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Chapter Eight

The Eighth Challenge: The National Security State

Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad.

—JAMES MADISON

The conjunction of an immense military establishment and a huge arms industry is new in the American experience. The total influence—economic, political, and even spiritual—is felt in every city, every state house, and every office of the federal government. . . . In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex.

—PRESIDENT DWIGHT D. EISENHOWER, FAREWELL ADDRESS TO THE NATION, 17 JANUARY 1961

THE END OF THE COLD WAR, symbolized by the tearing down of the Berlin Wall in 1989, was a surprise to the whole world. No one, including American intelligence agencies, foresaw the speed with which America's superpower adversary, the Soviet Union—with all its military might—would collapse. For fifty years the American people had feared the USSR and the prospect of the horrendous conflict that would result should Americans and Soviets ever come to direct blows. To avoid this confrontation and to defend against the Soviet threat, they had supported the creation of a "national security state"—the conglomeration of agencies, activities, and attitudes put in place since the 19405 to provide for the national defense. This new establishment within the heart of American society had cost trillions of dollars, changed how the United States related to the rest of the world, and profoundly altered the working of our own political institutions. To meet the Soviet challenge, Americans had acquiesced to the creation within their own country of institutional structures that challenged their own democratic ideals. In the midst of the Cold War, many argued that the risks to democracy posed by the national security state were necessary in light of the external threat to our democratic institutions. The surprising collapse of the Soviet threat opened the possibility that, with the Cold War victory won, Americans could step down from fifty years of warlike mobilization and dismantle substantial parts of the security machinery that had accompanied it. Yet, over a decade into the post—Cold War era, that demobilization had not occurred. The national security state remained as powerful as ever—giving the nation a sense of invulnerability as the world's only superpower.

That sense of invulnerability was shattered on the morning of n September 2001—a date that would, as President Franklin Delano Roosevelt said about another historic moment, "live in infamy." America's massive national security state proved helpless in preventing nineteen al Qaeda terrorists from hijacking four airplanes, flying two into the World Trade Center towers in New York City, and crashing a third into the Pentagon. The only one that did not reach its target was brought down in a Pennsylvania field, not by elements of the national security state, but by a group of ordinary Americans who were passengers on the plane. In a couple of hours on that morning, more Americans lost their lives as a result of an attack by a foreign aggressor than had been lost at Pearl Harbor. The enemy behind this assault was not a mighty national foe, as the USSR had been, nor even a smaller regional adversary, like Saddam Hussein of Iraq, but an international terrorist organization under the leadership of Osama bin Laden, a Saudi Arabian exile operating from Afghanistan. The national security state had not been organized to protect us from such a foe, and, despite warnings in recent years about the dangers of nonstate terrorism, it had not retooled itself to do so, as the events of 9/11 proved. In the aftermath, nevertheless, the president, Congress, and the American people turned to the national security state to prosecute a novel conflict—a war on terrorism.

The shock of the 9/11 terrorist attacks has focused the attention of most Americans on finding

the appropriate means for protecting our country and preventing a repeat of such an event. Many justifiably wonder about the efficacy of the existing national security structure for addressing the threat. Undoubtedly, innovative national security policies, strategies, and approaches will be needed. In a democracy, one should expect that deliberation about these issues would involve and ultimately be resolved by the people. Yet, our experience with how similar national security dilemmas have been dealt with in the past half century should raise doubts about how democratically policies governing the new war on terrorism will be reached. The national security state that was created to fight the Cold War—in the name of protecting our democracy from external threats—also engaged in practices that were destructive of democracy at home, and this experience should caution us that efforts to fight the war/ on terrorism may present a similar domestic peril. Indeed, as we see in the following discussion, there are strong signs that this new war may pose even greater challenges to our democracy. The irony of fighting to defend democratic values is that the very means devised to do so are likely to jeopardize those same values. This chapter examines how the national security state has posed a challenge to democracy in the past and suggests how it may do so again as the country mobilizes to fight a new kind of war.

A Brief History of the National Security State

Before World War II, a distinctive feature of the United States was the small size of its military establishment. Although the United States had maintained a standing army since the ratification of the Constitution in 1789, in times of peace that army had always been extremely small. The basic principle informing America's relation to its military was that the armed forces would consist of a token core of military professionals in peacetime that would be augmented by citizen soldiers mobilized in time of war. As table 8.1 shows, the size of the armed forces increased during times of crisis, but once each crisis ended, the military was substantially reduced. Following World War II, this pattern was altered significantly. True, the size of the military was reduced from its massive wartime peak of more than 12 million men and women, but, unlike previous postwar periods, it was not reduced to anything like prewar levels. After 1945, during the period of the Cold War, the United States maintained a peacetime military of about 2 million men and women—a force about ten times the size of the 1930s military. Since the end of the Cold War, the active-duty force has been reduced to just under 1.5 million, supplemented with about 1 million reserve and National Guard forces.[1] If we take into account the increase in population since the 1930s, there are still about two-and-one-half times as many people in the active-duty armed forces now as there were in the 1930s.

Another change in the character of the American military, a change instituted only in the past twenty-five years, has been the shift to all-volunteer or professional armed forces, as opposed to ones dependent on citizen draftees. Until the early 19705, the bulk of Americans in military service were drafted to serve for a short period and then returned to civilian life. All American wars up to and including the Vietnam War were fought by citizen soldiers who either volunteered for the duration of a conflict or were drafted for the purpose. Because of the controversy created by the draft during that unpopular war, Congress, at the urging of the Defense Department, agreed thereafter to end the draft and to increase military pay and benefits so that the armed forces could attract professional soldiers. By the beginning of the twenty-first century, the United States had a peacetime military establishment that not only was much larger and more powerful than had been the American tradition, but also was made up, primarily, of professional soldiers.

American citizens of earlier times would have been seriously alarmed at the existence of such a large professional standing army. From the time of the nation's founding, partisans of democracy usually regarded a large standing army as an implicit threat to democratic liberty. The Virginia Declaration of Rights in 1776, for example, pronounced that "standing armies, in time of peace, should be avoided, as dangerous to liberty." Even former generals concurred with this sentiment. General Andrew Jackson promised at his first presidential inaugural in 1829, "Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment." Throughout most of our history, Americans viewed a large military as a feature of foreign autocracies that had no place in the democratic new nation they were creating. Threats to

national security would be met as they arose, through the temporary mobilization of a democratic citizenry under arms.

The massive mobilization of World War II, and that war's outcome, dramatically altered this traditional stance. The near-total destruction of other, especially European, powers during the war left the United States as the preeminent world power. In what would become known as "the free world," only the United States possessed the economic wealth to support a military force capable of ensuring international stability. The United States took over from such prewar colonial powers as France and Great Britain the responsibility for guaranteeing world commerce. After the war, the only power capable of challenging the United States was the Soviet Union—a nation that most Americans regarded as especially threatening. Fear of the spread of communism, particularly after the establishment of communist governments in Eastern Europe, China, and North Korea, was the primary factor that legitimized the new, large American military. Americans were convinced that a permanent military establishment was essential to contain expansion of their ideological adversary. The Cold War seemed to require a permanent mobilization to meet an unrelenting threat to freedom.

Two related factors contributed to the new attitude toward a militarized United States. One was the perception that 19305 American isolationism and military weakness had contributed to the growth of German and Japanese power. Americans were told that only constant vigilance would prevent the rise of comparable threats in the future and that America had a special role in defending the world from antidemocratic powers. Reference to this new post-World War II responsibility, in contrast to prewar isolationism, has been a standard justification for such recent conflicts as the 1991 and 2003 wars against Iraq, the interventions in Bosnia and Kosovo in the 19905, and the ongoing war on terrorism. A second factor supporting the new militarism was the increasing complexity of military technology. The military establishment pointed to new, highly sophisticated weapons, most dramatically nuclear weapons, as proof that temporary mobilization of the citizenry would no longer be adequate to forestall military threats. Advances in military technology meant that the nation had to undertake the permanent support of the means to develop and deploy new weapons. The sophistication of these weapons also required the maintenance of a large standing army trained in their use.

The institutional foundation for America's new international role was provided in the National Security Act of 1947, which created a Department of Defense, consolidating the former Departments of War and the Navy.[2] The military services were organized under a Joint Chiefs of Staff, which reported directly to the civilian secretary of defense. Although the National Security Act thus provided for an enhanced political role for the military, civilian control of the Defense Department was supposed to offset any concerns this might create. The Act also formalized the increased importance of national security issues by establishing a National Security Council (NSC), composed of the vice president, the secretaries of defense and state, and other agency heads, to advise the president. In future years, the NSC staff, rather than the council members themselves, came to play an important national defense role. The NSC staff would provide presidents with their closest advisers on foreign affairs—advisers who owed allegiance to no other governmental agency—and the power of national security advisers such as Henry Kissinger, Richard Nixon's powerful NSC chief, would rival that of cabinet secretaries.

A very important feature of the National Security Act of 1947 was the section that created the Central Intelligence Agency (CIA), which was to have overall responsibility for providing to the president "intelligence estimates" drawn from a variety of sources, including covert agents overseas. Many of this new agency's operatives had formerly worked for the wartime spy agency, the Office of Strategic Services (OSS); their temporary wartime duty to fight Nazis became a permanent career duel with the Soviet spy agency, the KGB. Because of pressure from the director of the Federal Bureau of Investigation (FBI), J. Edgar Hoover, Congress explicitly forbade the CIA to perform any domestic counterintelligence work—this restriction was meant to allay the fears of citizens and elected officials who might have moral qualms about creating an undercover agency. Because they were prohibited from operating within the United States, the chance that the CIA would interfere in domestic democratic politics was supposedly prevented; CIA dirty work would be directed only

against foreigners. In later, years, this limitation would prove not to have prevailed.

With the National Security Act, Congress created the core of the national security state, but in the years that followed, other institutions emerged to extend the segment of government concerned with national security.[3] Intelligence gathering became a concern not only of the CIA but also of expanded military intelligence components in all the military services, plus a new agency, the National Security Agency (NSA), which was given responsibility for collecting so-called hard intelligence from electronic intercepts and, eventually, from satellites. Domestically, the FBI expanded its roles in counterintelligence and the surveillance of domestic dissidents, and these roles remained the FBI's top priority for thirty years, reflecting J. Edgar Hoover's rather hysterical preoccupation with communist subversion. Even in those areas of government not obviously associated with the safety of the nation, the demands of the national security state took priority. The Atomic Energy Commission (AEC) was responsible for developing nuclear warheads for the Defense Department, but with the willing cooperation of the nation's largest business firms, it stimulated as well the development of civilian nuclear reactors, and a domestic nuclear industry was thereafter considered a national security requirement. Most of the resources of a new government agency created to support scientific research, the National Science Foundation (NSF), were directed toward defense-related projects. In the 1950s, Congress justified new initiatives in building roads and in education, the National Defense Highway Act and the National Defense Education Act, on national security grounds. Even state and local governments were involved in operating civil defense agencies and military units of the National Guard. Supporting all these government activities were the private-sector businesses, universities, and consultants of what President Eisenhower famously called, in his 1961 farewell address, the "military-industrial complex."

