

LAWFARE RESEARCH PAPER SERIES

VOL. 4

SEPTEMBER 2, 2016

NO. 3

PRESIDENTIAL ELECTIONS: A PERILOUS TIME FOR U.S. INTELLIGENCE

*Eric Manpearl **

Intelligence issues have intersected with presidential politics several times in U.S. history. Each instance was unique, and the effects have been mixed. Candidates have sometimes made claims based on intelligence to enhance their standing, or to attack their rivals. In other cases, unforeseen events forced candidates to express and defend a position on U.S. intelligence. There are also remarkable examples where politicians voluntarily surrendered a potential electoral advantage to preserve an important defense secret. Whether an intelligence topic is inserted into a presidential campaign on purpose or as a result of external events, there are considerable risks to both the intelligence and the political processes.

I. 1920: THE GREAT RED HUNTER'S ANTI-RADICAL HYPE.....	2
II. 1944: DEWEY ALMOST SPOILS MAGIC.....	5
III. 1948 AND 1952: DEMOCRATS "SOFT" ON COMMUNISM.....	11
IV. 1960: A MISSILE GAP?.....	15
V. 1976 AND 1980: RESTRAINING, THEN UNLEASHING THE CIA.....	21
VI. 2004: HOW TO PREVENT THE NEXT 9/11	25
VII. WHEN INTELLIGENCE INTERSECTS WITH POLITICS	30

It is unlikely that the outcome of any U.S. presidential campaign has turned on a candidate's position regarding intelligence policy or a particular intelligence assessment. There are, however, a number of historical examples where intelligence topics featured prominently in national campaigns. Candidates have sometimes made claims based on intelligence to enhance their standing, or to attack the policies or proposals of their rivals. In other cases, unforeseen events forced candidates to express and defend a position on U.S. intelligence.

* Eric Manpearl is a Brumley Next Generation Graduate Fellow in the Intelligence Studies Project at The Robert S. Strauss Center for International Security and Law. Eric is a dual degree student pursuing a J.D. and Master of Public Affairs at The University of Texas School of Law and Lyndon B. Johnson School of Public Affairs, and holds a B.A. from Rice University. Special thanks to Professor Steve Slick for his thoughtful and invaluable suggestions, guidance, and advice.

The historic examples described in this paper do not support any general conclusion—beyond an observation that election campaigns are times of significant peril for the efficacy and integrity of U.S. intelligence. Not surprisingly, intelligence judgments based on information not available to the public have been manipulated during past presidential contests. In some cases, the victor took liberties with the facts and in others it was the losing candidate. There are also remarkable examples where politicians, both incumbent presidents and challengers, voluntarily surrendered a potential electoral advantage to preserve an important defense secret.

The characteristics of a modern presidential campaign are quite obviously incompatible with the fragility, complexity, and discretion of sound intelligence practice. Intelligence professionals, political commentators, and ordinary voters should all be on guard when intelligence issues surface during a presidential campaign.

I. 1920: THE GREAT RED HUNTER'S ANTI-RADICAL HYPE

Bombs rocked several of America's major cities in June 1919. The bombings were conducted by anarchists and occurred just one month after May Day riots and the attempted assassination of several prominent Americans, which were successfully thwarted.¹ These actions demonstrated that the radicals were willing to use force to spread communism and anarchy, and stoked fears of an imminent radical revolution. The most prominent target of the June bombings was A. Mitchell Palmer, Woodrow Wilson's Attorney General.

On the night of June 2, a thunderous explosion struck Palmer's house. Franklin D. Roosevelt, then-Assistant Secretary of the Navy, lived across the street and had returned home only minutes before the blast. Roosevelt rushed to Palmer's badly-damaged house. Fortunately, Palmer was unharmed—the anarchist ignited the bomb too soon and it exploded outside Palmer's house while he was upstairs. Palmer and Roosevelt found scattered body parts from the hapless bomber along with copies of an anarchist pamphlet titled "Plain Words." The pamphlet warned that "[c]lass war is on and cannot cease but with a complete victory for the international proletariat . . . [t]here will have to be murder; we will kill . . . there will have to be destruction; we will destroy . . . we are ready to do anything and everything to suppress the capitalist class . . ."²

This bombing profoundly impacted Palmer and catalyzed him to focus his Department of Justice (DOJ) on stopping the radicals. Palmer received additional funds from Congress and created the General Intelligence Division (GID) within the Bureau of Investigation—the predecessor to the Federal Bureau of Investigation (FBI)—to collect information and coordinate investigations and intelligence activities regarding radicals. The Bureau of Investigation warned Palmer that its undercover informants had discovered that the next set of attacks

¹ Stanley Coben, *A. Mitchell Palmer: Politician* (New York: Columbia University Press, 1963), 203–05.

² *Ibid.*, 206.

would occur on July 4, a fact Palmer shared with reporters.³ However, these attacks never occurred and Palmer was criticized in the media. Nonetheless, the GID under the leadership of a young J. Edgar Hoover maintained that radical organizations and individual anarchists were indeed plotting future attacks.

The Bureau became preoccupied with the war on radicalism. One historian assessed that “one-third of the detective staff at Bureau headquarters in Washington had been assigned to anti-radical matters, and over one-half of the Bureau’s field work had been diverted to the subject of radicalism.”⁴ The country grew increasingly fearful of an uprising. Newspapers investigated claims of impending class warfare. The American Communists broke with the Socialists to form the Communist and Communist Labor parties, which were dedicated to upending the political and economic order.⁵

Palmer was not acting swiftly enough against the radicals by fall 1919, though, which led some to criticize his willingness to address the threat.⁶ Instead, Palmer, a progressive Quaker, sought to inherit President Woodrow Wilson’s liberal support base as Palmer began maneuvering towards a presidential run of his own after Wilson fell ill. The criticism that Palmer was failing to protect America proved problematic for the Attorney General as his name was increasingly being mentioned by members of the Democratic National Committee as the party’s possible nominee. His presidential aspiration, combined with the previous attempt on his life, led Palmer to conclude the country faced an existential threat from the Reds. Intelligence activities directed by Palmer to combat this threat became intertwined with his presidential ambitions.

Palmer convinced the Secretary of Labor, William Wilson, to work with DOJ to deport alien radicals under the Immigration Act of 1918. The DOJ conducted the investigations, and the Labor Department issued the arrest warrants and ordered deportations. These raids, which started on November 7, 1919, the second anniversary of the Bolshevik Revolution, earned Palmer praise in the press. On January 1, 1920, Palmer organized the arrest of several thousand suspected radicals and sought to have the aliens among them deported. These dramatic raids based on intelligence gathered by the GID burnished Palmer’s image as the nation’s protector.

Hoping to ride this law-and-order message to the White House, Palmer promised in February 1920,

[t]he Department of Justice will pursue the attack of these ‘Reds’ upon the Government of the United States with vigilance, and no alien, advocating the overthrow of existing law and order in this country, shall escape arrest and prompt deportation. It is my belief that while they have stirred

³ Max Lowenthal, *The Federal Bureau of Investigation* (New York: William Sloane Associates, 1950), 76–77.

⁴ *Ibid.*, 85.

⁵ Coben, A. *Mitchell Palmer: Politician*, 213.

⁶ *Ibid.*, 199.

discontent in our midst, while they have caused irritating strikes, and while they have infected our social ideas with the disease of their own minds and their unclean morals, we can get rid of them! [A]nd not until we have done so shall we have removed the menace of Bolshevism for good.⁷

On March 1, 1920, Palmer officially announced his run for the presidency. Despite the fact that his raids had made him unpopular with liberals and progressives, Palmer enjoyed strong support from the party elites who would ultimately select the nominee.

In April, Hoover's GID predicted that a radical revolution would be launched on May 1 based on anarchist pamphlets and plans by the Communist and Communist Labor parties that the Division had unearthed. However, the DOJ had interrogated thousands of radicals who had been captured in its raids and its undercover agents had infiltrated many radical organizations, and these sources described the immense gap between the grandiose declarations in the pamphlets and actions the radicals actually planned to take. Notwithstanding this knowledge, Palmer believed the GID's warnings, and he instructed the GID to issue bulletins warning the country of May Day strikes, assassinations, and bombings. Palmer himself warned that the radicals intended to kill government officials.⁸

Troops were called into many cities and the entire New York City police force was put on alert on May 1. However, nothing happened. There was no outbreak of radical violence as Palmer and his GID had warned. The same newspapers that had previously supported Palmer's hard line now ridiculed him for "crying wolf."⁹ The raids Palmer ordered also included widespread violations of civil liberties. Many cases were ultimately dismissed because there were no arrest warrants, the DOJ had used illegally obtained evidence, the DOJ forced aliens to sign documents they could not read or understand, or excessive physical force had been used. Palmer's war on radicalism now appeared to be a significant over-reaction bordering on hysteria. On May 25, the National Popular Government League, a respected urban reform group, released a booklet condemning the DOJ's actions and accusing Palmer and his Justice Department of violating the Constitution.¹⁰ The booklet was signed by some of the country's most distinguished attorneys, including future Supreme Court Justice Felix Frankfurter. By one account, the legal critique "sent shock waves through the American legal establishment and, coming just a month before the Democratic National Convention, caused panic among Palmer's backers."¹¹

Despite growing criticism, Palmer continued to argue the country faced a real danger of radical revolution. He was convinced by the information from

⁷ A. Mitchell Palmer, "The Case against the Reds," *Forum*, Feb. 1920, 185.

⁸ Coben, A. *Mitchell Palmer: Politician*, 234–35.

⁹ Curtis Gentry, *J. Edgar Hoover: The Man and the Secrets* (New York: W. W. Norton & Company, Inc., 1991), 97.

¹⁰ *Ibid.*, 99.

¹¹ *Ibid.*

Hoover's GID that the threat was genuine and his aggressive actions were necessary to secure the nation. His stubbornness was reinforced by the fact the raids had placed him in the public spotlight and enhanced his prospects of becoming the Democratic Party's presidential nominee.

