

**A COMPENDIUM OF HISTORIOGRAPHY: CHANGE IN THE 1930s HUGHES
SUPREME COURT'S CONSTITUTIONAL JURISPRUDENCE; THE DECISION TO
DROP THE ATOM BOMB ON JAPAN; AND THE BREZHNEV DOCTRINE AND THE
POLISH CRISIS OF 1980-1981**

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MASTER OF ARTS

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ABSTRACT

This study is a compendium of historiography. The papers focus on transformative twentieth-century events:

The first considers the Supreme Court's shift from New Deal opponent to facilitator. Internal explanations of evolving judicial philosophy causing change countered external ones stressing political pressure. Debate became more complex when scholars argued both internal and external pressures altered the Court's jurisprudence.

The second reviews the atomic bombing of Japan. Post-World War II Consensus historians justified the United States attacks as saving lives by shortening the war. In the 1960s, New Left revisionists pointed to atomic diplomacy. Since the 1990s, Post-revisionism has gained acceptance, integrating and broadening Consensus and New Left positions.

The third examines the Brezhnev Doctrine as a mechanism for the Soviet Union controlling satellite nations. The traditional view aligned the decline of the doctrine with Gorbachev's liberalization policies. Recent analysis ties Soviet abandonment of the doctrine to the Polish Crisis of 1980-1981.

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Dr. Cox, Dr. Harvey, Dr. David Danbom, and Dr. Jim Norris provided core instruction in my Master's study at North Dakota State University. Their enthusiasm for history was infectious. Because of them, I believe I gained a sure foundation in North Dakota, Western, United States, Latin American, and Eastern European histories. The highest compliment I can pay them is by writing here, I learned a lot.

To the Graduate School personnel, especially Dean David Wittrock and Cathy Marks, thank you for your flexibility and understanding when life circumstances arose challenging this distance education student.

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In the compiling of these papers, I must compliment the professionalism of my editor Fern J. Hill; her contribution to the successful completion of my study has been invaluable. At Devils Lake High School, I wish to acknowledge the good will of my colleague Dr. Jeff Stotts, who encouraged me to apply for the Madison Fellowship and my principal, Mr. Ryan Hanson, who made it possible to adjust my teaching schedule so I could attend night classes at NDSU.

Finally, and most importantly, to many friends and all my family, an appreciation of your uplifting forbearance of my journey to a Master's degree has not been recognized enough. On this we will share words and celebration. But in this moment, to my brothers Robert and Richard, your belief in the value of knowing history was always welcome. To my dear friend Sharon Hansen, your sustained interest in the process and belief in a successful completion of the Master's degree will always be remembered with gratitude. To my sisters Mary and Jacqueline, your focus on the destination bolstered my resolve. To my brothers James, Thomas, and William, your lives spent making history deepened my desire to understand the significance of past events. To my son Jeremy, when history has taken me away, I have missed you.

DEDICATION

Born to teachers, I am blessed to be the son of Daniel and Victoria (Hoffman) Wakefield who by their example passed on the importance of education. As young adults, Dan and Vic began their life-long work teaching, first to children in one-room classrooms in northern Wisconsin during the Great Depression. During this time, my father pursued his dream of flying. World War II saw Dan's newly acquired flight ratings thrust him into aviation full time instructing military flying cadets. My father's passion for flight spanned decades as he logged thousands of hours in a distinguished flying career that included expertly instructing hundreds of pilots 'stick and rudder' along with insights to life. My mother continued to teach when possible. With great, sustained effort, Vic balanced dual roles in raising eight children with the support of my father and advancing her teaching skills while my father was away flying. Many summers she returned to Wisconsin, where she attended university, upgrading her normal school license to a Bachelor's degree. Vic succeeded admirably in her long, intermittent teaching career. Her love and compassion for children, especially for the disabled and underprivileged, infused with an unusual, endearing sense of humor made her a star in the classroom. Over those years, my mother encouraged me to get a Master's degree. Finally, after my own career in aviation in our family's flying business, I returned to teaching and was drawn to learning. In no small way, seeking this Masters degree in history results from acting on the belief in education my mother instilled in me. In the last years of my mother's life, though her mind remained keen, she suffered a wide range of disability. With joy, I was able to tell her in August, 2014 that I had successfully defended and would finish the Master's degree. Victoria Wakefield left this life in September, 2014. This Master's paper is dedicated to her memory.

PREFACE

This collection of historiographies represents the results of research originating in North American, World, and European History readings courses. Based on an interest in the World War II generation, the author chose topics from historic periods integrally connected to the progression of their lives: The Great Depression, World War II, and the Cold War. The Hughes court's change in jurisprudence, the United States use of atomic bombs against Japan, and the Soviet Union's threat of the Brezhnev Doctrine profoundly affected humanity in the twentieth century. Generations of historians have continued to analyze these events due to their ongoing transformative effects on history. The purpose of these study papers is to evaluate their efforts.

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I. HISTORICAL REASSESSMENT OF CHANGE IN THE 1930s HUGHES SUPREME COURT'S CONSTITUTIONAL JURISPRUDENCE

Beginning in 1935, the United States Supreme Court blocked critical elements of President Franklin Roosevelt's New Deal program meant to rescue the nation from the worst depression in American history.¹ The Democratic Party swept the 1936 United States congressional and presidential elections in a landslide vote, running up significant majorities in the House of Representatives and the Senate, and carrying all but two states in the Electoral College.² Roosevelt was determined to use his electoral mandate to change the Supreme Court's composition by creating a super-majority which would uphold New Deal legislation. On February 5, 1937, Roosevelt announced a legislative plan to expand the Supreme Court. What followed was an epic political fight that consumed the nation's attention. Congress and the public ultimately rejected what became known as the court-packing bill. Though in a dramatic turn-around, the United States Supreme Court began to allow for significant governmental involvement in the economy; this shift has been termed the "Constitutional Revolution" of 1937.³

¹ Peter Irons, *A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions Have Shaped Our Constitution* 2nd ed. (New York: Penguin Books, 2006), 299-306; Fred Rodell, *Nine Men: A Political History of the Supreme Court from 1790 to 1955* (New York: Random House, 1955), 233-238; Bernard Schwartz, *A History of the Supreme Court* (New York: Oxford University Press, 1993), 232.

² Robert F. Himmelberg, *The Great Depression and the New Deal* (Westport, CN: Greenwood Press, 2001), 63; Rodell, *Nine Men*, 243; Irons, *A People's History*, 312.

³ James MacGregor Burns, *Packing the Court: The Rise of Judicial Power and the Coming Crisis of the Supreme Court* (New York: Penguin Press, 2009), 145-152; Schwartz, *A History*, 231-236; Irons, *A People's History*, 318. Note: Irons's *A People's History*, is one prominent place where a variation of the oft-quoted expression "The Constitutional Revolution of 1937" appears.

For decades, historians have studied the Supreme Court decisions during this period and questioned the influences that compelled the court, led by Chief Justice Hughes, to change direction. Varying schools of historiographical thought have separated the debate into two distinct frameworks that have focused on *internal* and *external* reasons for the court's turn from barrier to facilitator of New Deal programs. Over time, the debate has become more complex with recognition from scholars that both internal and external pressures moved the Court to alter its course.⁴ This paper examines the historiography from the 1930s into the twenty-first century, explaining the Hughes court's dramatic shift in jurisprudence.

The groundbreaking change in the Supreme Court's application of the Constitution to the New Deal cannot be understood without an accompanying awareness of the contemporary condition of the nation. The economic statistics of the Great Depression illustrate how Americans suffered on a broad scale during that era. The misery the numerical data conveys remains compelling when analyzing the actions of the executive branch of the United States government during the decade of the 1930s and the effect of those actions on the Supreme Court. The drastic decline in 1929 of the United States stock market shook the confidence of Americans, but marked only a bellwether for the distress to follow. In 1931 alone, 2,294 banks holding \$1.7 billion in deposits closed, wiping out their depositors' savings. By 1932,

⁴ Michael E. Parrish, *The Hughes Court: Justices, Rulings, and Legacy* (Santa Barbara, CA: ABC-CLIO, 2002) 177-187; Michael E. Parrish, "The Hughes Court, the Great Depression, and the Historians." *The Historian* XL no. 2 (1978): 286-308; Rodell, *Nine Men*, 31; Noah Feldman, *Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices* (New York: Twelve, 2010), 117-118; G. Edward White, "Constitutional Change and the New Deal: The Internalist/Externalist Debate," *American Historical Review* 110 no. 4 (2005), 1111-1115; Alan Brinkley, "The Debate over the Constitutional Revolution of 1937: Introduction." *American Historical Review* 110 no. 4 (2005), 1047-1050; Laura Kalman, "The Constitution, the Supreme Court, and the New Deal" *American Historical Review* 110 no. 4 (2005), 1054-1055.

agricultural commodity prices had fallen 55 percent, compounding debt and causing widespread foreclosures. One-third of the nation's farmers lost their livelihoods. Between 1929 and 1932, industrial output dropped by half. This led to massive unemployment for factory workers. The decade-long downturn would become the worst economic depression in United States history.⁵ The desperate situation of many Americans and a pervasive belief among voters that the Hoover administration's policies could not stop the decline resulted in a Democratic victory, and the election of Franklin Roosevelt as president in 1932. In his inaugural address, Roosevelt communicated that putting people to work was the key to America's recovery. The president's speech helped reassure the nation, outlining a vision that demanded action from its citizens and promised active engagement from the government.⁶

In Roosevelt's first months in office, the administration began writing legislation to tackle the economic problems the country faced. The New Deal created an unprecedented number of governmental initiatives into banking, agriculture, public works, conservation, and public utilities while providing relief to millions who remained unemployed.⁷ Opposition to Roosevelt's New Deal from citizens who feared the power of expansive government, especially in the economy, led to court challenges that eventually worked their way to the United States Supreme Court. In a number of rulings beginning in 1935, the Court ruled against New Deal legislation, jeopardizing the Roosevelt administration's policies that sought to end the Great Depression.⁸ The Roosevelt administration further inflamed conservative resistance in the

⁵ Himmelberg, *Great Depression*, 7-12.

⁶ Nick Taylor, *American-made: The Enduring Legacy of the WPA: When FDR Put the Nation to Work* (New York: Bantam Books, 2008), 89.

⁷ Robert S. McElvaine, *The Great Depression: America, 1929-1941* (New York: Times Books, 1984), 147-156; Himmelberg, *Great Depression*, 15-17.

⁸ Schwartz, *A History*, 232.

business community in the run-up to the 1936 election because of tax hikes and Second New Deal programs passed during 1935.⁹ An array of commercial interests considered federal economic initiatives in agriculture, industry, and labor, such as the revised Agricultural Adjustment Act, the Tennessee Valley Authority, and other massive work relief programs, to be anti-business and socialistic.¹⁰ A solid majority of the electorate supported Roosevelt principally because of gains made from the depths of the depression in income and employment. In the process of rolling up an historic landslide electoral victory in 1936, the Democrats grafted a New Deal Coalition of traditional Southern and Western supporters with an influx of Northern and Eastern workers and minorities that would long remain a potent force in national politics.¹¹ In his retrospective history of the Supreme Court, legal scholar Fred Rodell quoted Alexis de Tocqueville, the nineteenth-century French observer of American life: “Hardly any political question arises in the United States that is not resolved sooner or later into a judicial question.”¹² A national debate over the proper role of the Supreme Court in ruling on New Deal legislation persisted as an issue throughout the 1936 presidential campaign, confirming de Tocqueville’s judgment.

In reaction to much of the first New Deal, the American Liberty League formed early opposition to Roosevelt for initiating transformative policies on the role of the national

⁹ Robert Goldston, *The Great Depression: The United States in the Thirties* (New York: Bobbs-Merrill, 1968), 146; William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal 1932-1940* (New York: Harper & Row, 1963), 152; James F. Simon, *FDR and Chief Justice Hughes: The President, the Supreme Court, and the Epic Battle Over the New Deal* (New York: Simon & Schuster, 2012), 291-292.

¹⁰ Himmelberg, *Great Depression*, 41-51.

¹¹ Parrish, *The Hughes Court*, 214-215; Michael J. Webber, *New Deal Fat Cats: Business, Labor, and Campaign Finance in the 1936 Presidential Election* (New York: Fordham University Press, 2000), 10-12; Leuchtenburg, *Franklin D. Roosevelt*, 184-191.

¹² Rodell, *Nine Men*, 216-217.

government which they considered threatening to the Constitution. Organized by prominent Democrats in 1934, the league promoted states' rights and limited government, and resented Roosevelt's takeover of the Democratic Party. In addition to backing the Republican presidential candidate, Kansas governor Alf Landon in 1936, the attorneys for the league and other business organizations devised judicial lines of attack against New Deal laws regulating the economy.¹³ In September 1935, a Gallup poll revealed Roosevelt's popularity rating had dropped to 50 percent.¹⁴ Furthermore, 53 percent of those surveyed opposed placing limits on the Court's power to rule on the constitutionality of congressional legislation.¹⁵

Across the country, groups sympathetic with the Liberty League proliferated and pledged to defend the Constitution.¹⁶ At the other end of the political spectrum, extremist fringe elements dissatisfied with the slow pace of New Deal change opposed Roosevelt as well. Remnants of the large national followings of Louisiana Senator Huey Long's Share-Our-Wealth organization, Father Charles Coughlin's radio audiences, and Dr. Francis Townsend's old age pension clubs combined with the rural populism of North Dakota Representative William Lemke's third party presidential candidacy. None of Roosevelt's opponents, however, gained traction on a national stage. Lemke's Union Party received less than one million popular votes nationwide, while

¹³ Rodell, *Nine Men*, 240-243; Parrish, *Hughes Court: Justices*, 193-194; Himmelberg, *The Great Depression*, 64; Leuchtenburg, *Franklin D. Roosevelt*, 178-179; Goldston, *Great Depression*, 148-149; Walter F. Murphy, C. Herman Pritchett, and Lee Epstein. *Courts, Judges, & Politics: An Introduction to the Judicial Process*, 5th ed. (New York: McGraw-Hill, 2002), 252; Jeff Shesol, *Supreme Power: Franklin Roosevelt v. The Supreme Court* (New York: W.W. Norton & Company, 2010), 163.

¹⁴ Himmelberg, *Great Depression*, 41-51.

¹⁵ Simon, *FDR and Chief Justice*, 269.

¹⁶ Shesol, *Supreme Power*, 162.

Roosevelt won the election handily with an overwhelming 61 percent victory over his main Republican Party contender, Alf Landon.¹⁷

Roosevelt had ridiculed the Supreme Court in the aftermath of their adverse decisions in 1935. During his 1936 run for re-election, however, the president directed his formidable campaign rhetoric to passionately blasting “economic royalists” in big business, industry, and media.¹⁸ In doing so, Roosevelt ran against his predecessor, President Hoover’s memory and conservative financial interests while ignoring his opponent Landon and seldom invoking the Democratic Party.¹⁹ By 1936, the second New Deal had gained support of progressives across party lines.²⁰ Similarly, Landon also favored progressive policies in the areas of the economy, civil liberties, labor rights, and welfare, and campaigned as a moderate alternative to Roosevelt by limiting his attacks on the administration to criticism of New Deal waste and bureaucracy.²¹ Both Roosevelt and Landon limited direct comments in addressing the role of the Supreme Court in solving the country’s economic crisis. In contrast to their standard bearers’ muted court controversy electioneering, the major parties actively disputed the Court’s impact on the nation during Roosevelt’s first term.²²

¹⁷ Himmelberg, *Great Depression*, 64-65; Leuchtenburg, *Franklin D. Roosevelt*, 181-182; Goldston, *Great Depression*, 149-151; Shesol, *Supreme Power*, 239.

¹⁸ Webber, *New Deal*, 11.

¹⁹ Leuchtenburg, *Franklin D. Roosevelt*, 183-191.

²⁰ Goldston, *The Great Depression*, 150-151; Leuchtenburg, *Franklin D. Roosevelt*, 190.

²¹ Irons, *A People’s History*, 311; Shesol, *Supreme Power*, 226, 229; Leuchtenburg, *Franklin D. Roosevelt*, 175.

²² Irons, *A People’s History*, 303-311; Shesol, *Supreme Power*, 215-217.

In 1935 and 1936, the Supreme Court issued several significant rulings against the administration, which included gutting “the two premier initiatives of the First New Deal.”²³ The first of these significant rulings declared that the administrative code-writing in the National Industrial Recovery Act was an unconstitutional delegation of legislative power to the executive branch of government. The second decision held that the Agricultural Adjustment Act’s taxing to regulate commodity production was an unconstitutional intrusion of federal power in violation of the tenth amendment.²⁴ After the president caustically criticized the Court for relegating the nation to a “horse-and-buggy definition of interstate commerce” in an NIRA decision, Steve Early, Roosevelt’s press secretary, urged caution.²⁵ The court followed with a seventeen-month string of mostly setbacks. The judiciary response to federal and state initiatives designed to remedy the conditions caused by the Great Depression climaxed with the *Morehead v. Tipaldo* ruling at the end of the 1936 Supreme Court term. The Hughes Court ruling struck down a New York minimum wage law directed at protecting women and children, and provoked widespread public condemnation of the Supreme Court in the midst of the 1936 campaign.²⁶

The president restrained his criticism until after the 1936 election while his administration pondered a constitutional or legislative response to overcome the Court’s opposition to the New Deal. It was politically risky for Roosevelt to attack the Supreme Court and accuse them of obstruction. It was also risky for Landon to vilify the popular president for

²³ Himmelberg, *Great Depression*, 41.

²⁴ Ibid., 41, 51; Parrish, *Hughes Court: Justices*, 282-283; Schwartz, *A History*, 232; Feldman, *Scorpions*, 106.

²⁵ Irons, *A People’s History*, 303-306.

²⁶ Parrish, *Hughes Court: Justices*, 284; Shesol, *Supreme Power*, 221-222; Simon, *FDR and Chief Justice*, 288-289; Irons, *A People’s History*, 297: Note: A wide range of state laws responding to the Great Depression collectively termed the “Little New Deal” paralleled the Roosevelt administration’s legislation.

not respecting the Court during the campaign. Although obstruction of New Deal programs had generated intense public reaction, the Supreme Court remained a hallowed institution in the minds of many Americans. The strategy of silence appeared to work for the president. After January 1936, poll numbers increased, and in the spring the findings of a Senate committee investigating campaign practices discredited the Liberty League and affiliated organizations opposed to Roosevelt's re-election.²⁷

Yet, the administration considered the Supreme Court's long-standing jurisprudence a serious threat to the New Deal during a second Roosevelt presidential term.²⁸ The country remained focused on the consequences of a potential confrontation between the executive and judicial branches occurring after the election. Media frenzy had reacted to Roosevelt's criticism of the NIRA decision in May 1935. *Time* magazine speculated the administration had floated a trial balloon to gauge public sentiment favoring "a constitutional amendment giving the Federal Government centralized powers which it has never had."²⁹

During the 1936 political campaign, the role of the Supreme Court in addressing New Deal legislation figured prominently in newspaper columns, speeches by party notables, and during the political conventions. Herbert Hoover warned Republican delegates that a re-elected Roosevelt, with his ability to nominate justices, posed an existential threat to American liberty. The GOP platform supported state laws protecting child and women's labor within the boundaries already provided by the Constitution. But Governor Landon then undercut his own

²⁷ Irons, *A People's History*, 304-306; Shesol, *Supreme Power*, 215-226; Simon, *FDR and Chief Justice*, 294-298; Feldman, *Scorpions*, 89; Rodell, *Nine Men*, 247.

²⁸ Shesol, *Supreme Power*, 2; Schwartz, *A History*, 233; Simon, *FDR and Chief Justice*, 298, 318; Franklin D. Roosevelt, FDR Speech: "Fireside Chat on Reorganization of the Judiciary" March 9, 1937, accessed July 1, 2015, <http://docs.fdrlibrary.marist.edu/030937.html>.

²⁹ Irons, *A People's History*, 303-304; Shesol, *Supreme Power*, 150-151; Quote from Shesol, *Supreme Power*, 151.

party's position affirming the effectiveness of the legal status quo by advocating a constitutional amendment providing state governments authority if needed to protect labor.³⁰ Landon finally attacked the president's position on the Court during the last weeks of the campaign for not respecting the Supreme Court and the Constitution. The governor charged that Roosevelt posed a future threat to the judicial system because of a willingness to tamper with the Supreme Court by either constitutional amendment or legislative action.³¹

Landon's call for a constitutional amendment at the Republican national convention supporting future state laws protecting minimum wage pressured the opposition. With their convention platform, Democrats responded with a vaguely worded directive endorsing a "clarifying" amendment in the event the Supreme Court continued to obstruct New Deal legislation. The amendment would not presume to create new authority for Congress or the states, but only force the Court to recognize those legislatures' time-honored powers.³² At the Democratic Convention, speakers passionately lauded the New Deal. In the process, the party relieved Roosevelt of the need to criticize the Supreme Court by charging it with being out of touch with the suffering of the people. On the campaign trail, the president proved adept at shifting focus from direct criticism of the Supreme Court to focusing positively on the benefits of the New Deal for the American people.³³ But speculation persisted about what FDR might do to reshape the Supreme Court during a second term, and Landon raised the question in the closing

³⁰ Gordon Lloyd, ed., Herbert Hoover speech: "Crisis to Free Men," Republican National Convention, June 10, 1936. In *The Two Faces of Liberalism: How the Hoover-Roosevelt Debate Shapes the 21st Century*, (Salem, MA: M & M Scrivener Press, 2007), 273; Irons, *A People's History*, 310-312; Shesol, *Supreme Power*, 228.

³¹ Irons, *A People's History*, 311-312; Shesol, *Supreme Power*, 236-237.

³² Shesol, *Supreme Power*, 233-235.

³³ *Ibid.*; Simon, *FDR and Chief Justice*, 294-298.

weeks of the campaign.³⁴ In the aftermath of the public's 1936 electoral endorsement of Roosevelt and his New Deal, the president resumed his confrontation with the Supreme Court.

Roosevelt was aware that his reform momentum created by the mandate of the 1936 landslide could break down and jeopardize the passage of forthcoming New Deal legislation.³⁵ In December 1936, Roosevelt began to settle on the unoriginal option that seemed most easily implemented. During the United States' history, the size of the Supreme Court had been altered seven times by Congress.³⁶ Ironically, the Roosevelt administration's plan to add justices was inspired by a Roosevelt nemesis, Supreme Court Justice James Clark McReynolds, from an earlier plan put forward to reform the lower federal courts when he had served as Wilson's Attorney General.³⁷ The Judicial Procedures Reform Act of 1937 permitted the president to make appointments to the Supreme Court whenever a justice had served at least ten years and had not retired within six months of reaching the age of seventy.³⁸ To deflect charges of politicizing the court, the Roosevelt administration presented the plan on February 5, 1937, as part of a broader package of reform that had a goal of augmenting the size of the federal judiciary at all levels to decrease congestion delaying the resolution of litigation.³⁹ With six

³⁴ Rodell, Fred. *Nine Men*, 243.

³⁵ Leuchtenburg, *Supreme Court*, 110.

³⁶ Alfred Haines Cope and Fred Krinsky, eds., 75th Cong., 1st sess., 1937, Committee on the Judiciary, Senate, "Reorganization of the Federal Judiciary," in *Problems in American Civilization: Franklin D. Roosevelt and the Supreme Court*, ed. Alfred Haines Cope and Fred Krinsky (Boston: D.C. Heath and Company, 1952), 75; Jean Edward Smith, "Stacking the Court." *New York Times*, July 26, 2007, http://www.nytimes.com/2007/07/26/opinion/26smith.html?_r=0; Rodell, *Nine Men*, 245.

³⁷ Leuchtenburg, *Supreme Court*, 114-121.

³⁸ Parrish, *Hughes Court*, 233-234; *Ibid.*, 134.

³⁹ Allan M. Winkler, *Franklin D. Roosevelt and the Making of Modern America* (New York: Pearson Longman, 2006), 117-118; Brinkley, *End of Reform*, 19.

Supreme Court justices over seventy, the net effect of Roosevelt's court-packing bill would create a potential expansion of the Supreme Court to fifteen and a shift in judicial ideology in favor of the New Deal.⁴⁰ Until July 22, the Roosevelt administration spent its overwhelming popular electoral mandate in a knock-down legislative battle to expand the Supreme Court. Ultimately, the administration's effort collapsed in a 70-20 Senate vote. The American people rejected the president's plan as a gross overreach of executive power.⁴¹

Paradoxically, in the absence of the court-packing bill becoming law and before Roosevelt appointed any justices, the Supreme Court began issuing rulings favoring the New Deal. After the 1936 Roosevelt landslide victory and the administration's threatened court-packing plan, the Supreme Court began to allow for significant and previously court-proscribed governmental involvement in the economy. In rapid succession, in what has been called the "Constitutional Revolution of 1937," the court ended its opposition to the New Deal. In *West Coast Hotel v. Parrish* (1937), the Supreme Court reversed the liberty of contract doctrine by upholding a state of Washington minimum wage statute.⁴² Next, in *National Labor Relations Board v. Jones and Laughlin Steel Corp* (1937), the court held valid Congress's power to regulate labor conditions under the interstate commerce clause.⁴³ The threat to the Social Security Act ended with the *Steward Machine Co. v. Davis* (1937) decision when the Supreme Court ruled that the Tenth Amendment did not limit Congress's power to tax for unemployment

⁴⁰ Leuchtenburg, *Supreme Court*, 117-124.

⁴¹ Shesol, *Supreme Power*, 500-501, 503; Rodell, *Nine Men*, 247.

⁴² Stephen K. Shaw, William D. Pederson, and Frank J. Williams, eds., "Biographical Digest," in *Franklin D. Roosevelt and the Transformation of the Supreme Court* (Armonk, NY: M. E. Sharpe, 2004), 252.

⁴³ Perkins, *Roosevelt I Knew*, 256.

and pension purposes.⁴⁴ Concurrent opinion held that the marked transformation in the court's jurisprudence between March and June 1937 was directly attributable to external pressure from the New Deal landslide or the court-packing bill.

When asked if the court shifted because of internal and external factors, both legal scholars and professional historians weigh in. Legal scholars note that the United States Supreme Court serves as the final arbiter of law in the federal system of governance. As such, the court functioned as a lightning rod throughout the New Deal's creation and resultant court-packing fight. The justices' legal disposition attracted the energies of an array of socio-political interests attempting to influence its New Deal decisions. A standard reference text for understanding the judicial process and judicial behavior, *Courts, Judges, & Politics* (2002), by Walter Murphy, Herman Pritchett, and Lee Epstein, provides a cogent outline of checks on the judicial branch from a perspective of scholars of law and politics. The authors' chapter, "Limitations on Judicial Power," discusses internal checks, checks by other branches of government, checks from the states, and checks from the people. A review of these checks provides a useful measure of the range of potential influences on the Hughes Supreme Court as it considered the disposition of New Deal cases on appeal from lower courts.⁴⁵

Judges, as citizens, internalize their personal values in deference to the stability of the broader democratic culture. In fact, for decades, before and after New Deal court-packing, judges had never advocated increasing membership of the Supreme Court in contrast to prominent public officials.⁴⁶ As officials of a constitutional democracy, they remain mindful of the results

⁴⁴ Holland, "FDR," 85-86.

⁴⁵ Murphy, Pritchett, and Epstein, *Courts, Judges, x*.