Within a decade after the end of World War II, the national security state had become a massive complex of relationships linking much of government with a large sector of domestic society. The agencies connected with the national security state employed millions of civilian bureaucrats, as well as a clear majority of all federal employees, and spent more than half the federal budget. The areas of government concerned with foreign and defense affairs had grown considerably larger than the foreign policy establishment of the 1930s, when the small Department of State had only a few hundred foreign service officers scattered around the globe and the military consisted of only about 250,000 soldiers and sailors. In addition to these expanded governmental agencies, a large defense industry made up of some the largest American corporations came to depend on contracts for complex and expensive weapons systems to boost their profits and pay the wages of their workers. The military-industrial complex intertwined the national security state with both corporate power and the national economy.

Simply because of the size of its bureaucracy and budget, the new national security state had to imply changes in the operation of American democracy. Even more than in its institutional dimensions, the rise of the national security state represented a potent shift in the psychology of democratic politics. In his famous "Garrison State" hypothesis, formulated in the 1930s, political scientist Harold Lasswell predicted the consequences of a perpetual crisis mentality brought on by a "continued expectation of violence."[4] In future Garrison States, Lasswell warned, measures sometimes tolerated in democratic societies as temporary, emergency necessities would come to be regarded as permanent and normal. Secrecy, military mobilization, procedural shortcuts, increased power in the hands of military professionals, and repressive measures would become constant features of political life and would be readily accepted. Lasswell also wrote that the increasing atmosphere of suspicion fostered in the Garrison State would lead citizens to question one another’s loyalty.[5] In the years following the creation of the national security state, the psychology of fear and distrust outlined in Lasswell's Garrison State was frequently a feature of American politics.

The end of the Cold War did not diminish America's Garrison State mentality, and the current war against terrorism has reinforced it substantially. The United States maintained a remarkably high level of military mobilization even after the collapse of the Soviet Union left it the world’s only remaining superpower. Now, spending $300 billion a year, the American military commands more resources than the next fourteen biggest defense spenders combined.[6] In 1999, even prior to the

war on terror, American military spending alone constituted about one-third of the entire world's military spending; American expenditures combined with those of its closest allies in NATO, Japan, and South Korea equaled two-thirds of all military spending.[7] When American expenditures for nuclear weapons development (part of the Department of Energy budget) are included in the equation, the costs of the next twenty largest world militaries must be combined to equal American spending (see figure 8.1). As figure 8.2 shows, American spending alone is over three times that of potential national adversaries combined, and when the spending of our allies is included, the ratio rises to 6:1. American military spending in the past few years—leveling off in the 19905 to average Cold War levels—has involved a reduction only from the extremely high levels of the Reagan years (see figure 8.3).

As we entered a new century, however, the Clinton administration, cheered on by Republicans in Congress, began again to increase military spending, and, with new spending for the war on terrorism, Bush II administration projections suggest that defense spending will return soon to levels equal to those seen at the height of the Cold War. As former Assistant Secretary of Defense Lawrence Korb puts it, we will have "a Cold War budget without a Cold War."[8] And, despite the changed military requirements of the war against terrorism, the armed services have responded with renewed increases in expenditures on Cold War—era weapons systems. According to Korb, the war on terrorism requires strategies and weapons, such as the smart bombs and unmanned surveillance aircraft that proved so effective in Afghanistan and Iraq, that should be much less costly than existing ones.[9] According to another expert, the war on terrorism is expected to cost only about $10 billion per year over the next few years, a fraction of the whopping $470 billion the Bush administration projects for military spending by 2007.[10] Clearly, our national security state remains committed to maintaining the colossally expensive military structures built up during the Cold War—no matter how inappropriate for the threats we now face.

As the Berlin Wall came down, many Americans looked to the dismantling of the national security state as a welcome prospect. There was talk of a "peace dividend" that would allow the reallocation of resources, as in the Bible verse, from "swords" into "plowshares." The trillions that would have been needed for weaponry had the Cold War continued could now be spent on educating children, repairing roads, building better housing, and bringing prosperity to all. Government agencies created to fight the Cold War could be eliminated. The new diplomatic and security environment that now faced the United States seemed to require a complete rethinking of military strategic policy, expenditure requirements, and institutional structure. But post—Cold War demobilization was not a welcome prospect for the military services, defense contractors, national security bureaucrats in the various security agencies, and their friends in Congress, whose concerted resistance has been largely successful in preserving much of the national security infrastructure from which they derive profits, salaries, careers, and power. Even when confronted with the new demands of the war on terrorism, the national security state, in the interest of retaining its power and resources, has prevented a reasoned and democratic reexamination of public priorities. Instead, the national security state has been somewhat reorganized, much as a corporation reorganizes to face new market challenges, but its basic form remains substantially intact.

Political and economic interests whose power derives from the existence of the national security state are well positioned to assure its continuance for many years to come. Moreover, although policymakers used the Soviet threat to justify the expansion of the national security state during the Cold War, containing communism was always only part of its rationale. As early as the late 19405, American leaders saw expanded military power as necessary to establish a U.S.—dominated international economic order; the Soviet threat provided a convenient way to secure domestic political support for policies thought to be desirable anyway.[11] Thus, when President George H.W. Bush began to speak of a "New World Order" as Soviet might crumbled, he was rearticulating the alternate rationale that had motivated the creation of the national security state from the beginning. American military power was now called upon to maintain the political stability that would allow the smooth flow of investment and commerce in the global economy.

Despite the real need to protect Americans from terrorist threats, President George W. Bush's military strategy seems more purposefully oriented toward this role of policeman of globalization that

his father articulated. In fact, in September 2002 Bush issued a new National Security Strategy that goes far beyond his father's vision, declaring that the United States is prepared to act preemptively and unilaterally to defeat regimes it regards as a threat anywhere in the world, although denying any other power such a right. This strategy asserts a responsibility "to bring the hope of democracy, development, free markets, and free trade to every corner of the world."[12] Even though American tradition cautions that our forces are to be committed only in response to the aggressive acts of others, this novel doctrine, first articulated by Bush in a June 2002 graduation speech at West Point, claims that the nation's military should act in a preemptive fashion against an adversary solely on the president's determination of a potential future threat.[13] The war to depose Saddam Hussein in March 2003 seems to have been the first step in implementing this radical new policy. Indeed, many observers regard the new Bush doctrine and the Iraq war as evidence of a commitment to building a new American Empire. Unfortunately, both this commitment and the implicit pledge to continue the high levels of military spending it will require have been made without any democratic debate over whether such an offensive role is in the interest of all Americans.

To assure domestic security on behalf of this new imperial role and within the war on terrorism, President Bush in 2002 signed legislation creating a substantial new addition to the national security state—the Department of Homeland Security.[14] This massive reorganization consolidates twenty-two federal agencies with 177,000 employees into a single department. Among the agencies brought into the new department are the Immigration and Naturalization Service, the Secret Service, the Customs Service, the Federal Emergency Management Administration, and the Border Patrol. With the addition of homeland security to America's national security state, Lasswell's Garrison State seems complete.

The creation of the national security state has been justified as necessary to permit the United States to protect itself and its interests in a hostile world. The specific threats that produced the national security state—the USSR and communism—may be gone, and its energies now focused on a very different enemy, but its continued existence should be worrisome to democrats. The leaders and institutions that have direct control of the instrumentalities of force and violence pose a special problem for democracies. If the people are to rule, those within the national security state must be willing to acquiesce to the control and direction of the people and the people's representatives. Yet those who wield the weapons and instruments of organized violence clearly have the capacity to resist, defy, and even overturn democratic control. History is replete with examples of popular governments undone when those controlling military power have decided to substitute their own will for that of the people. Although democracies, like any other form of government, require military forces and national security states—as the current war on terrorism proves—democratic citizens need to be vigilant in demanding that those forces remain subject to democratic control. Unfortunately, America's own recent history provides evidence, some of which is presented in this chapter, of insufficient citizen vigilance in controlling the national security state. While much of this evidence comes from the period of the Cold War, we should not assume that the Cold War's end has brought the issue to an end; in fact, the new war on terrorism has already stimulated some new measures that are problematic in a democracy. As long as the policies and institutions that comprise the national security state exist, democrats need to be aware of the challenges they pose.

Proponents of democracy identify several dangers in the practices and attitudes that appear to be inherent in the national security state:

1. *Secrecy.* Information relevant to the enactment of public policy is often kept secret from the public and elected officials. The classification of information as secret and censorship are usually justified as necessary to prevent our enemies from using the information against the nation. But keeping crucial information from enemies also prevents citizens from using that same information to hold government officials accountable for their actions and to participate more effectively in the formulation of policy. Also, secrecy is easily abused by public officials who use national security as an excuse to insulate themselves from democratic control.

2. *Centralization.* National security is often a justification for limiting the range of actors involved in making public decisions. Democratic procedures are said to be too cumbersome for the swiftness and decisiveness required for defense and foreign policy decision making. Also, only a small

number of officials have access to the secret information and possess the expertise needed for these decisions. In the United States, this has meant concentrating responsibility for these decisions in the president and his close advisers, excluding Congress and the public. Yet decisions of peace and war are among the most important made in any society. Can a society long remain a democracy if the people are excluded from such important decisions?

3. *Repression.* National security requirements are often used to justify the suspension of civil liberties in order to combat domestic enemies. Fear that fellow citizens may be in traitorous collusion with a foreign enemy leads to campaigns that stifle dissent and interfere with political expression and participation. Police institutions developed to protect national security can become instruments for interfering with legitimate democratic processes.

4. *Distortion.* National security requirements lead to the creation of societal institutions such as a military and defense industry with a vested interest in high levels of mobilization and defense spending. Such institutions also acquire significant power that can be used to influence public policy. Such power can undermine the ability of ordinary citizens to make judgments about the nature and level of security threats. The military-industrial complex exaggerates such threats in order to maintain its power and economic well-being. The existence of a large military concentrates and organizes, force in a way that can undermine democracy.

Secrecy

A key value of democracy, common in some degree to all the democratic models discussed in this book, is openness. If a society is to operate democratically, citizens must have open and free access to information about public policies and the performance of government officials. Citizens cannot participate effectively in influencing policy unless they know the facts about policy alternatives under discussion. Information that is withheld or available only to certain participants in public debates biases those debates and prevents a democratic outcome. For example, scientific studies about the probability of contamination from nuclear power plants are likely to affect the degree of support for such plants. Unless people have access to such information, they cannot know whether nuclear power is in either their interest or the public interest.

Citizens also need information about the activities of public officials so that they can evaluate official behavior. Democratic accountability is impossible unless citizens know what officials have done and what the consequences of those actions have been. Even the Protective and Pluralist models of democracy, which assume that officials have fairly wide discretion, place a high value on the need for democratic citizens to be able to evaluate the performance of officials. An election cannot function effectively to hold governments accountable if officials can exaggerate their successes and keep their failures secret. In times of crisis, such as the current war against terrorism, citizens need accurate information about both the failures and successes of military actions if they are to evaluate how the war is being prosecuted. The value of openness is intended to facilitate both democratic participation and democratic accountability.