In an attempt to persuade Democratic Party leaders that he could overcome opposition to his candidacy by organized labor, Palmer entered the Michigan and Georgia primaries. Despite having the best political organization and the most endorsements in Michigan, Palmer was thoroughly defeated—placing fifth in the popular vote.¹² Palmer rebounded somewhat in Georgia to finish in second place.¹³ Although Palmer vastly underperformed in the popular vote, he was still able to secure all of Georgia's delegates and a majority of Michigan's delegates heading into the convention.¹⁴ His success at winning delegates did not, however, persuade party leaders that he could prevail in the November general election. Organized labor would not stand for Palmer's nomination, and thus he was judged unelectable. Palmer, who had transformed himself from a progressive Quaker to "the Great Red Hunter," was forced to drop out of contention after the thirty-eighth ballot. Instead, Ohio Governor James M. Cox became the Democratic Party's nominee and publicly repudiated Palmer's labor and antiradical policies.¹⁵

Ultimately, Palmer's political career was ended by this defeat. He had arrested more than 10,000 radicals and deported at least 500 while warning against an impending revolution. Palmer's judgment was clouded by his near death experience and White House ambitions. He accepted the GID's exaggerated warnings of the "Red Menace" and proved willing to violate Americans' civil liberties to prevail in his war on radicalism and achieve higher office.

II. 1944: DEWEY ALMOST SPOILS MAGIC

As Congress began its investigation of the Pearl Harbor attacks, an anti-Roosevelt Army officer disclosed to the Republican presidential nominee, New York Governor Thomas Dewey, that the U.S. had been reading Japan's encrypted naval communications at the time of the attacks. Dewey now had evidence to accuse President Roosevelt of betraying the country by failing to prevent or mitigate the losses from the attacks. The accusation that the U.S. had cracked the Japanese naval codes prior to Pearl Harbor but still failed to prevent the horrific attacks, would likely have impacted the election and may have enabled Dewey to unseat FDR.

General George Marshall, the Army Chief of Staff, learned that Dewey intended to charge FDR with culpability for Pearl Harbor and disclose that the U.S. had been successful in breaking the Japanese codes. Marshall was deeply

¹² Coben, A. *Mitchell Palmer: Politician*, 256.

¹³ *Ibid.*

¹⁴ *Ibid.*, 258.

¹⁵ *Ibid.*, 261–62.

troubled by this possibility, which would alert the Japanese that their communications were being deciphered and which might also alert the Germans to the possibility that their codes had been broken, too. This would have been devastating for the Allied war effort. The U.S. depended on the intelligence gained from Japanese messages in battling the Japanese navy, planning General Douglas MacArthur's upcoming invasion of the Philippines, and gaining information about the condition of the German Wehrmacht, which was being transmitted to Tokyo by Japanese ambassadors in Europe.¹⁶

As the 1944 political campaign grew more heated, it appeared that Dewey would indeed use this information to his advantage. Ohio Governor John Bricker, the Republican nominee for vice president, began accusing the White House of covering up details regarding Pearl Harbor, and Republican Senator Styles Bridges announced that Dewey was "gathering facts" to expose a White House cover up.¹⁷ A campaign researcher for Dewey, John Burton, was working to collect information to use in Dewey's speeches to demonstrate the administration should have anticipated the Japanese attacks and was negligent in not being prepared. On September 25, Dewey responded in a campaign speech to Democratic claims that FDR was indispensable to the war effort by sharply criticizing FDR for leaving the nation unprepared for the attacks on Pearl Harbor and for the war that followed. General Marshall determined he had to take action to prevent Dewey from degrading the intelligence advantage the U.S. and British had worked so diligently to gain and that was vital to the continuing war effort.

That day, Marshall, without consulting FDR or any member of the administration, directed then-Colonel Carter Clarke, the Deputy Chief of the Military Intelligence Service, to deliver a letter to Dewey in Tulsa, Oklahoma. Colonel Clarke met with Dewey in private on September 26 and delivered Marshall's letter. Dewey opened the envelope, which was marked Top-Secret and for his eyes only, and remarked "Well, Top Secret—that's really top isn't it?"¹⁸ Marshall's letter explained,

I am writing you without the knowledge of any other person except Admiral [Ernest] King (who concurs) because we are approaching a grave dilemma in the political reactions of Congress regarding Pearl Harbor.

¹⁶ George Catlett Marshall, *The Papers of George Catlett Marshall: "The Finest Soldier," January 1, 1945–January 7, 1947*, ed. Larry I. Bland & Sharon Ritenour Stevens, Vol. 5 (Baltimore: The Johns Hopkins University Press, 2003), 309.

¹⁷ Richard Norton Smith, *Thomas E. Dewey and His Times* (New York: Simon & Shuster, 1982), 426.

¹⁸ "Statement for Record of Participation of Brig. Gen. Carter W. Clarke, GSC in the Transmittal of Letters from Gen. George C. Marshall to Gov. Thomas E. Dewey The Latter Part of September 1944," in *U.S. Army Signals Intelligence in World War II: A Documentary History*, ed. James L. Gilbert & John P. Finnegan (Washington, D.C.: Center of Military History, 1993), 172.

What I have to tell you below is of such a highly secret nature that I feel compelled to ask you either to accept it on the basis of your not communicating its contents to any other person and returning this letter or not reading any further and returning the letter to the bearer¹⁹

Dewey stopped reading at this point—only two paragraphs into the letter. He declared that he did not want to be sworn to secrecy regarding what he already knew or might soon learn about Pearl Harbor. The Governor inquired whether he could be released of the letter's obligations to keep silent if upon reading the letter he confirmed he already knew the information contained inside. However, Clarke was not authorized to make such an accommodation. At this point, Dewey refused to believe that General Marshall would make such a proposition to a presidential candidate opposing the current administration. He was convinced FDR had orchestrated the outreach.²⁰

Dewey picked up the letter once more, but as he began to reread the letter he saw the word "cryptograph." He grew angry and snapped, "Now if this letter merely tells me that we were reading certain Japanese codes before Pearl Harbor and that at least two of them are still in current use, there is no point in my reading the letter because I already know that . . . I know it and Franklin Roosevelt knows all about it. He knew what was happening before Pearl Harbor and instead of being reelected he ought to be impeached."²¹ With that, Dewey returned the letter to Clarke without agreeing to keep quiet. The Governor did, however, tell Clarke he would be happy to discuss the matter further when he was back in Albany later that week.

On September 27, Clarke was directed to meet with Dewey again to give him another letter from Marshall. Dewey and Elliot Bell, the Superintendent of Banks for the State of New York and economic adviser and close friend to the Governor, received Clarke at the Executive Mansion in Albany the following day. Dewey insisted that Bell be allowed to stay for the discussion. Further, Dewey demanded he be allowed to keep the letter as a pre-condition to reading it because he feared he might be accused of reading and agreeing to the contents of a different letter in the future.²² He vouched that Bell already knew about Pearl Harbor and that if allowed to keep the letter he would put it in his vault and never disclose its existence. Dewey could not understand why Marshall was so concerned with the secrecy of this information. He lectured Clarke, "[t]here are at least 12 Senators that I can name for you right now if you desire that know all there is to be known about Pearl Harbor and about how we were reading certain

¹⁹ George Catlett Marshall, *The Papers of George Catlett Marshall: "Aggressive and Determined Leadership," June 1, 1943–December 31, 1944*, ed. Larry I. Bland & Sharon Ritenour Stevens, Vol. 4 (Baltimore: The Johns Hopkins University Press, 1996), 605.

²⁰ "Statement for Record of Participation of Brig. Gen. Carter W. Clarke, GSC in the Transmittal of Letters from Gen. George C. Marshall to Gov. Thomas E. Dewey The Latter Part of September 1944," 172.

²¹ *Ibid.*

²² *Ibid.*, 174.

Jap codes before Pearl Harbor and how it is claimed that we are still reading two of these same codes. You know, Colonel, this code business is the worst kept secret in Washington, but I for one want to say to you that I do not believe any such things as that to be a fact.”²³

The Republican nominee was correct in the first part of his statement. The fact the U.S. had cracked the Japanese codes was not a well-kept secret. Rumors about the codes floated throughout Washington, D.C. and it had already been leaked to the press.²⁴ Congressman Elmer Holland had declared that “[s]omehow our Navy had secured and broken the secret code of the Japanese Navy” on the House floor in a speech that was intended to criticize the *Chicago Tribune* for printing a story on the U.S. deciphering the Japanese codes.²⁵ Despite the leaks, the Japanese had not discovered that the U.S. had broken its naval codes and were still using the same codes. Clarke sought to assure Dewey that this was indeed the truth however unlikely it may have seemed. He promised Dewey that “Marshall’s sole interest in this matter is to protect our most vital source of intelligence and to save the lives of thousands of troops that are certain to be sacrificed if security on these ciphers is blown and the Japanese change them.”²⁶ The U.S. had only come to realize the importance of the naval codes after the Battle of Midway, and vowed to improve the secrecy of its code breaking abilities following that military success.²⁷

Still, Dewey only agreed to read the letter after speaking directly with General Marshall on the phone to gain authorization to discuss the letter with Bell and to keep it after the meeting. The letter read,

My dear Governor,

Colonel Clarke, my messenger to you of yesterday, September 26th, has reported the result of his delivery of my letter dated September 25th. As I understand him you (a) were unwilling to commit yourself to any agreement regarding "not communicating its contents to any other person" in view of the fact that you felt you already knew certain of the things probably referred to in the letter, as suggested to you by seeing the word "cryptograph," and (b) you could not feel that such a letter as this to a presidential candidate could have been

²³ Ibid.

²⁴ Rear Admiral Edwin T. Layton, Captain Roger Pineau, and John Costello, *“And I Was There”*: Pearl Harbor and Midway—Breaking the Secrets (New York: William Morrow & Co., Inc., 1985), 452–53.

²⁵ Ronald H. Spector, *Eagle Against the Sun* (New York: 1st Vintage Books, 1985), 452.

²⁶ “Statement of Record of Participation of Brig. Gen. Carter W. Clarke, GSC in the Transmittal of Letters from Gen. George C. Marshall to Gov. Thomas E. Dewey The Latter Part of September 1944,” 174.

²⁷ Rear Admiral Layton, Captain Pineau, and Costello, *“And I Was There”*: Pearl Harbor and Midway—Breaking the Secrets, 452–53; Paul Pope and Richard H. Ector, “Nimitz Bets the Ranch: The Commander’s Role in Intelligence.”

addressed to you by an officer in my position without the knowledge of the President.

