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The Progressive Era Origins of the National Security Act

Mark R. Shulman*

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 to Thomas Jefferson, May 1798¹

I. Introduction to “National Security”

The National Security Act of 1947² and its successors drew the blueprint of the Cold War domestic political order. This regime centralized control of the military services—the Army, Navy, Marine Corps, and a newly separate Air Force—in a single executive branch department. It created a new professional organization to collect and analyze foreign intelligence, the Central Intelligence Agency. And at the center of this new national security apparatus, a National Security Council would eventually establish foreign policy by coordinating intelligence and directing military and para-military forces, as well as supervising a National Security Resources Board. The national security state would build a highway network crisscrossing the continent to facilitate the movement of troops and supplies in case of war. In the cause of national security, the armed forces, the intelligence apparatus, national resources, and even domestic transportation were drawn

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1. Letter from James Madison to Thomas Jefferson (May 13, 1798), *reprinted in* JAMES MORTON SMITH, *THE REPUBLIC OF LETTERS: THE CORRESPONDENCE BETWEEN THOMAS JEFFERSON AND JAMES MADISON, 1776-1826* 1048 (2d ed. 1995).

2. See National Security Act, ch. 343, title § 101, 61 Stat. 496 (codified as amended at 50 U.S.C. § 402 (1994)).

into the burgeoning federal government's control and coordination within a few short years at the start of the Cold War. For such swift and decisive changes, Congress drew on a plan sketched for an earlier crisis, nearly a generation before.

This remarkable and unprecedented expansion of state power and its centralization in the executive branch has been explained in many ways. Yet the story would not be complete without an examination of its early origins in the Progressive era, specifically in the ideology, agenda, and activities of the National Security League (NSL). The NSL was a public service organization founded in 1914 to lobby for increased and improved preparation for America's defense from enemies at home and abroad. This article examines the NSL's history and argues that the measures that formed the basis of the Cold War national security regime had been proposed long before the National Security Act of 1947. The national security state was built from blueprints drawn by the leaders of the NSL during the First World War.

The term "national security" is somewhat ambiguous³ but appears traditionally to have at least three connotations: a set of policies, an ideology, and an outcome. To these three, this article contributes a fourth meaning: national security as the political institutionalization of an idea. Leading scholars have implied that the national security state sprang—like Pallas Athena—fully-formed in 1947 from the forehead of the Eightieth Congress. Historian Ernest May notes that presidents have used such words as "safety" and "securing" but claims that the actual term "national security" was not used with any frequency until after the Second World War.⁴ Before then, May contends, the words "national" and "security" were not intentionally used together—and certainly not with the same intent as one would use them today.⁵ Likewise, Harold Koh dates the first use of the phrase to the post-war period. Koh writes that "the term 'national security' was not officially coined until the Cold War."⁶

3. See ARNOLD WOLFERS, *DISCORD AND COLLABORATION* 147 (1962) (the original title was "National Security as an Ambiguous Symbol").

4. See Ernest R. May, *National Security in American History*, in *RETHINKING AMERICA'S SECURITY: BEYOND COLD WAR TO NEW WORLD ORDER* 95 (Graham Allison & Gregory F. Treverton, eds., 1991).

5. See *id.* at 95-103.

6. HAROLD HONGJU KOH, *THE NATIONAL SECURITY CONSTITUTION* 67, 74 (1990) Nonetheless, Koh provides an important framework from understanding the Cold War national security constitution. For Koh's perspective on the origins, see *id.* at 54-56.

And yet Yale undergraduates of the 1790s were debating the question, “Does the National Security depend on fostering Domestic Industries?.”⁷ A century and a quarter later, a historian used the phrase precisely as we would today to rebut the contemporary accusation that Thomas Jefferson was a spineless pacifist: “Likewise the lessons of two wars with the mother-country had convinced many thinking men that industrial independence was a necessary adjunct of political independence; and even Thomas Jefferson, disinclined as he was to extend the functions of government, had come to believe that public aid of home manufactures might be required for *national security*.”⁸ The phrase has been used since the early days of the republic. Moreover, as we shall see, it was common parlance during World War I. But first this article examines what it signifies.

First among its meanings, national security denotes a set of policies that encompass domestic security and defense against external threats. As “defense plus,” it bolsters the traditional notion of defense: “Guarding or protecting from attack; resistance from attack; warding off of injury; protection. (The chief current sense).”⁹ In lieu of “defense” one finds “security”: “The condition of being protected from or not exposed to danger: safety” or “Freedom from care anxiety or apprehension; a feeling of safety or freedom from or absence of danger.”¹⁰ Where “defense” connotes sufficiency, “security” implies invulnerability. The addition of “national” further expands the terms’ scope while defining its significance and application. Of the varieties of defense or security, that of a “nation” seems far more expansive than merely protecting a country’s borders or even its interests. In its modern sense, “nation” implies not only boundaries and the machinery of the state, but also a people and a shared set of values. So national security is a broadly encompassing notion of defense against enemies foreign and domestic.

Second, national security signifies an ideology based on “ordered liberty.” Justice Benjamin Cardozo introduced that phrase to describe the condition that fundamental rights seek to

7. The Yale debate is cited in WALT W. ROSTOW, *HOW IT ALL BEGAN: ORIGINS OF THE MODERN ECONOMY* 191 (1975).

8. Victor S. Clark, *The Influence of Manufactures Upon Political Sentiment in the United States From 1820 to 1860*, 22 AM. HIST. REV. 58 (1916) (based on a paper presented to the American Historical Association annual meeting in Washington, Dec. 28, 1915) (emphasis added).

9. THE COMPACT EDITION OF THE OXFORD ENGLISH DICTIONARY (1982 reprint).

10. *Id.*

protect. His *Palko* opinion articulated the selective adoption doctrine, which tests the fundamental nature of a right by asking if it is necessary for “the very essence of a scheme of ordered liberty.”¹¹ Cardozo neither defines that term explicitly nor indicates whether the emphasis should fall on “order” or “liberty.” This article assumes that liberty pertains to the individual, and order to the state—two impulses forever in tension. As such, “ordered liberty” signals the tension that appears when someone wants to strengthen the state at the expense of other individuals’ freedom to act as they please.

Relying on modern notions of efficiency, duty, power, and order, national security implies the impulse to order and embodies an ideology that descends from Alexander Hamilton. The first Secretary of the Treasury based his vision for the American republic on a strong central government capable of encouraging manufacturing and trade. Together, Americans would strive to build the nation’s strength through industry, economy, and order.¹² To protect far-flung interests and preserve domestic order, Hamilton’s vision encompassed a strong navy capable of blue-water operations and a well-drilled army capable of providing for the common defense at home and abroad. A blue-water fleet was designed to fight on open seas, thereby taking battle away from the coastal defenses. Such a fleet, in combination with a professional army, would enable the United States to project power abroad.

Jefferson, the first Secretary of State was constantly pitted against Hamilton, and their visions have contended ever since. Thomas Jefferson’s alternative grand strategy required only defending port cities with a small navy of coastal vessels combined with well-placed fortresses. Jefferson’s army was a citizen militia of free men dedicated to protecting their homes. The followers of Thomas Jefferson have long opposed Hamiltonian notions; they perceived the strength and moral integrity of the nation as derived from close ties to its agrarian, rural roots; they supported a minimalist government—one that would police and protect people and property while allowing for the greatest release of creative energy.¹³ As an ideology, national security seeks to replace

11. *Palko v. Connecticut*, 302 U.S. 319 (1937).

12. See, e.g., Hamilton’s *Report on Manufactures* (1791). Hamilton “hoped to change an essentially agricultural nation into one with a complex, self-sufficient economy.” JOHN A. GARRATY, *THE AMERICAN NATION* 155 (7th ed., 1991); see also RICHARD BROOKHISER, *ALEXANDER HAMILTON, AMERICAN* 93-99 (1999).

13. Mark Shulman, *Institutionalizing A Political Idea: Navalism and the Emergence of American Sea Power*, in *THE POLITICS OF STRATEGIC ADJUSTMENT*:

Jeffersonian notions of defense with Hamilton's security of interests. Isaiah Berlin characterized these diverging impulses as "negative liberty, which the individual must be allowed to enjoy without interference" and positive liberty, "which is an expression of some idea of what is good for both oneself and others."¹⁴ National security implicitly argues that negative liberty is dangerously weak and myopic. Only through the ordering of society's resources for a common good can a great republic fulfill its destiny.

In the Progressive era, Theodore Roosevelt embodied this Neo-Hamiltonian impulse to order society.¹⁵ Historian John Morton Blum makes a telling observation in his chapter on the "*Uses of Power*" in his erudite biographical sketch, *The Republican Roosevelt*. To explain this, Blum first cites Lionel Trilling's assertion that "the word happiness stands at the very center" of liberal thought.¹⁶ He then notes that this was not so for the twenty-sixth president.

It is a word which Theodore Roosevelt used rarely when speaking of himself and never when referring to other people. This was not an accident. Roosevelt concerned himself not with happiness but with hard work, duty, power, order. These conditions he valued not as prerequisites for some ultimate happiness but as ends in themselves.¹⁷

Blum goes on to observe that "Roosevelt had a good deal of difficulty in defining his beliefs, but manifestly he believed in power and in order. With power he sought to impose order; only with order, he contended, could there be morality."¹⁸

IDEAS, INSTITUTIONS, AND INTERESTS 82 (Peter Trubowitz et. al. eds., 1999); see also SAMUEL HUNTINGTON, *THE SOLDIER AND THE STATE* 270 (1964) ("The Neo-Hamiltonians did not fall into the liberal tradition of Jefferson, [Andrew] Jackson, [Herbert] Spencer, and [Woodrow] Wilson . . .").

14. Steven Marcus, *Both Fox and Hedgehog*, N. Y. TIMES, Nov. 29, 1998, at 7 (citing Isaiah Berlin, *Two Concepts of Liberty*); see also LIONEL TRILLING, *THE LIBERAL IMAGINATION* xii (1950).

15. See HUNTINGTON, *supra* note 13, at 270 ("a group of statesmen and publicists which might be labeled Neo-Hamiltonian. The outstanding individuals in this group were Theodore Roosevelt, Henry Cabot Lodge, Elihu Root, Albert J. Beveridge, A.T. Mahan, Herbert Croly, Leonard Wood, Henry Adams, and Brooks Adams. The common bond among these diverse personalities was an outlook on politics which transcended the usual American categories.").

16. JOHN MORTON BLUM, *THE REPUBLICAN ROOSEVELT* 106-07 (1954) (citing TRILLING, *supra* note 14, at xii).

17. *Id.*; see also RICHARD M. ABRAMS, *CONSERVATISM IN THE PROGRESSIVE ERA* (1964).

18. BLUM, *supra* note 16, at 106-07.

Much like the philosophy that underlay the naval expansion Roosevelt helped spawn in a previous generation,¹⁹ the agenda of the National Security League was far more concerned with these goals than with happiness. However, where navalism had the limited immediate political aim of creating a blue-water fleet, the NSL sought to re-order American civil society on a grand scale. As one of their own commented, the NSL's leaders intended to make the American people "disciplined to authority and trained to look . . . [for leadership in] a superior class."²⁰ In such a country, there would be "no more strikes, no surly revolt against authority and no popular discontent."²¹ As political scientist Samuel Huntington said of the Neo-Hamiltonians, "[t]hey shared with the military a stress on loyalty, duty, responsibility, and subordination of the self to the requirements of the nation. [Renowned writer and political scion] Brooks Adams went so far as to suggest openly that America would do well to substitute the values of West Point for the values of Wall Street."²² Men such as these created the discourse of national security.

Third, national security frequently signifies an outcome of political decisions, resources, and policies designed to shape a world in which the interests of a nation are protected and promoted. It is what a state enjoys as long as those plans and preparations succeed. "National security . . . implies protection, through a variety of means, of vital economic and political interests, the loss of which could threaten the fundamental values and the vitality of the state."²³ Moreover, it is usually a dynamic outcome, because the game continues until it is lost. It is never finally achieved and thus retains an aspirational element.

Fourth and finally, this article argues that national security represents the political institutionalization of an idea first developed by the National Security League for the political

19. See MARK RUSSELL SHULMAN, *NAVALISM AND THE EMERGENCE OF AMERICAN SEA POWER, 1882-1893* (1995). William Leuchtenberg also links navalism and militarism with Progressivism's belief in a strong central government. See William Leuchtenberg, *Progressivism and Imperialism: The Progressive Movement and American Foreign Policy, 1898-1916*, *MISS. VALLEY HIST. REV. (J. AM. HIST.)* 34 (1952); see also ROBERT H. WIEBE, *SEARCH FOR ORDER, 1877-1920* (1967); SEAN CASHMAN, *AMERICA IN THE GILDED AGE* (1988).