Openness and citizen access to information are in direct conflict with one of the key practices of the national security state: information classification. In 1951 President Truman issued an Executive Order extending a wartime system of information classification that has since become a permanent feature of American government. Under this system, millions of government documents are routinely classified as either confidential, secret, or top secret and are kept from public view. Even after a recent major reform effort intended to reduce the amount of classified information, nearly a billion pages of documents remained classified.[15]

Not only documents are classified. Over the past fifty years, many major foreign policy initiatives of American governments have involved "covert operations" that are kept secret from the public. Most, although not all, have been carried out by the CIA, and many have had far-reaching consequences for the United States. Among the major covert operations we now know about are the overthrow of democratically elected governments in Iran and Guatemala in the 1950s, the funding of pro-U.S. political parties in Europe, the aborted Bay of Pigs invasion of Cuba in 1961, the "de-stabilization" of Chile that brought to power the dictator Augusto Pinochet in the 1970s, and the

secret *contra* war against Nicaragua in the 1980s. None of these operations was discussed or debated in public, and some, as has been disclosed in congressional investigations, were never even revealed to Congress.[16] The budgetary allocations to support these activities were kept hidden as well, despite an explicit constitutional prohibition against such secret accounting.[17]

During the Cold War, covert operations were justified as necessary to counteract the actions of a ruthless enemy. Yet even a decade after the end of the Cold War, national security agencies refuse to reveal information about those operations. In 1997 the CIA was still dragging its feet on declassifying documents from its 1954 coup in Guatemala, the 1953 coup in Iran that installed the shah, and the 1961 Bay of Pigs invasion, years after any justification for keeping those secrets had disappeared.[18] This refusal persists despite numerous public promises to declassify historical records. The CIA has succeeded also in keeping secret even the size of its budget, in spite of repeated promises by its own director and by President Clinton that the information would be made public.[19] The longstanding concealment of intelligence expenditures is in direct violation of the constitutional requirement that "a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." In this, as in many other aspects of the national security state, the U.S. Constitution is deemed not to apply.

There are clear signs that the current war on terrorism has spawned a new wave of governmental secrecy. This should not be at all surprising, given our experience of the Cold War and other national security crises. As former Senator Daniel Patrick Moynihan has pointed out, "Proclamation of a wartime crisis automatically increases the amount of government secrecy."[20] The practice of fifty years of clandestine activity during the Cold War has routinized America's secrecy apparatus and inculcated a culture of secretiveness among government officials that has been quickly and easily tapped as the war on terrorism has been used to expand institutional secrecy.[21]

Almost immediately following the 9/11 terrorist attacks, the Bush administration began instituting new secrecy measures. In October 2001, Bush issued an executive order to federal agencies restricting the information that would be made available to Congress.[22] A month later, he mandated, on national security grounds, that presidential records from the Reagan and George H.W. Bush administrations, which were scheduled for release under provisions of the 1978 Presidential Records Act, not be released. This action keeps millions of documents regarding presidential actions in those administrations out of the hands of historians and other researchers—effectively nullifying the Presidential Records Act.[23] Attorney General John Ashcroft has gone to great lengths to keep from the public and Congress information relating to law enforcement: withholding the names of individuals detained after 9/11, trying detained individuals in secret deportation hearings, refusing to provide detailed reports on the Justice Department's activities to congressional oversight committees, and issuing directives to discourage release of documents under the Freedom of Information Act.[24] On the battlefront, the military has restricted tightly the access of journalists to facts about military actions during both the Afghanistan and Iraq campaigns.[25] Once again, the CIA is freely organizing covert operations throughout the world by deploying a new "secret army" of special operations troops.[26] Rather than share with the public information and evidence that might be useful for deliberating about the conduct of the war on terrorism, the Bush administration and its allies in the national security state have opted to keep as many secrets as they possibly can.

Even democracies sometimes need to keep secrets. There are national security matters such as the nature of weapons technology, weapons deployment, intelligence methods and sources, military plans, and diplomatic negotiations that must be kept from public view. For example, no one would object to government officials keeping secret the time and place of a wartime military attack, such as the invasion of Normandy in 1944 or the identity of agents planted in a terrorist cell.[27] Unfortunately, very few of the 6 million newly classified documents each year relate to these necessary secrets. More often, secrecy provides a means for government officials to pursue actions that do not have public and congressional support, to deceive the public about the effectiveness of policies, and to protect themselves from legitimate public scrutiny in order to escape future accountability for their actions. As historian Arthur Schlesinger Jr. has written, "Secrecy, carried too far, becomes a means by which the executive branch dissembles its purposes, buries its mistakes, manipulates its citizens, escapes its accountability and maximizes its

power."[28] Several historians, indeed, believe that President Bush's executive order stopping release of presidential documents from the 1980s may be related more to continued concealment of embarrassing information about his father's role as Reagan's vice president in the *Iran-contra* affair than to legitimate national security concerns.[29]

Since the 1940s, government officials have used the instrumentalities of secrecy to deceive the American public as routinely as they have sought to deceive foreign enemies. Even though government classification and covert actions have been justified as needed to combat our enemies, government officials have succumbed frequently to the temptation to use secrecy to combat domestic opponents of their policies as well. In a democratic society, disagreement about the wisdom of pursuing a particular policy is supposed to produce discussion and debate about that policy until agreement among, at least, a majority can be reached on a course of action. Pursuing a controversial course of action in secret in order to avoid such public discussion of public policy constitutes the most serious way in which secrecy can undermine democracy. A most egregious use of secrecy to conceal a policy without democratic support was the *Iran-contra* affair in the 1980s.

The Reagan administration saw Central America solely as an arena of superpower confrontation with the Soviet Union. In order to combat "communist subversion" in the region, it was willing to support the brutal military regimes in El Salvador, Honduras, and Guatemala and to oppose the Sandinista regime in Nicaragua, which had come to power in a 1978 popular overthrow of the American-backed military dictator, Anastasio Somoza.[30] In an attempt to topple the Sandinistas, the administration decided to support the anti-Sandinista rebels known as the *contras,* a group made up primarily of supporters of the former dictator. The only problem was that supporting the *contras* was opposed by many in Congress, who, unlike the administration, viewed the problems in the region more in terms of repressive military dictators oppressing their people rather than as an arena for Cold War conflict. Because a majority of its members regarded the *contra* war as a violation of international law, Congress in 1984 passed the Boland Amendment, prohibiting the administration from funding the *contras.*

To get around the Boland Amendment, staff members of the National Security Council (NSC) led by Marine Lt. Col. Oliver North, with the blessing of CIA Director William Casey and NSC Director John Poindexter, sought to find alternate means of funding the *contra* war. Working secretly and without informing Congress, North began raising funds privately from wealthy foreigners, including the Sultan of Brunei, and sympathetic Americans. At the same time, he secretly negotiated with shady Middle Eastern arms dealers about selling arms to Iran, which was at the time at war with Iraq, in exchange for money to support the *contras.* The Iran arms sale was contrary to the administration's hostile public stance toward the Iranian regime that had held a group of Americans hostage in Tehran only five years before. In 1985, using secret Swiss bank accounts, North sold a quantity of sophisticated American missiles to Iran, thereby bringing his "neat idea" to fruition without any legal authorization and without the knowledge of Congress.[31] He, Casey, and Poindexter had, in effect, set up a secret government, insulated from any legal or democratic accountability, to pursue their own policy agenda and defy the explicit prohibitions of the Boland Amendment. Later, both North and Poindexter would justify their actions by claiming that national security required it. Democrats should question, however, how Poindexter and North arrogated to themselves alone the responsibility for determining what national security required. The current revival of covert operations within the war on terrorism means that latter-day Norths and Poindexters may be pursuing equally ill-conceived "neat ideas" while avoiding the scrutiny of Congress and the public. (In fact, Poindexter would return to government in the George W. Bush administration as director of the Pentagon's Total Information Awareness Office, which is discussed below.)

Secrecy not only creates opportunities for deception about what government is doing but also allows deception regarding the effectiveness of public policies. In *The Pentagon Papers,* a secret report on the Vietnam War prepared by the Defense Department in the 1960s, repeated instances of this sort of deception are documented.[32] Throughout the war, various officials in the CIA, the military, and the Defense Department lied and released—to the public, to Congress, and even to

their administrative superiors—distorted information about the progress of the war. These distortions were intended to maintain support for continuing the war by underestimating the strength of the Vietcong and overestimating the military successes of South Vietnamese and U.S. troops. This manipulation of information contributed to the prolongation of a disastrous policy.[33] Had more Americans, critics and supporters of the war alike, both in and out of government, received less distorted accounts of what was actually happening in Vietnam, the war might have ended much earlier, saving thousands of American and Vietnamese lives.

As in the Vietnam War, keeping secrets about military operations in order to impede accurate evaluation of military policies seems habitual within the national security state. Already in the war on terrorism, there are clear signs that information about the results of military action is being manipulated to avoid revealing failures and mistakes. In early 2002, when Afghan sources suggested that an American missile targeted at al Qaeda terrorists had mistakenly killed innocent villagers instead, the U.S. military blocked access to the region by American reporters who wanted to question villagers directly.[34] And, even though the war in Afghanistan succeeded in ousting the Taliban and installing a new government, the military provided few details about parts of the campaign that were less successful, such as the failed effort to capture Osama bin Laden in the Tora Bora section of eastern Afghanistan.[35] A similar lack of openness characterized the aftermath of the Iraq war, as the Bush administration provided little information detailing its actions in rebuilding the country. Obviously, if we are to avoid a disaster similar to what happened in Vietnam, Americans must be vigilant to ensure that policymakers do not use secrecy as a way of covering up policy failures in this new war on terrorism.

The national security state has become a convenient cover for policy failures, even long after the fact. For example, the CIA kept secret for thirty-seven years a detailed 1961 report of the policy mistakes that had led to the disastrous Bay of Pigs invasion of Cuba in 1960, merely to escape the critical reaction that release of the report would have caused.[36] Sometimes secrecy under the guise of national security has allowed officials to avoid public scrutiny of their actions even when those policies have consequences harmful to citizens. Numerous examples of this phenomenon have surfaced in recent revelations about the management of government-owned nuclear power plants that used to produce plutonium and other forms of enriched uranium.[37] Over a period of nearly forty years, these plants frequently discharged nuclear contaminants into the air and water supplies of neighboring communities. Because of the security surrounding their activities, however, this pollution was not monitored by any government agency, including the Atomic Energy Commission (AEC), which overlooked the health risks of these plants in the interest of maximizing production of nuclear weapons. People who lived in these areas or worked in the plants now suffer from abnormally high rates of cancer and other diseases. Citizens were unable to evaluate the tradeoffs between production of nuclear weapons and the health risks of such production because the potential for these risks was hidden. Although the public might have decided that the need for the weapons merited some measure of risk, those most affected, the plant workers and neighbors, were never allowed to choose the extent to which they were willing to subject themselves to this risk.

Not only does secrecy undermine democratic policymaking, but there is some evidence from our experience with the national security state that secrecy can produce very bad policy. In fact, most serious U.S. foreign policy failures have followed from initiatives taken in secret. By making decisions in secret, policymakers avoid having their plans critically evaluated by observers outside the small circle making the policy. The foolishness of such policy decisions as the Bay of Pigs invasion and the *Iran-contra* arms-for-hostages deal would have been quickly exposed had they not been made in secret. As Senator Daniel Patrick Moynihan has said, "The secrecy system protects intelligence errors, it protects officials from criticism. Even with the best of intentions the lack of public information tends to produce errors; the natural corrective—public debate, academic criticism—are missing.[38] In addition to shielding bad decisions from scrutiny, the deception that often accompanies secret actions can lead to self-deception on the part of policymakers, who come to believe the web of lies they have woven to cover their actions. The political philosopher Hannah Arendt has written eloquently about how such self-deception led architects of American

policy in Vietnam to make bad decisions again and again.[39] If similar mistakes are to be avoided in the war on terrorism, policymakers must avoid the trap of keeping too many secrets. Better and wiser government has always been a chief virtue of democracy; it only follows that, by undermining democracy, secrecy also precludes wise government.