As to (a) above I am quite willing to have you read what comes hereafter with the understanding that you are bound not to communicate to any other person any portions on which you do not now have or later receive factual knowledge from some other source than myself. As to (b) above you have my word that neither the Secretary of War nor the President has any intimation *whatsoever* that such a letter has been addressed to you or that the preparation or sending of such a communication was being considered . . . I am trying my best to make plain to you that this letter is being addressed to you solely on my initiative, Admiral King having been consulted only after the letter was drafted, and I am persisting in the matter because the military hazards involved are so serious that I feel some action is necessary to protect the interests of our armed forces²⁸

Marshall went on to describe the military significance of possibly revealing that the U.S. had broken the Japanese codes. He informed Dewey that the U.S. had built a machine to decipher Japanese communications, but that the information gained from this program did not reveal Japan's intentions to attack Pearl Harbor until December 7, and was not read until December 8. The U.S. had continued deciphering Japanese codes, and had ultimately broken other codes being used by the Germans and Japanese. This included the codes being used to send messages from Baron Oshima, the Japanese Ambassador to Nazi Germany, to officials in Japan regarding Hitler's military intentions in Europe.²⁹ Marshall explained,

the critical nature of this set-up which would be wiped out almost in an instant if the least suspicion were aroused regarding it, the battle of the Coral Sea was based on deciphered messages and therefore our few ships were in the right place at the right time. Further, we were able to concentrate our limited forces to meet their naval advance on Midway when otherwise we almost certainly would have been some 3,000 miles out of place. We had full information of the strength of their forces in that advance and also of the smaller force directed against the Aleutians which finally landed troops on Attu and Kiska.

Operations in the Pacific are largely guided by the information we obtain of Japanese deployments. We know their strength in

²⁸ Marshall, *The Papers of George Catlett Marshall: "Aggressive and Determined Leadership," June 1, 1943–December 31, 1944*, 607–10.

²⁹ *Ibid.*

various garrisons, the rations and other stores continuing available to them, and what is of vast importance, we check their fleet movements and the movements of their convoys . . .

You will understand from the foregoing the utterly tragic consequences if the present political debates regarding Pearl Harbor disclose to the enemy, German or Jap, any suspicion of the vital sources of information we possess . . .

The conduct of General Eisenhower's campaign and of all operations in the Pacific are closely related in conception and timing to the information we secretly obtain through these intercepted codes. They contribute greatly to the victory and tremendously to the saving in American lives, both in the conduct of current operations and in looking towards the early termination of the war.

I am presenting this matter to you in the hope that you will see your way clear to avoid the tragic results with which we are now threatened in the present political campaign . . .³⁰

Although Dewey still did not believe the Japanese were continuing to use some of the same codes as before Pearl Harbor, Clarke again insisted that this was true and that one of these codes was vitally important to the war effort. Clarke even discussed the difficulty the Navy had in overcoming British resistance to sharing intelligence because of the frequency of American leaks. The British were so protective of their sources that they even allowed convoys to be attacked rather than divert their course for fear this would tip off the Axis powers that the Allies had broken their codes.

Dewey also questioned why this situation, which was focused on the Japanese codes, concerned General Eisenhower, the Supreme Allied Commander in Europe. In response, Clarke shared with Dewey that the German Enigma code had been broken. Being able to decipher the German's signals was tremendously important to the Allies success in the war. Dewey understood and appreciated this fact.³¹ After conferring privately, Dewey and Bell returned and Dewey declared that he did not have any more questions, and Clarke returned to Washington.

Dewey was furious after this meeting. He privately accused FDR of being a traitor who was responsible for the deaths of thousands of Americans at Pearl Harbor.³² The Republican nominee contemplated releasing the contents of the letter to expose that the U.S. had broken the Japanese cipher prior to the attacks

³⁰ Ibid.

³¹ Ronald Lewin, *The American Magic: Codes, Ciphers, and the Defeat of Japan* (New York: Farrar, Straus, & Giroux, 1982), 12–13.

³² Smith, *Thomas E. Dewey and His Times*, 429.

on Pearl Harbor. However, upon discussing how to proceed with Bell and Herbert Brownell, Jr., his campaign manager, Dewey concluded that discussing the contents of the letter would open him up to devastating attacks by the administration that he had given information to the enemy.³³

Ultimately, Dewey chose not to use the information in his campaign. He instructed his party to cease this line of attack and directed John Burton to stop collecting information on Pearl Harbor. The issue would likely have become one of the most explosive and controversial of the campaign. However, in the end, Dewey trusted Marshall's representation that the Japanese had not changed their codes and that great harm would result from a disclosure. Dewey's probity and Marshall's unauthorized intervention into domestic electoral politics preserved a vitally important signals intelligence source and benefitted the Allied effort in the Second World War.

III. 1948 AND 1952: DEMOCRATS "SOFT" ON COMMUNISM

As the 1948 election approached, an unforeseen issue was introduced into the campaign—the presence of Communist spies in the U.S. government. On July 30 and 31, 1948 a former Soviet spy, Elizabeth Bentley, testified before Congress that she had received information from government officials in the Roosevelt and Truman administrations.³⁴ Days later, Whittaker Chambers, a journalist, accused Alger Hiss, a former State Department official, of being a Communist.³⁵ These claims gave rise to fears that Communists and Soviet spies had infiltrated the government at senior levels.

Republicans sought to seize on these revelations to show Truman lacked resolve in confronting the Soviet threat. House Speaker Sam Rayburn (then serving as House Minority Leader) confidentially told a reporter, "[t]here is political dynamite in this Communist investigation . . . it created just one impression, that is that the government is full of Communists handing out information to spies for transmission direct to Moscow."³⁶ Truman tried to dismiss the charge. On August 5, when Truman was asked by a reporter whether he thought "the Capitol Hill spy scare is a 'red herring' to divert public attention from inflation," Truman responded, "Yes, I do."³⁷ However, Democratic strategists and administration officials understood "'spies' had become 'a major Republican issue' which was 'getting worse, not better.'"³⁸

Republican National Committee Chairman, Hugh Scott, Jr., urged the House Un-American Activities Committee (HUAC) to continue conducting spy

³³ Ibid., 429–30.

³⁴ Robert J. Donovan, *Conflict and Crisis: The Presidency of Harry S. Truman, 1945–1948* (Columbia, MO: University of Missouri Press, 1996), 413.

³⁵ Ibid.

³⁶ Robert A. Divine, *Foreign Policy and U.S. Presidential Elections, 1940–1948* (New York: New Viewpoints, 1974), 235–36.

³⁷ Donovan, *Conflict and Crisis: The Presidency of Harry S. Truman, 1945–1948*, 414.

³⁸ Richard M. Fried, *Men Against McCarthy* (New York: Columbia University Press, 1976), 18.

hearings. A Gallup poll in September 1948 indicated that four out of five Americans believed the HUAC's investigation should continue, and three out of four Americans believed the spy hearings were not a "red herring," but rather a legitimate inquiry.³⁹ Richard Nixon, then-Congressman and member of the HUAC, recognized the political benefit of attacking the administration for being soft on Communism.⁴⁰ Nixon wrote to John Foster Dulles on September 7 urging Dewey, the Republican presidential nominee, to exploit Truman's vulnerability and attack the President for "placing politics above national security."⁴¹ Dulles approved of Nixon's suggestion and forwarded the letter to Dewey.

In Dewey's opening campaign speech on September 20, he drew loud applause by alluding to Truman's "red herring" comment and declaring, "[t]his administration asked Congress for \$25,000,000 to spot and fire the Communists whom they themselves put in the government. I have a better way to handle the Communists—and a cheaper one. We won't put any Communists in the government in the first place."⁴² Truman responded just days later, challenging the growing narrative that Communist spies had infiltrated the government on his watch and were endangering the nation,

Our country is strong enough to resist and overcome all the forces of communism-and it will remain so. Our Government is not endangered by Communist infiltration. It has preserved its integrity—and it will continue to do so. The FBI and our other security forces are capable, informed, and alert—and will remain so . . . [The Republicans] ought to realize that their reckless tactics are not helping our national security; they are hurting our national security. I am forced to the conclusion that Republican leaders are thinking more about the November election than about the welfare of this great country.⁴³

The issue appeared to have political salience, and pressure was mounting on Truman. Republican surrogates found audiences around the U.S interested in the investigation.⁴⁴

However, Dewey never fully exploited the Communist spy issue. He believed that he was well on the way to victory, and should assume a suitably presidential posture during the campaign. Dewey was also gun-shy about raising the topic because of the failure of his similar attack on FDR in the 1944 campaign

³⁹ Allen Weinstein, *Perjury: The Hiss-Chambers Case* (Sranford: Hoover Institution Press, 2013), 69.

⁴⁰ Richard Nixon, *Six Crises* (New York: Simon & Schuster, 1962), 45–46.

⁴¹ Donovan, *Conflict and Crisis: The Presidency of Harry S. Truman, 1945–1948*, 414–15.

⁴² Governor Thomas E. Dewey, "Address officially opening his campaign for the Presidency" (speech, Des Moines, IA, September 20, 1948).

⁴³ President Harry S. Truman, "Address in Oklahoma City" (speech, Oklahoma City, OK, September 28, 1948), Harry S. Truman Library, <http://www.trumanlibrary.org/publicpapers/index.php?pid=1965>.

⁴⁴ Nixon, *Six Crises*, 45–46.

when Dewey tried to link FDR and Earl Browder, then-head of the American Communist party.⁴⁵ Most importantly, Dewey believed the issue was degrading and that it was beneath his stature to accuse Truman of being soft on Communism.⁴⁶ While his advisors pressed him to use the issue to his political advantage, Dewey was only willing to “fleck it lightly.”⁴⁷

In 1948, Communism turned out not to be a high priority of most voters. Fortunately for Truman, Chambers had not yet produced the “Pumpkin Papers” that proved Hiss had not only been a Communist, but had passed information to the Soviets. Dewey’s attempts to appear presidential actually made him appear bland. In a stunning upset, Truman defeated Dewey in 1948 to earn a full four-year term in the White House.