⁴⁶ *Ibid.*; Alan F. Westin, ed., *The Supreme Court: Views from Inside* (New York: W.W. Norton & Company 1961), 8.

of elections. The 1936 election handed a landslide victory of historic proportions to the Democratic Party that could only be understood as a popular endorsement of the New Deal. In *United States v. Butler* (1936), the court ruled against the New Deal by striking down the Agricultural Adjustment Act which aided farmers by providing crop subsidies in return for reducing acreages.⁴⁷ In his dissenting opinion, Justice Harlan F. Stone reminded the court's majority of the will of the people: "The only check against our own exercise of power is our own sense of self-restraint." Legal precedents, judicial philosophies, and the hierarchical structure of state and federal judiciary represent important points of engagement within the court representing an institutional check.⁴⁸ During the court's New Deal conflict, the Hughes court's fracture over cases created ongoing tension among the justices that often proved irreconcilable in crafting decisions.⁴⁹

The Supreme Court is also accountable to pressure from within the government. Under the system of checks and balances of the U.S. Constitution, policy comes from the interactions of the three branches. To ensure judicial decisions are implemented, courts must rely on the resources of the other branches and the goodwill of the public. Throughout U.S. history, the executive has rarely refused to enforce decisions of the court. But presidents do attempt to enlist public pressure. In 1935, Roosevelt had prepared a radio address explaining why he would defy the anticipated decision of the court in the so-called *Gold Clause Cases*. The New Deal law in question proposed to take the United States off the gold standard, which would devalue the dollar and take pressure off debtors. Roosevelt only stood down when the court upheld the law by a 5-4

⁴⁷ Murphy, Pritchett, and Epstein, *Courts, Judges*, 310; Parrish, *Hughes Court*, 191.

⁴⁸ Murphy, Pritchett, and Epstein, *Courts, Judges*, 310, 312-314.

⁴⁹ Simon, *FDR and Chief Justice*, 265-273.

decision.⁵⁰ Potentially, the legislature can exercise coercive power over the court under the Constitution in areas such as salary. As Alexander Hamilton wrote in *Federalist 78*, the judiciary possesses neither money, nor means to enforce its decisions. In effecting its will, the courts must work in relation to the actions of the executive and legislative branches of government. In 1937, to help break the impasse over the New Deal between the court and the Roosevelt administration, Congress passed a law enhancing retirement benefits for elderly justices to encourage the conservative Justice Willis Van Devanter to retire.⁵¹

States can pressure the court, but only indirectly through Congress or the White House. To check the Supreme Court, the power of state courts, whose decisions often reflect local interests, can be more substantial. Typically, the Supreme Court only has time to hear a fraction of cases on appeal and those must involve a federal question. Thus, state judges may potentially avoid being reviewed and overturned by federal courts by couching the language of their opinions to only reference state law.⁵²

The public check on the court is less apparent because federal judges have life tenure. Studies have indicated, however, that judges' rulings show a degree of consistency with the actions of public officials as a whole. Moreover, when a clear majority of the public on an issue exists, over 60 percent of the court's decisions reflect the poll numbers. Indeed, decisions over time still require the legitimacy conferred by public approbation. In point of fact, the historical record shows the 1937 Hughes Supreme Court switched its jurisprudence from *laissez faire* to support for the New Deal program of governmental intervention in the economy at a time when the court had both lagged behind an electoral mandate and been the object of intense public

⁵⁰ Murphy, Pritchett, and Epstein, *Courts, Judges*, 316; Parrish, *Hughes Court*, 184.

⁵¹ Murphy, Pritchett, and Epstein, *Courts, Judges*, 315, 317-318.

⁵² *Ibid.*, 321-322.

controversy. Burt Solomon, journalist and author, summarized the storm raised by Roosevelt's court-packing proposal in *FDR v. The Constitution* (2009), writing "that for the next 168 days, the fight over expanding the court played out over the radio airwaves, across dinner tables all over America, and inside the august and serene chambers of the nation's capital."⁵³

Constitutional scholars have identified distinct checks influencing the actions of the Supreme Court. Broadly considered, these influences fall into two general categories: internal and external. The internal checks originate within the judiciary. They are self-imposed restraints to action reacting especially to the views of the other branches of government, colleagues, and the public. External checks originate outside the judiciary. They are restraints to action imposed on the court from outside intended to obtain an outcome favorable to the outside interest. External interests already identified here are the other branches of the Federal government, the states, and the public.

Professional historians employ a similar structure delineating internal and external checks. To better understand the 1937 shift in the Hughes Court's jurisprudence, historian Laura Kalman, concisely delineates the two views:

Externalists argue for the importance of politics, making the case that Roberts and Hughes, and therefore the court, dramatically changed course during the "constitutional revolution of 1937" because of the threat posed by the 1936 election and/or the court-packing plan. Internalists highlight the primacy of law over politics, pointing to doctrinal

⁵³ Murphy, Pritchett, and Epstein, *Courts, Judges*, 323-324; Burt Solomon, *FDR v. The Constitution: The Court-Packing Fight and the Triumph of Democracy* (New York: Walker & Company, 2009), 6.

changes that began well before 1937 and continued afterward, to say that there were plausible intellectual reasons for the court's journey and that no sudden shift took place.⁵⁴

Kalman was a participant in the 2005 *American Historical Association Forum*, "The Constitution, the Supreme Court, and the New Deal," where historians hashed out the controversy. Another participant in the *AHA Forum* was Columbia University's Alan Brinkley who held that the Roosevelt Administration's coercion pushing the Hughes Court's to shift represented the academy's consensus position until the 1990s. Cumulative historiography since the 1930s, however, finds an exclusively external explanation too simplistic to account for change in the Hughes court's judicial decision-making. More recent historical analyses include the idea that long-term causality precipitated Justice Roberts's and Justice Hughes's switch. The change began when a majority of justices, in the words of New Deal historian Michael Parrish, "emancipated" rather than "constrained" governmental influence going forward in the economy.⁵⁵ In the expanded historical view, President Roosevelt's push to pack the Supreme Court, although triggered by the impasse between the Hughes court's jurisprudence and the Roosevelt administration's New Deal programs, originated in the Supreme Court's long-held judicial philosophy resisting governmental intrusion into public commerce.⁵⁶

By applying jurisprudence limiting state economic influence with roots deep in the late nineteenth and early twentieth centuries to Roosevelt's first term as president, the Supreme Court

⁵⁴ Kalman, "The Constitution," 1054-1055.

⁵⁵ Parrish, *Hughes Court*, 37-38, 177-178; Brinkley, "The Debate," 1046-1047; White, "Constitutional Change," 1115; Note: Historians Alan Brinkley, Laura Kalman, G. Edward White, and William Leuchtenburg participated in the 2005 AHR Forum on the 1937 Hughes Court controversy.

⁵⁶ Parrish, *Hughes Court*, 37-38, 177-178.

ruled significant New Deal legislation unconstitutional.⁵⁷ Twelve New Deal measures were defeated by the court in a seventeen-month period in 1935-1936, leaving the constitutionality of remaining New Deal legislation in doubt.⁵⁸ Beginning with *Schechter Poultry Corp. v. United States* (1935) striking down the National Industrial Recovery Act's attempt to regulate wages and hours (the first major piece of New Deal legislation), and continuing with *United States v. Butler* (1936), ruling inoperative critical provisions of the Agricultural Adjustment Act's use of taxing power to regulate agricultural production, the Supreme Court represented an ominous threat to the New Deal agenda.⁵⁹ In these and other cases, four conservative justices, Willis Van Devanter, James McReynolds, George Sutherland, and Pierce Butler (the so-called "Four Horsemen") prevailed in combinations, often with swing voters Justice Owen Roberts and Chief Justice Charles Hughes against Justices Harlan Stone, Louis Brandeis, and Benjamin Cardozo, who usually supported New Deal legislation. Given the court majority's faithfulness to precedent regarding the economy, the Roosevelt administration believed the Supreme Court's continued course of action could block its legislative efforts to deal effectively with critical societal problems stemming from the Great Depression.⁶⁰

⁵⁷ Carl Brent Swisher, "The Supreme Court in Transition" in *Problems in American Civilization: Franklin D. Roosevelt and the Supreme Court*, ed. Alfred Haines Cope and Fred Krinsky (Boston: D.C. Heath and Company, 1952), 5-13.

⁵⁸ Stephen K. Shaw, "Introduction" in *Franklin D. Roosevelt and the Transformation of the Supreme Court*, ed. Steven K. Shaw, William D. Pederson, and Frank J. Williams (Armonk, NY: M.E. Sharpe, 2004), 2.

⁵⁹ Henry J. Abraham and Barbara A. Perry, "Franklin Roosevelt and the Supreme Court: A New Deal and a New Image," in *Franklin D. Roosevelt and the Transformation of the Supreme Court*, ed. Steven K. Shaw, William D. Pederson, and Frank J. Williams (Armonk, NY: M.E. Sharpe, 2004), 23; Holland, "FDR," 85-86; Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Alfred A. Knopf, 1995), 19.

⁶⁰ Cushman, *Rethinking*, 3-4; Swisher, "Supreme Court," 13; Frances Perkins, *The Roosevelt I Knew* (New York: Harper & Row, 1946), 256; Parrish, "The Hughes Court, 288; For example, Parrish wrote in *The Historian* that the conservative majority prior to 1937

The highly charged controversy generated contemporaneous analysis, anticipating the unfolding chronology of court-packing historiography. In 1936, Robert E. Cushman, a political scientist, in a prescient article published in Amherst College's *Problems in American Civilization* series (1952 edition), summarized the challenge to the Roosevelt administration's legislative agenda from its ideological impasse with the Supreme Court by posing timely questions. Cushman asked if the Constitution met the demands of contemporary America. More to the point, did the Supreme Court's focus on preserving the Constitution obstruct its normal and healthy expansion? Cushman laid out four positions "an intelligent citizen might take" in response to those questions based on the then-current understanding of the country's dire societal situation: 1) the Constitution is fully adequate to meet present needs and the Supreme Court is performing its duty admirably—change is not needed and will be resisted; 2) the Constitution is fully adequate to meet the serious challenges facing the country with the flexibility built into the Constitution's broad and generous clauses—the body politic through criticism and encouragement rather than "tinkering" must convince the court to assume an activist stance in liberally interpreting the Constitution; 3) the Constitution is fully adequate to meet the present needs of the country, but the Supreme Court has at times both exceeded and/or misused its authority in opposing legislative initiative—the court must be reformed; 4) the Constitution must be changed to meet today's needs—for example, the commerce clause, taxing clause, and other clauses, delimited by constitutional amendment, would be put beyond the purview of the Supreme Court.

"exhibited considerable hostility to federal and state laws enacted to relieve economic distress among farmers, workers, businessmen, municipal governments, and taxpayers. Invoking a variety of rubrics—the commerce clause, due process, equal protection, privileges and immunities, the Tenth Amendment, and excessive delegation of legislative authority—they sent numerous laws to the constitutional graveyard."; Parrish, *Hughes Court: Justices*, 12-15.

Cushman also identified five contemporary plans for reform: 1) pack the court with liberals who support the New Deal legislative program; 2) use statute to limit or eliminate the court's power of review by subjecting appellate jurisdiction to "such exceptions and under such regulations as the Congress shall make" as provided for in the Constitution; 3) pass a constitutional amendment requiring the Supreme Court to find by super-majority (such as seven to two) when declaring acts of Congress unconstitutional; 4) by statute, give the houses of Congress (with two-thirds majorities) the authority to override decisions of the Supreme Court; and finally, 5) pass a constitutional amendment removing from the Supreme Court the right of judicial review.⁶¹ Dating back to 1933, the Roosevelt administration anticipated conflict with the Supreme Court over the New Deal program and considered in some form most of the options in Cushman's article. Changing the composition of the court was always contemplated and on the table. Plans to neutralize opposition from the court by limiting jurisdiction and passing constitutional amendments were pondered as well, by the president and his allies in the cabinet, and systematically in a study conducted within the Attorney General's office.⁶²

The Roosevelt administration eventually discarded both the prospective jurisdiction and amendment solutions to limit the scope of court activity as too problematic. Eliminating all constitutional questions from the judicial branch's review in New Deal legislation would be virtually impossible. Even if appellate jurisdiction could be legislated away from the Supreme Court on constitutional issues, hostile lower courts could still hold sway with original

⁶¹ Robert E. Cushman, "The Supreme Court and the Constitution," in *Problems in American Civilization: Franklin D. Roosevelt and the Supreme Court*, eds. Alfred Haines Cope and Fred Krinsky (Boston: D.C. Heath and Company, 1952), 62-69.

⁶² Perkins, *The Roosevelt I Knew*, 249; William E. Leuchtenburg, *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt* (New York: Oxford University Press, 1995), 108-115; Swisher, "Supreme Court," 13-15.

jurisdiction.⁶³ Constitutional revision would be difficult to draft and pass as evidenced by the proposed child-labor amendment still lingering unrealized for over a decade.

Leonard Baker's book, *Back to Back: The Duel between FDR and the Supreme Court* (1967), detailed the now well-known steps leading the Supreme Court and the Roosevelt administration into both conflict and resolution over the New Deal: adverse court decisions that culminated in the court-packing bill, and how the Supreme Court sought to counter the political pressure bearing on it.⁶⁴ Significantly, Baker's book signaled a developing trend in historical reporting on the court battle – the “duel” related a fully drawn account between not only external push from the administration, but also internal push-back from the court. Chief Justice Hughes conspired with Justices Brandeis and Van Devanter and Democratic Senator Burton Wheeler of Montana to discredit the administration's charge that the judiciary needed more judges to remedy inefficiency owing to an ongoing backlog of cases. Purporting to represent the sentiments of the entire Supreme Court and directed to the Senate Judiciary Committee, Hughes sent a letter co-signed by Brandeis and Van Devanter rejecting the claim the court was overburdened and contending more justices would actually lead to more consultation and therefore less efficiency.⁶⁵ Likewise, another New Deal opponent, Republican Senator William Borah of Idaho, teamed with Van Devanter. Together, they timed the announcement given to individual Judiciary Committee members of Van Devanter's retirement from the Supreme Court before the Judiciary Committee voted to recommend the court-packing bill. Obstructionist judges such as Van Devanter caused senators to favor enlarging the court. With Van Devanter's resignation, a

⁶³ Swisher, “Supreme Court,” 14.

⁶⁴ Parrish, “Hughes Court,” 287. For example, Parrish wrote Baker's account does not improve on Alsip and Turner's 1938 account.

⁶⁵ Leonard Baker, *Back to Back: The Duel between FDR and the Supreme Court* (New York: Macmillan, 1967), 154-158.

powerful reason to alter the size of the court was lost. Consequently, the administration failed to get a do pass recommendation out of committee on the court-packing bill.⁶⁶

Baker also made the case that Justice Roberts's presidential aspirations may have factored into his changing from opponent to supporter of the New Deal agenda. In early 1936, political commentators speculated that the Republican Party would reach into the Supreme Court and nominate Roberts to capitalize on voter sentiment siding with the court's opposition to the New Deal. But instead, the Republicans selected Kansas governor Alf Landon as their standard-bearer which resulted in a Roosevelt landslide of historic proportions. In the aftermath of the 1936 election, Roberts realigned his position and began supporting the liberal bloc on the court. From previously voting against New York's right to control minimum wages, Roberts now voted for the state of Washington's right to control minimum wages. Roberts's switch marked the beginning of a liberal majority on the Hughes court.

The court's shift became public with the *West Coast Hotel v. Parrish* decision (1937) when a convalesced Justice Stone joined Roberts in the 5-4 majority. The decision affirmed the state and federal government's right to set minimum wages the day after the Democratic congressional leadership had introduced the court-packing bill in February 1937. In the interim, between Roosevelt's and the Democrat Party's overwhelming November 1936 electoral victory and the administration's court-packing bill announcement in February, Justice Roberts had gone over to the liberal bloc.⁶⁷ What went unnoticed was the case had been argued and voted in conference the previous January, leaving historians disputing ever since whether Roberts's and

⁶⁶ Baker, *Back to Back*, 229.

⁶⁷ *Ibid.*, 174-177.

the Hughes court's conversion in judicial philosophy was coerced or voluntary. Roberts's now apparent judicial independence augured well for sustaining the New Deal.⁶⁸

Alternately, an emerging segment of historians determined Roosevelt had squandered his opportunity for true reform resulting from the court's ideological shift. Beginning in the 1960s, New Left historians agreed with the dominant post-war view that political pressure created the revolution in the Supreme Court's jurisprudence in the 1930s. These historical insurgents differed, however, in their critical assessments of the Roosevelt administration's legacy regarding societal impacts apart from the court's change in judicial philosophy. Many of these revisionist historians argued New Deal programs failed to significantly improve the lives of the poor and minorities. While deeming the New Deal a conservative, if not a failed response to the Great Depression, they acknowledged, but largely steered clear of the long-standing consensus view, that politics drove the New Deal court controversy.⁶⁹

Michael Parrish's 1976 comprehensive review of the historiography of the Hughes court recognized a more nuanced accounting of historical strands. Parrish's retrospective article, "The Hughes Court, the Great Depression, and the Historians," described post-war writing on the Hughes court as limited and uneven in scholarship. The study sorted out schools of interpretation of the New Deal court controversy, adding complexity to an already bifurcated organizational matrix, beginning in the 1930s, of historical commentators either supporting or opposing Roosevelt and the New Deal. Parrish's commentary listed New Deal historians and commentators in broadly oriented analytical classifications. Edward Corwin, Thomas Reed

⁶⁸ Rodell, *Nine Men*, 248-250.

⁶⁹ Thomas A. Krueger, "New Deal Historiography at Forty," review of *The New Deal*, by John Braeman, Robert H. Bremner, and David Brody. *Reviews in American History*, December, 1975, 483-488; Cushman, *Rethinking*, 3-4; Parrish, "Hughes Court," 302-303, 308.

Powell, Robert Stern, Benjamin Wright, and their followers formed a realist position “overwhelmingly sympathetic to Roosevelt’s objectives.” Parrish believed they collectively exhibited a healthy skepticism to employing a scientific basis for Supreme Court justices’ constitutional interpretation, attributing instead personal motivations (especially Hughes and Roberts) in reaching court decisions.⁷⁰ Furthermore, Parrish determined historians Arthur M. Schlesinger, Jr. and William E. Leuchtenburg in the liberal, orthodox camp concurred with these realists because of the Hughes Court’s conflict with their pro-New Deal economic sympathies.⁷¹ Parrish categorized Merlo J. Pusey and Samuel Hendel as scholars who echoed the view of the Liberty League (a politically conservative organization opposed to the New Deal) that Roosevelt created a “constitutional impasse.” Parrish identified their individually written biographies of Hughes (both dated 1951) as equating law to science, with the Supreme Court regarded as the unbiased mediator of constitutional interpretation. In addition, he identified Paul Freund, Paul L. Murphy, and William F. Swindler’s positions as following Pusey and Hendel in criticizing the New Deal supporters for overreaching in their “constitutional claims, their sloppy legal preparations, and the willingness of the court to sanction experimental legislation at the state level.” These later conservative New Deal critics continued to support the decisions of the Hughes court as uniformly non-partisan and highly reasoned.⁷²

Parrish confirmed that New Left-revisionist historians since the 1970s had concentrated their attention on excoriating perceived limitations of the New Deal instead of focusing on the constitutional issues that had concerned their historical predecessors. He cited Barton Bernstein, Howard Zinn, and Harold Radosh’s writings as examples indicting the Roosevelt administration

⁷⁰ Parrish, “Hughes Court,” 307-308.

⁷¹ *Ibid.*, 308.

⁷² *Ibid.*, 286, 307-308.

for failing to secure economic justice or improve racial equality, but completely ignoring the Hughes court. He mentioned Paul Conkin for appraising the court as a useful check on presidential ambition. Parrish lamented the revisionists' myopic reading of the Great Depression through critical lenses cast upon the Roosevelt administration and thereby missing the Hughes court's remarkable advances in the areas of civil and criminal rights against the accumulated power of the state, which ironically would have bolstered their claim that the New Deal was in Bernstein's words "profoundly conservative." Parrish concluded that revisionists regarded the court as opposing "the New Deal, the liberals, and the rise of the welfare state for all the wrong, *conservative* reasons."⁷³

For roughly a half-century, historians and other social scientists, including New Left-revisionists, had explained the Hughes court's flip from opponent to supporter of New Deal legislation as a response to intense outside political pressure. Barry Cushman explained the origin of the dominant view in his book, *Rethinking the New Deal Court* (1998). Emerging out of the immediate post-war era, Cushman wrote, consensus scholars ascribed external political motives for the turnaround—the court responded to pressure generated by the Roosevelt-led Democratic landslide victory in 1936 coupled with the 1937 court-packing bill. The court-packing bill, if passed, would have allowed the president to enlarge the court with appointees of his choosing. In short, historical convention maintained the court flipped its position on the New Deal program to ensure its integrity from external intervention.⁷⁴

Today, historians still agree that a major shift occurred in the 1930s in the Supreme Court's jurisprudence regarding the constitutionality of extensive governmental involvement in

⁷³ Parrish, "Hughes Court," 302-303.

⁷⁴ Cushman, *Rethinking*, 3-4; Abraham and Perry, "Franklin Roosevelt, 24; Kalman, "The Constitution," 1068-1069.

the economy and the private lives of citizens. Now, a contending internalist school emerging in the 1990s has asserted an alternative interpretation to the long-standing external consensus view.⁷⁵ Laura Kalman, in her 2005 *AHR Forum* article, “The Constitution, The Supreme Court, and the New Deal,” identified a point of origin for why “Internalists” maintain court members shifted their positions. After Justice Roberts’s death, Justice Frankfurter and Chief Justice Hughes released a memorandum of Justice Roberts asserting that neither he nor Hughes was influenced by political pressure. Rather, both justices maintained that their New Deal judgments beginning with the 1937 court term were reconcilable with their pre-1937 judicial positions.⁷⁶

In her article, Kalman reported historians today use the terms *external* or *internal* as the basis for understanding the conflict over the court—the labels becoming self-referential “shorthand” for historians and other social scientists. Protagonists, debating why the Supreme Court shifted, now use the terminology to identify themselves instead of applying the names to schools of history. “Externalists” have long made the case that politics pressured Justice Roberts and Chief Justice Hughes shifting direction during the “Constitutional Revolution of 1937”: Roosevelt’s 1936 landslide victory and the court-packing bill in early 1937 exerted pressure on the justices. “Internalists” have contended that the shift in constitutional direction was evolutionary rather than revolutionary, originating considerably before 1937 and continuing well afterward. Changes in legal doctrine were prompted not by politics, but by the Supreme Court’s ongoing application of constitutional principles to the government’s role in the economy during

⁷⁵ Brinkley, “Debate,” 1047.

⁷⁶ Kalman, “Constitution,” 1054.

an era of profound change.⁷⁷ G. Edward White traced these terms' etymological course in his *AHR* article, "Constitutional Change and the New Deal: The Internalist/Externalist Debate":

The term "internalist," long established in philosophy, began to be applied to historiographical debates in legal history in the 1980s. By 1994, Barry Cushman had applied the term externalist to one line of historical work on constitutional change in the 1930s.⁷⁸

Historians have since employed the recent internalist/externalist lexicon as an interpretive frame for the Hughes court historiography. Allen Winkler, in his biography of Roosevelt (2006), cited the works of externalist William E. Leuchtenburg and internalist Barry Cushman as two outstanding books on court-packing and its consequences for reform.⁷⁹ Leuchtenburg has been writing on the New Deal since the early 1960s. Alan Brinkley, in his 2005 *AHR Forum* article, on "The Debate over the Constitutional Revolution of 1937," referred to him as "the most eminent proponent of the earlier view of a court responding to political threats." Brinkley noted the internalist G. Edward White as one "among the group of scholars now challenging the traditional 'switch in time [saves nine]'" position:

The [court-packing] plan created a political firestorm and did considerable damage to the president's standing within his own party and among the public. But according to more than a generation of scholars, it also frightened the justices themselves, at least one of whom, Owen Roberts, appeared to switch positions in response to the growing political pressure and to begin supporting New Deal legislation. Since many of the anti-New Deal

⁷⁷ Kalman, "Constitution," 1054-1055, 1065; Brinkley, "Debate," 1047.

⁷⁸ G. Edward White, "Constitutional Change and the New Deal: The Internalist/Externalist Debate," *American Historical Review* 110 (2005), 1094.

⁷⁹ Winkler, *Franklin D. Roosevelt*, 214-215.

decisions of the court prior to 1937 had been the result of 5-4 decisions, Robert's shift proved decisive in changing the balance of the justices. This "switch in time," as a columnist allegedly quipped in the 1930s, had "saved nine," dooming Roosevelt's court-packing plan, but also removing the court as an obstacle to New Deal legislation.⁸⁰

In contrast to the earlier view of the Supreme Court yielding to outside pressure, White offered an up-to-date perspective that accounted for a gradual adjustment of judicial doctrine to a rapidly changing American society.⁸¹ Leuchtenburg, Kalman, and others have expressed dissatisfaction with the limits imposed by labels while acknowledging the prevailing shorthand of using antonyms to classify an entire area of historiography. Leuchtenburg complained that his identification with the term externalist suggests a one-dimensional political rendering of the courts and laws. He contended that the adoption of a verbal dichotomy reflects neither his position nor by implication his internalist counterparts. Though objecting that reduction by binary division can over-simplify complexity extant in positions on court-packing, both writers did extol the terms' convenience.⁸²

Leuchtenburg has surmised that on some important matters related to the court controversy there is little that divides "externalists" and "internalists." He has stated that in the international arena the court and the president operated in tandem. Also, Leuchtenburg has stated both externalists and internalists have dated the incorporation of the Bill of Rights in the

⁸⁰ Brinkley, "Debate," 1047.

⁸¹ Ibid.

⁸² Kalman, "Constitution," 1054-1055; William E. Leuchtenburg, "Comment on Laura Kalman's Article," *American Historical Review* 110 (2005) 1081. Extracted from the 2005 AHR Forum, commentaries provided a condensed rendering of both the externalist and internalist positions. Leuchtenburg recognized the turn in usage in Hughes Court historiography, joking that in his distaste for being called an externalist that maybe it was a promotion from being called a "consensus historian."

Fourteenth Amendment (especially germane in examining the court's application of the "liberty of contract" standard in labor cases) as beginning before 1937. Regarding the constitutional shift of the court during the 1930s, Leuchtenburg recognized an area of uncertainty because of missing documentation. Evidence in Justice Roberts's personal papers that could potentially shed light on his voting in New Deal era cases has never been found. Further, the 1937 diary of Felix Frankfurter (Roosevelt advisor at the time and later Supreme Court justice) that could illuminate the activity of the court during that transforming year was stolen from the Library of Congress.⁸³

Resolving to determine the most likely reason(s) the court shifted in the 1930s, Leuchtenburg offered four possibilities that could account for the change. First, Roberts and Hughes shifted because of the almost universal ridicule they sustained from legal scholars reviewing their decisions in law journals over a two-year period. Second, justices became the targets of public outrage. From 1935 to 1937, a plethora of court-curbing bills were introduced in Congress with the likelihood the legislation could be passed. Hughes and Roberts visited together at Roberts's farm and engaged in extended conversation just prior to considering *West Coast Hotel*. Moreover, in a 1951 statement, Roberts admitted that the 1937 court was under intense pressure. Third, the 1936 election was a psychological blow to the conservatives on the court. The most trusted public opinion poll predicted Roosevelt's defeat just prior to the election. Both Justices Van Devanter and McReynolds had expressed the view that Roosevelt stood a good chance of being defeated. Roosevelt's victory was so one-sided, however, the judges were clearly put into a position in which their opposition to the New Deal agenda would constitute a rejection of the will of the public. Finally, the threat of packing the court could have intimidated the justices. Though Roberts switched his support in the minimum wage case before the court-

⁸³ Leuchtenburg, "Comment on Kalman," 1088.

packing bill was announced, newspapers had speculated widely that pending election results, FDR might expand the court.⁸⁴ Throughout the campaign, however, the Roosevelt administration remained tight-lipped concerning a court-packing bill.