Centralization

All presidents since the rise of the national security state have sought to broaden their control over foreign and military policy. They have tended to interpret their constitutional role in such a way as to exclude all but a close circle of advisers from participation in some of the most important decisions affecting the life of the nation. Although the U.S. Constitution provides that Congress and the executive shall share responsibilities for foreign affairs and defense, post—World War II presidents have been successful in asserting their constitutional prerogatives and using their control of the apparatus of the national security state to concentrate practical control of national security decisions in their own hands. Treaty making, which requires Senate participation, has often been replaced with executive agreements, which do not. Although the Constitution grants Congress, not the president, the specific authority to declare war, presidents have repeatedly asserted their power as commander in chief as justification for military action initiated without congressional or public involvement. Throughout the postwar period, public participation in major foreign policy decisions usually has been limited to receiving notification after the fact of decisions made and actions taken. By the turn of the century, presidential autonomy to make major public decisions without consulting anyone has come to be accepted as normal in our government. This is a rather odd state of affairs for a democracy.

Since 1945, numerous military actions, including two major wars resulting in American casualties in the tens of thousands, have been presidentially initiated without public or congressional consultation. The first major assertion of presidential war-making power came in 1950 when President Harry Truman sent American troops to fight in Korea under the auspices of the United Nations. Describing the war as a "police action," Truman claimed that action under a UN resolution relieved him of the constitutional requirement to seek a congressional declaration of war. Fifteen years later, Presidents John Kennedy and Lyndon Johnson gradually involved American forces in a major war in Vietnam without significant congressional participation.[40] Throughout that war, Presidents Kennedy, Johnson, and then Nixon made all the crucial decisions about its management, expressing mainly contempt for attempts by Congress or the public to influence those decisions. When a sizable antiwar movement developed to oppose those decisions democratically, both Johnson and Nixon ignored the movement, dismissing it as subversive. In addition to these major wars, American presidents have initiated several shorter yet intense wars in locales as varied as Iraq, Panama, the Dominican Republic, and Afghanistan. They have initiated, as well, numerous smaller military actions, such as "regime changes" in Grenada and Haiti and the interventions in the Balkans. Along with these uses of force, presidents have managed individually a variety of "crises," including one—the Cuban missile crisis—that nearly led to a nuclear war, without concern for involving other public officials in a meaningful way.

Until the Vietnam period, most Americans—and especially Congress—acquiesced in presidential dominance of the national security state. The mobilization against communism and an ideology of "bipartisanship" in foreign affairs made dissent from presidential initiatives difficult. As disaffection with the Vietnam War grew, however, many Americans began to question the wisdom of the growth of presidential war-making and foreign policy powers. Some, including historian Arthur Schlesinger Jr., worried about the growth of an "imperial presidency" that was at odds with both the Constitution and democratic values.[41] Revelations in *The Pentagon Papers* about presidential deception and manipulation of public opinion during the Vietnam War provided considerable support for these arguments.

In response to these concerns, Congress passed the War Powers Act in 1973, over President Nixon's veto. This legislation was supposed to limit the ability of presidents to involve the nation unilaterally in military conflict without the participation of Congress. The act required the president

to consult with Congress before sending troops into hostilities, to inform it in writing of the reasons for a military action within forty-eight hours, and to limit involvement to sixty days unless explicit congressional approval was obtained. Although the War Powers Act seemed to represent a restraint on presidential war power, in practice it has not significantly reduced unilateral presidential control in this area. Every president since the act was passed has claimed that it is an unconstitutional infringement on the president's power as commander in chief, despite the absence of any cogent legal justification of such a claim.[42] Facilitating this presidential assertion has been Congress's own acquiescence; it has formally initiated provisions of the act only once, when President Reagan sent marines into Lebanon in 1983.[43] Even when they have complied in a formal sense with some of its provisions, however, all presidents have refused to acknowledge the authority of the act to constrain their power to initiate military action.

Although Presidents Ford and Carter used military force with restraint, only ordering small actions to rescue American forces in danger, every president serving thereafter has engaged American forces without congressional authority numerous times. Reagan initiated military actions in Lebanon, Grenada, and Central America. President George H.W. Bush sent troops into battle in Panama and Somalia, and although he eventually received congressional authorization for war with Iraq, he was prepared to act without it. President Clinton personally authorized military actions in Iraq, Haiti, Bosnia, Yugoslavia, Afghanistan, and Sudan.[44] Clinton claimed that he had no need to seek congressional consent for any of these actions because "the Constitution leaves the President, for good and sufficient reasons, the ultimate decision-making authority"—a claim that is difficult to prove by reference to the Constitution's actual words.[45] Little more than two years after entering the White House, George W Bush had already launched two wars, in Afghanistan and Iraq. These three post-Cold War presidencies provide ample evidence that presidential usurpation of the power to make war was no Cold War anomaly. In fact, according to a blue-ribbon commission report in 1999, the end of the Cold War has produced an increase in American military interventions around the world.[46]

Nearly thirty years after its passage, the War Powers Act has not been effective in restraining presidential war power; in fact, the president's power to make war seems instead to have expanded in scope. Whereas earlier presidents sought to justify their actions as necessary to respond to attacks on American forces (as in the Gulf of Tonkin incident), to protect American lives (as in Reagan's invasion of Grenada), or to honor the requirements of international treaty commitments (as in Korea), more recent presidents have articulated a much broader conception of presidential war power—that the president may commit American forces to combat based solely on his individual determination that it is the "right thing to do." George W. Bush's new National Security Strategy makes preemptive, unilateral war at the president's discretion a matter of official policy. This monarchical conception of presidential war power was expanded considerably in the highly centralized and presidentially dominated process that led to the 1991 Gulf War, and by the time the second President Bush opted to invade Iraq in 2003, Americans had come to regard as the norm a president's leading them to war on his word alone.

From the beginning of the 1990 Gulf crisis, when Iraq's President Saddam Hussein invaded Kuwait, President George H.W. Bush and a very small circle of advisers made all the critical decisions about the war.[47] Although Congress eventually passed a resolution supporting the war, there is little evidence that Bush and his advisers ever regarded congressional authorization as necessary for initiating hostilities. Their ability to manage the development of the crisis allowed them to control the movement to war, leaving Congress little choice but to acquiesce in their policy. When Iraq invaded Kuwait in August, Bush immediately dispatched a large force to defend Saudi Arabia without informing Congress or seeking its approval. Unlike his immediate predecessors, who had at least technically complied with the War Powers Act even while denying its constitutionality, Bush refused to send to Congress within forty-eight hours the formal explanation that the act required; significantly, no real protest arose in Congress.

In a conscious allusion to the Korean War precedent, the administration did obtain a UN Security Council resolution condemning Iraq and authorizing military action to liberate Kuwait, but unlike the Korean situation, the administration never acknowledged any UN authority over the

conduct of the war. Throughout the conflict, Bush's team would emphasize that an international coalition supported the action, although American forces dominated. In late October, the president made a critical decision to double the size of the force in Saudi Arabia so that it would be capable of mounting successful offensive operations, but the decision was not publicly announced until 8 November. When an administration official was asked to explain the delay, he said, "November 8 was a very important date because it was after November 6" (the date of midterm congressional elections).[48] Bush clearly did not want the public to have the opportunity to react democratically to any of his war decisions.

After the buildup to offensive capability, many in Congress began to press for a congressional declaration of war before any hostilities could begin.[49] Initially, the Bush administration opposed any such congressional action; it relented only when, in January, it seemed likely that a majority of Congress would support the war. Although Bush eventually decided to ask Congress for a resolution authorizing military action, he never acknowledged that he would be bound by a congressional decision.[50] In fact, Bush later wrote, "... even had Congress not passed the resolutions I would have acted and ordered our troops into combat. I know it would have caused an outcry, but it was the right thing to do...." In this president's mind, neither the Constitution nor the views of Congress, but only his own judgment about the "right thing to do" should matter in committing the country to war.[51] Eventually, a majority in both houses supported a war resolution, supplying at least the appearance of congressional authorization for what the president wanted.

Despite the formal congressional authorization of the war, the Gulf War resolutions did not represent a new assertion of congressional control over the national security state. The president's control of the military had already allowed him to create a situation that made it very difficult for members of Congress to vote against his policy. Many clearly feared that opposition to the president would be interpreted by voters and attacked by political opponents as a lack of support for the 500,000 soldiers by that time prepared for battle in Saudi Arabia. These fears were largely confirmed when, after the war's successful conclusion, some members of the president's party began to label those who had voted against the war resolution "traitors."[52] Memories of that branding seemed to be a factor twelve years later when a second President Bush sought congressional acquiescence to his own war on Iraq.

President George W. Bush has followed in the footsteps of his predecessors in asserting a monarchical conception of his authority to wage war. Since the 9/11 terrorist attacks, he has characterized the decisions regarding military action as his alone to make without any need to seek authorization from either Congress or the broader public. Although Congress itself initiated a resolution authorizing military action in Afghanistan, Bush explicitly denied the legal necessity of the resolution he signed, asserting "the authority of the President under the Constitution to take action to deter and prevent acts of terrorism against the United States."[53] When, after the success of Operation Enduring Freedom, the military campaign that overthrew the Taliban government in Afghanistan, the administration turned its attention to the possibility of an attack on Bush's father's old nemesis, Iraq's Saddam Hussein, the president again asserted that he had the authority to initiate military action on his own. In an August 2002 statement, Bush made his position clear:

> Listen, it's a healthy debate for people to express their opinion. People should be allowed to express their opinion. But America needs to know, I'll be making up my mind based upon the latest intelligence and how best to protect our own country plus our friends and allies.[54]

In this statement, Bush graciously permits a public discussion of the pros and cons of war with Iraq but does not expect it to be in any way binding upon him. Nor does he see the decision to go to war as subject to any external control; the decision is all his. With the war on terrorism, the U.S. president seems to have gained truly absolute power to commit the nation to war, based on his sole discretion—at any time, in any place, and for any reason. Such power is reminiscent of the monarchs of past eras, a Louis XIV or George III, rather than a democratic leader.

The months leading up to the 2003 war in Iraq revealed Bush's conception of his unconstrained

war power, including disregard for many of the ancillary constraints and rationales his predecessors had used to justify their actions. While the administration claimed that its concern about Saddam Hussein was a response to the 9/11 attacks, many of Bush's advisers had been ardent proponents of an invasion of Iraq, as a means of altering the strategic situation in the Middle East, long before the terrorist attacks." As early as July 2002, Bush himself seems to have made up his mind to invade Iraq; the only task thereafter was to organize a public relations campaign to sell the war to the public.[56] As his father had done before him, Bush denied any constitutional obligation to seek congressional approval of military action, but then sought a congressional resolution of support when it was clear that it would be granted. In contrast to the sharp debate in Congress in 1990, both houses now quickly passed, with only perfunctory debate, a resolution giving the president authority as broad as the 1964 Tonkin Gulf Resolution that President Johnson had used to justify escalation of the war in Vietnam.[57] Also reminiscent of the Tonkin Gulf Resolution, which was passed in response to later discredited administration claims about a North Vietnamese attack on an American destroyer, was the fact that many in Congress in 2002 based their votes on the Iraq resolution on administration reports that Saddam Hussein possessed and was plotting to use "weapons of mass destruction." After the war, however, confirmation of such a threat would prove elusive.[58]

In stark contrast to the emphasis placed on the support of allies and international institutions such as the UN and NATO in the 1991 Iraq war, the younger Bush's administration sought to remain "unfettered" by such relationships.[59] America's overwhelming military dominance now meant that U.S. forces could "go it alone" against Iraq without concern for support from allies. After several months of trying to convince a skeptical UN Security Council of the threat of Iraq's weapons of mass destruction, Bush proceeded to war without UN sanction, with meaningful military support only from Britain. In thus pressing forward the Iraq war, Bush signaled clearly that his new strategic doctrine means that, in the absence of any concrete aggressive action, and without legitimization by any international body, an American president can rely upon his own judgment about a potential threat to the United States in choosing to send the mighty American war machine into action anywhere in the world. The concentration of war-making power in the hands of the American president alone, begun after World War II, is now complete. Quaint anachronisms such as congressional declaration of war or United Nations sanction for use of military force are now consigned to the "dustbin of history."