The issue re-appeared in the 1952 presidential election, though. After the 1948 election, Chambers produced papers, notes, and microfilm from the late 1930s that Hiss had passed to him to provide the Soviets. Although the five-year statute of limitations for espionage had run, the government brought charges of perjury against Hiss because he had testified before a grand jury during his slander suit against Chambers that he had not passed documents to Chambers and never saw Chambers after 1937. As part of Hiss’s defense strategy, his team sought to give the impression that Hiss had too upstanding a reputation to commit espionage. The defense team called prominent figures as character witnesses to vouch for Hiss’s reputation, including Adlai Stevenson, who would become the 1952 Democratic presidential nominee. Following a long investigation and two trials, Hiss was finally convicted of perjury in 1950.

In 1952, the Republicans sought to exploit the Hiss case and attacked Stevenson for vouching for Hiss’s character. Stevenson had testified:

Q. Have you known other persons who have known Mr. Alger Hiss?

A. Yes.

Q. From the speech of those persons, can you state what the reputation of Alger Hiss is for integrity, loyalty, and veracity?

A. Yes.

Q. Specify whether his reputation for integrity is good or bad?

A. Good.

Q. Specify whether his reputation for loyalty is good or bad?

A. Good.

Q. Specify whether his reputation for veracity is good or bad?

⁴⁵ Smith, *Thomas E. Dewey and His Times*, 507.

⁴⁶ Gary A. Donaldson, *Truman Defeats Dewey* (Lexington, KY: The University Press of Kentucky, 1999), 175.

⁴⁷ *Ibid.*

A. Good.⁴⁸

Although this was a mundane exchange, McCarthyism was at its height and the testimony was potentially disastrous for Stevenson. Republicans hoped that linking Stevenson to Hiss would show Stevenson and the Democrats were soft on Communists.

Dwight Eisenhower's running mate, Richard Nixon, and Senator Joseph McCarthy himself led the Republican attacks. Nixon questioned Stevenson's judgment and alleged that if Stevenson won the presidency, it would mean "more Alger Hisses, more atomic spies, more crises."⁴⁹ Nixon argued that Stevenson, "failed to recognize [the Communist threat] around him," and that "his action, his statement, his record disqualify him from leading the United States and the free nations in the fight against communism at home and abroad."⁵⁰ Nixon also stoked fears that more Communists were still working in government.⁵¹

Stevenson and his advisors became increasingly concerned that the Republican attacks were inflicting damage. He confronted the issue and tried to explain his relationship with Hiss and involvement with the case. On October 23, 1952, he explained, "I said his reputation was 'good'—and it was. I didn't say it was 'very good'; I didn't say he was a great patriot . . . I said his reputation was 'good' so far as I had heard from others, and that was the simple, exact, whole truth, and all I could say on the basis of what little I knew of him."⁵² Stevenson further clarified that he never doubted Hiss's conviction.⁵³ Stevenson believed that he had been obligated to give the character deposition because he was a lawyer, and "[t]he responsibility of lawyers to cooperate with courts is greatest of all because they are officers of the court . . ."⁵⁴

McCarthy did not let up. He delivered a nationally televised speech on October 27 highlighting Stevenson's relationship with Hiss. McCarthy stressed that Hiss, "a convicted traitor," had recommended Stevenson for a post at a conference during World War II, and implied Stevenson shared Hiss's political views.⁵⁵ McCarthy also drew attention to Hiss's lawyer's characterization of Stevenson as a close associate of Hiss and as someone who had worked with Hiss on several diplomatic issues.⁵⁶ Finally, McCarthy countered Stevenson's attempt to downplay his character reference, "here we have a man that says, 'I

⁴⁸ William Manchester, *The Glory and the Dream* (Boston: Little, Brown & Company, 1984), 749.

⁴⁹ John Bartlow Martin, *Adlai Stevenson of Illinois: The Life of Adlai E. Stevenson* (Garden City, NY: Doubleday & Company, Inc., 1976), 722.

⁵⁰ William R. Conklin, "Nixon Criticizes Stevenson on Deposition in Hiss Trial," *New York Times*, October 14, 1952, 27.

⁵¹ *Ibid.*

⁵² Governor Adlai Stevenson, "Speech in Cleveland, Ohio," October 23, 1952, in "Text of Speech by Stevenson giving 'Facts' on His Part in Hiss Case," *New York Times*, October 24, 1952.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

want to be your President,' claiming that Hiss's reputation was good but not very good. Now I say . . . that if he had such misgivings, he should not have vouched for Hiss at all . . . There are no degrees of loyalty in the United States; a man is either loyal or he's disloyal."⁵⁷

The Hiss case and the accusations that Soviet spies had infiltrated the government under the Truman administration were major campaign issues. Despite Eisenhower's personal distaste for McCarthy's tactics, he never rebuked the Senator, and allowed McCarthy and Nixon to attack Stevenson and the Democrats over Communist spies. While the Truman administration had in fact been infiltrated by Soviet spies and Stevenson had provided a character reference for Hiss, McCarthy's and Nixon's accusations went beyond this by calling into question Stevenson's judgment and his resolve against Communism. Such charges were not uncommon during McCarthy's hey-day, but they grossly exaggerated Stevenson's actual connection to the problem of Soviet espionage in the U.S. Ultimately, Eisenhower led the 1952 race from start to finish and the Soviet spy issue was not vital to his convincing defeat of Adlai Stevenson.

IV. 1960: A MISSILE GAP?

In the late 1950s, the premise that there was a "missile gap" between the U.S. and the Soviet Union, and that the Soviets had a distinct numerical advantage, was widely accepted. In August 1957, the Soviets launched the first intercontinental ballistic missile (ICBM). This was followed two months later by the Soviets' launch of Sputnik, the first man-made satellite to orbit Earth. These events seemed to prove the Soviets' technological superiority. Adding to the fears in the U.S., Sputnik was launched by a modified ICBM and demonstrated "that the Soviet Union possessed the capability to launch a nuclear warhead across intercontinental distances, and that the United States could be vulnerable to a Soviet nuclear attack."⁵⁸ That same month, Soviet General Secretary Nikita Khrushchev publically gloated that the Soviet Union was "turning out missiles like sausages."⁵⁹

This perception was only compounded by leaks of the [H. Rowan] Gaither Committee's findings in November 1957. President Eisenhower had appointed a special committee of outside experts to analyze the U.S.'s defensive readiness. The Committee's report found "[t]he evidence clearly indicates an increasing threat which may become critical in 1959 or early 1960," and estimated the Soviets "probably surpassed us in ICBM development."⁶⁰ This amplified fear of

⁵⁷ Senator Joseph McCarthy, "Speech in Chicago, Illinois," October 27, 1952, in "Text of Address by McCarthy Accusing Governor Stevenson of Aid to Communist Cause," *New York Times*, October 28, 1952, 26–27.

⁵⁸ John M. Logsdon, *John F. Kennedy and The Race to The Moon* (New York: Palgrave Macmillan, 2010), 24.

⁵⁹ Richard Ned Lebow, "Was Khrushchev Bluffing in Cuba?" *Bulletin of the Atomic Scientists*, April 1988, 41–42.

⁶⁰ Security Resources Panel of the Science Advisory Committee, *Deterrence & Survival in the Nuclear Age*, 1957, 1, 4–5 (The Gaither Report).

the Soviet threat, and gave rise to a sense that the U.S. was in immense danger. However, the Gaither Committee had incorrectly assessed the threat because the group did not have access to all the relevant intelligence. The Committee did not have access to the U-2 reconnaissance aircraft's photographs of Soviet missile production facilities, which would have shown the Soviet advantage was not as great as depicted in the report.⁶¹ Even as public fears of a missile gap grew, President Eisenhower refused to reveal the U-2's intelligence, despite Secretary of State John Foster Dulles's recommendation that he do so.⁶² Eisenhower believed the lost intelligence and diplomatic ramifications that would result from the revelation were too great to warrant disclosing the program.⁶³ Instead, he opted to counter the missile gap claim by continuously reassuring the public there was no such gap.

Democrats seized on the Soviet successes to criticize the administration during the 1958 mid-term elections. John F. Kennedy first raised the missile gap issue in his Senate reelection campaign. Kennedy warned the missile gap endangered the U.S. and accused the Eisenhower administration of placing "fiscal security ahead of national security."⁶⁴ In summer 1958, Joseph Alsop, a leading newspaper columnist and friend of Kennedy's, predicted the Soviets would have 1,000 ICBMs in 1961 and 2,000 ICBMs in 1963, whereas the U.S. would only have 60 ICBMs in 1961 and 130 ICBMs in 1963.⁶⁵ Democratic Senator Stuart Symington, who also hoped to become the Democratic Party's presidential nominee in 1960, vigorously attacked the administration in August 1958 over the missile gap. Symington claimed that intelligence sources informed him about the perilous situation, despite Eisenhower's repeated denials that a gap existed. Symington and Kennedy were likely relying on intelligence willingly provided by the Air Force, which had an incentive to overestimate the Soviet threat to give itself an advantage in garnering budgetary support over other military services.⁶⁶ Eisenhower, on the other hand, relied more on the CIA's estimates, which were more objective, and ultimately proved more accurate.⁶⁷

Vice President Nixon attempted to blunt these political attacks by accusing the Democrats of creating a false impression regarding U.S. military capabilities. Eisenhower and Nixon also both sought to shift the blame to the Democrats by stating that any missile gap that may have existed was created by the Truman

⁶¹ S. Nelson Drew, "Expecting The Approach of Danger: The "Missile Gap" As a Study of Executive-Congressional Competition in Building Consensus on National Security Issues," *Presidential Studies Quarterly* 19, no. 2 (1989), 325.

⁶² *Ibid.*, 325–26.

⁶³ *Ibid.*

⁶⁴ Christopher A. Preble, "Who believed in the 'Missile Gap'?": John F. Kennedy and the Politics of National Security," *Presidential Studies Quarterly* 33, no. 4 (2003), 805; Senator John F. Kennedy, speaking on Aug. 14, 1958, 85th Cong., 2d sess., *Congressional Record* 17569.

⁶⁵ Edgar M. Bottome, *The Missile Gap: A Study of the Formulation of Military and Political Policy* (Rutherford, NJ: Fairleigh Dickinson University Press, 1971), 79.