20. Robert D. Ward, *The Origins and Activities of the National Security League, 1914-1918*, *MISS. VALLEY HIST. REV. (J. OF AM. HIST.)* 51, 61 (1960) (citing Amos Pinchot, *N. Y. TIMES*, Mar. 13, 1917).

21. *Id.*

22. HUNTINGTON, *supra* note 13, at 272.

23. AMOS A. JORDAN, ET AL., *AMERICAN NATIONAL SECURITY POLICY AND PROCESS* 3 (4th ed. 1993) (1981).

community of the Progressive era United States. The NSL formulated the concept eventually embodied in the national security state of the early Cold War era. Huntington describes the process by which ideas become institutionalized:

Political community in a complex society thus depends upon the strength of the political organizations and procedures in the society. That strength, in turn, depends upon the *scope of support* for the organizations and procedures and their *level of institutionalization*. Scope refers simply to the extent to which the political organizations and procedures encompass activity in the society. If only a small upper-class group belongs to political organizations and behaves in terms of a set of procedures, the scope is limited. If, on the other hand, a large segment of the population is politically organized and follows the political procedures, the scope is broad. Institutions are stable, valued, recurring patterns of behavior. . . . Institutionalization is the process by which organizations and procedures acquire value and stability. The level of institutionalization of any political system can be defined by the adaptability, complexity, autonomy, and coherence of its organizations and procedures.²⁴

The NSL shaped the idea of national security and began the process of institutionalizing it. The idea originated in “a small upper-class group” but one that implicitly understood that the key to political change in a democracy is the institutionalization of its ideas through law. While these efforts seemed barren in the Progressive era, they eventually bore fruit in the decade following World War II. In this sense, the National Security League of the World War I era framed the discourse of national security for the Cold War and today. Where the League’s leaders failed to institutionalize their political and social agenda in the Progressive era, the national security state that emerged from the shadow of World War II achieved precisely that.

II. The Rise of The National Security League

In August 1914, Europe erupted in a war that quickly spread to Asia, Africa, and the Middle East. The British and German navies—long rivals—opened global operations against each other.²⁵

24. SAMUEL HUNTINGTON, *POLITICAL ORDER IN CHANGING SOCIETIES* 12 (1968).

25. See generally, PAUL M. KENNEDY, *THE RISE OF ANGLO-GERMAN ANTAGONISM, 1860-1914* (1980) [hereinafter *ANGLO-GERMAN ANTAGONISM*]; see also PAUL M. KENNEDY, *THE RISE AND FALL OF BRITISH NAVAL MASTERY* (1976).

The British slapped a brutal embargo on the Central Powers, which retaliated with a series of measures that eventually included unrestricted submarine warfare in the Atlantic. Those sanctions threatened to sever the lifelines of all trading states. The United States was the wealthiest nation in the world but was increasingly reliant upon trade for its economic vitality.²⁶ Many reasonable U.S. citizens fretted that its military capabilities would prove inadequate in the face of German aggression.²⁷ While the U.S. Navy had recently become the third largest in the world, America's army remained minuscule and poorly equipped by Continental standards.²⁸ Acting from these concerns, many Americans started to clamor for war preparation and even for intervention to forestall the possibility that the United States could be cut off from its trading partners or eventually invaded.²⁹

In the months after August 1914, President Woodrow Wilson tried to maintain America's precarious neutrality in face of embargoes, torpedoed ships, and conflicting popular sympathies. In April 1917, following the resumption of unrestricted U-boat warfare and the revelation of a German conspiracy to open a front on the Mexican-American border, President Wilson finally asked Congress to declare war. In the year and half that followed, four million Americans mobilized. Two million crossed the Atlantic to join the Associated Powers on the western front. These troops provided the might that tipped the balance and brought the conflict to an end with the Armistice of November 11, 1918.

In December 1914, in a climate of fear and anger that frequently veered into panic, Wall Street lawyer Solomon Stanwood Menken established the National Security League as a non-partisan public service organization to lobby for enhanced American preparedness to protect against being dragged into the Great War or—should that fail—to win it.³⁰ While other patriotic

26. For comparative figures on wealth in 1914, see PAUL M. KENNEDY, *THE RISE AND FALL OF THE GREAT POWERS* 243 (1987) [hereinafter *GREAT POWERS*].

27. See ALLAN R. MILLETT & PETER MASLOWSKI, *FOR THE COMMON DEFENSE* 338-339 (2d ed. 1994).

28. See KENNEDY, *GREAT POWERS*, *supra* note 26, at 247-48. Note also Kennedy's evaluation of the strategic situation: "The United States was immensely secure."

29. See MILLETT & MASLOWSKI, *supra* note 27, at 338 ("American internationalists . . . formed a complex network of preparedness lobbies and began propaganda programs in order to build support for increased military spending.").

30. Much of the information on the NSL in this article is based on U.S. House of Representatives, *Hearing Before a Special Committee of the House of Representatives, Sixty-Fifth Congress, Third Session on H. Res. 469 and H. Res. 476 To Investigate and Make Report as to the Officers, Membership, Financial Support,*

groups coalesced around sympathies for either side in the war or a specific program (such as pro-German or British, for universal military training or pacifism), the NSL was organized around a new theory of defense.³¹ Historian John Chambers credits the creation of the organization to Rep. Augustus P. Gardner of Massachusetts, a son-in-law of Henry Cabot Lodge. He sees Menken as a “nominal head” and reports that former Secretary of War Elihu Root privately referred to him as a “good-natured chuckle-head.”³² No doubt the influence of Gardner, Root and other wise men was considerable when they applied it, but they did not create the organization so much as provide prestigious names, speeches, and

Expenditures, General Character, Activities, and Purposes of the National Security League, A Corporation of New York, and of any Associated Organizations, 65 Cong. (1918) [hereinafter *Hearing Before*].

31. See JOHN WHITECLAY CHAMBERS II, *TO RAISE AN ARMY: THE DRAFT COMES TO MODERN AMERICA* 81 (1987). The historical literature on the NSL is scant and sometimes surprising. See Ward, *supra* note 20, a tentative but competent study; GEORGE T. BLAKELY, *HISTORIANS ON THE HOMEFRONT: AMERICAN PROPAGANDA FOR THE GREAT WAR* (1970), a more polemical work that seems to argue that the historians and other propagandists were acting immorally or at least hypocritically by using their professional skills to support the war effort; DAVID KENNEDY, *OVER HERE: THE FIRST WORLD WAR AND AMERICAN SOCIETY* 31 (1980), an invaluable book for many more reasons than its few comments on the NSL; and JOHN CARVER EDWARDS, *PATRIOTS IN PINSTRIPE: MEN OF THE NATIONAL SECURITY LEAGUE* (1982), an extensive treatment of some of the NSL’s personalities and programs, which argues that the League was not particularly influential in its day. Allan R. Millett’s vast biography of subsequent League president Robert Lee Bullard mentions the NSL only briefly. See ALLAN R. MILLETT, *THE GENERAL: ROBERT LEE BULLARD AND OFFICERSHIP IN THE UNITED STATES ARMY, 1881-1925* (1975).

For more on preparedness in general, see JOHN PATRICK FINNEGAN, *AGAINST THE SPECTER OF A DRAGON: THE CAMPAIGN FOR MILITARY PREPAREDNESS, 1914-1917* (1974) and MICHAEL PEARLMAN, *TO MAKE DEMOCRACY SAFE FOR AMERICA: PATRICIANS AND PREPAREDNESS IN THE PROGRESSIVE ERA* (1984). The former work is a straightforward account of the organizations and individuals that comprised the campaign and closes in 1917. For all the strengths of the latter book, Pearlman intentionally emphasizes the social reform aspects of the preparedness movement while acknowledging the defense roles as critical to its platform. He paints a picture of a movement in which some of the leaders aspired mostly to make the republic safe for elites. This work also includes several highly idiosyncratic observations about capitalism and communism as well as too many factual mistakes to make it a completely credible source. I do not know of any work that refers to the naming of the League.

Primary sources for the League have been scattered or destroyed. Bullard destroyed many of them in the 1930’s and early 1940’s, apparently for lack of storage space and a belief that the League had already become insignificant. See Robert Lee Bullard, *Robert Lee Bullard Papers* (unpublished materials on file with the Library of Congress, Manuscripts Division). This article has been built upon the foundations of the secondary works as well as the Congressional reports and personal collections cited throughout.

32. CHAMBERS, *supra* note 31, at 81, 302 n.19.

sometimes access to financial resources. From 1914 until 1918, Menken gave the NSL the initial drive and daily leadership that continuously shaped both the organization and the public's perceptions of its significance. Immediately after the war, Menken lost control of the League after a U.S. House of Representatives special sub-committee concluded that it had made improper contributions to political campaigns.³³ At that point, the League wandered off of the path it had followed for four years.

Menken and his colleagues built the NSL on a platform that integrated a strong, almost aggressive defense policy with a panoply of domestic security measures. For several years the NSL developed these notions and worked to institutionalize them through political and educational means. It was led by the generation's elite—bankers, lawyers, business leaders, and statesman. Within months, the League claimed tens of thousands of followers across the land. To institutionalize its platform, the League's leaders organized countless rallies, published pamphlets, engineered education programs, and even shaped political campaigns. By 1918, its national security agenda had become part of the American political dialogue.

A. Origins of the League: 1914-1915

Menken had been in Europe on business at the outbreak of war. He had witnessed French mobilization in July and then the chaos of London in August. He observed the financial and domestic problems that arose in countries that had been anticipating war for years.³⁴ Watching a rancorous debate in the House of Commons, Menken resolved to do everything possible to minimize the danger of chaos in his own country. He returned to New York determined to establish an organization that would help the government prepare for war or preferably, prevent of it. The *New York Tribune* happily reported the establishment of such a group:

Why should we not defend ourselves? The National Security League is the expression of a growing conviction the country over. That conviction abates not one jot from our resolve for peace, for our national aversion to militarism and all its works.

33. This episode will be discussed *infra*.

34. For the role of arms races and the coming of war in Europe, see KENNEDY, *ANGLO-GERMAN ANTAGONISM*, *supra* note 25, DAVID HERRMANN, *THE ARMING OF EUROPE AND THE MAKING OF THE FIRST WORLD WAR* (1996), and JAMES JOLL, *THE ORIGINS OF THE FIRST WORLD WAR* (1984).

It postulates our national duty to labor for disarmament and an international agreement establishing a world peace, if such a plan can be devised by the mind of man. But it insists, in the meantime, upon a little plain, common sense and precaution. It insists that we shall not now cast aside all weapons because we hope some day to make their use impossible.³⁵

Menken turned for support first to publishing giant George H. Putnam. Together, Menken and Putnam set out to establish a nonpartisan group of leading citizens who could impartially help guide public opinion to a sensible or “scientific” understanding of the war and the relation of the United States to it. This reliance upon so-called experts was to remain a cornerstone of the national security agenda—one heavily influenced by Progressive era notions of expertise and professionalism.

At the beginning of the twentieth century, foreign policy expertise was divided among three disparate groups. First were the career diplomats in the embassies and consulates along with a small coterie of civil servants working in the old State, War and Navy office building. Second were the few statesmen who served in government only as an adjunct to their “real” careers. In his typically idiosyncratic way of referring to himself in the third person, Henry Adams compared these statesmen to the career officers:

With [Secretary of State John] Hay’s politics, at home or abroad, Adams had nothing whatever to do. Hay belonged to the New York school, like [iron-monger and politician] Abram Hewitt, [leader of the bar, and former Attorney General and Secretary of State William] Evarts, [industrialist and former Secretary of Navy] W. C. Whitney, [lawyer and former Governor of New York] Samuel J. Tilden—men who played the game for ambition or amusement, and played, as a rule, much better than the professionals, but whose aims were considerably larger than those of the usual player.³⁶

35. N. Y. TRIB., Dec. 3, 1914.

36. HENRY ADAMS, 2 THE EDUCATION OF HENRY ADAMS 155 (Time Inc. ed. 1964) (1918) (writing about 1898-1899). Hay had served as President Lincoln’s private secretary, as Assistant Secretary of State under Evarts (1879-81) and as Secretary of State under Presidents McKinley and Roosevelt (1899-1905). Evarts had been President Johnson’s chief defense counsel in the Senate impeachment trial and subsequently his Attorney General; he was Secretary of State under President Harrison. Whitney was an industrialist and corporate lawyer who served as Secretary of the Navy under President Cleveland. Tilden achieved his greatest successes as the reformer who broke William “Boss” Tweed’s Ring in New York City, but he was also served a term as governor of New York and most famously lost

Third were the professional military officers, who expounded a variety of Neo-Hamiltonian principles about how to prepare for and fight wars.³⁷ These officers helped create the modern professional military education institutions that produced virtually all uniformed defense intellectuals in the early twentieth century: the Naval Institute (1874); the Army Infantry and Cavalry School (1881, later the Command and General Staff College); the Naval War College (1884); and the Army War College (1901). Only with the expansion of the national security apparatus after 1947 would a critical mass of civilians also make careers as professional military analysts in these institutions or the think tanks that emerged to support the rapidly growing military-industrial complex.³⁸ In 1914, few civilians were truly expert in both foreign and military affairs.