Some people argue that foreign policy decisions must be highly centralized because democracies are ill-equipped to make the kinds of decisions required in a hostile world.[60] This is a point of view with a long history, originating perhaps with Tocqueville in the 1830s, and it underpins much of the centralization of decision making in the national security state. Critics of democratic control of foreign policymaking make three basic points:

- Decisions about foreign affairs are said to require expert knowledge that is unavailable to ordinary citizens. Only the president's elite advisers, who have access to secret information, are equipped to know what policy ought to be adopted. Too much influence from outsiders undermines the capacity for competent policymaking.
- Democracy is often accused of incapacity for prompt and decisive action. Supposedly, foreign adversaries are able to take advantage of the policy conflicts that democratic debate over policy usually engenders. Centralized decision-making processes insulated from democratic controls are thought to allow clear expression of policy choices and quick action, and to prevent one's enemies from exploiting disagreements.
- Centralized decisions are held to facilitate continuity and long-range policy planning. This was a key concern of Tocqueville, who feared that a democracy had "little capacity for combining measures in secret and waiting patiently for the result."[61] Democratic pressures on policymakers are supposed to create pressures for immediate gratification that often cannot be achieved in foreign policy.[62]

These are familiar accusations, but democrats can make strong counterarguments. In regard to

the need for expertise in foreign policy there can be little quarrel. Problems related to national security and relations with other nations, by their very nature, involve specialized information and benefit from the insights of experts. But is such expertise more or less likely to be brought to bear when decision making is highly centralized and confined to a small circle of advisers? The American experience over the past forty years suggests that highly centralized decisions are more likely than open democratic processes to exclude relevant expertise. As the psychologist Irving Janis has pointed out, decision making by a small policy group is prone to a phenomenon he calls "groupthink" by which independent critical thinking about problems is systematically excluded. In his now-classic study of the phenomenon, he found that a number of crucial American foreign policy failures, including the Bay of Pigs and the escalation of the Vietnam War, were subject to groupthink.[63] Information and expert points of view that could have prevented serious policy mistakes were ignored by decision makers, who formed a tight little group reinforcing a conventional set of views. One antidote to groupthink is democratic participation in decision making, which naturally brings a variety of expert opinions to bear on a problem.

As for the need for prompt and decisive action in security crises, presidents and others in the executive branch have ample power to respond to emergencies and direct attacks on Americans. For example, when the World Trade Center towers were hit on 9/11, officials at the Federal Aviation Administration, without consulting any higher authority, made the unprecedented decision to ground all the thousands of aircraft in American airspace. No one would consider such an emergency decision or a president's decision to respond to a direct military attack to be at odds with democratic values. But most decisions regarding war and peace in the post-World War II period have not been made in an emergency context. Typically, there is plenty of time for democratic deliberation and seeking congressional authorization before committing the nation to war.[64] The central decisions so far made in the war on terrorism, such as sending troops to Afghanistan or whether to attack Saddam Hussein, have been reached over weeks or months, with plenty of time for democratic deliberation. Not only does deliberation not interfere with the need to respond quickly to emergencies, but it usually will also prevent policymakers from decisively pursuing foolish policies. In the Iran-*contra* affair, for example, Lieutenant Colonel North and his friends were decisive, certainly, in pursuing the trading of arms for hostages once they had decided on the policy, but this very decisiveness perpetrated an extremely unwise policy. Had their plans been exposed to scrutiny and democratic debate, a disastrous policy action could have been decisively prevented. The same could be said about most of the covert actions taken during the Cold War. Democracy may slow down policy action, but, once decided, its policies are likely to be wiser and more supportable by citizens than those made by a handful of policymakers in secret.

Finally, there is little evidence that democratic societies are unable to support long-term policy initiatives. Empirical studies of public opinion and the experience of democratic nations show that public opinion in democracies can sustain such initiatives.[65] The American public, for example, has been quite willing to support long-term foreign commitments, such as the Marshall Plan support for Europe and NATO, when a convincing case for these policies has been made. So far in the war on terrorism, the public has enthusiastically supported military action against terrorists, even if it should produce substantial military casualties. Sustained support has been more problematic for questionable policy proposals, such as intervention in Central America, for which leaders have not been able to make a convincing case. The difference between the Marshall Plan and support for the *contras* was not the degree of "elite autonomy to support long-term policies," but the wisdom of the policies themselves. Leaders in democratic societies need not insulate themselves from public control in order to manage foreign policy effectively, but should instead develop policies that a democratic citizenry can support.

Repression

At the heart of American democracy for most Americans are the liberties guaranteed in the Bill of Rights. Freedom to say what you think, organize politically, and associate with whomever you wish are considered key elements of the American way of life. Unfortunately, time and again the

national security state has put these fundamental liberties at risk. In the name of protecting society from foreign threats—usually from "communists," "subversives," and "terrorists"—government officials have spied on citizens, read their mail, intimidated them, discredited them, forced them from their jobs, and in some cases imprisoned them. As early as the 1790s, a few short years after the ratification of die Bill of Rights, the administration of John Adams passed the Alien and Sedition Acts for the ostensible purpose of protecting the new American nation from political ideas and agitation emanating from the French Revolution. As in subsequent experiences, the foreign threat from French revolutionaries was much exaggerated to justify this repressive legislation, and Adams's Federalist government used its provisions more often to harass its political opponents, the Democratic-Republicans, than to ferret out French subversives. Since then, during times of war or other periods when Americans have felt threatened, they have acquiesced to limits on their civil liberties and repressive government activities.

The period of the Cold War provides American history's worst examples of governmental efforts to repress free political activity. Ironically, at a time when the nation was supposedly mobilizing to resist an international threat to its freedom, the national security state was constructing an internal security apparatus that systematically robbed many Americans of their basic freedoms at home. During this period, a foreign threat, communist subversion, again was used to justify extraordinary and often secret internal security actions, but as in the 1790s, these actions were often directed simply at those who dissented from mainstream political views or at the political opponents of those in power. By the 1950s and 1960s, the large police bureaucracies of the national security state made these actions more fundamentally threatening to the health of American democracy than they had been in the 1790s, when no such national security bureaucracies existed.

The core of the internal security component of the national security state was the FBI, and its architect was the agency's renowned director, J. Edgar Hoover.[66] Before World War II, the FBI had built its reputation on its success in combating such crimes as kidnapping and bank robbery and in battling gangsters such as John Dillinger. Its image as an apolitical law enforcement institution was a critical part of Hoover's strategy in building support for the bureau in Congress and among the public in the 1920s and 1930s. Hoover emphasized that, unlike domestic intelligence agencies in other countries, the FBI was concerned with fighting crime, in association with local police departments, not monitoring political activity. This stance undercut potential critics, who feared that a national police organization might undermine civil liberties and democratic politics.

The bureau’s experience in World War II profoundly affected the image of the agency and its director, however. In 1936, in anticipation of the coming military conflict, President Franklin Roosevelt had secretly instructed Hoover to begin systematic surveillance of "subversive" political groups, particularly groups friendly to Nazi Germany.[67] Interpreting his instructions quite broadly, Hoover eagerly began collecting information using such diverse methods as illegal wiretaps, mail interception, and break-ins. Although Roosevelt was most concerned about the activities of pro-Nazi groups, Hoover's own lifelong obsession with communist subversion ensured that equal scrutiny was focused on left-wing groups. Once the war began, the atmosphere of national crisis was used to justify such activities, as Hoover began to publicize the bureau’s successes in capturing Nazi spies and foiling Nazi sympathizers. The role of monitoring "subversive" political activity, which in the1930s might have raised the concerns of civil libertarians, only expanded support for the FBI in the heat of war. No one worried about FBI surveillance, despite its constitutionally questionable methods, as long as they were directed against foreign enemies. By 1945, the public had come to admire Hoover and his FBI as leaders in the domestic struggle against our wartime enemies.

With the end of the war, Hoover identified a new set of foreign enemies to combat: communists. Thereafter, instead of being eliminated, the FBI's internal security apparatus was maintained and expanded as a permanent part of the national security state. Support for its continuation was assured in the atmosphere of anticommunist hysteria that developed in the late 1940s. Through the efforts of ambitious politicians such as Joseph McCarthy and Richard Nixon, fear of foreign communist subversion was shifted subtly to a concern about the "loyalty" of individual Americans. In 1947, under pressure from a Republican Congress and Hoover, the

Truman administration established a security program that required government boards, with the assistance of the FBI, to review the loyalty of all federal employees.[68] Soon, similar efforts were established in state and local governments and throughout the private sector. Legislation also was passed to provide a legal basis for the political surveillance of Americans: the 1950 Internal Security Act required members of communist and so-called communist-front organizations to register with the attorney general, and it specified imprisonment as the penalty for failing to do so.

This law, along with the wartime Smith Act, which made it a crime to advocate the "violent overthrow of the government," gave the FBI and the Justice Department the ability to legitimize political surveillance as a "law enforcement" activity. A wide range of political activity was criminalized in this way. In order to investigate a political activity, the FBI needed only to label it subversive or to claim that it was related to an organization supposedly advocating the overthrow of the government. Since one could discover if organizations or individuals violated either of these acts only by placing them under surveillance, the FBI used its discretion to justify monitoring any suspicious group, a category that included more and more groups as the years passed.

Under the auspices of its COMINFIL program, introduced to determine the degree of communist subversion in the United States, the FBI infiltrated thousands of organizations and kept files on thousands of individual Americans. Almost any liberal or left-wing group was considered sufficiently suspect to merit coverage in the COMINFIL program; such suspect groups included the American Friends Service Committee, the National Association for the Advancement of Colored People (NAACP), and the American Civil Liberties Union (ACLU). In the 1950s, about one-third of the FBI's entire investigative force (1,600 agents) was involved in such work, with the help of about 5,000 informants.[69] Group surveillance included warrantless mail openings, break-ins, and wiretaps. Secret files were created to maintain records derived from this illegal surveillance.

Not content simply to gather information about supposedly subversive groups, the FBI's COINTELPRO program involved itself actively in manipulating groups in order to influence and disrupt their activities. Through COINTELPRO, the FBI became an active force in influencing the political process. One of the most outrageous episodes involved a decade-long effort to undermine Dr. Martin Luther King Jr. and his Southern Christian Leadership Conference (SCLC). Using as an excuse suspicions about the alleged communist ties of one of Dr. King's advisers—although Hoover's lifelong antipathy to the civil rights of blacks probably was a prime motivator—COINTELPRO leaked manufactured stories about Dr. King's personal life and financial affairs to the press and political opponents.[70] In the 1960s, similar efforts were mounted against the anti-Vietnam war movement, nearly all civil rights organizations, and critics of Hoover and the FBI. Justified as necessary to protect the country's national security, the FBI's COMINFIL and COINTELPRO programs became general efforts to monitor and disrupt any and all political groups that displeased Hoover and other FBI officials.

