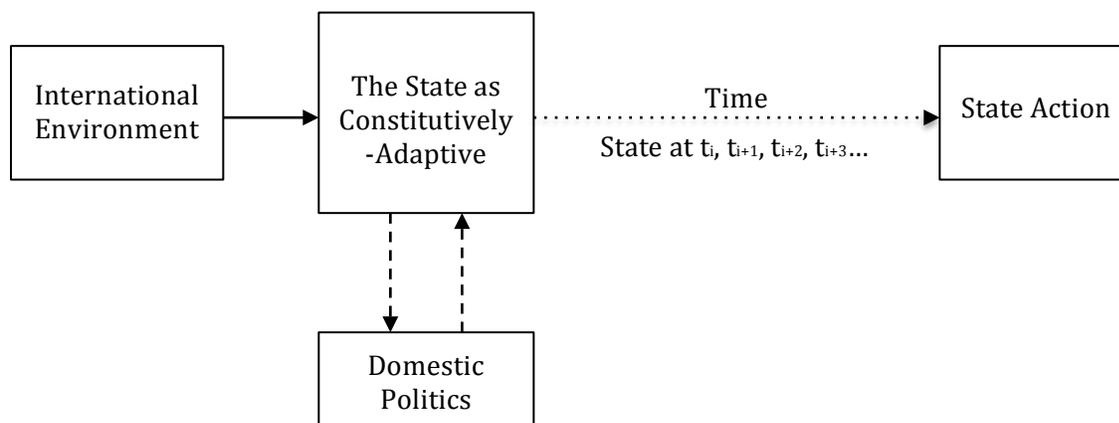
institutional unit that is more less capable of responding to opportunities and threats in the international environment based on the extent to which decision-makers are granted domestic agential power to shape policy.

The conception of the state as a differentiated-institutional unit, provides what I would argue is an important conceptual advancement in international relations theory. The neoclassical realist articulation of a “top-down” systemically-driven conception of state behavior where domestic forces sometimes exert a “bottom-up” constraint on the preferred policies of decision-makers serves several important purposes.⁵³ First, it helps flesh out the assumed but under-developed importance of the state and state autonomy in structural realism. Second, it serves to better specify the conditions under which the foreign policies expected by the theory are more or less likely to be pursued by states. As neoclassical realists have shown, we should expect and often do see different foreign policies from states where decision-makers are more or less insulated from societal pressures such as public opinion, nationalism, or parochial interests. What is less developed in this conception, however, is the specific institutional nature of the state, why state autonomy changes over time, and why it varies from case to case. To provide a truly “top-down” conception of the state, we should also expect, as structural realism assumes, that the state is also a functional unit capable of adapting to its environment. In response to systemic pressures, we should expect that decision-makers will attempt to redesign domestic institutions to insulate the national security policy-making process better, and that variations in state autonomy across cases should be linked to such pressures. This expectation is implicit in structural realism but cannot be accounted for in a purely functional theory of state. It requires a theory of state that accounts for both the functional and institutional dimensions of the state.

⁵³ Ibid., 25.

The dissertation ultimately seeks to contribute to this turn toward viewing the state as a differentiated-institutional unit by addressing the latter gap. It does so by reconceptualizing the realist state in institutional-functional terms or as a constitutively adaptive and dynamic unit. In other words, we should expect states' domestic institutional arrangements to be constituted and reconstituted by systemic pressure over time. This approach by default requires focusing on the variable of time and within-case variation as depicted in figure 1.2 below. Thus, instead of studying the impact of variation of state autonomy across cases while holding time constant, I attempt to explain why and how state autonomy varies over time within case. The crux of this argument builds on many of the same concepts and theories that have informed the neoclassical realist conception of the state. I revisit this broader state literature next, both as a means of showing why a greater focus on the state is necessary to building better theories of international relations and as a means of laying a foundation for the theory of the dynamic state outlined in the next chapter.

Figure 1.2: The State as a Dynamic Unit



Revisiting State Formation and Transformation

As described in the previous section, international relations scholars have made a concerted effort in recent years to rethink the role of the state and state autonomy in explanations of foreign policy. This effort stems from a larger research program that began in the 1970s among social theorists who argued on behalf of “bringing the state back in” to the study of political sociology and comparative politics.⁵⁴ One of the main critiques leveled by this literature against social scientists of the preceding generation was that they had veered too far in their focus on pluralist and society-centered explanations of government decision-making.⁵⁵ State-centered theorists argued that these scholars had begun to view the state simply as an “arena” for translating societal preferences into policy, while ignoring the often considerable capacity of the

⁵⁴ The main body of scholarship in this literature has tried to reincorporate ideas from continental social theory—mainly the works of Otto Hintze, Max Weber, and to a lesser extent Carl Schmitt—about the state as an actor back into contemporary political sociology and comparative politics. For Hintze, Weber, and Schmitt see Otto Hintze, “The Formation of States and Constitutional Development: A Study in History and Politics,” in *The Historical Essays of Otto Hintze*, ed. Felix Gilbert (Oxford: Oxford University Press, 1975), 159–77; Max Weber, “Politics as a Vocation,” in *The Vocation Lectures*, ed. David S. Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis: Hackett Publishing, 2004), 32–94; Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978); Carl Schmitt, *The Concept of the Political*, trans. George Schwab, Expanded Edition (Chicago: University of Chicago Press, 2008). The seminal works in the political sociology/comparative politics literature include Charles Tilly, *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975); Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (Palo Alto: Stanford University Press, 1978); Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China* (Cambridge: Cambridge University Press, 1979); Eric A. Nordlinger, *On the Autonomy of the Democratic State* (Cambridge: Harvard University Press, 1981); Michael Mann, “The Autonomous Power of the State: Its Origins, Mechanisms, and Results,” *European Journal of Sociology* 25, no. 2 (1984): 185–213; Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985); Michael Mann, *The Sources of Social Power*, vol. I, *A History of Power from the Beginning to A.D. 1760* (Cambridge: Cambridge University Press, 1986). Almond argues that the state-centered focus of this literature is less novel than claimed, but others refute him fairly convincingly. For this debate see Gabriel A. Almond, “The Return to the State,” *The American Political Science Review* 82, no. 3 (1988): 853–74; Eric A. Nordlinger, Theodore J. Lowi, and Sergio Fabbrini, “The Return to the State: Critiques,” *The American Political Science Review* 82, no. 3 (1988): 875–901.

⁵⁵ For a review of the differences between pluralists and statist approaches to government decision-making see Stephen D. Krasner, “Approaches to the State: Alternative Conceptions and Historical Dynamics,” *Comparative Politics* 16, no. 2 (1984): 226–230.

state both to structure relations within society and to make and authoritative decisions without necessarily heeding societal preferences.⁵⁶

Scholars within the new state-centered literature helped to reorient the focus of social scientists in two ways that are particularly important for the development of a theory of state-building for executive war-making autonomy. First, they viewed the state as potentially more than just the sum of its parts and asked to what extent can and does the state pursue its own preferences? Central to this line of inquiry was a rethinking of the notion of state autonomy, which had been all but absent in political and sociological studies for some time. If autonomy is high, the state can be considered an independent actor with agential power to formulate and enact policies based on the preferences of decision-makers; whereas if autonomy is low, the state is more akin to a passive medium for aggregating and translating societal preferences into policy. Scholars in this line of research, for example, showed that political leaders can and do use the state to actively reshape society and/or pursue independent domestic and foreign policies.⁵⁷

Second, they viewed “the state” itself as an object of analysis to be explained. They asked, for example, how aspects of the state (strength, scope, and autonomy) are adjusted over time in response to changing domestic and international political environments, and how these changes then reverberate back to those same environments. Central to this analysis was a reconceptualization of the state as a permanent—albeit variable—set of institutions for rule.

⁵⁶ The “state-as-political-arena” comes from Theda Skocpol who criticized extant theories for viewing the state “as nothing but an arena in which conflicts over basic social and economic interests are fought.” Scholars such as Skocpol and Stephen Krasner claimed this was true of both liberal theories of state, which in their purest form see the government as a “cash register that totals up and then averages the preferences and political power of societal actors,” and Marxist theories of state, which view the government as a proxy in one form or another for the ruling class. Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China*, 25; Krasner, “Approaches to the State: Alternative Conceptions and Historical Dynamics,” quote on 226.

⁵⁷ See, for example, Ellen Kay Trimberger, *Revolutions from Above: Military Bureaucrats and Development in Japan, Turkey, Egypt, and Peru* (New York: Transaction Publishers, 1978); Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy*.

State-centered scholars focused mostly on the historical development of state institutions, seeking to explain the origins of the modern state and its different variants in relation to factors such as war, trade, and class conflict.⁵⁸ Moreover, they looked at how changes at the domestic level later affected their foreign economic and security policies; the most well known being Charles Tilly's pithy summary of international security based explanations of state formation: "War made the state and the state made war."⁵⁹

The treatment of the state as a variable set of institutions with its own interests forced international relations scholars to rethink the importance of state structure as an explanatory variable in foreign policy. Much of the initial progress in reincorporating the state into international relations was in the study of foreign economic policy, where in many ways the state had never left.⁶⁰ Progress in international security studies was much slower, but later developed in part because of the dissatisfaction with structural realism, which failed to explain important

⁵⁸ Much of this work fell within the bellicist tradition and focused on the origins of the state in early modern Europe. Charles Tilly, *Coercion, Capital, and European State, AD 990-1990* (Cambridge: Basil Blackwell, 1990); Brian Downing, *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton: Princeton University Press, 1992); Hendrik Spruyt, *The Sovereign State and Its Competitors* (Princeton: Princeton University Press, 1994); Thomas Ertman, *The Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997). For a comparison with state formation in Asia see Victoria Tin-bor Hui, *War and State Formation in Ancient China and Early Modern Europe* (New York: Cambridge University Press, 2005). For more strictly economic explanations of state formation see Douglass C. North, *Structure and Change in Economic History* (New York: W. W. Norton & Company, 1982); Margaret Levi, *Of Rule and Revenue* (Berkeley and Los Angeles: University of California Press, 1988). Finally, according to some Marxist explanations of state formation, the state arose as an instrument to ease class tensions and protect and advance the rule of the dominant class. See Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1974).

⁵⁹ Charles Tilly, "Reflections on the History of European State-Making," in *The Formation of National States in Western Europe*, ed. Charles Tilly (Princeton: Princeton University Press, 1975), 42.

⁶⁰ Robert Gilpin, *US Power and the Multinational Corporation* (New York: Basic Books, 1975); Stephen D. Krasner, "State Power and the Structure of International Trade," *World Politics* 28 (1976): 317-47; Peter Katzenstein, ed., *Between Power and Plenty* (Madison: University of Wisconsin Press, 1977); Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy*; G. John Ikenberry, David A. Lake, and Michael Mastanduno, *The State and American Foreign Economic Policy* (Ithaca: Cornell University Press, 1988).

outcomes without reference to unit level attributes. Again, this effort has been made most prominently by scholars who study the domestic politics of foreign security policy and more recently by neoclassical realists.

International security scholars have focused mostly on the first insight pointed to by the state-centered literature about the potential autonomy of the state. As cited in the previous section, an impressive body of work has developed, which shows that important variations in foreign security policy can be explained by studying variation in state autonomy across cases, while holding other factors relatively constant. This includes, for example, differences in the use of force⁶¹, diversionary war⁶², approaches to crisis negotiation⁶³, postwar settlements⁶⁴, military reform policies⁶⁵, the impact of public opinion on state responses to the conventional and nuclear arms buildup by the Soviet Union in the 1970s,⁶⁶ and the ability to extract resources from society for national security purposes.⁶⁷ These works have shown that state structure matters in explaining these outcomes not just across democracies and non-democracies, but also across just democracies.

Some scholars, moreover, have looked specifically at how executive autonomy varies across issue areas even within the same country. Much of this research has focused on differences between domestic and foreign policy in the United States. While the United States is

⁶¹ Auerswald, *Disarmed Democracies: Domestic Institutions and the Use of Force*.

⁶² Ross A. Miller, "Domestic Structures and the Diversionary Use of Force," *American Journal of Political Science* 39, no. 3 (1995): 760–85.

⁶³ Peterson, "How Democracies Differ: Public Opinion, State Structure, and the Lessons of the Fashoda Crisis"; Peterson, *Crisis Bargaining and the State: The Domestic Politics of International Conflict*.

⁶⁴ Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements*.

⁶⁵ Dyson, "Convergence and Divergence in Post-Cold War British, French, and German Military Reforms: Between International Structure and Executive Autonomy."

⁶⁶ Risse-Kappen, "Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies."

⁶⁷ Jeffrey W. Taliaferro, "State Building for Future Wars: Neoclassical Realism and the Resource Extractive State," *Security Studies* 15, no. 3 (2006): 464–95.

often thought to have a weak state, which provides little independence to policymakers in domestic policy, Stephen Krasner showed that this is not true in foreign policy where they are more independent.⁶⁸ There is in fact an entire literature in American Politics that argues this independence is so distinct that the American executive is better off being characterized as consisting of “two Presidencies”—one for domestic affairs, the other for foreign affairs.⁶⁹ Others meanwhile have disaggregated foreign policy even further and shown that while the two Presidencies notion may apply to some areas of foreign policy such as national security, it does not apply to other areas that cross the foreign-domestic boundary more clearly such as trade or foreign aid where Presidents are powerfully constrained by Congress.⁷⁰

Common to all of this scholarship is the argument that state autonomy varies across cases and issue areas in ways that are important for explaining outcomes of interest in foreign security policy. The general finding is that where states have greater autonomy, they are able to act on behalf of leader preferences more authoritatively. What has been studied less systematically in this literature, however, is why state structure and aspects like state strength, scope, and autonomy in foreign security policy vary across cases in the first place and how they change over time. This is the second insight pointed to by the state-centered literature that I mention above, but one that international security scholars have given less attention.

⁶⁸ Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy*.

⁶⁹ The notion of the “two Presidencies” comes from Aaron Wildavsky who argued in 1966 that “in the realm of foreign policy, there has not been a single major issue on which presidents, when they were serious determined, have failed.” Aaron Wildavsky, “The Two Presidencies,” *Trans-Action* 4 (1966): 7–14, quote on 7. For a recent review of this literature see Brandice Canes-Wrone, William G. Howell, and David E. Lewis, “Toward a Broader Understanding of Presidential Power: A Reevaluation of the Two Presidencies Thesis,” *The Journal of Politics* 70, no. 1 (2008): 1–16.

⁷⁰ Gordon Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy* (New York: Oxford University Press, 1997), 139–168; Helen V. Milner and Dustin Tingley, *Sailing the Water's Edge: Where Domestic Politics Meets Foreign Policy* (Princeton: Princeton University Press, 2015).

Where scholars have turned to this question, they have generally drawn on three theories of state-building. The first is modernization theory, which attributes state-building efforts to the need to deal with the pressures created by industrialization.⁷¹ Fareed Zakaria, for example, draws on this work and develops a state-centered theory of realism to explain the flurry of expansionist behavior pursued by the United States in the late nineteenth and early twentieth centuries.⁷² The second is the crisis and growth model, which holds that state-building occurs in punctuated episodes during wars and socio-economic crises, creating a “ratchet effect” in which state institutions are created wholesale or scaled up and then becoming permanent fixtures thereafter.⁷³ The third is the second-image reversed argument put forward by Peter Gourevitch, which stresses the role that the international state system plays in determining which types of state structures will ultimately enable states to survive in a dangerous world.

The first two theories suffer from several limitations in explaining state building for national security in the United States following World War II. First, modernization theory does help explain important bouts of state-building in the United States including during the Progressive era, the New Deal, and the Great Society. However, these episodes in state-building largely focused on areas of domestic policy and do not coincide with the main periods of national security institution building in the early Cold War period (and later the post-9/11 period).

Moreover, while the crisis and growth model helps explain the general growth of government

⁷¹ See, for example, Stephen Skowronek’s important study of the steady growth of national administrative capacities in the United States in the late nineteenth and early twentieth centuries. Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge: Cambridge University Press, 1982).

⁷² Zakaria, *From Wealth to Power: The Unusual Origins of America’s World Role*.

⁷³ On the “ratchet effect” see Alan T. Peacock and Jack Wiseman, *The Growth of Public Expenditure in the United Kingdom* (Princeton: Princeton University Press, 1961); Robert Higgs, *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (New York: Oxford University Press, 1987); Bruce D. Porter, *War and the Rise of the State: The Military Foundations of Modern Politics* (New York: The Free Press, 1994).

across American history, it has more difficulty accounting for the specific growth in the country's national security institutions.⁷⁴ As Aaron Friedberg argues, crises are important for explaining state growth, but for every "ratchet effect" of institution building during wars in the nineteenth and early twentieth centuries there was an equally large "rollback effect" afterward.⁷⁵ Nowhere was this rollback larger than in the military and the country's national security institutions. Following World War II, there was also a period of rollback in the first few years. Only after several years of rollback was a large-scale program of national security institution building and reorganization initiated. Thus, while wars do appear to play an integral part of state-building in certain periods, their effects have often been epiphenomenal.

The problem with the second-image reversed idea developed by Gourevitch meanwhile is not so much that it is wrong, but that it remains under-developed as I explain in the next chapter. It is more a recognition of the importance of international factors in explaining domestic political outcomes, and less a theory about how state structure does and does not change. As I will discuss in the next chapter, a second-image reversed explanation is largely implicit in structural realist and other prominent security-based theories of international relations. What is needed is for this theory to be made more explicit and for a specific theory of the national security state and how it changes over time.

⁷⁴ Bensel, Eisner, and Sparrow write about the relationships between war and state growth in the cases of the Civil War, World War I, and World War II, respectively. Saldin provides a more general analysis of the relationship from the Spanish American War in 1898 through the Vietnam War in 1975. Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (Cambridge: Cambridge University Press, 1990); Marc Allen Eisner, *From Warfare State to Welfare State: World War I, Compensatory State Building, and the Limits of the Modern Order* (University Park: The Pennsylvania State University Press, 2000); Bartholomew H. Sparrow, *From the Outside In: World War II and the American State* (Princeton: Princeton University Press, 1996); Robert P. Saldin, *War, the American State, and Politics Since 1898* (Cambridge: Cambridge University Press, 2011).

⁷⁵ Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton: Princeton University Press, 2000), 30–32.

A Realist Theory of the *Dynamic State*: State-Building for Executive War-Making Autonomy

The contemporary international state system was in large part born of geopolitical competition and war. As scholars since at least Machiavelli and Hobbes have recognized, the shifting and often dangerous nature of the international security environment has played a central role in the formation and subsequent transformation of modern states, privileging certain paths of development and obstructing others. Central to this story have been the decisions made by rulers in response to international pressure: as they faced war or the prospect of war, they worked to better organize their states for survival by rearranging domestic political structures. In particular, they organized these structures in ways that enabled them to extract resources from society and in turn mobilize those resources to protect and expand their territories. Without such adaptation, states risked being attacked, conquered, or worse—annihilated. Thus states were transformed from the “outside-in” through security competition and war. This “bellicist” line of argument was first made explicit in the works of late nineteenth and early twentieth century continental thinkers including Leopold von Ranke, Max Weber, Otto Hintze, and Carl Schmitt. More recently, scholars—foremost Charles Tilly, Brian Downing, Thomas Ertman, and Victoria Tin-bor Hui—have built on this explanatory framework to further develop arguments about the specific timing and form of alternative pathways of state development in Europe and Asia.

In the twentieth and twenty-first centuries, geopolitical competition and war have continued to exert a profound influence on domestic political development; reproducing some features of states, while transforming others. Thus when Peter Gourevitch wrote his seminal article in 1978, he did so believing that an outside-in, or what he called a second image reversed, approach had much to offer international relations scholars for explaining not just the historical development of the international state system, but also more recent and contemporary state-building processes. With few exceptions, however, this potentially fruitful line of explanation remains an “underdeveloped” approach in contemporary international relations theory, as Ja Ian Chong has noted.¹ In many ways, therefore, Gourevitch’s original critique, that international relations scholars too often treat domestic political structures and processes as “an independent or intervening variable and sometimes an irrelevant one,” still stands.² A great deal of attention continues to be paid to the impact of domestic institutions on international political behavior, and much less to the impact of international politics on domestic institutions.

There are important reasons for this lack of sustained attention. As Elizabeth Kier and Ronald Krebs explain in a recent volume on war and democracy: “Scholars routinely allude to war’s transformative power, but studies of war’s effects on democratic institutions and politics are rare.” They contend the dearth of such studies stems from the fact that because international relations scholars have largely been “Consumed with avoiding the destruction of world war and the potential devastation of a nuclear war, [they] have focused on the *causes* of war, not its

¹ Ja Ian Chong, *External Intervention and the Politics of State Formation: China, Indonesia, and Thailand, 1893-1952* (Cambridge: Cambridge University Press, 2012), 3.

² Peter Gourevitch, “The Second Image Reversed: The International Sources of Domestic Politics,” *International Organization* 32, no. 4 (1978): 881. For important exceptions see Chong, *External Intervention and the Politics of State Formation: China, Indonesia, and Thailand, 1893-1952*; Miriam Fendius Elman, “Deciding Democracy: External Security Threats and Domestic Regime Choices,” in *Existential Threats and Civil-Security Relations* (Lanham, MD: Lexington, 2009), 81–117.

consequences.”³ In many ways, the focus on causes over consequences stems directly from the central question that has oriented so much of the study of international relations: why war? As was discussed in the last chapter, reasoning from the bottom-up and focusing on the effects domestic institutions have on state behavior has provided an important approach to answering this question. One of the central insights of bellicists’ work on war and state-making, however, has been to point out that explaining why states have certain domestic institutions that are more or less prone to war is directly tied back to the nature of the international system and the problem of war itself. In other words, the causes and consequences of war cannot be separated so easily; the two often have a co-constitutive effect and therefore must be analyzed not separately but “simultaneously as wholes.”⁴ As Gourevitch explains, “The international system is not only a consequence of domestic politics and structures, but rather a cause of them.”⁵ Again, Charles Tilly’s oft-repeated but penetrating claim that “War made the state, and the state made war” captures the fact that the relationship between the international system and the structure of the units that populate it is a two-way street.⁶

International relations scholars, however, are not alone in their lack of attention to this issue area. Over the last three plus decades, the American politics subfield of American political development (APD) has blossomed.⁷ But it has to some extent ignored the impact of war and the

³ Elizabeth Kier and Ronald R. Krebs, “War and Democracy in Comparative Perspective,” in *In War’s Wake: International Conflict and the Fate of Liberal Democracy* (New York: Cambridge University Press, 2010), 1.

⁴ Gourevitch, “The Second Image Reversed: The International Sources of Domestic Politics,” 911.

⁵ Ibid.

⁶ Charles Tilly, *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975), 42.

⁷ The subfield of APD grew out of the work Stephen Skowronek and others who questioned the widely held view that the United States lacked a formal and substantial state apparatus. Skowronek’s work shed light on the American state and helped orient Americanists to study episodes of American state-building efforts since the country’s founding. Stephen Skowronek, *Building a New American State: The Expansion*

threat of war on American domestic political institutions.⁸ In a 2002 volume on the international influence on American political development, Ira Katznelson laments that such studies still remain “conspicuously absent.” He explains that “more than two decades since Gourevitch called for a new research perspective stressing the [international sources of domestic politics or the mutual constitution of international relations and domestic affairs], the degree and character of influence exercised by international factors on American political development remains remarkably unprobed.”⁹ Robert Saldin suggests APD should provide “a natural home” for the study of the domestic effects of international politics. Like Gourevitch and others, however, he explains the traditional segmentation between American politics and international relations has prevented this type of boundary-crossing theorizing and empirical research.¹⁰ Though several of the cited works above have begun to bridge this gap, the fact is that “high walls continue to separate studies by Americanists of US politics at home from their studies of “foreign” affairs.”¹¹

Explaining domestic institutional change as a consequence of international politics, therefore, requires moving past two obstacles that have traditionally limited such an approach.

of National Administrative Capacities, 1877-1920 (Cambridge: Cambridge University Press, 1982); On the subfield of APD see Karen Orren and Stephen Skowronek, *The Search for American Political Development* (Cambridge: Cambridge University Press, 2004).

⁸ For important exceptions see Bartholomew H. Sparrow, *From the Outside In: World War II and the American State* (Princeton: Princeton University Press, 1996); Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton: Princeton University Press, 2000); Ira Katznelson and Martin Shefter, eds., *Shaped By War and Trade: International Influences on American Political Development* (Princeton: Princeton University Press, 2002); Robert P. Saldin, *War, the American State, and Politics Since 1898* (Cambridge: Cambridge University Press, 2011); James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government* (Oxford: Oxford University Press, 2011).

⁹ Ira Katznelson, “Rewriting the Epic of America,” in *Shaped By War and Trade: International Influences on American Political Development*, ed. Ira Katznelson and Martin Shefter (Princeton: Princeton University Press, 2002), 4.

¹⁰ Saldin, *War, the American State, and Politics Since 1898*, 3–6, quote on 3.

¹¹ Katznelson, “Rewriting the Epic of America,” 4.

On the one hand, it requires expanding international relations' conception of the causes of war to include not just particular domestic political institutions but also their origins. If certain arrangements are more prone to war, then understanding why those arrangements exist today helps answer the question: why war? On the other hand, it requires crossing disciplinary divides, not just between American politics and international relations, but also comparative politics. There are good theoretical and disciplinary reasons for the existence of these divides, but they have discouraged scholars from studying the mutual constitution of domestic and international politics. A greater effort must be made to try to transcend them if we are to explain outcomes that require multi-level explanations. This is not the first study that attempts to make both of these moves, but given the lack of studies that do so it is important to be clear that these obstacles remain.

This chapter forms the theoretical core of the dissertation. In it I aim to build on the aforementioned "bellicist" explanations of state formation and extend their insights to explain important aspects of the phenomenon of state transformation. As was discussed earlier, the theory proposed here is essentially an elaborated realist argument about internal balancing that uses a second image reversed approach to explain state-building for executive war-making autonomy in democratic states. The purpose is to explain the transformation of democratic decision-making processes and procedures about the use of force as an adaptive response to a shifting international security environment.

This specific argument, however, is embedded in a larger realist theory of state, which today remains underspecified. As the last chapter described, realists have come a long way since Michael Desch noted almost two decades ago, "we do not yet have a realist theory of the state

and domestic politics, merely simplifying assumptions about them.”¹² This is particularly true of neoclassical realism. Nonetheless, observations by Desch and others that realists must still develop a better understanding of the relationship between realism and domestic politics remains an important gap in the literature yet to be filled. Stephen Walt, for example, suggests realists should turn to developing the implications of realism for domestic politics and goes so far as to suggest they might even inquire into “the origins of the state system itself.”¹³ Such a goal is likely beyond the reach (and probably the need) of realism. Certainly, it is beyond the reach of this study. Rather, the question more central to the research here is: given the state system that does exist today, why and how do states adapt their domestic structures and procedures to better enable survival? Answering this question requires a partial theory of state—one that at least accounts for important aspects of state transformation. In what follows, therefore, I construct this partial theory first before developing a specific argument about state-building for executive war-making autonomy.

Essential Concepts

Several key concepts related to the state lie at the heart of the theory. Because “the state” itself and other related concepts are abstract and contested, it is important first to define each separately before explaining their relationship to international security competition.

¹² Michael C. Desch, “War and Strong States, Peace and Weak States?,” *International Organization* 50, no. 2 (1996): 238.

¹³ Walt suggests “A realist approach to state formation would emphasize the imposition of sovereign authority in order to mobilize power and create security for ruler and ruled alike, as opposed to approaches that regard the state as a voluntary contract between sovereign and subject or between free and equal citizens.” Stephen M. Walt, “The Enduring Relevance of the Realist Tradition,” in *Political Science: The State of the Discipline*, ed. Ira Katznelson and Helen V. Milner (New York: W. W. Norton & Company, 2002), 227; For a related but more general theory of political cohesion see Ioannis D. Evrigenis, *Fear of Enemies and Collective Action* (Cambridge: Cambridge University Press, 2008).

An Institutional-Functional Definition of the State

The institutional-functional conception of the state that I adopt builds on scholarship that traces its roots to Max Weber.¹⁴ In what is now a widely used definition, Weber conceived of the state as a “coercive,” “ruling apparatus” engaged in “continuous administration” and which “(successfully) lays claim to the *monopoly of legitimate physical violence* within a particular territory.”¹⁵ Central to this definition is a conception of the state as a “ruling apparatus” or what he referred to elsewhere as an “institutional order” for rule.¹⁶ This apparatus is not by definition a unitary entity—like an “individual person” in Weber’s words—but rather is a collective set of offices and modes of organization, which together are wielded by political leaders who exercise control over the physical violence used within a given territory and used on its behalf externally.¹⁷ According to Weber, the “modern state” as such has several “primary formal characteristics” that makes it distinct from earlier modes of rule:

¹⁴ I use the term state solely to refer to the modern territorial state that emerged in the fourteenth century in Europe and became nearly ubiquitous by the middle of the twentieth century. I delimit my use of the term because I am interested in developing a concept and theory of state relevant to contemporary cases, unlike some scholars who also use the term to refer to a range of historical political units including tribes, city-states, feudal principalities, urban leagues, and universal empires. Jeffrey W. Taliaferro, “State Building for Future Wars: Neoclassical Realism and the Resource Extractive State,” *Security Studies* 15, no. 3 (2006): 470; Jeffrey W. Taliaferro, Steven E. Lobell, and Norrin M. Ripsman, “Introduction: Neoclassical Realism, the State, and Foreign Policy,” in *Neoclassical Realism, the State, and Foreign Policy*, ed. Steven E. Lobell, Norrin M. Ripsman, and Jeffrey W. Taliaferro (Cambridge: Cambridge University Press, 2009), 26.

¹⁵ Max Weber, “Politics as a Vocation,” in *The Vocation Lectures*, ed. David S. Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis: Hackett Publishing, 2004), 32–38, 35, 33; Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 56, 901–910, 908.

¹⁶ Weber, *Economy and Society: An Outline of Interpretive Sociology*, 905.

¹⁷ To be clear this is a fundamentally methodological individualist perspective. As Weber describes, it might be convenient “to treat social collectivities such as states, associations, business corporations, foundations, as if they were individual persons... [but] these collectivities must be treated as solely the resultants and modes of organization of the particular acts of individual persons, since these alone can be treated as agents in a course of subjectively understandable action.” *Ibid.*, 13; On Weber’s methodological individualism see Gianfranco Poggi, *Weber: A Short Introduction* (Cambridge: Cambridge University Press, 2006).

It possesses an administrative and legal order subject to change by legislation, to which the organized activities of the administrative staff, which are also controlled by regulations, are oriented. This system of orders claims binding authority, not only over the members of the state, the citizen...but also to a very large extent over all action taking place in the area of its jurisdiction.¹⁸

States, moreover, fulfill a basic number of functions, according to Weber, including:

...the enactment of law (legislative function); the protection of personal safety and public order (police); the protection of vested rights (administration of justice); the cultivation of hygienic, educational, social-welfare, and other cultural interests (the various branches of administration; and last but not least, the organized armed protection against outside attack (military administration).¹⁹

Though Weber stresses that states mostly fulfill similar functions (i.e. legal, social, security-oriented), he is clear not to define the state solely “in terms of the end to which its actions is devoted.”²⁰ In other words, Weber explicitly eschews a functional definition of the state. Rather, for Weber the state comprises a set of institutions that are headed by individuals and are designed to enable them to rule a given territory.

Building on Weber’s important but incomplete conceptualization of the state, scholars have more recently developed his ideas to construct a more explicit institutional definition of the state.²¹ Synthesizing this work, Michael Mann identifies four components that together provide a

¹⁸ Weber, *Economy and Society: An Outline of Interpretive Sociology*, 56.

¹⁹ Weber is clear, however, to avoid a functional definition of state. He argues that while most states pursue these basic functions, they alone cannot define the state because not all states pursue the same functions. *Ibid.*, 905.

²⁰ *Ibid.*, 55.

²¹ Michael Mann, *The Sources of Social Power*, vol. II, *The Rise of Classes and Nation-States, 1760–1914* (Cambridge: Cambridge University Press, 1993), 50–56. See also Tilly, *The Formation of National States in Western Europe*, 27; Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (Palo Alto: Stanford University Press, 1978), 1; Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China* (Cambridge: Cambridge University Press, 1979), 29; Peter B. Evans and Dietrich Rueschemeyer, “The State and Economic Transformation: Toward an Analysis of the Conditions Underlying Effective Intervention,” in *Bringing the State Back In*, ed. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985), 46–47; Gianfranco Poggi, *The State: Its Nature, Development, and Prospects* (Palo Alto: Stanford University Press, 1990), chapter 2.

working definition of the state. I adopt these four components to capture the “institutional” dimension of an institutional–functional definition of the state:

1. The state is a differentiated set of institutions and personnel
2. embodying centrality, in the sense that political relations radiate to and from a center, to cover a
3. territorially demarcated area over which it exercises
4. some degree of authoritative, binding rule making, backed up by some organized physical force²²

To these four institutional components, however, I add a fifth and purely functional one—namely, security as an end—to capture the “functional” dimensions of my institutional-functional definition of the state.

5. and which pursues security vis-à-vis other states as a means of ensuring its survival and prosperity.

This final dimension might be implicit in the territoriality of the state, but must be made explicit and prominent in any definition principally concerned with national security.

This definition is worth unpacking to show how an institutional-functional definition differs from the other prominent definitions that international relations scholars have adopted, implicitly or explicitly. First, the institutional component of this definition has several implications that make it distinct from pluralist approaches, which more abstractly conceive of the state as an arena, and structural realism, which conceives of the state in almost purely functional terms. Both ignore the institutional power of the state and suggest instead that it is an empty medium of sorts; either an arena where domestic political conflict varies but the basic

²² One dimension here on which Mann departs from some scholars is that he allows for the fact that states have a high degree of both authoritative rule making ability and control over the use of physical violence, but he does not assume either is absolute. Mann, *The Sources of Social Power*, 1993, II, The Rise of Classes and Nation-States, 1760–1914:55.

structure of the state remains unchanged and in any case has little independent impact on state behavior, or as a unit that is considered only in terms of its material power capabilities and where various institutional arrangements are thought to exert only ancillary influence on its likelihood or capacity to respond to international pressures.

The fact that the state is conceptualized as a set of semi-permanent institutions of rule in this definition means “the state” can be conceived of abstractly as a distinct and authoritative actor. This has two implications for a theory of state. On the one hand, it means the state is more than just the sum of its transient office holders’ views. In other words, state interests cannot solely be reduced to the interests of its office holders or the societal actors that empower them, directly or indirectly, through election or the appointment process. Thus, as an institutional actor, the state can have distinct interests separate from society and can even be thought to have long-term “national interests,” however formulated, which carry over from administration to administration.²³ On the other hand, the fact that the state is distinct from society means that it may have some degree of autonomy to pursue its distinct interests. As Mann explains, this autonomy is not absolute, as some institutional scholars have implied, but nonetheless decision-makers often do have a high degree of independent and authoritative policy making capacity.

What is implicit but important to highlight in this definition is that state action can occur only as a result of the extent to which individuals, operating through their formal positions, are able to direct national resources. How effectively these individuals are able to act in turn depends on how state structures empower or constrain them. Conceptualizing the state as a set of institutions, therefore, is important not just because it accounts for why states often have distinct

²³ The point is not to suggest there is “one” enduring conception of the national interest, but that institutional orders can make particular formulations of the national interest stable. On the inherent ambiguity of “national security” and “national interest” see Arnold Wolfers, “‘National Security’ as an Ambiguous Symbol,” *Political Science Quarterly* 67, no. 4 (1952): 481–502.

interests, but also because it is necessary for explaining why and when decision-makers' are able to pursue those interests. This is critical because different institutional structures privilege certain actors (hence certain outcomes), and handicap other actors (hence other outcomes). Thus certain arrangements may enable decision-makers to act irrespective of variations in domestic political conflict, meaning the state is often more than just an arena. Others, conversely, may make material power capabilities more or less usable, meaning state structure matters even though all states similarly seek to survive.

Second, the functional component of this definition helps correct solely institutional definitions of the state by incorporating the insights of both bellicist and realist scholars who argue the nature of the state cannot be separated from the nature of the state-system itself. In an uncertain and often dangerous world the state must be a security-seeking unit first and foremost. This makes explicit the fact that the state is by definition a geopolitical actor engaged in security competition with other states at all times, which helps account for the fact that a large part of the state apparatus is often geared toward the pursuit of national security. This of course does not mean that security is the only end pursued by states; just that the goal of survival foregrounds the other ends states might pursue. Again, however, this functional component of the definition does not override the fact that states are still composed of institutions that may or may not enable decision-makers to pursue security effectively. Thus it is distinct from neorealist conceptions that assume states are unitary rational actors. States may be functionally undifferentiated, but the fact that they are institutionally differentiated matters tremendously. This allows for the fact that security imperatives may cause states to adapt to their environment and act in an authoritative manner that resembles the behavior of a unitary rational actor, but does not mean this assumption

should be made a priori. As I explain below, such functional adaptation requires an analogous process of institutional adaptation.

Finally, an institutional-functional definition of the state leaves open the possibility for analyzing variation in state structure across cases and changes in state structure within-case over time. In this formulation, the state must be considered what Mann calls a “polymorphous” structure. He explains: “In chemistry a polymorph is a substance that crystallizes in two or more different forms, usually belonging to different systems.” In this context he uses the term to convey “the way states crystallize as the center – but in each case as a different center – of a number of power networks [ideological, economic, military, political].”²⁴ In other words, states facing dissimilar circumstances, where concerns about different issue areas or policy domains predominate over others, have incentives to favor different institutional arrangements. This environmental variation in turns causes them to crystallize in different ways. According to Mann, this explains why European states crystallized variously as “capitalist,” “dynastic,” “party democratic,” “militarist,” “confederal,” “Lutheran,” etc. The fundamental importance of this “polymorphous” nature of the state will become evident in the theory elaborated below.

State Centralization and State Autonomy

Given this institutional–functional definition of the state, it is now possible to focus precisely on the institutional design and organization of national security structures and decision-making procedures. Specifically, I am interested in the extent to which such institutions provide decision-makers with more or less autonomy to use force.

²⁴ Mann, *The Sources of Social Power*, 1993, II, The Rise of Classes and Nation-States, 1760–1914:75–76. For an introduction to Mann’s IEMP (Ideological, Economic, Military, Political) power network framework see Michael Mann, *The Sources of Social Power*, vol. I, A History of Power from the Beginning to A.D. 1760 (Cambridge: Cambridge University Press, 1986), chapter one.

Broadly speaking, states can be characterized as having more centralized versus more decentralized arrangements of decision-making. In more centralized arrangements, authority is located in one or a few formal offices where a relatively small number of officials are responsible for formulating and executing policy. The foundation of this centralization is an institutional design that funnels decision-making processes and procedures to this individual or group, and a streamlined national security machinery that is responsive to their initiatives. With a more decentralized form of structure, authority over national security decisions is spread out across a host of institutional sites, giving a larger number of officials a formal say in formulating and executing policy. Such decentralization can occur either when there are multiple formal offices that can initiate or block national security policy, or when the machinery of national security, either purposefully or unintentionally, provides lower offices with decision-making authority. In a democracy, a centralized structure usually means decision-making is localized in the executive where the key decision-making unit comprises the chief executive and a small group of other officials. Conversely, a decentralized structure in a democracy usually means the legislative branch has an ex ante and decisive voice in matters of national security.

Fully centralized and fully decentralized state structures do not exist as binary types in reality. Rather, a spectrum exists across which different organizational schemes create either more or less centralization. In the language of an important line of institutional scholarship, the spectrum can be conceived of in terms of “veto players.” Veto players are defined as “individual or collective actors whose agreement is necessary for a change in the status quo.”²⁵ In other words, veto players are those actors whose support is required for a policy to be pursued. In the specific issue area under consideration here, a veto player is one who can block ex ante a state

²⁵ George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton: Princeton University Press, 2002), 19.

from using force. These types of veto players can be either formal (i.e. written into a state's constitution or other binding piece of legislation or regulation) or informal (i.e. exerting authority through a widely recognized norm).

Centralized decision-making authority is critical for explaining state behavior under any type of regime. In a state structure where authority is more centralized and there are fewer formal veto players, core decision-makers will have less need to bargain with the public and other actors in the state. Conversely, in a state structure where authority is more decentralized and where there are more formal veto players, the policy making process is likely to be contested by multiple sources of authority that may have competing interests. This can be expected to result in more bargaining and a greater need for compromise over policy outcomes. The result is that such structures can be subject to long and tortured decision-making processes that result in diluted or fragmented policy outcomes. In more centralized structures, therefore, we can expect greater coherence and decisiveness in state policy, as fewer compromises need to be made with the additional actors invested in the process where decision-making authority is decentralized.

Centralized decision-making authority, however, is especially critical for explaining state behavior under democratic government. As mentioned above, centralization in national security decision-making in democracies usually entails concentrating formal and/or informal authority in the executive and a small body of executive officials.²⁶ The effect of such concentration is not only to limit the number of veto players, but also to exclude certain veto players; namely, legislators. The tradeoff between centralized and decentralized state structure in a democracy, therefore, has important consequences for the way democratic governments reach decisions. As I will explain below, the efficient conduct of national security is seen as stemming

²⁶ This is the "foreign policy executive" mentioned earlier.

from the executive end of the spectrum. In a democracy, however, legislative participation and approval are central to ensuring the democratic legitimacy of national security decision-making.²⁷ The legislature in effect serves as a proxy for public involvement in decisions of war and peace.²⁸ Thus a centralized structure, advertently or inadvertently, can serve to insulate state decision-making processes and procedures from public scrutiny and provide decision-makers with a degree of autonomy. To be clear, this does not necessarily mean state policy will be better, only that leaders will enjoy greater flexibility.

Again, I define state autonomy as *the degree to which state structure and decision-making procedures provide executive officials with the ability to translate their preferences into policy outcomes notwithstanding societal preferences*. To be specific, this is what I would call “institutional autonomy,” which simply means that the autonomy enjoyed by decision-makers is derived from the institutional design and resources of the state and not some other source.²⁹ Two other types of autonomy can exist independently or in tandem with institutional autonomy. The first is what I would call “situational autonomy.” Situational autonomy occurs when a country is faced with an obvious and significant international challenge, which creates a strong rally effect among the public. The result is a surge in public opinion for action of some type, which gives decision-makers greater latitude to act in the face of a threat. The clearest example is when a country is attacked. The second is what I would call “personal autonomy.” Personal autonomy

²⁷ Dirk Peters and Wolfgang Wagner, “Between Military Efficiency and Democratic Legitimacy: Mapping Parliamentary War Powers in Contemporary Democracies, 1989–2004,” *Parliamentary Affairs* 64, no. 1 (2011): 175–92.

²⁸ A question remains about whether legislative opinion and public opinion can or should be conflated. Here I adopt the traditional interpretation of the two and assume they overlap to the extent that the legislature at least serves as a reasonable representation of public opinion. On this point see Norrin M. Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements* (University Park: The Pennsylvania State University Press, 2002), 42, N 47.

²⁹ This is similar to what Ripsman calls “structural autonomy,” but as I explain below differs in important ways. See introduction. *Ibid.*, 42–43.

stems from the charisma or sheer will of a particular leader. Though all three sources of autonomy can provide decision-makers with important leeway, institutional autonomy should be preferred because it is more enduring. Here I am focused exclusively on the institutional sources of autonomy and use the concept to refer solely to that idea.

Three institutional aspects together help centralize state structure and decision-making procedures and provide decision-makers with autonomy to use force: resources (military forces in being), organization (a streamlined national security apparatus), and control (concentrated decision-making authority to *initiate* action). The role of these components will become clearer in the American case, but for now it is necessary to note their significance. Resources provide ready-made forces available to be used without the need to debate their construction. In the United States, the lack of a standing army historically provided the legislature with its most important veto opportunity in decisions about large-scale war. Executives could not effectively wage war in the pre-World War II period without Congress first agreeing to raise the necessary forces. Nor could they resort to covert and/or other clandestine operations because such forces did not exist. Organization both increases the effectiveness of available forces and enables officials to direct their activities in a coordinated manner. Control over the actual use of armed force in the form of concentrated decision-making procedures shifts the *initiative* to the executive. In the American case, once the initiative shifted from Congress to the President, it became very difficult for the former to act as a veto player *ex poste facto*.

Finally, it is important to note that autonomy is not just derived from the relative strength these institutional aspects provide the executive vis-à-vis the legislature and the public, but also from the resources institutions make available to the executive to act out of sight of legislative and public scrutiny. Thus while I agree with others who argue the true test of autonomy is when

decision-makers in the executive are able to pursue an independent set of policies even in the face of legislative and public disapproval, I disagree that this is the only measure of autonomy. When possible, decision-makers, especially in democracies, have an incentive to circumvent tests of their ability to act independently. In the area of national security, they do things like obscure their policies and resort to using instruments of force that limit or completely evade public attention. By focusing only on the ability of executives to act in the face of opposition (which might actually be a measure of state strength), we miss the true scope of state autonomy.

International Security Competition and Political Organization: Toward a Realist Theory of State Transformation

Why do some states have more autonomy than others? Why at certain points in time do decision-makers decide to redesign state structures and decision-making procedures to make them more centralized? The answers to these questions I argue lie in the nature of the international state system itself and require a second-image reversed, bellicist explanation, which I elaborate in the remainder of this chapter. In this section I begin this task by first situating the argument in the realist tradition and then discuss the historical lineage of the theory as it runs from the work of Otto Hintze through Peter Gourevitch's second image reversed approach. Then I outline a basic theory of state before turning to the more specific explanation of state-building for executive autonomy in the next section.

Lineages of a Realist Theory of State

Realists have long recognized that the competitive and conflictual nature of international politics exerts a tremendous amount of pressure on the units that populate the international

system.³⁰ States must either respond to this pressure or suffer the consequences. Structural realists explain the operation of system level pressure as follows: as security competition waxes and wanes, states are “socialized” into adopting certain modes (i.e. survival-oriented) of behavior. Again, as explained earlier, for Kenneth Waltz socialization generally refers to the adoption of a combination of external and internal strategies designed to balance against potential threats. These include forming temporary alliances and emulating the military practices of leading states by adopting similar technologies and strategies.³¹ John Mearsheimer, meanwhile, takes a similar approach, but expands Waltz’s perspective on both external and internal balancing. In terms of the former, he acknowledges that while sometimes states balance they also pursue a variety of other strategies including buck-passing. In terms of the latter, he highlights the fact that states not only imitate others; they also “innovate” by “developing new weapons, innovative military doctrines, or clever strategies.”³²

The nature of international security competition, however, does not just compel states to alter their external behavior or attempt to imitate other states military practices or innovate new ones; it also causes them to alter their *domestic* political constitutions by adopting new institutions and adjusting old ones. This important insight can be seen in the works of an older line of political theorists that realists traditionally claim lineage from including Machiavelli and

³⁰ Offensive and defensive variants of realism disagree on the extent to which international politics is conflictual, but all agree that it is competition/conflict-prone. As Stephen Walt explains, all modern variants of realism share the premise that “the presence of multiple states in anarchy renders the security of each of them problematic and encourages them to compete with each other for power and/or security.” Walt, “The Enduring Relevance of the Realist Tradition.” For different realist statements on the essentially conflictual nature of international politics see Kenneth N. Waltz, *Theory of International Politics* (Boston: McGraw-Hill, 1979); Robert G. Gilpin, “The Richness of the Tradition of Political Realism,” *International Organization* 38, no. 2 (1984): 287–304; John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, 2001); Taliaferro, Lobell, and Ripsman, “Introduction: Neoclassical Realism, the State, and Foreign Policy.”

³¹ Waltz, *Theory of International Politics*, 74–77, 127, 168.

³² Mearsheimer, *The Tragedy of Great Power Politics*, 166–167.

Hobbes.³³ The modern variant relevant here, however, was articulated by a group of continental theorists in the late nineteenth and early twentieth centuries. The historian Leopold Ranke outlined the early contours of this line of thought, explaining “the primacy of foreign policy” does and should drive considerations of political organization and activity. Ranke argued that the pursuit of other societal interests is founded on “the position” of a state vis-à-vis other states and “the degree of independence” it has to conduct its own affairs. Thus states are “obliged...to organize all of [their] internal resources for the purpose of self-preservation.” This “supreme law of the state,” he contended, has a tremendous impact on domestic political arrangements.³⁴ Though less pronounced, Weber also held the view that there is a close relationship between external relations and internal politics. Weber’s theory of internal politics is “surprisingly obscure,” according to Randall Collins. Nonetheless, it is clear for Weber that “politics works from the outside in, and that the external military relations of states are crucial determinants of their internal politics.”³⁵

The leading continental thinker who most fully theorized an explicit and fundamental relationship between international security competition and political organization and whose

³³ Andreas Anter, for example, suggests that though Machiavelli did not have a concept of state that resembles ours today, maintaining the state as a supreme form of rule is inherent in his writings. Andreas Anter, *Max Weber’s Theory of the Modern State: Origins, Structure and Significance*, trans. Keith Tribe (New York: Palgrave Macmillan, 2014), 108. On Machiavelli and Hobbes see also Evrigenis, *Fear of Enemies and Collective Action*, chapters 3 and 5.

³⁴ Ranke was careful not to suggest all “internal political organization” stems from “war,” broadly conceived. Rather, he argued that “the primacy of foreign policy” necessitated constant “modification” of the state. Leopold Ranke, “A Dialogue on Politics,” in *Leopold Ranke: The Formative Years*, by Theodore H. Von Laue (Princeton: Princeton University Press, 1950), 166–167.

³⁵ Randall Collins, *Weberian Sociological Theory* (Cambridge: Cambridge University Press, 1986), chapter 6, quotes on 145. See also Mann, *The Sources of Social Power*, 1993, II, The Rise of Classes and Nation-States, 1760–1914:56; Brendan Simms, “The Return of the Primacy of Foreign Policy,” *German History* 21, no. 3 (2003): 277.

work serves as an important point of departure for my own theory was Otto Hintze.³⁶ In a series of essays in the early twentieth century, Hintze explored the historical formation of European states as a means of explaining contemporary changes in Germany and elsewhere.³⁷ Hintze recognized that two separate but related historical processes required explanation. The first was the continuing divide between the development of parliamentarism in Great Britain and the more military-oriented absolutism that reigned on the continent.³⁸ The second was a larger process of state development stemming from transformations taking place in the international state system. As Hintze observed, “The old European system of states [was being] replaced by a new world-system of states.” By looking at Europe’s historical experience, he sought to understand how both European and other states would “arrange themselves” as the extent of the state system spread around the globe.³⁹

Many other scholars at the time were focused on similar questions, but sought to explain the internal development of states as a consequence of their national histories, national

³⁶ Hintze was in many ways the heir to Ranke’s *Primat der Aussenpolitik* school, but was also deeply influenced by Weber’s work, which was contemporary to his own. Weber’s influence can be seen especially in Hintze’s later work.

³⁷ Though he touched on these topics elsewhere, Hintze’s theory can be gleaned from the essays “Power Politics and Political Organization (1913)” and “Imperialism and World Policy (1907),” which I reference through secondary sources, and the essays “The Formation of States and Constitutional Development: A Study in History and Politics (1902),” “Military Organization and the Organization of the State (1906),” and “The Preconditions of Representative Government in the Context of World History (1931)” in Felix Gilbert, ed., *The Historical Essays of Otto Hintze* (New York: Oxford University Press, 1975), chapters four, five, and eight.

³⁸ In “Power Politics and Political Organization,” he contrasts the difference as follows: “The different systems of government and administration found among the large European states can be traced back in the main to two types, one of which can be called the English and the other the continental... [The principal difference between them] consists in the fact that on the continent military absolutism with a bureaucratic administration develops, while in England... the older line of development continues... and leads to what we usually term parliamentarism and self-government.” Quoted in Thomas Ertman, “Explaining Variation in Early Modern State Structure: The Cases of England and the German Territorial States,” in *Rethinking Leviathan: The Eighteenth-Century State in Britain and Germany*, ed. John Brewer and Eckhart Hellmuth (Oxford: Oxford University Press, 1999), 24–25.

³⁹ Quoted in Felix Gilbert, “Introduction: Otto Hintze, 1861-1940,” in *The Historical Essays of Otto Hintze*, ed. Felix Gilbert (Oxford: Oxford University Press, 1975), 18.

characters, or economic relations. Hintze, however, thought internal structural development could not be explained by internal factors alone and was interested instead in the extent to which the “peculiar character [of the state was] co-determined by its relation to its surroundings.” He hypothesized that a state’s “internal structure” or “constitution” was directly related to “alterations in [its] external existence.” Indeed a comparative view of history, according to Hintze, showed that a state’s “internal constitution adjusts itself to the conditions of [its] external political existence.”⁴⁰ The comparative development of Great Britain and Germany was the most prominent example that made clear the importance of this line of explanation for Hintze. After pointing out the distinct institutional differences between the two states noted above, he asked, “What then is the cause of this pronounced institutional differentiation?” According to Hintze:

It was above all geographic position... [I]n order to pursue its goals, England required no large land force, only a navy... and a force which swims [*sic*] on the ocean is less suited to influencing and changing the inner structure of a state than a great army... [the situation was] completely different on the continent, where at that time the great standing armies and with them the absolutist, bureaucratic state arose... Great historical necessity led to this [outcome], and this [historical necessity] was the constant state of war which reigned on the continent, where no nation and no state was protected by a powerful border which England possessed in the sea which surrounded it.⁴¹

Located in this answer is the kernel of Hintze’s larger theory of state formation and transformation. As this example makes clear, the most important factor in the process of state development for him was organization for war. He explained that war was so central to the development of a state’s internal constitution because “All state organization was originally

⁴⁰ Otto Hintze, “The Formation of States and Constitutional Development: A Study in History and Politics,” in *The Historical Essays of Otto Hintze*, ed. Felix Gilbert (Oxford: Oxford University Press, 1975), 159, 160, 162.

⁴¹ “Power Politics and Political Organization,” quoted in Ertman, “Explaining Variation in Early Modern State Structure: The Cases of England and the German Territorial States,” 25–26.

military organization for war.”⁴² Throughout history conflict and the potential for conflict had exerted a powerful influence on the internal structure of states. This influence, furthermore, “increased in strength the more frequently wars were waged.”⁴³ For Hintze, therefore, the internal structure of Europe’s states and the continent’s military geography and its “constant state of war” could not be separated from one another. As states faced greater potential danger in their environment, they had to rearrange themselves in order to better survive. The pressure of international competition of course varied for different states at different times; it was less severe for Great Britain than it was for Germany. Nonetheless, in one form or another, all states had been subject to the forces of “power politics and balance-of-power politics,” which according to Hintze “created the foundations of modern Europe.”⁴⁴

For Hintze, however, these external factors were not just operative in some distant period; they continued to influence political life on the continent. In other words, security competition did not only affect states’ development at their inception. Yes, there was some degree of what institutional scholars today call a “lock-in” effect whereby certain institutional arrangements, once adopted, become more difficult to change over time.⁴⁵ But states were also continuously being reproduced and transformed by their external environments. Hintze argued this was particularly true of Germany in the early twentieth century. Faced with “constant competition...states were prompted toward increasing rationalization and consolidation of their

⁴² Otto Hintze, “Military Organization and the Organization of the State,” in *The Historical Essays of Otto Hintze*, ed. Felix Gilbert (Oxford: Oxford University Press, 1975), 181.

⁴³ *Ibid.*, 183, 181.

⁴⁴ *Ibid.*, 199.

⁴⁵ For an introduction to the ideas of “lock-in” and “path dependence” see James Mahoney, “Path Dependence in Historical Sociology,” *Theory and Society* 29, no. 4 (2000): 507–48.

political machine,” he explained.⁴⁶ In this context, “rationalization and consolidation” involved creating, developing and altering a state’s domestic institutions so as to enable statesmen to more effectively respond to their external security environment. Here it is important to note that Weber’s influence, particularly his conception of the state as an apparatus or set of institutions, came to be more recognizable in Hintze’s work. Though less well developed, Hintze likewise defined the political dimension of the state in institutional terms as “a system of institutions for the protection, domination, and governance of the entire human and territorial complex.”⁴⁷ Unlike Weber, however, he more explicitly linked the institutional nature of the state to its external environment and developed an argument about what was for him an unambiguous and ongoing relationship between international security competition and domestic institutional change.

Though he privileged the role played by external factors in explaining the state-building process, Hintze also recognized that external factors interacted with internal ones in important ways. As he explained, “The impact of the outside world must pass through an *intellectual medium*; and the only question is how strong is its refraction, to what extent it possesses independent vigor and can exert a counterweight.”⁴⁸ The “intellectual medium” he referred to comprised the ideas and values associated with a country’s national character (*Volksgeist*). According to Hintze, they are formative elements of a country’s domestic institutions and are often manifest in its Constitution and laws. What is important, however, is the strength of these

⁴⁶ Otto Hintze, “The Preconditions of Representative Government in the Context of World History,” in *The Historical Essays of Otto Hintze*, ed. Felix Gilbert (Oxford: Oxford University Press, 1975), 308.

⁴⁷ Otto Hintze, “The State in Historical Perspective,” in *State and Society: A Reader in Comparative Political Sociology*, ed. Reinhard Bendix (Berkeley and Los Angeles: University of California Press, 1968), 155.

⁴⁸ Hintze, “The Formation of States and Constitutional Development: A Study in History and Politics,” 162 (italics added).

internal factors and how they interact with a state's external situation. The combination of the two—what Hintze calls “a constant collaboration and interaction of the inner and the outer world”—shapes state development. For example, in the American case, the country's historical anti-statism and its bias against a standing army and executive war powers have served as an important intellectual medium that shaped both the country's constitution and subsequent state development. As will be shown, explaining the impact of external factors in the American case, therefore, requires studying how they were reflected through this medium.

Hintze's theory of the state and state transformation had relatively little impact on international relations until comparativists and others rediscovered his ideas in the 1970s. An important strand of this research focused on the role war and military competition played in the alternative pathways of European state development.⁴⁹ While this literature provided important insights into the historical formation of nation-states in Europe and later Asia, what remains less developed is the continuing impact these factors have in the contemporary world. A research agenda for international security scholars along these lines was laid out in a few short pages by Gourevitch in his article on the second image reversed. There he summarized the core of an essentially realist theory of the state and state development based directly on the insights of Hintze more than half a century earlier:

The anarchy of the international environment poses a threat to states within it: the threat of being conquered, occupied, annihilated, made subservient. The obverse of threat is opportunity: power, dominion, empire, glory, “total” security. This state of war induces states to organize themselves internally so as to meet these external challenges. War is like the market: it punishes some forms of organization and rewards others. The vulnerability of states to such pressures is not uniform since some occupy a more exposed position than others. Hence, the pressure for certain organizational forms differs. The

⁴⁹ Again, this bellicist line of research can be traced through the work of Tilly and others. See footnote above.

explanation for differential political development in this line of reasoning is found by pointing to differing external environments concerning national security.⁵⁰

Like Hintze, Gourevitch encouraged security scholars to develop this line of reasoning and look at the interaction between a changing external security environment and internal political factors to explain why domestic political institutions develop the way they do.

Given that Gourevitch's work coincided exactly with the publishing of Kenneth Waltz's *Theory of International Politics*, it is again surprising in hindsight that no one combined the important insights of the two together. For a variety of reasons, Waltz and others aimed to keep structural realism a purely system-level theory and therefore eschewed theorizing its implications for domestic politics. Meanwhile, the group of realist scholars who later coalesced under the banner of neoclassical realism made important strides in developing the implications of domestic institutions for international politics, but did not turn around and develop the implications of international politics for the design of those very same institutions. As stated before, this latter alternative was and remains an open and potentially fruitful pathway for realist security scholars to pursue. I begin that task here.

A Second Image Reversed Approach to State Transformation

The realist theory of state proposed here builds on these lineages. It begins with the institutional–functional conception of the state described above. In this conception, the state is conceived of as a set of institutions, which, when required, are capable of being functionally adapted to changes in the external security environment. The theory, therefore, provides an elaborated explanation of internal balancing. Unlike structural realism, however, which is concerned mainly with internal balancing insofar as it relates to behavioral adaption, I open the “black box” of the state and seek to explain internal balancing as a process of institutional state-

⁵⁰ Gourevitch, “The Second Image Reversed: The International Sources of Domestic Politics,” 896.

building for national security. Thus, I focus on the types and arrangements of institutions that state leaders attempt to construct within the “black box” in order to better respond to challenges outside of it. This is a view of the state as a dynamic unit.

In the theory, the *independent variable* is what Hintze called a state’s “external situation” or what I would refer to more specifically as international security competition. States can be affected by international security competition in several different ways. The most direct impact occurs during major war, when a state must pour as many resources as are needed into winning, or when a state is conducting a military intervention or facing one from another more powerful state. The latter can result in consequences ranging from foreign meddling in internal affairs to occupation and formal control over domestic politics, or, in a worst-case scenario, to dismemberment and annihilation, which is the most severe form of outside-in pressure. Short of engaging in full-fledged war, however, more diffuse changes in the international security environment can also affect states’ domestic constitutions. These include system-level changes in factors such as the distribution of power, opportunities for expansion, and developments in technology, as well as unit-level variation in the threat posed by potential competitors. These factors may require states to increase their security positions in order to defend their territory, and protect and advance their interests. It is important to highlight that although anarchy is a constant feature of the system, its effects tend to vary across both space and time depending on variations in the factors listed above. This variation can lead to international security competition that is more or less intense for different states in different periods. When this competition increases in intensity, states can be said to face greater systemic pressure.

The *dependent variable* is state structure and decision-making procedures. Here I am specifically interested in state structure as it relates to the national security apparatus.

Importantly, I draw a distinction between two dimensions in which policymakers focus their state-building efforts for national security: state capacity and state autonomy. The first concerns extracting resources (labor + capital) from society mainly to build military capabilities, while the second concerns the ability to use that power once created to take authoritative actions such as responding to crises, projecting military power into foreign areas, using force, or negotiating postwar settlements. When faced with greater international security competition, the theory expects state leaders to undertake two broad sets of state-building activities: First, they are likely to attempt to extract more resources from society in order to create greater military capabilities. This generally includes passing laws and other regulations to do things like raise taxes, conscript or hire professional soldiers, increase industrial production, and develop new military technologies. Second, they are likely to attempt to carve out a greater degree of state autonomy in order to better project military power when necessary. This includes constructing and reorganizing national security institutions and adjusting procedural norms to centralize and insulate foreign policy decision-making authority. The second is the primary focus of the dissertation and will be elaborated on in the next section.

Finally, domestic political factors act as a *mediating variable*—or what Hintze called the “intellectual medium”—that helps regulate and shape state-building efforts in the face of international security competition. Though the international system can place a tremendous amount of pressure on states, it is ultimately “undetermining.” “The environment may exert strong pulls,” Gourevitch explains, “but short of actual occupation, some leeway in the response to that environment remains. A country can face up to that competition or fail. Frequently more than one way to be successful exists.⁵¹” Because there are various possible responses to

⁵¹ Ibid., 900.

international security competition, it is necessary to look at variation in domestic factors to explain how states will actually respond. In the theory, therefore, systemic pressure is expected to encourage certain types of institutional solutions; i.e. ones that make decision-makers more capable of responding to security competition by providing greater state capacity and autonomy. But the exact institutional solutions states arrive at will be shaped by domestic political factors. When systemic pressure is low or moderate, we should expect these factors to play a larger role than when it is severe.

Particularly important are the ideas that are embedded, both formally and informally, into state structure and decision-making procedures. In all democratic countries, general ideas about popular sovereignty and accountability are built into domestic political arrangements. In some democracies ideas about limited government and state restraint are also important. In the case of the United States, for example, we will see that the country's domestic institutions have always been informed by republican ideas about the dangers of standing armed forces, centralized military authority, and executive war-making powers. These ideas were codified in the Constitution and embedded into the very fabric of the American state. During later episodes of state-building these ideas continued to exert an independent effect both through their being embedded in existing institutions and in shaping the possibilities of change in debates about institutional transformation. Finally, it is important to note that domestic political factors do not only impact the form but also the effectiveness of institutional adaption. It is for this reason that a functional theory of state alone does not suffice.

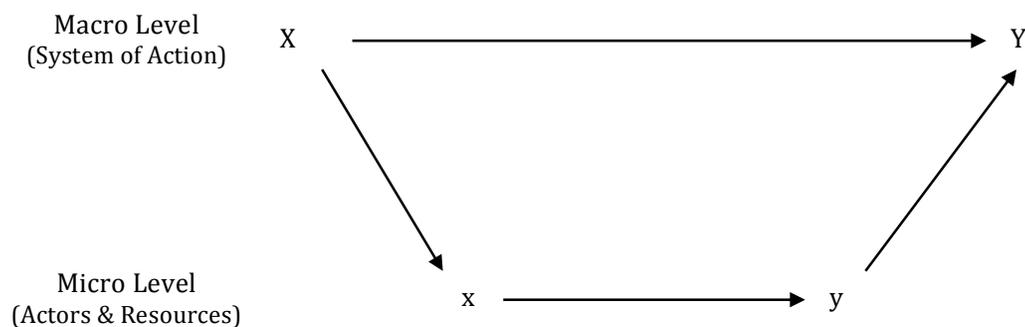
The *Dynamic* State and Executive War-Making Autonomy

In the previous section I began to outline a general realist theory of state in which we should expect states to adapt to their international security environment by creating greater military capacity and carving out greater autonomy to project military power when faced with increasing systemic pressure. Undertaking these tasks requires altering state structure and decision-making procedures in particular ways. In this section, I focus on the dimension of autonomy more specifically and elaborate a theory of democratic state-building for executive war-making autonomy.

Mapping Transformation: Systemic Pressure, Institutional Stress, and State-Building for Executive Autonomy

The basic theory can be mapped out using a variation of the macro-micro-macro model or what is also referred to as a Coleman-Boudon diagram after the sociologists James Coleman and Raymond Boudon.⁵² The model in its most basic form is sketched below in Figure 2.1.

Figure 2.1: Basic Macro-Micro-Macro Model



⁵² James S. Coleman, “Social Theory, Social Research, and a Theory of Action,” *American Journal of Sociology* 91, no. 6 (1986): 1309–35; James S. Coleman, *Foundations of Social Theory* (Cambridge, MA: Harvard University Press, 1990); Raymond Boudon, *Theories of Social Change: A Critical Appraisal*, trans. J.C. Whitehouse (Cambridge: Polity Press, 1991); Mario Bunge, *Finding Philosophy in Social Science* (New Haven: Yale University Press, 1996).

The model sketches out the relationships between observed macro level variables (X and Y) and underlying micro variables (x and y), providing what Coleman calls “a formal framework within which theoretical issues...can be examined.”⁵³ Located at the macro level is what he calls a “system of action.” Here the system of action we are interested in is security competition within the international system (X) and its impact on state behavior (Y). At the micro level are “actors and resources.” Again, we are interested here in state structure and decision-making procedures as a set of existing institutions (x) and the activities policymakers undertake to transform existing institutions (y) in order to facilitate more strategic behavior when faced with systemic pressure. Peter Hedström and Richard Swedberg, moreover, have built on this approach to explain the relationships between the variables using three mechanisms: situational (Xx), action-formation (xy) and transformational (yY).⁵⁴

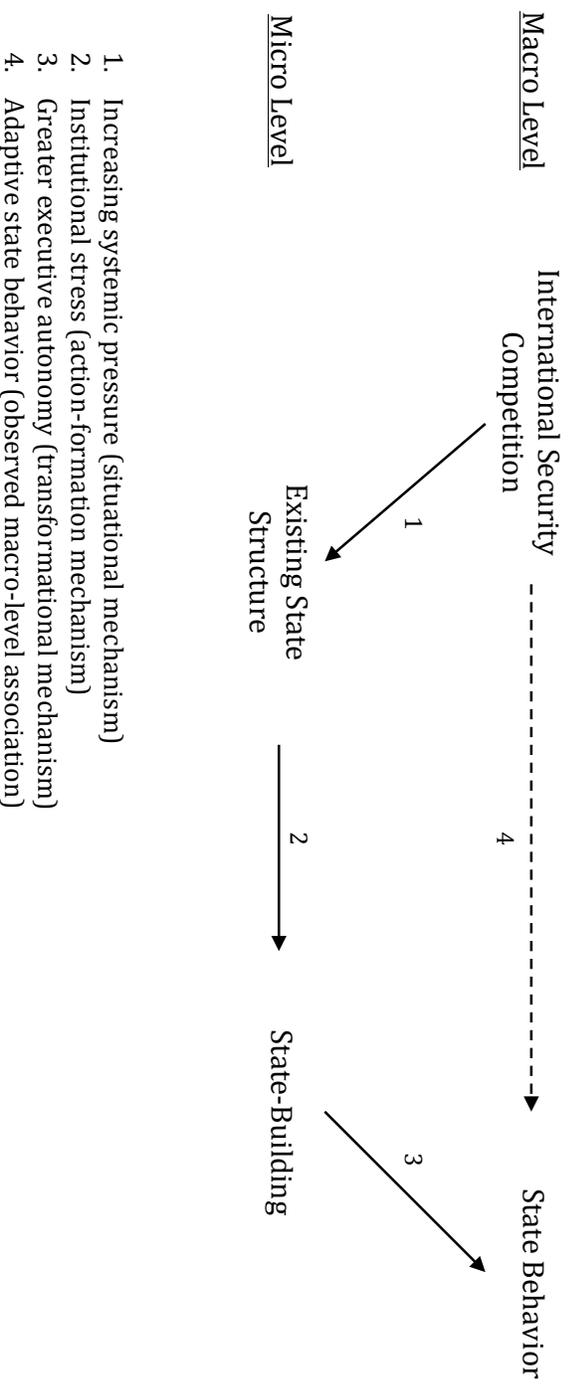
Here I combine these various efforts and create a framework within which to study how the observed relationship that structural realism focuses on between the international system and adaptive state behavior at the macro level is actually dependent on a process of institutional adaptation that occurs at the micro level. The diagram is depicted in Figure 2.2 below.