To add instant credibility to the NSL's claim of expertise and authority, Putnam suggested that Menken ask Joseph H. Choate to serve as honorary president.³⁹ Choate was a leading lawyer who

the "Stolen Election of 1876" to Rutherford B. Hayes.

37. See HUNTINGTON, *supra* note 13, at 270-88.

38. In 1994-95, the author worked in a Washington, DC think tank, the National Strategy Information Center. In 1995-96 he served as a professor of military history at the U.S. Air War College, founded when the independent Air Force was created in 1947.

39. The NSL had five presidents and numerous honorary presidents. Robert Bacon (1860-1919) served as the first president from January 1915 until May 1917, while Menken was Executive Director. Menken (1870-1954) then served as president until June 1918 and again from November 1921 until February 1925. Honorary President Choate (1832-1917) was probably the nation's leading trial lawyer and had served as Ambassador to Great Britain. Bacon, a banker and partner at J.P. Morgan, had been Assistant Secretary of State, then briefly Secretary after Elihu Root went to the Senate. He was then ambassador extraordinary and plenipotentiary to France from 1909 to 1912. After the U.S. declared war, he joined the Army Reserves and served on Pershing's American Expeditionary Force staff in France. He was a leader of the preparedness movement and a founder of the Plattsburg training camps. In the late 1870's, Bacon had been Theodore Roosevelt's idol and friend at Harvard. See H.W. BRANDS, *THEODORE ROOSEVELT: THE LAST ROMANTIC* 61 (1997) ("[t]he biggest man on campus during Roosevelt's time was Robert Bacon, who captained the football team, took top track honors, captured the heavyweight boxing crown and pulled an oar on the crew. And he was good-looking and congenial to boot.").

Honorary President Parker (1852-1926) had been Chief Justice of the New York Court of Appeals before resigning to accept the Democratic nomination for President in 1904. Unsuccessful running against Theodore Roosevelt, he returned to law practice in New York City. Honorary President Root (1845-1937) was one of the leading corporate lawyers and public servants of his day, serving as U.S. Attorney for Southern District of New York, Secretary of War and of State, U.S. Senator, ambassador, President of the Carnegie Endowment for International Peace, and chairman of the Republican National Committee; in 1912 he was awarded the Nobel Peace Prize for his work to improve international arbitration.

Charles Lydecker (1851-1920) was a lawyer and New York State national

had served as Ambassador to the Court of St. James's and then to the International Peace Conference at The Hague in 1907. To balance this Republican stalwart, he invited the Democratic presidential candidate of 1904, Judge Alton B. Parker, to serve as an honorary vice president. Parker agreed to serve only after the personal intervention of Secretary of War Lindley M. Garrison. Former President William Howard Taft, on the other hand, refused all entreaties to serve as an honorary vice president, contending that the League would only foster militarism and undermine the cause of international arbitration.⁴⁰ Taft called the League's founders the "clubs and smart set."⁴¹

Balancing constituencies and expertise, Menken relied heavily on George H. Putnam, a fascinating character who contributed money, experience, and contacts to the organization. Son of George P. Putnam, founder of the eponymous New York publishing house, he was born in London while his parents were on a business trip in 1844. Despite his relative youth, the son served with distinction in the 176th New York Volunteers during the Civil War, rising to the rank of major. During the Civil War, soldiers could vote before their twenty-first birthday, so in November 1864 young Putnam cast the first of his many Republican ballots. Later he played important roles in the reform movements of the party, first as a Mugwump⁴² and then in Roosevelt's Progressive faction. After the Civil War he turned to the family business, not only attending to editing and publishing but also becoming a driving force for the development of international intellectual property law. In these pursuits and for pleasure, he made some three score round trips across the Atlantic, mostly to Great Britain. For his achievements in publishing as well as his work to stem literary piracy, the University of Oxford awarded him an honorary

guard officer who served in 1918-19. Charles D. Orth served briefly after the war. The Congressional investigation cast Orth's role in an unfavorable light, as he was responsible for the "loyalty" tests that initially drew its ire. He was, in short, directly responsible for the disintegration of the League, starting with the resignation of Root on December 7, 1918. Orth served until November 21, 1921, at which point Menken returned.

Finally, Lt. Gen. Robert Lee Bullard served from February 1925 until he closed the organization's doors for the last time on the first of July 1942.

40. For appointments, see EDWARDS, *supra* note 31, at 6-7.

41. Mark R. Shulman, *Navalists, Realists, and the Defining of National Security, 1877-1947*, 6 VALLEY FORGE J. 112 (1992).

42. The Mugwumps were a group of progressive Republicans who deserted the G.O.P. presidential nominee (James G. Blaine) to vote for the reform-minded governor of New York, Democrat Grover Cleveland, in 1884. The fragile coalition had fallen apart by 1888.

doctorate of law and letters. At the opening of the hostilities in 1914, Putnam's ties with Great Britain were deep, and the guns of August rattled him to the core. By December 1914 he had already been denouncing the German violation of Belgian neutrality and labeling it a *causus bellum* for several months. Moreover, he claimed that the "Hun's" eventual intent was to conquer the United States.⁴³

With such eminent leadership, the League immediately won the support of other prominent citizens. Reporting the first NSL meeting, the *New York Sun* headline noted: "Demand Inquiry into Defenses of Nation—150 Well Known Men of Affairs Start National Security League Movement."⁴⁴ The list soon included eminent authors, historians, bankers, and lawyers.⁴⁵ Within a year, the national committee of 47 luminaries included university presidents, financiers, and seven former cabinet secretaries, as well as Thomas A. Edison, Theodore Roosevelt, and the governors of fourteen states.⁴⁶ While most of those from outside New York were merely window-dressing, they did represent the best and the brightest and the NSL's hope for broader political backing.⁴⁷ Widespread and prestigious support was crucial for institutionalizing their ideas. The initial organization included three committees led by distinguished and capable citizens: former

43. For general biographical material, see the obituaries in the N.Y. TIMES, Feb. 28, 1930, LIVERPOOL POST AND MERCURY ORBIT, Feb. 28, 1930, and COMMON SPEECH v. II, no., 5, Mar. 1930 (the newspaper of the English Speaking Union, of which Putnam was a longtime vice president). For Putnam's notions about the possibility of a German invasion, see the N.Y. EVENING POST, Dec. 2, 1914, and the N.Y. TRIB., Dec. 3, 1914. The English Speaking League itself provides yet another piece of the puzzle explaining the smooth transition of hegemony from Britain to the United States. Menken was also an Anglophile and believed there ought to be some variety of an Anglo-American naval alliance. See *Hearing Before*, *supra* note 30, at 370.

44. N.Y. SUN, Dec. 2, 1914, at 1.

45. National Security League flyer (Jan. 8, 1915) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers). The original list included Hart, William H. Cozzens, Frederic Coudert, Richard Harding Davis, Charles S. Davison, Robert C. Morris, George E. Roosevelt, Herbert Saterlee, and Edward R. Stettinius. See *id.*

46. See *id.* The university presidents were James B. Angell of the University of Michigan and James Grier Hibben of Princeton; financiers included scions A.J. Drexel Biddle and George Wharton Pepper of Pennsylvania; former secretaries of Navy, Charles J. Bonaparte and George von L. Meyer; of War, Henry L. Stimson, Jacob Dickinson and Luke Wright, of Labor and Commerce, Oscar L. Strauss, and of State Philander C. Knox. See *id.*

47. See *Announcement of the National Security Congress*, Washington, January 20-22, (1916) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers).

Secretary of War Henry Stimson, *Scientific American* editor J. Bernard Walker, and Lyman Abbott, the estimable editor of *The Outlook*.⁴⁸ Although these men evidently shared some core belief about preparedness and the need for universal military training, there was no consensus about the role legal frameworks could play in the effort to create or maintain international peace. For example, between 1905 and 1909, Root, Bacon, and Abbott had worked toward the creation of a permanent World Court and for international arbitration, while Roosevelt and others believed that force rather than arbitration or the law alone guaranteed peace and security. While Roosevelt was opposing internationalist movements of all stripes, Root wrote to trusted Wilson aide and confident Edward House that "At the basis of every community lies the idea of an organization to preserve peace. Without that idea really active and controlling there can be no community of individuals or nation."⁴⁹

Within the National Security League, Solomon Stanwood Menken was the force behind the nominal leaders. He was born in Tennessee in 1879 and moved to New York as a youth, he attended City College and Cornell, eventually taking an LL.B. from Columbia Law School. Although he was descended from an old Jewish family, young Menken converted to Christianity, started going by the name Stanwood, and married an upper-class gentile. He quickly became a successful corporate lawyer whose clients

48. See EDWARDS, *supra* note 31, at 8-9. Walker's assistants were the navalist historian Robert W. Neeser and former Assistant Secretary of the Navy Beekman Winthrop. See also Walker's navalist tract of earlier that year: THE UNITED STATES NAVY: ITS PRESENT STANDING AND NEEDED INCREASE (1914). Abbott (1835-1922) was a publisher, Congregational minister, and one-time pacifist. As editor of *The Outlook*, he had been Roosevelt's only boss in the private sector when the former president joined the magazine's staff after touring Africa and Europe in 1909 and 1910.

49. See Letter from Elihu Root to Col. Edward House (Aug. 16, 1918) (unpublished material on file with the Library of Congress, Manuscript Division, Elihu Root Papers); see also Letter from Nicholas Murray Butler to Theodore Roosevelt (Dec. 5, 1906) (unpublished material on file with Columbia University, Manuscripts and Rare Books Library, Nicholas Murray Butler Papers) regarding his establishment of the American branch of the Association for International Conciliation with a council to include Root, and Abbott among many prominent citizens. Roosevelt's response is not available, but he won the Nobel Peace Prize shortly thereafter and made perfectly clear to his friend Butler that the money was going towards "industrial peace" not "international peace." Letter from Theodore Roosevelt to Nicholas Murray Butler (Dec. 12, 1906) (unpublished material on file with Columbia University, Manuscripts and Rare Books Library, Nicholas Murray Butler Papers). Butler also worked with the NSL, in its efforts to spread propaganda in Latin America. See EDWARDS, *supra* note 31, at 53. For the World Court efforts, see PEARLMAN, *supra* note 31, at 122.

included Henry Fisk and J.P. Morgan. Despite his practice (or perhaps because of it), Menken maintained a life-long ambiguity about capitalism. He was a zealous reformer. He helped found the city's Reform Club and supported the single tax movement led by Henry George.⁵⁰ He even ran for local New York office on a single-tax ticket in 1896. This movement advocated a reordering of taxation based on one measure of wealth—land. Menken took his compulsion for order into a myriad of passions. He even favored creating some trusts. Through much of his adult life, he was also a dedicated member of the Democratic Party, raising funds and organizing city politics. It was only in 1912 that he started to support the reform-oriented Progressives, including Roosevelt and Robert M. LaFollette of Wisconsin. Even then he remained partial to the Democratic Party, an affinity that soon caused a Republican faction of the NSL to splinter off into its own group—the American Defense Society.

B. The League: 1915-1919

While the NSL established chapters around the country, its greatest support came from residents of New York City. Between 1915 and 1919, some 94% of all contributions over \$200 came from the New York area.⁵¹ The NSL got a good part of its financial backing from the wealthy and mighty: corporate lawyer Elihu Root, oil titan John D. Rockefeller, Jr., Arthur C. James of Phelps Dodge, banker J.P. Morgan, financier Jacob Schiff, and T. Coleman du

50. Much of this biographical information on Menken comes from EDWARDS, *supra* note 31, at 2-3 and PEARLMAN, *supra* note 31, at 138-139. For Henry George and reform, see Ronald William Yanosky, *Seeing the Cat: Henry George and the rise of the Single Tax Movement, 1879-1890* (1993) (unpublished Ph.D. Dissertation) (on file with the University of California, Berkeley). Henry George, author of the highly-popular work on political economy *POVERTY AND PROGRESS*, led a movement to move to a single-tax system based on the notion that all wealth was derived from ownership of land, and consequently, the state should have the authority and obligation to tax land tenure very heavily. In 1886's mayoral race, George came in second behind Abram Hewitt but ahead of the Republican reform candidate, twenty-eight year old Theodore Roosevelt. It seems that some 15,000 GOP voters defected to the Democrat Hewitt in order to thwart George. The 1896-97 campaign was George's second try, running on the "Democracy of Jefferson" ticket, an anti-Tammany, anti-Bryan fusion. George died several days before the election, apparently defusing the entire issue in New York. For the 1886 campaign, see EDMUND MORRIS, *THE RISE OF THEODORE ROOSEVELT* 356-57 (1979).