⁶⁶ *Ibid.*, 79–82.

⁶⁷ *Ibid.*

administration, but had been closed under their leadership.⁶⁸ The missile gap controversy did not ultimately become a major issue in the 1958 campaign, but Democrats continued to criticize the Eisenhower administration's defense policies.

Democrats were handed additional ammunition when Eisenhower's Secretary of Defense, Neil McElroy, testified before Congress in early 1959 that "the Soviets could achieve a three-to-one advantage in ICBMs over the United States in the coming years."⁶⁹ At the same time, the intelligence community (IC) was becoming more skeptical that any gap actually existed. The U-2 had not found large numbers of missiles being constructed or missile testing sites, and human intelligence and communications intelligence did not indicate that the Soviet's even had an operational ICBM program.⁷⁰ President Eisenhower chose to focus on what the available intelligence revealed regarding the Soviet ICBM program, rather than estimating its potential capabilities.⁷¹ Thus, National Intelligence Estimates (NIEs) prepared in late 1959 and in 1960 substantially lowered the assessed Soviet ICBM strength and concluded a significant missile gap did not, in fact, exist. However, the Air Force dissented in the Estimates and projected that the Soviets intended to produce a considerably higher number of ICBMs than other intelligence agencies had assessed.⁷² Although Eisenhower accepted the majority judgment of the NIEs, which matched his previous belief, the internal disagreement allowed the missile gap controversy to live on as the Air Force's dissent was leaked. In announcing his candidacy for president on January 2, 1960, Kennedy attacked Eisenhower's defense budget, claiming the Soviets were set to gain an advantage over the U.S. in missile production.

In January, 1960, General Thomas S. Power, commander in chief of the Strategic Air Command, lent credibility to Khrushchev's frequent claims of large-scale Soviet missile development by stating, "the one hundred U.S. facilities from which nuclear weapons could be launched were 'soft targets' that as few as three hundred Soviet missiles could 'virtually wipe out.'"⁷³ Although this was a minority view within the government, these remarks were treated as legitimate and energized critics of the Eisenhower administration who now believed the new NIEs were incorrect, or possibly even deliberately manipulated. Senator Symington charged, "[t]he intelligence books have been juggled so the budget books may be balanced," and accused the administration of inaccurately depicting the threat to obscure public awareness of the need for more robust defense policies.⁷⁴ Although Kennedy did not directly accuse the administration of intentionally deceiving the public, he argued it had become clear "we are

⁶⁸ *Ibid.*, 82–83.

⁶⁹ Preble, "Who believed in the 'Missile Gap'?: John F. Kennedy and the Politics of National Security," 81.

⁷⁰ *Ibid.*, 81.

⁷¹ *Ibid.*

⁷² *Ibid.*, 82–83.

⁷³ *Ibid.*, 87.

⁷⁴ Jack Raymond, "Juggling on Missile Data Charged by Symington," *New York Times*, January 28, 1960, 13.

facing a gap on which we are gambling with our survival.”⁷⁵ Khrushchev’s public statement in early 1960 that the Soviets were mass-producing ICBMs added clout to the Democrats’ attacks.⁷⁶

The missile gap continued to be a central theme of Kennedy’s 1960 presidential campaign. The existence of a missile gap supported his claim that America’s prestige was in decline. Kennedy’s campaign team was convinced that as long as the Senator could neutralize Richard Nixon’s perceived strength in foreign affairs, he would be victorious because of his advantage over Nixon on domestic issues.⁷⁷

On the campaign trail, Kennedy forcefully declared, “[t]he American people are no longer willing to be lulled by paternalistic reassurances, spoon-fed science fiction predication, or by the pious platitudes of faith and hope.”⁷⁸ Nixon was forced to defend Eisenhower’s policies although he had not been influential in the administration’s policymaking. Also, even though Gary Powers’ U-2 plane had been shot down on May 1, 1960 and therefore the U-2 program’s existence had become public knowledge, Nixon was still unable to convince Eisenhower to disclose the actual intelligence that had been collected by the U-2 to disprove Kennedy’s missile gap claims. While President Eisenhower was no longer protecting an important intelligence source from disclosure, he nonetheless feared that making public proof that the Soviets could not mass-produce ICBMs would have contradicted Khrushchev’s frequent public boasts of ICBM development and spurred them to actually build up ICBMs, thereby intensifying the arms race.⁷⁹ Instead, the Vice President tried to counter Kennedy’s charges by assuring the public that the Soviets had not gained a military advantage over the U.S. Nixon countered that American prestige was not declining, but, rather, it was at an “all time high.”⁸⁰ Eisenhower characterized Kennedy’s claims as a “‘debasement of the truth’ and accused the Democrats of ‘frantically merchandising doubt and fear.’”⁸¹

Eisenhower instructed Allen Dulles, the Director of Central Intelligence, to brief Kennedy about security developments in the world, in part hoping this would convince Kennedy to temper his missile gap attacks. However, Dulles focused on other geopolitical developments, and when asked directly about the missile race between the U.S. and Soviets replied oddly, “that the Defense

⁷⁵ Senator John F. Kennedy, “Remarks in the United States Senate, National Defense” (speech, Washington, D.C., February 29, 1960), John F. Kennedy Library, http://www.jfklibrary.org/Research/Research-Aids/JFK-Speeches/United-States-Senate-National-Defense_19600229.aspx.

⁷⁶ Arnold L. Horelick & Myron Rush, *Strategic Power and Soviet Foreign Policy* (Chicago: University of Chicago Press, 1966), 50–52.

⁷⁷ Preble, “Who believed in the ‘Missile Gap’?: John F. Kennedy and the Politics of National Security,” 135.

⁷⁸ Bottome, *The Missile Gap: A Study of the Formulation of Military and Political Policy*, 50.

⁷⁹ Gary A. Donaldson, *The First Modern Campaign: Kennedy, Nixon, and the Election of 1960* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2007), 127–29.

⁸⁰ Bottome, *The Missile Gap: A Study of the Formulation of Military and Political Policy*, 140.

⁸¹ *Ibid.*

Department was the competent authority on this question.”⁸² Dulles was weary of answering such a politically charged question and had often chosen to avoid answering it during congressional hearings.⁸³ Dulles had also advocated to the White House that the Secretary of Defense, Thomas Gates, should brief Kennedy, an idea originally proposed by Kennedy’s campaign team, which ultimately did occur. Dulles did expand upon his strange answer to Kennedy’s initial question on the missile race when Kennedy inquired further about the Soviet’s strategic capabilities. In response, Dulles laid out the competing viewpoints within the IC regarding the missile gap controversy and discussed the NIE judgments with Kennedy. The NIEs did not find “direct evidence of the present or planned future rate of Soviet ICBM production,” “identif[y] any ICBM-related troop training activities,” or “identif[y] any operational ICBM unit or launching facility in the USSR” besides the already known testing facilities.⁸⁴ In discussing the NIEs, Dulles’s briefing included the Air Force’s darker minority view that there was a grave threat.⁸⁵ Dulles, for an unknown reason, never explicitly discussed the U-2 collection that showed the Soviets did not, in fact, have a large ICBM arsenal. Kennedy left the meeting continuing to believe the missile gap was a reality, and was not dissuaded from continuing his attacks.

Nixon’s and Eisenhower’s attempts to convince the public there was no missile gap also failed. 62 percent of Americans who watched the televised presidential debates agreed with Kennedy that America’s prestige was declining, whereas only 38 percent agreed with Nixon that the U.S. was still the most respected country.⁸⁶ Kennedy continued to make this argument in speeches across the country in the final month of the campaign. He called on voters to reject the Republican Party in part because they were to blame for the missile gap.⁸⁷ He warned, “the present rate of growth of the Soviet Union in military strength, particularly in long-range missile, is greater than ours,” and that “there is a danger in 1962, 1963, and 1964, that unless we move ahead at a greater rate, we won’t meet it.”⁸⁸ Kennedy’s argument was ultimately that,

⁸² Stephen E. Ambrose, *Eisenhower: Soldier and President* (New York: Simon & Schuster, 1990), 523.

⁸³ John L. Helgerson, *Getting To Know the President: CIA Briefings of Presidential Candidates: 1952–1992* (Washington, D.C.: Central Intelligence Agency, 1996), 54–58.

⁸⁴ National Intelligence Estimate No. 11-8-60, “Soviet Capabilities for Long Range Attack Through Mid-1965,” 6, August 1, 1960, http://www.foia.cia.gov/sites/default/files/document_conversions/89801/DOC_0000267734.pdf.

⁸⁵ Helgerson, *Getting To Know the President: CIA Briefings of Presidential Candidates: 1952–1992*, 54–58.

⁸⁶ Robert A. Divine, *Foreign Policy and U.S. Presidential Elections, 1952–1960* (New York: New Viewpoints, 1974), 279–80.

⁸⁷ Senator John F. Kennedy, “Remarks in Bean Feed, Minneapolis, Minnesota” (speech, Minneapolis, MN, October 1, 1960), The American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=25898>.

⁸⁸ Senator John F. Kennedy, “Remarks in Kittanning, Pennsylvania” (speech, Kittanning, PA, October 15, 1960), John F. Kennedy Library, http://www.jfklibrary.org/Research/Research-Aids/JFK-Speeches/Kittanning-PA_19601015.aspx.