At the macro level, we can see there is an observed macro-macro level association between international security competition and adaptive state behavior; here I am particularly interested in the ability of states to project military power when required. When we move from the macro to the micro level, however, the model shows that there is a process occurring within the state, which then feeds back up into the explanation at the macro level.

⁵³ Coleman, *Foundations of Social Theory*, 701. For an example of the model’s applicability in international relations theory see Patrick James, *International Relations and Scientific Progress: Structural Realism Reconsidered* (Athens, OH: Ohio State University Press, 2002).

⁵⁴ Peter Hedström and Richard Swedberg, “Social Mechanisms: An Introductory Essay,” in *Social Mechanisms: An Analytical Approach to Social Theory*, ed. Peter Hedström and Richard Swedberg (Cambridge: Cambridge University Press, 1998), 21–23.

Figure 2.2: Boudon-Coleman Diagram of State Adaptation⁵⁵



⁵⁵ Coleman, "Social Theory, Social Research, and a Theory of Action," 1322; Bunge, *Finding Philosophy in Social Science*, 149; Hedström et al., "Social Mechanisms: An Introductory Essay," 22.

As the diagram depicts, this process begins at the macro level (or in international relations theory terms at the system level). At this level, international security competition pushes down on existing state structure and decision-making procedures as it increases, creating what I have been referring to as systemic pressure. Again, this pressure can stem from actual war-fighting or from more diffuse factors such as changes in the distribution of power, opportunities for expansion, and developments in technology, as well as unit-level variation in the threat posed by potential competitors. Systemic pressure in turn acts as what Hedström and Swedberg call a situational mechanism. Situational mechanisms link the macro level to the micro level and show how an actor's exposure to a specific "social" situation causes them to respond in a particular way. In this case, the social situation is security competition with other states. As this competition increases, decision-makers must use the existing institutions of the state to respond with security-seeking measures such as projecting military power.

When existing state structure and decision-making procedures provide an inadequate institutional basis for responding to systemic pressure effectively, this can give rise to "institutional stress."¹ Institutional stress occurs when there is tension between existing domestic institutions and decision-makers preferences for how state structure and decision-making procedures should enable them to act. This tension can stem from three different problems. The first problem is when there is a lack of organizational resources required to pursue what decision-makers believe is in a state's best interest. This can occur as a result of existing national security organizations being inadequate or from not having the right organizations in the first

¹ Aristide Zolberg uses the term to refer specifically to the tension that can exist between the executive and legislative branch. Here I develop his concept and use it more expansively to refer to other sources of tension as well. Aristide R. Zolberg, "International Engagement and American Democracy: A Comparative Perspective," in *Shaped By War and Trade: International Influences on American Political Development* (Princeton: Princeton University Press, 2002), 30.

place. The second problem is when existing national security organizations are not arranged properly in a way that enables decision-makers to mobilize state resources. This can stem from decentralization and/or dysfunction in the national security apparatus whereby decision-makers are not able to use the resources they have at their disposal effectively. Finally, democracies in particular can suffer from a third problem when there is institutional tension between legitimacy and efficiency in the formulation and execution of policy. As mentioned earlier, this tension is often manifest in legislative-executive relations. It is most pronounced when the legislative branch has significant authority over decisions of war and peace and can exercise a veto over national security decision makers in the executive branch. This can help legitimate any policies that are pursued, but also can cause the decision-making process to be inefficient.

Institutional stress acts as what Hedström and Swedberg call an action-formation mechanism. Action-formation mechanisms link the micro to the micro and show how actors' beliefs and preferences, and the action opportunities that exist in a given situation, combine to generate a specific action response. In this case, when institutional stress is severe it acts to prompt decision-makers to alter the underlying structural sources of inefficient action. More specifically, it generates state-building efforts by national security decision-makers to create greater institutional capacity, to streamline organizational structures, and to rebalance decision-making processes and procedures toward more efficient offices of authority. As the next section highlights, these types of activities are likely to be particularly pronounced when international security competition is intense.

When these types of state-building activities occur, we should expect state structure and decision-making procedures to “crystallize” in an altered form. In particular, we should expect these activities to combine and create greater executive—hence state—autonomy for projecting

military power. This increased autonomy is the final mechanism that links institutional adaptation at the micro level to behavioral adaptation at the macro level. Executive autonomy thus acts as what Hedström and Swedberg call a transformational mechanism. Transformational mechanisms link the micro to the macro and show how the collective actions of actors combine and are transformed into collective outcomes. In this case, the collective efforts of national security policymakers across the state apparatus and government combine to enable states to respond more effectively to the systemic pressure caused by enhanced international security competition.²

Variation in State-Building Activity

The type and amount of state-building activity, moreover, should vary according to the intensity of international security competition faced by a state. As explained above, intensity varies based on factors like the presence or threat of war and other more diffuse forms of geopolitical struggle. As Figure 2.3 below shows, we should expect different outcomes based on different levels of intensity.

When international security competition is particularly severe, we should expect institutional change to be “episodic.” As Andrew Cortell and Susan Peterson explain, institutional change that is episodic tends to span across multiple institutional arenas and be of a degree that “radically restructures” domestic institutions. Thus, the result of episodic change will

² This explanation is consistent with Hintze’s point that policymakers may or may not be aware of the larger and longer-term causes and consequences of their efforts to respond to more immediate security needs. As he explains, “It is not necessary that those who are active in creating a constitution—whether they are individuals, or groups, or peoples—are conscious of the connection between the internal structure and the external formation of the state, and that this connection can be documented. Those involved in action usually are aware only of immediate needs but not of more remote basic facts which have produced these needs.” Hintze, “The Formation of States and Constitutional Development: A Study in History and Politics,” 163.

Figure 2.3: Theoretical Expectations

| Intensity of International Security Competition | Type of Institutional Change Expected | State-Building Activities Expected | Effect on State Autonomy Expected |
|---|---------------------------------------|---|--|
| High/Severe | Episodic | <ul style="list-style-type: none"> ➤ Massive expansion of existing national security institutions ➤ Creation of new national security institutions ➤ Major efforts to redesign and restructure national security organizations ➤ Rebalancing of war powers toward executive branch of government, if not already the case | <p><i>Greater state capacity and rebalancing of war powers toward executive leads to expanded state autonomy</i></p> |
| Moderate | Incremental | <ul style="list-style-type: none"> ➤ Gradual efforts to grow existing national security institutions ➤ Minor efforts to reform and streamline national security organizations ➤ Consolidation of war powers in the executive branch of government | <p><i>Environment favorable to maintaining or slightly expanding state autonomy</i></p> |
| Low | Indeterminate | <ul style="list-style-type: none"> ➤ Few if any efforts to make major overhauls to national security organizations ➤ Opportunity to rebalance war powers away from executive to legislature | <p><i>Possibility to reduce state autonomy by rebalancing away from executive branch to legislature, but institutional stasis likely</i></p> |

be to “[reinvent] institutional patterns so as to break with prevailing customs and procedures.”⁵⁸

In the national security arena, when international security competition is severe, we should expect episodic change as decision-makers attempt to massively expand existing national security institutions, create new ones, rearrange and streamline the organizational structure of the national security apparatus, and further centralize authority over decisions of war and peace in the executive branch of government. The result of these state-building activities will lead considerably greater state autonomy for executive decision makers.

When international security competition is moderate, on the other hand, we should expect institutional change to be more “incremental.” Again, as Cortell and Peterson explain, institutional change that is incremental is limited to affecting only particular institutional sites and should lead to efforts to reform or streamline institutions rather than restructure them. Importantly, the tendency with incremental change is to “build on existing institutional patterns.”⁵⁹ In the national security arena, when international security competition is moderate, we should expect incremental change as decision-makers make gradual efforts to reform or streamline existing national security organizations. Massive growth in these organizations or the creation of new ones altogether is unlikely, if not impossible. Finally, we should expect decision-makers to attempt to consolidate war powers in the executive, but not make sizable new grants of those powers. The result of state building activities in a moderately intense security environment will at a minimum maintain and possibly expand state autonomy.

Lastly, when international security competition is low, we should expect the effect of systemic pressure on existing institutions to be indeterminate. In this environment, therefore,

⁵⁸ Andrew P. Cortell and Susan Peterson, “Agents, Structures, and Domestic Institutional Change,” in *Altered States: International Relations, Domestic Politics, and Institutional Change*, ed. Andrew P. Cortell and Susan Peterson (Lanham, MD: Lexington, 2002), 8.

⁵⁹ *Ibid.*, 8–9.

institutional development is likely to be static. Where change occurs, the explanation is most likely to lie in domestic politics rather than international politics. In the national security arena, when international security competition is low, we should expect state-building activities centered on carving out state autonomy to be absent. In fact, this is the security environment in which we might expect efforts to shift war-making powers from the executive and to the legislative branch of government (though institutional theories of path dependence explain why might this not occur without some kind of exogenous shock).

Conclusion

In the chapters that follow, I use the framework developed above to examine the process of domestic institutional change in the United States. Before turning to that task, however, a few caveats about the theory are required. First, there is no expectation that institutional adaptation will necessarily be efficient. It is important to highlight in this regard that institutions are not auto correcting. In other words, there is nothing necessarily determinative from a structural perspective in this argument about how effectively national security institutions will be restructured. Severe international security competition often requires domestic institutional change in democracies. But institutional change requires agents of change. In the explanations here, the agents are decision-makers that sit atop the foreign-policy executive of the state. It is expected that these decision-makers will be attentive to their international environment and will attempt to respond to changes in international security competition in the way described. For a variety of reasons, however, they may not be able to do so effectively. On the one hand, the state building activities foreseen in the theory require a tremendous amount of institutional capacity, which democratic decision-makers may or may not have. On the other hand, restructuring old

institutions is extremely challenging. As Amy Zegart shows in her very good study of the development the American national security state, the institutional pathologies of the country's military branches caused the national security system that emerged to develop in often inefficient and dysfunctional ways.⁶⁰ The fact that these institutions were adapted inefficiently, however, does not undermine the great changes that were initiated and enacted.

Second, there is no underlying assumption that institutional adaptation will necessarily be positive for a democratic country. For example, many scholars lament the tremendous changes that occurred with the development of the American national security state. They acknowledge that its construction may have enabled decision-makers to respond more decisively and effectively to the challenges it faced during the Cold War in the international arena. But these successes came at the expense of long established political arrangements that were rooted in the country's Constitution.

⁶⁰ Amy Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC* (Palo Alto: Stanford University Press, 2000).

Executive War-Making Autonomy in Historical Perspective, 1787-1890

In order to appreciate fully the problem and nature of state-building in the United States in the twentieth century, it is first important to put the problem of executive war-making autonomy into historical perspective. In this chapter, I begin that task by looking at America's Founding era as a period of institutional *formation*. Foremost, I focus on the ideas that militated against the development of extensive executive war-making powers in the country's early history, how they were institutionalized in America's state structure and decision-making procedures, and the subsequent impact this had on later state-building efforts.

The purpose of the chapter, therefore, is two-fold: First, it explains the formation of America's early national security ideas and institutions, focusing on the factors that gave rise to them. Specifically, it elaborates three ideas that came to constrain the country's military establishment and related political institutions: 1) apprehension of a standing army, 2) a preference for fragmented military authority, and 3) distrust of executive war powers. The chapter shows how these ideas were institutionalized in the Constitution and America's state structure and decision-making procedures. Second, the chapter looks at the subsequent impact of

these constraints on American foreign policy behavior after the Founding Period.¹ Though there were some important changes, I show that overall the institutional arrangement designed to limit war and the use of the force at the Founding remained relatively stable, certainly through 1890, and even up until World War II. In the following two chapters I then turn to the macro-micro-macro model to consider more specifically why these institutions remained stable even as the United States rose to world power beginning in 1890.

Executive War-Making Powers at the Founding

Though today we tend to think of the United States Constitution as a compact for limited government, it was actually designed at the time to expand the powers of the federal government and create the core of a traditional state. As Max Edling shows, the Constitution represented “a revolution in favor of government.”² Under the Articles of Confederation (1781-1789), Congress had acted as both legislature and executive, and was little more than an assembly of representatives from the thirteen states. There was in effect no federal government and certainly no state. This proved particularly problematic for the country’s efforts to conduct foreign policy and secure its newfound independence, and led many leading Americans to rethink the extremely limited form of government they had established. As Walter LaFeber explains, “nothing contributed more directly to the calling of the 1787 Constitutional Convention than did the

¹ The terms “Founding,” “Founding Period,” or “Founders” in the chapter refer to the period—and individuals associated with it—from the convening of the First Continental Congress in 1774 to the Ratification of the Bill of Rights in 1791. The term “Framers” refers to individuals who participated in the writing and ratification of the Constitution, and related debates, from 1787-1789.

² Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (Oxford: Oxford University Press, 2003).

spreading belief that under the Articles of Confederation Congress could not effectively and safely conduct foreign policy.”³

Thus during the debates over the writing and ratification of the Constitution there was widespread agreement that the central government needed more power to conduct the nation’s affairs. But at the same time there also existed what Richard Beeman, describing the mindset of one of the delegates, portrays as “a nearly pathological fear of the misuse of power.”⁴ As will become clear below, the fear of the misuse of power was the same as the fear of executive power. Balancing between the need to build a state with a more authoritative executive at its helm and at the same time constrain it, therefore, was central to the debates. This balancing act was particularly relevant to the two central questions that animated discussions about national security: How can force be directed under republican government? And, what, if any, type of permanent military establishment is consistent with republican government? The answers the Framers of the Constitution provided to these questions were important. They established what was at the time a new architecture for national security, which in turn exerted tremendous influence on the development and trajectory America’s military establishment and its conduct for the following century and a half.

War Powers in a Republic

At the time of America’s founding, political theorists, legal scholars, and the leading states in the international system all considered the powers to make war, with the exception of

³ Or as Michael Ramsey explains, the Constitutional Convention was “called in large part to give the national government more textual foreign affairs powers.” Walter LaFeber, “The Constitution and United States Foreign Policy: An Interpretation,” *The Journal of American History* 74, no. 3 (1987): 697; Michael D. Ramsey, *The Constitution’s Text in Foreign Affairs* (Cambridge: Harvard University Press, 2007), 35–46, quote on 40.

⁴ Richard Beeman, *Plain, Honest Men: The Making of the American Constitution* (New York: Random House, 2009), 113.

the funding of the armed forces, an executive function. Importantly, this was a view articulated by three of the most important authorities for the Framers of the Constitution—John Locke, Montesquieu, and William Blackstone.⁵ Locke was the first to articulate this view, arguing that in addition to executive power there was also what he called “federative power” over “war and peace, leagues and alliances, and all the transactions, with all persons and communities without the common-wealth.”⁶ The division for Locke was what we think of today as the division between domestic and foreign policy.⁷

Locke argued that though in practice the federative power was usually united with executive power, it was crucial to distinguish between the two. This was because whereas “antecedent, standing, and positive Laws” could guide domestic policy, relations with other states were subject to the laws of “the state of nature” alone.⁸ Importantly, because the federative power required discretion, flexibility, and speed, it could not be constrained by law. Self-preservation, therefore, required that such power be located—without constraint—in the executive. Montesquieu and Blackstone wrote in a similar vein, but dropped Locke’s conception of a separate federative power. Montesquieu argued instead that there were two types of executive power—one “over the things depending on the right of nations” and the other “over the things depending on civil right.” Blackstone meanwhile maintained that all “foreign

⁵ On the influence of these and other Enlightenment thinkers on the Founders see Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Cambridge University Press, 1967); Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence, KS: University Press of Kansas, 1985); Ramsey, *The Constitution’s Text in Foreign Affairs*, 63–64.

⁶ John Locke, *Second Treatise of Government*, ed. C.B. Macpherson (Indianapolis: Hackett Publishing, 1980), 76.

⁷ Specifically, the executive power encompasses “the execution of the municipal laws of the society within itself, upon all that are parts of it,” whereas federative power encompasses “the management of the security and interest of the public without, with all those that it may receive benefit or damage from.” *Ibid.*, 77.

⁸ *Ibid.*

concerns” were inherently part of the executive power of government, including “the [s]ole prerogative of making war and peace” and “the power of issuing letters of marque and reprisal.”⁹

Thus the established view when the Constitution’s Framers met in Philadelphia in 1787 was that the powers of war and peace were exclusively executive powers. It is important to be clear that the Framers turned this view on its head. As Neal Devins and Louis Fisher explain, they instead “deliberately transferred the power to initiate war from the executive to the legislature.”¹⁰ Under the Articles of Confederation (which lacked an executive separate from the Continental Congress altogether) this transfer had been complete. It remained a core element of government, however, even once a separate executive was created under the new Constitution signed in 1789. Some scholars today contest the nature of this “transfer” and argue the Constitution was more or less in line with the British model in assigning war powers to the executive.¹¹ But this argument lacks historical grounding and is a minority view. As Supreme Court Justice Robert Jackson later explained: “The example of such unlimited executive power that must have most impressed the forefathers was the prerogative exercised by King George III. The description of its evils in the Declaration of Independence leads me to doubt that they were creating their new Executive in his image. Continental European examples were no more appealing.”¹² Instead, as Louis Fisher argues “The American structure of government owes its

⁹ Charles de Secondat baron de Montesquieu, *Montesquieu: The Spirit of the Laws*, ed. Anne M. Cohler, Basia C. Miller, and Harold S. Stone (Cambridge: Cambridge University Press, 2002), 156; William Blackstone, *Commentaries on the Laws of England*, Fourteenth Edition, vol. I (London: A. Strahan, 1803), 252, 257, 258.

¹⁰ Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford: Oxford University Press, 2004), 103. See also Louis Fisher, *Presidential War Power*, Third Edition, Revised (Lawrence, KS: University Press of Kansas, 2013), 3–6.

¹¹ John Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11* (Chicago: University of Chicago Press, 2008).

¹² *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952)

existence to the experiences of the framers, not the theory of Montesquieu or precedents borrowed from England.¹³”

Based on their experiences with executive tyranny, the Framers vested a large sum of the war-making powers in the legislative branch of government. Article I, Section 8 of the Constitution provides the legislative branch with the sole authority to *initiate* the use of force. It says specifically:

The Congress shall have Power...To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water...To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations.¹⁴

Article II, Section 2 of the Constitution vests the executive, on the other hand, with control of the armed forces of the United States *once hostilities have been initiated*.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.

To be clear, the Commander in Chief clause has come to be understood quite differently today than it was then.¹⁵ But as Alexander Hamilton explained, it was meant at the time to “amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy.” He contrasted this arrangement with the British king’s power, which “extends to the declaring of war and the raising and regulating of fleets and armies,

¹³ Louis Fisher, *Constitutional Conflicts Between Congress and the President*, Fifth Edition, Revised (Lawrence, KS: University Press of Kansas, 2007), 6–7.

¹⁴ Other war powers that pertain to appropriations, organizations, and the militias are discussed below.

¹⁵ Presidents today routinely point to their role as Commander in Chief as an inherent and often preclusive source of war-making authority. But there is no evidence that anyone in the founding era viewed that responsibility as a source of power to make decisions about when and why to use force outside of repelling attacks. Rather, it was a title conferring on the President the primary role in directing a war once Congress declared it. Even then, Congress could still legislate wartime policy if it so desired. As I show later, the more expansive view of the Commander in Chief clause did not exist until the twentieth century. See David J. Barron and Martin S. Lederman, “The Commander in Chief at the Lowest Ebb: Framing the Problem, Doctrine, and Original Understanding,” *Harvard Law Review* 121, no. 3 (2008): 772–799.

all which, by the Constitution under consideration, would appertain to the legislature.”¹⁶

Additionally, though not explicitly located in the text, legal scholars agree that as Commander in Chief, the Framers of the Constitution likewise expected “the Executive to repel sudden attacks” against the country, which were considered in effect a declaration of war.¹⁷

Thus the Constitution formally split the war powers between the legislature and the executive. The former was given the responsibility to build and maintain the country’s armed forces and make decisions about initiating war. The latter was given the responsibility “to repel sudden attacks” and to make war once it was declared.

This distribution of war powers was clear to both the Constitution’s Framers and later authorities as well. James Madison stated during the debates, for example, “executive powers *ex vi termini*, do not include the Rights of war & peace.” Those powers instead were to be “confined and defined” by the Constitution.¹⁸ This suggests there were no inherent or residual executive powers; only enumerated powers.¹⁹ Thomas Jefferson likewise explained, “We have already given...one effectual check to the dog of war by transferring the power of letting him loose, from the executive to the legislative body, from those who are to spend to those who are to

¹⁶ Alexander Hamilton, “Federalist Number 69,” in *The Federalist*, ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), 357.

¹⁷ This quote comes from the official records of the Constitutional Convention. James Madison and Elbridge Gerry, “Records of the Federal Convention,” August 17, 1787 in Phillip B. Kurland and Ralph Lerner, eds., *The Founder’s Constitution*, vol. 3 (Chicago: Chicago University Press, 1987), Article I, Section 8, Clause 11, Document 4; See also Francis D. Wormuth and Edwin B. Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law* (Urbana and Chicago: University of Illinois Press, 1989), 17–31; John Hart Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath* (Princeton: Princeton University Press, 1993), 6–7; Saikrishna Bangalore Prakash, “Unleashing the Dogs of War: What the Constitution Means by ‘Declare War,’” *Cornell Law Review* 93, no. 1 (2007): 45–121; Fisher, *Presidential War Power*, 8–10.

¹⁸ James Madison, “Records of the Federal Convention,” June 1, 1787 in Kurland and Lerner, *The Founder’s Constitution*, 1987, 3:Article II, Section 1, Clause 1, Document 4.

¹⁹ On this point see Curtis A. Bradley and Martin S. Flaherty, “Executive Power Essentialism and Foreign Affairs,” *Michigan Law Review* 102, no. 4 (2004): 545–688; Ramsey, *The Constitution’s Text in Foreign Affairs*.

pay.”²⁰ Later in the Pacificus-Helvidius debate, Madison (writing as Helvidius) explained that “In no part of the Constitution is more wisdom to be found than in the clause that confides the question of war and peace to the legislature, and not the executive department.”²¹ Even Alexander Hamilton, the most pro-executive of the framers, affirmed this point even while arguing for a more forceful response against Tripoli in 1801. He stated: “it is the peculiar and exclusive province of Congress, *when the nation is at peace*, to change that state into a state of war; whether from calculations of policy or from provocations or injuries received: in other words, it belongs to Congress only, *to go to War*.”²²

The legislative power over initiating war, moreover, was of a general kind and thought to include both general wars and limited military actions.²³ This fact was made explicit by the inclusion of the power to grant letters of marque and reprisal, which as Michael Ramsey explains was essentially an “eighteenth-century version of limited conflict.”²⁴ That Congress’s war powers were of a general kind was upheld by series of early Supreme Court rulings. In *Bas v.*

²⁰ “Letter to James Madison, September 6, 1789,” in Thomas Jefferson, *The Works of Thomas Jefferson*, vol. VI: Correspondence 1789–1792 (New York: Cosimo, 2009), 11.

²¹ James Madison, “Helvidius Number IV, September 14, 1793,” in *The Pacificus-Helvidius Debates of 1793-94: Toward the Completion of the American Founding*, ed. Morton J. Frisch (Indianapolis: Liberty Fund, 2007), 87.

²² Alexander Hamilton, “The Examination, no. 1,” December 17, 1801 in Kurland and Lerner, *The Founder’s Constitution*, 1987, 3:Article I, Section 8, Clause 11, Document 11.

²³ On this point see Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 17–53; Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath*, 66–67; Jules Lobel, “Little Wars and the Constitution,” *University of Miami Law Review* 50, no. 1 (1995): 61–80; Fisher, *Presidential War Power*, 6–8. For an alternative view see Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11*, 22, 34, 100, 104.

²⁴ As Ramsey explains “war had a broad meaning, encompassing most sovereign uses of force against another sovereign or quasi-sovereign entity.” Ramsey, *The Constitution’s Text in Foreign Affairs*, 221, 246; Jules Lobel likewise argues the marque and reprisal clause was “probably intended to cover all reprisals or uses of force against other nations short of war.” Lobel, “Little Wars and the Constitution,” 70; For the minority view which sees the Constitutional view of war in much narrower terms as only referring to “total, absolute war” see Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11*, 98.

Tingy in 1800, for example, Justice Samuel Chase wrote that “Congress is empowered to declare a general war, or congress may wage a limited war; limited in place, in objects, and in time.”²⁵

One year later, Chief Justice John Marshall argued similarly in *Talbot v. Seeman* that “The whole power of war being, by the constitution of the United States vested in congress, the acts of that body can alone be resorted to as our guides in this inquiry... Congress may authorize general hostilities...or partial war.”²⁶

The Military Establishment in a Republic

The question about what type of peacetime military establishment the United States would maintain was also a central question in the founding period. Following the Revolutionary War, several strong-government proponents advocated establishing small but permanent military forces under Congress. In 1783, a committee was assembled to study the issue. Most prominent among these proponents was George Washington who suggested in his *Sentiments on a Peace Establishment* (1783), that Congress should take several measures to establish a defense infrastructure: 1) develop and maintain a small standing army (in addition to nationalizing the state militias), as well as arsenals and military academies, 2) promote a nascent arms manufacturing industry, and 3) consider building coastal fortifications and a navy in the future.²⁷ Still strongly averse to any efforts to centralize military—or for that matter, any—power, however, Congress rejected the committee’s plans and instead called up state militiamen to serve one and later three-year enlistments after the Continental Army was disbanded in 1783.²⁸

²⁵ *Bas v. Tingy*, 4 U.S. 37 (1800).

²⁶ *Talbot v. Seeman*, 5 U.S. 1 (1801).

²⁷ George Washington, “Sentiments on a Peace Establishment,” May 2, 1783 in Kurland and Lerner, *The Founder’s Constitution*, 1987, 3:Article I, Section 8, Clause 12, Document 6.

²⁸ Russell F. Weigley, *History of the United States Army* (New York: Macmillan, 1967), 79–84; Allan R. Millett, Peter Maslowski, and William B. Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 3rd ed. (New York: Simon and Schuster, 2012), 79–81.

By the time of the Constitutional Convention, however, the pendulum had begun to swing in the direction of greater military preparedness. Nonetheless, delegates were divided about the creation of a national military establishment. A strong popular faction remained in the country, which believed that only state militias were consistent with republican government.²⁹ Even among those who favored some type of military establishment, there was still strong skepticism about the prospect of a standing army. In fact, according to Richard Kohn the term “standing army” became “a catch-phrase that automatically invoked a series of preconfigured images and definitions” associated with tyranny.³⁰ Extensive standing armies were considered antithetical to liberty and as Edmund Randolph told the Virginia Ratification Convention “there was not a member in the federal Convention, who did not feel indignation at such an institution.”³¹ Even Hamilton, a strong proponent of a military establishment, felt compelled to warn “STANDING ARMIES, and the correspondent appendages of military establishment” are “institutions, which have a tendency to destroy [nations’] civil and political rights.”³²

Nonetheless, a majority of delegates to the Convention understood that though a military establishment might be “dangerous,” it was also a “necessary provision,” in the words of James Madison.³³ The militias were neither nationalized nor standardized, and could not be depended on alone to secure the country. A small standing army, which could be scaled up with the militias

²⁹ See in particular various opponents collectively known as anti-federalists who wrote pamphlets and gave speeches opposing the writings of Hamilton, Madison, and Jay. Herbert J. Storing, ed., *The Complete Anti-Federalist* (Chicago: Chicago University Press, 1981).

³⁰ Richard H. Kohn, *Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783-1802* (New York: The Free Press, 1975), 2–6, quote on 6.

³¹ Edmund Randolph, “Debate in Virginia Ratifying Convention,” June 14, 1788 in Kurland and Lerner, *The Founder’s Constitution*, 1987, 3:Article I, Section 8, Clause 12, Document 27.

³² Alexander Hamilton, “Federalist Number 8,” in *The Federalist*, ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), 33.

³³ James Madison, “Federalist Number 41,” in *The Federalist*, ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), 209.

in the event of war was required at a minimum. Some federalists held grander ideas, believing “that no nation-state could exist without a powerful military.”³⁴ Holding the most ambitious state-building aims among the Founders, Federalists like Hamilton hoped eventually to build “a strong central bureaucratic government directing the economy and reaching to all parts of a united and integrated nation and possessing a powerful army and navy that commanded the respect of the whole world.”³⁵

The Constitutional arrangement that emerged was based on a compromise between opponents and proponents of a military establishment. The power to raise, organize, and train military forces was vested in the legislature. Article I, Section 8 of the Constitution says specifically:

The Congress shall have Power...To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years...To provide and maintain a Navy...To make Rules for the Government and Regulation of the land and naval Forces.

Placing Congress in control of military appropriations was consistent with the relevant clauses in Article I, Sections 8 and 9, which stipulated that government funds could only be appropriated and spent by acts of law. This arrangement was particularly important in this instance because it enabled Congress to maintain lateral links with the military establishment at all times, thereby decentralizing and fragmenting authority over the armed forces even during wartime.

This arrangement, however, also served an additional purpose in this specific instance by separating the capacities to raise funds for war from the ability to wage it. The Framers believed that the two together would serve as an engine of despotism. Madison explained the logic of this separation as follows:

³⁴ Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford: Oxford University Press, 2009), 95–115, quote on 111.

³⁵ *Ibid.*, 104.

Those who are to *conduct a war* cannot in the nature of things, be proper or safe judges, whether *a war ought to be commenced, continued, or concluded*. They are barred from the latter functions by a great principle in free government, analogous to that which separates the sword from the purse, or the power of executing from the power of enacting laws.³⁶

Thus when the War Department (and later the Navy Department) was established, it was created as an executive department, but one whose authority was weakened by the fact that it was so heavily dependent on Congress. Additionally, by limiting appropriations to two years, the Constitution forced Congress frequently to deliberate and regulate the country's peacetime military requirements. Importantly, this ensured that an extensive military establishment could not be maintained without Congress's explicit and recurring assent.

The Framers, however, not only divided control over the military establishment horizontally between the executive and legislative branches of the federal government, but also vertically between the federal government and the states by retaining the state militias and creating a structure of dual authority to govern them. In the Constitution, Congress was given the power:

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions³⁷...To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States...

But at the same time it:

...reserve[ed] to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.

³⁶ Madison, "Helvidius Number IV, September 14, 1793," 62.

³⁷ The Calling Forth Act of 1792 effectively amended this by authorizing the President to call up the militia "whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe" or "whenever the laws of the United States shall be opposed or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act." Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 83.

Dividing the responsibility to raise, regulate, and employ the militias in this way ensured that a substantial component of the United States' military power would remain at least under partial control of the states. This led to the development of "two armies"—one professional and national and the other citizen-based and located at the state level—which helped to further stymie development of the country's armed forces and fragmented authority over them.³⁸

Why Executive War-Making Powers Were Constrained

The effect of this arrangement was to divide powers over the use of force and limit the development of an extensive set of peacetime national security institutions. Importantly, the Framers broke with traditional arrangements and deliberately designed the country's domestic institutions to explicitly give the legislative branch the upper hand in making decisions about initiating why, when, and how the country would use force, except in cases where the United States was attacked.³⁹ This choice was reinforced by that fact that as long as the country

³⁸ Weigley, *History of the United States Army*, xi.

³⁹ This is the dominant view among legal scholars today. John Hart Ely makes the point as follows: "One of the recurrent discoveries of academic writing about constitutional law—an all but certain ticket to tenure—is that from the standpoint of twentieth-century observers, the 'original understanding' of the document's framers and ratifiers can be obscure to the point of inscrutability. Often this is true. In this case, however, it isn't. The power to declare war was constitutionally vested in Congress." Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath*; Charles A. Lofgren, "War-Making Under the Constitution: The Original Understanding," *Yale Law Journal* 81, no. 4 (1972): 672–702; David Gray Adler, "The Constitution and Presidential Warmaking: The Enduring Debate," *Political Science Quarterly* 103, no. 1 (1988): 1–36; Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*; Harold H. Koh, *The National Security Constitution: Sharing Power after the Iran-contra Affair* (New Haven: Yale University Press, 1990); Michael J. Glennon, *Constitutional Diplomacy* (Princeton: Princeton University Press, 1990); Louis Henkin, *Foreign Affairs and the US Constitution*, Second Edition (New York: Oxford University Press, 1996); Gordon Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy* (New York: Oxford University Press, 1997); William Michael Treanor, "Fame, the Founding, and the Power to Declare War," *Cornell Law Review* 82, no. 4 (1997): 695–772; Prakash, "Unleashing the Dogs of War: What the Constitution Means by 'Declare War'"; Ramsey, *The Constitution's Text in Foreign Affairs*; Fisher, *Presidential War Power*. Again, for an alternative pro-President perspective that remains a minority view see Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11*.

maintained a small military establishment, Presidents had little capacity to initiate large-scale uses of force autonomously even if they could somehow bypass the set of procedures to do so that ran through Congress. All substantial acts of war essentially had to be funded ex ante. Therefore, Congress not only had to declare/authorize the use of force but also fund it first. This arrangement did not give the legislature a monopoly on war-making powers. The President could in practice undertake some acts to try to force the hand of Congress, or conversely could always refuse to execute congressionally authorized and funded wars.⁴⁰ But it did serve to constrain tremendously the war powers of the executive by making the legislature a co-equal partner especially in initiating the use of force.

There were two reasons for constraining the executive in this way that are crucial for understanding the aims of the Founding generation, the subsequent development of the country's national security institutions and practices, and why those institutions and practices were so dramatically transformed in the middle of the twentieth century to provide the executive with greater war-making autonomy. The first was entirely domestic and helps explain why such a powerful set of constraints on executive war-making were developed in the United States in the first place. The second was geopolitical and helps to explain why these domestic constraints were so dominant at the Founding and in subsequent years, but then became more relaxed later.

⁴⁰ Though the latter scenario seems far-fetched, Louis Fischer describes an incident in 1896 when this almost occurred. He explains that when Spain rejected a congressional offer to recognize an independent Cuba in that year, "Some members of Congress itched for war. An associate of President Cleveland was once present when a delegation from Congress arrived at the White House to announce: 'We have about decided to declare war against Spain over the Cuban question. Conditions are intolerable.' Cleveland responded bluntly: 'There will be no war with Spain over Cuba while I am President.' A member of Congress protested that the Constitution gave Congress the right to declare war, but Cleveland countered by saying that the Constitution also made him Commander in Chief and 'I will not mobilize the army.' Cleveland said that the United States could buy Cuba from Spain for \$100 million, whereas a war 'will cost vastly more than that and will entail another long list of pensioners. It would be an outrage to declare war.'" Fisher, *Presidential War Power*, 52.

Domestic Politics

To understand the domestic reasoning behind the constraints on executive war-making, it is important to stress that, due to America's colonial past under the British monarchy, many in the Founding Period were stricken by what Beeman characterizes as a "pervasive fear of excessive executive power."⁴¹ The separation of powers and checks and balances of the Constitution, both within the federal government and between the federal government and the states, were designed in large part to guard against an accumulation of power in this office. Particularly relevant here is the fact that war was thought to correlate closely with executive power and therefore the problem of how to mitigate the risk of war warranted considerable attention. On the one hand, war was thought to be "the true nurse of executive aggrandizement," according to Madison. He explained:

In war a physical force is to be created, and it is the executive will which is to direct it. In war the public treasures are to be unlocked, and it is the executive hand which is to dispense them. In war the honors and emoluments of office are to be multiplied; and it is the executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered, and it is the executive brow they are to encircle.⁴²

Madison explained that it was not just "actual war," but "Constant apprehension of War" which threatened to give "great discretionary powers...to the executive."⁴³

The possibility of executive aggrandizement through war or the constant threat of war was particularly problematic for the institutional arrangement envisioned by the Constitution. As Hamilton warned, war has a tendency to "increase the executive at the expense of the legislative authority."⁴⁴ Thus it would serve to distort the relationship between the branches of government.

⁴¹ Beeman, *Plain, Honest Men: The Making of the American Constitution*, 233.

⁴² Madison, "Helvidius Number IV, September 14, 1793," 87.

⁴³ James Madison, "Records of the Federal Convention," May 30, 1787 in Kurland and Lerner, *The Founder's Constitution*, 1987, 3:Article I, Section 2, Clause 3, Document 2.

⁴⁴ Hamilton, "Federalist Number 8," 34.

Minimizing war, therefore, was not just an objective in itself but was also crucial for preventing the balance among the country's domestic institutions from being jeopardized.⁴⁵ As C. Perry Patterson would explain when this arrangement was being rethought following World War II, "almost the sole object" of America's historical interest in non-involvement overseas was "to escape not only a temporary but a permanent presidential dictatorship."⁴⁶ Thus while those like Locke thought the domestic and foreign dimensions of the executive had to be separated, the Founders did not believe such a separation was possible in practice.

The Founders, however, also believed that the relationship between war and executive power flowed the other direction as well; that war not only increased executive power but also that executives were more prone to war. Madison explained that, for all the reasons he cites in the paragraph above, "it has grown into an axiom that the executive is the department of power most distinguished by its propensity to war."⁴⁷ The belief was that executives have instrumental domestic reasons for inciting foreign wars similar to the logic behind diversionary theories of war.⁴⁸ As Madison explained:

A standing military force, with an overgrown Executive will not long be safe companions to liberty. The means of defence [against] foreign danger, have been always the instruments of tyranny at home. Among the Romans it was a standing maxim to excite a war, whenever a revolt was apprehended. Throughout all Europe, the armies kept up under the pretext of defending, have enslaved the people. It is perhaps questionable, whether the best concerted system of absolute power in Europe [could] maintain itself, in

⁴⁵ Richard H. Ullman, "The 'Foreign World' and Ourselves: Washington, Wilson, and the Democrat's Dilemma," *Foreign Policy*, no. 21 (1975): 101–102; Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 32, no. 4 (1978): 899.

⁴⁶ C. Perry Patterson, *Presidential Government in the United States: The Unwritten Constitution* (Chapel Hill: The University of North Carolina Press, 1947), 79.

⁴⁷ Madison, "Helvidius Number IV, September 14, 1793," 87.

⁴⁸ On diversionary war see Jack S. Levy and William R. Thompson, *Causes of War* (West Sussex, UK: Wiley-Blackwell, 2010), 99–104.

a situation, where no alarms of external danger [could] tame the people to the domestic yoke.⁴⁹

It was for this reason that, as George Mason explained, the executive “was not safely to be trusted with [the power of war].”⁵⁰

This fear of executive power explains why the Framers of the Constitution split the war making powers between the executive and legislative branches. Important to note is the fact that the House was vested with these powers as well as the Senate. The Framers could easily have decided to exclude the House from decisions about war as they did with treaty ratification and the appointment of ambassadors. In fact, this was suggested by Charles Pinckney at the Convention. But as Oliver Ellsworth argued: “It [should] be more easy to get out of war, than into it.”⁵¹ By essentially increasing the number of formal veto players, their purpose was to slow down the decision-making process and ultimately reduce the occasions when the country might become involved in war.

During debate at the Federal Convention George Mason rationalized the choice to require action on the part of the executive, the Senate and the House by saying he was for “clogging

⁴⁹ James Madison, “Records of the Federal Convention,” June 29, 1787 in Kurland and Lerner, 1987, Article I, Section 2, Clause 3, Document 2. Or see John Jay in Federalist 4: “It is too true... that absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as, a thirst for military glory, revenge for personal affronts, ambition, or private compacts to aggrandize or support their particular families, or partisans. These, and a variety of motives, which affect only the mind of the sovereign, often lead him to engage in wars not sanctioned by justice, or the voice and interests of his people.” John Jay, “Federalist Number 4,” ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), 13.

⁵⁰ George Mason, “Records of the Federal Convention,” August 17, 1787 in Kurland and Lerner, *The Founder’s Constitution*, 1987, 3:Article I, Section 8, Clause 11, Document 4.

⁵¹ See Charles Pinckney and Oliver Ellsworth, “Records of the Federal Convention,” August 17, 1787 in *ibid.*

rather than facilitating war.”⁵² Or as James Wilson explained to the Pennsylvania Ratifying Convention:

This system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress, for the important power of declaring war is vested in the legislature at large; this declaration must be made with the concurrence of the House of Representatives; from this circumstance we may draw a certain conclusion, that nothing but our national interest can draw us into a war.⁵³

To be clear, the point was not to prevent the use of force altogether. Rather, the point was to force sustained deliberation about why, when, and how the country went to war. This could only happen by making the executive and legislature co-equal partners and involving both the Senate and the House in the decision-making process.

This institutional arrangement, however, not only served to constrain the executive. By requiring decisions about war and military appropriations to go through the legislative process the Framers also believed that the decisions of this process would better reflect the views of the people and thus result in a more republican foreign policy. When Madison warned that the executive is “most distinguished by its propensity to war,” he continued by noting that “it is the practice of all states, in proportion as they are free, to disarm this propensity of its influence.” Again, Madison’s quote is indicative of the concern that executives are often more prone to war. But equally revealing is that he points to the widespread belief among the Framers that there is a direct and negative correlation between executive influence over war and popular freedom. By vesting the more popularly rooted legislature with the primary decisions about initiating war, the Framers believed that public views would be better accounted for in such decisions and that such

⁵² George Mason, “Records of the Federal Convention,” August 17, 1787 in *ibid.*, 3:Article 1, Section 8, Clause 11, Document 4.

⁵³ James Wilson, “Pennsylvania Ratifying Convention,” December 11, 1787 in Phillip B. Kurland and Ralph Lerner, eds., *The Founder’s Constitution*, vol. 1 (Chicago: Chicago University Press, 1987), Chapter 7, Document 17.

a process would be more becoming of a free society. Furthermore, it was thought that involving the more popular branch of government would increase the long-term support of those who would ultimately pay for and fight in any war. As Harold Koh suggests, the Framers were well aware of the gains in “speed, secrecy, and efficiency” that could be had from leaving the legislature out of the decision-making process. But they reasoned that this would undermine “the longer-term consensus that derives from reasoned inter-branch consultation and participatory decision-making.”⁵⁴

Lack of Systemic Pressure

Geopolitics, on the other hand, was not so much a driving factor in the decision to constrain executive war-making power, but was instead a permissive factor that allowed the constraint to emerge and persist. It is a well-worn maxim that the United States for much of its history was nearly immune from foreign threats by virtue of the two large oceans that separated it from more powerful states. The fact that the Atlantic Ocean separated the new country from the more powerful states of Europe was not lost on the Framers. In fact, the United States’ insular geopolitical position proved to them why an extensive military establishment was unnecessary and unlikely to emerge. Moreover, so long as an extensive military establishment did not emerge, the institutional balance struck between the branches in the Constitution would ensure similarly that a powerful executive with war-making powers would not develop.

When arguing for the creation of a post-Revolutionary War military establishment to replace the Continental Army, George Washington suggested that in addition to the state militias only 2,631 officers and soldiers were required because “Fortunately for us our relative situation requires but few [standing forces]. The same circumstances which so effectually retarded, and in

⁵⁴ Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair*, 211.

the end conspired to defeat the attempts of Britain to subdue us, will now powerfully tend to render us secure. Our distance from the European States in a great degree frees us of apprehension.”⁵⁵ During the debates at the Convention and others related to the proposed Constitution in 1787-1788, the relative isolation of the United States was frequently cited as a reason why opponents of a federal government had no reason to fear the emergence of standing forces or a powerful war-making executive. Hamilton explained in Federalist 8, “Europe is at a great distance from us. Her colonies in our vicinity will be likely to continue too much disproportioned in strength to be able to give us any dangerous annoyance. Extensive military establishments cannot, in this position, be necessary to our security.”⁵⁶

What is important to note here is that this view is based on a larger theory of state-building for national security, which mirrored and foreshadowed Hintze’s argument by more than a century. Hamilton explained the logic of the argument as follows:

There is a wide difference...between military establishments in a country which, by its situation, is seldom exposed to invasions, and in one which is often subject to them, and always apprehensive of them. The rulers of the former can have no good pretext, if they are even so inclined, to keep on foot armies so numerous as must of necessity be maintained in the latter... But in a country, where the perpetual menacings of danger oblige the government to be always prepared to repel it, her armies must be numerous enough for instant defence.

Similar to Hintze, he continued by drawing out the distinction between Great Britain, a relatively isolated naval power, and the land powers of the continent:

The kingdom of Great Britain falls within the first description. An insular situation, and a powerful marine, guarding it in a great measure against the possibility of foreign invasion, supersede the necessity of a numerous army...If Britain had been situated on the continent, and had been compelled, as she would have been, by that situation, to make her military establishments at home co-extensive with those of the other great powers of

⁵⁵ George Washington, “Sentiments on a Peace Establishment,” May 2, 1783 in Kurland and Lerner, *The Founder’s Constitution*, 1987, 3:Article I, Section 8, Clause 12, Document 6.

⁵⁶ Hamilton, “Federalist Number 8,” 36.

Europe, she, like them, would in all probability, at this day, be a victim to the absolute power of a single man.⁵⁷

So long as the United States was geographically isolated from potentially powerful enemies and the states remained united together, Hamilton and others including Madison contended that the federal government, like the British Monarch, would never “by real or artificial dangers” be able “to cheat the public into an extensive peacetime establishment.”⁵⁸

It is important to note, however, that contained in this theory was the seed of an argument for why a national security apparatus of some type was needed, and why a more extensive one might be needed in the future. This was because while the Founders did see the Atlantic Ocean as a great defensive shield behind which a limited and constrained state could be constructed, they were not blind to the possible threats posed by both internal disorder and foreign danger. Again, this was partly why the Constitutional Convention was called in the first place and why the national government was designed to have greater foreign affairs powers than Congress had under the Articles.⁵⁹ These concerns had first been raised by Shay’s Rebellion (1786-1787) and were later justified by episodes like the Whiskey Rebellion (1794), the country’s quasi-war with

⁵⁷ Ibid., 35–36.

⁵⁸ Madison made nearly the same argument as Hamilton in Federalist 41, arguing: “Being rendered by her insular situation and her maritime resources impregnable to the armies of her neighbors, the rulers of Great Britain have never been able, by real or artificial dangers, to cheat the public into an extensive peace establishment. The distance of the United States from the powerful nations of the world gives them the same happy security. A dangerous establishment can never be necessary or plausible, so long as they continue a united people.” Madison, “Federalist Number 41,” 209–210.

⁵⁹ See, for example, James Wilson who with a tinge of hyperbole warned at the Pennsylvania Ratifying Convention: “The prospect of a war is highly probable... We know we are unable under the articles of confederation to exert ourselves; and shall we continue so until a stroke be made on our commerce, or we see the debarkation of an hostile army on our unprotected shores? Who will guarantee that our property will not be laid waste, that our towns will not be put under contribution, by a small naval force, and subjected to all the horror and devastation of war? May not this be done without opposition, at least effectual opposition, in the present situation of our country? There may be safety over the Appalachian mountains, but there can be none on our sea coast. With what propriety can we hope our flag will be respected while we have not a single gun to fire in its defence?” James Wilson, “Pennsylvania Ratifying Convention,” December 11, 1787 in Kurland and Lerner, *The Founder’s Constitution*, 1987, 1:Chapter 7, Document 17.

France (1798-1800), attacks against American shipping by the Barbary States (1801-1805, 1815), and the War of 1812 (1812-1815). In the latter, the country's eastern seaboard was blockaded, attacked, and certain parts were occupied, while the new capital of Washington DC was captured and burned.

Thus, at the same time that the Framers created a constrained executive and argued that only a small military establishment would be needed, they decided to build considerable flexibility into the Constitution so that the American state could be adapted to uncertain future circumstances. What is relevant here is that they were aware that in the face of foreign danger the aim of self-preservation would trump any domestic constraints that might be written into law. As Hamilton explained, "Safety from external danger, is the most powerful director of national conduct." It was a factor which would force any country to sacrifice even its most cherished institutions and principles.⁶⁰ At a minimum, the executive had to be able to respond to any attacks and the federal government had to at least have the option to build a powerful military force if required by circumstance. In Federalist 41, Madison explained this by asking rhetorically, "was it necessary to give an INDEFINITE POWER of raising TROOPS, as well as providing fleets; and of maintaining both in PEACE, as well as in war?" He explained:

The answer indeed seems to be so obvious and conclusive as scarcely to justify such a discussion in any place. With what color of propriety could the force necessary for defense be limited by those who cannot limit the force of offense? If a federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then indeed might it prudently chain the discretion of its own government, and set bounds to the exertions for its own safety.

Madison continued:

How could a readiness for war in time of peace be safely prohibited, unless we could prohibit, in like manner, the preparations and establishments of every hostile nation? The means of security can only be regulated by the means and the danger of attack. They will,

⁶⁰ Hamilton, "Federalist Number 8," 33.

in fact, be ever determined by these rules, and by no others...If one nation maintains constantly a disciplined army, ready for the service of ambition or revenge, it obliges the most pacific nations who may be within the reach of its enterprises to take corresponding precautions.⁶¹

In both the passage from Hamilton earlier and this passage from Madison we see an explicitly geopolitical understanding of the state. Given the country's geographic circumstances, the Framers envisioned the United States as "a non-interventionist, self-protective republic" that would normally be at peace, according to Jules Lobel.⁶² The constraints on executive war-making powers and the limits against the development of an extensive military establishment reflected that view. But the Framers also recognized that they could not foresee the country's future geopolitical position entirely. As Madison explains, if the Constitution could not "chain" other nation's ambitions and war-making capabilities, neither could it excessively chain those of the United States. Doing so would unfairly usurp the powers of later governments that might face different circumstances. During the Convention Elbridge Gerry suggested, for example, that they cap a standing army at 2,000 or 3,000 soldiers. Washington is said to have broken his neutrality as president of the Convention at this moment and uttered *sotto voce* that perhaps they might also deem it unconstitutional for anyone to attack the country with a larger force.⁶³ The anecdote is humorous but telling. It shows that even while the Framers were consciously trying to prevent the emergence of what we today think of as a national security state, they knew it was impracticable to outlaw one. As a result, there were no limits put in place.

For much of the country's history, this geopolitical view of the state sat comfortably side by side with the domestic view outlined above. At times, the two were at odds with one another and this occasionally led to some tensions that I describe in the next section. But at no point—

⁶¹ Madison, "Federalist Number 41," 208–209.

⁶² Lobel, "Little Wars and the Constitution," 64.

⁶³ Weigley, *History of the United States Army*, 85–86.

outside of a brief time during the Civil War—did these tensions threaten to overturn and change forever the institutional balance struck at the Convention.

Executive War-Making Powers in the pre-World War II Period

From the Presidency of George Washington through World War II, domestic constraints on executive war-making powers remained a core ordering principle in the organization and conduct of American national security. First, a set of procedural norms based on the Constitution was developed which made Congress central to deciding why, when, and how the country would use force. Presidents sometimes pushed up against congressional war powers, but as I show below they did so mostly within their Constitutional limits and otherwise paid deference to Congress's role. Second, opposition to the emergence of an extensive military establishment that might empower the executive branch remained strong. The country maintained a relatively small military establishment even during periods when there was greater opportunity for growth. Though a full historical rendering of these developments is not possible here, the following sections provide the background required to explain what changed in the mid-twentieth century and why.

War Powers: The "Traditional Interpretation"

Some law scholars maintain that the Constitution provides a procedural blueprint for the decision-making process to use force: the Congress declares war and the President wages it subject to congressional oversight. Francis Wormuth and Edwin Firmage, for example, argue, "the framers realized that the reasons we decided to go to war must be left for every generation to work through within the political branches of government. Whether we should go to war and under what conditions were political questions. But the way we go to war was not. The

procedural means were carefully stipulated.”⁶⁴ John Hart Ely likewise argues, “they pursued a substantive end (the limitation of war to the absolutely necessary) by procedural means (requiring the concurrence of both houses of Congress as well as the president).”⁶⁵ While these scholars are correct in general terms, the specific procedures for initiating the use of force still needed to be worked out in practice. This is because the Constitution is silent on many matters and does not provide a set of political and legal procedures establishing how the general distribution of war powers is to be translated into policy.⁶⁶ Declarations of war, for example, were already at the time of the founding becoming increasingly rare.⁶⁷ Authorizations for the use of force emerged as a common mechanism for Congress to initiate war, but nowhere were they located in the text. Rather, as John Yoo contends, “the Constitution generally does not establish a fixed process for foreign relations decision-making.”⁶⁸ Instead, this process arose in practice and therefore we need to look at the procedural norms that actually grew out of the principles enshrined in the Constitution.

⁶⁴ Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 298.

⁶⁵ Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath*, 3, n10.

⁶⁶ Louis Henkin, for example, regards the Constitution as a “strange laconic document” when it comes to foreign affairs powers, elaborating elsewhere that “the constitutional blueprint for the governance of our foreign affairs has proved to be starkly incomplete, indeed skimpy.” Harold Koh meanwhile suggests the Constitution provides only “a skeleton” and that we need to “look beyond [its] cryptic text to discover the broader constitutional principles that govern how Congress, the courts, and the executive should interact in the foreign policy process.” Henkin, *Foreign Affairs and the US Constitution*, 13–15, 13; Louis Henkin, “Foreign Affairs and the Constitution,” *Foreign Affairs* 66, no. 2 (1987): 287; Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair*, 68.

⁶⁷ This point, for example, is acknowledged by Hamilton in Federalist 25 where he says “the ceremony of a formal denunciation of war has of late fallen into disuse.” Alexander Hamilton, “Federalist Number 25,” ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), 124.

⁶⁸ Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11*, 7–8.

From 1789 to 1941, the United States waged several major wars and used limited force on scores of other occasions.⁶⁹ During this time, however, Congress only formally declared war during five conflicts (against eleven adversaries).⁷⁰ Some practitioners and scholars point to the large number of cases (some 125+⁷¹) in which the country used force but war was not formally declared as evidence that the President routinely employed the armed forces during this period without prior congressional approval. Such proponents of broad Presidential powers conclude that therefore “history has legitimated the practice of presidential war-making.”⁷² As others have shown, however, there are problems with these cases in which Presidents reportedly committed the country’s armed forces without Congressional consultation or authorization. On the one hand, Edward Corwin argues that they were minor: “the vast majority involved fights with pirates, landings of small naval contingents on barbarous or semi-barbarous coasts, the dispatch of small bodies of troops to chase bandits or cattle rustlers across the Mexican border, and the

⁶⁹ On the use of force during this period see Abraham D. Sofaer, *War, Foreign Affairs, and Constitutional Power: The Origins* (Cambridge, MA: Ballinger, 1976); Henry Bartholomew Cox, *War, Foreign Affairs, and Constitutional Power: 1829-1901* (Cambridge, MA: Ballinger, 1984); Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 135–151; Fisher, *Presidential War Power*, 17–80; Richard F. Grimmett, “Instances of Use of United States Armed Forces Abroad, 1798-2010,” CRS Report R41677, 2010.

⁷⁰ Against Great Britain, 1812 (War of 1812); Mexico, 1846 (Mexican-American War); Spain, 1898 (Spanish-American War); Germany, Austria-Hungary 1917 (World War I); Japan, Germany, Italy, Bulgaria, Hungary, Romania, 1941-2 (World War II).

⁷¹ Beginning in 1912 and continuing until 1972 when the War Powers Resolution was being debated, a number of government reports were issued trying to calculate the number occasions on which the United States used force overseas. These numbers vary considerably, oftentimes unexplainably. The number cited comes from a State Department memo in 1966 that calculates Presidents used force unilaterally in “at least 125 instances” through 1945 to justify Presidential initiative in Indochina. See Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 142–145.

⁷² Henry P. Monaghan, “Presidential War-Making,” *Boston University Law Review* 50, no. 5 (1970): 19.

like.”⁷³ In other words, they had no chance of dragging the country into an actual conflict with another state.

On the other hand, and more importantly, Francis Wormuth and Edwin Firmage show through meticulous research that the cases regularly cited are in fact not actually instances of executive war-making. They explain:

...eight of the acts involved enforcement of the law against piracy for which no congressional authorization is required, sixty-nine were landings to protect American citizens many of which were statutorily authorized, twenty concerned illegal invasions of foreign or disputed territories which were not acts of war since the United States claimed the territory, six were minatory demonstrations without combat, another six involved protracted occupations of various Caribbean states that were authorized by treaty, and at least one was an act of naval self-defense which is justified by both international and municipal law.⁷⁴

Many of the instances included on the list, furthermore, were cases where force was used on the initiative of local military officers—not the President—and in several of these cases the use of force was later repudiated by the President and/or Congress and the commanding officer was disciplined. Thus, Wormuth and Firmage conclude that there were actually perhaps only one or two dozen minor instances during this period in which Presidents initiated hostilities without Congressional authorization. Importantly, there is not a single case during this period when a President maintained that they had an inherent authority to initiate war at their discretion.

What emerged during this period instead is what Gordon Silverstein terms a “traditional interpretation” of Constitutional war powers in which Congress held a predominant role in initiating war; a position accepted—if sometimes tested—by Presidents and upheld by the

⁷³ Edward S. Corwin, “The President’s Power,” in *The President: Roles and Powers*, ed. David E. Haight and Larry D. Johnston (Chicago: Rand McNally & Company, 1965), 361.

⁷⁴ Edwin B. Firmage, “Rogue Presidents and the War Power of Congress,” *George Mason Law Review* 11, no. 1 (n.d.): 83–84; Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 135–151.

courts.⁷⁵ Based on this recognized distribution of war powers, a set of procedural norms emerged for varying levels of the use of force. The most straightforward were for large-scale general wars like the War of 1812, the Mexican-American War, the Spanish-American War, and the two World Wars. For each, the President—either in writing or in person through an address to a joint session of Congress—laid out the reasons for war and requested a formal declaration. These reasons were debated in Congress and based on a majority vote a declaration was issued either in the form of a bill (in the nineteenth century) or a joint resolution (in the twentieth century). The legislation was next forwarded to the President and signed into law. The Congress then appropriated the necessary funding for expanding and maintaining the armed forces throughout the course of the war.

There were some deviations from this general pattern. In the case of the Mexican-American War President Polk provoked an attack against United States forces in disputed territory thus forcing the hand of Congress and in the case of World War II President Roosevelt tried using executive action to inch the United States toward war as early as 1939. But in both cases Polk and Roosevelt sought formal declarations of war before committing the country to full-blown hostilities.⁷⁶

Congress not only issued declarations of war to initiate general hostilities, but also formal authorizations for the use of force in cases where more limited forms of force were called for. The procedures for these took three forms. First, in the early decades after the Constitution, Presidents asked on several occasions for authorization to employ America's armed forces to protect American shipping and citizens and to respond with offensive action if required. This

⁷⁵ Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy*, 43–62.

⁷⁶ Polk was formally censured by the House of Representatives in 1848 for his actions and Roosevelt was powerfully constrained by a series of neutrality acts in the 1930s.

type of authorization was provided during America's undeclared war with France in 1798, against the Bey of Tripoli and the Dey of Algeria in 1802 and 1815, and for the suppression of piracy in the Caribbean in 1819.⁷⁷ In each case, Congress debated and passed by a legislative act authorizing the President to employ the armed forces for specific tasks against specific adversaries. It is important to note here that—in contrast to later authorizations—in each case, congressional authorization identified exactly who was the target of hostilities and under what circumstances force would be used.

Second, Congress issued what amounted to two permanent authorizations to cover emergency cases that became routine and required immediate action on the part of American forces. Both conceivably fell under the President's responsibility to repel sudden attacks, but by putting its stamp of approval on these acts Congress further legitimated them. The first was an extension of the 1819 authorization for the suppression of piracy in 1823 to make permanent the charge to resist and seize any foreign vessels engaged in piracy.⁷⁸ The second was an effort to regulate emergency landings required to protect American citizens and property overseas. Between 1833 and 1862 thirteen such landings occurred and in 1862 Congress decided to authorize, by statute, regulations for local military commanders in consultation with local consular officers to undertake such landings when required by circumstance. After 1862, several dozen such landings took place under statutory law.⁷⁹

⁷⁷ Jennifer K. Elsea and Matthew C. Weed, "Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications," CRS Report RL31133, 2010, 5–7.

⁷⁸ Landings in pursuit of pirates fell in a gray area during this period. When in 1823 the Secretary of the Navy issued permission to commanders to pursue pirates ashore if required, President Monroe submitted the question to Congress believing such landings required Congressional authorization. Congress chose not to take up the question and such landings did occur on the initiative of local commanders without either Congressional support or disapproval. See Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 155–156.

⁷⁹ This act was revised several times in subsequent years. *Ibid.*, 156–160.

Third, Congress on other occasions enacted retroactive legislation to provide a form of ex post-facto authorization for uses of force already underway. The most prominent case was in the Civil War when President Lincoln called up the militia, enacted a blockade against insurrectionary states, and suspended the writ of *habeas corpus* without congressional approval. In a special joint session of Congress shortly thereafter, Lincoln expressed “the deepest regret that the Executive found the duty of employing the war power in defense of the Government forced upon him.”⁸⁰ He argued that his actions were necessary and *legally taken by the federal government*, but acknowledged that they were *beyond his authority as President* and asked Congress to render judgment and restore a proper Constitutional balance. One month later, Congress passed a statute stating the President’s military actions were conducted “with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.”⁸¹ There were other cases of ex post-facto authorization as well, including in 1900 during the Boxer Rebellion when President McKinley ordered 5,000 American troops to take part in an international expeditionary force to protect foreigners and foreign property in China and when President Wilson ordered the occupation of Veracruz in Mexico in 1914.⁸² What is important in these cases is that even when Presidents initiated the use of force they never claimed a constitutional right to do so.

⁸⁰ Abraham Lincoln, “Message to Congress in Special Session, July 4, 1861.”

⁸¹ On August 6, 1861, Congress passed Statute 326 stating: “That all acts, proclamations and orders of the President of the United States after the Fourth of March, eighteen hundred and sixty-one, respecting the army and the navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.” It took two years for Congress to pass legislation suspending the writ of *habeas corpus*.

⁸² In the Boxer Rebellion, McKinley undertook the action as a naval landing to protect American citizens in accordance with the statute described above. The court later determined that the actions went beyond the protection of citizens and property and constituted an act of war, but determined that it had been

The predominant role of Congress in war initiation during this period is evident not only in actual instances in which force was used but in non-cases as well. For example, in 1825 and 1834 Presidents Monroe and Jackson sought authorization for reprisals against a Spanish colony and French shipping respectively, but were denied the authority to order them. In the 1930s, moreover, Congress passed a series of neutrality acts preventing President Roosevelt from offering material support to foreign countries as the second world war in a generation began to take shape. Roosevelt pushed the limits of these acts but nonetheless remained constrained until Congress formally declared war in 1941.

This brief discussion shows that most instances in which force was used during this period were conducted either with a declaration of war, authorization, or subsequent authorization from Congress. Nonetheless, force was used outside these established and accepted procedures on several occasions. Most notably in 1854 the port of Greytown in Nicaragua was bombarded and burned by Captain George Hollins. Hollins had received orders from the Secretary of the Navy to seek redress for affronts committed in Greytown against an American company and the minister to Central America. Though the instructions were ambiguous, the secretary ordered Hollins to attempt to seek redress if possible “without a resort to violence and destruction of property and loss of life.” In the reprisal against Greytown, Hollins clearly exceeded his charge and his actions were condemned in the American press. But due to domestic and international opinion, President Pierce was forced to own the attack and a subsequent Supreme Court ruling indicated that he had acted within his authority as President.⁸³ This

authorized by subsequent legislation. In the Veracruz case, Wilson requested and received Congressional authorization immediately after ordering American forces to occupy Veracruz.

⁸³ Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 37–41.

incident is often cited as an important instance of Presidential war-making, but the facts of the case suggest it serves as a poor precedent for broader claims of executive war-making autonomy.

Thus, beginning with the election of the first United States President in 1789 through World War II, a series of procedural norms in line with the general framework of war powers contained in the Constitution emerged and remained relatively intact. For major and sustained hostilities, Congress provided formal declarations of war identifying by name the country the United States was at war with and directing the President to mobilize all national resources toward winning the conflict. In other less severe cases, Congress provided either specific authorization (*ex ante* or *ex post*) for force to be used—again identifying the adversary by name—or more general authorization to cover emergency instances. What is important to about these authorizations is that Presidents treated them as *binding* unlike contemporary ones.

Several factors began to shift the initiative to executives during this period including the permanent authorization enabling naval landings, which were often used a pretext to pursue broader American interests (particularly in Latin America), and post-hoc authorizations, which provided Presidents with the opportunity to take the initiative and force the hand of Congress. Moreover, Presidents did sometimes use force on occasion outside of these established procedures. These trends were particularly evident beginning around the turn of the twentieth century, when there was a marked increase in Presidential power over foreign affairs that was a direct result of the country's more active foreign policy. Walter LaFeber suggests that it is in this period that the roots of later Presidential power are to be found.⁸⁴ I discuss this shift at greater length in the next two chapters.

⁸⁴ Walter LaFeber, *The Cambridge History of American Foreign Relations Volume 2: The American Search for Opportunity, 1865–1913* (Cambridge: Cambridge University Press, 1993), 237.

But even when Presidents took more authoritative action in this period, it is important to note that they did so only temporarily or “by relying falsely on either a statute, a treaty or international law,” never on the inherent war-making power of the executive.⁸⁵ As Ely explains, “when certain presidents did play a little fast and loose with congressional prerogatives...they obscured or covered up the actual facts, pledging public fealty to the constitutional need for congressional authorization of military action. It is therefore impossible to build the occasional nonconforming presidential actions of this period into an argument that they had gradually altered the constitutional plan.”⁸⁶ As will become clear in subsequent chapters, this did not occur until the beginning of the Cold War.

The Military Establishment in the pre-World War II Period

The impact of the domestic constraint against a standing army on the development of the American military establishment has been covered well elsewhere and so it is not necessary to cover it in detail here.⁸⁷ Two points are worth making though. First, this constraint tended to have a dampening effect on the long-term development of the United States’ standing forces and its institutions of national security. In the country’s early years this was not as apparent. But by 1939 on the eve of World War II the gap between the country’s world standing and its military was gaping. By then the United States’ economy was the world’s largest by two, while its industrial production was three times larger than the next country. Moreover, the country’s

⁸⁵ Gordon Silverstein makes a similar argument, explaining “some made exceptions to the rules, but never challenged the rules themselves; they broke the rules, and defended their actions not as an alternate reading of the Constitution, but rather as a temporary exception under particular conditions.” Firmage, “Rogue Presidents and the War Power of Congress,” 84; Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 149–151, 151; Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy*, 44.

⁸⁶ Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath*, 10.

⁸⁷ See Weigley, *History of the United States Army*; Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*.

population among the great powers was second only to the combined population of the Soviet Union.⁸⁸

Yet, as I noted earlier, the United States' armed forces were still quite small and incapable compared to other states. The Army in particular remained a laggard. In 1939 it numbered 190,000 and was ranked nineteenth in the world—behind Portugal and only slightly ahead of Bulgaria.⁸⁹ Moreover, as Rick Atkinson explains, it was unprepared for any type of significant military action at this time:

When mobilization began in 1940, the Army had only 14,000 professional officers. The average age of majors—a middling rank, between captain and lieutenant colonel—was nearly 48; in the National Guard, nearly one-quarter of first lieutenants were over 40 years old, and the senior ranks were dominated by political hacks of certifiable military incompetence. Not a single officer on duty in 1941 had commanded a unit as large as a division in World War I. At the time of Pearl Harbor, in December 1941, only one American division was on a full war footing.⁹⁰

Not only were the United States' military forces modest during this period, but they were also based largely in the vicinity of the homeland. The country's first permanent overseas presence was not established until 1903 when Guantanamo Bay was leased as a coaling station, and by 1938 there were only fourteen overseas bases almost all of which were located nearby in the Caribbean and the Pacific, and used as coaling and water stations for the navy, not for force

⁸⁸ For statistics on the period see Mark Harrison, "The Economics of World War II: An Overview," in *The Economics of World War II: Six Great Powers in International Comparison* (Cambridge: Cambridge University Press, 1998), 1–42; Angus Maddison, *The World Economy: Historical Statistics* (Paris: OECD, 2003).