In February, 1937, when the Roosevelt administration announced the court-packing bill, Leuchtenburg concluded the pressure on the court as an independent institution was unbearable. His view echoed leading historians of the day, such as Charles Beard, E. S. Corwin, and Richard Cortner, who connected the day the court-packing bill was introduced, February 5, directly to April 12, the day the Wagner Act was upheld. In *National Labor Relations Board v. Jones & Laughlin Steel Corporation* (1937), the administration gained for labor the right to be represented by unions and to bargain collectively. Leuchtenburg quoted Cortner as saying: “The Wagner Act cases marked the end of the ‘old Constitution’ The Wagner Act cases opened the floodgates of national power.” For added emphasis, Leuchtenburg quoted Supreme Court Justices David Souter and Clarence Thomas in recent cases marking 1937 as a seismic shift in constitutional jurisprudence. By 1936, the Supreme Court had ruled much of Roosevelt’s New Deal unconstitutional, but the court did not reject any New Deal legislation after the administration introduced the court-packing bill. Leuchtenburg concluded the “Constitutional Revolution of 1937” was sudden, not a gradual evolution of doctrine as the “internalists” maintained.⁸⁵

When evaluating the internalist view, G. Edward White posited in his 2005 *AHR Forum* article, “Constitutional Change and the New Deal: The Internalist/Externalist Debate,” that much agreement has existed between the externalist and internalist positions. Both sides acknowledged

⁸⁴ Leuchtenburg, “Comment on Kalman,” 1088-1090.

⁸⁵ *Ibid.*, 1091-1092.

the authority of the U.S. Constitution. Both sides recognized the authority of the Supreme Court to make final decisions regarding the interpretation of the U.S. Constitution. Both sides recognized the independence of justices with regard to tenure presuming good behavior. Both sides agreed the meaning of the Constitution may change over time. Also, externalists and internalists both believed prior court decisions were subject to more recent interpretation of the law.

While acknowledging their common ground, White asserted that the major difference between externalists and internalists “involved how and why constitutional change takes place.” Externalists believed Supreme Court justices remain subject to the same influences that affect elected leaders. Accordingly, justices, like public officials, are influenced by their own pre-existing ideologies. Further, justices would express concern over the immediate political and social outcomes resulting from their decisions. Thus, externalists have asserted short-term political concerns applied to judges must be regarded as a priority in their decision-making.⁸⁶ But White concluded that the externalists’ focus on familiar political considerations caused them to misread the judicial organizational matrix. Internalists understood the Supreme Court reached decisions by “collegial, deliberative, and focused ... analysis of legal doctrine.” Consequently, opinions of the court, whenever possible, were collective. Dissenting and concurring opinions were discouraged by floating draft opinions among justices and by modifying language in response to criticism. Further, justices relied on a doctrinal framework to both constrain their personal biases and guide their decision-making.

Though the Constitution remains constant, the court’s doctrinal framework may change over time. Until the 1930s, the court relied on a doctrinal framework in which due process

⁸⁶ White, “Constitutional Change,” 1094.

provisions of the Constitution supported “liberty of contract” against the imposition of governmental police power based on the commerce clause meant to promote a public objective such as health, safety, or morals. By the 1940s, the court’s doctrinal framework presumed the opposite: most police power that interfered with liberty of contract was constitutional, based on the belief that legislatures enacted the legislation to promote health, safety, or morals.⁸⁷

White conceded that this change in court doctrine became apparent in 1937, seemingly sanctioning the legislative program of the later New Deal. He questioned, though, if correlation implies causation, by objecting that wars, depressions, and politics occurred independent of doctrinal change in constitutional interpretation.⁸⁸ Instead, White and Leuchtenburg, along with the internalist and externalist camps, have identified the starting point of the internalist explanation for an evolution of court doctrine to the *Nebbia v. New York* (1934) decision.⁸⁹ In *Nebbia*, Roberts, siding with a 5-4 majority, rejected the jurisprudential distinction dating back to the 1870s that the state could regulate private property only when it was “affected with the public interest.”⁹⁰ According to the internalists, the court’s shift in jurisprudence became complete with the 1942 *Wickard v. Filburn* (1942) decision. In *Wickard*, the Supreme Court abandoned its distinction between direct and indirect effects of laws regarding interstate commerce. By the early 1940s, the Supreme Court had almost abandoned its constitutional scrutiny of commerce and police power, instead relinquishing to the states and national legislatures control of economic activity and benefits.⁹¹

⁸⁷ White, “Constitutional Change,” 1095-1097.

⁸⁸ *Ibid.*, 1098.

⁸⁹ Leuchtenburg, “Comment on Kalman,” 1083.

⁹⁰ Kalman, “Constitution,” 1061.

⁹¹ White, “Constitutional Change,” 1107.

White dismissed Leuchtenburg's assertion that *Nebbia* was an anomaly followed by a rash of rulings against the New Deal, since none of the cases adverse to the Roosevelt administration in 1935-1936 except one was relevant to the doctrinal issues in *Nebbia*. Indeed, the decisions of the 1937 session of the Supreme Court appeared to be a revolutionary response to external pressure only when truncated in time by Leuchtenburg beginning in 1935 and ending in 1937. White minimized the assaults on the court identified by Leuchtenburg from the legal community in law journals, the plethora of proposed court-curbing bills coincident with negative public opinion, the smashing 1936 Democratic victory, and the court-packing bill itself, arguing instead that political and legislative pressure on the court occurred regularly dating back to Jefferson and Marshall. Moreover, the pace of constitutional change from *Nebbia* through *Wickard*, reflecting a wider time-frame, represented the norm, not the exception, for the Supreme Court. Change here, White asserted, "allow[ed] the states and Congress to regulate economic activity or redistribute economic benefits whenever they could advance a reason for doing so,"⁹² mirroring other important doctrinal changes occurring over extended time periods such as abortion, executive power, slavery, and freedom of expression.⁹³

White went on to counter Leuchtenburg's claim that "bad drafting" of New Deal legislation was an inadequate reason for the court to embrace New Deal objectives that had been previously rejected by the Supreme Court. He listed a number of New Deal statutes that were approved by super-majority after having been rewritten employing an alternate constitutional basis: the Connally Act responding to the "hot oil" ruling, revision of the Farm Debt Relief Act, revision of the Bituminous Coal Conservation Act, etc. White concluded that positive judicial

⁹² White, "Constitutional Change," 1107.

⁹³ *Ibid.*, 1104-1107.

response to legislative redrafting in fact demonstrated the court's adherence to its existing constitutional doctrine.⁹⁴ Significantly, White held up several instances of voting patterns of Hughes court members to make the case that justices regularly ruled for or against legislative policies on doctrinal grounds independent of their political sympathies. For example, Brandeis led a unanimous court against the Frazier-Lemke Act despite favoring mortgage relief for farmers. Brandeis and Stone helped sustain the Gold Reserve Act despite their personal distaste for the law.⁹⁵

Alan Brinkley, in a chapter contribution to *The New American Historiography* (1997), a century-ending collection surveying broad themes in American history, described analyses of the New Deal period as relatively unchanging. In ongoing study, the New Deal has continued to be regarded as the formative core in the modern American national experience, moving the country toward closer union and democratic life. Brinkley commented that the absence of radical change in general interpretation, however, has not precluded gradual revision in specialized areas of New Deal history.⁹⁶ For historians, it would seem the 2005 *American Historical Review Forum* itself, "The Debate over the Constitutional Revolution of 1937," marked just such a realization of developing change in the historiography. In contrast to the 1930s, the maturing view of the court conflict by the 2000s required bifocal lenses; both the events and the language appeared different.

From reviewing recent literature, this author is in agreement with the historians who participated in the 2005 *AHR Forum*. The academy's interpretative trajectory and analysis of the

⁹⁴ White, "Constitutional Change," 1102-1103.

⁹⁵ *Ibid.*, 1113-1114.

⁹⁶ Alan Brinkley, "Prosperity, Depression, and War, 1920-1945," in *The New American History*, ed. Eric Foner (Philadelphia: Temple University Press, 1997), 143.

Roosevelt administration/Hughes court conflict has retained a prevailing “externalist” orientation over internalist considerations until the last two decades. But within the academy’s dominant matrix for comprehending the court controversy, variations in emphases persist. Two collections of historical commentaries from 1952 and 2004 serve to bridge the decades up to the 2005 *AHR Forum*. Both collections revealed historical interpretation deeming the Hughes court as yielding to *external* as well as *internal* pressures in shifting its position on New Deal legislation. Despite a preponderance of historians who agreed that externalist explanations have dominated the 1937 court controversy historiography, an internally driven accounting of the event remained evident as well. Both collections revealed Supreme Court justices fixed on the implications of New Deal legislation on established constitutional doctrine.

Amherst College’s 1952 edition of its *Problems in American Civilization* series, *Franklin D. Roosevelt and the Supreme Court*, compiled readings contemporary to the Hughes court’s tenure. Editors Alfred Cope and Fred Krinsky, in the introduction, centered the collection on a question: “Should Roosevelt have attempted to pack the Supreme Court?”⁹⁷ Juxtaposed around the question can be found positions providing support for both external/political and internal/constitutional motivations for the court’s actions in the face of FDR’s pressure. Max Lerner’s essay, “The Supreme Court and American Capitalism,” charged the Supreme Court with buttressing capitalism: “At the heart of these polemics is the recognition that the real meaning of the court is to be found in the political rather than the legal realm, and that its

⁹⁷ Alfred Haines Cope and Fred Krinsky, “Introduction,” in *Problems in American Civilization: Franklin D. Roosevelt and the Supreme Court*, ed. Alfred Haines Cope and Fred Krinsky (Boston: D.C. Heath and Company, 1952), v.

concern is more significantly with power politics than with judicial technology.”⁹⁸ Lerner argued that no matter the source of appeal—e.g., injunction, writ of certiorari, due process clause of the Fourteenth Amendment—“these clashes of interest ... are at once evidences of maladjustment and challenges to control. Some are concerned with the organizational aspects of capitalism, others with the incidence of its functioning, still others with the distribution of its flow of income.”⁹⁹ *Munn v. Illinois* (1876) and *Muller v. Oregon* (1908) were explained as aberrations—judicial review remained the bastion of anti-democratic forces.¹⁰⁰ “There, behind the safe earthworks of natural law, due process, minority rights, the judges can in the plenitude of their virtue and sincerity veto and outlaw the basic social program of the majority.”¹⁰¹

In the same collection, Carl Swisher’s article examined Chief Justice Hughes’s response to administrative agencies taking away judicial prerogative: 1) In *Crowell v. Benson* (1932), “he [Hughes] recaptured for the courts power to re-determine facts designated as ‘jurisdictional’ previously determined by administrative agencies”; 2) With passage of the National Industrial Recovery Act (1933), a mass machinery of administration was being created, enforcement provisions were absent; thereby allowing the president at his discretion to issue executive orders prohibiting interstate or international shipment of oil produced in excess of legal limits. “With only Justice Cardozo dissenting, the court held that the conferring of this power upon the

⁹⁸ Max Lerner, “The Supreme Court and American Capitalism,” in *Problems in American Civilization: Franklin D. Roosevelt and the Supreme Court*, ed. Alfred Haines Cope and Fred Krinsky (Boston: D.C. Heath and Company, 1952), 39.

⁹⁹ *Ibid.*, 44.

¹⁰⁰ *Ibid.*, 46-47.

¹⁰¹ *Ibid.*, 57.

president, without the prescription of a policy or standard to guide his decision, was an unconstitutional delegation of legislative power.”¹⁰²

Echoes of Lerner’s external and Swisher’s internal determinations have been reformed in the twenty-first century, sustaining the debate over why the Hughes court jurisprudence changed and thereby accommodated the New Deal legislative program. From the M. E. Sharpe Library of Franklin D. Roosevelt Studies, editor Stephen Shaw summarized *Franklin D. Roosevelt and the Transformation of the Supreme Court, Volume 3* (2004) as a collection that “examines the impact of FDR on American law and politics primarily through his collision with and influence on the United States Supreme Court.”¹⁰³ Again, as with the 1930s and 1940s readings in the Amherst College series edition (1952) discussed above, internalist/externalist positions were apparent in the essays pertinent to the 1937 court controversy in the M. E. Sharpe volume. Although authors described the externalist position to provide context, the essays supported an internalist interpretation of events. The collection did not seriously analyze possible external influences shaping the Hughes court’s decisions.¹⁰⁴ Where the positions presented in the 1930s and 1940s writings, collected in the Amherst College 1952 publication, tilted in favor of an externalist explanation, those articles gathered in the M. E. Sharpe collection markedly leaned toward supporting an internalist accounting.

In Part I of the 2004 M. E. Sharpe collection, “The Supreme Court: Image and Reality,” Roger Corley’s article noted that constitutional texts written within the previous two decades

¹⁰² Swisher, “Supreme Court,” 2-5.

¹⁰³ Shaw, “Introduction,” 4.

¹⁰⁴ Abraham and Perry, “Franklin Roosevelt,” 24-25; Holland, “FDR”, 81-83; Roger W. Corley, “Was There a Constitutional Revolution in 1937” in *Franklin D. Roosevelt and the Transformation of the Supreme Court*, ed. Steven K. Shaw, William D. Pederson, and Frank J. Williams (Armonk, NY: M.E. Sharpe, 2004), 50-51.

continued to support the consensus position dating from the end of the Hughes court: the Supreme Court changed suddenly in 1937 brought on by the court-packing scheme.¹⁰⁵ Barbara Perry and Henry Abraham's essay, "Franklin Roosevelt and the Supreme Court: A New Deal and a New Image," presented as a recurring theme the Hughes court's preoccupation with preserving constitutional doctrine. In writing the majority opinion in *United States v. Butler* (1936), Justice Roberts's concerns reflected the authors' focus. Building on Chief Justice Hughes's position against the NIRA in the 1935 "hot oil" decision, Roberts acclaimed judicial review:

When an act of Congress is appropriately challenged in the courts as not conforming to the constitutional mandate, the judicial branch of the government has only one duty; to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former. This court neither confirms nor condemns any legislative policy.¹⁰⁶

Roger Corley concluded in his article "Was There a Constitutional Revolution in 1937?" there was evolution, not revolution, in doctrine based on a statistical study of Supreme Court cases dating back to the 1921 term. A review of court decisions revealed increasing state authority over the economy. The Hughes court ruled more favorably than the Taft court by approximately a ten percent margin. Corley attributed the increase in the trend to Roberts's and Hughes's appointments after Taft's death.¹⁰⁷ Kenneth Holland's article, "FDR and Charles Evan Hughes: President versus Chief Justice," examined the antagonists' backgrounds—the relationship between FDR and Hughes, their points of constitutional conflict and agreement, and

¹⁰⁵ Corley, "Constitutional Revolution," 36.

¹⁰⁶ Abraham and Perry, "Franklin Roosevelt," 23-24.

¹⁰⁷ Corley, "Constitutional Revolution," 37, 53.

their shared impact on government and the courts.¹⁰⁸ Holland asserted that in their battle over the New Deal, Hughes was persuaded, not coerced. The Chief Justice came to accept that the federal government's power to regulate the economy was supported by the Constitution.¹⁰⁹

Hughes court historiography reached a developmental summit from its base 1930s externalist commentary with the 2005 *American Historical Review Forum*. Writing in her *AHR Forum* article, Kalman urged a new reading of the Hughes court/New Deal controversy—rejecting the convenient “either/or, law or politics” interpretation employed by much of the academy.¹¹⁰ Kalman embraced instead constitutional scholar Bruce Ackerman's position that “the internalists ‘are right in insisting that the New Deal did not reconstruct constitutional law out of thin air,’ while the externalists ‘are right in insisting the doctrinal revolution would not have happened without sustained presidential leadership.’”¹¹¹ Alan Brinkley, in his *AHR Forum* introduction, affirmed Kalman's counsel. Brinkley urged historians to employ a union of approaches, recognizing that law and politics “are really two complementary parts of the complex process by which the Constitution is, and has always been, interpreted by the courts.”¹¹²

Leuchtenburg's analytical contribution to the *AHR Forum* emphasized the tremendous political and societal pressure that the justices must have felt rendering opinions on what they and their fellow citizens considered to be legislation dealing with a national emergency.¹¹³ The use of a 1935-1937 constitutional framework, however, arbitrarily precludes realistic

¹⁰⁸ Holland, “FDR,” 77-78, 108-109.

¹⁰⁹ *Ibid.*, 81.

¹¹⁰ Kalman, “Constitution,” 1075.

¹¹¹ *Ibid.*, 1075-1076.

¹¹² Brinkley, “Debate,” 1050.

¹¹³ Holland, “FDR,” 101.

consideration of the normal development of case law. For example, in the realm of labor law: Holmes for the minority in *Hammer v. Dagenhart* (1918) regarding federal regulation of child labor,¹¹⁴ and Brandeis in his celebrated brief in *Muller v. Oregon* (1908) argued for police power protecting women's health, anticipated by decades the judicial change that would accompany governmental and societal transformation during the New Deal.¹¹⁵ Chief Justice Hughes in turn, writing for the majority, directly applied *Muller* in supporting minimum wages in *West Coast Hotel v. Parrish* (1937).¹¹⁶

White provided documentation in his *AHR Forum* article, refuting Leuchtenburg's claim that "bad drafting" could not justify the court's reversals on New Deal laws previously ruled unconstitutional. White offered before and after comparisons, showing New Deal laws passing judicial review when redrafted using changed constitutional bases.¹¹⁷ In the 1952 Amherst College collection, Swisher's description of the haste involved in creating New Deal legislation buttressed White's charge of sloppy drafting.¹¹⁸ White's position suffers, though, from the salient fact that, in examples cited, conservative and moderate Supreme Court justices changed their positions on the redrafted legislation in the wake of the announcement of the court-packing bill in February 1937. In countering Leuchtenburg, White advanced the internalist argument. He contended that the dynamic of the court's constitutional framework evolved over a longer time frame, occurring independently of the actions of the president or the Congress in the 1930s. White's summation in his 2005 *AHR Forum* essay argued that applying "behavioralist (*external*)

¹¹⁴ Robert H. Jackson, *The Struggle for Judicial Supremacy: A Study of a Crisis in American Power Politics* (New York: Alfred A. Knopf, 1941), 66-68.

¹¹⁵ Baker, *Back to Back*, 121-122.

¹¹⁶ White, *The Constitution*, 222-223.

¹¹⁷ White, "Constitutional Change," 1102-1103.

¹¹⁸ Swisher, "Supreme Court," 4-5.

assumptions” to Supreme Court decisions became a self-fulfilling prophecy in the absence of recognizing the court’s standard application of “doctrinal (*internal*) constraint.”

Yet, compelling political factors posed by Leuchtenburg and other externalists stand. Hughes and fellow justices clearly exceeded judicial norms of behavior in responding to political pressure. The judges conspired with Senators Wheeler and Borah to undermine the court-packing bill, both by offering senators an opposing assessment of the court’s efficiency and in timing the announcement of Justice Van Devanter’s resignation. In 1954, Justice Roberts acknowledged feeling outside political pressure when he received prominent consideration as a candidate for the Republican presidential nomination in 1936. Contemplating a run for the presidency would make Roberts cautious about making judicial rulings out of step with the electorate, and Baker noted Roberts’s philosophy wavered “during this time ... as expressed in his court opinions and votes, see-sawed from the liberal to the conservative side.”¹¹⁹ Hughes and Roberts clearly recognized the political winds sweeping the country around the time of the 1936 election and the subsequent announcement of the proposed legislation expanding the Supreme Court in February 1937. Both Hughes’s and Roberts’s extensive careers in the higher reaches of government suggest strongly a practiced capability to deal with pressure from President Roosevelt and an overwhelmingly Democratic Congress. In response, Holland described Hughes’s ideology as vacillating between the liberal and conservative blocs on his court, voting equally with each side to maintain working relationships and to control the direction of leadership. Holland maintained, however, that Hughes’s accommodating ideology could not explain either his moderation or his

¹¹⁹ Baker, *Back to Back*, 123-124, 174-176.

constitutional differences with Roosevelt.¹²⁰ Doctrinal constraint aside, Hughes and Roberts exemplified both resistance and subjection in accordance with “behavioralist assumptions.”

Did the United States Supreme Court shift jurisprudence because of pressure from the results of the 1936 election and the Roosevelt administration’s court-packing bill in 1937? The process of judicial change accelerated significantly with the Supreme Court term of 1937; even if internalists can mark the beginning of the court’s philosophical shift with the *Nebbia v. New York* (1934) decision confirming a state’s right to regulate commodity prices, or decades earlier, in minority opinions authored by Holmes and Brandeis, supporting governmental oversight of the conditions of private economic activity.¹²¹ Conversely, for all Leuchtenburg’s accumulated analysis supporting external causation for a “Constitutional Revolution of 1937,” Leuchtenburg himself has admitted, absent conclusive evidence such as Roberts’s or Frankfurter’s papers, “I don’t know for certain.”¹²² Kalman termed Barry Cushman’s 1998 book, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution*, the full statement of the internalist position.¹²³ Cushman likewise has expressed “there is no ‘utterly irrefutable smoking gun’” to explain the court’s shift in jurisprudence in the Constitutional Crisis of 1937.¹²⁴

In the years since Kalman’s and Brinkley’s participation in the *American Historical Review Forum* on “The Constitution, the Supreme Court, and the New Deal” (2005) discussed in this paper, historians, scholars in allied fields, and journalists, among others, have contributed useful additions to Hughes Supreme Court historiography. Recent monographs now detail

¹²⁰ Holland, “FDR,” 95-96.

¹²¹ Shesol, *Supreme Power*, 27, 70-72; Irons, *A People’s History*, 299; Parrish, *Hughes Court*, 15, 28, 178.

¹²² Leuchtenburg, “Comment on Kalman,” 1088.

¹²³ Kalman, “Constitution,” 1061.

¹²⁴ *Ibid.*, 1079.

connections within a wide spectrum of Hughes court/New Deal topics. Noteworthy books include journalist Burt Solomon's *FDR v. The Constitution* (2009), law professor Noah Feldman's *Scorpions* (2010), historian Jeff Shesol's *Supreme Power* (2010), and law professor James Simon's *FDR and Chief Justice Hughes* (2012). Each interwar account adds substance to our historical understanding of the internal and external pressures on the Hughes Supreme Court.

The strength of Solomon's *FDR v. The Constitution* abides in its ability to render the social landscape of the early decades of the twentieth century and deftly place the court battle in it. Arcane legalisms and court cases become easily accessible to historians outside the usual boundaries of constitutional history.¹²⁵ In *Scorpions*, Noah Feldman appropriated the moniker used by Justice Felix Frankfurter's law clerk in the early 1950s to describe the sitting Supreme Court justices; by then, Roosevelt judicial appointees had begun to redefine boundaries of the federal government changing the fabric of American life. Feldman's *Scorpions* adds significantly to our historical understanding of the effects of the 1937 shift in Supreme Court jurisprudence.¹²⁶ Jeff Shesol's background as a speechwriter in the Clinton administration is evident and contributes to an insider feel in the recounting of the interplay of politicians, the people, and the courts. *Supreme Power* indeed follows those purveyors of power responsible for prompting 1930s foundational societal change. Shesol's diligence in tracking down and making good use of surviving on scene participants, who served as junior staffers and law clerks to principal New Deal actors, stands as a contribution in itself.¹²⁷ James Simon gives equal treatment to Roosevelt and Hughes in *FDR and Chief Justice Hughes*. In this dual biography, Simon clearly explicates

¹²⁵ Barry Cushman, "The Jurisprudence of the Hughes Court: The Recent Literature." Scholarly Works Paper 1078. *Notre Dame Law Review* 89, no.5, (2014): 2027-2028, accessed July 18, 2015, http://scholarship.law.nd.edu/law_faculty_scholarship/1078.

¹²⁶ Feldman, *Scorpions*, xi-xii, 406-408, 437.

¹²⁷ Shesol, *Supreme Power*, 1-7, 531-534.

how both the president and the chief justice valued and vigorously promoted their respective institutions as essential co-equal branches of government.¹²⁸

Almost eight decades have passed since the Roosevelt administration's attempt at court-packing and the subsequent "Constitutional Revolution of 1937." Distilling from a succession of historians' extended perspectives, an arc of historical understanding reveals a comprehensible historiography still taking shape. An external interpretive frame dominated analyses of contemporary and post-war Hughes court jurisprudence. Commentaries, much in evidence, highlight political pressures brought to bear on the Supreme Court. Progressive forces sought institutional change resulting in societal transformation: represented, for example, in New Deal writing compiled in the 1952 "Problems in American Civilization" collection, or Roosevelt's biography by Leuchtenburg (1963).¹²⁹

An expanding internal interpretation for the switch in Hughes court jurisprudence was evident by the 1960s. Baker's 1967 book documenting the duel between the Roosevelt administration and the Supreme Court typified a growing awareness of both inside and outside forces shaping the Hughes court's judicial philosophy: prominently highlighted in the court fight when a faction of liberal, moderate, and conservative justices employed active measures to preserve the judicial independence of the Supreme Court by collaborating together to resist the pressures of the administration's Senate court-packing push.¹³⁰ From cumulative historical writing—political, societal, judicial—Parrish's 1978 retrospective of court-packing historiography grouped historians according to their assessments of relative external and internal

¹²⁸ Simon, *FDR*, 1-8.

¹²⁹ Lerner, "Supreme Court," 39-57; Leuchtenburg, *Franklin D. Roosevelt*, xv-xvi, 331-336.

¹³⁰ Baker, *Back to Back*, 123-124, 174-176; Feldman, *Scorpions*, 109.

pressures on the Hughes court. Historians questioned the Hughes court's transformed judicial philosophy: did a "revolution" in historiography occur in 1937? To Parrish's writing in 1978, historical analysis had come a long way from the 1930s when sympathy for or against the New Deal shaped Hughes court historiography.¹³¹ Parrish's reprise of Hughes court historiography in 1998 employed conceptualizations appropriated from schools of legal jurisprudence: legal formalism, judges determining the law based on legal principles; and legal realism, judges ruling on the law based on personal experience joined with schools of historical interpretation reflecting a changed emphasis of inquiry.¹³²

From twentieth century's end to the present, legal scholarship has crystallized with full recognition of external and internal influences. Identifying the contending schools using objective language of historiography, Parrish distilled the differing causality of the Hughes court judicial philosophy, located as either a "constitutional revolution" arising from external political pressures or simply a "constitutional evolution" rooted in the internal logic of past decisions."¹³³ With her 2005 *AHR Forum* paper, Kalman stressed the distinction applied to historians as well: "we are either 'externalists' or 'internalists.'"¹³⁴ Barry Cushman's 2014 review of five monographs of recent New Deal era literature related to the 1937 Supreme Court decisions confirmed historians have continued to frame understanding of the Hughes court conflict using the externalist and internalist analytical matrix. Cushman, reiterating Parrish and Kalman years before, determined the works he evaluated represented the shift in the Hughes court as either a

¹³¹ Parrish, "Hughes Court," 286, 288,302-308.

¹³² Parrish, *Hughes Court*, 185; Murphy, *Courts, Judges, Politics*, 623-624; Kalman, "The Constitution," 1057-1060.