The FBI was not the only component of the national security state involved in repressing dissent and interfering in domestic politics. In the mid-1970s, a major congressional investigation led by Senator Frank Church and a separate investigation by the presidentially appointed Rockefeller Commission found that, by the 1960s, political surveillance of domestic politics had become routine in a variety of agencies.[71] In spite of an explicit prohibition against domestic activity, the CIA maintained Operation CHAOS to monitor the supposed foreign ties of domestic political groups, especially the New Left. The military services, under the cover of planning for civil disturbances, monitored a wide range of "left-wing" and "dissident" groups. Paralleling similar programs in the FBI and CIA, the National Security Agency operated its own mail opening and wiretaps of Americans. The Internal Revenue Service, in cooperation with the COINTELPRO program, targeted for audit and special treatment the tax returns of thousands of individuals because of their political activities, including Nobel Prize-winning chemist Linus Pauling and Los Angeles Mayor Tom Bradley. Beyond these federal government agencies, many state and local agencies and police departments maintained political surveillance and disruption activities.

Following the revelations in the 1970s, all the agencies involved claimed to have reformed their procedures to forestall a repetition of the revealed abuses. Yet within a few years, the FBI was engaging in activities reminiscent of COINTELPRO. In the early 1980s, the FBI conducted a

massive probe of the Committee in Solidarity with the People of El Salvador (CISPES) and, as it had often done in the 1960s, tried to justify targeting CISPES by reference to its supposed "terrorist" activities. But the FBI surveillance actually focused on legitimate political dissent in reaction to Reagan administration policy in Central America.[72] After assimilating massive amounts of information about CISPES, the FBI was unable to document any instance of the organization's supporting domestic terrorism or any other illegal activity. CISPES was not the only instance of FBI abuse: a 1990 report by the General Accounting Office documented nearly 20,000 FBI political investigations between 1982 and 1988 that involved monitoring "religious services, political lectures, and street demonstrations attended by people who were not suspected of any criminal activity or membership in any terrorist group."[73] Despite the minor procedural changes instituted after the Church committee report, the FBI and other agencies retained much the same capacity for abuse that they had had since the inception of the national security state. Joining the new war on terrorism, the FBI and other agencies seem to be developing new policies, in the name of rooting out terror, that may likewise threaten the civil liberties of innocent Americans.

In the aftermath of the horrific 9/11 attacks, most Americans seemed prepared to rethink the balance between the civil liberties required in a democracy and the need for security from future terrorist activities. In the months and years since, a variety of new laws, executive orders, and government actions have been put in place to protect the country from terrorism. The public and constitutional scholars alike seem to accept most of these initiatives as necessary measures in a time of crisis.[74] As one civil liberties expert put it, "September 11 was horrifying: it proved that our enemies are vicious, powerful, and imaginative, and that they have well-trained and suicidal fanatics at their disposal. People's respect for human and civil rights is very often fragile when they are frightened, and Americans are very frightened."[75] Democrats need to be concerned, however, that our fear not permit too much erosion of the basic liberties citizens must have if they are to retain control of their government. Our history provides many examples of crises leading to violations of civil liberties that were later regretted, including the Cold War repressions described earlier, the imprisonment of conscientious objectors during World War I, and the internment of Japanese Americans during World War II. Thus far, many of the new antiterror measures taken by the government seem justified by the threats we face, but they also introduce the danger of encouraging the government to engage in dangerously repressive actions.

Numerous antiterror measures were undertaken after 9/11. In October 2001 Congress passed the USA Patriot Act, which broadly expanded the definition of who might be defined as a terrorist, gave the Justice Department new authority to detain suspected terrorists without charging them with a crime, and expanded the FBI's surveillance powers. Even before the legislation was passed, the attorney general had ordered the secret detention of hundreds of people—a number that would grow to nearly a thousand by the end of the year. Most were later released or deported, but while in custody all were denied the legal rights normally provided to the accused.[76] At the same time, the Justice Department issued new rules restricting the detainees' access to lawyers and authorizing the recording of conversations between lawyers and clients. In May 2002 Attorney General Ashcroft rescinded FBI regulations put in place after the Church committee hearings of the 1970s to prevent the bureau from monitoring domestic political activities.[77] Although these same regulations had often been flouted in the 1980s, as discussed earlier, this overt action signaled a new willingness to encourage the FBI to monitor and infiltrate domestic groups in the search for terrorists. Ashcroft's order raised the prospect that, in the name of combating terrorism, the FBI might again engage in COINTELPRO-like activities in the future. Finally, long-standing policies designed to prevent intelligence-gathering agencies such as the CIA and NSA, as well as the military, from becoming involved in domestic law enforcement have been overturned. Under the new Homeland Security Department, intelligence agencies will be authorized to spy on Americans, and the Bush administration is considering repeal of the Posse Comitatus Act of 1878, which restricts the military's use in domestic law enforcement. In addition, the Bush administration has brought John Poindexter back to government, despite his conviction in the Iran-*contra* scandal, to run a new office of "Total Information Awareness" that is attempting to design a system for monitoring all computer transactions throughout the world, including those of American citizens.[78]

Some of the administration's more controversial actions concern military tribunals and the treatment of persons designated "hostile combatants." In November 2001 President Bush issued an executive order to allow secret military tribunals for the trial of foreigners accused of terrorism.[79] The order seemed designed to create a forum for judging some of the al Qaeda terrorists who had been captured in Afghanistan and were being held at a detention facility at Guantanamo Bay, Cuba. By the summer of 2003, as far as was known, no military tribunal had been convened; in fact, the administration had opted to try Zaccarias Moussaoui, a French citizen suspected of helping to plan the 9/11 hijackings, in a federal court rather than in a military tribunal. Nevertheless, to civil libertarians, even the prospect of secret military tribunals raised the specter of secret "star chamber" proceedings that would be at odds with basic American freedoms. Even more alarming to many, in the spring of 2002, the administration declared two American citizens who were suspected al Qaeda members to be "enemy combatants," detained them in military custody without a specific criminal charge, and denied them any access to the judicial system. Although press reports suggested that there were strong grounds for detaining the two individuals, the administration's legal claim for such detentions was far-reaching—arrogating to the president the sole authority to declare an American citizen an "enemy combatant" who could be confined indefinitely in a military prison.[80] In asserting such a sweeping power, the president was asking Americans to trust him to determine, on his own and without trial, the guilt of an "enemy combatant" and to believe that he would use this power only against actual terrorists rather than his own political opponents.

As with many actions taken since 9/11, the measures described here—whether the expanded surveillance powers of the FBI or the president's unchecked power to detain "enemy combatants"—may seem reasonable and necessary when considered as defensive tactics directed against a terrorist enemy. But the history of our experience with the national security state should caution democrats that these measures may be abused. As the Church committee found in the 1970s, national security, whether in a "cold war" or as part of a war on terrorism, can become a blanket excuse for massive interference in domestic democratic politics. Individuals with dissident or sometimes merely unusual political views may be spied on, intimidated, and prevented from exercising the opportunity to try to influence government. The ability of patriotic Americans to raise legitimate questions about various aspects of foreign and national security policy can be impeded. During the worst of the abuses of the 1950s and 1960s, the quality of American democracy was enormously diminished. We must be on guard to ensure that the war on terrorism does not diminish democracy in a similar manner. Moreover, during the Cold War period, repressive measures undermined the nation's ability to deliberate openly and effectively about national security policies, resulting in costly mistakes in Vietnam and elsewhere. If the current war on terrorism is not to create similar transgressions of civil liberties or stifling of productive policy debates, these experiences of the past must be remembered and care must be taken to prevent their being repeated.

Distortion

The creation of the national security state has had a dramatic impact on the distribution of power and influence in American society. The civilian national security bureaucracies, the military services, and the defense industry (usually referred to as the military-industrial complex) have acquired an enormous amount of political power. For the past fifty years, this power has been used to bias public policy in favor of large levels of defense expenditures and an aggressive foreign policy. Even if one accepts the necessity for a substantial defense sector in the contemporary world, the self-interested pressures of the military-industrial complex have served to enlarge that sector beyond what it would otherwise be. Less biased observers have to wonder if most citizens would have chosen the immense defense establishment we now have without the pressures of this special interest. Partisans of democracy should be concerned that the political power of the military-industrial complex distorts in fundamental ways the operation of our democracy.

Since the creation of the national security state, the defense industry has been the nation’s

largest single industrial sector. A wave of consolidation in the weapons industry in the post—Cold War period, partly subsidized by taxpayers, now means that three gigantic firms, Lockheed Martin, Boeing, and Raytheon, are responsible for most weapons production.[81] In addition, nearly all large U.S. corporations, including such industrial giants as General Electric and General Motors, are involved in some defense contracting. More than 3 million jobs in plants located in nearly every American community are directly linked to defense spending.[82] The post-World War II decision to establish such a large defense sector has had profound consequences for our economy and the structure of our industry. Unlike most of our industrial competitors, who have much smaller defense sectors, the U.S. investment in national defense has precluded making other important societal investments that would make our nation more competitive in the world economy.

In addition to its economic importance, the defense sector holds considerable political significance.[83] Because defense firms depend on governmental decisions for their business, they are very attuned to the need to exert maximum influence over government. They use their profits, earned from government contracts, to support lobbying activities and contribute to the campaigns of elected officials. The defense industry is a major source of campaign contributions, providing $70 million to candidates between 1990 and 2002, more money even than was contributed by another industry well-known for its campaign largess, the tobacco industry ($45.5 million).[84] Because many defense firms are major employers in congressional districts, they expect congressmen to be little more than errand boys for their needs. According to a former Defense Department official, referring to the largest employer in Massachusetts, "[Raytheon officials] assume that the Massachusetts delegation will go along with even the most dubious Raytheon defense program because, 'What is good for Raytheon is good for Massachusetts.' "[85] These links to Congress are matched by links to the Pentagon, where defense firms can generally count on a friendly reception. Highly paid positions in the defense industry are usually available for retired military and civilian defense bureaucrats. The cozy links between Congress, the Defense Department, and the defense industry make for one of Washington's strongest iron triangles of influence.

The congressional clout of the defense industry has continued in the post—Cold War period, as it has campaigned vociferously for policies that expand arms sales. Industry lobbying has been very effective in getting Congress to fund weapons programs, even those the Pentagon does not want. For example, Congress has mandated the purchase of 256 C-130 transport planes since 1978 even though the U.S. Air Force has requested only five![86] Not surprisingly, the C-130 happens to be built at a Lockheed Martin plant in Marietta, Georgia, the district of former House Speaker Newt Gingrich. Other weapons add-ons have included extra Sikorsky Black Hawk helicopters, F-16 fighters, and even a $1.5 million helicopter carrier for the marines to be built in former Senate Majority Leader Trent Lott's home state of Mississippi. In May 2002 Congress overruled an attempt by Secretary of Defense Donald Rumsfeld to eliminate the $11 billion Crusader artillery system, now made obsolete by precision-guided bomb technology, after a massive lobbying effort by a coalition of companies involved in its manufacture. Senator John McCain (R-Ariz.) estimates that unrequested congressional add-ons cost $2.5 million in the 1998 Pentagon budget alone.[87] These superfluous weapons purchases create havoc in military budgets because Congress rarely adds the funds needed to operate and maintain the additional weapons systems. As a consequence, military leaders have to divert funds needed for other purposes, such as military pay increases and readiness training, to cover those costs. Paradoxically, excessive spending for military hardware thus creates shortages in necessary programs and so an apparent need for even more military spending—a situation that Pentagon lobbyists have willingly exploited to expand overall spending.