⁸⁹ George C. Marshall, "Biennial Report of the Chief of Staff of the United States Army to the Secretary of War: July 1, 1943, to June 30, 1945," in *Biennial Reports of the Chief of Staff of the United States Army to the Secretary of War: 1 July 1939 - 30 June 1945* (Washington, DC: Government Printing Office, 1996), v.

⁹⁰ Rick Atkinson, "Ten Things Every American Student Should Know About Our Army in World War II," *Footnotes, the Foreign Policy Research Institute* 14, no. 15 (2009).

projection.⁹¹ Thus, even if American Presidents had wanted to project military power before World War II without congressional authorization, the limited size of the military, coupled with the lack of forward operating bases, severely restricted their options for doing so. That explains why all major instances in which force was used in the country's early history were declared or authorized by Congress.

Second, the domestic constraint against a standing army resulted in a pattern of “rollbacks” after all of the country's major wars.⁹² As explained in chapter one, there is a literature on state growth, which finds that “in war, what goes up seldom comes down.”⁹³ The idea is that during war, states must do things like collect more taxes, direct wartime economic activity, and expand or establish new state institutions. After being “ratcheted” up, the growth in state institutions and power becomes sticky and remains even after war is over. There is evidence that this effect does occur, but not as we would expect with the growth of a military establishment in the United States. Within several years of every major war prior to World War II, the large-scale build-up in troops, funding, and state power was mostly disassembled. As I show in the next chapter, even following World War I, when it appeared the United States would play a more active role in the world, the War Department General Staff unsuccessfully proposed a standing army of 500,000 officers and soldiers. By 1930, the army numbered less than 140,000. What is important to note here is that even when war threatened to become the “nurse of

⁹¹ Jeffrey Engel, “Over There...to Stay This Time: Forward-Deployment of American Basing Strategy in the Cold War and Beyond,” in *Military Bases: Historical Perspectives, Contemporary Challenges*, ed. Luis Rodrigues and Sergiy Glebov (Amsterdam: IOS Press, 2009), 19–20.

⁹² Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton: Princeton University Press, 2000), 30–32.

⁹³ Bruce D. Porter, *War and the Rise of the State: The Military Foundations of Modern Politics* (New York: The Free Press, 1994), 14. See also Robert Higgs, *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (New York: Oxford University Press, 1987).

executive aggrandizement,” the domestic limits on a standing army prevented such a development from occurring.

Conclusion

At the time of America’s Founding, the country’s leaders attempted to design a state and system of government reflective of republican principles. Central to this project was an attempt to constrain future executives from single-handedly initiating war. They sought to do so explicitly in the Constitution by requiring legislative approval for the use of force and by placing the power to construct and organize the country’s military establishment in the hands of the legislature (and partly the states). Equally important was the fact that measures were included to prevent the emergence of large standing forces and to ensure authority within and over the military would remain fragmented. These efforts did not restrict executive war-making power entirely. Presidents between 1789 and 1941 did at times take the initiative. President Polk helped push the country into war with Mexico, President Lincoln took drastic actions alone in the early days of the Civil War, and President Roosevelt inched the United States closer to World War II prior to the attack on Pearl Harbor and Congress’s declaration of war. The shift toward greater executive war-making powers after 1898 is discussed at length later. But as I will show this shift was based on personal and situational autonomy, rather than institutional autonomy. Moreover, as explained above, these occasions remained largely within a traditional understanding of the institutional arrangement agreed to during the Constitutional Convention.

An important counterfactual to consider, however, is whether this arrangement could have survived intact if the United States had faced greater systemic pressure earlier in its history. Behind the Atlantic Ocean, the country experienced few major or even limited wars. Equally

important was the fact that between wars there was only little “apprehension of war,” which Hamilton and Madison warned might also cause the country to abandon its institutions. It was perhaps for these reasons, as much as the country’s domestic constraints, that it was able to resist shifting greater war-making powers to the executive and building a larger military apparatus.

In 1831, Alexis de Tocqueville, one of the keenest observers of the United States (then and now), made this argument precisely. Throughout *Democracy in America*, he stressed that the distinctness of the American political system was at least partly due to its geographic isolation and the fact that it had “no reason to fear conquest.”⁹⁴ Specifically, he reasoned that the limited powers of the executive were as much a result of the country’s “fortune” as the “efforts” of the Framers of the Constitution. He explained that:

If the existence of the Union were under constant threat, if its great interests were daily intertwined with those of other powerful nations, the executive power would take on an increased importance in the public eye, because people would expect more of it, and it would do more. To be sure, the president of the United States is the head of the army, but that army consists of six-thousand soldiers. He commands the fleet, but the fleet has only a few vessels. He directs the Union’s dealings with foreign nations, but the United States has no neighbors. Separated from the rest of the world by the Atlantic Ocean and still too weak to seek to rule the sea, it has no enemies, and only rarely do its interests intersect with those of other nations of the globe.⁹⁵

Tocqueville determined that it was only under these “favorable circumstances” that “American lawmakers found it easy to make the executive weak and dependent.”⁹⁶

Tocqueville, however, also seems to have foreseen that these circumstances would change one day. In the conclusion to the first volume of *Democracy in American*, he anticipated the United States expanding across North America and growing, along with Russia, to become

⁹⁴ Tocqueville makes various forms of this argument several times throughout the text. Alexis de Tocqueville, *Democracy in America* (New York: Library of America, 2004), 141–42, 146–148, 261, 319–320, quote on 148.

⁹⁵ *Ibid.*, 141–142.

⁹⁶ *Ibid.*, 148.

one of the two great powers on the planet.⁹⁷ There is little doubt that when this did occur he would have expected the country's changed circumstances—not its laws—ultimately to determine the nature of executive power. Indeed, as I show in the next chapter, by the 1890s this process did begin to occur. But domestic institutional transformation did not turn out to be as easy as he might have expected.

⁹⁷ Ibid., 475–476.

The Rise to World Power and the Struggle to Build a National Security State, 1890-1920

The last chapter examined the institutional formation and subsequent development of the domestic constraints on executive war-making powers from America's Founding through the eve of World War II. The next two chapters consider how those constraints evolved and yet remained durable under increasing systemic pressure beginning in the 1890s. The chapters, therefore, focus on the phase in American history from 1890 to 1941 as a period of institutional *resistance*.

As defined earlier, systemic pressure occurs when factors at the international system level exert force upon a state to act on behalf of its security. These factors include the reach of a state's overseas interests, geography, technology, and the balance of threat. During America's rise to world power beginning in the 1890s, a combination of these factors began to create pressure for the United States to pursue a more assertive foreign policy.¹ But the extent to which America actually faced systemic pressure beginning at the end of the nineteenth century was open to debate, which helps explain why the country's national security institutions and its behavior evolved in fits and starts in the following years.

¹ An important distinction needs to be made here between latent and actual world power. Though the United States acquired tremendous latent power toward the end of the 1800s, it did not become one of the world's real leading powers until it joined the Entente Powers in World War I and decisively swung the international balance of power in favor of the Allies.

What the chapter demonstrates is that the United States did at least face a degree of systemic pressure during this period that placed a burden on the country's existing institutions. This pressure was at least enough to result in a degree of institutional stress that required decision-makers to consider reconstituting some of the basic institutional arrangements that to that point had been largely stable. By the turn of the century a prominent group of statesmen and public intellectuals began to make the case for a more assertive foreign policy backed by greater military capabilities and a willingness to project the country's growing power overseas and use force when necessary. This group of individuals followed in the tradition of Alexander Hamilton who, as the last chapter explained, was the principle proponent at the Founding of a more powerful state with a more energetic executive at its helm. Given the country's changing international position, they espoused what Leonard White called a "new Hamiltonianism," which stressed modernizing and increasing the capacity of the country's armed forces and adopting new institutional arrangements that would provide greater executive power and leadership.² This group included important statesmen and public intellectuals such as Theodore Roosevelt, Henry Cabot Lodge, Elihu Root, Albert Beveridge, Alfred Mahan, Herbert Croly, Leonard Wood, and Henry and Brooks Adams

The institutional balance that had been forged at the Constitutional Convention and kept largely intact throughout the nineteenth century, however, hampered the efforts of these individuals. As the platform of the Democratic Party in the 1900 election exhorted, the semi-imperial policy of the neo-Hamiltonians that relied on force to extend American interests overseas was utterly "inconsistent with republican institutions." Even worse, it actually

² On neo-Hamiltonianism see Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-military Relations* (Cambridge: Harvard University Press, 1957), 270–273; Paul Y. Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century* (Princeton: Princeton University Press, 1961), 23.

threatened to be their undoing. The platform supported territorial and trade expansion through peaceful means.³ But in no uncertain terms, it denounced what it described as an emergent “militarism,” explaining the consequences as follows:

It means conquest abroad and intimidation and oppression at home. It means the strong arm that has ever been fatal to free institutions. It will impose upon our peace loving people a large standing army and unnecessary burden of taxation, and will be a constant menace to their liberties... We denounce it as un-American, un-democratic, and un-republican and as a subversion of the ancient and fixed principles of a free people.⁴

The Democrats under William Jennings Bryan would go on to lose the election. Nonetheless, the ideas behind opposition—among both Democrats and many Republicans—to the domestic institutional changes required to pursue a more assertive foreign policy remained key to understanding the ultimately limited nature of state-building for national security that would occur over the next four decades.

It is important to note that the neo-Hamiltonians were in fact able to advance important policies that helped steer the country through a new period in its history. In the 1890s, a naval building program was begun during peacetime for the first time in the country’s history. This program underpinned America’s victory in the Spanish-American War in 1898 and continued through the first years of the 1900s. After the war, reformers made some progress building and streamlining the army to make it a more capable war-fighting organization. These efforts continued both before and after World War I. Finally, under the leadership of Presidents McKinley and Roosevelt, executives did push against the domestic constraints on executive war-powers. Roosevelt in particular, elaborated a new and more expansive theory of the executive

³ Even ardent anti-imperialists supported expansion, but thought it could be better accomplished “without armies, without war fleets, without bloody conquests, without colonies.” See Ernest C. Bolt, Jr., *Ballots before Bullets: The War Referendum Approach to Peace in America, 1914-1941* (Charlottesville: University Press of Virginia, 1977), xv–xvi, quoted on xv.

⁴ *The Platform Textbook: Containing the Declaration of Independence, the Constitution of the United States, and All the Platforms of All Parties* (Omaha: Vincent Publishing, 1900), 155–156, 157.

and attempted to use the office to wield the country's armed forces more assertively. These accomplishments demonstrate a degree of constitutive adaptability to the country's changing circumstances.

As the next two chapters show, however, these efforts were limited by how far Congress and the American people were willing to go in the direction of altering America's state structure and decision-making procedures. As the theoretical expectations outlined in chapter two suggest, moderate systemic pressure faced with strong domestic constraints combined to produce only incremental change during this period.

In this chapter, I focus on the changing position of the United States in the international system in the 1890s and the efforts by the neo-Hamiltonians to enact domestic institutional change related to capacity building and military organization in response to those changes. General institutional stress, combined with the country's involvement in the Spanish-American War and World War I, provided potential windows of opportunity for substantial modernization of the country's defense institutions and armed forces. Indeed, some state-building did occur at this time. But it fell well short of what we might have expected given America's extraordinary rise to world power. In this chapter, I explain why efforts to build large standing forces and centralize military authority failed. In the next chapter, I turn to focus on specific claims for greater executive power that were made during this period and why such a shift was ultimately resisted until the outbreak of World War II.

America's Changing Place in the International System: Systemic Pressure Circa 1890

By the 1890s, the United States began to occupy a new position in the international system and the country began acquiring an increasing number of overseas interests. These

growing interests were linked to the country's robust growth following the end of the Civil War. According to one estimate America's GDP grew by more than 4% a year on average from 1870 to 1913.⁵ During this time, the country's population more than doubled from 40 million to 100 million people. In the 1880s the United States surpassed Great Britain to become the world's largest economy and largest manufacturing country, the number one producer of iron/steel, and the greatest consumer of energy.⁶ By the turn of the century, Secretary of State John Hay could report that the United States was approaching a position of "eminence in the world's markets" more quickly than anticipated, which was "shifting the center, not only of industrial, but of commercial activity and the money power of the world to [America's] marts."⁷

This spectacular growth put increasing pressure on the United States to turn its attention overseas and acquire and defend interests in a new more forceful way. There were two primary reasons for this. First and foremost, with America's growing—and at times unstable economy—there were good reasons to seek out new export markets (and later raw materials sources) through commercial expansion.⁸ In his classic historical study of the period, Walter LaFeber shows that from the Civil War to the end of the century there was a consistent relationship between America's economic growth and its search for new markets.⁹ New markets were especially needed for the country's increasing output of staple crops, raw materials, and

⁵ Economic statistics from this period can be problematic. This figure is slightly lower than other estimates, which suggest it may have grown by as much as 5% a year in this time. Angus Maddison, *The World Economy: Historical Statistics* (Paris: OECD, 2003).

⁶ Paul Kennedy, *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000* (London: Unwin Hyman, 1988), 198–202.

⁷ Quoted in Alfred E. Eckes, Jr., *Opening America's Market: U.S. Foreign Trade Policy Since 1776* (Chapel Hill: The University of North Carolina Press, 1995), 60.

⁸ The country's steady long term economic growth was punctuated by severe decennial recessions in 1873-1878, 1882-1885, and 1893-1897. Especially the latter helped contribute to the belief that foreign markets could help alleviate the turbulence of the domestic economy.

⁹ Walter LaFeber, *The New Empire: An Interpretation of American Expansion, 1860-1898*, Thirty-Fifth Anniversary Edition (Ithaca: Cornell University Press, 1998).

manufactured goods. Between 1865 and 1900, production of cotton increased 433%, wheat 344%, corn 222%, refined sugar 460%, bituminous coal 1,100%, steel rails 331%, crude petroleum 2,100%, and steel ingots and castings nearly 50,000%. In this same period, exports increased 338% with the balance shifting from unmanufactured foodstuffs and raw materials toward manufactured and semi-manufactured products.¹⁰ The growing home market consumed much of this production, but by the end of the century, exports—though still relatively small—became more central to expectations about America’s future economic prosperity.

Concern about the need to find new export markets was accompanied—and exacerbated—by the belief that the era of nearly unfettered continental expansion across North America had passed. In 1890, the Superintendent of the Census reported that the century long process of a constantly expanding frontier was over. The continent was now settled and population density was rising.¹¹ The report inspired the historian Frederick Jackson Turner to formulate the Frontier Thesis, which held that continuous continental expansion westward had been central to the country’s economic, political, and moral development.¹² If the continental frontier was now closed, the logical consequence was that America needed to find new channels

¹⁰ David M. Pletcher, *The Diplomacy of Trade and Investment: American Economic Expansion in the Hemisphere, 1865-1900* (Columbia, MO: University of Missouri Press, 1998), 9–10.

¹¹ The key takeaway from the report was that “Up to and including 1880 the country had a frontier of settlement, but at present the unsettled area has been so broken into by isolated bodies of settlement that there can hardly be said to be a frontier line. In the discussion of its extent, its westward movement, etc., it can not, therefore, any longer have a place in the census reports.” Robert P. Porter, “Distribution of Population According to Density: 1890,” *Extra Census Bulletin*, no. 2 (April 20, 1891): 4.

¹² The extent to which Turner’s thesis is true is debatable and has been the subject of argument. What is important here, however, is that with the publication of the Census report and Turner’s thesis the closing of the American frontier became a widespread idea that had important implications for America’s conception of its role in the world. Turner’s frontier thesis was originally elaborated in a speech to the American Historical Association in 1893 “The Significance of the Frontier in American History.” It was later published as part of a set of associated essays in Frederick Jackson Turner, *The Frontier in American History* (New York: Henry Holt, 1920).

for expansion overseas.¹³ This corollary argument was made most powerfully by Brooks Adams. Adams argued that the closing of the American frontier was coinciding with a more general disintegration of the international system. Together, the two required the United States to pursue a more expansionist policy to “protect the outlets of her trade, or run the risk of suffocation.”¹⁴ The impact of the ideas of Adams and especially Turner was important. They resonated with the popular imagination of the period and more importantly came to have an outsized impact on the thinking of decision-makers like Theodore Roosevelt, John Hay, Woodrow Wilson, and others.¹⁵

By the late 1890s, with a growing and unstable economy and beliefs about a closing frontier, those pushing for a more assertive foreign policy could present expansion not as optional, but mandatory. Open calls for imperialism were even made for the first time in the country’s history. In his famous “March of the Flag” speech in 1898, Senator Albert Beveridge captured the spirit of this argument by contrasting the almost leisurely continental expansion of the previous century with the country’s contemporary requirements in light of its recent war with Spain:

We did not need the western Mississippi Valley when we acquired it, nor Florida, nor Texas, nor California... We had no emigrants to people this imperial wilderness, no money to develop it, even no highways to cover it. No trade awaited us in its savage

¹³ Again, it would be wrong to characterize the two in causal terms. What is important is the complementary role that the idea of a closed frontier played in beliefs about expansion. As LaFeber explains: “No such cause-and-effect relationship can, of course, be found which so neatly links the closing of the frontier with American expansionist activities... But there can be no doubt that one important part of the rationale for an expansive foreign policy in the 1890’s was a fervent (though erroneous) belief held by many Americans that their unique and beneficent internal frontier no longer existed.” LaFeber, *The New Empire: An Interpretation of American Expansion, 1860-1898*, 63–72, quote on 64.

¹⁴ Brooks Adams, *America’s Economic Supremacy* (New York: The Macmillan Company, 1900), quote on 19; See also Brooks Adams, *The Law of Civilization and Decay: An Essay on History* (New York: The Macmillan Company, 1897); Brooks Adams, *The New Empire* (New York: The Macmillan Company, 1903).

¹⁵ On the influence of Turner and Adams see William Appleman Williams, “The Frontier Thesis and American Foreign Policy,” *Pacific Historical Review* 24, no. 4 (1955): 379–95.

fastnesses. Our productions were not greater than our trade. There was not one reason for the land-lust of our statesmen from Jefferson to Grant...

But today we are raising more than we can consume. Today we are making more than we can use. Today our industrial society is congested; there are more workers than there is work; there is more capital than there is investment. We do not need more money—we need more circulation, more employment. Therefore we must find new markets for our produce, new occupation for our capital, new work for our labor.¹⁶

By the late 1890s these views were widespread, especially among leading strategic thinkers like Alfred Mahan and politicians like Beveridge, Henry Cabot Lodge, and Roosevelt. Moreover, they captured the imagination of a public intrigued by the idea of national greatness and willing to consider overseas expansion.

The second reason the United States was compelled to turn its attention overseas more forcefully was because of international political factors. At the same time that overseas commercial expansion appeared more necessary from a domestic perspective, American decision-makers feared that such expansion faced a growing set of international obstacles. On the one hand, they believed that domestic political instability in independent countries threatened American interests there. Throughout the nineteenth century, the United States had acted when required during civil unrest, especially in the Caribbean and Central and South America, but mainly by protecting American citizens and property. Coupled with growing commercial and strategic significance, however, possibilities of civil unrest took on greater importance and appeared to require greater action. As Alfred Mahan explained in an article in *The Atlantic Monthly* in 1890, “Unsettled political conditions, such as exist in Haiti, Central America, and many of the Pacific Islands, especially the Hawaiian group, when combined with great military or commercial importance as is the case with most of these positions, involve...dangerous germs

¹⁶ Albert J. Beveridge, “The March of the Flag,” in *The American Spirit: U.S. History as Seen by Contemporaries*, ed. David Kennedy and Thomas Bailey, Twelfth Edition, vol. 2, Since 1865 (Boston: Wadsworth, 2009), 171.

of quarrel, against which it is prudent at least to be prepared.”¹⁷ According to Mahan and others, the United States had to be prepared militarily in such cases both to put down unrest and to prevent other powers from taking advantage of instability.

More dangerous, Europe’s great powers were in the midst of what was later recognized as a second wave of imperialism. This was particularly pronounced in Africa where there was intense competition over colonial expansion. At the 1884-1885 Berlin Conference, Germany, France, Great Britain, and others agreed to partition much of Africa into exclusive spheres of influence. By 1895 nearly the whole of the continent was under colonial rule. The United States had only limited interests in Africa, but many leading Americans saw the increasing activities in the Caribbean, Central and South America, and East Asia by these same powers (as well as Russia and Japan in the latter region) in a similar light.¹⁸ The great concern was that if the United States did not act to open or keep open foreign markets, the access and activities of American businesses, traders, and missionaries might be restricted. Even worse, they might be shut out of them altogether.

Given this set of factors, the most important task for the United States was to establish its hegemony in the Western Hemisphere once and for all. Since the Monroe Doctrine was proclaimed in 1823, further colonial expansion by any European power in the Western Hemisphere had been deemed off-limits. But increasing points of friction over commercial interests and territorial adjustments—such as in the Venezuela Boundary Crisis with Great Britain in 1895—caused many to believe the United States needed to act more forcefully. As

¹⁷ Alfred T. Mahan, “Document 1.5: A Call for Naval Power,” in *America in the World: A History in Documents from the War with Spain to the War on Terror*, ed. Jeffrey A. Engel, Mark Atwood Lawrence, and Andrew Preston (Princeton: Princeton University Press, 2014), 16.

¹⁸ See LaFeber, *The New Empire: An Interpretation of American Expansion, 1860-1898*, 245–251; Thomas J. McCormick, *China Market: America’s Quest for Informal Empire, 1893-1901* (Chicago: Quadrangle Books, 1967), 91.

Senator Henry Cabot Lodge warned during the Venezuela crisis, “if Britain can extend her territory in South America without remonstrance from us, every other European power can do the same, and in a short time you will see South America parceled out as Africa has been.”¹⁹

The United States responded by elaborating the Olney and later the Roosevelt Corollaries to the Monroe Doctrine.²⁰ The former was issued during the Venezuela Boundary Crisis and claimed the authority to mediate any border disputes in the Western Hemisphere. President Roosevelt issued the latter during his State of the Union in 1904 following another crisis in Venezuela the year before. It stated that the United States would undertake all international policing efforts in the region and intervene—even when European interests were concerned—where required. The policy was not designed to do favors for European states, many of which had trading interests and large outstanding debts in Latin American. Rather, it was to prevent them from intervening in the Western Hemisphere altogether thereby securing American hegemony over the region and advancing American economic and political interests.

In East Asia, the United States had fewer historical interests than in the Western Hemisphere and less of a claim to intervention.²¹ Nonetheless, many American business and political leaders in the late nineteenth century saw the country’s future security and prosperity

¹⁹ David C. Hendrickson, *Union, Nation, Or Empire: The American Debate Over International Relations, 1789-1941* (Lawrence, KS: University Press of Kansas, 2009), 262.

²⁰ The Olney Corollary was not a formally stated policy, but was instead based on Secretary of State Richard Olney’s broadened interpretation of the Monroe Doctrine in the 1895 Venezuela Boundary Crisis. Theodore Roosevelt announced the Roosevelt Corollary during his State of the Union Address in 1904, which lasted until 1934 when Franklin Delano Roosevelt abandoned it in favor of the Good Neighbor policy. Richard Olney, “Document 1.9: U.S. Dominance in the Western Hemisphere,” in *America in the World: A History in Documents from the War with Spain to the War on Terror*, ed. Jeffrey A. Engel, Mark Atwood Lawrence, and Andrew Preston (Princeton: Princeton University Press, 2014), 23–24; Theodore Roosevelt, “Document 3.11: Theodore Roosevelt’s ‘Corollary’ to the Monroe Doctrine,” in *America in the World: A History in Documents from the War with Spain to the War on Terror*, ed. Jeffrey A. Engel, Mark Atwood Lawrence, and Andrew Preston (Princeton: Princeton University Press, 2014), 71–72.

²¹ For still one of the best studies of American foreign policy toward East Asia around the turn of the twentieth century see McCormick, *China Market: America’s Quest for Informal Empire, 1893-1901*.

tioned to the region—most importantly, China. Between 1890 and 1897 American exports to both China and Japan tripled, and totaled more than any other country's to Manchuria.²² But as the *New York Times* noted at the time, what was really important was “not yet [America's] *present* trade with all Chinese ports, but the right to all that trade with its *future* increase.”²³ Or as Brooks Adams, ever the imperialist, spelled out in more forthright terms, “The expansion of any country must depend on the market for its surplus product; and China is the only region which now promises almost boundless possibilities of absorption.”²⁴

Since the Treaty of Nanking, which ended the First Opium War between China and Great Britain in 1842, the United States had relied on the latter's commitment to maintaining an “open door” policy with respect to foreign trade and investment in China. By the mid-1890s, however, both internal disorder in China and foreign competition over access to the Chinese market threatened to torpedo the open door policy. After the First Sino-Japanese War in 1894-1895, Japan, Germany, and Russia (followed by Great Britain and France) began to carve China into spheres of influence and stake out exclusive privileges and rights on investment and trade. By the end of the decade, anti-foreign sentiment in China gave rise to the Boxer Rebellion, which threatened to serve as a pretext for accelerating the partition of the country even faster. Senator Lodge decried the fact that “All Europe is seizing on China and if we do not establish ourselves in the East, that vast trade, from which we must draw our future prosperity... will be practically closed to us forever.”²⁵

²² LaFeber, *The New Empire: An Interpretation of American Expansion, 1860-1898*, 301.

²³ Quoted in McCormick, *China Market: America's Quest for Informal Empire, 1893-1901*, 91.

²⁴ Adams, *America's Economic Supremacy*, 20.

²⁵ Quoted in David Healy, *US Expansionism: The Imperialist Urge in the 1890s* (Madison: University of Wisconsin Press, 1970), 172.

Though not necessarily obvious at the time, Great Britain's *Pax Britannica* was already in terminal decline and coming to a close.²⁶ In places like East Asia this had important consequences for the United States, which for half a century essentially had practiced a form of "hitchhiking imperialism" by relying on British power to further its own interests.²⁷ With Britain no longer able single-handedly to police the open door in China, the United States either had to join the scramble and carve out its own sphere of influence or contribute to policing the open door. The former was impossible for domestic political reasons. The latter was possible, but required more resources and greater willingness to use them when necessary. With tension rising in 1899 and then during the Boxer Rebellion in 1900, which the United States helped quell, Secretary of State Hay issued what became known as The Open Door Notes.²⁸ In them, he articulated the principles of respect for the administrative and territorial integrity of China and the opportunity for international investment and trade in the Chinese market without discrimination from any foreign powers with spheres of interest. The policy worked with mixed-success, but the problem was that the United States lacked the capacity to enforce the open door if another state violated the policy. This gap between capabilities and policy goals would become most pronounced in the 1930s.

²⁶ The Pax Britannica spanned the period 1815-1914 and is known as a time when Great Britain was a global hegemon and the European powers were at relative peace. For the best work on Britain's relative decline at the time see Aaron L. Friedberg, *The Weary Titan: Britain and the Experience of Relative Decline, 1895-1905* (Princeton: Princeton University Press, 1988).

²⁷ George C. Herring, *From Colony to Superpower: U.S. Foreign Relations Since 1776* (Oxford: Oxford University Press, 2008), 211.

²⁸ John Hay, "Document 3.2: The United States Demands an 'Open Door' in China," in *America in the World: A History in Documents from the War with Spain to the War on Terror*, ed. Jeffrey A. Engel, Mark Atwood Lawrence, and Andrew Preston (Princeton: Princeton University Press, 2014), 59–60; John Hay, "Document 3.4: The Second Open Door Note," in *America in the World: A History in Documents from the War with Spain to the War on Terror*, ed. Jeffrey A. Engel, Mark Atwood Lawrence, and Andrew Preston (Princeton: Princeton University Press, 2014), 62–63.

Throughout the nineteenth century the United States had always acted to maintain its trade interests and safeguard its diplomats, traders, and missionaries. It did so either through cooperative relations with European powers or unilateral actions. The nineteenth century is littered with cases where United States naval forces were landed to protect American citizens and property.²⁹ What began to change in the 1890s was the emergence of a view that the United States would need to start conducting more military operations and larger ones at that.³⁰ For the first time in American history there were even open calls for imperialism in some prominent quarters. What emerged in the face of commercial expansion—a type of self-induced systemic pressure—and a moderate increase in security competition was a more assertive and expansionist foreign policy, coupled with efforts to reform the country’s underlying military and political institutions. The problem that became clear was that there was a tremendous chasm between the policy aspirations of some in the United States and the capacity of the country’s domestic institutions to pursue such policies. The institutions would have to change before the policies could.

Institutional Stress and State-Building During America’s Rise to Power, 1890-1913

The most immediate need for the United States was for the country to modernize its armed forces. Modernization of the armed forces required a fundamental reconstitution of the machinery of the state, with far-reaching consequences for state-society relations, and the

²⁹ See Richard F. Grimmett, *Instances of Use of United States Armed Forces Abroad, 1798-2010*, CRS Report R41677, 2010.

³⁰ As Fareed Zakaria shows, such views had been around since the end of the Civil War, but until the 1890s they had found only a limited audience. Fareed Zakaria, *From Wealth to Power: The Unusual Origins of America’s World Role* (Princeton: Princeton University Press, 1999), 44–89.

domestic balance of power between the states and the national government and between the branches of the national government.

The Run-up to War with Spain

The most important changes to occur in America's national security institutions in the 1890s centered on the construction of naval power. The navy was conceived of as having the primary purpose to play in a more assertive foreign policy for two reasons. First, given the country's relative geopolitical isolation and the technology of the period, a navy with overseas bases was seen as the most effective means for projecting power to secure the country's limited aims.³¹ Second, while domestic opposition to a standing army was inclusive of both the army and the navy, there was a double standard of sorts with the latter being seen as more compatible with republican institutions. The division of labor between the two was explained by Lt. General John M. Schofield in 1897:

In a country having the situation of the United States, the navy is the *aggressive* arm of the national military power. Its function is to punish an enemy until he is willing to submit to the national demands. For this purpose entire freedom of action is required; also secure depots where supplies may be drawn and where necessary repairs may be made, and harbors where cruisers may seek safety if temporarily overpowered. Hence arises one of the most important functions of the land defense: to give the aggressive arm secure bases of operation at all the great seaports where navy-yards or depots are located. It may be that in special cases military forces may be needed to act in support of naval operations, or to hold for a time important points in a foreign country; but such service must be only auxiliary, not a primary object.³²

Thus, the navy was seen as providing the offensive arm to secure and extend the country's overseas interests, while the army was assigned a secondary role to defend extant foreign

³¹ If the United States had planned to embark on an extensive and sustained effort to conquer and pacify overseas territories, the development of land forces would have been equally important. The fact that the size of the army remained constant until war broke out with Spain in 1898 is an important indicator of these limited aims.

³² Quoted in Graham A. Cosmas, *An Army for Empire: The United States Army in the Spanish-American War* (Columbia, MO: University of Missouri Press, 1973), 38.

outposts and help organize small expeditionary forces to take and hold new ones.³³ Given this division, however, the navy was not in a position at the beginning of the 1890s to accomplish the country's changing aims.

Within a decade after the end of the Civil War, the navy had been downsized and returned to a fleet of wooden sail—steam was expensive and required a network of overseas coaling stations.³⁴ The navy's withering assets were useful for the type of “gunboat diplomacy” it was accustomed to conducting against lesser powers in Latin America and Asia, but were largely obsolete against European powers.³⁵ By the early 1880s, a modernization plan was drawn up to make up for nearly two decades of neglect following the Civil War and to deal with the administrative problems that plagued the armed forces as a whole.³⁶ Most importantly, Congress authorized the construction of four steel-hulled hybrid (steam-sail) protected cruisers. Though some military reformers were more forward-looking, these efforts were still geared toward continental defense and failed to centralize administrative control over the organization and projection of the country's military power. As Russell Weigley explains, “no responsible government official of the 1880s was willing to acknowledge any but a defensive military intent”

³³ With this division of labor, the Army would maintain its traditional primary role of providing continental defense.

³⁴ At the end of the war the Navy had 700 ships. Within five years that number was reduced to 52.

³⁵ On the navy in this period see Nathan Miller, *The U.S. Navy: A History*, Revised and Updated (New York: Quill, 1990), 143–148. “Gunboat diplomacy” involved mostly suppressing piracy, transporting diplomats, evacuating citizens, and dispatching landing parties “to deal with recalcitrant ‘barbarous tribes.’” It also involved protecting American merchants, investments, and strategic interests in Asia and in South and Central America. Allan R. Millett, Peter Maslowski, and William B. Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 3rd ed. (New York: Simon and Schuster, 2012), 219–221, quote on 220.

³⁶ Similar administrative efforts were undertaken in the army as well. As Zakaria explains, both branches were plagued by “the traditions and vested interests of localism, decentralization, and antistatism”; problems which were fed largely by Congressional control over the armed forces. Zakaria, *From Wealth to Power: The Unusual Origins of America's World Role*, 122–126.

in the modernization program.³⁷ It is important to note that these efforts were tied less to any change in systemic pressure and more to the fact that the country's existing armed forces were inadequate under almost any circumstances.

By 1889, however, the United States' outward naval posture began to change in response to its increasing power and its changing relationships with foreign powers in world markets.³⁸

Allan Millet et al. explain that there were two priorities in this period, both of which represented important discontinuities in America defense policy.³⁹ First, the United States slowly moved toward constructing a modern navy that could not only protect its continental shoreline but also project limited power overseas. What was required, in the words of Secretary of the Navy, Benjamin Tracy, was "a navy that can wage war," which at the time meant battleships.⁴⁰ In his annual report in 1889 he argued that the country needed a fleet of twenty battleships (of which the United States had none) with supporting cruisers and coastal defense vessels totaling some one hundred ships. The construction of battleships, however, represented a sea change in naval

³⁷ Russell F. Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (New York: Macmillan, 1973), 169.

³⁸ One event in 1889 symbolized the need for this change and had an important impact on decision makers. In 1888, Germany overthrew the government in Samoa, which the United States had a treaty with for a coaling station, and attempted to set up its own puppet government. The local population revolted and in the ensuing turmoil American property was destroyed. This event, coupled with the fact that Germany was emerging as an American rival not only in Samoa but also Hawaii, obliged the United States to dispatch three warships to protect American citizens and property and counter German aims. On the night of March 15, 1889, the three ships, along with three German ships, were sunk during a Hurricane. Only the newly built British steel-hulled corvette HMS Calliope was able to survive the storm. Lawrence Lenz explains that this event helped serve as a catalyst in the emerging consensus on the need to build a new navy. Lawrence Lenz, *Power and Policy: America's First Steps to Superpower, 1889-1922* (New York: Algora Publishing, 2008), 23–37.

³⁹ Millet, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 236–241.

⁴⁰ The Secretary explained that the American navy as constructed did "not constitute a fighting force, even when it is intended exclusively for defense. To meet the attack of ironclads, ironclads are indispensable. To carry out even a defensive war with any hope of success we must have armored battleships." Lawrence Lenz, "Excerpts from Secretary of Navy Report 1889," in *Power and Policy: America's First Steps to Superpower, 1889-1922* (New York: Algora Publishing, 2008), 39.

policy because they would enable the United States for the first time “to gain command of the sea” and actively project its naval power. Many in Congress were skeptical about such a shift. The compromise that emerged in 1890 was for the authorization of three battleships, which would be designated “sea-going *coastal* battleships” and be limited to a range of 4,500 miles.⁴¹ These domestic barriers, however, slowly eroded and in 1892 another battleship (this time with unlimited range) was authorized, followed by two in 1895 and three in 1896.

Second, with steam capable ships and increasing trade, sea lines of communication—particularly coaling and maintenance stations—became more important for the ability of the United States to project its growing naval power into the Caribbean, Central and South America, and East Asia. During the nineteenth century, the United States had usage rights to certain coaling stations as far abroad as Japan. In 1878 it had acquired exclusive privileges at Pago Pago in Samoa and then rights for a base nine years later in Hawaii. In the 1890s, the United States would annex both territories and construct naval facilities in the Philippines, Cuba, Guam, and Samoa as well. These overseas assets came to play a supportive role in naval construction efforts as they both required and legitimated a larger Navy.

Though the naval buildup in the 1890s was smaller than some would have liked and the military reform efforts did not succeed in centralizing authority over the armed forces, the United States was in a better position militarily at the end of the decade when it went to war against Spain than it had been at the beginning. By the time the war began, the United States had eight battleships (five more would be launched within two years), each of which alone could engage Spain’s two aging squadrons. Equally important was the fact that the Naval War College, which

⁴¹ The range limitation and conceptual qualifier “coastal” show the deeply rooted nature of opposition to the development of offensive capabilities. Italics added for emphasis. Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 239.

had been established as part of the military modernization efforts in 1884, planned extensively for war against Spain in the mid-1890s and was prepared for what was expected to be a largely naval encounter up front, followed by an expeditionary assault.

The Spanish-American War began over Cuba, but it had much larger consequences for the United States. As Millet et al. explain, some of the growth and modernization in the armed forces that took place over the following two decades likely would have taken place without the war with Spain; the record of the 1890s suggests decision-makers were aware of the need make up for several decades of neglect just to maintain the country's minimal interests. But the war acted to accelerate this change.⁴² This was for two reasons. First, though the war had demonstrated the importance of military force as an instrument of national policy, it also showed that the country was woefully unprepared to confront an adversary more powerful than Spain. Most significantly, while the war exhibited the latent capacity of American power, it also showed the country's severe difficulties in projecting that power overseas even in its near abroad. The problems were captured by the fact that of the 5,462 deaths in the armed forces during the war, only 379 were from combat. The vast majority stemmed from poor planning, lack of equipment and supplies, and disease.⁴³

Second, during the war, the United States took possession of Hawaii, Guam, the Philippines, and Puerto Rico, and began a protectorate-like relationship with Cuba. These possessions firmly established an American presence in the Caribbean and the Pacific and elevated the country's interests in these regions even further. Notably, the need to establish overseas bases and construct a canal across the isthmus in Central America became even more

⁴² Ibid., 285.

⁴³ Ibid., 269–270.

critical. This expansion required not only an enlargement of both the army and navy, but also significant reform to make them more capable war-fighting institutions.

Together, the problems confronted during the war and those encountered in its aftermath created a degree of institutional stress that the American state had not previously experienced. Decision-makers drew several important lessons from the conflict, which led to important state-building efforts. These efforts, however, faced both significant institutional obstacles and also opposition rooted in republican ideas about the dangers of standing armed forces and centralized military authority. The result was a limited and incomplete state-building program.

Naval Reorganization After 1898

On the Navy side, both the planning and battleship building programs of the 1890s had proven their worth in the war and afterward naval modernizers attempted to continue both efforts. In 1900 the planning that had taken place earlier in the Naval War College and elsewhere in the bureaucracy was consolidated in the general board, which consisted of senior officers who were tasked with strategic planning for war, operations, and force structure. The establishment of the general board, however, showed that even in the war's aftermath, state-building efforts would be difficult. Originally, proponents of the board wanted a naval general staff with formal authority and greater resources.⁴⁴ But congressional opponents, along with conservative naval officers, resisted this type of centralization. There were interest-based and parochial reasons for this opposition, but concerns about the growth of the navy and centralized power remained a principal stumbling block. Opposition was couched in the language of resisting efforts to "Prussianize" the American armed forces, a program that was deemed fundamentally incompatible with the country's republican institutions. The general board, therefore, operated on

⁴⁴ Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century*, 55–59.

an informal basis only and was terribly under-resourced. It took until the outbreak of World War I, and the Secretary pleading that the navy could not plan effectively for war, for Congress to enact legislation related to navy reorganization.⁴⁵

In terms of the Navy's building program, state-builders—led most forcefully by former Assistant Secretary of the Navy Theodore Roosevelt who became President in 1901—had slightly more success. Between 1899 and 1912, the strength of the Navy grew by 214%, the strength of the Marine Corps by 209%, and the number of major combat vessels more than doubled from thirty-six to seventy-four.⁴⁶ Moreover, the battleship building program that was begun in the 1890s continued apace. This was partly because more battleships were needed to defend the country's new possessions, but also because changing military technology and the naval arms race between Great Britain and Germany forced the United States to keep building just to maintain the status quo. Ten battleships were built in Theodore Roosevelt's first term. But with the introduction of the *Dreadnought* class battleship by Great Britain in 1906, the United States was forced to build another ten with the new technology over the next six years or risk having a new but quickly obsolete navy.

There were, however, constraints on the building program because of Congress's continuing reluctance to create an extensive military establishment. First, the number of battleships that the Navy needed to project the country's power to its new overseas possessions

⁴⁵ On Navy reorganization in this period see Henry P. Beers, "The Development of the Office of the Chief of Naval Operations Part I," *Military Affairs* 10, no. 1 (1946): 54–60; Henry P. Beers, "The Development of the Office of the Chief of Naval Operations, Part II," *Military Affairs* 10, no. 3 (1946): 10–38.

⁴⁶ Major combat vessels refers to battleships and cruisers with 6-inch or larger main batteries. Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 285.

was far greater than the number Congress was even willing to consider funding.⁴⁷ In 1903, the General Board argued that the United States needed a “two ocean navy” to be effective, which meant a fleet of forty-eight battleships that could be split between the Atlantic and the Pacific.⁴⁸ Anything less, according to strategists like Mahan, limited the navy to projecting power in only one ocean at a time. Thus, for example, war planning for a potential Japanese attack on American interests in East Asia called for a withdrawal of American ships in the Pacific until the main fleet could be transferred from the Atlantic and assembled in Hawaii. The plan, which would remain the blueprint for potential war against Japan until the late 1930s, effectively ceded the whole of the Pacific for at least sixty days.⁴⁹ The navy in fact never came close to a forty-eight battleship fleet. This was because Congress was still focused on continental defense. Moreover, as the Spanish-American War became more distant, the enthusiasm for naval power waned. Between 1905-1913, naval construction slowed. Though the United States had the second strongest Navy in the world by 1907, it slipped back down the world rankings by the time of World War I.

Second, an emphasis on top line battleships obscures the fact that the building program resulted in a force structure that was unbalanced. Roosevelt was able to bludgeon Congress into building battleships, but not the accompanying destroyers, torpedo boats, small cruisers, colliers, and support ships that made them effective in combat.⁵⁰ During the sail of the famous Great White Fleet in 1907-1909, for example, foreign colliers and support ships were needed to assist

⁴⁷ See the gap between General Board and Presidential recommendations on the one hand and Congressional authorizations on the other for the years 1900-1914 in Phillips Payson O’Brien, *British and American Naval Power: Politics and Policy, 1900-1936* (Westport, CT: Greenwood, 1998), 249–251.

⁴⁸ On the idea of a two ocean navy see Richard D. Challener, *Admirals, Generals, and American Foreign Policy, 1898-1914* (Princeton: Princeton University Press, 1973), 34.

⁴⁹ *Ibid.*, 30–32.

⁵⁰ O’Brien, *British and American Naval Power: Politics and Policy, 1900-1936*, 51–52.

its circumnavigating the globe.⁵¹ In 1916, the general board estimated that to balance the fleet would require an additional 125 cruisers, destroyers, and other auxiliary vessels. Moreover, even though the number of navy personnel rose dramatically by American standards during this period, it was still too small. As a result, ships on average were undermanned by 10% of their complement and importantly lacked the petty officers and technicians needed to operate increasingly advanced equipment.⁵²

Third, projecting the country's growing naval power overseas required bases and coaling stations. During and immediately after the Spanish-American War, naval planners envisioned establishing a string of naval installations around the Caribbean basin and across the Pacific from Hawaii to the Philippines to China. But establishing such an extensive network required a major policy shift to project American power overseas. Concretely, it required increased funding for the installations and troops to man them, both of which Congress was unwilling to authorize.⁵³ At the end of the day the only two major bases developed were Guantanamo in Cuba and Pearl Harbor in Hawaii.

Army Modernization After 1898

On the army side, the new territorial possessions necessitated some growth in the land forces. Between 1890 and 1899 the size of the United States Army grew by 195%, but thereafter remained at a strength of between 70,000-90,000 until World War I.⁵⁴ While this growth in the size of the country's standing forces seems significant, the military in fact remained quite small.

⁵¹ The Great White Fleet was the name given to the fleet of United State Navy vessels that circumnavigated the globe between 1907-1909. The sailing was meant to provide experience operating as a blue water navy, but also to showcase the growing naval capabilities of the United States.

⁵² Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 288.

⁵³ Challener, *Admirals, Generals, and American Foreign Policy, 1898-1914*, 36–45.

⁵⁴ Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 285, 683.

By comparison, the number of soldiers in the United States Army in 1914 numbered fewer than those of much smaller countries like Bulgaria, Greece, and Romania. The fact that these countries were so much smaller and poorer yet fielded larger armies than America can be attributed to their insecure position in Europe.

In addition to remaining under-sized, another stumbling block to building a more effective army was the fact that many of these soldiers were engaged in overseas constabulary duties rather than active war preparation. What is important to point out here is that all reformers recognized the need for the army to transition away from the era of Indian Wars and serving as a frontier constabulary force in order to become a more battle-ready force. This could not happen if it simply undertook the same old frontier duties in new places like Cuba or the Philippines. But with the exception of World War I, this is what occurred to some extent even up until the eve of World War II. As European observers were quick to note, “the United States had a declaratory policy of military modernization and national defense, but it had a military establishment still wedded to imperial policing.”⁵⁵

The Spanish-American War, however, did prove to be an impetus to some reorganizing efforts in the army and gave rise to what Stephen Skowronek calls an “executive-professional reform coalition” in the War Department.⁵⁶ This is one of the most important episodes of state-building for national security in the pre-World War II period and is worth exploring in detail to show the institutional *resistance* faced by those who sought to build or reorganize the armed forces in a manner that undermined the existing arrangement.

⁵⁵ Ibid., 300, 300–303.

⁵⁶ Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge: Cambridge University Press, 1982), 218.

Elihu Root who became Secretary of War in 1899 was the most important figure in the organizational reform efforts that were undertaken in the war's aftermath. Root stated in his annual report that year: "The real object of having an army is to provide for war." This platitude was necessary to state only because the United States had never had such an army in peacetime. As Root explained, for thirty-three years between the Civil War and the war with Spain:

...the possibility of war seemed at all times so vague and unreal that it had no formative power in shaping legislation regarding the Army. The result was an elaborate system admirably adapted to secure pecuniary accountability and economy of expenditure in times of peace...The result did not include the effective organization and training of the Army as a whole for the purposes of war.⁵⁷

Given the immediate need to administer new territorial possessions and the more general drift in the country's foreign policy toward greater assertiveness, Root argued that modernization was required to make the army a more capable *offensive* military organization. Toward that end, he proposed a series of reforms in the War Department's annual reports including nationalizing the state militias, creating new war planning capabilities, preparing war material, revising the methods of officer selection and promotion, and expanding and streamlining military training institutions and standards.⁵⁸

What is particularly important to highlight here is the potential impact of Root's reform plans on the country's domestic institutions, which also explains why they were resisted and only partially adopted. First, Root's preferred plan to nationalize the militias aimed to push considerable institutional authority vertically from the states to the federal government. For decades, a small group of army reformers following the ideas of Bvt. Major General Emory Upton had argued that the country needed a *national* reserve force in order to have a truly

⁵⁷ *Annual Reports of the War Department for the Fiscal Year Ended June 30, 1899* (Washington, DC: Government Printing Office, 1899), 45–46.

⁵⁸ See *ibid.*, 44–55; See Elihu Root, *The Military and Colonial Policy of the United States: Addresses and Reports*, ed. Robert Bacon and James Brown Scott (Cambridge, MA: Harvard University Press, 1916).

effective military establishment. In *The Military Policy of the United States* (a manuscript which was left unfinished when he died in 1881 but nonetheless was widely circulated and later published posthumously), Upton argued that the militias had proven largely inept throughout American military history and should be abolished in favor an “expansible” national force structure.⁵⁹ This would consist of a core standing army supplemented when needed by a nationally trained and organized pool of reserves.

Root was influenced by the ideas of Upton, but was more attuned to what was politically acceptable in the United States than Upton had been. The institution of the state militia populated by citizen-soldiers embodied the country’s core republican values and was furthermore enshrined in the Constitution. It could not simply be abolished. Yet, like Upton, Root was also deeply aware of the need for the United States to have a better-trained reserve force available to be deployed on behalf of the country’s increasing overseas interests (the militias were not only lacking in capability but could not be deployed overseas). This meant that a national reserve force of some kind was needed.

Root’s reform proposal was a compromise between Uptonian ideals and political reality. On the one hand, he proposed keeping locally controlled National Guard units intact while helping provide them with better support and training. At the same time, however, he wanted to relegate them to domestic defense only and create a National Volunteer Reserve that would be entirely controlled by the federal government and could be called up for international action. The Reserve would be drawn from the Guards and receive higher pay, but be subject to federal control and stricter training. Importantly, its officers would be reviewed by regular army officers

⁵⁹ Emory Upton, *The Military Policy of the United States* (Washington, DC: Government Printing Office, 1916); The “expansible” army concept had been around since it was first proposed by John C. Calhoun in 1820. Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 112–113.

and appointed by the President.⁶⁰ This would effectively create *a standing army-in-waiting* and replace the cumbersome process of relying on less well trained volunteer units that had to be formed at the outbreak of war, as had been the case in the Mexican-American War, the Civil War, and the Spanish-American War. Such volunteer units would still be needed in a larger war, but could be relegated to a tertiary role in the armed forces hierarchy.

Even with these watered down reforms, however, Root was not able to nationalize the militia in the way many thought was required. With the Dick Act of 1903, the National Guard was subjected to greater professional input, including better standards of training and organization for what was termed the Organized Militia, in exchange for more financial support from the federal government.⁶¹ Moreover, the Act seemingly resolved the issue of state versus national control over the militias in favor of the latter. The President was given the authority to call out the Guard for up to nine months (instead of three), though not for service outside the United States.⁶² Additionally, national authority over the militias was extended. Previously, they were under state control during peace and dual control during war. After the Dick Act, however, they were placed under dual control during peace and full national control during war.

These changes, however, came at the expense of creating a truly national reserve force, which was a bridge too far for both the National Guard and Congress. Instead, the Guard remained the first-line offensive reserve force in the Dick Act. This status was formalized in subsequent legislation in 1908, which required the Guard to be federalized before the Army

⁶⁰ Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, 216–218.

⁶¹ The Act distinguished the Organized Militia from the Reserve Militia, which consisted of the unorganized mass of able-bodied men between the ages of eighteen and forty-five in a given state.

⁶² The time restriction was later dropped altogether in a revised bill in 1908. The international service restriction was also dropped but compulsory overseas service for the militia was later declared unconstitutional. On the latter point see Russell F. Weigley, *History of the United States Army* (New York: Macmillan, 1967), 324–325.

could organize a volunteer force. Moreover, the National Guard continued to have its officers appointed by state governors. Though these appointments were tied to federal funding, this arrangement limited the army from using its own standards of advancement and ensured some continued autonomy for local and state politicians. The result of these reforms was to reform the country's reserve forces partly, but also to deny the federal government a large and capable manpower reserve that could more easily be deployed overseas. Military planners would be more or less stuck with the same ad hoc system for constructing an army when World War I broke out as it had been in earlier wars.

The second part of the Root reform plan was to push institutional authority horizontally from the legislature to the executive by breaking many of the lateral links between the army and Congress. If the War Department was to become capable of waging war, it would need to be streamlined as an executive organization with greater centralization and more immunity from the parochial influence of Congress. The latter was not so much an intended purpose of the reforms as a logical consequence of Root's attempt to push the United States toward adopting a general staff system in order to solve the problems of fragmented authority and poor planning that were rife within the War Department. But in doing so, he revealed an executive-legislative fault line that would continue to plague military modernization efforts for the next half century.

The institution of the general staff was what the military historian Michael Howard calls "the greatest military innovation of the nineteenth century" and was the centerpiece of Root's proposed reforms.⁶³ It was first used by Prussia during the Napoleonic Wars and was quickly adopted by Great Britain and France. But the United States had eschewed such institutional

⁶³ Michael Howard, *War in European History* (Oxford: Oxford University Press, 1976), 100.

change.⁶⁴ On the one hand, there had been no immediate need due to the lack of systemic pressure faced by the United States. The primary purpose of a general staff was to prepare for war in peacetime—something the country neither needed nor wanted to do previously. On the other hand, even more than the proposal for a navy general staff, the idea of an army general staff “conjured up visions of German militarism, regular Army arrogance, and executive branch tyranny.”⁶⁵ A general staff was considered incompatible with the ideas about republican government and America’s long-standing republican institutions.

Thus when Root did begin his push for a general staff he did so only slowly and was careful to distance his proposal from European precedents, arguing: “Neither our political nor our military system makes it suitable that we should have a general staff organized like the German general staff or like the French general staff... We should have such a body of men selected and organized in our own way and in accordance with our own system.”⁶⁶ Root’s plan for a General Staff did have important differences with European examples. But as he and others were keenly aware, the purpose of the general staff was partly to Prussianize the American armed forces.⁶⁷ This required not only centralizing authority and building greater competencies for planning and conducting war, which would favor the executive, but actively breaking some of the Congressional links that served to inhibit these activities.

⁶⁴ The other plank of Upton’s reform plans in the 1870s was to create a general staff. But as with his thoughts on the militia his ideas about a general staff were ignored. Congress in fact formally rejected such a plan during debates on Army reorganization in 1879.

⁶⁵ Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 293.

⁶⁶ *Annual Reports of the War Department for the Fiscal Year Ended June 30, 1902* (Washington, DC: Government Printing Office, 1902), 44.

⁶⁷ On the Prussian origins of the Root reforms see Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century*, 12–17.

The main issue the general staff proposal aimed to remedy was the problem of a divided chain of command within the army establishment. Most importantly, it was not always clear who was atop the organizational hierarchy of the War Department. The Secretary of War was the civilian head of the Department, while the Commanding General was the military head. The status of both of these offices was further complicated by eight to ten bureau chiefs who were often able to undermine both the Secretary and the Commanding General by virtue of the strong and independent lateral connections they maintained with Congress. These ties were fueled by the permanent nature of their positions on the staff in Washington DC.⁶⁸ This fragmented structure of authority resulted in a disorganized army establishment that was riddled by “the forces of localism, amateurism, and the pork barrel.”⁶⁹

Root’s proposal was to create a general staff headed by a Chief of Staff who would be subordinate to the Secretary of War. The positions of both Commanding General and Adjutant General (the chief administrative officer of the Army) would be abolished and the Chief of Staff would be given genuine authority over the bureau chiefs. The bureau chiefs in turn would be subject to forced rotation between staff and line positions and the general staff would take control of all the bureau supply services. These services helped give the bureau chiefs direct access to Congress and as a result were a primary source of their bureaucratic autonomy. Root further attempted to break these lateral connections by announcing that appointments and promotions would be based solely on internally determined merit-based criteria and not on congressional recommendations.⁷⁰ In theory, these reforms would enable the Secretary, acting on

⁶⁸ The army in the War Department was known as the staff, while the army in the field was known as the line.

⁶⁹ Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, 213.

⁷⁰ *Ibid.*, 220.

behalf of the President, to exert control over the entire War Department through one professional soldier, the Chief of Staff. The Chief of Staff in turn would have the authority to carry out the Secretary's will throughout the Army establishment with less obstruction from Congress.⁷¹ The creation of a centralized and hierarchically ordered chain of command running from the country's chief executive officer through the entire military system was the aim of reformers beginning with Root.

The results of the legislation passed in 1903, however, were ambiguous at best and in some ways created new sources of institutional incoherence and struggle. The offices of Commanding General and Adjutant General were abolished, while the office of Chief of Staff, along with a general staff of forty-five officers, was created. Officers would rotate between staff and line positions every four years. The general staff, however, was given somewhat uncertain "supervisory" and "coordinating" authority over the bureaus, and the supply services were not consolidated under its control. Moreover, the Bureau of Records and Pensions, along with its powerful head, was exempted from this supervision and Congress inserted language to guarantee that it could directly delegate legislative authority to the bureaus in order to circumvent the general staff.⁷² In subsequent legislation the following year the old Adjutant General's responsibilities were combined with the Bureau of Records and Pensions under a newly created office of Military Secretary, which had an ambiguous dual relationship split between the Secretary of War and the Chief of Staff. Finally, though the bureau chiefs were subject to rotation between staff and line positions, in practice they would continue to maintain their lateral connections to Congress.

⁷¹ Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century*, 20.

⁷² *Ibid.*, 26.

In securing these changes, Root had won some important victories for executive influence and professionals in the War Department. Importantly, it gave this coalition a potentially important institutional foothold in the Department for the first time. But Root's reorganization efforts were accepted incomplete. To be successful, they would need to be both deepened and widened in the following years. Instead, the reverse occurred. Congress, allied with conservatives in the War Department, both pushed back against Root's reforms and ensured that they did not tilt the balance too much in the direction of executive power.

The general staff itself was subjected to subsequent restrictions with its contingent being reduced over the years. By the time of World War I, the staff for all intents and purposes had been shrunk from forty-five to twenty officers and its "effective capacities...were nil."⁷³ It had neither centralized authority nor developed considerable capacities for planning and conducting war. In 1907, the office of Military Secretary was abolished and the office of Adjutant General was re-established. The Adjutant General came to wield essentially the same level of authority of the Chief of Staff, once again blurring the chain of command. The lateral connections of the bureau chiefs to Congress meanwhile were not broken. As a result, they "remained almost as autonomous as before."⁷⁴ Moreover, Congressmen continued to make requests for appointments and promotions for friends.⁷⁵ Finally, even the Secretary of War was reminded of his place in the state's machinery. In 1912, the House Military Affairs Committee reprimanded the Secretary for having "a very erroneous idea as to what his relation is to the Congress of the United States. His office is not a Constitutional one. He derives no power from the Executive. He is the creature of

⁷³ In comparison, the German, French, British, and Japanese had General Staffs of 650, 644, 232, and 234 officers respectively. Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, 236.

⁷⁴ Weigley, *History of the United States Army*, 323.

⁷⁵ Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, 228.

the Congress of the United States, and as such is amenable to it. He has no power which Congress does not confer.”⁷⁶

As Skowronek explains, Root’s state-building efforts represented an attempt in theory to forge and institutionalize the executive-professional reform coalition atop the War Department. These efforts did result in some important successes and contributed to developing a more powerful, streamlined, and capable military organization. Given the country’s domestic constraints against a standing army and centralized military authority, these achievements should be considered significant. But the compromises that were made to secure passage of the reforms, along with subsequent efforts to dilute them, tended in practice to undermine what might have been potentially paradigmatic changes in the basic constitution of the military establishment and its relationship to the executive and legislative branches of government. The fact that the post-Spanish-American War building and reform programs threatened to alter the country’s underlying institutional arrangement was what made them important. But this ultimately explains why they were only partially adopted.

Just how incomplete the state-building efforts of the early 1900s were became clear by the time World War I broke out in 1914. Some of the planning and organizational problems that plagued the armed forces in the Spanish-American War had been resolved, as demonstrated by later operations that went more smoothly. Most notably, the United States was better able to use force to protect American interests against local disturbances in the Western Hemisphere, which it did quite frequently in this period. But actual state-building for national security had been limited. Importantly, the United States had not prepared itself to meet the challenge of transoceanic great power politics.

⁷⁶ Quoted in Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century*, 27–28.

World War I and Postwar Retrenchment

The years leading up to World War I did not alter the measured approach that was taken in the early years after the Spanish-American War. In fact, these years in many ways resulted in a step back from some of the more ambitious plans of the neo-Hamiltonians after an initial burst of building and modernization in the early 1900s. Even the outbreak of war in August 1914 among Europe's great powers, and the growing threat to American commercial interests that came with it, did not at first lead to changes in the country's security institutions. The challenge before, during and after the war continued to center on how decision-makers could create and project military force under the country's still constrained domestic political institutions.

Preparation for War?

Several military questions dominated the pre-World War I period in the United States, but none as much as the lingering question about how to prepare—if at all—for large-scale war. The armed forces were now slightly larger, better equipped, and better organized than they had been at the end of the nineteenth century. But as explained above, the compromises reached in the early 1900s left in place much of the old status quo that had governed the armed forces for much of the country's history. The standing army was still small and authority over the army and militia remained fragmented vertically between the National Guard at the state level and the federal government at the national level, and horizontally between the legislative and executive branches of the federal government. Coupled with the standing authorizations discussed in the last chapter and greater activism on the part of some Presidents, this arrangement enabled the country to defend and police many of its overseas possessions and interests. But this was true only to the extent that these actions did not require large-scale intervention. The ability to project

more significant force overseas or engage in major wars still required prior decisions by Congress, both for statutory authorization and for funding to scale up the armed forces.

When World War I began in August 1914, there was a brief flurry of excitement in the United States. Few, however, believed the war would last long and that American soldiers would be in Europe three years later. President Woodrow Wilson cautioned Americans to be “impartial in thought as well as action,” and decidedly steered the country in the direction of a policy of neutrality and non-involvement.⁷⁷ But as the war dragged on, a movement for greater preparedness took form—pushed principally by neo-Hamiltonians like Wood and Theodore Roosevelt—and decision-makers slowly began to think about what steps might be taken to prepare the country for war.

The most immediate need was to reinvigorate the naval building program, which since the mid 1900s had largely plateaued as older battleships and other assets became obsolete and needed to be replaced. By 1914 the United States Navy was slipping back down the world rankings.⁷⁸ With the outbreak of war, the country’s most immediate and primary interest was in maintaining freedom of the seas, which required a more powerful navy in order to be taken seriously by the belligerent powers. This need became even clearer after Germany began unrestricted submarine warfare in 1915 and sunk the British ship *Lusitania*, killing 128 Americans.⁷⁹

⁷⁷ Wilson following public opinion immediately declared a formal policy of neutrality. Woodrow Wilson, “Message on Neutrality,” 1914.

⁷⁸ The Navy estimated that the United States rose from fourth or fifth in the world rankings to second in the 1900s but by 1911 had slipped back down to a “doubtful third.” *Annual Reports of the Navy for the Fiscal Year 1916* (Washington, DC: Government Printing Office, 1917), 4.

⁷⁹ To be clear, the naval building program was not solely directed toward Germany. In fact, concerns about Britain’s naval mastery similarly drove debates. See O’Brien, *British and American Naval Power: Politics and Policy, 1900-1936*, 118–121.

In 1914, Congress was content to continue modernizing the fleet. But by late 1915 it was clear that a larger building program was required. Following a set of recommendations by the General Board, Congress passed—by a large margin—the landmark Naval Act of 1916 in August of that year, which called for the United States to build a navy “second to none.” To do so, the Act authorized a three-year \$500 million dollars plan to produce ten battleships, sixteen cruisers, fifty destroyers, seventy-two submarines, and fourteen auxiliary vessels, which would enable the United States to rival even Great Britain by the early 1920s.⁸⁰ The Act was made redundant the following year by America’s entry to the war, but it was important for what it marked: a policy to undertake the largest peacetime military building program in the country’s history. This was driven by the realization that the United States could not protect its growing overseas interests during foreign wars, even when it remained neutral, without greater military power.

The building program, however, was coupled with largely unsuccessful modernization efforts in naval administration. The general board had been an important development for the navy in 1900, but as Hammond explains it was a half measure of sorts that actually contributed to stymieing more meaningful modernization over the following decade and a half.⁸¹ Importantly, unlike in the War Department where at least a general staff with a Chief had been created, the navy still lacked a clear military head and dedicated planning unit. In 1915, Congress finally approved a Chief of Naval Operations (CNO), which would come to form the skeleton of a staff system, though the office was created with no additional officers and little authority at first. The Naval Act in 1916 helped remedy some of these defects by giving the NCO fifteen

⁸⁰ Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 304–305.

⁸¹ Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century*, 55–59, 71.

assistants and formalizing his role as the navy's chief officer.⁸² Until World War II, however, this office would remain hamstrung by its tenuous position in the navy. Unlike in the War Department where a strong executive-professional coalition had emerged between the Secretary and Chief of Staff, in the Navy Department the two would remain divided.⁸³ The navy had powerful lateral links with Congress and was very much a creature of the legislature.

Modernization to make the army a more capable fighting force also continued to face obstacles in the run-up to World War I. In 1912, the general staff, with the support of Secretary of War Henry Stimson, produced the most comprehensive plan to date for the new army envisioned by reformers entitled *The Organization Land Forces of the United States*. It is worth quoting the report at some length to help shed light on the geopolitical context in which military decision makers were planning even before World War I:

[W]ithin the past few years it is found that practically the whole earth is now divided up among the principal nations and held by them either as actual possessions or as spheres of influence. Hitherto the interests of nations or of small groups of nations have been more or less local. But due to this worldwide expansion the contact between great nations and races has already become close. It tends to become continually closer, due to the increase of population and national needs, and due especially to the vastly increased facilities for intercommunication. With this close contact thus so recently established comes a competition, commercial, national, and racial, whose ultimate seriousness current events already enable us to gauge. Since our conflict with Spain in 1898 practically all of the principal nations of the earth have either been actively engaged in war or else brought to the verge of actual war. The evidence is clear that the nations and races capable of maintaining and protecting themselves are the only ones who can flourish in this world competition.

We have been drawn from our state of isolation and are inevitably involved in this competition. We must consider what preparation we will make to meet this change in our national situation.⁸⁴

⁸² Miller, *The U.S. Navy: A History*, 181.

⁸³ See Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century*, 49–84.

⁸⁴ "The Organization of the Land Forces of the United States," in *Annual Report of the Secretary of War* (Washington, DC: Government Printing Office, 1912), 126.

In response to these changing conditions, the report stressed the increasing need to distinguish between the functions of the country's armed forces (both army and navy) at "home" and "abroad."⁸⁵ Given the increasing foreign interests of the United States, coupled with "the emergency of modern war," the report argued that the two services needed to be freed of their home functions and built up in order to engage in "offensive" operations abroad.⁸⁶ The navy it argued "must be free to seek and defeat the enemy" overseas, while the army needed "to secure the fruits of naval victory."⁸⁷ The need for the ability to project the country's growing power overseas with force was implied in the reforms of a decade earlier, but this was the first time the War Department began to connect its planning proposals with active force projection.

This shift in policy aims required a larger and more powerful army, which would be trained and ready to be deployed at all times for large expeditionary missions, as well as to serve as the nucleus of a larger force during the early stages of major wars. The problem remained how this could be accomplished within the country's republican institutions.

Reform-minded officers and civilians looked to developments in European militaries for ideas. Germany and France both maintained conscription-based peacetime armies of over 800,000 men, and had national reserves of 1,750,000 and 1,500,000 first-line troops respectively.⁸⁸ The United States had a much larger population and was wealthier than both countries. Lacking the same severity of systemic pressure, however, the United States did not need such a large standing army formed from conscripts. Nor for ideational reasons was one acceptable. The American reserve system, moreover, was still based on state-based militias, not a

⁸⁵ Ibid., 67.

⁸⁶ Ibid., 72, 67.

⁸⁷ Ibid., 67.

⁸⁸ These first-line reserves furthermore could be supplemented with secondary reserves. Weigley, *History of the United States Army*, 336.

national reserve. The 1912 report instead turned to Great Britain, which, as a naval power like the United States, maintained a volunteer-based standing army of roughly 250,000 and had a nationally trained reserve force of 470,000 (combined Territorial Force and Special Reserve).⁸⁹ When World War I broke out, this arrangement enabled Great Britain to deploy an expeditionary force of 250,000 soldiers across the English Channel within weeks, while subsequently mobilizing nearly nine million more over the course of the war. Though not quite as ambitious, this was more or less the capability envisioned by the report. It called for a total of 460,000 “mobile” troops, composed of 112,000 men in the regular army which would be supported by a first-line contingent of 348,000 citizen soldiers organized in a national reserve. Furthermore, plans were to be put in place to make an additional 300,000 citizen soldiers available immediately when required.⁹⁰

Thus though the plan did not call for a huge increase in the regular army, it did acknowledge that a break with traditional opposition to even a moderate sized standing army was required. This was particularly true looking forward. The report suggested that force requirements would likely rise in the future based on changing international factors and that no limits should be placed on the potential size of the army or its scope of action. More importantly, however, the plan did challenge once again the first-line status of the National Guard and by extension the fragmentation of authority over America’s armed forces. It acknowledged this challenge to the country’s military institutions, but argued: “we must recognize the fundamental facts that victory is the reward of superior force, that modern wars are short and decisive, and that trained armies alone can defeat trained armies.”⁹¹ If the country would not tolerate a larger

⁸⁹ “The Organization of the Land Forces of the United States,” 75–77.