¹³³ Parrish, *Hughes Court*, 185.

¹³⁴ Kalman, "The Constitution," 1054.

sharp break in constitutional doctrine yielding to external pressure, or as a gradual development of constitutional doctrine based on internal decisions originating from the justices' legal philosophies.¹³⁵

While employing the current dichotomy of externalist and internalist positions does serve to bring the court controversy into sharper relief, this writer has concluded neither external nor internal factors alone has ever satisfactorily explained the 1937 shift in Supreme Court jurisprudence. Focus on this contentious area of New Deal historiography confirms Leuchtenburg's contention that there has always been an alternate perception to the dominant external explanation for the court controversy.¹³⁶ Under-representation of an internal position, in the nascent forms of complementary biographies of Chief Justice Hughes and attacks on the motives of the New Deal dating back to the 1930s and 1940s, mushroomed into a fully developed and competing internalist position in the past two decades. For example, legal historians since the 1990s have argued convincingly that factors such as Justice Roberts's evolving views on state regulation of private property significantly influenced constitutional movement between 1934 and 1942. Internalists as well have discounted external momentum from the 1936 election by pointing out that the Roosevelt administration also triumphed in the 1934 off-year election only to see the New Deal program invalidated by the Supreme Court.

¹³⁵ Barry Cushman, "The Jurisprudence of the Hughes Court: The Recent Literature." Scholarly Works Paper 1078. *Notre Dame Law Review* 89, no.5, (2014): 1929-1930, accessed July 18, 2015, http://scholarship.law.nd.edu/law_faculty_scholarship/1078. Note: The books reviewed by Cushman were: *Franklin Roosevelt and the Great Constitutional War*, Marian C. McKenna (2002); *The Hughes Court*, Michael Parrish (2002); *The Chief Justiceship of Charles Evans Hughes*, William Ross (2007); *Backlash: The Killing of the New Deal*, Robert Shogan & Ivan Dee (2006); *FDR v. The Constitution*, Burt Solomon (2009).

¹³⁶ Leuchtenburg, "Comment on Kalman," 1081.

Moreover, significant state expansion of the commerce clause occurred with the arrival of Roosevelt appointees to the court reflecting the new justices' internal judicial philosophies.¹³⁷

With fully developed externalist and internalist interpretive modalities established at the time of the 2005 *AHR Forum*, Kalman and Brinkley expressed hope for a synthesis of positions affording a more holistic explanation of the 1937 court controversy. Still, it seems certain historians will continue to research, debate, and frame external and internal causes for the shift in the Hughes court's jurisprudence in attempting to understand it.¹³⁸ Historians since the time of Herodotus and Thucydides have used chronology and categories to sort out human behavior. But to make sense of experience, Brinkley's concluding point at the *AHR Forum* argues for organic treatment of American jurisprudence: external arguments and internal arguments "are really two complementary parts of the complex process by which the Constitution is, and has always been, interpreted by the courts."¹³⁹

Recent New Deal/Hughes court works, *Scorpions* by Feldman, *FDR and Chief Justice Hughes* by Simon, and *Supreme Power* by Shesol support Brinkley's contention. Fundamentally, these histories cohere because they explore both exterior actions and interior motives of their historical actors. To put it another way, using Hughes as an instructional exemplar: in the court-packing battle over the court, the chief justice served as both an adept politician protecting the turf of the court and a motivated jurist applying established legal doctrine to secure a judicial center moderating the effects of the New Deal.¹⁴⁰ Can historians understand Hughes or

¹³⁷ Kalman, "Constitution," 1061-1062.

¹³⁸ *Ibid.*, 1055, 1075-76; Brinkley, "Debate over," 1050.

¹³⁹ Brinkley, "Debate over," 1050.

¹⁴⁰ Feldman, *Scorpions*, 110, 114; Simon, *FDR*, 392-393; Shesol, *Supreme Power*, 521-523.

Roosevelt without each other? Shesol concluded in *Supreme Power* that to consider the Supreme Court as exclusively a political body, or a legal institution impervious to either external or internal influence is a false dichotomy that has persisted antithetically in the face of human complexity. Appropriately, to make his case, Shesol quotes the ultimate swing voter, Justice Roberts, famously attempting to explain his vote in the *West Coast Hotel v. Parrish* decision: “Who knows what causes a judge to decide what he does. Maybe, the breakfast he had has something to do with it.”¹⁴¹

The scale and influence of the federal government over American life increased phenomenally as a result of the New Deal.¹⁴² Interest in the Roosevelt administration battle with the Supreme Court will continue because of far-reaching consequences of conflict occurring in the decades following the New Deal: increased state and national governmental power creating the modern administrative state, and judicial activism affecting civil rights.¹⁴³ Clearly, de Tocqueville had a point when he observed that political questions in the United States often end up in court. Odds are historians will cover their bets as they continue to assess the Roosevelt administration and the Hughes court. Momentous political acts and precedent setting judicial decisions of the 1930s redound unavoidably in the lives of the American people and turn up with regularity in the course of routine research. In 1992, in the *Planned Parenthood v. Casey* decision reaffirming the constitutional right to abortion, both supporting and dissenting opinions referenced the “lessons” of 1937. Rehnquist court justices, in an attempt to establish jurisprudential direction, were divided over standing by or deserting the precedent established by

¹⁴¹ Shesol, *Supreme Power*, 523-524, quote, 524.

¹⁴² Leuchtenburg, *Franklin D. Roosevelt*, 331-336; Himmelberg, *Great Depression*, 77-80.

¹⁴³ Irons, *Peoples History*, 316-317, 330-332; Schwartz, *A History*, 233-238, 244-245; Simon, *FDR*, 390-392; Parrish, *Hughes Court*, 42-43.

Roe v. Wade (1973).¹⁴⁴ In 2009, Christina Romer, chair of the Obama administration's Council of Economic Advisers, in a speech at the Brookings Institution modeling the experience of the Great Depression as archetype, advocated continuing a massive federal stimulus program to recover from the 2008 economic crisis.¹⁴⁵ In 2010, reviewers of Feldman's book, *The Scorpions*, about Roosevelt Supreme Court appointees, drew parallels with New Deal legislation, predicting the Supreme Court would be faced with deciding the fate of the Affordable Care Act in the next few years.¹⁴⁶

Historians, in the future will continue to have ample opportunity to consider the New Deal's huge footprint on the landscape of American history. Shesol, Kalman, and Brinkley have advocated an analytical revision of court-packing historiography that recognizes the complementary value of external and internal arguments explaining the shift in Hughes court jurisprudence. Given the complexity of the research area, and considering the strength of both external and internal explanations for the resultant change in Hughes court jurisprudence, increasing collaboration of the kind occurring at the 2005 *AHR Forum* may happen as a matter of course.

¹⁴⁴ Kalman, "The Constitution," 1058; Burns, *Packing the Court*, 219-220.

¹⁴⁵ David Haugen, Susan Musser, and Vickey Kalambakal, eds. Christine D. Romer speech: "Lessons from the Great Depression for Economic Recovery in 2009" (speech presented at the Brookings Institution, Washington, DC, March 9, 2009) in *Perspectives on Modern World History: The Great Depression* (New York: Greenwood Press, 2010): 149-159.

¹⁴⁶ Jeremy Rabkin, "The New Dealers' Court," review of *Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices*, by Noah Feldman, *The Wall Street Journal*, updated Nov. 6, 2010 12:01 a.m. ET, accessed July 18, 2015, <http://www.wsj.com/articles/SB10001424052702304173704575578762535370640>; Medha Gargeya, "Feldman's 'Scorpions'," review of *Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices*, by Noah Feldman, *From the Bookshelf, Harvard Political Review*, November 20, 2010 at 9:26 p.m., accessed July 18, 2015, <http://harvardpolitics.com/online/hprgument-blog/feldmans-scorpions/>.

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II. THE DECISION TO DROP THE ATOM BOMB ON JAPAN: A REVIEW OF HISTORIOGRAPHY

Collective human losses in World War II, the most destructive war in world history, are incalculable. Deaths numbered somewhere around 50 million. No close approximation is possible, given the scale and geographical extent of the conflict. In areas of armed hostility, devastation was severe: huge swathes of habitation and infrastructure were rendered unusable, agriculture and industry were shattered, populations traumatized, effects on domestic and international institutional structures were compromised.¹ The conflict's single most destructive act occurred when an American B-29 bomber dropped an atomic bomb on Hiroshima, August 6, 1945. In 1/10,000th of a second, the blast delivered a force of about twelve kilotons of TNT destroying five square miles amounting to 63 percent of the city's buildings. Deaths totaled around 140,000, combining civilian and military casualties and those who later succumbed to radiation poisoning.²

Leaders of the principal belligerents recognized far-reaching implications: President Harry Truman, returning on the navy cruiser USS Augusta from the conference of allied leaders at Potsdam, jubilantly responded to the bombing of Hiroshima as "the greatest thing in history;"³ Emperor Hirohito, asking his nation to lay down arms in the aftermath of the second atomic attack on Nagasaki, somberly announced, "the enemy has begun to employ a new and cruel

¹ Peter Calvocoressi and Guy Wint, *Total War: Causes and Courses of the Second World War*. (Harmondsworth, England: Penguin Books, 1972), 551-553.

² Andrew Roberts, *The Storm of War: A New History of the Second World War* (New York: HarperCollins Publishers, 2011), 575-576.

³ Tsuyoshi Hasegawa, "Were the Atomic Bombings of Hiroshima and Nagasaki Justified?" in *Bombing Civilians: A Twentieth-Century History*, edited by Yuki Tanaka and Marilyn B. Young (New York: The New Press, 2009), 110.

bomb, the power of which to do damage is indeed incalculable.”⁴ Underlying and linked to Hiroshima, reactions from both the American president and Japanese War Minister, Anami Korechika, reflected a crescendo of anger between enemies. President Truman, responding to an appeal from the Federal Council of Churches of Christ in America pleading not to use the bomb, again wrote:

Nobody is more disturbed over the use of the atomic bomb than I am but I was greatly disturbed over the unwarranted attack by the Japanese on Pearl Harbor and their murder of our prisoners of war. The only language they seem to understand is the one we have been using to bombard them. When you have to deal with a beast you have to treat him as a beast. It is most regrettable but nevertheless true.⁵

On August 9, Japan’s six-member Supreme Council for the Direction of the War met to determine a response to the Allies demand for unconditional surrender. As the government weighed the repercussions of the Hiroshima attack along with the Soviet Union’s declaration of war on Japan the night before, a second atomic bomb was dropped on Nagasaki. Defeated militarily, the council remained hopelessly deadlocked. In the deliberations, as opposing factions argued for hours over surrender, smoldering hostility, which contributed to the worst war in world history and culminated in the use of atomic weapons, found voice in the ironic words of

⁴ D. M. Giangreco, *Hell to Pay: Operation DOWNFALL and the Invasion of Japan, 1945-1947* (Annapolis, MD: Naval Institute Press, 2009), 142.

⁵ John W. Dower, *Cultures of War: Pearl Harbor / Hiroshima / 9-11 / Iraq* (New York: W.W. Norton, 2010), 279.

the War Minister, General Anami, to fight on in a now lost cause: “Would it not be wondrous, for this whole nation to be destroyed like a beautiful flower?”⁶

Hiroshima, the ultimate act of seemingly unstoppable hostility between enemies in World War II, resulted in a harbinger of destruction that today threatens the existence of all humanity. How to make sense of war between Japan and the United States that escalated to the use of atomic weapons has remained an ongoing challenge for historians. Brutal warfare in the Pacific culminated in the United States dropping two nuclear bombs on the Empire of Japan in August, 1945, causing the devastation of Hiroshima and Nagasaki, and death and debility for many thousands of Japanese. The American action helped end World War II and usher in an era of Cold War conflict, in the process generating a broader area of historical inquiry, including topics such as the Truman Doctrine, the Marshall Plan, the doctrine of Mutual Assured Destruction, and East-West security alliances.

The Decision to Use Atomic Weapons in the Context of Historiography

The Truman Administration’s use of nuclear weapons remains one of the most controversial decisions in American history. Numerous historical studies have since ascribed a range of political, military, diplomatic, and psychological reasons for the American decision. Many of these studies have considered the issue of whether moral justification existed for the United States to use nuclear weapons against Japan. Understanding both the employment of weapons of mass destruction during World War II and the standing threat of use potentially causing incalculable damage and hastening the onset of the Cold War, remain important topics of

⁶ Stephen Walker, *Shockwave: Countdown to Hiroshima* (New York: Harper Perennial, 2006), 307; Thomas W. Zeiler, *Unconditional Defeat: Japan, America, and the End of World War II* (Wilmington, DE: SR Books, 2004), 178.

historical interest among the general public and historians today. J. Samuel Walker, for example, in a study of United States History college textbooks, took particular note of Gary B. Nash's assertion in the textbook *The American People: Creating a Nation and a Society* (1990) that post-World War II history cannot be understood without an understanding of the Cold War and by extension the dropping of atomic bombs on Japan.⁷ Moreover, a poll of journalists in 1999 ranked the use of nuclear weapons against Japan the top story of the twentieth century ahead of landing a man on the moon and the attack on Pearl Harbor.⁸

Seven decades after the destruction of Hiroshima and Nagasaki, numerous studies continue to expand an already vast amount of literature probing the extraordinary complexity of this singularly transformative event. Passions have sometimes flared as historians have used a diverse array of interpretive approaches to realize deeper understanding of the decision to drop the bomb. Archetypal of ongoing, diverse historical interpretation of nuclear employment occurred from January 1994 to January 1995, when public controversy surrounded the National Air and Space Museum's fiftieth anniversary retrospective exhibition, "The Last Act: The Atomic Bomb and the End of World War II" (in common parlance, the "Enola Gay exhibition" after the B-29 aircraft which dropped the first atomic bomb on Hiroshima and served as the centerpiece of the installation). Intense media attention and congressional action resulted in cancellation of the original exhibit.⁹ Subsequently, the focus of the December, 1995, issue of the *Journal of American History* was dedicated to concerns surrounding the Enola Gay controversy.

⁷ J. Samuel Walker, "The Origins of the Cold War in United States History Textbooks," *The Journal of American History* 81, (1995): 1652.

⁸ J. Samuel Walker, "Recent Literature on Truman's Atomic Bomb Decision: A Search for Middle Ground," *Diplomatic History* 29 (2005): 311.

⁹ David Thelen, "History after the Enola Gay Controversy: An Introduction," *Journal of American History* 82 (1995): 1029.

The issue questioned the appropriateness of politics influencing the interpretation of history, in particular, the totality of history from national perspectives. In compiling an objective record, Japanese historians faced the challenge of Japan committing the perfidy of a Pearl Harbor while United States historians faced the challenge of recognizing the ongoing agony of victims of the nuclear blasts.¹⁰

For historians of Hiroshima, the atomic bomb decision has often become an interpretative dispute over national memory, a struggle for objectivity shaped by an ongoing consideration of relevant information.¹¹ Revelations from the diaries and statements of Truman administration era officials, the disclosures of the secret cables of the Japanese government broken by United State's wartime intelligence, and the opening of national archives of World War II belligerents have continued to command attention and influence debate as it has evolved into a new century.¹² Today, understanding Cold War historiography generally and the decision to drop the bomb specifically can be broadly organized into three successive schools of thought for interpretative purposes from 1945 to the present time.¹³ The Consensus and New Left revisionism schools of American historiography emerging from earlier progressive interpretation are considered in the first part of this paper. Coverage of an emerging middle ground position (post-revision) of American historiography follows an examination of the principal arguments of

¹⁰ Rinjiro Sodei, "Hiroshima/Nagasaki as History and Politics," *Journal of American History* 82 (1995): 1120-1123.

¹¹ Martin Sherwin, "Hiroshima as Politics and History," *Journal of American History* 82 (1995): 1085.

¹² Gar Alperovitz, "Hiroshima: Historians Reassess," *Foreign Policy* 99 (1995) 16-25; Gerhard L. Weinberg, "World War II Scholarship, Now and in the Future," *The Journal of Military History* 61 (1997): 335.

¹³ Ellen Fitzpatrick, *History's Memory: Writing America's Past* (Cambridge, 2002), 245-246; Walker, "Recent Literature," 311-312.

the Consensus and New Left schools regarding the use of nuclear weapons by the United States against Japan. Finally, the concluding section contains significant recent and ongoing historiographical developments related to the decision to drop the atomic bomb.

Progressive School, Consensus School and New Left Revisionism

After World War II, what has been termed a progressive analysis of history was eclipsed by a consensus position considering the use of nuclear weapons. Before the end of World War II, the progressive school interpreted history as cumulative. With the progressive model, each era added to history through the resolution of conflict by opposing forces whenever democratic, popular interests opposed entrenched, privileged groups thereby creating sectional, economic, or ideological outcomes. Progressivism fell out of favor after World War II because its model of adversarial duality advanced by Frederick Jackson Turner, Charles Beard, and Vernon Parrington could not adequately account for what John Higham described as a society perceived as increasingly homogenous, not so divided by region, class, or ethnic ties. By the 1950s, the progressive paradigm of domestic social conflict appeared to take too little account of the role of accommodation, compromise, innovation, and international influence in American life. Much historical scholarship instead reflected the conformity of the 1950s emphasizing “the enduring uniformities of American life, the stability of institutions, and the persistence of a national character.”¹⁴ Yet Higham’s influential historiography writings also pointed to an America on the cusp of profound societal change. His essays criticized “bland” consensus history as softening

¹⁴ John Higham, “Beyond Consensus: The Historian as Moral Critic,” *The American Historical Review* 67 (1962): 610-616; Fitzpatrick, *History’s Memory*, 613.

the edges of conflict in society and turning askance from issues of social justice. In his view, historians risked engaging scholarship within a “moral vacuum.”¹⁵

Another tenet of consensus history, exceptionalism, highlighted in works by Louis Hartz, Daniel Boorstin and David Potter in the 1950s, differentiated the United States from other countries because of a supposed lack of class conflict, continual material advance, and a constant pursuit of democratic liberalism. Exceptionalism came under increasing criticism beginning in the 1960s.¹⁶ In 1964, Hartz revised and diminished his earlier position by identifying exceptionalism in several settler societies worldwide as well as the United States. By 1995, George M. Fredrickson reported in a cross-national article that American exceptionalism had fallen into disfavor among today’s historians for the apparent reason that “the history of every nation has distinctive features.”¹⁷

In an essay, “Modern American Historiography,” Carl Degler identified the second major school of history after World War II, New Left revisionism, as a “minor revolution” which transformed historians’ views of the past. Degler identified two forces that called for revision of the consensus view of American history: first, the social tumult of the anti-war, civil rights, women’s and environmental movements of the 1960s which polarized the country. The seemingly detached, post-war consensus interpretive model was disparaged for its inability to account for the nation’s evident conflict and diversity. Second, in a changing of the guard, young historians and others from across the social science spectrum wrote from perspectives apart from their staidly traditional northern European-American predecessors. Often from working class backgrounds and representing

¹⁵ Higham, “Beyond Consensus,” 191.

¹⁶ Fitzpatrick, *History’s Memory*, 11.

¹⁷ George M. Fredrickson, “From Exceptionalism to Variability: Recent Developments in Cross-National Comparative History,” *The Journal of American History* 82 (1995): 587-593.

a range of ethnic types, these insurgents saw diversity, not consensus as normative. They appraised the status of Blacks, Native Americans, Orientals, women, along with other groups on the margins and preferred a ‘salad bowl’ not ‘melting pot’ analogy as emblematic of a persistently non-inclusive America.¹⁸

In the realm of diplomatic history, New Left revisionism’s emergence in the 1960s conflicted with the Realist School of American foreign relations, which had dominated the interpretation of United States post-World War II history. At the core of the Realists’ view, was a belief that a totalitarian Soviet Union’s determination to control Europe and export its communist ideology worldwide had created confrontation and a Cold War with the United States. To that end, George F. Kennan postulated that the Soviet Union was never more than an erstwhile ally, only siding against the Axis until the threat from Nazi Germany had ended.¹⁹ The New Left’s counter position, generated by disillusion with American society cast in the shadow of nuclear apocalypse, asserted that American capitalism was responsible for insatiable economic imperialism abroad dating back to the Industrial Revolution. Thus, New Left revisionists concluded that a bipolar world-view with the United States and its allies wearing “white hats” and the Soviet bloc donning “black hats” was untenable.

Joseph Siracusa summarized the rising of New Left revisionism as a reaction to the prevailing consensus history: it became for most of its advocates a historiography of protest urging “the replacement of America’s capitalist political economy, which was considered

¹⁸ Carl Degler, “Modern American Historiography,” in *Companion to Historiography*, ed. Michael Bentley (London; New York: Routledge, 1997), 710-714; Ernst Breisach, *Historiography: Ancient, Medieval, and Modern*, 3rd ed. (Chicago & London: The University of Chicago Press, 2007), 335-368. Chapters on American post-WWI historiography confirm the outline and provide detail on Progressive, Consensus, and New Left schools of history.

¹⁹ Joseph M. Siracusa, *New Left Diplomatic Histories and Historians* (Port Washington, NY: Kennikat Press, 1973), 14-15.

structurally expansionist and counterproductive, with a non-expansionist” near self-sufficient democratic socialism.²⁰ Siracusa maintained that the New Left protest did indeed reflect a break with a then prevailing consensus writing of domestic history absent of conflict and diversity.²¹ Ellen Fitzpatrick’s more recent research on the same period, however, posited that consensus historiography of the two decades following World War II, while reflecting a prevailing view of stability and continuity of the American past, nevertheless did not adequately account for the persistence of alternate historical narratives continuing from the interwar years. Despite the intellectual chill of McCarthyite tactics, the writings of Marxist historians Phillip Foner and Herbert Aptheker stood as two exemplars among numerous dissenting studies from mainstream historiography that she identified in areas of civil liberties, political dissent, minorities, class, and gender written in the post-war period.²²

In the area of diplomatic history, Siracusa’s study aligned with Fitzpatrick’s domestic findings. Siracusa stated that the novelty of New Left 1960s revisionism confronting a unified consensus school was misplaced because considerable disagreement had characterized historical discussion in international relations since the turn of the twentieth century. As examples, Siracusa cited Scott Nearing’s searing 1920s criticism of an expanding American empire; and coming over a decade and a half before Gar Alperovitz’s 1965 atomic diplomacy polemic, British physicist P.M.S. Blackett’s insight that dropping atomic bombs on Japan were not the last acts of World War II as much “as the first act of the cold diplomatic war with Russia in progress.”²³

²⁰ Saracusa, *New Left*, 4.

²¹ *Ibid.*, 4-6.

²² Fitzpatrick, *History’s Memory*, 191-228.

²³ Siracusa, *New Left*, 7-8.

Generally, consensus historiography served as a broad category for understanding American society in the Cold War period and was framed principally by the World War II generation. Meanwhile, the New Left revisionism historiography of a succeeding generation of historians emerged out of the tumult of the 1960s and 1970s as both an effort to explain that period's landscape and as an opportunity to reinterpret the past. Various historians deemed the creation and use of atomic weapons as the point of no return in terminating the Soviet-American wartime alliance. William Appleman Williams emerged in the 1950s as an early revisionist of the then dominant Consensus school. Taking a lead from the progressive historians Beard and Turner, Williams inspired many of the new generation of New Left historians by framing the American drive for markets in East Asia as a natural extension of Turner's thesis of westward expansion. Williams described America's first use of nuclear weapons as the "new and awesome power in keeping with traditional Open Door policy which crystallized the Cold War."²⁴ D. F. Fleming, another important early revisionist and "an advocate of Wilsonian internationalism,"²⁵ termed the use of the atomic bomb "the beginning of the post-war balance of power struggle" with the Soviet Union.²⁶ By the 1960s, an interpretive divide became evident across the American historical spectrum; this break was no less evident regarding the United States decision to employ nuclear weapons against the Empire of Japan at the close of World War II.

In the mid-1970s, Barton Bernstein, himself a revisionist, reported no agreement between the Consensus and New Left revisionist schools regarding either the origins of the Cold War or

²⁴ Richard S. Kirkendall, *The Truman Period as a Research Field* (Columbia, MO: University of Missouri Press, 1967), 19.

²⁵ Jerald A. Combs *American Diplomatic History: Two Centuries of Changing Interpretations* (Los Angeles: University of California Press, 1983), 252.

²⁶ Robert James Maddox, *The New Left and the Origins of the Cold War* (Princeton, NJ: Princeton University Press, 1973), 52.

the use of nuclear weapons. Bernstein's editorial commentary appeared in the introduction of an influential thirty-year retrospective, *The Atomic Bomb: The Critical Issues* (1976).²⁷ Conrad Crane, a military historian, in his writing on the air campaign against Japan, labeled Bernstein's compilation of documents and essays the most thorough and balanced treatment of the events and positions surrounding the employment of the atomic bomb to date. For more recent historiography, Crane judged Samuel Walker's essay, "The Decision to Use the Bomb: A Historiographical Update (1990)," of similar benefit to historians.²⁸

Bernstein's four-part collection of documents and essays began with a section on the official American position. Part I, titled "The Official Explanation: Statement and Challenge," contained a range of viewpoints. President Truman declared after Hiroshima that the bomb was used to save the lives of many thousands of young Americans. Secretary of War Henry Stimson defended the use of the bomb in an early article in *Harper's* (1947). He asserted that "the use of both bombs was necessary for ending the war promptly; Japan was near defeat but not near surrender."²⁹ This section included minutes of the Interim Committee's report as well. The committee, composed of government officials, academics, and industrialists, was charged by Truman to make a recommendation on the use of the bomb. On June 1, 1945, after consultation with an adjunct "Scientific Advisory" panel, the committee proposed to Truman that the bomb be used without prior warning as soon as possible on a military target with surrounding buildings

²⁷ Barton J. Bernstein, ed., *The Atomic Bomb: The Critical Issues* (Boston: Little, Brown, 1976), xix.

²⁸ Conrad C. Crane, "The Air War against Japan and the End of the War in the Pacific," in *World War II in Asia and the Pacific and the War's Aftermath, with General Themes: A Handbook of Literature And Research*, ed. Lloyd E. Lee (Westport, CT: Greenwood Press, 1998), 110.

²⁹ Bernstein, *The Atomic Bomb*, xiv.

and houses that would be highly vulnerable to damage.³⁰ The first section ends with significant dissent from nuclear employment. The Franck Report of some top Manhattan project scientists urged the administration to give the Soviet Union prior notice and that bombing Japan should take place only after a non-combat demonstration. The report warned that to do otherwise would create a nuclear arms race with Russia with potentially grave consequences. Joseph Grew, long-term former ambassador to Japan, speculated that had the allies categorically allowed for the retention of the Japanese emperor rather than the call for an unconditional surrender in the Potsdam Declaration, “the atom bomb might never have had to be used at all.”³¹

Part two of Bernstein’s collection asked the question “Was the Bomb Necessary?” In the immediate aftermath of World War II, a *Fortune* magazine poll showed the atomic bombing of Japan to be tremendously popular with the American public.³² By 1946, however, prominent citizens Norman Cousins and Thomas Finletter had already proposed publicly that the real reason for bombing Japan was to intimidate the Soviet Union.³³ This section featured the opposing viewpoints of two military analysts. Hanson Baldwin, a *New York Times* World War II military writer, in an abridgement from his book, *Great Mistakes of the War*, (1950) reasoned that bombing Japan was unjustified because Japan was essentially already defeated. The U.S. Navy had imposed a blockade choking resource poor Japan—all sectors of economic and military production were imploding from saturation bombing, and the United States was aware through intelligence gained from breaking encrypted wireless radio codes that the Japanese were trying to surrender. Baldwin concluded, however, that unconditional surrender was a culturally

³⁰ Bernstein, *The Atomic Bomb*, v-xix.