51. For a discussion of the contributions, see *Hearing Before*, *supra* note 30 (note especially page 883); see also CHAMBERS, *supra* note 31, at 82, 303 n.21. Feeding post-war revisionist attacks on the "merchants of death," the investigative committee discovered that munitions makers like du Pont and Maxim had contributed to the NSL's coffers.

Pont, an heir to the chemical company. Like the majority of New Yorkers in this era, NSL supporters and leaders had been born and bred in many places. Menken was from Tennessee, his successor Robert Lee Bullard was from Alabama. Honorary Presidents Choate and Robert Bacon had been born in Massachusetts, Alton B. Parker and Elihu Root in upstate New York. Putnam was born in London. While most NSL leaders and supporters lived in New York, at the time so did approximately 10% of the nation—and a much higher percentage of those who wielded capital.

The NSL grew rapidly even after the Republicans-only American Defense Society split off in the late summer of 1915. By mid-1916 the NSL had some 50,000 members nationally, organized into 155 branches in 42 states. By the end of the year, membership had doubled, with 250 chapters and 100,000 members.⁵² Until the Armistice nearly two years later, the numbers remained high. Few official records remain from the League, and a complete catalogue of its activities is nowhere to be found. Nonetheless, we do know that it organized hundreds of rallies around the nation. Lyman Abbott chaired the Committee on Extension, the regional branches bureau. Harvard Professor Albert Bushnell Hart led the League's outreach programs as educational director of the NSL's Committee on Patriotism through Education. This section undertook the bulk of the League's propaganda work, sending speakers, writers, and handbooks to hundreds of thousands of Americans at meeting halls, street corners, and open-air assemblies.⁵³

C. The National Security Agenda

Wielding historical analogies, social Darwinist theory, and a brand of economics particular to the era, the League's theorists argued for a bolstered defense virtually unprecedented in the American experience. Its leaders devised a nationalist agenda that provided for a strong defense against enemies of the state at home and abroad. Enemies included all those who were not "100% American," eventually meaning not only foreign nationals, pacifists, many immigrants, and political radicals,⁵⁴ but also trade

52. For membership numbers, *see* CHAMBERS, *supra* note 31, at 81.

53. *See* NATIONAL SECURITY LEAGUE, AMERICA AT WAR: A HANDBOOK OF PATRIOTIC EDUCATION REFERENCES (Albert Bushnell Hart ed. 1918); *see also* NATIONAL SECURITY LEAGUE, THE HANDBOOK OF THE WAR FOR READERS, SPEAKERS, AND TEACHERS (Albert Bushnell Hart & Arthur O. Lovejoy eds., 2d ed., 1918) (1917).

54. *See* Diary entry of Robert Lee Bullard, Robert Lee Bullard Papers (Dec. 27, 1926) (unpublished materials on file with the Library of Congress, Manuscripts

union members, Congressmen who voted against critical pieces of legislation, and even the people of Wisconsin. To illustrate the complexity of the NSL's agenda, it is worth introducing one of the League's leading thinkers, historian Albert Bushnell Hart. After that, this article will explicitly address the NSL's positions on economics, defense, and citizenship.

1. *The Historian*—"The Grand Old Man of American History," Harvard Professor Hart provided a depth of historical understanding and cultural context that grounded the NSL in some of the nation's finest political traditions.⁵⁵ A believer in the liberty Berlin later labeled "positive," Hart strove for several years to ensure that the League's effort strengthened security without endangering Jeffersonian liberty. Hart had taught W.E.B. DuBois and was later elected a trustee of Howard University. He worked to support the causes of Armenians and Jews abroad. Within the League, however, he lost out to those who preferred the Neo-Hamiltonian vision of the strong state—one that paid less attention to individuals' claims against the society and the state. Hart's histories were all of the patriotic stripe that dominated the profession in the Progressive era. As with most of his contemporaries,⁵⁶ he wrote a brand of teleological history that sought to explain and celebrate American exceptionalism and greatness. He saw its origins in the British system and felt a great affinity with that nation. Though he was sometimes accused of selling out his professional perspective to the war effort, Hart supported patriotic causes because his studies led him to believe them right and just.

Division, Robert Lee Bullard Papers).

55. See Samuel Eliot Morison, *A Memoir and Estimate of Albert Bushnell Hart*, MASS. HIST. SOC. PROC. 28-52 (1966) (unpublished material on file with Harvard University Library). Twice a winner of the Pulitzer Prize and official historian of Harvard University, Morison (1887-1976) had been Hart's teaching assistant, starting in the fall of 1910.

56. And yet Hart was often alone among his white colleagues in recounting the indignities that the dominant white American culture inflicted upon African-Americans among others. Hart's support of W.E.B. DuBois is found in various writings. After the war, Hart left his home on Harvard's history department mostly because he did not get along with his colleague Archibald Cary Coolidge (founding editor of *Foreign Affairs*). Hart moved to the new department of political science as the Eaton Professor of Government. The NSL was not Hart's first effort at creating an organization to promote the influence of professionals. Long after leading the American Historical Association, Hart presided over the American Political Science Association. He died in 1943. Much of this biographical information comes from Morison, *supra* note 55, at 28-52.

Ironically, when war broke out, several of hysterical jingoists mislabeled Hart a friend of Prussianized Germany. Given Hart's writings throughout this period, such accusations seem misguided at best. Nonetheless, in December 1918 an agent in the Department of Justice's Bureau of Investigation (precursor of the FBI) released a list of Americans in sympathy with Germany. Hart's name was among them. Indeed he had studied in Germany and retained many deep friendships with Germans. He was on the verge of accepting a one-year visiting professorship in Berlin when war intervened. Yet for Hart there was no contest. The British had sewn the seeds that germinated in the United States. He viewed their political and cultural institutions as parents or older siblings of America's. With the help of some influential fellow Harvard alumni (including Roosevelt and Lodge) and the NSL, he was able to squash the spurious rumor that he was pro-German.⁵⁷ The new Bureau's ability to blacklist subversives had limits.

In the 32 months preceding the American entry into the war, Hart was probably the educator most prolific and influential in the preparedness movement. Even after April 1917, Hart's rhetoric was high and his patriotism keen. However, by that point some of the League's leaders had turned to a more military brand of nationalism that contravened Hart's respect for propriety, human dignity, and positive liberty.

57. Hart's defense rushed to Washington in a flurry of letters and telegrams from Lodge, Roosevelt, the governor of Illinois, a federal judge, J. Franklin Jameson, Charles Lydecker, Henry West, and Joseph Choate. See Morison, *supra* note 55; Albert Bushnell Hart, *Trail of the German* (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers); Letter from David Starr Jordan to Sen. Lee Slater Overman, Chair, Special Investigative Committee (December 23, 1918) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers); Letter from J. Franklin Jameson to Albert Bushnell Hart (unpublished material on file with the Library of Congress, Manuscript Division, Jameson Correspondence). Hart's persecutor, Henry Bielaski, had already encouraged a semi-official vigilantism in the creation of the American Protective League in the spring of 1917. See KENNEDY, *OVER HERE*, *supra* note 31, at 81; see also *Annual Report of the Attorney General of the United States for the Year 18* (1918).

Hart had been Roosevelt's classmate at Harvard College. Lodge had graduated several years earlier; he had received one of the first history Ph.D.'s from Harvard in 1876 as a student of Henry Adams. Lodge then spent a couple of years teaching in the history department, departing in 1879 and creating a gap in the department subsequently filled by Hart. See Morison *supra* note 55; see also WILLIAM C. WIDENOR, *HENRY CABOT LODGE AND THE SEARCH FOR AN AMERICAN FOREIGN POLICY* 1, 11 (1980). Widenor provides a sophisticated treatment of Lodge's views on the uses of history and the Hamilton-Jefferson debates in chapter 1, *The Attractions and Uses of History*.

In 1918 Hart helped Menken rein in the egregious Robert McNutt McElroy, a Princeton historian who was preaching hyper-Americanism for the NSL across the country. At the end of one of the NSL's "Preparedness Parades," McElroy and others addressed the University of Wisconsin's cadet regiment after it had marched in wool uniforms through a driving rainstorm.⁵⁸ The tent in which McElroy spoke had inadequate acoustics. The prominent attorney, John M. Olin, sitting twenty feet away, could not hear McElroy's long harangue.⁵⁹ Piqued by the cadets' inattention to his ranting, McElroy grew increasingly impatient as he spoke. He accused the regiment and assembled faculty of treason, but there was no response. No one could hear him. Perhaps to test if they were listening—or possibly because he believed it—McElroy then widened the accusation, branding as treasonous not only the state's Chief Justice (who was in attendance but could not hear) but the entire population of that heavily German-American state.⁶⁰

McElroy's outrage signaled the beginning of the end of the NSL's national aspirations. National press coverage labeled it an outrageous and inflammatory organization of East Coast xenophobes. While some NSL leaders were fanatical about their cause, they usually tempered their fervor, couching it in mainstream terms acceptable not only to the nominal leaders like Root and

58. The NSL started these parades in the spring of 1916, *see* CHAMBERS, *supra* note 31, at 120.

59. *See* Letter from John M. Olin to Charles R. Van Hise (May 2, 1918) (unpublished material on file with Columbia University, Columbia University Teacher's College Manuscripts Collection).

60. The McElroy/Wisconsin flap contains fodder for several articles. *See, e.g.,* John Bradley Winslow (Chief Justice, Wisconsin State Supreme Court), Charles R. Van Hise (President of the University of Wisconsin), & E. A. Birge (Dean of the College of Letters and Science), *Report upon Statements of Professor Robert McNutt McElroy and the Executive Committee of the National Security League Relating to the University of Wisconsin* (Madison: University of Wisconsin, n.d. (1918)). McElroy's diatribe started at the Madison Agricultural Pavilion on April 6, 1918, and was amplified in an NSL pamphlet dated April 15, 1918, the April 18, 1918 NEW YORK TRIBUNE, and then in the CHICAGO TRIBUNE, May 13, 1918. For Hart's reaction to the ruckus, *see* Letter from Frederick L. Paxson to Albert Bushnell Hart (April 22, 1918) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers); Letter from Albert Bushnell Hart to Carl Russell Fish, (April 22, 1918) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers). The story is also told in EDWARDS, *supra* note 31, at 99-110.

For more on the anti-German-American hysteria, *see* DANIEL PATRICK MOYNIHAN, *SECRECY* (1998). A sociologist (and statesman), Moynihan makes much of the role of ethnic diversity in shaping American paranoia and xenophobia that led to the infamous Sedition (1917) and Espionage (1918) acts. *See id.*; *see also* Mark R. Shulman, *Secrecy*, U.S. NAVAL INST. PROC. July 1999, at 100 (book review). It was this sort of reaction that Hart unsuccessfully sought to avoid.

Roosevelt but also to a larger cut of the general population. It was this line of fanaticism verging on paranoia that McElroy crossed, and that Hart strove to keep the NSL from crossing. The tendency among some members to breach it only grew more pronounced with the Armistice and Menken's resignation.

2. *Economics*—In its heyday, the League demanded that more of the economy be centralized, in the hands of either reliable cartels or the government. Somehow this was presumed to be different from loathsome communism, perhaps because the desired goals were power and efficiency, not the well-being of the less privileged. The NSL sought to increase efficiency and security while avoiding issues of distributional justice. To centralize the economy, Menken advocated high tariffs and higher taxes to fund the expanding federal government.⁶¹ He had favored the creation of a Federal Reserve when most professional experts did not.⁶² The pursuit of order led the NSL to call for the creation of cartels to produce and deliver certain essential goods and services. Menken focused on three: “the milk business in New York City. We ought to have one milk company. . . . [and] I think the coal business ought to be consolidated. I think there would be great value in consolidating electric lines. Competition between electric companies is always wasteful.”⁶³

The unrestricted right to private property provided one of the cornerstones of the League's agenda; to some, trade unions were as menacing as U-boats. When the Peace of Paris relieved the nation of any plausible military threat, this right was virtually all that remained of the League's agenda. In the summer of 1919, the NSL leadership appears to have decided that untrammelled property rights formed the proper basis of American society. Still trying to moderate the excesses of his reactionary colleagues, Hart quickly put the League on notice. “What is the matter with the National Security League?” he wrote Menken.⁶⁴ “I am completely at a loss to understand some recent developments. I have written a letter of protest against Colonel Lydecker's proposed campaign to induce the American people to believe that the ownership of property is the foundation of the Republic. No society, no party, no public

61. See *Hearing Before*, *supra* note 30, at 481.

62. See *id.* at 478.

63. *Id.* at 481.