⁹⁰ Ibid., 122–123.

⁹¹ Ibid., 72–73.

standing army, it at least needed a better-trained reserve force that could act as a standing army-in-waiting and be called up on relatively short notice. Over the ensuing years, especially after World War I broke out, the varnish would be removed from reformers' critiques of this deficit. By 1915, the newly departed former Chief of Staff General Wood would state these views as follows: "The voluntary system failed us in the past, and will fail us again in the future. It is uncertain in operation, prevents organized preparation, tends to destroy that individual sense of obligation for military service which should be found in every citizen, costs excessively in life and treasure, and does not permit that condition of preparedness which must exist if we are to wage war successfully with any great power prepared for war."⁹² Eventually, reformers like Wood would go so far as to support conscription and universal military training.

The 1912 plan marked a renewed effort by the executive-professional reform coalition to modernize the country's military establishment after the Root reform effort had languished over the previous decade. The plan, however, was a non-starter and fell on deaf ears in Congress. Moreover, it was not taken up by the newly elected administration. The incoming Secretary of War Lindley Garrison joined the reformist current, but he found few allies in the executive branch as President Wilson and his Secretary of State William Jennings Bryan were both against peacetime war preparation. When World War I broke out, a preparedness movement did emerge.⁹³ But it was spearheaded by neo-Hamiltonians who were now mostly outside of

⁹² Leonard Wood, *The Military Obligation of Citizenship* (Princeton: Princeton University Press, 1915), 33–34.

⁹³ The preparedness movement was a campaign begun in 1914 prior to America's entry into World War I. It sought to generate public support for increasing the country's military capabilities and eventually for intervening in the war on the Allied side. It was organized by individuals like Theodore Roosevelt and Wood, and associated organizations that were newly founded including the National Security League, American Defense Society, League to Enforce Peace, and American Rights Committee. Wood organized military training camps for volunteers in Plattsburg, NY, and others organized preparedness parades and other activities to put pressure on the Wilson administration.

government and it was distrusted and opposed by the administration who thought the movement's activities provocative. At the end of 1914, President Wilson reiterated his views in his second Annual Message to Congress: "From the first we have had a clear and settled policy with regard to military establishments. We never have had, and while we retain our present principles and ideals we never shall have, a large standing army... We must depend in every time of national peril, in the future as in the past, not upon a standing army, nor yet upon a reserve army, but upon a citizenry trained and accustomed to arms."⁹⁴

In 1915, however, the Wilson administration did begin to reconsider war preparation. The effects of unrestricted submarine warfare, along with the sinking of the *Lusitania* in May, finally convinced Wilson to order Garrison to reconsider the needs of the army. In a new plan entitled *Statement of a Proper Military Policy for the United States*, the general staff essentially rehashed their 1912 plan with larger figures. In light of the new circumstances of world war, the plan now called for a regular army with 281,000 soldiers. Of these, 121,000 would be available to be deployed immediately. The plan envisioned a three-part reserve force composed of 1) a regular reserve (six years reserve duty after two years active duty) of an additional 379,000 soldiers, 2) another reserve of 500,000 citizen soldiers ready to be deployed within three months, and 3) the volunteer reserve of the Organized Militia.⁹⁵ The National Guard would be given increased federal support, but would lose its first-line reserve status in this scheme and be relegated to domestic defense only. The plan would give the country an effective 1,000,000 man fighting force, which would be ready for action almost immediately and serve as the core of a larger wartime army when required.

⁹⁴ Woodrow Wilson, "Second Annual Message," 1914.

⁹⁵ Army War College, *Statement of a Proper Military Policy for the United States* (Washington, DC: Government Printing Office, 1916), 13–18.

Though Wilson would not accept the size of the plan, he did endorse its primary principles. In compromise with Garrison, and with the support of the general staff, he announced in his third annual address in December 1915 a request to increase the regular army more modestly to 141,843 soldiers and to create a national reserve force—to be called the Continental army—of 400,000 men over three years.⁹⁶ Wilson found support in the Senate for his plan where a modified version was eventually passed. But there was still strong opposition in the House. In January he conducted a speaking tour on behalf of greater preparedness. In the meantime, however, the Chairman of the House Military Affairs Committee James Hay offered a less transformative bill that would increase the regular army, though maintain the first-line status of the National Guard. The latter would effectively gut the envisioned reorganization of the executive-professional reform coalition. By February, it was clear the national reserve plan would not pass the House and Garrison was forced to resign.

Even as World War I continued to threaten American commercial and security interests in the Atlantic and Europe, it was not clear any preparedness plan would pass until another incident closer to home helped move the stalled legislative process. Following the Tampico incident and the occupation of the Vera Cruz by American forces in Mexico in 1914, a tenuous peace had emerged along the border. But on March 9, 1916, in the middle of congressional debate over preparedness, an estimated 500-1000 of Francisco Villa's men crossed the border and attacked Columbus, New Mexico, killing fifteen American soldiers and civilians and wounding another nine.⁹⁷ The War Department responded immediately by sending 5,000 troops across the border in pursuit, after which it became clear that the incident might lead to war with

⁹⁶ Woodrow Wilson, "Third Annual Message," 1915.

⁹⁷ These numbers are based on the War Department's own estimates. *Annual Report of the Secretary of War* (Washington, DC: Government Printing Office, 1916), 278–279.

Mexico. Over the following month the War Department prepared for a possibly larger conflict by attempting to recruit the regular Army to full authorized strength and by calling out the National Guard in Arizona, New Mexico, and Texas. The former effort was unsuccessful, while the limited strength of the latter showed the limitations of America's reserve system.⁹⁸

It was in this context that a compromise emerged in May and the National Defense Act of 1916 was passed. The legislation called for an increase in the peacetime strength of the regular army to 175,000 men.⁹⁹ The National Guard would remain the first-line reserve of the army, but its numbers would be increased to over 400,000 and guardsmen would take a dual oath to both their state and the federal government, enabling overseas deployment. The Guard was also subjected to greater federal control, but the Division of Militia Affairs was made an independent bureau in the War Department. The result was to further detach the guard from local politics in exchange for increased independence at the national level.¹⁰⁰ The general staff meanwhile was further weakened as explained above. By 1917, the size and locations restrictions of the act ensured that only twenty officers were on the general staff in the War Department on the eve of war. Furthermore, the administrative duties of the staff were restricted in a way that once again called into question the relationship between it and the bureaus.

The National Defense Act of 1916 was a culmination of reform efforts since 1900 and represented the most comprehensive attempt to organize the country's land forces for war in its history. For the professional-executive reform coalition, however, the legislation was seen as a

⁹⁸ See Weigley, *History of the United States Army*, 347–348.

⁹⁹ The organization of forces in the act provided a skeletal structure that allowed this number to be increased to 286,000 in wartime.

¹⁰⁰ Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, 232–233.

catastrophe.¹⁰¹ Not only did it fail to establish a real peacetime army, it also did not centralize authority within the War Department or streamline relations among the department, the executive, and Congress. Worst of all, it reaffirmed the National Guard's status as the country's first line reserve. Such changes, therefore, could only be considered cosmetic and not geared toward actual war preparation.

The pattern of “executive challenge, constitutional confrontation, and congressional counteroffensive” in the case of military modernization was consistent with other patterns in government reform at the time, according to Skowronek: at the surface level they appeared to be “progressive governmental adaptations to changing environmental conditions, but in their form and content [they] reveal[ed] a government thoroughly caught up in an internal struggle over the reconstitution of political and institutional power relationships.”¹⁰² Clearly, decision-makers were aware of changing environmental conditions and wanted to reform the country's political and military institutions to better meet new challenges. But they were still either unwilling or unable to overcome the domestic constraints against such institutional transformation and tended in each case to settle for reforms that did not fundamentally alter the status quo. The systemic pressure at this time generated enough institutional stress to create conditions for possible change, but not enough to surmount the domestic ideational and institutional obstacles to such change.

¹⁰¹ Wood said he would have preferred no army legislation at all. The act in his view was actually “a menace to public safety in that it [erroneously] purports to provide a military force of value... The thing is dangerous to a degree exceeding anything ever attempted in legislation in this country... It has not the support of the General Staff of the Army or the Army as a whole. It would be far better to have no Army legislation than to have this measure put through.” Quoted in Jack C. Lane, *Armed Progressive: General Leonard Wood* (Lincoln, NE: University of Nebraska Press, 2009), 199–200.

¹⁰² Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, 233.

The War and Its Aftermath

World War I would be the largest and most complex foreign undertaking against the most capable adversary ever faced by the United States. Yet, after more than two decades of efforts to build greater military capabilities and better organize the military establishment, the United States was still militarily unprepared when it entered the war in April 1917. The reform efforts of the previous years had been too late and too weak, and did not provide an institutionalized means of projecting the country's massive latent power overseas. Instead, as in previous major wars, the United States was forced to build its military capabilities and administer its war efforts through ad hoc measures that revealed many of the weaknesses of the American defense apparatus. These weaknesses should not be overstated given the fact that the country did eventually mobilize over four million men and contribute to an Allied victory. Mobilization, however, was slow and dogged by inefficiencies. Moreover, as Skowronek explains, among the states that participated in World War I "America was most clearly distinguished...by the weakness of its bureaucratic machinery for controlling the war effort and by the intensity of the struggles being waged within the bureaucracy (and ultimately between the bureaucracy and the private sector) over the question of control."¹⁰³ These limitations were most pronounced at the beginning of the war, but continued to persist even as the size, capability, and authority of the defense apparatus grew later.

The war, however, did present an opportunity for reformers. The size of the executive branch swelled, new wartime agencies were created, and the army and reserve forces of the country grew to an enormous size. The general staff—just recently emasculated by congress and containing only twenty officers on the eve of war—ballooned to include 1,000 officers.

¹⁰³ Ibid., 236.

Moreover, the war showed that the overseas threats the neo-Hamiltonians had warned about before the war could indeed reverberate back to the United States. A lack of preparedness and willingness to intervene against such threats had imperiled the country's security and would do so again they argued. Finally, if the United States could still be considered "on the periphery of the Great Power system" in 1913, this was no longer true after the war.¹⁰⁴ The country debuted with mixed success as an international military power. By the war's end, however, its *potential* military capacity was clearly on display. With Europe devastated by the war and Russia mired in civil war, no one doubted the United States was now capable of being the world's most powerful state.

Even more than after the Spanish-American War, the post-World War I period provided a window of opportunity for the types of sweeping domestic institutional changes and the more assertive foreign policy championed by the neo-Hamiltonians. The question for decision-makers remained what type of preparedness regime the country would maintain during peacetime. Was the United States finally prepared to loosen some of its domestic constraints against centralized authority and a standing army to take on a more interventionist foreign policy? Or would it revert to the updated but still traditional conception of republican institutions that decision-makers had settled on before the war?

Very quickly it became clear that public opinion and the preferences of decision-makers ran in the direction of the latter. President Wilson hurriedly returned to his more pacific tendencies and became less concerned with military matters. Instead, he attempted to obviate the need for greater military preparedness—and by extension domestic institutional change—by entrusting American commercial and security interests to the League of Nations. The League of

¹⁰⁴ Kennedy, *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000*, 248.

Nations was ultimately rejected by a Republican Senate, but not because Republicans were interested in greater military preparedness. In 1918, Theodore Roosevelt emerged once again as the leading republican candidate for the party's 1920 nomination until his health failed and he died in early 1919. Wood became the heir of Roosevelt, but he could not win his party's nomination the following year. Instead, the Republican candidate was Warren Harding who offered a "return to normalcy" after World War I and what many considered the excessive reformist policies of the progressive era. It is possible Roosevelt or Wood would have attempted to continue to push preparedness and reform efforts if elected. Regardless, as Huntington argues, the rejection of Wood for the republican nomination in 1920 should be seen as the final nail in the coffin of the neo-Hamiltonian project.¹⁰⁵ Both Republicans and Democrats were settled on a policy of non-intervention and that made domestic institutional transformation less pressing.

Thus decision-makers nearly across the board shared a similar position about state-building for national security even if for different reasons. For the army, the most immediate consequence of this shared policy view was a massive draw down after the war and a return to the status quo. By the middle of 1919 over 2.7 million men were discharged from the army and by January 1920 year the army had been returned to a strength of 130,000 soldiers.¹⁰⁶ Hoping to capitalize on wartime gains, the general staff began a new campaign for permanent preparedness.¹⁰⁷ The postwar plan called for an increase in the regular army to an expansible strength of 500,000 soldiers, a conscripted reserve of an 500,000 men formed from a universal military training program administered by regulars, and the National Guard as a second-tier reserve force. This plan would multiply by fivefold the army that preceded the National Defense

¹⁰⁵ Huntington, *The Soldier and the State: The Theory and Politics of Civil-military Relations*, 270, 281–282.

¹⁰⁶ Weigley, *History of the United States Army*, 396.

¹⁰⁷ *Annual Report of the Secretary of War* (Washington, DC: Government Printing Office, 1919), 53–68.

Act of 1916 and create the national reserve long favored by reformers.¹⁰⁸ The plan also once again sought to solidify the Secretary of War-Chief of Staff alliance by reinforcing the position of the general staff in the War Department hierarchy, bringing an end to bureau autonomy, and recognizing executive authority over military-industrial matters.

Congress, however, balked at these initiatives and began to reestablish some of the authority it had inevitably ceded during the war. Again, the general staff plan was accused of mirroring the German system against which the country had just fought bitterly to defeat. Instead, Congress based parts of subsequent legislation on the advice of Colonel John M. Palmer who had helped draft the 1912 general staff plan. Unlike other professionals, however, Palmer placed greater weight on the need for the country's military establishment to be "determined on political grounds" and with respect for its "familiar" republican institutions—namely a small standing army backed by citizen-soldiers.¹⁰⁹ Palmer suggested a much smaller regular army backed by a better-trained citizen army. The latter would be considered the country's main army and be prepared to serve only during emergencies.

The National Defense Act of 1920 adopted many though not all of Palmer's ideas and was written in the form of an amendment to the 1916 act.¹¹⁰ The authorized strength of the regular army was set at 280,000 (which would never come close to being filled) and the citizen army in the form of the National Guard and the Organized Militia was once again recognized as

¹⁰⁸ Reformers argued this increase was necessary not only for greater preparation, but also because the army had new organizations including the Air Service, the Transportation Corps, the Motor Transport Corps, and the Tank Corps.

¹⁰⁹ John M. Palmer, *America in Arms: The Experience of the United States with Military Organization* (New Haven: Yale University Press, 1941), 141.

¹¹⁰ Importantly, as others have noted, it served as a consolidation and affirmation by Republicans of the Democrat's 1916 conception of the military establishment. Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century*, 87; Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, 243.

the first-line reserve. Congress would not accept universal military training in any form—neither the general staff's plan nor Palmer's modified Swiss-style approach. But the legislation did enable better training for reserves and continued the reserve officer program that was expanded to include tours of duty on the general staff.¹¹¹

As Congress consolidated these parts of the 1916 act, however, it also moved to weaken the executive-professional position and strengthen its own in other parts of the legislation. First, the National Guard position was better institutionalized at the national level to counteract the influence of professionals over Guard affairs. In 1916 the National Guard had secured a position in the state bureaucracy with a Militia Bureau in the War Department. In 1920 this bureau was reorganized and the Guard position was strengthened vis-à-vis professionals with rules ensuring that a guardsman would head it.

Second, Congress belatedly accepted the general staff as an institution and expanded its contingent to include eighty-eight members. At the same time, however, the operations of the general staff were reigned in. To begin with, its wartime powers of supervision were stripped. The staff was to return to war planning alone and this would ensure the bureaus would regain some of their autonomy by way of direct lines of access to Congress. Additionally, Congress established lateral connections to the general staff itself by requiring recommendations from subdivisions of the staff to accompany requests from the Secretary of War. This provision enabled staff officers to do an end-run around the Secretary of War and come straight to Congress, thereby undermining the centralized authority structure in the War Department long

¹¹¹ This latter provision would prove very useful later. When the United States mobilized for World War II two decades later it would be able to call up 80,000 reserve officers. Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 345.

envisioned by reformers.¹¹² Over the following two decades the general staff would push back against these parts of the legislation. The result was what Skowronek characterizes as “a maze of authoritative confusion.”¹¹³ But Congress once again had effectively met the challenge posed by a major war and the executive-professional reform coalition within the War Department.

The centerpiece of American defense policy in the post-World War I period would remain the navy and its fleet. Even there, however, the United States would opt for the status quo in naval administration, and arms limitations rather than a continued naval building program. On the eve of his departure for the Paris Peace Conference Wilson threatened publicly that if Great Britain refused to limit naval armaments, “the United States should show her how to build a navy.”¹¹⁴ He was even more threatening in private at the conference. The Navy Department, moreover, prepared to continue the building program begun in 1916 with an eye toward building a navy “second to none.” In 1918, it proposed a new plan to build an additional thirty-two new capital ships over the following seven years, which began to make its way through Congress the next year. This plan found little support in Congress and it is unlikely Wilson actually meant to see them through. Rather, it was part of a bluff designed to force the other powers—particularly, Great Britain—in Paris to come to terms with his agenda for the League of Nations and related disarmament policies.¹¹⁵

In fact, the League of Nations and other collective security measures like the various naval conferences and treaties starting in Washington in 1921-1922, which sought to limit a

¹¹² This was one of three ways that Dickinson explains the legislation sought to hamstringing the Secretary. John Dickinson, *The Building of an Army: A Detailed Account of Legislation, Administration, and Opinion in the United States, 1915-1920* (New York: The Century Company, 1922), 319–322.

¹¹³ Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, 243.

¹¹⁴ Quoted in Ross A. Kennedy, *The Will to Believe: Woodrow Wilson, World War I, and America's Strategy for Peace and Security* (Kent, OH: Kent State University Press, 2009), 200.

¹¹⁵ O'Brien, *British and American Naval Power: Politics and Policy, 1900-1936*, 136–139.

potential naval arms race, and the Kellogg-Briand Pact in 1928, which sought to eliminate war as an instrument of national policy, became de facto diplomatic and military policy for the United States in the interwar period.¹¹⁶ If decision-makers could limit the building of naval arms and the use of force by other states, it would obviate the need for the United States to alter its domestic institutions substantially. Stability and disarmament abroad therefore were directly tied to institutional stability at home. As these internationalist efforts began to fail in the 1930s, isolationism provided a new—if less credible—rationale for the status quo. These characteristics of the interwar period are discussed at length in the next chapter.

Conclusion

The 1890s saw the United States begin its long ascent to world power and begin to face increasing systemic pressure as its overseas interests multiplied. In 1898 the country fought a war with Spain and in 1917 it entered World War I and helped tip the scales to the Allied side. This increasing international security competition, punctuated by two major wars, forced the country to consider building a large standing army for the first time in its history and reorganizing its military establishment to centralize authority. The chapter shows that while some important reforms did take place in this period, greater institutional change was thwarted by the continuing strength of the constraints discussed in the previous chapter. By 1920, the reform effort largely died out and little institutional change took place in the American military establishment over the following two decades.

¹¹⁶ The Washington Naval Conference was held in 1921-1922 and limited the naval armaments of the great powers, including total tonnage, the size of battleships and guns, and the further development of bases in the Western Pacific. The Washington Conference was followed by additional conferences in Geneva (1927 and 1932) and London (1930 and 1935).

As the chapter demonstrates, America's basic state structure remained largely intact during its rise to power. Most importantly, the institutional architecture of the state was not expanded or reorganized in a way that altered the original relationship between the branches of government or state and society. Whatever elements of the future national security state were present by the end of this period, they were embryonic at most.

The Drift Toward Executive War-Making Powers, 1890-1941

As the United States started to increase its military capabilities in the 1890s and then reorganized the military establishment a decade later, the pendulum of war-making powers slowly began to swing in the direction of Presidents. By the early nineteenth century, the strength of the United States Army was four times larger than it had been in 1890. The War Department was now better organized and more capable of planning operations and deploying troops overseas. The United States Navy and the United States Marine Corps meanwhile were both more than twice as large, and the country now had a growing fleet of battleships. With these developments, Presidents—foremost Theodore Roosevelt, Woodrow Wilson, and Franklin Roosevelt—would increasingly push the boundaries of the domestic constraints on their independent war-making capabilities.

Questions about whether, and the extent to which, executives had the power to use the country's armed forces independently, however, remained critical to understanding the development of the country's political and military institutions during this period. As the last chapter showed, domestic considerations helped thwart the development of the latter. In this chapter, I turn to look more closely at the development of the country's political institutions, specifically as they relate to war powers. As was discussed earlier, the small increase in the

American armed forces and the efforts to better centralize authority helped give Presidents greater *de facto* war-making powers at this time. The question remained whether Presidents could or would also claim these powers *de jure*, and whether Congress would facilitate to such claims.

This chapter focuses on the debate that emerged at this time about Presidential powers in foreign affairs with a specific eye to its implications for the use of force. That debate was started by the neo-Hamiltonians who were so central to the narrative of the last chapter. Neo-Hamiltonians like Alfred Mahan and Theodore Roosevelt recognized that to make force a more usable instrument required not only building more military power and reforming the armed forces. They were also aware that such a policy shift required political institutional change to provide the executive with more foreign affairs powers. Liberal internationalists like Woodrow Wilson and Franklin Roosevelt came to recognize this fact later as well. The arguments for such change, however, were subtle because they directly challenged the institutional balance struck between the branches of the federal government at the Constitutional Convention. Yet, as legal scholars have begun to show in recent years, the movement toward greater executive discretion in foreign affairs—specifically, with respect to war powers—in this period was important.¹ As I discussed in chapter three, there was no decisive break with the traditional interpretation of executive war powers at this time. That would break would come after World War II. Given the exigencies associated with the country’s growing international aims, however, Presidents began to push against the boundaries of what they could do independently with the armed forces,

¹ G. Edward White, “The Transformation of the Constitutional Regime of Foreign Relations,” *Virginia Law Review* 85, no. 1 (1999): 1–150; David Gartner, “Foreign Relations, Strategic Doctrine, and Presidential Power,” *Alabama Law Review* 63, no. 3 (2012): 499–534; See also David J. Barron and Martin S. Lederman, “The Commander in Chief at the Lowest Ebb: A Constitutional History,” *Harvard Law Review* 121, no. 4 (2008): 1034–1056.

establishing purposefully, or not, new precedents for executive war-making. These actions were based on the claim that existing decision-making procedures prevented the country from pursuing a proactive foreign policy.

In this chapter, I discuss these developments, as well as the backlash against them. Between 1900 and 1920 the pendulum swung in the direction of greater executive independence. Similar to the changes discussed in the last chapter, this shift should be read as an embryonic institutional response to increasing systemic pressure during America's rise to power. As I show below, those like Mahan, Roosevelt, and Wilson recognized that becoming a great power meant the country's domestic institutional arrangement required rebalancing to provide executives with greater flexibility to wield its power. And to a limited extent this is indeed what occurred. Following World War I, however, policymakers—particularly those in Congress—attempted to resist this institutional rebalancing. In the 1920s and early 1930s, they tried to eliminate the central role of force in world affairs through internationalist policies. With that approach in tatters by the mid-1930s, they turned instead to placing direct constraints on executive actions that might drag the country into war. Again, these efforts should be read as a sign of the tremendous institutional *resistance* state-builders faced when trying to adapt the American state.

Institutional Stress and the Case for Greater Executive War-Making Powers during America's Rise to Power

At the end of the nineteenth century, the American Congress stood as the preeminent branch of the federal government in foreign affairs. Beginning in the 1890s, however, a nascent argument emerged about how long that balance could remain weighted toward Congress given the country's trajectory in the world. Over the next four decades, both neo-Hamiltonians and liberal internationalists alike began to make the case that the changing position of the United

States in world affairs required greater discretion for the country's executive to use force on behalf of its expanding interests. This argument, moreover, was furthered by the actions of several presidents who helped redefine the power of the Presidency in practice.

Alfred Mahan, Theodore Roosevelt, and the Executive as Steward

Following the Spanish-American War in 1898, an important question for decision-makers was whether the balance struck between executive and legislative war powers in the Constitution could survive the institutional stress generated by the country's growing international responsibilities. Though this question was rarely discussed directly, it entered debates about how to project the country's growing military power overseas and what to do with its newly acquired territorial possessions. What is important is that some decision-makers began to envision a shift in the pendulum from the legislature to the executive at this time. Focusing on the views and practices of Alfred Mahan and Theodore Roosevelt helps explain why and how this perspective emerged.

Mahan's views are insightful for several reasons. First, he was one of the earliest to articulate the general belief that the institutional arrangement of the American government was unequipped for managing the country's growing international responsibilities.² He was also perhaps the clearest and most far-sighted of the neo-Hamiltonians in his views about the central role military force would have to play in the protection and extension of American interests overseas.³ The two, moreover, were linked for Mahan. To manage the country's growing

² This would become a common theme among neo-Hamiltonians, but Mahan was slightly ahead of his contemporaries in articulating this view. See also Brooks Adams, *America's Economic Supremacy* (New York: The Macmillan Company, 1900), 43–53; Brooks Adams, *The New Empire* (New York: The Macmillan Company, 1903), xv–xvi.

³ At a time when some argued that force was becoming less central to international affairs, Mahan maintained that it was still essential. Alfred T. Mahan, *The Interest of America in Sea Power: Present and*

international responsibilities required building and projecting military power; something he believed the American political system was not designed to do. In his most forthright views on the subject, he worried that “any project of extending the sphere of the United States” would be “met by the constitutional lion in its path.”⁴

Additionally, what is noteworthy about Mahan is that he was of two minds on the structure of the American government codified in the constitution. On the one hand, he was a conservative and a strict constructionist when it came to the preservation of limited government in the domestic arena. As early as 1884, years before he would become a great strategist, he argued that the great issue of the time was between state “centralization and the reverse.” Where he stood on the matter was clear: “The strict construction of the constitution...the vigilant limitation of the central government to simply what is granted it by the constitution; this is my dearest wish.”⁵ On the other hand, when it came to the foreign affairs powers of the government Mahan took precisely the opposite view. In *The Interest of America in Sea Power* he argued that domestic constraints built into political systems are often “artificial” and “ill adapted” to a state in transition, which he believed was true of the United States at the time. He explained that there comes a time during such transitions “when old traditions, accepted maxims, or written constitutions have been outgrown, in whole or in part; when the time has come for a people to recognize that the limits imposed upon its expansion, by the political wisdom of its forefathers, have ceased to be applicable to its own changed conditions and those of the world.” He did not suggest rewriting the constitution, but rather thought that “modifications” were needed to enable

Future (Boston: Little, Brown and Company, 1898), 178, 192–193, 245, 256, 268; See also Alfred T. Mahan, *Some Neglected Aspects of War* (London: Sampson Low, Marston & Company, 1907), xvi–xvii.

⁴ Mahan, *The Interest of America in Sea Power: Present and Future*, 257.

⁵ Alfred T. Mahan, “Letter to Samuel A. Ashe, July 26, 1884,” in *Letters and Paper of Alfred Thayer Mahan*, ed. Robert Seager II and Doris D. Maguire, vol. I: 1847–1889 (Annapolis: Naval Institute Press, 1975), 571–572.

the country to act more freely abroad without completely abandoning its political traditions at home.⁶

Mahan's views on the constitution are significant because they foreshadowed two of the novel ideational changes that would eventually have to occur to make the shift toward greater executive war powers possible. The first was the splitting of domestic and foreign policy. As explained in chapter four, the domestic constraints against executive war powers were designed in part to guard against the growth of more general executive powers that might lead to tyranny in the domestic arena. This problem, however, could be mitigated if the domestic and foreign policy making powers of the executive were at least conceptually firewalled from one another. Then the growth of executive war powers would not necessarily bleed in to domestic politics and imperil the institutional balance there. Second, though Mahan advocated greater constitutional flexibility in foreign affairs, he was ardently opposed to any type of formal constitutional change that might undermine the overall framework of limited government.⁷ As Walter LaFeber notes, in doing so, he anticipated the approach later decision-makers would ultimately take:

“maintaining the form of the Constitution, but reinterpreting its provisions so the foreign policy of a nineteenth-century continental nation could legitimately become the foreign policy of a twentieth-century global power.” Thereby the Constitution could remain “a roaring lion” in domestic affairs, while becoming “a tame, purring, cooperative cat” in foreign affairs.⁸ Such a distinction was necessary for creating of what Aaron Wildavsky later referred to as the idea of

⁶ Mahan, *The Interest of America in Sea Power: Present and Future*, 70–72, quote on 71.

⁷ He was particularly fearful of what he described as “the swing of the pendulum...toward Socialism in the sense of the Government taking more and more into its hands—to me the insidious growth of a new slavery.” Alfred T. Mahan, “Letter to Samuel A. Ashe, January 3, 1897,” in *Letters and Paper of Alfred Thayer Mahan*, ed. Robert Seager II and Doris D. Maguire, vol. II: 1890–1901 (Annapolis: Naval Institute Press, 1975), 483.

⁸ Walter LaFeber, “The ‘Lion in the Path’: The US Emergence as a World Power,” *Political Science Quarterly* 101, no. 5 (1986): 708.

“two presidencies”—a constrained presidency in the domestic arena and a powerful presidency in the international arena.⁹

Mahan was not clear about the exact constitutional modifications needed; only that they should be directed toward allowing the United States to act more forcefully in its foreign relations. At least one of these modifications, however, included insulating the executive from popular pressures. Mahan consistently lauded the freedom of European statesmen to act independently and lamented the constraints against such action in the United States. In what would become a more widespread view over time, he suggested the public and Congress were incapable of deciding questions of foreign policy. He openly worried that public opinion would act as a “crippling force” on the country’s potential strength.¹⁰ Privately, he ridiculed public opinion, writing to a friend that he could “conceive few more pitiful sensations than that of fretting about what the public thinks.” “The public,” he contended, “is an honest and in the main well-meaning fellow, but in current questions of the day a good deal of a fool.”¹¹ As for Congress, he held a similarly dismissive view, arguing “the dangers of a country so free as ours lie in the legislature rather than in the executive; in the tyranny of a majority rather than in the abuse of one man’s power.”¹²

While Mahan began to outline an intellectual justification for insulating the executive, it would take presidential initiative to actually challenge and begin to change the institutional status quo. This effort can be said to have begun under President McKinley following the Spanish-

⁹ Aaron Wildavsky, “The Two Presidencies,” *Trans-Action* 4 (1966): 7–14.

¹⁰ Mahan, *The Interest of America in Sea Power: Present and Future*, 103.

¹¹ Alfred T. Mahan, “Letter to Robert U. Johnson, May 22, 1898,” in *Letters and Paper of Alfred Thayer Mahan*, ed. Robert Seager II and Doris D. Maguire, vol. II: 1890–1901 (Annapolis: Naval Institute Press, 1975), 556.

¹² Alfred T. Mahan, “Letter to Samuel A. Ashe, February 2, 1886,” in *Letters and Paper of Alfred Thayer Mahan*, ed. Robert Seager II and Doris D. Maguire, vol. I: 1847–1889 (Annapolis: Naval Institute Press, 1975), 625.

American War, though it is not clear he had the specific aim of expanding executive war powers through his actions.¹³ As noted in chapter four, McKinley independently dispatched 5,000 troops from the Philippines to China as part of an international expeditionary force during the Boxer Rebellion in 1900.¹⁴ Presidents (and local commanders on their own initiative) had acted similarly to protect American citizens and property on the basis of statutory authorization in many instances previously. What was different about this case was that it broadened the scope for such actions. McKinley likewise justified the use of force by the duty to protect American citizens and property and denied that it constituted an act of war. The Boxer Rebellion operation, however, exceeded the size of earlier ones and was clearly conducted with a larger political aim in mind. The Supreme Court later determined the mission did indeed constitute an act of war, though it avoided the war powers question by arguing the President's actions had been authorized by subsequent legislation.¹⁵

The Boxer Rebellion served in hindsight as a symbolic turning point of sorts. This was the first time a President used the responsibility to protect citizens and property so blatantly as a pretext to use force to promote other American foreign policy goals. Following McKinley, others would continue to stretch the boundaries of executive war powers along the same lines. Perhaps none would do so as much as his successor Theodore Roosevelt who not only stretched these

¹³ Prior to the Spanish-American War, for example, McKinley sought congressional authorization not once but twice. The first authorization provided the authority "to use the military and naval forces of the United States as may be necessary." He returned for a second authorization later because he did not believe the first enabled him to enact a blockade against Cuba. This episode suggests McKinley clearly still saw specific congressional authorizations as necessary for using force. See Gartner, "Foreign Relations, Strategic Doctrine, and Presidential Power," 509.

¹⁴ Congress was officially in recess.

¹⁵ Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston: Houghton Mifflin, 1973), 88–89; Louis Fisher, *Presidential War Power*, Third Edition, Revised (Lawrence, KS: University Press of Kansas, 2013), 58.

boundaries in practice, but also attempted to construct a more expansive conception of the executive in theory.

Like Mahan, Roosevelt believed the United States needed to use force on behalf of its growing interests.¹⁶ He also believed, however, that this would prove difficult in a democracy. Public opinion was ill informed and Congress was institutionally incapable of guiding the country's foreign policy as a great power. He lamented the fact that Americans were "short-sighted" and did "not understand how things are outside [their] own boundaries."¹⁷ The United States now had "interests in the whole world," he argued, but without an understanding of the world at large Americans could neither decipher those interests nor act on behalf of them.¹⁸ Congress, meanwhile, did not fare much better in Roosevelt's opinion. He thought congressmen were hopelessly dependent on local constituencies, and, therefore, lacked the institutional independence to prepare the country for war adequately or conduct its foreign policy effectively.¹⁹ He expressed shock that even after the Spanish-American War Congress still

¹⁶ See Theodore Roosevelt, "'The Strenuous Life,' Speech Before the Hamilton Club, Chicago, April 10, 1899," in *The Strenuous Life: Essays and Addresses*, ed. Janet Baine Kopito (Mineola, NY: Dover, 2012), 1–10; Theodore Roosevelt, "'Military Preparedness and Unpreparedness,' Published in the 'Century,' November 1899," in *The Strenuous Life: Essays and Addresses*, ed. Janet Baine Kopito (Mineola, NY: Dover, 2012), 79–88; Theodore Roosevelt, "'Expansion and Peace,' Published in the 'Independent,' December 21, 1899," in *The Strenuous Life: Essays and Addresses*, ed. Janet Baine Kopito (Mineola, NY: Dover, 2012), 11–17. See also John B. Judis, *The Folly of Empire: What George W. Bush Could Learn from Theodore Roosevelt and Woodrow Wilson* (New York: Scribner, 2004), 59–60.

¹⁷ Theodore Roosevelt, *An Autobiography* (New York: The Macmillan Company, 1913), 581; Quoted in Howard K. Beale, *Theodore Roosevelt and the Rise of America to World Power* (Baltimore: The Johns Hopkins University Press, 1956), 455.

¹⁸ Roosevelt explained: "Here what is most lacking to us is to understand that we have interests in the whole world. I wish that all Americans would realize that American politics is world politics; that we are and that we shall be involved in all great questions." André Tardieu, "Three Visits to Mr. Roosevelt," *The Independent* LXIV (April 16, 1908): 862.

¹⁹ In 1908, for example, he wrote to Whitelaw Reid about declining support for American policy in the Philippines complaining that "A legislative body most of the members of which are elected by constituencies that in the nature of things can know nothing whatever of the totally different conditions of India, or the Philippines, or Egypt, or Cuba, does not offer the best material for making a success of such

showed “a queer inability” to put the United States on a better security footing and laid the blame for future foreign policy failures at their feet.²⁰ Equally concerning for Roosevelt was the slowness with which Congress deliberated. His bold foreign policy vision called for international policing actions, which required the United States to intervene quickly during emergencies. Congress, according to Roosevelt, was not equipped to deal with these types of instances.

Unlike McKinley, who had inadvertently broadened executive war powers through his actions during the Boxer Rebellion, Roosevelt would attempt to do so more purposefully when given the chance. During his Presidency he ordered the use of force to protect American citizens and property several times, as others had. However, similar to McKinley’s deployment of the expeditionary force during the Boxer Rebellion, Roosevelt’s interventions in Columbia (over Panama and the canal), the Dominican Republic, and Cuba stand out because they were all clearly linked to larger political aims and were conducted without even congressional consultation.²¹ None of these actions moreover were authorized post hoc.

Roosevelt justified his actions based on both short and long-term arguments in favor of decisive executive action. In the short-term, he argued such action was a functional adaptation to temporal circumstances. International politics were now unfolding more quickly; a fact driven by technological advances in the nineteenth century in transportation and communication. It was at this time that Lafeber suggests Louis Fisher’s “shrinking globe” theory of American foreign

government.” Quoted in Judis, *The Folly of Empire: What George W. Bush Could Learn from Theodore Roosevelt and Woodrow Wilson*, 68.

²⁰ He argued that public opinion and Congress were likewise responsible for the lack of preparedness after the Civil War. Roosevelt, “‘The Strenuous Life,’ Speech Before the Hamilton Club, Chicago, April 10, 1899,” quote on 7; Roosevelt, *An Autobiography*, 225, 234–236.

²¹ There is some question about whether interventions in cases where the United States has treaties, as in Cuba, are in effect authorized by treaty stipulations. Congressional war powers advocates argue that this cannot be the case. The Senate alone holds treaty powers in Congress, while war powers are held jointly with the House. Thus, a treaty—ratified by the Senate and signed by the President—cannot serve as a basis for action because it does not give the House a vote. See Fisher, *Presidential War Power*, 60.

policy began to take shape.²² Given these changes, Congress—and by extension long drawn out congressional deliberation—remained important for determining domestic matters and the long-term foreign policy goals of the country. Roosevelt argued, however, that the qualities that made the legislature an effective institution in these areas made it unsuited “for shaping foreign policy on occasions when instant action is demanded.”²³ He explained this logic throughout and after his Presidency. For example, nearly a decade after intervening in Columbia on behalf of the United States’ canal interests, he proudly argued: “If I had followed traditional, conservative methods I would have submitted a dignified state paper of probably two hundred pages to Congress, and the debates on it would be going on yet. But I took the Canal Zone and let Congress debate, and while the debate goes on, the canal does also.”²⁴ In 1906 he made an argument along similar lines in a letter to Henry Cabot Lodge about having just ordered troops to intervene in Cuba:

Of course if I had announced...that under no circumstances would I use armed force...or if...I had stated I could take no action until Congress decided what to do—just imagine

²² Fisher argues that over the twentieth century United States decision-makers have come to see the world as constantly getting smaller and bringing foreign threats closer to American shores. He explains: “This idea of a shrinking globe has been part of the conceptual shift behind the enlargement of presidential power. We apply the concept to travel and communication with neutral effect, but constitutionally it shrinks not merely the globe but congressional power as well.” This view became most pronounced after World War II, but can be seen in nascent form beginning at the turn of the twentieth century. Louis Fisher, *Constitutional Conflicts Between Congress and the President*, Fifth Edition, Revised (Lawrence, KS: University Press of Kansas, 2007), 257; LaFeber, “The ‘Lion in the Path’: The US Emergence as a World Power,” 714–715.

²³ Theodore Roosevelt, “Letter to William Howard Taft, September 17, 1906,” in *The Letters of Theodore Roosevelt*, ed. Elting E. Morison, vol. V: The Big Stick, 1905–1907 (Cambridge, MA: Harvard University Press, 1952), 414.

²⁴ Edmund Morris, *Colonel Roosevelt* (New York: Random House, 2010), 145. Roosevelt’s actions in Columbia were in fact so flagrant that two decades later Congress sought to make amends while negotiating a new treaty. As Louis Fisher explains, “The Thompson-Urrutia Treaty of 1922 gave Columbia special canal rights and a cash grant of \$25 million to compensate, in effect, for Roosevelt’s heavy-handed tactics. The original version of the treaty contained an expression of ‘sincere regret’ for America’s actions in 1903, but the final version merely said that the United States and Columbia were ‘desirous to remove all the misunderstandings growing out of the political events in Panama in November 1903.’” Fisher, *Presidential War Power*, 60.

my following the Buchanan-like course of summoning Congress for a six weeks' debate...as to whether I ought to land marines to protect American life and property—the fighting would have gone on without a break, the whole Island would now be a welter of blood.²⁵

Roosevelt explained that in these and other circumstances only the executive was well suited to take the types of decisive actions that were needed to protect American citizens and property, and to further the country's political, commercial, and security interests.

In the long-term, however, he conceived of his actions as part of a broader initiative to expand the powers of the executive in foreign affairs. Roosevelt articulated a conception of the modern American executive known as the stewardship theory of the Presidency. The logic behind the stewardship theory was two-fold. First, the President was the only nationally elected official in the United States government. Therefore, he was the only elected individual who could claim legitimately to act on behalf of all the American people. Roosevelt believed this was an important, yet untapped source of power. Second, he reinterpreted the Presidency to argue that there was in effect a residual source of inherent Presidential power located in the Constitution; that Presidents were “limited only by specific restrictions and prohibitions appearing in the Constitution or imposed by the Congress under its Constitutional powers.”²⁶ Otherwise, he believed it was in “the public interest that the Executive should have an absolutely free hand.”²⁷ In a well-known passage, Roosevelt summarized the stewardship theory in his autobiography as follows:

²⁵ Theodore Roosevelt, “Letter to Henry Cabot Lodge, September 27, 1906,” in *The Letters of Theodore Roosevelt*, ed. Elting E. Morison, vol. V: The Big Stick, 1905–1907 (Cambridge, MA: Harvard University Press, 1952), 427.

²⁶ Roosevelt, *An Autobiography*, 388–389.

²⁷ Theodore Roosevelt, “Letter to William Howard Taft, November 29, 1908,” in *The Letters of Theodore Roosevelt*, ed. Elting E. Morison, vol. VI: The Big Stick, 1907–1909 (Cambridge, MA: Harvard University Press, 1952), 1391.

My view was that every executive officer...was a steward of the people bound actively and affirmatively to do all he could for the people, and not to content himself with the negative merit of keeping his talents undamaged in a napkin. I declined to adopt the view that what was imperatively necessary for the Nation could not be done by the President unless he could find some specific authorization to do it. My belief was that it was not only his right but his duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution or by the laws.²⁸

He was careful to note that Congress retained its full powers and that Presidents needed to heed legislative directives, but that in policy vacuums they should act with discretion.²⁹

While the stewardship theory was meant to apply to all aspects of government, Roosevelt was explicit that foreign affairs was one of the most important areas where stewardship was needed. He was keen in particular to the idea that his independent actions as President in this area would serve as precedents that he hoped others would follow. This was particularly true of his penchant to use force to further the country's interests. As civil war threatened Cuba in 1906, he wrote to his Secretary of War William Howard Taft explaining his intentions as follows:

[I]f the necessity arises I intend to intervene, and I should not dream of asking the permission of Congress...I intend to establish a precedent for good by refusing to wait for a long wrangle in Congress. You know as well as I do that it is for the enormous interest of this Government to strengthen and give independence to the Executive in dealing with foreign powers...Therefore the important thing is for a President who is willing to accept

²⁸ Roosevelt wrote his autobiography during the administration of his successor William Howard Taft who he had handpicked but became disenchanted with in part because of his distaste for Taft's abandonment of his new Presidential approach. Roosevelt labeled his own approach "the Jackson-Lincoln theory of the Presidency" in an attempt to root his view in previous administrations that were both popular and legitimate. He accused Taft meanwhile of adhering to the "Buchanan school" in an attempt to link Taft to one of the country's least popular administrations. He described this approach as taking a "narrowly legalistic view that the President is the servant of Congress rather than that of the people, and can do nothing, no matter how necessary it be to act, unless the Constitution explicitly commands the action." Roosevelt, *An Autobiography*, 388–399, 504.

²⁹ One provides an exception to this view and foreshadowed the type of fait accompli practices that some of his successors would come to rely on after World War II. When Roosevelt decided to send the "Great White Fleet" around the world, he did so on his own accord. When word made its way to Congress, an effort began to restrict appropriations for the voyage because it had not been authorized and congressmen were worried it would exacerbate American-Japanese relations. As Barron and Lederman explain: "Roosevelt claimed no power to disregard such a funding curtailment, arguing only that he already had the money from prior appropriations. 'He dared Congress to 'try to get [the fleet] back.'" Barron and Lederman, "The Commander in Chief at the Lowest Ebb: A Constitutional History," 1035.

responsibility to establish precedents which successors may follow even if they are unwilling to take the initiative themselves.”³⁰

Roosevelt’s actions as President did help serve as precedents for some of his successors, particularly in terms of extending what it meant to protect citizens and property. William Howard Taft, Woodrow Wilson and others would rely on a similar logic to conduct small-scale operations in the Caribbean, and Central and South America throughout the 1910s and 1920s.

It is important, however, not to overstate either Roosevelt’s intentions or the actual changes he was able to effect in terms of broadening executive war powers. First, even though Roosevelt articulated a bold theory of the Presidency, his actions were less radical than his rhetoric might suggest. In substance he still adhered to a more or less traditional interpretation of the institutional arrangement between the branches envisioned in the Constitution. As Gordon Silverstein explains, contemporaries have a habit of anachronistically interpreting Roosevelt’s actions as an inter-branch struggle. It is true as I showed above that Roosevelt did view his presidency in such terms at times and did believe the executive ought to be far less restrained by the legislature in foreign policy. As Silverstein reminds us, however, the dominant struggle at the time was not between the branches of the federal government, but between “advocates of a strong nation” like Roosevelt and “those who feared central power, struggled to retain checks on it, and advocated the continuation of decentralized authority.”³¹ In practice this struggle centered on questions of national versus state power. Indeed, as I explained earlier, this was true for the entire history of the pre-World War II period. Roosevelt believed that by acting forcefully as

³⁰ Roosevelt, “Letter to William Howard Taft, September 17, 1906”; In the case of the Dominican Republic he made a similar argument stating that he hoped “the action there taken should serve as a precedent for American action in all similar cases.” Roosevelt, *An Autobiography*, 548.

³¹ Gordon Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy* (New York: Oxford University Press, 1997), 54–56, quote on 55.

President he was not furthering the interests of the executive over the legislature, but promoting a truly national policy as head of the federal government.

Second, it is critical to note that Roosevelt acted through sheer force of personality—what I called “personal autonomy” earlier—not by explicitly institutionalizing a new set of Presidential powers. As William Widenor explains, Roosevelt’s was “a highly personal solution to the problem of the conduct of foreign policy under American circumstances,” which did not survive his Presidency intact.³² This personal dimension to the growth of executive war-making powers was important during this period and is a topic I come back to later. For now, it is sufficient to note that Roosevelt had an extraordinary personality and capacity to act that was separate from and was not derived solely from his institutional position.

Third, and related to the second point, Roosevelt’s successors did not simply pick up the precedents he established and run with them. Oddly enough, it was his former Secretary of War, handpicked successor, and future Supreme Court Justice William Howard Taft who offered the most critical counterpoint to Roosevelt’s broad view of executive power contained in the stewardship theory. Taft called it “an unsafe doctrine,” which in practice would create executive powers with potentially indefinable boundaries.³³ Taft believed that without congressional authorization Presidential war powers were limited to determining the movement of the armed forces and the capacity to “defend the country against invasion, to suppress insurrection and to

³² William C. Widenor, *Henry Cabot Lodge and the Search for an American Foreign Policy* (Berkeley and Los Angeles: University of California Press, 1980), 149–150, quote on 149.

³³ Taft directly refuted Roosevelt by arguing: “The true view of the Executive functions is, as I conceive it, that the President can exercise no power which cannot be fairly and reasonably traced to some specific grant of power or justly implied and included within such express grant as proper and necessary to its exercise. Such specific grant must be either in the Federal Constitution or in an act of Congress passed in pursuance thereof. There is no undefined residuum of power which he can exercise because it seems to him to be in the public interest.” William Howard Taft, *Our Chief Magistrate and His Powers* (New York: Columbia University Press, 1916), 144–145, 139–140.

take care the laws be faithfully executed.” These powers enabled Presidents to use small naval marine detachments overseas in emergencies, but could not supersede Congress’s duties to initiate an “act of war.”³⁴ It is not clear Roosevelt intended to push executive war powers that far either. Regardless, if he did intend to, Taft ensured that such a change was not permanent.

Woodrow Wilson and the Theory of Government as a Living System

The heirs who took up Theodore Roosevelt’s interest in the growth of presidential power came from across the aisle in the form of Woodrow Wilson and Theodore’s cousin, Franklin Roosevelt. Wilson in particular is an important figure because he was perhaps the only scholar-practitioner to ever serve as an American President. His views and practices therefore represent those of someone who as a political scientist thought extensively about the institutional arrangement of the United States government and as a President attempted to put into practice what he thought should be the proper balance between the branches of government. In this section I discuss Wilson and his theory of government as a living system and then return to look at Franklin Roosevelt’s activism later in the chapter.

In 1885 Woodrow Wilson rose to prominence as a political scientist with the publication of his dissertation *Congressional Government: A Study of American Politics*. In this treatise he explained why the institutional arrangement envisioned by the Framers had come to favor a government dominated by the legislature. By virtue of Congress’s control of the purse strings, it could act as “supreme overlord” of the country’s affairs—a position that was sometimes undermined by the divided nature of American government, but one that had been consolidated

³⁴ Taft distinguished local police actions from acts of war as a means of distinguishing Presidential war powers. The former were conducted by naval marine units in emergencies and were to be directed by the President, while the latter were conducted by regular army units for others purposes and were to be authorized beforehand by Congress. He argued that President Wilson’s actions in the Vera Cruz incident constituted an act of war and therefore were unconstitutional. *Ibid.*, 95–96.

over time.³⁵ The Presidency, on the other hand, was a relatively weak institution. Presidents rarely could initiate policies. Rather, their power was in denying congressional initiatives. According to Wilson, Presidents were essentially no stronger than their ability to wield the veto pen. Moreover, given Congress's appropriations and approval powers over executive offices, he went so far as to describe the President as "powerful rather as a branch of the legislature than as the titular head of the Executive."³⁶ As the title of his work suggested, the United States had a government dominated by Congress.

Wilson, however, would later begin to change his views as the world around him began to change and foreign policy issues came to the forefront. In the fifteenth edition of *Congressional Government*, which was published in 1901, he wrote a new preface explaining that his earlier work no longer accurately captured the state of American government. In what constituted a nascent theory of state, Wilson characterized the American government as "a living system" that was in the process of undergoing tremendous change.³⁷ One of the most important changes he identified was in the growth of Presidential power stemming from the country's overseas involvement since the Spanish-American War. The country's plunge into international politics had created new policy space for "constructive statesmanship" by Presidents, thereby expanding the powers of the office. This was not an isolated shift, according to Wilson, but rather a larger response to the structural demands of international politics. He explained:

When foreign affairs play a prominent part in the politics and policy of a nation, its Executive must of necessity be its guide: must utter every initial judgment, take every first step of action, supply the information upon which it is to act, suggest and in large measure control its conduct. The President of the United States is now, as of course, at

³⁵ Woodrow Wilson, *Congressional Government: A Study in American Politics*, Fifteenth Edition (Boston: Houghton Mifflin, 1901), 312, 316.

³⁶ *Ibid.*, 260.

³⁷ *Ibid.*, v.

the front of affairs, as no president, except Lincoln, has been since the first quarter of the nineteenth century, when the foreign relations of the new nation had first to be adjusted.³⁸

Wilson concluded the new preface by conceding that these changes threatened to unbalance the entire institutional arrangement he described in *Congressional Government*, making it “hopelessly out of date.”³⁹

In the succeeding years, Wilson’s views would continue to evolve further along these lines as part of a broader—though not fully formed—theory about the relationship between international politics and domestic political institutions. Already by the end of the 1890s he had developed the outline of this theory in his massive tome *The State: Elements of Historical and Practical Politics*, which examined the comparative development of states throughout history. Wilson concluded that state institutions historically had formed and transformed “in response, not to new theories, but to new circumstances”; that “institutions...varied infinitely according to their environment.” Similar to contemporary continental theorists, he reasoned that to a large degree they were shaped by “Climate, war, [and] geographical situation.”⁴⁰

Later, he would apply these ideas specifically to the United States in *Constitutional Government in the United States*, which updated and in many ways overturned his views from two decades earlier by placing the President, not Congress, at the center of American government. Again, he framed his views about the changing nature of American political institutions by noting that government is “a living thing...It is modified by its environment, necessitated by its tasks, shaped to its functions by the sheer pressure of life.”⁴¹ On the one hand,

³⁸ Ibid., xi–xii.

³⁹ Ibid., xiii.

⁴⁰ Woodrow Wilson, *The State: Elements of Historical and Practical Politics*, Revised Edition (Boston: D.C. Heath & Company, 1897), 555.

⁴¹ Woodrow Wilson, *Constitutional Government in the United States* (New York: Columbia University Press, 1908), 56.

Wilson the political scientist used this theory to explain the changing nature of American government. Looking back on American history, he noted the changing fortune of the Presidency based partly on whether domestic or foreign questions predominated the business of government at any given time. Looking at the present, he noted how the Spanish-American War and the country's growing involvement overseas afterward had created new circumstances for the country and "changed the balance of parts" within the government. With "foreign questions" now "leading questions," the President was by necessity put "at the front of [America's] government."⁴² This trend he argued was only likely to become more pronounced over time.

On the other hand, Wilson the political theorist and aspiring politician increasingly advocated a greater role for the executive. In an important break with the Framers, he rejected what he described as the static Newtonian logic of checks and balances contained in the United States Constitution. Wilson's critique was that if the parts of government constantly limited each other, the whole could not act.⁴³ He argued instead that, as a living system, government "must be Darwinian in structure and in practice."⁴⁴ In a view that echoed Mahan, he said that for a country to survive and prosper, its constitution had to be remade "from age to age by changes of life and circumstance and corresponding alterations of opinion. It does not remain fixed in any unchanging form, but grows with the growth and is altered with the change of the nation's needs and purposes."⁴⁵ Given the country's present circumstances, constitutional change meant

⁴² Ibid., 59.

⁴³ This was of course the entire logic behind the theory of limited government contained in the Constitution.

⁴⁴ Wilson, *Constitutional Government in the United States*, 54–57, quote on 57.

⁴⁵ He continued later: "The Constitution cannot be regarded as a mere legal document, to be read as a will or a contract would be. It must, of the necessity of the case, be a vehicle of life. As the life of the nation changes so must the interpretation of the document which contains it change, by a nice adjustment, determined, not by the original intention of those who drew the paper, but by the exigencies and the new aspects of life itself." Ibid., 22, 192.

increased presidential power. Wilson did not advocate for formal institutional change. Rather, he called on Presidents as the only nationally elected figure to use the backing of public opinion and assume a greater role vis-à-vis Congress, arguing: “The President is at liberty, both in law and conscience, to be as big a man as he can. His capacity will set the limit.”⁴⁶ This was an approach he would carry into office himself.

Though Wilson was interested in the trend toward growing presidential powers in the general area of foreign affairs, he said very little specifically about the division of war-making powers between the branches of the federal government. This was perhaps because, unlike Theodore Roosevelt, he did not see force as so central an instrument in the country’s foreign policy toolbox prior to taking office. In fact, Wilson fashioned himself a pacifist and at least publicly promised to keep the United States out of World War I as President. But if Wilson intended to avoid using force to achieve the country’s foreign policy goals, his actions painted a different picture. By the time he left office in 1921, he had launched half a dozen interventions in Latin America, deployed troops to Siberia, and entered the United States into World War I. In practice, he hewed closely to the policy of armed intervention of his predecessors Roosevelt and Taft and actually surpassed them to become “the greatest military interventionist in U.S. history” to that point, according to Lafeber.⁴⁷

In each of these instances of intervention, moreover, Wilson showed the same penchant for executive discretion as his predecessors in terms of the procedural means for employing armed force. In the Veracruz case, for example, he requested Congressional authorization to send troops, which he received two days later in the form of a joint resolution. But before Congress

⁴⁶ Ibid., 70.

⁴⁷ Walter LaFeber, *The American Age: United States Foreign Policy at Home and Abroad* (New York: W. W. Norton & Company, 1994), 261.

could finish debating the issue and pass a resolution, Wilson ordered the landing of Marines in Veracruz and committed the country to a seven-month occupation. In what would become a trend later, he essentially handed Congress a *fait accompli* and argued that he had the authority to employ the armed forces with or without Congressional support.⁴⁸ One year later he ordered another intervention in Haiti to help establish a more acceptable government there. He confided to his Secretary of State Robert Lansing “I fear we have not the legal authority to do what we apparently ought to do,” but argued that seeking proper legislation would be too cumbersome.⁴⁹

Even in the case of World War I, where Wilson attempted to keep the country out of war during the first few years and eventually sought and received a Congressional declaration of war, he played a pivotal role in committing the country to use armed force earlier. In February 1917, as Germany refused to stop its campaign of unrestricted submarine warfare, Wilson sought a Congressional resolution to move the country from a policy of neutrality to one of armed neutrality. Again, he noted that he believed he already possessed such authority, but was seeking the backing of Congress to be sure.⁵⁰ The House passed the bill, but the Senate could not agree. A small minority argued that the bill unconstitutionally delegated war powers to the President. How neutrality policy was implemented was closely related to determining whether the country would inch closer to war or not. Pressed by a Congress mired in procedural inertia, Wilson

⁴⁸ In his address to Congress, Wilson was careful to note: “No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the congress, and yet not exceed my constitutional powers as President.” Woodrow Wilson, “An Address to Congress on the Mexican Crisis, April 20, 1914,” in *Woodrow Wilson: Essential Writings and Speeches of the Scholar-President*, ed. Mario R. Dinunzio (New York: New York University Press, 2006), 389.

⁴⁹ Woodrow Wilson, “Letter to Robert S. Lansing, August 4, 1915,” in *Papers of Woodrow Wilson*, ed. Arthur S. Link, vol. 34: July-September 1915 (Princeton: Princeton University Press, 1980), 78.

⁵⁰ Wilson explained: “I feel I ought...to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer, in the present circumstances, not to act upon general implication. I wish to feel that the authority and the power of the Congress are behind me in whatever may become necessary for me to do.” Quoted in Fisher, *Presidential War Power*, 68–69, quote on 68.

ultimately decided to shift to a policy of armed neutrality independently before a decision was made.⁵¹ Two months later, however, he returned to Congress seeking a declaration of war against Germany. He argued that a policy of armed neutrality was “impracticable” because Germany had decided to treat America’s armed guards as unlawful combatants. Wilson, therefore, was forced to admit that his own policy of armed neutrality had come to “produce what it was meant to prevent” by making America’s entry into the war necessary.⁵² There had been strong support in Congress for armed neutrality and it is likely the country was heading in the direction of war, but Wilson’s independent actions made it inevitable.

Again, like Theodore Roosevelt, Wilson believed in active Presidential leadership and helped push the Presidency toward greater discretion in the use of force. This was particularly true in terms of the use of force for protecting citizens and property, broadly conceived. But as legal scholars have shown, time and again when faced with more significant questions about committing the country to war, they—and later Franklin Roosevelt—adhered to what I described in chapter four as a traditional interpretation of executive war-making powers. Their actions certainly challenged that interpretation, but did not constitute a fundamental break with it. Though Roosevelt and Wilson suggested as much, what is important is that at no time during this period did any President ever claim a prerogative to make war independently.

⁵¹ On this episode see Justus D. Doenecke, *Nothing Less Than War: A New History of America’s Entry Into World War I* (Lexington, KY: University of Kentucky Press, 2011), 264–277.

⁵² Woodrow Wilson, “Address to a Joint Session of Congress Calling for a Declaration of War,” in *Woodrow Wilson: Essential Writings and Speeches of the Scholar-President*, ed. Mario R. Dinunzio (New York: New York University Press, 2006), 399.

The Case for Executive Constraint during the Interwar Years

During the first two decades of the twentieth century, the United States' more assertive foreign policy and the accompanying shift from the legislature to the executive with respect to the initiative to use force caused few substantive efforts to curb executive war-making powers. Presidents were acknowledged as the dominant foreign policy voice of the government. Moreover, they were able to use force to protect citizens and property (at least in principle), though it was widely accepted that anything more extensive required congressional authorization. But by the close of World War I, decision-makers became more aware of the need to prevent the trend toward greater executive war-making powers from continuing.

World War I was the country's first full-blown industrial era war and created novel challenges for the institutional balance between the executive and the legislature. As Edward Corwin explains, the war forced Congress "to extend its power to a vast new range of complex subject-matter that had hitherto existed entirely outside the National Government's orbit, and at the same time give its legislation affecting that subject-matter a form which would render it easily responsive to the ever changing requirements of a naturally fluid war situation."⁵³ Unable institutionally to deal with such challenges, Congress effectively delegated its powers to the President. Thus, the war not only ceded vast powers to the federal government, but also located those powers nearly exclusively in the executive branch.

The kneejerk reaction by congressional leaders after the war was to attempt to rein in Presidential powers. Those powers had grown to a necessary but uncomfortably large size during the war. Even more worrisome was that they appeared to be resilient afterwards as President Wilson deployed troops to Siberia as part of an ambiguous extension of the 1917 declaration of

⁵³ Edward S. Corwin, *Total War and the Constitution* (New York: Alfred A. Knopf, 1947), 38–39, quote on 38.

war against Germany. For ardent anti-imperialists like Robert La Follette, the concern was that with the way things were heading “the worst fears of the anti-Federalists at the time of the Constitution’s ratification, about the dangers of a too-powerful executive office, would become fully realized.”⁵⁴ Even imperialists like Henry Cabot Lodge and other neo-Hamiltonians worried whether it would be possible to return to the old institutional balance and supported Congress reasserting its prerogatives.⁵⁵ Some of this was for partisan reasons, but many rightly feared the concern raised by future Secretary of State Charles Evan Hughes who in 1920 questioned “whether constitutional government as hitherto maintained in this Republic could survive another great war, even if victoriously waged.”⁵⁶

After two decades of growing executive war-making powers, particularly the frightening size such powers reached during World War I, decision-makers across the spectrum began to revisit the question of how to prevent the country’s engagement in international politics from further destabilizing its domestic institutional arrangement. Central to these efforts was the need to step back from the previous two decades of practice and limit the role of force in the country’s foreign policy. Decision-makers pursued two strategies. In the early years, internationalist efforts were pursued to regulate the international system in order to preclude the types of domestic institutional changes required in a world where force was required. When this policy began to fail, more isolationist efforts were made to work from the inside out by fragmenting authority and by tying the hands of the executive to prevent the country from being dragged into war.

⁵⁴ Richard Drake, *The Education of an Anti-Imperialist: Robert La Follette and U.S. Expansion* (Madison: The University of Wisconsin Press, 2013), 269.

⁵⁵ Widenor, *Henry Cabot Lodge and the Search for an American Foreign Policy*, 280–281.

⁵⁶ New York Times, June 22, 1920. Quoted in Corwin, *Total War and the Constitution*, 170.

Outlawing War

Though many continued to lament the growth in executive power to use the armed forces in small wars, the key for decision-makers after the war was to eliminate the need for major uses of force. More minor interventions, which the United States had now been conducting regularly for several decades, certainly posed a challenge for the government. But most observers did not think they threatened to undermine the country's domestic institutional arrangement wholesale.⁵⁷ They could be conducted by maintaining still relatively small standing forces and by allowing Presidents to command those forces during emergencies in a way that did completely unhinge the original balance between the branches of government established in the Constitution. More significant uses of force, however, did threaten to do so. World War I was an extreme case, but an insightful one. It showed how constant preparation for and involvement in war might rapidly erode the country's republican institutions by shifting immense powers to the executive branch.

The impulse on the part of decision-makers after the war, therefore, was to return to a policy of fewer interventions overseas; a policy of diplomacy without force.⁵⁸ What was

⁵⁷ Some did object to these types of interventions as well and worried about their effect on the country's domestic institutions. Writing after the war, for example, the noted legal scholar John Bassett Moore argued: "There can hardly be room for doubt that the framers of the constitution, when they vested in Congress the power to declare war, never imagined that they were leaving it to the executive to use the military and naval forces of the United States all over the world for the purpose of actually forcing other nations, occupying their territory, and killing their soldiers and citizens, all according to his own notions of the fitness of things, as long as he refrained from calling his action war or persisted in calling it peace." John Bassett Moore, *The Collected Papers of John Bassett Moore*, vol. V: 1918–1924 (New Haven: Yale University Press, 1944), 196; In any event, these types of interventions declined markedly after Nicaragua in 1926, which Hendrickson argues was a "swan song" of sorts during this period. Afterwards, successive administrations moved toward adopting a far less interventionist "good neighbor" policy. David C. Hendrickson, *Union, Nation, Or Empire: The American Debate Over International Relations, 1789-1941* (Lawrence, KS: University Press of Kansas, 2009), 347–348.

⁵⁸ It is important to stress that this trend toward diplomacy without force was by far the dominant motif at the time, not isolationism as is sometimes assumed. There were isolationist sentiments that persisted throughout the interwar period. But especially in the 1920s there were strong internationalist sentiments—even in the Republican Party—and internationalist policies predominated. The interwar period therefore is better characterized as one of internationalism in 1920s, followed by growing

important was to reduce the role of force as an instrument of foreign policy not only in the United States, but everywhere. The main effort immediately after the war came from Wilson in the form of his quest to secure ratification of the Treaty of Versailles and establish the League of Nations.⁵⁹ The League was designed as a collective security organization that in theory would regulate, enforce, and ultimately prevent the use of force by states. As the first line of the preamble to the Covenant read, the first commitment of member states was “the acceptance of obligations not to resort to war.”⁶⁰

The United States Senate, however, never ratified the treaty—foremost because of the League of Nations—even though there was widespread popular support for it throughout the country. There were political and partisan reasons for this. But those reasons obscure the fact that a great deal of genuine opposition came from the impact opponents believed the League would have on America’s domestic institutions. On the one hand, they believed that rather than obviating the need for the United States to use force, the League actually appeared to commit it to doing so regularly. This stemmed from a paradox central to the proposed collective security organization that neither Wilson nor other proponents were ever able to reconcile. The League was premised on the idea that only in an international system where power politics prevailed would states become militaristic. It was only by changing this dimension of the system, therefore, that war could be prevented. But doing so required members to use force to enact such a change. The League, therefore, suffered from a tautology of sorts: war was required if war was to be eliminated. Wilson never denied this fact, but nor did he assuage those who were concerned

isolationism/unilateralism in the 1930s. To be clear, however, the object in both decades was to reduce or eliminate the possibility of American military involvement overseas.

⁵⁹ Wilson insisted on linking the two together instead of presenting them as separate pieces of legislation.

⁶⁰ League of Nations, *Covenant of the League of Nations*, April 28, 1919, available online at: <http://www.refworld.org/docid/3dd8b9854.html> [accessed February 16, 2015]

about it. Instead, he attempted to explain it away by suggesting that force would be necessary only rarely and that public opinion and economic sanctions would be the main enforcement mechanisms.⁶¹

Opponents of the League seized on the fact that it appeared to commit the United States to use force regularly, even in cases where the country may have no real interests. Senator William Borah, one of the League's most vociferous opponents, decried that it called for "force to destroy force, conflict to prevent conflict, militarism to destroy militarism, war to prevent war."⁶² It would require the United States to arm and conduct military policing operations around the world. La Follette warned: "we are contracting to be ready for war any minute, and we are also agreeing to send our men and ships to the most remote parts of the world if the League shall so require."⁶³ This was precisely the type of interventionism, however, that most people were now in favor of avoiding. Opponents couched their hostility to the League and its requirement for the United States to commit to a policy of force in terms of the poisonous effect this would have on the country's domestic institutions. According to Borah, "when you shall have committed this Republic to a scheme of world control based on upon force, upon the combined military force of the four great nations of the world, you will have soon destroyed the atmosphere of freedom, of confidence in the self-governing capacity of the masses, in which

⁶¹ To be precise, he suggested force would not be required "98 percent" of the time. Hendrickson, *Union, Nation, Or Empire: The American Debate Over International Relations, 1789-1941*, 336.

⁶² Quoted in Lloyd E. Ambrosius, *Woodrow Wilson and the American Diplomatic Tradition: The Treaty Fight in Perspective* (New York: Cambridge University Press, 1990), 89.