³¹ *Ibid.*, 25-32.

³² Crane, “The Air War,” 108.

³³ Bernstein, *The Atomic Bomb*, 1.

impossible demand for the Japanese to meet without provision for the continuance of the ruling dynasty.³⁴ Baldwin's argument was countered by Admiral Samuel Morison's article reprinted from the *Atlantic Monthly* (1960). Morison wrote that despite Japan's dire condition in August 1945, a factional impasse prevailed within the Japanese government. Peace had been stalled by a hard-line party within the Japanese cabinet and military. Morison argued that the shock of the atomic bombs was necessary to give the emperor necessary moral suasion within the government and military for what he and his Prime Minister Kantaro Suzuki had worked at for months—surrender. The military in Morison's estimation retained the capacity to resist a homeland invasion. The result of delaying first use of employing atomic bombs against Japan would be a high loss of life to both sides and a strong probability the Soviets would be a part of the invasion force resulting in a divided post-war Japan. The willingness of the Japanese to fight on was confirmed by the fact that even after the atomic bombs had fallen, the Soviets had declared war on Japan and the decision for surrender had been taken, a fanatical officer clique nearly succeeded in a palace coup to overthrow the government and impose its will through physical control of the emperor.³⁵ The section concludes with the 1946 U.S. military's Strategic Bombing Survey, which noted the paralyzing division within the Japanese government. Nonetheless, the Survey determined a high probability existed that Japan would have been forced to surrender of necessity by November 1, 1945—without a military invasion of Japan and regardless of whether

³⁴ Hanson W. Baldwin, abridged from *Great Mistakes of the War*, in *The Atomic Bomb: The Critical Issues*, ed. Barton J. Bernstein (Boston: Little, Brown, 1976), 34-37.

³⁵ Samuel Eliot Morison, from *The Atlantic Monthly*, October 1960, in *The Atomic Bomb: The Critical Issues*, ed. Barton J. Bernstein (Boston: Little, Brown, 1976), 42-51.

in August of 1945 atomic bombs had been used and the Soviet army had begun to shred Japanese forces in Manchuria.³⁶

Parts three and four of the compilation, “Why Was the Bomb Used?” and “Atomic Diplomacy and the Moral Significance of Hiroshima,” considered specific points of contention between schools of historical interpretation on the decision to use atomic weapons. Crane’s military history highlighted Bernstein’s survey of the then complex state of atomic bomb historiography by focusing on Bernstein’s commentary regarding Soviet-American rivalry:

Whether anti-Soviet purposes constituted the *primary* reason for using the bomb [as Alperovitz’s book also argues], or a *secondary but necessary* reason [(as some others think), or a *confirming but not essential reason* (as I contend)] is the general range of the ongoing dispute about why the bombs were used.³⁷

Historiographical Impasse: Consensus versus New Left Revisionism

Bernstein’s conclusion in his introduction to *The Atomic Bomb: The Critical Issues* appeared well founded; the 1976 retrospective demonstrated that historians did not agree on the causes of the Cold War, or the controversy surrounding the use of nuclear weapons. The debate over Truman’s decision to drop the bomb only intensified with bitter acrimony during the controversy over the Enola Gay exhibition marking the fiftieth anniversary of the bombing of Hiroshima and Nagasaki. Across that time frame positions remained largely fixed. Consensus historians had argued the bomb was needed to end the war quickly to save lives that would have

³⁶ “United States Strategic Bombing Survey,” *Japan’s Struggle to End the War* (Washington, D.C.: Government Printing Office, 1946), in *The Atomic Bomb: The Critical Issues*, ed. Barton J. Bernstein (Boston: Little, Brown, 1976), 55-56.

³⁷ Crane, “The Air War,” 111.

been lost in a costly invasion of Japan. New Left revisionists had countered the bomb, maintaining that it was unnecessary because Japan was already defeated in practical terms and was only attempting to negotiate a surrender that would preserve the position of the emperor when the bombs were dropped.³⁸

Crane believed that scholarship on the atomic bomb was more controversial than any other topic of World War II history. A brief review of the writing of two principal adversaries demonstrate lines of argument between traditionalists in the consensus camp, who generally accepted the Truman Administration's reasoning, and revisionist scholars who concluded the United States practiced nuclear diplomacy against its former ally at the end of World War II. The publication of Gar Alperovitz's *Atomic Diplomacy* (1965), critical of the traditionalist view of American policy in the revisionist spirit of the 1960s, set off a firestorm of debate.³⁹ In his argument, Alperovitz asserted that Truman and his key advisors knew of Japan's desperation in 1945 and of alternatives to the bomb to end the war in a relatively short period of time. In the first place, United States intelligence had broken Japanese military encryption and knew of back-channel attempts to use the Russians to broker a deal and even of the emperor's personal intervention to end the war three weeks before Hiroshima. Second, before demand for an unconditional surrender was reconfirmed by the Potsdam declaration, all inner members of the administration except Secretary of State James Byrnes believed the surrender terms needed to be modified, including Secretary of War Henry Stimson and Army Chief of Staff General George Marshall, who both believed the Japanese would surrender only with a guarantee of the preservation of the dynasty—just what the United States allowed for in the final peace terms after

³⁸ Walker, "Recent Literature," 311-312.

³⁹ Crane, "The Air War," 111; Walker, "Recent Literature," 312.

the bombs were dropped on Japan. Third, by mid-1945 both President Franklin Roosevelt (before his death in April) and British Prime Minister Winston Churchill had been briefed by their military chiefs—General George Marshall and his counterpart, General Sir Hastings Ismay—that Japan would likely surrender when it knew of Russia’s entrance in the Pacific Theater scheduled for early August. Fourth, Truman’s private letters and diary entries confirm he knew that Japan was tottering, and U.S. military planning documents reveal that if both phases of the planned invasion of Japan had been necessary, the maximum number of casualties would not have exceeded 72,000.

In summary, Alperovitz argued the United States was not justified in using atomic weapons against Japan. Truman possessed both the means and the ends to finish the war: by easing the terms of surrender, by allowing Japan time to absorb the shock of the Russian entry into the war, or better yet, by working together with the Soviet Union to convince Japan of the hopelessness of its situation against the overwhelming power of allied forces. As further evidence of the United States’ intent to end the war using the bomb, Alperovitz cited the notes and anecdotal comments by and about Byrnes, Stimson, and Truman, indicating they were holding the cards against the Russians because of the United States monopoly of atomic weaponry resulting from the recently successful Los Alamos test of July 16, 1945.⁴⁰ Thus, Alperovitz’s thesis: the U.S. used the bomb principally as atomic diplomacy to strengthen its position in negotiations with the Soviet Union over post-war Europe and the Far East.

From the 1960s, revisionists carried momentum in the atomic bomb debate. But in the 1990s, the traditionalist historian Donald Kagan provided sharp counter arguments to Alperovitz’s position. Specifically, Crane noted the merit of Kagan’s response to revisionists’ moral objections to dropping the bomb by making a case for leaders who chose “the least bad

⁴⁰ Alperovitz, “Hiroshima,” 17-28.

course” at the end of World War II.⁴¹ Kagan marked revisionism and the bomb debate as emerging early with Norman Cousins, P.M.S. Blackett, William Appleman Williams, and D. F. Fleming among those who principally blamed Truman for the start of the Cold War. Kagan argued that those early revisionists and their successors were mistaken because Japan remained a serious threat in August, 1945, not only to American service personnel, but in the mind-set of American leaders. Kagan allowed that early estimates of American casualties suffered in an invasion of the Japanese home islands may have been unrealistically high, but those numbers no doubt made an impression on Truman and Stimson that stuck. For example, casualty figures prepared by General Douglas MacArthur for Marshall in June, 1945, pegged invasion casualties at just over 100,000 in the first ninety days of operations, not including significant additional allied civilian casualties. Coded message intercepts revealed that Japanese military aviation still posed a significant threat with about 10,000 aircraft of which half were ready as kamikazes. Moreover, the memory of taking 35 percent casualties or 75,000 men in Okinawa was a recent operational fact. In the planned amphibious landing area on Kyushu, status of ground forces was trending against an invasion as well. American casualty estimates were based on an attacking force of 766,000 against 300,000 defenders, but by July 31 the number of Japanese troops in the invasion area had swelled to 680,000 raising non-fatal casualties needing treatment to almost 400,000.

Kagan pointed out that casualty figures were only uncertain projections. What was important for decision makers was not what the actual casualties would be but rather what they thought at the time regarding casualties. The American leadership had regularly expressed intense concern over casualties before and after the bomb became a certainty. Though some

⁴¹ Crane, “The Air War,” 114.

Japanese civilian leaders had made attempts to find peace through the Soviets and other neutral channels, American military leaders believed militarists had control of the country and were preparing a fight to the bitter end. Unconditional surrender had been a policy under Roosevelt to rally the country, and Truman could not easily change it. Allowing the Japanese to retain their emperor and end the war on the basis of negotiation could have been seen both as a sign of weakness to the Japanese and renegeing on pledges made to the Soviets at the Yalta Conference.

Kagan determined that all of these measures taken together, including a demonstration blast of the atomic bomb and warning the Japanese of the imminent entry of the Soviets into the Pacific Theater of war, were no guarantee of Japanese surrender. Some in the Japanese military remained in denial of impending defeat even after the entry of the Soviets and the bombs were dropped. Minister of War General Anami, in a meeting of the war cabinet, insisted Hiroshima had not been struck by an atomic bomb. In the aftermath of the bombing, despite revised surrender terms proposed by the United States that created an opening for retention of the emperor, but continued to insist on the unconditional surrender of all Japanese armed forces, a fanatical faction in the military attempted to stage a coup. Kagan insisted that the impact of atomic weapons in overcoming Japan's aversion to surrender was critical. He quoted the emperor expressing his fears that the "enemy has begun to employ a new and most cruel bomb"⁴² and that further resistance could only result in the destruction of Japan and the end of civilization.⁴³ Finally, Kagan answered revisionist charges regarding the immorality of employing atomic weapons under any circumstances because of the damage inflicted. Kagan responded by questioning the difference between atomic weapons and wholesale firebombing of cities in order

⁴² Donald Kagan, "Why America Dropped the Bomb," *Commentary* 100, no. 3 (1995): 22.

⁴³ *Ibid.*, 18-24.

and magnitude. As evidence, Kagan cited the mass B-29 incendiary bombing of Tokyo in March, 1945, that killed as many people as the bombing of Hiroshima and left hundreds of thousands homeless. Kagan stressed that in total war no distinction can be fairly made between innocent losses of life, albeit in Dresden, Nanking, Pearl Harbor, or Hiroshima. He concluded that Japan would not have surrendered short of the United States using atomic weapons. Paradoxically, in Kagan's view, the atomic bombs, by preventing the war from continuing with an invasion of Japan, actually saved countless American and Japanese lives. The Truman Administration made the best decision possible given its tragic choices.⁴⁴

An Emerging Middle Ground Position: Post-revisionism

The atomic bomb historiography landscape has never been as clear-cut as Crane pointed out. Archetypes of schools, represented by Alperovitz's revisionist and Kagan's consensus positions, Barzun and Graff remind historians in their manual for researchers, are meant to satisfy a human need to order and find pattern.⁴⁵ Accordingly, Samuel Walker pronounced that a Post-revisionism school on the atom bomb emerged by the early 1990s staking out a middle ground between the Consensus and New Left revisionist positions. These historians did not conceive of the ending of the world's worst conflict as an either/or proposition between dropping the bomb to save lives or of using the bomb to intimidate the Russians. The Post-revisionists, to varying degrees, believed that evidence supported aspects of both positions.⁴⁶

⁴⁴ Kagan, "Why America," 24-25.

⁴⁵ Jacques Barzun and Henry F. Graff, *The Modern Researcher*, 6th ed. (Belmont, CA: Thomson/Wadsworth, 2004), 193-196.

⁴⁶ Walker, "Recent Literature," 324-334.

For example, Walker found Bernstein fitting in between the consensus and revisionist camps on the validity of casualty projections. He rejected revisionists' low estimates by citing American military planners who considered a change in the landing site for the invasion because of the high build-up of Japanese forces in the Kyushu area. Likewise, Bernstein rejected Truman's post-war claims of casualties in the hundreds of thousands trumpeted by traditionalists, because his review of 1945 archival studies could not support the president's high projected losses. On the issue of nuclear diplomacy, Thomas Zeiler found a middle ground position by agreeing with revisionists that the bomb's effect on the Soviets was a consideration, but he also determined that Truman was more concerned about ending the war as soon as possible than about impressing the Russians.⁴⁷ Walker provided further confirmation of the shift in atom bomb historiography with his review of American college textbooks (1995). The survey revealed that beginning in the 1980s, post-revisionism—holding both the United States and the Soviet Union responsible in varying degrees for the Cold War—had become “a widely accepted framework in which a variety of other issues were debated.”⁴⁸

Truman: Decision-making and Atomic Bomb Momentum

Closely related in the 1990s to developing trends in atom bomb historiography came a wave of historians' concomitant study of Harry S. Truman, the American president who suddenly found himself, upon the death of Franklin Roosevelt, at the center of the atom bomb decision. David McCullough and numerous other biographers have recounted the familiar story of Truman as vice-president as being unaware of the top-secret Manhattan Project, “the largest

⁴⁷ Walker, “Recent Literature,” 325-328.

⁴⁸ Walker, “The Origins,” 1653.

scientific-industrial undertaking in history.”⁴⁹ In 1942, recognizing that Nazi Germany was likely engaged in attempting to produce a nuclear weapon, the United States government ramped up a crash program costing two billion dollars under the control of the U.S. Army Corps of Engineers that involved 200,000 people.⁵⁰ At the very same time Truman met with Churchill and Stalin at Potsdam in July, 1945, to discuss the future of post-war Europe and the strategy to finish defeating Japan, the atomic bomb was successfully tested in New Mexico.⁵¹

President Truman’s role in the decision to drop the atomic bomb on Hiroshima continues to be a matter of concern for historians. *Time* twice chose Truman as its “Man of the Year.” The magazine, in selecting Truman in December, 1945, stated:

It was no scientist who, by historic accident, somewhat unwittingly, somewhat against his own will, became more than any other man responsible for the bomb, its use in 1945 and its future. It was an ordinary, uncurious man without any pretensions to scientific knowledge, without many pretensions of any kind, a man of average size and weight, wearing bifocal glasses, fond of plain food, whiskey-&-water and lodge meetings. It was Harry Truman, 32nd President of the U.S.⁵²

In succeeding decades, interest in Truman’s role in employing the atomic bombs dropped on Japan has not waned and remains controversial. Joseph Ellis’s, *American Creation* (2008), traced critical moments in the founding of the United States. He termed the Truman decision

⁴⁹ David McCullough, *Truman* (New York: Simon & Schuster, 1992), 376-379.

⁵⁰ Robert J. Donovan, *Conflict & Crisis: The Presidency of Harry S. Truman 1945-1948* (Columbia: University of Missouri Press, 1977), 45; McCullough, *Truman*, 376-379; Aida D. Donald, *Citizen Soldier: A Life of Harry S. Truman* (New York: Basic Books, 2012), 143.

⁵¹ McCullough, *Truman*, 409, 416.

⁵² *Time Magazine, January 3, 1949 and December 31, 1945*, (December 19, 2012), <http://poy.time.com/2012/12/19/two-time-persons-of-the-year/slide/harry-s-truman/>.

along with Jefferson's acquisition of the Louisiana Purchase the two most important instances of executive action in American history.⁵³ In 2009, *The Christian Science Monitor* reported initial steps by the city government of Potsdam, Germany to memorialize a small plot of ground as *Hiroshimaplatz* (Hiroshima place) opposite the villa used as headquarters by the American delegation to the Potsdam Conference. Truman, while in residence at "the little White House," on hearing of the successful atomic test in New Mexico, created the order that set in motion steps that resulted in the atomic bombing of Hiroshima. United States expatriate critics opposed the memorial arguing the designation ignored historical context: by the summer of 1945, the Allies were determined to use extraordinary means to end the ongoing suffering caused by the Japanese refusing to surrender. As backdrop, the *Monitor* noted Truman's rise in public estimation since the 1990s following the success of McCullough's biography, *Truman* (1992). The reporting quoted historian David Brinkley's opposing viewpoint as well, stating McCullough's biography largely overlooked arguments against Truman's decision approving the use of the atomic bomb.⁵⁴

In 1996, the Organization of American Historians conducted a Truman forum at its annual meeting. A spate of Truman biographies had generated widespread public attention, including ongoing interest in Truman's role overseeing use of the bomb. A panel of historians first critiqued David McCullough's *Truman* (1992), Robert Ferrell's *Harry S. Truman: A Life*

⁵³ Daniel Okrent, "History Boys," *Fortune* 156, no. 11, Accessed July 1, 2014, <https://ezproxy.lib.ndsu.nodak.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=buh&AN=28438653&site=ehost-live&scope=site>.

⁵⁴ R. Marquand, "Is Hiroshima Memorial a Fair Legacy for Harry Truman?" *The Christian Science Monitor* (December 7, 2009), accessed June 30, 2014, <http://search.proquest.com/docview/405568854?accountid=6766>.

(1996), and Alonzo Hamby's *Man of the People: A Life of Harry S. Truman* (1995) and then Ferrell and Hamby, both in attendance, responded to the panel in turn.

The panel and the biographers expressed a range of opinions on Truman's role in the atomic bomb decision. William Chafe and Joan Hoff asserted with Hamby, strongly concurring that Truman's approval at Potsdam authorizing a directive that an atomic weapon be used after August 3, 1945, was a non-decision. Because of ongoing momentum among decision-makers, effective alternatives to using the bomb were never raised with Truman. By degree, Chafe, Hoff, and Franklin Mitchell objected that the biographers did not seriously consider the atomic bomb revisionist positions centered on the proposition that the United States employed its monopoly of the atomic bomb as leverage against the Soviet Union's objectives in Europe and East Asia. Mitchell supported Hoff's position that all the biographies had endorsed the orthodox view that Truman's decision was driven by a desire to save lives and end the war as soon as possible and further, that future biographies should consider revisionist positions in assessing Truman's decision. In Randall Wood's analysis, Ferrell's biography presented Truman developmentally, whose life experiences were a progression building toward the presidency. Wood's differed with Chafe, Hoff, and Mitchell by pointing out that Ferrell's book had engaged the revisionist positions by posing arguments countering the nuclear diplomacy position. Wood viewed Ferrell portraying Truman as disturbed by memories of Hiroshima and as acting practically in responding to Cold War threats. Hoff especially was critical of all three biographies insisting that unlike the popular image portraying Truman as the ordinary man possessed with good sense rising to meet serious challenges with great decisions, Truman was rash and not thoughtful. On the contrary, his actions were reckless using the bomb and setting off the Cold War. Ferrell countered Hoff and Chafe by arguing that Truman was both level-headed and deliberate in

making decisions. Mitchell had described Hamby's biography during the forum as embracing "modern psychology to produce the most thorough analytical and interpretive account of Truman."⁵⁵ Mitchell distilled in Hamby's psychological profiling of Truman an upbringing engendering a drive for success tempered by insecurity over identity. In his response to panel members, Hamby emphasized that despite different objectives in the biographies, he, McCullough, and Ferrell were in close agreement in assessing Truman. Hamby, in summation, stressed that the main division of historians in evaluating the Truman presidency remained the atomic bomb, which he argued was the most important event in human history in consideration of the nuclear age it created.⁵⁶

Coming in the wake of high visibility biographies and the 1995 Enola Gay exhibition controversy, the historians' forum on Truman was an important part of an ongoing review of the Truman presidency in social science publications. These allied studies' timing shared in riding a wave of public interest caught up in understanding Truman's personality. Ferrell, from his survey of several mostly favorable Truman biographies, cited polling data from the Truman Library, which reported Truman's public image had been rehabilitated from a base standing in 1951 below Nixon's facing impeachment to leading all post-war presidents by the Reagan years.⁵⁷

Prior to the 1996 historians' forum, as the generally positive public consciousness common man view of Truman was ascendant, Hamby's personality study profiled Truman

⁵⁵ William Chafe, Joan Hoff, Franklin D. Mitchell, Randall B. Woods, Robert H. Ferrell and Alonzo L. Hamby (panelists), "Panel on Three Biographies of Harry S. Truman," *Reassessments of Presidents and First Ladies* (Summer, 1996), *Presidential Studies Quarterly* 26, no. 3, (1996): 866.

⁵⁶ *Ibid.*, 854-879.

⁵⁷ Robert H. Ferrell, "Truman's Place in History," *Reviews in American History* 18 no. 1 (Mar. 1990): 1-10.

struggling through life adjusting to societal norms because of a compromised developmental background caused by his relationships with his father and mother, challenges to his gender identity, and relations with the opposite sex.⁵⁸ Despite Hamby's disclosure of Truman's developmental challenges, Robert Robins and Robert Dorn's analytical matrix of stress and political leadership identified Truman positively, as a "Well-tempered warrior."⁵⁹ The researchers' definition of a well-tempered warrior was one whose well-integrated personality provided the ability to cope with stressors despite discomfort. The researchers cited the "most remarkable example" as Truman's stated ability to sleep soundly after his decision to use the atomic bomb on Hiroshima and secondly, months later to dismiss Robert Oppenheimer, the lead scientist of the Manhattan Project, as a "crybaby" because of his objections to Truman's attitude regarding the use of nuclear weapons.⁶⁰

Cultural historians strive to understand a period or a people through analyzing the language and behavior found in documentary sources as well as art and literature.⁶¹ As some historians probed Truman's psyche to gain insights into his decision-making, others began to focus on the influence of race as an under-weighted factor driving an extreme war making aggression between Japan and the United States. Paul Boyer's book, *By the Bomb's Early Light* (1985), broadly reviewed American culture in the aftermath of Hiroshima. His treatment of racism as a factor to employ the atomic bomb against Japan distinctively pointed out differences

⁵⁸ Alonzo L. Hamby, "An American Democrat: A Reevaluation of the Personality of Harry S. Truman," *Political Science Quarterly* 106, no. 1 (Spring 1991): 33-55.

⁵⁹ Robert S. Robins and Robert M. Dorn, "Stress and Political Leadership," *Politics and the Life Sciences* 12, no. 1 (Feb. 1993): 5.

⁶⁰ *Ibid.*, 3-17.

⁶¹ John H. Arnold, *History: A Very Short Introduction* (New York: Oxford University Press, 2000), 87.

in the reactions of Black and white Americans to the decision. In surveys, higher percentages of Black Americans opposed using the atomic bomb. Black media and intellectuals questioned the willingness to use the bomb on Japan, a colored race, and not on Germany, a white race.⁶²

In his body of work, John Dower recovered an impressive cultural record of the Japanese and American peoples' intersecting interests dating from the West's earliest contacts with Japan to the postwar period. In the 1980s, Dower became distracted from writing a book on postwar Japan to write *War without Mercy* (1986). Dower disclosed that what diverted his attention was his realization that the occupation of Japan and its rapprochement with the United States could not be understood without investigating the animosity between them when at war. Discerning racial hatred impelled Dower to research non-traditionally. He studied cultural artifacts as a key to comprehending American and Japanese attitudes toward each other. Dower determined contempt and hatred in contemporary media, such as songs, movies, and cartoons along with popular and academic writing were used to dehumanize the enemy and unleash horrific levels of violence on both sides.⁶³

Dower began by thoroughly documenting how self-serving stereotypes of the "Self" and "Other" stretched back centuries. Westerners saw in the Japanese a "Yellow Peril" and the Japanese revered in their purity, the Yamato, a master race. Hatred escalated in combat often with no quarter given, culminating in the last "killing year" when the United States military suffered over half its Pacific War casualties and hundreds of thousands of Japanese civilians died

⁶² Paul Boyer, *By the Bomb's Early Light: American Thought and Culture at the Dawn of the Atomic Age* (New York: Random House, 1985), 183, 198-199.

⁶³ John W. Dower, *War Without Mercy: Race & Power in the Pacific War*. (New York: Random House, 1986): ix-x.

in air raids.⁶⁴ Dower's book provided clear evidence of extreme malice even to the war's end. In the conflict's last days, the Japanese brutally executed captured airmen and the Americans launched a final 1,000 plane raid of B-29 bombers accompanied by fighter escorts on Tokyo with peace being declared before all aircraft returned to base.⁶⁵

What Dower has termed a race war for millions and a critical aspect of World War II has found congruence in works by Alan Smith and Ronald Takaki.⁶⁶ Smith reported ethnocentrism as persistent in Japan. The term, *nihonjinron*, applied to a vast literature of history and culture, conveys the belief that compared to the West, Japanese ways are superior. Takaki, a sociologist, argued bigotry has remained endemic in American culture. Racial hostility influenced first contact with the Powhatans in Virginia Colony through to Truman's decision to use the atomic bomb.⁶⁷

World War II Desensitization: The Air War

Powerful impetuses of Truman, race, and geo-political imperatives merged in an air campaign ending in conflagration over Japan in August, 1945. Recent monographs on the World War II air war have addressed the motives and objectives of principal adversaries and provided significant historical insight into Truman's actions related to Hiroshima. On the cusp of World War II, advocates of air power recognized the potential for enemy aircraft to penetrate far beyond national borders and rain poison gas and explosive ordinance on enemy centers inflicting

⁶⁴ Dower, *War Without Mercy*, 4-11, 29-32, 48-52, 60-65, 298-300.

⁶⁵ *Ibid.*, 300-301.

⁶⁶ *Ibid.*, 4.

⁶⁷ Alan Smith, "The English-Language Historiography of Modern Japan." in *Companion to Historiography*, ed. Michael Bentley (New York: Routledge, 1997), 672; Ronald Takaki, *Hiroshima: Why America Dropped the Atomic Bomb* (New York: Little Brown, 1995), 7, 100.

wholesale death and destruction on civilian populations. As a consequence, countries at war, including Germany, Britain and France, realizing a shared vulnerability, at first pronounced and held to a “no first-use policy.”⁶⁸ By 1932, successive international conferences at The Hague had proposed the proscription of deliberately targeting civilian populations and private property by aerial bombardment.⁶⁹ President Roosevelt formally admonished belligerent nations in September, 1939, that “under no circumstances undertake the bombardment from the air of civilian populations or of unfortified cities.”⁷⁰

The resolve to not target civilians progressively gave way to perceived military exigencies. Allied aerial bombing in Europe influenced the strategic bombing of Japan. Across Europe, allied and non-belligerent countries reeled from the German blitzkrieg. In facing the threat of invasion after Dunkirk, the only way Britain could strike back was its Bomber Command. But initially, its fleet of lumbering, outgunned, outdated aircraft was no match for modern German fighters and surface defenses. Sorties attacking German high value war-making targets sometimes suffered unsustainable aircraft/crew losses of 50 percent or more. Consequently, more and more, the British turned to less accurate night bombing missions causing ever-increasing collateral civilian suffering. After centers in Rotterdam and London were hit when German bombing attacks went awry, Britain and Germany each deliberately targeted

⁶⁸ Ronald Schaffer, “The Bombing Campaigns in World War II: The European Theater,” in *Bombing Civilians: A Twentieth-Century History*, eds. Yuki Tanaka and Marilyn B. Young (New York: New Press, 2009), 30-31.