64. Letter from Albert Bushnell Hart to S. Stanwood Menken (Sep. 27, 1919) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers).

body could possibly stand up under that burden.”⁶⁵ He repeated this argument in a letter to Charles Orth, who was then leading the League towards advocating an increasingly authoritarian domestic regime. “As a matter of fact no progress can be made in this country which does not recognize the labor unions as a form of organization which has come to stay, which needs restriction and common sense, but cannot be gotten rid of.”⁶⁶ The League’s responses go unrecorded, but Hart was clearly unhappy with the excesses the League had been driving toward since the Armistice. In the end, Hart lost, the NSL fought unions on the ground that they were “communistic.”⁶⁷ Stripped of its defense rationale, the National Security League agenda was left with anti-unionism and anti-communism.

3. *Defense*—During the war, the most critical contradictions in the NSL agenda were revealed in the debate over militarism. While all NSL leaders believed in the benefits of military preparedness, including increased expenditures for the army and navy and coordination of both services at the political level, they differed over the impact it should have on civil society. As always, Hart voiced moderation. He described the impact that war could have on American society and came to what might appear a surprising conclusion. In the war, he noted,

is evidence that even a mild militarism has very unfavorable effects upon democracy The joy of American living is the right to one’s own way [W]e go to an excess of freedom The yellow journal pushes the right of a free press to the point of scurrilousness. Children select their schools and

65. *Id.*; see also Letter from S. Stanwood Menken to Albert Bushnell Hart (Sep. 29, 1919) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers); Response of Albert Bushnell Hart (Sep. 30, 1919) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers).

66. Letter from Albert Bushnell Hart to Charles Orth (Oct. 11, 1919) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers).

67. See, e.g., Diary entry of Robert Lee Bullard (Jul. 8, 1928) (unpublished material on file with the Library of Congress, Manuscripts Division, Robert Lee Bullard Papers) (“The NSL has put a recent plank on its platform, ‘opposition to government ownership or operations of railroads, telephones and other public utilities.’ I have now the duty of making it strong and of effect.”); Diary entry of Robert Lee Bullard (June 30, 1937) (unpublished material on file with the Library of Congress, Manuscripts Division, Robert Lee Bullard Papers); Diary entry of Robert Lee Bullard (Jul. 30, 1938) (unpublished material on file with the Library of Congress, Manuscripts Division, Robert Lee Bullard Papers) (“Bitter politics continue over New Deal policies and measures, with growing belief that these are becoming Communistic.”).

colleges, their friends and amusements. The trade in poisonous drugs is just now coming under regulation. Yet there is no genuine American who does not feel that these extravagances are to be endured, if necessary, to keep the two pearls of great price—freedom of body from the control of another person, and the freedom of the soul to see and to describe things as they are.⁶⁸

This passage raises some interesting issues. First, Hart pursued his pearls—even for unpopular causes. Among other things, he worked strenuously to support the rights of African-Americans to vote and to get an education.⁶⁹ Second, the passage illuminates his personal, even arbitrary, definition of excessive freedom. He implies that actual scurrilousness would take the press beyond its guaranteed freedom.⁷⁰ The notion that children might choose their own schools and friends would rank low on most lists of the excesses of democracy. Advocating control of “poisonous drugs” seems a paradoxical way to argue that democracy lets one do with one’s body what one wishes. And third, the conclusion of the passage seems to come from nowhere:

War is the negative and denial of freedom. All modern wars rest upon the universal legal principle that it is the right of the state to command the service of any or all of its sons. The free American may be, indeed ought to be, compelled to undergo some military training.⁷¹

This argument implies a link between universal military training and effective strategic deterrence, which seems a large leap of argumentative faith. Hart also later claimed that universal military training would drive down domestic crime.⁷²

68. Albert Bushnell Hart, *The War and Democracy*, in PROBLEMS OF READJUSTMENT AFTER THE WAR, 15-16 (1915).

69. See Morison, *supra* note 55, at 47.

70. This notion was supported during the American participation in World War I. Congress passed its now-notorious Sedition Act (1918) to limit “disloyal utterances” in addition to the Espionage Act of 1917. These acts were contested in *Schenck v. United States*, 249 U.S. 47 (1919) (applying the “clear and present danger” test to uphold the constitutionality of the Espionage Act), *Frohwerk v. United States*, 249 U.S. 204 (1919), *Debs v. United States*, 249 U.S. 211 (1919), and *Abrams v. United States*, 250 U.S. 616 (1919) (applying the bad tendency test to uphold the constitutionality of the Sedition Act); see also HARRY N. SCHREIBER, *THE WILSON ADMINISTRATION AND CIVIL LIBERTIES, 1917-1921* (1960).

71. Hart, *supra* note 68, at 16.

72. See Hart’s comments before the Congress for Constructive Patriotism in Washington, D.C., Dec. 25-27, 1917; see also EDWARDS, *supra* note 31, at 49.

If Hart was ambivalent about the impact of a preparedness movement on American democracy, other leaders displayed fewer doubts and greater enthusiasm. Honorary NSL Vice President Theodore Roosevelt vigorously argued before the League's annual meeting:

We need, more than anything else in the country, thoroughgoing Americanism,—for unless we are Americans and nothing else, we are not a nation at all— and thoroughgoing preparedness in time of peace against war,—for if we are not thus prepared, we shall remain a nation only until some more virile nation finds it worth while to conquer us. The work of preparedness—*spiritual and material, civil, industrial, and military*—and the work of Americanization are simply the two paramount phases or elements of the work of constructive patriotism which your Congress has gathered to foster. There can be no real preparedness in this country unless this country is thoroughly Americanized; for only a patriotic people will be prepared; and there can be no deep national feeling for America, until we are all of us Americans through and through.⁷³

This passage illuminates Roosevelt's Darwinian understanding of international relations: only the fittest nation survives. Moreover, survival depends not only on preparedness in its broadest sense ("spiritual and material, civil, industrial, and military") but also on a nationalist socialization that brooks sympathy for no other culture or state. Roosevelt's fervor for war soon overwhelmed his "100% Americanism" when he schemed to go behind the back of President Wilson to raise a division—if necessary a division of the French or Canadian armies. Naturally, Roosevelt viewed this as pursuing an American agenda, albeit in a non-American organization. In Roosevelt's world, each individual is thoroughly devoted to the triumph of his state. Likewise, Elihu Root decried the fact that the nation had "reached this condition of indifference and sluggish patriotism though decadence. As we have grown rich in material things we have grown poor in spirit."⁷⁴ While many other NSL leaders no doubt shared this view, the nation of immigrants could not.

4. *Universal Military Service*—Far less controversially, the League built support for universal military training under which

73. 8 LETTERS OF THEODORE ROOSEVELT 1143 (Elting E. Morison ed. 1954) (emphasis added) (quoting Letter of Theodore Roosevelt to S. Stanwood Menken (Jan. 10, 1917)).

74. PEARLMAN, *supra* note 31, at 145 (quoting Elihu Root, *Proceedings of the Congress of Constructive Patriotism* 23).

every able man would serve some time on active duty and join in some sort of reserve. The original NSL organization included three committees led by distinguished and capable citizens. A founding member of the foreign policy elite, former Secretary of War Henry Stimson chaired the NSL's Army Committee, which advocated a Continental-sized service.⁷⁵ *Scientific American* editor and navalist J. Bernard Walker chaired the Navy Committee, which called for creation of the largest navy in the world. Roosevelt expressed similar views in a letter to Henry Wise Wood.⁷⁶

We must ultimately organize ourselves, socially and for the work of peace, and for self-defense in war, with the extraordinary efficiency that Germany has shown, thanks to the movement begun in Germany over a century ago. . . . [A]nd with this end in view to secure practical preparedness for against war by introducing some adaptation of the excellent Swiss system of universal and obligatory military service.⁷⁷

Then he laid out his agenda, one more typical of big-government Republicans than of their relatively anti-federal Democratic rivals:

First we should at once enter upon a comprehensive plan of naval construction, which shall at the earliest possible moment make us the second naval power of the world. Second, we must insist upon the publication by the Government of the plans of the General Staff of the Army, so that the people may know

75. True to his principles, Stimson was sworn into the United States Army on May 31, 1917. In his June 1940 commencement address at Yale, former Secretary of War and of State Stimson renewed the call for a draft. For his troubles, President Franklin Roosevelt asked him to return to service as Secretary of War. See HENRY STIMSON & MCGEORGE BUNDY, ON ACTIVE SERVICE IN PEACE AND WAR 91, 480-84 (1947). Huntington refers to this moment in a footnote also because his argument is that the Neo-Hamiltonian compromise between the military ethos and the dominant Jeffersonian liberal tradition had ended in 1920. See HUNTINGTON, *supra* note 13, at 271 n.* (“Neo-Hamiltonism reemerged briefly in 1940 and 1941 when Grenville Clark, Stimson, Robert P. Patterson, Elihu Root, Jr., and others in the Roosevelt-Root-Wood tradition played a major role in stimulating American rearmament and in securing the passage of the Selective Service Act of 1940.”). This article argues that the Neo-Hamiltonian impulse did not die in 1920 and that its resurfacing in 1940 was an important harbinger of the national security state.

76. Henry Wise Wood (1866-1939), son of New York's Civil War era “Copperhead” Democrat mayor (Fernando Wood), was an industrialist, poet, and political philosopher. See PEARLMAN, *supra* note 31, at 134-135.

77. Letter from Theodore Roosevelt to Henry Wise Wood, chair of the conference committee on national preparedness (Oct. 30, 1915) (unpublished material on file with Columbia University, Manuscripts and Rare Books Library, George H. Putnam Papers, Correspondence Files). Wood also served as executive director of the NSL.

what their military experts regard as the vital military needs of the Republic.⁷⁸

Like most of the League's members and with the exception of the division he would command, Roosevelt supported professional leadership of a citizen army.⁷⁹ And like most members, Roosevelt preferred a military run by a panel of experts rather than subject to a Congress captured by local interests.⁸⁰ For all his experience as a soldier, author, and statesman, Roosevelt would qualify as one of the few such civilian experts.

5. *100% Americans*—The NSL's 100 percent American campaign had not waited for Congress to declare war on the Central Powers. Socialists, hyphenated Americans, and opponents of total mobilization for war were not "100 percent American." Roosevelt wrote to Menken, "Citizenship must mean an undivided loyalty to America; there can be no citizenship on the 50-50 basis; there can be no loyalty half to American and half to Germany, or England, or France, or Ireland, or any other country."⁸¹ Roosevelt's strident patriotism was quickly echoed across the nation and magnified with the entry into war. German-Americans were abused, scorned, and sometimes lynched. Even before U.S. entry into the war, however, they suffered. Toying with the idea of running for President again early in 1916, Roosevelt was told of their opposition. He remarked typically,

If the German-American vote is solid against me because of the position I have taken, then, in my judgment, it shows that the German-Americans are solidly against this country. I do not believe that it is true of the vast majority of American citizens of German birth and descent; but, if it is true, it renders it all the more necessary that I should, in the sharpest possible manner, wake up real Americans to their danger.⁸²

78. *Id.*

79. See EDWARDS, *supra* note 31, at 46-47; PEARLMAN, *supra* note 31, at 160.

80. For an analysis of the impact of rent-seeking local interests of Progressive era military strategy, see Peter Trubowitz, *Geography and Strategy: The Politics of American Naval Expansion*, in THE POLITICS OF STRATEGIC ADJUSTMENT, ch. 4, (Trubowitz et. al., eds., 1999) (regional interests shaped the composition and thus the strategy of the new navy that emerged in the late nineteenth century).

81. 8 THE LETTERS OF THEODORE ROOSEVELT, *supra* note 73, at 1144 (quoting Letter from Theodore Roosevelt to S. Stanwood Menken (Jan. 10, 1917)). For an reprise of these sentiments, see Hermann Hagedorn's panegyric, THE BUGLE THAT WOKE AMERICA: THE SAGA OF THEODORE ROOSEVELT'S LAST BATTLE FOR HIS COUNTRY (1940).