Military sales abroad have been another growth area for the military-industrial complex, and defense contractors have lobbied hard for foreign policies supporting such sales. For example, only a few weeks after the end of the 1991 Gulf War against Iraq, the first Bush administration proposed the revival of a program to subsidize American arms exports to Third World countries, even though Saddam Hussein's war machine was based on purchase of massive armaments on the world market. The arms export initiative was driven by the dependence of many American firms

on arms exporting—a $16 billion component of the American economy. Even though arms sales were likely to contribute to future wars, the defense industry's addiction to such sales pressured the Bush administration to recommend a revival of subsidies.[88] By the end of the decade, Saddam Hussein again loomed as a major threat, having had the opportunity to restock his arsenals on the world weapons market. National leaders such as Saddam are not the only ones who turn to the world weapons bazaar to support their aggressions. In Afghanistan in 2001, the ordnance fired at American soldiers by the Taliban and al Qaeda fighters—some of it made in the USA—had been purchased from international arms dealers.

In 2000 the United States, the world's largest weapons supplier, produced one-third of all weapons sold worldwide. In 1997 the Clinton administration approved Lockheed Martin's sale of F-16 fighter jets to Chile—a decision that some believed would start a South American arms race.[89] To assure Polish support for the Iraq war of 2003, the second Bush administration orchestrated a $3.8 billion loan to underwrite Poland's purchase of forty-eight F-16s from Lockheed.[90] Such arms sales clearly illustrate the extent to which the military-industrial complex distorts democratic politics, making consideration of what is in the best interest of all citizens, preventing future wars, subordinate to the financial needs of the defense industry.

The distortions that these arms sales introduce into public policy have been much in evidence in the war on terrorism. Even before the 9/11 attacks, many military experts were arguing for the need to adjust to the different kinds of threats, including terrorism, that the country would face in a post-Cold War world. The strategy suggested for meeting the challenges of this new world required a military mission that would be closely tied to diplomatic, political, and economic actions.[91] And the kind of military force that would be needed for this new generation of warfare was not at all like the kind of force that had been developed to fight the Cold War: the massive infantry formations supported by expensive tanks and artillery systems, thousands of nuclear missiles on land and in submarines, state-of-the-art "stealth" bombers and fighter jets designed to counter similar systems deployed by an adversary, and the fleets of huge aircraft carriers. The reformers considered all these massively expensive systems to be Cold War anachronisms, useless against the type of threats we now face. New generation warfare, they said, would instead require lightly armed smaller mobile forces, employing high-tech, but not necessarily expensive, communications and precision-guided weaponry—precisely the kinds of forces that worked so well in Iraq and Afghanistan. Fighting al Qaeda has meant, also, a major emphasis on diplomatic, political, and economic measures aimed at denying the terrorists the money and the safe havens they need to operate.

Despite the evidence of the need for this new kind of warfare that these early encounters in the war on terrorism have provided, Pentagon military planners remain committed to the outdated weapons systems and strategies of the Cold War era. Their reaction to these initial successes has been to argue for new spending on the special operations forces and precision weaponry that worked so well in Afghanistan in addition to maintaining all the old, and many would say, obsolete existing systems. These entrenched planners continue to advocate going forward with a long list of extremely expensive systems, including the V-22 Osprey tilt-wing aircraft, the F-22 fighter, the Crusader artillery system, a new attack submarine, the F/A-18 fighter, a new nuclear missile submarine, and the Comanche helicopter.[92] These systems were designed with a major-power adversary in mind and are not likely to be of much use against either terrorists or the smaller, "rogue nations" that are our potential adversaries in the coming decades. In both Afghanistan and Iraq, for example, the air force sent the B-2 stealth bomber, which was originally designed to drop nuclear bombs on the Soviet Union (cost: $2 billion each), on several missions to drop precision-guided bombs; these aircraft had to fly all the way from their base in Missouri and then return there after their missions. Even though 1950s-era B-52s were based nearby—and with their higher bomb-load capacity, would have been able to drop precision bombs in greater quantities and much more cheaply—the air force insisted, just as it had in 1999 in Kosovo, on using the B-2s, so as to justify continuation of the program.[93] The Center for Defense Information estimates that the United States could save more than $225 billion over the next ten years by canceling advanced weapons systems that were originally planned to counter Soviet power but are still being promoted, although

their use no longer makes sense in the new era of warfare.[94]

The case of the F-22 fighter further demonstrates how the economic needs and political weight of the military-industrial complex promote ever more expensive and complex weapons systems even when there is no credible military rationale to justify them. Designed by Lockheed Martin at a cost of $200 million each, this airplane was intended to counter two advanced Soviet fighters, neither of which is any longer a threat. Yet the air force wants to go forward with production of 331 of the F-22s, at a total cost of $46.6 billion, although the existing F-16 fighter is capable of outflying any other airplane in the world.[95] The United States now has a surplus of F-16s mothballed in the Arizona desert and is selling them to countries around the world, such as Chile and Poland. Rather than invest in a whole new fighter, several of our European allies are updating the F-16 with new electronics that provide advanced capabilities. The American air force, however, intends to replace our F-16s with the F-22 even without a potential threat to justify the expense. Moreover, in an attempt to justify construction of even more F-22s, air force planners have proposed selling some of these advanced aircraft abroad, creating the potential that they will become a threat to our own forces in future conflicts. As one critic noted in response to this suggestion, "We're in an arms race—with ourselves."[96]

Going forward with design and production of unneeded weapons systems creates a tremendous distortion in the federal budget. Continued high levels of defense spending come at the expense of investments in better schools, mass transit systems, renewal of our crumbling highways and bridges, a cleaner environment, and maintenance of the national park system. All of these investments in the domestic economy would contribute to economic growth and greater prosperity for all Americans. But while our economic competitors around the world are making such investments, our inflated defense budgets prevent our doing so, thereby undermining America's future economic security. At the same time, high-cost weapons systems take away funds that could be used for homeland security—which may be even more important to our future survival. In an era when the threats the nation faces may come in the form of a bacterial agent delivered through the mail or a nuclear device hidden in a shipping container, more investment should be made in developing germ detection methods at the Centers for Disease Control and adding security measures at the nation's ports rather than wasting scarce resources on the F-22. After 9/11, Americans realized that the failure to adequately fund security checkpoints at airports had made us more vulnerable than did any threat outlined on Pentagon drawing boards to justify expensive weapons systems. In the interest of protecting weapons contracts and the competitive status of the various military branches, the military-industrial complex promotes expenditures that may undermine both our economy and our real national security.

The increasing power of the military-industrial complex has meant an increase in the political power not only of the defense industry but also of the military itself. As Harold Lasswell predicted when the national security state was young, the role of military officers in American politics has expanded considerably over the past fifty years.[97] In spite of the American tradition of civilian control of the military, more officers such as Lt. Col. Oliver North have assumed government posts that are politically sensitive and that, before the rise of the national security state, would certainly have been occupied by civilians. In recent years, close presidential advisers have commonly come from military backgrounds, whereas such former soldiers were extremely rare in the White House prior to World War II.

Beginning in the 1990s, civilian control of American foreign policy has been further undermined as the Pentagon has developed its own worldwide diplomatic network parallel to that of the State Department.[98] The generals serving as "CINCs" (commanders in chief) of the various theater commands around the world actively engage in diplomacy with the governments in their regions. One former CINC has characterized his role as equivalent to that of a proconsul in the Roman Empire.[99] Unlike the civilian ambassadors of the State Department, whose budgets Congress has reduced in recent years, the CINCs command enormous resources for employment in their diplomatic efforts.[100] At the same time, because the United States no longer utilizes the draft, fewer civilians, and fewer civilian public officials, have had experience in the military. As a consequence, some scholars have been concerned about a growing gap between civilian and military culture in

the nation.

Since the 1970s, the United States has had a fully professionalized career military for the first time in its history. In every major conflict in our past through the Vietnam War, most American soldiers, from lowly privates to the officer corps, have been civilians who joined to fight and then returned to civilian life at the end of the conflict. The result was a close interconnection between military service and the lives of ordinary citizens. With the new professional army, there are disturbing signs that this connection has been broken. Some observers detect growing disdain within the military culture for the decadence of civilian life.[101] Many in the military may begin to think that they are being asked to put themselves in harms way on behalf of a society from which they are largely alienated. One troubling evidence of this distinct military culture is the development within the officer corps of a strong partisan identity. A generation ago, a plurality (46 percent) of officers considered themselves politically independent. Today that proportion has dropped to a minority (27 percent), while the proportion identifying themselves as Republicans has grown from 33 percent (which was comparable to Republican identification among the general public) to 64 percent.[102] Along with this increasing partisanship comes a reluctance to accept civilian control unconditionally, especially if the officer believes the civilian leader to be wrong. In a recent study, a majority of officers expressed the belief that an officer should insist that military views prevail in matters relating to the use of force and should resign in protest if they did not. As the same study pointed out, this view goes against American tradition:

> In the U.S. military there is no tradition of resignation in protest of dubious or unwise policies. . . Union officers could not say in 1862, "We signed on to save the Union, not to free the slaves; we quit." George C. Marshall did not consider resigning in 1942 over the decision to invade North Africa, which he opposed. Resignation accompanied by protest undermines civilian control by giving a whip to the military ("do it our way or else").[103]

A military embued with a self-conscious identity separate from that of civilian society might, in a time of crisis and in a situation in which it holds civilian leadership in contempt, consider taking an even more dramatic action than resignation in face of a policy with which it disagrees.

Crises in democratic systems always raise the specter of the military intervening directly to overturn democratically determined outcomes. Military coups against democratically elected governments are frequent and a constant threat in many democratic systems around the world. Fortunately, in the United States, the tradition of civilian control of the military and, in spite of the new attitudes toward civilian control within the officer corps just described, the broad support for the ideal of democratic politics in the military make this a relatively remote possibility. Still, although most of us would like to believe that "it can't happen here," prudent democrats ought to think about the potential for some future crisis stimulating military intervention.

Throughout American history, the military's acceptance of civilian control and support for our democratic system have not been the only factors limiting the likelihood of a military coup. Until the rise of the national security state, the small size of the peacetime military establishment meant that it would have little chance to succeed even if it were to attempt to intervene politically. In fact, removing the danger of military intervention was one of the main motives for the traditional American preference for a small army. With the increase in the size of the military services since 1945, however, this traditional constraint on military intervention is gone. Moreover, in recent years, the shift from a primarily conscript military to a professional, volunteer army represents a further step away from the American tradition of a small peacetime army supplemented with citizen soldiers in time of danger.