⁶³ Quoted in Drake, *The Education of an Anti-Imperialist: Robert La Follette and U.S. Expansion*, 284.

alone a democracy may thrive.” The country could remain democratic on the surface, he argued, but at a deeper level its values and institutions would corrode.⁶⁴

On the other hand, opponents thought joining the League would not only commit the country to using force, but it would also cede Congress’s war powers to an international organization at a time when they were trying to re-establish those powers at home vis-à-vis the executive branch. If it was unconstitutional for a President to take the country to war, certainly it was unconstitutional for the League to do so. Article 10 of the Covenant, which stipulated “In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled,” became the main point of objection.⁶⁵ Again, “irreconcilables” like Borah heaped scorn on the Covenant for not leaving decisions about war and peace “to the judgment and sense of the American people but to the diplomats of Europe.”⁶⁶ But even those like Lodge who were still committed to using force to further American interests in the world, were wary about ceding Congress’s authority in this area.⁶⁷

Opponents in the Senate centered their efforts to remedy the League’s perceived defects on attaching amendments to the treaty to get at the factors they believed were the real causes of

⁶⁴ For Borah’s most comprehensive views on this subject see his William E. Borah, *Closing Speech of Hon. William E. Borah on the League of Nations in the Senate of the United States, November 19, 1919* (Washington, DC: Government Printing Office, 1919), quote on 11.

⁶⁵ League of Nations, *Covenant of the League of Nations*.

⁶⁶ There were sixteen “irreconcilable” Senators (14 Republicans, 2 Democrats) who opposed the Treaty of Versailles and the League in their entirety, including Borah. There were another thirty-two “hard” and “soft” reservationists who had similar objections, but were potentially reconcilable based on the terms of settlement. Quoted in Ambrosius, *Woodrow Wilson and the American Diplomatic Tradition: The Treaty Fight in Perspective*, 90.

⁶⁷ Ernest C. Bolt, Jr., *Ballots before Bullets: The War Referendum Approach to Peace in America, 1914-1941* (Charlottesville: University Press of Virginia, 1977), 90; Widenor, *Henry Cabot Lodge and the Search for an American Foreign Policy*, 293–296.

war.⁶⁸ Those like La Follette argued that the League would act as a rubber stamp for powerful countries and simply serve as a new means for the same old set of militaristic policies. He thundered: “If this really was a war for democracy, let us prove it, by taking the war-making power out of the hands of the rulers in all countries and putting it into the hands of the people in all countries.”⁶⁹ In addition to proposing popular referendums on declarations of war, opponents of the League suggested other measures including limiting arms expenditures, abolishing or requiring a popular referendum on conscription, renouncing the economic exploitation of League mandates, and supporting the right of people to revolt against oppressive regimes (including colonial ones).⁷⁰ Some of this opposition was a result of posturing, partisanship, and efforts to kill the League in its entirety. But as Ernest Bolt shows, many of these initiatives were actually consistent with previous and later efforts to re-establish popular control over the country’s war-making powers, as I discuss below.⁷¹

As the debate over the treaty dragged on, Elihu Root, now an elder statesman, and Lodge, now Chairmen of the Senate Committee on Foreign Relations, narrowed down the list of reservations and amendments to fourteen that if changed might secure passage. As Walter McDougall explains, the list did not represent an effort “to gut the peace that Wilson had fashioned.” A compromise was still very much possible. Rather, the list attempted “to ensure that

⁶⁸ Some fifty reservations and amendments in total were introduced. Walter A. McDougall, *Promised Land, Crusader State: The American Encounter with the World since 1776* (New York: Houghton Mifflin Harcourt, 1997), 143.

⁶⁹ Quoted in Drake, *The Education of an Anti-Imperialist: Robert La Follette and U.S. Expansion*, 249.

⁷⁰ See Bolt, Jr., *Ballots before Bullets: The War Referendum Approach to Peace in America, 1914-1941*, 89–90; Ross A. Kennedy, *The Will to Believe: Woodrow Wilson, World War I, and America’s Strategy for Peace and Security* (Kent, OH: Kent State University Press, 2009), 205–206.

⁷¹ Bolt, Jr., *Ballots before Bullets: The War Referendum Approach to Peace in America, 1914-1941*.

[Wilson's] new order did not gut the sovereignty and Constitution of the United States...⁷² The President, however, was not willing to strike any kind of compromise, even based on a milder set of reservations proposed by Democrats. The League of Nations was established, but not with American participation.

With the defeat of the League of Nations in the United States Senate, however, the internationalist attempt to reduce the country's need to use force by transforming the international environment did not die. In fact, with the departure in 1921 of Wilson, who had created toxic relations with Congress, and the election of a Republican President Harding, who as the last chapter explained promised a "return to normalcy," the chances for such policies actually increased. In fact, the Republicans who came to power over the next decade were largely internationalists of one stripe or another.⁷³ As Jonathan Zasloff explains, many of them descended from the legal tradition of Elihu Root who looked to international law to ensure peace and "advocated a vision for world politics committed to American engagement with the outside world, but downplayed power concerns, insisting that proper institutional structures could prevent most international conflicts."⁷⁴ Even the so-called Peace Progressives in Congress who we tend to think of today as being arch-isolationists were committed in the 1920s to international efforts of disarmament.⁷⁵

⁷² McDougall, *Promised Land, Crusader State: The American Encounter with the World since 1776*, 143–144.

⁷³ Hendrickson, *Union, Nation, Or Empire: The American Debate Over International Relations, 1789–1941*, 344–345.

⁷⁴ Zasloff explains that Root and others adhered to a form of classical legal ideology, which maintained that international law and institutions could be upheld without state coercion. This was the legal reasoning behind the proposition that diplomacy could be conducted without force. See Jonathan Zasloff, "Law and the Shaping of American Foreign Policy: From the Gilded Age to the New Era," *New York University Law Review* 78, no. 1 (2003): quote on 246.

⁷⁵ See Robert David Johnson, *The Peace Progressives and American Foreign Relations* (Cambridge, MA: Harvard University Press, 1995).

Over the next decade, successive Republican administrations, with the support of both parties in Congress, pursued a series of international agreements designed to limit armaments and make war both materially and morally impossible. International agreements on arms limitations had been explored earlier. For example, when Great Britain produced the first Dreadnaught in the early 1900s, and Congress balked at building a new class of battleships, Theodore Roosevelt sent feelers to British Foreign Secretary Sir Edward Grey proposing a plan to limit tonnage.⁷⁶ With the outbreak of World War I, however, arms reduction became a central goal of American foreign policy. It was one of Wilson's Fourteen Points and plans for future limitations agreements were stipulated in Article 8 of the Covenant of the League of Nations. But with the United States not ratifying the Treaty of Versailles or joining the League, arms limitations negotiations were conducted in a series of separate conferences.

The Washington Naval Conference was held in 1921-1922 and resulted in three major treaties. The Five Power Treaty limited the United States and Great Britain to 500,000 tons (warship tonnage), Japan to 300,000 tons, and France and Italy each to 175,000 tons.⁷⁷ The Four Power Treaty committed the United States, Great Britain, Japan, and France to consultation over any future crises in East Asia. And the Nine Power Treaty codified the Open Door Policy, requiring signatories to respect the territorial integrity of China and the principle of equal access to the Chinese market. The Washington Conference was followed by additional conferences in Geneva (1927 and 1932) and London (1930 and 1935), which led to further naval limitations and

⁷⁶ Phillips Payson O'Brien, *British and American Naval Power: Politics and Policy, 1900-1936* (Westport, CT: Greenwood, 1998), 63.

⁷⁷ The treaty not only set upper limits, but also reduced existing fleets by requiring the scrapping of twenty six warships by the United States, twenty four by Great Britain, and sixteen by Japan. They also agreed to a hiatus of ten years on further capital-ship building (with some exceptions). Furthermore, the treaty committed the signatories to maintaining the status quo in terms of naval bases and fortifications in the Pacific.

a vague agreement on land and air forces as well. But by 1933 these agreements began to break down as Germany and Japan withdrew.

Beyond limiting armaments, however, American decision-makers went as far as trying to effectively outlaw war in the Kellogg-Brian Pact of 1928. Also known as the Pact of Paris, the agreement committed all signatories to “renounce” war “as an instrument of national policy,” and affirm that “the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.” The Senate ratified the treaty 85-1 with the reservation that the treaty neither limited the United States from self-defense, nor required the country to use force against those who violated the agreement.

The Lurch to Domestic Constraint

It was only beginning in the 1930s, when the international legal efforts of the previous decade began to break down seriously, that congressional leaders made a more concerted effort to reinforce the country’s domestic constraints on executive war-making powers. In 1931, Japan invaded and then annexed Manchuria in violation of the Kellogg-Brian Pact and the League of Nations, and ended up withdrawing from the latter. In 1935, Italy invaded Abyssinia. And in 1935, Nazi Germany remilitarized the Rhineland thus beginning its well-documented steps toward unilaterally abrogating its treaty commitments and dragging the European continent into a second world war. These and other incidents showed that international legal agreements and organizations without teeth were not much more than empty rhetoric and could not be relied on to prevent conflict.⁷⁸

⁷⁸ Other incidents revealing the weakness of the League and associated international agreements included the Chaco War between Bolivia and Paraguay in 1932, the Spanish Civil War that began in 1936, and the Japanese invasion of China in 1937.

The cumulative breakdown of the international system began to generate increasing systemic pressure for the United States. Instead, of functionally adapting to the changing conditions, however, policymakers turned inward to shield the country's existing institutions. As the 1930s wore on, American decision-makers turned to support the idea that if they could not regulate the international system to prevent the country from being dragged into war, at least they could prevent their own government from taking the country to war haphazardly. This was true not just of so-called isolationists and pacifists, but also internationalists. Importantly, it is in this sense that we should consider the 1930s as a period of isolationism. As Franklin Roosevelt exclaimed: "We are not isolationists except in so far as we seek to isolate ourselves completely from war."⁷⁹ The United States was still willing to maintain all of its foreign relations and participate in international conferences and agreements, but shied away from any involvement that intersected with brewing conflicts around the world. It was in this environment that decision-makers began to craft policies designed at the time to keep the country out of war, but that we tend to think of today as isolationist.

They pursued two different policy tracks of institutional resistance. The first was a national referendum on declarations of war. This effort turned out to be less successful than the second one but is perhaps more insightful because of the direct and far-reaching nature of its assault on the war-making powers of the government as a whole. The idea for Constitutional safeguards against war in the form of a referendum had been around in one form or another in the United States since the early 1900s.⁸⁰ But with the outbreak of World War I, the idea began

⁷⁹ Franklin D. Roosevelt, "I Have Seen War. ...I Hate War—Address at Chautauqua, N.Y. August 14, 1936," in *The Public Papers and Addresses of Franklin D. Roosevelt*, vol. 1936, *The People Approve* (New York: Random House, 1938), 288.

⁸⁰ There were also efforts to enact a referendum on conscription. On the history of the war referendum movement in the United States see Richard Dean Burns and W. Adams Dixon, "Foreign Policy and the

to gain greater credibility among peace advocates. In the 1920s, their efforts focused mainly on pushing for referendums on war declarations to be considered as components of the international agreements being negotiated. As these efforts languished, however, the idea of a war referendum in the United States at least continued to resonate among Americans; for example, both the Democratic and Progressive party platforms of 1924 included a proposal for one. But it was not until the 1930s that it was seriously considered.

The cause of the war referendum is best told by focusing on the debate surrounding the so-called Ludlow amendment in 1938, which ultimately failed but was the closest advocates ever came. In January 1938, after a long and protracted struggle, debate ended on the question of whether or not to discharge House Joint Resolution 199 (the Ludlow amendment), which proposed changing the United States Constitution to require a national referendum before the country entered any war. The proposed amendment required specifically:

Except in the event of an invasion of the United States or its Territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum. Congress, when it deems a national crisis to exist, may by concurrent resolution refer the question of war or peace to the citizens of the States, the question to be voted on being, Shall the United States declare war on _____? Congress may otherwise by law provide for the enforcement of this section.⁸¹

The Ludlow amendment was the culmination of the efforts described above to formally constrain the government's ability to use military force by placing decisions about war and peace directly in the hands of American citizens.

Congressional proponents of the resolution argued that a national war referendum would help institutionalize the promise of popular sovereignty, which they claimed was at the heart of

'Democratic Myth': The Debate on the Ludlow Amendment," *Mid-America* XLVII, no. October (1965): 288–306; Bolt, Jr., *Ballots before Bullets: The War Referendum Approach to Peace in America, 1914-1941*.

⁸¹ House Joint Resolution 199, *Congressional Record* 75th Congress, 1st Sess., LXXXI, 4084.

democracy. As Senator Gerald Nye argued: “If ever there was a question to which the people... should have a voice, it is this one: ‘Should we engage in a foreign war?’” A vote against the resolution, in the words of another congressman, would be “to deny the principle of popular government.” With a referendum, proponents argued, the American people would “gain the power to stop war, to unmake war” and thereby “prevent the sudden and ill-considered sort of action which might plunge [the United States] into war,” as was argued had been the case with the country’s entry into World War I. The American public, for its part, was largely in favor of the effort as polls at the time showed nearly three-quarters of the population supported a national war referendum.⁸²

Opponents, meanwhile, argued that a national war referendum would only serve to complicate the decision-making process to use force and constrain decision-makers even more precisely at a time when they needed greater flexibility. Instead of promoting peace, they argued, such a referendum would inadvertently lead to war by emboldening potential adversaries.⁸³

President Roosevelt and other administration officials were among the most ardent opponents of a national war referendum and they worked both openly and behind the scenes to engineer a defeat for the resolution.⁸⁴ The President wrote a letter, which was read aloud during House debate, in which he stated that such a constitutional change would “cripple any President in his conduct of our foreign relations, and it would encourage other nations to believe that they could

⁸² Quoted in Burns and Dixon, “Foreign Policy and the ‘Democratic Myth’: The Debate on the Ludlow Amendment,” 292, 299, 290.

⁸³ See for example Walter Lippmann, “Mr. Ludlow Prepares for War,” *New York Herald Tribune*, December 18, 1937.

⁸⁴ Bolt, Jr., *Ballots before Bullets: The War Referendum Approach to Peace in America, 1914-1941*, 166–167, 171–174.

violate American rights with impunity.”⁸⁵ Privately, he expressed even greater alarm. He wrote to his son warning that “National defense represents too serious a danger, especially in these modern times where distance has been annihilated, to permit delay and our danger lies in things like the Ludlow Amendment which appeal to people, who, frankly, have no conception of what modern war, with or without declaration of war, involves.”⁸⁶

What is important to highlight about the war referendum debate is that on the surface congressional proponents appeared to be attempting to tie their own hands. After all, the Constitutional authority to declare war lay with Congress, and Congress had declared ex ante every major war the United States had ever entered. The effort, however, as suggested by President Roosevelt’s comments, reveals a deeper fact that was obvious to congressional leaders at the time: the war-making powers in previous decades had slowly been shifting away from the legislature and toward the executive. It is reasonable to assume that because the executive was coming to claim a dominant position within the national government, they believed the only effective way to present such an accumulation of these powers was to push them back down to the popular level.

In the end, the resolution to move the Ludlow Amendment to the House floor was defeated 209-188. In total, thirty-one war referendum resolutions were introduced in Congress between 1914 and 1935 and another thirty-three between 1935 and 1941. None, however, were

⁸⁵ President Roosevelt to the Speaker of the House of Representatives January 6, 1938, Department of State, *Peace and War: United States Foreign Policy, 1931-1941* (Washington, DC: Government Printing Office, 1943); Secretary of State Hull likewise contended that it “would most seriously handicap the Government in the conduct of our foreign affairs generally, and would thus impair disastrously its ability to safeguard the peace of the American people.” The Secretary of State to the Chairman of the Committee on Foreign Affairs, House of Representatives, January 8, 1938, *ibid.*, 401.

⁸⁶ “Memorandum for J.R., January 20, 1938,” in Elliott Roosevelt, ed., *F.D.R.: His Personal Letters, 1928-1945*, vol. II (New York: Duell, Sloan and Pearce, 1950), 751.

successful.⁸⁷ The case of the Ludlow amendment, therefore, is illustrative not because it almost passed.⁸⁸ Rather, the popular push for a national war referendum in many ways represented the most radical of several efforts that both formally and informally sought to tie the hands of the government—specifically the executive branch—to prevent it from dragging the country into war.

The second, and more successful, effort stemmed from the Nye Committee investigation, which was conducted between 1934-1936.⁸⁹ The investigation began as an inquiry into the role bankers and munitions producers played in America's entry into World War I. A popular notion at the time suggested these so-called "merchants of death" had dragged the country into the war.⁹⁰ The investigation, however, also served as a forum to interrogate what many saw as "the war-making proclivities of the executive branch."⁹¹ As Wayne Cole explains, the Nye Committee began with the assumption that presidents—like Wilson in World War I—often fall victim to special interests. Later, however, committee members "began to view the president as a

⁸⁷ Bolt, Jr., *Ballots before Bullets: The War Referendum Approach to Peace in America, 1914-1941*, 152.

⁸⁸ Though this was a strong showing by proponents of a referendum, it remained far from becoming a constitutional amendment. H. J. Res. 199 was a resolution to discharge the bill on an amendment from committee where it had been holed up for years. A shift of 11 votes in the final tally would have sent the resolution to the House floor for general consideration. From there it would have required two-thirds support from both the House and the Senate before requiring ratification by three-fourths of State legislatures.

⁸⁹ Also known as the Senate Munitions Committee, the Nye Committee was organized to investigate America's entry to World War I. It was led by Senator Gerald Nye, a Republican from North Dakota (chosen by a Democratic majority in Congress). Over eighteen months, the committee held ninety-three hearings and interviewed more than two hundred witnesses.

⁹⁰ The Committee investigation coincided with a popular notion at the time, which suggested that bankers and munitions producers had helped push the United States into World War I. Popular works that laid out these views included Helmuth C. Engelbrecht and Frank C. Hanighen, *Merchants of Death: A Study of the International Armament Industry* (New York: Dodd, Mead and Company, 1934); Smedley Butler, *War Is a Racket* (New York: Round Table Press, 1935).

⁹¹ Wayne S. Cole, *Roosevelt & the Isolationists, 1932-45* (Lincoln, NE: University of Nebraska Press, 1983), 141-162, quote on 142.

force for war quite as dangerous as munitions makers and international bankers.”⁹² As I explain below, many at the time believed Wilson’s policies had actually pushed the country into war. But as the investigation turned to assault Wilson’s legacy more directly, a Democratic Congress concerned with a Republican-led committee attacking one of their own abruptly terminated it in early 1936.

The Nye Committee investigation was important not because it produced any shocking findings. In fact, the findings partly absolved its intended targets. Rather, it was important because it ultimately contributed to the passing of a series of Neutrality Acts designed to keep the United States out of any future conflicts. The purpose of these acts was to keep the United States neutral in part by limiting the President’s discretionary powers to make decisions about arms exports and foreign loans to belligerents—actions that might drag the country into war, advertently or inadvertently.⁹³ Many believed at the time it was the exercise of vast discretionary powers by Wilson in World War I that had doomed American efforts to remain neutral then.⁹⁴ In that conflict, Wilson was in charge of maintaining America’s neutrality policy with no legislation directing how he was to do so. Thus he could choose with which countries to trade and with which to embargo arms, bar loans, and limit trade. This resulted, many critics claimed, in Wilson picking sides and pursuing a policy of only partial neutrality that made American involvement in

⁹² Cole, *Roosevelt & the Isolationists, 1932-45*.

⁹³ Robert Dallek, *Franklin D. Roosevelt and American Foreign Policy, 1932-1945* (New York: Oxford University Press, 1979), 102–121, 139–140; Cole, *Roosevelt & the Isolationists, 1932-45*, 163–186, 223–252..

⁹⁴ See, for example, C. Hartley Grattan, *Why We Fought* (New York: Vanguard, 1929); Walter Millis, *Road to War, 1914-1917* (Boston: Houghton Mifflin, 1935); Salvatore A. Cotillo, “Memorandum-American Neutrality Legislation Threatens the Collapse of Western Civilization,” in *Neutrality Hearings Before the Committee on Foreign Relations, United States Senate, Seventy-Fourth Congress, Second Session, on S. 3474, January 10 to February 5, 1936* (Washington, DC: Government Printing Office, 1936), 271–273; Ernest K. Lindley, *Half Way with Roosevelt* (New York: The Viking Press, 1937), 282; Edwin Borchard and William Potter Lage, *Neutrality for America* (New Haven: Yale University Press, 1937), 57.

the war inevitable. With conflicts now brewing around the world, Congress was determined to legislate neutrality policy more strictly this time around. The point was to resist international security competition from remaking America's decision-making procedures and instead entrench the country's existing institutional arrangement.

In August 1935, Congress passed the first of several neutrality acts. On the one hand, the act was a victory of sorts for those who advocated tying the executive's hands in a way that ensured impartial neutrality. It placed an automatic ban on exports of "arms, ammunition, or implements of war" to all belligerents; prohibited American vessels from carrying munitions to belligerents; and required arms manufacturers to apply for an export license from the newly established Munitions Control Board in effort to better regulate all arms shipments from the United States. The constraints these measures placed on the executive was not lost on President Roosevelt who originally opposed any type of neutrality legislation and then tried unsuccessfully to engineer a bill that would provide him with greater flexibility.⁹⁵ Upon signing the act, he warned: "History is filled with unforeseeable situations that call for some flexibility of action. It is conceivable that situations may arise in which the wholly inflexible provisions of Section I of this Act might have exactly the opposite effect from that which was intended. In other words, the inflexible provisions might drag us into war instead of keeping us out."⁹⁶

On the other hand, the act did not go as far as some would have preferred in tying the executive's hands. The act left some wiggle room, for example, by allowing the President to determine what constituted "implements of war"; when an embargo should go into effect; and when to withhold protection for Americans traveling on belligerent ships. Those like John

⁹⁵ Dallek, *Franklin D. Roosevelt and American Foreign Policy, 1932-1945*, 102–108.

⁹⁶ Franklin D. Roosevelt, "Presidential Signing Statement on Approval of Neutrality Legislation, August 31, 1935," in *The Public Papers and Addresses of Franklin D. Roosevelt*, vol. 1935, The Court Disapproves (New York: Random House, 1938), 345–46.

Bassett Moore—widely considered the most learned international jurist of his generation—believed that these provisions would enable President Roosevelt to shape the contours of neutrality policy and grant him “practically unlimited discretionary powers as regards peace and war.”⁹⁷ It would effectively allow the President to steer policy in “unneutral ways that would make the United States in fact, though not avowedly, a party to the war,” exactly as had happened in World War I.⁹⁸ As Judge Salvatore Cotillo cautioned in a memorandum prepared for the hearing on the extension of neutrality legislation in 1936, “‘Discretion’ is the threat! Put no man in this position, and the President should be the last one to demand this power.”⁹⁹ In fact, he feared that the 1935 legislation had already given President Roosevelt such discretion and documented how the President was already using it in a way that was undermining the country’s neutrality.¹⁰⁰

These fears notwithstanding, the act and its successors did in fact reflect precisely the traditional interpretation of the institutional balance between the legislature and the executive. Congress in consultation with the President set the broad contours of neutrality policy and the President was given some discretion to execute that policy subject to constraints on his ability to commit the country to war independently. Roosevelt had opposed neutrality legislation

⁹⁷ He continued: “I say this because, in dealing with questions of neutrality, we are in the domain of peace and war; and, by the Constitution of the United States, the power to declare war is lodged, not in the President, but in the Congress.” John Bassett Moore, “Statement by Dr. John Bassett Moore,” in *Neutrality Hearings Before the Committee on Foreign Relations, United States Senate, Seventy-Fourth Congress, Second Session, on S. 3474, January 10 to February 5, 1936* (Washington, DC: Government Printing Office, 1936), 173.

⁹⁸ Moore warned: “I would not give this unlimited power to any man. I would myself decline it if it were offered to me, even though I happen to understand the law of neutrality, and know what is and what is not neutral according to that law. The bestowal of such power would constitute the worst form of dictatorship ever set up.” *Ibid.*, 176, 177.

⁹⁹ Cotillo, “Memorandum-American Neutrality Legislation Threatens the Collapse of Western Civilization,” 272.

¹⁰⁰ *Ibid.*, 264–265.

altogether, seeking the same free hand Wilson enjoyed before America's entry to World War I. He settled for a compromise, which was certainly constraining, but at least provided some degree of discretion. Given the context at the time this arrangement seemed reasonable both constitutionally and in terms of the challenges the country faced.

In 1937, a second neutrality act was passed, which this time was written without an expiration date.¹⁰¹ The act included the earlier provisions in addition to several new ones. Civil wars were now covered (in response to the outbreak of the Spanish Civil War the year before); Americans were now fully restricted from travelling on belligerent vessels; and American merchant ships were now banned from carrying any arms (even non-American ones) to belligerents. In one concession to the President, the act contained a two-year "cash and carry" provision, which would allow countries to purchase vital raw materials that were not classified as "war implements," including oil.¹⁰² The President had strongly favored "more permissive" legislation, but as Senator Hiram Johnson said the act was meant to be restrictive in order to prevent what he described as "the President's sinister...grasp of the war-making power."¹⁰³

If in 1935 the country's strict neutrality policy seemed reasonable, by 1937 the international security environment was clearly becoming more malign and the policy appeared less appropriate. The year before, Nazi Germany had reoccupied the Rhineland and in July Japan invaded China. In October, President Roosevelt gave a speech in which he explained that all indicators were pointed toward war, warning "let no one imagine that America will escape, that America may expect mercy, that this Western Hemisphere will not be attacked." There was to be

¹⁰¹ The 1935 act was renewed in 1936 with an added provision, which prohibited loans to belligerents as well.

¹⁰² "Cash and carry" meant that belligerents could purchase permitted materials so long as they were paid for in cash and were carried away in non-American ships.

¹⁰³ Dallek, *Franklin D. Roosevelt and American Foreign Policy, 1932-1945*, 139, 140.

“no escape through mere isolation or neutrality,” he argued.¹⁰⁴ Yet, in May Congress had legislated just that and for the next two years the President’s hands were tied as the world slid inexorably toward World War II. In September 1939—after Germany’s invasion of Poland and declarations of war by Britain and France—Roosevelt announced to Congress that he regretted having ever signed the neutrality acts and asked finally to have them repealed in their entirety.¹⁰⁵

In the years from 1939-1941 Americans engaged in one of the fiercest debates in the country’s history about whether or not to become involved in World War II.¹⁰⁶ More than five decades later, Arthur Schlesinger described it as “the most savage national debate of my lifetime—more savage than the debate over communism in the late 1940s, more savage than the debate over McCarthyism in the early 1950s, more savage than the debate over Vietnam in the 1960s...[It] had an inner fury that tore apart families, friends, churches, universities, and political parties.”¹⁰⁷ Opponents in Congress maintained their long-standing position. They argued that the war would undermine the country’s existing institutional arrangement, which could not survive another major war as Secretary of State Hughes had warned back in 1920. Senator Robert Taft channeled this traditional perspective as the United States moved closer to war in 1941, explaining:

Far from safeguarding democracy, war is likely to destroy democracy right here in the United States. Congress is abandoning the constitutional safeguards. It is granting unlimited powers to the President...and the Executive Departments...Some of these

¹⁰⁴ This was a warning he would issue repeatedly over the coming years. Franklin D. Roosevelt, “‘Quarantine’ Speech at Chicago, October 5, 1937,” in *The Public Papers and Addresses of Franklin D. Roosevelt*, vol. 1937, *The Constitution Prevails* (New York: Macmillan, 1941), 408.

¹⁰⁵ Franklin D. Roosevelt, “The President Urges the Extraordinary Session to Repeal the Embargo Provisions of the Neutrality Law, September 21, 1939,” in *The Public Papers and Addresses of Franklin D. Roosevelt*, vol. 1939, *Neutrality and War* (New York: Macmillan, 1941), 516.

¹⁰⁶ Lynn Olson, *Those Angry Days: Roosevelt, Lindbergh, and America’s Fight Over World War II, 1939-1941* (New York: Random House, 2013).

¹⁰⁷ Arthur M. Schlesinger Jr., “Back to the Womb? Isolationism’s Renewed Threat,” *Foreign Affairs* 74, no. 4 (August 1995): 4.

powers will end at the end of the present emergency, but if the war lasts for five years, I doubt whether we ever return to our constitutional system.¹⁰⁸

The debate, however, not only divided Congress, which had been divided over the issue for some time, but also the executive branch. As Lynn Olson explains, high ranking military officers who believed the country should stay out of the war “worked to sabotage the policies of their commander in chief, leaking top secret information to isolationist members of Congress and to [Charles] Lindbergh and other key leaders in the antiwar movement.”¹⁰⁹ Thus, on the eve of its most important foreign challenge since independence, the United States’ traditional domestic constraints—particularly those informed by a distrust executive war-making powers and a preference for fragmented military authority—threatened to paralyze the country’s ability to act.

Following the actual outbreak of World War II in 1939, however, the country began to inch toward adopting a more flexible position. In September, President Roosevelt declared a state of limited emergency and two months later Congress passed less restrictive neutrality legislation. The emergency was declared, Roosevelt explained, “to make wholly constitutional and legal certain obviously necessary measures.” These measures included increasing the personnel of the country’s armed forces, though he was careful to acknowledge that they would still remain “below peace-time strength as authorized by Congress.”¹¹⁰ The new neutrality legislation meanwhile began to loosen many of the restrictions of the previous neutrality acts. Most importantly, the 1939 Neutrality Act renewed the “cash and carry” provision, which had lapsed earlier in March. At the time, the President had argued to have it renewed and extended to

¹⁰⁸ Robert A. Taft, “Radio Address—Shall the United States Enter the European War? May 17, 1941,” in *The Papers of Robert A. Taft*, ed. Charles E. Wunderlin, Jr., vol. 2: 1939–1944 (Kent, OH: The Kent State University Press, 2001), 246.

¹⁰⁹ Olson, *Those Angry Days: Roosevelt, Lindbergh, and America’s Fight Over World War II, 1939–1941*, xix.

¹¹⁰ Roosevelt, “The President Urges the Extraordinary Session to Repeal the Embargo Provisions of the Neutrality Law, September 21, 1939,” 520.

include arms, but was rebuffed by Congress. Now the new legislation finally accepted these requests, effectively ending the embargo by making arms available to the country's future allies Britain and France. Neutrality as a policy, however, remained in force. The act continued to restrict loans to belligerents; American vessels were prohibited from transporting passengers or goods to belligerent ports; and Americans were restricted from traveling on belligerent vessels or to combat zones. It was not until "lend-lease" legislation was passed in March 1941 that all the pretenses of neutrality were ultimately abandoned. Finally, following the Japanese attack on Pearl Harbor on December 7, 1941 and a declaration of war by Germany four days later, the United States entered World War II as a full participant with congressional declarations of war against Germany, Japan, and Italy.¹¹¹

Between 1939-1941, President Roosevelt did act with discretion and certainly pushed the boundaries of the intended purpose of neutrality legislation.¹¹² Like Wilson, he believed in government as a living system and was seldom mistaken for a strict constructionist when it came to the Constitution. Some advocates of executive war-making powers often cite his actions during this time as examples of the historical nature of executive prerogative in the prewar period. Yet, Roosevelt's often aggressive use of executive power notwithstanding, it should be noted that his actions are often taken out of context and blown out of proportion. In each case where he pressed up against Congress's war-making authority, Roosevelt sought to conform his policies to existing legislation. As Barron and Lederman explain, he pushed for amendments when he disagreed with legislation and looked for novel ways to construe legislative statutes

¹¹¹ The following year, Congress declared war against Bulgaria, Hungary, and Romania.

¹¹² Zeisberg summarizes most of these activities nicely. Mariah Zeisberg, *War Powers: The Politics of Constitutional Authority* (Princeton: Princeton University Press, 2013), 62–63.

narrowly in order to gain a freer hand.¹¹³ But at no point in time did he claim extensive or preclusive powers for the executive to use force or commit the country to war outside of legislation authorizing such a course of action. Moreover, like Theodore Roosevelt and Woodrow Wilson before him, the fact that Franklin Roosevelt was able to do so much should be chalked up in large measure to his force of will and the personal autonomy he was able to carve out within the country's existing institutional arrangement. Executive power grew during this period, but executive war-making powers were not yet institutionalized.

Seeds of Executive War-Making Powers

Before concluding the chapter, it is important to point out that though there was not a wholesale effort to institutionalize executive war-making powers at this time, several crucial ideational changes did occur that helped facilitate such efforts in the postwar period. By the post-World War I period, it was clear that the emergence of the United States as a world power and the actions of Theodore Roosevelt and Woodrow Wilson over the previous two decades had placed the government's foreign affairs powers in flux. With a more assertive foreign policy, the American state now faced a degree of institutional stress not experienced on a regular basis previously. Though this stress did not reach a level—outside of World War I—that threatened to remake inter-branch relations in the area of foreign relations entirely, it did give rise to a set of new ideas about how those relations were changing and might need to be reshaped in the future.

In 1921, the political scientist Quincy Wright wrote an award-winning essay later published as *The Control of American Foreign Relations* in which he discussed the impact this

¹¹³ Barron and Lederman, "The Commander in Chief at the Lowest Ebb: A Constitutional History," 1042–1051; See also Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy*, 59–62; Fisher, *Presidential War Power*, 75–80.

stress was having on the government.¹¹⁴ Wright wrote that all constitutional states struggle with what he described as the “dual position of foreign relations power.” This duality arises from the fact that foreign relations power is derived from both “constitutional” (i.e. domestic) and “international” sources. The former defines and limits the “power” of the government to act, while the latter places certain “responsibilities” on its actions.¹¹⁵ When a state is less involved in world affairs, Wright suggested, this duality is not particularly problematic. But when a state becomes more involved in world affairs, its international commitments can begin to place great burdens on its domestic constitution and a gap can open up between the power and the responsibility to act.¹¹⁶ Wright argued that constitutional states somehow had to reconcile the two. This was particularly true for states in transition like the United States.

For the United States, the problem of reconciliation was two-fold. First, as explained in chapter four, the Framers of the Constitution never accepted an extra-constitutional source of the foreign relations power. Wright’s entire thesis, however, was predicated on the idea that with the country’s growing international responsibilities this position could no longer be maintained. Decision-makers had to have some discretionary powers to act outside of those that were specifically delegated in the Constitution. Second, the Framers split much of the foreign relations power, including the powers of war and peace, between the executive and legislative branches of government. Wright noted that this arrangement was fine in theory, but that in practice legislative bodies like the United State Congress were “large, slow moving and ill informed on

¹¹⁴ Quincy Wright, *The Control of American Foreign Relations* (New York: Macmillan, 1922). My knowledge of Wright draws heavily on White, “The Transformation of the Constitutional Regime of Foreign Relations,” 32–46.

¹¹⁵ Wright, *The Control of American Foreign Relations*, 3–9, quotes on 4.

¹¹⁶ At worst, an executive acting on behalf of such commitments “might radically alter the constitution...impair national independence...[or] establish autocracy. Were these commitments fundamental law, obligatory upon all organs of the government, the achievements of centuries battling for constitutionalism and popular sovereignty might be sacrificed by the stroke of a pen.” *Ibid.*, 5.

foreign relations.”¹¹⁷ The Congress could not be expected to conduct foreign policy given the challenges now faced by the country. But nor could the country’s growing international responsibilities be allowed to undermine the country’s domestic institutional arrangement completely by shifting absolute power to the President.

Wright’s solution to both problems was to revisit Locke and Montesquieu’s ideas about the dual-executive discussed in chapter four. In accordance with these ideas, he suggested that control of foreign relations be treated as if it were a “fourth department” of government separate from control of domestic affairs. In this scheme, the President would essentially be given Locke’s federative power, but be subject to a congressional veto and therefore the enumerated powers of the Constitution. In domestic affairs, meanwhile, the traditional arrangement of congressional initiative subject to a presidential veto could be maintained.¹¹⁸ The implication of this division was that the executive would still be constrained, but have vastly greater power when it came to issues of foreign affairs.

As G. Edward White explains, Wright was not alone in this thinking. The idea of a separation between foreign and domestic affairs as a means of distinguishing the different dimensions of executive power was slowly gaining ground in academic works at this time.¹¹⁹ Nobody, however, was more important to advancing this idea than Senator, and later Supreme Court Justice, George Sutherland. Originally as a Senator in the early 1900s, Sutherland was primarily interested in staking out the national government’s foreign affairs powers vis-à-vis the states. Over time, however, his ideas broadened and came to form the core of a larger theory of government, parts of which he was able to legitimize in his capacity as a Supreme Court

¹¹⁷ Ibid., 7.

¹¹⁸ Ibid., 140–150.

¹¹⁹ This included prominent legal scholars like Edward Corwin White, “The Transformation of the Constitutional Regime of Foreign Relations,” 32, see fn 104.

Justice—most notably in the case *United States vs. Curtiss-Wright Export Corporation*.¹²⁰ What is relevant here is the fact that Sutherland’s theory of government could be read essentially to grant the executive almost unlimited war-making powers.¹²¹

In a series of lectures at Columbia University in 1918, Sutherland—like others throughout this chapter—argued the United States faced “altered conditions” since the Founding and as a result needed to rethink the Constitution.¹²² Central to this rethinking were two key principles that came to form the core of his views of the government’s foreign relations power. First, contrary to Wright and the widely understood intentions of the Founders, Sutherland contended that the national government indeed had a significant extra-constitutional reservoir of what he called “external” powers as a result of the United States’ sovereignty. He explained that sovereignty was located in the nation and predated the Constitution. Thus, even if the Constitution did not exist, the national government as representative of the nation would still wield those powers; they were not the Framers to delegate in the first place. Second, Sutherland argued that this extra-constitutional source of the national government’s “external” powers made them distinct from the government’s “internal” powers. The former derived from the country’s sovereignty and therefore were inherent and unlimited. The latter, on the other hand, were reserved to the American people (and the states) and therefore were limited to what was enumerated in the Constitution.

¹²⁰ Here I am primarily interested in Sutherland’s later views. For an excellent review of Sutherland’s original ideas and how they evolved over time see *ibid.*, 42–62. Sutherland’s relevant works include George Sutherland, “The Internal and External Powers of the National Government,” *North American Review* 191, no. 652 (1910): 373–89; George Sutherland, *Constitutional Power and World Affairs* (New York: Columbia University Press, 1919).

¹²¹ Though it is important to point out that at least in 1918 Sutherland himself did not read it that way. See Sutherland, *Constitutional Power and World Affairs*, 70–91.

¹²² These lectures were published as *ibid.*, Chapter 1, 26–27, quote on 48.

Sutherland's views were important, but they may ultimately have remained dubious had he not been given the chance to legitimize them in constitutional law in the *Curtiss-Wright* case. As White explains, in the intervening years between Sutherland's articulation of his ideas above and the *Curtiss-Wright* case, developments in American foreign policy made not only the question of the national government's external powers pertinent, but also the question of executive discretion within the national government to wield those powers.¹²³ The exact details of the case itself are not particularly important here. What is relevant is that it called into question the authority of Congress to delegate part of its foreign affairs powers to the President. The case, therefore, provided a forum for Sutherland who wrote the Court's opinion to elaborate his views on the powers of the national government and the executive.

At the core of his opinion was a three-part argument: First, he articulated his understanding of the extra-constitutional source of authority for the national government's external powers. Sutherland explained that "the powers of external sovereignty...if they had never been mentioned in the Constitution, would have vested in the federal government as necessary concomitants of nationality...[They] exist as inherently inseparable from the conception of nationality." In other words, those powers could be read as deriving from the international system, not from the United States Constitution. Second, he outlined what he described as "the marked difference between foreign affairs and domestic affairs," arguing the national government had to be accorded "a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved." And finally, he argued that within the national government it is the President that wields the foreign relations power: "Not only, as we have shown, is the federal power over external affairs in origin and

¹²³ White, "The Transformation of the Constitutional Regime of Foreign Relations," 99–103.

essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation.”¹²⁴

Taken as a whole, Sutherland’s argument made the case for a powerful centralized executive that could wield power in foreign affairs far more vast than its power in domestic affairs. In this formula, he solved two problems that have been mentioned throughout this chapter. On the one hand, as Mahan foreshadowed, Sutherland made the case for firewalling the foreign and domestic policy making powers of the executive. At least theoretically this would prevent growth in the former from imperiling the institutional balance in the latter. In fact, Sutherland—like Mahan before him—presents an interesting paradox: As a Supreme Court Justice he was known as a constitutional conservative and a member of the so-called “four horsemen” who opposed the expansion of Presidential power in domestic affairs by voting against most of the cases involving Roosevelt’s New Deal policies. Yet, at the same time, he offered perhaps the most radical and transformative reading of the President’s foreign affairs powers ever. This was an important ideational shift that later helped facilitate the process of institutional transformation.

On the other hand, Sutherland found a new source of executive power. By looking to national sovereignty rather than the Constitution as a source of authority, he found a seemingly unlimited set of foreign affairs powers for the executive that could not be subject to the country’s traditional domestic constraints against such powers. As Harold Koh explains, the significance of this shift became more apparent in the postwar period when Presidents used *Curtiss-Wright* as

¹²⁴ *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

“an effective *judicial* amendment of Article II of the Constitution to add to the powers enumerated there an indeterminate reservoir of executive authority in foreign affairs.”¹²⁵ Using *Curtiss-Wright*, Presidents could effectively claim de jure foreign affairs powers, including a certain degree of war-making autonomy.

With these two problems solved, Sutherland’s opinion can be read as the legal foundation of the case for Aaron Wildavsky’s “two presidencies”—one in the domestic arena and one in the foreign arena.¹²⁶ Sutherland’s formula rested on shaky constitutional ground and has been rejected by many legal scholars since.¹²⁷ Nonetheless, it became part of constitutional law, providing a general blueprint for and legitimation of executive autonomy. It should be stressed again that President Roosevelt did not at this time claim an inherent and preclusive authority to conduct the country’s foreign affairs—particularly those powers pertaining to the initiation of war. But Sutherland at least provided Roosevelt’s successors with a justification for doing so if they wished.

¹²⁵ Koh explains: “Among government attorneys, Justice Sutherland’s lavish description of the president’s powers is so often quoted that it has come to be known as the “Curtiss-Wright, so I’m right’ cite”—a statement of deference to the president so sweeping as to be worthy of frequent citation in any government foreign-affairs brief.” Harold H. Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair* (New Haven: Yale University Press, 1990), 94.

¹²⁶ Wildavsky, “The Two Presidencies.”

¹²⁷ There are essentially four problems that scholars have noted with Sutherland’s argument: 1) There is no evidence that there is any extra-constitutional source of the foreign affairs power. 2) There is insufficient evidence that the Framers treated foreign and domestic affairs powers differently. 3) Even if 1 and 2 were correct, the Constitution divided the whole of the foreign affairs powers between the legislature and the executive. 4) The “sole-organ” doctrine cited by Sutherland refers to communication between the United States and foreign countries and does not extend to the war-making powers. See Michael J. Glennon, *Constitutional Diplomacy* (Princeton: Princeton University Press, 1990), Chapter 1; Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair*, 93–96; Fisher, *Constitutional Conflicts Between Congress and the President*, 90–93; Michael D. Ramsey, *The Constitution’s Text in Foreign Affairs* (Cambridge: Harvard University Press, 2007), Chapter 1, 46–48.

Conclusion

The last two chapters have focused on the phase in American history from 1890-1941 as a period of institutional resistance. In a straight-line functional adaptive explanation of state behavior, we should expect the United States to have converted its growing economic power and position in the international system during this period into a more active foreign policy backed by at least the threat of military force. At a minimum we should expect such a shift to have occurred by the 1930s when the international security environment deteriorated rapidly and began to threaten America's core interests in Europe and Asia. As the chapters demonstrate, however, a potential behavioral shift required a concomitant institutional shift. The country's state structure and decision-making procedures needed to be transformed to provide state leaders with the capacity, organization, and flexibility to respond more forcefully to changes in the international security environment. Yet the persistence of republican ideas about the dangers of standing armed forces, centralized military authority, and executive war-making powers and the embeddedness of these ideas in the country's existing institutions prevented such institutional transformation from occurring.

This institutional transformation would begin to occur in the early 1940s. Most importantly, it would continue to occur even after World War II ended and ultimately lead to the creation of the modern American national security state by the early 1950s. An important question exists about why the United States chose to build such a state apparatus for security after World War II, but not after World War I when it could just have easily begun to do so. As I show in the next chapter, the key difference was in the systemic pressure faced by the United States in the second period. Whereas policymakers fully expected the country to return to a peacetime footing after World War I, they did not think this would be possible after World War

II. The latter shaped the emergent national security state in important ways, but it was the expectation of future war in its aftermath that ultimately led to the breakdown of the traditional republican constraints against state-building for national security and the development of executive war-making autonomy.

Systemic Pressure and Institutional Stress in a Shrinking World, 1941-1950

From the decade beginning in December 1941, a succession of transformational events and changes shook the very foundations of America's conception of security: the Japanese attack on Pearl Harbor; World War II and the challenges associated with projecting American military power across two oceans; the development and devastating use of nuclear and other advanced weapons; bipolarity and the emergence of the Cold War between the United States and the Soviet Union; alarming political, economic, and security weakness in postwar Europe; crises in Iran, Greece, Berlin and elsewhere across the globe; the "loss of China" in 1949; and the outbreak of war on the Korean peninsula in 1950. These experiences, coupled with the perceived failure of American foreign policy in the 1930s, led to a fundamental reevaluation of the country's foreign policy goals and the national security infrastructure required to achieve them.

Laying the groundwork for this reevaluation process began even before the guns of World War II fell silent. In his annual State of the Union address to Congress in January 1943, President Roosevelt explained that after World War I the United States had tried to produce a peace based on "a magnificent idealism" and failed. Though the toughest fighting in World War II remained ahead, he looked to the future in his remarks and argued the country could not afford to repeat the same mistakes again. It would not be possible to base America's postwar foreign

policy on “good intentions alone” once the war was over. Instead, the United States would have to “pull the fangs of the predatory animals of this world.” Otherwise, they would “multiply and grow in strength—and...be at our throats once more in a short generation.”¹

Just how expansive a postwar foreign policy the United States would eventually adopt was not entirely clear at the time Roosevelt made his remarks. But nearly all observers recognized it would have to be very different than the country’s previous foreign policy. As he often did, the noted *New York Times* columnist and author, Walter Lippmann captured the prevailing frame of mind that emerged during the war in his *U.S. War Aims*. America’s period of “unique, effortless security” was over, he argued. The country now had “to be *defended*, like all the other great states of history, by diplomacy, by policy, and by arms.” Accordingly, the prewar debate about whether the United States needed what he called a “positive policy,” therefore, was “settled.” In the postwar period it would remain only “to deliberate upon what kind of positive policy” was needed.²

When World War II did conclude, a consensus emerged among decision-makers and public intellectuals that the severity of systemic pressure faced by the United States was greater than at any time since the War of Independence. Systemic pressure was driven by technological changes that threatened to render the Western Hemisphere’s geographic isolation null. This pressure was coupled with the emergence of a cold war with the Soviet Union that many observers feared would escalate into a “total war” of unprecedented size and scope. Together, these factors led policymakers to conduct a comprehensive review of America’s foreign policy

¹ Franklin D. Roosevelt, “Address to the Congress on the State of the Union, January 7, 1943,” in *The Public Papers and Addresses of Franklin D. Roosevelt*, vol. 1943, *The Tide Turns* (New York: Harper, 1950), 33, 32.

² Walter Lippmann, *U.S. War Aims* (Boston: Little, Brown and Company, 1944), 196–210, quotes on 197, 200.

goals and national security requirements. This process began during World War II, reached its formative stage in 1947-1948, and eventually resulted in the production in 1950 of NSC 68, which redefined the country's interests in global terms and became the blueprint for America's cold war foreign policy.³ If doubts remained in policymakers minds at this time, they were largely swept away by the Korean War.

The most important result of this process was that policymakers decided the country had to remain prepared for war at all times and make force a more useable instrument of state. As Secretary of State James Byrnes explained, "we must be willing to implement our foreign policy with whatever force is necessary to make it effective."⁴ Moreover, the United States could no longer reasonably expect to get by with a *passive* policy based on protecting American interests in the Western Hemisphere; it had to shift to an *active* policy based on projecting its military power to the far corners of the globe.

Together, the country's experiences before, during, and after World War II, along with rising expectations about future war, generated a tremendous amount of institutional stress in the country's national security infrastructure. As I show below, questions about the ability of the

³ As Melvin Leffler, Richard Challener and others have pointed out, "the significance of NSC 68 can be exaggerated." On the one hand, the document served in many ways to simply reaffirm the policy positions that had been reached as early as 1947-1948 and were already laid out in the NSC 20 series. On the other hand, the document was accepted and then shelved in April 1950 until the outbreak of the Korean War later that year. Thus NSC 68 was neither a fully novel document nor did it mark an explicit policy change at the time it was accepted. Nonetheless, NSC 68 was the most comprehensive summation of official administration thinking after the war and did come to provide America's foreign policy blueprint, even if it might not have without Korea. See Melvyn P. Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War* (Palo Alto: Stanford University Press, 1992), 355-356; Richard D. Challener, "The National Security Policy from Truman to Eisenhower: Did the 'Hidden Hand' Leadership Make Any Difference?," in *The National Security: Its Theory and Practice, 1945-1960*, ed. Norman A. Graebner (New York: Oxford University Press, 1986), 45-47, quote on 47; The full text can be located at "NSC 68: United States Objectives and Programs for National Security, April 7, 1950," in *Foreign Relations of the United States, 1950*, vol. I National Security Affairs; Foreign Economic Policy (Washington, DC: Government Printing Office, 1977), 234-92.

⁴ Quoted in The President's Advisory Commission on Universal Training, *A Program for National Security* (Washington, DC: Government Printing Office, 1947), 6.

United States as a democracy to survive a prolonged struggle were pervasive, both in private and public. Nearly all observers agreed the country's national security infrastructure needed to be strengthened and reorganized, and that the traditional balance of power between the executive and legislative branches needed be tilted even further in favor of the former.

As was the case throughout American history, the domestic constraints against a large peacetime military establishment, centralized military authority, and executive war-making powers continued to weigh on the minds of decision-makers. As John Millet explained at the time, a question that pervaded discussions of state-building efforts was “whether prolonged and large-scale defense efforts through the instrument of government will bring, gradual, but far-reaching, alterations in the power structure of our democratic system.” Millet warned, however, that the more pressing question that trumped the former was whether there was “any purposeful, rational way to avoid such change?”⁵ American leaders had long sought to avoid sacrificing the country's cherished domestic institutional arrangement at the altar of national security. But in the postwar period many believed this position was no longer defensible.

The uncertainty of policymakers was reflected in many postwar policy documents, which suggested the country could pursue roughly four courses of action.⁶ These different courses of action, moreover, were linked to different domestic institutional arrangements. The first— isolationism—meant the prospect of autarky at home and eventually facing a defensive war in North America once the Soviet Union had overrun the world and gathered its strength. But it would enable a complete rollback of wartime measures and more or less a return to the status quo. The second—hemispheric defense—risked the likely possibility of surrendering Europe and

⁵ John D. Millet, “National Security in American Public Affairs,” *The American Political Science Review* 43, no. 3 (1949): 533–534.

⁶ “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 272–287.

Asia to Soviet aggression. But it would only require the maintenance of a moderate defense establishment and would not undermine the country's domestic institutional arrangement. The third—global containment—offered the opportunity to thwart Soviet aims without necessarily risking a total war. But it would require a major military buildup and considerable institutional rearrangement. While the fourth—immediate war with the Soviet Union—might prevent the emergence a long drawn out cold war. But it would mean total war and require the American state to become a garrison state—a possibility that was not only repugnant, but was thought to be strategically unwise in the long run. As policymakers weighed these options, containment emerged as a compromise of sorts. It would enable the United States to respond to its strategic environment, even though it ultimately necessitated a significant departure both in America's peacetime military posture and its national security institutions.

This chapter is the first of two that focus on the phase in American history from 1941-1960 as a period of institutional *transformation*. The two chapters together detail: 1) the changing nature of the world in the postwar period, 2) the institutional stress this caused, and 3) how policymakers attempted to grapple with it institutionally. In this first chapter, I focus on the first two and then turn to the third in the next chapter.

Systemic Pressure: Technology and the “Apprehension of War”

Following World War II, a consensus emerged among policymakers about two important changes in the external relations of the United States: First, technological developments in warfare were widely agreed to be radically changing the nature of America's strategic environment. Most importantly, these changes were thought to be compressing time and space in a way that meant the United States could no longer rely as much on its ocean walls for security.

For the first time in the country's history, the American homeland now seemed vulnerable. Just how much of a shift occurred in these years is evidenced by the reversals in the views of many leading figures from before World War II to afterward.

Many of the reversals were stunning. Perhaps most important was the case of Senator Arthur Vandenberg, who as the last chapter mentioned was known as a stalwart isolationist from the time he entered office in 1928 to the eve of World War II. In the late 1930s he had argued tirelessly against American intervention in what he considered a strictly European affair. Making what was still a common argument at the time, Vandenberg explained as late as February 1940 that the United States could remain on the sidelines of the war by virtue of its continued geographic remoteness: "even in this foreshortened world," he argued, "we still can look upon the two great oceans as the God-given guarantee of our international detachment."⁷

Over the course of World War II, however, Vandenberg's views changed tremendously. In a statement on the Senate floor in January 1945 he proclaimed isolationism dead, stressing, "Our oceans have ceased to be moats which automatically protect our ramparts." Instead, he argued in favor of a more internationally engaged America in the postwar period.⁸ What is important about his reversal is not just that he softened his views about non-involvement in world affairs, but that as Chairman of the Senate Foreign Relations Vandenberg would emerge as

⁷ Arthur H. Vandenberg, Jr., ed., *The Private Papers of Senator Vandenberg* (London: Victor Gollancz, 1953), 3–4; Ex-President Hoover and others who would later change their views were making the same argument. In a speech in Chicago in 1939, Hoover justified his non-interventionist position by arguing: "The Western Hemisphere is still protected by a moat 3,000 miles wide on the east and 6,000 miles on the west. No airplane has yet been built that can come one-third the way across the Atlantic and one-fifth the way across the Pacific. In any event, these dictatorships have nothing to gain by coming 3,000 miles or 6,000 miles to attack the Western Hemisphere. So long as our defenses are maintained they have everything to lose." Herbert Hoover, "The Illogic of American Intervention," in *America in the World: A History in Documents from the War with Spain to the War on Terror*, ed. Jeffrey A. Engel, Mark Atwood Lawrence, and Andrew Preston (Princeton: Princeton University Press, 2014), 122.

⁸ Vandenberg's remarks were so symbolic that they became known as "the speech heard round the world." Quoted in C. David Tompkins, *Senator Arthur H. Vandenberg: The Evolution of a Modern Republican, 1884-1945* (East Lansing: Michigan State University Press, 1970), 239.

one of the key architects of the country's muscular foreign policy after the war. Thus the transformation in his views dramatically symbolized both the death of America's non-involvement approach to world affairs and the emergence of the consensus for a more activist and aggressive foreign policy. Later, his remark that the attack on Pearl Harbor was the day that "ended isolationism for any realist" would become synonymous with the idea that 1941 marked the beginning a new era in American history.⁹

Second, the aforementioned technological developments in warfare, combined with the emergence of the cold war, led to the view that a passive foreign policy centered on the Western Hemisphere would no longer suffice. The United States homeland was now vulnerable and the country had global interests. Allowing even distant foreign threats to emerge and persist, therefore, was considered too risky. America needed to project its military power overseas to be secure. Again, just how much of a shift occurred in these years is evidenced by the reversals from a *passive* to an *active* mentality in many leading figures from before World War II to afterward.

One such individual who demonstrates this shift was Hanson Baldwin who was the longtime military editor of the *New York Times* and an advocate of military preparedness even before the war.¹⁰ Yet, even as an advocate for preparedness, he advanced a fairly passive view similar to Vandenberg's in 1939, as did most non-isolationists. While mindful of the growing

⁹ Vandenberg, Jr., *The Private Papers of Senator Vandenberg*, 1. Vandenberg would make this comment in June 1949 suggesting his transformation had been immediate. But as C. David Tompkins shows, in reality Vandenberg's own diary and his actions during the war suggest his transformation occurred more slowly. See Tompkins, *Senator Arthur H. Vandenberg: The Evolution of a Modern Republican, 1884-1945*, 191-240.

¹⁰ Baldwin was "America's best known military writer and analyst." In addition to his newspaper column he published nineteen military related books during his career. See Robert B. Davies, *Baldwin of the Times: Hanson W. Baldwin, A Military Journalist's Life, 1903-1991* (Annapolis: Naval Institute Press, 2011), quote on 1.

seeds of war overseas, he argued the United States and most of its outlying possessions were “well-nigh impregnable,” even without the “extraordinary *defensive* measures” being taken by Congress. Only “by frittering away our great strength in foreign theatres,” Baldwin contended, would policymakers “destroy that impregnability which today means certain security for the American castle.”¹¹

By 1947, however, Baldwin completely altered his perspective, suggesting that even those who advocated greater military preparedness in the late 1930s did not at that time fully comprehend the changes that were taking place in the world. In what would prove an important contribution to the public debate on postwar foreign and defense policy, Baldwin published *The Price of Power*—a book which he described was “born at Hiroshima.” The previous half decade, he argued, had seen modern communications and military technologies destroy “many of the barriers of terrain and the handicaps of distance.” The United States now had “‘live’ frontiers” for the first time and was “more vulnerable to assault than ever before in history.” Whereas “isolationism was once a logical by-product of [America’s] geographical position,” such a defensive fortress-America policy was no longer possible. Like so many others at the time, Baldwin would conclude, “Offense today is by far the best defense.”¹²

The notions that the American homeland was vulnerable and that the country needed to assume an active foreign policy centered on force projection both represented sharp departures from the earlier views of policymakers. In the two sub-sections that follow, I try to show briefly how a severe increase in systemic pressure caused them to emerge in such a short span of time across such a wide spectrum of decision-makers and public intellectuals. In the next section, I

¹¹ Hanson W. Baldwin, “Impregnable America,” *The American Mercury* XLVII, no. 187 (July 1939): 257, 267.

¹² Hanson W. Baldwin, *The Price of Power* (New York: Harper & Brothers, 1947), ix, 4, 17, 19, 24–25.

then show that this ideational shift about the nature of the international security environment foregrounded the ideational shift about the nature of America's existing institutions for national security.

Technology and the Problem of Time-Space Compression

The most striking feature of World War II and the postwar period was what the President's Air Policy Commission referred to as the "scientific revolution" taking place in warfare technology.¹³ The new weapons growing out of this revolution provided states with both incredible reach over long distances and a tremendous capacity for destruction. Nothing demonstrated these dynamics more than the air assault on Pearl Harbor in December 1941, which was the first serious foreign attack against American territory since the War of 1812, and the atomic bombs dropped on Hiroshima and Nagasaki in August 1945, which provided a glimpse into the catastrophic potential of the nuclear age. Questions about the nature of these technologies, their impact on modern warfare, and their implications for American defense dominated discussions of the country's national security requirements among decision-makers both during and after the war.

Scattered throughout the postwar meeting minutes and policy documents of executive branch officials, various commission reports, congressional hearings, and books by influential public intellectuals are concerns about the new warfare technologies transforming America's strategic environment.¹⁴ A non-exhaustive list includes more powerful conventional weapons,

¹³ The President's Air Policy Commission, *Survival in the Air Age* (Washington, DC: Government Printing Office, 1948), 17.

¹⁴ See for example "SWNCC 282: Basis for the Formulation of a U.S. Military Policy, March 27, 1946," in *Foreign Relations of the United States, 1946*, vol. I General: The United Nations (Washington, DC: Government Printing Office, 1972), 1160–65; The President's Advisory Commission on Universal Training, *A Program for National Security*; The President's Air Policy Commission, *Survival in the Air Age*; Baldwin, *The Price of Power*, chapter 3; On the impact these technologies on military planning see

larger and more mobile tanks, long-range bombers, the early development of jet aircraft and ballistic missiles, the first class of truly submersible submarines, aircraft carriers, biological and chemical weapons, and most revolutionary of all—the atomic bomb. These weapons, moreover, were combined with advances in military tactics including mechanized, combined-arms, and armored warfare, along with an emphasis on the element of surprise, all of which together favored offense over defense. Some of these technologies were developed in rudimentary form and used in World War I, but it was not until World War II that they truly began to demonstrate their transformative potential.

Of most immediate concern after the war was the danger posed by the long reach of new aircraft. In fact, some military planners believed the United States homeland was already at risk of a Pearl Harbor-like aerial assault (some even thought invasion).¹⁵ In 1947 President Truman noted the “rapid development of aviation in recent years has made many of our former concepts out of date” and established the Air Policy Commission to rethink American security and governmental organization in light of such changes.¹⁶ In studying the issue, the Commission concluded, “An air attack could be so terrible that we must at once create the best conceivable defense against it.”¹⁷

What was most alarming at the time, however, was not the present state of warfare technologies, but the prospect for their continued development in the coming years. Most importantly, policymakers recognized almost immediately that the United States would not long retain a monopoly on the atomic bomb. Reacting immediately to the first strike against

Michael S. Sherry, *Preparing for the Next War: American Plans for the Postwar Defense, 1941-1945* (New Haven: Yale University Press, 1977).

¹⁵ Sherry, *Preparing for the Next War: American Plans for the Postwar Defense, 1941-1945*, 85.

¹⁶ Harry S. Truman, “President’s Letter Appointing the Commission,” in *Survival in the Air Age*, by The President’s Air Policy Commission (Washington, DC: Government Printing Office, 1948), v.

¹⁷ The President’s Air Policy Commission, *Survival in the Air Age*, 11.

Hiroshima, Admiral William Leahy confided to his diary: “The lethal possibilities of such atomic action in the future is frightening, and while we are the first to have it in our possession, there is a certainty that it will in the future be developed by potential enemies and that it will probably be used against us.”¹⁸ As postwar planning began, therefore, decision-makers operated under the assumption that other states would soon follow suit. The first state expected to produce a bomb was the Soviet Union, with estimates in 1945 ranging from as early as four to as late as twenty years.¹⁹ By 1948, the National Security Council began to make estimates of Soviet behavior based on the country developing a bomb in the near future.²⁰ And in August 1949, the Soviet Union indeed tested its first weapon just four years after the United States had.

Concerns about the expected development of atomic bombs by other states were coupled with concerns about associated developments in delivery capabilities. Particularly worrying were anticipated improvements in both supersonic aircraft and guided long-range ballistic missiles, both of which would be difficult to intercept and would provide a state like the Soviet Union with the ability to attack North America without warning.²¹ By the close of World War II, advancements in jet propulsion and aerodynamics made supersonic flight a realistic possibility.²²

¹⁸ Quoted in Henry H. Adams, *Witness to Power: The Life of Fleet Admiral William D. Leahy* (Annapolis: Naval Institute Press, 1985), 299; See also William D. Leahy, *I Was There: The Personal Story of the Chief of Staff to Presidents Roosevelt and Truman Based on His Notes and Diaries Made at the Time* (New York: McGraw-Hill, 1950), 441; Michael Sherry notes a similar reaction by General George Patton at the same time. See Sherry, *Preparing for the Next War: American Plans for the Postwar Defense, 1941-1945*, 191.

¹⁹ See Henry L. Stimson, “Memorandum By the Secretary of War (Stimson) to President Truman, September 11, 1945,” in *Foreign Relations of the United States, 1945*, vol. II General: Political and Economic Matters (Washington, DC: Government Printing Office, 1967), 41–44.

²⁰ See “NSC 20/2: Factors Affecting the Nature of the U.S. Defense Arrangements in the Light of Soviet Policies, August 25, 1948,” in *Foreign Relations of the United States, 1948*, vol. I General; The United Nations, Part 2 (Washington, DC: Government Printing Office, 1975), 619–621.

²¹ The President’s Air Policy Commission, *Survival in the Air Age*, 15–18.

²² According to the National Advisory Committee for Aeronautics, these changes marked the end of one phase of airplane development and the beginning of a second in which there was no “definite limit to the

There were key technical challenges to push aircraft over the speed of sound, but scientists began to work these out quickly and by October 1947 the first manned supersonic flight test occurred.²³ That same year, it was estimated that within ten years warplanes capable of flying at supersonic speeds would be in operation.²⁴ Closely related to developments in supersonic aircraft were similar achievements in rocketry. During the war, Germany had developed the first ballistic missiles in the world, the V-2 rocket, and successfully used more than 3,000 of them against Allied targets. These early ballistic missiles were inaccurate, slow, and limited to a range of roughly 200-miles. The development of guided long-range supersonic missiles was expected to take a decade or more. But policymakers fully anticipated such weapons to play “a prominent role in future warfare,” as the Stilwell Board Report suggested.²⁵

Finally, though atomic and aviation concerns predominated discussions of American national security, developments in naval technology also helped drive perceptions of a changing strategic environment. During the war, aircraft carriers were used to project aerial power, fully submersible submarines that were difficult if not impossible to track were used for the first time, and newly designed landing craft were used to conduct the first modern large-scale amphibious assaults. Expected postwar developments in these areas, and others including missile ships, all held the potential to eliminate some of the difficulties of projecting military power over vast

speed” planes could reach. *Thirty-Second Annual Report of the National Advisory Committee for Aeronautics, 1946* (Washington, DC: Government Printing Office, 1949), 2.

²³ On the history and development of supersonic flight see Richard P. Hallion, *Supersonic Flight: Breaking the Sound Barrier and Beyond* (London: Brassey’s, 1997).

²⁴ The President’s Advisory Commission on Universal Training, *A Program for National Security*, 8.

²⁵ The Stilwell Board Report estimated intercontinental missiles capable of traveling 3,000 miles were “probable within the predictable future.” Estimates given to the President’s Air Policy Commission ranged from five years for sub-supersonic missiles that could travel 5,000 miles and ten to twenty-five years for operational long-range supersonic missiles. *Report of the War Department Equipment Board (Stilwell Board)* (Washington, DC: War Department, Office of the Chief of Staff, January 19, 1946), quote on 68, <http://cgsc.contentdm.oclc.org/cdm/ref/collection/p4013coll11/id/1111>; The President’s Air Policy Commission, *Survival in the Air Age*, 18.

ocean expanses. Policymakers recognized that there were still hurdles in this field but nonetheless were aware that, as the Air Policy Commission concluded, “the means of waging transoceanic warfare will some day certainly be perfected.”²⁶

Together, these developments in warfare technologies gave rise to a “shrinking globe” view of American foreign policy.²⁷ The core of the shrinking globe view was what can be conceptualized as the problem of *time-space compression*: the idea that technological change was foreshortening geographic distances and speeding up the time in which international security competition unfolded. These processes were thought to be rendering the world smaller and bringing threats closer to the American homeland. As discussed in the last chapter, this view first emerged in nascent form in the early twentieth century and was central to the thinking of those like Alfred Mahan.²⁸ In the wake of the Pearl Harbor attack, however, this view diffused more widely. In 1942, the noted geopolitical theorist Nicholas Spykman argued that oceans were no longer “barriers but highways” and that the world was now effectively “a single field of forces.” The implication for the United States, he argued was that the country could no longer be considered geographically separated from the Old World. It was in fact “surrounded by [it] across three ocean fronts, the Pacific, the Arctic, and the Atlantic.”²⁹ These ideas, moreover, were reflected in the statements of officials. In his 1943 State of the Union Address President Roosevelt warned that the reach and destruction of wars was growing “in inverse ratio to *the*

²⁶ The President’s Air Policy Commission, *Survival in the Air Age*, 27.

²⁷ The concept comes from Louis Fisher, *Constitutional Conflicts Between Congress and the President*, Fifth Edition, Revised (Lawrence, KS: University Press of Kansas, 2007), 257.

²⁸ Walter LaFeber, “The ‘Lion in the Path’: The US Emergence as a World Power,” *Political Science Quarterly* 101, no. 5 (1986): 714–715.

²⁹ Nicholas J. Spykman, *America’s Strategy in World Politics: The United States and the Balance of Power* (New York: Harcourt, Brace, and Co., 1942), 447–448.

shrinking size of the world as a result of the conquest of the air.”³⁰ And in his address to a joint session of Congress following the death of the President Roosevelt in early 1945, President Truman argued that in “*a shrinking world*, it is futile to seek safety behind geographical barriers.”³¹

With the beginning of the atomic age, the shrinking globe view became nearly ubiquitous in both private and public discussions of postwar American national security. In private, for example, the Joint Chiefs of Staff referred to “the effective *shrinkage of the world* resulting from the accelerated pace of technological progress,” as the principal long-term trend affecting world politics.³² And NSC-68 three times referred to a “*shrinking world*” as one of the central problems necessitating change in America foreign policy.³³ In public, Admiral Randall Jacobs explained to audiences how “Technology has whittled down time and space until we shall have no leeway.”³⁴ Public intellectuals such as Baldwin meanwhile talked about “the ‘*shrinkage*’ of the earth” and the fact that modern communications had “reduced the time-space factor to such a degree that two super-states in the same world inevitably jostle each other and step on each other’s toes.”³⁵ While others like Professor John Millet referred to the emergence of “one world” after 1945.³⁶

³⁰ Italics added for emphasis. Roosevelt, “Address to the Congress on the State of the Union, January 7, 1943,” 32.