⁶⁹ Mark Selden, “A Forgotten Holocaust: U.S. Bombing Strategy, the Destruction of Japanese Cities, and the American Way of War from the Pacific War to Iraq,” in *Bombing Civilians: A Twentieth-Century History*, eds. Yuki Tanaka and Marilyn B. Young (New York: New Press, 2009), 78-80; Tetsuo Maedo, “Strategic Bombing of Chongqing by Imperial Japanese Army and Naval Forces,” in *Bombing Civilians: A Twentieth-Century History*, eds. Yuki Tanaka and Marilyn B. Young (New York: New Press, 2009), 145-146.

⁷⁰ Selden, *A Forgotten Holocaust*, 80.

civilian populations in cities. In 1942, with increasing numbers of Halifaxes and heavy Lancasters, Britain had begun to abandon bombing tactical military targets in favor of what was termed area bombing. On these missions, massed numbers of bombers dropped tons of incendiaries and high explosives on German cities with the express purpose of destroying the morale of civilian populations, especially industrial workers. Germany never developed a heavy bomber and instead used its air force through the remaining course of the war largely in support of its ground forces and defending against allied bombing missions.⁷¹ What resulted was the wholesale destruction of German cities, a harbinger of what awaited Japan.

At the Casablanca Conference of January, 1943, Churchill and Roosevelt had agreed to make non-stop bombing of Germany a priority as part of an overall strategy to advance fronts first in Sicily then in France.⁷² Bomber Command and the United States Army Air Forces together created a combined bomber offensive reaching deeper and deeper into the German Reich. While the British area bombed at night, the Americans persisted with a doctrine of precision day bombing trusting in advanced targeting technology to hit targets directly related to the German war effort. B-17 Flying Fortresses became operational in increasingly large numbers in 1943. Despite a defensive tactic of stacking aircraft in flight formations that provided overlapping fields of defensive firepower, losses mainly to German fighters were often crippling until long range allied fighter escorts secured aerial dominance in 1944. During that time frame,

⁷¹ A. C. Grayling, *Among the Dead Cities: The History and Moral Legacy of the WWII Bombing of Civilians in Germany and Japan* (New York: Walker & Company, 2006), 27-53, 105, 261; Roberts, *Storm of War*, 431-432, 458-459.

⁷² Grayling, *Among the Dead Cities*, 57; Roberts, *Storm of War*, 439.

the United States Army Air Force continued precision attacks, increasingly conducting round-the-clock raids with Bomber Command, aspects of which targeted civilians.⁷³

Confident in their purpose, the American generals had resisted pressure from Bomber Command to area bomb cities: out of ethos, a security in arms, and fear of creating a bad public image back home that would derail their aspirations for the USAAF to become a separate service branch.⁷⁴ Yet, the USAAF often participated in joint operations assuming responsibility for war-related targets while Bomber Command struck civilian areas. These mass attacks could result in catastrophic destruction. In part, because of the Russian delegation's direct appeal to allies at Yalta to disrupt German transportation hubs to and from the Eastern Front, American bombers engaged in attacks culminating in the firebombing of Berlin and Dresden in February, 1945. An estimated 20,000-30,000 people were incinerated in the Dresden raids that burned out the center of the medieval architectural jewel. The muted protests that ensued in Britain and the United States in defense of civilians were the last of World War II.⁷⁵

In the air war against Germany, the reality between area and precision bombing was often a matter of intentions, not results. Efforts at precision bombing, often highly inaccurate, degraded even more in poor weather conditions or through clouds ("blind bombing" guided by radar) and under flak and fighter attack.⁷⁶ High value war making targets such as bases, factories,

⁷³ Roberts, *Storm of War*, 434-450.

⁷⁴ Schaffer, "Bombing Campaigns," 36.

⁷⁵ Grayling, *Among the Dead Cities*, 71-73; Roberts, *Storm of War*, 454-456; Selden, "A Forgotten Holocaust," 81-82; Schaffer, "Bombing Campaigns," 41-42.

⁷⁶ Grayling, *Among the Dead Cities*, 140-141; Yuki Tanaka, "Introduction," in *Bombing Civilians: A Twentieth-Century History*, eds. Yuki Tanaka and Marilyn B. Young (New York: New Press, 2009), 3.

transportation hubs, and communication nodes were often co-located in areas where civilians lived and worked resulting in tens of thousands of civilian casualties.⁷⁷

American commitment gradually shifted from precision bombing over the course of the war in Europe. Blind bombing represented 80 percent of bombing in the last months of the war. From February, 1945, the Royal Air Force area bombed numerous small undamaged cities at low altitude with the objective of demoralizing the population with historians differing over the degree of USAAF participation. In Germany, in total, estimates as high as 600,000 people were killed and 131 towns and cities were bombed as a consequence of allied strategic bombing.⁷⁸

Marilyn Young has written that “to the policymakers, air war is abstract,” amounting to a remote exchange of sending messages and receiving reports.⁷⁹ Young and other historians have reported how air crews in World War II reported a similar psychological disconnect from those experiencing being bombed thousands of feet below. Under orders, airmen were buoyed by the belief they were fighting a just war with the solid support of their people. Given the scale of carnage, to Americans at home and military personnel in the fight, wholesale aerial destruction could seem just retribution for horrific Axis atrocities that killed millions.⁸⁰

⁷⁷ Roberts, *Storm of War*, 432.

⁷⁸ Grayling, *Among the Dead Cities*, 73; Tanaka, “Introduction,” 4.

⁷⁹ Marilyn B. Young, “Bombing Civilians from the Twentieth to the Twenty-first Centuries,” in *Bombing Civilians: A Twentieth-Century History*, eds. Yuki Tanaka and Marilyn B. Young (New York: New Press, 2009), 154-174.

⁸⁰ Grayling, *Among the Dead Cities*, 8; Tanaka, “Introduction,” 1-2; Selden, “A Forgotten Holocaust,” 89-91.

Area bombing, evolving into practiced norm in Europe, became operational fact in the Pacific Theater of WWII.⁸¹ USAAF Generals Arnold and LeMay promoted strategic bombing against civilians as the quickest means necessary to break the morale of the Japanese, save American lives, and end the war.⁸² The bombing campaign against the Japanese home islands began in late 1944 when the Marianas were taken and provided bases for long range B-29 Superfortresses. Initial daytime attacks from high altitudes to avoid fighter resistance were ineffective. Starting in March 1945, mass numbers of bombers flying at low altitude began nighttime incendiary attacks burning down much of Tokyo, Nagoya, Osaka, and Kobe causing catastrophic human and material losses. The estimated 85,000 initially killed in the Tokyo firestorm was believed to be greater than the immediate deaths from the atomic blasts on either Hiroshima or Nagasaki. LeMay's extension of the area bombing campaign over Japan in the following months resulted in hundreds of thousands more casualties and the destruction of almost half the land in sixty-six principal cities.⁸³

This was the conflict Truman inherited on becoming president on April 12, 1945, less than a month before the war formally ended in Europe. Two days into his presidency, in addressing Congress, Truman pledged to the nation to continue Roosevelt's policies of forcefully finishing the war and demanding unconditional surrender from the Axis. Aida Donald found Truman, during the period of transition, capable of quickly getting up to speed on diplomatic and military matters, deliberate in relying on Roosevelt's expert advisors, and decisive in the blur of momentous events demanding presidential action. Donald acknowledged the influence of Robert

⁸¹ Grayling, *Among the Dead Cities*, 8; Tanaka, "Introduction," 1-2; Selden, "A Forgotten Holocaust," 89-91; Michael D. Gordin, *Five Days in August: How World War II Became a Nuclear War*, (Princeton, NJ: Princeton University Press, 2007), 18-20.

⁸² Tanaka, "Introduction." 4-5.

⁸³ Grayling, *Among the Dead Cities*, 76-77; Gordin, *Five Days in August*, 21-22.

Donovan's *Conflict & Crisis* (1977), along with the biographical works of the historians featured in the Organization of American Historians forum (1996) and discussed in this paper, in her positive accounting of Truman in *Citizen Soldier* (2012). Donald, though, believed her book provided a more psychological rendering of Truman's personality in facing the issues of his presidency.⁸⁴

In fact, Donovan's biography found key advisors appreciative of Truman's ability to quickly reach decisions. But his study also agreed with foreign policy historian Herbert Feis's assessment that Truman's hastiness in his early years in dealing with pressing issues masked a persistent insecurity (recalling Hoff's severe indictment of Truman at the Organization of American Historians forum (1996) for irresponsibly resorting to nuclear weapons). Donald, despite her overall positive assessment, noted Truman often betrayed uneasiness by comparing his actions with what Roosevelt would have done.⁸⁵

For decades historians have continued to advance now familiar reasons for why the United States dropped atomic bombs on Japan at the close of World War II such as ending the war quickly, saving lives, Japan's refusal to surrender, nuclear diplomacy, revenge, racism, and Truman's personality. Recently, Michael Gordin's and Tsuyoshi Hasegawa's influential studies, which focus on the final days leading to Japan's surrender, have given powerful support to the diversity of the Post-revisionist historical position: The United States employed nuclear weapons against Japan for a number of reasons other than the traditionalist position that Consensus historians' stress of ending the war quickly to save lives, or on the New Left revisionists'

⁸⁴ Donald, *Citizen Soldier*, 129-139.

⁸⁵ *Ibid.*, 20, 24.

assertion that atomic bombs were dropped primarily for the purpose of atomic diplomacy, i.e., to discourage aggressive moves by the Soviet Union in Europe and the Far East.⁸⁶

Gordin, in *Five Days in August* (2007), like other historians focusing on the air campaign in the European and Pacific Theaters of World War II, argued the USAAF had progressively succumbed to the use of area bombing in Germany. Subsequently, waves of B-29 Superfortresses indiscriminately hammered Japanese cities when the air campaign against Japan was ramped up in 1945.⁸⁷ Strategic bombing, which included the targeting of civilians, had become an even higher priority against Japan for a number of reasons. First, American ground troops island-hopping across the Pacific could not yet bring the fight directly to Japan. Second, because the effectiveness of the air campaign against Germany was controversial, the USAAF felt they had something to prove. And last, the American military had experienced moral slippage over the course of the war claiming the most victims in world history.⁸⁸ The British and American's air campaign in Europe had become inured to violence. Hasegawa joined Gordin in dismissing a proscription on using atomic weapons against Japan because non-combatants would bear collateral destruction. The moral divide had already been passed when incendiaries were used on cities without regard to distinguishing between civilians and military.⁸⁹

Gordin stressed that after the successful test of the bomb in New Mexico, United States policymakers were not of one mind that acquiring the atomic bomb meant an immediate end to

⁸⁶ Gordin, *Five Days in August*, 8-14; Tsuyoshi Hasegawa, *Racing the Enemy: Stalin, Truman, and the Surrender of Japan*, (Cambridge, MA: Harvard University Press, 2005), 2, 183, 290.

⁸⁷ Gordin, *Five Days in August*, 18-20; Grayling, *Among the Dead Cities*, 5-6; Tanaka, "Introduction," 3-5; Selden, "A Forgotten Holocaust," 90.

⁸⁸ Gordin, *Five Days in August*, 1.

⁸⁹ Hasegawa "Were the Atomic Bombings," 127; Gordin, *Five Days in August*, 19-20.

the war. Even though Truman became enthralled by the potential of the bomb, his administration in official communications tried to create a mystique about the power of the bomb to hasten Japan's surrender. Meanwhile, the military chain of command churned to carry out operational expectations. In accord with American and British military leadership, service branches, charged with transporting nuclear weapons to the Pacific Theater and employing them against the Japanese homeland, continued to operate on the assumption the atomic bomb was just another weapon albeit of vastly greater magnitude. Despite the understanding by the warring parties that Japan had lost the war, the American government believed several bombs and an invasion of the home islands would be needed for Japan to surrender. In summary, Truman and his advisors never believed nuclear weapons to be the geopolitical game-changer of a higher order during the war that it became after the war.⁹⁰

Hasegawa advanced a range of familiar reasons for the American government's use of nuclear weapons at the end of World War II: revenge for Pearl Harbor and the barbaric treatment of American POWs; to save lives by avoiding an invasion of Japan; and to impose an unconditional surrender on Japan.⁹¹ But what was noteworthy about Hasegawa's analysis of events leading to Japan's surrender and a major theme of his book *Racing the Enemy* (2005) was his accounting of the intense American-Soviet competition over the postwar Far East to gain geo-political advantage.⁹² With the United States facing the prospect of heavy losses in an invasion of the Japanese homeland, the Americans sought Soviet help in engaging Japanese forces in Manchuria and China. At the Yalta Conference, Stalin promised to enter the conflict in East Asia within three months of the war ending in Europe. The Americans pledged the Soviets

⁹⁰ Gordin, *Five Days in August*, 5-12, 48-49, 95-97, 101-102, 108-112, 116-117, 142.

⁹¹ Hasegawa, *Racing the Enemy*, 181-183.

⁹² *Ibid.*, 2-3.

would get all of Sakhalin, the Kuril Islands and economic rights in China.⁹³ Already, in the closing months of the war in Europe, the Allies sparred over agreements reached at Yalta on prospective Axis reparations and free elections in Eastern Europe.⁹⁴ Given a rising distrust between Truman and Stalin, and the successful nuclear detonation in New Mexico on July 16, 1945, the Americans now considered Soviet intervention in the Far East a liability rather than an asset. Hasegawa concluded that for Truman the atomic bomb represented the potential to strike a mortal blow at Japan and thereby prevent the Soviet Union from establishing postwar hegemony in East Asia by force of arms as it was presently doing in Eastern Europe.⁹⁵

The reality of the successful atomic bomb test, occurring during the Potsdam Conference, made apparent the adversarial national interests of the Allies. The Potsdam Declaration, meant to pressure Japan to surrender without an invasion, was deliberately issued by the United States, Britain, and China without the inclusion of the Soviet Union. In turn, Stalin advanced the order for the Red Army, massing along the Chinese frontier, to attack Japanese forces before the Americans could use the bomb to end the war. In Hasegawa's words, both sides were racing the enemy to end the Pacific War "on their own terms."⁹⁶ Practically, in the following weeks, the United States and the Soviet Union countered each other to project geopolitical influence over

⁹³ Frank Costigliola, *Roosevelt's Lost Alliances: How Personal Politics Helped Start the Cold War*. (Princeton, NJ: Princeton University Press, 2012), 243.

⁹⁴ Michael Dobbs, *Six Months in 1945: From World War to Cold War*. (New York: Alfred A. Knopf, 2012), 359; Hasegawa, *Racing the Enemy*, 42-43.

⁹⁵ Hasegawa, "Were the Atomic Bombings," 126-127; Hasegawa, *Racing the Enemy*, 164-165.

⁹⁶ Hasegawa, *Racing the Enemy* 130 quote, 155-156, 163-165, 177; Hasegawa, *Racing the Enemy*, 164: Truman stated in his memoirs that Russia did not deserve to reap rewards in a war in which she had no part; Hasegawa, "Were the Atomic Bombings," 126: Secretary of State Byrnes is quoted at Potsdam by his personal secretary that the Russians getting in on the kill would compromise China.

Northeast Asia and Japan. As a result, before Japan accepted the surrender terms spelled out in the Potsdam Declaration, the United States dropped atomic bombs on Japan in the midst of its ongoing air campaign. The Soviet military took possession of Manchuria, the northern Korean peninsula, southern Sakhalin, and the Kuril Island chain, while American occupation forces established firm control of the Japanese main islands.⁹⁷

In addition to operational exigencies and power politics, Hasegawa like Dower, identified racial animus driving desensitization directed at the enemy nation. Hasegawa found Truman's rationale after dropping the second bomb on Nagasaki telling:

Having found the bomb we have used it. We have used it against those who attacked us without warning at Pearl Harbor, against those who have starved, and beaten and executed American prisoners of war, and against those who have abandoned all pretense of obeying international law of warfare.⁹⁸

Truman, Hasegawa concluded, in bombing Hiroshima and Nagasaki was clearly motivated by revenge and believed the Japanese had violated international laws of war. In Truman's thinking, no inconsistency existed between his condemnation of Japanese barbarity and burning down their cities. Yet, only a day later, Truman expressed second thoughts in a written statement to Senator Richard Russell that were confirmed in Henry Wallace's reflections as Commerce Secretary during a cabinet meeting. The president, in plaintive language, had put a hold on more atomic attacks because he could not bear the idea of wiping out another 100,000 women and children. Incoming information was making clearer the extent of the damage to Hiroshima. With increasing reflection, Truman had realized conventional and atomic weapons

⁹⁷ Hasegawa, *Racing the Enemy*, 179-196, 252-289, 300; Gordin, *Five Days in August*, 27-28.

⁹⁸ Hasegawa, "Were the Atomic Bombings," 127.

were different.⁹⁹ For history, Hasegawa apprehended a turning point: “The dawn of the nuclear age began at that moment.”¹⁰⁰

Donald, in assessing the decision to use the atomic bomb, differed with Hasegawa and Gordin over Truman’s motives. In her judgment, because Truman did not know in practical terms the destructive power of the atomic bomb, his direct responsibility was mitigated. Those who bore the most responsibility for its use were the scientists and policymakers who had developed the weapon and directed how it was to be used. In fact, based on what the president could understand about the true power of the bomb, he and Secretary of War Henry Stimson had issued a directive that civilians should not be targeted. Donald charged that the secret advisory committees with responsibility for considering the potential use of the bomb against Japan had deviated from their responsibility by locating civilian areas in drop zones and placing military targets on peripheries. These were the Scientific and Interim Committees of leading government, scientific, and industrial leaders who made their recommendations to the president to use nuclear weapons against Japan in June of 1945.¹⁰¹

When Truman became president, Stimson’s influence gave way to James Byrnes, a key Roosevelt advisor who headed the Office of War Mobilization after representing South Carolina in the House and the Senate and serving as a Supreme Court justice. Truman appointed Byrnes Secretary of State in July, 1945, where he helped shape a hard-line position within the administration favoring the use of the atomic bomb against Japan. In response, resistance to

⁹⁹ Hasegawa, “Were the Atomic Bombings,” 117-118, 127-128; Gordin, *Five Days in August*, 7-10, 18-19.

¹⁰⁰ Hasegawa, “Were the Atomic Bombings,” 128.

¹⁰¹ Donald, *Citizen Soldier*, 143-147, 148; Martin J. Sherwin, *A World Destroyed: Hiroshima and Its Legacies*, 3rd ed. (Redwood City, CA: Stanford University Press, 2003), 202-210; Donovan, *Conflict & Crisis*, 48.

growing bomb momentum arose from some scientists working on the Manhattan Project and key policymakers who had become familiar with the potential destructive capability of nuclear weapons. Niels Bohr, Leo Szilard, and Felix Frankfurter, notable among dissenters who argued for sharing atom bomb control with the Soviets to avoid a future arms race and for forcing Japan's surrender without the atom bomb, were denied direct access to Truman.¹⁰² Yet, other historians have clearly revealed Truman did develop a not insignificant impression of the destructive potential of the weapon prior to Hiroshima. Stimson led a thorough briefing on the bomb for Truman when he became president.¹⁰³

Atom Bomb Historiography: Current State and Future Prospects

Historian Richard Rhodes, author of *The Making of the Atomic Bomb* (1987), in a sixty year retrospective article for *National Geographic* in 2005, warned of the overhanging nuclear threat of August, 1945. Rhodes wrote that eight countries possessed nuclear weapons and twenty or so others had the know-how and materials to go nuclear. Meanwhile, scientists possessed the expertise to pass on nuclear secrets to rogue states, while terrorists and criminal networks could seek fissile materials to create dirty bombs or gain possession of nuclear weapons from nations whose nuclear arsenals were not secure.¹⁰⁴

¹⁰² Michael Dobbs, *Six Months in 1945: From World War to Cold War* (New York: Alfred A. Knopf, 2012), 237-241; Wilson D. Miscamble, *The Most Controversial Decision: Truman, the Atomic Bombs, and the Defeat of Japan* (Cambridge and New York: Cambridge University Press, 2011), 32-39; Sherwin, *A World Destroyed*, 200-219; Grayling, *Among the Dead Cities*, 152-153; McCullough, *Truman*, 396.

¹⁰³ Miscamble, *Most Controversial Decision*, 32-33; Walker, *Shockwave*, 146-147.

¹⁰⁴ Richard Rhodes, "Living With the Bomb," *National Geographic* 208 no. 2 (August, 2005): 98-113.

Atom bomb momentum leading to the destruction of Hiroshima, likely because of its ever-present influence on humanity, remains a linchpin pondered and ordered by contending schools of historiography. Gordin has stressed that “the history as usually presented focuses on both what Truman intended to accomplish by authorizing the atomic bombings and what role those bombings played in ending the war.”¹⁰⁵ As this paper reported, Samuel J. Walker, in a widely discussed 2005 essay, “The Decision to Use the Bomb: A Historiographical Update,” announced the emergence of a middle ground between Consensus and New Left revisionist positions. The core principles of this post- revisionist school borrowed elements from both the Consensus and New Left revisionist schools of historiography—atomic bombs were dropped on Japan to save lives and to use the bomb to intimidate the Russians.

Today, atom bomb historiography has sustained an interest among a new generation of historians. Alex Wellerstein, an historian of science at the American Institute of Physics, in a 2013 blog post, “synthesized” National Regulatory Commission retired historian Samuel Walker’s comprehensive address at an Atomic Heritage Foundation sponsored workshop. Walker’s lecture, as related in Wellerstein’s post, retrospectively reviewed the principal positions of atom bomb historiography considered in this paper.

Walker first summarized the traditionalist (consensus) position that dominated historical interpretation from the end of World War II to the 1960s. Truman made the decision to use atomic weapons to end World War II quickly and save lives. Despite being defeated militarily, Japan would not surrender. The emperor admitted in the Imperial Rescript addressing his people that dropping the bomb compelled Japan to surrender.

¹⁰⁵ Gordin, *Five Days in August*, 10.

Walker next assessed the basis of the New Left revisionist position which materialized out of the tumult of the 1960s, growing in acceptance until the early 1990s. The Truman administration understood that Japan was already defeated militarily when the bomb was dropped. The United States knew from intelligence gathering that Japan had been secretly approaching third party countries to broker surrender. Thus, the “real” reason the United States used atomic weapons was atomic diplomacy—a show of force to exact concessions from the Soviet Union after the war. The Japanese leadership cited the power of the bomb as necessitating surrender only to save face. In fact, the most important reason Japan surrendered was because of the Soviet Union’s sudden attack on Japanese forces in Manchuria with the threat the Soviet victory there posed to the Japanese homeland.

Walker explained the emerging consensus (the post-revisionist middle position) as identifying Truman as not reflecting much on the consequences of using atomic weapons or invading Japan. Rather, the president was being swept up by events in directing policy so potential Japanese casualties were not seriously considered. The United States found itself at war possessing atomic weapons that would be used. Japan could not win the war, but refused to surrender. The country’s leadership attempted to secure the one condition most important in the mind-set of the Japanese—the retention of the Emperor as divine, thereby preserving the national polity, an outcome wholly unacceptable to the Americans.

Wellerstein’s blog synthesized Walker’s analysis of the Post-revisionist position by relating “there were multiple motivations for dropping the bomb.” The main reason for using atomic weapons was to advance the war effort, but the United States fully intended to exploit its atomic advantage to shape world events to its benefit especially in dealing with the Soviet Union. Japanese militarists were bent on forcing a costly invasion of the home islands on the United

States to gain a negotiated settlement. In summary, a combination of the twin shocks of atomic weapons employed against Hiroshima and Nagasaki and the Soviet invasion of Manchuria caused Japan's hard-liners to accept Emperor Hirohito's decision to capitulate to terms dictated by the United States.

Wellerstein concluded his blog with Walker's summary of the present state of atom bomb historiography. Because of growing acceptance of the middle ground position, debate had waned on contentious, long-standing issues. For example, justifying the use of the bomb based on how many casualties would be suffered in an invasion wasn't debated much anymore. But clearly, the interpretive divide over the decision to drop atomic weapons on Japan persists. According to Wellerstein, Walker's concluding remarks asserting a "cooling in the tone of the debate" accompanying the ascendancy of the Post-revisionist middle position immediately drew a vigorous response at the workshop by prominent revisionist historian Peter Kuznick, which indicated to Wellerstein's thinking, the debate continues.¹⁰⁶

Walker may be right in his assessment of the ascendancy of the Post-revisionist position among historians citing multiple reasons for the United States using atomic bombs against Japan, but Consensus and New Left revisionist positions have not disappeared. In fact, Kuznick's recent collaboration with Oliver Stone, *The Untold History of the United States* (2012), confirmed the persistence of the New Left revisionist position: although Japan was militarily defeated by August, 1945, the United States dropped atomic bombs on Japan to intimidate the Soviet

¹⁰⁶ Alex Wellerstein, "The Decision to Use the Bomb: A Consensus View?" Restricted Data: The Nuclear Secrecy Blog, March 8, 2013, Accessed July 25, 2014, <http://blog.nuclearsecrecy.com/2013/03/08/the-decision-to-use-the-bomb-a-consensus-view/>.

Union.¹⁰⁷ August, 2015, brought a shattering blast of international media commentary recognizing Hiroshima as ground zero of an imperiled world. From Singapore to Nairobi to Jerusalem to Teheran, writers and bloggers connected Iran to Japan and proliferation to disarmament. In *The Washington Post*, Richard Cohen's editorial, "No Apologies Necessary," could be read as a summation of Secretary Stimson's February, 1947, foundational Consensus defense in *Harper's Magazine*: using the atomic bomb was the least, worst choice that avoided invading Japan and saved countless lives.¹⁰⁸

Hiroshima for historians remains unsettled history. What generates such passion over events now seven decades removed? Gordin insightfully answered in *Five Days in August* (2007): it's because the "world ... is still living out the consequences of how World War II ended"—from mushroom clouds, to nuclear proliferation, to conventional weapons of mass destruction.¹⁰⁹ As historians have recognized the iconic markers of Pearl Harbor and Hiroshima that grounded the World War II generation, so does humanity today in contemplating the power of the atom.

¹⁰⁷ Stone and Kuznick, *The Untold History of the United States*, (New York: Simon & Shuster, 2012): 145-147, 172, 178.

¹⁰⁸ Richard Cohen, *The Washington Post*, August 19, 2015, accessed October 18, 2015, <https://ezproxy.lib.ndsu.nodak.edu/login?url=http://search.proquest.com.ezproxy.lib.ndsu.nodak.edu/docview/1704910153?accountid=6766>; Samuel J. Walker, *Prompt and Utter Destruction: Truman and the Use of the Atomic Bombs against Japan*, 2nd ed. (Chapel Hill, SC: The University of North Carolina Press, 2004), 102; Gordin, *Five Days in August*, 142.

¹⁰⁹ Gordin, *Five Days in August*, 13.

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III. THE BREZHNEV DOCTRINE AND THE POLISH CRISIS OF 1980-1981

Thesis

Although states of the Eastern Bloc and the world community were unaware of the Cold War policy shift, the top leadership of the Soviet Union, despite its posturing, abandoned the Brezhnev Doctrine at the time of the Polish Crisis of 1980-1981. Therefore, the imposition of martial law by the Polish People's Republic was not needed to stave off an invasion of Poland by Warsaw Pact forces, but the action did succeed for a time in maintaining control of the country by the Polish Communist Party.