82. 8 THE LETTERS OF THEODORE ROOSEVELT, *supra* note 73, at 1016 (quoting Letter from Theodore Roosevelt to Gifford Pinchot (Feb. 8, 1916)). For his decision

In the end, Roosevelt rejected a run.

Three days before the election of 1916, Wilson announced his own preparedness program in a speech at the Manhattan Club. He called for speeding up naval construction and strengthening the National Guard. Proposing only a half-hearted acceleration, this speech failed to generate support among many Republicans - with the notable exceptions of Stimson and Root. Roosevelt wrote to his old friend Henry Cabot Lodge, "Root and Stimson by their letters to the Security League have started Wilson on his tour with their endorsement."⁸³ Even such mild measures, however, put Wilson out in front of many of his more pacifistic Democratic colleagues—among them former Secretary of State William Jennings Bryan, Speaker of the House James Beauchamp "Champ" Clark, Representative Claude Kitchen, and members of the American Union Against Militarism.⁸⁴

Throughout its existence and particularly in the two and a half years before the U.S. declaration of war, the NSL called for some form of universal military training, believing in its strategic and moral value. Thus the leaders and members of the NSL cultivated manly martial vigor. Henry Wise Wood attributed the nation's decline to a "wave of effeminacy."⁸⁵ The NSL supported

not to run, *see id.* (May-June 1916 letters from Roosevelt); *see also* Letter from Albert Bushnell Hart to Theodore Roosevelt (June, 15, 1916) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers).

83. 8 THE LETTERS OF THEODORE ROOSEVELT, *supra* note 73, at 1005-07 (quoting Letter from Theodore Roosevelt to Henry Cabot Lodge (Jan. 26, 1916)).

84. *See id.* at 978; *see also* CHAMBERS, *supra* note 31, at 114.

85. For Wood's comments, *see* EDWARDS, *supra* note 31, at 57. For some interesting observations of the relationship between military, manliness, and the integrity of society, *see* KRISTIN L. HOGANSON, FIGHTING FOR AMERICAN MANHOOD: HOW GENDER POLITICS PROVOKED THE SPANISH-AMERICAN AND PHILIPPINE-AMERICAN WARS (1998); Thomas Ricks, *Separation Anxiety*, WALL ST. J., Jul. 27, 1995, at 1 *ff.* And also see the relevant historical literature of this movement, including foremost CHAMBERS, *supra*, note 31. For a comparison with the British model, *see* some important recent works, including foremost R.J.Q. ADAMS & PHILIP P. PIORIER, THE CONSCRIPTION CONTROVERSY IN GREAT BRITAIN, 1900-1918 (1987) which examines Lord Roberts' National Service League. The British League was established to press for compulsory drill for boys and service for young men. *See id.* at 10. The most famous soldier living in Britain, Lord Roberts assumed the presidency of the National Service League in December 1905, immediately granting it tremendous prestige. *See id.* at 11. Adams and Piorier believe that the League took its model from the British Navy League, the Imperial Maritime League, and the National Defense Association. *See id.* at 245-55 n.27. While the League expressed concern about the possibility of the nation being overrun in an invasion, its leaders also hoped that drill and service would promote a distinct brand of young men and of patriotism. One of its leaders wrote in 1907 that it was "one of the most powerful moral agencies at our command." *Id.* at 20. The League had 10,000 members in 1907, 32,000 in 1909, 62,000 a year later, and some

“compulsory military training and service, wholly under national control, for all physically fit male citizens.”⁸⁶ Henry L. Stimson wrote to Putnam:

It is needless to tell you that I am a strong believer in the principle of universal training and service in this country, both as a military necessity and as a highly important part of our education for civil duties. . . . I do not think that we shall ever get universal service without universal training. It is only when people realize that when all citizens, rich and poor alike, are equally bearing their share of the duty as well as deriving their share of the benefit of the physical training and lessons of discipline that go with it, that they will accept the scheme as a part of their American citizenship.⁸⁷

This type of service would have at least three unintended but powerful secondary effects. First, the power, scope, and size of the federal government would have to increase tremendously in order to manage, train, and provision millions of men in uniform. New management skills, physical infrastructures, and doctrine would be required.⁸⁸

Second, the government would have to decide who was fit. This inevitably meant defining categories typical of Progressive era scientific management. The definition of fitness normally included physical characteristics such as height, strength, and number of original teeth. The armed forces had also initiated mass use of psychologist Alfred Binet’s intelligence tests as improved by Lewis Terman of Stanford University. The Stanford-Binet tests gained in

270,000 members by the outbreak of war. *See id.* at 17. This League led to a new Ministry of National Service in August 1917. *See id.* I suspect that the naming of the American National Security League owed something also to the fact that there were already Navy and Army Leagues, giving the NSL a certain immediate familiarity and gravitas.

Additional literature includes PETER SIMKINS, *KITCHENER’S ARMY: THE RAISING OF THE NEW ARMY, 1914-1916* (1988), Nicoletta Gullacci, *Women and the Ideology of War: Recruitment, Propaganda, and the Mobilization of Public Opinion in Britain, 1914-1918* (1993) (unpublished Ph.D. Dissertation) (on file with the University of California, Berkeley), and NANCY BRISTOW, *MAKING MEN MORAL: SOCIAL ENGINEERING DURING THE GREAT WAR* (1996).

86. Letter from Henry Stimson to George Haven Putnam (Nov. 15, 1916) (unpublished material on file with Columbia University, Manuscripts and Rare Books Library, George Haven Putnam Papers).

87. *Id.* For membership numbers, *see* CHAMBERS, *supra* note 31, at 81.

88. *See* KENNEDY, *OVER HERE*, *supra* note 31; EDWARD M. COFFMAN, *THE WAR TO END ALL WARS* (1968) for this buildup; *see also* AN ADMIRAL’S YARN: *THE AUTOBIOGRAPHY OF HARRIS LANING* (Mark R. Shulman, et. al. eds. 1999) (detailing the experience of undertaking the naval personnel buildup from the perspective of the acting Chief of the Bureau of Personnel).

popularity, and soon most of American youth had to take them regularly. This army innovation eventually altered the way the nation understood intelligence. Fitness came quickly also to include some strict categories of moral suitability, triggering campaigns to drive out religious or political dissenters, sexual “deviants,” those who frequented prostitutes, and people convicted of crimes who had completed their punishment—now a class called “criminals.”⁸⁹ The unfit did not include pacifists, who could be coerced into service because national security overrode their personal qualms. Each of the categories led to moral or reform campaigns. Whatever personal views one may have of those who were deemed unfit, the fact remains that the government for the first time formally defined individual fitness for participation in a political process.

Finally, universal military training and service would alter the strategic dynamic not only in the western hemisphere but among the great powers.⁹⁰ Again, whatever one’s view of America’s role in the world, universal military training would undoubtedly alter it by changing regional and global balances of power. Like Stimson, most of those encouraging compulsory service believed that additional manpower would make the nation more secure. Moreover, they believed that the moral qualities derived from military service would imbue a sense of honor, integrity, and duty in America’s youth and consequently in a nation whose vigor was daily being sapped by “the love of soft-living.”⁹¹ Additionally, the League hoped to instill “100% Americanism” in a way that did not require military drill; it promoted a plan to employ civilian conscripts in the construction of great public works on the rationale that it would cultivate discipline and Americanism. This plan

89. Although prostitution or “white slavery” was never politically popular within the Progressive movement, the Army under the direction of President Wilson undertook its eradication virtually an unprecedented move in the history of war. See KENNEDY, *OVER HERE*, *supra* note 31, at 186-187. Kennedy cites American Expeditionary Forces pamphlets that asked, “How could you look the flag in the face, if you were dirty with gonorrhea?” and encouraged avoiding any “potentially infectious liaison.” *Id.* This was also the era of the first mass efforts to drive homosexuals out of the armed forces. See RANDY SHILTS, *CONDUCT UNBECOMING: LESBIANS AND GAYS IN THE U.S. MILITARY* 16 (1993). For persecution of political or religious dissenters, see KENNEDY, *OVER HERE*, *supra* note 31, at 146-167.

90. This article does not attempt to provide a comprehensive view of the universal military training and service movement. For one important and expansive interpretation, see CHAMBERS, *supra* note 31 (particularly chapter 3).

91. 8 THE LETTERS OF THEODORE ROOSEVELT, *supra* note 73, at 1144 (“soft-living” is quoted from a letter of Theodore Roosevelt to S. Stanwood Menken (Jan. 10, 1917)).

would also produce a national highway system to foster interstate commerce and national unity in peacetime and speed the movement of troops in a national emergency.⁹²

Once Congress declared war, large-scale conscription effectively overtook the cause of universal military training, thus robbing the NSL of the most tangible and democratic item on its agenda. From then on, the League turned increasingly to more elitist reforms such as increasing the power of experts to insulate decision-making from the electorate. The League's leaders tried to throw themselves into supporting the draft by distributing uncounted pamphlets and waging myriad speeches, but the government's own propagandists were eminently successful and did not need the NSL's help.⁹³ Nevertheless, among the nearly two hundred NSL pamphlets listed for the investigative subcommittee in 1918, scores addressed military manpower issues. And the League could not credibly complain that President Wilson was failing to fight a "scientific war." According to a leading historian of the progressive movement, "Like a figure out of progressive theory, the President embarked with a handful of associates and a large retinue of expert assistants, the specialists whose particular, scientific knowledge would fill out his dream of world peace."⁹⁴ The League's agenda called for increased defense expenditures as established by "experts," rather than by a Congress subject to a variety of political influences that the League thought inappropriate to such a critical set of issues. It called also for multi-year budgets for military and

92. Along with the fledgling American Automobile Association, the NSL was the leading exponent of this innovation. See H.R. 3667, 64th Cong. (1915) ("*A BILL To acquire, construct, and maintain a national defense highway; to provide employment for citizens of the United States, and to physically and mentally educate them for defense.*"); see also Letter from Congressman William D. Stephen to George Haven Putman (10-CA, Los Angeles) (unpublished material on file with Columbia University, Manuscripts and Rare Books Library, George Haven Putnam Papers) (explaining H.R. 3667, that the highway system will be 10,000 miles long and employ 100,000 citizens in good times and 'several times that number in 'hard times' and that "the employment of new men periodically, will greatly add to our trained reserves.").

Among those convinced was Army Captain Dwight David Eisenhower. In 1919 Eisenhower crossed the country in an Army convoy and saw the need to improve the interstate highway system. In 1954, "as a part of his overall Cold War program" President Eisenhower initiated the political maneuvers that eventually created the system that bears his name—the largest public works project in U.S. history. STEPHEN AMBROSE, 2 EISENHOWER: THE PRESIDENT 250-251 (1984).

93. The history of conscription is well documented elsewhere. See J. GARRY CLIFFORD & SAMUEL R. SPENCER, JR., THE FIRST PEACETIME DRAFT (1986); CHAMBERS, *supra* note 31. For a list of the NSL pamphlets, see *Hearing Before*, *supra* note 30, at 249-251.

94. WIEBE, *supra* note 19, at 273.

other security programs and for considerably greater coordination between the military services to minimize redundancy. This cooperation would take place continually and at the highest levels, much as it does in today's joint Department of Defense.

Besides these defense-oriented proposals, the League called for a variety of domestic measures designed to ensure that each American fully supported the state and worked to strengthen its security. Hart, who believed that universal use of English was critical to building a strong American nation, proposed a domestic agenda that would, perhaps unintentionally, also strengthen the state.

Another service that the League can confer is to stimulate Americanization by aiding in educating the foreign language speaking communities which have been formed within our borders. No public or private schools ought to be allowed to educate in any racial language except English. Perhaps it will be necessary to extend this to church services and newspapers in foreign languages, though here there is the almost insurmountable difficulty that the formal services of the Roman Catholic Church are in Latin as they have been for ages. Certainly something can be done to limit the suffrage all over the country to those who can read and write English, not merely a few stock phrases and sign their name, but can actually communicate with people in the ordinary daily life. . . . Any adult immigrant who comes to this country and is found three years thereafter unable to use English for the ordinary communications of life should be repatriated.⁹⁵

The English-only position was popular only as long as war raised the possibility of subversion. After the peace, it dropped from the political agenda for over half a century.

By the end of the war, the NSL had publicly proposed and advocated: a consolidated defense department; national security coordination by professionals instead of a politically responsive Congress; joint military purchasing; a national natural resources board; universal conscription; construction of a national highway system; and English-only requirements for citizenship and residency.

95. Letter from Albert Bushnell Hart to Charles D. Orth (Oct. 11, 1919) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers).

