First a blinding flash

Then the mushrooming authority of the president, unbalancing separation of powers in national defense

By Glenn C. Altschuler, Globe Correspondent | January 24, 2010

When the test bomb, code-named Trinity, was detonated in the New Mexico desert, physicist Richard Feynman did a victory dance with his bongo drums. And when Dorothy McKibben, the office manager who served as a kind of gatekeeper at Los Alamos, heard that a nuclear device had been exploded at Hiroshima, she turned to her son and exclaimed, “That’s our Bomb.” President Truman agreed, calling it “the greatest thing in history.”

And yet, as Garry Wills, the provocative, prolific, and polymath professor of history emeritus at Northwestern University, reminds us, the bomb proved to be “a fatal miracle.” Fatal as a weapon - and fatal to the delicate system of checks and balances over the power of the presidency. In "Bomb Power," Wills argues that the Manhattan Project, which proceeded without authorization, funding, or oversight by Congress, planted the seeds of a massive shift of power to the executive branch. From World War II to the Cold War and later the War on Terror, “the permanent emergency” initially claimed by Truman was used to justify a monopoly by the executive branch on the use of nuclear weapons, the establishment of military bases around the world, the formation of intelligence agencies, the launching of covert operations, and a vast expansion of state secrets. For seven decades, he concludes, what Wills refers to as the National Security State “has made the abnormal normal and constitutional diminishment the settled order.”

Although it breaks no new ground, “Bomb Power” is a powerful - and sobering - account of the step-by-step creation of government structures, unaccountable to Congress or the people, to conduct “permanent war in peace.” The culprits, Wills points out, were Democratic as well as Republican presidents, who engineered a quiet coup against the Constitution, making the commander-in-chief of the armed forces the commander-in-chief of the nation. And the post-Vietnam, post-Watergate reining in of “the imperial presidency,” through the War Powers Resolution (1973), the Foreign Intelligence Surveillance Act (1978), and the Presidential Records Act (1978), never really happened.

The Korean War, according to Wills, whose eyes are on Iraq, set many precedents. Although North Korea posed no nuclear threat to the United States, Truman insisted that he could commit troops to a major and sustained conflict, under the “aegis” of the United Nations, without a congressional declaration of war. Even hearings on a resolution of approval, Secretary of State Dean Acheson declared, would open up the possibility of criticism that would undermine the morale of troops. In fact, Truman dispatched the Seventh Fleet to the region before the Security Council acted. In doing so, Wills writes, the president violated Article 41 of the UN Charter, which stipulates that Congress must approve any commitment of American troops for a UN-sponsored mission.

Along with the evisceration of Congress’ power to declare war, Wills demonstrates, government secrecy grew “like a giant radiation emission.” Control of information, of course, is a source and sign of power. It allows presidents to dismiss critics as “ill-informed.” It also permits government officials to cover up acts of incompetence or criminality that have nothing to do with national security. The Pentagon Papers, of course, is the perfect example. So is the less-well-known story of the explosion of an Air Force plane doing experimental work on a guided missile system in 1948. When the widows of three crewmen sued, citing trouble with fires on B29s, the Air Force refused to release its official accident report, which had been classified. The clear implication was that national security secrets about the missile system might be jeopardized. In United States v. Reynolds et al (1953), the Supreme Court refused to order the government to turn over the documents or to pay damages to the plaintiffs. More than 50 years later, the 220-page report saw the light of day. It said nothing at all about the missile program - instead it told a horrific story of a plane without heat shields and a pilot who inadvertently shut off the wrong engine.

Like many other critics of the National Security State, Wills believes that George W. Bush brought “executive usurpations to their climax.” He makes a compelling case that the “unitary theory of the presidency,” which gives the executive power to launch a pre-emptive war, bypass laws requiring court approval to conduct domestic surveillance, detain terrorists indefinitely without charging or trying them, carry out “renditions,” andauthorize “enhanced interrogation techniques” that violate the Geneva Conventions, is “philological hocus-pocus.”

Wills, it appears, has already given up hope that Barack Obama will make substantive changes to the National Security
State. Administration officials, he observes, have already indicated that they reserve the right to use “extraordinary renditions,” subject terrorists captured anywhere to “battlefield law,” and invoke the Reynolds case to abort trial proceedings that involve “state secrets.” Obama said the government would not prosecute any officials of the Bush administration or empanel a “truth commission.” “Most important,” the president is committed to “a long-term nation-building effort in Afghanistan, a drug-culture government not susceptible to our remolding.” The self-professed change agent, Wills concludes, has “grabbed at the powers, the secrecy, the unaccountability” of the “imperial system.”

Dismantling the National Security State is, indeed, “a hard, perhaps impossible task.” But it’s worth remembering that even if, to some extent, Obama is the prisoner of his own power, he isn’t George W. Bush. By the time he’s done, many things millions of Americans care passionately about - torture, indefinite detention, the denial of habeas corpus and legal representation, the unilateral abrogation of treaties, defiance of Congress, distortions of the Constitution, and the rewriting of statutes through signing statements - may no longer be acceptable practices of the federal government. In the end, Wills suggests, principled reformers should continue the fight despite the odds, invoking the spirit of Cyrano de Bergerac who said: “One fights not only in the hope of winning.”

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