Experience in most democratic countries indicates that professional armies are much more threatening to democratic politics in times of crisis than are conscript armies. Soldiers who are draftees, serving in the armed forces for only a short time, are much less likely to identify with their officers sufficiently to obey unconstitutional or undemocratic orders than are soldiers who regard the service as a professional career. That a conscript army is less likely to cooperate in a military coup than a professional one was illustrated in an attempt to overthrow the democratically elected

French government in 1961.[104] In that year, a group of army officers rebelled against their government, in opposition to President Charles de Gaulle's intention to grant independence to Algeria, where the French army had been fighting a guerrilla insurrection for nearly a decade. The officers' plan was to consolidate control of Algiers and then to parachute into Paris and capture de Gaulle. In the first few hours, the plan went smoothly, as hardened professional paratroopers joined their rebellion. Soon, however, it ran into trouble because most of the draftees, the bulk of the army, refused to go along with the plot. Within hours of its start, the coup collapsed. The outcome would have been much different had the French army in Algeria been an all-volunteer force that shared its officers' contempt for political leadership. French democracy might have come to an abrupt end.

My intention in raising the example of the French experience is not to suggest that our professional army poses a direct threat to democracy. In the French situation, a particular history and the particular dynamics of the Algerian crisis produced the attempted coup. In addition, the willingness of French professional soldiers, as opposed to draftees, to participate in the overthrow of their government does not mean that American professional soldiers would react in the same way. What the French case suggests, however, is that if we are to have a large, all-professional military, we need to look out for the possibility that such an army might behave undemocraticaliy in a crisis. To guard against that possibility, we need to devise measures to ensure our professional soldiers' continued loyalty to democratic values. Also, we need to think continually about institutional checks to assure continued civilian control and to prevent military distortion of democratic processes. The armed forces, if they act in a unified way, are the only societal institution capable of eliminating democratic institutions in one blow. Democrats would be foolish to rely solely on the goodwill of soldiers for the survival of democracy.

Meeting the Challenge: Reform to Achieve True Security

Everyone agrees that the international security environment in which we live has changed dramatically in recent years. Even before the terrorist attacks of 9/11, the end of the Cold War had altered the nature of how the American nation interacted with the rest of the world. The United States is overwhelming the predominant power in the world—economically, politically, and militarily. As is documented in this chapter, no other nation-state comes remotely close to posing a significant challenge, let alone a threat to American dominance. Nevertheless, the world is not a stable or necessarily safe place either for Americans or for the other peoples of the world. As 9/11 brought home to America and as myriad intractable conflicts throughout the world bring home to their victims everyday, globalization, unfulfilled ethnic, national, and democratic aspirations, religious hostility, and competition for resources foster a multitude of violent conflicts. As the predominate power, the United States often becomes the focus of anger and hostility for those caught up in these many conflicts, and this fact makes national security as legitimate a concern for Americans as it was during the Cold War.

In this new security environment, the national security state developed to fight the Cold War is increasingly unsuited to today's conflicts. Unfortunately, however, most of its institutions remain in place, including their undemocratic aspects. The most important way to meet the challenge of the national security state is to reform it in order to better address the kinds of security threats we face today and to be sure, at the same time, that it reflects America's democratic values. Although the initial responses to the war on terrorism focused primarily on a military response, long-run success in this endeavor will depend more on the diplomatic, political, and economic measures that can weaken terrorist organizations and reduce the resentments and hostilities to American power that fuel terrorism. Unfortunately, President George W. Bush's unilateral decision to invade Iraq may have undermined the international cooperation that is needed against terrorism and helped to foster more hostility against the United States. Making the national security state more democratic by reducing its undemocratic defects—secrecy, centralization, repression, and distortion—will only improve its ability to respond effectively to our new security needs. As was argued earlier, democracy produces the best policy because it brings issues into the light for open discussion and

deliberation. The knowledge and wisdom of all Americans will be needed to find the best ways to address the security concerns of today's world.

Among the many measures needed to democratize and reform the national security state, the following four seem to me crucial:

First, the five-decade drift toward centralization of war-making power in one man, the president, needs to be reversed. Too many Americans, including members of Congress and the media, have acquiesced in the notion that the president alone can make the decision to go to war. In fact, many Americans, even educated ones, seem to believe that the Constitution gives the president such power. Constitutional scholar Louis Fisher recounts his astonishment when, at a talk on war powers, a second-year law student declared: '"Doesn't the Constitution give the president the power to declare war, subject to the advice and consent of the Senate?"'[105] When even those who profess to study the law can hold such erroneous ideas, a crucial step toward constraining presidential war power must be educating the public on what the Constitution actually says:

> The Congress shall have power .. .
> To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
> To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
> To raise and support armies...
> To provide and maintain a navy; To make rules for the government and regulation of the land and naval forces.... (Article I, section 8)

In lodging the power to declare war in Congress, not the executive, the framers sought to assure democratic deliberation among the people's representatives prior to committing the nation to war. There must be more discussion in classrooms, in the media, and in Congress itself about the value of such deliberation and the need for preventing the president from acting alone in matters of war and peace.

Under the separation-of-powers system, if the president is to be constrained and if decisions about war are to be publicly debated, the U.S. Congress must be assertive in demanding its institutional prerogative to declare war. Indeed, its power extends beyond mere consultation. Presidents should not be required merely to consult with Congress before committing forces to battle but, except in true emergencies, to seek congressional authorization before acting—preferably in a formal declaration of war.[106] If this reassertion of congressional authority is to occur, members of Congress themselves must be more assertive in demanding their prerogative. In the recent past, too many have been so concerned about appearing unpatriotic in questioning presidential war plans that they have allowed the crucial power to declare war to slip from their hands. In addition, Congress needs to use its power of the purse and statutory oversight powers to rein in the president by threatening to deny funds for military operations, rather than, as it has done in the past, providing funds for presidentially initiated actions it does not fully endorse so as to offer support to "our boys in uniform." As long as presidents know that members of Congress will be unwilling to withhold support on such a basis, they will have a free hand to place "our boys" in harms way. When it comes to the war power, Congress holds the key to subjecting the president to democratic control.[107]

Second, the military-industrial complex that developed during the Cold War continues to distort national security policy, and it should be dismantled. The institutional bias in favor of expensive and inessential weapons systems prevents the development of sensible security policies, including appropriate military strategies, for addressing current security challenges. Since World War II, the defense industry has been central to the U.S. economy; millions of Americans depend on defense spending for their jobs and standard of living. As a result, domestic economic concerns rather than genuine security needs drive too much weapons development and associated strategy. Both reducing democracy's peril and formulating more appropriate security policies now require reducing the economy's dependence on the production of armaments.

Dismantling the Cold War economy, however, must be done carefully. Because so many depend on defense jobs, careful attention must be given to the conversion to civilian production of industries now devoted to manufacturing expensive weapons systems. As has been suggested in this chapter, without effective conversion plans, former defense workers will exert political pressure to maintain the national security state and its massive defense industry. The post-World War II alliance of defense industrialists, their workers, the military, security services, and defense intellectuals will conjure up new plans for expensive weapons systems such as a space-based missile defense. Such ruinous developments may be prevented, however, if the defense industry can be converted to nonmilitary products. To do so will require a systematic industrial policy encouraging the development of such new domestic projects as high-speed rail systems rather than new generations of military hardware. The rapid dismantling of our Cold War economy would not only reduce democracy's peril but would have positive effects on the economy and standard of living of most Americans. Workers freed from building unneeded tanks, planes, and bombs so that they can rebuild our economic infrastructure would make the United States both more prosperous and more democratic.

In the new security environment, we again have an opportunity to make citizen soldiers the backbone of our armed forces. Former Senator Gary Hart has proposed just such a reform.[108] He believes that we should now return to the vision of John McAuley Palmer, West Point graduate and World War I commander, who drafted the National Defense Act of 1920, establishing the modern National Guard and reserve system. Palmer understood the threat posed by a large standing professional army in a democracy, but he also realized the need for highly trained and sophisticated forces in the modern era. His solution was an armed forces structure that would be built around a small core of professional soldiers but could be expanded quickly in times of national emergency with trained and equipped part-time citizen-soldiers. Our current military structure has turned Palmers vision upside down. Current armed forces consist of 1.5 million regular soldiers, who are constantly ready and responsible for facing all emergencies, supplemented by some 1 million National Guard and reserve forces. The regular military has tended to neglect these "citizen-soldiers" and has not fully integrated them into regular units or defense planning.[109]

Hart advocates reversing the present ratio of three-fourths regular professional forces and one-fourth National Guard and reserve forces, to create an armed forces structure of one-third regular forces and two-thirds National Guard and reserve. The "citizen-soldiers" of the National Guard and reserve would be the backbone of the military, more fully integrated with regular forces than is presently the case and required to train regularly with those forces. Yet they would remain part-time soldiers—fulfilling their duty to defend the nation while remaining full-time members of their communities. The core professional army, reduced to about 600,000, would be organized in elite, rapid-deployment forces for use around the world in small-scale conflicts such as those in Bosnia, Kosovo, and Afghanistan. Regular forces would be responsible, also, for training and organizing the larger force of citizen-soldiers so that they could be quickly mobilized to fight in a large-scale conflict. Such an armed forces structure takes into account the need for highly trained soldiers capable of using today’s technologically sophisticated weaponry. It also permits a targeted response to the kind of conflict most likely to involve U.S. forces today, peacekeeping and antiterrorism missions such as the Kosovo conflict or the war in Afghanistan, while maintaining the flexibility of an expandable force for large regional conflicts such as the Gulf War of 1991. Hart's proposal is realistic given the strategic challenges of the current era, and it is much more compatible with the ideals of democracy than is our current large standing army.

A key component of this return to a more citizen-based army should be an expansion of the Reserve Officers Training Program (ROTC) on college campuses. During the Vietnam War, many colleges and universities eliminated their ROTC programs as a gesture of protest against the war. This wrong-headed response deprived many young people of the opportunity for access to the officer corps while they were completing their undergraduate education, and it denied the military the talents of these same young people. In this context, it is important to remember that the practice of drawing military officers from ROTC programs is conducive to reducing the growing gap between the civilian and military cultures. As products of a largely civilian educational system,

ROTC officers bring different values and perspectives to the military than do those trained at the military academies. And the presence on campus of the students, faculty, and coursework of an ROTC program offer all students some degree of contact with the military culture.[110] In addition, the opportunity to study military history and strategy can increase understanding of military affairs, which is of importance to all democratic citizens. If the national security state is to be democratized, all citizens need to be more aware of military issues, and ROTC programs help to increase that awareness.

Third, a future president must renounce the new Bush doctrine of preemptive, unilateral American military action and instead rebuild the networks of international cooperation. After World War II, the United States was the chief architect of international institutions such as the United Nations, as well as of the growing body of international law aimed at restraining violations of human rights and aggressive military action. International law and institutions have served American interests well while advancing human rights and justice around the world. President George W. Bush seems to believe that America, basically alone, can guarantee world order, but in a world of nearly two hundred sovereign states and a myriad of complex problems, such unilateralism can only lead to a weakening of American power and democracy. Bush's radical repudiation of the traditional American support for international law and organizations endangers global stability and American security.[111]

Finally, American foreign policy must be infused with democratic values and dedicated to promoting them. Too often during the Cold War, American policy-makers supported repressive regimes around the world in the name of combating communism. Repressive dictators sometimes were considered more reliable allies than the democratic leaders whose loyalty to American priorities might waver. The temptation to rely on similarly nondemocratic allies in the war on terrorism must be resisted. The best policy for combating terrorism around the world is to promote democracy everywhere. Every one of the nineteen terrorists who commandeered the four planes on September 11th came from countries without democratic governments. If we are to make the world safe from terrorism, we must work to eliminate the conditions that create terrorists. This means cultivating democratic forces everywhere while also making sure that the United States of America remains, as it was when it was founded, an inspiration to all who believe in democracy. Working to meet the challenges that confront our own democracy will make it so.

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