III. The Fall of the League

November 1918 brought the end of the NSL as a vibrant institution. With the Armistice, all went quiet on the Western front. On the home front, the NSL meddled in Congressional elections, earning the enmity of some powerful players. During the election campaigns, the League tried to help elect a Congress that was "100% American." The NSL polled every representative on his or her votes for certain preparedness measures it considered touchstones of patriotism. Those who voted "wrong" suffered the massive directed mailing and mudslinging campaigns of the NSL. To more cautious observers, most of these votes showed nothing about a member's patriotism or even his position on preparedness. Yet to a League blithely shooting from the hip, they were critical votes. The League attacked dozens of members. The first woman elected to Congress had dared vote against the declaration of war; pacifist Jeannette Rankin suffered NSL wrath and lost her seat.⁹⁶ The NSL's efforts also helped drive New York's Lower East Side representative, Socialist Meyer London, out of the House; the League's efforts seemed decisive, as London lost a third term by a mere 827 votes.⁹⁷ Paradoxically, the League appears to have helped bring Socialist Victor Berger of Milwaukee to victory by contributing to the defeat of his anti-war opponent.⁹⁸ The Democrats lost control of the House. During the brief lame-duck session, Speaker Clark appointed a special investigative sub-committee composed mostly of those deemed less than "100 percent" loyal. Not surprisingly, this committee took an unfriendly view of the League's leaders. After weeks of hearings on Capitol Hill and at the League's New York headquarters, the committee found that the group had violated the Federal Corrupt Practices Act.⁹⁹ Lacking

96. Rankin was reelected by isolationist Montana in 1940, and she cast the sole "nay" vote on the decision to declare war in December 1941.

97. See PEARLMAN, *supra* note 31, at 161.

98. See *Hearing Before*, *supra* note 30, at 427. Congress then refused to seat Berger.

99. In the era before *Buckley v. Valeo*, 424 U.S. 1 (1976), the Federal Corrupt Practices Act of 1925 (FCPA) extended the reach of the Tillman Act of 1907 which had been part of President Theodore Roosevelt's original program to limit the influence of corporations on the political process. See Kirk J. Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities*, 56 FORDHAM L. REV. 53, 59 n.35, 60 n.45 (1987) ("As the historical background [of the Tillman Act] indicates, its aim was not merely to prevent the subversion of the integrity of the electoral process. Its underlying philosophy was to sustain the active, alert responsibility of the individual citizens in a democracy for the wise conduct of government.") (citing *United States v. UAW*, 352 U.S. 567, 575 (1957)); see also David Rocklin, Note and Comment, *Non-Profit Corporate Political Speech*, 63 CHI.-

effective leadership and divided by bitter internal disputes over the Treaty of Paris, the League soon fell into disrepute.

The diminished League focused increasingly on domestic security measures. In 1920, the League clamored for an even more repressive and less representative state, proposing to combat radicals at home through education campaigns designed to “fight Bolshevism and preach Americanism” and teach 100% Americanism to immigrants and children, “urging universal military training as a necessity for National Defense and spreading knowledge of its mental and physical benefits and democratizing influence.”¹⁰⁰ The NSL also advocated a “National Budget” that centralized all spending decisions in the hands of experts in Washington. In 1921, its new president, Charles Orth, opened a campaign to drive radicals from American colleges and universities.¹⁰¹ This agenda went only slightly further than that of a few years before, and yet with its new strident tone it could well have been drafted by Mussolini’s contemporary American cousin.

After several years of the NSL’s drift to the right, a more centrist group under Menken retook control. The League limped along for over two decades without serious political impact. At one point, former assistant secretary of the navy Franklin D. Roosevelt even served as a vice president, as the League again attempted to focus on bolstering national defense.¹⁰² The nation, however, had little taste for defense issues. Congress decimated the Army and reduced the Navy to levels below those allowed by the Washington Treaty. The national security movement had lost its drive. In 1925 Menken decided to give more attention to his legal practice, turning over the presidency to Lt. Gen. Robert Lee Bullard, recently retired commander of the U.S. Second Army. Under Bullard, who

KENT. L. REV. 159, 161 (1987) for more legislative history, including the one test case of the rule’s constitutionality, *United States v. U.S. Brewers’ Association*, 239 F. 163 (W.D. Pa. 1916) (Congress may limit corporate speech in federal elections).

The FCPA, ch. 368, §§ 368 301-19, 43 Stat. 1070 (1925) (current version codified at 2 U.S.C. § 441b (1994)) banned “any kind of contribution by a corporation in connection with federal elections.” Rocklin, *supra*, at 161.

100. National Security League Flyer (June 1920) (on file with Harvard University Library, Albert Bushnell Hart Papers); *see also* the conservative ALB. EVENING J., Sept. 23, 1923, citing with approbation the League’s anti-communist, anti-labor works.

101. *See* EDWARDS, *supra* note 31, at 132.

102. *See* Minutes of the National Security League Board of Directors (Apr. 2, 1924) (unpublished material on file with Harvard University Library, Albert Bushnell Hart Papers); *see also* Letter from S. Stanwood Menken to Albert Bushnell Hart (Dec. 22, 1924) (on file with Harvard University Library, Albert Bushnell Hart Papers).

continued as president until 1942, the organization lacked initiative, internal political consensus or external support, funds, or influence. Throughout the twenties and thirties, Bullard spoke and wrote about the importance of universal military training, the need for a larger defense budget, and the growing communist threat—apparently without effect. In 1930 he had even cast Menken from the membership rolls because the former president publicly supported recognition of the Soviet Union. This was too much for the anti-communist general.

The League went bankrupt in 1939. The general burned most of its records. After losing its offices in 1940, it survived until 1942—but only on paper, in Bullard's New York City apartment. On its last day of operation, Bullard summarized the history of the League:

Up to the end of the First World War the League's main purpose had been the National Defense and Preparedness. It then turned its attention very strongly to the Constitution and the upkeep of our system of government and anti-communism which had started in Russia. The third one, communism, began to play out about four or five years ago when Russia ceased to be a communism [sic] and became a dictatorship with, however, a plain tendency toward a great freedom for the people. Then the League relaxed its efforts against communism. The other two matters, the National Defense and the Constitution, have kept up to the present and for the last two and a half years especially the National Defense. A great deal more could be added to this but that has been the League's general work through its life of twenty-six years.¹⁰³

The League was overtaken by events. Decades later, even Henry Stimson did not consider it important enough to mention in his memoirs.¹⁰⁴ Responding to my query in the spring of 1996, Stimson's amanuensis and friend, McGeorge Bundy, responded:

How sorry I am to have to tell you I draw a blank on the National Security League. I don't say I never heard of it, because I think I did run into its existence somewhere in my work with Colonel Stimson. But that's literally all I can tell you. I don't recall discussing it with him, or indeed with anyone else about it. From this gap I reach the conclusion that neither the Colonel nor I thought the subject important enough in his life

103. Diary entry of Robert Lee Bullard (Aug. 27, 1942) (unpublished material on file with the Library of Congress, Manuscripts Division, Robert Lee Bullard Papers).

104. See STIMSON & BUNDY, *supra* note 75.

for us to pursue it then, in the late '40s. But I can't tell you more than that because I don't remember any more.¹⁰⁵

The League had established a discourse and an agenda - and then faded from memory.

IV. National Security After the League

Notoriously isolationist during the 1920's and thirties, the United States pretty much ignored the national security agenda which quietly waited for the right moment. When Admiral Isoroko Yamamoto shattered the myth of American isolation on December 7, 1941, national security moved to the fore in political discussion. Not long after the end of World War II, the NSL's agenda had resurfaced as the blueprint for the postwar world.

A. *Between the Wars*

In the inter-war period, the idea of national security remained largely dormant. On the one hand, domestic security posed several pressing political issues, most of which were eventually (if only temporarily and partially) resolved in favor of a positive notion of liberty. First, the Red Scare of 1918-1919 allowed J. Edgar Hoover to reshape the Federal Bureau of Investigation into a national police force with jurisdiction over so-called subversive organizations. In one notorious set of raids on January 2, 1920, federal agents arrested more than 4,000 alleged communists.¹⁰⁶ But Hoover's power diminished with the return to normalcy, and in the 1920's and thirties it fell far short of the high-water mark it would reach in the fifties.¹⁰⁷ Likewise, the defense of First Amendment rights intensified.¹⁰⁸ The backlash against loss of liberties during the war included heightened scrutiny of government efforts to limit free speech. In fact, in the struggle for unpopular minorities to be heard, First Amendment rights became an independent and highly politicized subject of constitutional interpretation, and as such no longer merely an item on the national security agenda. As Hart

105. Letter from McGeorge Bundy to Mark R. Shulman (April 29, 1996) (on file with the author).

106. See MOYNIHAN, *supra* note 60, at 115.

107. See WILLIAM E. LEUCHTENBERG, *THE PERILS OF PROSPERITY, 1914-1932*, 77-83 (1958) (concluding "the 1920's despite their chauvinism and conservatism, were hostile to the spirit of the Red Scare.").

108. Foremost among the defenders, Roger Baldwin founded the National Civil Liberties Bureau (later the American Civil Liberties Union) to safeguard civil rights. See Richard Gid Powers, *Introduction to MOYNIHAN*, *supra* note 60, at 24.

had noted during the war, a free press is fundamental to democracy and also severely threatened by war:

One of the triumphs and protections of democratic government is the liberty of the press. It has been won by sheer determination in the teeth of the fundamental belief of despotic governments that it is harmful to them to have people discuss what is going on How is it today? Even in England there is no such thing as a free press. Among belligerent powers no criticisms are allowed. . . . [In Germany] free thought, public discussion the will of the people have lost their meaning.¹⁰⁹

Fortunately for the cause, the American Civil Liberties Union and other like-minded organizations arose to champion the fourth estate in the post-war era.

Between wars, proposals for a unified defense department occasionally surfaced both inside the government and out—to little effect. Throughout the twenties, Army Brigadier General William “Billy” Mitchell ardently advocated a joint “Department of National Defense” composed of the Navy, the Army, and a new Air Force.¹¹⁰ Mitchell’s ideas for changing the military, however, were too radical for the Army of his day, despite the fact that the American Legion and the Army War College sponsored similarly ignored studies.¹¹¹ Outside traditional defense circles, the idea was heard by few until problems of inter-service rivalry and lack of cooperation reappeared during the Second World War.

B. The Second World War

In the spring of 1942, Columbia University’s long-time president Nicholas Murray Butler made a similar proposal in his memoirs and also in a letter to his friend President Franklin Roosevelt. Referring to his memoirs, he asked the President

to read page 358-9-60 where I discuss the question of a Single Department of National Defense. . . . All sorts of stories involving and illustrating this lack of cooperation are in circulation. Probably not all of them are true, but they do represent a state of public opinion which is increasingly important. It appears to be difficult to make some of the representatives of the army and navy grasp the fact that

109. See HART, *supra* note 68, at 11, 13-14.

110. See National Defense Miscellaneous (1924-1925) (unpublished material on file with the Library of Congress, Manuscripts Division, Box 45, William Mitchell Papers).

111. See *id.*

dominance over both of these forces for defense has, under present-day conditions, passed to the air force and national defense must now be administered as a unit and not as two or even three separate units which may fail in full cooperation with each other. . . . I do believe that the plan outlined in the pages referred to is a sound and convincing one and that now is the time to put it into effect. To do so, would add one more to your outstanding achievements as the Chief Administrator of our people's Government.¹¹²

The Butler archives do not include a presidential response. Only a few months later joint (Army, Navy, Marines, and Army Air Force) and combined forces (U.S. and British) launched the largest amphibious operation in modern history. Operation TORCH signally demonstrated the armed forces' ability to cooperate under the worst of circumstances to achieve remarkable success. They quickly established a beachhead in North Africa from which the Allied forces eventually liberated two continents. For the remainder of the war, inter-service cooperation continued on an *ad hoc* basis.

C. *After the War*

In 1945, however, reformers returned to the issues of national security. Much had changed over the preceding quarter century, in three important areas. First, military roles and missions were rethought in light of the gargantuan World War II campaigns. The scope and scale of war had expanded dramatically, as had the ability to strike across wide expanses of ocean. The German *Blitzkrieg* and above all the Japanese attack on Pearl Harbor had shattered many Americans' faith in their nation's invulnerability. The conduct of the war and lessons learned from other armed forces brought home the critical importance of cooperation among land, sea, and air forces. This was as true at the tactical level as at the level of grand strategy. Frequently in the Pacific, tactical success depended on soldiers fighting alongside marines, with air support and naval bombardment.¹¹³ Likewise, grand strategy

112. Letter from Nicholas Murray Butler to Franklin D. Roosevelt (May 22, 1942) (unpublished material on file with Columbia University, Manuscripts and Rare Books Library, Nicholas Murray Butler Collection, Presidential Correspondence Folder) (the letter is referring to *ACROSS THE YEARS* (1942)). For more on Butler, see ALBERT MARRIN, *NICHOLAS MURRAY BUTLER* (1976).