Explanation of Thesis Statement

The Brezhnev Doctrine was formulated and imposed by the Soviet Union in response to events in Czechoslovakia. Otto Ulc placed responsibility on the President of Czechoslovakia and First Secretary of the Czechoslovak Communist Party, Antonin Novotny, for creating conditions the Soviet Union deemed threatening to socialism. From the late 1950s, the hard-line Czechoslovak leader had dawdled on de-Stalinization amidst a country with economic woes and ethnic division. The country's rudderless drift impelled a party takeover in January, 1968. Reformers, led by Alexander Dubcek, embarked on liberating policies dramatically expanding public polity. Alarmed by the weakening role of the party that could endanger Communist control and potentially destabilize neighboring bloc countries, under Moscow's direction, Warsaw Pact forces intervened by imposing the Brezhnev Doctrine thus limiting the sovereignty of Czechoslovakia. Robin Alison Remington provided context by pointing out subsequent events

on the ground outraced formal policy; the invasion in August preceded General Secretary of the Communist Party of the Soviet Union, Leonid Brezhnev's official pronouncement of the doctrine on November 13, 1968, which Remington summarized as the Soviet Union reserving the right to intervene directly or indirectly "if developments in any other socialist country threatened either (1) socialism within that country, or (2) the basic interests of other socialist countries."¹

The Brezhnev Doctrine continued to be applied generally by analysts as an interpretive Cold War paradigm to explain Soviet response to nonconforming activity within satellite nations considered threatening to Moscow's sphere of influence. Jiri Valenta, however, observed the Brezhnev Doctrine historically more properly represented a formalization; a continuation of established Soviet policy, reaching back to Khrushchev's justification for the invasion of Hungary in 1956 and beyond to Stalin and Lenin. Since Hungary, he noted the Soviet Union had responded to revolutionary upheavals occurring in twelve-year intervals in Eastern Europe with Czechoslovakia in 1968 and Poland in 1980. The Soviet Union employed that course of action as well in 1979, intervening to maintain an allied government in Afghanistan.

Andrzej Korbonski's summary assessed the roots of the Polish Crisis of 1980-1981 as rejection of the imposition of foreign control stretching back centuries. Essentially, Poles regarded the Communist Polish Peoples Republic as illegitimate—an experiential consequence of their long history of domination by outsiders. Culturally, the Poles were prone to reject authority so, as a people, they overwhelmingly resisted the totalitarian control enforced from an eastern nemesis; Moscow. As a corollary, a marked distancing often persisted as well among Polish groups even after the World War II triumph and domination of the region by the Soviet

¹ Robin Alison Remington, "Yugoslavia," in *Communism in Eastern Europe*, 2nd edition, edited by Teresa Rakowska-Harmstone, (Bloomington: Indiana University Press, 1984): 247.

Union. Consequently, while workers, students, intelligentsia, and peasants seriously challenged the state's choke hold on power in 1956, 1968, 1970, and 1976, the Poles' own ongoing disunity, together with the government's active measures sowed division which limited their gains.

In June, 1976, the sociopolitical landscape changed significantly in Poland when strikes erupted over steep hikes in food prices. The government's mass arrest of strikers moved intellectuals to support dissenters by creating a Worker's Defense Committee (Komitet Obrony Robotnikow (KOR)). This alliance between workers and KOR, supported by the considerable influence of the Catholic Church, presented a potent challenge to the Polish Communist government by raising the level of domestic and international exposure, and by the broadening of demands to include human rights. Despite significant financial support from the Soviet Union at the time, Poland continued to stagger from consumer shortages, soaring inflation, and an untenable balance of payments. Moreover, the world economy in the late 1970s, under the burden of rising energy costs and a prolonged recession, provided no relief for the country's outdated industrial and agricultural sectors by devaluing exports and driving up the cost of imports. The inability of the Edward Gierek government to deal with the economic crisis further alienated every important social group. Pressure on the government dramatically increased in June of 1979. The Polish Pope John Paul II's homecoming energized massive crowds whose active presence simultaneously demonstrated their intense fervor for the nation and an abject disconnect from its master, the party.

Ultimately, Korbonski concluded, despite three and a half decades of socialization campaigns, Communism could not penetrate Polish society to overcome what the people believed to be an illegitimate regime. In July, 1980, the government increased meat prices. Strikes rapidly swept the country exploding into mass opposition. By August, the government

found itself negotiating with a multi-factory strike committee leading hundreds of thousands of workers, which became the Solidarity movement. With an ominous shutdown of the country looming, the government was compelled to accept the strike committee's twenty-one demands. The most significant provision recognized Solidarity as an independent trade union. The next year and a half was marked by impasse between a reconstituted government clinging to power and buying time, and Solidarity phenomenally swelling to ten million members and pushing the government for the realization of the agreement it had agreed to at Gdansk. The standoff ended after General Wojciech Jaruzelski consolidated military and civilian control over the Polish government in the fall of 1981. Following months of planning under extreme pressure from the Soviet Union, Jaruzelski imposed martial law internally using Polish security and armed forces in December, 1981.

The crux of preparing a paper on the end of the Brezhnev Doctrine depends on a determination of when and under what circumstances the Brezhnev Doctrine was abandoned as a coercive mechanism to maintain socialist orthodoxy in the Eastern Bloc. Two Eastern European specialists, Vojtech Mastny and Matthew Ouimet, argue the Brezhnev Doctrine was jettisoned at the onset of the Polish Crisis of 1980-1981 when the Polish government faced a serious challenge to its governance by Solidarity and its allies. Both studies were grounded on archival information including statements of Soviet principals, particularly Mikhail Suslov and Yuri Andropov, in meetings of the Soviet Politburo, revealing that the Warsaw Pact would not intervene in Poland and would if necessary need to live with a Solidarity government. Terry Thompson's research of Soviet party documents can be interpreted to support Mastny and Ouimet's finding of a major Soviet foreign policy shift regarding the Eastern Bloc. Thompson cited official papers from the 1976 World Communist Conference calling for "non-interference

and cooperation instead of promoting the leading role of the CPSU among socialist states.”² He identified further confirmation of progression from Soviet central control in Brezhnev’s address to the Twenty-sixth Party Congress in 1981 where the General Secretary called for utilizing “the experience of fraternal countries”³ by not imposing “patterns that ignore the distinctions” of any country.⁴ Gale Stokes’s findings, as well, shored up an interpretive position that the Brezhnev Doctrine was inoperative and thus dead at the onset of the Polish Crisis. His comparison of Soviet actions in 1956 Hungary, 1968 Czechoslovakia, and 1981 Poland determined a continuum of decreasing military intervention on the part of the Soviet Union from primary invader, to coalition leader, to threatening bystander.

Established historiography had maintained that the Brezhnev Doctrine remained intact through the duration of the Polish Crisis of 1980-1981 until Mikhail Gorbachev, in the last years of the Soviet Union as General Secretary of the Communist Party, initiated liberalizing domestic policies and engagement with the West to help end the Cold War. Indeed, in 1984, Vernon Aspaturian, Andrzej Korbonski, Jiri Valenta, and Teresa Rakowska-Harmstone’s findings, in a collaborative history, *Eastern European Communism* (1984), continued to support the traditional historiography. The authors’ varied perspectives, in their assessments of the state of the Cold War in the early 1980s, determined the Soviet Union retained hegemonic power over Poland. Aspaturian concluded the Soviet system depended on control of the East European states. Consequently, Soviet leaders would not likely allow Eastern Bloc states to break away. Korbonski, in his essay on Poland, stated the Polish government had demonstrated it was not, at

² Terry L. Thompson, *Ideology and Policy: The Political Uses of Doctrine in the Soviet Union*. (Boulder, CO: Westview Press, 1989): 146-147.

³ *Ibid.*, 147.

⁴ *Ibid.*

the time, in immediate danger of collapse. Thus, the Soviet Union would not need to intervene. Valenta deemed the Polish Crisis to be a significant challenge to Soviet domination that could not be tolerated in light of the Brezhnev Doctrine. But, because of the questionable loyalty of some Polish military in the face of a Soviet invasion and the forces already committed to Afghanistan, Valenta wrote that the Soviet leadership had chosen a calculated strategy of using internal Polish armed forces to impose martial law. In Rakowska-Harmstone's summary chapter of the collection, the author concluded the Soviet Union would never willingly give up domination of the Eastern Bloc. Attempts by satellite states such as Poland in 1980-1981 to realize national aspirations would continue to be put down by internal or external force as the Soviet Union continued its efforts to integrate the Eastern Bloc politically, culturally and economically into its international system. Significantly, Rakowska-Harmstone allowed, however, that with the imminent emergence in the early 1980s of a younger generation on the verge of taking the helm of the Soviet Union, a new policy more accommodating to Polish national aspirations was possible.

Since the 1984 publication of *Eastern European Communism*, other prominent area specialists analyzing the challenge to Soviet power at the time of the Polish Crisis have offered insights that neither confirm the traditional view of Soviet policy imposing the Brezhnev Doctrine, nor embrace the more recent historiography of Mastny and Ouimet that the Brezhnev Doctrine in real terms expired when the Solidarity movement confronted the Polish People's Republic in 1980-1981. Mark Kramer argued that it remains impossible to know with total certainty the Soviet leadership's actions if the Polish government's efforts to impose martial law had failed. But, based on the Soviet Union's record in similar crises, the preponderance of evidence demonstrates the Warsaw Pact would have invaded, especially with regard to Poland,

where the Soviet bloc had even more to lose. Alternately, Timothy Garton Ash concluded that because the outcome of the Polish Crisis was uncertain, going forward the Soviet Union could not be sure of its actions.

In the opinion of this writer, research to this point suggests the thesis positing that the practical termination of the Brezhnev Doctrine at the onset of the Polish Crisis may be tenable. Ouimet, in his book, *The Rise and Fall of the Brezhnev Doctrine in Soviet Foreign Policy* (2003), argued that recent evidence requires revision of standard historical interpretation: the Soviet Union in fact abandoned its prerogative of interference in socialist states before Soviet introspection after Brezhnev's death in 1982 and Mikhail Gorbachev's liberalization after assuming Soviet party leadership as General Secretary in 1985. Mastny's work with archivists, military historians, and area specialists through the Parallel History Project on NATO and the Warsaw Pact based in Zurich, Switzerland has secured significant documentary evidence supporting the end of the Brezhnev Doctrine at the time of the 1980-1981 Polish Crisis rather than with the coming of Gorbachev's "new thinking" easing Cold War hostility. Final realization of a research paper based on this working thesis would require in-depth examination of Mastny's and Ouimet's sources as well as a more comprehensive survey of the literature on the relationship of the Brezhnev Doctrine and the Polish Crisis of 1980-1981.

Outline with Supporting Sources

- I. Poland's position in the Warsaw Pact as a consequence of World War II
 - A. Under pressure from the Soviet Union, Poland underwent a Communist takeover and its borders were moved substantially west.

B. Poland was considered a key to the Soviet Union's security and control over Eastern Europe after World War II.

1. Poland served as land buffer for the Soviet Union between its western frontier and hostile western European countries led by the United States.

2. Vital transportation and communication links directly crossed Poland from the Soviet Union to its frontline ally, the German Democratic Republic.

II. Poland's severe economic and social dislocations in the 1970s

A. Chronic mismanagement of the economy resulted in huge deficits covered by foreign loans and credits.

B. Rising consumer expectations could not be satisfied by the command economy resulting in shortages and price hikes.

De Weydenthal, Jan B. *Poland: Communism Adrift*. Beverly Hills, CA: The Center for Strategic and International Studies and Sage Publications, 1979.

III. Developments in the position of the Soviet Union and other Warsaw Pact countries regarding labor and social unrest dating from the Prague Spring of 1968 to the late 1970s

A. The relaxation of Soviet control over the Eastern Bloc beginning with Khrushchev after 1956 ended with the invasion of Czechoslovakia by the

Warsaw Pact in August, 1968. Brezhnev Doctrine imposed on Eastern Bloc countries.

1. Normalization imposed on bloc states through greater integration in the Council of Mutual Economic Assistance and the Warsaw Pact using Soviet economic and political models.
2. Reliance on Soviet military for compliance in bloc countries discredited Communist legitimacy.

B. Communism's presumed consistency of interests among allies was abandoned by Soviets beginning in the mid-1970s.

1. Soviets hiked oil prices to Council of Mutual Economic Assistance partners.
2. Soviets agonized over intervention in Afghanistan.
3. Soviets suffered sanctions, severe human and economic costs, and damage to reputation because of invasion of Afghanistan.

Brezhnev, Leonid. "Brezhnev Doctrine Speech by First Secretary of the Soviet Union Leonid Brezhnev," 13 November 1968, accessed 19 June 2015, <http://www.isn.ethz.ch>.

Tismaneanu, Vladimir. *Reinventing Politics: Eastern Europe from Stalin to Havel*. New York: Maxwell Macmillan, 1992.

IV. By the late 1970s, components of an alternate civil society had coalesced in Poland galvanized by resistance to the Communist government

- A. Polish people harbored an historical hostility to Russia.

B. Resistance to the Communist government united from three important sources.

1. Worker's Defense Committee (KOR) led intellectual opposition.
2. Resurgent Polish nationalism was inspired by Pope John Paul II.
3. Growing organized labor movement resulted in widespread strikes.

Albright, Madeleine Korbel. *Poland: The Role of the Press in Political Change*. New York: Praeger and The Center for Strategic and International Studies, 1983.

Fink, Carole, Phillip Gassert, and Detlef Junker, eds. *1968: The World Transformed*. Cambridge: The Press Syndicate of Cambridge and The German Historical Institute, 1998.

Michnik, Adam. *Letters from Prison and Other Essays*. Berkeley, CA: University of California Press, 1985.

Staar, Richard F. *Foreign Policies of the Soviet Union*. Stanford, CA: Hoover Institution Press, 1991.

Stokes, Gale. *Three Eras of Political Change in Eastern Europe*. New York: Oxford University Press, 1997.

Weigel, George. *The End and the Beginning: Pope John Paul II – The Victory of Freedom, the Last Years, the Legacy*. New York: Doubleday, 2010.

_____. *Witness to Hope: The Biography of John Paul II*. New York: HarperCollins Publishers, 1999.

V. Exploration of thesis: Soviet failure to impose the Brezhnev Doctrine in responding to labor and social unrest in Poland in 1980-1981

A. Probable factors influenced the Soviets not to impose the Brezhnev Doctrine.

1. Sheer size and influence of Solidarity movement legalized as independent labor union August, 1980 deterred an invasion.
2. The Soviet Union intervened and was tied down in war in Afghanistan from December, 1979.
3. Soviets feared invasion of a Warsaw Pact country would further damage its international reputation (sting of boycott of 1980 Summer Olympics).
4. Assuming responsibility for Poland's already staggering economy compounded by invasion would further stress the Soviet Union's weakened economy.
5. Soviets wanted negotiations for arms reduction talks with the U.S. to proceed in light of record U.S. military spending.
6. Soviets wanted the flow of technology from the West to continue.
7. The Soviet Union experienced sustained pressure from western governments threatening consequences in the event of a Soviet invasion of Poland.
8. Romania and Hungary presented internal resistance to invasion from within the Warsaw Pact.
9. The Catholic Church headed by John Paul II exerted substantial influence on events in Poland outside government control.
10. The Soviet general staff doubted the loyalty of Polish military units and anticipated active resistance in the event of a Soviet led invasion.

11. The Soviet Union preferred the internal imposition of martial law by the Polish Communist government and believed it could succeed.

Bialer, Seweryn. "Poland and the Soviet Imperium," in *Poland: The Reference Shelf*, edited by William P. Lineberry. New York: H. W. Wilson, 1984.

Hough, Jerry F. *The Polish Crisis: American Policy Options*. Washington, DC: Brookings Institution, 1982.

Mastny, Wojtech, and Malcolm Byrne, eds. *A Cardboard Castle? An Inside History of the Warsaw Pact, 1955-1991*. Budapest: Central European University Press, 2005.

Mastny, Wojtech. "The Soviet Non-Invasion of Poland in 1980/81 and the End of the Cold War." *Europe-Asia Studies* 51, no. 2 (1999): 89-211.

Ouimet, Matthew J. *The Rise and Fall of the Brezhnev Doctrine in Soviet Foreign Policy*. Chapel Hill, NC: University of North Carolina Press, 2001.

Harper, John Lamberton. *The Cold War*. Oxford: Oxford University Press, 2011.

Rachwald, Arthur R. *In Search of Poland: The Superpowers' Response to Solidarity, 1980-1989*. Stanford, CA: Hoover Institution Press, 1990.

Zubok, Vladislav M. *A Failed Empire: The Soviet Union In The Cold War from Stalin to Gorbachev*. Chapel Hill, NC: University of North Carolina Press, 2007.

B. Traditional and alternate historiography noted: operative disposition of the Brezhnev Doctrine remained intact or could not be known through the duration of the Polish Crisis of 1980-1981 based on study of recently uncovered archival sources collated with information derived from principal

historical actors. Supporting reasons for alternate historiography included the following:

1. Consensus of top Soviet leadership remained determined throughout the Polish Crisis to suppress Solidarity.
2. The Soviet Union remained committed to preserve vital Eastern Bloc transportation and communication links across Poland to the German Democratic Republic.
3. Soviet armed forces personnel stationed in Poland needed protection.
4. Soviet and Warsaw Pact authorities maintained close coordination with Polish counterparts on their martial law preparation and were prepared to invade if needed.

Ash, Timothy Garton. *The Polish Revolution: Solidarity*, 3rd. ed. New Haven, CT: Yale University Press, 2002.

Aspaturian, Vernon V. "Eastern Europe in World Perspective," in *Communism in Eastern Europe*, edited by Teresa Rakowska-Harmstone, 2nd. ed. Bloomington: Indiana University Press, 1984.

Korbonski, Andrzej. "Poland," in *Communism in Eastern Europe*, edited by Teresa Rakowska-Harmstone, 2nd ed. Bloomington: Indiana University Press, 1984.

Kramer, Mark. "The Soviet Union, the Warsaw Pact, and the Polish Crisis of 1980-1981," in *The Solidarity Movement and Perspectives on the Last Decade of the Cold War* edited by Lee Trepanier, Spasimir Domaradzki, and Jaclyn Stanke. Krakow: Krakow Society for Education: AFM Publishing House, 2010.

Matlock, Jr., Jack F. *Reagan and Gorbachev: How the Cold War Ended*. New York: Random House, 2004.

Paczkowski, Andrzej, and Malcolm Byrne. "The Polish Crisis: Internal and International Dimensions," in *From Solidarity to Martial Law: The Polish Crisis of 1980-1981 A Documentary History*, edited by Andrzej Paczkowski and Malcolm Byrne, Budapest: Central European University Press, 2007.

Rakowska-Harmstone, Teresa. "Nationalism and Integration in Eastern Europe: The Dynamics of Change," in *Communism in Eastern Europe*, edited by Teresa Rakowska-Harmstone, 2nd ed. Bloomington: Indiana University Press, 1984.

Reagan, Ronald W. *An American Life*. New York: Simon and Schuster, 1990.

Remington, Robin Alison. "Yugoslavia," in *Communism in Eastern Europe*, edited by Teresa Rakowska-Harmstone, 2nd ed. Bloomington: Indiana University Press, 1984.

Summerscale, Peter. *The East European Predicament: Changing Patterns in Poland, Czechoslovakia, and Romania*. New York: The Royal Institute of International Affairs and St. Martin's Press, 1982.

Ulc, Otto. "Czechoslovakia," in *Communism in Eastern Europe*, edited by Teresa Rakowska-Harmstone, 2nd ed. Bloomington: Indiana University Press, 1984.

Valenta, Jiri. "The Soviet Union and East Central Europe: Crisis, Intervention, and Normalization," in *Communism in Eastern Europe*, edited by Teresa Rakowska-Harmstone, 2nd ed. Bloomington: Indiana University Press, 1984.

Thompson, Terry L. *Ideology and Policy: The Political Uses of Doctrine in the Soviet Union*. Boulder, CO: Westview Press, 1989.

Weschler, Lawrence. *Solidarity: Poland in the Season of Its Passion*. New York: Simon and Schuster, 1982.

VI. Tentative conclusion: case may exist for historical revision determining the end of the Brezhnev Doctrine resulted as a consequence of the Polish Crisis of 1980-1981

A. Evidence exists the Soviet Union may have abandoned the Brezhnev Doctrine with the onset of the Polish Crisis.

1. Maneuvers and war games by Warsaw Pact forces in areas astride the Polish frontier, Baltic areas, and along the Baltic Coast in August, 1980 and September, 1981 may have been deception to pressure Poland's government to crackdown on the Solidarity movement.
2. In November, 1980, Brezhnev conducted high level talks with Helmut Schmidt in Bonn stressing trade and security.
3. While Solidarity planned a general strike, a national referendum on the Polish government, and free elections in December, 1981, General Jaruzelski continued to equivocate and in response the Soviet Politburo meeting on the Polish challenge to Communist rule, as in prior June, refused to act.
4. General Jaruzelski's imposition of martial law in Poland on December 13, 1981 may have concealed Soviet lack of resolve in support of socialist internationalism for years to come, i.e., the death of the Brezhnev Doctrine.

B. Possible implications of historical revision of the end of the Brezhnev Doctrine

1. Recent studies suggest established historiography is invalid that the Brezhnev Doctrine was progressively abandoned after Brezhnev's death in 1982, resulting from Gorbachev's domestic reforms and engagement with the West.
2. Rather, the death of the Brezhnev Doctrine and the related collapse of Communism that occurred throughout Eastern Europe during 1989-1991 began before the passing of Brezhnev's generation of Soviet leadership.
3. In Poland, specific factors challenging Communist control potentially applied across the Eastern Bloc as well.
 - a. Competing factions weakened the Polish United Worker's Party.
 - b. The Communist party suffered mass defections to Solidarity.
 - c. The Catholic Church represented an alternate authority to the state.
 - d. A large percentage of the Polish military was considered unreliable.
 - e. Poland experienced a protracted economic crisis of spiraling prices marked by shortages of foodstuffs and consumer goods.

- f. Civil society contained a high percentage of citizens from important groups disaffected by the Communist system including workers, farmers, students, and intellectuals.
4. These conclusions of recent research of Soviet leadership point to further study with an implication outstanding that the Soviet position, *vis-a-vis* the West, was much weaker through the 1970s up to the onset of the Polish Crisis of 1980-1981 than previously known.

Annotated Bibliography

Albright, Madeleine Korbel. *Poland: The Role of the Press in Political Change*. New York: Praeger and The Center for Strategic and International Studies, 1983.

Albright's policy paper surveyed the influence of the press during the era of the Solidarity movement. She analyzed the contents of several Polish newspapers and interviewed leading journalists in the weeks preceding the imposition of martial law. She determined that the official press became progressively bolder as a forum for the exchange of ideas and more critical of government policy in the course of the Solidarity movement. The author briefly traced the emergence and influence of the underground press beginning in 1976. Her chapter dedicated to the Solidarity press examined its many dimensions locally, regionally and nationally, which at its height published openly with limited censorship guidelines in millions of units because of the strength of the union. Sources for most of Albright's research came from Polish periodicals.

Ash, Timothy Garton. *The Polish Revolution: Solidarity*, 3rd. ed. New Haven, CT: Yale University Press, 2002.

Ash wrote in his preface that he stands by the substance of his reportorial—on the scene—1983 accounting of the Polish Crisis as it unfolded. The third edition of Ash's book (1999), was noteworthy for its treatment in a postscript addendum of emerging Polish and Soviet records informed by an exchange he witnessed of an international array of major historical actors in the Polish Crisis at the 1997 Jachranka Conference. Ash's postscript posed a question central to Mastny and Ouimet's arguments for an early demise of the Brezhnev Doctrine: would the Russians have invaded in the Polish Crisis? At the conference, former Russian general officers, Warsaw Pact Supreme Commander Kulikov and a staff adjutant insisted that no plans had existed to invade Poland. Ash provided archival documentation of General Secretary Brezhnev and other Soviet Politburo members supporting the general's assertion, but all the while putting enormous sustained pressure on Polish leaders Kania and Jaruzelski to forcefully suppress the Solidarity movement. At the conference, Jaruzelski vigorously responded to the Russians' assertion by stating he was forced to declare martial law to avoid the incalculable damage of a Warsaw Pact invasion. Kania offered support insisting Brezhnev had stated to him in December of 1980 that the Soviets would intervene directly in Poland if necessary. Kania's assessment was backed up by a key Gorbachev aide and Eastern European analyst during the Polish Crisis. But, the record of the December, 1981, Politburo minutes quoted Andropov and Gromyko as insisting the Soviet Union would not send troops when martial law was declared. Andropov added that if Solidarity prevailed they would accept it. The leadership's primary concern must be the future of the Soviet Union. Ash concluded by effectively complicating counterfactual speculation. The

Russians had vacillated similarly prior to the Hungarian and Czechoslovakian invasions. Since the Polish Crisis was fluid, they could not be certain of their future actions.

Bialer, Seweryn. "Poland and the Soviet Imperium." In *Poland: The Reference Shelf*. Edited by William P. Lineberry, 57-76. New York: H. W. Wilson, 1984.

Bialer's article, originally published in *Foreign Affairs*, focused on the history of the Soviet Union's control of Poland. The author explained the value to the Soviet Union of Poland's essential position in the Warsaw Pact. The influence of key institutions such as the Polish Army and the Catholic Church were discussed in reference to the objectives of the Solidarity movement. The consequences of Soviet military intervention in reasserting Communist control over the Polish population were considered in light of the threat to nuclear arms limitation talks and relations with Western Communist parties.

Brezhnev, Leonid. "Brezhnev Doctrine Speech by First Secretary of the Soviet Union Leonid Brezhnev," 13 November 1968. Accessed 19 June 2015, <http://www.isn.ethz.ch>.

Leonid Brezhnev, First Secretary of the Communist Party of the Soviet Union, in this speech at the Fifth Congress of the Polish United Workers' Party, stated that peoples of socialist countries and Communist parties had the right to self-determination in advancing their countries by applying the principles of Marxism, Leninism and socialism. That freedom, however, could not justify damaging socialism internally or in the international socialist community by departing from the social system of socialism. All socialist countries led by the Soviet Union, therefore,

shared responsibility to safeguard and advance socialism. To protect Czechoslovakia's own interests and to protect socialist gains, the Soviet Union and other socialist countries acted decisively against the antisocialist forces in Czechoslovakia.

De Weydenthal, Jan B. *Poland: Communism Adrift*. Beverly Hills, CA: Center for Strategic and International Studies and Sage Publications, 1979.

The substance of this policy paper described a litany of problems besetting Eastern Europe. The author identified a trend toward increasing fragmentation caused by centralized control and bureaucratic inefficiency. Concerns over oil, indebtedness, stability of the opposing alliances, domestic unrest, etc. were cited. Based on upheaval in Poland, de Weydenthal forecasted increased instability that would bring significant change. Almost all sources cited were speeches and articles by Eastern Europeans.

Fink, Carole., Phillip Gassert, and Detlef Junker, eds. *1968: The World Transformed*. Cambridge, MA: Cambridge University Press, 1998.

This collection of essays interpreted 1968 as a transformational year of protest worldwide. The essays recognized common denominators of freedom and self-determination, driving the movements against institutional status quo. In their analyses, the authors recognized the influence of connections between activists internationally as well as the power of the media to influence events. The essay on the Warsaw Pact's invasion of Czechoslovakia ending the Prague Spring in August explained the rationale and application of the Brezhnev Doctrine. The

essay on the crushing of the student strikes in Poland detailed actions taken in response to events in Czechoslovakia and the prison sentences received by future leaders of KOR for their involvement. Sources for the essays were diverse and reflected the international backgrounds of the authors.

Harper, John Lamberton. *The Cold War*. Oxford: Oxford University Press, 2011.