³¹ Italics added for emphasis. Harry S. Truman, “Address Before a Joint Session of the Congress,” in *Public Papers of the Presidents of the United States: Harry S. Truman, April 12 - December 31, 1945* (Washington, DC: Government Printing Office, 1961), 3.

³² Italics added for emphasis. Thomas H. Etzold and John Lewis Gaddis, eds., “JSPC 814/3: Estimate of Probable Developments in the World Political Situation up to 1957, December 11, 1947,” in *Containment: Documents on American Policy and Strategy, 1945-1950* (New York: Columbia University Press, 1978), 285.

³³ Italics added for emphasis. “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 241, 263.

³⁴ Italics added for emphasis. Quoted in Sherry, *Preparing for the Next War: American Plans for the Postwar Defense, 1941-1945*, 84–85, quote on 84.

³⁵ Baldwin, *The Price of Power*, 24–25.

³⁶ Millet, “National Security in American Public Affairs,” 525.

Regardless of how the problem of time-space compression was articulated, it was widespread and played a prominent role in framing policymakers' conceptions of American security in the postwar period.

There were two interrelated implications of a shrinking globe view for American security. First, it made the American homeland appear incredibly vulnerable for the first time in the country's history. This idea of vulnerability again pervaded both private and public discussions at the time. "For probably the last time in the history of warfare, General George Marshall wrote in his war report in 1945, "ocean distances were a vital factor in our defense."³⁷ Looking ahead, the Joint Chiefs of Staff noted in its first postwar assessment that the United States needed to operate under the assumption that there was now "a marked reduction in our degree of invulnerability."³⁸ In October 1945, President Truman informed the country "Our geographic security is now gone—gone with the advent of the robot bomb, the rocket, aircraft carriers and modern airborne armies."³⁹ Even though experts such as the head of the Office of Scientific Research and Development, Vannevar Bush, rejected the notion entirely, the specter of imminent "push button" war perhaps most captured the vulnerability of the United States in the atomic age.⁴⁰ The idea, General Marshall explained, was that "there might be two scientists, one

³⁷ George C. Marshall, "Biennial Report of the Chief of Staff of the United States Army to the Secretary of War: July 1, 1943, to June 30, 1945," in *Biennial Reports of the Chief of Staff of the United States Army to the Secretary of War: 1 July 1939 - 30 June 1945* (Washington, DC: Government Printing Office, 1996), 209.

³⁸ "SWNCC 282: Basis for the Formulation of a U.S. Military Policy, March 27, 1946," 1161.

³⁹ Harry S. Truman, "Address Before a Joint Session of the Congress on Universal Military Training, October 23, 1945," in *Public Papers of the Presidents of the United States: Harry S. Truman, April 12 - December 31, 1945* (Washington, DC: Government Printing Office, 1961), 405.

⁴⁰ For warnings about "push button" war at the time see "Push-Button War," *Newsweek*, August 27, 1945; Hanson W. Baldwin, "The Atom Bomb and Future War," *LIFE*, August 20, 1945; Henry H. Arnold, "If War Comes Again," *New York Times Magazine*, November 18, 1945. Bush argued "such a thing is impossible and will be impossible for many years." G. Pascal Zachary, *Endless Frontier: Vannevar Bush, Engineer of the American Century* (New York: The Free Press, 1997), 316–317.

in Germany...and one in Washington. As each pressed a button, a horrendous explosion would occur in the other fellow's territory. This process would continue short of a lucky hit on one of the scientists and his button establishment." Marshall was of course attempting to point out the absurdity and "irrationality" of push button war in his remarks, but they nonetheless captured a worst-case scenario for the ease with which the United States might be attacked one day.⁴¹

Second, the shrinking globe view made America's foreign interests appear more extensive and significant. This was because the danger in a foreshortened world was that even distant threats could reverberate back to the United States quickly. This reverberation could occur directly, as it did at Pearl Harbor. The narrative was that one day the Japanese had attacked Manchuria and the next they were in Hawaii. Thus, if the 1930s and World War II taught the United States anything, Secretary of State Henry Stimson argued, it was that "aggressive war anywhere is a direct threat" to the country and had to be stopped before reaching America's shores.⁴² But such reverberation could also occur more indirectly. American policymakers believed that the aggression of the 1930s was at least partly rooted in totalitarianism and therefore the development or persistence of such regimes posed a potential threat the country. As President Truman explained in his joint address to Congress in March 1947 articulating the Truman Doctrine, "totalitarian regimes imposed on free peoples, by direct or indirect aggression, undermine the foundations of international peace and hence the security of the United States."⁴³

⁴¹ "Marshall Holds Army Role Grows," New York Times, October 18, 1945 from Rachel Plotnick, "Predicting Push-Button Warfare: U.S. Print Media and Conflict from a Distance, 1945-2010," *Media, Culture & Society* 34, no. 6 (2012): 659.

⁴² Henry L. Stimson, "Advisor's Letter, January 22, 1948," in *Appendix H: Task Force Report on Foreign Affairs*, by The Commission on Organization of the Executive Branch of the Government (Washington, DC: Government Printing Office, 1949), xi.

⁴³ Harry S. Truman, "Special Message to the Congress on Greece and Turkey: The Truman Doctrine," in *Public Papers of the Presidents of the United States: Harry S. Truman, January 1 - December 31, 1947* (Washington, DC: Government Printing Office, 1963), 178.

The effect of such an expansive view was to make American interests potentially worldwide. Indeed by the late 1940s the country's interests were so extensive that policymakers agreed they "existed almost everywhere," according to Melvyn Leffler.⁴⁴ Or as the Air Policy Commission proclaimed, the country's interests were so wide-ranging that "World peace and the security of the United States" were now "the same thing."⁴⁵ In just one decade, Americans' conceptions of the international security environment were turned upside down.

The Logic of Force Projection in the Postwar World

The greatest impact these revolutionary changes had on American foreign policy was with respect to the role that force would come to play in the country's diplomacy in the postwar period. After World War II, policymakers remained unanimous in their desire for war to be outlawed one day. As the Air Policy Commission proclaimed, the United States would "be secure in an absolute sense only if the institution of war itself is abolished under a regime of law."⁴⁶ Some individuals, moreover, still held out hope for disarmament, international law, and the new architecture of collective security centered on the United Nations to ensure the postwar peace. But most policymakers were under no illusion that peace could be achieved through these mechanisms alone. As the Commission report explained, "even the most optimistic view" of the United Nations was not one in which the abolition of war could be expected.⁴⁷ Instead, the United States would likely have to maintain a much larger military establishment than anyone had ever envisioned and protect itself and its interests around the world with force.

⁴⁴ Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War*, 180.

⁴⁵ The President's Air Policy Commission, *Survival in the Air Age*, 4.

⁴⁶ *Ibid.*, 3.

⁴⁷ *Ibid.*, 5.

To be clear though, how central a role force would play in American foreign policy was not entirely clear at first. In their respective first postwar assessments in 1945, for example, the Joint Chiefs of Staff adopted a force-centered conception of foreign policy, while the State Department defended a more traditional diplomacy-centered conception. The two reached an impasse of sorts over the issue of force, as the latter questioned the former's emphasis on the idea that "[American] security may require extensive military operations overseas."⁴⁸ Even as greater consensus was reached and the grand strategy of containment came together over the next couple of years there would remain sharp differences over what role military force was supposed to play in it. Nothing represented the uncertain role of force in containment more than the ambivalence of George Kennan who was the original architect of the policy. On the one hand, Kennan argued in his "Long Telegram" that the Soviet Union was "impervious to logic of reason and...highly sensitive to logic of force."⁴⁹ His expectation was that the Soviet Union would back down in most cases when presented with resistance. Containment, for Kennan, therefore, was predicated on the need for the United States to be willing to confront the Soviets with "unalterable counter-force at every point where they show signs of encroaching upon the interests of a peaceful and stable world."⁵⁰ Years later, however, he regretted leaving the

⁴⁸ "SWNCC 282: Basis for the Formulation of a U.S. Military Policy, March 27, 1946"; "SC-169b: Action on Joint Chiefs of Staff Statement of United States Military Policy, November 16, 1945," in *Foreign Relations of the United States, 1946*, vol. I General; The United Nations (Washington, DC: Government Printing Office, 1972), 1123–1128, quote on 1127; See also "Memorandum Prepared in the State Department, December 1, 1945 [extracts]," in *Foreign Relations of the United States, 1946*, vol. I General; The United Nations (Washington, DC: Government Printing Office, 1972), 1134–39; A.J. McFarland, "SWN-4096: The Joint Chiefs of Staff to the Secretary of State, March 29, 1946 [extracts]," in *Foreign Relations of the United States, 1946*, vol. I General; The United Nations (Washington, DC: Government Printing Office, 1972), 1165–66.

⁴⁹ George F. Kennan, "Telegram: The Chargé in the Soviet Union (Kennan) to the Secretary of State, February 22, 1946," in *Foreign Relations of the United States, 1946*, vol. VI Eastern Europe; The Soviet Union (Washington, DC: Government Printing Office, 1969), 707.

⁵⁰ George F. Kennan, "The Sources of Soviet Conduct," in *American Diplomacy*, Expanded Edition (Chicago: University of Chicago Press, 1951), 126.

meaning of the phrase “counter-force” unclear. Most policymakers took it to mean military force and this is indeed how the policy evolved. But Kennan retrospectively clarified his ideas explaining: “containment of Soviet power was not the containment by military means of a military threat, but the political containment of a political threat.”⁵¹ He never expected containment to become so “militarized.”

Though Kennan never expected military force to play such a central role in the country’s postwar foreign policy, most policymakers did come to that position sometime between 1945 and the outbreak of the Korean War five years later. Though the most obvious factor during this time was the emergence of the Cold War, it is important to note that evidence suggests the United States may have adopted a force-centered foreign policy irrespective of the Soviet Union.⁵² As I explain below, the changing nature of warfare technologies and the fact that they created a new logic of force dictated this policy shift. The Soviet Union played an important role in facilitating this shift, but mostly because it served to confirm American policymakers’ worst fears about the risks of war in the postwar world.

The new logic of force that emerged was centered on two possibilities made conceivable by the changing nature of warfare technologies. The first was the possibility of “total war”—a concept that was used widely by both political and military leaders at the time. Total wars are those in which the weapons used, the locations and individuals targeted, and the goals of the actors involved are all unrestricted. World War I and World War II showed an increasing tendency toward this type of conflict. With the new technologies developed during World War II

⁵¹ George F. Kennan, *Memoirs, 1925 - 1950* (Boston: Little, Brown and Company, 1967), 354–367, quote on 358.

⁵² The authors of NSC 68, for example, pointed out, “Even if there were no Soviet Union...We face the fact that in a shrinking world the absence of order among nations is becoming less and less tolerable.” “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 262–263.

and afterwards, the prospect of total war took on an even greater meaning for American leaders. They believed that such a war in the future would escalate into a nuclear exchange. Unlike past wars, moreover, they fully expected the American homeland to be targeted and devastated the next time around. As the authors of NSC 68 concluded, the logic that determined so many dimensions of the Cold War was the fact that “every individual faces the ever-present possibility of annihilation should the conflict enter the phase of a total war.”⁵³

The second possibility made conceivable by the changing nature of warfare technologies was of surprise attack. In fact, two factors militated in favor of such a course of action. First, policymakers believed that any potential aggressors would have learned from Germany and Japan’s historical experiences of defeat in World War II. The next time a country had such unlimited aims, they would know the United States needed to be dealt a critical blow before they could achieve them. Second, policymakers believed the offensive nature of technology at the time favored a rapid and decisive attack, which would be most effective if done by surprise.⁵⁴ This was particularly true against a country like the United States, which historically only built up its military capabilities once a conflict had begun. With a surprise attack using the new warfare technologies including atomic weapons, an adversary could effectively knock the United States out of a war before it had time to ramp up the American war machine.⁵⁵

What alarmed policymakers, therefore, was not only the scale of any potential future conflict, but the swiftness with which it might come. Given these factors, it is important to outline what they thought a future war would actually look like. In what the President’s Advisory Commission on Universal Training described as one of the more “restrained” presentations by a

⁵³ Ibid., 237.

⁵⁴ “SWNCC 282: Basis for the Formulation of a U.S. Military Policy, March 27, 1946,” 1161.

⁵⁵ “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 266.

witness, Lt. General J. Lawton Collins provided a view many of those involved with military planning at the time would have seconded:

We could expect that the war would start very suddenly and come through the air and that the enemy would try to eliminate the United States at the outset, not making the same mistake as last time of taking on somebody else first and allowing us to prepare. The attack would be primarily at the great cities and would cause great destruction both to physical structures and the people. It might involve atomic bombs, radioactive materials, biological warfare, and crop-destroying chemicals. The atomic bomb would probably be used against cities in preference to military targets. We would have chaos, with communications disrupted, millions of persons sick, wounded and dying, civil disorder, and sabotage. The initial bombing attack would likely be followed by air-borne troops. There is also the possibility of long-range submarines popping up offshore and directing guided missiles to targets on this continent.”⁵⁶

In the years after World War II, it was the desire to prevent this type of catastrophe from occurring, coupled with a fear of being cutoff in such a war from the country’s extensive foreign interests, that led to the development of a fundamentally new American foreign policy with a new logic of force projection at its core.

The new logic of force was as follows: *the United States had to maintain and be able to project its military power overseas to prevent the possibilities of surprise attacks and/or total war from occurring.* The implications of this logic were three-fold: First, the country had to build and maintain substantial peacetime armed forces. On the one hand, it was hoped that such forces would play a balancing role by deterring aggression against the United States and other countries.⁵⁷ Potentially more important, however, was the fact that if the country were attacked again, President Truman argued, “there would be no time under conditions of modern war to develop...latent strength into the necessary fighting force,” as the country had done before.⁵⁸

⁵⁶ Quoted in The President’s Advisory Commission on Universal Training, *A Program for National Security*, 13.

⁵⁷ “SWNCC 282: Basis for the Formulation of a U.S. Military Policy, March 27, 1946,” 1162.

⁵⁸ Truman, “Address Before a Joint Session of the Congress on Universal Military Training, October 23, 1945,” 405.

Whereas in previous wars the United States prepared over periods of twelve or more months, it would have to be able respond at most in the first sixty days of any future conflict. Even this time frame was considered too long for many analysts who recognized that a foreign state would eventually be able to inflict as much damage on the United States in a surprise attack as the Allies did during the entire three and half years of saturation bombing against Germany in World War II.⁵⁹ As the authors of NSC 100 explained, if the United States did not have the “forces in being necessary to assure our national survival through the opening, and decisive, months of a general war, then neither our allies nor ourselves will ever have the opportunity to use the forces which eventually would play the dominant role in the later, conclusive phase of such a war.”⁶⁰ If attacked, American military forces needed to be large enough and capable enough to “survive the initial blow and go on to the eventual attainment of its objectives.”⁶¹

Second, the United States needed to shift from a *passive* policy based on protecting American interests in the Western Hemisphere to an *active* policy based on projecting its military power across the globe.⁶² There was a general belief among policymakers and others that, as General Marshall concluded in his postwar report, “The only effective defense a nation can now maintain is the power of attack.”⁶³ Or in Baldwin’s words “the best defense, in fact, the only true

⁵⁹ The President’s Advisory Commission on Universal Training, *A Program for National Security*, 16.

⁶⁰ “NSC 100: Recommended Policy Actions in Light of the Grave World Situation, January 11, 1951,” in *Foreign Relations of the United States, 1951*, vol. I National Security Affairs; Foreign Economic Policy (Washington, DC: Government Printing Office, 1979), 16.

⁶¹ “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 287–288.

⁶² The emphasis on offense was littered throughout postwar policy planning documents. See for example “NSC 7: The Position of the United States with Respect to Soviet-Directed World Communism, Taking Into Account the Security Interests of the United States, March 30, 1948,” in *Foreign Relations of the United States, 1948*, vol. I General; The United Nations, Part 2 (Washington, DC: Government Printing Office, 1975), 548; “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 282–284.

⁶³ Marshall, “Biennial Report of the Chief of Staff of the United States Army to the Secretary of War: July 1, 1943, to June 30, 1945,” 111.

defense, would appear to be a strong offense.”⁶⁴ The belief in what the President’s Advisory Commission on Universal Training called “defense by attack” was motivated by two factors.⁶⁵ On the one hand, a forward operating posture centered on a network of foreign bases and secure lines of communication was needed in part to diminish the reach of modern warfare technologies. If the United States was to be secure at home, the Joint Chiefs of Staff argued, the country’s defense “must begin beyond its frontiers... The farther away from our own vital areas we can hold our enemy... the greater are our chances of surviving an attack by atomic weapons and of destroying the enemy which employs them against us.”⁶⁶ A forward operating posture could not eliminate the problem of total war, but could at least keep it as far away from American shores as possible.

On the other hand, the country needed a forward presence not just to defend American territory but also to conduct an offensive strategy designed to confront and undermine foreign aggressors. The Joint Chiefs of Staff explained the logic for offense as follows: “When it becomes evident that forces of aggression are being arrayed against us by a potential enemy, we cannot afford, through any misguided and perilous idea of avoiding an aggressive attitude to permit the first blow to be struck against us. Our government, under such conditions, should press the issue to a prompt political decision, while making all preparations to strike the first blow if necessary.”⁶⁷ The point was not to wage wars of aggression, but to be willing to carry war to foreign adversaries without necessarily being attacked first.

⁶⁴ Baldwin, *The Price of Power*, 16–18, quote on 17.

⁶⁵ The President’s Advisory Commission on Universal Training, *A Program for National Security*, 27.

⁶⁶ “JCS 477/10: Statement of Effect of Atomic Weapons on National Security and Military Organization, March 29, 1946,” quoted in Melvyn P. Leffler, “The American Conception of National Security and the Beginnings of the Cold War, 1945-48,” *The American Historical Review* 89, no. 2 (1984): 350.

⁶⁷ “SWNCC 282: Basis for the Formulation of a U.S. Military Policy, March 27, 1946,” 1163.

Third, the United States had to develop not just a more active policy, but also a repertoire for offensive action. To begin with, policymakers recognized the need to be able to withstand a massive attack, and fight and win a total war if necessary. The survival of the United States necessitated nothing less. But if the country relied only on its atomic arsenal and willingness to wage total war to conduct its foreign policy, it risked being stuck between two equally unpalatable options anytime its security or interests were at stake: it would either have “to capitulate or precipitate a global war.”⁶⁸ As I explained in the introduction to the chapter, policymakers wanted to avoid a total war at all costs. This was not just because of the likely human toll but also because it would force the United States to become a full-blown garrison state. At the same time, however, they knew that capitulation to foreign aggressors could not be accepted after the experiences of the 1930s. Policymakers concluded, therefore, that engaging in “limited wars” and using other hostile “means short of war” might provide vehicles to back American foreign policy with force, while also potentially sparing the country a worst-case outcome. Thus, total war, limited war, and means short of war were conceived of as interdependent components on a spectrum of force capabilities, all of which required the United States to develop new instruments, skills, and techniques.⁶⁹

The Blurring of War and Peace and the Cold War

The final and general implication of the changing nature of warfare technologies, the problem of time-space compression, and the new logic of force that developed at this time was that *war and peace ceased to exist as separate categories*. World War II gave the country its first

⁶⁸ “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 264.

⁶⁹ It should be noted, interestingly, that this interdependence created a strange paradox about the emerging logic of force: To prevent the possibility of total war necessitated engaging in limited wars and constantly using means short of war. Yet, at the same time, using means short of war and engaging in limited wars always risked the outbreak of total war.

experience with this blurring of war and peace. The United States entered the war on December 7, 1941. The war ended with Germany on May 8, 1945 and with Japan on August 14, 1945. President Truman, however, did not declare the end of hostilities until December 31, 1946. Even still, he maintained that the United States was still in “a state of war” and retained the emergency powers, which had been proclaimed by President Roosevelt in 1939 (limited) and 1941 (unlimited), until April 28, 1952 when he formally terminated them. Thus, as Louis Fisher highlights, formal hostilities lasted only four years but the war emergency lasted twelve.⁷⁰ By the time that twelve year period ended, moreover, the United States had several hundred thousand troops fighting in Korea and the Cold War was in full throttle. In a sense, to this day the last time the United States was truly at peace was 1938.⁷¹

After the war, policymakers routinely referencing this new suspended state of national existence. Senator Robert Taft, for example, referred to it as “a special state of semi-war.”⁷² Importantly, this blurring of war and peace came to be reflected in the way policymakers thought about the postwar period. The immediate postwar years were characterized as one of “continuing international crisis.”⁷³ National security was conceived of no longer as “intermittent but continuous.”⁷⁴ The country had to “ride two horses” simultaneously, according to the Joint Chiefs of Staff—“one heading towards peace and progress and the other headed toward war preparation.” As a result, they recommended “the nature of future war...be made a continuing

⁷⁰ Fisher, *Constitutional Conflicts Between Congress and the President*, 267.

⁷¹ For an interesting perspective on this blurring of war and peace see Mary L. Dudziak, *War-Time: An Idea, Its History, and Its Consequences* (Oxford: Oxford University Press, 2012).

⁷² Quoted in Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State* (Cambridge: Cambridge University Press, 1998), 343.

⁷³ The Commission on Organization of the Executive Branch of the Government, *Appendix H: Task Force Report on Foreign Affairs* (Washington, DC: Government Printing Office, 1949), 37.

⁷⁴ The Commission on Organization of the Executive Branch of the Government, *Appendix G: Task Force Report on National Security Organization* (Washington, DC: Government Printing Office, 1949), 28.

study.”⁷⁵ According to Secretary of War Robert Patterson, the situation was such that the country could no longer base the “nation’s security establishment...on one organization in peace and another in war.”⁷⁶ And though few officials stated so directly or openly, others noted the breaking down of the distinction between the normal constitutional powers conferred on the government during peacetime and the extraordinary ones conferred during wartime.⁷⁷

Again, nothing gave life to these postwar ideas more than the Soviet Union and the emergence of the Cold War. In fact, the term “cold war” came to life at this time in order to describe this new suspended state of being between war and peace in the post-atomic age.⁷⁸ The term found its way into policy planning documents in the first attempt at a systematic postwar assessment of American foreign policy in NSC 7 in 1948. The document adopted the phrase “cold war” to describe the country’s evolving relationship with its previous wartime partner the Soviet Union and proclaimed the United States could not withdraw from the conflict “short of eventual national suicide.”⁷⁹ As the term was popularized, Robert Lovett described the Cold War between the two countries as it came to be understood by American policymakers: “We must realize that we are now in a mortal conflict; that we are now in a war worse than any we have ever experienced. Just because there is not much shooting as yet does not mean that we are in a

⁷⁵ Thomas H. Etzold and John Lewis Gaddis, eds., “Brief on the Pattern of War in the Atomic Warfare Age, December 16, 1948,” in *Containment: Documents on American Policy and Strategy, 1945-1950* (New York: Columbia University Press, 1978), 344, 357.

⁷⁶ Quoted in Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State*, 26.

⁷⁷ Edward S. Corwin, *Total War and the Constitution* (New York: Alfred A. Knopf, 1947), 168–182.

⁷⁸ George Orwell used the term in an essay in October 1945 to describe the impact of the atomic bomb. Prophetically, he argued the bomb was likely “to put an end to large-scale wars at the costs of prolonging indefinitely a ‘peace that is no peace.’” The term was popularized with the publication of Walter Lippmann’s book of that name in 1947. George Orwell, “You and the Atomic Bomb,” *Tribune*, October 19, 1945; Walter Lippmann, *The Cold War: A Study in U.S. Foreign Policy* (New York: Harper & Brothers, 1947).

⁷⁹ “NSC 7: The Position of the United States with Respect to Soviet-Directed World Communism, Taking Into Account the Security Interests of the United States, March 30, 1948,” 546.

cold war. It is not a cold war; it is a hot war. The only difference between this and previous hot wars is that death comes more slowly and in a different fashion.”⁸⁰ Or as the authors of NSC 68 described it, “the cold war is in fact a real war in which the survival of the free world is at stake.”⁸¹ The “war” was described as cold, but in the heads of policymakers it was always in fact hot.

It is important to note that during the formative stage of the Cold War, the chances for total war with the Soviet Union were actually considered quite small. Policymakers were well aware of how much the war devastated the Soviet economy and the Soviets did not test their first atomic bomb until August 1949. The Cold War was instead driven, at least at first, by expectations of future war. These expectations, moreover, were compounded by beliefs about the length of time that might be required to wage it. By 1950, some realized the Cold War might last decades. In a truly prophetic statement, James Conant told a meeting of the State-Defense Policy Review Group that the United States would likely have to hold out against the Soviet Union until at least 1980 when “their absurdities and static system would cause them to grind to a stop.”⁸²

Again, what is important about this idea of the Cold War as a prolonged conflict was that policymakers could no longer distinguish between wartime and peacetime. As the authors of NSC 20/1 explained about emerging Cold War in 1948, “there is no time limit for the achievement of

⁸⁰ At this meeting of the State-Defense Policy Review Group, Lovett was a consultant. He had resigned as Under Secretary of State the year before, but would be appointed Secretary of Defense later in 1950. “Record of the Meeting of the State-Defense Policy Review Group, Department of State, Thursday, March 16, 1950, 3 P.m. to 6:45 P.m.,” in *Foreign Relations of the United States, 1950*, vol. I National Security Affairs; Foreign Economic Policy (Washington, DC: Government Printing Office, 1977), 197.

⁸¹ “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 292.

⁸² Conant was President of Harvard University and a member of the General Advisory Committee of the United States Atomic Energy Commission. “Record of the Meeting of the State-Defense Policy Review Group, Department of State, Thursday, March 2, 1950, 3 P.m. to 5:00 P.m.,” in *Foreign Relations of the United States, 1950*, vol. I National Security Affairs; Foreign Economic Policy (Washington, DC: Government Printing Office, 1977), 179.

our objectives under conditions of peace. We are faced here with no rigid periodicity of war and peace which would enable us to conclude that we must achieve our peacetime objectives by a given date “or else.”” The document concluded that if war and peace could not be separated, then the government had to mirror that reality and “reduce as far as possible” the gap between its “peacetime objectives” and “hypothetical wartime objectives.”⁸³

This blurring of war and peace for an unforeseeable amount of time was radically new for the United States. Whereas the country had normally expected to be at peace throughout its history, it now fully expected to be at war at any moment. World War II had forced the United States to respond to new warfare technologies, a surprise attack, and a close approximation of total war. But its arrangements to meet these contingencies were ad hoc and had not been institutionalized. That would not occur until after the war when it was what James Madison termed the “Constant apprehension of war” that drove institutional changes.⁸⁴

Institutional Stress and the Challenge of State-Building for Autonomy

Almost as widespread as the idea that the United States faced a radically different postwar world was fear that as a democracy America might not survive in it. The country’s national security institutions failed to prevent World War II and faced tremendous strains during the war. In the postwar period, they were widely feared to be inadequate for the challenges posed by modern warfare technologies and the need to adapt to the new logic of force. The institutional stress generated by these experiences and expectations was perhaps more severe than at any time

⁸³ Thomas H. Etzold and John Lewis Gaddis, eds., “NSC 20/1: U.S. Objectives with Respect to Russia, August 18, 1948,” in *Containment: Documents on American Policy and Strategy, 1945-1950* (New York: Columbia University Press, 1978), 180, 176.

⁸⁴ James Madison, “Speech at the Constitutional Convention,” June 29, 1787, in Phillip B. Kurland and Ralph Lerner, eds., in *The Founder’s Constitution*, vol. 3 (Chicago: Chicago University Press, 1987), Article I, Section 2, Clause 3, Document 2.

in America's history. At the least, it was a different type of stress than the country ever faced. In the past, decision-makers could reasonably expect to get by with ad hoc institutional arrangements that could be scaled up at the start of war and rolled back at its end. But with the blurring of war and peace and the emergence of what they expected to be a long and dangerous conflict with the Soviet Union, this would no longer be possible. They quickly realized that with few standing forces, fragmented authority over the military, and legislative constraints on executive war-making, the country would not long survive against a powerful, centralized, and unencumbered Soviet state. The United States had to adapt its institutions and to some degree "emulate" its adversary.

It will be recalled that institutional stress occurs when there is tension between existing domestic institutions and decision-makers preferences for how decision-making structures and processes should enable them to act. When systemic pressure is severe, institutional stress is also severe if 1) decision-makers lack the institutional resources required to pursue what they believe to be in a state's best interest, 2) national security organizations do not enable them to mobilize state resources, and 3) procedural norms with respect to national security decision-making favor broad deliberation over quick and decisive action. In the remainder of the chapter, I attempt to show how these deficiencies acted collectively to generate institutional change and create the modern American war-making executive.

Democracy's Deficiencies and the Need for Institutional Change

As I mentioned in the introduction to the dissertation, a common refrain among policymakers and public intellectuals throughout the postwar period was that democratic

constraints made the conduct of foreign policy difficult, if not impossible.⁸⁵ As the journalist Edgar Ansel Mowrer wrote at the time, the belief was “the greater the democracy, the greater the difficulty.”⁸⁶ This view had historical roots, but in the postwar period it was linked directly to the perceived policy failures of the 1930s, not only by the United States, but also Great Britain and France. The prevailing belief was that western democracies had mistakenly disarmed and weakened themselves after World I. In the 1930s, totalitarian aggressors preyed on this weakness and were motivated at least in part by the inability of democracies to confront them. Many documents recovered in Germany after the war in fact contained explicit references to the military weakness and lack of decisive action on the part of the United States and Great Britain as a source of motivation for Nazi Germany’s aggression.⁸⁷ Policymakers concluded that being as weak and weak-willed as before the war would again provide “an invitation to extermination” afterwards.⁸⁸

World War II itself, moreover, placed a great deal of stress on America’s state structure and decision-making procedures. The lack of substantial intelligence capabilities, combined with problems stitching together what little intelligence the government did gather, contributed to the attack on Pearl Harbor. Once the United States entered the war, the military was terribly

⁸⁵ For academic works to this effect see Hans J. Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy* (Washington, DC: University Press of America, 1950), 221–242; George F. Kennan, *American Diplomacy*, Expanded Edition (Chicago: University of Chicago Press, 1951), 93–100; Walter Lippmann, *Essays in the Public Philosophy* (Boston: Little, Brown and Company, 1955); Dean Acheson, *A Citizen Looks at Congress* (New York: Harper & Brothers, 1957), 86; Hans J. Morgenthau, *Dilemmas of Politics* (Chicago: Chicago University Press, 1958), 324–339; George F. Kennan, *The Cloud of Danger: Current Realities of American Foreign Policy* (Boston: Little, Brown and Company, 1977), 3–9; Samuel P. Huntington, *American Politics: The Promise of Disharmony* (Cambridge: Harvard University Press, 1981), 18; Jean-François Revel, *How Democracies Perish* (New York: Doubleday, 1984).

⁸⁶ Edgar Ansel Mowrer, “The Formulation of American Foreign Policy,” in *The Strengthening of American Political Institutions* (Ithaca: Cornell University Press, 1949), 118.

⁸⁷ The President’s Advisory Commission on Universal Training, *A Program for National Security*, 3–5.

⁸⁸ *Ibid.*, 5.

unprepared to carry the fight to the enemy. Most critically, the lack of capabilities and poor organization during the first six months caused the military to reel from one defeat to another in the Pacific.⁸⁹ President Truman would later remark that the United States won despite its military organization, not because of it.⁹⁰ Finally, the lack of centralized authority within the government meant both civil and military leaders were constantly forced to rely on improvised planning and decision-making arrangements throughout the war. As Thomas Etzold suggests, many policymakers appeared to long for “war’s end less in anticipation of the blessings of peace than in hope of a timely opportunity to institutionalize the improvised arrangements of the war years regarding defense and diplomacy.”⁹¹ In fact this general theme of needing to institutionalize wartime decision-making bodies and procedures would pervade discussions of postwar foreign policy. Secretary of State Stimson later explained that with years of emergencies, policymakers had been “forced to take special measures to reinforce the inadequate structure of our governmental machinery in foreign affairs.” After the war, he said, it was finally time to deal with this inadequacy once and for all.⁹²

In the postwar period concerns about state institutions only grew with the increasing expectations of future war discussed in the last section. The fact that the Cold War pitted the United States against the Soviet Union, which policymakers often noted looked and acted just like Nazi Germany, only helped to exacerbate the institutional stress experienced at this time. As

⁸⁹ Allan R. Millett, Peter Maslowski, and William B. Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 3rd ed. (New York: Simon and Schuster, 2012), 374–377.

⁹⁰ Oral History Interview with Clark M. Clifford Assistant to White House Naval Aide, 1945-46; Special Counsel to the President, 1946-50, interview by Jerry N. Hess, April 13, 1971, <http://www.trumanlibrary.org/oralhist/cliford2.htm>.

⁹¹ Thomas H. Etzold, “American Organization for National Security, 1945-50,” in *Containment: Documents on American Policy and Strategy, 1945-1950*, ed. Thomas H. Etzold and John Lewis Gaddis (New York: Columbia University Press, 1978), 1.

⁹² Stimson, “Advisor’s Letter, January 22, 1948,” xi.

policymakers eyed up their adversary in the emerging Cold War, they frequently lamented the fact that the United States was at a serious disadvantage relative to the Soviet Union. They were particularly concerned about the country's inability to project military power and use force on behalf of its foreign policy goals. This view was reflected in public debates as well. In the most important critique of containment at the time, Walter Lippmann did not question the policy itself, but whether the western democracies could actually operate it. American constitutional government, he argued, could not match an authoritarian government and meet force with counterforce as Kennan argued. Instead, while the Soviets acted, Lippmann explained, Congress would be "getting ready to hold hearings."⁹³

Several examples serve to show how decision-makers thought democracy disadvantaged them in the Cold War. Before the Soviet Union was named enemy number one, the President's Air Policy Commission explained in more general terms that it would be "difficult for a representative democracy to keep up with an authoritarian state in an armament race in peacetime."⁹⁴ At the same time, the President's Advisory Commission on Universal Training warned: "A nation bent on conquest can plan and prepare in advance for a definite campaign and type of warfare. It selects its own time, place, and mode of attack. It need not—and in the future almost certainly will not—formally declare war. It strikes when it is most confident of success. *Under its Constitution, the United States cannot.*" The Commission noted that the United States was not only vulnerable to attack, but that in "shunning aggression" it actually made itself "the prime target" for aggressors.⁹⁵

⁹³ Lippmann, *The Cold War: A Study in U.S. Foreign Policy*, quotes on 14, 15.

⁹⁴ The President's Air Policy Commission, *Survival in the Air Age*, 8.

⁹⁵ Italics added for emphasis. The President's Advisory Commission on Universal Training, *A Program for National Security*, 7.

Once the Cold War was accepted as fact, policymakers were more explicit in their comparisons of the United States and the Soviet Union. NSC 68 is littered with such comparisons. It noted in particular that the fundamental difference between the two countries was with respect to “attitudes toward the use of military force.” As a democracy, the United States could only resort to such measures as “a last resort.” The Soviet Union, on the other hand, would “not hesitate to use military force aggressively if that course is expedient in the achievement of its design.”⁹⁶ Given this discrepancy, the authors of the document argued that America had no choice now but to adapt its institutions and make force a more useable instrument of the state.

As I explain below, one of the most revolutionary institutional changes in the postwar period was the development of an extensive intelligence and covert operations apparatus. In considering why it was needed, the authors of the Doolittle Report in 1954 argued the country needed “an aggressive covert psychological, political and paramilitary organization” to counter similar capabilities of the Soviet Union. The report explained:

It is now clear that we are facing an implacable enemy whose avowed objective is world domination by whatever means and at whatever cost. There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply. If the United States is to survive, long-standing American concepts of ‘fair play’ must be reconsidered. We must develop effective espionage and counterespionage services and must learn to subvert, sabotage and destroy our enemies by more clever, more sophisticated and more effective methods than those used against us.

In a nod to the limits the authors faced in a democracy, they suggested that it might one day be necessary to tell the American people about this “fundamentally repugnant philosophy” and seek their support for it. But under the circumstances of the Cold War, the report argued the

⁹⁶ “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” 242–244, quotes on 243, 244.

government had no choice but to act in this manner. “[N]o one”—i.e. other domestic institutional actors—“should be permitted to stand in the way of... this mission,” the authors concluded.⁹⁷

Concerns about America’s ability to handle its new postwar responsibilities and survive the Cold War caused policy-makers across the spectrum to question comprehensively the country’s national security institutions for the first time since the Founding Period. Though there were many separate concerns, most of them revolved around three problems. The first problem was how to maintain the requisite military capabilities in “peacetime” in order to meet the country’s sprawling worldwide interests and win a cold war that could turn hot at any moment. This required forces in being to deter a total war, wage limited wars, and conduct an array of operations short of war. The second problem was how to streamline the country’s historically fragmented structure of authority in national security. This required organizational reforms, which on the one hand would create an executive body capable of coordinating and directing political and military affairs, and on the other hand would integrate the armed forces into a consolidated apparatus. Finally, the third problem was how to unleash the state so that it could act with greater speed, flexibility, and force. This required transforming the decision-making procedures for how military power was employed on behalf on the country’s foreign policy aims. The three primary institutional problems are summarized below in Figure 6.1. In the next chapter, I focus on these three different institutional problems and the respective state-building efforts that policymakers made to resolve them.

⁹⁷ The report is widely known as the “Doolittle Report” after its primary author. J.H. Doolittle et al., *Report on the Covert Activities of the Central Intelligence Agency* (Washington, DC: Central Intelligence Agency, September 30, 1954), 2–3, http://www.foia.cia.gov/sites/default/files/document_conversions/45/doolittle_report.pdf.

Figure 6.1: Institutional Problems in the Postwar Period

1. Lack of Military Capabilities
 - Build forces to deter total war and wage limited war
 - Build intelligence and covert operations capabilities
2. Need for Reorganization
 - Coordinate political and military policymaking
 - Military reform
3. Unwieldy Decision-Making Process for War
 - Reduce veto players

Executive War-Making Autonomy as a “Solution” for Foreign Policy Flexibility

Before turning to the three aforementioned problems, however, it is necessary to conclude this chapter by discussing the domestic constraints that remained in the path of state-building efforts related to national security at this time. Policymakers were under no illusion that transforming the country’s institutions to give American foreign policy more teeth would require, in the words of Senator William Fulbright, sacrificing some of the “democratic luxuries of the past.”⁹⁸ To be clear, whether the United States should retain a democratic system of government was never up for debate. Many feared the United States would have to become a garrison state in order to survive. But no one advocated such a radical idea. What was up for debate, however, was the traditional institutional balance that aimed to stifle independent executive war-making powers. It is important to note that by building greater military capabilities, centralizing military authority, and reducing the number of veto players involved in decisions about the use of force policymakers would in effect create a system that favored

⁹⁸ J. William Fulbright, “American Foreign Policy in the 20th Century under an 18th-Century Constitution,” *Cornell Law Quarterly* 47, no. 1 (1961): 7.

executive war-making power whether they thought to do so purposefully or not. As the discussion below suggests, however, they were at a minimum aware of the need to state-build in a way so as to carve out greater executive autonomy in the face of systemic pressure.

With the problem of time-space compression, many accepted that the country would no longer have the luxury for a broad spectrum of policymakers to deliberate on questions of war and peace in the way that had been envisioned in the Constitution. The American state would need to be able to take quick decisive action and use military force in a range of circumstances. The question was how to find a workable solution to making force more central to American foreign policy so that democracy could survive without entirely abandoning the institutional arrangement that had served the country thus far. As has been discussed, in practice this meant shifting many of the general foreign policy powers to the executive—most importantly the full range of war-making powers including the capacity to initiate full blown acts of war. In the past, such an arrangement was avoided at all costs as a derangement of democracy. But given the alternatives of perishing or being forced to become a garrison state, greater executive war-making autonomy appeared as both an effective and yet still democratic solution to navigating the country's changed strategic environment.

Interestingly, the growth of executive war-making powers at this time coincided with a strong antistatist trend in the United States.⁹⁹ This trend, moreover, was accompanied by an attempt to rollback the general powers of the Presidency after they had grown to immense proportions during the Great Depression and World War II. What is important to note is that these efforts did not for the most part extend to the President's authority in national security. The

⁹⁹ For an excellent review of this trend see Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton: Princeton University Press, 2000), 40–61.

concerns of legislators centered mainly on fears about executive power in the area of domestic affairs, particularly as it related to interference in the domestic economy. Congress was particularly eager to bring New Deal agencies under its control and roll back wartime economic measures so that free enterprise could thrive again. This limited and ultimately prevented many of the more far-reaching attempts to extend state control over industry for war mobilization. It also created budgetary constraints on the growth of the national security apparatus, especially at first. But otherwise the growth of executive war-making powers was met with little challenge so long as it did not appear to directly interfere with domestic policy. In this sense, the separation between domestic and foreign affairs heralded in the *Curtiss-Wright* decision before the war began to bear fruit afterwards.

What is indicative of the accepted shift toward executive war-making autonomy in this period is actually how little opposition was raised over it. As will be recalled from previous chapters, concerns about such powers were widespread throughout American history and policymakers frequently made concerted efforts to curtail them. Some unease remained in the postwar period but few spoke out against the readily apparent shift toward executive war-making. Those who did were marginalized for the most part. The historian Charles Beard, for example, charged President Roosevelt with having single-handedly taken the country to war and at the same time upending the Constitution. Now he excoriated others who were attempting to make the shift toward such expansive powers permanent. He explained:

Since the drafting of the Constitution, American statesmen of the first order have accepted the axiom that militarism and the exercise of arbitrary power over foreign affairs by the Executive are inveterate foes of republican institutions...But it is contended by some...that offense is the best defense that unlimited striking power in the Executive is necessary to survival in an age of “power politics” and “atom bombs.” Few of them, it is true, venture to say openly that the Constitution is obsolete and that such centralization of authority should be, in fact, substituted for the system of limited government fortified by checks and balances. Yet the implication of their arguments is inexorable:

constitutional law and democratic government in the United States is at the end of its career.¹⁰⁰

Before the war, this was a mainstream argument, which from one of the most influential historians at the time might have been received as gospel. But after the war Beard was largely ignored and his attack on Roosevelt and by extension Presidential war-making powers was seen as out of step with postwar thinking.

Like Beard, the foremost presidential scholar of the period Edward Corwin watched warily as the pendulum shifted toward executive war-making powers.¹⁰¹ His critique, however, focused less on President Roosevelt himself and more on the problem of the twentieth century Presidency, which he argued was becoming increasingly unhinged from the Constitution. Most problematic for Corwin was Sutherland's argument in *Curtiss-Wright* about external sovereignty as a source of power for presidential war-making.¹⁰² He argued that this source and others was transforming what was once a "*Constitution of Rights*" into a "*Constitution of Powers*." In other words, American government, according to Corwin, was no longer being defined by enumerated powers, which were limited by the Constitution, but instead by inherent or plenary powers, which were potentially limitless.¹⁰³ This shift, exacerbated by Congress's willingness to delegate its own powers to the President, meant the executive was no longer bound by the other branches.

¹⁰⁰ Charles A. Beard, *President Roosevelt and the Coming of War, 1941: Appearances and Reality* (New Brunswick, NJ: Transaction Publishers, 2003), 573–598, quote on 590–591.

¹⁰¹ On both Beard and Corwin as lonely voices on this topic see Walter LaFeber, "American Empire, American Raj," in *America Unbound: World War II and the Making of a Superpower* (New York: St. Martin's Press, 1992).

¹⁰² Edward S. Corwin, "The War and the Constitution," in *Presidential Power and the Constitution: Essays by Edward S. Corwin*, ed. Richard Loss (Ithaca: Cornell University Press, 1976), 112; Edward S. Corwin, "Our Constitutional Revolution and How to Round It Out," in *Presidential Power and the Constitution: Essays by Edward S. Corwin*, ed. Richard Loss (Ithaca: Cornell University Press, 1976), 160–161; Corwin, *Total War and the Constitution*, 37; Edward S. Corwin, "The Atom Bomb and the Constitution," in *Corwin's Constitution: Essays and Insights*, ed. Kenneth D. Crews (New York: Greenwood, 1986), 169.

¹⁰³ Corwin, "Our Constitutional Revolution and How to Round It Out."

Nowhere was this truer than in the area of war where the Constitution could now be considered an “expendable” factor.¹⁰⁴ Corwin, as well as Thomas Finletter, saw a potential solution to this problem in the creation of a joint executive-legislative cabinet or council.¹⁰⁵ But there was little interest in these types of sweeping parliamentary-style reforms to reign in the growing foreign affairs powers of the executive.

Perhaps most importantly, Congress did not act to reassert its war-making powers after the war. Some congressmen tried to rally their fellow members—most notably, Senators Robert Taft and John Bricker—but ultimately failed in this regard.¹⁰⁶ In speeches and later a popular book, Taft restated the same arguments that had long informed ideas about the balance of relations between the executive and legislative branches concerning war. He explained that history showed “arbitrary rulers are more inclined to favor war than are the people at any time.” If war powers were taken out of the hands of the people through their representatives in Congress and given to the President, then war would be “more likely.”¹⁰⁷ The fact that President Truman single-handedly involved the country in the Korean War and committed American forces to the defense of Europe by 1951 provided ample evidence of this trend already. Furthermore, he argued, contrary to *Curtiss-Wright*, that domestic and foreign affairs could not be separated so easily. As two of his biographers summarized, Taft opposed America’s entry to World War II without exhausting all other options because he feared “War would make the American President a virtual dictator, diminish the constitutional powers of Congress, contract civil liberties, injure

¹⁰⁴ Corwin, “The War and the Constitution,” 112.

¹⁰⁵ Edward S. Corwin, *The President: Office and Powers, 1787-1948: History and Analysis of Practice and Opinion* (New York: New York University Press, 1948); Thomas K. Finletter, *Can Representative Government Do the Job?* (New York: Reynal & Hitchcock, 1945).

¹⁰⁶ I discuss the Bricker Amendment arguments from the 1950s below.

¹⁰⁷ Robert A. Taft, *A Foreign Policy for Americans* (Garden City, NY: Doubleday and Company, 1951), 23.

the habitual self-reliance and self-government of the American people, distort the economy, sink the federal government in debt, break in upon private and public morality.”¹⁰⁸ After the war he maintained this position as he entered the debate over the country’s foreign policy.¹⁰⁹ What is important to note is that Taft entered the foreign policy fray only because he believed no one else had offered an alternative to the emerging consensus about America’s role in the world.¹¹⁰ He particularly lamented the fact that there was no real debate about *who* should make decisions about war and peace.¹¹¹

The same concerns voiced by Beard, Corwin, and Taft about the dangers of presidential war-making powers were all fairly conventional and popular throughout American history. In the postwar period, however, their voices would largely drown in a sea of calls for greater executive autonomy. The widespread view that the executive needed such autonomy in the area of war-making flew in the face of the country’s traditional ideas about republican government and shows how just extensively ideas about the relationship between war and domestic politics had transformed in just a few short years. Whereas potential executive war-making autonomy was once seen as one of the greatest dangers to American republicanism, it was now seen as its savior.

Like Senator Fulbright, Baldwin argued that some of the checks and balances that regulated the country’s political and military institutions had to be “sacrificed to greater

¹⁰⁸ Russell Kirk and James McClellan, *The Political Principles of Robert A. Taft* (New Brunswick, NJ: Transaction Publishers, 2010), 163.

¹⁰⁹ Taft, *A Foreign Policy for Americans*, 23.

¹¹⁰ At a speech in 1951, he said “People have accused me of moving into foreign policy.” He rebutted this by saying “The fact is that foreign policy has moved in on me.” Kirk and McClellan, *The Political Principles of Robert A. Taft*, 173.

¹¹¹ Taft, *A Foreign Policy for Americans*, 21–22.

efficiency” in the age of total war.¹¹² Thomas Bailey said the changes taking place in the world meant Americans had to be “willing to give our leaders in Washington a freer hand.”¹¹³ Kennan claimed a good deal of the country’s problems in foreign policy “stemmed from the extent to which the executive has felt itself beholden to short-term trends of public opinion.”¹¹⁴ Don Price explained that the international environment dictated “a more closely knit executive branch than we have had for more than a century.”¹¹⁵ Whereas Clinton Rossiter argued “the destiny of [the United States] in the Atomic Age will rest in the capacity of the Presidency as an institution of constitutional dictatorship.”¹¹⁶ Though few resorted to the scary language of Rossiter, these views were representative of increasingly prevalent ideas among public intellectuals about the need for greater executive autonomy in the early Cold War.

What is important though is that many congressmen joined in the pro-executive chorus. While the Senate attempted in theory to maintain Congress’s war powers during negotiations to ratify the United Nations and NATO treaties, Senator Vandenberg would explain that “the President must not be limited in the use of force” with respect to fulfilling the country’s foreign commitments.¹¹⁷ Vandenberg argued, “Only in those instances in which the Senate can be sure of a complete command of all the essential information prerequisite to an intelligent decision, should it take the terrific chance of muddying the international waters by some sort of premature

¹¹² Baldwin, *The Price of Power*, 185.

¹¹³ Thomas A. Bailey, *The Man in the Street: The Impact of American Public Opinion on Foreign Policy* (New York: The Macmillan Company, 1948), 18.

¹¹⁴ George F. Kennan, “Diplomacy in the Modern World,” in *American Diplomacy*, Expanded Edition (Chicago: University of Chicago Press, 1984), 93.

¹¹⁵ Don K. Price, “The Presidency: Its Burden and Promise,” in *The Strengthening of American Political Institutions* (Ithaca: Cornell University Press, 1949), 82.

¹¹⁶ Clinton L. Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (Princeton: Princeton University Press, 1948), 288–314, quote on 309.

¹¹⁷ Quoted in Arthur M. Schlesinger Jr., “Congress and the Making of American Foreign Policy,” *Foreign Affairs* 51, no. 1 (1972): 94.

and ill advised expression of its advice to the Executive.”¹¹⁸ Senator Fulbright, who ironically would later become one the fiercest critics of executive war-making, summarized many of the views of policymakers over the previous decade in a 1961 paper in the *Cornell Law Review*. Fulbright’s primary argument was that the country could not conduct a twentieth century foreign policy under an eighteenth century constitution. He explained:

The dynamic forces of the 20th century...are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other. We must make decisions which are painful and some which do violence to our fundamental values...I wonder whether the time has not arrived, or indeed already passed, when we must give the Executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld.¹¹⁹

Fulbright pointed to the fact that shifting extensive foreign affairs powers to the President represented a break with the country’s republican institutional arrangement, but cautioned, “the price of democratic survival in a world of aggressive totalitarianisms is to give up some of the democratic luxuries of the past. We should do so with no illusions as to the reasons for its necessity. It is distasteful and dangerous to vest the executive with powers unchecked and unbalanced. My question is whether we have any choice but to do so.”¹²⁰ Later, Fulbright would look back with regret at just how unchecked and unbalanced the executive would become. But he maintained that for policymakers at the time “it was not hard to be persuaded that modern realities required greater latitude for the President.”¹²¹

¹¹⁸ Quoted in R. Gordon Hoxie, *Command Decision and the Presidency: A Study in National Security Policy and Organization* (New York: Reader’s Digest Press, 1977), 311.

¹¹⁹ Fulbright, “American Foreign Policy in the 20th Century under an 18th-Century Constitution,” 2.

¹²⁰ *Ibid.*, 7.

¹²¹ J. William Fulbright, “Forward,” in *Constitutional Diplomacy*, by Michael J. Glennon (Princeton: Princeton University Press, 1990), xi.

Those in the executive branch who were primarily responsible for drawing up America's postwar foreign policy were mindful of the challenges of reconciling the country's new international demands with its domestic values and institutions. First, they valued them as essential to the very fabric of the United States' existence and knew they could not be sacrificed *in toto*. Second, for whatever short-term challenges democratic foreign policy presented, they believed democracy was essential to prevailing in the Cold War in the long-term. The authors of NSC 68 noted that Americans were "confident that the system of values which animates our society...are valid and more vital than the ideology which is the field of Soviet dynamism." Because of its values and institutions, therefore, American society was considered "more cohesive." Importantly, unlike in the Soviet Union, there was little to fear from revolution at home. Moreover, they believed America's values and institutions were also attractive to millions of people across the world and thus would be important for preserving and extending the country's influence overseas.¹²²

Yet, for as much as NSC 68's authors went out of their way to be mindful of domestic political considerations, they tended to focus on maintaining the country's core values—foremost individual freedom—without pointing to the importance of a *balanced* institutional framework for ensuring them. This should likely be seen not as an omission, but as an admission of the predominant role they envisioned for the executive in the postwar world. As I show in the next chapter, President Truman fiercely worked to expand the President's national security powers and cautiously guarded against any attempt by Congress to encroach on them. By the time he left office, he would proudly note: "...the Presidential Office is the most powerful office that has ever existed in the history of this great world of ours. Genghis Khan, Augustus Caesar, great

¹²² "NSC 68: United States Objectives and Programs for National Security, April 7, 1950," 238, 239, 254–255, 266, quote on 254.

Napoleon Bonaparte, or Louis XIV—or any other of the great leaders and executives of the world—can't even compare with what the President of the United States himself is responsible for, when he makes a decision.”¹²³

¹²³ Harry S. Truman, “Remarks at a Meeting of an Orientation Course Conducted by the CIA, November 21, 1952,” in *Public Papers of the Presidents of the United States: Harry S. Truman, January 1 1952, to January 20, 1953* (Washington, DC: Government Printing Office, 1966), 1061.

State-building for Executive War-Making Autonomy in the Postwar Period, 1945-1960

The systemic pressure faced by the United States during and after World War II and the tremendous stress this pressure placed on the country's institutions caused policymakers to engage in state-building efforts designed to make America's national security apparatus more streamlined, powerful, and ultimately more autonomous. Yet, though the birth of the so-called "national security state" appears inevitable in hindsight, it is important to stress that the postwar transformation of America's security institutions was a result human choice within the country's existing institutional design.

In order to explain why and how policymakers began to reimagine and transform the country's institutions, therefore, it is important to remember that they operated under constraints of both systemic pressure and domestic tradition. Again, as was the case previously in American history, the American state is best seen in functional-institutional terms. On the one hand, systemic pressure dictated that certain institutional changes be enacted to better enable policymakers to wield state resources. Moreover, it ultimately pushed policymakers to adopt arrangements including greater centralization within both the military and the executive, standing forces and new instruments for covert war, and executive war-making powers that had long been resisted by their forbearers. On the other hand, domestic constraints limited the scope of

institutional change and helped give shape to the arrangements that did emerge. In some cases this meant institutional artifacts were built into the national security state. Importantly, this resulted in parts of it being more poorly adapted to the country's new security requirements than they may have been otherwise. This should not be seen as a failure on the part of state-builders so much as a reflection of the basic fact that states are torn between the functional requirements of statehood and the institutional bases of state action.

As explained in the last chapter, policymakers had three state-building tasks in the postwar period to transform America's state structure and decision-making procedures. First, they had to streamline the country's national security organizations to make decision-making processes more centralized, unified, and flexible. Second, they had to build instruments of warfare that could be maintained and used in "peacetime." This meant creating standing forces that could be employed immediately for foreign wars, as well less blunt tools of statecraft including intelligence and covert operations capabilities. Third, they had to rebalance constitutional war powers so that the executive could wield the country's armed forces with fewer legislative constraints. As I show, these various state-building efforts collectively resulted in the growth of executive war-making powers and a considerable degree of institutional autonomy.

Piecing Together the Fragments of Authority

In this first section, I focus on the tremendous reorganization of the executive branch that was undertaken after the war. As the Hoover Commission Report explained, reorganization was required in part because the executive branch had actually "*never* been organized," but also

because the country's new global responsibilities required the government, now more than ever, "to speak and act with unity of purpose, firmness, and restraint in dealing with other nations."¹

During World Wars I and II, Presidents Wilson and Roosevelt had been given temporary emergency powers to reorganize the executive in any manner they deemed necessary to aid the war effort.² In both cases, those powers lapsed after the war and the organizational changes enacted had to be unraveled. After World War II, it was clear that these types of ad hoc and temporary wartime measures would no longer suffice. The executive as a whole, and the military establishment in particular, had grown both enormous and unwieldy in recent decades. This growth, moreover, had been complicated both before and during the war by Roosevelt's penchant for administrative improvisation and his preference for withholding plans from advisors, both of which he believed were necessary for dealing with the tangled bureaucracy of the American state.³ Given the more pressing demands of the postwar period, nearly all

¹ *The Hoover Commission Report on Organization of the Executive Branch of the Government* (New York: McGraw-Hill, 1949), v, 3.

² On the Overman Act of 1918 and the First War Powers Act of 1941 see Herbert Emmerich, *Federal Organization and Administrative Management* (University, AL: University of Alabama Press, 1970), 245–249.

³ Roosevelt's idiosyncratic leadership style is well documented. Arthur Schlesinger Jr. notes that he "deliberately organized—or disorganized—his system of command to insure that important decisions were passed on to the top." He did this in part by keeping "grants of authority incomplete, jurisdictions uncertain, charters overlapping." Richard Neustadt adds that Roosevelt not only kept "his organizations overlapping and divide[d] authority among them, but he also tended to put men of clashing temperaments, outlooks, ideas in charge of them." "The result of this competitive theory of administration," according to Schlesinger, "was often confusion and exasperation on the operating level; but no other method could so reliably insure that in a large bureaucracy filled with ambitious men eager for power the decisions, and the power to make them, would remain with the President." Arthur M. Schlesinger Jr., *The Age of Roosevelt*, vol. II: The Coming of the New Deal, 1933–35 (New York: Houghton Mifflin, 2003), 527–528; Richard E. Neustadt, *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York: The Free Press, 1991), 132.

observers recognized the need to disentangle and streamline the bureaucracy, and make the executive less personalized and more institutionalized.⁴

In terms of national security organization, what was needed most was to institutionalize some of the more systematic decision-making bodies and processes from the war and reduce the fragmented authority within the bureaucracy so that the executive—and by extension, the state—could act with greater unity and autonomy. In this regard two specific problems stood out that needed to be addressed. The first was the long-standing problem of how to organize the country's armed forces. The fragmented structure of authority over the military and the ad hoc nature of planning and mobilization had caught up with the United States in the two world wars. Now with an air force to complicate the matter, policymakers finally needed to make a comprehensive push to consolidate and centralize authority over the country's armed forces in a truly national military establishment. The second was the fact that there was no institutional mechanism or staff dedicated to coordinating political and military affairs at any level below the President himself. This was an impossible burden for any individual. As President Truman later remarked, after the war he “badly needed” an organization “where military, diplomatic, and resource problems could be studied and continually appraised.”⁵

Unification under Fire

As chapter four showed, genuine military modernization in the prewar period was a difficult—if not impossible—task. The various reforms in the Navy Department and the Root reforms in the War Department at the turn of the twentieth century helped the United States

⁴ Reorganization efforts were carried out across the board beginning in the 1930s based on the work of the Brownlow Committee in 1937 and the two Hoover Commissions in 1947 and 1953. It was in this period that the Executive Office of the President was created and the modern Presidency took shape. See Emmerich, *Federal Organization and Administrative Management*.

⁵ Harry S. Truman, *Memoirs*, vol. Volume II, Years of Trial and Hope, 1946–52 (Garden City, NY: Doubleday and Company, 1956), 59.

transition and conduct a more assertive foreign policy during its rise to power. But in comparative perspective these reforms were weak and did not fundamentally alter the overall organization of the country's military establishment. Thus, on the eve of World War II, the organization of the armed forces still closely resembled the decentralized system that had so often plagued America's war fighting capabilities throughout its history.

The United States entered World War II in December 1941 with what the Hoover Commission Task Force on National Security Organization later described as "the most primitive rudiments of an integrated security organization."⁶ War and Navy were still two entirely separate cabinet-level departments that not only struggled to cooperate, but also on occasion openly competed with one another. The planning capabilities of each had long been stymied by both formal institutional limits on such activities and internal bureaucratic inertia. Moreover, there was little effective inter-departmental coordination between the two. The Joint Army-Navy Board, which had been established in 1903, and aimed, among other goals, to foster joint planning, was an underdeveloped and underutilized institution.⁷ The National Defense Act of 1920 meanwhile had created the Army-Navy Munitions Board to coordinate joint industrial mobilization for war. In the 1930s, however, its activities were limited by the Nye Committee investigations into munitions production and a general aversion to preparation for war.⁸ Thus, as the war approached, the policymakers were forced as usual to turn to ad hoc institutional

⁶ The Commission on Organization of the Executive Branch of the Government, *Appendix G: Task Report on National Security Organization* (Washington, DC: Government Printing Office, 1949), 29.

⁷ The Joint Army-Navy Board was established in 1903 as part of the Root reforms, but it was a weak institution and was suspended by President Wilson in 1914. The Joint Board was reestablished in 1919 and did prepare some plans in the mid 1930s that were used in planning for World War II. John A. Hixson, "Joint Army-Navy Board," in *Historical Dictionary of the U.S. Army*, ed. Jerold E. Brown (Westport, CT: Greenwood, 2001), 255.

⁸ See Jeffery M. Dorwart, *Eberstadt and Forrestal: A National Security Partnership, 1909-1949* (College Station, TX: Texas A&M University Press, 1991), 40-41.

arrangements that often resulted in disorganization. As Clark Clifford later recounted, there were several times during the war, for example, when the War and Navy Departments waged simultaneous competitive bidding campaigns for certain rare commodities, thus increasing the price for both of them.⁹

The incredible stress of World War II produced important institutional responses from American policymakers to surmount the organizational deficiencies in the military establishment. The Joint Chiefs of Staff (JCS) and the War Production Board (WPB) in particular emerged as mechanisms for unifying disparate institutional resources and centralized executive authority. After the war though, policymakers adopted a “never again” attitude with respect to America’s ad hoc approach to preparing for and waging war. President Truman, in particular, sought to institutionalize the country’s wartime experience, warning that the country could never afford to “fight another war with the organization that we had in World War II.”¹⁰ Truman attributed the attack on Pearl Harbor in large part to the country’s lack of a unified military command. Moreover, as head of the Senate Special Committee to Investigate the National Defense Program (the Truman Committee) from 1941 to 1944, he was confounded by the “duplications of time, material, and manpower” created by maintaining separate Navy and War Departments. He feared this problem would only multiply with the inevitable establishment of a separate Air Force. With these experiences in mind and postwar challenges looming, one of his “strongest convictions” upon becoming President, he later recounted, was that the “antiquated

⁹ Oral History Interview with Clark M. Clifford Assistant to White House Naval Aide, 1945-46; Special Counsel to the President, 1946-50, interview by Jerry N. Hess, April 13, 1971, <http://www.trumanlibrary.org/oralhist/cliford2.htm>.

¹⁰ Ibid.

defense setup of the United States had to be reorganized quickly as a step toward insuring our future safety and preserving world peace.”¹¹

As Walter Millis explains, reorganizing the country’s armed forces was so important because it served as a precursor to solving larger national security problems. Without reorganization of the military establishment, he argues, it was “impossible to lay down any long-range military plans or policies, to determine properly the size or structure of the military machine to be maintained, or to face with any consistency and forethought the underlying politico-military problems with which that existed to meet.”¹² Yet, though almost all civilian and military leaders realized the seriousness of the military’s organizational deficiencies, the process for determining how to solve them would ultimately get tangled in a web of bureaucratic infighting, presidential prerogative, congressional politics, and continuing fears about the centralization of military authority. The fact that such unification would occur at all must be attributed to the severe systemic pressure of the time and the degree of institutional stress this pressure created.

Plans for creating a unified organization out of the different branches of the armed forces were discussed as far back as 1923 when President Harding first recommended creating a merged Department of National Defense. At the top would be a Secretary and Assistant Secretary of Defense with Undersecretaries of the Army, the Navy, and National Resources.¹³ From a purely executive-military point of view, Harding’s proposal for full centralization made an inordinate amount of sense. It would streamline the armed forces, which had grown unwieldy

¹¹ Truman, *Memoirs*, 1956, Volume II, Years of Trial and Hope, 1946–52:46–47.

¹² Note in Walter Millis, ed., *The Forrestal Diaries* (New York: The Viking Press, 1951), 153.

¹³ The plan can be seen in its entirety in *Reorganization of the Executive Departments: Report of the Joint Committee on Reorganization Created Under the Joint Resolution Adopted December 17, 1920, as Amended by Resolution Approved May 5, 1923 (68th Cong., 1st S., Doc. No. 356)* (Washington, DC: Government Printing Office, 1924), 34–39.

since 1898, into a single organization under a single cabinet member. There were some officers in the army who favored such an overarching structure, but in general it was opposed as counter to the interests of both the War and Navy Departments. Harding's proposal also faced opposition within his own cabinet and in Congress, and it was not taken up by his successor after he died while in office. There were bureaucratic reasons for the widespread opposition to unification, but also a continuing belief that in the absence of need there was no reason to centralize military authority. In the 1920s and 30s, some officers in the Army like George Marshall and John Palmer continued to harbor an interest in unification, as did several congressmen who thought it would result in a smaller more cost effective military.¹⁴ But it was not until World War II when such plans became feasible within the broader domestic political arena.

In late 1943, Marshall, now Army Chief of Staff, proposed a plan for the creation of a "Single Department of War in the Post-War Period," which would combine the War and Navy Departments into a single unified organization represented by one cabinet member and one military chief. Marshall and other unification advocates' aspirations can best be understood as an attempt to scale up to the entire armed forces the core idea that had animated the Root reforms in the War Department earlier in the century. The idea was to allow one civilian secretary, acting on behalf of the President, to exert control over a unified defense establishment through one military chief. The military chief in turn would have the authority to carry out the secretary's will across the air, land, sea, and supply service functions of the armed forces. The country would have one military organization, with one brain, acting on behalf of the President, and presenting a common face to Congress. In theory, this would reduce redundancy and break the service autonomy that

¹⁴ Dorwart, *Eberstadt and Forrestal: A National Security Partnership, 1909-1949*, 71–73; Douglas T. Stuart, *Creating the National Security State: A History of the Law That Transformed America* (Princeton: Princeton University Press, 2008), 75–76.

so often pitted branch against branch. The result would be a more streamlined American defense establishment capable of planning and fighting as a fully coherent organization. There were questions about whether or not unification would actually work to this effect, but that was at least its proponents' intended goal.

In the face of what seemed like on face a reasonable proposal, however, the navy reacted vehemently to unification and over the next four years a bitter battle ensued over the future of the armed forces. It is unnecessary to detail the long and torturous fight over unification.¹⁵ What is important to highlight are the several dimensions along which the struggle unfolded and the two coalitions that formed and defined the terms of the debate. At the heart of the controversy was a basic bureaucratic struggle within the armed forces. On the one hand, the army and advocates of a separate air force saw unification as a means of advancing their interests vis-à-vis the navy, which until World War II had been the first line of American defense. Unification offered the promise of at least making them co-equal branches of the armed forces and likely garnering greater appropriations for the army. On the other hand, the navy saw unification and the creation of a separate air force as a general threat to its preeminence and autonomy, and a specific threat to the marines and the navy's air-related assets, which it hoped to develop in the postwar period.

Layered on top of this bureaucratic struggle were what Douglas Stuart describes as “two distinct conceptions of unity of command.” President Truman, the army, and New Deal/statist civilians believed that a pyramidal scheme of management with a hierarchy of authority running from the President as Commander-in-Chief through a civilian secretary and military chief would best embody the country's democratic traditions and serve its interests. Meanwhile, the Navy,

¹⁵ This is well documented elsewhere. See Paul Y. Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century* (Princeton: Princeton University Press, 1961), 186–226; Dorwart, *Eberstadt and Forrestal: A National Security Partnership, 1909-1949*; Stuart, *Creating the National Security State: A History of the Law That Transformed America*.

naval advocates in Congress, and more business friendly civilians believed a corporatist scheme of management based on newly created institutions that would serve as connective tissue between the two independent departments and the President would best accomplish these goals.¹⁶ The Eberstadt Report, which formed the basis of navy thinking, called for continued independent departments acting essentially in confederation through coordinating agencies. Both conceptions were in keeping with each department's respective traditions of centralized vs. decentralized control, but also reflected how they could best pursue their interests in the postwar period.