113. For some of the problems this requirement entailed, see CRAIG CAMERON, *AMERICAN SAMURAI: MYTH, IMAGINATION, AND THE CONDUCT OF BATTLE IN THE FIRST MARINE DIVISION, 1941-1951* chs. 4, 5 (1994).

required that General Douglas MacArthur and Admiral Chester Nimitz not only divide the Pacific theater of operations but also share forces.

Second, many people in the United States developed a form of paranoia that saw fifth column enemies everywhere. Even paranoiacs can have real enemies; the Soviet Union started to expand its efforts to subvert the United States at home.¹¹⁴ Unlike the Red Scare of 1919, however, this fear was seriously grounded. Russia had long since fallen to an internal communist revolution, and the most populous nation on earth, China, seemed about to follow suit. Communist expansion had claimed eastern Europe and now menaced the dominoes of Southeast Asia. This fed fears of a foreign-inspired internal revolution in the United States.

Third, the emergence of post-war technology meant that for the first time an enemy could strike the continental United States catastrophically. The sea-launched surprise attack on Pearl Harbor had been sufficient to cause the War and Justice departments to imprison thousands of American citizens based merely on their ethnic origins. The Supreme Court had approved these extraordinary violations of civil and human rights.¹¹⁵ The German scientists who designed the V-2 rockets that attacked London in 1945 had been brought home by the Soviets and the Americans to serve their competing rocket development programs. The fire-storm bombings of Dresden and Tokyo, and even the nuclear explosions at Hiroshima and Nagasaki, barely foreshadowed the destructiveness of intercontinental missiles to come.

These dramatic changes inevitably altered the ways Americans looked at defense at home and abroad. The official responses were initially temporized, driven more by fear and confusion than by a defined national security agenda. But a coherent policy began to coalesce in August 1945.¹¹⁶ Secretary of the Navy James V. Forrestal, dispirited about the possibility of a peaceful post-war

114. See MOYNIHAN, *supra* note 60 (especially ch. 5).

115. See *Korematsu v. U.S.*, 323 U.S. 214 (1944) (finding constitutional the exclusion and curfew imposed upon individuals of Japanese descent living in the United States).

116. The initial Congressionally-sponsored efforts produced a couple of reports and unsuccessful bills, but the detailed history of the 1945-1947 origins of the National Security Act is found elsewhere. See PAUL Y. HAMMOND, *The Unification Controversy*, in ORGANIZING FOR DEFENSE: THE AMERICAN MILITARY ESTABLISHMENT IN THE TWENTIETH CENTURY (1961); see also *Army-Navy Consolidation*, in II EDITORIAL RESEARCH REPORTS 239-242 (1945); Maj. Gen. Otto L. Nelson, Jr., NATIONAL SECURITY AND THE GENERAL STAFF (1946); Thomas-Hill-Austin Bill, S. 2044, 79th Cong. (1946).

world, told a Senate committee, "Our national security can only be assured on a very broad and comprehensive front. . . . I am using the word 'security' here consistently and continuously, rather than 'defense.'" ¹¹⁷ Senator Edwin Johnson responded, "I like your words, 'national security.'" ¹¹⁸ Forrestal went on to say, "The question of national security is not merely a question of the Army and the Navy. We have to take into account our whole potential for war, our mines, industry, manpower, research and all the activities that go into normal civilian life." ¹¹⁹

The next month, Ferdinand Eberstadt sent to Forrestal and Congress a report advocating the continued existence of individual military departments with the addition of a new Department of the Air Force. Coordination would take place within a new institution, a National Security Council consisting of the President, the three service secretaries, and the Secretary of State. ¹²⁰ This new National Security Council (NSC) would direct foreign and military policy and supervise the new Central Intelligence Agency (CIA) and National Security Resources Board (NSRB). An expert Special Assistant to the President would direct both the NSC and the NSRB. ¹²¹

117. *Hearings on S. 84 and S. 1482 Before the Senate Comm. On Military Affairs*, 79th Cong., 1st Sess. 299, at 108 (1945) (testimony of James Forrestal).

118. *Id.*

119. Note, *National Security and the Amended Freedom of Information Act*, 85 YALE L.J. 401, 410 (1976); see also THE DEPARTMENT OF DEFENSE: DOCUMENTS ON THE ESTABLISHMENT AND ORGANIZATION, 1944-1978 (Alice C. Coles et. al. eds. 1978); DEMETRIOS CARALEY, THE POLITICS OF MILITARY UNIFICATION (1966); U.S. CONGRESS, HOUSE OF REPRESENTATIVES, SELECT COMMITTEE ON POST-WAR MILITARY POLICY, PROPOSAL TO ESTABLISH A SINGLE DEPARTMENT OF ARMED FORCES, HEARING BEFORE THE SELECT COMMITTEE ON POST-WAR MILITARY POLICY, 78th Cong., 2d Sess., "Robert Lovett Testimony, April 26, 1944," (1944); FERDINAND EBERSTADT, UNIFICATION OF THE WAR AND NAVY DEPARTMENTS AND POSTWAR ORGANIZATION FOR NATIONAL SECURITY: REPORT TO HON. JAMES FORRESTAL, SECRETARY OF NAVY (Senate Comm. on Naval Affairs, 79th Cong., 1st Cong., Comm. Print 1545) [hereinafter EBERSTADT REPORT].

120. See EBERSTADT REPORT, *supra* note 119; see also TOWNSHEND HOOPES & DOUGLAS BRINKLEY, DRIVEN PATRIOT: THE LIFE AND TIMES OF JAMES FORRESTAL 321 (1992).

121. See HOOPES & BRINKLEY, *supra* note 120, at 321. Forrestal had hopes of making these councils resemble those created within the British Cabinet; see ARNOLD ROGOW, JAMES FORRESTAL: A STUDY IN PERSONALITY, POWER, AND POLICY 266 (1963). For the background on the Eberstadt Report, see JEFFERY M. DORWART, EBERSTADT AND FORRESTAL (1991). For the text, see the original or the more accessible reprinted and abridge edition in the appendix of THE NATIONAL SECURITY COUNCIL: JACKSON SUBCOMMITTEE PAPERS ON POLICY-MAKING AT THE PRESIDENTIAL LEVEL (Sen. Henry M. Jackson, ed., 1965). For a cogent discussion of the particulars of the proposals, see HAMMOND, *supra* note 116. Koh argues that the NSC in general and the Special Assistant to the President in particular were

Forrestal's biographer Jeffery Dorwart notes, "The Eberstadt-Forrestal brand of corporatism stressed leadership by an organizational elite that mediated between conflicting groups, generated public consensus, designed policies and managed national affairs."¹²² Forrestal's reforms consequently institutionalized political ideas from the top down. They ordered complex ideas and interests into simple chains of command. Moreover, they shared an nearly paranoid (or prescient) fear for the security of the nation. Of Forrestal, James F. Byrnes wrote, "He clearly saw . . . the menace of communism before his colleagues recognized it. Frequently he warned of their plans for world domination."¹²³ Likewise, General Albert Wedemeyer claimed that Forrestal was one of the few who "understood the full implications of communism."¹²⁴

Forrestal also understood the implications for the republic. He knew that the country now had to weigh security against liberty. At the beginning of 1948, he wrote the *New York Times* military correspondent Hanson W. Baldwin, "It has long been one of my strongly held beliefs that the word 'security' ought to be stricken from the language and the word 'risk' substituted. . . . The great danger in any country is for people to believe that there is anything absolute about security. Air power, atomic power, bombs, wealth—by itself none of these things can give any security."¹²⁵ In Baldwin, Forrestal found a kindred spirit who was lecturing audiences in March 1947 that only utter destruction of all enemies "can completely solve the problem of security and assure 100 percent national defense in this atomic age."¹²⁶ Shortly thereafter, Forrestal convened the service chiefs at Key West to sort out roles and missions for the Army, Navy, Marine Corps, and the new Air Force. As Forrestal's concern grew about the scope of the Soviet threat, he faced serious manpower problems and concluded that the

originally intended by Congress and used by Truman as mere advisors to the President. He correctly cautions against reading the strong Nixon, Carter or Reagan era NSC's as the original model. See KOH, *supra* note 6, at 54.

Eberstadt, a Princeton contemporary of Forrestal served under Col. Henry L. Stimson in the 77th Division. See DORWART, *supra*, at 19. He was gassed at the Vesle Defense Sector. See *id.*

122. DORWART, *supra* note 121, at 7.

123. ROGOW, *supra* note 121, at 321 (quoting Letter from James F. Byrnes to Arnold A. Rogow (Mar. 12, 1962)).

124. *Id.* at 321 (citing ALBERT WEDEMEYER, WEDEMEYER REPORTS! 430 (1958)).

125. *Id.* at 283.

126. Transcript of Hanson Baldwin Lecture (Mar. 25, 1947) (unpublished material on file with Yale University, Manuscripts and Archives, Papers of Hanson Baldwin, Group no. 54, series II, "Writings: Addresses, 1940-1967," Box 25).

only alternative to universal military training was a revival of the draft.¹²⁷

In language, policy and spirit, then, Forrestal's program resembled nothing so closely as the NSL's platform of a generation earlier. He played a central role in shaping the 1947 National Security Act which in turn formed the blueprint for the entire U.S. defense and domestic security posture of the Cold War. And he adopted the NSL agenda wholesale.

Within two years, Congress had passed and President Truman had signed into law most of the measures that the NSL had proposed unsuccessfully a generation before.¹²⁸ The National Security Act of 1947 created a unified Department of Defense, under Forrestal, which included a new service, the Air Force. The secretary of this combined department would have his own staff of experts to coordinate every aspect of national defense—research and development, acquisition and logistics, planning, and even decisions to deploy forces. The service chiefs—the Army and Air Force Chiefs of Staff, the Chief of Naval Operations, and the Marine Corps Commandant—were left with training and tactical war-fighting. The Act also created a special assistant to the president for national security affairs¹²⁹—whose power culminated in the Kissinger era (1969-1975) when his influence overshadowed that of the Secretaries of State and Defense. The Act established a National Security Council composed of civilian and military experts to collect information and generate advice for the President.¹³⁰ The council eventually grew so powerful that it could conduct its own covert military operations abroad in defiance of Congressional mandates (e.g. during the Iran-Contra affair). The Act established a centralized intelligence agency¹³¹ (the CIA) that would not only collect and analyze information but also wage paramilitary operations shielded from the press and even from Congressional oversight. The first agents arrived in Guatemala in March 1947 and helped overthrow the government six years later.¹³²

The Act helped to create a national security state that carried out some of the most drastic of the domestic security measures.

127. See ROGOW, *supra* note 121, at 286.

128. See National Security Act, ch. 343, Title I, § 101, 61 Stat. 496 (codified as amended at 50 U.S.C. § 402 (1994)).

129. See 50 U.S.C. § 402(c).

130. See *id.* § 402(a).

131. See *id.* § 403-1.

132. See MOYNIHAN, *supra* note 60, ch. 7 (especially page 181). Other important coups or attempted coups were also undertaken outside Congressional oversight: in Iran and Cuba.

That same CIA and the FBI collected intelligence on American citizens. They conducted clandestine operations against American citizens at home and abroad. Even at a more benign level, this new strong state created a massive interstate highway system much like that offered by the NSL half a century before. That network was named for the army general officer who institutionalized an idea the NSL had sponsored. Eisenhower was, of course, the first new president elected after the National Security Act of 1947—a fitting choice of the man to lead the nation into the new era. The Department of Defense and the CIA eventually won such large budgets that they could shape civilian research, development, and even education in science—at first in rocketry and atomic energy, but soon in biology, health sciences, non-atomic physics, and engineering—and then in many of the social sciences, especially through massive financial support for the fields of Soviet and China studies and psychology. In short, in the name of national security, the state intervened in nearly every sector of the productive economy.

While the National Security League was ahead of its time in its prescriptions for domestic and international security, the horrors of the Second World War so dramatically changed the U.S. domestic political landscape that the nation was ready to adopt most of the NSL's prescriptions for defense—at home and abroad. The Jeffersonian tradition in American military policy was dead. The Neo-Hamiltonian vision of domestic security reshaped the United States into a national security state, in which the distinction between war and peacetime had been eroded in the new paradigm of a Cold War.