The Soviet Union decided to go all out in missile development. But here, in the United States, we cut back on funds for missile development. We slashed our defense budget. We slowed up the modernization of our conventional forces, until, today, the Soviet Union is rapidly building up a missile striking force that endangers our powers to retaliate—and thus our survival itself.⁸⁹

Kennedy insisted the only way to close the missile gap was to elect Democratic leaders.⁹⁰

Kennedy's arguments were effective. While polls indicated the race was nearly even in early October, by the end of the month, Kennedy had gained a 6 point lead over Nixon.⁹¹ Kennedy defeated Nixon in November in an extremely close election. His insistence that the missile gap existed throughout the campaign spurred Eisenhower to address the issue one final time before leaving office. In his last State of the Union address, Eisenhower warned, "[t]he 'bomber gap' of several years ago was always a fiction and the 'missile gap' shows every sign of being the same."⁹²

When Kennedy assumed office, he immediately ordered a study of U.S. military strategy and weapons systems to be led by his new Secretary of Defense, Robert S. McNamara. As the study progressed, and Kennedy administration officials were able to review the intelligence for themselves, doubts were increasingly raised as to whether the missile gap existed. In February 1961, McNamara revealed there was, in fact, no missile gap in a briefing to reporters.⁹³ The White House quickly attempted to deny the report that there was not a missile gap. Kennedy had made the issue such an important part of his campaign that acknowledging there was no truth behind his claims would have been politically damaging, especially immediately after winning such a narrow victory. Republicans in Congress seized on McNamara's admission and called on Kennedy to apologize to President Eisenhower.⁹⁴ The Republican National Committee even declared the missile gap issue the "grand deception" of the 1960 presidential campaign.⁹⁵

⁸⁹ Senator John F. Kennedy, "Speech at American Legion Convention, Miami Beach, Florida" (speech, Miami Beach, FL, October 18, 1960), The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=74096>.

⁹⁰ Ibid.

⁹¹ Bottome, *The Missile Gap: A Study of the Formulation of Military and Political Policy*, 143.

⁹² Dwight Eisenhower, "Annual Message to the Congress on the State of the Union," January 12, 1961, <http://www.presidency.ucsb.edu/ws/index.php?pid=12074>.

⁹³ Jack Raymond, "Kennedy Defense Study Finds No Evidence of a 'Missile Gap'," *New York Times*, February 7, 1961, 1, 21.

⁹⁴ Meena Bose, *Shaping and Signaling Presidential Policy* (College Station, TX: Texas A&M University Press, 1998), 85.

⁹⁵ Ibid.

Even though by March 1961 it was apparent to all within the administration the missile gap did not exist, Kennedy never admitted it was a useful fiction. Instead, he sought to preserve the public's belief in the missile gap to help push through increased defense budgets. Increased defense spending was necessary to pursue his "Flexible Response" strategy of developing a variety of military capabilities that he believed were necessary even in the absence of a missile gap.⁹⁶ By fall 1961, the Kennedy administration began speaking more openly about the U.S.'s defense capabilities in relation to the Soviets, which led the missile gap myth to dissipate.⁹⁷

V. 1976 AND 1980: RESTRAINING, THEN UNLEASHING THE CIA

The Vietnam War and revelations of abuses in the 1960s and 1970s deeply shook Americans' trust in government. The Vietnam War had torn the country apart and led Americans to question their leaders and the war effort. In the midst of this divisive war, the Watergate scandal stunned the American public and hurled the country toward a constitutional crisis that led President Richard Nixon to resign. Congressional investigations led by Senator Frank Church and Representative Otis Pike discovered that U.S. intelligence agencies had surveilled Americans and infringed upon the civil rights of anti-Vietnam War activists and others. There were also revelations that the CIA had contemplated manipulating elections in Chile and supporting a coup against Chile's democratically elected president.

Jimmy Carter's 1976 presidential campaign centered on restoring a sense of morality to the nation after these tumultuous events. He focused on Vietnam, Watergate, and the recent discovery of intelligence abuses, which he believed were all national disgraces. Carter sensed deep embarrassment on the part of the American public in its government.⁹⁸

Carter promised a foreign policy that would embody the moral principles of the American people. His vision for his presidency was "[t]hat this country set a standard within the community of nations of courage, compassion, integrity, and dedication to basic human rights and freedoms."⁹⁹ He believed that past CIA covert actions had run counter to this vision, and were in fact counterproductive to furthering American interests around the world because they needlessly damaged relationships when revealed. Carter often declared that the U.S. "must not use the CIA or other covert means to effect violent change in any government

⁹⁶ Preble, "Who believed in the 'Missile Gap'?: John F. Kennedy and the Politics of National Security," 81.

⁹⁷ Bottome, *The Missile Gap: A Study of the Formulation of Military and Political Policy*, 162–64.

⁹⁸ Gaddis Smith, *Morality, Reason and Power: American Diplomacy in the Carter Years* (New York: Hill & Wang, 1987), 28.

⁹⁹ Jimmy Carter, *Keeping Faith: Memoirs of a President* (Fayetteville, AR: The University of Arkansas Press, 1995), 143.

or government policy.”¹⁰⁰ He added that, “the proper role of the CIA is . . . as a source of information and intelligence,” and that the CIA should not be involved in overthrowing or influencing foreign governments.¹⁰¹

The Democratic nominee was deeply troubled by the secrecy that surrounded intelligence and foreign policymaking. His campaign speeches often assailed the “[u]nnecessary secrecy [that] surrounds the inner workings of our own government.”¹⁰² He aspired to provide greater transparency and rely less on inherently secretive intelligence actions. Carter was deeply skeptical of the CIA and endorsed strict congressional oversight of intelligence, specifically the establishment of a joint congressional intelligence committee, while on the campaign trail.¹⁰³

President Gerald Ford attempted to rebut Carter’s criticisms of U.S. intelligence. Ford pointed to his Executive Order that addressed the intelligence problems that had become apparent in recent years. He had re-organized the intelligence agencies and enhanced supervision of intelligence activities by directive, and had also engaged Congress regarding legislation on wiretaps in national security cases.¹⁰⁴ Ford also defended the CIA’s importance to presidents.¹⁰⁵ He warned that it would be disastrous to dismantle the IC, which the country had become deeply reliant on.¹⁰⁶ However, Ford’s defense of the CIA and explanation of his efforts to subject U.S. intelligence to greater legal scrutiny fell flat to a country unsettled by past abuses.¹⁰⁷

Carter’s misgivings about intelligence agencies were further illustrated by his selection of Walter F. Mondale as his running mate. Mondale believed the CIA had disgraced the U.S., and he supported wholesale intelligence reform. Mondale recounted his discoveries as a member of the Senate Select Committee on Intelligence of assassination plots, bribery, corruption, and violence as well as the exploitation of “academic institutions, press, and religious institutions . . .

¹⁰⁰ “Jimmy Carter’s Platform Proposals,” in *The Presidential Campaign, 1976*, Vol. 1, pt. 1 (Washington, D.C.: U.S. Government Printing Office, 1978), 245; “Position Papers VI,” in *The Presidential Campaign, 1976*, Vol. 1, pt. 1 (Washington, D.C.: U.S. Government Printing Office, 1978), 697.

¹⁰¹ “On Meet the Press, July 11, 1976,” in *The Presidential Campaign, 1976*, Vol. 1, pt. 1 (Washington, D.C.: U.S. Government Printing Office, 1978), 306; “Meets Church, Stevenson,” in *The Presidential Campaign, 1976*, Vol. 1, pt. 1 (Washington, D.C.: U.S. Government Printing Office, 1978), 314.

¹⁰² “Jimmy Carter’s Platform Proposals,” in *The Presidential Campaign, 1976*, Vol. 1, pt. 1 (Washington, D.C.: U.S. Government Printing Office, 1978), 245–46.

¹⁰³ “On Meet the Press, July 11, 1976,” in *The Presidential Campaign, 1976*, Vol. 1, pt. 1 (Washington, D.C.: U.S. Government Printing Office, 1978), 306.

¹⁰⁴ “The First Carter-Ford Presidential Debate” (debate, Philadelphia, PA, September 23, 1976), Commission on Presidential Debates, <http://www.debates.org/index.php?page=september-23-1976-debate-transcript>.

¹⁰⁵ President Gerald Ford, “Address on U.S. Foreign Policy” (speech, Washington, D.C., April 10, 1975, Miller Center, <http://millercenter.org/president/ford/speeches/speech-5500>).

¹⁰⁶ *Ibid.*

¹⁰⁷ “The First Carter-Ford Presidential Debate” (debate, Philadelphia, PA, September 23, 1976), Commission on Presidential Debates, <http://www.debates.org/index.php?page=september-23-1976-debate-transcript>.

for clandestine purposes, despite the special place these institutions must have in our democratic society.”¹⁰⁸ Mondale told voters that, “American covert intervention often undermined the very democratic institutions we sought to promote. Because of our clandestine activities, the United States is regrettably regarded less and less as an example of democracy to be admired and emulated. Almost anything bad that happens in this world is attributed to the CIA.”¹⁰⁹ While Mondale recognized intelligence’s important role in informing national security policies and combating Soviet expansionism, he rejected “covert intervention into the internal affairs of other nations.”¹¹⁰ He envisioned that in a Carter-Mondale administration, “[t]he era of covert day-to-day manipulation of media, people, and events by the United States has ended. American intelligence activities will be restructured accordingly.”¹¹¹

Carter’s campaign to redress what he believed were past disgraces and to restore morality to the country carried him to victory. Although Carter was not well informed on intelligence and foreign affairs, he was sincerely troubled by past intelligence abuses and revelations of unsavory CIA plots, and readily expressed his antipathy toward intelligence agencies generally—and CIA, in particular. He came into office inclined to restrict intelligence activities, and did in fact substantially constrain the IC during his presidency.

While Carter campaigned on reigning in the CIA in 1976, four years later, Ronald Reagan made strengthening the CIA an important theme in his presidential bid. Republicans believed Carter was weak on foreign policy and Communist gains in Afghanistan, Ethiopia, and Nicaragua as well as the Iran hostage crisis stemmed from the U.S. having lost its way. Reagan, the Republican presidential nominee, sought to position himself as the candidate of strength on national defense who would defeat the Soviets. Reagan promised to “unleash” the CIA.¹¹²

Reagan had frequently stressed intelligence’s important role in protecting national security during his radio commentaries before running for president in 1980, and he carried this theme on to the campaign trail.¹¹³ During the campaign, Reagan emphasized the importance of robust human and technical intelligence as well as counterintelligence to address the threats from Soviet expansionism and global terrorism. The Republican Party platform in 1980 attacked the Democrats for having diminished the IC’s effectiveness, and promised to restore America’s intelligence capabilities.

The platform noted that morale within the IC and public confidence in U.S. intelligence had been diminished under Carter. Carter’s restraint of the IC and

¹⁰⁸ William E. Colby, Walter F. Mondale, Peter Szanton, & Graham Allison Source, “Reorganizing the CIA: Who and How,” *Foreign Policy*, no. 23 (Summer 1976), 53–63.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² Rhodri Jeffrey-Jones, *CIA and American Democracy* (New Haven, CT: Yale University Press, 1989), 227–28.