This *Oxford Histories* primer discussed the causes, course and resolution of the Cold War conflict between the United States and the Soviet Union over supremacy of political and economic systems without resorting to conventional war. Harper focused on the political and diplomatic dimensions of the antagonists' struggle to find common interests and avoid escalation to nuclear war. His study stressed, however, that the conflict was not bipolar, but involved important other parties: major powers, third world nations, and an emerging global, ideological and geopolitical force—the Peoples Republic of China. Harper asserted in the chapter “Stirrings of Change, 1980-1985” that the early 1980s were the most dangerous period of confrontation since 1958-1962 because of the United States' assertiveness and Soviet alarm. The Soviet Union's appearance as a world power was belied by the financial demands of seventy client and satellite states. More pressing was the danger threatening control of Eastern Europe. In Poland, a combustible mix of nationalist and religious fervor stirred by Pope John Paul II and the resolve of Solidarity, a mass labor and social movement pushing for democratization, imperiled Soviet hegemony. Based on contemporaneous declassified Russian and American documents and findings of the Cold War International History Project, Harper concluded the Soviets decided to stand down in Poland because of potential damage to an already staggering domestic economy

and the high cost to relations with Western Europe. Pressuring the Polish communist state to use its forces to suppress Solidarity in the near term masked the weakness, if not abandonment, of the Brezhnev Doctrine.

Hough, Jerry F. *The Polish Crisis: American Policy Options*. Washington, DC: Brookings Institution, 1982.

Though Hough's policy paper reviewed the development of the Polish Crisis; going forward, the main focus of his study dealt with Polish economic problems in the context of Soviet-American relations. Hough reviewed credits and subsidies to Poland under both the Carter and Reagan administrations and ruled out economic warfare as an appropriate response to the imposition of martial law. Hough asserted that indirect influence remained the most realistic option for long-term change in Poland. While arguing the U.S. must work to reschedule Poland's debt, the author stated events in Poland would largely be affected by the influence of European nations and developments in the Soviet Union. References in Hough's paper were limited to a broad variety of political and economic footnotes mostly referencing journal articles, economic statistics, and international periodicals.

Kramer, Mark. "The Soviet Union, the Warsaw Pact, and the Polish Crisis of 1980-1981." In *The Solidarity Movement and Perspectives on the Last Decade of the Cold War*. Edited by Lee Trepanier, Spasimir Domaradzki, and Jaclyn Stanke, 27-66. Krakow: Krakow Society for Education: AFM Publishing House, 2010.

Kramer concluded that the explosive growth and influence of Solidarity creating the Polish Crisis was regarded by leaders across the Soviet Bloc as an existential threat to communist control in Poland, jeopardizing the future stability and integrity of the entire Soviet empire. The author based his analysis on an extensive array of recently released party, military, security and diplomatic documents from eleven former Soviet bloc countries, with related memoirs and interviews, and assessments from American intelligence agencies. The study ascribed a host of significant reasons for the gravity of the challenge of Solidarity threatening the continued dominance of communism in eastern and central Europe including the following: competing factions in the Polish United Worker's Party, mass defections from the party to Solidarity, the Catholic Church, unreliability of a large percentage of the Polish armed forces, Solidarity influencing neighboring socialist republics containing like populations of highly disaffected working groups, and a longstanding dislike of Poles of the Soviet Union. The top Soviet leadership shared consensus throughout the crisis that Solidarity must be decisively suppressed by Polish security forces directed by the leadership of the Polish communist party. Consequently, intense pressure was maintained by Moscow on Kania and Jaruzelski to impose martial law. From August, 1980, to the fall of 1981, in coordination with Polish authorities, elaborate invasion plans were developed by the Warsaw Pact placing Soviet, East German, and Czechoslovakian troops in position to be deployed into Poland if necessary to help overcome Solidarity resistance. During that time period, Kania and Jaruzelski continually held off the onset of operations which could have resulted in Soviet and Warsaw Pact troops invading Poland by convincing Brezhnev of the probability of unacceptable levels of violent resistance. Hoping to salvage a political accommodation, they bought time by citing inadequate preparation. The Soviet Politburo agreed to allow the Polish government to deal with the situation internally once

it pledged to move decisively against Solidarity in the near future. Kramer reached two important conclusions based on a preponderance of new evidence. First, contrary to Jaruzelski's claim that his hand was forced to move against Solidarity in December of 1981 to avoid the greater disaster of a Soviet invasion, the record showed once Jaruzelski became responsible for leading the Polish government in October, 1981, he made repeated pleas to Moscow to provide Warsaw Pact forces to assist in suppressing Solidarity. Secondly, while it is impossible to know with complete certainty what would have happened if Polish security forces had failed to suppress Solidarity when martial law was imposed, several factors backed up by contemporaneous actions and statements of Soviet and Warsaw Pact principals indicated the Warsaw Pact would have invaded if necessary. The Soviets hesitated when invading both Czechoslovakia and Afghanistan, but came in when it became apparent the side Russia was backing would lose. Andropov warned just before the invasion that the Soviet Union had to insure that lines of contact to the German Democratic Republic through Poland must be maintained to preserve the integrity of the Soviet bloc. Also, the security of almost sixty thousand Soviet troops stationed in Poland needed to be protected in the event Polish security forces faltered in imposing martial law. Shortly before the imposition of martial law, internal Polish government documents indicated the expectation that Warsaw Pact forces would invade if efforts to suppress Solidarity failed. In summary, compelling reasons related to the Polish Crisis demonstrated the Soviet Union regarded the Brezhnev Doctrine as operative in 1980-1981.

Mastny, Vojtech. "The Soviet Non-Invasion of Poland in 1980/81 and the End of the Cold War."

Europe-Asia Studies 51, no. 2 (1999): 89-211.

Based on declassified archival information and access to the testimony of key Soviet bloc policy participants, Mastny's article considered the question of military options in dealing with the 1980-1981 Polish Crisis. The Warsaw Pact determined not to intervene in Poland because of a number of reasons including security concerns in Europe, lack of consensus for intervention among Warsaw Pact countries, and diminishment of the image of Communism worldwide. As a result, Poland and Warsaw Pact countries settled on the course of suppressing anti-government opposition by using internal Polish security forces to impose martial law. Most of Mastny's sources were primary documents of speeches, meeting proceedings, and articles translated from their East European originals.

Mastny, Wojtech and Malcolm Byrne, eds. *A Cardboard Castle? An Inside History of the Warsaw Pact, 1955-1991*. Budapest: Central European University Press, 2005.

The Parallel History Project (PHP), a collaboration of military historians, archivists, and research institutes, compiled this comprehensive collection of primary source documents of the Eastern Bloc's security alliance to better understand the role of the North Atlantic Treaty Organization and the Warsaw Pact in Cold War history. Russia's policy of restricting access to Soviet era military information resulted in the PHP principally sourcing formerly classified Warsaw Treaty Organization (WTO) related documents from Eastern European archives. The collection's 155 documents run chronologically beginning with the treaty formally establishing the WTO in 1955 and concluding with the agreement ending the military provisions of the Warsaw Pact in 1991. As an overview for the collection, Wojtech Mastny provided a concise history of the Warsaw Pact grounded in the context of the Cold War. Mastny's historical

overview provides important insights into events related to the establishment, deployment, and denouement of the Brezhnev Doctrine. In the historical overview section titled “The Czechoslovak Crisis and the Renewal of the Warsaw Pact (1968-1969),” Mastny concluded the enunciation of the Brezhnev Doctrine only formalized what was already understood regarding Soviet control over Eastern Europe. Moreover, Czechoslovakia would be the last time the doctrine was actually imposed on a member state. The section, “The Noninvasion of Poland and its Consequences (1980-1985),” described the Soviet leadership moving from a determination to use force if necessary to hold Poland in the WTO alliance early in the crisis to working with a Polish social democratic government if necessary as Solidarity gained legitimacy with the people. “The Gorbachev Reforms (1985-1989)” section explained the evolution of Mikhail Gorbachev’s “new thinking” of calling for the unity of Warsaw Pact members while eschewing the need for political conformity. By May, 1987, following the October, 1986, Reykjavik summit, Gorbachev publicly jettisoned the Warsaw Pact’s offensive strategy and embraced a position of “defensive sufficiency,” which led to talks reducing NATO and WTO nuclear and conventional forces in Europe. On December 7, 1988, Gorbachev formally denounced the Brezhnev Doctrine at the United Nations, which Mastny asserted had been already effectively abandoned during the 1981 non-intervention in Poland. Thematic segments in Mastny’s overview history correspond approximately to the collection’s chronological groupings of the documents: Part One – The Formative Years; Part Two – The Crisis; Part Three – The Alliance At Its Peak; Part Four – The Incipient Decline; and Part Five – Disintegration. In the collection, Document No. 54: “Transcript of the Meeting of Five Warsaw Pact States in Warsaw, July, 14-15, 1968”; Document No. 94: “Transcript of the Soviet Politburo Meeting on the Crisis in Poland, December 10, 1981”; and Document No. 135: “Speech by Gorbachev at the Political

Consultative Meeting in Warsaw, July 15, 1988,” respectively support policy positions summarizing the historical course of the Brezhnev Doctrine as described by Mastny’s historical overview of the Warsaw Pact in the context of the Cold War.

Matlock, Jr., Jack F. *Reagan and Gorbachev: How the Cold War Ended*. New York: Random House, 2004.

The author relied on his experience throughout the Reagan administration as a top diplomat in Czechoslovakia and the Soviet Union and as a principal presidential advisor on Europe and the Soviet Union to create an historical memoir recounting the course and effective resolution of the Cold War between the United States and the Soviet Union. Accessing personal memoranda, official records, and interviews of Cold War nations and leaders, Matlock concluded the Cold War ended in large part through the efforts of Reagan and Gorbachev. Matlock cited sources demonstrating the Soviet Union practiced restraint during the Polish Crisis of 1980-1981 by pressuring Jaruzelski to impose martial law and suppress Solidarity’s threat to the Communist Party’s control of Poland, thereby avoiding a Warsaw Pact invasion and employment of the Brezhnev Doctrine. Yet, the author treated later occasions during the Reagan presidency when the Brezhnev Doctrine was invoked or was referenced as the United States understanding the doctrine as operative Soviet foreign policy. Matlock reported Gorbachev’s 1988 speech to the United Nations as finally ending the Soviet Union’s adherence to the Brezhnev Doctrine.

Michnik, Adam. *Letters from Prison and Other Essays*. Los Angeles: University of California Press, 1985.

With fellow activists Kuron and Litynski, Michnik helped found the Worker's Defense Committee (KOR) in 1976 for the purpose of providing financial, legal, and medical support to those suffering dislocation from work or imprisonment for opposing the Polish government. His ideas of non-violent resistance compiled in this collection of essays, some written in prison, coincided with Walesa's and served as a roadmap for Solidarity. As pointed out by Milosz and Schell respectively in the forward and introduction, Michnik's manifold contributions to the movement included encouraging close collaboration of workers, intellectuals, and the church. He also urged an activism that empowered citizens by creating a civil society complementary to the administrative state which could eventually lead to power sharing. As primary source documents, the collection of essays did not include dedicated references to other sources.

Ouimet, Matthew J. *The Rise and Fall of the Brezhnev Doctrine in Soviet Foreign Policy*. Chapel Hill: University of North Carolina Press, 2001.

Ouimet's book traced the loss of communist control in the Eastern Bloc from the upheavals of 1968 to the dissolution of the Soviet empire in 1989. In his chapter "Military Assistance to Poland in 1980?," the author argued that though the Soviets did mobilize a few divisions that could support a crackdown against Solidarity, the position of the Soviet government throughout the crisis was to coerce the Polish government, using a range of supportive to hostile motivations to crush the opposition. Based on the testimony of principals

and recent archival information, Ouimet concluded the implementation of the Brezhnev Doctrine in Poland by an invasion of Warsaw Pact forces was never seriously considered. In effect, Martial law disguised for years a major policy shift not to use force to impose Soviet socialist orthodoxy on the Eastern Bloc.

Paczkowski, Andrzej and Malcolm Byrne. "The Polish Crisis: Internal and International Dimensions." In *From Solidarity to Martial Law: The Polish Crisis of 1980-1981 a Documentary History*. Edited by Andrzej Paczkowski and Malcolm Byrne, Budapest: Central European University Press, 2007.

The Openness in Russia and Eastern Europe Project began in the aftermath of the collapse of the Soviet Union. A collaboration of experts exploited attendant openings of Eastern Bloc archives and combined them with related archival materials from the West to create collections of primary source documents related to Cold War crises. In the collection *From Solidarity to Martial Law*, the documents related to the Polish Crisis of 1980-1981 were combined with recollections of major historical participants to update the study on Poland. The editors drew extensively from sources in the collection to write "The Polish Crisis: Internal and International Dimensions," an essay serving as a detailed summation of the collection explaining events which the editors speculated marked the beginning of the end of the Cold War. From the initial rise in food prices in July of 1980 sparking a rash of strikes, the editors asserted Poland's case was qualitatively different than previous rebellions against Soviet control. The synergy created by strikes, the Catholic Church, and the opposition combined in Solidarity to represent an alternative force for change unlike any communist government had faced before. To meet the

threat, the Soviet Union vacillated between using Warsaw Pact forces to crush Solidarity with an invasion and pressuring the Polish People's Republic to crackdown on Solidarity using Polish security forces. The editors reported that because most Polish and Russian military records had not been released and other information remains inconclusive, it cannot be known whether the Warsaw Pact's Soyuz-80 maneuvers in December, 1980, were prelude to an invasion or just meant to intimidate the Polish leadership into declaring martial law. Through the remainder of the crisis, ample documentary evidence confirmed the Soviet Union maintained pressure on the Polish government until Solidarity was suppressed. The editors cited a number of reasons that discouraged the Soviet Union from carrying out an invasion of Poland, including the potential of violent Polish resistance to Soviet military intervention, internal weakness in the Soviet Union, and the substantial Soviet involvement in Afghanistan. The authors determined both the Carter and Reagan administrations directed active measures against the Soviet Union alternately rewarding restraint and imposing sanctions based on its treatment of Solidarity.

Rachwald, Arthur R. *In Search of Poland: The Superpowers' Response to Solidarity, 1980-1989*. Stanford, CA: Hoover Institution Press, 1990.

Rachwald traced the progression of the resistance of the independent Polish trade union movement to communist control through the 1980s. In imposing martial law, Polish and Soviet communist authorities sought but failed to restore the status quo ante; the aspirations of the people could not be quelled in large part because of the massive refusal of the Polish people to cooperate with reforms designed to right the economy. The threat of military intervention by the Soviet Union and its allies was averted in large measure because of support from the United

States for the Solidarity movement combined with political and economic disincentives applied to pressure the governments in Warsaw and Moscow. Rachwald's study relied extensively on European and American periodicals.

Rakowska-Harmstone, Teresa, ed. *Communism in Eastern Europe*, 2nd ed. Bloomington: Indiana University Press, 1984.

Communism in Eastern Europe, a 1984 area study compilation, surveyed regional specialists' analyses on the origin, development, practice, and prospects for Communism in Eastern Europe. In her capstone chapter, "Nationalism and Integration in Eastern Europe," Rakowska-Harmstone recapitulated a central theme of the collection: competing interests subsisted between the Soviet Union as hegemonic superpower and its resistant subject states. Treatment of the interaction of those two forces, often at odds, helped inform the collection's essays profiling the eight Communist Eastern European countries as well as the four thematic chapters on politics, economics, Soviet intervention, and tensions of integration and nationalism in opposition. The authors' essays together provided a significant update from the 1979 edition by further explicating the differing interests of the Soviet Union and the Eastern European states. Notable contributions related to developing events in Poland. Aspaturian provided insights in "Eastern Europe in World Perspective" on the significance of Poland in aggregate as Europe's fifth largest nation and that the very existence of the Soviet system depended on maintaining control of its client states. Korbonski's essay on "Poland" revealed why Communism as a system was unable to penetrate Polish society. His detailed treatment of Solidarity analyzed the movement as an unprecedented phenomenon of diverse groups aligning en masse to undercut

control of the Polish Communist government. Remington's and Ulc's respective essays on "Yugoslavia" and "Czechoslovakia" defined and rendered operative understanding of the Brezhnev Doctrine. Valenta's "Crisis, Intervention, and Normalization," explained the Soviet Union's differentiated responses to revolts in Hungary, Czechoslovakia, and Poland along with accompanying approaches to normalization. Rakowska-Harmstone, in "Nationalism and Integration," emphasized the connection of the Soviet Union's nuclear prowess and major buildup of conventional military strength in the 1970s with the geopolitical importance of Eastern Europe to the Soviet Union for both defensive and offensive purposes in the context of ongoing Eastern European resistance to control by Moscow. The authors' essays in the collection, which addressed the Polish Crisis, lent support to the prevailing orthodox position that the Soviet Union would act in accordance with the Brezhnev Doctrine to maintain control of Eastern Europe by intervening directly or indirectly as necessary.

Reagan, Ronald W. *An American Life*. New York: Simon and Schuster, 1990.

Upon taking office, Reagan reflected in his autobiography a deep contempt for Communism, judging it a failed system. The president expressed determination to pursue policies encouraging the stirrings of nationalism in Poland and the Eastern Bloc. The inherent strength of the free market system and the wealth it generated would be used to accelerate Communism's demise. Viewing the Brezhnev Doctrine as the ideological mechanism used to justify Soviet expansionism throughout the world, Reagan deliberately exploited media to push back against policies that he deemed enslaved humanity and perpetuated a dangerous nuclear arms race. Additionally, Reagan's administration began a campaign exchanging a series of

diplomatic and personal notes to Soviet counterparts. The notes confronted the Soviet government's *modus operandi* inherent in the Brezhnev Doctrine that the historical correctness of its political system justified behavior violating long-established norms of international behavior by subverting the sovereignty of independent nations. Assuming office in the midst of the Polish Crisis, Reagan's administration also sought to strike a practical balance by supporting the Polish people through food aid to alleviate hunger and international credits to avert an economic collapse while threatening the Soviet Union with diplomatic pressure, economic sanctions, and the end of nuclear arms agreements if it launched an invasion of Poland. Subsequent to the declaration of martial law, the Reagan administration held the Soviet Union responsible imposing a range of sanctions with limited success by enlisting the cooperation of European allies. Reagan's view of the Soviet Union's commitment to actively promoting ideologically driven expansionism, the Brezhnev Doctrine, did not begin to change until Gorbachev assumed leadership of the Soviet Union in March of 1985. Then, the president noted, policies supporting Cuba, Vietnam, and Syria diminished, Soviet repression of dissidents eased, and jamming of Radio Liberty and Radio Free Europe broadcasts ended.

Staar, Richard F. *Foreign Policies of the Soviet Union*. Stanford, CA: Hoover Institution Press, 1991.

Encyclopedic in scope and concise in content, Starr's treatment of *Foreign Policies of the Soviet Union* proceeded first by establishing the USSR's foundations in historical, decision-making, and foreign policy terms. Next, instrumentalities of state function were analyzed focusing on foreign propaganda, intelligence, military strategy, and foreign trade. Finally, the

projection of policy was considered on a world regional basis. Extensive data from economic, military and political charts and graphs further illuminated Staar's survey of Soviet foreign policy.

Stokes, Gale. *Three Eras of Political Change in Eastern Europe*. New York: Oxford University Press, 1997.

This concise, clear work by Stokes trifurcated political change in eastern European politics into segments: Part I, "The Origin of East European Politics"; Part II, "The Rise and Fall of Yugoslavia"; and Part III, "1989: Prologue, Lessons, and Prospects." Stokes described in his prologue the upheavals sweeping Eastern Europe in 1989, asserting that events of 1968 were foundational. Besides implementation of the Brezhnev Doctrine, the decision not to allow the bloc's economies any basis except a rigid Soviet centrally planned model insured that socialism could not evolve in a democratic manner. As a result, much of the disaffected population abandoned the idea that the system in place could be reformed. What resulted was an anti-political response to authority. Intellectuals like Havel encouraged people to create their own "space" by ignoring institutional control as much as possible and living an honest life. Workers in Poland in the 1970s were particularly adept at creating a civil society alternative grounded on these anti-political ideas to assume more and more control of their working and social environment. Stokes concluded that despite Solidarity's protestations it was an independent labor union and not a party, the union inevitably became a political force because it represented over half the actively working population in the country. Stokes's research credited a combination of European and American journal articles and texts related to Eastern European politics.

Summerscale, Peter. *The East European Predicament: Changing Patterns in Poland, Czechoslovakia, and Romania*. New York: The Royal Institute of International Affairs and St. Martin's Press, 1982.

The objective of Summerscale's study was to explain contemporaneous developments in Poland, Czechoslovakia, and Romania based on political, economic and social factors. Not being an East European specialist, his analysis benefited from review by Seton-Watson and Schopflin. The authors' chapter, "Czechoslovakia 1968 Poland 1980: The International Dimension," served as a valuable essay identifying similarities and differences between the Czechoslovak and Polish crises in the areas of origin, control, censorship, ideology, military/security risks, Western response, etc. In the aftermath of the December, 1981, crackdown in Poland, Summerscale concluded the Brezhnev Doctrine, though not visibly imposed by Jaruzelski employing martial law, was alive and well. For sources, the author relied primarily on the works of leading historians and principal political figures as well as notable European publications.

Thompson, Terry L. *Ideology and Policy: The Political Uses of Doctrine in the Soviet Union*. Boulder, CO: Westview Press, 1989.

Thompson surveyed the relation of ideology to policy in the Soviet Union from Stalin to Gorbachev. The author argued ideology has always driven Soviet policy by providing a frame for determining governing options and achieving regime goals. Brezhnev reasserted centralizing control after Khrushchev's emphasis on devolution of authority to local and regional governing

structures. By the 1970s, however, the Soviet Union's hold on the Eastern Bloc began to weaken because of uncertainty in relations with the United States and China, increasing corruption, and economic difficulty. Reports of the 1976 World Communist Conference called for non-interference among socialist states. Loss of central authority became further evident with the 1980-1981 Polish Crisis. Thompson's diverse sources included periodicals, journal articles, and books from both Eastern Europe and the West. Many of the works focused on strategic studies and political theory.

Tismaneanu, Vladimir. *Reinventing Politics: Eastern Europe from Stalin to Havel*. New York: Maxwell Macmillan, 1992.

After providing post-World War I historical context, Tismaneanu's book used a comparative approach in tracing the imposition and breakdown of Communist governments in Eastern Europe. A main contention of the work was that totalitarian rule ended because of the origin and maturation of civil societies. As evidence, the author identified parallel activist organizations: Solidarity in Poland, Charter 77 in Czechoslovakia, and Democratic Opposition in Hungary, as emerging from civil society to challenge Communism's monopoly on power. Tismaneanu's book lacked a dedicated bibliography. It relied heavily on the writings and speeches of Eastern European intellectuals.

Weigel, George. *The End and the Beginning: Pope John Paul II – The Victory of Freedom, the Last Years, the Legacy*. New York: Doubleday, 2010.

As Pope John Paul II's official biographer, Weigel's concluding volume on Karol Wojtyla focused on the Catholic Church's struggle against communism, the last years of John Paul II's pontificate, and the author's assessment of the impact of the pope's life. The chapter, "Confrontation," spans Wojtyla's election as pope in October, 1978 through December, 1981. An overarching theme running through the chapter relating to the Brezhnev Doctrine posited that the pope's nine day visit to Poland in 1979 inspired mass resistance to continued communist control. Weigel's coverage of the Vatican's activity during the Polish Crisis revealed important insights: the pope and President Reagan shared remarkably similar views on human rights and the aspirations of the Polish people, but did not coordinate their actions; uncovered Soviet/East Bloc communications revealed an abiding fear of Solidarity and the Church working in tandem; and Vatican diplomats sometimes worked at cross-purposes to John Paul II's objectives in central and eastern Europe by continuing to promote the *Ostpolitik* accommodation policies of Pope Paul VI. The author took no position on the use of Warsaw Pact forces intervening if needed to support the embattled government of the Polish People's Republic, only reporting historians' differing viewpoints.

Weigel, George. *Witness to Hope: The Biography of John Paul II*. New York: HarperCollins Publishers, 1999.

Weigel's massive biography of John Paul II proceeded chronologically from childhood through his papacy to the date of publication. Chapters were organized thematically reflecting life-changing passages during the pope's lifetime such as his upbringing and World War II years. Within each chapter, Weigel fleshed out notable events in topical segments. Relevant topics

addressed included: the pope's visit to Poland in 1979, attacks on the pope by the Kremlin, the assassination attempt, and interaction with principals related to the Polish Crisis of 1980-1982. Weigel contended normalization after 1968 failed because the Polish people supported Solidarity, not the Communist government which was strongly challenged as well by the moral authority of the pope. Chapter notes and bibliographical sources were extensive and varied, but included a preponderance of church documents and works by and about the pope.

Weschler, Lawrence. *Solidarity: Poland in the Season of its Passion*. New York: Simon and Schuster, 1982.

Weschler writes conversationally in his contemporaneous account of the Polish Crisis. An expanded compendium of his articles originally written for *The New Yorker* on Solidarity provided the basis of his study. Notes were limited and sources were contextual. This book's value resides in its dedicated chronology of Poland from 1939 and its facsimile of the Interfactory Strike Committee's (Miedzynakladowy Komitet Strajkowy, MKS) 21 demands, which became the basis for negotiations between Solidarity and the Polish government.

Zubok, Vladislav M. *A Failed Empire: The Soviet Union in the Cold War from Stalin to Gorbachev*. Chapel Hill, NC: University of North Carolina Press, 2007.

Zubok, a Russian national and Cold War historian, surveyed the Soviet Union's motivations in confronting the West from the end of World War II to the collapse of the Soviet Union. The author drew on his experience dating back to his time as a researcher in the Soviet

Union at the Institute of U.S. and Canada Studies, and continuing as an academic in residence at multiple university and study institutes internationally. Zubok's work benefited from both the recent uncovering of cross-national Cold War archival evidence as well as efforts made to create oral histories of Cold War historical actors. In seeking to understand Soviet Cold War motivations, Zubok analyzed ideology, national experience going forward from World War II, and social groupings especially elites and leaders. Within this framework, the chapter, "The Old Guard's Exit, 1980-1987," addressed multiple challenges to the Soviet Union's superpower status, including hemorrhaging deficits spiked by subsidies to Warsaw Pact countries and client states, diminishing control over satellite states influenced by their growing financial dealings with the West, and economic sanctions stemming from the Soviet invasion of Afghanistan. Zubok assessed the Polish Crisis of 1980-1981 as the most serious of all the threats in the early 1980s to Soviet control over its socialist empire, with Solidarity leading a massive national movement demanding foundational societal change. The author confirmed by using documentary evidence that because of the precarious state of both the Soviet economy and European détente after Helsinki, Brezhnev and Andropov both declared in party deliberations that no Czechoslovakia-style invasion of Poland was possible. Subsequently, the Soviets maintained control over Poland under the cover of Polish imposed martial law. Zubok concluded by agreeing with Ouimet's determination that the Brezhnev Doctrine effectively ended as a mechanism of Soviet control in the Eastern Bloc at the time of the Polish Crisis.

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Remington, Robin Alison. "Yugoslavia," In *Communism in Eastern Europe*, 2nd edition. Edited by Teresa Rakowska-Harmstone. Bloomington, IN: Indiana University Press, 1984.

Thompson, Terry L. *Ideology and Policy: The Political Uses of Doctrine in the Soviet Union*. Boulder, CO: Westview Press, 1989.