Finally, as explained in chapter five, this bureaucratic struggle about military modernization, like previous ones, indirectly pitted the executive and legislative branches against each other. To be clear, both the Truman/Army plan for unification and the Forrestal/Navy plan for confederation both envisioned more powerful and autonomous executive action in the postwar period, particularly with respect to the use of force.¹⁷ Both sides of the debate, therefore, argued plausibly that the other plan undermined the Constitution; the former for creating a powerful Secretary of Defense and military chief, and the latter for relying on shadowy and unaccountable institutions that would impair civilian control over the military. All were conceived of as potential vehicles for a proverbial "man on horseback" to seize power. The fact that Congress remained on the sidelines and did not oppose both plans, as it surely would have before the war, is as Amy Zegart points out the dog that didn't bark in the unification debate.¹⁸ Nearly all of Congress recognized the need for some type of centralizing reform.

Nonetheless, unifying the armed forces did promise to centralize executive control over the military establishment and as a result cut many of the lateral connections between the

¹⁶ Stuart, *Creating the National Security State: A History of the Law That Transformed America*, 77–78.

¹⁷ Dorwart, *Eberstadt and Forrestal: A National Security Partnership, 1909-1949*, 125.

¹⁸ Amy Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC* (Palo Alto: Stanford University Press, 2000), 63–64.

services and Congress that I discussed in chapter four. This helps explain why Truman felt Presidential prerogative would be better served by unification and why subsequent Presidents likewise supported greater centralization. It also helps explain why Forrestal and his allies in Congress like the Chairmen of the Senate and House Naval Affairs Committees, Senator David Walsh and Congressman Carl Vinson, so strenuously opposed unification. The navy had always enjoyed strong direct relations with Congress that helped balance a tendency toward executive control over the armed forces. This was, as I have explained, part of the fragmented structure of authority built into the country's institutions. Thus the navy could argue with good reason that coordinating, rather than unifying, the armed forces was "more in line with the principles of our Constitution, our customs, and our traditions."¹⁹

After years of debate, policymakers finally reached a basic set of compromises about military organization that was codified in the National Security Act of 1947. The National Security Act in many ways reflected the messiness of the debate that preceded it. Unable to decide between either a unified or coordinated system of military organization, policymakers chose both. The preamble thus states confusingly that the Act's goal was, on the one hand, to provide for "integration," "unified control," and "unified direction." But, on the other hand, it stressed that the aim was to promote "coordination" between the departments and "not to merge them."²⁰ The Act maintained War (now Army) and Navy (including naval aviation and the Marine Corps) as executive departments and created a third for the Air Force. A Secretary of

¹⁹ From the Eberstadt Report. Quoted in Stuart, *Creating the National Security State: A History of the Law That Transformed America*, 88.

²⁰ Act of July 26, 1947 ("The National Security Act"), Public Law 80-253, 61 STAT 495, "to promote the national security by providing for a Secretary of Defense; for a National Military Establishment; for a Department of the Army, a Department of the Navy, a Department of the Air Force; and for the coordination of the activities of the National Military Establishment with other departments and agencies of the Government concerned with the national security."

Defense was created to head what was conceived of collectively as the National Military Establishment, which would be tied together and integrated with the rest of the American national security apparatus through a series of coordinating agencies including the National Security Council (NSC), the Central Intelligence Agency (CIA), the National Security Resources Board (NSRB), the JCS, a Munitions Board, and a Research and Development Board.²¹

The National Security Act was the first comprehensive national security reform effort in the country's history since the original principles for maintaining the "common defense" were first laid down in the United States Constitution. As a result, some of its confusion was inevitable as policymakers sought to grapple with the gaping holes within the American state along with a century and a half of institutional drift within and across the parts of the national security establishment. But much of the confusion was also a result of the still persistent fears about what the new requirements of national security meant for the country's domestic institutions.

Concerns that the Secretary of Defense could become a powerful military leader, for example, led policymakers to require a civilian to hold what was initially constructed as a relatively weak position. They stipulated that the Secretary not have been on active service as an officer in the regular army for at least ten years and they counterbalanced his power by ensuring the three service secretaries would remain heads of executive departments. The JCS, moreover, was feared as an embryo of the Nazi general staff system. Its creation had been a functional response to wartime pressure and the need to coordinate American military activities with the British.²²

Policymakers knew such an institution was required permanently after the war, but were

²¹ This section discusses the JCS. Later sections discuss the NSC and CIA. For a more comprehensive review of all the aspects of the National Security Act see Stuart, *Creating the National Security State: A History of the Law That Transformed America*.

²² Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century*, 159–185.

reluctant to give it too much power. The JCS, therefore, was established without a chief, with no budgetary powers, and with a staff limited to no more than one hundred officers.

Domestic political concerns thus continued to play an important role in the way policymakers arranged and constructed the country's national security institutions in 1947. But they were always weighed against the requirements of national security, which often won out in determining the need for institutional change in the first place. The following exchange in Senate hearings on the 1947 Act between Senators McCarthy and Tydings is revealing in showing the fact that policymakers recognized and frequently weighed the tradeoff between the two. When discussing the arrangement of the JCS, the topic turned to fear that Congress was setting up a system favorable to a man on horseback. Senator McCarthy expressed the common concern that they were simply repeating Germany's organizational structure and "laying the groundwork for a military dictatorship in time of emergency." Senator Tydings expressed a similar concern, but implied the country's historical preference for fragmented military authority would have to be put aside in the postwar period. His argument was extensive and provides incredible insight into the minds of policymakers at the time, including congressmen who recognized how much the world had changed and their own institution's limitations within that world. The next war he explained, would be

...beyond the imagination of any person in this room. I assume it will take place in 10 or 15 or 20 years from now. I do not care how many laws you write. When the atomic bomb is pretty well scattered in other nations, your one hope of survival will be the strong authority at the top. It will have to regulate, whether we like it or whether we do not like it, the civilian as well as the military population.

Recognizing the radical and controversial nature of this argument, he asked only half in jest that this quote not be used against him in the next election. But more important than preventing a concentration of military authority, Senator Tydings explained that he was more concerned about

how the United States could “survive” given the present conditions in the world and its now antiquated organization for national security. He continued:

I do not think you should have a model T to fight the next war. I think you have to have a high-powered, streamlined organization that can go into action and get you where you want to go. If we lose that war, there will not be a vestige of democracy left. I want it retained, and I would rather gamble on the good faith of the men that gravitate to the top to win that war, more so than I would gamble on the ability of Congress to write a law to apply 15 or 20 years from now to a circumstance they do not even quite visualize.²³

Senator Tydings lamented that this would force Congress to hand over much of its power to the executive and the country’s military leaders, especially during war.²⁴ But he did not believe they had a choice in the matter. If the country could not survive a future war with its existing institutions, then those institutions had to be modified.

In sum, the compromises reached in the National Security Act of 1947 by no means represented purely rational and functional adaptations to the challenges of the time. But nor can the original compromises reached in the Act be explained away solely as the product of bureaucratic interest as some have suggested. Otherwise, the reforms would have been nonexistent or piecemeal and narrowly focused, rather than comprehensive and sweeping. As President Truman would later emphasize, the overall result of the National Security Act was that “for the first time in the history of the nation an over-all military establishment was created.”²⁵ The importance of this step was no small accomplishment and should not be underestimated.

²³ *Hearings Before the Committee on Armed Services, United States Senate, Eightieth Congress, First Session, on S. 758: A Bill to Promote the National Security by Providing for a National Defense Establishment Which Shall Be Administered by a Secretary of National Defense, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Defense Establishment, and for the Coordination of the Activities of the National Defense Establishment with Other Departments and Agencies of the Government Concerned with National Security, Part I, March 18-April 3, 1947* (Washington, DC: Government Printing Office, 1947), 622–623.

²⁴ This was precisely what happened during World War II, he argued, citing the case of General Marshall asking for a billion dollars with no questions asked. Only three years later did Congress learn it funded the world’s first atomic bomb.

²⁵ Truman, *Memoirs*, 1956, Volume II, Years of Trial and Hope, 1946–52:51–52.

Particularly when seen in comparative perspective with the prewar period, this constituted a major transformation of the country's institutions.

Moreover, 1947 was not the last battle over centralizing military authority. The military establishment would be subject to nearly constant reorganization throughout the Cold War, beginning immediately with a series of amendments to the National Security Act in 1949 that strengthened the Secretary of Defense, created the Department of Defense as an executive department and took this status away from the three service departments, and created the office of Chairman of the Joint Chiefs of Staff. Subsequent reorganizations would take place most importantly in 1953, 1958, and 1986. These efforts were required to further streamline the armed forces and make the overarching organization between the various branches more centralized as the National Security Act's creators originally intended.

Centralizing the Conduct of Diplomacy with Force

With force factored to be a central component of America's postwar foreign policy, it became more important than ever to coordinate the country's diplomatic and military activities. As the Senate Subcommittee on National Policy Machinery would later explain: "Almost every leading civilian and military officer who served in World War II concluded that the existing machinery was inadequate for the formulation of overall national security policy."²⁶ The eventual solution was to create the National Security Council (NSC) system. In many ways, the creation of this particular system was an accident of bureaucratic infighting.²⁷ This is particularly

²⁶ Henry M. Jackson, "Interim Report, January 18, 1960," in *Organizing for National Security*, vol. 2: Studies and Background Materials Submitted to the Committee on Government Operations, United States Senate, By Its Subcommittee on National Policy Machinery (Pursuant to S. Res. 115, 86th Cong., and S. Res. 20, 87th Cong.) (Washington, DC: Government Printing Office, 1961), 11.

²⁷ Secretary of Defense Forrestal was one of the main proponents of the NSC system, but he saw it as an alternative to the unification of the armed forces discussed in the next section not a complementary organization. See Alfred D. Sander, "Truman and the National Security Council: 1945-1947," *The*

true if one focuses on the debates between the War and Navy Departments in the immediate postwar years. By expanding our view, however, it becomes apparent that the idea behind the NSC system was long in the making. Similar bodies had been repeatedly proposed and rejected as far back as 1911, but under the stresses of world war the seeds of coordination were sown.²⁸ Twelve years after its creation, the Senate Subcommittee concluded, “if there were no NSC, we would have to invent one.”²⁹

As mentioned earlier, diplomatic-military cooperation was not institutionalized at any level below the President himself before World War II. In the lead up to the war, President Roosevelt convened a War Council regularly, but rather than serving as a coordinating or advisory body it acted as a platform for the President to announce decisions he had already made in conjunction with the chiefs of staff of the military services. After the United States entered the war, he even stopped inviting the Secretary of State and it simply became a wartime strategy board.³⁰

During the war, however, the Secretaries of State, War, and Navy began to meet regularly to coordinate politico-military affairs and over time this informal grouping would evolve into the seed of the later National Security Council system. With an eye toward planning for the expected challenges associated with terminating the war and conducting occupations of Germany and Japan among other issues, the three secretaries eventually realized their informal coordination needed to be institutionalized in a standing body. In December 1944, the State-War-Navy

Journal of American History 59, no. 2 (1972): 369–88; Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC*, 54–75.

²⁸ Paul Y. Hammond, “The National Security Council as a Device for Interdepartmental Coordination: An Interpretation and Appraisal,” *The American Political Science Review* 54, no. 4 (1960): 899; See also Ernest R. May, “The Development of Political-Military Consultation in the United States,” *Political Science Quarterly* 70, no. 2 (1955): 161–80.

²⁹ Jackson, “Interim Report, January 18, 1960,” 12.

³⁰ May, “The Development of Political-Military Consultation in the United States,” 173–174.

Coordinating Committee (SWNCC) was formed as an “agency to reconcile and coordinate the action to be taken by the State, War, and Navy Departments on matters of common interest and, under the guidance of the Secretaries of State, War, and Navy, establish policies on politico-military questions referred to it.”³¹ Permanent members of the Committee included assistant secretaries from the three departments and associated staff. The SWNCC also coordinated its activities with the Joint Chiefs of Staff. It met weekly and eventually established geographically focused subcommittees and other ad hoc committees dedicated to facilitating coordination on issues like peace treaties or the United Nations (UN). When appropriate, decisions of the Committee were passed on to the President for his approval.

After the war, many decision-makers were keen to institutionalize the functions of the SWNCC in a more substantial and powerful body. As the implications of the shrinking globe view, the extent of America’s global interests and commitments, and the central role of force in the country’s foreign policy became clearer in the immediate postwar years, the need for such a body was even more evident. Until a more permanent arrangement could be worked out, however, the Committee served as a bridge of sorts.³² The SWNCC helped frame questions of postwar policy regarding issues including occupation policy, military aid to foreign countries, and participation in international conferences and organizations. It also became a forum for

³¹ On the formation, intended purpose, and activities of the Committee see “Establishment of the State-War-Navy Coordinating Committee,” in *Foreign Relations of the United States, 1944*, vol. I General (Washington, DC: Government Printing Office, 1966), 1466–70; Harold W. Mosely, Charles F. McCarthy, and Alvin F. Richardson, “The State-War-Navy Coordinating Committee,” *The Department of State Bulletin* XIII, no. 333 (November 11, 1945): 745–747, quote on 745.

³² The SWNCC operated until 1947 and the establishment of the NSC. At that time it was changed to the State-War-Navy-Air Coordinating Committee (SWNACC), which was eventually disbanded in 1949.

debating important questions related to the general postwar security requirements and military policy of the United States and producing policy documents.³³

The issue of creating a permanent diplomatic-military council was taken up in the National Security Act, which resulted in the most sweeping reorganization of the American national security architecture in the country's history. The Act created the modern National Security Council system comprising: 1) the NSC, which included the President (who would either preside over meetings or designate someone else to), the Secretary of State, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the chairman of the National Security Resources Board, and other executive department secretaries when designated by the President, 2) an Executive Secretary of the Council, which later became the Assistant to the President for National Security Affairs (more commonly known as the National Security Advisor), and 3) the NSC staff, the size and composition of which was not specified. The legislation stated that the function of the Council would be "to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security."

It has been suggested that members of Congress designed the NSC as an "institutional check" on the President.³⁴ If that is true, however, then Congress was either terribly blind to the consequences of the system it was creating or it actually never intended this check to be very

³³ See "SWNCC 282: Basis for the Formulation of a U.S. Military Policy, March 27, 1946," in *Foreign Relations of the United States, 1946*, vol. I General: The United Nations (Washington, DC: Government Printing Office, 1972), 1160–65; "SC-169b: Action on Joint Chiefs of Staff Statement of United States Military Policy, November 16, 1945," in *Foreign Relations of the United States, 1946*, vol. I General; The United Nations (Washington, DC: Government Printing Office, 1972), 1123–28.

³⁴ Paul H. Nitze, *NSC-68: Forging the Strategy of Containment*, ed. S. Nelson Drew (Washington, DC: National Defense University, 1994), 22.

hard.³⁵ It is almost certainly true that Congress did not anticipate just how autonomous a decision-making and decision-executing unit the NSC would become—the Iran-Contra operations in the 1980s stands out in this regard. But the original design of the NSC suggests that it was meant to serve as an institutional aid for the President—not a check. If anything, the NSC system was designed purposefully to facilitate executive discretion even if later policymakers regretted that scheme.³⁶

Several aspects of the original design of the NSC system help prove this point. To begin with, Congress might have required a certain number of legislators to be included as statutory members of the NSC; for example, the Chairmen of the Senate Foreign Relations and Armed Services Committees, the House Foreign Affairs and Armed Services Committees, or others. This seems improbable today, but such ideas were floated at the time and were consistent with others calls for greater joint executive-legislative decision-making collaboration. Including members of Congress in the NSC certainly would have provided a vehicle for promoting such collaboration in national security and helped ensure the NSC system did not act too independently. Even if there were no permanent legislators included in the Council, Congress could have required greater congressional input into or oversight over the functioning of the NSC system, which it never did.

³⁵ Congress of course retained at least two hard checks. It could always choose to defund the NSC or change its mandate through legislation, though these mechanisms are difficult to employ in practice.

³⁶ Even if some thought it might serve as a check at first, by 1960 this was clearly not the case. In its interim report on the NSC, the Senate Subcommittee on National Policy Machinery stated in unambiguous terms: “The integration of national policy—domestic, foreign, and military—must take place, first of all, in the President’s mind. The consensus needed to support national policy depends largely upon his powers of leadership and persuasion. The organization of the executive branch for making and carrying out national policy should therefore be designed above all to help the President with the heavy tasks that world leadership has thrust upon him.” Jackson, “Interim Report, January 18, 1960,” 10.

Moreover, the Act provided for an Executive Secretary that would be appointed by the President, but would not be subject to Senate confirmation.³⁷ This gave the President great latitude to select the Secretary and staff, ensuring that the organization would be his creature and his alone. Not only was the NSC staff to be appointed at the sole discretion of the President, but also its duties were left ambiguous and to be determined by the NSC alone. The Act states only that the staff would “perform such duties as may be prescribed by the council in connection with the performance of its functions.” Furthermore, the Act did not require the Secretary or staff members to testify before Congress. When staff members were requested to testify later, Presidents could always refuse such request by claiming executive privilege. Nor was the NSC staff limited in size by the legislation, as for example the General Staff had been earlier in the century. Thus, though it started out as a small operation, nothing in the legislation prevented it from swelling in size later, which is indeed what happen. By the 1960s, it included hundreds of members, effectively turning into what Clark Clifford characterized as “another State Department” within Executive Office of the President.³⁸

Harold Koh argues the NSC system was ultimately “operationalized” in a way that its creators never intended. He explains: “Congress no more designed the NSC to execute national security policy than it designated the Council of Economic Advisers to print the nation’s money.”³⁹ But it is important to note that the design also did not restrict the NSC from functioning as such, nor—with rare exception—has Congress ever even attempted to pass legislation to prevent it from doing so. The lack of congressional interest in directly regulating

³⁷ Senate confirmation actually written into an early draft of the bill, but was later dropped.

³⁸ Oral History Interview with Clark M. Clifford Assistant to White House Naval Aide, 1945-46; Special Counsel to the President, 1946-50.

³⁹ Harold H. Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair* (New Haven: Yale University Press, 1990), 53–54.

the Council instead might be seen as a sign that its independence was, or at least over time became, part of its charter. In fact, the Senate Subcommittee that conducted the first extensive congressional review of the NSC system explicitly and repeatedly stressed it needed to be an “adaptable institution,” which Presidents could use at their discretion.⁴⁰

These factors notwithstanding, President Truman still distrusted the potential impact of the NSC on his freedom of action. He accepted the establishment of the NSC system only reluctantly and especially in the beginning was careful to carve it out as a purely executive and presidential organization. His concern, however, stemmed less from Congress and more from within the Council itself. On the one hand, Truman was concerned that some members of the NSC—notably the first two Secretaries of Defense, James Forrestal and Louis Johnson—aimed “to turn it into a super-cabinet on the British model” and make Council decisions potentially binding on the President.⁴¹ On the other hand, he was concerned by the potential lack of balance between civilians and military officials on the Council, with the latter outnumbering the former.⁴² Truman was quick to quash both issues during the first NSC meeting by stating in clear terms that he expected the Council primarily to *advise* him and by naming the Secretary of State the ranking member in his absence. With a not so subtle hint of disappointment, Forrestal would note in his diary that day that Truman “regarded [the NSC] as *his* council...that it would serve as an advisory body to the President, that he would take its advice in due consideration, but that

⁴⁰ Jackson, “Interim Report, January 18, 1960,” 9, 10, 11, quote on 11.

⁴¹ See Truman, *Memoirs*, 1956, Volume II, Years of Trial and Hope, 1946–52:60; Clark Clifford, *Counsel to the President: A Memoir* (New York: Random House, 1991), 162–164.

⁴² These concerns were also shared by Secretary of State George Marshall. See Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State*, 56–57.

determination of and decisions in the field of foreign policy, would of course, be his and the Secretary of State's.”⁴³

Truman would further reinforce these measures by not attending another meeting for ten months after the first. In total, he participated in only twelve of the NSC's first fifty-seven meetings, preferring instead to make decisions with a smaller group of advisors.⁴⁴ This established a precedent for Presidents to use the Council at their discretion. Moreover, though Forrestal preferred to have the NSC be part of the defense establishment and located close to the Secretary of Defense, Truman chose instead to place it in the Executive Office of the President and house it in the Executive Office Building next to the White House. Finally, in 1949, at the request of the President, the statutory composition of the NSC was changed by an amendment to the 1947 Act.⁴⁵ The three service secretaries were dropped, the Vice President was added as a member, and with the authority granted earlier Truman authorized the Treasury Secretary to attend NSC meetings. With these efforts, he ensured that the NSC system would preserve and in many ways enhance the President's freedom of action, while ensuring that it would not be captured by the military.

Though the development of the NSC as a more powerful and independent institutional actor would take many years, its usefulness became more apparent as the President was forced to deal with the emerging Cold War. As Douglas Stuart explains, by 1948 the Council began to serve two important functions. First, during the Berlin Crisis of that year it served as a venue for

⁴³ Millis, *The Forrestal Diaries*, 320.

⁴⁴ Stanley L. Falk, “The National Security Council Under Truman, Eisenhower, and Kennedy,” *Political Science Quarterly* 79, no. 3 (1964): 406; Anna Kasten Nelson, “President Truman and the Evolution of the National Security Council,” *The Journal of American History* 72, no. 2 (1985): 360, 365–366.

⁴⁵ Truman—following the Hoover Commission recommendations—actually requested to have all statutory restrictions removed, with membership left to the President's determination. But Congress rejected this proposal.

“substantive discussions and crisis management,” as Truman attended meetings for the first time regularly between July and September. Second, throughout the year it served to facilitate the drafting of the NSC 20 series discussed above, thus becoming an important forum for policy formulation.⁴⁶ By early 1949, the Council had already taken “over 200 distinct actions” including “short-range decisions,” “long-range policies,” and creating “carefully outlined alternative courses in the event of various contingencies,” according to its first Executive Secretary, Sidney Souers.⁴⁷ It was not until the Korean War in 1950, however, that Truman began to use the NSC system more extensively. With the outbreak of war he directed the Council to meet weekly and began to preside over its meetings more regularly. Moreover, he reorganized the NSC internally by creating an NSC Senior Staff composed of officials from each department at the assistant secretary level with supporting staff and directed by the Executive Secretary. As I discuss later, the NSC also became a place for the development and direction of psychological and other covert activities at this time.⁴⁸

By the time Truman left office, the NSC system was still an underdeveloped coordinating organization that lacked essential unitary traits. Nevertheless, it had grown from an uncertain institution into a potentially powerful and centralized vehicle for Presidents, with the assistance of other executive officials, to formulate, coordinate, and ultimately execute national security policy. This evolution would occur under his immediate successors and by 1962 it would serve as the body that helped decide the fate of the world during the Cuban Missile Crisis.

⁴⁶ Stuart, *Creating the National Security State: A History of the Law That Transformed America*, 235–237.

⁴⁷ Sidney W. Souers, “Policy Formulation for National Security,” *American Political Science Review* 43, no. 3 (1949): 542.

⁴⁸ Nelson, “President Truman and the Evolution of the National Security Council,” 372–377; Stuart, *Creating the National Security State: A History of the Law That Transformed America*, 239–240.

Finally, it is important to reiterate just how important a departure the NSC system was for America's democratic system of government. The idea that the country needed what essentially amounted to a permanent war council, which to that point was associated with imperialist or militarist countries, represented a sharp break with the country's traditional republican institutions. As Ernest May explains, before the 1940s most Americans, including policymakers, would never have accepted "the rationale" behind the NSC system.⁴⁹ In fact, as I mentioned above, they didn't. Even after its establishment, John Fisher would derisively describe the NSC as "Mr. Truman's Politburo" in a 1951 article in *Harper's*.⁵⁰ But with the changing nature of the world and the ratcheting up of institutional stress, policymakers, along with the American public, ultimately changed their views.

Building Old and New Instruments of Warfare

In order to make force more central to American foreign policy, the country needed not only more centralized national security institutions but also instruments of warfare that could be employed when required by decision-makers. Originally two sets of instruments were needed that I discuss below. The first were instruments related to open military hostilities. In practice, this meant creating standing forces that could be used immediately in a range of contingencies that might require military action including small-scale interventions and the core personnel and materials needed for limited wars and total war. The second were instruments for using force by means short of open warfare. In practice this meant developing less blunt tools of statecraft including intelligence and covert operations capabilities.

⁴⁹ May, "The Development of Political-Military Consultation in the United States," 162.

⁵⁰ Quoted in Stuart, *Creating the National Security State: A History of the Law That Transformed America*, 240.

Constructing Standing Forces

Beginning with the Selective Training and Service Act of 1940 more than sixteen million Americans would eventually be mobilized for active service in the armed forces during World War II.⁵¹ By the end of the war, the country would acquire a vast network of 3,000 distinct military installations around the globe.⁵² The United States not only mobilized an incredible reservoir of manpower during the war, but also built an extensive base for the production of war materials. This war-related industrial base was supported by significant development of related research and development facilities of which the Manhattan Project was the most prominent. Over the course of the war, American war industry would produce 86,000 tanks, 120,000 artillery pieces, 2.4 million trucks and jeeps, 1,200 combatant vessels, 96,000 bombers, and 88,000 fighters, among other war materials.⁵³ By nearly any measure, the response by the United States to build and project military power during World War II was truly incredible and historically unprecedented.

Yet, almost as soon as the war ended there was pressure to demobilize and return the government to balanced budgets. Campaigns were started to have soldiers returned “home alive in 1945.” With a midterm election that year, troops seeking passage home threatened Congress with calls of “no boats, no votes.” And in December, the White House was barraged with

⁵¹ Approximately 11 million served in the Army, 4 million in the Navy, 669,000 in the Marines, and 350,000 in women’s units.

⁵² Jeffrey Engel suggests the number was closer to 20,000 if based on a looser definition of military installation. Jeffrey Engel, “Over There...to Stay This Time: Forward-Deployment of American Basing Strategy in the Cold War and Beyond,” in *Military Bases: Historical Perspectives, Contemporary Challenges*, ed. Luís Rodrigues and Sergiy Glebov (Amsterdam: IOS Press, 2009), 20.

⁵³ Allan R. Millett, Peter Maslowski, and William B. Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 3rd ed. (New York: Simon and Schuster, 2012), 381–391.

requests to “Bring the Boys Home by Christmas.”⁵⁴ Demobilization and reconversion to a peacetime economy, therefore, began to happen relatively quickly, as it had in previous wars. In less than two years, total troop strength dropped from 12 million soldiers to fewer than 1.6 million and the country’s war fighting capabilities were rapidly dismantled. When the war ended in 1945, the United States had 91 Army and 6 Marine Corps combat-trained and ready divisions; an enormous array of aircraft organized into 213 Army Air Force combat groups; and 1,166 Navy combat vessels. Twenty-two months later, the armed forces stood at 2 combat ready Army divisions, along with 8 understrength divisions; 2 understrength Marine Corps divisions; 11 fully operational Army Air Force groups out of a total of 63; and 343 Navy combat vessels.⁵⁵

The slashing of the armed forces was driven by the need to end high levels of taxation after years of extraordinary war spending, and the need to balance guns with butter after years of sacrifice at home.⁵⁶ National defense outlays were steadily cut from \$83 billion in 1945 to \$42.7 billion in 1946 to \$12.8 billion in 1947 to \$9.1 billion in 1948. In percentage terms, this amounted to a drop from a high of 89.5% of federal outlays in 1945 to 30.6% in 1948, or 37.5% of Gross Domestic Product in 1945 to 3.5% in 1948. Outlays for defense in 1948 were still five times higher than they had been in 1940. Yet, they were beginning to approach a more sustainable level.⁵⁷ Many of the remaining costs were associated with America’s constabulary

⁵⁴ Paul S. Boyer, et.al., *The Enduring Vision: A History of the American People*, vol. II: Since 1865 (Boston: Wadsworth, 2009), 661.

⁵⁵ Steven L. Reardon, *History of the Office of the Secretary of Defense*, vol. I: The Formative Years, 1947–50 (Washington, DC: Government Printing Office, 1984), 12–13.

⁵⁶ See Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State*, 69–118; Aaron L. Friedberg, *In the Shadow of the Garrison State: America’s Anti-Statism and Its Cold War Grand Strategy* (Princeton: Princeton University Press, 2000), 81–107.

⁵⁷ *Fiscal Year 2014 Budget of the U.S. Government: Historical Tables* (Washington, DC: Office of Management and Budget, 2013), 50–51, <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2014/assets/hist.pdf>.

duties overseas, which at this time were still considered temporary and likely to be wound down shortly.

As a result of demobilization and reconversion, however, a gaping hole began to open between the country's shifting foreign policy orientation, which required military power and force projection capabilities, and its domestic policy objectives, which required rolling back the American military machine to a minimal level. Even before the war ended, policymakers had recognized the country could not return to its prewar state of military unpreparedness and that the United States would have to maintain larger standing forces than ever before in its history. But in the postwar period, they struggled at first to balance this requirement with both domestic political pressure and a genuine desire to return to some sense of normalcy at home. The fact that they struggled to reconcile the two should not necessarily be seen as a failure on their part, but rather is a testament to the tremendous challenges they faced in simultaneously terminating the largest war ever fought by the United States and undertaking a paradigm shift in its approach to international politics.

Concerns about the country dismantling its military capabilities too rapidly or too extensively were based on both short term and long term considerations. Of immediate concern was ensuring America's critical postwar interests were served before the material foundations of its overseas influence were liquidated. Most importantly, forces were required to enforce the treaty terms on the former Axis members and transition them into stable states. This meant much of the postwar military was engaged in occupation duties, not only in Germany and Japan but also in Austria, Italy, Trieste, and Korea. In a larger sense, military power was also required to back with force the new international legal architecture that policymakers hoped would ultimately take the lead in guaranteeing world peace. Nearly all policymakers recognized the

League of Nations had failed because it lacked teeth and they were determined to prevent the United State's military capabilities from withering to the point that the country could not carry out its responsibilities under the UN.

Of longer term concern was the need to develop standing forces to balance against and deter potential aggressors and to conduct "retaliatory or punitive" operations against actual aggressors.⁵⁸ For many policymakers, the need for this type of capacity was apparent even before the war ended. Afterwards, however, it became even clearer as the Cold War unfolded. American forces were needed in Europe and elsewhere permanently to deter the ambitions of the Soviet Union and its allies. In the early stages of the emerging conflict, military power was needed as a source of leverage, particularly in Europe. It was in this context that Kennan wrote about the need to meet the Soviet Union with "counter-force" wherever it tried to expand its political interests. Kennan could argue plausibly that the United States did not need to confront the Soviet Union militarily in such cases, but had to maintain at least enough military power to ensure its diplomatic efforts were taken seriously in Moscow.

By 1947-1948, however, it became clear that American military power was needed not only for leverage but also as an instrument to actively promote the country's postwar foreign policy goals. Early in 1947, President Truman announced the Truman Doctrine, which as I mentioned in the last chapter provided an essentially global view of American interests. This rhetorical shift, however, was only one piece of the puzzle. To make good on the doctrine, the United States had to have standing forces available to intervene when necessary on behalf of its interests. The problem by this time was that military leaders began to question whether the country had the forces required to defend and advance its core interests in places like Europe—

⁵⁸ "SWNCC 282: Basis for the Formulation of a U.S. Military Policy, March 27, 1946," 1162.

let alone interests across the globe.⁵⁹ Even though the military remained quite large by historical comparison (even after demobilization ended in 1946), much of it was actually busy conducting occupation duties and was not available or ready for combat. With further budget cuts proposed and the end of Selective Service in 1947, the armed forces faced even further weakness.

During this time military leaders and some civilians began to question anxiously the paradox of American national security policy. On the one hand, the new logic of force and the Truman Doctrine dictated that the armed forces actively defend America's commitments and advance its interests around the world. Yet, on the other hand, political leaders at home were busy emasculating the military's capabilities. In connection with the NSC 20 Series in 1948, the JCS was asked to put together a report on "Existing International Commitments Involving the Possible Use of Armed Force." The full catalogue of such commitments ran forty-two pages in length. In a memorandum, the JCS summarized the country's forces requirements as stemming from three primary groups of commitments:

- 1) Defense of the United States, its territories, possessions, leased areas and trust territories, other American states, and assistance to other free nations.
- 2) Pledges of military aid and assistance including occupation commitments, UN commitments, and other bilateral pledges of aid and assistance pacts with all countries in the Western Hemisphere, Greenland, Iceland, China, the Philippines, and possibly countries in Africa.
- 3) Predetermined military actions to be undertaken if certain events occurred in support of defense in the Eastern Mediterranean and the Middle East

Additionally, the JCS stressed the importance of maintaining secure lines of sea and air communication to Europe and Asia. Beyond specific concerns, moreover, they also highlighted

⁵⁹ By early 1946 Secretary of War Patterson was concerned that the United States had adequate forces in Europe for occupation duties, but not for "effective influence" over broader continental politics. See Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State*, 72.

the “distinct possibility of global warfare” with the Soviet Union that always lurked in the background of policy discussions at the time.⁶⁰

Recognizing the commitments/interests—capabilities gap, the JCS and others in the national security establishment warned that the United States needed to stop cutting its military capabilities and actually start strengthening them. Otherwise the armed forces could only muster a limited amount military power on behalf of the country’s foreign policy goals. Several incidents at the time helped prove the point.⁶¹ In the summer of 1948, for example, the UN Security Council adopted a resolution to bring fighting to an end in Palestine. The military implications of the resolution were such that in the event the interested parties could not maintain a cease-fire diplomatically, American forces might be required to help create one with force. The JCS recognized that it was essential to resolve the issue before Soviet or Soviet-allied forces entered Palestine, but feared the consequences of committing American forces there. They explained that an operation of that nature would require the military’s entire ground reserve, which would send ripple effects throughout the military establishment. Those forces would be unavailable in the event an emergency occurred elsewhere; the military would lose training cadres to prepare new units; and the logistical support required for the troops would draw resources away from military assistance programs for other potential allies.⁶² Given the far-reaching consequences of engaging American armed forces in situations like Palestine, the JCS

⁶⁰ “NSC 35: Memorandum by the Joint Chiefs of Staff to the Secretary of Defense on Existing International Commitments Involving the Possible Use of Armed Forces, November 17, 1948,” in *Foreign Relations of the United States, 1948*, vol. I General; The United Nations, Part 2 (Washington, DC: Government Printing Office, 1975), 656–62.

⁶¹ Crises occurred in Iran, Greece, and Turkey in 1946, Trieste in 1947, and Czechoslovakia and Berlin in 1948.

⁶² “NSC 27: U.S. Military Point of View for the Eventuality of United Nations Decision to Introduce Military Forces into Palestine, August 19, 1948,” in *Foreign Relations of the United States, 1948*, vol. V The Near East, South Asia, and Africa, Part 2 (Washington, DC: Government Printing Office, 1976), 1321–26.

concluded that every effort possible was required “to avoid actual United States military commitment...unless and until *preceded* by adequate preparedness.”⁶³

The concept of “adequate preparedness” included various factors like maintaining the country’s vast network of overseas bases and the military’s material capabilities. But it also meant for the first time in the country’s history the prospect of maintaining substantial standing forces (a topic I return to below). All of these required substantial increases in funding, which as I mentioned above was a problem given the domestic political context at the time. Facing a growing number of crises around the world and deteriorating relations with the Soviet Union, however, compelled policymakers to begin increasing defense budgets, though President Truman held the line and stipulated that he would not approve a budget requiring “large scale deficit financing.”⁶⁴ In 1949 the defense budget was raised 44% from the previous year to \$13.2 billion and in 1950 another 4% to \$13.7 billion.⁶⁵ These increases were far less than what military leaders requested, but their importance should not be dismissed easily. Placed in context these budgets amounted to a serious policy shift if observed in historical context. After all other American wars, defense budgets had largely receded to prewar levels within a few years. Now three years after World War II, it was being increased by 44% to nearly eight times the size of the prewar budget.

Nonetheless, there was still a large commitments/interests—capabilities gap. Either the country had to scale back its commitments/interests or increase its capabilities. Accomplishing the latter is primarily what NSC 68 was meant to rectify in 1950. As I mentioned in the last chapter, NSC 68 in many ways rehashed the policy positions that had already been worked out in

⁶³ “NSC 35: Memorandum by the Joint Chiefs of Staff to the Secretary of Defense on Existing International Commitments Involving the Possible Use of Armed Forces, November 17, 1948,” 661.

⁶⁴ Reardon, *History of the Office of the Secretary of Defense*, I: The Formative Years, 1947–50:327.

⁶⁵ *Fiscal Year 2014 Budget of the U.S. Government: Historical Tables*, 51.

the NSC 20 Series in 1948. What was new in the document, however, was an even greater emphasis on the existential threat faced by the United States in the Cold War. The purpose of the document, therefore, was not to mark a new direction in American foreign policy, but to convince those in government outside of the national security community that a massive increase in defense spending was required. In the well-known words of Secretary of State Dean Acheson, “The purpose of NSC-68 was to so bludgeon the mass mind of “top government” that not only could the President make a decision but that the decision could be carried out.”⁶⁶ The document provided no hard figures for increased defense spending, but its authors circulated estimates totaling some \$50 billion, or more than three and a half times the 1950 defense budget.⁶⁷ What might have happened to NSC 68 in the absence of the Korean War has long been debated, but all agree that the day North Korea crossed the 38th parallel marked the end of holding the line on defense spending in the postwar years.⁶⁸ Beginning in 1951, defense spending would rise substantially and remain much higher than anyone had ever envisioned for a “peacetime” budget throughout the remainder of the Cold War.

Placed in context, the allocation of resources to the military in the postwar period was “historically unprecedented,” according to Benjamin Fordham. This was true not only for the United States but also historically in world history. The post-NSC 68/Korean War defense budget would amount to \$317.7 billion dollars (in 2000 dollars) on average per year from 1954 to 2002. In comparison, this was more than *thirty* times the average American defense budget

⁶⁶ Dean Acheson, *Present at the Creation: My Years in the State Department* (New York: W. W. Norton & Company, 1969), 374.

⁶⁷ Gaddis, John Lewis, *Strategies of Containment: A Critical Appraisal of American National Security Policy During the Cold War*, Revised and Expanded (Oxford: Oxford University Press, 2005), 98.

⁶⁸ Even Acheson later claimed “it is doubtful whether anything like what happened in the next few years could have been done had not the Russians been stupid enough to have instigated the attack against South Korea and opened the ‘hate America’ campaign.” Acheson, *Present at the Creation: My Years in the State Department*, 374.

from 1929 to 1940; eleven times more than Germany spent annually during its buildup to World War II between 1934 and 1938; or four and a half times as much as Germany, Japan, Great Britain, and France spent *together* in each of those years.⁶⁹ Over time, America's defense spending would represent an increasingly smaller portion of both government spending and GDP, as both swelled over time. Nonetheless, outside brief periods of actual war, the shift to build permanent standing forces in the early 1950s marked by far the most severe discontinuity in American defense spending in the country's history.

With this increased spending, the United States would maintain roughly 800 military bases overseas and invest in building new military warfare technologies throughout the Cold War. Even in the face of traditional constraints against a standing army, moreover, the size of the regular armed forces jumped from roughly 460,000 active duty personnel in 1940 to an average of 2.56 million active duty personnel between 1951-1991.⁷⁰ Before concluding this section it is important to turn briefly to consider how the country raised this manpower. As I explained earlier, nearly all policymakers recognized the need to maintain larger standing forces than ever before in the country's history. This shift was still opposed by some individuals and organizations in the country that wanted the United States to adhere to its traditional policy of maintaining minimal forces in peacetime. In fact, throughout the hearings on Universal Military Training from 1945 to 1952 witnesses continued to make references linked back to the Founders

⁶⁹ Benjamin O. Fordham, "Paying for Global Power: Assessing the Costs and Benefits of Postwar U.S. Military Spending," in *The Long War: A New History of U.S. National Security Policy Since World War II*, by Andrew J. Bacevich (New York: Columbia University Press, 2007), 373–374, quote on 374.

⁷⁰ Millett, Maslowski, and Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 683; Stephen Daggett and Amy Belasco, *Defense Budget for FY2003: Data Summary*, CRS Report RL31349 (Congressional Research Service, March 29, 2002).

about the repugnance of standing armies in free countries.⁷¹ But few congressmen raised such objections. Even Senator Taft would eventually call for armed forces numbering some three million by the early 1950s.⁷² The fact that policymakers across the spectrum—even those who had traditionally supported more isolationist policies—recognized the need for larger standing forces shows just how severe systemic pressure was in this period.

Yet, though the strategic environment at the time dictated the need for larger standing forces, domestic political factors helped determine the mechanism for generating those forces and to some degree limited their size.⁷³ To generate manpower during the run-up to World War II, the United States had instituted its first peacetime conscription program with the Selective Training and Service Act of 1940. This program was limited but nonetheless controversial and a continuation of it 1941 only passed through Congress narrowly. After the war, military leaders, along with civilians in the executive branch like President Truman, sought to make conscription a permanent feature of the military. They wanted to extend it, however, from a program of “selective service” to a program of “universal military training (UMT)” of all able-bodied men in the country.⁷⁴

Advocates of UMT claimed it would solve two problems that had plagued the military for decades. On the one hand, it would solve the problem of recruitment. General Marshall testified

⁷¹ See for example *Universal Military Training Hearings Before the Select Committee on Postwar Military Policy, House of Representatives, Seventy-Ninth Congress, First Session, June 4-19, 1945* (Washington, DC: Government Printing Office, 1945), 76–83; *Universal Military Training Hearings Before the Committee on Armed Services, United States Senate, Eightieth Congress, Second Session, March 17-April 3, 1948* (Washington, DC: Government Printing Office, 1948), 123, 286–288, 465, 540, 782–783, 1053–1057, 1096.

⁷² Clarence E. Wunderlin, *Robert A. Taft: Ideas, Tradition, and Party in U.S. Foreign Policy* (Lanham, MD: Rowman & Littlefield, 2005), 162.

⁷³ An excellent reference for understanding these debates is Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy*, 149–198.

⁷⁴ On the proposed program see The President's Advisory Commission on Universal Training, *A Program for National Security* (Washington, DC: Government Printing Office, 1947).

during hearings on postwar military policy that before the war the Army had a difficult time recruiting volunteers to fill out a 175,000-man force. Afterwards, he thought a strong recruiting campaign and high rates of pay might yield 250,000 volunteer soldiers at most, which would hardly be enough.⁷⁵ On the other hand, it would partly solve the two-army problem by universalizing and fully federalizing the training of the country's reserves. This would provide both more and better-trained reserves thus finally fulfilling the goals of Elihu Root and other neo-Hamiltonians from earlier in the century.⁷⁶ At the same time, advocates like President Truman reasoned more loosely that universal military training was compatible with the country's republican institutions. They argued that it was actually an alternative to a large standing army because it would only require "comparatively small" standing forces, while relying on a larger body of well-trained citizen-reserves.⁷⁷

As Friedberg explains, if postwar military policy had been entirely up to executive branch officials, UMT certainly would have been enacted sometime between 1945 and 1952.⁷⁸ President

⁷⁵ *Universal Military Training Hearings Before the Select Committee on Postwar Military Policy, House of Representatives, Seventy-Ninth Congress, First Session, June 4-19, 1945*, 576.

⁷⁶ In fact, by World War I the idea of universal military training had become central to the neo-Hamiltonian program. See Leonard Wood, *Universal Military Training* (New York: P.F. Collier & Son, 1917).

⁷⁷ Harry S. Truman, "Address Before a Joint Session of the Congress on Universal Military Training, October 23, 1945," in *Public Papers of the Presidents of the United States: Harry S. Truman, April 12 - December 31, 1945* (Washington, DC: Government Printing Office, 1961), 406; See also the testimonies of Gen. John Palmer and Maj. Gen. William Tompkins in *Universal Military Training Hearings Before the Select Committee on Postwar Military Policy, House of Representatives, Seventy-Ninth Congress, First Session, June 4-19, 1945*, 489-493, 498-505; and the testimony of Secretary of War Patterson in *Universal Military Training Hearings Before the Committee on Military Affairs, House of Representatives, Seventy-Ninth Congress, First Session, on H.R. 515, Part 1, November 8-December 19, 1945* (Washington, DC: Government Printing Office, 1946), 3-13; Walter Millis argues this position was misleading because conscription systems were designed historically to generate as much additional manpower on top of a large standing army immediately in the event of war, not to maintain a small standing army. Walter Millis, *Arms and Men: A Study in American Military History* (New York: Putnam, 1956), 307-308.

⁷⁸ Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy*, 155.

Truman was a strong advocate, and the military establishment itself was not divided over the program the way it was over unification. Advocates of UMT, however, faced two primary obstacles. Friedberg stresses the first, which was the “continuing presence of important ideological and institutional constraints on the extractive powers of the American state.”⁷⁹ UMT required acceptance by Congress where it faced a century and a half of skepticism about conscription in wartime—let alone in peacetime. The idea of the state forcibly taking “children from their parents, [and] parents from their children” to fight its wars was decidedly un-American.⁸⁰ Throughout hearings on the subject there were repeated references to compulsory military training as the road to militarism, which the country had just fought a world war to defeat.⁸¹ Military leaders tried to assure congressmen and the public that UMT would resemble peace-loving Switzerland rather than aggressive Nazi Germany.⁸² They even tried to sugarcoat it as a general training program that would improve the moral fiber of the nation, with President Truman going so far as to suggest that its military function was “incidental” to its civilian function.⁸³ But as Russell Weigley suggests, this approach actually worked against UMT in Congress, “where legislators showed a healthy skepticism about military training as the most convenient means of fostering citizenship and moral and spiritual values.”⁸⁴

⁷⁹ Ibid.

⁸⁰ The quote is from an unpublished speech by Daniel Webster. Quoted in *ibid.*, 150.

⁸¹ See *Universal Military Training Hearings Before the Committee on Armed Services, United States Senate, Eightieth Congress, Second Session, March 17-April 3, 1948*, 158, 292, 455, 761, 1079, 1102.

⁸² Testimony of Gen. Palmer in *Universal Military Training Hearings Before the Select Committee on Postwar Military Policy, House of Representatives, Seventy-Ninth Congress, First Session, June 4-19, 1945*, 489.

⁸³ Truman argued retrospectively that he intended UMT “to develop skills that could be used in civilian life, to raise the physical standards of the nation’s manpower, to lower the illiteracy rate, to develop citizenship responsibilities, and to foster the moral spiritual welfare of our young people.” Harry S. Truman, *Memoirs*, vol. I, *Year of Decisions* (Garden City, NY: Doubleday and Company, 1956), 511.

⁸⁴ Russell F. Weigley, *History of the United States Army* (New York: Macmillan, 1967), 500.

The second obstacle, which Weigley and other stress, was the fact that as World War II retreated further in time, UMT became less necessary from a national security perspective.⁸⁵ Support for UMT as postwar policy had been forged in the bowels of a global war that required the United States to mobilize sixteen million citizens for active service. During and immediately after World War II, the country's political leaders and citizens thought the next conflict might look similar and the policy therefore enjoyed widespread support as the only means available to the country. But as the scientific revolution in warfare technologies discussed in the last chapter became more widely understood, the idea of mass armies in excess of ten million soldiers meeting each other on battlefields began to appear antiquated. Instead, at least by the Eisenhower administration, policymakers came to agree that a smaller professionally trained military was more appropriate to the country's security needs.

In the end, a limited draft in the form of continued selective service emerged as a compromise between the country's historical reliance on a small voluntary military backed by the militia system and the far-reaching UMT program. As Friedberg explains, this option was not so much selected as "backed into" as a temporary measure until a long-term solution could be arranged.⁸⁶ In 1947, selective service was allowed to lapse. But with recruitment numbers falling it was renewed the following year in new legislation. During the Korean War, which might have served as a catalyst for UMT as it did for many other Cold War policies, selective service was reaffirmed again with the passing of the 1951 Universal Military Training and Service Act. The 1951 act endorsed UMT in principle, but as Weigley suggests Congress was only willing to do so

⁸⁵ Ibid. See also Millis who argues UMT was "largely outmoded" by 1945. Millis, *Arms and Men: A Study in American Military History*, 308. Friedberg rejects this explanation arguing that the voices framing UMT as "obsolete" in the nuclear age such as Hanson Baldwin were a minority. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy*, 159–162.

⁸⁶ Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy*, 173.

because by that time it had no chance of actually being implemented.⁸⁷ Selective service would survive until the end of the Vietnam War in 1973, when it was widely loathed and no longer needed.

The fact that standing forces and a permanent peacetime conscription program—even if partial—were proposed and ultimately accepted again is a testament to the tremendous systemic pressure policymakers felt in the postwar period. The fact that conscription was accepted in only limited form, however, shows that the country’s domestic constraints against a standing army continued to matter. What is interesting in the debates about constructing standing forces is the lack of interest policymakers showed toward its potential impact on the traditional institutional arrangement between the executive and legislative branches of government with respect to the war-making power. As will be recalled from chapter three, standing armies were opposed historically because, once created, they were difficult to rollback and executives could use them more easily. By not maintaining large forces and by limiting military appropriations to two years, the Framers of the Constitution had hoped to keep the war-making powers firmly rooted in the legislature. Building standing forces threatened and indeed did unhinge that arrangement, though that potential consequence does not appear to have been debated at the time. I return to this issue in the last section of the chapter.

The CIA as an Instrument for Conducting Means Short of War

If constructing standing forces posed an old problem for America’s domestic institutional arrangement, building an intelligence institution that could also conduct covert operations posed a new one that policymakers had little experience with.⁸⁸ When war-making powers had been

⁸⁷ Weigley, *History of the United States Army*, 500.

⁸⁸ Clark Clifford would later remark, “those of us who were assigned this task [of creating a peacetime intelligence agency] and had the drafting responsibility were dealing with a new subject with practically

considered previously, it was generally with respect to the ability to commit the country to open confrontation with uniformed military personnel in traditional war settings. But with new postwar challenges, policymakers also had to consider how to use force more discreetly. Given the country's democratic constraints, this required providing the executive with the institutional resources and authority needed to carry out such activities with fairly wide latitude.

Intelligence activities had played a role in America's wars and diplomacy since the Revolutionary War, but they were limited in nature and tended to wax in importance during wars and wane afterwards.⁸⁹ Beginning at the end of the nineteenth century, the War and Navy Departments, followed later by the State Department, developed some intelligence capabilities. Yet, on the eve of World War II such capabilities could still be characterized as "embryonic": they were under-developed, decentralized, and limited to information gathering (meaning they did not include an operational dimension).⁹⁰ The lack of a more powerful and centralized intelligence function was partly due to the fact that there had been little need for one historically. But American policymakers had also always been wary about the role of intelligence in a democracy, particularly during peacetime. During his request to Congress for a declaration of war against Germany in 1917, President Wilson captured this historical wariness by contrasting the practices of autocratic Germany with democracies:

Self-governed nations do not fill their neighbor states with spies or set the course of intrigue to bring about some critical posture of affairs which will give them an opportunity to strike and make conquest. Such designs can be successfully worked out

no precedents." *Hearings Before the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate, Ninety-Fourth Congress, Second Session, First Session, December 4 and 5, 1975, Volume 7: Covert Action* (Washington, DC: Government Printing Office, 1976), 50.

⁸⁹ For a comprehensive overview see Christopher Andrew, *For the President's Eyes Only: Secret Intelligence and the American Presidency from Washington to Bush* (New York: Harper Collins, 1995).

⁹⁰ David F. Rudgers, *Creating the Secret State: The Origins of the Central Intelligence Agency, 1943-1947* (Lawrence, KS: University of Kansas Press, 2000), quote on 5.

only under cover and where no one has the right to ask questions. Cunningly contrived plans of deception or aggression, carried, it may be, from generation to generation, can be worked out and kept from the light only within the privacy of courts or behind the carefully guarded confidences of a narrow and privileged class. They are happily impossible where public opinion commands and insists upon full information concerning all the nation's affairs.⁹¹

With war looming in 1941, however, intelligence operations were more centralized first in the office of Coordinator of Information (COI). This was followed a year later during wartime reorganization by the creation of the far more extensive Office of Strategic Services (OSS) under the JCS. The range of activities conducted by OSS during World War II is impressive, but beyond the scope of this study.⁹² What is important to highlight here, however, is that it became a blueprint of sorts for the organization and function of centralized intelligence after the war.⁹³ OSS's wartime activities included foreign espionage and intelligence analysis. Importantly, OSS also conducted covert operations involving sabotage, subversion, propaganda, and guerilla warfare.⁹⁴ This was the first time the United States ever used such unconventional approaches in

⁹¹ Woodrow Wilson, "Address to a Joint Session of Congress Requesting a Declaration of War Against Germany," 1917.

⁹² See R. Harris Smith, *OSS: The Secret History of America's First Intelligence Agency* (Berkeley: University of California Press, 1972); Bradley F. Smith, *The Shadow Warriors: OSS and the Origins of the CIA* (London: Andre Deutsch, 1983); Thomas Troy, *Donovan and the CIA: A History of the Central Intelligence Agency* (Frederick: University Publications of America, 1984); See also William Casey, *The Secret War Against Hitler* (Washington, DC: Regnery Gateway, 1988); Barry Katz, *Foreign Intelligence: Research and Analysis in the Office of Strategic Services, 1942-1945* (Cambridge, MA: Harvard University Press, 1989); Arthur B. Darling, *The Central Intelligence Agency: An Instrument of Government, to 1950* (University Park: The Pennsylvania State University Press, 1990), 3-41.

⁹³ There were many reasons for this including the wartime experiences of key postwar national security leaders. But it is also important to point out the institutional factors that contributed to some of the continuity. Harris Smith and Thomas Troy suggest the institutionalization of the ideas of OSS's charismatic founder William Donovan played an important role in the early development of the CIA even though he never led the organization, while Bradley Smith suggests it was more the carryover of so many veteran OSS agents who brought their wartime experiences to the CIA. Smith, *OSS: The Secret History of America's First Intelligence Agency*; Troy, *Donovan and the CIA: A History of the Central Intelligence Agency*; Smith, *The Shadow Warriors: OSS and the Origins of the CIA*.

⁹⁴ Covert operations were later defined as those "which are conducted or sponsored by this Government against hostile foreign states or groups or in support of friendly foreign states or groups but which are so planned and executed that any US Government responsibility for them is not evident to unauthorized

war. Whether policymakers initially intended to continue these practices later during peacetime has been a great subject of debate, as I discuss below. At a minimum, however, OSS's wartime operations should be seen as at least providing a precedent for such activities.

Again, like so many aspects of the emergent national security state, the development of postwar intelligence and covert operations capabilities did not follow a “predestined course.”⁹⁵ Instead, the type of organization for coordinating and directing these activities was open for debate. During the war many in the OSS fought to make it, or a closely related successor, permanent and may have been given the opportunity to do so had President Roosevelt lived. President Truman's instinct within weeks of the war's end, however, was to disband OSS and transfer its units and responsibilities to the State and War Departments. Foremost in Truman's mind was concern with the charge that the government planned to maintain an organization in the mold of Germany's “Gestapo” after the war—a claim that was bandied about in the press and later in congressional hearings.⁹⁶ OSS and its activities outside normal channels of war and diplomacy may have been necessary during the war, but until policymakers could figure out what a peacetime intelligence organization ought to look like it was disbanded.

persons and that if uncovered the US Government can plausibly disclaim any responsibility for them.” For the duration of the Cold War, this would include “any covert activities related to: propaganda, economic warfare; preventive direct action, including sabotage, anti-sabotage, demolition and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas and refugee liberation groups, and support of indigenous anti-communist elements in threatened countries of the free world.” “NSC 10/2: National Security Council Directive on Office of Special Projects, June 18, 1948,” in *Foreign Relations of the United States, 1945-1950: Emergence of the Intelligence Establishment* (Washington, DC: Government Printing Office, 1996), 714.

⁹⁵ Michael Warner, ed., *CIA Cold War Records: The CIA under Harry Truman* (Washington, DC: Central Intelligence Agency, 1994), xi.

⁹⁶ Rhodri Jeffreys-Jones, *The CIA and American Democracy*, Third Edition (New Haven: Yale University Press, 2003), 30–32. There were also personal considerations between Truman and OSS chief Donovan, as well as the fact that OSS was tagged for termination as part of the broader effort of reconversion to peacetime. See Rudgers, *Creating the Secret State: The Origins of the Central Intelligence Agency, 1943-1947*, 36–39.

Two factors would help shape the eventual establishment and development of the Central Intelligence Agency (CIA), which would become the primary institutional actor engaged in intelligence collection/analysis and covert operations after the war. The first and most immediate factor was the need to strengthen and better coordinate the state's intelligence activities, which can be traced directly to the logic of force described in the last chapter. As mentioned above, President Truman and others were deeply affected by the attack on Pearl Harbor and what they believed was the lack of coordinated intelligence that contributed to it. With this historical experience and the increased concern about surprise attacks in the postwar period, a more centralized organization was required to coordinate the country's intelligence efforts against potential adversaries. Interestingly, whereas policymakers previously saw intelligence as potentially discordant with democracy, they now embraced it as a necessary part of conducting democratic foreign policy. As the President's Advisory Commission on Universal Training explained, because democracies are "loath and slow to accept evidence of aggressive intent or to take preventive action, the importance of early information in regard to probable or definite enemy plans and power is accentuated." With international politics unfolding at greater speed in a shrinking world, they argued that greater intelligence capabilities would help compensate for "the slowness of democratic action."⁹⁷

The second and later more pivotal factor was the emergence of the Cold War and the need to counteract Soviet capabilities. Quickly after World War II ended, policymakers grew deeply concerned by the way the Soviet Union began using alternative means of force to accomplish its aims in Eastern Europe and elsewhere. Kennan first highlighted these efforts in his Long Telegram of February 1946. The Soviet Union, he explained, was effectively

⁹⁷ The President's Advisory Commission on Universal Training, *A Program for National Security*, 22–23, quote on 22.

employing a variety of propaganda methods, as well as violence, to both undermine Western governments, colonial administrations, and non-communists in foreign countries, and at the same time advance its own influence and that of its allies.⁹⁸ Two years later NSC 20/4 referred to the dangers posed by Soviet “measures short of war,” which included “espionage,” “sabotage,” “subversion, infiltration, and capture of political power.”⁹⁹ Finally, NSC 68 in early 1950 noted how the Soviet Union was coupling these measures with military force and the threat of overt aggression in order to wage war against the United States and others by “piecemeal aggression.”¹⁰⁰ As this evolution in policy outlook unfolded, policymakers came to recognize the need for the United States to develop similar capabilities, which for reasons of secrecy and plausible deniability came to be located in the CIA.

The first factor provided the original impetus for establishing a permanent peacetime organization that at a minimum would coordinate the already extant intelligence capabilities located within the State, War, and Navy Departments. Whether that organization would be centralized and independent or not was—like so many other state-building activities after the war—subject to bureaucratic skirmishes. It is not necessary to go into detail about those skirmishes here.¹⁰¹ What is important to note is that they helped ensure that the temporary organization, the Central Intelligence Group (CIG), which was created by Presidential directive

⁹⁸ George F. Kennan, “Telegram: The Chargé in the Soviet Union (Kennan) to the Secretary of State, February 22, 1946,” in *Foreign Relations of the United States, 1946*, vol. VI Eastern Europe; The Soviet Union (Washington, DC: Government Printing Office, 1969), 696–709.

⁹⁹ “NSC 20/4: U.S. Objectives with Respect to the USSR to Counter Soviet Threats to U.S. Security, November 23, 1948,” in *Foreign Relations of the United States, 1948*, vol. I General; The United Nations, Part 2 (Washington, DC: Government Printing Office, 1975), 664, 667.

¹⁰⁰ “NSC 68: United States Objectives and Programs for National Security, April 7, 1950,” in *Foreign Relations of the United States, 1950*, vol. I National Security Affairs; Foreign Economic Policy (Washington, DC: Government Printing Office, 1977), 242–244, 262–265, quotes on 263, 264.

¹⁰¹ For a comprehensive study on the debates during these years see Rudgers, *Creating the Secret State: The Origins of the Central Intelligence Agency, 1943-1947*.

in January 1946, and its successor, the CIA, which was established as part of the National Security Act in July 1947, both struggled to gain their footing vis-à-vis the executive departments responsible for war and diplomacy, which had traditionally been responsible for intelligence operations. The second factor meanwhile played a crucial role in shaping how the CIA eventually developed into an instrument for covert operations, which is my primary concern here. Before moving on to the evolution of the CIA, however, it is important first to discuss its original design in the National Security Act of 1947 and the still continuing debate over the intentions of its creators.

Questions about the founding of the CIA center on what type of organization it was supposed to be and what type of activities it was supposed to undertake. In the National Security Act it was established as an independent agency with a Director of Central Intelligence (DCI) who would be appointed by the President with the advice and consent of the Senate. The CIA was given five responsibilities for “coordinating” intelligence. The first three were to “advise” the NSC with respect to the government’s intelligence activities, make “recommendations” to the NSC about such activities, and “correlate and evaluate intelligence related to the national security.” The fourth responsibility was “to perform...such additional services of common concern” as determined by the NSC, which essentially provided authorization for centralized intelligence collection and espionage.¹⁰² Finally, the last and most vague responsibility was “to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.” It is this last clause that has been

¹⁰² CIA legislative liaison, Walter Pforzheimer later explained that the committees “didn’t want the word ‘espionage’ or ‘spy’ or something on that order to appear in the law. They wanted us to do it quietly. They expected it to be done...But they didn’t want it in the law, or mentioned, or even breathed, in public. That’s the way the atmosphere was then.” Quoted in L. Britt Snider, *The Agency and the Hill: CIA’s Relationship with Congress, 1946-2004* (Washington, DC: Central Intelligence Agency, 2008), 140; Darling, *The Central Intelligence Agency: An Instrument of Government, to 1950*, 186.

the subject of debate. Practitioners interpreted it broadly and quickly relied on it to conduct covert operations. Others have argued that it was misinterpreted to allow the CIA to morph into an institution that its creators never intended.¹⁰³

At issue is whether the CIA was originally designed as an institution for covert operations. Much of the problem with determining this is that the record from the period is so fragmentary. Most discussions were off the record and much of what was documented was either destroyed or remains classified. Clark Clifford, who was one of the executive branch officials that helped write the CIA charter, later argued that covert operations were planned from day one. Clifford states it was decided early that the CIA needed a “catch-all” clause to provide for unforeseen contingencies.” The last clause above, therefore, was “carefully phrased” in such a way to allow the agency to conduct any number of functions. “The “other” functions the CIA was to perform,” he explained, “were purposely not specified, but we understood that they would include covert activities.” Clifford argues that these activities were expected to be “limited in scope and purpose,” but that they were clearly given statutory authorization under the National Security Act.¹⁰⁴ General Counsel of the CIA at the time, Lawrence Houston, took a more limited view. He agreed that the clause was subject to “almost unlimited interpretation, provided the service performed could be shown to be of benefit to an intelligence agency or related to national intelligence,” but he also believed the intent of Congress had not been to enable covert operations such as “subversion” or “sabotage.” As a precaution, he advised at least informing

¹⁰³ Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC*; Richard H. Immerman, *The Hidden Hand: A Brief History of the CIA* (Malden, MA: John Wiley & Sons, 2014), 20–21.

¹⁰⁴ *Hearings Before the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate, Ninety-Fourth Congress, Second Session, First Session, December 4 and 5, 1975, Volume 7: Covert Action*, 50–51; Clifford, *Counsel to the President: A Memoir*, 169–170.

Congress and having it approve such functions.¹⁰⁵ Houston's memo was written in context and appears to contradict Clifford. The official CIA historian at the time, Arthur Darling, however, noted that Houston wrote the memo for DCI Admiral Hillenkoetter who was reluctant to undertake covert operations and that this was the minority view within the NSC.¹⁰⁶ Thus, though these views provide important insights into how two policymakers thought at the time, they offer only partial and anecdotal evidence about the general purposes of establishing the CIA.

Houston's memo notwithstanding, there are actually good contextual reasons to doubt that policymakers including those in Congress were so naïve about what types of operations the CIA would conduct. To be clear, evidence suggests that all policymakers were ambivalent about a democratic government sponsoring such activities, which explains why there was and still remains so much secrecy surrounding the agency and its organizational siblings like the National Security Agency (NSA) that were created subsequently. Moreover, policymakers in both the executive and legislative branches at the time likely never anticipated the CIA to undertake the extensive activities it did later. Indeed, Clifford's remarks indicate as much. But not knowing the full consequences of giving the CIA ambiguous flexibility in its functions should not be confused with being ignorant about any of the consequences of doing so.

¹⁰⁵ Lawrence R. Houston, "Memorandum From the General Counsel of the Central Intelligence Agency (Houston) to Director of Central Intelligence Hillenkoetter, September 25, 1947," in *Foreign Relations of the United States, 1945-1950: Emergence of the Intelligence Establishment* (Washington, DC: Government Printing Office, 1996), 622–23. Though at odds with his first memo and based on his retrospective perspective, Houston later wrote that he was asked to clarify this first memo in a second one where he advised that "if the President, with his constitutional responsibilities for the conduct of foreign policy, gave the agency appropriate instructions and if Congress gave it the funds to carry them out, the agency had the legal capability of carrying out the covert actions involved." Quoted in John Prados, *Safe for Democracy: The Secret Wars of the CIA* (Chicago: Ivan R. Dee, 2006), 39.

¹⁰⁶ Arthur Darling was the official in-house historian who wrote the institutional history of the period in the early 1950s. His book was originally written in 1952 and was classified until 1989. Darling, *The Central Intelligence Agency: An Instrument of Government, to 1950*, 247–250, see also 186–188.

If policymakers actually wanted to restrict the activities of the CIA, the elephant in the room is why didn't they? If they only wanted to construct an intelligence coordinating agency, this could easily have been accomplished with the first three clauses of the act stated above. The last two—certainly the last—were completely unnecessary for establishing that function. In fact, such vague language can only be read to have been included to grant the CIA flexibility to conduct other unspecified but well-known activities. By then, Congress knew many of the wartime operations of OSS and they heard testimony from Donovan and others who argued that a range of clandestine activities should be continued under the CIA.¹⁰⁷ If they intended to restrict what those activities included, then why not do so? For example, Congress was deeply concerned about the possibility of the CIA becoming an “American Gestapo.” To prevent this from occurring, the act specifically barred the agency from operating at home by stipulating that it “shall have no police, subpoena, law-enforcement powers, or internal-security functions.” There were discussions during off the record executive sessions about including other limitations, but they were never pursued.¹⁰⁸ This omission in the legislation appears particularly striking when juxtaposed with Congress's prewar obsession with imposing limitations on any type of independent executive action in every bill it passed. These factors suggest the CIA was created with covert operations at least in the back of policymakers' minds. To believe this was not case would require a level of ignorance on their part, which is hard to fathom.

Moreover, the immediate post-creation history of the CIA suggests that even if policymakers had not intended to include covert operations in the organization's original charter

¹⁰⁷ David M. Barrett, *The CIA and Congress: The Untold Story from Truman to Kennedy* (Lawrence, KS: University Press of Kansas, 2005), 12–13, 21; Rudgers, *Creating the Secret State: The Origins of the Central Intelligence Agency, 1943-1947*, 139–140.

¹⁰⁸ Barrett, *The CIA and Congress: The Untold Story from Truman to Kennedy*, 15; Rudgers, *Creating the Secret State: The Origins of the Central Intelligence Agency, 1943-1947*, 146–147.

they quickly sought to fold them into it afterward. Once created the CIA began almost immediately to conduct covert activities, the purposes of which were outlined in NSC directives supported by President Truman and other NSC members. As David Barrett's impressive recent study shows, Congress was not only well aware of such activities, but some congressmen were quite "hawkish" about them. Within a few years they were urging the CIA to pursue more aggressively options falling under the rubric of "psychological warfare," "special operations," and "political warfare."¹⁰⁹ Congress quickly helped facilitate these activities after DCI Hillenkoetter testified that the agency's actions were limited by the traditional red tape most bureaucracies face. He explained, "It is necessary to use funds for various covert or semi-covert operations and other purposes where it is impossible to conform with existing government procedures and regulations."¹¹⁰ In the CIA Act of 1949, Congress provided "enabling" legislation by giving the CIA greater appropriations freedom than that enjoyed by any other governmental agency.¹¹¹

Finally, it should be noted that Congress could have limited the operations of the CIA through oversight, which it chose not to do. As Barrett explains, Congress purposely developed "an elite model of legislative oversight" whereby most members outside of a select few learned little about agency activities and most preferred it that way. There were efforts by some congressmen to push for greater oversight and in 1956 a bill along those lines was even debated on the Senate floor. But few changes were made to the "elite model" until after the Church

¹⁰⁹ Barrett, *The CIA and Congress: The Untold Story from Truman to Kennedy*, 25–32, Quotes on 460, 30.

¹¹⁰ Quoted in *ibid.*, 41.