¹¹³ Ronald Reagan, *A Time for Choosing: The Speeches of Ronald Reagan 1961–1982* (Chicago: Regnery Gateway, 1983).

the investigations into intelligence activities had made foreign intelligence services more reluctant to cooperate with U.S. intelligence agencies, which Republicans believed resulted in U.S. intelligence incorrectly assessing developments overseas and underestimating the Soviet's military strength.¹¹⁴ Reagan sought to improve "U.S. Intelligence capabilities for technical and clandestine collection, cogent analysis, coordinated counterintelligence, and covert action."¹¹⁵ He also promised to re-establish the President's Foreign Intelligence Advisory Board (PFIAB), which had been abolished by the Carter administration, to serve as a nonpartisan body to provide the president with independent advice on intelligence matters.¹¹⁶

Reagan's campaign explicitly challenged Carter's rejection of covert action in his 1976 campaign. Reagan and the Republicans believed the U.S. had put itself at a disadvantage by pledging not to influence events abroad when other major powers in the world continued to pursue such actions. Therefore, Republicans sought to enable U.S. intelligence to conduct such activities when vital to U.S. national security interests.¹¹⁷ While this criticism fairly depicted Carter's past campaign rhetoric, Carter had in fact surrounded himself with members of his administration with more favorable opinions on the usefulness of covert action.¹¹⁸ Carter had, in fact, authorized covert actions in both Nicaragua and Afghanistan, though they were more tame than the activities Reagan would later pursue in those conflicts. This proved a useful campaign issue for Republicans. While Reagan assured the public he would protect against intelligence abuses that had previously occurred, he pledged to "seek the repeal of ill-considered restrictions sponsored by Democrats, which have debilitated U.S. intelligence capabilities while easing the intelligence collection and subversion efforts of our adversaries."¹¹⁹

Reagan won a resounding victory over Carter in 1980. The country was suffering economically from low growth, high inflation, high interest rates, and an energy crisis. The world had also grown increasingly dangerous during Carter's presidency. The Iran hostage crisis was the ultimate death knell for Carter's re-election hopes. Reagan promised to provide a more robust national defense for the U.S., including enhanced and less inhibited intelligence capabilities. Upon assuming office, Reagan fulfilled many of his campaign promises regarding intelligence.

President Reagan revoked Carter's intelligence directive and replaced it with Executive Order (EO) 12333. EO 12333 emphasized the need for "[t]imely and accurate information about the activities, capabilities, plans, and intentions

¹¹⁴ "Republican Party Platform of 1980," July 15, 1980, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=25844>.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ Jeffrey-Jones, *CIA and American Democracy*, 216–17.

¹¹⁹ "Republican Party Platform of 1980," July 15, 1980, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=25844>.

of foreign powers, organizations, and persons and their agents.”¹²⁰ Reagan’s IC would use “[a]ll reasonable and lawful means . . . to ensure that the United States will receive the best intelligence available.”¹²¹ The Order sought to maximize operational effectiveness during the Cold War by enhancing human and technical intelligence collection and counterintelligence, while ensuring intelligence activities were legal and respected Americans’ privacy and civil liberties.¹²² EO 12333 has only undergone modest revisions and remains perhaps the most important framework governing intelligence activities. Intelligence policy was a legitimate issue during the 1980 campaign, and helped differentiate between two candidates who had starkly different views on how U.S. intelligence should operate.

VI. 2004: HOW TO PREVENT THE NEXT 9/11

The 2004 presidential election was, not surprisingly, intensely focused on national security. The September 11, 2001 terrorist attacks were fresh in the minds of voters, and these attacks raised concerns about the U.S. IC’s performance. The IC’s failure to detect and disrupt the 9/11 plot was followed by the Iraq WMD intelligence failure. These were two of the most prominent intelligence failures the U.S. had ever suffered. Furthermore, the U.S. was concurrently engaged in wars in Afghanistan and Iraq in 2004. Many voters cast their ballots that November for the candidate they believed was most likely to keep the country safe and prevent a second catastrophic terror attack on the Homeland.

President George W. Bush’s campaign focused on his record keeping the country safe following 9/11. He assured the American people that intelligence and law enforcement professionals were vigilantly working to protect the Homeland. The President noted the enormous improvement in intelligence sharing and explained how the USA PATRIOT Act, passed in the aftermath of 9/11, had improved the country’s ability to gather intelligence and disrupt terrorist plots. Bush also highlighted the FBI’s new focus on gathering intelligence and preventing acts of terrorism.

Senator John Kerry, the Democratic presidential nominee, acknowledged that warfare had changed and the new enemy, al Qaeda, was different from any adversary the U.S. had ever faced. His national security policy focused in part on using and improving the U.S.’s intelligence capabilities to fight this new enemy. Kerry stressed,

We must also have the best possible intelligence capabilities. Nothing is more important than early warning and specific information when dangerous technologies are being developed

¹²⁰ Ronald Reagan, Executive Order 12333-United States Intelligence Activities, 46 Fed. Reg. 59941 (1981).

¹²¹ *Ibid.*

¹²² *Ibid.*

or sold. Whether it was September 11th or Iraq's supposed weapons of mass destruction, we have endured too many intelligence failures. That is why I will do what this President has failed to do: reform our intelligence system by making the next director of the CIA a true director of national intelligence, with true control over intelligence personnel and budgets all across the government.¹²³

Kerry continuously emphasized that intelligence sharing among U.S. intelligence agencies and between the U.S. and its allies was the key to preventing terrorist attacks and terrorists from obtaining nuclear weapons.

The campaigns turned to the question of how to reform the IC when the 9/11 Commission released its report in late July 2004. Congress had formed the 9/11 Commission shortly after the attacks to examine the events that led to the attacks and evaluate the IC's effectiveness. The Commission released its report just days before the Democratic National Convention in an astute maneuver to exploit the political calendar to ensure its findings and recommendations would be debated on the main stage of American politics. Indeed, the report's recommendation for how to reform the IC to create "an America that is safer, stronger, and wiser" became a central theme of the election.¹²⁴ The Commission recommended the establishment of a National Intelligence Director (NID) with full budget and personnel authority to lead the IC, creation of a National Counterterrorism Center (NCTC) to consolidate terrorist threat analysis, improvement of intelligence sharing, and strengthening of the FBI and agencies responsible for Homeland security among many other recommendations.¹²⁵

Kerry endorsed the Commission's recommendations the same day the report was released, and specifically embraced the 9/11 Commission's call to create a NID to coordinate intelligence activities and oversee the IC.¹²⁶ He even committed to introduce legislation that would adopt the 9/11 Commission's recommendations as law. Coming out in support of the recommendations on the day the report was released was likely a politically calculated maneuver. It is unlikely that Kerry had even read the lengthy report before he endorsed the group's reform recommendations. Immediately endorsing the report enabled him to demonstrate a commitment to change in the IC and his seriousness about defending the nation. This foreclosed extensive debate within the Bush administration on the creation of a NID because the President was required to

¹²³ Senator John Kerry, "Security and Strength for a New World" (speech, Seattle, WA, May 27, 2004), The American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=29695>.

¹²⁴ National Commission on Terrorist Attacks, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: W. W. Norton & Company, Inc., 2004), xvi.

¹²⁵ *Ibid.*

¹²⁶ Senator John Kerry, "Remarks at the Veterans of Foreign Wars Convention" (speech, Cincinnati, OH, August 18, 2004), Council on Foreign Relations, <http://www.cfr.org/veterans-affairs/remarks-veterans-foreign-wars-convention/p7257>.

respond quickly to avoid appearing indecisive on an important national security matter. Kerry's move may also have been intended to help him cut into the traditional national security advantage that Republicans tended to enjoy.

Kerry carried the 9/11 Commission's report with him to media interviews to illustrate that he was committed to improving intelligence and enhancing national security. He promised he would strengthen leadership and improve coordination within the IC. Beyond Kerry's own endorsement of the report's recommendations, he criticized President Bush for not having already addressed many of the recommendations that Kerry believed could have been implemented through presidential actions.¹²⁷

The Democratic Party platform derided the Bush administration for the unprecedented intelligence failures that had occurred during the President's tenure and called for major reform. The platform advocated for the creation of a Director of National Intelligence (a different name for the NID) with personnel and budget control.¹²⁸ It also called for improved coordination within a fragmented IC, and demanded the barriers between the intelligence and law enforcement communities be torn down. Finally, the platform insisted intelligence could be improved and terrorists could be defeated while also preserving civil liberties and American values.¹²⁹

President Bush's team was unwilling to cede primacy in the debate about the 9/11 Commission's recommendations to Senator Kerry, and instead sought to capitalize on the report's release. Bush's national security team immediately began debating whether the position of a NID should be created, and examining which of the 9/11 Commission's recommendations could be implemented without congressional action. Vice President Cheney was sent on the campaign trail, and also carried a copy the report with him to use the report's description of the terrorist threat to argue that President Bush's leadership was needed to defeat al Qaeda.¹³⁰ Cheney countered Kerry's claim that the administration did not support the report's recommendations by explaining that coordination between the FBI and CIA had been greatly improved. In fact, Cheney informed crowds that FBI and CIA representatives now briefed the President together daily.¹³¹ Furthermore, Bush went on the offensive against Kerry following the

¹²⁷ Adam Nagourney, "The 2004 Campaign: the Massachusetts Senator; Kerry Sees Hope of Gaining Edge on Terror Issue," *New York Times*, July 25, 2004,

http://www.nytimes.com/2004/07/25/us/2004-campaign-massachusetts-senator-kerry-sees-hope-gaining-edge-terror-issue.html?_r=0.

¹²⁸ "Democratic Party Platform of 2004," July 26, 2004, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=29613>.

¹²⁹ *Ibid.*

¹³⁰ Richard Stevenson and David Kirkpatrick, "Administration Moves to Regain Initiative on 9/11," *New York Times*, July 27, 2004,

<http://www.nytimes.com/2004/07/27/us/administration-moves-to-regain-initiative-on-9-11.html>.

¹³¹ Jodi Wilgoren and David Kirkpatrick, "Kerry Says Work of the 9/11 Panel Should Continue," *New York Times*, July 28, 2004,

<http://www.nytimes.com/2004/07/28/us/foreign-policy-massachusetts-senator-kerry-says-work-9-11-panel-should-continue.html>.

Democratic National Convention. The President repeatedly brought up Senator Kerry's votes while serving on the Senate Select Committee on Intelligence to decrease the intelligence budget, and asserted the Senator did not have a record of working to improve intelligence gathering capabilities.¹³²

On August 2, President Bush called on Congress to create the position of a NID from the White House Rose Garden with the nation's top national security officials at his side.¹³³ Bush stated,

The National Intelligence Director will serve as the President's principal intelligence advisor and will oversee and coordinate the foreign and domestic activities of the intelligence committee . . . The National Intelligence Director will assume the broader responsibility of leading the intelligence community across our government. I want, and every President must have, the best, unbiased, unvarnished assessment of America's intelligence professionals.¹³⁴

President Bush also announced the creation of a NCTC under the NID's authority, once that position was established, to coordinate counterterrorism activities. The debate within the administration now revolved around how to enact the major reforms into law.

In August 2004, President Bush issued four executive orders to implement the 9/11 Commission's recommendations, including EO 13355, modestly empowering the Director of Central Intelligence to lead the IC as an interim step toward a true NID while Congress considered legislation, and EO 13354, creating the NCTC.¹³⁵ The White House stressed that these executive orders were a "down payment on the [P]resident's enduring commitment to work with the Congress" to implement the 9/11 Commission's recommendations.¹³⁶ The Republican Party platform endorsed the President's call for the creation of a NID and NCTC, and praised the steps the administration had taken to focus on combating the terrorist threat and to create a more integrated, unified IC.¹³⁷ The platform highlighted the reversal of intelligence budget cuts, creation of the Terrorist Threat Integration Center, consolidation of suspected terrorist watchlist

¹³² President George W. Bush, "First Post-DNC Campaign Remarks" (speech, Springfield, Missouri, July 30, 2004), Presidential Rhetoric, http://www.presidentialrhetoric.com/campaign/speeches/bush_july30.1.html.

¹³³ President George W. Bush, "Remarks on Intelligence Reform" (speech, Washington, D.C., August 2, 2004), Washington Post, <http://www.washingtonpost.com/wp-dyn/articles/A34205-2004Aug2.html>.

¹³⁴ *Ibid.*

¹³⁵ George W. Bush, Executive Order 13355-Strengthened Management of the Intelligence Community, 69 Fed. Reg. 53593 (2004); George W. Bush, Executive Order 13354-National Counterterrorism Center, 69 Fed. Reg. 53589 (2004).

¹³⁶ Michael Allen, *Blinking Red: Crisis and Compromise in American Intelligence After 9/11* (Lincoln, NE: Potomac Books, 2013), 72.

¹³⁷ "Republican Party Platform of 2004," August 30, 2004, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=25850>.

information, and destruction of the “wall” between intelligence and law enforcement with the passage of the USA PATRIOT Act. Finally, the platform endorsed Bush’s continued efforts to improve human intelligence collection, invest more in technical intelligence capabilities, and ensure the effective coordination of resources across the IC.

As the fall campaign progressed, the rhetoric grew increasingly hostile. Kerry argued the President had not provided the necessary leadership to implement the 9/11 Commission’s recommendations and that the President’s budget did not adequately fund the CIA’s Counterterrorism Center, which left America less secure.¹³⁸ Kerry sought to differentiate himself from the President by claiming to be a true leader who could direct the necessary intelligence reforms to keep the country safe and defeat al Qaeda. The Democratic nominee also accused the administration of applying the USA PATRIOT Act in an inappropriate manner that abused people’s rights, and advocated for greater civil liberties protections.¹³⁹ President Bush responded that the law adequately protected civil liberties and that Kerry, who had voted for the USA PATRIOT Act, was now attempting to weaken it.¹⁴⁰ Bush once again highlighted Kerry’s proposed cuts as a Senator to the intelligence budget in the 1990s. In the final weeks of the campaign, Bush argued, “Senator Kerry has a record of trying to weaken American intelligence. I am working every day to strengthen American intelligence.”¹⁴¹ Finally, in the days before the election, as draft legislation to reform the IC stalled, the Kerry campaign seized the opportunity to accuse President Bush of “squander[ing] this golden opportunity to achieve meaningful and lasting intelligence reform.”¹⁴²

Ultimately, President Bush defeated Senator Kerry and was re-elected in a close and hard fought election. Bush, who had become a wartime President just months into his first-term by the 9/11 attacks, had persuaded voters that he was better suited to keep the country safe. Senator Kerry had pushed the President to come out in favor of creating a NID when the Democratic nominee quickly embraced the 9/11 Commission’s main recommendation. The need for a new intelligence leader was, in fact, a hotly debated topic within the administration and among Republicans in Congress. Most serving IC leaders opposed the recommendation, but it became administration policy after the President

¹³⁸ Senator John Kerry, “Iraq and the War on Terror—Remarks in Iowa” (speech, Waterloo, IA, October 20, 2004), Presidential Rhetoric, http://www.presidentialrhetoric.com/campaign/speeches/kerry_oct20.html.

¹³⁹ “The Second Bush-Kerry Presidential Debate” (debate, St. Louis, MO, October 8, 2004), Commission on Presidential Debates, <http://www.debates.org/index.php?page=october-8-2004-debate-transcript>.

¹⁴⁰ President George W. Bush, “Homeland Security and the Presidential Agenda” (speech, Marlton, NJ, October 18, 2004), Presidential Rhetoric, http://www.presidentialrhetoric.com/campaign/speeches/bush_oct18.html.

¹⁴¹ *Ibid.*

¹⁴² Philip Shenon, “9/11 Families Group Rebukes Bush for Impasse on Overhaul,” *New York Times*, October 28, 2004, <http://www.nytimes.com/2004/10/28/politics/911-families-group-rebukes-bush-for-impasse-on-overhaul.html>.

expressed his support. After his re-election, President Bush continued to push Congress to pass legislation to reform the IC, and to fulfill his campaign promise. Congress finally passed the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), which was signed into law by President Bush on December 17, 2004.

The IRTPA established the position of the Director of National Intelligence and the NCTC as a multiagency center integrating all intelligence pertaining to terrorism. It also expanded the FBI's powers, allowing it to obtain wiretaps and conduct secret searches on individual terrorist suspects with no connection to a foreign power under a so-called "lone wolf" provision.¹⁴³

The 9/11 Commission's reform proposals were thrust into the campaign and the candidates were compelled to take a position on the central recommendations. These significant intelligence reforms may have benefitted from more thorough interagency and congressional debate. This opportunity was not available because of the ongoing presidential campaign. In the end, the political pressure from the election helped push the IRTPA through Congress.

VII. WHEN INTELLIGENCE INTERSECTS WITH POLITICS

Intelligence issues have intersected with presidential politics several times in U.S. history. Each instance was unique, and the effects have been mixed. Candidates have sometimes handled these dilemmas responsibly, but in other cases intelligence was manipulated in irresponsible and dangerous ways.

At times, candidates have sought to interject and manipulate intelligence to improve their electoral prospects by demonstrating strength in national security. Attorney General Palmer's political ambitions and near death experience caused him to believe the GID's warnings of an impending radical revolution despite other available intelligence that showed the threat from the "Red Menace" was closer to hysteria than fact. Republicans sought to disparage Adlai Stevenson in 1952 by using his perfunctory character testimony for Alger Hiss to question his judgment and commitment to confronting the Soviet Union. In other instances, candidates have highlighted legitimate differences on intelligence policy between themselves and their opponent. Carter and Reagan articulated vastly different visions for U.S. intelligence during their campaigns, and both acted to fulfill their campaign promises after assuming office.

Intelligence policy questions may also be thrust into a campaign by external events, rather than by one or both of the candidates. This occurred in the 2004 election when the 9/11 Commission timed the release of its report to take advantage of the political calendar, and ensured that intelligence and security topics would dominate the conversation during that presidential campaign.

Intelligence and politics can be a dangerous mix. Intelligence assessments can quickly become politicized during a hard-fought electoral campaign. The "Palmer Raids" are an example, as Palmer was predisposed to believe the GID's

¹⁴³ Intelligence Reform and Terrorism Prevention Act of 2004, PL 108-458, 118 Stat. 3684 (2004).

warnings instead of taking into account contradictory intelligence assessments. Candidates who are not privy to all the relevant intelligence on a subject because they are out of government have greater freedom to make unsubstantiated or inaccurate claims. Kennedy was not aware of U-2 photo-imagery that showed the Soviets were not able to build up a large arsenal of ICBMs. Instead, Kennedy claimed there was a missile gap based on a minority (and publicly available) view advanced by the Air Force that turned out to be inaccurate. His ignorance of the U-2 data allowed Kennedy to use the missile gap as part of his narrative that America's prestige was declining during the campaign and to push through increased defense budgets after he was in office.

Presidential candidates have handled intelligence issues responsibly at times, too. Dewey faced a difficult dilemma in 1944 when he was confronted with General Marshall's letters as he prepared to launch a major political attack against FDR. Dewey believed FDR bore responsibility for the Pearl Harbor attacks and understood the political advantage that such charges could confer. However, in the end, General Marshall's unprecedented and unauthorized intervention into domestic politics convinced Dewey that he had a greater responsibility to the country to preserve an intelligence source that was important to the war effort. Dewey again took the high road in 1948 by not attacking Truman for being soft on Communism when the intelligence regarding potential Soviet spies in the U.S. government was still undeveloped. At the time of the election, the extent of Soviet penetration was not proven and a charge by Dewey against Truman would have been unfounded.

Whether an intelligence topic is inserted into a presidential campaign on purpose or as a result of external events, there are considerable risks to both the intelligence and the political processes. Modern political campaigns are intense, immediate, and contested using simplified expressions and images. Intelligence is often nuanced, contradictory, and resistant to simplification. Thus, the interjection of important intelligence matters into the political fray may inhibit the robust and sober discussion that intelligence issues necessitate. The voting public should be on guard whenever an intelligence program or judgment is offered as a basis for casting a ballot.