¹¹¹ Among other provisions, the Act stated specifically: "The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified." "Central Intelligence Act of 1949," Public Law 110 of June 20, 1949; 63 STAT. 208.

Committee investigations in the mid 1970s.¹¹² Even those charged with oversight, who were aware of the general nature of CIA activities—some of which “almost chills the marrow of a man to hear about” Senator Richard Russell remarked—were uninterested in learning too many details for fear of jeopardizing the agency’s flexibility. “The difficulty in connection with asking questions and obtaining information,” Senator Leverett Saltonstall explained during the debate over oversight in 1956, “is that we might obtain information which I personally would rather not have, unless it was essential for me as a member of Congress to have it.”¹¹³ There were of course obvious problems with this model, but it was the one authorized and supported by Congress.

Thus, regardless of the original debate over the functions of the CIA, the evidence suggests that at least within a few years of its creation most policymakers came to see it as a flexible and secret instrument for using means short of war. Moreover, given the vagueness of the CIA’s charter and the lack of subsequent congressional interest in its operations, it should also be noted that the evidence suggests the CIA was established as a creature of the executive to be used on behalf of “the national security,” however ambiguous that concept was. This fact would become more obvious and problematic in later years, but it is clear that this was the intention of policymakers at the time.

The evolution of the CIA into an agency with both intelligence coordination, collection, and analysis, and covert operations functions occurred fairly quickly as policymakers set out to go on the offensive in the Cold War.¹¹⁴ This evolution was quickened by events, such as

¹¹² Barrett, *The CIA and Congress: The Untold Story from Truman to Kennedy*, quote on 22; See also Snider, *The Agency and the Hill: CIA’s Relationship with Congress, 1946-2004*, 8–17.

¹¹³ Quoted in Barrett, *The CIA and Congress: The Untold Story from Truman to Kennedy*, 231, 230.

¹¹⁴ On the offensive nature of covert operations early in the Cold War see Gregory Mitrovich, *Undermining the Kremlin: America’s Strategy to Subvert the Soviet Bloc, 1947-1956* (Ithaca: Cornell University Press, 2000); Stephen Long, *The CIA and the Soviet Bloc: Political Warfare, the Origins of the CIA, and Countering Communism in Europe* (London: I.B. Tauris, 2014).

elections in Italy in April 1948 where communists threatened to win, which began to place institutional stress on the state's limited covert action capabilities. Within weeks after the passage of the National Security Act, the NSC began to think systematically about using "covert psychological operations designed to counteract Soviet and Soviet-inspired activities" and for reasons of secrecy and plausible deniability decided to locate them in the CIA rather than the State or Defense Departments.¹¹⁵ In June 1948, the purpose and nature of these operations were spelled out in NSC 10/2. This document, along with nearly all other related documents, cited the purpose of covert operations as countering "the vicious covert activities of the USSR." To do so, the directive created the Office of Special Projects (OSP) within the CIA to conduct "covert activities related to: propaganda, economic warfare; preventive direct action, including sabotage, anti-sabotage, demolition and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas and refugee liberation groups, and support of indigenous anti-communist elements in threatened countries of the free world."¹¹⁶

In 1951, in conjunction with NSC 68 and a more assertive Cold War policy, this directive was superseded by NSC 10/5, which called for the "immediate expansion of covert organization established in NSC 10/2, and the intensification of covert operations" designed to 1) "Place the maximum strain on the Soviet structure of power,...[and] contribute to the retraction and reduction of Soviet power and influence to limits which no longer constitute a threat to U.S.

¹¹⁵ "SANACC 304/11: Report by an Ad Hoc Subcommittee of the State-Army-Navy-Air Force Coordinating Committee on Psychological Warfare, November 7, 1947," in *Foreign Relations of the United States, 1945-1950: Emergence of the Intelligence Establishment* (Washington, DC: Government Printing Office, 1996), 635-37; "NSC 4-A: Memorandum from the Executive Secretary (Souers) to the Members of the National Security Council on Psychological Operations, December 9, 1947," in *Foreign Relations of the United States, 1945-1950: Emergence of the Intelligence Establishment* (Washington, DC: Government Printing Office, 1996), quote on 643.

¹¹⁶ OSP was later changed to the Office of Policy Coordination (OPC). "NSC 10/2: National Security Council Directive on Office of Special Projects, June 18, 1948," 714.

security,” 2) “Strengthen the orientation toward the United States of the people and nations of the free world, and increase their capacity to and will to resist Soviet domination,” and 3) “Develop underground resistance and facilitate covert and guerilla operations in strategic areas.” As Gregory Mitrovich explains, these goals were later tempered in NSC 5412/2 in 1955 when policymakers concluded that covert activities alone would not retract or reduce Soviet power.¹¹⁷ Nonetheless, they would remain an essential component of American national security policy for the remainder of the Cold War and thereafter.

The need to develop a new organization for intelligence and covert operations after World War II posed perhaps a greater problem for American democracy than any other state-building activity. Policymakers thought it was absolutely necessary, but many were deeply concerned that they were creating an organization that might one day operate like the German “Gestapo.” The fact that the CIA later spied on Americans and conducted covert operations at home suggests their fears were warranted. Others were also concerned by the fact that the first heads of central intelligence beginning with Donovan all had military backgrounds and were worried that this practice would contribute to militarism.¹¹⁸ To guard against the former they built statutory protections against domestic activity into the original legislation (though they ultimately failed later), while with respect to the latter they simply expressed the hope that qualified civilians would one day be capable of running the organization (which did occur).

The larger domestic issue that had always worked to prevent the emergence of any type of similar institution previously, however, was never dealt with openly and remains a problem to

¹¹⁷ Mitrovich, *Undermining the Kremlin: America’s Strategy to Subvert the Soviet Bloc, 1947-1956*, 160–169; “NSC 5412/2: National Security Council Directive on Covert Operations, Undated (likely December 28, 1955),” in *Foreign Relations of the United States, 1950-1955: The Intelligence Community, 1950-1955* (Washington, DC: Government Printing Office, 2007), 206–8.

¹¹⁸ Barrett, *The CIA and Congress: The Untold Story from Truman to Kennedy*, 22–23.

this day. This is the fact that such an institution is of necessity incompatible with the practice of democratic government. Gordon Silverstein explains the crux of the problem as follows: “Covert action is secret by definition, and yet the American system is predicated on an informed electorate—or at the very least an informed government—making public decisions. But an effective intelligence service that is expected to engage in covert activities cannot be judged in a public forum, at least not prior to taking the action it plans to take.”¹¹⁹ Policymakers were surely aware of this problem at the time. The fact that they nevertheless felt the need to construct a permanent peacetime organization capable of carrying out such activities again should be seen as evidence of the tremendous systemic pressure of the period.

Rebalancing War-Making Powers

Presidents throughout American history enjoyed some discretion to employ the armed forces overseas, though mostly for limited defensive purposes and for police-like actions usually related to protection of citizens and property. In the early twentieth century, Presidents like Theodore Roosevelt, Woodrow Wilson, and Franklin Roosevelt stretched this discretion to new limits and seriously challenged the institutional arrangement whereby the legislature was at least a co-equal actor in decisions about initiating more offensively-oriented or larger uses of force. Nonetheless, the original arrangement remained in tact. Throughout the latter half of the 1930s, Congress imposed limitations on President Roosevelt’s ability to involve the nation in war and for the most part he worked within them. When he departed from those limitations, he did so by resorting to novel interpretations of legislative acts, never by claiming any inherent executive prerogative to employ the armed forces of the United States autonomously.

¹¹⁹ Gordon Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy* (New York: Oxford University Press, 1997), 148.

In the postwar period, however, that arrangement needed to be rebalanced to provide the executive with greater autonomy to use the country's armed forces. The need for this shift was related to two factors. On the one hand, proponents of greater executive war-making powers argued that time-space compression meant decisions about war and peace could no longer be deliberated upon leisurely. Alfred Mahan and Theodore Roosevelt had begun to make this argument earlier in the century, but in more limited terms. In the postwar world, every hour wasted assembling Congress and considering legislation theoretically threatened to minimize the country's chances for success in war or even its survival. Shifting the initiative to the President was deemed the only way to survive under such conditions. On the other hand, the shift from a more passive or defense-based foreign policy to one that was more active or offense-based required fewer constraints on the way the country's armed forces were employed. As I explained earlier, the Constitution effectively had a presumption against using force built into the arrangement between the branches. With both houses of Congress and the President all acting as veto players, using force, particularly for offensive reasons, was difficult. With the new logic of force and its implications for American foreign policy, policymakers came to recognize the need for greater flexibility, which could be achieved by locating at least the initiative for using force in the executive.

The actual Constitutional process for shifting war-making powers from the legislature to the executive was awkward at best. The State Department and others compiled problematic lists of minor actions taken by Presidents earlier in America history, attempting to show historically that the executive had always wielded the war powers of the government and could now do so

freely.¹²⁰ President Truman would claim the Korean War—in which nearly 1.8 million American troops would serve in theatre with more than 36,000 killed—was not in fact a “war,” but a “police action.” Others would argue that the “declare war” clause was either outdated completely or now only effectively referred to total wars and therefore was irrelevant. And most importantly, Presidents and Congressmen alike would cite *Curtiss-Wright*, as well as reinterpret the Commander in Chief clause in a novel way, to provide Constitutional grounding for executive war-making powers.

In this section, I explore the rebalancing of the war powers by focusing on the Constitutional basis for such change, the actions that elaborated those changes, and the new set of procedural norms that emerged to govern the use of force.

The President as Commander in Chief

In the postwar period, *Curtiss-Wright* came to provide the general framework for the expansion of executive autonomy in the area of foreign affairs as a whole. There was a potentially problematic gap in Sutherland’s opinion, however, with respect to the executive’s more specific war-making powers. No executive could claim to initiate a war based on a still vague extra-constitutional source of authority when the Constitution appeared to explicitly vest those powers in the legislature. As I mentioned in chapter five, even Sutherland in his earlier writings did not seem to include the war powers in his grant to the executive.¹²¹ Instead, executives would eventually use—with the acceptance and support of the legislature—the Commander in Chief clause of the Constitution as a specific grant of war-making powers. Today,

¹²⁰ These lists were not only problematic for several reasons, but it also important to note that they served a poor precedent because none of the actions included in them was comparable in size or scope to those envisioned in the postwar period.

¹²¹ This was true at least in his 1918 lectures, though it is not clear whether or not his views on the subject evolved between then and *Curtiss-Wright*. George Sutherland, *Constitutional Power and World Affairs* (New York: Columbia University Press, 1919), 70–91.

we take this understanding of the clause for granted. But placed in historical context this was a novel approach.

This exact usage of the Commander in Chief clause did not appear until after World War II, but its seeds had begun to be sown earlier. As explained in chapter three, the clause was originally designed to ensure civilian control over the country's armed forces by creating a military hierarchy with the President at the top. Alexander Hamilton minimized the significance of the position by noting that it was meant to "amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy" during wartime.¹²² Until President Lincoln made it relevant for the first time during the Civil War, it remained what Edward Corwin called "the forgotten clause of the Constitution."¹²³ During the Civil War, which as Corwin notes provided an exceptional set of circumstance, Lincoln exercised vast powers as Commander in Chief. This demonstrated the clause's incredible potential during periods of war. But afterwards those powers faded away in the peace that followed. What remained of them thereafter was mainly limited to the direction of the country's armed forces.

Following the Spanish-American War, however, the importance of the Commander in Chief clause began to grow as the consequences of "directing" the armed forces became more significant. The United States now had overseas possessions and a growing set of foreign interests. Moreover, for the first time in the country's history there were now standing forces in peacetime large enough to be used outside the continent for expeditionary purposes. In practice, President's began to use the Commander in Chief clause to deploy these forces overseas not only

¹²² Alexander Hamilton, "Federalist Number 69," in *The Federalist*, ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), 357.

¹²³ Edward S. Corwin, *Total War and the Constitution* (New York: Alfred A. Knopf, 1947), 15.

to protect citizens and property, but on behalf of America's foreign commercial and political interests. As Elihu Root explained in an address to the Senate in 1912, so long as troops existed, the President's ability to direct them meant he could technically send them "into any country where he considers it to be his duty as Commander-in-Chief of the Army...to protect our citizens." Congress could statutorily restrict such deployments, but was unlikely to ever do so. The only limit, according to Root, was that Presidents could not use such forces "for the purpose of making war, which of course, he cannot do" constitutionally.¹²⁴

The problem, according to William Howard Taft, was that if Presidents could command the armed forces in this way during peacetime, they could essentially push the country into war single-handedly even though as Root pointed out they could not do so under the Constitution. He explained the logic of this argument as follows:

The President [as] Commander-in-Chief...can order the army and navy anywhere he will, if the appropriations furnish the means of transportation. Of course the instrumentality which this power furnishes, gives the President an opportunity to do things which involve consequences that it would be quite beyond his power under the Constitution directly to effect. Under the Constitution, only Congress has the power to declare war, but with the army and the navy, the President can take action such as to involve the country in war and to leave Congress no option but to declare it or to recognize its existence.¹²⁵

By forcing Congress into such a position, Taft argued, the President could blur the war powers provisions of the Constitution. As Commander in Chief, the President could order troops in such a way to commit what in effect might amount to "an act of war," which in practice would be difficult to distinguish from "a war of our aggression." As Taft pointed out, this is in fact what happened to some extent with President Polk in the lead up to the Mexican-American War.¹²⁶

¹²⁴ Quoted in Elihu Root, *The Military and Colonial Policy of the United States: Addresses and Reports*, ed. Robert Bacon and James Brown Scott (Cambridge, MA: Harvard University Press, 1916), 157–158.

¹²⁵ William Howard Taft, *Our Chief Magistrate and His Powers* (New York: Columbia University Press, 1916), 94.

¹²⁶ *Ibid.*, 95.

Recognizing the same problem, Corwin later explained that Presidents could use their powers as Commander in Chief to “stake out Congress’s course by a series of *fait accomplis*,” effectively committing the country to war through executive action before Congress had decided upon such a course. He suggested, in fact, that this is precisely what President Roosevelt had done beginning in the late 1930s prior to America’s entry into World War II.¹²⁷ In fact, part of the novelty of the Roosevelt administration’s justifications in the well-known bases-for-destroyers deal and the deployment of troops to Iceland was that the President could take these actions as Commander in Chief.

These developments notwithstanding, it is important to point out that there is no evidence that any President or administration official prior to World War II ever claimed that the Commander in Chief clause granted the executive either extensive or preclusive *war-initiating* powers.¹²⁸ Though some academics began to entertain such notions, the more limited traditional understanding of the Commander in Chief clause remained the most widely held view as the interpretations of both Taft and Corwin suggest.¹²⁹ It is worthwhile pointing out that in the run-

¹²⁷ Corwin, *Total War and the Constitution*, 22–34, quote on 33.

¹²⁸ David J. Barron and Martin S. Lederman, “The Commander in Chief at the Lowest Ebb: A Constitutional History,” *Harvard Law Review* 121, no. 4 (2008): 1034.

¹²⁹ The views of John Bassett Moore in 1936 show the traditional perspective was still alive and well in the prewar period: “I have occasionally heard the suggestion that there can be no objection to conferring on the President dictatorial powers as regards peace and war because, forsooth, he can, in the exercise of his constitutional power as Commander in Chief of the Army and the Navy, or in the conduct of diplomatic intercourse, at any moment plunge the country into war. I utterly deny this. There is only one case in which the President is empowered to use the military forces for purposes of war without the express authority of Congress, and that is to repel invasion. The use of any of his powers so as to plunge the country into war would be a palpable violation of the Constitution and of his oath of office. The fact that such loose notions can be entertained in the United States of Executive prerogative should of itself be a solemn warning against the adoption of such legislation as that proposed, since it would remove the last doubt that the Congress had abdicated its functions as the law-making power and set up an absolute dictatorship to be exercised when the country is at peace as well as when it is at war.” John Bassett Moore, “Statement by Dr. John Bassett Moore,” in *Neutrality Hearings Before the Committee on Foreign Relations, United States Senate, Seventy-Fourth Congress, Second Session, on S. 3474, January 10 to February 5, 1936* (Washington, DC: Government Printing Office, 1936), 178.

up to World War II President Roosevelt maintained this traditional view even as he struggled to inch the country closer to war. In fact, as Arthur Schlesinger notes, “the pre-Pearl Harbor documents are notable for the singular lack of reference to the office of Commander in Chief.” Attorney General Robert Jackson cited the clause in his opinion on the destroyers deal, but Schlesinger argues that his opinion is actually indicative of just how “underdeveloped Commander in Chief theory was in 1940.” He cites the fact that “in 83 press conferences in 1941 up to Pearl Harbor, Roosevelt never once alleged special powers in foreign affairs as Commander in Chief.”¹³⁰

Nonetheless, though Roosevelt never publicly claimed war-initiating powers based on his office, his actions after Lend-Lease in March 1941 indicate that he was willing to take a broader view of executive discretion once he had legislation in hand. Corwin argues these actions eventually would have “produced a serious constitutional crisis had not the Japanese obligingly come to the rescue” later that year.¹³¹ With the attack on Pearl Harbor and a declaration of war in hand, Roosevelt quickly moved to use the Commander in Chief clause to almost single-handedly wage war, reorder parts of the state, and reach deep into the domestic economy. As his Secretary of State, Cordell Hull, noted Roosevelt even preferred the title Commander in Chief to that of President during the war.¹³² Roosevelt’s use of the clause matched only that of President Lincoln’s use during the Civil War and helped transform it from what Corwin described as “a simple power of military command to a vast reservoir of indeterminate powers in time of emergency.”¹³³

¹³⁰ Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston: Houghton Mifflin, 1973), 113.

¹³¹ Corwin, *Total War and the Constitution*, 33.

¹³² Schlesinger, Jr., *The Imperial Presidency*, 114.

¹³³ Edward S. Corwin, *The President: Office and Powers, 1787-1948: History and Analysis of Practice and Opinion* (New York: New York University Press, 1948), 317.

The prewar period in many ways sowed the seeds of a larger understanding of the Commander in Chief clause, while World War II once again demonstrated its immense potential as a source of executive power. But it would not be until after the war that it truly grew in “peacetime” significance. The blurring of war and peace, the state of nearly permanent emergency during the Cold War, and the more central role of military force in American foreign policy, all helped endow the Commander in Chief clause with new meaning in the postwar period. As I show below, it came to serve as a constitutional source of executive war-making powers to supplement the extra-constitutional source claimed in *Curtiss-Wright*, which alone did not provide a solid foundation. Together, however, the two would be cited as providing postwar Presidents with both specific and general grants of war-initiating powers that would allow them to employ the armed forces on behalf of American foreign policy aims with incredible flexibility.¹³⁴ It is important to note finally that, as foreshadowed by Alfred Mahan and others half a century earlier, this reinterpretation provided a potential means for policymakers to solve the problem of rebalancing the war powers without undermining the general framework of limited government in the domestic arena. The President’s powers as President were specific and could be limited, while those of the Commander in Chief were hard to define and were potentially unlimited.

¹³⁴ Attorney General Nicholas Katzenbach would later state this most clearly when advising President Johnson about committing troops to Vietnam explaining, “Under the Constitution the President has the authority, as Commander-in-Chief of the armed forces (Article II, section 2), and as the sole organ of the United States in the field of foreign relations (*United States v. Curtiss-Wright Corp.*, 299 U.S. 304 (1936)), to deploy and use the armed forces abroad.” “Memorandum from Attorney General Katzenbach to President Johnson,” in *Foreign Relations of the United States, 1964-1968*, vol. II, Vietnam, January-June 1965 (Washington, DC: Government Printing Office, 1996), 752.

State-Building in Practice: Korea and the Prospect of Another War in Asia

Rebalancing the war powers, unlike reorganizing state institutions and constructing standing forces, would not take place through legislation that openly and formally shifted the initiative from the legislature to the executive. In fact, such change could only be accomplished Constitutionally. The Constitution, however, is difficult to amend and in fact no one ever envisioned accomplishing the shift through formal amendment. Rather, constitutional change would occur informally, as Stephen Griffin explains, “outside the legalized Constitution” through the establishment of a new “constitutional order.”¹³⁵ In practice, this meant reinterpreting parts of the Constitution like the Commander in Chief clause and setting new precedents through executive action, legislation, and judicial findings that collectively birthed and recognized that new order.

The seminal event in the shift to extensive executive war-making powers in the United States was the Korean War. On June 25, 1950, North Korean forces crossed the 38th parallel and began to overrun South Korean positions.¹³⁶ On June 26, the United Nations Security Council (UNSC) passed Resolution 82 ordering the withdrawal of all North Korean forces behind the 38th parallel. After failing to withdraw, the UNSC passed Resolution 83 the following day recommending that member states provide military support to the South. President Truman announced that in keeping with America’s UN responsibilities he was ordering American forces to support South Korea.¹³⁷

¹³⁵ Stephen M. Griffin, *Long Wars and the Constitution* (Cambridge, MA: Harvard University Press, 2013), 11–51, quote on 14.

¹³⁶ Officially the Democratic People’s Republic of Korea and the Republic of Korea.

¹³⁷ Harry S. Truman, “Statement by the President on the Situation in Korea, June 27, 1950,” in *Public Papers of the Presidents of the United States: Harry S. Truman, January 1 - December 31, 1950* (Washington, DC: Government Printing Office, 1965), 492.

The decision-making process behind Truman's choice, however, was different than any other similar military commitment in previous American history. On June 25, President Truman had already ordered General MacArthur to send supplies and ammunition and on the June 27 he had given the order for American naval and air assets to begin providing cover for South Korean forces. It is not clear Truman had this authority even under a UNSC resolution, as I explain below. But even if he did, his actions predated the passage of Resolution 83. By June 30, he lifted the restriction on the use of ground troops and ordered two divisions to be moved from Japan to Korea, effectively committing the country to war. All of this occurred without offering Congress the opportunity to express its own preferences. Instead, when President Truman met briefly with congressional leaders on June 27 he did so, according to Secretary of State Acheson, to "tell them what had already been decided."¹³⁸ On July 3, the administration discussed asking for a joint resolution from Congress, but ultimately decided against it arguing that it might take too much time, might tie the President's hands unnecessarily, and might weaken the country's actions abroad.¹³⁹ It is also clear that Truman, Acheson, and others in the administration were conscious about setting a precedent to provide greater flexibility to the President, as well as future Presidents.¹⁴⁰

This was the first time a President had ever unilaterally committed the United States to large-scale hostilities without any type of congressional input. The President did not seek a

¹³⁸ "Memorandum of Conversation, by the Ambassador at Large (Jessup) on the Korea Situation, June 26, 1950," in *Foreign Relations of the United States, 1950*, vol. VII, Korea (Washington, DC: Government Printing Office, 1976), 182.

¹³⁹ See these conversations in "Memorandum of a Telephone Conversation, by Miss Barbara Evans, Personal Assistant to the Secretary of State, July 3, 1950," in *Foreign Relations of the United States, 1950*, vol. VII, Korea (Washington, DC: Government Printing Office, 1976), 282–83; "Memorandum of Conversation, by the Ambassador at Large (Jessup), Meeting at Blair House, July 3, 1950," in *Foreign Relations of the United States, 1950*, vol. VII, Korea (Washington, DC: Government Printing Office, 1976), 286–91.

¹⁴⁰ Acheson, *Present at the Creation: My Years in the State Department*, 413–415.

declaration of war, authorization, or even later ex post facto authorization. This was unique, Francis Wormuth and Edwin Firmage explain, because until then “no judge, no President, no legislature, no commentator ever suggested that the President had legal authority to initiate war.”¹⁴¹ What was so novel and important about the administration’s justification for employing the armed forces was that it was not framed as a temporary aberration from established procedures, as other President had claimed earlier during emergency situations. Rather, the State Department put together a memorandum explaining that the executive has inherent and autonomous war powers under the Commander in Chief clause. It stated specifically: “The President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof.” This prerogative, the memorandum outline, moreover, was “not dependent on Congressional authority.” In support of this new constitutional interpretation, the State Department put together a list of eighty-five instances when it claimed earlier Presidents had acted similarly.¹⁴² There is little need to belabor the point. But as I have shown there is no evidence that the Commander in Chief clause was ever considered a source of authority to initiate the use of armed force, particularly on the scale of Korea. This explains in part why the President initially insisted on referring to operations in Korea as a “police action” when they clearly constituted an act of war.¹⁴³

¹⁴¹ Francis D. Wormuth and Edwin B. Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law* (Urbana and Chicago: University of Illinois Press, 1989), 28.

¹⁴² “Department of State Memorandum on the Authority of the President to Repel the Attack in Korea, July 3, 1950 [excerpts],” *The Department of State Bulletin* XXIII, no. 578 (July 31, 1950): 173–178, quote on 173.

¹⁴³ Harry S. Truman, “The President’s News Conference of June 29, 1950,” in *Public Papers of the Presidents of the United States: Harry S. Truman, January 1 - December 31, 1950* (Washington, DC: Government Printing Office, 1965), 502; Harry S. Truman, “The President’s News Conference of July 13, 1950,” in *Public Papers of the Presidents of the United States: Harry S. Truman, January 1 - December 31, 1950* (Washington, DC: Government Printing Office, 1965), 522–25.

In secondary support, the memorandum also pointed to the President's responsibility to act under the aegis of the UN. The inclusion of this secondary justification points to the fact that administration officials were likely unsure about the legal soundness of the first one. The problem with this second justification, however, was two-fold. First, the initial commitment of armed forces by the United States predated UNSC Resolution 83, which called for such actions. Second, and more problematic from a domestic institutional perspective, was the fact that Congress had specifically included language in the United Nations Participation Act of 1945 restricting the President from unilaterally committing American armed forces to UN actions. The Act clearly states that unless American armed forces were committed to the UN under an agreement approved by Congress, they could not be employed without subsequent congressional authorization.¹⁴⁴ In other words, Congress had never ceded its constitutional duty to initiate war to the President under the UN Treaty.¹⁴⁵

¹⁴⁴ Section 6 of the United Nations Participation Act states explicitly: "The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: Provided, That nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements." "United Nations Participation Act of 1945," Public Law 79-264. For the best treatment of the constitutional implications of the Korean War see Louis Fisher, "The Korean War: On What Legal Basis Did Truman Act?," *American Journal of International Law* 89, no. 1 (1995): 21-39.

¹⁴⁵ Department of State Memorandum of July 3, 1950. Truman cited America's commitment to the UN to justify his actions, but as Louis Fisher shows: "Nothing in the passage of the Fulbright and Connally Resolutions [related to UN participation] or the history of the UN Charter supports the notion that Congress, by endorsing the structure of the United Nations as an international peacekeeping body, altered the Constitution by reading itself out of the war-making power. Congress did not—it could not—do that." See Louis Fisher, *Presidential War Power*, Third Edition, Revised (Lawrence, KS: University Press of Kansas, 2013), 84-95, quote on 91.

What is perhaps most important about President Truman's actions in Korea and his justification for them is the fact that Congress not only did not oppose what easily might have been construed as an usurpation of its powers, but actively supported it. A few Senators and Representatives expressed concern. On June 28, Senator Taft took the Senate floor to offer his vote in favor of a joint resolution supporting the actions in Korea, but worried about the unfolding process for taking the country to war. He lamented the fact that the President had made "no pretense of consulting the Congress," and warned, "the President is usurping his powers as Commander in Chief...there is no legal authority for what he has done...if the President can intervene in Korea without congressional approval, he can go to war in Malaya or Indonesia or Iran or South America." Recognizing the long-term implications of Congress's potential inaction, he perceptively advised, "If the incident is permitted to go by without protest, at least from this body, we would have finally terminated for all time the right of Congress to declare war, which is granted to Congress alone by the Constitution of the United States."¹⁴⁶ Taft's concerns, however, were completely ignored until much later when the war began to go poorly.

Instead, congressmen stumbled over each other to take the floor and praise the President's actions. Senator Hubert Humphrey lauded the President for "exercising the leadership and the statesmanship which the people require," and reminded his colleagues to be "mindful of what happened in Ethiopia, when there was delay, when there was indecision, and when there was ineffective action. I think we should be mindful of what happened in the Ruhr and the Rhineland when Hitler marched in with his legions and took over, and when no effort was made by the democracies to prevent that kind of aggression." Noting the widespread

¹⁴⁶ *Congressional Record*, June 28, 1950, 9319-9323, quotes on 9320, 9322, 9323. See also remarks by Senator Arthur Watkins in *Congressional Record*, June 27 1950, 9232-9233, and remarks by Senator Alexander Wiley in *Congressional Record*, July 10, 1950, 9737-9738.

congressional support for the President's actions, Senator Tom Connally congratulated his colleagues and warned others not to oppose them, arguing, "We cannot hesitate; we cannot divide. Any division here, by a speech or by any other expression of sentiment would be placarded all over the world as evidence that the United States is cautious or is afraid or is quaking in its boots."¹⁴⁷

In the most extensive and incisive statement in Congress, however, Senator Paul Douglas provided what should perhaps be seen as the decisive statement on executive war-making autonomy in the postwar period. He cited uncertainty over the precise meaning of the "declare war" clause and presented evidence that Presidents had used force independently previously. But it is obvious from his remarks that his real concern was the changed nature of the world and the inadequacy of American domestic political institutions to confront it. On the one hand, he argued, "the speed of modern war requires quick executive action." He explained that while war was a "leisurely...institution" in the Founding Period, which could be deliberated upon in an equally leisurely way, those days were long gone. "[N]ow with tanks, airplanes, and the atom bomb," Senator Douglas insisted, "war can become instantaneous and disaster can occur while Congress is assembling and debating. For death and destruction can now come to whole cities and possibly to nations in a matter of seconds." Only the executive could respond to such situations.

On the other hand, Senator Douglas argued that the country's postwar foreign policy now obliged greater "retail use of force in localized situations," which required more flexibility in decision-making. Foreshadowing the arguments of others later, he maintained that short of "outright war marked by the exercise of tremendous force on a wholesale scale," i.e. total war,

¹⁴⁷ *Congressional Record*, June 27, 1950, 9223, 9234.

the President should be permitted discretion in determining when and how the United States became involved in such situations. He warned that there were “grave dangers” in giving the executive wide discretionary powers to use the country’s armed forces, but concluded that there was no alternative. Only “the sobering and terrible responsibilities of the office of President itself” and the threat of impeachment could restrain Presidents in the postwar period.¹⁴⁸

As the situation in Korea worsened and ultimately froze into an unpleasant stalemate, other Congressmen besides Senator Taft would regret having allowed President Truman to exercise such awesome powers and drag the country into war.¹⁴⁹ Plagued in part by widespread discontent over Korea, Truman lost the first Democratic primary in the 1952 Presidential election and withdrew from the contest. Promising to “go to Korea” and end the war there, Dwight Eisenhower won the Republican nomination and the Presidency. Having learned the bitter lessons of Truman’s experience in Korea, Eisenhower in part attempted to restore the traditional institutional arrangement between the executive and legislative branches with respect to the war-making powers. But as others have noted, Eisenhower’s legacy in this regard is mixed.¹⁵⁰

In the aftermath of the Korean War, Eisenhower reasoned that large-scale uses of armed force could not succeed without congressional and public backing. Therefore, he sought to preserve and entrench the executive prerogative that Truman had done so much to expand, while at the same time bringing Congress back into the fold in at least some kind of consenting capacity.¹⁵¹ In 1954, while contemplating airstrikes and potentially more extensive operations in

¹⁴⁸ *Congressional Record*, July 5, 1950, 9647-9649, quotes on 9648, 9649.

¹⁴⁹ See during debates on the Korean War in *Congressional Record*, May 9, 1951, 5078-5103.

¹⁵⁰ Fisher, *Presidential War Power*, 117–125; Griffin, *Long Wars and the Constitution*, 104–109.

¹⁵¹ Eisenhower sought to protect executive autonomy with respect to intelligence and covert operations, and aggressively used the latter in Latin America, the Middle East, and Asia. He likewise protected

support of French losses at Dienbienphu in Vietnam, the President gave due respect to Congress and the Constitution by stating publicly that the country would not become involved in a war there unless it was as “a result of the constitutional process that is placed upon Congress to declare it.”¹⁵²

Later that year, during administration discussions about a potential war with China over the small island group around Quemoy in the Formosa Strait, however, it became clear that Eisenhower’s domestic concerns had less to do with constitutional process and more to do with making sure the administration had public support for its policies. Secretary of State John Foster Dulles explained in a memorandum for the NSC that in the aftermath of Korea a war against China could not be commenced without congressional approval, arguing, “Undoubtedly, there would be serious attack on the Administration, and a sharply divided Congress and nation, if the Executive sought to use his authority to order U.S. forces to defend...Quemoy, Tachen, etc.”¹⁵³ In discussions about the issue, President Eisenhower echoed Dulles’s concerns. He warned that defending Quemoy would likely escalate to full-blown war with China and repeated his public statement about the need to follow some type of constitutional process before getting involved. Otherwise, he argued there might be grounds for his impeachment. At the same time, however, he agreed with the JCS that they could “not go into such a war with any arbitrary limitations on

executive control over decisions about the potential use of nuclear weapons. And though not directly related to the use of force, Eisenhower also established and institutionalized the practice of claiming executive privilege with respect to administration conversations, communications, and documents. See Prados, *Safe for Democracy: The Secret Wars of the CIA*, 97–235; Griffin, *Long Wars and the Constitution*, 108; Schlesinger, Jr., *The Imperial Presidency*, 156–159.

¹⁵² Dwight D. Eisenhower, “The President’s News Conference of March 10, 1954,” in *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, April 12 - December 31, 1954* (Washington, DC: Government Printing Office, 1960), 306; On the 1954 decision not to intervene directly in Vietnam see George C. Herring and Richard H. Immerman, “Eisenhower, Dulles, and Dienbienphu: ‘The Day We Didn’t Go to War’ Revisited,” *The Journal of American History* 71, no. 2 (1984): 343–63.

¹⁵³ “Memorandum Prepared by the Secretary of State, September 12, 1954,” in *Foreign Relations of the United States, 1952-1954*, vol. XIV, China and Japan, Part I (Washington, DC: Government Printing Office, 1985), quote on 611.

our forces.” The administration would need congressional backing in any potential war, while retaining its flexibility to act unimpeded by any constraints such backing might entail.¹⁵⁴

By the end of the year, the administration’s internal discussions became more important as the situation in the Formosa Strait deteriorated further. In January 1955, President Eisenhower decided to request a joint resolution from Congress to use force in the unfolding crisis if necessary. In his message to Congress on the matter he was careful to preserve executive prerogative, explaining the authority for emergency action was “inherent in the Authority of the Commander-in Chief.” But, he argued, a resolution would strengthen his hand as it “would clearly and publicly establish the authority of the President as Commander-in-Chief to employ the armed forces...for the purposes indicated if in his judgment it became necessary. It would make clear the unified and serious intentions of our Government, and our people.”¹⁵⁵ After a brief debate in Congress, Eisenhower received a joint resolution authorizing him to “employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa, and the Pescadores against armed attack,” which included “securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.”¹⁵⁶

¹⁵⁴ “Memorandum of Discussion at the 214th Meeting of the National Security Council, Denver, September 12, 1954 [extracts],” in *Foreign Relations of the United States, 1952-1954*, vol. XIV, China and Japan, Part I (Washington, DC: Government Printing Office, 1985), 613–624, quote on 618.

¹⁵⁵ Dwight D. Eisenhower, “Special Message to the Congress Regarding United States Policy for the Defense of Formosa, January 24, 1955,” in *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, April 12 - December 31, 1955* (Washington, DC: Government Printing Office, 1959), 209–210.

¹⁵⁶ Public Law 84-4, 69 Stat. 7, January 29, 1955. Was repealed by Public Law 93-475, S. 3473, October 26, 1975.

The threat of another war in Asia would prove less consequential in its implications for the balance of war powers between the legislature and the executive branches than the Korean War had been, but it was equally important in establishing a new set of procedural norms for war initiation in the postwar period. With formal authorization from Congress, President Eisenhower was able to accomplish several goals at the same time. On the one hand, he was able to gain congressional and public backing for any military actions he might order in this particular case, while retaining executive prerogative for potential future instances. As later cases would demonstrate, authorizations for the use of military force do not ensure the public mood will not sour over time. But at least they appear to follow a constitutional process and offer the prospect of providing greater public legitimacy for Presidential actions than in the absence of such authorization. On the other hand, Eisenhower sacrificed none of his flexibility. The authorization served in effect to delegate whatever war-initiating powers Congress had under the Constitution to the President thus effectively concentrating all such powers of the national government in the executive.¹⁵⁷ The timing, scope, and scale of any conflict were left entirely up to him. Such a conflict might range from a local and limited naval action to full blown nuclear war.¹⁵⁸ In other words, Congress had no idea what it was actually authorizing the President to do. Several congressmen raised this objection during floor debates, but the resolution was passed with nearly unanimous support in both chambers.¹⁵⁹

¹⁵⁷ On the potentially problematic nature of delegation see Wormuth and Firmage who argue it is unconstitutional because it is “tantamount to amendment of the Constitution by statute.” Wormuth and Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law*, 201–223, quote on 201.

¹⁵⁸ For a variety of reasons, the latter prospect was not far fetched. On the potential for any confrontation to escalate rapidly see H. W. Brands, “Testing Massive Retaliation: Credibility and Crisis Management in the Taiwan Strait,” *International Security* 12, no. 4 (1988): 124–51.

¹⁵⁹ Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy*, 78–79.

1955 and Beyond: A New Constitutional Interpretation

Together, the Korean War and the authorization for the use of military force in the Formosa Crisis helped established a new set of procedural norms governing the war powers that would come to dominate the postwar period. Two sets of procedures developed in practice during the Truman and Eisenhower presidencies that remain the foundation for war powers today.

First, the Korean War established a foundation for Presidents, based on their inherent power under the Commander in Chief clause, to independently engage American forces overseas in large-scale hostilities. This marked a sharp break with previous practice and set a precedent that all Presidents could, if necessary, follow later. The decision-making process established by Truman was one of insulated executive officials making authoritative decisions without congressional input. Congressional leaders were later consulted in an ad hoc and informal manner, but Congress as whole was cut out of the formal process for initiating the use of force. The Korean War is the largest conflict in which a President took such action unilaterally, but these procedures became routine in lesser conflicts or potential conflicts such as in the Dominican Republic in 1965, Grenada in 1983, Panama in 1989, Bosnia in 1995, Kosovo in 1999. Several of these cases were cited as emergencies, but in none of them did Presidents seek or receive post facto authorization. In the case of Bosnia and Kosovo the President even pursued the use of force in the face of congressional opposition.

Second, beginning with President Eisenhower, Presidents have on several occasions sought congressional authorization for the use of force. Such authorizations were provided in 1955, 1957, 1964, 1983, 1991, 2001, and 2003. The effect of these authorizations has been to provide legislative support for whatever policies are ultimately pursued while essentially

delegating congressional war-making power to Presidents. These authorizations have been similar to the ones issued in the early 1800s but have differed in three key respects. First, they have often been sought once Presidents have already ordered troop deployments to theatres of potential war, as was the case prior to the Vietnam, Gulf, and Iraq Wars. Second, similar to during the Formosa Crisis, they have often been broadly defined to provide Presidents with considerable leeway about why, when, how, and against whom the United States will use military force. Third, Presidents have always acknowledged such resolutions as *expressions of support* for Presidential actions, not *authorization* from the Congress. In other words, Presidents have never acknowledged these authorizations as a requirement to initiate military action.

Conclusion

The organizations and instruments of warfare discussed in the first two sections of this chapter provide what might be called the substrate of executive war-making powers. Streamlining the country's armed forces and national security organizations created a more centralized and coherent "national security state" and helped institutionalize a more tightly knit process for policy formulation and decision-making. Constructing a large peacetime military and a new institution for covert operations meanwhile provided a range of instruments necessary to pursue the country's force-backed postwar foreign policy. The CIA by definition facilitated executive autonomy. Presidents were now able to use the CIA, in conjunction with the NSC, to direct covert operations on behalf of the country's foreign policy aims. A question remained, however, about the extent to which President's could employ the regular armed forces independently.

This latter question was never openly and directly resolved through a formal process of state-building. Rather, policymakers set about rebalancing the government's war powers in practice through a series of crises and in the case of Korea, war, which collectively helped established a novel interpretation of the Constitution's Commander in Chief clause and a new set of procedures for initiating the use of the force. The result of these practices was to establish a basis for Congress to support Presidential actions by authorizing the use of force, or if necessary, for Presidents to use force even in the absence of formal congressional support.

The American War-Making Executive: Theory, Research, and Practice

At the time of America's Founding, the leading lights of the War for Independence and the Constitutional Convention created a republic with a small and constrained foreign policy executive at its core. This institutional arrangement was informed by ideas about the dangers of large standing armed forces, centralized military authority, and executive war-making powers. Such features were considered essential to imperial or militarist states, but potentially destructive of a republican country that both expected and preferred normally to be at peace with others. War, if it occurred, was likely to be defensive in nature. Creating a state capable of projecting military force, therefore, was neither of interest nor need. The original design of America's national security state structure and decision-making procedures reflected these domestic preferences. The Constitution ensured that standing armed forces would be difficult to construct and that to do so would require legislative consent on a recurring basis; that military authority would remain fragmented both vertically between the states and the national government, and horizontally within the latter; and that decisions about war and the use of force would face multiple veto points including both houses of Congress and the President. As I have shown throughout the dissertation, this institutional arrangement survived the first century and a half of

the country's history largely intact, remaining embedded in the very fabric of the American state even as it evolved to meet new challenges in the early twentieth century.

The emergence and development of America's state structure and decision-making procedures during this period, however, must be attributed not only to domestic preferences, but also the permissiveness of the international security environment. Separated from potential threats by vast oceans, decision-makers had the luxury of designing the country's institutions around republican ideas and avoiding the construction of an even rudimentary national security state. The reluctance to build a powerful military, modernize the War Department, and unbridle the executive in the first four decades of the twentieth century—even after the United States acquired the greatest latent source of power in the world and began to face increasing security competition—shows not only the enduring strength of the country's original institutional arrangement, but also the continuing security provided by geographic isolation.

Following World War II, however, decision-makers began to rethink and transform this arrangement in response to a radically changed international security environment. They undertook extensive state-building activities designed to increase both the capacity and the autonomy of the country's warfare institutions, giving rise to what scholars later termed America's national security state. The dissertation has attempted to explain why and how these state-building activities were undertaken at this time—and not earlier—and how such institutional transformation was related to the need to project military force. To do so, I have argued, requires a theory of the state as an institutional yet dynamic unit subject to the pressures and stresses of life in the international system. The remainder of the dissertation summarizes the key takeaways of this argument, suggests new potential avenues of research based on my

findings, and concludes by discussing the contemporary consequences of executive war-making autonomy in the United States since September 11.

The *State of War* and the Creation of Warfare States

Three plus decades after the now well-worn effort to “bring the state back in” to the social sciences, international relations theory has yet to fully incorporate the significance of the statist and institutionalist turns in explaining state behavior. On the one hand, theories that conceptualize the state as an *arena* for political competition among societal actors cannot explain why some states are able to act independent of their societies. Conversely, those that conceptualize the state as an *autonomous and functional passive-military adaptive* unit cannot explain why some states are unable to act independent of domestic constraints. Neoclassical realists have begun to show in recent years why this is the case. The state is neither an arena nor a functional unit. Rather, the state is a complex set of institutions, which—depending on different institutional arrangements—can either empower or constrain decision-makers from acting autonomously. The fact that “domestic institutions matter” provides a simple but powerful insight for explaining why state behavior might differ even when states face an equivalent level of systemic pressure or share a similar regime type, or even across different issue areas within the same state.

The dissertation begins with the premise that institutional differentiation provides an important starting point for explaining state behavior as an outcome. But I attempt to move beyond this point by suggesting we also investigate the origins of such differentiation in order to account for the two way street that exists between domestic and international politics. Thus, whereas most neoclassical realists are interested in how unit-level institutional variation projects

different behaviors upward to the system-level, I am interested instead in how variation in systemic pressure pushes downward and encourages different types of domestic institutional arrangements. Accordingly, I focus on the origins of particular institutional arrangements—particularly those that enable and even favor force projection by providing executives with a degree of war-making autonomy. I contend that if these types of arrangements are more prone to war, then explaining why they exist in the first place can help answer one of the central questions in international relations: why war?

The theoretical contribution of the dissertation is to provide a realist explanation of institutional formation and transformation, which requires a partial theory of state that can at least account for the development of national security institutions. I contribute to developing this theory by first elaborating a new conception of the state and then elaborating a theoretical framework for studying institutional change. I argue that states are best conceptualized in institutional-functional terms. This is because they are simultaneously torn between the institutional bases upon which state action depends and the functional demands of life in the international political system. The institutional dimension of this conceptualization accounts for the fact that states at their core are composed of a set of institutions (which may or may not enable decision-makers to respond to systemic pressure), while the functional dimension accounts for the fact that—given the challenges of international politics—states are often under tremendous pressure to ensure those institutions enable decision-makers to act in a strategic manner. In other words, states are not just institutional or functional units; they are both.

Building on this institutional-functional conception of the state, I then articulate a processual theory of institutional change and state adaptation. To do so, I turn to the outside-in logic of bellicist theories of state formation and Peter Gourevtich's second image reversed

approach. Drawing on this logic, I construct a theoretical framework using a macro-micro-macro model embedded with a series of mechanisms to diagram how state behavior at the system level depends on state-building efforts to carve out greater institutional capacity and autonomy at the unit level. The model provides a scaffold upon which to map out the causes, obstacles, and processes of institutional change.

The core of the theory is as follows: When international security competition increases, it creates systemic pressure on states and causes what I call “institutional stress” when existing institutions do not enable the state to act. This institutional stress in turn leads policymakers to undertake two broad sets of state-building activities to transform existing institutions and improve the state’s ability to respond to greater systemic pressure: First, they attempt to extract more resources from society in order to create greater military capacity. This includes raising taxes, conscripting or hiring professional soldiers, increasing industrial production, and developing new military technologies. Second, they attempt to carve out a greater degree of state autonomy in order to better project military power when necessary. This includes streamlining and centralizing national security institutions and decision-making procedures to better insulate policymakers to do things like initiate the use of force. When systemic pressure is low or moderate, we should expect indeterminate or incremental institutional change, as existing institutions (and their related ideational foundations) are often resistant to outside-in generated stress. When systemic pressure is severe, we should expect institutional change that is more episodic in nature. It is under these latter conditions in particular that we should expect states to be constitutively adaptive—meaning they institutionally adapt to malign international security environments—and thus *dynamic*.

One of the general insights of the theory is to show how the international system often produces and reproduces states in ways that perpetuate its core logic. Thus, if world politics continues to resemble what John Locke called the “*State of War*”—a system defined by “force, or a declared design of force upon the Person of another, where there is no common Superior on Earth to appeal to for relief”—it is because this proverbial state of war continuously creates warfare states.¹ In other words, when the international security environment dictates that states be prepared to meet force with force, they must be designed or redesigned accordingly. While this insight has been applied with great benefit to explaining historical processes of state formation, I show that it is also applicable to explaining more contemporary processes state transformation as well. This is true even of modern democratic states that have strong republican institutional foundations including the United States.

In the empirical portion of the dissertation, I use the theory outlined above to explain the causes and timing of the creation of the American national security state, focusing specifically on the development of the institutions that underpin executive war-making autonomy. The theory helps account for why the Framers of the Constitution were able to design the relatively national security-light institutional arrangement they did originally, and why this arrangement proved so durable for much of American history. It also explains the eventual transformation of this arrangement in the postwar period. Systemic pressure—driven by technological changes that threatened to render the Western Hemisphere’s geographic isolation null, coupled with the emergence of a cold war with the Soviet Union that many observers feared would escalate into a “total war” of unprecedented size and scope—created an extraordinary amount of institutional stress and caused policymakers to conduct the most comprehensive review of America’s foreign

¹ John Locke, *Second Treatise of Government*, ed. C.B. Macpherson (Indianapolis: Hackett Publishing, 1980), 15.

policy goals and national security requirements since the Founding Period. The most important consequence of this process was that policymakers decided the country had to remain prepared for war at all times and make force a more useable instrument. This ideational shift about the expectation of future war contributed to a process of state-building that ultimately transformed the country's long-standing institutional arrangement, creating the modern American national security state with a war-making executive at its helm.

Potential Avenues of Research

The dissertation provides a first step toward developing a realist theory of state and institutional change. Several areas of interest in the manuscript, however, remain underdeveloped, while others areas are altogether unexplored. The purpose of this penultimate section is to identify some potential avenues of research that stem from the dissertation research and may be worthy of further investigation. I first offer some suggestions about theory development and then turn to some case-specific possibilities.

To begin with, though there are important reasons for conducting a longitudinal in-depth study of the United States, there are also obvious limitations concerning generalizability based on a single-case study. As I noted in the introduction, the overarching model provides what I think is a universal framework for studying the relationship between international politics and domestic institutional change. But the specific explanation offered for the American case likely does not travel to other cases. In fact, the role in the model played by ideas and their embeddedness in a country's existing institutions ensures this is undoubtedly not the case. Accordingly, while we should generally expect systemic pressure to encourage or reinforce executive powers, it is possible in cases where such powers are already concentrated that the

reverse might occur. For example, whereas American policymakers responded to an increased threat environment after World War II by shifting powers to a relatively weak foreign policy executive and assuming it was too dangerous to interfere with executive authority in foreign affairs, French policymakers responded in the opposite manner. Based on their own history with executive power and a different set of existing institutions, they assumed it was too dangerous NOT to interfere with executive authority in foreign affairs as a means of better responding to the country's security environment. Accordingly, they developed a different set of decision-making procedures than the United States.² Teasing out the similarities and differences in outcomes across these and other cases requires applying the model to more cases and conducting comparative research. Such cross-case studies, I believe, would demonstrate the usefulness of the general model, but also push research about institutional change in new directions. The ideal would be to use the model as a general framework to develop more nuanced middle-range theories about institutional change under different international and domestic conditions.

One theoretical concern that is present in the dissertation, but remains underdeveloped is the need to develop a more sophisticated theory of state socialization in realism. Kenneth Waltz is one of the few realists who at least has a thin conception of socialization. He explains the operation of systemic pressure as follows: as security competition waxes and wanes, states are “socialized” into adopting certain modes (i.e. survival-oriented) of behavior. Again, as explained earlier, for Waltz this generally refers to the adoption of a combination of external and internal strategies designed to balance against potential threats. These include forming temporary alliances and emulating the military practices of leading states by adopting similar technologies

² I thank Norrin Ripsman for forcing me to think about this possibility and for pointing out this specific example.

and strategies.³ The dissertation's findings suggest we may need to deepen our understanding of realist socialization beyond this simple notion.

Socialization appears to have at least three dimensions. Waltz identifies the first, which is the behavioral dimension of adapting a state's alliances patterns, strategies, and practices when faced with systemic pressure. As I show in the American case, however, internal balancing may also depend on a second dimension of socialization, which is domestic institutional change. Such institutional adaptation may be required to make the state better approximate the rational actor assumption implicit in systemic theories of international politics. Explicit—though perhaps understated—in the dissertation, however, is a third dimension of socialization, which is ideational adaptation. This third dimension in some ways foregrounds the other two and can be seen throughout the dissertation. In the American case there were at least two important ideational shifts over time. The first was the transformation of America's self-conception as a republic with expectations of peace as the normal state of affairs into a great power with future expectations of war. A related shift was from the idea of war undermining America's domestic institutions to potentially preserving them. Explaining how these ideas evolved, diffused, and enabled institutional and behavioral change would help to flesh out a less elegant but ultimately better theory of state socialization.

The dissertation also points to the fact that the question of democratic autonomy may require greater attention. As I discussed earlier, my conception of autonomy relates to other

³ Kenneth N. Waltz, *Theory of International Politics* (Boston: McGraw-Hill, 1979), 74–77, 127, 168. John Mearsheimer takes a similar approach, but expands Waltz's perspective on both external and internal balancing. In terms of the former, he acknowledges that while sometimes states balance they also pursue a variety of other strategies including buck-passing. In terms of the latter, he highlights the fact that states not only imitate others; they also “innovate” by “developing new weapons, innovative military doctrines, or clever strategies.” John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, 2001), 166–167.

prominent ones but differs in an important way. Norrin Ripsman and others suggest the measure of autonomy is defined by the ability of the executive to act even “when faced with public or legislative opposition.”⁴ Again, I agree this is perhaps the strongest test of autonomy, but argue it unnecessarily limits our understanding of how decision-makers pursue their policy preferences, particularly in democracies. When possible, decision-makers may prefer to circumvent tests of their ability to act independently. In the area of national security, they do things like use deception and resort to using instruments of force that limit or completely evade public attention. Ripsman suggests this type of deception may be what democratic leaders engage in when they lack autonomy.⁵ This makes sense on face, but I would contend that at a deeper level the ability to deceive is actually rooted in institutional autonomy. As I show in the dissertation, the establishment of the Central Intelligence Organization (CIA) after World War II was in part an effort to develop covert instruments so that the United States could wage war outside of normal democratic channels. In some ways such instruments might be seen as providing the executive with the ultimate form of autonomy—the ability to act not in the face of legislative or public pressure, but without having to face such pressure at all. Expanding our understanding of autonomy in this way might yield new and interesting perspectives on state behavior.⁶

In terms of more case-specific areas of research that might be pursued, my findings suggest two potentially fruitful avenues. First, the dissertation provides only a first step toward explaining postwar American foreign policy behavior by looking at the original development of

⁴ Norrin M. Ripsman, *Peacemaking by Democracies: The Effect of State Autonomy on the Post-World War Settlements* (University Park: The Pennsylvania State University Press, 2002), 43.

⁵ Norrin M. Ripsman, “The Politics of Deception: Forging Peace Treaties in the Face of Domestic Opposition,” *International Journal* 60, no. 1 (2004-2005): 189–216.

⁶ Patrick James and Glenn Mitchell, for example, show that when covert operations are included in assessments of the democratic peace, some of the original findings with respect to the dyadic effect may disappear. Patrick James and Glenn E. Mitchell, “Targets of Covert Pressure: The Hidden Victims of the Democratic Peace,” *International Interactions* 21, no. 1 (1995): 85–107.

executive war-making autonomy within the national security state in the postwar period. A necessary second step is to test empirically how that autonomy actually translated into policy over the course of the Cold War and afterwards. It might be useful, for example, to revisit Eric Nordlinger's typology of autonomous actions to examine and classify decision-makers propensity to use force under different conditions.⁷

Second, since the state-building efforts following World War II there has been a remarkable degree of stability in America's institutional arrangement. The theory and case suggest that institutional change in the country's national security institutions has moved in a linear direction toward larger standing forces, more centralized military authority, and greater executive powers in foreign affairs. The question is why has institutional change tended to move in such a non-reversible fashion in the postwar period? In other words, why, if institutional change was so profound after World War II, did institutional stasis set in later? This is a particularly interesting question in light of the desire—but inability—of Congress to eventually rollback executive war-making autonomy after the Vietnam War. By 1973 a critical mass formed in Congress in favor of reasserting congressional prerogative. But the War Powers Resolution of that year in many ways helped cement executive autonomy, rather undermine it. Moreover, Presidents, Congress, and the Courts have largely ignored the requirements of the resolution since.⁸ It is possible that executive war-making autonomy was required in the period from 1947

⁷ See Eric A. Nordlinger, *On the Autonomy of the Democratic State* (Cambridge: Harvard University Press, 1981), 27–31.

⁸ Gordon Silverstein explains that Congress attempted to reassert itself by gaining influence, but that this influence largely came at the expense of more formal and meaningful authority. See Gordon Silverstein, *Imbalance of Power: Constitutional Interpretation and the Making of American Foreign Policy* (New York: Oxford University Press, 1997), 123–138. See also John Hart Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath* (Princeton: Princeton University Press, 1993), 48–52.

to 1973 at the height of the Cold War, but then later was less necessary. If this is the case, why did it persist nonetheless? As the next section explains, this question remains pertinent today.

September 11 and the Question of Institutional Autonomy Today

As the years since the terrorist attacks of September 11, 2001 have passed, the question of executive war-making autonomy has once again garnered considerable attention. Immediately following September 11, Americans and their representatives in Congress rallied around the President in support of an aggressive overseas campaign to combat international terrorism. The attacks provided a rare moment in American history when the various sources of executive autonomy—personal, situational, and institutional—combined together to grant the Presidency nearly unquestioned war-making powers. President Bush’s approval rating soared to 91% overnight; 86% of the nation supported going to war against any groups or nations associated with the attacks (93% supported at least some type of military action); and Congress quickly passed a sweeping joint resolution authorizing the President to use of force against any state, organization, or individual he determined “planned, authorized, committed, or aided” the attacks (or harbored those who did), and to prevent any future attacks by such actors.⁹ One year later, Congress passed more specific authorization for the use of force against Iraq.¹⁰

Even though the public and Congress granted Presidents tremendous leeway to use force against those who attacked or supported the terrorist attacks against the United States, executive officials since September 11 have relied more substantially on the institutional sources of war-making powers—precisely the sources of autonomy that I show were carved out in the years

⁹ ABC News/Washington Post Poll, September 13, 2001, N=609 adults nationwide; Authorization for Use of Military Force, Public Law 107-40, September 18, 2001.

¹⁰ Authorization for Use of Military Force Against Iraq Resolution, Public Law 107-243, October 14, 2002.

after World War II. America's state structure—most importantly the large, extensive, and centralized set of national security institutions of the American state—has provided the substrate of such powers. The standing armed forces, alternative instruments of warfare such as the Central Intelligence Agency (CIA) and special operations forces (SOF), and centralized organizations such as the National Security Council (NSC) and Joint Chiefs of Staff (JCS) have provided the institutional resources necessary for force projection.

Decision-making procedures, meanwhile, have ensured the executive has almost exclusively determined the use of military force. As Congress debated and passed the sweeping Authorization for Use of Military Force (AUMF) in the days after September 11, the Justice Department was sure to safeguard the President's independence to use force by reaffirming the post-World War II case for both *de facto* and *de jure* executive war-making powers. In one of the most important documents of the post-September 11 period, Deputy Assistant Attorney General John Yoo reiterated the right for the executive to use military force abroad with or without congressional authorization.¹¹ Yoo described the President's authority as "inherent," meaning it need not be derived from another body, i.e. Congress, and "plenary," meaning it is unrestricted in scope and scale.¹² Thus, at the same time that the administration welcomed Congress's two authorizations as signs of support for executive war-making authority, it ultimately considered such legislation incidental to the President's extant powers, which were conceived of as being

¹¹ John Yoo, "The President's Constitutional Authority to Conduct Military Operations against Terrorists and Nations Supporting Them, September 25, 2001," in *The Torture Papers: The Road to Abu Ghraib*, ed. Karen J. Greenberg and Joshua L. Dratel (Cambridge: Cambridge University Press, 2005), 4–24.

¹² Reaffirming the postwar argument in favor of executive power, Yoo claimed it derived abstractly from the nation's sovereignty (citing Curtiss-Wright) and more concretely from the Constitution's Commander in Chief clause. *Ibid.*, 5–10.

even broader than what the resolutions stated.¹³ The AUMF in 2002, for example, stated the President could only use force against those directly or indirectly associated with 9/11, whereas Yoo explained the President had the prerogative to “preempt or respond to terrorist threats from new quarters” as well. This more wide-ranging interpretation has become more relevant in the years since. In what amounted to one of the clearest statements on executive war-making autonomy in American history, the memo concluded that no legislation could “place any limits on the president’s determinations as to any terrorist threat, the amount of military force to be used in response, or the method, timing, and nature of the response.”¹⁴

America’s large and powerful national security institutions, along with decision-making procedures that favor executive initiative, have provided the American state with a considerable degree of war-making autonomy and enabled decision-makers to prosecute a worldwide military campaign against international terrorists and related state sponsors of terrorism. In the nearly decade and a half since the September 11 attacks, Presidents George W. Bush and Barack

¹³ Ibid., 23; In the President’s signing statement he acknowledged Congress for recognizing “the authority of the President under the Constitution to take action to deter and prevent acts of terrorism against the United States.” Nonetheless, he was clear to state that in signing the resolution he maintained “the longstanding position of the executive branch regarding the President’s constitutional authority to use force, including the Armed Forces of the United States and regarding the constitutionality of the War Powers Resolution.” George W. Bush, “Statement on Signing the Authorization for Use of Military Force, September 18, 2001,” in *Public Papers of the Presidents of the United States: George W. Bush, 2001*, Book II, Presidential Documents - June 30 to December 31, 2001 (Washington, DC: Government Printing Office, 2003), 1125. Before similar authorization was given for use of force against Iraq, administration officials considered circumventing the authorization process altogether. Official explained at the time: “We don’t want to be in the legal position of asking Congress to authorize the use of force when the president already has that full authority... We don’t want, in getting a resolution, to have conceded that one was constitutionally necessary.” In the end the President did get congressional authorization, but in a similar signing statement made clear it was not the source of his war-making powers and therefore not required. Mike Allen and Juliet Eilperin, “Bush Aides Say Iraq War Needs No Hill Vote,” *Washington Post*, August 26, 2002; George W. Bush, “Statement on Signing the Authorization for Use of Military Force Against Iraq Resolution of 2002, October 16, 2002,” in *Public Papers of the Presidents of the United States: George W. Bush, 2002*, Book II, Presidential Documents - July 1 to December 31 2002 (Washington, DC: Government Printing Office, 2005), 1814–15.

¹⁴ Yoo, “The President’s Constitutional Authority to Conduct Military Operations against Terrorists and Nations Supporting Them, September 25, 2001,” 24.

Obama have waged two major wars in Afghanistan and Iraq; waged more discreet wars in Pakistan, Somalia, Yemen, and Syria; conducted smaller interventions in Liberia and Libya; supported other operations in places like Mali and Niger; and used the CIA and SOF to support military operations by other countries and conduct an unknown number of covert operations across the globe.¹⁵ Many of these policies were supported by the public and Congress, but others were also opposed or not publicly known. The autonomy derived from the American state's institutional arrangement, therefore, has proved important because it has enabled the executive to act quickly, decisively, and flexibly even when Presidential approval fell and when public and congressional opinion waivered. The ability of President Obama to continue using force across the Middle East today, even in the face of widespread American aversion to becoming involved in another war in the region, provides a case in point. This degree of autonomy has not ensured America's use of force has always been wise; only that the country's armed forces have been wielded more flexibly and decisively than in its absence.

As the extent of the President's vast war-making powers became increasingly apparent in the years after the September 11 attacks, congressmen, journalists, scholars, and ordinary

¹⁵ Executive autonomy in discreet uses of force and covert operations is so extensive that it is difficult to even track such activities. The scope and nature of these activities can at least be observed indirectly through media reporting. See Karen DeYoung and Greg Jaffe, "U.S. 'Secret War' Expands Globally as Special Operations Forces Take Larger Role," *Washington Post*, June 4, 2010; David Rhode, "The Drone Wars," *Reuters Magazine*, January 26, 2012, <http://www.reuters.com/article/2012/01/26/us-david-rohde-drone-wars-idUSTRE80P11I20120126>; See also the Bureau of Investigative Journalism's research on "Covert Drone War" at <http://www.thebureauinvestigates.com/category/projects/drones/> Jo Becker and Scott Shane, "Secret 'Kill List' Proves a Test of Obama's Principles and Will," *New York Times*, May 29, 2012, http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?_r=0; Several recent books have attempted to track some these activities. See David E. Sanger, *Confront and Conceal: Obama's Secret Wars and Surprising Use of American Power* (New York: Random House, 2012); Mark Mazzetti, *The Way of the Knife: The CIA, A Secret Army, and a War at the Ends of the Earth* (New York: Penguin, 2013); Jeremy Scahill, *Dirty Wars: The World Is a Battlefield* (New York: Nation Books, 2013).

American citizens began to question whether there were any limits to such powers.¹⁶ Some considered executive power a problem attributable to the Bush administration and in the 2008 Presidential election Obama was elected having made a pledge to reverse what he considered the excessive autonomy of his predecessor.¹⁷ As President, however, this task has proven considerably more difficult than he perhaps anticipated. Instead, of reversing his predecessor's practices, his administration has matched and in certain instances exceeded the practices of the Bush years.¹⁸ Since September 11, it is safe to say that with respect to national security the American executive has operated in a political and legal netherworld "without scrutiny, without the obligation to bargain with parties and adverse interests," according to Robert Pallitto and William Weaver.¹⁹ In other words, the executive has acted autonomously.

As I have explained in the dissertation, the origins and logic of this executive war-making autonomy lie in the nature of the international system itself and can be traced back to the break that occurred in the post-World War II period. In many ways, the attacks of September 11, as

¹⁶ There is a large literature on this subject. See for example Peter Irons, *War Powers: How the Imperial Presidency Hijacked the Constitution* (New York: Metropolitan, 2005); Andrew Rudalevige, *The New Imperial Presidency: Renewing Presidential Power After Watergate* (Ann Arbor: University of Michigan Press, 2005); Arthur M. Schlesinger Jr., *War and the American Presidency* (New York: W. W. Norton & Company, 2005); Matthew Crenson and Benjamin Ginsberg, *Presidential Power: Unchecked & Unbalanced* (New York: W. W. Norton & Company, 2007); Robert M. Pallitto and William G. Weaver, *Presidential Secrecy and the Law* (Baltimore: The Johns Hopkins University Press, 2007); Charlie Savage, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy* (New York: Little, Brown and Company, 2007); Michael J. Glennon, *National Security and Double Government* (Oxford: Oxford University Press, 2015).

¹⁷ At a town hall meeting in 2008 Obama stated: "I taught constitutional law for ten years. I take the Constitution very seriously. The biggest problems that were facing right now have to do with George Bush trying to bring more and more power into the executive branch and not go through Congress at all, and that's what I intend to reverse when I'm President of the United States of America." Barack Obama, Town Hall at Lancaster, PA, March 31, 2008. For his pre-Presidential views on executive war-making powers see Charlie Savage, "Barack Obama's Q&A," *The Boston Globe*, December 20, 2007.

¹⁸ Bruce Ackerman, "Obama's Betrayal of the Constitution," *New York Times*, September 11, 2014; Jack Goldsmith, "Obama's Breathtaking Expansion of a President's Power To Make War," *Time*, September 11, 2014; Glennon, *National Security and Double Government*, 1-3.

¹⁹ Pallitto and Weaver, *Presidential Secrecy and the Law*, 8.

well as other attacks since, have reinforced and amplified American policymakers' fears about the reach of modern warfare technologies and the blurring of war and peace that first occurred during the Cold War. Today that same suspended state of national existence—a permanent state of semi-war—continues to characterize policymakers' beliefs about America's international security environment in a new era where international terrorism is the defining feature. Given the country's present circumstances, Yoo argues, "the demands of the international system promote vesting the management of foreign affairs in a unitary, rational actor. The rational actor can identify threats, develop responses, evaluate costs and benefits, and seek to achieve national strategic goals through value-maximizing policies."²⁰ In the American system, the President comes closest to resembling that rational actor and that fact is unlikely to change. Thus, if President Obama has found it difficult to rollback executive war-making powers—as Congress did during the Cold War—it is because present circumstances advise against doing so even if his own understanding of America's founding ideas and history tell him otherwise.

At the height of the Cold War in 1959, the eminent legal scholar Louis Henkin wrote one of the most evocative passages penned about the changed nature of the world following World War II and its implications for executive foreign affairs powers. He explained:

Many will have deep sympathy for those who dream of old days thought good, or better; who yearn for decentralization even in foreign affairs and matters of international concern, for limitations on federal power, for increase in the importance of the states; who thrill to a wild, poignant romantic wish to turn back all the clocks, to unlearn the learnings, until the atom is unsplit, weapons unforged, oceans unnarrowed, the Civil War unfought. The wish remains idle, and the effort to diminish power in this area for fear that it may not be used wisely is quixotic, if not suicidal. It is not the moment to attempt it when all ability, flexibility, wisdom are needed for cooperation for survival by a frightened race, on a diminishing earth, reaching for the moon.²¹

²⁰ John Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11* (Chicago: University of Chicago Press, 2008), 20.

²¹ Louis Henkin, "The Treaty Makers and the Law Makers: The Law of the Land and Foreign Relations," *University of Pennsylvania Law Review* 107, no. 7 (1959): 936.

The context and the conflict have changed, but the tone of the passage still rings true. America's strategic environment changed in some ways permanently in the decades before Henkin penned his words. Ever since, it has indeed been an impossible dream "to turn back all the clocks." The republican ideas that had long informed America's institutions remained alive—though under tremendous pressure—at the time, as they are today. The challenge for policymakers both then and now has been to adapt America's institutions without sacrificing altogether the values that give them meaning in the first place.

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